



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • JANUARY 13, 2015

Council Chambers **Regular Meeting** **6:30 PM**

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

1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Wilcox called the meeting to order, MPT Pierce said the invocation followed by the Pledge of Allegiance.

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

2. ADOPT THE AGENDA

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

3. SPECIAL PRESENTATIONS

- a. Presentation by Chief Hinkle regarding Crawls for Paws and our new K-9's

(Requested by Ken Hinkle, Police Department)

Chief Hinkle made the presentation. The canine program started about a year ago. They reached out to the community to fund two new canines. He introduced the two canine's and their handlers. The dogs have completed their training and have their state certification. This couldn't have been done without the community's help. Introductions and presentations were made to the following:

Crawls for Paws organization members have raised over \$10,000 for the canine unit and about every six months they will do another Crawl for Paws to fund things that are needed by the unit. The next crawl will be on May 16th where about 300 people will attend the event from other areas in the state who will provide support, help raise money and benefit the area as well. They presented Chief Hinkle with a check for another \$2,500.

Abby and Dave Sinclair owners of the Ocean Tiki Bar, who were heavily involved in raising money.

Stephanie Juel with First Citizens who has helped with finances and investing as well as raising funds.

Aunt Kerry's Pet Shop, recognized as another business that helped to raise money.

Gail and Greg, Pleasure Island Chamber of Commerce helped the police department coordinate everything with the local businesses.

The Carolina Beach Firemen's Association recognized the police department's need and is part of the endeavor.

Donna Phelps and Betty Jo helped with the fundraiser's.

The Lazy Pirate has helped from the beginning with fund raising.

Chief Hinkle also introduced Dr. Ked Cottrell, Vet for Canine Unit, and Lt. McCullough, Canine Administrator, and Lt. Spivey. He thanked them for their work.

b. Recognize Employees Years of Service and New Employees

(Requested by Kim Ward, Town Clerk)

Chief Hinkle recognized Detective Chris Latham for 15 years with the police department.

Gil Dubois introduced the following new employees:

Mark Meyer, Waste Water Collection
Mike Mote, Senior Utility Mechanic
Joe Hutcherson, Waste Water Collection
Mike Hare, Waste Water Collection

Mark Meyer read a letter from Al Holbrook, 413 Harper Avenue, commending the work of Mike Mote and Stephen Snead in clearing and repairing their sewer line, a problem of 12 years.

Mayor Wilcox made a presentation on behalf of the Carolina Beach Downtown Initiative and the Town as well to LeAnn Pierce for her long history of voluntarism with their church and school system, served on numerous Town committees including our Business and Economic Development Committee, Board of Adjustments and Planning and Zoning board, served on the county Tourism and Development Authority, has been a key team member with the Boardwalk Makeover and CBDI since it's inception, long time member of Island Women and other women's groups and currently serves as Mayor Pro Tem.

c. Presentation on the Boardwalk Project from Construction Interface Services - Ethan Crouch

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

Ethan Crouch gave a status update on behalf of Construction Interface Services, project management contractor for the boardwalk project. He showed the boardwalk overview. Project was awarded on August 12, 2014 to Civil Works Contracting of Wilmington, NC for \$991,536. Notice to proceed was issued on October 6th with a completion date of February 13, 2015. We have only awarded Division A, first half of the project for replacement of the existing. Division B has not yet been awarded. Showed another project overview from the Marriott to the far end of the boardwalk. The squares represent trellises.

Highlights:

- New boardwalk double the width of previous boardwalk
- New beach accesses double width & handicap accessible
- Additional beach access

- 4 Trellises & Shade Structures
- 3 Gazebos
- Additional walkway to stage/band stand
- New decking and added a roof to stage/band stand
- Foot Wash at each beach access
- Replace showers & add new shower area
- Lighting on handrails & replace overhead lighting
- Expanded alcoves for pedestrian access and recreation areas

Current status of construction:

- Mobilized Project Site
- Initial Grading Complete
- Demolition Complete
- Bulk of Lumber Material & Hardware Onsite
- Piling Installation Underway
- Structural Framing Underway
- Decking Underway
- Handrail Underway
- Stage/Band Stand - Decking Replaced & Roof Framing Complete

A critical path schedule was shown which monitors performance. He reviewed the current status of work done. During construction they have tried to maintain as much access to the beach as possible, access locations were shown.

Next steps:

- Demo landscaping northern section
- Fine grading northern section
- Piling installation northern section
- Structural framing & decking northern section • Start Electrical Rough-In
- Start Plumbing Rough-In • Metal Roof for stage

Completion date may continue into the first part of March.

MPT Pierce said the commemorative fish are for sale which is on our website and Facebook page at \$250 and will be inset into the boardwalk planks. You can also call the town hall.

d. Review upcoming special events for January and February

(Requested by Brenda Butler, Planning & Development)

Ed Parvin reviewed special events for January.

- NSSA SURFING CONTEST – SATURDAY 17th & SUNDAY 18th - HAMLET – 7:00 am – 7:00 pm
- FCA FLAG FOOTBALL – SUNDAY JAN 25th – MIKE CHAPEL PARK – 8:00 am - 6:00 pm

e. 1488 : Project Updates - Gil DuBoiswe

(Requested by Gil Dubois, Operations)

Posting of schedules for various projects and weekly updates are on the Carolina Beach website. Any questions, contact Gil Dubois for resolution. The MOTSU fence around the wastewater treatment plant has been completed as required. We are expecting an inspection by MOTSU shortly. Phase 1A - all the asphalt is down, driveways are in on Clarendon. There is still some cleanup to be done, weather has

caused delays. Fifth Street - one leg of the sewer has not been completed, waiting on getting the main line up Cape Fear. We started at Cape Fear and Lake Park where we had to lower the elevation of the sewer system because of non-compliance with the State. Also encountered a water line at Fifth Street that was not on any drawings that we had to go across Cape Fear and reconnect to keep everyone in service. Cape Fear, west side of 421 - continuing laying of sewer lines towards Sixth Street. Will be going back to do the force main. Have worked with local businesses and traffic to make as smooth as possible. Cape Fear east - significant change in last two days, most of everything on the south side of the road is gone such as sidewalks, light poles, lights. Crew will start putting in storm drains this week. They should be starting to put down concrete as soon as the stormwater pipe gets installed around the 19th of this month. AT&T contacted the Town about putting some conduits underground in that section as they have some new fiber lines so were working with them. The manager will be talking about some other potential utilities. As we start on Canal we had an old 6" water line that ruptured today at the intersection of Harper and Cape Fear and blew a tap. We were able to get the line back up and all the businesses back in water in a short period of time without any kind of violation of pressure, without having to put out any boil water notices and allow everybody to still have lunch. At the same time we see the need to put in some additional valves to all control of water in the future. As you look on the section of Canal and Raleigh the new force main is supposed to connect there and when we dug it up this week it does not match the drawing, as usual. We had to make some field changes but it has all been discussed and we have a plan to move forward and hopefully by the first of next week we can get the tap and saddle and everything in and have that section of Raleigh back open. We will have a section on Canal that will be closed for a couple of weeks as we come down and connect the force main that will be coming down Cape Fear. We still have two components of that 16" line to be completed before it will be functional and operational for the wastewater treatment plant. We're looking at new challenges, finding stuff every day and we are marking everything, doing good as-builts so that in the future if we need something we know where it is at and where the control points are.

Council Member Shuttleworth said he had a couple of questions he asked the town manager about related to some of the special presentations. Where are we at with the Hampton Inn? Where are we at with Harris Teeter? Where are we at with the Arcade.

Michael Cramer said the Hampton Inn has sent in their plans to us which we have been reviewing over the last week or so. We are expecting to finalize our review this week and return suggestions to the contractors for changes or improvements to their plan. We are hoping to issue a foundation permit within the next week or so and after corrections/changes to their plan to do a full blown building permit. We are expecting that they will start construction in the first part of February with their foundations, footings, etc. Regarding Harris Teeter, they have been negotiating with their next door property owners at the Federal Point Shopping Center to determine access locations into both pieces of property. NCDOT has required that the existing signalized intersection at the ABC Store and Lake Park be moved down closer to where the Harris Teeter is going to go. To do that they have been working with the Federal Point Shopping Center folks to try and figure out a common access point where all traffic can come into both pieces of property and also handle some stormwater drainage issues in that general area. We are expecting that once they finish that they will have the ability to come back with a new set of plans. We have seen some site overview plans but no detail whatsoever yet. It may be another month or two before they get us those plans and finish their negotiations. As for the arcade, we have gone through several different reviews. One, to determine what the

building is and to determine what types of infrastructure needs to be repaired or replaced in those. The contractor has been working with us closely. At this point we are expecting that we will be able to go and request that plans be submitted to us for repair of the existing infrastructure, probably within the next week. Once that happens the contractor will be able to work with our engineers and try to figure out exacting what plan and how to put it back in place and we will alert you when we get that information. If you would like I can kind of switch things up a little bit and have a manager's update at this stage in the council meetings so that in the future I can fill you in before it gets too late.

Council agreed that was a good idea.

4. OLD BUSINESS

- a. Resolution establishing the Capital Project Budget for Annie Drive Paving and Drainage Project

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

Michael Cramer said last month council adopted a resolution authorizing the improvement of Annie Drive from the intersection of Annie Drive and the Army Corps of Engineers property all the way down to Island Marina Drive. At that point the engineer's estimate for construction was \$141,734. During that discussion and council's authorization to move forward with the project, council requested that we look at those two specific intersections to see if there weren't a few tweaks we could make to resolve a few outstanding issues. There are two areas that we have worked on to try to improve. The first is on the left hand side (see map on overhead) where it says ACOE easement area. Currently we do not have easements across the Army Corps of Engineers (ACOE) at that intersection to make it into a better alignment. I think the previous time we talked to you on this we showed sort of a curved roadway where Annie Drive would not stop, it would continue on down the street out to the east. Looking at it and talking with the ACOE they have agreed to give us an easement in that area so we can change the geometry of that intersection. Basically we will have a 90 degree turn at that intersection where Annie Drive going to the north will stop and then Annie Drive going to the east will start and up in front of that will be the access points for the boat launch and for the ACOE property. This is a good improvement and will be a safer intersection. As you go down the street to Island Marina Drive, originally we had a tee intersection at that location where we had the ability to turn around large equipment such as fire trucks, garbage trucks, etc. But no access back out to Spencer Farlow. In looking at that we were attempting to negotiate the next door property owner's, which is the Waterford complex to the east, and try and get additional right-of-way so that we could do a two-way street in there to have access in and out. We went back to the drawing board and talked with an adjacent property owner and received an easement to clip off the corner of that lot that you see Ed pointing to. In doing that we are able to go and get our fire trucks and garbage trucks around the turn and make a southward exit on Island Marina Drive as a one-way street and then out to Spencer Farlow. When the boat launch overfills and we have boat trailers and people looking for places to park their trailers when they leave the boat launch, they may end up trying to go down Annie Drive but we will have no parking signs all along there. Police may have to step up their enforcement there. When they get down to Island Marina Drive they will be able to turn south and continue on out through to Spencer Farlow so that should relieve any traffic concerns with boaters getting stuck in that drive aisle. In doing that the cost of the project did go up with a new budget estimate \$198,255. However, when the Town does assessments the property owners are only assessed for the improvements directly in front of their property so all of the property owners that council approved of assessing at the last meeting are on Annie

Drive. The intersection at the ACOE property and Island Marina Drive will be totally reconfigured and improved with the help of the town. That won't be something that will go on the assessment roll. Legally we opt out of anything that is an intersection when we make improvements like this and we typically don't assess property owners on one-way streets for egress only. So that whole section of Island Marina will be taken care of by the Town. We are anticipating that the cost to the actual assessed property owners will still be in that same ballpark we saw last month which I believe was \$6,300. What we have for you tonight is a budget ordinance resolution to establish the project budget of \$198,255. Our first line of business after this will be setting up the engineering and the design services for the project.

Mayor Wilcox made a motion to approve Ordinance No. 14-968 to amend the General Fund Budget to create a capital project ordinance for the Annie Drive paving and drainage project. MOTION CARRIED UNANIMOUSLY.

b. Fire Station Budget Update

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

Michael Cramer said we have been in the midst of a long expansion on the fire station, the planning stages for more than 6 or 7 years. Construction started about a year ago and have finally finished our Phase 1 expansion of the new addition to the station, about 5,800 s.f. of bay area for all of the fire apparatus. The trucks have been moved over into the new bays and the contractor has moved into the second phase which is the rehab of the previous bays into office and training facilities and adjustments to the fire station which is about another 7,500 square feet of changes. Things are moving along quickly now and we are hopeful that the project will be complete around the end of March. At this point, one of the things I have been looking at as we have been going through all of the adjustments and changes to the plans and the management of this contract is that there have been quite a few budget challenges associated with this project. First, the original construction budget was \$1.2M for construction only. It did not include things like engineering, bond counsel payments, in-house services (things the Town could take on themselves to reduce the cost of change orders). However, we have been charging the budget for those encumbrances. Some of the challenges have been no single manager for the project, no architect or engineer over the entire project, where we could send requests for information and that person would direct other engineers and other serviced trades to make corrections or changes. That has created quite a few managerial issues where we spend a lot of time trying to make sure that we are coordinated between all of the various engineers and architects, etc. The current contracts that we have for our engineers, and there are approximately 4 or 5 engineers and architects for this project, were all based off purchase orders and requests for proposals but not a true contract so there was no language in there for responsibilities after the initial planning phases or for the initial electrical plans and things like that. So whenever we've had issues and we have had some issues where we needed to clarify them, we would have to go back to that engineer and ask them to do a pay as you go change to provide us with the services to finish off that part of the project to answer those questions. The construction budget only included a 10% contingency for construction. In reviewing that and the budget, at the present time we are on target for our budget for the construction but because we never budgeted for those ancillary costs we are at a loss of about \$100,000 for the project. Many of those things would have been included into a typical project anyway, not sure why they weren't. Many of the people who started off the project in the planning phases are not here and we've been sort of patching things as we go for the staff that we have now. I have given you an update on the challenges we've had with the budget and tonight we are requesting \$100,000 transfer of funds from the General Fund Fund Balance into the project fund for the fire station expansion. We expect to

complete the project by mid to end of March and there may be other change orders that come up later on that we can't predict. One of the things we have tried to tighten up on is identifying a specific, single project manager for a project, not necessarily meaning a Town individual but someone we contract with for project management duties who is over the entire project which would mean fewer change orders and surprises along the way.

Council recommended using a dedicated project manager and contracts for all major projects in the future.

Council Member Shuttleworth asked if we have a single point of contact now as a project manager on this project?

Mr. Cramer said no, we don't really have a remedy to that particular issue unless we go and hire a project engineer to start back from the start. The project was far enough along that we would not have benefited at that point to appoint someone as the project lead. What we have done in the interim is with Chief Griffin, myself and Gil Dubois we have walked through the various stages of the engineers and trying to coordinate projects and activities with them and doing the project management ourselves. That, however, for any of us is our primary focus. We have tried to get it through the stage and get the project complete knowing that next time we do a project we need to make sure this doesn't happen again.

Council Member Shuttleworth asked do we have any more clarity on the engineering and architects involved, some kind of chain of command or communication process in place because it has been dragging on for a number of years.

Mr. Cramer said I would agree. What we basically have done is have all questions funneled to all engineers and all parties including Town staff and then Gil, Allen or myself direct those things to a specific engineer and try and organize and coordinate those activities. Phase 1 is basically done which is the expansion of the new portion of the building. There are a few things items outside in Phase 1 that still need to be completed such as driveways, parking areas for the Cape Fear side of the project which are in line right now to be done at the same time as the parking areas for Phase 2 within the next two weeks. We had started into the second phase, the changing of the interior of the existing building, which is going along pretty well. Right now what we are waiting on for the outside of the building is to finish up concrete pads and parking areas adjacent to Dow Road. Once the inside is completed the last thing they will do is wrap up the outside with the hardy board siding that we have planned out. We are expecting about three weeks until the interior of the building is wrapped up to where they can have the contractor outside doing the hardy board siding. We expect the entire project to be completed between mid to the end of March. An additional challenge we've had, too, is that we've also had the contractor have staff changes in the middle of the project which is where we saw the most difficulty with our communication.

Council Member Doetsch made a motion to approve Ordinance No. 14-963 for a budget transfer of \$100,000 from the General Fund to Account No. 11-530-074. MOTION CARRIED UNANIMOUSLY.

c. Boardwalk District Improvement Plan

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

Michael Cramer said the Boardwalk District Improvement Plan, back in September council had a workshop where we walked around the boardwalk and looked at various aspects of the boardwalk. I'm talking about the area east of Canal, Cape

Fear to Harper. Anything that is in the general business district for the boardwalk and close to the end west of the wooden boardwalk that we're currently improving. We came up with three different areas that we wanted to make some improvements on. First was operational improvements which staff is currently working on such as how to keep the facility down there clean, have the appearance appropriate, have the right signage, make it welcoming and make sure that staff is efficient when they're down there. The other item was how do we go and make sure that any of the improvements that are going on around the outside of that boardwalk district are coordinated with any improvements that we want to make in the future. For instance, the Phase 1A project is running down Cape Fear and then goes down Canal. We have the wooden boardwalk project going on on the east side of the boardwalk area. On the north side we have the Hampton Inn. All of those projects have some tie in to our infrastructure down in the boardwalk district. Example, we need to have water flow to the eastern side of the boardwalk where the wooden boardwalk is so we can have foot washes, showers, irrigation, etc. For the boardwalk project. Staff spent a lot of time looking at all of those projects that had already been planned for those areas in trying to dovetail them into connections with the boardwalk district itself. In doing that we also identified quite a few of the problems we have with our infrastructure there such as water and sewer infrastructure which is quite antiquated and construction aspects, conditions and specifications have changed and our ability to have things like fire flow down in that area have been constrained because of the size and age of the pipes down there. We have looked at stormwater in that general area which, at one time, there were stormwater catch basins throughout the boardwalk district. Many of those were completely eliminated at one point in time, not sure why. So all of our stormwater has basically been directed as overland flow across our sidewalks and into a few catch basins which makes use of the boardwalk during storms difficult and messy. We have issues with power lines, cable and telephone in that area. With the constrained building footprint in that area you can build up to zero lot line, right up to the lot line. We have many overhead lines that make it very difficult to get large equipment in there for construction or, in the case of the arcade fire, to get our fire trucks in close enough because there are overhead lines in that area. Sidewalks are old and many are cracked and have been cut multiple times as we repair water and sewer lines in that area. All of those things are items that deal with infrastructure, large cost infrastructure improvements, and what we are tasked with is to come back to you with a plan of how we would improve these if we wanted to and what kind of time frame and how much money are we talking. And also to make sure any connections that we are making to the existing infrastructure are solid and were useful for the future. One of the things that we ran into right off the bat was a lot of unexpected difficulties in connecting our new infrastructure to the old infrastructure. For instance, in order to have the correct flows for water and sewer for the Hampton Inn we put in a new 6" water line up to a certain point. We tried to connect down at the existing boardwalk infrastructure and the pipes crumbled so we had to go a little bit further and further and further. Once we got all the way through that water line we were now at the wooden boardwalk. That's a perfect place for a hydrant because we don't have any fire protection in the backside of the property like that. So we put in the fire hydrant and tried to connect to other lines and the problem kept compounding. We also found in our investigations of the utilities in that area, many of the businesses in the boardwalk district have antiquated sewer lateral's that have no clean outs to them whatsoever and that go underneath other buildings. When everything is new and works well that's not too much of a problem but 40 or 50 years later it does become a problem and we had to reroute quite a few of the lateral's and make it so that individuals could actually have their sewer leave their property. In doing that, we had opened up a large section of a northern district of the boardwalk. We're looking at Harper Avenue and Pavilion which Pavilion is the

alley that runs right next to the arcade. In order to fix those problems we had to loop the system and make improvements in there. As we were going through doing that what we ran into was compounding problems. If we fix one thing we would have to fix another. We are putting in stormwater. Once you get all that done you might as well put in the utilities underground. We had been working with since September Duke Power, AT&T and the cable company to try and figure out a plan for future improvements and what sections to improve and put these utility lines underground. We expedited that and have some plans in place. What we used as the funding mechanism for the water, sewer and stormwater improvements that we needed in this area at the time were Phase 1A project funds because at the current time the Phase 1A project is on budget and moving along very well and we were able to take advantage of the crews that were there and the contracts that we had to go and address those emergency issues so we could tie everything together. We have not implemented things like putting utilities underground, finishing off the sidewalks, doing any lighting that needs to be done in those areas to improve them for safety and security. We have tried to go and address old problems with the utility lines. We have many buildings that have their meters ganged together and yet they're individual owners of those buildings and that creates a lot of problems for the property owners trying to develop in those areas and have their meters next to or by their building. We have looked at various ways to improve this. I say all this to explain that at this point in time if we were to completely fund those changes to the water and sewer and stormwater systems in the northern district, put the utilities underground, put in all new sidewalks in that northern district and have everything cleaned up and set for the spring, in April, it would cost us approximately \$361,000. That's a huge sum, however, remember what I said, we are on target with the budget and actually during the process of implementing the Phase 1A project we did save approximately \$225,000 in not installing the Clarendon bike path so there are funds there. We also had a 5% contingency built into the budget so there's \$365,000 there and there have been other savings that we've had with the project. Overall for Phase 1A we have only had two minor change orders associated to it on Clarendon and Fifth Street and they totaled \$35,000. So if all else goes well with the Cape Fear portion of the project then we will be able to fund the northern extension of the boardwalk district improvements with the funds that we have already bonded for the Phase 1A project. I tell you this because a lot of these decisions had to be made at an instantaneous point to get people with water service or reconnect sewer service and things of that nature. If you choose, we can go back through and determine what lighting, what concrete, what things you want to put underground for the northern section or we can go and budget the \$361,000 out of the existing funds to completely finish that section at the same time that we finish the Phase 1A project.

Mayor Wilcox said I think we need some more discussion on that in a workshop. I know some of the stuff you guys are running into down there has got to be taken care of, electrical panels and all that. I know we're working on a plan that is the overall plan that is walkways and lighting and all that kind of stuff that could not be physically implemented this year because of all the activity down there so that portion of it is at best a next year project. If we can let's move that to the next workshop and have some more detailed discussion on it.

Mr. Cramer said we can definitely have more detailed discussion on it. I wanted to bring it up tonight just to let you know that we are currently expending funds that were allotted to the Phase 1A project to correct these emergency issues. We do have a little bit of time, for instance by the time we have our retreat, which is the 27th, that would be our next workshop, we can talk about some of those details and determine which course to go with the rest of the improvements.

Mayor Wilcox said much less important, we're running out of time, we talked about benches, planters, trash cans, cigarette holders and things of that nature. A lot of those planters are rotted out. We talked about doing something to kind of make what's down on the second rows, back side of the boardwalk, match more what we're doing on the wooden structure. Some of that stuff is relatively simple. The benches, all those frames are good. All we have to do is change the boards and stain them. Trash cans can be rebuilt and stained. Soon I think we need to get a few people together and talk, break that down and see what it is.

Mr. Cramer said staff has been dealing with a lot of those at small meetings to discuss those items but we can wrap up some of those things and make sure we're covering everything that council is looking for.

Mayor Wilcox said if you want to set a separate meeting for that I will be happy to attend, if somebody else on council wants to attend, and brainstorm out all those small because it's the end of January and spring is here fast.

Council Member Shuttleworth said what you're saying Michael is that there is another \$361,000 worth of work you want to do on the boardwalk that has to be done and some of it you have already done. It's all coming out of the Phase 1A loan for the force main. Is that right?

Mr. Cramer said for force main water, sewer and streetscape improvements.

Council Member Shuttleworth said we've got to have sidewalks before too long down there. So what's the timeline that you're looking at. We did talk in September about coming up with a multi-year budgeted plan to redo all those sidewalks. Now we're in a position where a third of them are already torn up, cut up, got to have something done and inclusive in that is all the utilities that came out a budget from something else. So already tonight we have spent \$150,000 unbudgeted, now you're telling us we have another \$360,000 and in a minute you're going to tell us it's another \$250,000. So we're rapidly approaching \$750,000 of unexpected budget. So my question is on the sidewalks, what's our timeline, when do we need to make a decision to get sidewalks down at the boardwalk?

Mr. Cramer said currently we will be putting in the storm drain infrastructure down on Pavilion in the next week to two weeks. Once that takes place then we will have the ability to put back the sidewalks.

Council Member Shuttleworth said so asking us whether we want to have a workshop on what sidewalks we're doing and what utilities we're doing, that decision has already been made.

Mayor Wilcox said any sidewalks or walkways they take out completely to do structural, we're trying to get a design together so they go back like the end product would be. Not all of them are having to be taken out.

Council Member Shuttleworth said no, they're not all having to be taken out but the \$361,000 is already spent.

Mr. Cramer said not exactly. The water, sewer and stormwater portions that are underground infrastructure that we have to go and improve for health and safety, yes, those funds have already been spent. That's approximately \$195,000. Yet, if we continue on the methodology that we have been doing for Phase 1A and other

projects in trying to do things right and make sure that we cover sidewalks and utility lines and all that kind of stuff you have the rest of that \$361,000.

Council Member Shuttleworth said so about \$150,000, out of the \$360,000 almost \$200,000 has already been spent. Out of the remaining some of it is sidewalks which we have no choice but to spend.

Mr. Cramer said approximately \$80,000.

Council Member Shuttleworth said so now we're down to \$70,000 and you're asking us to look at what? Underground utilities or lighting fixtures or benches and planters? I'm trying to get a real handle because the \$361,000 is a little misleading. We've already spent \$200,000 of that and you are saying almost 90,000 is already committed to do sidewalks which we all agree need to be done because they've been torn up. So what are we really left deciding?

Mr. Cramer said for the northern boardwalk improvements, the only thing that would be left to decide is whether or not to, at this current time, put the utilities underground for that section while we have everything else torn up down there. If that is the choice then we can have that section completely put back into place by the time the tourist season opens in April.

Council Member Shuttleworth said that was my point in the conversation. If you come to us and just say guys, out of the \$361,000 we've already committed \$275,000 and what I have left you need to make a decision if you want to do underground because we have to put concrete in there. And what you're saying is all that money is in the 1A budget.

Mr. Cramer said yes, which means we don't have to expend any additional funds.

Council Member Shuttleworth said and hope that the rest of 1A doesn't have any change orders or overage's or problems which Gil tells us every month we're having nothing but mystery pipes show up.

Mr. Cramer said you will find that as a item that we have learned from we will end up having contingencies on projects like this more...

Council Member Shuttleworth said right, we just approved \$100,000 on the fire department because we went over and we had a 10% construction budget. So you're telling us don't worry, we saved \$200,000... the \$361,000 that we don't have to spend out of 1A because we saved it is really our contingency money and a bike path that the community may or may not have wanted.

Mr. Cramer said yes, all of these are decisions that are points of fact for council's determination.

Council Member Friede said but all of the change orders that we've had, all of the additional work that's been done as part of Phase 1A, didn't you say that the total change orders on that has only been \$38,000?

Mr. Cramer said for Phase 1A we've had two minor change orders, one for stormwater infrastructure and one for sidewalk infrastructure currently on Clarendon and Fifth Street. Those two were approximately \$35,000 and that was the change orders that we've actually had on that project.

Council Member Friede said so all of the rest of the additional work that's been done was covered...

Mr. Cramer said it can be covered through the Phase 1A contract and through the budget that we have established for the Phase 1A contract. That, to me, is the simplest way of handling the Town's finances regarding these projects and these emergency repairs. There are other ways that we could do it. We could pull money out of the General Fund Fund Balance or out of Utility Fund Fund Balance, utilize resources from the Hampton Inn when they pay for their water and sewer tap fees and so forth, things of that nature to cobble funds together. It doesn't change the fact that the repairs were needed and required and we had to do them. It's just how do you finance them and what do you come up with for your plan.

Council Member Shuttleworth said right and I think everyone understands and agrees that when Gil is down there and opens up a line and it's 40 years old and it breaks we have to fix it and it makes sense to do it right one time rather than going back every time because that's why we have some of the problems that we have. My consternation has been you've come and told us about northern district improvements at \$361,000 and said let's go to a workshop and discuss them and really what we're talking about, according to my calculations, is about a remaining \$78,000 and do we want to go underground with utilities and lighting. So I wish you would just say, do you want to go underground with utilities and lighting for \$78,000, the money is already allocated. We don't need to delay a decision is what I'm saying. I get concerned that we're not going to be getting the job done by March or April when the season is here.

Mayor Wilcox said Michael is talking about mostly stuff on the northern extension. There's a lot more moving parts to this and that's why I was suggesting a workshop, not just to talk about the things Michael's talking about but to talk about the rest of the items on the boardwalk.

Mr. Cramer said the original plan when we met in September was to do investigation and research on these types of items for the entire boardwalk expanse. We have that and we've done that and there will be discussion on other phases. To me that is an item that we can put off for some time. The items that we can't put off are paying for the changes that we had to make in this regard. Is that a communication issue? Yes, I'm sure I could have come in and explained it the way that you did. I believe that during the last four to five weeks council, in the weekly updates, has received updates on how the projects are going and what detail there is of changes and those costs associated with that so I hope you don't think that I've been holding back on the information. But I can see what you're talking about Mr. Shuttleworth. Really what we're talking about is using existing funds from a budget that we have already gone out and bonded to go and make these improvements and that the only remaining decision now is whether or not we put the utilities underground.

MPT Pierce said so, are you saying that is correct?

Mr. Cramer said that is correct.

MPT Pierce said I totally followed exactly what Steve said and I see \$86,000. Is that what you're asking us because you've got to put sidewalks back.

Mr. Cramer said if you look in your agenda package the items that we have actually spent resources on so far is that \$195,000 for water, sewer and stormwater, the underground conduits and the electrical service at \$86,000 would be what is

remaining and that would be the decision point ahead of you and then we need to put back the sidewalks to repair all the infrastructure in that area and that \$80,000. The only left decision for making these adjustments to the budget would be that \$86,000 for underground utilities.

MPT Pierce asked how much does that put underground?

Mr. Cramer said that would take everything from Harper at Canal east underground which means there are two large transformers that are pole mounted right in front of the Fudge Boat. It would put those transformers at the boardwalk meaning on the east side of the boardwalk district close to the wooden boardwalk and then all of the other businesses would be fed off of those. So anything in that Harper/Pavilion area and from the boardwalk to Carolina Beach north on the boardwalk district would be all underground.

Mayor Wilcox said Michael, what you're looking for is authorization for the \$361,000 to use that out of the Phase 1A?

Mr. Cramer said yes.

Mayor Wilcox made a motion to authorize the use of those funds out of Phase 1A funding for the items specified in the manager's report. MOTION CARRIED UNANIMOUSLY.

Council Member Shuttleworth said so now we don't need to discuss at a workshop that you want to put the utilities underground, let's just go get it done.

Mayor Wilcox said I think there are still more things to discuss but we don't have to do it next month. It will be a next year project or year after.

Council Member Doetsch said maybe this does one other thing, too, maybe this sets the precedent so that when we do work in other areas of the boardwalk area that we'll follow suit, I hope.

Council Member Shuttleworth said wait, we missed a whole other second half of that slide, Michael. Did you want to talk to us about the \$225,000 from Sidney and the engineering on going underground with the rest of it down there?

Mr. Cramer said those were items for future consideration. If you would like we could talk about them now.

Council Member Shuttleworth said it seemed like we've been having a flurry of emails from Sid Livingston and Duke wanting to know, just keeping us informed on what's going on. Are we not doing a stormwater project from Lake Park to... Gil just told us we're going from Lake Park to the gazebo with stormwater. The way I was reading those maps it looks like that's where he's talking about spending that \$225,000 for underground utilities.

Mr. Cramer said part of what we have been doing is in trying to phase in the boardwalk district improvements, trying to put as much of the utilities underground as possible. It just made sense in that area and that was something that council had a desire for us to look at. Right now we have plans for that northern portion to put that underground. At the same time that we are finishing up Phase 1A we could also incorporate other underground utility projects at the time that we're doing Phase 1A. That in itself would cost approximately \$225,000 and that would mean putting

underground utilities, meaning power, AT&T and cable underground from the intersection of Cape Fear and Lake Park down to Canal and Cape Fear and then down to Harper and Canal. That would make it so that we would, one, widen Canal and be able to do some of the things that we had talked about with the sidewalks and so forth and moving utility poles and also do some of those things that had been talked about for years but because of budget difficulties and the size of the cost of putting underground utilities we chose not to do. Those aren't necessarily things that have to be decided right now. We could go and work with AT&T and they will put in the conduits for us in the existing locations and put underground utilities in later on. That would mean that you would be tearing up new infrastructure to put in underground utilities.

Mayor Wilcox said there is a lot more detail here than we need to be discussing right now.

Council Member Shuttleworth said Mr. Mayor, I'm having a conversation with the manager. We've been having no less than a dozen emails over the last week, we have a slide up here, I want to know why the manager put up here \$225,000. For the record Mr. Mayor, I've been asking to research having power lines buried all along Lake Park since I was elected and beforehand. I am all for it, I just want to know... we've had all these emails, Michael, why did you put the slide together and then decide not to... do you want to talk about it? We're at a public meeting, we're talking about burying utilities, Gil just told us he's doing the stormwater, he's torn up half of Cape Fear on the south side, now is the time to do it. I would hate for us to get to a point where we're cutting up brand new asphalt.

MPT Pierce said I have a question, when you said Canal are you referring to Woody Hewitt?

Mr. Cramer said Canal from Cape Fear to Harper, the portion that goes right in front of pump station #1, which is torn up. To answer your question Mr. Shuttleworth, the reason why I put this information out there was to try and give you information that we had not made any decisions on yet dealing with those emails that have been sent out by Sid. Some of this could be done immediately but that would take action by council to appropriate the funds for it. We have enough planning already in place from Duke Power to establish a way to go and put everything underground in that area that I just spoke of and have pad mounted ground transformers on the public right-of-way or in the public right-of-way, for instance the FEMA parking lot. If that was to be done this year with the Phase 1A project now while we have the ground completely torn up, that would give us the ability to easily go and move into next year putting the boardwalk district utility lines underground. We would have all the transformers and everything already taken care of and then all we would have to do is we would have conduit under the ground, put in the lines.

Council Member Shuttleworth said my question was we've had multiple slides from you tonight. We had one on the fire department and you asked for some action. We had one on the street that we approved last week that asked for action. Then you had the boardwalk district and you asked for action on half of it and skipped the other half. We're you prepared to ask us for... I'm all for burying the power lines and anything that we can do this year while we have the roads torn up this year so we don't have to go back and disrupt people again next year, I'd like to have that discussion and move the ball forward so that we're not... I've read those emails from Sid and it seemed like he was ready to move forward. I'm just curious why we just skipped the second half of the slide.

Mr. Cramer said I don't have an answer for you other than we were moving along with the agenda and I ditched it.

Mayor Wilcox said I have been involved in all of the utility update meetings, I've been out on site and I can tell you there is more to this than we can discuss right here. I'm all for having the discussion. I don't think we have all the information assembled yet for us to have a fruitful discussion and certainly not enough assembled for me to be able to make any decisions on that tonight, from my perspective, so I think we're doing an injustice here not to give the manager the time to prepare all the information and bring it to us and explain all the details in a workshop setting where we can get into the nuts and bolts of it and then make a good decision. I would like to suggest that the manager get all of the information together. I know some of it is still pending and some of it you have in some type of visuals and such, some of what we have seen in the update meetings, and let's have that discussion.

MPT Pierce said do we have time to get it together and maybe discuss it at our retreat on the 27th?

Mr. Cramer said most definitely.

MPT Pierce said that street won't have to be repaved, those decisions won't have to be made by then?

Mr. Cramer said the only thing that would hold up is replacing the sidewalk on the southern side of Cape Fear that they took out today.

Council Member Friede said are these cost estimates that are on the slide we're looking at, if we put the utilities in these locations underground now while the sidewalks are torn up and the work is underway or is this the total cost we might be looking at later.

Mr. Cramer said that would be just now for the infrastructure for Duke Power to go underground. That also does not include, and is part of the discussion, things like having our electrician go and reconnect all of the ancillary lines to the businesses. As the mayor said, there are a lot of moving parts in this and we have slowly, and you've seen the emails, been getting information in from the various organizations so we could put together a package.

Council Member Doetsch asked can you be ready to have all this information for us at the next workshop?

Mr. Cramer said which would be the 27th at our retreat, certainly. The next workshop is the 27th which we have dedicated to the retreat.

Council agreed.

5. PUBLIC DISCUSSION

Darrell Tuggle, 9650 River Road, (gave a picture to council) said I would like to sell balloons on the weekends to children. It's just something part-time to do. I work full-time right now. It's something I did back in college. There's no one down on the boardwalk selling balloons and I wanted to know what you feel about it.

Mayor Wilcox said we have several vending ordinances and some other policies in place that I think you would have to talk to planning about and/or the manager to get some

direction on that. They could probably address this. We can't make a decision to do something that is contrary to the existing ordinance so I would suggest that you get with Ed Parvin and tell him what you want to do and have him look at our existing ordinance and tell you what can be done.

Ed Parvin said if you want to stop by the planning department and our office anytime 8-5 we do some allowances that we can go through with you.

6. PUBLIC HEARINGS

- a. Text Amendment – Amend Article 3 Sec. 3.9.2, Article 7 Sec 7.1, Article 12 Sec 12.2 and Article 23 Sec 23.3 of the Zoning Ordinance to clarify allowances for accessory structures.

(Requested by Jeremy Hardison, Planning & Development)

Jeremy Hardison, senior planner, presented. The applicant, Adam Covington, is requesting to amend our accessory structure regulations specifically to address allowances for bathrooms. In 2008 this was changed when we created an allowance that prohibited human habitation. This went along when we amended the regulation for accessory structures and created a height limit for them. These changes were to prevent increase in density as far as upstairs apartments and mother-in-law quarters on a residential lot where you would have the principal structure and a storage building out back. Option one is to keep the existing language which is not to be used for any type of human habitation. Things that would be allowed under the ordinance that we do permit - garages, workshops, garden sheds, gazebo's, recreation room in there, office or a studio or art room. What's not allowed specifically by the ordinance, you can't have a bathroom, bedroom, kitchen or living room in these accessory structures. We looked at a couple of options to amend the existing regulation and one is, along with the habitable space, to actually define what that is and what elements can be in that accessory structure. And what habitable space is and you cannot have under this option is living, sleeping or kitchen facilities. What you could have is a bathroom, toilet compartments, closets, hall, storage, utility space, recreational areas inside of a storage building or accessory structure. The third option does have a little more allowances that we removed the terminology of human habitation to say that it cannot be used as a dwelling unit. So it would allow for no more than three internal plumbing fixtures so if you wanted to put a bathroom but you might not be able to have a kitchen in there. For the housing unit it can't be something that is separated and can't have provisions for living, sleeping, sanitation or kitchen facilities. It is consistent with our Land Use Plan. Planning and Zoning reviewed the amendment and they opt for Option 3 that it cannot be used for a dwelling unit. There are existing regulations that still would be in place for accessory structures as far as square footage limitations and height limits.

Council Member Doetsch said if we allow this, how do you intend to enforce it and it not become additional living space?

Mr. Hardison said it would be something we enforce like we do with existing regulations and land use and that is the neighborhood tends to police itself and if there is someone using a dwelling unit other than for rental purposes or a dwelling unit for an accessory structure then we would get a call and look into it to see how that accessory structure is being utilized. Other ways are if you see real estate flyers or ads on the website to see or if we ride by and we see some type of illegal structure happening that is also something we would investigate.

Council Member Doetsch said if it occurs and you go and check on it, what is our course of action? What do we do to remedy the problem?

Mr. Hardison said if it is a violation of the ordinance then we would alert the owner of the property of the violation, tell them they need to remedy the situation. We would send a letter to follow-up and tell them they have 15 days to resolve it. After that time period they would be subject to penalty for each day the violation occurs.

Council Member Friede said I was going through the language on all the different options. Can you take us to the slide that has the proposed language for Option 3? We've got some language in our packet that's proposed for 3.9-2. Is that the existing language for residential structures?

Mr. Hardison said what you have is the complete ordinance that's not being changed. What actually is being amended is on the screen.

Council Member Friede said "Sec. 3.9-2 Dimensional standards for accessory structures, (b) Accessory structures associated with residential uses shall: (1) be included when calculating the total allowable lot coverage, and shall" and if you go down to "(4) be occupied, leased, rented, or otherwise used for profit, income or for gain;". Is the word "not" missing?

Mr. Hardison said "not" should be in there.

Council Member Doetsch said I have the word "not" in mine.

Council Member Friede said reading that "occupied, leased, rented, or otherwise used for profit, income or for gain", does that mean that if somebody is living there for free that that's not considered a violation of the existing standards?

Council Member Doetsch said "shall not be occupied" covers that.

Mayor Wilcox said that's to keep people from opening up a business there.

Council Member Friede said just from opening a business there, so, when my kids are old enough I can send them out to live in the garage and I wasn't charging them rent would that not be a violation?

Mr. Hardison said it would be covered under number 5 there where they couldn't use it as a bedroom, bathroom, kitchen or living room or a dwelling.

Council Member Friede said if you go to the definition of dwelling, the definition is a little bit vague where, again, it still looks like the dwelling unit if someone is living there for free it's not considered a dwelling unit. The definition of kitchen says "any interior part of a building that is designed and used for the preparation, storage and consumption of food". What if it is designed for it but not used for it. And then it goes on to say "a building shall be considered as having a kitchen if there is a combination of one or more of the following: countertop, cabinet, sink, refrigerator or stove". My bathroom has a countertop, a cabinet and a sink. Some of these definitions it seems to me like they give people a lot of wiggle room to interpret so I'm not even sure what we're trying to tighten up.

MPT Pierce said I understand what you're saying. It seems like to me it would be real common sense, forget the kitchen, forget all that - you're sleeping there, you're living there. It's that simple.

Mayor Wilcox said that's what habitable and dwelling mean. To me it's not unclear at

all. I think these things are being mixed up. Not for gain is to keep from putting a business back there. There are other sections that cover habitability.

Council Member Friede said it says to be occupied or leased for gain.

Noel Fox, town attorney, said for clarification purposes Council Member Friede, there is an exclusion for owner occupancy also. It doesn't have to be rental or lease on a weekly basis. An owner cannot send their children out into the accessory structure to sleep and live.

Council Member Friede said if the option is not to be used as a dwelling unit, our existing definition of dwelling unit is they are only proposing just a couple of little modifications containing provisions for living, sleeping and sanitation and kitchen facilities. What if there is no kitchen but somebody is living and sleeping there and they are just buying all of their meals out or cooking in a crock pot? Does that mean that that accessory structure, even if somebody was living in it and bathing in it and whatever as long as they weren't cooking in it.

Mayor Wilcox said that's a sleeping facility and that's covered.

Council Member Friede said it says containing provisions for living, sleeping and sanitation and kitchen. So if it doesn't have all of them is it not defined as a housing unit?

Mr. Hardison said it needs to contain those elements to be a dwelling unit.

Council Member Friede said all of them in order to be a dwelling so if something is missing and you want...

Mr. Hardison said if you are in that unit and you can eat, sleep, bathe, have sanitation components to that it is a dwelling unit.

Ed Parvin, assistant town manager, said our thought was we're limiting that ability for folks to violate this by limiting it to three internal fixtures so if you have a bathroom, typically in a bathroom you're going to have a shower, sink and a toilet. That's your three fixtures. So potentially you could have a sink outside of the bathroom and only shower and toilet in that room and a sink outside and maybe you could configure it that way where, okay, maybe it's now livable. You are also limited to 15 feet in height and 25% of the building in that 40% lot coverage. So all those things make it extremely difficult and you have your neighbors that are watching you and they will be an additional impact on them and we feel like that's where our comfort level came with this type of regulation.

Mayor Wilcox opened the public hearing.

Adam Covington, applicant, said for the record, when I started construction on this house it was in November 2013. At the time the zoning was not as it is of today. When I built the home zoning said it could not be used for a dwelling or a habitable space so when I built this unit I did put a full bathroom in there knowing I was not going to use it as a dwelling and, two, by building code, a bathroom did not make something a habitable space so I proceeded. When I went to get my CO it didn't get cleared because of the bathroom.

Mayor Wilcox said I'm a little confused about that. When you pull a building permit you are required to construct that dwelling at the code that existed at the time you

pulled the permit. If the code changes after that you are not required to change what you're doing not that it has necessarily anything to do with this. Did you get some explanation? Did somebody come out and say we're not going to give you the CO because the code has changed and now you are in violation because you did what the old code allowed you to do?

Mr. Covington said they were saying that the intent was that you couldn't have a bathroom.

Mayor Wilcox said it was an interpretation issue.

Mr. Covington said exactly, an interpretation issue.

Mr. Parvin said in 2009 we took out the allowance for a bathroom. In 2013, I think, we clarified what is habitable space. It was unclear when the permit was issued but that was the intent back in 2009, I think is when that happened. That's where the confusion came in.

Mr. Covington said I would love to show some photos to clarify that it is obviously not a dwelling. I use it for a home gym and I think Ed has some photos here. (Photos were shown on overhead.) As you can clearly see in these photos there is no kitchen, no bedroom, there's no one living in it, it is simply a gym.

Council Member Doetsch said suppose you sell the house and the person buying it decides to move in and says I think this would be a great place for a mother-in-law.

Mayor Wilcox said the same code restrictions still apply.

Council Member Doetsch said what recourse do we have to go back and look?

Council Member Friede said this isn't just the Covington property, we're now considering everybody's property.

Wayne Rouse, soon to be 508 Monroe, said I am building a home just down from Mr. Covington. I don't know him very well but I have seen the structure. I don't see any problem with building an upscale home and building a gym. To me it is obviously not trying to get around the rule. It's a little, tiny bathroom and I think that's it. That's just my opinion.

No one else spoke.

Mayor Wilcox closed the public hearing.

Mayor Wilcox said I like the house, it's a great addition to the community. This doesn't give me any heartburn at all. I think we have a unique town where people have art studios and gyms and all types of uses for accessory structures beyond dwellings. I think it only makes sense if whatever you're using it for along those lines that you be allowed to have a restroom. Part of our problem in the past has been because our zoning was in conflict with the building code. I think this helps get them closer together. Again, I think enforcement is enforcement. We have people now who are putting in bathrooms and stuff illegally just because they are wanting to use them for the same purpose so we might as well get a hold of that and at least be able to monitor it. To me I think we have a greater enforcement tool with what staff is proposing than what we currently have. It's always been an enforcement issue but I think we have a better tool enforcing it even with allowing the bathrooms.

Council Member Friede said I see the pictures clearly that Mr. Covington does not have his structure here set up to be a dwelling space but, again, as Gary said and as we all know, once the permit is issued and everything is all said and done then it becomes a question of what happens within the building after that? Obviously anybody can tear out whatever they have once the permit is issued. You can tear out the entire house and change the whole thing if you really wanted to. We can't regulate that or protect against that and that's people's right to do, again, as long as they are not violating anything else when they do that. But we need to keep in mind that this language doesn't just say for people who really are clearly within the intent of the ordinance overall, like Mr. Covington is, and, also we have to keep in mind that there are going to be people who are going to try to stretch it and they are going to read it in the most expansive way possible so that they can have five teenagers living out back and maybe paying, maybe not paying. I think I'm okay with Option 3 that P&Z has recommended but reading that in conjunction with the existing definition of housing unit or dwelling unit gives me a little bit of heartburn because I feel like there is maybe a little bit of wiggle room there.

Mayor Wilcox said we generally don't make ordinances for what people might or might not do. We don't issue drivers' licenses to people because we think they might not speed. What we do is we do the best job we can and to define ordinances in the manner that they can be enforced and I don't think anything unreasonable is being asked here. I have no problems with it. It's more enforceable than what we have right now.

Council Member Doetsch said to me I'm not sure I see it that way because it clearly says you can't do it now and that's pretty easy to enforce and if you say you can have some sort of this now then that certainly gives you a lot of grey area in my opinion.

Council Member Friede said I kind of like the language in Option 2 which says shall not be used for habitable space. That to me means you just can't have anybody living there. It doesn't provide the wiggle room that I think we have under Option 3.

Council Member Shuttleworth said I'm okay with it. I like Option 3. I do think that at some level it's a land use issue. People, if they wanted to now Gary, they will figure out a way around it and I think if we empower people with Option 3 it is going to set up an enforcement issue. We now have an enforcement officer. We have historically not been good at enforcing, we may not be in the future. I am sure that someone is going to find a loophole, someone is going to read that and look at Sarah's dissecting it and say I can do this and figure it out. Someone is going to do it. Someone always breaks every rule. Like Dan said you don't give driver's licenses because someone is not going to speed. I'm okay with it. I do think it allows people creative uses whether it's a gym or someone wanted to have a pottery studio or someone just wanted to have a den out back, a clubhouse for their kids. I'm okay with all that, I understand what it means. I think we pretty much know art when you see it. You're going to walk by and say they're using it as a rental, we need to call the enforcement people. I'm okay with Option 3.

Mayor Wilcox said to your point Sarah, I understand habitability in 2 and dwelling in number 3 but if you take number 3 to it's full understanding it comes back around and it's the same thing. If it's being used as a dwelling it's habitable. I don't have a problem with number 3.

Council Member Friede asked Jeremy, can you tell me why habitable space is an

option in 2, or Ed? Why was that changed? There's a real difference between dwelling unit and habitable space. It would seem the rest of council doesn't see the same distinctions to the language that I do. Can you guys just kind of walk me through why the difference?

Mr. Parvin said we wanted to provide a few options. Option 2 is a little more stringent in that it does limit it you to, you could not have any habitable space and it just eliminates the ability to have the bath. It doesn't call the bathroom habitable space similar to the building code. We're comfortable with that option as is the applicant. Option 3 is not something that we're inventing the wheel on. This is something that other communities across the country and actually the Covington's showed us a few options and we found a few more so we're very comfortable with this option as well. It's something that some communities that have some pretty solid ordinances have had this type of language across the country. I think there were several in California and I believe Florida that had similar language. So either one. This gives you a little more flexibility, this one also gives some flexibility, too. Staff is comfortable either way.

Mayor Wilcox made a motion to approve the change to the ordinance request based on adopting Option 3.

Council Member Friede asked can you look at the language that we have in 3.9-2 (5) if we're saying not to be used as a dwelling unit could we maybe just add the words "for any type of human habitation"?

Mayor Wilcox said he would be glad to add that to his motion.

Mr. Parvin said do you want to have a definition for human habitation?

Council Member Shuttleworth said right, because if you're going out to do a workout, are you human habitating?

Mayor Wilcox said that's my problem with number 2. You're habitating to some degree but it's not a dwelling that's why to me Option 3 is better.

Council Member Friede said or habitable space?

Mayor Wilcox said it keep coming around. A habitable space is a dwelling unit.

Council Member Friede said no, a habitable space is not a dwelling unit. There is nothing in the definition of a housing unit or dwelling unit that refers that to habitable.

Mayor Wilcox said Ed, would you allow someone to, under number 3, would you allow them to use it as habitable space?

Mr. Parvin said yes. They could have habitable space in there as long as they didn't exceed the three fixtures.

Mayor Wilcox asked what kind of habitable space?

Mr. Parvin said as long as they don't have all of those components, then yes.

Council Member Friede said so they could sleep there, they could relax there, they could have sanitation there as long as they don't have kitchen facilities or they could

have kitchen and sleeping.

MPT Pierce said I think when you start sleeping there that that's when it makes a difference. You don't have to have a kitchen, many people have a microwaves and refrigerators so it becomes when you sleep there, not during the day but when you sleep there at night. When that's your residence.

Mr. Parvin said and typically when you are sleeping there and that's why we try to home in on the kitchen because that's where...

MPT Pierce said lot's of people don't have a kitchen. Lot's of people here on the beach have microwaves and refrigerators.

Mr. Parvin said exactly. A more stringent definition for kitchens because that's usually where you have some enforcement issues in a situation like this. Did they have a kitchen?

Council Member Friede said we may have a lot of people in Carolina Beach who technically are not living in a housing unit if they don't have a kitchen.

MPT Pierce said I think it's about where you sleep.

Council Member Doetsch asked could you control this by saying no air conditioning or heating?

Mayor Wilcox said if it takes number 2 to do this common sense thing I am glad to compromise on that. If council feels better with that I will withdraw my motion.

Council Member Shuttleworth said I think our Planning and Zoning guys looked at it pretty hard. They went through it with staff and came back with three.

Mayor Wilcox said I have no problem with 3.

Council Member Shuttleworth said I have no problem with 3. At some point somebody is going to break the rules, that's why we have an enforcement officer.

Mayor Wilcox said I am going to keep my original motion and not try to muddy that up with the habitability language. The original motion was Option 3 as it is written.

MOTION CARRIED 3-2 WITH COUNCIL MEMBER FRIEDE AND COUNCIL MEMBER DOETSCH VOTING NO.

- b. Public Hearing to consider changes to Article IV Section 11-53 entitled "Sec. 11-53. - Camping."

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

Mayor Wilcox called for a 5 minute break.

Mayor Wilcox called the meeting back to order.

Michael Cramer, manager, said back in November when council met and discussed the camping option for Freeman Park the motion that was made had several parts to it. One of which was to limit camping to a single line of campsites along the dune line from area 4 through 26 subject to staff limits and seasonal high tides and other events. The rest of the items underneath that were dealing with additional regulations, how we were going to make sure that the reservation system worked

and how to manage the actual process. What I have done here tonight is break it up into those two sections. The motion actually gave staff until March 27th to have all of the other related items taken care of so this first item is basically just changing the text of the existing ordinance to further define exactly what camping is on Freeman Park using that motion as its base. What you will notice in Ordinance 14-967 is that first it adjusts the rate and fee schedule to accommodate a camping fee of \$10 with a registration per night per campsite. It also changes the existing language in the camping ordinance for Sec. 11-53 to indicate that camping is only within designated camping locations thus we will be able to go and control the number of campsites along the line of the dunes as requested in the previous motion. It does also change the location that we start camping in section 6 or marker 6, this will change that and back it up to 4 so that we'll be able to get more campsites along the dune as council requested. One of the items discussed in here under (b) is reservations in general, how that would work. For instance, reservations are made on a first come, first serve basis and the fee that we spoke of earlier will be charged between April 1st and October 31st, during our prime time of having tourist season and individuals down camping on Freeman Park. Finally, the last section under (c) and (d) allows us to accommodate day camping basically for day trippers where you could use a canopy tent or some other type of day tent where you would have shade on the beach and you could put those up along the ocean side of the beach front and that those items would have to be removed by 11:00 pm that night. The reason we chose 11:00 pm, the previous ordinance had it down as those types of items needed to be removed by nightfall. Given the fact that we are restricting camping on the facility down to a limited number on the side closest to the dunes, one of the things that our police department this past year engaged in was going through and trying to touch base with as many individual campsites as they could starting at about 11:00 and then attempting to "put people to bed" so to speak and have people closing up shop for the night by 1:00. In doing that, what that gained us was a lot of personal contact between the police department and the individuals out there on Freeman Park. It also fell between the hours where we have quite a bit of activity that goes on. For instance, 1:00-2:00 am we have a lot of the bars that let out so our police force is stretched thin at those times. Before that we have a lot of traffic issues usually around the end of the day, people going out to dinner and things like that so we have a lot of staff resources devoted to that. So we sort of split the difference and said that at 11:00 you need to remove all your tent activities and have them removed. That doesn't necessarily mean that you have to leave the park. Nowhere in here in these regulations does it stipulate a time that the park is closed. It is just removing the items that are basically day campings, so to speak, away from the ocean side and, thus, leaving only campsites that are designated along the dunes. That is sort of the general parameters of these changes, trying to make it fit into the motion made back in November.

Council Member Doetsch said on item (d) it says, "Tents and camping equipment must not be left unattended in a campsite for more than twenty-four (24) hours. Tents and camping equipment that are left unattended may be removed from the beach by the town." Does that not, if somebody has torn up a tent site end up creating the problem that we have seen in the past?

Mr. Cramer said yes, part of that is... quite often what we find is that people will set up a campsite, a location where they are going to spend a day and then leave it there for multiple days. That is what we're trying to prohibit with that statement that's saying if we have an unattended site for more than 24 hours and there is no reservation there is, like you said, just damaged equipment there, that the town has the authority to go in that site, clean it up and have it presentable for the next customer.

Council Member Doetsch said I would like to see some kind of wording here that says you take out everything that you bring in so that somebody doesn't determine this isn't worth salvaging, so I'm just going to leave it here on the beach and I'm going home.

Mr. Cramer said are you speaking more of solid waste disposal because currently the existing ordinance does have that pack it in, pack it out language to it. This is just making sure that people don't set up equipment, leave it for more than 24 hours and expect to come back to it.

Council Member Doetsch said maybe we need to look at that separately from what you're trying to do here because I think we're talking about two different things possibly. My concern is not so much this one as it is the person who arbitrarily comes down here and leaves us a whole lot of stuff to contend with.

Mr. Cramer said currently the way that we handle those types of activities, a good example is the day tents, the canopies where you set it up at the edge of the water, the wind blows it, wrecks them and people end up going home and leaving those items there. That is currently prohibited on our beach strand and has very much the same language as what is stipulated here for Freeman Park so you wouldn't be able to do that and it would keep it consistent between Freeman Park and the beach strand itself. It just allows us to continue doing what we have been doing which is removing those items and disposing of them.

Council Member Friede said if someone reserved a camping site for Friday night and they leave a broken chair and broken tent and then somebody comes in on Saturday with reservations. It hasn't been left there for more than 24 hours but they were past their reservation time and someone else has reserved that camping spot. How would that be handled at that point?

Mr. Cramer said since we would have a reservation system and we would have all their documented information such as their vehicle, name, address and things of that nature. After the fact if those things took place we would be able to send out a violation notice to that individual and site them for leaving those items on the beach and then remove those before the next client came in.

Council Member Friede said were only charging the fee and required reservations from April 1st until October 31st, correct? So if you read section (b) and (d) together, we could have people, it seems like, camping in a designated spot. They can stay there off-season for 14 days, leave their stuff for 24 hours, come back, we haven't removed it yet and they can stay there for another two weeks. We could have people basically living in a camping spot.

Mr. Cramer said basically that is what that item (b) addresses, is the ability of someone to go and stay on a beach strand for longer than 14 days. That is a section that is already in the existing ordinance, we just moved it to another location in this ordinance.

Council Member Friede said but they could stay for 14 days and if we're not picking up their stuff for 24 hours after they leave the camping site, all they have to do is leave for a day and come back to start their 14 days over again.

Mr. Cramer said I think I see what you're talking about. That would probably fall more into a enforcement item or an operational item that we need to make sure of in

following. I'm just not real sure how to craft the language to make it so that wouldn't happen.

Mayor Wilcox said we have that same problem with a number of things. For instance, you can put up a temporary tent for 180 days, take it down for a day and put it back up, you have another 180 days.

Council Member Friede said this is something that we definitely need to fix because we don't want to create a situation where we're implicitly condoning people.

Council Member Shuttleworth asked Michael, why did you choose October 31st?

Mr. Cramer said generally the leash requirements for dogs on the beach and other activities like that consistently end at the end of October.

Council Member Shuttleworth said I thought we changed that to the first of October, didn't we?

Ed Parvin said I'm pretty sure we changed it to the end of October to be consistent with Kure Beach.

Council Member Shuttleworth said I think it's the first.

Mr. Cramer said we can definitely look it up and verify it.

Mayor Wilcox said (d) where it talks about 24 hours, it doesn't really say if you leave your stuff. It's a no brainer if you leave your stuff after your reservation is over it can be taken away. The intent of this is to say if you have a three day reservation and you leave your tent unattended for 24 hours the Town can take the stuff up, right? It's not about stuff remaining after the reservation, that's a separate issue.

MPT Pierce said what if they paid for the campsite for three days?

Mr. Cramer said if they paid for the campsite for three days, you are correct. You are able to go in and put your stuff there and it will stay there and you can come and go as you so choose. I see what you're saying, the language does not specifically state about past your reservation date or time or something like that to try and fine tune that. We can make that insertion.

Mayor Wilcox said I know you don't have all the nuts and bolts together for this stuff yet but how do you intend to mark the sites?

Mr. Cramer said at the current time what we're planning on doing is having posts and ropes very much like what we have along the edge of the dune currently and that whatever size site that we have we would end up with a front post and a back post, the rope going around it to designate the area and then a sign on the middle post between two campsites one saying campsite one, campsite two.

MPT Pierce said I have a question about (a). It says camping or sleeping in a vehicle overnight is permitted in Freeman Park but in designated camping locations only. So, for instance, if a man and a woman go and sit in the back of their pickup truck and they're fishing all night or in their chairs and they fall asleep, are they camping?

Mr. Cramer said no. I understand what you're saying and I think at that point we're getting into having attendants be out at the campground 24-7 checking to make sure

that people aren't falling asleep. I don't think the purpose was to have a prohibition to people sleeping on the ocean side of the beach for instance. If you want to go out and fish and you put up your pole at 2:00 am and you happen to fall asleep in your chair, that's not the type of activity that we're prohibiting. We're trying to make it so you don't camp and have a, similar to what you were talking about an accessory building, habitable dwelling, some place where you would go and have a campsite. That would be what we're...

MPT Pierce said so it's going to be left to interpretation, common sense.

Mayor Wilcox said I don't know that it is common sense.

MPT Pierce said so let's say you have a camper shell on the back of the truck and the kids are sleeping in the back of the camper shell because they're tired and you're still fishing.

Noel Fox, town attorney, said section (a) says that no camping or sleeping in a vehicle is permitted south of marker 4. So if you are sleeping in a chair with a fishing pole, you're not in a vehicle, you're not camping, you're fishing.

Mayor Wilcox said no, it says camping or sleeping in a vehicle is permitted in Freeman Park in designated camping locations only. To me I read that as saying if you are sleeping in your vehicle you need to be in a designated camping location. I don't know how to enforce that. You can't have it both ways. Either that has to be changed or... if you are sleeping in your vehicle whether you are sleeping in the front seat or whether you have a Tahoe and jump in the back for two hours because you can stretch out, you're in violation of what this says.

Mr. Cramer said I see how you're looking at that and that can easily be remedied.

Mayor Wilcox said I'm not saying I want to do that but I'm just trying to make sure that...

Mr. Cramer said setting up inconsistencies.

MPT Pierce said I think there are a lot of people who fish overnight and let's say it's a family and the kids fall asleep, if you go to sleep then are you camping? And you get in the front seat of the vehicle.

Mr. Cramer said I think the easy way to remedy that is to remove the sleeping in the vehicle statement.

Mayor Wilcox said then you end up with people potentially camping on the ocean side. They set up a day canopy during the day, take it down at 11:00 and they stay in their vehicle. I don't have a problem with that but, again, it's kind of going contrary to what council voted for.

Council Member Friede said I like the sleeping in the vehicle language because it does include people who don't have a tent. They're going to crawl in the back of the pickup in the cab where their sleeping bag is and that I think what we were intending to include in our definition. So if we pull that out then we've left that wide open and it could be anywhere so I don't know that we want to pull that language out. To Noel's point, if somebody falls asleep in a chair, I don't think any of us would define camping as sleeping in a chair. So I think somebody falling asleep in a chair or the kids are asleep in the back of the truck but the person who drove out there, the

person who holds the pass, the person who is legally responsible to the police if they come and ask is not camping or sleeping in the vehicle.

Mayor Wilcox said we're just pointing out that whatever is adopted needs to be clear and I think that's unclear.

Ms. Fox said my understanding from the motion that was made previously is that the sleeping in the vehicle language was included specifically to prohibit the exception that somebody who did not have a tent but wanted to stay up all night and party at Freeman Park could not do so. It's not just that you can't have a fire or a tent unless you're in a designated camping area but if you have a vehicle and you are past marker 4 you cannot camp and you cannot sleep in your vehicle, according to this, the way that this is drafted.

Council Member Doetsch said I think what we intended there is for people, especially during the fall fishing season, if they were to come down there and fish all night long they could, provided they didn't set up a tent and just had their vehicle there, fishing rods and chairs.

Mayor Wilcox said you guys might have to do some crafting.

MPT Pierce said to Steve's point on October 31st, I'm not so sure I agree with that either.

Ms. Fox said the dog ordinance is effective through the end of September.

Mr. Parvin said September 30th.

MPT Pierce said how do we want people to make reservations when they're not even busy at the beach? Does that make sense? After Labor Day we're not busy any more, why do we want them to make reservations for Freeman Park?

Council Member Shuttleworth said the biggest intent of what we were trying to do was to reduce the volume of camping occurring in prime seasons but respect the fact that we have a lot of fall fishermen and a lot of local residents who like to stay there and we did change it to match Kure Beach, the dog leash thing and that was October 1st.

Mayor Wilcox opened the public hearing.

Chuck Dunlap, 703 Carolina Beach Avenue North, said he has been here about 10 years and used to work at the north end pier for about 5 years, a lot of experience with the north end. What if you put a tent in the back of your truck? Is that camping? My thing is, obviously we all know there are definitely some issues at Freeman Park but I think we're going about it the wrong way. Mayor, you said something really good, enforcement is enforcement and that is our biggest issue down there. I don't know if this is part of the agenda, but raising the price to \$50 per day will never stop the five guys or five girls coming down from Camp Lejeune, ECU, Ft. Bragg or a bunch of high schoolers. They are splitting it five ways, that's \$10 a person. It will never solve your issue. What you are going to block out is you are going to take out the families. Where I live and Steve actually lives a block away from me, I have a lot of what I call weekend warriors and my I-40 friends. They own condos down here, they come down here a weekend here and there. They might come down here 3 or 4 times a year. Sometimes they go on the north end for \$20, take their family out there. At \$50 you lose that family, they will not pay \$50.

I just feel that \$50 is what 150% price increase which, like I say, you're going to push families away but you're not going to push the age 17-24, the truck load of people. They're still coming. When it comes to trash on our beaches down there, we all have the same complaint. You know what, there are laws against littering. It's as simple as that. The problem is enforcing these laws same as we have with dwellings and backyards or whatever like that. I think that when somebody purchases a pass, the driver or owner of the truck, where they park they should be responsible and their fire in front of them for 15 feet around their whole truck. That is their responsibility right there. If somebody parks within 15 feet of them then it's split in half. But once again, are the cops going to walk around from campsite to campsite and give people a ticket. I've been down there for years and I have never seen it happen. The cops have bigger things to worry about than people littering so it's not their fault. My personal opinion with, I don't know who said it, I read it in the paper, what campsite do you go to, especially with this amount of people, that doesn't have a park ranger? Raise the price \$5 or \$10 maybe for a day, but hire rangers. Hire people on 4-wheelers or on foot to go up and down and they educate people about litter/trash, explain the rules to them and they also have the ability to write a ticket for glass bottles. I've been down there a bunch of times, people have glass bottles all the time. You can tell the difference between a can huggie and a glass bottle huggie and we all know that. But nobody does a thing about it. There is trash laying everywhere. But do you give the person a ticket because it's laying there now or when they pull away? That's why I say you should make a rule 15 feet around. Addressing the location of the campsites. Pushing them back against the dunes I think is actually dangerous. You have a family of five people and they're all down at the beach fishing. Little Johnny needs a drink or something and there goes little Johnny running 25 to 50 yards back across to get to his tent to his cooler. And what do you have at the end of the night when mom and dad want to go fishing, well, the kids are up there sleeping so they have to take turns fishing. Somebody has to be back up there and somebody is going to be down there fishing. I just can't imagine at night kids running back and forth from the beach to the dunes. That's a long haul and there's a lot of big trucks.

Marshall Stephenson, 411 Tahiti Court, I am in support of the Freeman Park regulation changes, but not necessarily these. When my wife and I moved to the beach we found the crown jewel at the north end and we loved it. We bought a big truck. I have a Chevy and we put a camper top on the back of it. We've got a bed in it, it's ready to go to the beach right now. On Wednesday night when the news comes on my wife might look at me and say, baby, let's go to the beach it's beautiful. In 15 minutes I'm backing up to the waves in our truck. We don't leave any trash out there, we see a beautiful sunrise in the morning, I'm back at home at 6:30 and we're gone to work by 7:30. We don't bother a soul. Many nights, even during the summer during peak season, there may be only another dozen people out there. There aren't people camping around all over the place. Now, granted, something does need to be done on these vacation weekends. It's horrendous. We don't go out there then but we have gone out there the day after that and I've seen the city all day long with a front end loader, truck after truck after truck to pull those things out. Something that Chuck brought up here, we have a lot of regulations, let's enforce them. How do we keep Dow Road clean? If you throw something out the window you get fined \$250. How do you keep River Road clean? The same way. I have also belonged to many civic groups that adopted a highway and we'd go out and keep it clean. I'm a member of the Cape Fear Cyclists, we adopt highways. If we ride on a road and it's dirty, we're going to clean it up. Could we not explore some comparable initiative for Freeman Park? The people who live here and they'll love it. Certainly can't go out there every Friday, every Saturday morning and every Sunday morning and police the beach and clean it up but with a collective mind we

may be able to recruit enough people that live here, that love the beach, that want to take care of it and we'll go out there and clean it up. I'll surely do it, I've done it a hundred times. The state park gets dirty. Even though they have employees there. They'll have a weekend where the community gets together and I've done it before and clean up the state park. A little personal responsibility, a little press, civic pride would help us take care of that. Chuck brought up a good issue. I think that you're really going to price people out of being able to enjoy the beach. And another thing, I can't get an online reservation after my wife says at 10:30 or 11:00, hey baby, let's go to the beach and spend the night. I've already got my ticket on my truck, I paid for it for the last six years. I don't want to pay \$10 to go out there, back up, listen to the waves. That's the side of the beach I want to stay on. I want to open up the back of my truck, bundle up in blankets, hold my wife and sleep to the ocean roar. I don't want to go over and sleep with the mosquitoes in the dunes. Chuck said also about kids going back and forth, there's a constant flow of traffic out there at nights and on the weekends. I've almost been run over trying to get to the bathroom out there. Up and down, back and forth, kids running out in front of them, it could be a bad thing with kids running around out there. The online reservations, for weekends only or for every night. Again, I'd like to use the beach on Thursday, Wednesday, Tuesday night, and Sunday night when we decide to go. It might be a beautiful night, full moon, we can be at the beach in 15 minutes, let's do it. So we go out there and spend the night and we're at work the next morning. It's a wonderful thing, doesn't hurt anything. I don't see why it should cost me anymore than the \$75 I've already paid for my ticket and I don't see a possible way that I can have an online reservation to go out there like that. There's a little bit of ambiguity here. (He introduced his wife.)

Mrs. Stephenson, 411 Tahiti Court, said I do not want to sleep on the dune side. I come to the ocean to be by the ocean and I'm in fairly good shape, for me to walk from the ocean to the dune in June or July is grueling. I don't know if you guys ever go out there at that time of year and try to walk that walk and you've got little Johnny in tow or whomever it is not a good thing. And I really feel like what you're really trying to regulate is not so much the campers as the partyers and they are not going to go to sleep anyway so they're not going to be camping out there. They're going to be out there in their chairs and they're going to be away all night and they're going to be all those things those college kids coming up, the people that come down there to party. I think that punishing and trying to regulate the campers who are there as families and enjoying the beach is not really the whole point. I think that the point is the troublemakers, the people who are down there being loud and disturbing everyone else and the garbage. There are a line of trash cans. On busy weekends there is trash piled up all over, all around all the trash cans. The trash can situation is insufficient for the number of people so I suggest figuring out a way to maybe have a noise resolution or something. I don't really think that the campers are spitting up all night and partying and getting drunk, fighting.

Mr. Stephenson said what she just mentioned about the trash cans, my wife and I have a motor home. We've been all over the country and we've stayed in a couple of KOA's but I promise you what we were doing was anything but camping. We always pack out more than we pack in and I think that is something that really needs to hit home with these people. They can't go out there and leave trash, they have to be cited for it just like you would if you were on the road.

Jesse Bessette, 1600 Sturdivant Drive #10, Wilmington formerly of 306 Tennessee Avenue, said when I first read about these changes to the north end my heart broke a little and a lot of ones up in Wilmington that you probably don't know about did too. The reason for that, I'm part of a large group of people in this area who are

people in recovery. People who used to live a different kind of life than they live now and every year for the last six years, typically the weekend before Memorial Day between 90 and 150 of us from around the state and the surrounding states have gathered and done a camp out on the north end. We police ourselves, we have a designated cleanup crew, and we leave the place cleaner than when we go there. Last year we had about 40 tents and 150 people total throughout the weekend. These new regulations make doing this event impossible. Can't do it. Can't do the reservations ahead of time, can't do two tents per space a town employee told me, it just won't work. When I first read about this in the newspaper I called the town to find out about getting a beach pass ahead of time and what the regulations were and he told me that in these designated campsites you could only have two tents which I hadn't read anywhere but was told by the town employee. The majority of the town employees do know us, the police out there know us, we've been doing this for quite a while and this new ordinance just puts an end to all of it and it's really the highlight of a lot of people's years. Two and a half weeks ago I got married to a girl that I met there two and a half years ago. This event has very strong ripples throughout people's lives and the party people that are the problem that this ordinance is trying to fix, like everyone else said, are the last people that are going to be punished by this. The only way to do 100 campsites and only have 100 people show up to camp is to charge hotel rates for them. Charge them \$150 a night for a campsite and you will limit it from 157 tents down to 92 but other than that none of this is going to work. And like everyone else has said enforcement is enforcement and the campers really aren't the problem.

Lee Bell, 4110 Wilshire Blvd., Wilmington, said I moved down to Wilmington when I was 12 years old, Carolina Beach had a bad name, you didn't want to come down here and in the past ten years I have seen you all grow into a family beach. I feel like that's the reasoning behind trying to accommodate with an ordinance and stuff but I truly believe that this is an enforcement issue rather than the regulations issue. I feel like the town manager was talking about, the police having to go off into town and do stuff and stretch themselves thin. I kind of feel like there's an enforcement, that maybe there should be a ranger or a couple of other people who are allotted to enforce on Freeman Park and I feel like that would calm things down. I've been doing this, 2009 was the first year that we did our event. Since that time every year it's always funny because you don't have to worry about us, it's like we have a good time and everything and we see the people drinking and having a good time but you're not going to stop people from problem drinking or going too far unless you enforce it. If that's the issue then it needs to be enforced. New regulations, campsites, cutting back I feel like you're going to shoot yourself in the foot in a way because you are going to cut on revenue coming into Wilmington just on our event alone. That's 150 people and most of the people are from out of town and they are shopping at the stores around town and everything. So they're coming in to have a good time, to be safe and everything like that and we respect the police and their job, it's tough. But the big issue I think is enforcement instead of regulations. I think it should be more in line of trying to come to grounds with that.

Rick Rogge, Spartanburg Avenue, said I am on the Freeman Park Committee. I appreciate the effort that everybody is putting in to make a beautiful and good place even better. I think we're on the wrong track here with this discussion tonight. I think the goal is good and the way in which you are going about it is completely wrong. I think we need Freeman Park, unfortunately for the revenues. Earlier this evening we talked about all kinds of expenses that are going up. We've got a beautiful, beautiful situation with a beautiful park that brings a lot of people here and it also brings our community a really nice income. I think that our new chief of police is doing an amazing job. I think that this past year he really set a nice tone

and his plan for a long time had been after last year to be a little bit stronger. Now it's starting with more fines and stuff but he had a plan that made a lot of sense. He's at every one of our Freeman Park meetings and exactly what he's talking about makes total sense. I take my nephew out there camping, I've never once been afraid to take a little boy and my wife out there camping. I've heard the chief say to me you wouldn't be afraid to take his granddaughters out there. So unless we have some massive problem that nobody else knows about, I don't know why we're making such drastic changes. I think the changes and the goal to make it better is beautiful and we should do that. I think these ideas are crazy. I am opposed to it.

No one else spoke.

Mayor Wilcox closed the public hearing. He said I think after the questions, Michael, that you had from council we may not have an ordinance that we're able to vote on tonight at all, I'm not sure, but in either case I think council knows I didn't vote for these changes. I agree that I think they are well beyond what needs to be done to solve the problem of basically four weekends and a few other weekends during the summer. I think, as we've heard tonight, the people who are going to be hurt the most by this are our locals, Wilmington and Carolina Beach, who use that park spontaneously and I think our businesses are going to be hurt. If you cut 90% of the people who are coming out there, those people aren't buying ice, charcoal, food, beer and cigarettes and stuff and I agree with the safety aspect. Those campsites will be anywhere from 100 to 300 feet away from the water. I was trying to walk from my daughter's campsite to the bathroom last year and I was struggling to get through there and I was struggling so hard that apparently somebody accused me of being drunk so I am telling you it is not easy to get through there and if you have kids, family, dogs running back and forth in that traffic lane I think it is a problem. I think staff has done a real good job of notifying season pass holders of the changes. The problem is a great deal of people show up from all over the country to buy a weekend pass or day pass, they're going to show up, 100 spaces are going to be taken, there's not going to be any room at the inn, there's not going to be any hotels available and I agree with a lot of what I heard tonight and I am just reiterating that.

Council Member Doetsch said Mr. Mayor I would like to say that we've already been through this and we determined that we do want to put some restrictions in place. I think if Michael can clear up some of the verbiage in the camping section. Michael, do you have a clear understanding of what we're shooting for there.

Mr. Cramer said I think the things that I've taken away from this is more definition of what is constituting camping compared to sleeping in vehicles and things of that nature. Obviously the idea that individuals may be sleeping in their vehicle or on the beach is not the area that we really are trying to address with having designated camping locations. So that's definitely one of them. The mistake in the date that was actually intended to be the end of September, not the end of October.

Council Member Doetsch said, Michael, can I make one suggestion. If you look at all the activities that we are thinking about occurring on the ocean side of the strip, if you'll go to the state park and look at what their regulations are excluding the period of time that they restrict you being down there in turtle season, I think you'll have something that probably will closer resemble what we're thinking about here.

Council Member Shuttleworth said you're talking about the south end, right?

Council Member Doetsch said that's right. That would be vastly different from what we're talking about camping on the dune side of the strip. Again, I think if you can

make some changes to better define exactly what we're talking about there I think if you can come back to us with this we can approve it.

Mayor Wilcox said can I ask a question about the September 30th deadline or date? What happens after that? People can camp anywhere they want? Put fires anywhere they want? Or is it still along the dune line?

Mr. Cramer said no, it will still be along the dune line and it will still require a reservation but there would be no charge since it is the off season. The concept there is to continue to be able to enforce on the individuals that do camp off season and may make a mess and so forth and to try and get them to continue to reserve campsites so we'll have information to determine how many people are coming and what part of the season.

Council Member Friede said Michael, I think the main reason that I was in favor of seeing some of these things go into place was that we heard from our police chief that he thought that our recommendations to limit camping, know who is camping there, limit the numbers a little bit and have some of these other things he felt like these areas that we were intending to address in the ordinance would cut down on a significant portion of the problems up there that keep it from being the idyllic place that we would like it to be. Has the chief given you feedback on these draft ordinances or can we ask the chief to come up and tell us if he feels like this will address these issues? Again, this isn't perfect but we're looking for a first step to cutting down on the partying and the trash.

Mr. Cramer said I have no problem with the chief coming up and addressing the issue just to give you an idea of what we've done before coming to the point if that I have sent out in this case, for the camping, these regulations to all of the department heads and asked them to vet that and determine what is an issue, what may not be an issue, something, so that we can pull together any information that will help address your questions and so forth.

Mayor Wilcox said I have no question that reducing the camping 90% will solve the problem. The question is do you have to reduce it 90% to solve the problem?

Chief Hinkle said we have the Freeman Park Study and the town manager tasked me with coming up with some solutions. Council will remember we had a special council meeting on September 18, 2014 and we had some discussions. We talked about Memorial Day, Fourth of July, Labor Day and significant events. We had the discussion about the crawl, walk, run approach that I had developed with the town manager so last year was an educational process. We deployed instead of one officer we deployed eight officers out there per shift in order to have, other than confrontational contact with people out at Freeman Park, we would have thoughtful discussions and that is what we did all of last year especially during the holidays. We would start at 11:00, we'd get out of our cars/trucks and start talking to campsites and we identified what we considered the major violations out there and we took action when we needed to but really the mandate was, let's educate the customer out at Freeman Park in order to make that a pleasant experience. This year the intent was, as Mr. Rogge said, to gear that up and to start doing more enforcement and I think that's still the plan. When we talked to the Freeman Park officers, and I spent time out at Freeman Park but I didn't spend the time that the community impact spent out there, they made several recommendations to myself and the town manager. These are the guys out there seeing the violations. And we discussed the fact that 30% of the officers time was tied up in dealing with offenses and those were alcohol abuse offenses, public intoxication, some domestic violence

and some assaults. So we think that we've made some impact out there just having the presence out there. We just want to make sure that we're doing the things that we need to do and we're taking the direction that needs to be taken out there. I would agree with the people who came up here and talked about increasing enforcement, that is the plan this year, to increase enforcement. I'm a soldier, I take orders so I'm here to take the orders.

Council Member Friede said do you feel like having designated camping areas will help control some of the overall enforcement issues or just keeping it a peaceable place for everyone to be able to go? Do you think that helps at all?

Chief Hinkle said what we saw last year at Memorial Day is we saw about 10,000 people over a three day period in Freeman Park and I would say that that was crowded. So we had problems maintaining safe lanes of vehicular traffic out there just because of the amount of people that were out there. I think that was part of the discussion that I had with the town manager which was we had some dates during the year where the population at Freeman Park becomes concerning to me as a police chief. When we have that amount of people out on the sand, some of the zones become a bar on the sand and we identified those. I will tell you and I made this perfectly clear, zones 1-11 we owned those by the end of the year. There was 19, 20, and 21 that we focused our enforcement out there because that's where we had some thoughtful conversations with some of our military personnel that came in and needed to be instructed on how to behave properly. That was part of the issue that when we talked about designated camping areas our concern was how do we define camping and maintaining safe zones of travel out there. That was the concern. Memorial Day, there were 800+ campsites in Freeman Park and we know that because we got out of the trucks and counted them and we talked to people about camp fires, glass bottles and we found a lot of good stewards of Freeman Park out there, too. It's managing the campsites and the location of the campsites in order to provide safe lanes of ingress and egress to the park.

Council Member Friede said the 800 campsites, you said there were 8 officers in Freeman Park. Was that 8 per shift or was that 8 over the course of the 24 hour period?

Chief Hinkle said Memorial Day we had 8 officers who came in at 4:30 and then we would have ramped up at 9:00 to 14 and we would have kept that until 4:00 am and then we would have ramped back down to about 5 because people were starting to go to sleep. By 5:00 am it was less of a challenge.

Council Member Friede said but when those 8 officers came on shift in the afternoon, with 800 campsites that's 100 campsites per officer to enforce and patrol in addition to whatever else was going on out there with the non-campers.

Chief Hinkle said what we have found is if we're able to dedicate resources to having contact in developing relationships with the people out at Freeman Park as opposed to scurrying from call to call and only becoming involved in a contact situation when it's a fight or when it's a problem, we have found that developing relationships with the people at Freeman Park is more productive. That's the reason why we decided to put more manpower out there so that we could have conversations with people and we could actually find people doing good things. I'm not sure if I'm answering your question or not. When you only put one person out there in 2013 and there was the same amount of people on Memorial Day, 10,000 people, that officer didn't have any kind of contact other than putting handcuffs on people. Did we arrest people last year? Absolutely. We had some instances and the report that I gave

council showed that there was less than a 25% on the major areas in which we effected either a civil citation on arrest on the calls that we went on because if we said to somebody, you can't have a glass bottle out here, they would put it away. Or your camp fire is not in regulation, they would fix it and make it right. That was last year. This year the hope is that there has been some retention of that and then we can enforce more.

Council Member Friede said I think my point was simply that 8 officers was an enormous increase over what we've seen before but we are still asking them to try to maintain control and enforce everything for 100 campsites plus all of the people who weren't camping on an average per officer. That's a tremendous volume for one officer, for any of the officers to have try to control. What we're trying to provide is a more pleasant environment for everyone and there will be people who will not like changes. I don't feel like I as a council member should ask any of the town employees, whether they are armed and trained or not, to go into a situation where they are grossly outnumbered, can't possibly really do their jobs. The numbers I think before you, the stepped up number of officers assigned out there, was probably that situation. One or two officers with 10,000 people, there's just no chance. Eight is certainly better and I know Freeman Park was a ton better last summer but my big question really is do you feel like from your perspective and from your officers perspective that these ordinances that we're looking at tonight will help you move in that direction of not handing out a thousand tickets but maintaining that peaceful order, having a lot of contact and keeping everything good and peaceful and pleasant so that the officers aren't simply to emergency, emergency, emergency - helping us move in the right direction?

Chief Hinkle said the community impact unit has said to me consistently there has to be a point at Freeman Park when enough is enough otherwise when there is enough people out there and how council deems to make that decision is the direction we're going in. At the end of the day what the community impact unit advises me is if you limit campsites, because it's a behavior, if you limit campsites and you change behavior then they can make it safer out there.

Mayor Wilcox said chief, I just want to clarify after that exchange and the suggestion that council made the decision based on your recommendations, I was in all those meetings and I don't recall you ever saying that you felt that camping needed to be reduced to 90%, for a reduction, to be effective. You don't have to answer that, I'm not going to put you on the spot but just for the record.

Council Member Shuttleworth said that this 90% has been thrown out quite often and we have citizens that come up here and say there aren't that many people out there during the weekdays in the summer, it's not that crowded. I will grant you Mr. Mayor that we have decided as a policy to limit the number of camp spots to approximately 90. If you take that large number that the chief said, 10,000 on a weekend and 800 campsites on one weekend and we go from 800 to 90 that's a 90% reduction but what we've heard repeatedly from you and others is there's not often that many people out there, it's those four weekends. I spent a little time doing some research over the last couple of days, looked at North Carolina State Parks website. I think there are 46 or more state parks. Every one of them that has camping requires reservations. Every one of them allows a first come first served if the reservations aren't full so you could certainly make reservations late at night. I talked to some of the rangers today on that. I looked at Florida, there are a couple of state parks down there on the ocean, on the keys - \$43 a night is their rate, they have 73 spaces, it's a larger key than what we're talking about at Freeman Park. That's just a couple of them that I picked out and I'm sure there are others that have

more or less. The Assateague Island National Seashore up in New York have 158 campsites on a 20 miles stretch. Carolina Beach north end is about 2 miles. In North Carolina, Jordan Lake has over 4,000 acres of water and all the bordering, they have 1,000 campsites on that, at Jordan Lake. The mayor keeps saying we're reducing by 90% so we had 800. We had almost as many as the entire Jordan Lake campsites. Many of the campsites I researched in Florida and other areas limit the number of people per campsite. We haven't set that. Some limit it to two, some to six, some say no more than 8. I don't believe we've limited the number. Hanging Rock, the park there has 73 spaces. Fall Lake has seven parks within the state park, seven areas, four that allow camping. Kerr Lake, 50,000 acres, 650 spots. It's a 50,000 acre park and they allow 650 spots. We've got 2 miles of beach that's 200 yards wide and we have 800 tents on those extreme weekends. I think we're going to try some... Cape Lookout, 55 miles long. Huntington Beach State Park, 135 campsites on three miles of beach. I just don't know that proportionately were that out of line. We haven't said people can't go out there in the daytime. I think what we're struggling on here is staff's resolution on how we balance a day trip out there. What happens at the end of the day when we ask people to move it along and not camp? Just like we had the housing discussion earlier, people are going to break the rules. Someone is going to sleep in a car and we're going to decide they're camping or not camping. It's going to create a little bit but when we pick up 14 tons of trash on a weekend it seems to me that a lot of that comes from people who are out there partying. When I go out there on the weekends, and I do live here and I go up there in the summer on the weekends. I go out there with the turtle guys on Sunday mornings, I go out on Friday afternoons and look at it and the reason it's hard to walk from the ocean to the campsites along the dune is not only because of traffic, but because often it is three deep in cars and trucks and there's not 15 feet between cars. Guys are parked where you can barely open the doors. It's a congestion issue and at some point, you go to any other park and they say I'm sorry, we're full. I don't know how we get there. It is a rigid change. I'm waiting to hear from the manager on some change in language and would stay moving forward. That's where I'm at.

Mayor Wilcox said Michael, are you going to want to fix it and bring it back, unless you want to take some time and work on it while we're going through these other items. I don't really have anything in front of me to vote on. I know it's inevitable where the vote is going and I'm not trying to delay it but I think we need to have specific language to vote more specifically related to the sleeping in your vehicle because to me that's a little bit complicated and could potentially bite us in the butt issue.

Ms. Fox said may I ask for clarification on that from the discussion. The ordinance currently says that you cannot camp or sleep in a vehicle south of marker 4. What is council looking for that's more specific about sleeping in a vehicle?

Council Member Shuttleworth said I'm not looking for anything more, I'm quite comfortable with the way it is. It's no different than the ordinance we passed thirty minutes ago about accessory structures and the same concern Gary had. It's an interpretation and, at some point, someone is going to try and bend those rules. I'm quite comfortable with that language and our police chief can figure out whether you're camping or not. If you fell asleep while you're fishing, they're going to know on the window and say, what are you doing? I'm fishing, okay. And the upright people that are here, it's not an issue. It's the guys up at section 21 that the chief said are here for three days, partying all night long, sleeping in tents. It's crazy and he's going to ask them to move along. There's no ordinance to deal with that currently so I am quite comfortable with the language. I don't know how the rest of

council is. I'm comfortable with voting on it tonight.

Mayor Wilcox said I can vote on the language the way it is written but if you're changing it I want to see how it is rewritten is all I'm saying.

Ms. Fox said certainly, if we we're changing it you would need to see the changes. I was just looking for feedback about what you were looking for to be changed in the ordinance so that when staff...

Mayor Wilcox said I'm the wrong one to be asking about changes. I defer to my fellow council people.

Council Member Doetsch said if we're looking for the chief to interpret the laws and I think we can certainly understand if we have a problem beyond this coming summer if we need to readdress that. I would let it go as is.

Mayor Wilcox said I don't see how you can deal with that first item though where it clearly says you can't sleep in your vehicle and we're saying but you can.

Ms. Fox said you can sleep in your vehicle in a designated campsite. You can't sleep in a vehicle south of marker 4.

Mayor Wilcox said you can't sleep in your vehicle unless you're in a designated campsite. (Right.) And then we're saying in the other breath, oh no, they can sleep up along the water's edge as long as they have a fishing pole.

Council Member Shuttleworth said I don't think anyone has said that.

Ms. Fox said what I am saying is that the ordinance as drafted says you can sleep in your vehicle if you are in a designated campsite. You cannot sleep in your vehicle if you are south of marker 4 according to the ordinance.

Mayor Wilcox said you did but then I heard some other discussion that said we'll let the police chief figure out if they are sleeping or not but if they're sleeping in their vehicle they're sleeping.

Council Member Friede said I would make a motion that we adopt Ordinance No. 14-967 with the provision that the town attorney add some language, I think to subsection (d) not sure, but anywhere that she deems appropriate that clarifies that the town will not remove camping equipment or tents from campsites with a paid for reservation during the reservation time.

MPT Pierce said are you saying before marker 4 they can sleep in a vehicle?

Ms. Fox said you can sleep in a vehicle in a designated campsite. You cannot sleep in a vehicle south of marker 4 according to the ordinance as drafted.

Council Member Friede said so the guys that are out fishing and they're in a chair and they doze off, they are not violating our ordinance.

Council Member Shuttleworth said south of 4, isn't that right at the pier? You mean north of 4 don't you?

Ms. Fox said I'm just saying what the ordinance says.

Council Member Shuttleworth said south of 4 is the pier.

MPT Pierce said I don't know where 4 is at.

Council Member Shuttleworth said it's one of the first couple of markers.

MPT Pierce said is there enough space?

Mr. Cramer said south of 4 there are 4 sections that go from that area all the way down to the pier. Currently, south of 6 you are not allowed to camp as the current ordinance is written. In order to go and make it so we would be able to facilitate more camping spaces on the dune line, where the motion was made, we moved it to 4 to make it so you would have additional campsites from 4 to 6 and then from 6 all the way out to the north end which is 26.

Council Member Doetsch said the first sentence in section (a) makes it very clear to me. It says, "overnight camping or sleeping in a vehicle is permitted at Freeman Park, in designated camping locations only" period.

Council Member Friede said wherever those are, whatever marker. That is very clear to me. I don't think that requires interpretation from the police department. It seems like it should be pretty clear.

Ms. Fox said The revised language that you are discussing is the first sentence of section (a) "overnight camping or sleeping in a vehicle is permitted at Freeman Park, in designated camping locations only" period.

Council Member Friede said I didn't mean that it needed to end there. Wherever our designated camping locations are whether they begin at marker 4 or we move them up to marker 10 at some point. That to me, the language is clear.

Council Member Doetsch said I think if you stop it at camping locations only, period, and take the rest of it out you have it covered. So strike "beginning at Marker 4 and extending north until the end of the park", take that out.

Mayor Wilcox said Michael, you have somewhere else in the ordinance where it designates 4 as the beginning of camping?

Mr. Cramer said there are several locations in the existing ordinance at the end of (a) "No camping or sleeping in a vehicle is permitted south of Marker 4." The cross out is 6 which is the existing language and we would be going to 4 which is the new language. If you would like, given that we're looking at striking sentences and changing sentences and adjusting meanings, it probably would be better if I worked on it over the next couple of weeks and bring it back to you at the next council meeting fine-tuned. I think I understand what the concerns are with it and where the problem lies with the intent and the way that it's written.

Council agreed.

Council Member Friede withdrew her motion.

Mayor Wilcox said so we're taking no action on that item. The manager will bring it back to us at the next council meeting.

- c. Public Hearing to consider changes to review stop sign proposal for the Wilmington Beach area.

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

Ed Parvin, assistant town manager, said this is the proposal for stop sign, traffic control through stop signs, in our Wilmington Beach area. We've looked at this with staff, council and the residents in that area. What we're looking at is a total of 44 new stop signs, removing 31 for modifying 14 four-way stop intersections to two-way and we're adding 1 three-way. The design we've been over with you before. To go through it again we have identified through help from traffic engineers at the Wilmington MPO is the higher level service streets being the east/west streets I'm showing here ending at Bonita which is identified as a higher level service street and identified as our bike/ped plan as future multi-use paths, and it's a good halfway point. There's one exception there coming up in the yellow, that's where we have a stormwater facility on Texas that makes that one block there one-way. Bonita is showing up there as no stops except for at Ocean, Ocean being your access to Dow Road and your DOT right-of-way so it maintains open all the way through. Then you would follow all the way through on the streets until they dead end and then your side streets would be the lower level of service and they would be stopping to your higher level of service. So this is a design that staff put in place. The reason why we're looking at this is we just went through the paving projects for Wilmington Beach. Fortunately we haven't had a lot of safety issues in the area but we have had some concerned citizens about the design now and a few issues with how some streets have become preferred streets over others because of how the stop signs are laid out. So looking at our code when we annexed in Wilmington Beach back in 2000 we did not add Wilmington Beach to our traffic control schedule and our code so every street in our town is listed in our code of how it is stopped. So that is what we've looked at with the traffic and engineers to design this plan that they've come up with and we've discussed with you and the community. To come up with this design they used the Manual on Uniform Traffic Control Devices (MUTCD) which is something that Congress put in place years ago. We as a community have to be in substantial conformance with the standards of that manual. There are some general requirements in that manual and there are some very objective requirements. Some of the criteria for stop signs throughout the manual it says they shall not be used for speed control. That is one thing we hear from a lot of neighbors is I want a four-way stop to slow people down. That is not why you should put in a four-way stop. Another thing like I just talked about, the street carrying the lower volume of traffic should be stopped rather than the busier street. A stop sign should not be installed on a major street unless justified by a traffic engineering study. High speed, restricted view or crash records indicate a need for control by the stop. Traffic volumes being vehicles, bicycles and pedestrians is what a traffic engineer would take into account and put in their models. Putting in a four-way stop where it's recommended it doesn't go, it could have some repercussions and negative implications in the community which could result in increased speed between stop signs, could discourage good driving habits and increase hazards for pedestrians. Some environmental concerns I've got listed there - exhaust, tire, engine and brake noise. And disregard to the MUTCD code could open the town up to liability and concerns if we have an accident where a four-way stop was not warranted. Concerns that I've heard from citizens and you've heard throughout this review process is speeding vehicles, how can we control those, and we want to maintain pedestrian safety. Recommendations that we've heard from the citizens, they really wanted to keep some four-way stops, speed limit signs is one. What we would like to look at doing and we've talked to the police department about is implement the study that we have in place and study the new traffic control patterns. We'd also like to look at those speed limit signs. We can go in and do that and come up with a uniform method of installing those signs so they are easily visible as soon as you

start driving down the street. They are kind of haphazardly put throughout there so within that first block you're seeing what that limit is and that area is all 25 MPH. We can also go back and look at vision clearance issues at intersections and look at other traffic calming devices. To recommend those other devices you really want to go with a traffic study or discuss specific intersections with a traffic engineer. I put some examples down there.

Mayor Wilcox said we had a meeting Gary, LeAnn and myself, open house I guess, and some concerned citizens about some specific recommendations. We talked about the possibility of you talking to a traffic engineer and running those concerns by him. Have we done that?

Mr. Parvin said yes, we did go back and talk to a traffic engineer and talked to them about those streets. The main one that you heard was North Carolina. South Carolina and Texas I've heard from some citizens on there as well. If we went and looked at some of those intersections to see if they would warrant some additional traffic calming or, as some of the residents you heard, wanted the four-way stop. If we could warrant some of those activities. We tried to about as far as we could go with the MPO and they were comfortable with this plan and were not comfortable with adding those four-way stops.

Mayor Wilcox said would you talk with another engineer other than MPO?

Mr. Parvin said we have talked with Ramey and Kemp and Associates who did our Cape Fear/Canal traffic study and I have given you a scope of looking at a few of those and estimated costs.

Mayor Wilcox said was the representative from the HOA involved in that discussion with the engineer?

Mr. Parvin said no. The representative wanted to be here tonight and actually emailed me right before the meeting and he has the flu. We just said we'd give him an update after the meeting.

Mayor Wilcox said so the request is to move forward with this and then worry about those concerns later?

Mr. Parvin said staff's recommendation is to mirror what the MPO has recommended. We would like to look with the help of the police department and if we put that design in place our public works folks will be putting a new traffic pattern ahead, we can reorganize the speed limit signs...

Mayor Wilcox said I get that. My concern is that we told the citizens we would do something before we put this plan in place and we haven't done it.

Michael Cramer, town manager, said if I understand correctly what came out of that meeting was a desire for additional cost information on what to do for studying it. If that was not correct then we have multiple different opinions on what happened at that meeting.

Mayor Wilcox said the meeting, it was discussed on behalf of the other people that were at the meeting the president of the HOA would have the opportunity to meet with staff and the engineer to share their concerns and look for solutions and I don't guess that's been done.

Mr. Cramer said I guess that wasn't what was reported back.

Council Member Shuttleworth said they put a memo out on our desk.

Mr. Parvin said if we want to do that we would have to spend some money and that's what I gave you.

Council Member Doetsch said \$3,000 to \$5,000.

Mr. Parvin said yes.

Mayor Wilcox said what was the \$3,000 to \$5,000 for?

Mr. Parvin said what he has laid out there in that 1-6 which is basically they would be reviewing the traffic data that the MPO has reviewed, they would be evaluating 2 to 3 intersections - North Carolina, South Carolina to see if the four-way stops would be warranted and they could look at some other traffic calming devices to see if they were warranted as well.

Mayor Wilcox said all they were really asked to do is look at North Carolina, right?

Mr. Parvin said at the meeting the only folks that you had were North Carolina.

MPT Pierce said that's because that street affected their neighborhood. If you're going to look at that street, you have to look at the others.

Mr. Parvin said I have had concerns about the others as well so when I talked to the engineer I said...

MPT Pierce said that's just how I feel, it's not just that one street.

Council Member Doetsch said I think if you shifted the things for North Carolina over to the next street over then you would have a whole different group come in probably to the next meeting. However it is suggested you might want to...

Mr. Parvin said they came and talked to me, I know they didn't show up at the meeting but they have been talking to me on those other streets. So, yes, if you wanted to go with that process I would involve that HOA rep.

MPT Pierce said I think it is a legitimate concern. Their concern is it goes four blocks without stopping.

Mayor Wilcox said we do traffic studies and you just said yourself that some of these other traffic calming implementations would require a similar study or traffic study. I'm just curious why we want to push it in place without making sure we're doing the right thing?

Mr. Cramer said I guess where staff is we did have a traffic study done on this, that's why we went to the MPO and the MPO engineers went through all of our data and did a traffic study on it. Luckily, because we're a member of the MPO they did that for free. The answer that they came up with is trying to direct traffic and the mechanisms that they put before you. Yes, any traffic study will end up showing somebody is not going to get what they want and in the case of North Carolina, yes, there would still be four intersections that would have stop signs but they would be on the opposite side of the through street. So our intent is, we as staff would not

recommend going against the traffic study and saying that we want to go and try and find other solutions that may impede us or create liability for us.

Mayor Wilcox said MPO liked the road diet, too, and my point is that we have very unique circumstances in different parts of our town that require unique solutions and when you look purely at data or if you are making a decision in Wilmington somewhere and you haven't heard from citizens or maybe been able to actually view those unique conditions then it affects the outcome of that work.

Mr. Cramer said in that case it would be easier just to arbitrarily pick where we want to put stop signs per the citizens requests and the reason I say that is because you have nothing backing up that decision. The data that we have dealing with stop signs and the placement of them, that is what we have to back up our decisions.

Mayor Wilcox said I understand that but my question is if it's \$3,000 to \$5,000 to make sure we're doing it right Don't we have a responsibility to those neighbors and residents over there to make sure we're doing it right?

Mr. Cramer said that is definitely an option that council has before them that they can vote to approve \$3,000 to \$5,000 of an additional traffic study.

Mayor Wilcox said you may be able to narrow that scope a little bit and cut that back. Some of that stuff was not really discussed at the meeting.

Council Member Friede said Ed, can you go back to the map? The problem is along North Carolina, the neighbors want more stop signs to slow down traffic?

Mr. Parvin said you do have a long stretch from Bonito all the way up. That's one more block than the others. Ocean, no stops. I've heard from the South Carolina and Texas as well.

Mayor Wilcox said there's a pool on that street, lots of foot traffic. It's a concern.

MPT Pierce said Ed, do you happen to have a Google map so we could really see the houses?

Council Member Friede asked why is there such a long stretch on North Carolina?

MPT Pierce said it was the other way and then we switched it. We want to switch it where it will be on the side streets not on the through streets.

Council Member Shuttleworth said I thought Michael's explanation in his email was the most clarifying which is we're trying to move traffic. There's not a lot of traffic but we are trying to move and so you pick a couple of east/west corridors that are your main corridors and you pick one more south corridor. At some point stop signs are not a traffic calming device.

Mayor Wilcox said it might be different if we weren't removing them and they're already there.

Council Member Shuttleworth said or removing them and replacing them in a different direction because we're altering the traffic pattern.

Council Member Doetsch said traffic engineers say they certainly try to move traffic but they do it in as safe a manner as they can. It's not just moving traffic.

Council Member Friede said a couple of traffic tickets from Carolina Beach would teach people that they cannot speed there.

Council Member Doetsch said in the meeting, the open house that we had with the few residents that came, I made that same statement, there's your speed control right here, the two gentlemen in the dark blue suits.

Noel Fox, town attorney, said there is potential, he did have a slide that I believe highlighted this, but there is potential liability for moving beyond a direction other than what is recommended from the traffic engineer and the MPO. It's not State specific as I recall but there have been other cities or jurisdictions where that has been the case.

Council Member Friede said for changing the recommended flow creates liability for the municipality?

Ms. Fox said when you engage in experts to tell you how traffic should be controlled and then you ignore it and I think that Ed's slide indicated that throwing up stop signs because it's perceived by citizen's that that will slow down people coming through. That's not necessarily the case but if you are advised not to do that by a traffic engineer and then you do it because you want to quell the concerns of your citizens then there might be potential liability.

Mayor Wilcox said I'm not suggesting that we do anything without an engineer, that's my point. My point is MPO only goes so far, they only do so much, they only get into the weeds so far and not as far as a traffic engineer that would be hired to address some of these more detailed and unique issues.

Mr. Cramer said that is definitely an option that council has before them. If you are not interested in implementing the recommendation from the MPO and staff, that's fine. Give us a direction and if the direction is we need to do another traffic study and tear down the scope so it meets the budget constraints that you are interested in we can do that.

Mayor Wilcox said tear down the scope and have an engineer look at it and they come back with the same recommendation then it is what it is.

Mr. Cramer said by tearing down the scope you are just talking about looking at North Carolina where the three residents who came to the meeting are.

Mayor Wilcox said pick those three streets that were involved there, they interact. There are other things in this scope.

Council Member Shuttleworth said I guess I would look at a proposal then to move the ball forward that we engage Ramy and Kemp, modify the scope not to exceed \$5,000 to look at those three streets in conjunction with the approved plan that was presented by MPO. I'd like them to look at that plan and say do we augment that with additional stop signs or is it adequate. If we need to have another study to have comfortable making a decision then spend the money and have another study but I think we have a plan that was designed by a traffic study and an engineer that said put the stop signs here. If we want to do more than that, go study it and come back in the next month.

Mr. Cramer said you are absolutely right, there is no harm other than funding

another study to go and get a second opinion.

Mayor Wilcox said I would like to make sure that we do what was promised, that we give the HOA president the opportunity to give his input to the engineer and you guys.

Council Member Shuttleworth said his input as far as where he wants stop signs? Why he wants stop signs?

Mayor Wilcox said no, the concerns about the change in the stop signs.

Council Member Shuttleworth said that's fine, that's part of my motion, make sure the HOA president is there. I understand. We met with him, we told him we'd do something. I wasn't aware of the meeting, that's fine. But we need to get the stop signs sooner rather than later, we need to implement a stop sign program down there. If it's going to take another study.

Council Member Shuttleworth made a motion to engage them not to exceed \$5,000, modify the scope of services to include just those three streets and have the HOA representative present at some pre-scoping meeting with Ramy and Kemp. MOTION CARRIED UNANIMOUSLY.

Mayor Wilcox opened the public hearing.

Tom Alex, lives at the corner of Texas and Bowfin. He said my first question is those purple dots it says those are for public stop signs. I just wanted to know if the map is current.

Mr. Parvin said the purple are proposed, red are existing and will remain and the circles with the X are the ones that are there and will be removed.

Mr. Alex said so at the corner of Texas and Bowfin last summer they put in a stop sign where the two purple circles are. So I was just questioning, wondering if this map is up to date or not? Currently that is a four-way stop and they put up two stop signs on Bowfin and now I guess you're removing two on Texas but there are four there currently.

Mr. Parvin said oh there is four there, okay, these should be red (pointed on map).

Mr. Cramer said if that's the case then it looks like we made a mistake in our coloring.

Mr. Alex said I was just wondering if the whole map was updated or not.

Mr. Cramer said this is the information that we received from the MPO and the MPO went around and identified where the signs were. It's very possible that in that location they failed (illegible).

Mr. Parvin said I've been working with them since almost a year now on this study so we could have put those stop signs up in that time. When did you say they went up?

Mr. Alex said last summer.

Mr. Parvin said they were doing their analysis probably about this time last year and didn't finalize it until the summer.

Mr. Alex said the other thing I would like to point out there is the discussion about these traffic stops. That location on Bowfin whether you're on Texas and Bowfin or Bowfin and South Carolina or Bowfin and North Carolina, during the summer there's a lot of foot traffic going east towards the beach and so if you're just looking at traffic studies to figure out where to put stop signs, I don't know if traffic studies count cars or pedestrians because if you're just counting cars I don't know what value there is if it's a high pedestrian area.

Mayor Wilcox said they count both.

Mr. Alex said it seems like you would need to take into account the pedestrian traffic as well.

Council Member Doetsch said you have to understand, too, that at the time they did the study it might have been the winter.

Mayor Wilcox said I made a mistake there, I don't know if they count both but they consider both in their engineering.

Council Member Shuttleworth said I would be surprised if they are counting pedestrians. They're supposed to take in pedestrians' ideas, the concern is everyone is using those east/west corridors to get to the beach.

Mr. Alex said they do on those particular three streets from living there all year round. It seems to me the stop signs and that four-way stop, at least in those areas, are improving pedestrian safety getting to the beach.

Mr. Parvin said there are 44 new stop signs, we're deleting 31. The one here (showed on map) evidently we've already put these in so there's four there now.

No one else spoke.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth said we need to make sure Ramy Kemp does take into account high volume pedestrian traffic. I do understand what they're saying about east/west. There's no way to get to the beach other than those three. Everybody in the summer is going to be walking down those streets and we're making this a boulevard, right? That's the traffic flow pattern and we don't have any sidewalks, don't have any bike trails so you've got all those people walking down the middle of the street making it a boulevard. It would be nice to look at a bike trail over there.

- d. Public Hearing to consider changes to Article III Section 8 -47 entitled "Allowable vending and soliciting on public property within the town or managed by the town; restrictions."

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

Michael Cramer said similar to the camping discussion, the next several of these are all related to motions that were made and adopted by council at the November 10th meeting. This one happens to identify the delivery of alcohol to Freeman Park. The only change that is recommended there is the addition of a single sentence at the end. To give you a little bit of clarification I'll read this. "Restrictions for specific areas at Freeman Park: (1) A maximum of four (4) permits shall be authorized by the town to sell food, beverages, camping equipment, firewood, sundries, and beach apparel such as hats, t-shirts and sunglasses. Each permit shall allow a maximum of

two (2) vehicles accessing Freeman Park at any given time." That had been in the past interpreted as and directed by council that we could have individuals get a vending license for Freeman Park to deliver alcohol there. From the November 10th meeting we added a line at the end of that that states, " Deliveries of alcoholic beverages are strictly prohibited so other beverages and things of that nature if a grocery store wanted to have a vending permit license so they could take out food and sodas they could do that but this is strictly just for the alcoholic beverages.

Mayor Wilcox said I don't think we opened the public hearing for the stop signs.

Noel Fox, town attorney, said we didn't. I was going to let you get through this part and go back.

Council Member Friede said this language, a maximum of four permits shall be authorized by the town. It's not that we have to authorize at least one permit for vending out at Freeman Park. Do we not have the language that says a maximum of four permits may be authorized?

MPT Pierce said does that mean that each permit can sell all those items?

Mr. Cramer said apparently most of our permit applicants are selling individual items so they fall underneath one or the other. Could they say that they want to sell all of those things? Yes they could but currently we don't have vendors that actually do that but they can.

MPT Pierce said and two vehicles and they can sell...

Mr. Cramer said that's the existing ordinance that is out there now where they could sell all of those items with two different vehicles.

Mayor Wilcox said I think the reason it says shall instead of may is because our ordinance says that there are four available.

Council Member Friede said are we obligating ourselves to issue...

Mayor Wilcox said it says maximum.

Council Member Friede said shall, we're obligated to issue a permit.

Ms. Fox said you could change it to may.

Council Member Friede said if we take out a maximum of four, okay, permits shall be authorized by the town...

Ms. Fox said you can just put may.

MPT Pierce said I was just a little more concerned that you are looking at four passes times two vehicles, that's eight people out there selling all this stuff.

Mr. Cramer said that is currently the way the ordinance is written and what was requested regarding that motion was strictly on the alcohol delivery.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth made a motion to approve Ordinance No. 14-964 as written. MOTION CARRIED UNANIMOUSLY.

- e. Public Hearing to consider changes to Article IV Section 11-74 entitled "Digging Holes on the Beach"

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

Michael Cramer, town manager, presented. He said as I mentioned before at that same November 10th meeting one of the items that we recommended to help with issues of safety that we're finding out on Freeman Park was to adopt a regulation regarding the filling of holes and trenches created when you're on the beach ramp. We're not prohibiting people from digging in the sand. It is that once you get done you need to fill them back in. This is actually an ordinance that is also in Wrightsville and Kure Beach and at the beginning of the year last year the police chief talked about trying to standardize those and wanting to have this one in there along with another one coming up in leaping off the pier to make it so that our rules were consistent with Wrightsville and Kure Beach also. Basically what this is is making the departing from the beach without first filling in the holes as inappropriate and having a \$100 fine associated with that.

Council Member Friede said the proposed language distinguishes the beach strand from Freeman Park and other areas adjacent to the waters of the Atlantic Ocean but we're only apparently making it illegal to depart the beach strand without having first completely filled in such holes. Wouldn't we want that language to be consistent?

Mr. Cramer said so what you're stating is the name of the section, the filling of holes and trenches created on the beach strand should be consistent with the beach strand, Freeman Park and waters adjacent to the Atlantic Ocean?

Noel Fox, town attorney, said I see what you're saying. After depart you could remove "the beach strand". So, "It shall be unlawful for any person to dig holes, trenches or other depressions on the beach strand and Freeman Park or adjacent to the waters of the Atlantic Ocean and depart without having first completely filled such hole, trench, or other depression."

Council agreed.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Friede made a motion to adopt Ordinance No. 14-960 with the deletion of the words "the beach strand" after the word depart as read by the town attorney. MOTION CARRIED UNANIMOUSLY.

- f. Public Hearing to consider changes to Chapter 11, Article IV Section 11-73 entitled "Penalties and remedies"

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

Michael Cramer, town manager, presented. He said as I mentioned before this also came up at the November 10th meeting. We have in the past raised the fees for annual daily and added a fee for holiday access to Freeman Park. The holiday access

pass is \$50 and at the current time our ordinance says that not having an access pass on Freeman Park is \$50 so we were recommending making that \$100 so that there is a substantial penalty for not having your Freeman Park pass.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Friede made a motion to adopt Ordinance No. 14-965 as written. MOTION CARRIED UNANIMOUSLY.

- g. Public Hearing to consider changes to Chapter 11, Article IV Section 11-75 entitled "Leaping from Commercial Fishing Piers Prohibited"

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

Michael Cramer, town manager, presented. He said this is the last one in this series where we're trying to make our ordinances consistent with other beach communities in the area in prohibiting the leaping off of piers. It does not happen a lot.

Council Member Doetsch said you might want to consider lifeguards, at some point in time in this group because at some times it's a whole lot quicker for them to go out on a pier and jump off than it is to try and get through the surf. Do you want to exclude lifeguards from this ordinance?

Council Member Friede said and any other emergency personnel. My question about this was it says you can't leap, jump or dive off, it doesn't say you can't push somebody else off. Is that already included someplace else?

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Friede said can we change the word "and" to "or" where it says jumps, dives and leaps?

Noel Fox, town attorney read revised language. "It shall be unlawful for any person other than emergency personnel to jump, dive, or leap or in any way propel his or her body from any commercial fishing pier within the Town of Carolina Beach at any time."

Council Member Friede said do we need it to say that you also can't push somebody off? Is that already included someplace else?

Ms. Fox said I don't think that's the intent of the ordinance.

Council Member Doetsch made a motion to adopt Ordinance No. 14-966 with the changes as suggested by the town attorney. MOTION CARRIED 4-1 WITH COUNCIL MEMBER SHUTTLEWORTH VOTING NO.

7. CONSENT AGENDA

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

Items on the consent agenda include:

Minutes from December 9, 2014

Appointing Mark Goddard to the Operations Committee to fill Randy Simon's unexpired term.

Approve Beach Services and Paddle Boat contract with Duke Hagestrom.

Set public hearing date for March 3, 2015 at 7:00 pm or soon thereafter to consider amending the zoning ordinance to allow for dry stack storage facilities in the Marina Business District (MB-1) by right.

Set public hearing date for February 10, 2015 at 7:00 pm or soon thereafter to consider an eating and drinking establishment at a wine and beer specialty shop. Located at 1206 North Lake Park Blvd, Unit C.

Set a public hearing for February 10, 2015 to consider designating no parking areas near the entrance to Freeman Park.

Reschedule the March council meeting from March 10th to March 3rd due to three council members attending the Water Resource Congress Meeting on this date.

Budget Amendments as listed.

Approve amended contract with Martin and Starnes.

8. NEW BUSINESS

- a. Operations Committee request to change meeting time from the first Tuesday of the month at 6:00 p.m. to 10:00 a.m.

(Requested by Kim Ward, Town Clerk)

Michael Cramer said the purpose for changing the time is that the committee would like to be able to convene and go out to job sites and see activities that take place during the day. At night during the meetings they can't do that.

Jerry Kennedy (Operations Committee Member) said what I would like to say is that this is an exciting time at Carolina Beach and also a time for some anxiety for the Town and Employees, and for me as a citizen. It's one of the things when you affect my comfort level, I speak up. I also know and see that when the public speaks before the Council, and you have a committee of expertise that is willing to lend you their time and efforts. One of the reasons for the request in time change is to be able to see and ask about what is going on. They are also willing to have an extra meeting in the evening for public input.

Council Member Doetsch made a motion to change the normally scheduled Operations Committee meetings to 10:00 am and give them the option of holding night time informational meetings for the public at 6:00. MOTION CARRIED UNANIMOUSLY.

- b. Board Procedures – Consider approving amendments to the Planning and Zoning Standards of Practice (SOP) to incorporate the quasi-judicial hearing process for conditional use permits and subdivision variances.

(Requested by Jeremy Hardison, Planning & Development)

Ed Parvin, assistant town manager, presented. He said the Planning and Zoning did vote last month to move to the quasi-judicial process and a lot of that was based on the training we all received this past fall and they actually had a conditional use permit last week where they went through as a practice to go through those procedures and we did a little bit of training after that with them. So they are starting to get very comfortable with that process and procedure and wanted to get your blessing on their SOP changes to incorporate that and begin operating in that manner.

Mayor Wilcox said I think it is a good change, it kind of keeps the whole record in order so that whether we approve or disapprove of something based on their recommendation we're kind of holding the line there with less opportunity for challenge.

Mayor Wilcox made a motion to adopt that change to the SOP for Planning and Zoning. MOTION CARRIED UNANIMOUSLY.

9. NON-AGENDA ITEMS

Council Member Doetsch said on a couple of trips up to the boardwalk I noticed the new cleaning crew up there and I have to say they are doing a great job. Every morning that I'm up there, they're up there and what they're doing is clearly evident and the quality of the work that they've done.

10. CLOSED SESSION

- a. Council will go in closed session pursuant to N.C.G.S. § 143-318.11(3)(6) regarding personnel matters and attorney/client privileges regarding the Snow's Cut Cafe vs. Town of Carolina Beach.


(Requested by Kim Ward, Town Clerk)

Mayor Wilcox made a motion to go in closed session pursuant to N.C.G.S. § 143- 318.11(3)(6) regarding personnel matters and attorney/client privileges regarding the Snow's Cut Cafe vs. Town of Carolina Beach. MOTION CARRIED UNANIMOUSLY.

Mayor Wilcox announced that there was no action taken in the closed session.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 11:30 p.m. Motion carried unanimously.



Kimberlee Ward, Town Clerk

2-11-2015

Date Approved