

**MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL  
TOWN OF CAROLINA BEACH**

**October 10, 2006**

The Town Council of the Town of Carolina Beach met in regular session on October 10, 2006 at 6:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor, Bill Clark; Mayor Pro Tem (MPT), Alan Gilbert; Councilwoman, Pat Efird; Councilman, Jerry Johnson; and Councilman Joel Macon. Also present was Town Manager, Tim Owens and Town Clerk, Lynn N. Prusa.

Mayor Clark called the meeting to order.

***INVOCATION BY GRAHAM REYNOLDS, PASTOR OF SEASIDE CHAPEL***

Since Pastor Reynolds was unable to attend, the town's Public Information Officer, Valita Quattlebaum, gave the invocation this evening.

***PLEDGE OF ALLEGIANCE***

Mayor Clark led everyone in the pledge of allegiance.

***ADOPT THE AGENDA***

Mayor Clark, reviewed the proposed changes to the agenda:

Information was added to Item #14 – Award of Bids for Portable Generators and the Purchase and Installation of Permanent Generators (bid tabulation and engineer's recommendations).

Information was added to Item #17 – Appointment to the Planning and Zoning Commission. Include the following applicants for consideration: Mike Kopitopoulos, Richard Wills, and Justin Donaton. Also noted for clarification, the two terms of Dan Wilcox and Sarah Efird will expire November 18, 2006 and not August 18th.

Mayor Clark asked that Items#15 – Summary of Beach Season and Lifeguard Program – be moved to Item #8(b).

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

***RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE***

Ann Edgar, Police Records Specialist, although unable to attend this evening, was recognized by Mayor Clark for 10 years of service to the Town of Carolina Beach.

Mayor Clark presented Councilwoman Efird, with a framed article that recently appeared on the front page of the Star-News which featured Ms. Efird for her many years of dedicated service to the Town of Carolina Beach as an elected official.

***INTRODUCE NEW EMPLOYEES***

Steve Pagley, Operations Director, introduced two new employees: Robert Adler who is a general maintenance worker in the Environmental Division and Jonathan Burton who is with the Fleet Maintenance Division.

Police Chief William Younginer, introduced two new police officers: Officer Dexter Soward and Office Darrell Trivette.

On behalf of Fire Chief Roberts, the town manager introduced two new firefighters: Terry Brewer and Robert Campbell.

Sarah Archibald, Human Resources Director, introduced Sheila Mallard, our new payroll technician.

Ed Parvin, Senior Planner, announced that we now have a new planning interm by the name of Brian Collie. Mr. Collie was unable to attend this evening.

***RECOGNIZE MR. BILLY LANE FOR DONATION OF FURNITURE TO CAROLINA BEACH POLICE DEPARTMENT***

At this time, Billy Lane had not arrived. Mayor Clark said if he comes in later, they will recognize him at that time.

***ANNOUNCEMENT OF SPECIAL OLYMPICS POLAR PLUNGE***

Mayor Clark introduced Jonathan Batts, New Hanover County Special Olympics Coordinator, and Hillary Duckett, Global Messenger for the Special Olympics. Ms. Duckett gave a brief history of her involvement as an athlete with the Special Olympics and announced that the 2007 Polar Plunge Fundraiser would be held on Pleasure Island, February 17, 2007. She stated it is because of the Polar Plunge that Special Olympic athletes are able to train and compete in Special Olympic events in New Hanover County and state level games.

Jonathan Batts said their base will be at the Marriott and everything will be set up on the Boardwalk closest to the Marriott. There will be bands in tents with heaters inside. This is the third annual Polar Plunge. Last year there were over 350 plungers and this year they are expecting an increase. All the money goes to the Special Olympics programs here in New Hanover County. They are asking the town for parking and tent approval and appreciate the town's support.

### ***SUMMARY OF BEACH SEASON AND LIFEGUARD PROGRAM***

Charles Smith, Police/Ocean Rescue Director, began by explaining what they did different this year than in years past. Several pre-season goals were made for the lifeguard program:

- 1) Be USLA (United States Lifesaving Association) Certified
  - a) develop SOG's – lifeguards went through mandatory 40 hours USLA training.
  - b) recruiting guidelines included a 500 meter swim in 10 minutes or less and a mandatory run test of 1 miles in 10 minutes or less.
  - c) equipment had to be brought up to the national standard, which includes communication plan, binoculars, rescue buoy, rescue 6:47:51, and medical first aid kits for all lifeguard towers.

The beach was awarded USLA Certification in May just before the season kicked off.

- 2) Increase Medical Training – bring up from standard CPR and standard first aid certification to a higher level. This was achieved by using the American Red Cross Emergency Responders Training curriculum, that included the Blood Born Pathogens Training, CPR for the first responder, and AED essentials for the AED oxygen administration. Total medical training was 48 hours.

Approximately 88 hours of training went into the pre-season program.

- 3) Junior Lifeguard Program – two (2) two week sessions with a total of 12 participants. The sessions provided instruction in water safety, physical conditioning, competition skills, first aid, lifesaving rescue techniques, CPR, and the use of professional lifeguard equipment.
- 4) PWC Rescue Team for the 6:49:15 watercraft – a Yamaha wave runner was provided by Britt Motor Sports through the Yamaha loan program and it was used on seven dispatched incidents by the 911 Center. With that and the use of a sled and other safety equipment, we were able to patrol

the waters of the harbor and the ocean front a total of 47 hours along with those seven dispatched incidents.

- 5) Salary Increase – the lifeguards received a salary increase that was approved in this year’s budget. It was the first time in 5 years. The regular lifeguards received a 75 cent an hour increase.

The season began in February with the recruitment process and 27 lifeguards were hired. Training was conducted on eight Saturdays from 8:00 a.m. to 6:00 p.m. Lifeguards took the beach on May 22nd working from 9:45 a.m. to 7:00 p.m. seven days a week. Throughout the season, 309 calls for service were answered for a total patient count of 354 people. New Hanover County EMS response went down from 44 times last year to 23 times this year. In those 23 responses, they transported 15 patients, which were down from 19 from the previous year. Breaking down the 309 calls, there were 279 beach incidents, 10 off beach incidents, Freeman Park, 16 incidents, and assistance to Kure Beach was 4 times.

In summary, the Carolina Beach lifeguards had a very successful season.

***PUBLIC DISCUSSION (Five minute time limit per person)***

The first speaker was Randy Simon from Mona Black Marina. He thanked Council for the opportunity to speak. He said I also want to thank you for the special session held a week ago last Friday in reference to the Mona Black storm drain issue. We spent some 2½ hours working on the project and we had a chance to explain a lot of the details; some were brought forth such as the truck loads of sand that were discovered in this particular storm drain line. I had mentioned between 7 and 17 truck loads were discovered in the storm drain with the remote control cameras in this line which were to see if there were any breaks at the direction of Town Council some five or six months ago. Through this debate, our town manager finally stood up...actually if I could back...Councilman Joel Macon actually stopped me in my tracks and used those words exactly...I congratulate him for doing that, I’ve got to be put in my place every now and then, especially when I make strong accusations such as I did. The findings of that were I mentioned between 7 and 17, our town manager stood up finally after discussing with our supervisor of storm drain and said it was probably closer to the lower figure of 7 truck loads. Please stop me and correct if I make any error. That’s a lot of sand, silt, water, and what have you; there are different estimates such as 10 tons per truck load. In addition to that, it was brought forth that Council, at least a portion of Council, was disappointed that this information was withheld from our Town Council.

In that debate, we kind of overlooked and didn’t get into examining the fire hoses that were used on us in particular at the marina for almost a week period of high pressure water by the use of a fire hydrant and fire hoses, nothing to do with our fire department chief. Unfortunately, all that debris ended up not only in Mona Black Marina but also in

Myrtle Grove Sound, again pollutants and everything else from years of growth inside this line.

Town Council did address and made available \$6,000 to Ms. Black, but they isolated it down to the one incident referring back to June 2004 when the water main was broke, the valves did not work, and the water ran well over 12 hours. They call it the million gallon spill. Pump trucks were brought in to pump out all this debris by our storm drain department to access and to repair the broken line. All this debris was pumped into Mona Black Marina. Subsequently, Town Council stated because of this one act that Ms. Black should be awarded \$6,000. We left and I wasn't aware that another motion was brought forth after we exited the building as presented by our town manager, Tim Owens, to the respect of a release to go along with the \$6,000. It was explained to me that this release would exempt the Town of Carolina Beach from any responsibility in reference to this storm drain system we've been talking about for 2½ years. In other words, the left hand was holding out \$6000; the right hand was holding a cleaver that she dare reach out she'd be exempt her from ever trying to resolute any problem with the storm drain issue which was not resolved.

Mr. Simon said, I stand before you tonight and ask you to reconsider the second motion which made it impossible for Ms. Black to even think about accepting \$6,000 because it did not address in any shape, form, or manner other than I think it might have stated that the town is finally taking some responsibility for what comes out of that pipe even though it is isolated down to the one break.

He said the major issue still remains we have a serious storm drain problem here in the Town of Carolina Beach. You can't look the other way forever. It's an important issue. When you get presented the Harbor Plan, which you are going to be getting very shortly, you will note that storm drain will be a part of that plan.

Mona Faye Black was the next person who signed in to speak. However, she asked if she could give her time to Mr. Simon and Mayor Clark agreed. Mr. Simon said thank you Ms. Black and thank you Mayor for allowing me to do that so I can continue.

Mr. Simon said again we want to work with the town. We're trying to turn this into a positive action that not only will rectify the problem with the marina, but I think from my attending all the Planning and Zoning hearings and Harbor Management Plan storm drain issue is a serious health, environmental, economic (since tourism is our backbone for economics on Pleasure Island), and this must be addressed. Until we identify the problem and accept the problem, we cannot surely come up with a resolution to the problem.

Mr. Simon said, for the first 18 months I just spoke with the storm drain department. I waited a year and a half before it went public. Now I've been here for well over a year, going on a year and a half speaking at Planning and Zoning and I've been very patient. I've been trying to do it respectfully and everything else. I let Councilman Joel Macon who stands as the respector for our town gatherings, and I respect him for that movement.

He'll stop me if I go over the bounds, but I don't know what to do next to bring attention to this storm drain issue. I realize this is going to be a costly procedure but it is going to benefit our children and our children's children down the road and until we admit we have a problem we must proceed. Now I've heard our operations director stand up here, referring to Mr. Pagley, on many occasions, telling Town Council he inspects this line and finds nothing. Finally after Friday a week, I've got evidence in minutes that at least 7 truck loads were taken out of that storm drain referring to that's the remnants of something else that occurred, whatever that is from the previous maintenance. I don't even know if we even have a maintenance schedule on our storm drain system.

The socks put on these things...and Councilman Macon was witness to this on Sunday during our severe rainstorms, it was severe in the fact that we had 5 inches of rain and the socks that were put on were making the situation worse. The socks filled in immediately with debris. We had a lake form at the areas where the socks were because the water was restricted from going into the grates at the two locations at the entrance to Mona Black Marina causing a lake, a traffic hazard, and flooding of St. Joseph Street. Mr. Simon said that he talked to Brian, our superintendent of storm drainage on Monday. He told him about the socks not working and he is going to cut bigger holes in them. Well that's not achieving too much if it's going to solve the water from flooding on St. Joseph Street by cutting bigger holes in these, what I call socks, is not remedying the problem. I met with Councilman Macon there and he witnessed all the debris coming out of the pipes on Sunday. I think he did. I'll let him speak for himself. It created a whirlpool at this pipe where it empties out into Mona Black Marina. The debris was extreme. Silt, sand, mud, discoloration that's how I tell the mud, cigarette butts and you couldn't count them all, paper cups, plates, we get it all, and it's all going into Myrtle Grove Sound. Now keep in mind this is just one of 31 outflow pipes.

Mr. Simon said that he read in the paper that the NC State University is helping Kure Beach in their storm drain issue that opens out into the ocean, the vast Atlantic. They have to post no swimming signs because of the bacteria coming out in that area. We have 31 of these pipes flowing out into our small Myrtle Grove Sound. Again, I'm not a scientist, but common sense would dictate we have a serious bacteria problem, if they have bacteria problems and have to post no swimming signs on their beach. We must address this issue. I want to keep this active right now. We're not a part of it because the conclusion ended. We can't accept the conclusion that Town Council...respectively we can't accept it - the money.

Mr. Simon said, please put us on the agenda. Please find out what storm drain has done; better yet what they have not done because of the fire hoses. Please launch some kind of investigation that will satisfy Ms. Black and the people of Pleasure Island, in particular the people of Carolina Beach. Thank you.

JoAnne Campbell who resides at 304 Bay Court said, Mr. Mayor and Council Members I would like to address several issues.

First, this Council criticized the former Council for not conducting meetings at times when citizens could attend and participate, but this Council has changed the meeting times and discarded the workshops which give you members an opportunity to study the issues and to do your homework on those issues. Not only do you carry over Council meetings to times when citizens likely cannot attend, but it also appears that you load the heavier issues at the end of the Council meetings so that they will likely be carried over. The meeting at 4:00 yesterday was a case in point where grant issues, height issues and master plan issues were discussed before an audience of approximately 10 citizens who were given no opportunity for public discussion. The town attorney was not even in attendance, although despite the fact that legal matters were discussed and should have had his input. Ms. Campbell asked, why were Council members given new material to look at if yesterday's meeting was a continuation of last month's session. The material presented should have been in your packets issued six weeks ago. Yet, Mr. Owens stated that he realized that Council had not had a chance to look at some of the material you were discussing.

Council members need to review definitions and applications of terms relating to town government. Your inexperience in management of our town and your lack of knowledge regarding federal and state mandate in government is showing very clearly. Some of you even seem to have difficulty in understanding basic terms, such as the purpose of a Land Use Plan or that an ordinance is the law.

In yesterday's meeting, I heard discussion of using grant money for different projects than those they were written for. Grant makers, including the state and federal governments, issue funds for specific purposes which are very clearly outlined. Using those funds for other purposes may result in lawsuits or the requirement that you repay the funds issued. At the very least, you are looking at considerable grant underwriting and compromising of our grants. Council is not only jeopardizing these funds by micromanaging and second guessing prior decisions on projects but also seeing increased construction costs due to delays. That's certainly not an efficient use of the town's money. Ms. Campbell continued, and Mr. Gilbert the reason behind improvements to the streets in the North End is not only to get people up to the pier or Freeman Park but also to get them down to the Central Business District where they will hopefully shop, dine, and otherwise enjoy the town.

The Council has seemed to spin its wheels since the new members took office. Very little has been accomplished despite a great deal of rhetoric. You have scared away developers and new growth by requiring people to come to the table multiple times after they have met all building ordinances. You insist on a height overlay to our Zoning Ordinance, playing the game of sending height ordinance suggestions back and forth to P&Z and disregarding all of the work done for the 2005 Land Use Plan revisions. You are already sending it back to P&Z as a result of yesterday's meeting. Mr. Johnson, as former chair of the P&Z, you voted for the 2005 Land Use Plan, which P&Z developed, and which called for a height limit of 50 feet in most areas with the possibility of 60 feet under special situations. You aren't supporting your own past votes in insisting on a lower height requirement. Mr. Owens I am afraid I have to differ with your statement

that you “did not hear we need a master plan” in recent P&Z meetings. I was at the last P&Z meeting where the message they sent to Council was very clear. P&Z wants a master plan not a height overlay. Why does Council not just disband the P&Z Commission if you are not going to listen to them? Mr. Clark your statement that staff can do the master plan since we didn’t receive Main Street funds is as ridiculous as asking a general practitioner to do brain surgery. Our staff already have full time jobs that they should be concentrating on. Mr. Owens, in your discussion on the height overlays your statement that “I’m not a developer or builder but it just appears to me that 50 feet is adequate” was unworthy of a professional town manager. We’ve been reduced from a master plan to a height study to the town manager picking random numbers out of the sky to fill a map. You are supposed to be an expert, who if he doesn’t have an expert answer, knows how to find that expert answer. Act like the professional you are supposed to be and insist that this Council acts responsibly also.

My recommendation is that the Council stop playing games, trying to go around your own committees, and get down to business. You ran for a master plan, so hire experts to develop one. Don’t try to belittle past work or to bypass proper procedures. Give us some real leadership, some real plans, and make Carolina Beach better. Work to attract new business to our town and let us see some real work and some real progress. Thank you.

George Connett a resident of 1321 Cabo Court said Mr. Mayor, Council I am here tonight to clarify misinformation being recorded in the Island Gazette. In a recent letter to the editor, a citizens’ organization I belong to was accused of attacking Council and staff. Not only was the organization accused, I was personally accused. These accusations were a result of a letter to the editor from Mr. Gilbert. Mr. Gilbert’s accusations are not only false, they are irresponsible.

In addressing my concerns, I’d like to read three quotes. Mr. Gilbert these are your statements from the candidate’s forum held at the Marriott prior to the elections. This is what you promised the citizens when you asked for their vote. Quote one, I expect to represent the best interests and concerns of the citizens. Quote two, we must disregard the attitude if you are not with me then you are against me. And finally you promised the voters, and I quote “I can step outside my personal feelings and respect an alternative view without taking it personal.”

Now Mr. Gilbert I am just an ordinary citizen so maybe... Mayor Clark interrupted Mr. Connett at this point and said Mr. Connett if you would I’m not going to allow personal attacks on the Council. Mr. Connett said this is not personal, this is really not personal. Mayor Clark responded it sounds personal. Mr. Connett said no, it’s not personal. Again Mayor Clark said it sounds personal. Mr. Connett said no, it’s everything he said. Mayor Clark continued it sounds personal. Mr. Connett reiterated it’s not personal. It’s not a personal attack period. Mayor Clark said keep it nice. Councilman Macon said I once had a former Mayor stop somebody from trying to read the Bible to us for five minutes and I’ve always been of the opinion I don’t care what somebody’s up there telling me, they’ve got five minutes. That’s just always been my ... I mean that’s why I live in

America. He's not cursing. Mr. Connett said this is clarification. Mayor Clark said alright, keep it nice then. Mr. Connett replied, I have. This is all fact. Everything in this I'm talking about is fact it's not derived or personal. Mayor Pro Tem Gilbert said I'm not taking this personal. I think it's fine.

Mr. Connett continued, now Mr. Gilbert I think I said I'm an ordinary citizen. I don't understand how politics works maybe you can make promises and not keep them and the people that vote for you maybe they are okay with that. I don't know, but I know this, when you send a letter to the local paper directly attacking a citizen because that citizen questions your decision or because that citizen belongs to an organization that expresses alternative views that to me is personal. In fact, in your letter you mention my name 7 times. Not only was that personal that was vindictive and an attempt to belittle me as a citizen and taxpayer. Apparently what you missed is that the articles you responded to are the opinions of a whole group of citizens. They were not mine alone. You can trust me on that. Your letter didn't show respect for the citizens because I am a citizen and you don't respect me. Your letter didn't show that you can disregard your them against us attitude because your letter was full of attitude. Your letter didn't show an ability to step outside your personal feelings and respect my viewpoints because you try to make me look bad for voicing my viewpoints. And lastly, your letter proves to me that you're incapable of hearing criticism without taking it personally. You're like a little kid who can't resist biting his playmate. Now Mr. Gilbert elected officials are supposed to be mature. They are supposed to have integrity and character. I think your letter shows that you fall short on all those attributes. You promised the citizens a master plan and you haven't taken the first step towards one. Now you claim you are trying to save the citizens money by looking at a 5 year old market study. That's just more spin and no action. It doesn't take almost a year to look at a 66 page market study. Maybe you should be more worried about how much revenue this town is losing as a direct result of not taking action on a master plan. I can see the condition of the Boardwalk and the CBD. As a tourist, I wouldn't come here and spend any money. You promised you would and I quote "ensure non-partisan participation on the committees" yet you ignored the nomination of a more qualified applicant in order to appoint a friend that shares your viewpoints. Mr. Gilbert you are also the town DOT representative, but according to your letter, you are expecting staff to be responsible to go after grants that the previous administration dropped right in your lap. Going after grants is your responsibility. All you have to do is take care of business. It's just more spin. You were elected to work for the citizens to make good decisions that benefit our community but all you seem to want to do is blame others. You blame the old administration for not having a master plan and almost a year after the elections you haven't done anything to promote a master plan, nothing. In fact, you've intentionally avoided the issue. Mr. Gilbert you and your two running mates asked for this job. You got it. Stop short cutting the citizens, stop blaming everything on developers, the old administration, or slower market, or issues that predate your election. I suggest the three of you get your heads out of the sand and get to work or resign and let somebody else come in that isn't afraid to do the job. This is a pitiful excuse for town leadership and your lack of leadership is dragging the town down along with it.

Mayor Pro Tem Gilbert said I would like an opportunity, just a second to respond to Mr. Connett's opinion piece that he wrote discussing surfing buddies. Mr. Connett shared with me once that he was here to make as much money as he could one day and move on to Charleston. So I have a personal relationship with Mr. Connett. I know he didn't support me during the election. I don't want to politicize these things, but personal is personal and I will try to be as transparent as I can and work as hard as I can. I will represent this town to the best of my ability. If it's not to the expectation of the people who voted for me please vote me out. If I'm not doing the job, vote me out, but I think I've got such a good response from what I've been doing so far and I'll continue to do it. Mr. Connett didn't give me the courtesy of staying but I know what his initiatives are and it's to make as much money as you can and then move on to Charleston. He shared that with me and I think he should have stood here and replied. Anyway, thank you.

**Councilwoman Efird made a motion to approve the Consent Agenda, as follows:**

***APPROVAL OF THE MINUTES***

Regular Meeting	August 8, 2006
Special Meeting	August 9, 2006
Special Meeting	August 28, 2006

Consider request for the following budget amendment and transfers:

**Amendment-Environmental**

In the 05/06 budget there were monies approved for lighting improvements at the Carolina Beach Lake. These monies were not expended within that budget year; therefore, Steve Pagley has requested that these monies be brought forward into the 06/07 budget. The request is to increase the unappropriated fund balance line item 103990.00 in the amount of \$ 12,149 and increase expenditure line item 105800.13 in the same amount.

**Amendment-Parks and Recreation**

All the monies which were appropriated in the 05/06 budget for the NCDOT Tea 21 Trail Project were not utilized therefore the Parks and Recreation Director, Ted Lashley, is requesting that the remaining balance be brought forward into the 06/07 budget. The amendment will be as follows: Increase 103990.00-Unappropriated Fund Balance in the amount of \$76,637.50 and increase expenditure line item 106200.74-Capital Projects over \$10,000 in the same amount.

**Transfer-Police**

The Police Department has had an additional Police Officer retire who is entitled to a monthly separation allowance. The monies needed for the remainder of the year is

\$1400; therefore, the Police Chief is requesting that \$1400 be transferred from account 105100.02-Salaries into account 105100.00-Separation Allowance.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to the Code of Ordinances, Chapter 2 Administration, Article III Officers and Employees, Section 2-49 Criminal History Check

Appoint Magistrate Sam Long to the Police Advisory Committee to fill the unexpired term of Magistrate Ralph Ellen.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider a modification of a conditional use permit for an 11-unit multi-family development located at 406, 408 and 410 Canal Drive.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for The Palms, a multi-use facility located at 1300 N. Lake Park Blvd.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for Sea Side planned unit development for 4-single family homes at 1704, 1708, 1710 and 1710A Carolina Beach Avenue N.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter for a request for a conditional use permit for Sea Side, single family homes under planned unit development located at 1701 Carolina Beach Avenue North.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for Victory Village, a multi-use facility located at 105 and 107 Charlotte Avenue.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to Chapter 11 Parks and Recreation, Article IV Freeman Park.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter for a request for a conditional use permit for a restaurant located at 6 N. Lake Park Blvd.

Set a public hearing date for November 14, 2006 at 7:30 p.m. or soon thereafter to adopt a hotel-minimum ordinance.

Approve the proposed Pleasure Island Chamber Lease and instruct the Mayor to execute.

Approve the sponsorship of the NC Inlet and Waterway Luncheon in the amount of \$2,000 for the annual conference of the NC Beach, Inlet & Waterway Association on November 14, 2006.

Mayor Clark commented about the good work Magistrate Ralph Ellen has done for many years for the Police Advisory Committee.

Mayor Pro Tem Gilbert suggested showing the fair market value of the rental space for the Pleasure Island Chamber and then apply the discount as an actual contribution to the Chamber to make sure everything is equitable and to track the revenues.

**MOTION CARRIED UNANIMOUSLY**

***CONTINUED DISCUSSION CONCERNING CAPACITY EXPANSION FEE FOR LIFT STATION NO. 1***

Mr. Owens stated that at the September meeting a \$0.97 per gallon user charge was approved. At that time, there was some concern whether we could charge the entire town and focus solely on Lift Station No. 1. This question was referred to Jeff Hughes at the Institute of Government and his response was we could charge something of that nature, but it couldn't be isolated for Lift Station No. 1. The main premise behind the \$0.97 was to help fund that lift station which is in need of repair. As far as the amount goes, Mr. Owens said this is not something he thinks we should do.

Some of his suggestions to raise additional funds are to:

1. Raise facility fees (although he doesn't feel this is a very good option)
2. Charge the \$0.97 fee to those who solely use Lift Station No. 1
3. Raise rates (this may be something we need to do yearly)

The main flaw with Lift Station No. 1 is that it does funnel the majority of sewer up to the lift station. In the next two to three years we have a lot of water/sewer needs to accomplish. We are going to be close to the 5 to 6 million dollar range with these water/sewer improvements. The lift station alone will be a million and a quarter to a million and a half. We are looking at a debt service over a 15 year period of about \$400,000 - if it is \$4,000,000 in capital that we need to do.

Recommendations from Mr. Owens are:

1. For the large projects that may want to go to Lift Station No. 1 most of them are under the conditional use permit process. In that CUP process, we do require a road infrastructure plan at times. We can require the same exact thing for these developers. If you feel like it is going to have a negative impact, they need to show us why its not.
2. Contact Engineering Services to get something on paper regarding what they feel like we can handle as far as growth goes--what has occurred and what may occur and put that in perspective.

3. A rate study – this is done on a yearly basis but we need a more long term plan with this debt service that we are going to undertake.
4. Vote to not impose the \$0.97 per gallon fee and consider refunding the one or two people who have paid that fee.
5. Remedy the water loss situation that's occurring, continue to look at I/I, rates, fees, and attempt to hold the line on future budgets.
6. Explore other sources of revenue.
7. Research getting some grants.

Mr. Owens gave a breakdown of revenue estimates that he has considered. It takes into account several different scenarios: what a 3 bedroom would look like with the \$0.97 fee, an 80 room hotel, a 100 seat restaurant and a 15 person office building. All of these are a drop in the bucket as far as the amount of need that is required over the coming years. The facility fee would equate to a decent sizable sum that could go towards this debt service.

Council gave Mr. Owens direction to do the long term rate study with Engineering Services and our Operations Advisory Committee. Mr. Owens said he will find out the cost and process for that study. Councilman Johnson requested that the study include where Lift Station No. 1 maxes out.

**Mayor Pro Tem Gilbert made a motion to rescind the \$0.97 fee, go forward with the fee study, refund the \$0.97 fee to the folks who have actually paid that, and go forward with Engineering Services on guidance for Lift Station No. 1 on the engineering. MOTION CARRIED UNANIMOUSLY.**

***CONSIDER AMENDING ARTICLE 3.7 ZONING DISTRICTS DESCRIBED; 3.9(7) HEIGHT REGULATIONS; 8.6 BUFFER YARD LANDSCAPING; AND 3.9.1 DIMENSIONAL STANDARDS FOR LOTS AND PRINCIPLE STRUCTURES (Item #12 will not be held this evening. Recommendation is to table this item to 11/14/06.)***

Mr. Owens informed Council that this is the 40 foot overlay on the Planning Board's agenda for their Thursday meeting. If we continue this to November and the Planning and Zoning Commission hasn't resolved their concerns, then we won't be having a public hearing.

**Councilwoman Efirid made a motion to continue Item 12, Consider Amending Article 3.7 Zoning Districts Described; 3.9(7) Height Regulations; 8.6 Buffer Yard Landscaping; and 3.9.1 Dimensional Standards for Lots and Principle Structures to the regular meeting in November. MOTION CARRIED UNANIMOUSLY.**

***WATER USE AND HARBOR MANAGEMENT PLAN (Item #13 will not be held this evening. Recommendation is to table this item to 11/14/06.)***

Mr. Parvin reported that the Planning and Zoning Commission had a workshop a couple of weeks ago with Dr. Imperial. In that workshop, there were a lot of changes that were requested and they are still in the process of doing some strikethroughs of the text and modifying the language. The text will be ready for the meeting but because Planning and Zoning hasn't had a chance to review it, they would like to table that at their Thursday meeting until their November 9th meeting. Therefore, this will not come before Council until the December meeting.

**Councilman Macon made a motion to table the Water Use and Harbor Management Plan to the December regular meeting. MOTION CARRIED UNANIMOUSLY.**

***AWARD OF BIDS FOR PORTABLE GENERATORS AND THE PURCHASE AND INSTALLATION OF PERMANENT GENERATORS***

Mr. Pagley said that he went through the formal bid process two times, since the first time it was a little confusing on what came back to them. He said there was a formal bid opening on October 5th, 2006 at 2:00 p.m. at Town Hall. Nine bids were received. Mr. Pagley's recommendation to Council is to approve the bids to Covington Diesel for the equipment and Cape Fear Generators (EWE) for the installation of the equipment.

Councilman Johnson questioned Mr. Pagley about his recommendation. Mr. Pagley explained EWE has done work for the town and we have a good relationship with them. They have also provided a lot of work for free. They have adjusted our ball field lights, assisted Mr. Pagley during emergency situations, and have also provided weekend and after hours assistance. He feels the town will receive good, quality work. Mr. Owens commented that the two bids were still better as far as the total project was concerned. Although Councilman Johnson understood that, he wanted to know was it possible to talk to some of the other bidders whose labor costs were less to see if they would consider doing the labor of Covington Diesel's installation and at the price they quoted in their bids. Mr. Owens said this was possible but they would really like Council to consider the recommendations they have made. Mayor Pro Tem Gilbert's main concern is to make sure that Covington Diesel will have their product under warranty even though EWE is installing the equipment. He doesn't want any finger pointing to occur between the two companies and Mr. Owens agreed with his concern.

Mr. Owens clarified they are asking Council to approve this but it is contingent upon receiving financing. All documentation will come back to Council for approval at the next meeting.

**Councilman Macon made a motion to award the bid for the generators to Covington Diesel and award the bid to Cape Fear Generators for installation of the electrical work. MOTION CARRIED UNANIMOUSLY.**

***DESIGNATE A VOTING DELEGATE AND ALTERNATE VOTING DELEGATE FOR THE NCLM ANNUAL BUSINESS MEETING***

**Councilman Macon motioned to nominate Councilwoman Efird as the voting delegate and Mayor Clark as the alternate voting delegate. MOTION CARRIED UNANIMOUSLY.**

***APPOINTMENT TO PLANNING AND ZONING COMMISSION***

**Mayor Clark made a motion to reappoint Mike Kopitopoulos as a Planning and Zoning Commissioner. MOTION CARRIED 4- 1 WITH COUNCILMAN MACON VOTING NO.**

***WATER AND SEWER FACILITY FEE POLICY***

Mr. Owens stated he saw a need for a water and sewer facility fee policy. He wanted to make sure that something was in writing so people understood when they were and were not to pay facility fees. The biggest change has to do with restaurants and taking facility fees from one restaurant to another. There are 9 different policies:

1. New Construction, Modifications to Existing Structure, Change of Use, Expansions and Redevelopment – Prior to issuing a building permit and preferably early in the discussion process, facility fees will be charged.
2. New Construction to Pay in Full Prior to Receiving Water Service – All new commercial and residential construction, modifications, changes of use, expansions, and redevelopment, shall pay the water and sewer fee, in total, prior to a zoning permit or building permit being issued or water service being provided. In the CBD, a policy was adopted to encourage development in the area and the payment of the facility fee may occur over an extended period per the policy. Mr. Owens gave the Marriott as an example of a business being allowed to pay over an extended period of time. Mayor Pro Tem Gilbert was concerned there are no small business incentives in the Central Business District. He proposed in their next goal setting session, there should be fee discussions on financing fees to stimulate small businesses.
3. Increasing Meter Size at an Existing Residence or Commercial Facility without Adding onto the Structure – You are not charged anything different if you increase your meter size.

4. Increasing the Impact of an Existing Residence or Commercial Facility – This addresses if you add seats to a restaurant or add a bedroom to a home you have to pay an additional fee.
5. Redevelopment – These are one time development or impact fees. Redevelopment will get credit for what was there prior. This should include if you have something damaged beyond repair, demolished, or a major fire. Take a look at what the current rate is versus the proposed rate.
6. Transferring of Fees – This goes back to the restaurant situation. An example is if a restaurant is built and then a decision is made to move somewhere else, fees should remain with that facility; your fees remain with the existing building.
7. Responsibility of Owner or Leaser to Prove Fees Paid – We try to account for what fees have been paid for what structures but it is the owner or leaser responsibility to prove what was paid.
8. Audit and Remedy of Violations – This gives us the ability to take a look at existing restaurants and go in and count seats. In homes, someone might have turned the downstairs into three bedrooms when it should have been a playroom or rec room. It gives us auditing opportunities.
9. Other Capital Reserve Decisions not Covered by This Policy – If something comes up and it isn't specifically in this policy, then the town manager brings it back to Council and a policy is created for it.

Council will ponder this policy one more month before making a decision.

#### ***UPDATE ON WILMINGTON BEACH PROGRAM***

It was reported by Mr. Owens that Engineering Services has an environmental consultant working on this project particularly the wetlands situation. It took 7 months to get an on-site meeting and another meeting has been scheduled with the Corps and a representative from Water Quality. There are hopes that at the meeting in November there will be clearer guidance. The general consensus is the concern that it is going to open it up to development. This will be brought back to Council at the December meeting.

Mayor Pro Tem Gilbert asked for confirmation that we will continue to maintain those roads and the manager agreed they will keep them graded and make them passable. Councilman Johnson asked if there can be an insert in the water bill to advise the people what the problem is regarding this project. Mr. Owens said he would prefer to wait until December when we have more clarification as to how we will proceed and then do some type of notification. Mayor Pro Tem Gilbert suggested in December Mr. Owens could discuss how to phase in this project. Mr. Owens replied the problem with the phasing is the financing part of it. However if we can't get it all permitted, we can look at a different option.

This was tabled to the December meeting.

### ***POLICE TAKE HOME VEHICLE PROGRAM***

Chief Younginer reported there are a total of 15 vehicles that are taken home which leaves 11 vehicles still available. However, there are a couple of officers who live far and won't be able to participate in this program. The ones participating now are within a 15 mile radius.

Chief Younginer recommended that they implement the take home vehicle program and let the town manager decide when to add vehicles. Although he is not ready to implement this program 100%, he can add 4 more vehicles. Mr. Owens said the total program is going to talk approximately \$12,500. It is an added benefit to our police officers and our town. Mayor Pro Tem Gilbert asked if there is a tracking process to show Council in the next few years that the program is working and it can be justified to the taxpayers. Chief Younginer assured Council they have a tracking program.

**Councilman Macon made a motion to extend the vehicle take home program to all officers and have Mr. Owens be in charge of administering the program. MOTION CARRIED UNANIMOUSLY.**

### ***PURCHASE OF A POLICE VEHICLE (TRUCK) FOR FREEMAN PARK OFFICER***

Chief Younginer asked to purchase one truck for Freeman Park. Two officers have been approved but a truck was not budgeted for this year. In lieu of financing the truck, the request is to have budget transfers so they can take it from money they already have. The purchase price is just under \$23,000.

**Councilman Macon made a motion to purchase a new truck to be used at Freeman Park and have the line items transferred as presented. For future discussion Councilman Macon commented that he would also like to see more attention be paid to the lifeguards and some of their needs. MOTION CARRIED UNANIMOUSLY.**

### ***DIRECTION ON UPDATING AND READOPTING THE TOWN ZONING MAP***

After doing some investigation, Mr. Owens said the official zoning map of the town is the one that was adopted on October 10, 2000 with approximately 14 to 15 amendments. Around 2003 or 2004, McKim and Creed undertook a process to change everything over to a digital format. However that zoning map was never adopted. Staff is seeking direction or asking Council to give the Planning Board some direction on how to proceed. It is imperative that we do adopt a digital map and make sure all updates and items are on that map. There are some discrepancies between the 10/10/2000 map and the one that was looking to be adopted in 2003 or 2004. He said this is on the Planning and Zoning's agenda for Thursday night for discussion.

Councilman Macon thinks they should adopt the map they have been using for the past 6 years. Mayor Pro Tem Gilbert suggested taking the official zoning map of 2000 and make sure the digital map is up to speed and then start going through the process. Mr. Owens said he thinks it is important that P&Z and Town Council take a look at all the different versions of these maps and decide what they want as the official zoning map. Councilman Johnson said it sounds like you are talking about 2 different maps with amendments. Mr. Parvin said that's right. Mr. Owens stated the main difference between the 2000 map and the digital map are primarily at the North End around Virginia and extending up to Freeman Park and the condo complex near Freeman Park and the other area is a parcel in Kure Beach which was annexed that was thought to be a part of Carolina Beach.

Mr. Owens was comfortable with the direction given by Council and reiterated that it is on P&Z's agenda for Thursday.

### ***NON-AGENDA ITEMS***

Mr. Clyburn, Town Attorney, said there are three items that need to be discussed in closed session. At the appropriate time, he will need a motion that we go into closed session under GS143-318.11(a)(5). There are some litigation issues, a personnel issue, and some real estate issues.

Mr. Owens said at yesterday's meeting they talked about the Kure Beach/Carolina Beach Sewer Authority. Clarification is being sought from our attorney as to whether we should accept partial payment. Mayor Pro Tem Gilbert said Kure Beach had offered a check as partial payment until the fees are negotiated but it was never cashed. Discussion was to put forth a motion from this Council to accept that check. Mayor Pro Tem Gilbert asked Mr. Clyburn do we need a document from you that explains this is partial payment or can you give Council clarity as to the actual motion that needs to be made to accept that check. Mr. Clyburn said we would be fine if we could have a motion to accept that as a partial payment towards the ultimate balance due.

**Mayor Pro Tem Gilbert made a motion that we accept Kure Beach's offer of the \$113,000 plus or minus as a partial payment towards the total amount due Carolina Beach for the Sewer Authority fees. Upon questioning from Councilman Macon, Mr. Clyburn said I think we can accept and negotiate the check in a way that everybody understands that it is a partial payment and that it can't be construed as a compromise of a disputed claim. He continued there is a way to do that and he can do that in working with their town attorney to make sure everybody understands that we are accepting this but only as a partial payment and we don't accept this as a final settlement of the disputed claims. MOTION CARRIED UNANIMOUSLY.**

Valita Quattlebaum announced the New Hanover County school system has agreed to be our partner in the Safe Routes to School Grant Program. There will be a workshop in September when Carolina Beach Elementary School reopens. We will work with them on the grant application from NCDOT.

Brian Roberts informed everyone this is National Fire Prevention Week. We have a county wide and joint venture with the City of Wilmington and Wrightsville Beach. There will be representatives at the mall this Saturday doing a county-wide fire prevention program. We will also be out tomorrow afternoon at the local daycare on Winner Avenue. This weekend is also the annual seminar in Hampstead for the Eastern Firefighters Association. Lastly, they are continuing an investigation on the big fire of a week ago. It was an intentionally set fire and hopefully some good things will be happening with that soon.

Chief Roberts ended with an update of his department. He said they are fully staffed and have two fire engineers per shift. They work 7:00 a.m. to 7:00 p.m. seven days a week. After 7:00 p.m., they are dependent on the volunteers; although if it is a large fire, he will bring in his paid staff. The work has quadrupled just by having the other firefighter on duty. Some of the hydrants are being painted. They are tested and serviced two times per year.

Mayor Pro Tem Gilbert said Buddy Kinley is a town employee who has been in Iraq. His wife Kristi died a week ago. She was a good person, good mother, and a good friend.

Councilman Johnson asked if we still have an ordinance in place about clear cutting lots. Mr. Parvin responded with the language that we adopted for clear cutting is it encourages you to preserve trees but on a residential lot you are allowed to clear cut your lot.

The next item Councilman Johnson addressed was in reference to the transportation workshop they are going to have in the near future. He would like Council to consider taking a trip to Ocean Drive in South Carolina to look at their Main Street entrance into the beachfront. He feels it would give them some insight of what Lake Park Blvd. could possibly look like and some good ideas.

***CLOSED SESSION [G.S. 143-318.11(a)5 (personnel) and 6 (real estate)]***

**Mayor Clark made a motion to go into closed session under G.S. 143-318.11(a)5&6. MOTION CARRIED UNANIMOUSLY.**

**Mayor Clark made a motion to return to open session. MOTION CARRIED UNANIMOUSLY. After returning to open session, Mayor Clark announced that no action was taken during closed session.**

***ADJOURNMENT***

**Councilwoman Efirid made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Lynn N. Prusa  
Town Clerk

Approved: \_\_\_\_\_