

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

November 14, 2006

The Town Council of the Town of Carolina Beach met in regular session on November 14, 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, Alan Gilbert; Councilwoman, Pat Eford; Councilman, Joel Macon; and Councilman, Jerry Johnson. Also present was Town Manager, Tim Owens and Town Clerk, Lynn N. Prusa.

Mayor Clark called the meeting to order.

INVOCATION BY D. A. PORTANTE, PASTOR OF CHRISTIAN MISSIONARY ALLIANCE CHURCH

Pastor D. A. Portante 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:

Item #16 – Tabled – Consider a Modification of a Conditional Use Permit for an 11-Unit Multi-Family Development Located at 406, 408, and 410 Canal

Item #19 – Tabled – Consider a Request for a Conditional Use Permit for Sea Side, 2 Single Family Homes Under Planned Unit Development Located at 1701 Carolina Beach Avenue North

Item #20 – Tabled - Consider a Request for a Conditional Use Permit for Victory Village, a Multi-Use Facility Located at 105 and 107 Charlotte Avenue

Item #21 – Tabled - Consider a Request for a Conditional Use Permit for a Restaurant Located at 6 N. Lake Park Blvd.

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

RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE

Billy Lizak, Waste Water Treatment Plant Supervisor, was recognized by Mayor Clark for 30 years of service to the Town of Carolina Beach and his upcoming retirement.

Mayor Clark presented Ralph Ellen, Magistrate, with the key to the Town of Carolina Beach and thanked him for his service on the Police Advisory Board.

INTRODUCE NEW EMPLOYEES

Brian Roberts, Fire Chief, introduced two new fire engineers, Bob Campbell and Terry Brewer.

PRESENTATION BY DR. JAMES HERSTINE CONCERNING THE DEVELOPMENT OF THE 2008-2013 PARKS AND RECREATION MASTER PLAN FOR CAROLINA BEACH

Parks and Recreation Director, Ted Lashley, introduced Dr. James Herstine an Associate Professor with UNCW. He is helping us with our Parks and Recreation Master Plan and will explain the process we will be taking and answer questions. Data collection has already begun.

Dr. Herstine explained the process regarding the Parks and Recreation Open Space Master Plan. The next six months will be the data collection time period. A minimum of two public hearings will be held with the dates and locations advertised. There will be interviews with key personnel both in the community itself and Council members, the Recreation Advisory Committee or any other town staff. There will be at least one focus group held. Dr. Herstine would like Council to help identify the appropriate people for him to interview and to sit on the focus group. He would like to get as much detailed information as possible concerning the Parks and Recreation needs for the town.

Once the data is collected, he will present a document to the Parks and Recreation Committee for their review and comment, and then come to Council with the draft to get further input, and then the final document will be put together. Our plan is to cover the years 2008-2013. There will also be a futuristic section that will talk about what might be some potential things that will come up beyond 2013. The recommendation is that this be a living, working, practical document that can move the town forward in the area of parks and recreation.

Mayor Clark asked Dr. Herstein to share why it is important to have a master plan when going after grants. Dr. Herstein said it is nearly impossible to get grants if you do not have a parks and recreation open space master plan of some type. There is a lot of grant money available but there is a lot of competition for it. Anything you can do to give yourself an advantage over others when trying to get grant money is worth doing. Mayor

Clark pointed out that Dr. Herstein has recently done the New Hanover County Master Parks Plan so he has a lot of data that pertains to the county that he can work from. Dr. Herstein said the town staff has been extremely helpful and responsive to information he has requested and asked for.

Mayor Pro Tem Gilbert made a motion to have two people from the Freeman Park Ad-Hoc Committee, two people from the Parks and Rec Committee along with Mr. Lashley and Ms. Quattlebaum to appoint some people who are willing to participate with Dr. Herstein. Councilman Macon pointed out we have the Dixie Youth League and the soccer league and we should pull from those organizations also. The town manager said the four people are the stakeholders and if we can get a diverse crowd that is what we are looking for. He pointed out the focus group will come later. Right now we are looking at stakeholders, people to interview that know something about recreation in our area and how it ties into the community. Councilman Macon said he definitely wants the youth and soccer league contacted and let them know what we're doing so they can be included in the process. Mr. Lashley agreed with Councilman Macon. He said that Heather Kenny from the Parks and Recreation Committee and Mike Bennett from Pleasure Island Soccer have expressed interest in helping us out so that will take care of baseball and soccer. The motion on the floor was to have two people from the Freeman Park Ad-Hoc Committee and two people from the Parks and Recreation Committee to serve as the four key stakeholders. MOTION CARRIED UNANIMOUSLY.

PUBLIC DISCUSSION – (Five minute time limit per person)

Mayor Clark said quite a few people have signed up to speak about Freeman Park. There is going to be a public hearing on the Freeman Park issue so those who want to speak on that issue can speak at that time.

Robert Ward a resident of 302 Canal Drive said that recently it has come to his attention through the newspaper and other articles and things that we're constantly berating this City Council. It's gotten to the point now that I'm here to thank the City Council and the Mayor on both sides of the aisle for your hard work. No matter how you come down on an issue I recognize this is a thankless job and you're not getting rich from this job. It just goes back and forth and I hate to see that.

Secondly, I was wondering if there's going to be any improvements on the Canal Drive infrastructure. Does anybody know? When it rains, it's getting bad over there. Mayor Clark said go ahead and present your discussions and we'll take notes and look at them later. Mr. Ward said okay and he just wanted to know if there was anything going on there. Mayor Clark said thank you for your vote of confidence.

The mayor called George Connett next. Mr. Connett decided to pass at this time.

CONSENT AGENDA

Approval of the Minutes

Regular Meeting	September 12, 2006
Special Meeting	September 29, 2006

Consider Request for Budget Transfer:

The Police Chief is asking that \$1000 be transferred from line item 105100.45-Contract Services and \$1011.82 be transferred from account 105100.16-Maintenance and Repair of Equipment and that the total be placed into the Executive Department 104200.74-Executive Capital Projects. This transfer is needed for additional monies to replace the recorder system lost in the Police Department due to lightning damage. This is a transfer and requires your notification.

Adopt Resolution No. 06-876 (*Exhibit 1*) endorsing the application for the NCDOT 2007 Bicycle and Pedestrian Planning Grant Initiative

Adopt Resolution No. 06-877 (*Exhibit 2*) financing ten generators with BB&T.

Approve request to promote an interim wastewater treatment plant superintendent.

Set a public hearing date for December 12, 2006 at 7:30 p.m. or soon thereafter to consider the adoption of an official zoning map and all zoning map amendments since October 2000.

Set a public hearing date for December 12, 2006 at 7:30 p.m. or soon thereafter to consider amending the Zoning Ordinance, Article 12.2 Development Standards for Particular Uses and Article 23 Definitions to allow for Recreational Vehicle Storage.

Set a public hearing date for December 12, 2006 at 7:30 p.m. or soon thereafter to consider modifying a conditional use permit for Microtel Hotel to add an outdoor boat storage at 907 N. Lake Park Blvd.

Set a public hearing date for December 12, 2006 at 7:30 p.m. or soon thereafter to consider amending the Zoning Ordinance, Article 22.2 to add Allowable Zoning Districts for Towers to MB-1, amend Zoning Ordinance, Article 12.2 Development Standards for Particular Uses and Article 23 Definitions to Change Dimensional Standards for Hotels.

Set a public hearing date for December 12, 2006 at 7:30 p.m. or soon thereafter to consider a conditional use permit for a cell phone tower and platform located at Harbor Oaks at 1080 Saint Joseph Street.

Set a public hearing date for December 13, 2006 at 7:30 p.m. or soon thereafter to consider amending the Zoning Ordinance, Article 12.2 Development Standards for Particular Uses and Article 23 to Establish Standards for Temporary Storage Containers.

Set a public hearing date for December 13, 2006 at 7:30 p.m. or soon thereafter to consider amending the Code of Ordinances, Chapter 4 Buildings and Building Regulations, Sec. 4-21.2 Appearance.

Set a public hearing date for December 13, 2006 at 7:30 p.m. or soon thereafter to consider amending the Zoning Ordinance, Article 11 Sign and Handbill Regulations, Section 11.4 Permitted Signs.

Set a public hearing date for December 13, 2006 at 7:30 p.m. or soon thereafter to consider amending Article 8.6 Buffer Yard Landscaping to Address Minimum Plant Sizes.

Set a public hearing date for December 13, 2006 at 7:30 p.m. or soon thereafter to consider repealing Article VII Landscaping and Vegetation Preservation 12-346 through 12-358.

Councilwoman Efirid made a motion to approve the Consent Agenda (as identified herein). MOTION CARRIED UNANIMOUSLY.

REQUEST BY BLACK'S MARINA CONCERNING STORM WATER DRAINAGE

Mr. Owens said Mr. Randy Simon and Ms. Mona Black asked to be on the agenda again to discuss the drainage concerns at Mona Black Marina. Several things have happened. Mayor Pro Tem Gilbert; Steve Pagley, Director of Operations; Brian Stanberry, Stormwater Superintendent and I walked the whole drainage feature from Microtel down to the marina. We inspected it, opened the manhole covers, tried to figure out if there were concerns there, and if soil was getting into the system. This week Mr. Simon, Mr. Stanberry, and Mr. Pagley and I walked the system again. It is a large and extensive drainage system. With that inspection, we looked at the Federal Point Shopping Center to see if there was some sediment entering from Federal Point. There are probably four or five inlets that go into a ditch but we didn't see anything there. With Council's permission, we are going to make improvements to those areas that are entering that ditch to slow the water down using rip rap or filter cloth. If sediment is getting in there, we hope to filter that out. Mr. Owens said he has e-mailed and called the Division of Coastal Management, but hasn't received a response. Staff is also seeking some permitting with Land Management to do something with that outfall.

Facing Myrtle Grove Sound, there is an existing bulkhead on the right hand side and a new bulkhead on the other side. We would like some rip rap system across there to filter out any sediment and make a settling base in there. Mr. Owens is not sure if permits can be issue for that.

We want to do some things by the movie theater to eliminate or detour sediment from getting in that system at that entry area.

There has been some dredging at the marina and Mr. Simon will talk about that. We took some of that sediment in a jar but we don't know if it will tell us anything if we get it tested. Mr. Owens is going to explore this.

Brief talks have taken place with Representative McIntyre's office and with RC&D about obtaining grants to look at the whole Myrtle Grove Sound and the outlets going in there. There is probably a water quality issue there.

A letter has been sent to Brian Cox detailing some of the action items that can be done to eliminate discharge if there is any there.

This week Mr. Simon received a copy of the release concerning the \$6,000 offered for the one time line washout. Our attorney looked at it again and he made a few changes.

Mr. Simon was the next to speak and he showed a slide presentation. He viewed the same drains that Mayor Pro Tem Gilbert viewed. He said initially looking at them they looked clean. However, Mr. Simon said before he could reach his arm 18" inside the pipe, he scooped up deep sand with seashells on the bottom of the drainage pipe in every direction. He showed this to Mr. Owens and took pictures of it. In one of the slides, he said to the far side of the drainage pipe there is debris circling in there, paper cups, plates, an uncountable number of cigarette butts showing there is no filtration of the system. In one of the slides the sand was so drastically different, Mr. Owens instructed Mr. Stanberry to get a jar and take samples. Mr. Simon told Mr. Owens if he was going to send the sample off and it was reasonable he would pay for it.

Mr. Simon said Ms. Black has been trying to work with the town. She had a bad dilemma with her property. It was being flooded from the run off at the shopping center and off of St. Joseph Street. She couldn't do anything with her property until she came to an agreement with the town. She did the agreement in good faith requesting only \$1 for the easement. She felt the easement wouldn't go beyond St. Joseph Street. She was very disappointed when the town, without even talking to her, added greatly to the storm drain system including all of Jubilee Park, the four lane highway, the development behind the Microtel, and the Microtel itself. There is too much impervious area where rainwater can't get through asphalt. It collects, runs, and creates volume. It picks up all the debris in its path and it empties out to her marina and Myrtle Grove Sound. We have to take bigger steps than what we are doing now. It's going to take years and a lot of money to correct this problem. We have a serious infrastructure storm drain problem at Carolina Beach. I realize it is going to take a lot of money but it is going to have to be addressed. We have 36 large pipes emptying into our small Myrtle Grove Sound area. I wouldn't want you to bring your children to go swimming after a storm with the bacteria level as I know and understand that it probably is.

In Ms. Black's case, it is not fair for a tax paying citizen to foot the bill in the amount of \$34,000 out of her pocket dredging that marina every 24 months. She did a survey with 10 other marinas and they dredge once every 20 to 25 years. I've shown you the piles of dirt. I am asking town Council to tell me what we can do to improve this situation.

Mayor Pro Tem Gilbert made a motion to give direction to town staff to resolve all the action items and implement the best practices for all our outfalls into Myrtle Grove Sound and aggressively pursue the grants to look at alternatives of managing the outfalls into the sound and addressing the design issues.

Councilman Macon asked, is the release addressing that one time specific event in that claim? Mr. Owens said he worded it to address that one specific event. The Town Attorney, Al Clyburn, said it is drawn to cover existing or future claims. If there is a different intent of Council, I would want to know that. Councilman Macon said it was his intent that the release actually address that particular event because that is where we know we had an event and we know that there was sand involved. Mayor Pro Tem Gilbert would like to make sure that there is a discussion about the future of the outfalls and our goals at the budget workshop.

Mayor Clark said to say we are not doing anything is not true. The past 6 to 8 months staff has been working on a Harbor Management Plan and it is now at Planning and Zoning. They are addressing these 36 outfalls. It is possible that there will be a Harbor Management Committee. We all want clean water in our harbor.

Mayor Clark said there is a motion on the floor and he called for a vote. MOTION CARRIED UNANIMOUSLY.

Councilman Macon made a motion that we draw up the release to specify that particular event that the proposal was submitted on. MOTION CARRIED UNANIMOUSLY.

Mr. Simon said in reference to the easement, Ms. Black feels that she was misled by Operations, especially with the addition of Jubilee Park and all the outflows entering into the one pipe. There are 32 entrances into the one pipe we are talking about without any filtration and because of that and that easement, Ms. Black strongly feels that's been violated and she wants to make a formal request to Town Council that the Town of Carolina Beach has violated that easement contract. I want to make a formal request and notify Town Council that easement has definitely been violated without any question because of what's coming out of that pipe. I also formally request the Town of Carolina Beach to stop the flow of any and all waters coming out of that particular storm drain pipe. I am formally requesting Town Council to direct storm drain to block that one pipe and then we will work on the other 35. The third request is that Ms. Black needs relief in the storm drain issue because of the additional dredging. Please take the pictures formally as part of the evidence that I presented that speaks that there is a serious problem with that one particular outflow pipe. Again, I'm requesting the Town of Carolina Beach, since they violated the contract, turn it off as soon as possible.

Mayor Clark directed the town manager to take those requests and look into them.

REQUEST BY JIM CONLON CONCERNING FEES FOR WAREHOUSE

Since Mr. Conlon wasn't present, Mr. Owens made his presentation. At a prior meeting, our fee schedule was discussed with regard to the Dow Road project Mr. Conlon was working on. Within the fee structure, we did look at office space and how we charged for bathroom facilities that are for the employees. With that adjustment there was an \$18,000 relief on the fees itself. This would apply to all office structures. Mr. Conlon requested the town consider using residential equivalency units, called REU's. Brunswick County uses REU's. REU's is a method of comparing commercial to residential when it comes to flow. They use that dollar to attach to that flow. When using our facility fee, we look at what the largest potential impact could be. By using REU's, Mr. Conlon is asking that he pay \$12,000 as the facility fee for his facility on Dow Road.

Mayor Pro Tem Gilbert made a motion to stand by the prior decision with the reduction of \$18,000 and request the Operations Committee and Department evaluate REU's and present it at the goal setting and budget workshop and consider that input from the Operations Department and the committee with respect to REU's.

Mr. Owens said he didn't mention that Council directed the Operations Committee to take a look at the facility fees for equity and they are in the process of doing that. They have come up with some recommendations. That will go to Council at budget time.

Mayor Clark said there is a motion on the floor and he called for a vote. MOTION CARRIED UNANIMOUSLY.

LAND USE PLAN AD HOC COMMITTEE UPDATE

Steve Harrell, Director of Planning and Development, stated that the first LUP Ad Hoc Committee meeting was held on October 19th. Thirteen of the 15 members were present and the two who were absent were excused.

John Keith was elected to serve as the chairman, Mr. Motsinger was elected vice-chairman, and Karen Crenshaw, Administrative Assistant to Planning, will serve as the secretary.

There was agreement to have a professional facilitator and this will be Chris May, the Executive Director of the Cape Fear Council of Governments. There has been a meeting with Mr. May and an agenda has been established for tomorrow night. Another meeting

will be held with him immediately following the meeting this Friday to debrief him about tomorrow night's meeting and plan for next month.

Meetings will be held on the third Wednesday night of each month for a maximum length of 2 hours. Action minutes will be taken and the meetings will be advertised at least 48 hours before the meeting. There will be no terms and no alternate members. Meetings will have a workshop setting in the police training room. Staff responsibilities will be to provide any resources or knowledge for the committee to deliberate. There will be no public hearings but the public can be incorporated during the sub-group meetings. Public input can also be submitted in writing and a copy can be provided to each member of the committee.

There will be 4 meetings, which hopefully will be sufficient to complete the tasks. There was a discussion of possibly having 2 meetings in January if necessary to complete the task. The committee would like to get this to the Division of Community Assistance staff in early spring. That staff will look at it and then send it back to the town for final comments.

Ed Parvin, Senior Planner, told the committee about some of the inconsistencies in the Land Use Plan and selected some sections for the committee to focus on for tomorrow night's meeting.

There will be break out groups, which means the same question will be discussed in each group and each group will come up with a priority list.

The primary focus of the committee is going to be looking at the items that were sent to the previous Council by P&Z and then the amendments and changes that were made by that Council and then come up with a recommendation to go back to the current P&Z and then to Council for a final approval.

RFP (REQUEST FOR PROPOSALS) FOR A MASTER DEVELOPMENT PLAN

Mr. Owens stated a master conceptual plan could shape the future of Carolina Beach and lead to some good things. It's something this town does need particularly in the CBD area, which is the primary focus.

Four phases were presented by Mr. Owens:

- Phase One – Existing Condition and Public Meeting
- Phase Two – Conceptual Design
- Phase Three – Urban Design Plan
- Phase Four – Implementation

He wants to know from Council how they want to proceed with a master development plan.

Mayor Pro Tem Gilbert recommended this be sent to P&Z for review. Since there is talk about parking on Harper Avenue and doing some things with bike paths on Harper, Mayor Pro Tem Gilbert thinks Harper should be considered as an entry way or alternative entry way. There have been discussions through DOT that 421 will be a business or alternate route and the official 421 will be Dow Road. He would like to know what P&Z thinks of this for the future. Mr. Owens said we could extend up Harper in both of those areas for 4 to 6 blocks at a minimum.

Mr. Owens said this process will take a minimum of 1 to 1½ years to complete. It will go to P&Z in December for comment and then be brought back to Council to approve it as an RFP.

There was general consensus among Council to send it to P&Z.

UPDATE CONCERNING NCDOT ENHANCEMENT GRANT

Mr. Owens spoke about the North End Bike and Pedestrian Grant. He recently met with Debbie Oliver-Vick, who is in charge of the grant section of the DOT Enhancement Funds. The following projects were reviewed along with the possibility of taking the funds and applying them to another project:

1. Safety lighting approaching the bridge to include the possibility of lighting on the bridge along with landscaping improvements approaching the bridge up to Dow Road – This is the easiest project to implement.
2. Placing a bike and pedestrian facility along Dow Road from Harper Avenue (new path) to the Town Park – This cost will likely be higher than the allotted grant.
3. Improving bike and pedestrian improvements at the north end up to the north end pier. – This is a project that cannot be implemented.
4. Placing a bike and pedestrian facility along Ocean Blvd. from Lake Park to the Sunny Point Buffer. – This is not an option at this time.

Council discussed the various projects.

Councilwoman Efird made a motion to pursue number 1, the safety lighting, if we can work out these things with the people across the bridge. We certainly need it on this side approaching the bridge and some lights on the bridge. MOTION CARRIED. (4 TO 1 WITH COUNCILMAN MACON VOTING NO)

Mayor Clark called for a ten minute break before beginning the public hearings.

CONSIDER REPEALING IN ITS ENTIRETY AND READOPTING CHAPTER 11 PARKS AND RECREATION, ARTICLE IV FREEMAN PARK

Regarding Freeman Park, Mr. Owens stated that the first 1000 feet is within the municipal boundaries of the Town of Carolina Beach and the rest of the park, which is the majority, is within the unincorporated areas of New Hanover County. We now have a Freeman Park ordinance in effect and an agreement with New Hanover County. There are limited regulations in the Freeman Park ordinance. Even though we have an agreement with New Hanover County to enforce our ordinances in the county portion of Freeman Park, Mr. Owens doesn't believe we have the legal ability to do that.

Mr. Owens presented a unified ordinance that can be adopted, implemented and enforceable in the first 1,000 feet, and the county can adopt it and we would be able to enforce their ordinance per our agreement. Mr. Owens went through the ordinance and stated what was new, modified, or changed. This ordinance came through the Freeman Park Committee and it was jointly created. At this time, they are seeking guidance on any and all of these regulations. For legal matters, it needs to go to New Hanover County for review and also to adopt. Once they adopt this, then there will be one encompassing ordinance for Freeman Park.

Before the public hearing began, each Councilperson commented on the ordinance as presented. All were in agreement that they wanted to delete in its entirety Section 11-70, Drinking in Public. Police Chief William Younginer saw no problems with deleting this section.

Mayor Clark made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

Tamara Cairns said she is a long time resident and property owner and voter here. I am here to speak on behalf of myself and several people who are here in attendance tonight and about 150 people that have signed a petition. The petition states that I am against the regulations currently proposed by the Carolina Beach town manager to further regulate Freeman Park or the north end

I believe that the town manager and the Freeman Park Committee by majority, but not unanimously, have presented the proposal for the new regulations to the North End in response to complaints that Council hears on a monthly basis that generally come from the same group of people. I don't believe it is often that you have citizens coming before you to say that the north end is much improved and the changes that have been implemented here are welcome and working very well. I am here to say to Council that helped implement these and those that were on the Freeman Park Committee that contributed to the status of the North End today, thank you for your hard work and your effort. It is much appreciated. At this point, I don't believe that any further regulation is

necessary on the North End. There is no great emergency that is happening out there that necessitates putting all of the rules that are in effect for the rest of the island's beach front into effect for the north end. Part of the beauty of this island is that as a beachgoer you have choices. There are seven miles of fully regulated beaches up and down this island not including the South End. There are 1.6 miles where people have been packing up their trucks, kids, dogs, fishing poles, surfboards, and coolers for generations.

I learned quite a while ago from a member of the Freeman Park Committee that the regulation process began in phases with the in-game already in mind. It continues in phases so as to kind of spoon feed the public, not giving them more change than they can handle at one time. Some of the eventual in-game results will be a limited number of campsites with fire rings that will have to be reserved. That will effectually limit the number of people that can camp and have fires on the beach. It should be obvious to everyone at this time that this current round of regulations is just another step down that road. I don't believe that the Freeman Park Committee or the town manager is reflecting the views of the majority of local people or the thousands of visitors who use the north end. I'm glad you made the comments about alcohol. I would like to know why it was even on the table to begin with. I think that if alcohol is band on the north end if that regulation is not used now this season this summer it will be used sometime in the future arbitrarily. If it's on the books, it will happen that it will be enforced. I think most people that use the north end are vehemently against that.

In reference to the police patrols, I would like to address what I believe to be a problem in my experience on the North End. In the off season when no one is manning the gate, the police drive up to your car and essentially do a traffic stop and a quick flashlight search of your vehicle. They ask you what you're doing and if you have a sticker. This happened to me four times last winter. I was alone and not doing anything but sitting there relaxing. My sticker was entirely visible in the appropriate place in the front windshield. If it was really important that they knew if I had a sticker, they could have shined their light on it from a distance and not even come up to my car. You cannot convince me that our police officers are best utilized on a full time park patrol in the middle of December checking the five cars that are out there for park stickers. I think the purpose of instituting the fee and sticker system was to cut down somewhat on the number of people coming out to the North End and generate money for improvements. The money from the North End has been made in the summer. During the off season, let us have our beach back. A lot of us don't even go to the North End during the summer and we can't wait until September when it is our turn to enjoy what we consider to be our most precious resources.

In conclusion, if this Council requires any further regulation on the North End for the purpose of cutting down on crowds and pollution, it should be in place only between Memorial Day and Labor Day. We locals put up with a lot in those three months. We deserve to have our North End the way we always have unrestricted and unhassled.

Councilman Macon asked, are you saying that when you were parked at the beach, they just came up to the vehicle? She responded, yes, when I was parked not on the ocean

front but back by the dunes. So they could have driven by and shined the light on my sticker in the front windshield and seen that I had a sticker and driven on but they circled around in back of me, came down, pulled up the side, in two instances. In two other instances, they got out of the car like a traffic stop, walked up and started asking questions such as, how you doing, what's going on, what are you doing, have you got a sticker? Mayor Clark said our chief is taking notes on it. Believe me, he'll look into that one. Councilman Macon said that could prove to be an embarrassing situation for some folks. She said it wasn't embarrassing to her, but she just doesn't want to be hassled.

Barbara Jenkins said my issue is dogs during the summer months. I love dogs. We have dogs. She said this past year my grandchildren and all the younger children love to play in the tidal pools down there and you see people who let their dogs use the tidal pools as a bathroom, you see people who let their dogs use the sand and cover it up with their foot. This year my grandchildren all got impetigo on the beach. We took them to the doctor here and he thought that's what it was. He said keep them out of the there for a couple of days which we did. On the third day, we let my granddaughter return and she was back again to the doctor. She now has scars that will probably be there until she's an adolescent from the impetigo that was, as far as the doctor and as far as we know, gotten in the tidal pools down here.

So my only problem with dogs is people do not do with their dogs what they're supposed to let them do. They walk them on leashes but they let them use the tidal pools when there's 50 children in there, there may be 10-15 dogs in there playing too. The children do enough on their own in there going to the bathroom without the dogs being in there. So that's my problem with the beach. People do not control their dogs on the beach.

Mayor Pro Tem Gilbert asked Ms. Jenkins if she had any suggestions or any ideas. I don't have any suggestions except the dogs not be allowed there in the summer months. Most of the time, the dogs are miserable anyhow. They're so hot. I don't know why people bring them. I certainly don't take our dog there.

The next to speak was Scott Estrich. Mayor Clark said Scott you're a part of the Freeman Park Committee too. He said no, just a frequent visitor. Mr. Estrich said actually I think they did a pretty good job and I'm not part of the committee but I have sat there for every single meeting just like I come to every single Town Council meeting and go to the beach every day. I do that because I care. As I said before, I think there's room for everybody to do everything that they want on the beach within reason and being responsible, which sometimes doesn't happen.

My only other comment because I think everybody did a good job - two comments actually. One is that I don't think we should have something in the ordinance we're not going to enforce. If you're not going to enforce the alcohol thing, jerk it out of there and don't put it in. If you're going to enforce it or ever plan to enforce it, then keep it in. Personally, I don't drink on the beach but I certainly think you should be able to if you're responsible about it. So again, if there's something in the ordinance that you're not going to enforce, my feeling is to take it out.

My only other comment is my view on the police department. What the police department did is totally 100% and in opposition to what she said, because I think they've done a great job. That's all I can say. I'm out there everyday in the winter and in the summer. I was out there today and nobody has ever hassled me in any way, shape, or form. I think the chief should be commended that these guys are great. That's all I really have to say. There's room for everybody to do everything they want out there.

Steve Horn said I live at 513 Canal Drive. I just wanted maybe one point of clarification. The drinking beer, I know it's prohibited on the beach and in public areas of Carolina Beach. Is that correct in the town limits? So as I understand Mr. Gilbert that would be amended for the North End to not include that 1000 feet. Mayor Pro Tem Gilbert said right, from 911 Section 1 which is designated part of the Freeman Park. Mr. Horn said so a person would not have to go out with a tape measure and say I'm beyond 1000 feet. Mayor Pro Tem Gilbert said right, once you cross that gate, my idea would be that you set aside that first thousand feet so you wouldn't have to worry about it.

Mr. Owens said the intent of this whole – and it starts pretty much parallel with the gate on over to our beach end, we consider that all Freeman Park, all the way to the extreme North End. Mayor Pro Tem Gilbert said I just want us to be consistent from that gate when you enter all the way down. Mr. Horn said and I think that's a good point.

He then said I would just like to make a general comment. We've been down here since 1994 and as the gentlemen said before I probably spend three or four days a week at the North End. Our typical Sunday or Saturday my wife and I, and we have two daughters and three grandkids, go out and we take our fishing poles and our barbeque grills and 99% of the people are there for the same purpose that we are to have a good family outing. In any situation where you have several thousand people in any gathering, I mean I'm sure if you go to a Panthers ball game, there's going to be some people there drunk and disorderly. I think that the way everything is working now is working fine just as long as people are responsible for themselves. If they are not responsible for themselves, then that's when we have the authorities to make them responsible. That's all I have to say.

Gina Benton was the next to speak and she said I am a new member on the Freeman Park Committee and I'd like to thank you all for my appointment. I wasn't here that night. I was sick but thank you.

Like a lot of you I have been here for 24 years and I have seen changes in the North End. Contrary to what the young lady was thinking, a lot of those changes have not been good. I've seen - I'm not even going to go to what I've seen because I've stated it many times. I would like to compliment the police chief. I've had the opportunity not only to work with him on the Freeman Park Committee but to talk with him and his officers down at the beach. They make it a habit of stopping by saying hello. The young lady that spoke earlier, I wonder if maybe the police officers weren't concerned about her welfare. I go down there, not necessarily at night anymore because things have changed, but I drive down there all the time by myself and for an officer to stop me and ask me questions, I'm

just hoping and praying that they are going to be there when I do need them if I breakdown. I'm glad to see the officers out there as frequent as they are.

I'm going to ask you to adopt these ordinances. I hate that we had to get this far that we have to have ordinances like these but times have changed. The North End has changed. We need something for our enforcement officers to enforce. We need some specifics and what you have in front of you are specifics. We're not out to stop people from going to the beach. I grew up in Emerald Isle. People are going to go to the beach. That's just a fact. They are going to come down. My only recommendation is in regard to these fire pits is to have some metal containers out there because I know darn well people are not going to load that stuff up and take them home. When no one's looking, they are going to bury them under the sand again, but if you have some sort of metal container where they can dump hot coals, hot embers in, we've seen some plastic ones burned pretty badly up there. Apparently people don't realize plastic burns, but if you can have some metal ones up there, I think that would be very beneficial. I thank you all on behalf of my son who was born and raised on this beach like Joel's and Alan's and all you all he's going to be here a long time to call it home, for looking out for a resource that is very valuable to all of us.

Joan Manning of Salt Water Lane said she is concerned about the permits. Last year I bought my permit early and I never used it. My old Jeep kind of wasn't running real well and I got a new one. I scraped off the sticker and took it back down there and they said tough, it can't be replaced because they aren't transferable unless you've broken a windshield and can prove it. I was trying to express my concerns to the parking guy. I left my telephone number a couple of times and never got contacted back. I hope you'll look at that and see if there's any way that if you did trade cars you could turn in your sticker. What's the reasoning behind that particular ruling? The police chief said I think what happened to begin with was it came up because people were giving the decals away. Mayor Pro Tem Gilbert said they hung on your mirror so the potential was you could swap it out. Chief Younginer said we have talked about this issue and what we've had is people selling them and that's something we've talked about. What we've allowed people to do is come down to us and we take the sticker back and give them a new one. However, if you go to the park and they tell you no because they read the rules. That's something we need to clarify this year. Ms. Manning said we really do because I tried to get in touch with people. In fact, I talked to the town manager about this a couple of meetings ago to see if you could consider that during your hearing. It didn't work for me. Mr. Owens said our take on it is it probably is too late because you don't have it any more; our take is to scrape it off and bring it in. We're going to talk to the parking company. Mayor Pro Tem Gilbert said I think it's reasonable to be able to transfer it. I had a truck and I got rid of my truck and I tried to scrape mine off and it just kind of fell apart. Ms. Manning said I like the idea of the sticker rather than the hanging tag.

Terry Hamm a resident of 111 Virginia Avenue, said I've been using the North End myself since 1980 and yes it's changed a lot. I'm glad these people can still use it and have a lot of fun, but it causes a few problems for us and it's not so much the rules of Freeman Park but these people that are riding in the back of the pickup trucks, it's

because they are parking their cars in our driveways on Virginia Avenue. I know a couple of times my neighbors have come into their house and had cars parked at their house. They call the police who are very responsive to come out but they tell them it's on private property, we can't do anything about it. So it's up to us as property owners to have these kids cars towed off. Well, they're not too happy when they come back and their cars are not there. Can we do anything about some "no parking" signs on Virginia Avenue? That's my point. Thanks a lot.

My name is M.C. Boswell and I'm a life long resident of New Hanover County. I consider Carolina Beach my second home. I do my banking here. I do a lot of my groceries here, buy gas, eat, and bring my grandchildren down to the beach like I did with my children. I'd like to back the lady up about the dog deal. I don't think you should allow them at all. I really don't. When you put a little 2 year old down in the sand, buckets, and shovels and you come up with dog poop, come on guys. You don't allow it on your beach south of the pier. I don't know that dogs have a right to come to the beach. I just don't see it. Maybe we can reach a compromise.

I'd like to say something about the police. I don't think they are there enough. I've sat out there on Saturday and Sunday watching all kinds of ordinances being broke, 3 hours. I think you ought to be on the beach walking. You got a glass ordinance, people don't pay any attention. You got drinking, do what you want to about the drinking. I come down here to your liquor store every now and then. I don't have any problem with it. Don't make ordinances if you're not going to enforce them. It's no point in it. I don't know what you're going to do about your enforcement.

The dogs should not be allowed, maybe we can make a compromise, maybe from the second week in September you can let them come with leashes and go on into maybe June. I know the first two weeks of September this year was still summer. Come on think about it. The lady's got a point. Then again if you folks want your grandchildren or small children playing in the sand and coming up with dog stuff - I don't want it. You don't want it. People don't pay attention to the leash law. I've seen them take their dogs and take them off the leash. The police come by and they leash them up and then he's gone and they take them off. I had a lady one time let three dogs out, and I've got a little dog on a leash, and here they come. So I tell my little dog it's every man for himself. I'm running away and these dogs - you don't know when a dog is friendly and when he isn't and what his intentions are. You just don't know. Put them on a leash. Some people let there dogs walk freely with a leash dragging along. Come on folks let's do away with dogs at least in the heavy duty summer time. Let our children and grandchildren, especially the little ones, enjoy it. Let's try to reach a compromise. Do something. Take them off the beach. You don't allow them on your beach. What's the difference? You've got more people I would think. I don't go on the beach down south of the pier, but I'm assuming several thousand people on a weekend and every other one that's got one or two or three dogs. I see people drag dogs on the beach, oh he loves it, and he's screaming and hollering and dragging him out in the water. I even seen a lady take a bear cub out of a back of a car one time and tried to drag him in the surf.

Mayor Clark made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

After the public hearing, some of the issues and concerns that Council discussed were: aggressively enforcing the leash laws during the summer months, loading and unloading water craft, taking out the words “public information officer” and change to “the town”, fireworks, riding in the back of trucks, eliminating the section regarding no alcohol, and a suggestion of possibly having a reflective sticker. Mr. Owens said that he understood the consensus of the Council regarding the proposed ordinance.

Mayor Clark made a motion to approve Ordinance No. 06-658 (Exhibit 3) per the directed changes to the town manager and to go to New Hanover County Commissioners for their review and approval as well.

Councilman Johnson made a request to have a copy of the ordinance with the amended changes before it goes to the county commissioners. Mr. Owens offered to post it on the website and everyone agreed.

MOTION CARRIED UNANIMOUSLY.

CONSIDER A MODIFICATION OF A CONDITIONAL USE PERMIT FOR AN 11-UNIT MULTI-FAMILY DEVELOPMENT LOCATED AT 406,408 AND 410 CANAL DRIVE

Mayor Clark stated that during the month of December we will need to have two meetings, which will be on December 12th and December 13th.

Mayor Clark made a motion to table the request to consider a modification of a conditional use permit for an 11-unit multi-family development located at 406, 408 and 410 Canal Drive to December 13, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR THE PALMS, A MULTI-USE FACILITY LOCATED AT 1300 N. LAKE PARK BLVD. (APPLICANT IS REQUESTING THAT CUP REQUEST BE PERMANENTLY WITHDRAWN.)

Mayor Clark said this request has been permanently withdrawn by the applicant.

CONSIDER A REQUEST FOR A CONITIONAL USE PERMIT FOR SEA SIDE PLANNED UNIT DEVELOPMENT FOR 4-SINGLE FAMILY HOMES AT 1704, 1708, 1710 AND 1710A CAROLINA BEACH AVENUE NORTH (APPLICANT REQUESTS THAT HEARING IS TABLED TO DECEMBER 12, 2006 AT 7:30 P.M. OR SOON THEREAFTER.)

Mayor Clark made a motion to table the 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 North to December 13, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR SEA SIDE, 2 SINGLE FAMILY HOMES UNDER PLANNED UNIT DEVELOPMENT LOCATED AT 1701 CAROLINA BEACH AVENUE NORTH

Mayor Clark made a motion to table the request for a conditional use permit for Sea Side, 2 single family homes under Planned Unit Development located at 1701 Carolina Beach Avenue North to December 13, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR VICTORY VILLAGE, A MULTI-USE FACILITY LOCATED AT 105 AND 107 CHARLOTTE AVENUE

Mayor Clark made a motion to table consider a request for a conditional use permit for Victory Village, a multi-use facility located at 105 and 107 Charlotte Avenue to December 12, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR A RESTAURANT LOCATED AT 6 N. LAKE PARK BLVD.

Mayor Clark made a motion to table consider a request for a conditional use permit for a restaurant located at 6 N. Lake Park Blvd. to December 12, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER AMENDING ARTICLE 3.7 ZONING DISTRICTS DESCRIBED; 3.9(7) HEIGHT REGULATIONS; 8.6 BUFFER YARD AND LANDSCAPING; AND 3.9.1 DIMENSIONAL STANDARDS FOR LOTS & PRINCIPLE STRUCTURES FOR A RESIDENTIAL & COMMERCIAL OVERLAY DISTRICT (STAFF RECOMMENDS TABLING THIS ITEM TO DECEMBER 13, 2006 AT 7:30 P.M. OR SOON THEREAFTER.)

Mayor Clark made a motion to table the request to consider amending Article 3.7 Zoning Districts Described; 3.9(7) Height Regulations; 8.6 Buffer Yard and Landscaping; and 3.9.1 Dimensional Standards for Lots & Principle Structures for a Residential & Commercial District to December 13, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER A REQUEST FOR AN AMENDMENT TO 3.8 PERMISSABLE USE TABLE FOR HOTELMINIUM/MOTELMINIUM AS DEFINED IN THE ZONING ORDINANCE; SECTION 7.1 OFF STREET PARKING AND LOADING REQUIREMENTS; ARTICLE 23 DEFINITIONS; ARTICLE 12 (STAFF RECOMMENDS TABLING THIS ITEM TO DECEMBER 13, 2006 AT 7:30 P.M. OR SOON THEREAFTER.)

Mayor Clark made a motion to table consider a request for an amendment to 3.8 Permissible Use Table for Hotelminium/Motelminium as defined in the Zoning Ordinance, Section 7.1 Off Street Parking and Loading Requirements, Article 23 Definitions, Article 12 to December 13, 2006 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.

CONSIDER AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, ARTICLE III OFFICERS AND EMPLOYEES, SECTION 2-49 CRIMINAL HISTORY CHECK

Police Chief Younginer said the state law does not allow us to use our terminal to run criminal history checks on employees or anybody unless the Council adopts an ordinance saying that we can do that. The division that monitors that process will spank us severely if we don't do that. That is why we asked for that. It's an administrative change. It's something that is allowed by state law and then we can run background checks on employees.

Mayor Pro Tem Gilbert asked on your application for employment are you going to disclose that so that they'll be signing something that they recognize that's going to happen. Chief Younginer replied I think it's there already. Mr. Owens said we do criminal background but not using our equipment. We actually have to go out to another firm and pay \$25. Mayor Pro Tem Gilbert said its part of your application process anyway. Chief Younginer said we can do it for police officers but we can't do it for other town employees. That's why we don't want to extend it to everybody so we don't have

to pay this fee. Mr. Owens said it's a cost savings and it allows us to use our equipment to do it. Also I think it extends the taxi cabs and we do some background research on them.

Councilman Macon made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

There being no public comments, Mayor Clark made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Councilwoman Efird made a motion to adopt Ordinance No. 06-659 (Exhibit 4). MOTION CARRIED UNANIMOUSLY.

APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION

Mayor Clark said there are two openings on the Planning and Zoning Commission.

Councilman Johnson made a motion to reappoint Sarah Efird to the P&Z Commission. MOTION CARRIED UNANIMOUSLY.

Councilman Macon made a motion to reappoint Dan Wilcox. MOTION DENIED (2-3 WITH MAYOR CLARK, MAYOR PRO TEM GILBERT AND COUNCILMAN JOHNSON VOTING NO)

Mayor Pro Tem Gilbert made a motion to appoint James Miller to the other seat. He is a contractor, a retired dentist, he has been on the island a number of years and I think he brings to the table a lot of things that we need on that board. MOTION CARRIED (3-2 WITH COUNCILWOMAN EFIRD AND COUNCILMAN MACON VOTING NO)

REQUEST BY HENRY CAPILLARY CONCERNING STORM WATER ISSUE ON RALEIGH AVENUE

Mr. Owens stated that Mr. Capillary inherited a large tract of land. It was previously platted for 12 lots. The R-3 zoning district says it needs to be recombined, so there may be a maximum of 6 lots. There was an existing ditch there but we don't know when the ditch was put in. Roughly two years ago, the town piped that ditch. There were some maintenance concerns on the town's side and we felt that it needed to be piped. It improved those lots and the area. However, Mr. Capillary's concern is he was not consulted on the piping of that ditch. We did all the work ourselves.

Mr. Owen's concern is we don't know what Mr. Capillary is proposing so we don't know whether we can assist or not. We are not sure of the exact location of where the houses are going to be built if Mr. Capillary puts them on the market. We are not sure of what the impact of that ditch is.

Some pictures of the area that were taken in 2004 were shown by Mr. Owens. Mr. Capillary is asking to have the pipe removed and put in a different location. Several recommendations have been made by Mr. Owens. Several estimates have been received regarding costs. Our stormwater department estimated to do this project, it will be roughly \$10,590, which doesn't include any kind of permitting, surveying, labor costs, and equipment costs. Secof estimated to relocate the ditch without figuring in permitting, surveying, or engineering to do the relocation is \$21,174.10. Mr. Owens took a guess that it would cost approximately \$5,000 for permitting and engineering.

Henry Capillary lives at 301 Seventh Street South. The property in question was bought in August of 1952 by Mr. Capillary's father. Mr. Capillary said he has been trying to find if this ditch was there when his father bought the property. I spoke to a lady who has been on this island for years and years and she said she didn't think there was a ditch there. She said it was just woods and dirt there. The thing that bothers me is that Carolina Beach knew that land is being developed here and they didn't notify us as the property owner. They put the pipe diagonally through the property. I beg to differ with Tim regarding that not hurting the property because it affects three lots. If I wanted to sell a lot and a three foot pipe was running under the property would you like to buy that lot. I wouldn't. Again he reiterated that he doesn't think its right that the Town of Carolina Beach comes in and puts the pipe there and didn't notify him. It looks nice but he feels it devalues the land. He said it could have been put along the property line. After the fact, he feels the land has been devalued because some of the lots cannot be sold because of the ditch being there and he is being asked to fix it. This doesn't seem right or fair to Mr. Capillary. When questioned by Councilman Macon who told him he has to pay for it, he said Mr. Owens said they will fix it and could repair it but you are going to pay for it. He gave me estimates after going to Secof. Mr. Capillary said what does Secof have to do with it because they didn't do the work to begin with Carolina Beach did.

Mayor Pro Tem Gilbert asked, how much did it cost to put the pipe in? Mr. Pagley replied, \$18,000. The next question from Mayor Pro Tem Gilbert was, how much would it cost to take the pipe out? Mr. Pagley responded, probably less than that. Mr. Pagley commented that the town has maintained and mowed that ditch for years and years years. It was a public safety hazard. There was a gator in there and it was on the front page of the paper. The COE showed up with Charlotte Buckley and its maintenance. You can put the pipe in as maintenance without permitting because it's a public safety hazard. That's how the pipe got put into the ground.

Mr. Capillary said you're talking about an alligator. There are alligators all over this place. Mr. Pagley replied, we didn't change things because of an alligator it wasn't being mowed or maintained unless it was done by the town. Mr. Capillary again stated that

they weren't notified and something could have been changed and it would have been a whole lot less expensive to begin with to reroute that and go along the property line. That's the way I see it. Councilman Macon agreed with Mr. Capillary and asked him if he is in a position to be willing to work with the town to allow an easement down the property line which shouldn't affect the value of the properties. Mr. Capillary was willing to do that. With staff moving the pipe, Mr. Owens estimates that it would cost about \$20,000. Mayor Pro Tem Gilbert asked Mr. Capillary would he be willing to split the cost. Mr. Capillary said that seems feasible. Mr. Owens said if they did split the cost there would have to be something in writing that it is a one time offer.

Mayor Clark made a motion to table the request and let the town manager and Mr. Capillary work together on this and try to bring back another solution next month. MOTION CARRIED (4-1 WITH COUNCILMAN MACON VOTING NO)

SEWER AUTHORITY MEETING UPDATE AND CLOSURE TO FY 02/03 BUDGET

Dawn Johnson, Director of Finance, said as of our last meeting you agreed to accept a check from the Town of Kure Beach for the 2002-2003 budget year. This is for waste water treatment costs differences in what we were charging them versus what our audited numbers were. As per that meeting, we did receive a check in the amount of \$113,505.23 for settlement of the budget year 2002-2003 waste water treatment costs for the Town of Kure Beach. Based on our calculations, the difference in rates for this time period would have been \$80,950.46. In Kure Beach calculations, the difference in rates would have been \$78,123.87, which left a final difference of \$2,826.59. The town agreed to adjust the above amount in order to resolve the 2002-2003 budget year. The additional amount in the check that they gave us was \$35,381.36 was applied to the rates for 2003-2004. The next step in the process with the Town of Kure Beach is to work on the current agreement and then settle the subsequent years 2003-2004, 2004-2005, and 2005-2006.

According to Mr. Owens, this was the decision that the Sewer Authority made, so it is going to have to be endorsed and approved by this Town Council whether the settlement for '02-03 is acceptable or not.

Mayor Pro Tem Gilbert made a motion to accept \$78,123.87 to apply to FY 02/03 Budget based on the findings of the Sewer Authority. MOTION CARRIED UNANIMOUSLY.

CONSIDER ENTERING AN AGREEMENT WITH GOVDEALS, INC. FOR INTERNET-BASED AUCTION SYSTEM

Mr. Owens began that GovDeals is like E-bay. You bid on items, but you don't have to accept bids if we don't agree with them. If the bids are not accepted, we do not have a charge to pay. However, if we do accept a bid, we pay 7 1/2% of that bid to GovDeals. They will come in and train us, they will allow us to post vehicles on site, and as a

secondary measure we can put it in the newspaper and say we are advertising these items on GovDeals. Surplus vehicles and items have to be authorized and it allows vehicles to get better bids. Mr. Owens asked Council to consider allowing the execution of this agreement and if approved we'll try Gov Deals in the next two or three months.

**Councilwoman Efirid made a motion to enter the agreement with GovDeals.
MOTION CARRIED UNANIMOUSLY**

CONSIDER ADOPTING A RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 TO CONSIDER ANNEXING A PORTION OF SEABREEZE

Mr. Owens stated that Mr. Shuttleworth has submitted a petition to the town to annex most of his development. There is a process you have to go through under general statutes. The first part is to direct the clerk to investigate the petition. Mr. Owens said we want this to be a contiguous annexation for several reasons. Non-contiguous annexations you can only do 10% of your internal boundaries as non-contiguous. They would link that portion of the state roadway and consider that as part of your annexation and come across the waterway and attach in to the area around Oceana. The actual part of our town is within the middle of the Intracoastal Waterway.

At this point, we are not quite sure of what the impacts will be as far as fire goes. Data is still being collected on that. Right now we are just looking at the petition for annexation. There are many steps to this process. With that expiration of the petition annex, we can go two routes: 1) explore the petition and see what comes up, or 2) explore the petition and make contact with Federal Point Fire Department.

The biggest concern Mr. Owens has is they would like to transfer property while we are in this process. After talking with our attorney and the League of Municipalities, I'm not sure there is a way to do that. If the board wishes to annex these properties, the process will take at most three to four months. Councilman Macon said he refuses to cross the bridge. Mayor Pro Tem Gilbert feels we need all the tax base we can get.

Mr. Shuttleworth said they would like to be a part of Carolina Beach and he understands the concern about crossing the bridge. We think it's a benefit to the town. It does help with tax bases.

Mayor Pro Tem Gilbert made a motion to approve Resolution No. 06-878 (Exhibit 5) a resolution directing the clerk to investigate a petition received under G.S. 160A0-31. MOTION CARRIED (4-1 WITH COUNCILMAN MACON VOTING NO)

NON-AGENDA ITEMS

Mr. Clyburn said the only non-agenda items he has are items that need to be taken up in closed session.

Mr. Owens, Mr. Pagley, the COE representative, and a couple State representatives met about the street paving in Wilmington Beach. They are still strategizing on how to accomplish this and will come back with some recommendations shortly. It is not going to be an easy process for the permitting aspect of it.

Chief Younginer applied for a federal grant for the technology transfer and it was approved. It's about \$18,000.

Mayor Pro Tem Gilbert said they are reworking the Bikeway Commission making it all over New Hanover County and we have to appoint someone. Mr. Lashley does have a person in mind.

Councilman Johnson commented we still have silt fence down, which is required on Canal Drive and Carolina Avenue North. It has been down for four months. His next concern is he has seen some kids at the old Hula Grill site where there is decking. We need to require the owner to put more permanent boards up there before someone goes up there and falls. The last item is he wants to make a note of appreciation for Commissioner Caster and Pritchett that voted for our request for the \$700,000+, but was turned down by the other three commissioners. I hope everybody will contact anybody they can to try to lend some weight there to obtain that money. That is definitely going to be needed because it is a serious situation. If something is not done, it is going to be detrimental to Carolina Beach.

Councilwoman Efird stated she was very disappointed in the county commissioners. She thinks it was very unfair and she thinks they should reconsider.

Yesterday Mayor Clark attended the New Hanover County Ports and Waterway meeting representing the town and the Ports and Inlet Waterway Committee who voted to ask the commissioners for this money. Carolina Beach Inlet is going to get a major dredging for the beach renourishment. They are going to go down 30 feet and move sand onto our beach renouishment, which starts at the pier and runs south. The problems are the inland waterway. The inland waterway tries to be maintained at a depth of 12 feet and sometimes 14 feet. We have some hot spots in these sections that are 4.5 feet. Mayor Clark said he would like to draft a letter from the Council asking the commissioners to reconsider this vote. It's very important for those traveling the waterway from Maine to Florida and it's very much needed. Council agreed to have Mayor Clark draft a letter.

REQUEST FOR CLOSED SESSION (IN COMPLIANCE WITH G.S. 143-318.11(a)(3) ATTORNEY/CLIENT PRIVILEGED INFORMATION AND (5) REAL ESTATE)

Councilwoman Efird made a motion to go into closed session pending litigation. MOTION CARRIED UNANIMOUSLY.

Councilwoman Efird made a motion to go back into open session. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Councilwoman Efird made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____