

**MINUTES OF THE RECESSED MEETING
OF MARCH 11, 2008 OF THE TOWN COUNCIL
TOWN OF CAROLINA BEACH**

March 14, 2008

The Town Council of the Town of Carolina Beach reconvened on March 14, 2008 at 7:30 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 Joel Macon; Mayor Pro Tem (MBT) Dan Wilcox; Councilwoman Pat Efird; Councilman Jerry Johnson; and Councilman Alan Gilbert. Also present were Town Manager, Tim Owens; Town Attorney, Al Clyburn; Finance Director, Dawn Johnson; and Town Clerk, Lynn Prusa.

Mayor Macon called the meeting to order.

CHANGES TO THE AGENDA

The following were presented as proposed changes to the agenda:

Move Item #3 - Request for an Extension of Conditional Use Permit at 1303 Canal Drive - before Item #2

Add Item #13(a) - Town Manager Request for a Budget Amendment to Rebuild the town's Bathroom at Cape Fear Blvd.

Add Item #13(b) - Police Chief Request for Adoption of Proposed Resolution No. 08-917 for the NC Governor's Highway Safety Program (Form GHSP-02-A)

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

REQUEST FOR AN EXTENSION OF CONDITIONAL USE PERMIT AT 1303 CANAL DRIVE

Cathy Kosterman stated they were making the request due to the length of time that was required for permitting for a new bulkhead, demolition of two houses, water runoff, as well as engineering and market downfall. The project is currently being marketed, and applicant showed rendering. She said that they have invested between \$75,000 to \$100,000 and hope to complete it as soon as possible.

Councilwoman Efird made a motion to approve the request for a one year extension of the conditional use permit for 1303 Canal Drive. MOTION CARRIED UNANIMOUSLY.

REQUEST FROM PARADISE ISLAND VII, LLC TO MODIFY A CONDITIONAL USE PERMIT FOR A RESTAURANT, BLACK HORN BAR AND KITCHEN AT 15 CAROLINA BEACH AVENUE NORTH (PIN #313011-55-5129-000) TO EXPAND INTO 103 CAROLINA BEACH AVENUE NORTH (PIN #09006-010-004-000), THE VACANT ADJACENT PROPERTY TO THE NORTH TO PROVIDE 140 ADDITIONAL SEATS IN A COURTYARD SETTING

Jeremy Hardison, Zoning Administrator, presented this modification. He said the original conditional use permit was issued in June of 2005. Since then there has been several modifications before you. This modification is to a vacant lot that is to the north of the Black Horn Bar and Kitchen. On the overhead, he pointed to where it is. He said this is the plan of their proposed site improvements.

Tim Owens, town manager, and Ms. Prusa, town clerk both said Jeremy, and then Mr. Owens asked Jeremy did you swear in. Ms. Prusa said no, which is what she was going to ask him to do. While Mr. Hardison walked over to be sworn in, Mayor Macon suggested that anyone wishing to speak on this matter might want to come up and get sworn in. The following people were sworn in: Jeremy Hardison, Tim Owens, Brett Keeler, Adam Higgins, and Greg Reynolds were sworn in.

Mr. Hardison said the modification is currently they have 18 outside seating approved for to along in the Boardwalk area. They want to expand that to 158 seats for a total of 257 seats for the project. A request for a parking waiver from the town for a total of 86 parking spaces; currently they have 39 parking spaces so that is an additional 47 parking spaces. Also they'd like to construct a 200 sq. ft. deck located on the bottom north side and they'd also like to have a walk-in cooler that they want to install, and also a 240 sq. ft. *(Transcriber's note: Although Mr. Hardison stated 240 sq. ft., his memo to Council states 360 sq. ft, which he confirmed on 3/28/08 as the correct square footage)*, roofed bar placed on a 600 sq. ft. deck located here (pointed to this on the overhead). They are planning to put in a Type E landscape here and do some landscaping on the Boardwalk side. One requirement of Type E landscaping is a sidewalk. They are asking a waiver of that requirement.

Before you, you have the TRC comments, the required findings, the Land Use Plan consistency statement and staff recommendations. Planning and Zoning heard this last night. They did recommend approval for it. One of the conditions they did add was they wanted...the application has not been signed from the owner. We did get a letter from him but he has not signed the application or have we received a signed lease for the property. They just wanted to make that as a condition. They would have liked to have that before you tonight. I don't believe...the applicant can speak to that. Councilman Johnson asked a signed lease and what else. Mr. Hardison answered a signed CUP application. The application was never signed by the owner but he did submit a letter stating that he did not object to them applying for a conditional use permit on the property because they will be leasing this property. Mr. Hardison ended by saying I will answer any questions that you may have.

Mayor Macon asked does Council have any questions of staff. Councilman Johnson said I got one or two. The fence that borders Canal Drive exactly how far is that off the existing pavement? I presume that's a fence all along there, is that right. Mr. Hardison said yes. On this drawing, it's just a few inches off. They are talking about putting the fence kind of in the middle way of the landscaping and so they'll have landscaping on both sides of the fence. Councilman Johnson said I mean we live in a real world today. If that thing's right within less than 6" or less than a foot of that pavement along there, I'm afraid we're going to have some, somebody's going to hit it; and if it can be moved back with a little bit more clearance, I think it's to the benefit of the applicant that we don't have accidents there.

The other is the gate access coming in there. Is there any problem...? Is the architect here? I figured you were...of changing the swing on that gate so that when people are walking out they're not walking straight into the street? Right now the way the gates swing those people are going to be step...especially if it stays within just a few inches of the street. From the audience, Greg Reynolds, the architect, said we could look at that (*inaudible*) with ADA. We had certain sizes on the swing side versus the left side. We could (*note: inaudible*). Councilman Johnson said in that picture there Jeremy was saying you all were considering moving back into the middle of the landscaping. Is that behind that pole? Mr. Reynolds answered (*note: inaudible*) ...that's pretty much up on that pole. Mr. Hardison said it's on that pole and they'll be a couple of inches I guess off the property line, not exactly the pavement because there is some dirt area on that lot. Councilman Johnson said okay. Mr. Owens said it would seem like they could resolve...I mean your concern's very similar to what they did with the rear deck at Black Horn. I mean as it now stands you could probably put something down that property line. It would just prohibit people from jumping out in the on-coming traffic. I think the way he's got the door swing now is probably better from a fire perspective and an ADA perspective but they could put some kind of barricade, small fence, or something right along that property line.

Mr. Owens asked Jeremy when we went to TRC this wasn't exactly the plan that we looked at. Mr. Hardison said this was the plan. Mr. Owens reiterated this was the plan. He said I don't remember any doors cut into the...Mr. Hardison said that was a recommendation that we did have at TRC was try to have some type of inner connectivity so that people wouldn't have to walk outside of the property to go into Black Horn and they did that. Mr. Owens said they changed the plan accordingly and Mr. Hardison said yes.

Mayor Macon said so basically the access on Canal is really more of a...you'd rather them exit, you'd rather them enter into the restaurant itself and then go into the back, except for on the boardwalk side. From the audience, Mr. Reynolds said right from the boardwalk side they requested that we have that connectivity, have the exit door on the (*note: inaudible*). At this time, Ms. Prusa asked Mr. Reynolds to come up to the microphone. (*note: response from Mr. Reynolds was inaudible*).

Mayor Macon asked is there any more questions of staff. Mayor Pro Tem Wilcox asked Mr. Hardison if he had an aerial, a vicinity map, or something that's close up so we can see it from the...Mr. Hardison said for the...Mayor Pro Tem Wilcox said yes from above. Can you zoom in on that? Mr. Hardison said this is the Black Horn; here's the vacant lot. Mayor Pro Tem Wilcox said that's fine; I just wanted to see something.

Councilman Gilbert asked how many total seats after this goes forward will the restaurant have complete. Mr. Hardison replied 257 and the requirement for that is 86 parking spaces. Councilman Gilbert inquired is that three bathrooms or two bathrooms over there. From the audience, Mr. Reynolds replied two bathrooms. Councilman Gilbert echoed two bathrooms, okay, it looked like there was another bathroom in there but I guess that's a stall. So that's sufficient enough for that many seats? Again from the audience Mr. Reynolds replied it's enough for 300. Councilman Gilbert said enough for 300 okay. I got you. That's the only question I have.

Mayor Macon thanked Mr. Hardison. He then said we'll hear from the applicant.

Greg Reynolds, 711 Canal Drive, Unit A2 said I'm the architect with Paradise Island VII. What our attempt to do here is to add a much needed volume of seats to the Black Horn. Lately even in off-season on the weekends we're very full and this is an opportunity to help the market and get some activity going down there.

Right now we have a vacant lot. We're planning on vastly improving that lot with heavy landscaping, almost a tropical paradise garden feel to it. The intention of this is to basically have pretty much a natural setting, controlled access, and offer an outdoor atmosphere; a place on the boardwalk that sorely needs it.

A couple of things that you do not necessarily see or understand all these is the X lines that look like triangles these are sailcloth structures of different colors that will move in the wind a lot like we're doing at the boardwalk makeover. We offer partial shade as well as let sunlight through. It will be just like an active space.

Other than that a couple of other things that Jeremy talked about was we've got a cooler at the cooler area as well as a stage area and heavy landscaping on the north side of the property also, not a requirement but a part of the feel that we liked to have.

We feel like the 140 seats would be the max that we would ever need in there that's what we're going to ask for permission. Probably for the front end of the season we'll probably have less than that but we want to get the conditional use permit through.

We did meet with the health department today. They didn't have a problem with the plan. They actually added a few valid comments to us and actually made things a little bit easier than we thought they would be so the health department has already looked at it.

With the season fast approaching, we do appreciate you meeting on Friday and any questions you have concerning this we'll be glad to answer.

Mayor Macon asked Council have any questions of the applicant.

Councilman Gilbert said just it looks like the owner of the property there was some communication on February 21st and talked about negotiating the lease. Do they actually have the lease yet or is it negotiated or...Mr. Reynolds said I spoke with Mr. Khaled Elraie today about 4:30. I faxed him the application and asked him to sign it. He did receive it. He had been at work all day long and said he'd turn it over to his attorney along with the lease which he has. The finalized lease is in his hands, I think you guys have already signed it. It's in his hands now. He said he'll have the lease and signed application back to us on Monday. Councilman Gilbert said that's my only question.

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

After being sworn in, Gerald Bigley said owning several different restaurants in this area, I think this is a wonderful project. I think it will be a big asset for the Town of Carolina Beach and the people that run it are extraordinary people who are doing a fine job to boost the business in this town and I congratulate you all on a good plan here. So all I can say is I hope you go for it and God bless.

After thanking Mr. Bigley, Mayor Macon asked if anyone else wished to speak.

No one came forward so Mayor Macon made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Mayor Macon said I'll entertain a motion.

Mayor Pro Tem Wilcox made a motion to approve the applicant's request consistent with TRC recommendations, staff recommendations 1-20, consistent with specific conditions 1-7, general conditions 1-4, consistent with the Land Use Plan, and waive the additional parking as requested.

Mayor Macon said motion on the floor any discussion on the motion.

Councilman Johnson said he thought Jeremy was asking to add as a condition the lease and the application. Mayor Pro Tem Wilcox asked it's not based as part of one of the conditions is it. Councilman Gilbert said I think I saw one of the conditions. Mr. Hardison commented the memo you have which was out last week and it was just something that last night Planning and Zoning recommended about the lease. Mr. Owens said so it has to be added if Council wishes. Mr. Hardison replied if Council wishes maybe you could put lease for building permit or however Council decides.

Mayor Pro Tem Wilcox said I would add to the staff's recommendations that before they can receive an occupancy permit that they have a signed lease or a building permit.

Mayor Macon said there is a motion on the floor any further discussion on the motion.

MOTION CARRIED 4-1 (COUNCILMAN JOHNSON VOTED NO).

Councilman Johnson said may I request something of staff Mr. Mayor. Mayor Macon replied you can do anything you want. Councilman Johnson continued I would prefer or would like in the future when we're having anything coming before us asking for waiver of parking that we have an aerial showing us the 500' from the property and with the back up like we had on Tuesday night showing how much parking we have and how much we've waived to date and where our deficit is. Mr. Ferguson replied okay, be happy to do that.

DISCUSSION CONCERNING MINIMUM HOUSING CODE ENFORCEMENT AND VIOLATIONS

Council and staff have received some e-mails and are continuing to work on it.

DISCUSSION CONCERNING QUASI-JUDICIAL HEARING FOR PLANNING AND ZONING MEETING AND CONSIDER SETTING A PUBLIC HEARING DATE TO AMEND THE ZONING ORDINANCE TO ADDRESS THE MANDATORY REQUIREMENT FOR THE PLANNING AND ZONING COMMISSION TO FOLLOW QUASI-JUDICIAL PROCEDURES WHEN MAKING RECOMMENDATIONS TO TOWN COUNCIL

Planning Director Gary Ferguson said that the Planning and Zoning Commission reviewed requirements for the quasi-judicial procedure in January which prohibits the Planning and Zoning commissioners from interacting much on CUP's with the general public. Both the public and the commissioners feel this is a loss. Staff checked with Rich Ducker at the Institute of Government who recommended that if the town is going to conduct a quasi-judicial hearing, they have just one to reduce complications. Staff came up with some alternatives for following that procedure and what might be replaced if you wanted to do away with the process: (1) Establish conditional use zoning districts with a public meeting. Pros: purely legislative on Council's part; public meeting process would defuse adjacent property owner concerns; would be a one step process. Cons: You would be creating a special zoning district every time someone applies for a conditional use zoning district creating extensive administration; issue of spot zoning. (2) Conditional uses with a pre-application conference which would eliminate dialogue with Planning and Zoning Commission and go directly to Council for a formal recommendation. He feels it diminishes the Planning and Zoning Commission authority

but the board was comfortable with it, also concerned it might eliminate what statutory language requires the board to do. (3) Remove quasi-judicial operations from Planning and Zoning - just have an open meeting for review. He reviewed this with the Town Attorney and does not see a down side to this option and this is staff's recommendation. He thinks this is the Town Attorney's opinion as well. (4) Consider just looking at the town's conditional uses and try to minimize them. Feels they could explore permitted uses with standards.

Councilman Gilbert made a motion to remove the quasi-judicial hearing process form Planning and Zoning meetings and pursue conditional use zoning districts.

The town manager said if it goes through Planning and Zoning needs to stick to technical requirements and concerns. MPT Wilcox said they will have to meet with P&Z because that isn't what we are getting. The town manager suggested meeting with the chairman about it. **MOTION CARRIED 4-1 (MPT WILCOX VOTED NO).** MPT Wilcox asked if staff will have a discussion with P&Z about them being technical in nature and the planning director said yes.

DISCUSSION CONCERNING THE 50% RULES FOR FEMA, CAMA, NC BUILDING CODE AND TOWN CODE

Gary Ferguson announced there will be a meeting at the Town Hall on March 28, 2008 at 2:00 p.m. with representatives from Coastal Management, National Flood Insurance Program and New Hanover County.

DISCUSSION REGARDING PARKING DECALS AND VEHICLE IDENTIFICATION DECALS FOR UPCOMING SUMMER SEASON

Chief Youngener reviewed the current guidelines. He said the town receives numerous calls every year regarding fees and he would like Council's input.

Mayor Macon said he feels if they own property but don't live here they should receive a parking decal with their VID. He doesn't feel they should have to pay any more money. MPT Wilcox agreed, and said his loyalty is to the taxpayer. If the property owner has a renter and if the town wants to have a price for that person to get a parking pass, that's great. The town manager said renters would get a VID and if they register their car here they would get a parking pass otherwise they would need to pay for one. Everyone seemed to be in agreement.

Jerry Bigley said he feels this issue should have gone to the Police Advisory Board first and then a recommendation be given to Council. He said a lot of times they do a lot of things in a meeting, everything is dropped and then they never hear anything more about it. So why are they here on the Police Advisory Board? Mayor Macon said they will be discussing community reports later on this evening where they will have someone from

the committee and talk to them about things they are interested in and he thinks they should try to utilize the advisory boards for certain things on the agenda as a courtesy to run it by them first. Mr. Bigley said regarding the parking during the spring festival, he thinks everyone that comes here should be able to park free that day and if the Town of Carolina Beach can't afford it, he will pay for it. If we can't allow one day of free parking, people will go somewhere else. He wants to see people come to this beach. Chief Youngener said they were going to check the revenue figure for 1 day. The Town Manager said he is concerned about the revenue and the number of events, who gets free parking and who doesn't and where does it stop. Big festivals are fine. Mr. Bigley said he is talking about the big festivals.

CONSIDER TAKE HOME VEHICLE MILEAGE EXTENSION PROPOSAL

Chief Younginer said each officer has a vehicle now. They have a good group of officers and he would like to offer an incentive to keep them. He would like Council to consider increasing the take home mileage. He checked with a number of other towns and gave comparisons. Proposals are: (1) Increase mileage from 15 to 25 miles for officers and 35 miles for supervisors; (2) Using 20 miles as a base and 14 average days worked per month, \$3.00 per gallon at an average of 18 miles per gallon; (3) Using 25 miles as a base and 14 average days worked per month, \$3.00 per gallon at an average of 18 miles per gallon. He provided a study calculating costs. Councilman Johnson said he would like to see it 25 miles for everyone. Chief Younginer said that would be a great program. Councilman Gilbert asked the town manager if this is something he would feel comfortable doing now and Mr. Owens said yes. Chief said if it was done now with the 25 mile stipulation it would add 2 people to the program.

Councilman Johnson made a motion to approve proposal (1) with the deletion of 35 miles for supervisors and increase from 15 miles to 25 miles for officers and supervisors. MOTION CARRIED UNANIMOUSLY.

DISCUSSION CONCERNING ELIMINATION OF FINAL NOTICES FOR UTILITY BILL CUSTOMERS AND CONSIDER SETTING A PUBLIC HEARING DATE FOR APRIL MEETING

Paul Parker would like to set a public hearing in April to change a utility ordinance to eliminate the final billing used now. He does not feel it is needed and would be a cost savings of over \$10,000 a year.

Mayor Macon made a motion to set a public hearing for April 8, 2008 at 7:30 p.m. or soon thereafter to consider adopting proposed Ordinance No. 08-732. MOTION CARRIED UNANIMOUSLY.

CONSIDER CONTRACTING WITH NEW HANOVER COUNTY TO PERFORM ROUTINE FIRE INSPECTIONS

Tim Owens said the town is required to do routine fire inspections of commercial properties on a periodic basis based on type. There are 300 to 400 sites and includes condos. There is no one on staff that can do those inspections. He discussed contracting with New Hanover County to perform these inspections and it would be a flat fee. He hopes to have a fire chief shortly and hopes they will have a level 3 inspection capability.

Councilwoman Efird made a motion to contract with New Hanover County to perform fire inspections for the town. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND AUTHORIZATION TO APPLY FOR A WATER RESOURCES GRANT TO INCLUDE 2 RETENTION PONDS, 2 STORMWATER LIFT STATIONS, 2 NEW PUMPS FOR THE LAKE AND MAINTENANCE DREDGING OF THE LAKE

Paul Parker said he and the town manager have put together a project with a \$1.9 million estimated construction cost. They met with John Sutherland, Director of Water Resources in Raleigh, and ran through this project first to determine if it was capable of being funded from a Water Resources grant and he said yes. The grant would be 66 2/3 % of the project construction cost. The grant request will be rewritten. The town applied for a grant several years ago for dredging at the lake and it was not funded. They would like to expand that project to include other projects and Mr. Sutherland agreed those should be included. Mr. Owens said they may want to call it Carolina Beach Stormwater Control Project instead of Carolina Beach Lake Dredging Project.

Mayor Macon made a motion to adopt proposed Resolution No. 08-916 (Exhibit 1) allowing staff to work on the naming of the project and how item no. 1 is written. MOTION CARRIED UNANIMOUSLY.

CONSIDER APPOINTING A YOUTH SERVICES COMMITTEE

Councilman Gilbert presented this item on behalf of Ms. Heather Kenny. He said there are some parents in the community who feel there are not enough youth activities and this committee was proposed to create and enhance activities, encourage youth participation, work in conjunction with Kure Beach, and a long term goal of a separate youth center. This would be an ad hoc committee with 7 members.

Councilman Gilbert made a motion to appoint a committee to make recommendations in reference to youth related events named Youth Activities Committee or a name of their choosing composed of 7 persons and to seek advertisement for that committee. MOTION CARRIED UNANIMOUSLY.

DISCUSSION CONCERNING COMMITTEE REPORTS TO COUNCIL

Randy Simon, Chairman of the Police Advisory Board, he said they discussed a lot of the things Jerry Bigley brought to the attention of Council earlier. They also examined the request Chief Younginer made regarding mileage which they supported. They would like the opportunity to bring forth their input to Council and would also like a standard for people serving on the committees with regard to applicants for the various committees.

He also requested to change the judicial position to at large position due to difficulty of filling it and advertise accordingly.

Mayor Macon said he would like to direct staff to look at committee policies and procedures and make some recommendations and also look at committees having difficulties and change to at large and bring that back to Council. Include that the committees have the option to attend Council meetings to discuss or inform what is going on or to get direction.

MPT Wilcox feels there should be more interaction with the committees and to have as part of the standard protocol that one person from the committee and briefly give Council an overview of what is going on.

Councilman Gilbert said he would like to see a mission, vision, purpose and goals for all 12 committees and if there isn't a staff liaison to all of the committees to consider that for the more core committees. They might want to consider more detailed meeting minutes instead of agenda or a committee report once a year.

MPT Wilcox recommended that the Mayor draft a letter to all of the committees and advise them of whatever is decided and an invitation to appear.

Councilman Johnson thinks maybe twice or three times a year have a workshop where all the committees can attend and have a slotted time unless there is an item that is an issue.

Mayor Macon said he would like to have an standing agenda item for committee reports and ask the committees what their charge is.

TOWN MANAGER REQUEST FOR A BUDGET AMENDMENT TO REBUILD THE TOWN'S BATHROOM AT CAPE FEAR BLVD.

Tim Owens requested that \$25,000 be used from the General Fund Reserve. Staff will reapply for a CAMA grant to receive \$15,000 back

Councilman Gilbert made a motion to approve the town manager's request.
MOTION CARRIED UNANIMOUSLY.

POLICE CHIEF REQUEST TO ADOPT THE PROPOSED RESOLUTION NO. 08-917 FOR THE NC GOVERNOR'S HIGHWAY SAFETY PROGRAM (FORM GHSP-02-A)

Chief Younginer said the grant request is for two officers, vehicles and equipment which the state requested them to reapply for before the end of the month. He said if they take the money they have and roll it over into next year's budget, the money will already be there. This is a three year grant.

Councilwoman Efird made a motion to adopt Resolution No. 08-917 (Exhibit 2) for the NC Governor's Highway Safety Program. MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

Councilman Johnson asked the town manager if they directed staff to stop including the 60 parking spaces on the gravel lot that the town does not own in the parking equation. MPT Wilcox said that the lease is expired and once it expires it goes on a month to month basis. The town attorney said it becomes a month to month lease.

Councilman Gilbert made a motion to not include public parking where there is not a long term lease in the calculations. Mayor Macon said they have already looked at some parking options, Cape Fear Blvd., Harper and they have plans he feels should be a priority. They are also looking at the TIF financing and the possibility that could help finance those parking improvements but also a parking deck. **Councilman Gilbert said he would like to add, at the pleasure of Council, to consider where our waiver stopping point is where they basically say we don't have any more parking to give, you're going to have to lease parking. MOTION DENIED 2-3(MAYOR MACON, MPT WILCOX AND COUNCILWOMAN EFIRD VOTED NO).**

Mayor Macon made a motion to seek TIF financing options as well as other options to build a parking deck to create parking on Cape Fear and Harper Avenue and that it is made a priority. MOTION CARRIED UNANIMOUSLY.

The town manager said that on March 18, 2008 at 9:30 a.m. staff is meeting with a number of agencies to look at the lake and Wilmington Beach project. Members of staff also met with Sunny Point recently.

REQUEST FOR CLOSED SESSION TO DISCUSS ATTORNEY CLIENT AND REAL ESTATE AND PERSONNEL MATTERS [NCGS 143-318.11(a)3, 5 and 6]

Mayor Macon made a motion to go into closed session to discuss attorney, client and real estate and personnel matter [NCGS 143-318.11(a)3, 5, and 6. MOTION

CARRIED UNANIMOUSLY.

Council returned to open session. No action was taken concerning the closed session.

ADJOURNMENT

There being no further business, a motion was made by Mayor Macon to adjourn.

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,



Lynn N. Prusa
Town Clerk

Approved: 5-13-08



EXHIBIT 1

RESOLUTION NO. 08-916

A Resolution Sponsoring the Carolina Beach Lake Dredging Project

WHEREAS, the *Carolina Beach Town Council* desires to sponsor the **Carolina Beach Lake Dredging Project**.

NOW, THEREFORE BE IT RESOLVED THAT:

- 1) The *Carolina Beach Town Council* requests the State of North Carolina to provide financial assistance to The Town of Carolina Beach for the Carolina Beach Lake Water Management Project in the amount of \$1,900,000.00, or 66 and 2/3 percent of the project construction cost, whichever is the lesser amount
- 2) The *Carolina Beach Town Council* assumes full obligation for payment of the balance of project costs.
- 3) The *Carolina Beach Town Council* will obtain all necessary State and Federal permits;
- 4) The *Carolina Beach Town Council* will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) The *Carolina Beach Town Council* will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The *Carolina Beach Town Council* will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The *Carolina Beach Town Council* will assure that the project is open for use by the public on an equal basis;
- 8) The *Carolina Beach Town Council* will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project.
- 9) The *Carolina Beach Town Council* accepts responsibility for the operation and maintenance of the completed project.

Adopted by The Carolina Beach Town Council this 14th day of March, 2008.

(SEAL)



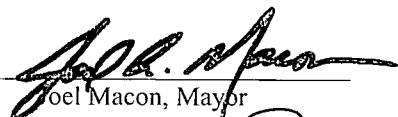
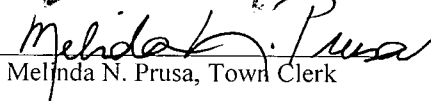

Joel Macon, Mayor

Melinda N. Prusa, Town Clerk

EXHIBIT 2 GHSP-02-A

RESOLUTION NO. 08-917
North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION
Form GHSP-02-A

(To be completed, attached to and become part of Form GHSP-02, Highway Safety Project Contract.)

WHEREAS, the Carolina Beach Police Department (herein called the "Agency")

has completed an application contract for traffic safety funding; and that Carolina Beach Town Council
(The Governing Body of the Agency)
(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

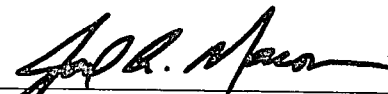
THEREFORE, NOW BE IT RESOLVED BY THE Carolina Beach Town Council, IN OPEN

MEETING ASSEMBLED IN THE CITY OF Carolina Beach, NORTH CAROLINA,

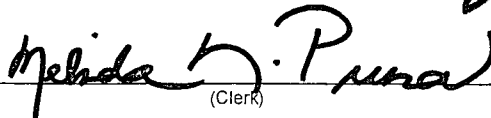
THIS 14 DAY OF March, 2008, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Police Chief William K Younginer is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$147,504.48 to be made to the Governing Body to assist in defraying
(Federal Funding)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 25,922.01 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____


(Chairperson/Mayor)

ATTESTED BY _____


(Clerk)

DATE _____

3-14-08

