

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

*August 24, 2010*

The Town Council of the Town of Carolina Beach met to continue its regular session from August 10, 2010 on August 24, 2010 at 5:30 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 (MPT) Pat Efid; Councilman Dan Wilcox; Councilman Lonnie Lashley and Councilman Bob Lewis. Also present was the Town Manager Tim Owens, Town Clerk Lynn Prusa, Finance Director Dawn Johnson and Town Attorney Steve Coggins.

Mayor Macon called the meeting to order.

***DISCUSSION AND DIRECTION REGARDING LAKE PARK BLVD.***

The town manager presented this item. He said this item is for the purpose to discuss the Lake Park re-striping that was accomplished prior to the summertime. This was done with the help of DOT, for which they paid, and there have been some concerns with the way it functions, mainly on Saturdays and Sundays. The re-striping was done basically according to this plan after many years of study with several different engineering firms and DOT taking a look at the re-striping. The reason for the re-striping was Phase I of a larger vision, a streetscape project to make our downtown more of a pedestrian oriented, typical downtown area. The end result will be 16 foot plus sidewalks, street furniture, street trees and landscaping, mast arm traffic signals, decorative sidewalks and roadways, bike path and pedestrian gathering points, upgraded street lighting, wayfinding signage, underground power, cable, and phone in the CBD, and underground water, sewer and stormwater work in addition to the work being done above ground. That will cost around \$10-20 million dollars for that project for a 3 to 4 block section and will also extend east and west on Cape Fear and Harper. DOT agreed to re-stripe in this format to see if it would function properly. There have been some concerns with some backup later in the afternoon on Saturdays and Sundays; the longer crossroad light cycles, primarily on Harper and Cape Fear; and, some concern about interaction between safety of bikers and vehicles in the CBD. They have taken 3 different traffic counts where they have captured a lot of weekend type data. DOT has been out here on many occasions and taken a look at the street lighting to see if it was functioning properly. Planning staff has a draft copy of both directional and wayfinding signage that has been submitted to DOT and they are taking at the concept. They have asked DOT to monitor the signalization. Also, there is a project which they should complete prior to next summer which is the Carl Winner intersection at Lake Park, making 2 rights coming out right by Tangerine's and the middle lane will be a right and a left. Several council members and he met with Alan Pope, DOT, and some of his staff at Division 3 and they agreed to take a look at some things we had in mind, mainly wayfinding/directional signage, signalization and come up

with some recommendations as well. They also recommended that we go back to our engineers and have them take a look at the functionality of everything. He is here tonight to ask Council how they want to proceed. His recommendation is that after staff, the engineers and DOT has a chance to look at things, you may want to have a public hearing or town hall meeting to talk about the Lake Park project. He sees it as a three part meeting with the first part talking about why we undertook what we did, whether we want to continue with the streetscape project or not; second part would be more of a public hearing to hear people's concerns and comments about what they do like; and the third part would be more of a brainstorming session where folks could offer some advice on how to implement the whole project better. It is now at the end of the summer and things have dropped off but they do have one another big weekend, Labor Day.

Councilman Wilcox said the Chamber of Commerce initially offered to host a public meeting and Council had some questions/concerns about what that format might be and how we collectively as Council attend.

The town manager said they have offered to be sort of a moderator, which he thinks would be a good idea. They could be a moderator between a panel of Council members and DOT staff. They would probably need to advertise it as a Council meeting. He sees the three parts as one meeting. He doesn't anticipate us having this meeting until November or December to give DOT some time. If this is what Council wants he can get back to them with a more definitive date.

Councilman Wilcox suggested November and the town manager agreed and said he thinks DOT will be prepared to give us some answers on what they will allow as far as signage.

Councilman Lewis said he thinks it would be important to have all the Council members there as he doesn't think they all agree on the direction. He doesn't see this as being implementable for the community for a long period of time based on the costs and financing.

The town manager said he will put it on the next agenda and formalize it a little better with dates.

Tim Sheridan, Kure Beach resident just off US 421 and 3 blocks north of the pier, said the streetscape looks fantastic but, in his opinion the road diet is a failure. The northbound traffic on 421 on Saturdays and Sundays is inexcusable. Most of those cars are tourists heading northbound out of Kure Beach. Traffic is always backed up for 1 1/3 miles from The Golden Sands to Harper and Lake Park and for what? Bike lanes that are rarely used and exceedingly dangerous. On holiday weekends the backups are past the KB pier. Tourists are the life blood of this island and if they don't come back then you will have real traffic calming. Changing a federal highway, US 421, from 4 to 2 lanes is mind boggling. At least change it back on the northbound. Right now there is no value added reducing the northbound lanes from 2 to 1. He has seen many near miss car accidents.

Councilman Wilcox encouraged him to help us out and to go to the Kure Beach Council meetings and urge them to be as cooperative as possible with us when we talk about signage and other things to help both towns and the traffic problem in general.

Mayor Macon said a sign at K Avenue to let people know there is an alternate route would be a good idea.

Councilman Lewis said another impact is the farmer's market on Saturday and they didn't realize how successful it would be. We have been working through the parking issues, etc., we need to figure that routing out on Saturday mornings because as soon as it starts backing up it continues to force even more backups and takes a long time for it to clear out.

Mayor Macon told Mr. Sheridan that he was serious when they said to go to Kure Beach and talk to them because they are not for putting any kind of signage at K Avenue, they do not support Carolina Beach on that.

***DISCUSSION AND CONSIDERATION OF JOINING THE NORTH CAROLINA WATER AND WASTEWATER AGENCY RESPONSE NETWORK***

Mr. Owens presented this item. He said they received a letter about NCWaterWARN which is a North Carolina initiative with water and wastewater. The main advantages of WaterWARN are increased planning and coordination; improved access to specialized equipment and manpower; streamlined mutual assistance and aid requests; enhanced sector resiliency to better serve communities; and, improved protection and continuity of dependent infrastructure. Basically it is utilities helping utilities in the event that they need assistance whether it be through a drought, a hurricane, etc. There are some notable sections of the agreement. The main part of this agreement is that there is no obligation. If we have enough staff and have the capability of helping somebody, it might be one of our vacuum trucks going into Wilmington to help Cape Fear Public Utility or could be something different. You are not obligated to help out someone but if you have the capability then you would go help those folks out. There is also some discussion about who is responsible for a workman's comp claim or liability claim, that's all in the mutual aid agreement, and basically it works very similar to what employees of fire mutual aid agreement, how those work. He is not 100% positive they will be able to provide folks a lot of assistance. They hope they would be able to when they are called on, at least minimal amounts. He thinks the benefits to us could be significant in the event we have a hurricane or some other kind of natural event. He is recommending to pursue joining WaterWARN. At this point they are probably one of the smaller organizations but he anticipates more folks joining in. It may be a 3 man crew that they send somewhere to help out but at least they are doing their part. The payback could be enormous if we had some kind of event happen. If Council is in favor of this proposal, staff can make sure they get everything signed and sent back in and accomplish all the things they detail in the mutual aid agreement.

Council was in general agreement to approve it.

***UPDATE BY THE PARKS AND RECREATION DEPARTMENT REGARDING MOVING FORWARD WITH STAFFING OF THE CAROLINA BEACH SKATE PARK***

Ted Lashley, the Parks and Recreation Director, presented proposed changes and staffing of the skate park. He provided information regarding peak scheduling times for employees, Monday thru Sunday, staffing the park from 9:00 a.m. to 1:00 p.m. and from 4:00 p.m. to 9:00 p.m. and in the wintertime with the two employees he thinks they could do it just from 4:00 p.m. to 9:00 p.m. Rough estimates of cost for 4 employees, 19 hours a week each at \$9.00 an hour, would be \$2,736 a month for employees during the summertime. Employees during the wintertime will cost us about \$1,300-\$1,400 a month. The town will provide a cell phone out there and there was some discussion about vending, they are looking at maybe just starting with vending bottle water and maybe going to snacks later. They can also consider onsite with vending machines where we will get a kickback on percentage and sales. They did have a vending machine there at one time and it was vandalized. He thinks they can figure out some kind of way to put the cage system in front of it. They talked about some annual pass rates and these pretty much coincide with all the recreation center rates. Recreation center members would receive skate park passes at no additional cost. The revenue estimates are rough guesses. If Council desires us to do staffing, he provided annual pass rates and revenue estimates and if the park stays as busy as it is right now. At the August Recreation Advisory Committee this was brought up and discussed and Duke Hagestrom, who sits on our committee, has been in discussion with the League of Municipalities concerning liability issues and they are still recommending not staffing the park. The Recreation Committee voted unanimously to recommend to Council not to staff the park because of the liability issue. Right now we do start our 12 and under skate time with staff supervision which worked out nice. He thinks there will be more participation next year with a little bit of advertising at the end of the school year. This was a good time to talk to the kids and get them in the mood to wear the safety gear.

The town manager said staff/Council has heard directly from the NCLM in the past about a state law that was passed which gives the town immunity from the liability aspect as long as it is posted, etc. He said staff will keep a log of names/pictures and violations to determine where the problems are.

Councilman Lashley recommended tabling this item and would like for the community to be aware of what is being done for the kids during the school year and have it put on TV.

**Councilman Lashley made a motion to table this item and the next item until the September 14<sup>th</sup> meeting. MOTION CARRIED UNANIMOUSLY.**

***UPDATE BY THE PARKS AND RECREATION DEPARTMENT REGARDING  
UPCOMING RECREATIONAL ACTIVITIES***

Council was in agreement to table this item to the September 14, 2010 meeting at 6:30 p.m. or soon thereafter.

***DISCUSSION CONCERNING RULES OF PROCEDURE FOR COMMITTEES***

The town clerk presented this item. She said back when they were in the middle of the budget process, one of the things she presented to Council was a committee booklet she created. Because of some things that have happened over the past few months, she recommended at that time to meet with the committee chairs to go over some of this information. There are things that would be helpful such as suggested rules of procedure for public meetings so they have a better understanding of what is a regular meeting, what's a special meeting because there are rules they have to go by for notifying the public of those meetings. She and the town manager talked about it and she wanted to let Council know that, now that the season is over, the budget process is over, they feel they have some time to try to start setting those meetings up. They can either do them individually or may try to get all the chairmen in at one time but try to do it at their convenience because she knows they work. She will let Council know when those meetings will be occurring and if they want to sit in on one, they are welcome to do that. She would like whoever the staff liaison appointed to those committees, they should be part of the process also.

The town manager said he thinks they need the chairman, vice-chairman and secretary at a minimum.

The town clerk thinks having everyone together they might have better organization and understanding of who is expected to do what and things would go a little bit smoother, even with the appointment process.

***PUBLIC HEARING - ESTABLISH THE AD HOC TOURISM AND MARKETING  
COMMITTEE AS A STANDING COMMITTEE OF THE TOWN OF CAROLINA  
BEACH AND AMENDING THE CODE OF ORDINANCES TO INCLUDE  
ORGANIZATIONAL PROCEDURES SUCH AS PURPOSE, MEMBERSHIP,  
REGULAR MEETING TIMES, ETC.***

***DISCUSSION, DIRECTION AND APPOINTMENTS TO THE TOWN'S TOURISM  
MARKETING COMMITTEE***

The town manager presented this item. He said this item was discussed at the last meeting. He has given Council a copy of a draft ordinance for making the Tourism and Marketing Committee a standing committee as opposed to an ad hoc committee. He used the Wrightsville Beach ordinance as a model. There were 10 members that were

appointed to the ad hoc committee originally but he believes it was because there were 10 members that applied for it at that time. He has chosen 9 voting members; the town manager or his designee would serve as staff liaison; and terms would run from June 30<sup>th</sup> to July 1<sup>st</sup>. Under (A) of the proposed ordinance there is a typo in the second line where officers would be elected in July instead of February which would give them almost a full year of being an officer and then around February, March or April that is when they would bring a budget to town Council. They are required to have a meeting a month and they would pick a standing time and day for that meeting. The ordinance is simple and similar to some of our other committees. There are currently 6 members: Jim Clark, Jim Allen, Margaret Crouch, Jeannie Fitzpatrick, Charma McKnight and Amy Marie Johnson so we would need to appoint 3 new members and that is something before them tonight.

Councilman Wilcox said it is his understanding that 2 of those members are no longer members, there are only 4 current members. Charma McKnight sent in a letter and he thinks the other who left is Jeannie Fitzpatrick.

The town manager said he called Jim Clark to verify the current members and has not heard back from him yet. They may be looking at appointing 5 members tonight or they can re-advertise for 5 applicants. They did two staggered terms, the first three would be until 2013, the next three would be until 2012, and then the following three would be for one year terms and you can choose who you want to have at those different times. Then they would reapply.

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

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

**Mayor Macon made a motion to take a 5 minute recess. MOTION CARRIED UNANIMOUSLY.**

The town clerk asked if she could be excused to see if information could be found confirming the resignation of Charma McKnight and Jean Fitzpatrick.

After the recess, Mayor Macon called the meeting back to order. The town clerk stated that she was unable to locate the information but she would make contact with Ms. McKnight and Ms. Fitzpatrick concerning their status on the committee.

**Councilman Wilcox nominated Brett Keeler to replace Charma McKnight if she is no longer participating for the term to 2012. MOTION CARRIED UNANIMOUSLY.**

**Councilman Lewis nominated Greg Reynolds to replace Jeannie Fitzpatrick if she is no longer participating for the term to 2012. MOTION CARRIED UNANIMOUSLY.**

**Councilman Lewis nominated Cynthia Remahl, Bruce Holsten and Ronald Topping to the three open positions. MOTION CARRIED UNANIMOUSLY.**

The town manager or his designee will be the liaison from staff.

**Councilman Wilcox made a motion to approve Ordinance No. 10-845 (Exhibit 1) to include the change specified by the town manager. MOTION CARRIED UNANIMOUSLY.**

Councilman Wilcox said he will be attending the meetings, especially through the first 6 months or so, until it is up and running.

***DISCUSSION CONCERNING FREEMAN PARK COMMITTEE MEMBER'S NEW STAGGERED TERMS***

The town manager presented this item. He said this is another committee they have discussed about having monthly meetings and getting a full board of 7 members. The police chief is recommending the following appointments:

Ruby Freeman:	04/01/2004	thru	09/01/2012
William Freeman:	03/11/2004	thru	09/01/2012
Lincoln Hill:	04/04/2004	thru	09/01/2014
Rick Rogge:	07/28/2009	thru	09/01/2012
Fred Grady:	05/13/2010	thru	09/01/2014
Tom Bridges:	08/01/2010	thru	09/01/2014
Hope Combs:	08/01/2010	thru	09/01/2012
William Younginer:	Appointed staff member		

**Councilman Wilcox made a motion to reappoint the members as identified with expiration dates as listed. MOTION CARRIED UNANIMOUSLY.**

Councilman Lashley requested that the town clerk stress that minutes be taken at these meetings and provided to Council.

The town clerk said they are required to have minutes and, when the town receives them they scan them into the system and then send them to Council.

***ADOPT A RESOLUTION FOR FINANCING LIFT STATION NO. 1***

The town manager made presentation. He said the finance director sent out some bids for financing lift station no. 1 and they got some very favorable rates. BB&T won the bid for 3.35% for 15 years at \$1.6 million dollars, which is the estimate for that lift station. They are going to pay cash for the EQ basin part of this based on some of the debt service they have collected over the years. Staff is asking Council to approve Resolution No. 10-1025 approving financing terms with BB&T for lift station no. 1 rehab. After this is done, this would go to the LGC in September and hopefully they can begin construction fairly soon.

**Mayor Macon made a motion to adopt Resolution No. 10-1025 (Exhibit 2) regarding lift station no. 1 and financing with BB&T. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to adopt Resolution No. 10-1024 for financing agreement with BB&T for purchase of vehicles. MOTION CARRIED UNANIMOUSLY. (Note: This resolution was previously adopted on 8-10-10.)**

***NON-AGENDA ITEMS***

Councilman Lashley asked if they have heard anything back from Sunny Point as far as being able to put an open basketball court at Mike Chappell Park? The town manager said probably not but he will find out.

Councilman Lashley asked about PISA soccer field use, whether they are using our fields. Someone needs to be aggressive in the recreation department about pursuing these things.

**Mayor Macon made a motion to go into closed session to discuss attorney/client and real estate matters in compliance with [NCGS 143-318.11(a)3 and 5]. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon stated that no action is necessary as a result of the closed session.

There being no further business, **MPT Efird made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.**

The town attorney said there has been approval to give to the town manager authority to execute the Verizon contract within the parameters discussed.

**Councilman Wilcox made a motion to reopen the meeting. MOTION CARRIED UNANIMOUSLY.**

**Councilman Wilcox made a motion to give the town manager approval to enter a contract with Verizon Cellular to lease space on the water tower. MOTION CARRIED UNANIMOUSLY.**

**MPT Efird made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

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