

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

February 17, 2010

The Town Council of the Town of Carolina Beach met in a special session on February 17, 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 Efird; Councilman Dan Wilcox; Councilman Bob Lewis and Councilman Lonnie Lashley. Also present was the Town Manager Tim Owens.

Mayor Macon called the meeting to order.

***TABLED FROM FEB 9, 2010 - REVIEW AND APPROVE PROPOSED
ORDINANCE CONCERNING VARIOUS SECTIONS OF THE PARKING
ORDINANCE, CHAPTER 9 MOTOR VEHICLES AND TRAFFIC***

The town manager presented this item. At the last meeting they discussed several changes. He has given them a copy of the amended ordinance which he will go over. The discussion included several things: Considering going to 2 hour, non-metered parking along Lake Park Blvd. from Harper down to Atlanta; 2 hour, non-metered parking also on Cape Fear Blvd. and keep the original 20 minute parking in the area that it was 20 minutes; go from Lake Park Blvd. from Atlanta Ave. down south towards the Scotchman, Carolina Sands area, and do metered parking there; and the rest on the town would either be a pay lot with a pay station and/or a metered space location and they would be as long as you pay for the metered time, you can park in those spaces. So that is the ordinance he has created, those changes have been made. Recap: they have changed parking to 2 hour, non-metered parking in the CBD; they kept paid parking on the east side of Harper; kept paid parking up near the boardwalk, there would still be some residential parking spaces, one or two taxi spaces, one or two police officer spaces, kept everything pretty much the same except for changing some of the 2 hour metered parking to 2 hour parking and changing our 3 hour metered parking to unlimited timelines as long as the meter is being paid. They will use the meters that they can down Lake Park along either side from about the lake down to Carolina Sands. The 2 hour parking in the CBD will be enforced. They probably should give a warning period. He also wants to go through a process whereby they update some of the signage and make it clearer. For instance, in the 2 hour parking area your parking permit won't necessarily get you more than 2 hours and that is all this ordinance allows you to park there like anybody else - you still have to abide by the 2 hours. Your parking permit will, however, allow you to park in all the other metered spaces for the day. They can get a notification out in the water bill that parking has changed and refer to the website. The only other thing he would request is if those changes are okay and we approve this Ordinance No. 10-817, that we adopt that map and that will be the official parking map. They took out all the individual street names and want to refer to a map as to where the parking is and

how the parking is regulated, adopt that map and also create a budget of \$5,000 to come from the tourism fund balance to get some signage done. It probably won't cost anywhere near that but they want to do some more signage that is very clear.

Mayor Macon made a motion to set a budget of up to \$5,000 from the tourism fund to take care of the signage changes and things that need to be done for the parking changes and adopt Ordinance No. 10-817 (Exhibit 1) along with the official parking map of Carolina Beach. MOTION CARRIED UNANIMOUSLY.

The town manager said the enforcement period starts April 1st but some of the meters along Lake Park may not go up by then depending on resurfacing/re-stripping of the street but it will be soon after that.

CONSIDER EXTENDING THE CURRENT CONTRACT WITH LANDSCAPES UNLIMITED FOR LANDSCAPING AND MOWING SERVICES

The town manager presented this item. He said our 2 year contract with Landscapes Unlimited is up July 1st which is not a very good time for our mowing and landscaping contract to be up but that is the way it was set up. Staff feels there is every reason to extend the contract for another 2 years. The other options would be to re-bid the project or to extend the contract from July 1 into maybe March of 2011 so they have time to get through the season and bid it in March of 2011. The contractor came under tight circumstances with roughly \$40,000 to \$45,000 under the lowest bid 2 years ago. They have made do for the past 2 years. Some of the costs they are proposing that would be different than what their contract is now - we spent roughly \$144,000 with them and they are looking at a bump of another roughly \$43,000 which would bring it to around \$182,660 for the contract. For the most part the changes in the cost are projects we are undergoing and we brought about ourselves. He did put some additional funds in this year's budget for the entryway project but we really didn't get completed until the end of the summer so we really didn't have to use those. There is about \$15,000 in there that would be part of the entryway project that would be aeration, bug spraying, weeding, mulching, pruning, etc., so that is \$15,000 of the \$43,000 additional that they are requesting in their contract. The lake and also Mike Chappell Park we are considering doing very similar at the lake what we're doing at Mike Chappell which is the weed spraying, fertilizing, aeration, etc. They are considering doing that at the lake as well so that was another \$7,000 to enhance what they are already doing on the fields at Mike Chappell and the other is to do the lake as well. The landscaping at the boardwalk has gone in and that was not in the original contract. They have basically been doing it at an hourly rate or what they agreed to under the original contract. That equates to about \$4,600 to manage that over the course of the summer. Then, there are 2 stormwater ponds that we installed that weren't in the original contract and to mow those for the year is \$4,100 - the one at the end of Greenville Ave. and the one at Alabama Ave. So that is \$30,000 of the cost, the rest of it was stuff we feel like weren't really included in our original contract. They picked up the fire station and the two houses we purchased there and that is part of this contract and there were some other areas that were left out of the

original contract so we feel that they are justified going to whatever amount they are proposing which is roughly \$182,660. The other items they have done a good job. We have gotten a lot of compliments on the way the town looks. He sees them working all the time, even now. They do a really good job of picking up trash at the same time they do weeding and mowing. Most of this impact will happen next budget year. They bid this out 2 years ago and they are still just a couple thousand above what the lowest bid was 2 years ago and they had roughly 7 bids. Even with all this added on they are still almost as low as the lowest bid. We had \$135,000 plus \$15,000 for the entryway project that we never used is what we had in this year's budget.

MPT Efirm made a motion to extend the contract with Landscapes Unlimited from July 1, 2010 to March 1, 2012.

MPT Efirm rescinded her motion.

Councilman Wilcox made a motion to approve the contract with Landscapes Unlimited for one year and four months at \$180,000 for the year prorating the four months. MOTION CARRIED 4-1 WITH COUNCILMAN LEWIS VOTING NO.

DISCUSSION AND CONSIDERATION TO REQUEST THAT A JOINT WORKSHOP BE HELD BETWEEN THE POLICE ADVISORY COMMITTEE AND THE RECREATION COMMITTEE TO REVIEW THE ORDINANCES AND ACTIVITIES OF THE CAROLINA BEACH SKATE PARK AND TO RETURN RECOMMENDATIONS TO THE TOWN COUNCIL

Councilman Lashley said he would like for the two groups to get together. Before he was on Council, Randy Simon of the Police Advisory Committee suggested they put on-site people at the skate park. He would like for the two committees to look at a few things at the skate park. He would like for them to consider a two hour session for a couple days a week for children 12 and under so they can have that skate park alone at that time. He would also like to think about maybe doing something like we do with the lifeguards. We have a seasonal thing with the lifeguards. Maybe we could have a seasonal thing of on-site personnel, maybe some college students in the summer to run it during the tourist season and also have them on-site doing that. Other things might be to have the recreation center personnel conduct some safety courses using our parks' groups. He would like for them to get together and come back to our March 9 meeting and suggest some ideas, get with Margaret who is on-site there everyday and discuss complaints. He doesn't want it to get out-of-hand and would like some recommendations from those two advisory committees.

Councilman Wilcox said that last year the Recreation Department came up with some good ideas about policies and admission charges for non-residents and would like to see them look at that again. It seems like it is dominated by people across the bridge.

The town manager said it might the first or second meeting in March when they come back to Council.

DISCUSSION AND CONSIDERATION OF BUDGET ADJUSTMENT FOR HIGH VISIBILITY CROSSWALKS AT HAMLET AND BUDGET ADJUSTMENT TO INSTALL SIDEWALKS BETWEEN HAMLET AND FAYETTEVILLE

The town manager presented this item. He said they have talked about several potential parking areas in town, two of them being Tennessee and Bowfin and Texas and Bowfin. They did some preliminary drawings for our parking areas that are basically one block off. They can get 40 parking spaces in those areas but he is not sure they can do it this year so he is not recommending they go for it at those two areas. By the time you add high visibility crosswalks, paved parking surfaces and meters you are talking about \$100,000 for the project. One thing he would like for Council to consider, if this is where they want to go, is that they could try to pursue gravelling the 309 CBAN lot next to Harbor Masters. They have a picture showing the layout. They are struggling a little with some of the permitting agencies. If Council would like to get some parking in there, he is asking for Council to set a budget of roughly \$40,000, hopefully it won't go any further than that, to do a temporary parking area. They would use an honor box taken from another location as the method of payment. The \$40,000 would include gravel and part grass parking facility, a couple of port-a-johns, fencing for some of the area, and a couple of picnic tables, potentially. He did not estimate the revenue but you would be lucky to make the \$40,000. Probably none of it could be used as a base for the future project. They will use minimal gravel and as much grass as possible, concrete bumper blocks with numbers, one of our pay stations, and use existing labor from the town to construct. \$15,000 to \$20,000 is probably closer to what they would be spending. They would have to get a permit which they will pursue shortly and will try to get it in before summer if they decide to do it.

Councilman Wilcox made a motion to table this item and ask Brian and the town manager to bring back more refined numbers on cost and project revenue.

MOTION CARRIED UNANIMOUSLY.

CONSIDERATION AND DISCUSSION REGARDING A BUDGET AMENDMENT FOR ADDITIONAL LIFEGUARDS AND PART-TIME POLICE OFFICERS FOR FREEMAN PARK AND THE BOARDWALK

Chief Younginer presented this item. He said they have discussed a little the proposal to add some lifeguards and some part-time police officers to work this summer. There is a budget on both of them. They talked about probably 5 lifeguards and a part-time person in there to supervise them. Last year he had one policeman that ran the lifeguards all year but he worked every day and he does not want him to do that again this year. He would like to get him some help, especially if they add more lifeguards, so he can take some weekends off. When he did take some weekends off, the sergeant tried to supervise the

lifeguards but he is very busy as it is. They had some very good lifeguards and they took care of themselves, for the most part, but they do need some supervision. The proposal is to add five stands, expand the coverage in Freeman Park, and extend the hours, mainly on the weekends, until about 8:00 p.m. and that would be with some roving patrols. The total estimated for the whole year is \$47,716. If they do it to finish just this part of the year, it will be a little over \$23,600. He put together a proposal for some part-time police officers and the good thing about this year is that there are a lot of good, qualified people trying to find a job, we have a good auxiliary program and he has added a couple of people to that and talked to them about doing some part-time work. Year before last they paid the auxiliary a little bit of money. They didn't have a budget at all. Last year they didn't pay them anything. We have some new auxiliaries and we basically hire our full-time people from the auxiliary. There are some auxiliaries that don't want to go full-time, they have full-time jobs. So we have a couple of officers in other places that can work some part-time work here for us. Not knowing exactly how many hours, he put together a list of 12 hour shifts. They probably won't work all 12 hour shifts, there will be 8 hours most of the time, but some of the big weekends they will be working 12 hour shifts. On the regular weekends they have 14 weeks they generally talk about putting 2 extra on the boardwalk, 2 extra on Freeman Park, 1 patrol and 1 boat or patrol. He would like to try to get the boat in the water this year but it won't be for 12 hours at a time. On the busy weekends they end up with 3 at Freeman Park and basically the same for the rest of them. He can shift some of those people around based on what is going on. We're going to expand the rides at the boardwalk by almost double and that gives us a lot of people. They didn't have a lot of trouble last year. Most of the people were families and we did keep officers at the boardwalk most of the time. All those officers were overtime. They don't mind working overtime when it first starts but towards the halfway point he ends up making them work. The part-time officer program would help him do that. He guessed at how much it would cost and the total season was about \$48,000 if he had everything he wanted. He doesn't think he would get people to sign up for that many hours. He could and they might need it. We have 8 auxiliaries some of which are retired, some work at other police departments and some have full-time jobs at other places who want to be policemen, have been through training and some have been with us 5-6 years. He said they have a lot of complaints during the summer about boating in the basin area and they would like to do some patrolling on a limited basis. That is why they want to finish the boat lift. There is power in the water for it now. They want to let people there will be some police enforcement out there. The enforcement would be limited but it would give them a presence. Vacations and training are done in the winter and the current numbers are needed. This past year they caught 4 groups of people breaking into cars with about 20 cars at a time. Also breaking into houses, it's been a big year.

The town manager said they are coming up on a pretty tough budget year. They have taken on the pier project and our debt service on that is going to be \$428,000 next year. Only about \$120,000 of that is retired debt service so you are looking at a big increase there. You are looking at several projects they approved the other night costing \$225,000 more than what they have this year. We are looking at \$100,000 if they approve this the way it is, additional funds for police and for lifeguards. We bought a piece of property on the oceanfront that we are going to have to try to pigeonhole some money in over the

next two years, roughly \$60,000 for that a year so that we can pay it off in 3 years. He did give some recommendations and he thinks it is a great proposal and wishes they could do it. He thinks if they could fund some of this through some of the additional revenue that came in through Freeman Park, it might be a middle ground here, and mainly just for police service. He would like to enhance our lifeguard service but there are some difficulties here with the finances. He would propose an additional \$15,000 out of the Freeman Park funds to get us through police officers on Freeman Park and get us some additional officers to use at the boardwalk if it is a busy weekend, the marina or however he needs to use it. And then propose in next year's budget another \$35,000 for the same thing. He is not proposing they do any lifeguards because of what they have in the budget already.

Councilman Wilcox asked if the town manager would put a list of pros and cons together for the different rates for non-residents at Freeman Park.

The manager said he would do that and bring it back to the next meeting.

Mayor Macon made a motion to take an additional \$20,000 out of the Freeman Park tourism fund to use for police and lifeguards up to July 1st. MOTION CARRIED UNANIMOUSLY.

REQUEST FROM THE HOA OF ISLAND FOREST SUBDIVISION TO PAY FOR STREET LIGHTING IN THE DEVELOPMENT

The town manager said it is typical for municipalities to take over subdivision roads, water, sewer and lighting, payment for lighting, once they are completed. Island Forest has been completed for some time. They chose a higher standard of light than we would do, as well as the spacing. Their cost per month is roughly \$489 for lighting. Their HOA has been paying for it since it was completed 4-6 years ago. We do maintain and have accepted their roadways, streets, water, sewer and stormwater. They are asking us to consider reimbursing them for the street lighting or place the contract in our name. It is very typical for towns to have a street lighting policy. We probably haven't gotten into it a whole lot because we don't have that many subdivisions for the most part because we are platted. He has a copy of Wilmington's street light policy, which is very similar to what he has seen in other towns. Typical lighting, if you have overhead power lines, is cobra lighting with typical spacing - similar to what they have in Wilmington Beach or other areas. If you are underground with utilities, that is what they would require, there are ways to address that too in their street light policy. He would like to do if Council is okay with the concept is to take a look at the Wilmington policy and what is out there a little better and come back with something that Island Forrest and the town can both live with. They would basically submit the town invoices, he is proposing bi-annually rather than monthly, and then they could reimburse them for the street lighting. The only other development he can think of at this point is Sea Grove and they are maintaining and

paying for their lighting at this point. Everywhere else in town, on public streets, is our lighting. He will bring something back after they have had a chance to get with their HOA and see if they are okay with our proposal and then they will take action on it.

BUILDING INSPECTION PROGRAM

The Planning Director, Gary Ferguson, said he was asked by the town manager to present a pro and con position paper on the building inspector who will be leaving at the end of March. He has done a very good job for the town over the last 6 years. The question is whether they want to continue with a Carolina Beach building inspector or not. He listed some pros and cons for Council to look at the good and bad of giving it over to the county. The manager has already contacted the county and there is a willingness on their part to accept this responsibility, obviously at a fee. Re-examining the pros and cons statement, if there is any one word to describe the general pro of eliminating the position would probably be, if you need a building permit just go across the bridge to the county, we won't be dealing with it anymore. He looks at it as a positive if you look at it from the point of view of lack of customer service. We won't be servicing people. He feels that is the only true benefit of not having a building inspector. All the rest of the items he listed speak to the benefits of having a building inspector and the principal one he mentioned is the customer service element. Folks come in for a small building permit to do something minor and would have to be serviced across the bridge at a considerable distance and hassle for them. Also, our building inspector does more than just inspections. He does minimum housing code. It's very legalistic and we haven't had many cases, perhaps 3 cases in the last 2 years, but it has involved the building inspector to make certain determinations about the condition of buildings. Our building inspector is also CAMA certified and he is a local permit officer. We would be losing that as well as the redundancy in our FEMA applications through the flood program. He works with Floyd, just like our zoning administrator, but with only one person doing flood permits, we would be somewhat at a loss if Jeremy is out of town, etc. In terms of revenue, he has given some numbers based on past years which he feels is kind of a wash. The goal is to have a break even proposition so it is not a revenue producer. Lastly, damage assessment from a hurricane point of view, we haven't had that issue in a while but we do lose that capability to some extent. We still have a damage assessment team, they will still be organized but it will be a little bit different if we don't have an inspector to kind of herd these people together, give assignments, etc. That is an overview.

Mr. Owens said the county would do it for their inspection fees. The other downside in his memo is if we were doing a construction project for the town, we would have to pay for the permit. They are not currently charging other municipalities or towns but they are going in that direction.

The planning director said the type of inspector they have is a level 3 and that is what they would be looking for. That means he can inspect commercial buildings, unlimited in size and height. To bring someone in under training, they would be under probationary status. That means, for a significant number of buildings in our town, they would not be

able to do inspections on. We would still need to bring somebody in with that level of certification and end up in a shortfall.

Mayor Macon made a motion that we continue keeping a building inspector on staff.
MOTION CARRIED 4-1 WITH COUNCILMAN LEWIS VOTING NO.

REQUEST FROM BILL WELLS TO CONSIDER LOWERING THE USER FEES FOR WILMINGTON BEACH STORMWATER DRAINAGE AREA OR TO RECONSIDER THE POLICY REGARDING THE REQUIREMENT THAT PROPERTIES IN THE WILMINGTON BEACH DRAINAGE AREA PAY THE USER FEE INSTEAD OF HAVING THE ABILITY TO TREAT STORMWATER ON-SITE

The town manager said Bill Wells, Wells Construction Corp., brought this to his attention. He was building a house on Tennessee which is in the Wilmington Beach drainage area. We just recently amended our stormwater ordinance to require that folks in the Wilmington Beach drainage area pay for the impact fee as opposed to treating the water on site. Some of his concerns were that they didn't really have the options that some folks did to treat on site or pay. He went through an engineering process to do the stormwater on site and found out that he couldn't do it on site but he really had no knowledge of the change in the code. He will talk about some other things. Summary of recommendations: The town currently requires that developers and people constructing homes and adding additions, etc., that they design and treat the first 1 ½" of their stormwater. This is more stringent than the DWQ regulations, Coastal Stormwater regulations, they only require that if you do 10,000 sq. ft. of built upon area that you have to treat the development and if you're doing redevelopment, they don't necessarily count that as part of any of it as long as you stay of a like size and don't go that 10,000 sq. ft. of built upon extra. So what we require is that basically almost anything over 500 sq. ft. that you are doing be treated on site or you pay an impact fee. In the past our Operations Director took that as the only thing we calculate, as far as collecting on site, is the footprint of the home. He would contend that our ordinances and our code right now doesn't really say that. It says the site, all impervious surfaces. His opinion is that they need to be designing and constructing sites that will treat that first 1 ½" of on all impervious surface or, if they can't because of soil problems, etc., that there would be an impact fee that would be addressed as part of that. If they decide to go a different route, then you have to treat the footprint of your home, then we would have to go back and amend our code to address that. The cleanest part of the water flow is probably coming off the top of your house. He is not sure if they are treating that or the sidewalks and driveways too. That is the first part of their dilemma - how we have been functionally, as a department, allowing folks to treat stormwater. Our ordinances don't support that, it supports you must treat all impervious surfaces. Depending on what Council wants to do, we may have to change that ordinance or stay the same and start implementing it like we should have been implementing it. The other is the stormwater user fee, which is an impact fee. As mentioned in April 2009, we required that folks in the Wilmington Beach drainage area pay the impact fee and that fee and how we calculate that fee is another

situation that really needs to be clarified. Currently, we just consider the footprint of the home so the maximum that you would pay for an impact fee would be \$11,000. We don't really calculate the whole driveway because you could cover 100% of your lot with driveways and things like that but you can only do 40% structure. He is okay with that interpretation, he just wants to make Council aware of that, that we are only doing \$275 x 40% if you don't treat any of the coverage on the lot. That is what we are doing and it is very consistent with what we are doing on the treatment part of it although he thinks the treatment part of it needs to be changed. Wilmington Beach, we made a decision that we would change our ordinance and require, typically if it is \$10,000 impact fee for a lot then 140 lots would pay back our debt service for the ARA project we're doing for the Wilmington Beach area. There are roughly 338 vacant lots in Wilmington Beach so we made that decision to move forward. What Council needs to decide is how we are going to address Wilmington Beach. Do we want to continue doing it like we are doing it now which is to let them have an impact fee that is similar to everybody else in town or should be scale back on that impact fee? Or should we hold it in abeyance until we get the project in and get the whole streets redone? Those are the three different options. It is really a policy decision. He just doesn't want to add any more confusion with what they have had with this stormwater program. We need to be really clear and it needs to be spelled out in our ordinance because there have been some interpretation issues, in his opinion, that didn't necessarily make it to code. He is good with whatever we decide but we just need to make sure they make it into our fee schedule and our code and everybody understands them. We do have a very aggressive stormwater program, which is to be commended, but it does come with a premium cost to developers and builders.

Councilman Wilcox said he would like to clarify some issues. He was on that stormwater sub-committee and he was the one who did the calculations for the \$275 per square foot and knew what it was based on. He has to go over this issue because it affects the Wilmington Beach decision. The intent of this committee was to determine whether we wanted to be in the business of charging people for stormwater fees and putting that money in the bank or whether we really wanted to improve our water quality. The Phase 2 stormwater requirements are all about improving our water quality so the goal of that sub-committee was to not be satisfied with business as usual. What we did is we came up with some calculations based on the cost of engineering and installing a stormwater system for average homes on a single-family lot. Those calculations were reduced to, to make the collection of the fees simple, percent of square foot of the 40% maximum but the design criteria was based on the whole house and what we would call an average driveway. To say that we were only charging stormwater for the structures, inaccurate in that sense because the design criteria for the value that we place on that stormwater design was for what the classic parking would be for a 50' lot. So we determined that and came up with a cost of \$11,200 for a single-family lot to design and install a stormwater system. He has installed a lot of them for less and some for quite a bit more but it was intended to be a slightly high average. Going back, the norm at that time would probably be around \$7,500-\$8,000. That norm has since come down as we have done more of them through the years and the contractors and engineers have become more familiar with them, that number has come down pretty good. He doesn't think he has paid more than \$6,000 for a whole system in a while. The reason we placed \$11,200

on it to pay the fee was to encourage people not to pay the fee, to encourage people to design a system and put it in to have better water quality. For the people who couldn't put it in, we had a number we could collect and if they did a percentage of it, we allowed that. He feels the study and the work behind that logic is still solid. Maybe it wasn't clearly interpreted to the code and maybe there does need to be some maximum parking assigned with that 40% - \$275 and anything above a certain amount of parking, charge an additional fee for that. Regarding the Wilmington Beach issue, he has a little bit of concern because the whole concept was set up to give people the option but to encourage them to do the water quality option. We're not giving them that option under the current requirements. Every place else we have encouraged to do it for less than \$11,200 by doing it themselves which most people nowadays are doing a \$5,000-\$6,000 stormwater system that is meeting the requirements. He thinks they should take a look at Wilmington Beach as a different animal. Obviously they weren't in our thought process when we were coming up with our stormwater fees. He is suggesting they have a fee that is more in line with what their option would be.

The manager said the things he needs direction on - are we treating 100% of the impervious surface at 1.5" or are we treating something different? If we are treating what he just said, which is all the impervious, when Bill came in and did his design he only based it on the footprint of the home on Tennessee and it didn't include the paved area. So, are we changing gears and doing a different calculation or are we staying with 100% of the impervious?

Councilman Wilcox said the design has to treat the impervious surfaces and the fee is based on the house size.

The manager said he is good with that. That is what the code says, we're following the code here, and our budget needs to be clarified a little bit because it doesn't necessarily say the house. The other factor would be, what are we going to do with Wilmington Beach? Is the number \$6,000, \$7,000, \$5,000? We are treating that water. They will not have to put any kind of system in and, at this point, if we don't service the debt, then it is coming out of everybody else's pockets.

Bill Wells, said he has two issues on this. One was communication. He came in here and dropped a permit off for 206 Tennessee Avenue, had it engineered as normal and didn't know one thing about this. Came in to pick up the permit and the only person who knew anything about it was Mary. Nobody else in the Planning Department knew. He's talking about putting it underground. Mary said he couldn't do that. He went back to Gary and Jeremy and Jeremy said yes he could put it underground. Gary didn't know. To give Dan credit, he got a copy of the minutes from the meeting where Councilman Wilcox said anybody working on a project, as a courtesy, to let them know that there is a change coming. That would have been great but the Planning Department didn't even know which he finds totally ludicrous.

The planning director said they had a public hearing on it and invited all of the public to come in and speak on it but he is right, he didn't highlight it to him to say you cannot put this on site, your filtration on site of the stormwater - you're right.

Mr. Wells said being out on engineering fees is the minor issue. The bigger issue is the new fees. If the town charged him \$6,000 stormwater fee for this house, he could put it underground for \$3,000. He has built many houses and with \$2,500 worth of gravel and labor and \$400-\$500 for the engineering, he can do that all day long. He has a building permit to pick up right now in Wilmington Beach for a duplex and he has two more permits to pick up in Wilmington Beach, he hasn't turned them in yet, for single-family houses. It has to be something reasonable. He understands the costs and paying something but \$11,000 is a lot of money. The permit cost him \$17,000. He also doesn't know about paying for it before the system is done. The duplex they are going to start on Snapper, you can bury a truck in the trench in front of it. It's huge; it's like the one on Second Street. He doesn't know how they are going to do that. Tim said to build a bridge to the lot before the town comes over to correct it because they are going to pipe it underground.

The town manager said they are working with each individual property owner to make sure they can get that water out towards the right-of-way and eventually what will happen in some of those areas where there is no roadway or ditch structure then that will come back in and hopefully tie in together. So we are working with our engineer if we need to on occasion in trying to get all that to the roadway. For the most part this is all of Wilmington Beach drainage area too and includes more than just where they are paving. They are holding Mr. Wells recent stormwater fee until they figure this out and he can pay then. There are some other folks that may want some refunds. There aren't that many houses if we decide to change our fee structure, we should consider reimbursing those folks.

Mayor Macon said he didn't think there is any question that if we change the fee there should be a refund.

The manager said the project should be done by mid March. He will have to process it but he may need to bring back some code changes and some budget changes and may have to have a public hearing in March.

Councilman Wilcox made a motion to set a public hearing to adjust the ordinance, if necessary, to clarify that the stormwater design for single-family lots, or any building, would be based on the total impervious surface proposed for the project but for the projects that are fee based, that the fee be based on the 40% of the building structure and for the 338 lots in Wilmington Beach, the stormwater fee be \$6,000. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND DIRECTION REGARDING THE TOWN IMPLEMENTING THE CAPE FEAR CAMA ACCESS GRANT OR RETURNING THE GRANT BACK TO THE DIVISION OF COASTAL MANAGEMENT

The manager said this is an item they talked about a while back and they have gone through the streetscape project with Peter J. Smith. They did apply for a grant some time ago and the grant is up in June of 2010. Basically our grant was to expand our parking area on Cape Fear by 19 spaces. We would receive \$100,000 from the grant and we would have to match it with \$100,000 to do the project. This was all done before our streetscape project and the concept with the streetscape project has changed a little bit where there really is no additional parking on Cape Fear Avenue. We need to decide if we want to go forward with the CAMA grant or not. The process to go forward with the CAMA grant is going to be a lengthy one with a lot of permitting - DOT, water/sewer. How far do we want to go? We could spend the money and do say \$200,000 worth of work or \$50,000 worth of work or whatever it might be and do a resurfacing and add some additional space but what would happen is eventually you would have to pay that back, potentially, when we go down in size with parking, let's say we could negotiate with them at a later date. The whole thing really doesn't meet our master plan that we created. He doesn't like giving back grant money. In the circumstances that the DCM is at this point he thinks they would appreciate it because they have some projects that need funding and they don't have it. We tried, we talked to them about taking this and using it for other spaces but they won't let us transfer it. His thought process is that this will come back to the town threefold at a future date when they start applying for stuff for the pier and park project. It is inconsistent with what the streetscape plan is showing. It is whether you want to piecemeal and have to pay it back later or whether you want to do it right and do underground utilities and what have you. That was the original thought process, to do a showcase for what the streetscape project is going to look like and now we have different priorities funding-wise. Things have changed since we applied for this grant.

Mayor Macon made a motion to return the grant money for the Cape Fear site because it is in conflict with our master plan. MOTION CARRIED UNANIMOUSLY.

DISCUSSION ON TOWN PARKING AND FREEMAN PARK MANAGEMENT SERVICE CONTRACT

Mr. Owens presented this item. He said this is an item Councilman Lewis asked to be placed on the agenda and is in regard to the current parking contract and our Freeman Park ambassadors. He will be happy to give an update, if it's a cost issue what our revenue was. Currently our contract is valid through February 2011.

Councilman Lewis said he would like to be involved, along with some residents, and would like to put a joint committee of people and internal resources here to take a look at it. He has talked to a number of people who have a lot of great ideas. He has run through

the numbers many ways and can't believe it costs \$300,000 to deliver it and it doesn't add up.

Mr. Owens said they will work on it and if Councilman Lewis has some ideas, he would be glad to get together with him.

Mayor Macon said a big portion of it is about collection. They are set up to do the things that increase the revenue - the ticketing and the follow-up on the ticketing. It is a laborious process and that is something that when we do look at it, we need to know all the factors that are involved on it because we may not be able to do it cheaper.

Councilman Wilcox said we are talking about creating another department and we need to look at it from that perspective.

Mayor Macon said if we put a group of people together to look at this, he feels they should take a look at the mowing issue as well.

Councilman Wilcox suggested tasking an existing committee with new citizens joining them, like the budget committee, instead of starting a new committee.

The manager said he would bring something back.

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

Mayor Macon rescinded his motion.

Mr. Owens said he and the finance director were talking to the folks who are doing the farmer's market and they believe they are exempt from the privilege license, which is fine, but they do want to charge a fee. They want to charge a \$15 per day or \$40 per month or \$125 per season. They will collect those monies, handle all the paperwork, get it to the finance director for deposit in a timely manner and we will create a budget for them.

Councilman Wilcox said he had discussions with that committee, regarding privilege licenses, and the recommendation from the Boardwalk Makeover Group was that everybody should have a privilege license, just like they require everyone who does activities with them has to have one. He feels it sets a bad example and that is what they agreed to and he thought that is what they presented.

Mr. Owens said they did but they are exempt under the NC statutes.

Ms. Johnson said they can't by law charge them for a privilege license. A farmer's market is specifically spelled out in the privilege license under an itinerant merchant and we are not allowed to charge them for a privilege license.

Mr. Owens recommended charging a \$35 application processing fee. Council was in agreement.

The manager said he and Councilman Lashley and Donna Moffett went to the county and didn't get a yes or no. He has tried to talk to the county manager about it to see what he would recommend and hasn't had a chance to do that yet. At this point there was no yes for the \$1.4 million dollars plus the \$200,000 they requested. He feels the justification is more than there. There was \$35.5 million dollars for a bond that was issued. Our assessment is about 8% to 10% of their total value.

Councilman Lashley feels we should be very aggressive at this. It is money we need for the pier. He has composed a letter to go to the Star News and the Island Gazette asking our public people to get involved, call on these commissioners and e-mail them about being short changed by only getting \$200,000 out of \$35.5 million dollars, 8% of it should be ours which is over \$3 million dollars. Each council member should call a commissioner and push more and get the public to call them to keep it hot. They took no action and he doesn't accept that.

Mayor Macon said citizens can write all the letters they want but he doesn't recommend that approach.

Councilman Wilcox said we need to take the diplomatic approach and the manager agreed.

Councilman Lewis said they could each take a commissioner and tell them our challenge and that we need their help.

Mr. Owens said he would leave it in their court and he would do what he could.

Mayor Macon said one of the reasons that we even have the pier coming to Carolina Beach in the first place is because it was a very delicate situation that was handled very delicately. We had a lot of citizens who were ready to start making phone calls to Raleigh and we asked them not to. We did it in a little bit of a different manner and it worked out really nicely. We did it professionally and it didn't make anybody mad. We didn't try to back door it and we're very pleased with how it turned out.

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

Mayor Macon made a motion to return to open session. He reported that no action is needed as a result of the closed session. MOTION CARRIED UNANIMOUSLY.

ADJOURMENT

MPT Efirid made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____