

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

**February 8, 2011**

The Town Council of the Town of Carolina Beach met in regular session on February 8, 2011 at 6:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor 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; Town Clerk Lynn Prusa; Finance Director Dawn Johnson and Town Attorney Steve Coggins.

Mayor Macon called the meeting to order.

**INVOCATION**

Mayor Macon open the meeting in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Macon led everyone in the Pledge of Allegiance.

**ADOPT THE AGENDA**

**Mayor Macon made a motion to adopt the agenda with the addition of Item #12(i), a reappointment to the Planning and Zoning Commission. MOTION CARRIED UNANIMOUSLY.**

**PRESENTATION BY WILMINGTON MPO REGARDING A RESOLUTION TO ADOPT THE CAPE FEAR COMMUTES 2035 TRANSPORTATION PLAN AND A RESOLUTION ENCOURAGING NCDOT TO EXPLORE FUNDING OPTIONS TO ACCELERATE CONSTRUCTION OF THE WILMINGTON BY-PASS**

Mike Kozlosky, representing the Wilmington MPO, presented this item. The first project he talked about was the Cape Fear Commutes 2035 Transportation Plan which is a long term plan for the future transportation of this region. It was developed by a Citizen Advisory Committee that was appointed by each member of the Transportation Advisory Committee who sets the policies and priorities for transportation in this region. Mr. Lewis is a member of the Transportation Advisory Committee and represents Carolina Beach. The Citizen Advisory Committee has thirteen members and the committee representative from Carolina Beach is Steve Stanton. The committee was responsible for developing and managing the Cape Fear Commute 2035 long range transportation plan as well as offering guidance to the Transportation Advisory Committee. This is a 25 year plan that identifies the transportation initiatives for this region and is federally mandated

for which we receive funds. We are required to update this plan every 5 years. This effort began in April 2008 by a Citizen Advisory Committee that was developed. The first year they worked to develop their mission and the following 2 years they worked to develop this plan. The plan addresses the region for the northern part of Brunswick County, New Hanover County and the eastern part of Pender County and evaluates and analyzes regional transportation projects. The plan is multi-modal. It provides recommendations not only for highways but bicycles, cars, ferries, buses, pedestrians, trucks, planes, and trains. The plan was driven by the public. There was a massive public outreach effort associated with this plan, surveys that were conducted, both in English and Spanish. There were over 3,200 surveys received as part of this effort. The Citizen Advisory Committee evaluated each of those surveys and evaluated each of the projects identified in those surveys by which they developed this plan. We went to the Chamber of Commerce, held public meetings in Carolina Beach, New Hanover County, Brunswick County and Pender County. There were 6 public open houses in May 2009 at which we received comments and concerns from the community. We took that information, along with the surveys, and considered that information in the development of this plan. There were also 3 public open houses in March and April of 2010 to present the draft plan to the community. The plan was driven by values. The Citizen Advisory Committee identified those values - to plan for a safe, efficient, appropriate responsible integrated multi-modal transportation system for the next 25 years. This plan took into account those values as well as the impacts on the transportation roadway network. It evaluated a project score based on the values identified in those surveys as well as the values developed by the Citizen Advisory Committee. It also took into account context sensitive design, complete street initiatives and connectivity and integrating adopted plans that have been adopted by the community in the past. The plan was driven by scientific data to rank each of the projects that were considered as part of this planning effort. Some of those criteria included travel time, delay, improvements to existing or proposed facilities, multi-modal concepts as well as the impact to the community and environment. The projects were evaluated based on our transportation model that was adopted by the MPO in September 2009. We also looked at future growth, how each of these projects would impact growth in our region based on the demand. Our transportation model includes housing as well as commercial data. We used those projects as we evaluated each of these projects. The plan has to be fiscally constrained so we looked at our revenues, what funding did we anticipate over the next 25 years, and then we looked at the expenditures and the committee evaluated how they plan to spend each of the funds that we receive. They broke it down into transit, non-motorized, quality of life, safety and congestion mitigation projects. We also evaluated the environmental impacts. There is an appendix that includes the environmental impacts by each of these projects and the human impacts and how each of these projects would impact the human environment - low income, minority communities, and things of that nature. Once we took all of that information we developed this plan which is broken down into several different sections. I will begin with aviation projects and a broad overview of the recommendations of the aviation section which includes improving access for all modes of transportation to our aviation facilities, improving access between Wilmington International Airport and Raleigh-Durham as well as working to connect downtown Wilmington with ILM by mass transportation. The plan included bicycle projects with

over 200 projects identified and ranked as part of this planning effort. In Carolina Beach and on the island some of the highlights of those bicycle projects Harper Avenue, the island greenway, and improvements to Dow Road. It provides recommendations for pedestrian projects and pedestrian policies. They are looking at and recommending the construction of pedestrian improvements with all transportation projects, trying to implement the complete street policy that the metropolitan planning organizations adopted, the North Carolina Department of Transportation has adopted for this region. It includes crosswalks and pedestrian signals at new traffic signals to improve pedestrian access and access for bicycles as well as those signalized intersections. I have coordinated planning efforts with DOT, municipalities, counties and schools to promote walkability within those communities and to promote walking as a viable and safe option for the region. This plan includes freight projects, improvements to Hwy. 70 and the Hwy. 70 corridor that links between Wilmington and Charlotte as well as the CSX rail line connecting the Charlotte area, improvements to the road junction at Pembroke near Fayetteville, the restoration of the rail line between Wallace and Castle Hayne that is important for not only freight but for mass transportation as well. A 2004 study by the DOT indicated that passenger rail service was viable to Wilmington as well as through Fayetteville but the line between Wilmington and Raleigh was shorter through Goldsboro. The state is looking and has worked to acquire a significant amount of property in downtown Wilmington for a multi-modal transportation center and this would be a key to that transportation center getting off the ground. It also recommends upgrades to Burnett Blvd. and South Front Street and the development of the Cape Fear Skyway. The mass transportation projects identified in this plan include the construction of a maintenance and operations facility for the Cape Fear Public Transportation Authority, the Wilmington multi-modal transportation center, park and ride lots throughout the region not only in the City of Wilmington but in northern New Hanover County, Pender County and Brunswick County to try to promote transportation demand management, trying to get people out of their single occupancy vehicles and carpooling to work. It also identifies 10 express bus services outside of New Hanover County with Burgaw, Hampstead, Shallotte, Southport as well as 5 newer modified local bus routes and then 5 bus rapid transit corridors with Market Street being the first for bus rapid transit. He showed maps which displayed the proposed mass transportation elements of the plan. The circles in white are the park and ride lots, the red outlined in black are the major bus stops, transfer points within the urban area. This plan does incorporate all of the current roadway projects that are identified in the state's draft Transportation Improvement Program which include the Wilmington bypass, Kerr Avenue, upgrades to the causeway between NC133 and US421 in Brunswick County on Military Cutoff Road extension, Village Road improvements, N. College Road/Hampstead bypass, as well as others. The Citizen Advisory Committee categorized the roadway projects into three separate groups: (1) congestion mitigation - those projects that address congestion on the roadways recommended through increased connectivity, efficiency improvements; (2) quality of life streetscape improvements such as curb and gutter, landscaping, sidewalks, medians; and (3) safety - intersection improvements, realignments, access management improvements. The Citizen Advisory Committee evaluated each of the projects for this region. He showed a table with all of the criteria that was evaluated for the congestion mitigation projects including travel time, safety improvement, and it goes back to those

core values that were developed as part of their mission and how each of these projects broke out into those core values and then assigned a score based on those values. The matrix shows how those projects shook out and were prioritized. He showed a slide that demonstrates the railway projects a majority of which are within the City of Wilmington, New Hanover County. The important safety project to point out that would significantly affect Carolina Beach is the Dow Road project and would be an improvement between N. Lake Park Blvd. and K Avenue. He showed a map that demonstrates the safety projects within the region. The last recommendations of this plan are Transportation Demand Management (TDM) and Transportation Systems Management (TSM) recommendations. Some of the TDM recommendations are to organize a regional transportation commission that would be through Pender, New Hanover and Brunswick Counties as well as to re-establish the Cape Fear Breeze Program to hire a full-time TDM coordinator to promote better access, bicycle and pedestrian activities, transit activities within the Wilmington region. Another strategy is to coordinate with the schools, including UNCW and CFCC, and to integrate park and ride lots into new developments along major roadways and work with the regions employers to try to get folks to carpool. That would reduce emissions, helps the environment and provides opportunities for interaction. The Cape Fear Commutes 2035 Transportation Plan has been adopted by the Wilmington Metropolitan Planning Organization's Transportation Advisory Committee on December 15. We are requesting each of the municipalities to also consider adopting this plan. This plan provides a vision and a blueprint for the future and would help to guide the Transportation Advisory Committee as they set their policies and procedures for the years to come. It is envisioned that this plan will serve as a comprehensive transportation plan for the region. The next process in which I am working on is taking this comprehensive plan and trying to develop a strategic business plan on where we focus our energies of the MPO over the next 2 years. This plan has been adopted by all of the municipalities and counties within the MPO region with the exception of this board tonight and the Town of Bellville which he will present to on February 28<sup>th</sup>.

The town manager said there is a resolution in their packet that has a couple of typographical errors that he would need to fix but is pretty self explanatory.

Councilman Lewis said, as being a part of the commission, they should take a look at the different things that are out there. He thinks everybody has looked various things that are valuable to our community as well with Dow Road being one of them. There are also some discussions, currently, about public transportation coming down to the beach from Monkey Junction, some type of service for our seniors and those individuals who do not have a mode of transportation to possibly get to a job opportunity which may not be physically in our location. He thinks they will pursue those discussions as they go. There are some other value opportunities for our individual residents here as well as all the way down the beach area. Right now we are looking at servicing the southern beach areas with transportation and the opportunity for us is pretty significant.

**Councilman Lewis made a motion to adopt Resolution No. 11-1041 (Exhibit 1) with change of wording to be corrected by the town manager.**

Councilman Lashley asked where this will go from here.

Mr. Kozlosky said they would then use it as a comprehensive transportation plan for the region. It has been submitted to the Federal Highway Administration as well as to the State of North Carolina to serve as the long range plan for this region. It would be used as the guiding principal to the Transportation Advisory Committee as they set their policies and procedures for the organization.

Councilman Lashley asked what is priority number one, and when will it be completed? Mr. Kozlosky said they will take this plan and it will serve as a comprehensive plan for the MPO. He said they are getting ready to undertake an exercise tomorrow with the Technical Coordinating Committee and the Citizens Advisory Committee in which they will try to develop the strategic plan for the MPO and they will also be asking the Transportation Advisory Committee on February 23<sup>rd</sup> to also complete that exercise. Once they have evaluated and identified where their priorities are, they will take that information and the Citizens Advisory Committee will develop some performance measures which we'll review on a quarterly basis to determine where we need to focus our energy.

Councilman Wilcox said we're obviously always concerned about things relative to our community, even when we support Wilmington's initiatives, but the revenue sources you identified are those known revenue sources and do they exist? When you say you have 9% tax or the pie you show the revenue sources, are they existing and known revenue sources or yet to be. Mr. Kozlosky explained that they are anticipated revenue sources based on current information and current revenue sources. What we have done is taken those revenue sources and projected those out. There are some additional revenue sources identified in that pie chart, however, they are projected.

Councilman Wilcox said so they are not based on like say when you have tax revenue, that's not an increase in tax, those are known monies that are coming over from the county taxes or city taxes as they exist. Correct? Mr. Kozlosky said the tax information is included in those projections.

Councilman Lewis said most of it is coming from the state, I think, and the feds and there is still a gap on the skyway, there's some gap funding needed there that has not been approved. Mr. Kozlosky said that is correct. This plan actually includes the Cape Fear Skyway as a toll facility. We're currently moving through the process of developing or evaluating alternatives for the Cape Fear Skyway. One is an alignment, which the Transportation Advisory Committee has supported, which is a northern alignment identified in this plan. However, we are also looking at evaluating the upgrade of the existing facility. What is important to point out is that this plan has to be updated every 5 years and once we get 5 years down the road we'll evaluate where we are at with that project and if this plan needs to be modified, either at that time or prior to that time, we can do so.

Councilman Wilcox said it is nice that you have the Dow Road project in there and the bike lanes and such but I have some questions relative to the transportation that Bob was talking about, the bus transportation. If these are known revenue sources then when you talk about providing bus transport between Brunswick and county and Brunswick and Pender and Southport, are you talking about those revenue sources funding that transportation or partnering with those communities? What is the anticipation for that? Mr. Kozlosky said he thinks that information would have to be worked out as far as any type of partnership. I can tell you that in listening to the director of the Public Transportation Authority that he is anticipating to be making a presentation before this board and obviously there would have to be some contribution either by the community or by the county.

Councilman Wilcox said he is not talking about us, he is talking about Southport, Pender and Brunswick that you are already identifying as areas that you need to extend mass transportation, within this plan, that has, basically, no revenue sources. I am trying to compare that with where we are with our transportation because if Wilmington is connecting to Southport and Pender and Brunswick, it would seem to me they would want to connect with the beaches or at least be at the same level of priority. Mr. Kozlosky said the short range transit plan that was completed by the Cape Fear Public Transportation Authority and the City of Wilmington MPO back in 2004 identified that one of the recommendations was to try to connect to the beach communities.

Councilman Wilcox said he understands that but my point is they come to us and want to connect it, at a major expense to us, when you say these plans are wanting to connect to those other communities, are they basically looking at that the same way? They would still have to do the same thing with those other outlying areas. Mr. Kozlosky said yes.

Mayor Macon called for a vote on Councilman Lewis's motion. **MOTION CARRIED UNANIMOUSLY.**

Mr. Kozlosky said the other item he had included in the packet was a resolution requesting that this board endorse and ask the DOT to consider alternative funding sources or all practical funding sources to accelerate the construction of the Wilmington bypass from 17 in Brunswick County to US421 in New Hanover County. The A section of the bypass, which is the section between 17 and 74/76, has been led as a design built project by the DOT and expected to be complete by 2013. The B section which is from 74/76 in Brunswick County and US421 in New Hanover County was one of 10 urban loops prioritized by the DOT through that urban loop prioritization process. It was identified for funding in 2013 all the way through 2020. It was broken up in three different phases. The first phase would be from 74/76 to Cedar Hill Road, the second section would be from Cedar Hill Road to US421 and the third phase would be to pave the entire portion of the bypass. There are some opportunities that we feel may be available to accelerate the bypass and the construction looking at some alternative funding sources and so what we ask is that the DOT consider those sources and try to accelerate the project. This resolution was adopted by the Transportation Advisory Committee back in December and, in an effort to show unity among the Transportation

Advisory Committee members, it was requested that this resolution be taken back to each of the respective boards on the Wilmington Metropolitan Planning Organization and also request their endorsement. He said this includes a bridge over a section of the river. This does not include the Cape Fear Skyway.

**Councilman Lewis made a motion to adopt Resolution No. 11-1042 (Exhibit 2) with corrections to be made by the town manager. MOTION CARRIED UNANIMOUSLY.**

***PRESENTATION BY BRENDA BUTLER, GIS TECHNICIAN, ON CONNECTGIS A NEW COMPUTERIZED WEB SERVICE TO BE LAUNCHED BY THE TOWN***

The planning director said that staff is pretty excited to announce a new feature link through our town webpage called CONNECTGIS which Brenda Butler will demonstrate for Council so they will have a sense of what is going on. This is a pretty powerful tool and most of the people in the room will likely someday soon use it. GIS is a system of layers of information data, things such as zoning districts, wetlands, flood plains and the like. We also have operations on this link, police, fire, and New Hanover County assessed tax values. It can give most people sitting at their home computer the opportunity to really look at what we usually look at in the planning department. I want to emphasize too, though, that this is not a planning tool. This is a tool that we hope that many departments within the town will begin to use and appreciate. Already we are getting some positive feedback from the operations department - waterlines, sewer lines and the like are on it and we hope you become acquainted with it.

Brenda Butler gave an overview of how it works. She said they are going to have a link on our website that you can click on. She showed how the tool bar works which will also allow you to print whatever you put up. You can also e-mail the map. Right now they are writing a program so you can scale the map which can be sized at either 11"x 17" or 8.5"x 11". She zoomed in on an area. The toggle shows where you are on the map. The quick search allows you to put in an address and will zoom in to that address showing the parcel. The tax information will also show up at the bottom for any property. The program allows you to hide or clear the results. You can also do an Excel spreadsheet on those results which comes in handy for staff if they have to do a mailing. The difference between a quick search and the identification key is the quick search shows up at the bottom and then you can clear the results and make your view a little bit bigger. You have an advance search which is important because you can key in a little closer to whatever you are looking for. All the headings are the way they are in the tax records but if you put =, that means you are putting the address number you are specifically wanting. Maybe you want to do a block so you can do between, say 300 and 400 and the street, and then hit enter it will show all the parcels within the 300 and 400 block and will coordinate with the tax information for each parcel. She showed the layers where they have the main group of layers which she has as a GIS operator. She has put all the layers on here so if you click on the aerial, it will show you the 2006 and 2002 aerials. You can find out such things as the zoning, the flood zones. It can also show where all the fire hydrants are. She has gotten a lot of good feedback from operations and they have used it

quite a bit. It can show all the water mains. When you print out the information, the legend will show what the different sizes of mains are. You can print out any of the layers. For the police group she has all the speed limits and the legend color defines what each speed limit is. The quick search shows up at the bottom, the identify key, if she identifies a parcel, it's going to highlight it, that information is going to show up on the right hand side which is all the tax information on that particular parcel. You can also draw on this parcel, there is a drawing tool, and can save it as a PDF and then print it and clear it out. Once they put it on the website she will have her information there so people can call her if they have questions about the program.

The town manager said Council wanted some training which staff can set up individually or as a group.

The planning director said they would like to launch this as soon as possible so people can become more acquainted with it. It is ready to go right now.

The town manager said the planning director did a press release and they are ready to launch it at any point but they wanted to give Council first glance at it.

The planning director said that Brenda Butler has done a terrific job on this. We are getting this at a ridiculously cheap price. At firm came in last year and their cost was a little pricey for what they could do. We are getting this for \$200 a month so we are doing real good in terms of cost and he gives a lot of credit to Brenda for her desire and diligence in going out there and capturing the right people and getting them to focus on us and has been a lot of her work.

Ms. Butler said she would be updating this information monthly and can put new layers on there. This is just the basics of what they will be doing with this program. Eventually what they are going to do is when you click on a parcel, things that we have in the files, site plans and stuff, we have to do a lot of scanning and that is down the road a little bit but eventually this program is capable of pulling up all the information the town has with regard to a particular parcel. When the police department uses it there may be certain information they may not want for public view and there is a lock capability where they can put their stuff on there and use it out in the field. The program allows for faster information flow and saves time.

### ***CAROLINA BEACH COMMITTEE REPORTS***

Elaine Stewart introduced Mike Oliver, member of the Arts and Activities Committee. She said they have a couple of events they would like for Council to approve. They had them last year so they will be a second annual. Ethan Hall and Paige Snow attended a couple of the Arts and Activities Committee meetings for the Pleasure Island Brewing Invitational for discussion. The committee approved that event and they are asking for Council's blessing. They want to have that on Saturday, May 14<sup>th</sup> from 3:00 pm to 8:00 pm at the lake. Paige and Ethan will work with Janet Knott regarding the farmer's market because it will be going on that Saturday as well. They will work with them on

the setup. They will carry \$2 million dollars in insurance, \$500,000 liquor coverage and the Town of Carolina Beach will be named as coinsured on that. They plan to use Carolina Beach police, who did a fabulous job last year and she thanked them. It was also suggested to the committee that they work on a feasible fee, possibly to be used for some of these events, to help cover some of the maintenance costs such as water, trash and they need to get with the town to find out what those costs are. We also want to make sure that we don't have those costs so high that we cost some of these events to not come across our bridge because there are other venues they can go to so we have to have a fine balance there so they can get these events going. That is the first event.

Councilman Lewis said that last year we allowed them to use the facilities for free, right? Private individuals, right? Ms. Stewart said yes. He asked if it was the same timeframe last year. Ms. Stewart said yes. He said that same group of people had a private VIP pre-party which was held downtown instead of on the island.

Ms. Stewart said there was a good reason for that. That party was held for free, no charge on the beer and no charge for the venue and that is why they held it in Wilmington. They did have the after party at the Blackhorn on the island.

Councilman Wilcox said he met with the Arts and Activities Committee a couple of weeks ago and Paige and Max were there and they talked a little about these issues and he thinks everyone was in general agreement that there should be a fee structure and, depending on what the event brings back to the town, keep knocking that fee down. So if you use in town services, have in town catering, if you are going to give some of your monies to an in town not for profit, things that are going to directly affect our community, the committee is working on a recommendation, the more of those things they would qualify for, the less that venue would cost them.

Councilman Lewis said he likes the idea of having it in May or October, last year it was right in the middle of our summer tourist season and there were a lot of bar and restaurant owners not real happy about having a private business get a free use of our park and then basically customers at \$40 a head. There were about 5 or 6 people who talked about this. He thinks pre-season or post-season, that's great.

Ms. Stewart said the committee would like to get with the Boardwalk Makeover and the Chamber of Commerce because she thinks what they need to have in the town is marketing 101. She thinks people don't understand that the more people you have coming across the bridge, the more you are likely to have people plant seeds about your business and make contact. When we quit having people come across the bridge, that is when businesses are going to fold up and die like they have in the past. They would like to have some kind of educational program to talk about marketing and the power of it. The main thing they need is to have people come across the bridge. These people have also told them that if they make it too difficult for them and charge them too much, they are not going to come. They have other venues in Wilmington where they can do this. They love the lake and that is the location they want to have it at again.

Councilman Wilcox said they are not talking about making it difficult but something that works for everybody. We want people to come here and if they want to come down here and bring all of their services in from Wilmington, rent the facility, etc., that's great, I'm sure we can have a competitive rate but ideally what we would like for them to do is come down and work towards that goal of the money you raise, how much are you giving it back to a local non-profit such as the Help Center, Senior Center, local events, how many in town vendors are you using, services, tents, suppliers, etc. I think that works well for everybody. If there was some type of floating scale, sometimes people give 100% of their money back to the town but they don't make anything. He thinks it's all about them coming the first year, telling you what they want to do and then next year when they come back you can see what they did do and judge them just like we do for all the other not for profits.

Ms. Stewart said the more they can keep it simple, that's why she wants to meet with the town manager and find out what it does cost for water, trash, electric because she thinks they should be compensated. Maybe they can work on all that other stuff, too, but we need to keep it as simple as possible.

Councilman Wilcox said all these other things just kind of snuck up on us and now is a good time to figure out a system for everyone.

Councilman Lewis said he thinks when you talk about private industry vs. public, it's much different. This is not for not for profit, they are making money on these events. They may make a contribution to a nonprofit organization but this last year was for profit and if we use public land for profit organizations, you're going to have a ton of people coming up. A lot of the businesses here would like to have a beer event down here, 4 or 5 bars of us, give it to us free, you guys provide all the services in town for free, that's a great deal for us and we're going to make some money on it. If it's nonprofit, I don't have a problem but I have a concern if a private organization wants to run something here on public property and we have to pay to clean up, police, etc., we should be getting that reimbursement or not have it here.

Ms. Stewart said she thinks they did use our police and some of our vendors and they did have the after party here at a local restaurant. These guys have expressed that to us that they are going to try to do that as much as they can. They are also going to bring a lot of different people who might not otherwise come to Carolina Beach, from Raleigh, from Greensboro, from all over who are into this microbrewery type thing.

Councilman Wilcox said he doesn't think you have to be a not for profit to come here and benefit. You might come here as a private group and raise \$10,000 and give \$5,000 of it to local communities and use local vendors and stuff and he thinks that is a win/win situation as long as they don't get out of balance.

Mayor Macon said he thinks \$250 was given to the turtle folks. I know the police department was paid for their hours worked and he does know that there was not a profit made. It is a first year of an event and it could be but there is no reason why there

shouldn't be a fee and the town should not be reimbursed, the town should not carry any of those costs. He has a meeting at Divine Wines Saturday to discuss a wine festival. Ernie and I have been discussing that in combination with my restaurant. We really feel a wine festival is something that would take things up a notch because he loves wine and not for profit. That is in conjunction with the sea turtle folks.

**Councilman Lashley made a motion to approve the Microbrewery Festival on May 14<sup>th</sup> from 3:00 pm to 8:00 pm at the lake.**

Councilman Wilcox said they are going to work within whatever those guidelines are the committee brings back and that they know their subject.

Mayor Macon said there are a lot of events that are put on and the majority of those are through the volunteer groups that we do have and the chamber. I don't know how our volunteers and the chamber put on all the events that they do so if we want to have a beer festival and a wine festival or any other type of festival, I don't know how the chamber can take on any more or how the Island of Lights and the Boardwalk Makeover, how they can take on anything else. What is going to happen is because of Carolina Beach's new popularity that we seem to be experiencing, you're going to have folks who want to have different types of festivals and those are things we need to set some parameters for so the town doesn't have to carry those expenses that are associated with it.

Councilman Wilcox said he knows the beer festival didn't make any money last year but what he would like to encourage those groups to do is go to Arts and Activities and even come to the Boardwalk Makeover, whomever, that do events down there all the time because there were resources that could have been made available to them that would possibly have reduced their costs and allowed them to make some money.

Ms. Stewart said they are going to have the expenses of the bands, insurance policy is going to be about \$1,800 and there are a lot of expenses that are incurred with this but, with all the people that came across the bridge some of our businesses profited from it.

Mayor Macon asked to be excused from voting because he is attempting to be an investor in that particular company.

**Mayor Macon made a motion to be excused. MOTION CARRIED UNANIMOUSLY.**

A vote for the motion on the floor was taken. **MOTION CARRIED UNANIMOUSLY.**

Michael Oliver, also representing the Arts and Activities Committee, wanted to bring before Council the Evolution of Love Festival like they did last year. Pretty much everything is going to be the same but the beneficiary is going to be the Arts and Activities Committee instead of the lifeguards like they did last year. They have budgeted about \$1,900 to cover the general costs such as police, generator, insurance, fuel, water for performers, hardware for the stage. Last year they talked about the vendors coming out and had set a cap as to how many they could allow and also talked

about taking the fee down to \$100 instead of \$300, which is what they did last year because they were trying to limit the number of tents that would come out and set up. They are also trying to raise the vendor cap and offer more things. All that money would come back to the town. Last year they only had five vendors. If they had 20 it would ensure covering everything. The proposed date is May 13 and 14 at Freeman Park and would work in conjunction with the beer festival.

Mayor Macon said he think the event came off well last year. We had one that was approved and one that wasn't and the one that wasn't didn't take their stage down.

Chief Younginer said this group actually cleaned up from that group, tore their stage down, cleaned it all up and carried it off. They did a good job with it.

Ms. Stewart said the police did an awesome job at the north end and at the beer festival. They decided the Arts and Activities Committee is going to put that in writing and give that to the chief from now on.

Councilman Wilcox asked how the committee interacted with the vendors out there last year, were they kind of taking advantage of that crowd?

Mr. Oliver said it kind of went unforeseen. His plan, as an additional way to raise money, was to have dry food goods and water, stuff like that, and he found that everyone on the north end has their own coolers. That particular aspect didn't work out too well but everyone else brought things like art, t-shirts, etc., non-perishables. They had talked about having food but you would have to have waste facilities and things like that to accommodate it. The only competition the regular vendors there would have had would have been him because he was the only selling the water, snacks, etc. No only else was selling anything like that. We made a stipulation in the writing with all the other vendors that they couldn't sell those things so we could hope to raise some money. We spent so much money on those things that he ended up losing money on that. What we donated to the town was all based on the raffle we did about \$100 and he double it with his money to make it a good donation, because it wasn't a whole lot. Councilman Wilcox said they may want to approach some of those vendors and maybe they will service your food and stuff and give you a percentage back.

Ms. Stewart said because this is an Arts and Activities Committee event they won't need insurance.

Mr. Oliver said they had talked to the town manager about using the town's generator, not having to pay for those two things would bring the estimated costs down to about \$1,200.

Councilman Wilcox asked if the vendors have to get a north end pass to get out there. Mr. Oliver said they didn't really stipulate that. This year he was thinking about having the \$100 fee and transporting themselves up there and then having a little additional if they can't so it would help volunteers that are going to help drive vans, equipment and

stuff like that and giving them a little gas money back so no one is losing.

Ms. Stewart said they could add the \$20 a day for the pass to the fee.

**Councilman Lewis made a motion to approve the Evolution of Love Festival on May 13-14 at the north end. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon and Councilman Wilcox presented Elaine Stewart for serving as chairman for the Arts and Activities Committee since its inception.

Next to speak was Jim Clark, Chairman of the Carolina Beach Marketing and Advisory Committee. He said the committee was changed from an ad hoc to a standing committee in August with five new committee members appointed and Councilman Wilcox and the town manager as liaison. They are currently going through an RFP program for our creative agency. They are transitioning from the old agency who will be through with their duties at the end of the fiscal year in June. They advertised through local, county and state media for advertising agencies to apply and received ten applications from which they selected five for an interview. They did that last Thursday. This is in conjunction with Kure Beach so that both committees will be using the same agency. They will be handling us individually but it helps us as far as budgets go. Out of the five they interviewed, they selected the top 1, 2 and 3. As of today the CVB started the process of going back through references on those companies. The one they chose was Clean Design from Raleigh. One difference with this group is that they are not all inclusive. They do certain functions but they brought in other agencies to provide the various other functions were going to need. They were very impressed with their presentation and their energy. He thinks some of the people on paper that looked the best just didn't seem to have the energy when it came down to the presentation. We are currently working on a new website. The current website has been functioning very well for us but the problem with it is that we have very little economy with it. If we want to make any changes or corrections, we have to go back through the web vendor. The new site will be a portal through the bigger destination with each entity Wilmington, Carolina Beach, Kure Beach, Wrightsville Beach, all participating in that. He thinks one issue is there are a lot of people involved in it, each committee, so there are a lot of dynamics going on. We do have an alternative if we have some issues there and we can discuss those at our committee meeting.

Councilman Wilcox praised the committee for their energy and efforts. He said that Wrightsville Beach and Kure Beach's committees have also been rejuvenated and are working together on a lot of these missions.

### ***PUBLIC DISCUSSION***

There were no public comments at this time.

***DISCUSSION AND FOLLOW-UP CONCERNING COUNCIL WORKSHOP HELD ON FEBRUARY 7, 2011 WITH ENGINEERING SERVICES TO DISCUSS A VARIETY OF WATER, SEWER, ROAD AND STORMWATER PROJECTS IN THE TOWN***

The town manager said they had a chance to look at and get an update on a lot of projects that are going on in town, a lot of water, sewer, stormwater projects. Two of the things that came out of the meeting, we have enlisted the firm E&SC to look at permitting for improvements to the lake and one of the things that came out of that is that we really need to sit down with all the agencies that are or may be involved in any type of permitting, which is quite a number of them, and set a budget to do that. We need to give them information that they need, maps, any other kind of data they might need, sit down with them and find out where we are and what they are going to be looking for. I recommend that Council consider setting a budget at \$8,500 for that project coming from the Water, Sewer and Stormwater Reserve Fund. The other item, we talked a lot about water and we had Dr. Spruill come in and talk a little bit more about ASR, you've had that presentation before, and we talked about different options. One of the options that we haven't really explored and wasn't an option when we first started looking at this ASR alternative is Cape Fear Public Utility Authority. I have talked to them briefly about doing a feasibility study. We do know that we are going to need another water source on the island. The availability of decent water and wells is really not there so it's either RO, get a certain amount from Cape Fear Public Utility Authority or all over from CFPUA.

Mayor Macon said about 5 years ago the town hired a company, a geologist, to study our water system, where we're getting our water from, and what we have come down to is that we have a couple of options - we can buy water from the CFPUA or we can buy water from Brunswick County or the third option is ARS which is aquifer recovery system where in the off season or non-peak times we have a well that we pull water from a brackish or salty area of the aquifer that has good water flow and we treat it through a reverse osmosis plant and then re-inject that fresh, clean water back into the aquifer and store it underground for later use during our peak times. The recommendation from that geologist was that we possibly do a combination of two which would be the CFPUA and possibly an ARS system and a reverse osmosis plant.

The town manager said he thinks it is perfectly clear that we can go to the ARS method. Not only does it create a storage capacity underground, it also staves off some of the saltwater intrusion we are seeing and basically creates a buffer between saltwater intrusion. We have about 13 wells, 2 of our highest producers are in an area where it is likely we could get some saltwater intrusion. That is the area they were looking at the ASR wells for. There are a lot of questions about the CFPUA and whether it is feasible or not, what the cost would be, what the rates would look like - a lot of questions that really need to be involved. I am asking for Council's permission to go to the CFPUA and talk to their management staff and come up with a RFP for a feasibility study that would then probably come back to this board as well as their board once we hammer out what the study is going to look like. We also want to reach out to Kure Beach to see if that is something they want to be involved with. We did talk to some of their folks over there

and want to give them an opportunity to participate, if nothing else than for information purposes in the process. Those are the two items that came out of the meeting that need action.

Councilman Wilcox said they are not looking to replace our water delivery system but we are looking for ways to cover our peak times and, as some of our current wells might age out and can't be replaced, we'll have to have some plan in place for that in the future.

The town manager said we have over 13 wells and over half of them are over 60-70 years old as well as confined by development on both sides. There are some concerns there.

Mayor Macon said when you talk about land masses, although we're a large island, when you are talking about putting wells down you can't be within 100 feet of a building or structure so you don't really have a lot of land mass because when you're pulling water they have what they call these cones of depression and that is where they are pulling down the ground water in an area. In a lot of cases our wells are close enough that they are overlapping these cones of depression so we have to go on an alternating pumping schedule. But, also, where you think you wouldn't be getting the saltwater intrusion, which is toward the back of the island to the south west of us, is where the water intrusion is actually coming in and they went into great detail as to why that was happening. They also went into great detail of how the ARS system would stave off saltwater intrusion as well.

The town manager said our main premise is to try to get the 3.2 - 3.5 million gallons to look to the future for build out. We are at about 1.8 million on highest peak weekend, which is per day and during 4<sup>th</sup> of July weekend. During the wintertime it could be 800,000 gallons so we've got some issues there with demand that we need to figure out and ASR will allow us to do that if that is the technology we want to use. I am asking for \$8,500 to come from the Water, Sewer, Stormwater Reserve Fund to set a budget for moving forward to meet with the agencies for permitting of the lake which would include potentially deepening the lake, riprap and/or bulk heading the lake in certain areas where there is some receding shoreline and also potentially an additional 10"-12" pump that would also be linked to Henniger's ditch.

**Councilman Wilcox made a motion to approve taking \$8,500 from the Water, Sewer, Stormwater Reserve Fund to set a budget for moving forward to meet with the agencies for permitting of the lake projects. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to meet with CFPUA management staff to discuss feasibility of providing Carolina Beach with a water source. MOTION CARRIED UNANIMOUSLY.**

***FOLLOW-UP, DISCUSSION AND DIRECTION REGARDING THE RECENT ROAD DIET MEETING AND COMMITTEE MEETING HELD BY THE COMMITTEE APPOINTED BY COUNCIL TO REVIEW SHORT-TERM SOLUTIONS TO ASSIST IN RELIEVING TRAFFIC CONGESTION ON LAKE PARK BLVD.***

The town manager said the committee will look at road issues and short-term solutions met the other day and they came up with a letter they sent to DOT for their review. I will meet with them this Friday to go over the letter so they understand where we are coming from. The committee will likely hold a meeting on February 15<sup>th</sup> in preparation for a meeting he would like for Council to consider holding. We generally would hold a second meeting on February 22<sup>nd</sup> so I have penciled that in as a date. There are several meetings that would occur on that day, 6:00 pm for closed session for personnel, 6:30 pm for a joint workshop with the committee designed to look at short-term solutions for Lake Park, and then 7:30 pm would be a joint workshop with the Planning and Zoning Commission to discuss a variety of different options for dwelling units. Council agreed.

Councilman Lewis said a couple of people had mentioned to him about the right turn only lane on Winner Drive, the one that is there now. The town manager said he didn't know how that got there

Councilman Lewis said people are talking about opening a turn only lane that continually flows on the right side. He has talked to about 6 business owners along the eastern side of Lake Park Blvd. and everyone along there is very concerned that if we had that flow out there, none of those businesses would have anybody be able to get out of their parking lots or get into it. All of those businesses along there are going to be affected up to the first red light. The town manager said that is something he can talk to DOT about and see how they feel about that.

Councilman Lewis said at one time we were talking about putting a little island out there and making that a right turn only or continuous turn lane. The town manager said that is still on the table, we haven't decided what we are going to do. If DOT thinks that is a better solution and they'll hold our grant, we've got a grant to do double lanes out with a regular stoplight, signalization. If they'll hold our grant and they think that's a better solution then they can look at whether that is going to be an issue or not and we'll implement that some other time.

Councilman Lewis said there should be a lot of public input to that because that is going to be a nightmare for anybody on that right hand side, east side going north.

The town manager said the other option is to implement what we have talked about doing which is the two lane out. This stuff we will talk about more at the workshop. There will be a member of DOT there, hopefully, I know there are a lot of questions about striping and costs, etc. Hopefully that will give us some time to talk to that DOT representative to find out what the feasibilities are on the things we have identified.

Councilman Wilcox said his concern is to have someone from DOT who can give us real answers on the signalization, that has already run models, and if they need to get with us before for some input I think we need to do that. I would hate to get to that meeting and still have not had them run models and still not have someone there who can answer those specific questions.

The town manager said that is the purpose of the meeting on Friday so they can prep, hopefully in time, for the meeting on the 22<sup>nd</sup> to answer those questions.

**MPT Efirid made a motion to schedule a special meeting for February 22, 2011 beginning at 6:00 pm for those meetings outlined by the town manager. MOTION CARRIED UNANIMOUSLY.**

***REPORT BY TOWN ATTORNEY CONCERNING CLOSED SESSION  
MINUTES/GENERAL ACCOUNTS***

Steve Coggins, town attorney, presented this item. He said that at last month's session the town attorney was charged to research, investigate and recommend to Council on whether there should be recordings made of closed sessions. Research has been conducted extensively that is compiled now in a notebook which I will tender up to Council and I believe the clerk has this now in digital copy and can make that available to Council. Investigation has been conducted and that extensive surveys of other municipalities local governments attorneys on the practice and that is also incorporated within this notebook. It was asked that I prepare a recommendation and I did do so in a one page memorandum (he gave a copy to the mayor). Understanding the issues it became clear about the logistics of recording closed sessions. To understand that one must also first have a better understanding of the process of keeping minutes and general accounts of closed sessions themselves. The clerk that we have of many years experience gave an excellent summary of what actually is required by the law at last month's meeting. He asked Council to refer to their packet, Item 12(a) at page 9 of 55. I can't improve on the clerk's summary of what is required of the town. Nonetheless, there were excellent issues that were raised during the public comment at last month's meeting asking things like what should be in the closed session minutes in the first place. There was not known to me any written policy by the town. I think a comment was made that we recently adopted a resolution on how we go about unsealing the minutes and the thought was that is perhaps getting the cart before the horse if there isn't a policy about how the minutes are to be taken and made and approved and sealed in the first place. That is a fair point. So I have handed up to you, for the purposes of introducing discussion, a draft policy that, as I understand it, incorporates the town's actual practice, which I conclude does comport the law, and also make some refinements and additions that comport with state statutes, the town's ordinances, the Department of Archives and Records of this state and case law decisions on how we go about making and approving closed session minutes and general accounts. You may find that in the tabbed material I've just handed up to the mayor, Tab 2. What would an acceptable minutes and general account look like? After all, that is all the statute requires is a full and accurate record of what takes place in closed session and then a "general account". What is that? What

would that look like? Fortunately, our courts have a rule on the specific subject and it gives a great deal of insight as to what the law does in fact require. I raise this simply because at the public comment last month the committee raised concerns over how much detail needs to be required. It was asked does the law require verbatim recitations that would justify or compel having to have a recording of the closed session minutes. Madam clerk I think I have given you a copy of a handout for Council if you would give that to them. It will be the first handout. What I am handing up to you is a one-half page verbatim general account of a closed session that took place in Henderson County and that the Court of Appeals specifically ruled in 2000 that that particular minutes and general account that you see there comported with what the law requires and I will let it speak for itself. Next, there was some discussion during the last month's meeting of what it is that can actually be decided in closed session. I sensed that there was some sentiment or thought that perhaps nothing could be decided in closed session, that everything has to be decided in the open session. That is not necessarily true. The statute that governs us provides specific instances in which Council can and, indeed in some instances, must make and decide in closed session. In fact, that is one of the things that helps you keep distinct in your mind what is different from the minutes vs. the general account. The minutes reflect what is actually decided in the closed session and, in fact, if you have a quorum. The general account talks about what is the discussion that takes place and provides at least a certain level of justification of what can and cannot be held in closed session. Madam clerk would you please now hand up to Council these bullet points of five examples of matters that can be and, in some instances, must be decided in closed session. A somewhat related issue was concerns over whether or not in closed session is it appropriate for there to be a tacit agreement on issues before coming out to vote in open session. Case law is clear and the statute is clear and, in fact, closed sessions, one reason they exist is for a tentative consensus to be reached. It is true that in matters where there must be a vote that takes place in open session, it needs to be by a vote in open session and there is nothing binding elected members of council to change whatever is their feeling in closed session and coming out in open session and voting differently but the law does not prohibit and it seems that it actually encourages that in the give and take during closed session that a tentative consensus can be reached and indeed it is even necessary sometimes to reach decisions that are actually authorized expressly by law to be made in closed session. That now brings us down to the ultimate issue of what I was charged to do and that was to advise you and give you recommendations on the recording of closed sessions. I can tell you only four things with absolute certainty: (1) Recordings cannot serve as the minutes for general account, they cannot serve as a substitute. The law of this state and binding on this municipality is that your official minutes and general account must be in human readable and written form so we can end one inquiry as to whether or not recordings can actually take the place of that. (2) Recordings of closed sessions are allowed by law, they are not required. (3) Recording of closed sessions is extremely rare in this state and across the nation. (4) What is rarer still, consequently, are written policies that address issues that can and will arise if closed sessions are recorded and then, similarly, that cases dealing with that specific issue are rare. Hence, I cannot come to you tonight with confidence with a proposed protocol that would govern how one goes about recording closed session minutes and keeping them. Saying to you, well, this is a particular protocol that has been

used at such and such a place and it has withstood the test of time and has survived legal challenges, etc., it is just simply very rare and I can't with confidence tell you what in a particular situation and under a particular policy what the courts would do in that particular situation. It seems, once again, the town has had the unique ability to come upon matters of first impression. Nonetheless, I have put together a proposed draft of a recommended policy to use for recording of closed session minutes making it clear that Council can do virtually anything between certain extremes. It can say at this end let us have full recording of the closed session minutes and we can have a speaker broadcasting it out to the community while it is going on and, furthermore, anybody can make a copy of them and whatnot. At the other extreme, you can say we will have no recordings whatsoever of closed session minutes.

Councilman Wilcox said you can't do that for all things, right? The public announcement you couldn't do that for all things, personnel matters?

The town attorney said he didn't say that that was wise, I'm just saying this is one of the options you could do because, indeed, Councilman Wilcox you've raised a good point. The powerful values at work here are at this end is the sunshine, let it out, let the public be heard. At the other end are some very real legal obligations if they are not followed, in terms of preserving confidentiality, people go to jail. Other than that, this is no big deal. You could also decide somewhere in between. You can record some things and not record some things. You can address certain subjects and not address certain subjects. Anything in between and that is Council's position in having to decide what its priorities are and how to balance it. The policy that I have handed up to you, Mr. Mayor that would be at Tab 3, is an attempt to start a discussion that attempts to balance those situations and that is all it is, something for you to discuss. My recommendation is that you study this issue and bring this up again during next month's meeting to better determine the wishes of Council on this matter once you've have had an opportunity to review the situation. There was some sense, I felt, at last month's meeting that the recording of closed session minutes would not be such a big deal, that it is something that is easy to do. Let me suggest to you, though, that these are questions that any responsible governing body should ask itself from having surveyed what I have, at least across the nation, and discussing this matter with the finest legal minds we have available at the School of Government and my colleagues who also represent various local entities. Who is responsible for recording the closed session minutes? For what purposes can the recordings be made? To assist the clerk in preparing the minutes and general account only? Provide a resource for Council in the event of questions about the completeness or accuracy pending approval of those minutes? Is it to provide a permanent or more complete archive? Does one allow anyone, anytime, to listen to the recordings? Who can copy the recordings and if so, how? When? Can recordings ever be allowed off the premises? How does one seal? I found it interesting that some comments at last month's session that there are certain provisions of law that automatically seal - this term was used several times. Nothing is automatically sealed. There are provisions of law that make things automatically deemed to be confidential but believe me, some person must take the physical act of sealing something and it has to be done in a particular way. We have to see it, feel it, and touch it to know that the primacy that the law places upon

sealing is honored. How do we avoid violating the laws against disclosure or information that is required by law to be confidential? Who is responsible for that task? Who is responsible to assure that no recording of matters that are not public record and for which disclosure could bring liability? There are many such categories of that kind of thing set out in Chapter 132. For instance, you have the attorney/client privilege. The town enjoys the attorney/client privilege but what it doesn't enjoy that everyone else does is that ultimately, after three years, that which is considered privilege is to be made public. The thought being is that maybe after three years the justification for the privilege being there in the first place no longer exists. I can tell you, however, that there are situations where I have seen in other states where there were common claims and the statute of limitations have not run and they exercised their rights under the public records act and were able to obtain the details of the attorney/client privilege communications and were able to use those very specific things that took place to their advantage and a law suit that was then brought against that local government entity dealing with the same subject matter. So there are risks. The law does provide, for instance, attorney mental impressions, if you would, and strategies are deemed to be not discoverable in law but if they are disclosed or discussed in closed session they then become ultimately a public record that ultimately must be disclosed. Would the Council and independent attorney for the town find itself to be chilled in what it would say or volunteer in an effort to protect the taxpayers because of that situation? Trial preparation materials are also provided as potential exceptions but, again, they are limited and the fact that there is a risk that they are discoverable may chill, in some instances, effective presentation. Criminal investigations materials are confidential and public enterprise billing information by the town. Tonight we discussed about whether or not the town should be in the water business. Right now the town has extensive material regarding billing that under the law is confidential. Emergency response plans, sensitive public security information, the 911 data base, state and local tax information, personally identifiable admissions information mandated by law to be kept confidential. Other information that is confidential by statute - trade secrets, electronic payment account numbers, the Secretary of State confidential passwords, driver license information, the seals of design of professionals, municipal projects, settlements ordered sealed by the court, social security numbers and other personal identifying information, economic development incentives, minors participating in the town's recreational programs, electronic lists of subscribers, addressed confidentiality program information, autopsy information, and the controlled substance reporting system identification. These are all matters that are required by law, the town has no option on it, required by law to be kept confidential. What are the mechanics for the recording? Is it video, audio, digital or tape? This is no small matter. We all remember tape recordings but the cassette has gone the way of the dinosaur and there are many who do not even have the ability to play a cassette tape. One of its advantages is, however, is that you can destroy it or erase it but you can't alter it. Remember mag cards and other ways of actually recording things that go on that are no longer compatible today. The technology we use today may not be compatible with the technology we must use tomorrow. Digital recordings have shown also to be capable of being altered and are, therefore, not necessarily a faithful rendition. In my personal experience that in our courts today digital photographs and digital recordings cannot be admitted into evidence in the absence of independent verification in a foundation there has been no alteration of

that document or recording. That sometimes is quite a heavy burden to carry and the situation would exist, with respect to the town, in a contested situation in a courtroom that involved a recording of the closed session minutes. The speakers must be identified. How would you go about doing that? If the closed session deals with some parts that are confidential and some part that are not, how do you as a practical matter isolate the portions of the recording and seal it without confusing or doing harm to the remainder of the recording? How does one then seal and then how do you also at the same time assure that everyone is heard and seen? Under what circumstances are the recordings to be played? Played by whom? Listened to by whom? In the presence of whom? When? Where? For what purpose? Where are the recordings to be stored? How are they to be stored? Should there be a policy for other bodies, such as Planning and Zoning and the Board of Adjustment or even the other committees regarding the recording of their sessions? How did you prevent alteration or erasure? They are unsealed by whom and how? They are destroyed by whom and how and under what circumstances? These are all questions that I have found to be addressed and asked in the materials that I submitted to Council and that any thoughtful policy should reflect consideration.

Councilman Wilcox asked for a copy and said he would take his electronically.

Councilman Lashley said they voted on this last time 3-2 not to have closed session recordings and the attorney seems very dedicated that we should not record things in closed session. Any decision we make, we make right here in public in front of our citizens. He thinks this should be the end of it.

**MPT Efirid made a motion not to record closed sessions.**

Councilman Wilcox said if you have an attorney and you don't trust him, you should get another attorney and I have a high degree of trust for our attorney. He has always done a great job of protecting our town and citizens and I don't think this matter is an exception.. Everyone has a right to question the system but we have a system that has been in place, as far as I know, forever, and it didn't become an issue until recently when it was raised by a former member of Council who sat on this Council and held closed session meetings for four years and didn't have a problem with it at that point in time or request that they be recorded. He certainly is entitled to ask that question but I find it curious. I think we all respect the sunshine law and all promote public involvement but there are certain things that are potentially injurious to our town and citizens that have to be discussed in closed session. I personally don't have a problem with the way it is going and I don't have any suggestion of impropriety or some type of misdeeds going on in closed session. I haven't seen them and I just don't see it.

The town attorney said he really doesn't have a position on this that you shouldn't have recordings of closed sessions. The town attorney's position is simply that if you are going to do so, that policy that's adopted should be very thoughtful and that all of the questions that I just informed Council about that I saw be addressed in that policy.

**MOTION WAS CARRIED 4-1 WITH MAYOR MACON VOTING NO.**

***ADOPT THE CONSENT AGENDA***

**Mayor Macon made a motion to approve the consent agenda with the addition of Item #12(i), as follows:**

Approval of the minutes:

Regular Meeting	January 11, 2011
Cont. Regular Meeting from 1/11/11	January 14, 2011

Requests for budget transfers:

**PLANNING & DEVELOPMENT**

Transfer \$3,156.50 from line item #10-491-016 (2010-2011 budget) to line item #10-491-045.

**PUBLIC WORKS**

Transfer \$4,000.00 from line item #105800.02 to line item #105800.03.

Transfer \$11,228.00 from line item #105800.02 to line item #105800.03.

Transfer \$3,552.15 from line item #105800.02 to line item #105800.57.

Transfer \$1,000.00 from line item #25-550-017 to line item #25-630-017.

Transfer \$1,400.00 from line item #25-630-075 to line item #25-630-056.

**PUBLIC UTILITIES**

Transfer \$1,328.54 from line item #308110.51 to line item #308000.51.

Transfer \$2,694.32 from line item #308100.51 to line item #308120.51.

Transfer \$14,169.15 from line item #308120.22 to line item #308120.20.

Transfer \$4,380.44 from line item #308120.45 to line item #308120.20.

Transfer \$4,986.10 from line item #308110.45 to line item #308110.20.

Set a public hearing date for March 8, 2011 at 7:30 p.m., or soon thereafter, to seek input on metering approximately 30 parking spaces on Lake Park Blvd. beginning at the Carolina Beach Lake and extending to the entrance of the Carolina Sands Subdivision.

Set a public hearing date for March 8, 2011 at 7:30 p.m., or soon thereafter, to consider a request for a conditional use permit to convert a 2 unit building into 3 units by utilizing the allowances for planned unit developments. (Requested site: 211 Florence Avenue; 313010.45.8853.000; Zoning: MX)

Set a public hearing date for March 8, 2011 at 7:30 p.m., or soon thereafter, to consider a request for a conditional use permit and a vested right for a “site specific development plan” to renovate, convert and expand the existing building into hotel rooms. (Requested site: 104 Winner Avenue; 313006.47.9654.000; Zoning MX)

Set a public hearing date for March 8, 2011 at 7:30 p.m., or soon thereafter, to consider a text amendment to allow the recombination of legal lots with improperly platted lots along Virginia Avenue only. (Article amended: Article 12, Subdivision Regulation)

Set a public hearing date for March 8, 2011 at 7:30 p.m., or soon thereafter, to allow existing drive-thru facilities in the CBD to exist, expand, and/or improve but prevent allowances of any new drive-thru facilities to locate in the CBD; amend Article 3 Permissible Use Table; Article 18 Non-conforming Situations and article 23 Definitions. (Zoning CBD, HB)

Approve the application to Tourism Development Authority as presented for funding.

Reappoint Greg Reynolds to serve a three year term of office as a member of the Planning and Zoning Commission.

The town manager requested that they switch items 13 and 14 to allow those who want to present their non-profit budgets to go first.

**MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to switch items 13 and 14. MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - PRESENTATIONS FROM LOCAL NON-PROFITS FOR FUNDING CONSIDERATION IN THE UPCOMING FY 11/12 BUDGET***

The town manager said that every year they have allowed non-profits as part of our budget. He gave Council a memo showing what we have done in the past as far as donations to Katie B. Hines Senior Center, Help Center, United Way, Island of Lights, Saving Animals During Disasters Feral Cat Program, Federal Point Historical Society, Boardwalk Makeover Group and Pleasure Island Chamber of Commerce. He recommended opening the public hearing for those folks to come forward to ask for funds.

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

Mike Kirkbride, representing Boardwalk Makeover Group, said this year they are requesting \$43,995.00 which has been trimmed back relative to last year in response to the economy. Our emphasis is more on events for residents and visitors, particularly the free ones in terms of participation. They are looking to provide more events. Our projects in terms of landscaping and signage, etc., we're looking at a budget of \$5,620, last year's request was \$9,650, a 42% reduction. In terms of fireworks, music nights and jazz events this year's total is \$25,625, last year's was \$28,006, a 10% reduction and we are providing more events. Funding request for family night, this year we are asking for \$5,250 which increased over last year's \$4,200. That is based on the success of that family event and we are adding more activities such as clowns, Sponge Bob and Dora. Lastly, we are asking for the same marketing and advertising budget that we had last year for print materials and radio. The success of bringing people to our town is dependent on letting them know what we have going. He is excited to offer this year's schedule and looks forward to Council's support.

Dee Barnes, Katie B. Hines Senior Center, said she is here to ask for \$7,000 for their budget. Council has a copy of their budget. They are going to use the money for insurance and to pay the electric bill, the balance would be going toward the electric bill. They are the same as they were last year. They are still working on their roof, nothing has been done on that either. The town manager said they were going to meet but haven't done that yet so maybe they can do that soon and get that moving before summer time. Ms. Barnes said that Saturday the bearing went out in the heat exchanger and had to have the fire department down. The town manager said he would give her a call.

Jeannie Mintz, Saving Animals During Disasters, said they spent the money well last year and thinks they will be thrilled with the results. She handed out a copy of their budget. Last year they came to Council and asked for money to fix the feral cats. They started on March 5<sup>th</sup> and in 9 weeks they had gone through half the money. The last of the money was used up by December. They lost a lot of time in getting a lot of them done because we couldn't get the facilities and vets to do it but they did get all of them done. She named the facilities who volunteered their time and the locations of where all the cats came from. The cost to fix each cat and administer their shots is \$35. They were able to stop reproduction at 133 cats and also 122 kittens were aborted in this process. They have a lot more to deal with. This year they see a little bit of progress. The cats cannot reproduce for 5 years so they have a better chance of getting more down. We are constantly having a problem with people dumping kittens here. Margaret asked if she could help with the feral cats over at the water tower which they will if they get more money. They gave a breakdown of everything they did with the money and hope Council will help again this year. She said the local Saving Animals group, which is responsible for feeding animals at the rescue groups, that the distributor is shutting down and they will have to start using their money for food and will need more help for spaying and neutering or they will be back to where they were. Councilman Wilcox asked how much money from the Salty Paws event comes back to Carolina Beach. She said the money

from the event comes back to Carolina Beach but they don't have a specific amount. She suggested handing out educational brochures before the movie at the lake. The town manager said to call him and they would get copies of it later.

Frances Massey, representing Festival of Lights, president of Island of Lights, said they are asking for \$7,000, same as the last several years. The monies will be used for new light bulbs, considering buying another small display and will also be used for the New Year's Eve countdown. Thanked Council for their continued support. Councilman Wilcox said the Boardwalk Makeover Group would like to talk to them next year about enhancing the ball and making it better. MPT Ebird said the Island of Lights was the first group to start an event at Carolina Beach, 22 years ago, and she commended their hard work. Council commended the operations department for their help with the displays.

John Gordon, representing Federal Point Historical Preservation Society, said they are requesting \$5,000 to support the center. They try to devote themselves to preserving that heritage and to educate the public. They are now open Tuesdays, Fridays and Saturdays to show the historical displays and artifacts and answer questions through a paid contractor and several volunteers who also go out to the schools. They have an extensive library for research. There are also other groups that meet there - United Daughters of the Confederacy, Got'em Live Bait Club and, soon, the Pleasure Island Turtle Project for public programs. We have quite a bit of computer equipment and we digitize a lot of old images, photographs, etc., and we also record oral histories from some of our older residents and publish those in our newsletter. We have monthly meetings there with a speaker on the third Monday of every month. There are a variety of historical projects that we do. Thanks to the money received from Carolina Beach and Kure Beach we were able to extend our hours to the public and do more digitizing of documents and oral histories. We want to do a better job of archiving our library and have been working with the state archivist and would like to send some of our people to archivist school. He said that is what we want the money for and they appreciate the financial support in the past.

Greg Reynolds, representing Pleasure Island Chamber of Commerce, said he is now the assistant director of the chamber and they are very excited about the upcoming season. They don't want to change anything but would like to enhance some things. We are looking at how to get more heads on beds, use our ROT funds correctly. Wilmington understands the events going on here and they are now reaching out to the Raleigh and Fayetteville area to get more people here. They are getting national recognition on how they have done things here. The fiscal year is up 5.79% and the calendar is up 2%. The numbers aren't where they would like for them to be but in this economy they are glad they are still in the positive. The request they have is identical to last year. Last year they were able to convince the fireworks people not to raise the price, but they don't know about this year. They will still put on the same number of shows. The fireworks show will be on July 3<sup>rd</sup> on a Sunday this year. We will begin the 15 weeks of fireworks shows starting on the weekend of Memorial Day on every Thursday, June, July and August and closing out on Labor Day. We have money for the cleanup and advertising for it. Summer movie series - this year we are a little behind picking movies out, will do that next week. Last year they were able to get 3 academy award nominated movies.

This year they will do a food drive with every movie to go to the different help agencies who will staff it. The Chowder Festival will be on April 16<sup>th</sup> and they are looking to grow the Beach Music Festival this year. They estimated 10,000 people came through at the 2 day Seafood Blues and Jazz and hope to grow that more. The charity auction they give back to the local group, whoever they select for that year. They estimate about 4,000 hours of volunteers at the events and is worth about \$25,000 to \$30,000 in time. They want to get more people involved in events and head up committees. They are spending more on advertising, and they reached out to TV this year successfully. We give back \$5,000 to \$10,000 a year to local charities. We are looking to have 2 new week long events this year in the shoulder season that won't cost the town any money. We think we are fairly full for the 3 months of the summer season. He thanked the town Council and workers who make it all possible to get everything done. Councilman Wilcox said in past years they have made decisions on funding the time sensitive events at the Council meetings. Boardwalk Makeover has to enter into contracts starting next week in order to have bands and services available for the season. I am not sure some of the other not for profits are in the same situation but that is something we need to think about here. If we wait until the budget cycle there won't be any events this summer. Mr. Reynolds said everything is very time sensitive for them right now. We have contracts sitting on our desk ready to sign. The town manager said it is up to the board but in the past we have typically funded half to carry your through. I'm not sure where everybody is in their budgets this year as far as the chamber and the Boardwalk Makeover and would have to look at that. If these two folks want to get back on March's agenda, that's fine. Councilman Lewis said they could make a motion to allow for the budgets they approve for this year last year as long as they don't exceed those until we really work in a budget for next year. Councilman Wilcox explained that they don't need the money, but they need to be able to enter a contract.

**Mayor Macon made a motion to approve \$77,800 for the Pleasure Island Chamber of Commerce and \$43,995 for the Boardwalk Makeover budget requests. MOTION CARRIED UNANIMOUSLY.**

**MPT Efirid made a motion to take a 5 minute break. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon called the meeting back to order.

***PUBLIC HEARING - FY 11/12 PRELIMINARY BUDGET PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC ON UPCOMING FY 11/12 BUDGET PROCESS***

Mr. Owens said they try to have a preliminary budget public hearing for folks to give input. The department heads are pulling together their budgets now and their budget requests and we are looking at revenues. We do know it is going to be a tough budget year and there are a lot of projects we are undergoing right now. We are going to talk about a major one here shortly in Wilmington Beach and how that may impact our budget. Usually our budget public hearing is for folks to come in and talk about input on

levels of service, operational expenditures, future capital projects, and ad valorem tax rate, the water and sewer rate or other fees or taxes. I would like for Council to consider setting budget workshop for March 7<sup>th</sup> at 9:00 am as well as March 22<sup>nd</sup> at 9:00 am. The one on the 7<sup>th</sup> will definitely take all day, the one on the 22<sup>nd</sup> 1-2 hours.

Council agreed to meet at 9:00 am on March 7<sup>th</sup> and at 5:30 pm on March 22<sup>nd</sup> for the budget meetings.

Councilman Lewis asked if the town manager thinks the sales tax revenues are going to continue to go down. The town manager said, from what he has heard at some other meetings, he has heard that it is going to go up, slightly, but not a lot. They are saying 4% to 5% in rise. He said he would probably hold the line on sales tax, if nothing else, reduce it somewhat. Castle Hayne is talking about incorporating and there are some revenue items there that may affect us as well, sales tax being possibly one of them because that is spread out to the different counties.

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

There were no public comments.

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

**Mayor Macon made a motion to call the special meetings for the budget as presented (March 7, 2011 at 9:00 a.m. and March 22, 2011 at 5:30 p.m.). MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - REQUEST TO FILE AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR FINANCING OF THE WILMINGTON BEACH PAVING PROJECT:***

***(A) REVIEW BIDS AND CONSIDER AWARDING THE LOWEST AND MOST RESPONSIBLE BIDDER***

***(B) BUDGET ADJUSTMENT FOR INSTALLATION OF WATER AND SEWER IN A SECTION OF THE WILMINGTON BEACH SUBDIVISION AREA THAT IS NOT CURRENTLY SERVED BY WATER OR SEWER***

The town manager said we have bid out the Wilmington Beach Project. The bids came in with the projections that were originally anticipated and presented to Council in the past, so the bids will be around the same or less. He presented the bid tab form:



The lowest most responsible bidder was Triangle Grading and Paving. There was \$2,626,998 for Base A Bid, \$125,384 for Base B Bid, \$2,752,382 for the total combined bid and they were the lowest responsible bidder.

The two bid alternates were for the installation of sidewalk on Alabama, Ocean and Tennessee and that was \$74,070 and Bid 2 was installation of sidewalks on Texas, South Carolina and North Carolina and that was \$59,430. We thought it was important to keep those in and see what the actual bid price would be. Council has made a decision not to do sidewalks in those two areas. He said we can talk about it more as we go through it.

We have estimated and contingency \$350,000, which is a little larger than normal but there are some unknowns there particularly when it comes to utilities and what is out there. The contingency base bid for B is \$30,000. Engineering permitting and other items that we have done to date is \$509,000. He said we also had about \$90,000 in there for an EEP fund for some impacts to wetlands so that makes it \$509,000. The remaining construction administration and potentially other engineering is \$150,000 estimate. Sidewalks were bid at \$103,500. The total estimated cost is right around \$3.9 million dollars. There are so things that could lower that. If we don't include sidewalks then it would be about \$3.8 million. He said that he is proposing that the town use some of reserve funds that to pay for the water and sewer out of pocket.

Mr. Owens asked if anyone had any questions.

Councilman Lashley asked the town attorney what is the legal ramification for the town if we decide to take the second lowest bid. Mr. Coggins said if the lowest bid is not a responsible bid and you go with the second lowest bid it must be for reasons that Council determine that the lowest bidder is not responsible. Councilman Lashley said being it something they did in the past or something of that nature. Mr. Coggins said that is correct.

Mr. Owens said he and Brian have talked to a lot of folks about Triangle Grading and Paving and he has had some good responses to a lesser extent, but also some bad responses but most being due to a lot of change orders and additions to the project. This project was bid on a quantity basis so if the engineer got the quantities right then hopefully there won't be ....

Councilman Lashley said I was never questioning you, Brian or our engineer. He was just curious for his own knowledge. Mr. Owens said I think you would have to prove that they don't have financing available or maybe they have gone bankrupt in some other instances. Mr. Coggins said or if you had direct knowledge that they don't have the logistical capability of doing the job within the perimeters of the bid. Mr. Owens agreed. Mr. Owens said he has had better feelings for some folks but there isn't anything that rules them out at this point in his opinion.

Mr. Owens went on to say that the town agreed to assess the property owners 2/3 of the cost. The total cost \$3,510,998 includes all cost. Originally we estimate the cost at \$1,050 per year but could be \$752 per year. The numbers represent a worst case

scenario. Also, the Council did agree to waive \$500 in the total amount owed if paid in full within 60 days of the billing date on the final assessment. We are looking at roughly \$5,000. The assessment will not go out until everything is complete.

The town's share of the cost with interest is about \$3.7 million total to be paid for over 15 to 20 years. Yearly anticipated collection from assessments would be \$2.5 million with a shortfall of \$1.241. So you are looking at a minimum of \$100,000 each year from general fund capital outlay. These projections do not include sidewalks.

Councilman Lewis asked, shouldn't we have a sidewalk along Ocean Blvd. since there will be increased traffic due the road diet and changes in traffic patterns in that area. Mr. Owens said at any point during this project we can explore those options. We have the data to do so. We would just need to notify the contractor of where we want it. We bid out the three streets basically at \$74,070 (Alabama, Ocean and Tennessee) and sidewalks on Texas, NC and SC were \$59,000. About \$132,500 at 15 year life span is about \$10,000 per year for sidewalks. Councilman Lewis said it was mentioned to him. Mr. Owens said there are a lot of rentals in that area and a lot people that walk to the beach particularly on Ocean. We can talk about it later whether we want to reconsider sidewalks or not.

Next, Mr. Owens said the Water and Sewer Project came in a little better than anticipated at \$200,000 cost. The bid came in at \$170,384 worst case scenario for the 26 lots all owned by one company. The seven year assessment will be \$7,885 but could be closer to \$6500. We agreed to hold these in abeyance at the ten year timeframe and at the 10th year due without interest or when they hook-up to the system. If all 26 lots are not paid for by the 10<sup>th</sup> year the owner would owe roughly \$6,500 per lot.

Councilman Wilcox is that by virtue of a lien. Mr. Owens said if not paid by 10 years then we would have to place a lien on the properties. Councilman Wilcox asked if an assessment is part of the title. Mr. Owens said typically it would be paid if the title was transferred.

Mr. Owens said there are several action items that we would like the Council to consider. The first is a public hearing. You directed staff to move forward with an application to the Local Government Commission for the Wilmington Beach Paving Project and we don't expect it to exceed \$4.3 million dollars. He said we are required to hold a public hearing and he asked Council at this time to hold a public hearing at this time to submit an application to the Local Government Commission for the Wilmington Beach Paving Project not to exceed \$4.3 million dollars.

**A motion was made by Mayor Macon to open the public hearing. There were no public comments. MOTION CARRIED UNANIMOUSLY.**

**A motion was made by Councilman Wilcox to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

**A motion was made by Mayor Macon to approve the submittal of an application to the Local Government Commission not to exceed \$4.3 million for the Wilmington Beach, Streets, Drainage Project. MOTION CARRIED UNANIMOUSLY.**

Mr. Owens said the next action item is to basically review bids and consider a contingency award to the most responsible low bidder.

**A motion was made by Mayor Macon to open the public hearing concerning the bid for paving. There were not public comments. MOTION CARRIED UNANIMOUSLY.**

**A motion was made by Councilman Lewis to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

Mr. Owens said two other items that he is requesting is alternate Base Bid 1 and 2 for the sidewalks portion. Council did decide not to move forward with sidewalks. We can either consider at this point if you want to move forward with the sidewalks or not.

Councilman Wilcox said he thinks it is important that we have the bids on the different scenarios for the sidewalks but you don't have Ocean broken down and he would be curious to see that. He went on to say that even if they did change their mind that wouldn't have to act on it now. Mr. Owens said that is right, you do not have to act on it.

Councilman Lewis asked if you have a timeframe for this project. Mr. Owens said probably some time in May. Once we go through this process he wants to send a letter out to the property owners of anticipated construction timeframe including the assessment information.

Councilman Lewis asked how everything will work out as far as traffic and construction. Mr. Owens said he didn't know how many folks travel in Wilmington Beach area but he wouldn't think many travel down the dirt roads. Councilman Lewis was concerned about storing materials on the open roads. Mr. Owens said we will have to find places for them to do that either in existing rights of way or asking private property owners if we can store materials. Also there is a lot of room in the 90 foot right of ways.

Councilman Lashley said Ocean Blvd. is going to be busy now if we divert traffic because of the road diet and we need to look into putting a sidewalk there as fast as possible maybe before the summer. Why can't we get a bid on the Ocean Blvd. sidewalk and make a decision on that and get it laid. Mr. Owens asked which side it should be laid on - the south side or the north side. Councilman Wilcox said there was a lot of discussion with some of the property owners about that. He asked, wasn't it the north side that was more favorable? Mr. Owens said it is permitted right now for the south side and the problem is going through the permitting process for the north side. He feels we do need to consider Ocean at a minimal and possibly some of the other ones. He can bring this back with a break down in cost at the March meeting.

Mr. Owens said the other part of this is to consider Triangle Paving and Grading as the lowest and responsible bidder in the amount of \$2,752,382 (includes streets and drainage, water and sewer) with the following conditions:

1. Local Government approval at the March meeting for an installment purchase contract for the above project not to exceed \$4.3 million.
2. Provided that all financial records, insurances, bonds and references are satisfactory to the town engineer and staff in reference to the ability of the Triangle Paving and Grading being able to complete the project.
3. Provided that the town receives favorable bids for installment purchase financing and approves the terms of the financing at the March meeting.

**A motion was made by Councilman Wilcox to approve Triangle Paving and Grading as the lowest and responsible bidder in the amount of \$2,752,382 (includes streets and drainage, water and sewer) with the following conditions:**

1. **Local Government approval at the March 8, 2011 meeting for an installment purchase contract for the above project not to exceed \$4.3 million.**
2. **Provided that all financial records, insurances, bonds and references are satisfactory to the town engineer and staff in reference to the ability of Triangle Paving and Grading being able to complete the project.**
3. **Provided that the town receives favorable bids for installment purchase financing and approves the terms of the financing at the March 8, 2011 meeting.**

**MOTION CARRIED UNANIMOUSLY.**

Next, Mr. Owens asked Council to consider approving the mayor, town manager, town clerk, town attorney and finance director to execute any contracts needed to proceed with the contract and future modifications that are within the scope of the budget and upon final approval of the Town Council at the March meeting.

**A motion was made by Mayor Macon to approve the mayor, town manager, town clerk, town attorney and finance director to execute any contracts needed to proceed with the contract and future modifications that are within the scope of the budget and upon final approval of the Town Council at the March 8, 2011 meeting.**  
**MOTION CARRIED UNANIMOUSLY.**

Mr. Owens then asked Council to hold a public hearing to receive input on funding the water and sewer installation portion of the Wilmington Beach Project estimated at \$170,384.

**A motion was made by Councilman Wilcox to open the public hearing.** There were no public comments. **MOTION CARRIED UNANIMOUSLY.**

**A motion was made by MPT Efird to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

Next, Mr. Owens asked Council to consider financing the water and sewer as part of the entire Wilmington Beach Project or use water and sewer reserve funds to pay for the project. He recommends using the water and sewer reserve funds. Councilman Wilcox asked, do we need to decide that now? Mr. Owens said probably because we need to decide our financing by March. Councilman Wilcox said he would like to get a little further down the budget chain. If we did decide to do financing we could always pay it off after a couple of years. Mr. Owens said, yes. We will bring that back in March. Councilman Wilcox said it is up to Council. The Mayor asked, then what do you need us to do? Mr. Owens said nothing; he will bring it back in March. The finance director spoke up and said the only thing is the application that has been done and submitted are as drainage and paving. If we do any adjustments for water and sewer then the application will have to be revised and she doesn't have time to do that because it has to be there Thursday. Councilman Lewis said so let's take it out of the reserve fund. Mr. Owens said I think we are fine if we do that. Ms. Johnson said we have had several years that we have built up reserve for debt service that we haven't paid for those water and sewer projects so it shouldn't be an issue. Mr. Owens said with that said then we'll move forward as if we were going to use reserve funds and the finance officer can do a budget adjustment.

**A motion was made by Councilman Wilcox to use \$170,384 for water and sewer construction out of water and sewer reserve funds for the project. MOTION CARRIED UNANIMOUSLY.**

Mr. Owens asked Council to consider setting a public hearing for the March meeting to consider the approval of the lowest and most responsible lending institution in the amount of \$4.3 million dollars; to consider any further financial, legal or administrative action with Drainage Project and the installation of water and sewer in a portion of the project, and to consider adopting a final revised budget for the Wilmington Beach Streets and Drainage Project and the Installation of Water and Sewer in a Portion of the Project.

**A motion was made by MPT Efird to set a public hearing date for March 8, 2011 at 7:30 p.m. or soon thereafter to consider the approval of the lowest and most responsible lending institution in the amount of \$4.3 million dollars; to consider any further financial, legal or administrative action with the Drainage Project and the installation of water and sewer in a portion of the project, and to consider adopting a final revised budget for the Wilmington Beach Streets and Drainage Project and the Installation of Water and Sewer in a Portion of the Project. MOTION CARRIED UNANIMOUSLY.**

**Councilman Wilcox made a motion to move to Item #21. MOTION CARRIED UNANIMOUSLY.**

***REQUEST FOR THE INSTALLATION OF SPEED HUMP OR SPEED HUMPS ON GEORGIA AVENUE BETWEEN DELAWARE AVENUE AND MARYLAND AVENUE***

The town manager said this is a request for speed humps on Georgia Avenue and turned the presentation over to Jeannie Mintz.

Jeannie Mintz said they need something to stop these people. They have cars turning over in their yards, tearing up yards, blowing out tires, drunk drivers, a motorcyclist almost ran over her mother and they have this every year. The stop signs have helped. Her office window looks directly at the stop sign and she watched out of 6 cars only 2 stopped, 2 slowed up and 2 went through wide open. What she and her neighbors have a problem with are the drunk drivers who come down that road, lose control of their cars and if you go to Georgia Avenue and look and stand on the Canal side, it is clear that you cannot see around that curve. Likewise, if you stand on the other side, you can't see around the other side of the curve. And how many people do we have walking those streets with their children and their animals. Last year she was standing in her driveway and heard all this noise from a motorcycle coming off Canal Drive, a kid revs it up wide open, didn't slow for the stop sign and she said he isn't going to make that curve. Sure enough, he didn't make the curve, lost control of the motorcycle, went through 2 yards, 2 driveways, 4 sets of rock, he and the motorcycle on its side and they slammed up under an SUV at one of the houses on the curve. This has gotten to be every single year. I don't know what else to do. The speed limit is 25 mph, the neighborhood has talked about it. Some guy came to her and said please tell them we want speed bumps. It is not worth it to send cops down there to sit there and tie up their money in man hours. We just need to slow them up, whatever it takes. We called the police one time when they took out the rocks and blew their tires out and when the police came he let the boys go because they knew their daddies. They were told to call someone to come get them and after the police left, the boys changed the tire and drove off drunk. We have a lot of problems with teenagers coming through there drunk. Last year there were 7 to 8 of them when the kid went under the SUV and they left and no one offered to take care of the property damage. It is just a matter of time until we have someone killed. We are not safe standing in our own driveways. Someone lost control of their car 4 or 5 years ago and came towards them in their driveway and they had to run to get out of the way. There was a drunk kid who totaled his car hitting a palm tree next to their yard. Evidently the town noticed that a stop sign wasn't going to work going out on the north end so they put a speed bump there and she and the neighborhood would like to have a speed bump put on that curve. The curve is totally blind and the neighborhood all agrees that they need a speed bump.

Councilman Wilcox said he is not a speed bump fan. They have had a lot of discussions in the past about that on some other streets and they are a maintenance issue, an expense and set a precedent with other residents wanting them on their street. He asked where she thinks that traffic is coming from.

Ms. Mintz said it seems it's mostly teenagers coming from Spinnaker Point or off Canal Drive. Both of the people on motorcycles came off Canal Drive, one lost control and one almost ran her mother down. He was in Joyner's Marina when she caught up with him. The stop sign is not working here, it does help. They don't care about them stopping, they just want them to slow up coming around the curve. Their problems are not coming from the neighbors but each end of the street.

Councilman Wilcox said he is not a traffic expert and doesn't know what the resolution is. Do we just start putting speed bumps where we think they should go or do we get some feedback from somebody who is a traffic engineer who might suggest speed bumps in one or two locations or have a better resolution.

Ms. Mintz said summer is coming again and they can't wait until somebody is dead and then do it. Go look at that curve and you will see that you can't see a mother and child or somebody with their pet walking around that curve on either angle. They can put the speed bump in front of her house. They are saying to put them on the curve, the curve is the problem. They have two 25 mph signs from her house on down that aren't doing any good. Whatever we're going to do, let's do it while they're repaving the road so the tax payers don't have to pay more money to come back and do it. That was the idea in bringing it up now.

The town manager said he could probably ask the Wilmington MPO to give us some suggestions in general. I think they would prefer traffic calming methods where you pinch in the roadway and put in landscaping and folks feel confined so they slow down as opposed to traffic humps. His biggest concern is the precedent. Every year they get requests for 4 way stop signs and speed humps and he has never been a proponent of them. They can also slow down emergency vehicles.

Ms. Mintz said the emergency vehicles can use Virginia and Florida, the curves there are not blind.

The town manager said as far as a recommendation, that one intersection up on Maryland probably doesn't help their situation a whole lot but that intersection, if you go look at it, they can maybe decide on it at another time. There is a lot of vegetation there and it is kind of confined so he could recommend that being 4 way only because of the confining nature of it.

Councilman Wilcox said if we are going to do something, it seems to him the preferable way would be to identify some condition there that doesn't exist on every other street in town so we are not setting a precedent if, in fact, we decide to do something. I know other people have problems too. He asked the town manager if he would check on that.

Ms. Mintz asked if they could count on somebody getting back to them with an answer on what we can do with that.

The town manager said the decision will have to be made by this board but he will ask somebody from MPO to see if they will look at the situation and see if they have some recommendations. They are going to be paving pretty soon and I'm not sure we can get it done before they start paving. It's not that difficult if they do decide to put in a speed hump to put it in at a later date.

Ms. Mintz asked when they will get Georgia Avenue done. The town manager said it has been the rain at this point holding it up. They have wanted to do it for 2 months now.

***PUBLIC HEARING - REVIEW ALLOWANCES FOR EFFICIENCY ROOMS IN HOTELS/MOTELS AND TO AMEND ARTICLE 3.8-1 TABLE OF PERMITTED USES; ARTICLE 12.2 DEVELOPMENT STANDARDS FOR PARTICULAR USES, AND ARTICLE 23 DEFINITIONS. THIS AMENDMENT IS BEING CONSIDERED FOR ALL COMMERCIAL ZONING DISTRICTS THAT ALLOW HOTELS/MOTELS. ALLOWANCES MAY BE MODIFIED/EXPANDED DURING MEETING DELIBERATIONS.***

Ed Parvin made the presentation. He said this is a couple of issues with hotels with efficiency rooms. We have had a long standing ordinance prohibiting any hotels having efficiency rooms in the Town of Carolina Beach. A couple of years ago we had a hotel owner looking at doing some expansions in the T-1 zoning district and we made a limited allowance for hotels with efficiency rooms just to accommodate the T-1 zoning district. What we found when we were researching the T-1 area was that a lot of hotels in that zone already had efficiency rooms so we opened the door up just for that T-1. We've had some people interested in having some efficiency rooms in their hotels in the highway business area. We're looking around at highway business and some of the other areas in town and it looks like a lot of the hotels, Microtel Inn and Suites, there are a lot of them around that have existing efficiency rooms. Would it be an issue to have this allowance? Talking that over with Planning and Zoning and Town Council, there were two options we were looking at which was keeping a limited allowance for the hotels with efficiency rooms we have now in the T-1 or opening it up and Planning and Zoning went with putting more heads on beds and having hotels with efficiency rooms in all the zoning districts where we allow hotels.

Councilman Wilcox asked, what is the purpose of the ordinance? Mr. Parvin said the purpose of the ordinance originally, I don't know, but I went back and looked at some of the discussions we had for T-1. It wasn't long after we had discussions on hotelminiums or condotels. I think there was some concern by some on Council at that time that some of these hotels with efficiency rooms would turn into a hotelminium or condotel which is a separate use and right now is not allowed in Carolina Beach.

Councilman Wilcox said that everywhere he goes that is a hot commodity, they look for a room with an efficiency in it. That's why he was curious to know why they created the ordinance to begin with.

Mr. Parvin said he could find when they did it for T-1 but couldn't find when they did it town wide. At one time there was an allowance for condotels.

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

There were no public comments.

**MPT Efirid made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

**Councilman Lewis made a motion to adopt Ordinance No. 11-858 (Exhibit 3) and finds that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONTINUED ZONING AMENDMENT DISCUSSION FROM JANUARY 11, 2011 TOWN COUNCIL MEETING CONCERNING OUTDOOR SHOWER ENCLOSURES INTO THE REQUIRED SETBACKS***

Jeremy Hardison presented this item. He said this is a continuation of an item from last month concerning shower enclosures. The applicant built a shower enclosure into the required yard and would like to change the ordinance for this to be allowed. He showed a picture of the shower enclosure. There were two items they discussed that Council wanted staff to bring back. Option 1 was define what fences are and clarify that they can be structures than can be enclosed with defined boundaries which contain showers, storage, trash containers or any type of confinement or visual obstructions. There is a definition of a fence so if you call it a shower or what he has out there a fence then it would have to meet the requirements for fences which fences typically do not have roofs on it and have a required maximum height of 6 feet. Option 2 is to come up with an allowance and define shower enclosure and also allow them in the required yard setback. Town Council discussed at the last meeting 4 feet. The current shower enclosure is 4.5 feet. The applicant did say he would not mind if he could keep the way it is constructed with the height and the roof he could cut 6 inches off of the enclosure. The applicant is not here tonight as he was traveling out of state but said he would like to continue with what he has out there with the shower enclosure into the setback and with the height that it is now which is 7 feet plus the roof.

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

There were no public comments.

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

Councilman Wilcox said none of it gives him any heartburn, we're a beach community. The only reason I asked for a distinction was if having an enclosure with a roof and everything then that's clearly a shower enclosure and there may be some guidelines for that. But I don't want to put people in a situation who have a fence that meets the legal height of a fence and legal description of a fence that happens to have a shower on it automatically fall into some kind of violation because that make no sense to me. My preference was to distinguish the two however you guys want to do it.

Councilman Lewis said his only concern was that if they changed the encroachment from 4 feet to 4.5 feet and then the next person comes in and says they want theirs 5.5 feet, can we just move it another foot, etc. We're just encouraging people to build something and come back and we'll adjust it based upon what they built.

Councilman Wilcox said his preference was 4 feet the same as we allow for existing HVAC platforms so that all of those encroachments, so to speak, would not exceed 4 feet.

The town manager said the only thing he would ask that Council consider, if you are considering 11-856 attached, technically they are not always attached. This one appears to be but sometimes you may have the 4x4 posts adjacent to, not necessarily attached. I don't see the problem if it is attached or unattached, personally, unless you get into something that is more like an accessory structure where somebody says it's a shower and it looks like a garage. Then that's a different story.

Councilman Wilcox said regardless whether it is attached or not, it still can only go into the setback 4 feet.

The town manager said his recommendation is to remove attached in that 11-856.

Councilman Lashley said he is not crazy about this period because the guy didn't have a permit and now he wants us to take care of him. Someone complained and he said he really doesn't have a shower here, I have a fence and I'm looking at it and it has cover on it and a floor in it. It's not a fence, I'm not that gullible. It should be 6 feet, that's what we've said all along a fence should be and he needs to have it at 6 feet. He doesn't need to have a roof on it, we don't allow roofs on fences.

Councilman Wilcox said it's not a fence the way he has it built. The question is do we want to allow for shower enclosures of some degree?

Councilman Lashley said he would suggest that we allow it at 6 feet high just like a fence. He has it at 7 feet, that's his problem. He should have asked for a permit to start out with and he would have had some guidance on how to build this thing before it happened.

Councilman Wilcox said my only difference with Lonnie is if you are going to build a shower enclosure and you are going to allow it to have a roof, 6 feet is probably a little low because a lot of people are taller than that and you wouldn't really be able to put a functional roof on it, 7 feet would probably be a minimum.

**Councilman Wilcox made a motion to approve Ordinance No. 11-856 (Exhibit 4) striking the word "attached" from the table that determines the allowable intrusions into the setback and allow 4 feet into the setback. MOTION CARRIED UNANIMOUSLY.**

***REQUEST TO APPROVE CONTRACT FOR AUDITING SERVICES FOR FY 2010/2011 WITH MARTIN STARNES AND ASSOCIATES***

The finance director said they entered into a contract with Martin Starnes for 3 years last year and we are now in the second year of the contract and she needs Council's authorization approve the contract for the auditing of this year's fiscal year.

**Mayor Macon made a motion to approve the contract for auditing services for FY 2010/2011 with Martin Starnes and Associates. MOTION CARRIED UNANIMOUSLY.**

**Councilman Wilcox said he would like to amend his previous motion and added that he also finds it to be consistent with the Land Use Plan and that the motion was for Option 2 with the changes mentioned. MOTION CARRIED UNANIMOUSLY.**

***DISCUSSION AND DIRECTION FROM COUNCIL REGARDING NON-PROFITS AND PRIVATE GROUPS HOLDING EVENTS ON PUBLIC PROPERTY IN CAROLINA BEACH***

Councilman Wilcox said he doesn't have anything on that yet and Arts and Activities is going to come back to Council with some recommendations.

Council agreed to continue this item next month.

***DISCUSSION AND DIRECTION BY TOWN COUNCIL TO CONSIDER FORMALLY REQUESTING COUNTY FUNDING IN THE COUNTY'S FY 11/12 BUDGET FOR A VARIETY OF PARKS PROJECTS***

The town manager presented this item. He said that he, Councilman Wilcox and Mayor Macon met with Jason Thompson, liaison with the Parks and Recreation Advisory Committee for the county as well as the county manager, to talk about funding for a variety of projects. Some of those projects we have asked for before, the park and pier project, and we really wanted to talk to Jason Thompson first regarding these projects because he is that liaison. It wouldn't preclude any Council member to go forward and pitch it to anybody else if they want to as far as the commissioners go. But what they recommended and, in particular, Bruce Shell, that we consider making a formal request

for funding. The items that I have kind of identified are: (1) Our park and pier project for around \$500,000 to go towards that project and make that a formal letter for them to consider in the budget process. (2) The north end oceanfront beach access site. This is the Kirkbride property we purchased some years ago and they seemed open to a handicap type park and felt there was some need to that, that's kind of how we pitched that idea. (3) Improvements to Mike Chappell Park and he would like to work with the parks and recreation director to move forward on bringing some ideas to the county. He doesn't have an amount at this point for the oceanfront beach access site but will work with Greg Reynolds on an estimate on any of these 3 items. This is something staff will bring back to Council and decide on some kind of design or layout. These are all just initial designs.

Councilman Wilcox said it was more just to tweak their interest and he was pleased to see that that park did. They felt there was a need for it.

The town manager said there was some CAMA design elements they had to incorporate and there are some things within all 3 of these that need to be changed in his opinion to make it a better project. That is something that when they get down to approving this thing we'll bring it back to Council and look at the different options.

Councilman Wilcox said, as an update on the park, since that meeting, he talked to Charles Godfrey, he's a rehabilitation engineer for the City of Wilmington who specializes in these types of facilities and he has a meeting with him next week to talk about what they might bring to the table. He was also contacted by Professor Johnson at UNCW, he's a professor of the school of health and applied human resources, he's worked with accessible golf at Wilmington Miracle Baseball Field and he thinks this is a good project for his class so he wants to become involved in that as well. He will be meeting with him as well to kind of show what it is and lay it out and see what they come back with for design purposes.

The town manager said it could be a construction project for Cape Fear too or somebody like that or one of the high schools who might want to implement it. He said he was thinking on the order of about \$100,000 for that project, \$500,000 for the pier/park project. We will sit down with the parks and recreation director for the county to see if we have some similar needs at Mike Chappell Park that the county may have and see if we can come up with some requests there. We're also trying to move forward on the basketball court. That is not part of this request. We decided we were going to use some of our parks bond money for that but we are going to move forward on that. At some point we will bring that back to you and probably have a public hearing as well so we can try to get that implemented.

Councilman Wilcox said he thinks we would be seeking Tim's funds from the county on the improvements of the lot on the north end but once that starts to fall into place I would also like to take that to some private folks to see if we can't seek some grants or funding from some private folks to offset the purchase of the property as well.

**Mayor Macon made a motion to authorize the town manager to submit a request to the county for some funding for our future parks development. MOTION CARRIED UNANIMOUSLY.**

***DISCUSSION AND DIRECTION ON CONTINUING THE TOWN'S RELATIONSHIP WITH McALLISTER AND QUINN TO SEEK FEDERAL FUNDING FOR A VARIETY OF CAPITAL PROJECTS BEING CONSIDERED BY THE TOWN OF CAROLINA BEACH***

The town manager presented this item. He said there is still a lot of uncertainty as to what kind of funding there is out there for federal projects. It seems like a lot of the earmarks may or may not be there, it may turn into grants, there still be appropriation authority to do some projects as well. Last year we had a relationship with McAllister and Quinn, particularly with Steve Dye, and we received some funding for police technology of about \$135,000. The contract that we had said that we would pay \$30,000 if we made it into an appropriate bill. We did that but unfortunately, with the election, what typically would have been a rubber stamp became there are no earmarks at this point so we lost that funding. We are, hopefully, if we decide to keep a relationship with McAllister and Quinn, re-see that money and hopefully gain that money in this year's budget but there is a lot of uncertainty out there. McAllister and Quinn said that they will help us with grants, there may be some additional cost for writing grants, and they will help us find, hopefully, whatever appropriation money is out there. For \$250,000 or less there will be no charge for the town. He thinks they are giving us credit for what happened this year. Anything over \$250,000 the town would pay them a retainer fee of \$60,000. I think it is a pretty good deal, we're not out anything like this year so I would recommend that we move forward with that relationship. One of the things we will do and need to talk about is coming up towards the end of February, beginning of March, are two things that are happening - I am going to attend a trip to Washington and the mayor may possibly be going to. If anybody else would like to go, I need to know that fairly soon. On Monday the 28<sup>th</sup> we will probably make our rounds to Senator Hagan, Burr and Congressman McIntyre's offices and talk about some of the projects and future needs that we did last year. Also probably talk to them, to a lesser degree, about beach nourishment and our plight with trying to get federal funding for authorization. The following day, March 1<sup>st</sup>, we will likely meet with a contingency of folks from New Hanover County, Mr. Catlin, chairman of the NHC Ports, Inlets and Waterway Commission, myself and some other folks will likely meet with some of the core members to talk a little bit about reauthorization of beach nourishment and will definitely focus more on the corps and those upper echelon department heads in the corps to find out what we can do to get reauthorized. But we also might go to some of our elected officials as well. Then, on March 2<sup>nd</sup> is the water congress meeting that morning and there will also be some corps folks and we'll talk about these things, inlets, beaches and what have you. I am looking to see if Council wants to move forward with a relationship with McAllister and Quinn under these guidelines and to see if anybody else would like to go to Washington to help out with that project.

Councilman Lewis said he would like to be involved with that meeting.

**Mayor Macon made a motion that we continue our relationship with McAllister and Quinn to seek federal funding for Carolina Beach projects. MOTION CARRIED UNANIMOUSLY.**

***REQUEST BY THE ATLANTIC INTRACOASTAL WATERWAY ASSOCIATION TO CONSIDER THE ADOPTION OF A RESOLUTION TO SUPPORT AN EFFORT TO HAVE THE FEDERAL GOVERNMENT MAINTAIN THE INTRACOASTAL WATERWAY AT DESIGNED DEPTHS***

The town manager presented. He said this is a measure to support continued federal funding for our intracoastal waterway. It was sent to us by the chairman of the Intracoastal Waterway Association. I think his main goal was to maintain that funding and they do talk about earmarks, this type of thing is an earmark. Beach nourishment is typically an earmark. Those are the things without a definition of what an earmark is may go away if folks aren't watching. They want you to consider Resolution No. 11-1043.

**Mayor Macon made a motion to approve Resolution No. 11-1043 (Exhibit 5) concerning intracoastal waterway maintenance. MOTION CARRIED UNANIMOUSLY.**

The town manager said he will send it directly back to them and let them send it to folks.

***APPOINTMENT TO PARKS AND RECREATION COMMITTEE***

The parks and recreation director said the committee currently has two slots open and are still taking applications and Mike Callahan has applied. He has refereed, coached and helped them for over 18 years with the youth basketball programs. The committee voted unanimously to recommend to Council to appoint him to the Parks and Recreation Advisory Committee.

**MPT Efirid made a motion to appoint Mike Callahan to the Parks and Recreation Advisory Committee. MOTION CARRIED UNANIMOUSLY.**

***APPOINTMENT TO AD-HOC "ROAD DIET" COMMITTEE***

The town manager said we have not received any applications to date. There are currently 6 on that committee.

Councilman Wilcox asked if the town manager if anyone invited someone from Kure Beach to attend the meetings to maintain that relationship.

The town manager said he will do that.

***APPOINTMENT TO THE AD-HOC BUDGET COMMITTEE***

Councilman Lewis said they had a member resign from the committee last month and we have one application from Cynthia McMunn, background in property management as well as background in finance with various cities and towns.

**Councilman Lewis made a motion to appoint Cynthia McMunn to the Ad-Hoc Budget Committee. MOTION CARRIED UNANIMOUSLY.**

***APPOINTMENT TO THE AD-HOC FARMER'S MARKET COMMITTEE***

The town manager said that he isn't sure why there is an Ad-hoc Farmer's Market Committee or what the purpose is at this point. Last year Janet Knott and Christine were more or less volunteers and they worked with the parks and recreation department. They started out going through the Arts and Activities Committee and it just got cumbersome so they were more or less volunteers of the Parks and Recreation Committee. I see that as being a similar thing, if they want to have more volunteers then they can recruit more volunteers and we will have that number of volunteers. This would be the same for the other farmer's market. I think they want to continue having separate farmer's markets, separate locations and the relationship would be the same. They would work under the parks and recreation department and would just be considered volunteers. I don't see it any differently than if the recreation department was having a dance and they were volunteers to coordinate.

Mayor Macon said his problem is, and he and the town clerk were trying to figure this out, and he thought we did appoint a separate committee.

Councilman Wilcox said we did for the purposes of supporting the parks and recreation department.

**Councilman Wilcox made a motion they dispense with the ad-hoc farmer's market committee and contact the people who were appointed and inform them they will be a volunteer team that works underneath the parks and red department. MOTION CARRIED UNANIMOUSLY.**

Councilman Lewis said they need to call the 3 people who applied to the committee.

***REQUEST FOR A 4-WAY STOP INTERSECTION AT THE INTERSECTION OF FAYETTEVILLE AVENUE AND 6<sup>TH</sup> STREET***

Mayor Macon said this is a request by the homeowner on the corner.

The town manager said this is another similar situation where somebody wants to control thru traffic. As with speed humps, I don't normally recommend unless there is a reason, that there be a 4-way stop sign. I think the chief agrees that there is not necessarily a

reason to do that. We can do some things, we can use speed trailers and possibly posting some police officers there on occasion to try to help control that traffic.

Chief Younginer said every other intersection down there is a 4-way stop and I hate to put another one down there. We did buy a piece of equipment, we could put a counter across the road and we can count and tell the speed now with the new device. I'd like to wait until the season to put it down there to find out what the speeds are and go back and show him what the speeds are coming through there and do some enforcement rather than putting another 4-way stop sign there.

Council agreed.

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

MPT Efird said the street lights on Harper look beautiful.

The town clerk said she received a call from Kure Beach this afternoon and it seems they sent an invitation to Council inviting you to the opening of the Disc Golf at their park and he would like to know tomorrow who plans to attend. It will be on February 20<sup>th</sup> at 2:00 pm. They will have hot dogs if you would like to arrive at noon but the opening ceremony will be at 2:00 pm on February 20<sup>th</sup>. All of Council with the exception of Councilman Lewis and the town manager will attend. Councilman Wilcox asked if she will be responding to the invitation to the State of the County also on February 21<sup>st</sup> at 6:00 pm? Councilman Wilcox and Mayor Macon said they would try to make it. The said she will confirm it for them. Also, she sent Council a fax from Harry Simmons concerning the 2011 North Carolina Coastal Local Government annual meeting in Pine Knoll Shore on March 28<sup>th</sup> and 29<sup>th</sup>, a Monday and Tuesday. Councilman Wilcox, Mayor Macon and the town manager said they would try to make it. The town manager said he will likely try to drive up during those days if anybody wanted to go together.

Councilman Lewis said about 3 or 4 people came to him and asked him about considering putting a referendum on the ballot about term limits, whether it be 3 consecutive terms, that type of thing - would the Council consider putting the referendum on the ballot. He is in favor of it on a national level but I'm not so sure on a local level that it's a situation demands any implementation. Someone asked him to bring it up.

Mayor Macon said his schedule was interfering with his ability to handle one of his appointments as a representative of the TDA.

**Mayor Macon made a motion to be replaced by Councilman Wilcox on the TDA.  
MOTION CARRIED UNANIMOUSLY.**

Councilman Wilcox asked the clerk to notify the CVB of the change.

**Mayor Macon made a motion to go into closed session to discuss personnel and attorney/client matters in compliance with [NCGS 143-318.11a(3 and 6)]. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to return to open session. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon reported that action is not needed as a result of the closed session.

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

Respectfully submitted,

Melinda “Lynn” N. Prusa  
Town Clerk

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