

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

September 13, 2011

The Town Council of the Town of Carolina Beach met in regular session on September 13, 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 Lashley; Councilman Lewis and Councilman Wilcox. 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

Bruce Slavin opened in prayer.

PLEDGE OF ALLEGIANCE

Mayor Macon led everyone in reciting the Pledge of Allegiance.

ADOPT THE AGENDA

Mayor Macon made a motion to adopt the agenda with the following changes: move Item #21 to Item #5(a); move Item #23 to Item #9(b); re-number Item #5 to Item #5(b); add to Consent Agenda Item #15(d) and Item #15(e). MOTION CARRIED UNANIMOUSLY.

REQUEST FROM LYNNEA MALLALIEU TO HOLD THE WING FLING 2012 EVENT IN CAROLINA BEACH

Lynnea Mallalieu presented this item on behalf of the students at UNCW who put on the Annual Budweiser Wing Fling. She thanked everyone for welcoming them last year, especially at such short notice. They would like to have the event there again next year on Saturday, March 24, 2012. This will be the 16th Annual Budweiser Wing Fling.

MPT Efird asked Ms. Mallalieu if she was aware of the changes presented to last presenter.

The town manager said he thinks they learned from the event and feels they can accommodate some of the concerns regarding the other event.

Councilman Wilcox said they were doing almost all of those items except the most major thing was to swap the stage and the Port-o-John area and that has been worked out.

Ms. Mallalieu said they were open to whatever they need to do to keep folks happy, grow business here, and bring people in that are well behaved.

The town manager said if Council approves the event he suggested they get together a couple of months out as they get closer to the event.

Councilman Lashley recommended that they meet with the Arts and Activities Committee prior to the event.

Councilman Lewis said his only concern was leaving a little bit more room for someone to go out to the boardwalk and recommended they forewarn everyone about the state police putting a stop on the other side of the bridge.

Mayor Macon made a motion to approve the event for March 24, 2012.

Councilman Lewis made an amendment to the motion that they meet with the Arts and Activities Committee prior to the event.

Mayor Macon called for a vote on the amended motion, and MOTION CARRIED UNANIMOUSLY.

Mayor Macon called for a vote on the motion to approve the event for March 24, 2012. MOTION CARRIED UNANIMOUSLY.

CAROLINA BEACH COMMITTEE REPORTS

There were none at this time.

PUBLIC DISCUSSION

Daniel Norris, 311 Florida Avenue, said he wanted to let them know a little bit about the jet ski situation behind his house on the intercoastal waterway. The year 2011 has been a crazy year for jet skis and the most he has ever seen around. He confirmed this with neighbors, boaters, marina, etc. He has owned a jet ski for many years but he knows how to use it. He lives at the end of the no wake zone and knows what to do, how to respect the no wake zone, and laws and rules of the waterway. He is a heavy user of the waterway - fishes, swims, boats. He uses his jet ski politely and lawfully. He has felt safe until this year around his pier. There are hundreds of jet skis on the waterway at one time and most seem to be renters and drunk people. He doesn't want to die by getting his head cut off by a jet ski. He has dozens of near misses beside his dock, as well as his neighbors and the Joyner Marina where a boat was forced into the dock causing damage

to the boat. Peace and tranquility is gone for the most part during the season. He thinks they are a danger and there are too many of them. He thinks they rent them at 3 or 4 places on the island where they didn't rent them before and he knows that there are 3 or 4 companies that aren't really based here on the island but use the wildlife ramp near the bridge as their place of businesses. They camp out there and use a little strip of land on the west side of the new walkway as their beach, and advertise it on their website and Facebook page. It is beginning to bother him a lot but he doesn't think it will go away. If given enough of a leash, there will be nothing but jet skis and people who want peace and tranquility will go to Topsail Beach or Wrightsville Beach. He is asking that they consider amending the zoning ordinance to reduce the number of rentals and maybe help the wildlife officers enforce the ramp areas to prevent illegal use. They are using it like an office and will sit in the parking lot all day with their cell phones on, somebody calls and they go to the ramp and put a jet ski in the water and take the money right there. He just wanted to let them know how he and a lot of other people feel about the issue and is asking for their help.

Councilman Lewis said he has had 3 or 4 people talk to him about the same issue. He has seen the wildlife officers pull a number of these over because they were running 5 or 6 across at full speed through the yacht basin. They were all rentals. He said they approved a couple on the north end but there have been a number of them that came to town. There is a group of them set up at the Harbor Master and there has always been 1 or 2 on the other side of the marina. The boat rental place also rents jet skis. There are definitely a ton more and he has had a bunch of people talking about the people at the boat ramp. Do we have responsibility over that boat ramp?

Mayor Macon said no but we do have a police boat and a harbor guy. The area where Daniel's house is located is something they can monitor. He thinks the chief can talk to Wildlife to see if that is something they are allowing them to do. He asked the town planner if they would need to get a privilege license.

The police chief said this is a new problem that hit everyone this year and Wildlife wasn't ready for it. The only rental place that was here before in town went with you with a guide, now they just rent them. We had several problems with that this year. We have to get Wildlife more involved with what they are going to do with the ramp. We were helping them this year but next year we are going to have to ramp it up next year.

Mayor Macon asked if he would check with the Wildlife guys to see what is going to happen at the ramp, see if they are going to continue to let those folks do that, and then report back to us. Chief Younginer said he would get back with them concerning this matter.

Councilman Wilcox asked the town manager if they could get some kind of letter or warning sent out to the operators. The town manager said they have talked to the operators on several occasions - the ones that are operating in town. There has also been some concern about the ones that are operating out of town and coming over the bridge. We have talked to those folks and tried to track them down. They do need a privilege

license if they are in town. If they are actually operating out of the wildlife ramp, cell phones, etc., they can't do that. That is not a place zoned for commercial activity but it is really had to track that down. The police department can do some things. We need to know when it is happening. Daniel said he can call him when they are there.

Jack Stanton, 504 S. Sixth Street, said he wanted to address Dow Road. He saw where they are looking to push the state to move it up on the agenda. He said Dow Road was never a problem until the road diet downtown. It was one of the biggest mistakes ever made. You take a 4 lane road, drop it down to 2, put bike lanes behind parking spaces - it's a wonder we haven't had more people hurt or killed over this past holiday season. Now we need to take downtown and put it back to 4 lanes and come up with a better idea. Spending our money on Dow Road is not the idea. We are in a depression and don't have the money to be spending widening Dow Road. Let's fix downtown, let's get jobs brought back into our downtown area, businesses reproducing revenue and then let's address Dow Road once we have a handle on that. Right now we can't afford to be wasting that kind of money.

Councilman Lewis said he has been on the MPO for about a year and a half and Dow Road has always been 6th or 7th on the list of projects that are to be done in the next 5 years. So this is not like something to be done today but it's like in the next 5 years of primary projects. But every time you turn around our project seems to get pushed down and the Wilmington projects get pushed up. I think the idea of expanding Dow Road is to make it 3 lanes with a turning lane and maybe extending some type of bike path along there as well. The state money is going to be spent somewhere.

Mr. Stanton asked if he has been down Canal Drive and Carolina Beach Avenue North? They are totally wrecked. They're talking about DOT spending money, fine, let's fix the roads that service our citizens.

Councilman Lewis said they don't care about those roads, those aren't state roads. We have to do that, you're right.

Mr. Stanton said the state is getting their money from the taxpayers - they need to stop spending our money. It's not the state's money, it's the citizens of this town who are not being serviced because the state is pulling our money and spending money on projects where it doesn't need to be spent. Have you been down Market Street? They're closing down the turn lane because it's dangerous. So what are we going to do, put in a 3 lane road down here that every city in America is getting rid of? It's an inherent danger. Let's not spend that money, let's not put the bike path in they're talking about putting in. We take care of the right-of-ways on Dow Road. The law of unintended consequences - spend \$1M to widen out a small section of road through our town and spend \$3M over the next 10 years maintaining what they messed up. That's my point and has been all along. Let's fix downtown first and concentrate on that. Let's not plan 10 years down the road for Dow Road, let's plan next year for CBAN, let's plan for the boardwalk, let's plan for down by the lake where we bring in tourists and bring in money that supports our town. Let's concentrate on what is going to make our community prosper, then we can

take care of these other peripheral projects. It looks great on paper now until we have to start paying for it.

DISCUSSION AND DIRECTION ON A REQUEST TO INSTALL SPEED HUMPS ON GEORGIA AVENUE

The town manager presented this item. At the June meeting we talked a little bit about some concerns of some residents around the Georgia Avenue had about speeding, running stop lights and unsafe conditions some residents brought to Council. With that we talked to the Wilmington MPO and they let us use their staff engineer to do some analysis of the area, look at traffic counts, speeds. Our police department did the same in the same general vicinity. Some of the things that they came up with as potential solutions were that we could consider a 4-way stop sign at one of the intersections that is now a 2-way situation but that really wasn't what they recommended as something Council could consider but it's not warranted with the amount of traffic that was at that one intersection at Delaware and Georgia. Some of the other things we could consider is putting in white surface bars or bars near the stop sign to help make folks realize there is a stop sign there and they need to stop. Other things we can do is work with some of the homeowners in some of the areas to remove vegetation so the visibility is better. We can put up a warning sign for the curve on Georgia Avenue that is just past Delaware. We could also put warning signs up about stop signs and also, when possible, enforce - have some police officers in that area. It didn't generally seem to be a big issue with speeders in the data that was collected but they're not out there all the time and didn't seem to be a big experience with people running stop signs. He is sure, given the nature of the area, that people are rolling through stop signs because there is generally no traffic coming from the north/south directions all going down Georgia. We're all probably guilty of doing that at one time and it's likely that probably a lot of folks up there might even be residents doing this. It didn't seem to be a big issue. Those are some observations that the Wilmington MPO made. Our police chief also put one of their units up there to gather data. He is not a big proponent of speed bumps and doesn't know that most traffic engineers are. They have problems with trying to get emergency vehicles up there. There are ways of designing it to accommodate emergency vehicles but, in his opinion, it is just not a good design.

Councilman Wilcox said the MPO looked at speed bumps but it was not one of their recommendations.

Councilman Lashley asked the police chief how many tickets have been issued on Georgia Avenue?

The police chief said not that many. He said the problem with working up there, if you have a marked vehicle, everybody sees you. There's not a good place to hide. We have written some tickets up there. We did put our speed measuring device out there. The last time it was there it gathered data on 15,010 vehicles and the fastest anybody went is about 30 mph. Once before we had one vehicle timed at 43 mph but most are within 20-24 mph. Maybe we got somebody's attention because there was a problem there

before. People were drinking and cutting loose with some motorcycles and there were some wrecks with cars but we have tried to concentrate on that end.

Councilman Wilcox asked if part of the problem with speeding when you're coming down that road and you're coming around that curve, if you're not familiar with the road maybe you don't know the stop sign is there so you're not anticipating the need to slow down.

The police chief said people also look like they're going faster when they're coming down that small road. There's lots of vegetation, palm trees and things. You look like you're going faster when you approach a curve anyway. As I said, if we painted some stop bars out there it might help. He can be as aggressive up there as Council wants him to be. He can put an old pickup truck up there with some blue lights in it and write some tickets but most of them are probably going to be the neighbors that get them. We seem to have gotten their attention now with the data that we have collected.

The town manager said some of the recommendations were to give some advance warning as far as the stop sign or the curve or both to let folks know there is a stop sign and a curve.

Jeannie Mintz said she appreciates all the suggestions. She lives on the curve and has been there 37 years. All these suggestions are wonderful but it is a waste of the taxpayer's money. You can put all the warning and stop signs up there you want but it only takes one. We have to repair all of our yards, our vehicles are torn up and these people walk. As far as the stop signs down there, and she sees from her window, is that 90% of the people do not stop and don't care if they are residents or not. They can kill somebody just as well as a tourist can. Just about every time somebody has destroyed our property on the curve or just about killed somebody, they're drunk and they are coming out of Spinnaker Point marina area. If all you are going to do is put up some warning signs, don't waste our money because it's not any good. As far as nobody wanting speed bumps, you thought it was good enough for the north end. There was a reason you put them up there. It's beginning to sound to me like our neighborhood, with what Danny just said, maybe we need speed bumps on the harbor too. People are going totally crazy speeding on the whole peninsula. The bottom line is if all you are going to do is put white bars out there or whatever, don't waste our money. If she and her neighbors are willing to put speed bumps on either side of our house - it's a necessary evil. You can count the cars all you want to, don't make a bit of difference. It's that one that comes around there. The last kid that ended up going through 3 yards and the only thing that stopped him and that motorcycle was when they ended up under that SUV. What if she had been walking out there with her infant and putting that child in her car? He would have killed them both. And what did he do and all 7 or 8 of his little friends? They all went over there, picked up the motorcycle and said, "that's fine" and they all disintegrated in 52 directions. And as far as the police department, they did everything that they could, even sent the helicopter down there to find them that day and these kids just disappeared. They never came back and offered to pay for any of the damage. Forget it, they're tourists and they don't care. Don't waste our money on white lines or

signs, because money is just too hard to come by right now. There is no seeing around that curve and she agrees with Tim that some of the vegetation going around that curve does need to be cleared away. We haven't said anything to our neighbors about it because we don't want to stir up any trouble, they're great neighbors. It would help a little but it isn't going to solve the problem.

Councilman Wilcox said if they can't see around the curve, don't you think it would help some to give people advance warning that there is a stop sign coming up?

Ms. Mintz said she agrees but what they are thinking is if the town could put a speed bump on one end of the curve and then put another one at the other end of the curve, they are going to have to slow up no matter what going around that curve.

Councilman Wilcox said if they are drunk and driving reckless, do you really think the speed bump is going to solve that problem? Ms. Mintz said she hopes it shoots them to you know where and back. Councilman Wilcox said it is going to send them up into your house probably. Ms. Mintz said they were already in the house. We stand in the driveway and we hear them coming and we go running towards the house because you know they are going to lose control and they are going to be right on top of you as happened more than one time in this neighborhood over the years. They feel if they could get their attention with a speed bump on each side of the curve - it's not so much them going through the stop sign down there, it's not necessarily the problem. They don't care if they drive through that area without stopping. What they are trying to do is stop the traffic from going so fast around the curve and losing control. Take your signs and put them somewhere else but please give them speed bumps. If they were good enough for the north end for this town, she doesn't see where a double standard works here. We're on the north end too. If you can't put speed bumps, we're just going to keep coming back and coming back and coming back because we have to have some help up there.

Councilman Lewis said he thinks it has to do with the marina. Any place where you have families, a school, kids he thinks people would support putting in speed bumps. He doesn't know if there is any other solution because he doesn't think the signs are working. He said there are different types of speed bumps, different types of materials you can use. He understands the thing about the emergency vehicles but if you go to Shop and Save and you want to try and save somebody down there, you are going to run into the same thing.

Ms. Mintz said if you had to go to Oceana or something, if you're an emergency vehicle wouldn't you just take Florida or Virginia? It's not like Georgia is the only street going to the end.

Councilman Lewis said he thinks they are down to the last solution. She has been here a number of times, he has been over there and agrees with her.

Judy Littrel, 207 Georgia Avenue, said we do need some help and, if they would, come to her house and pull in her driveway and start backing out. You will hesitate because you cannot see the cars coming and when you think you're safe, there's a car right on top of you. It will scare you grey headed. If you put speed bumps, put a flashing light to let them know there's a curve. This morning she counted 10 cars speeding by. Also, maybe you could put a no outlet sign because a lot of people come down Georgia and Virginia or Florida thinking they can get to the ocean or get out but they can't. That might help the traffic as well.

Councilman Lewis made a motion to install some sort of speed bumps on Georgia around the curve, either in the curve or back of the curve. You can look at different materials and different sizes and maybe some suggestions about the signs. It is time for us to take some action and move forward and do something.

Mayor Macon said there is a motion on the floor and he asked if there is any further discussion on the motion.

Councilman Wilcox said he thinks the town has done a good job trying to address the problem and figuring out what it is. The chief took statistics and measurements and the MPO folks doing that. Part of the problem we have been having with this is the statistics don't really support some of what we are hearing and we understand why. There are other issues to be concerned about because if you look at any intersection in town, one out of 1,500 people is probably going to blow through that intersection or be going 43 mph or so. One of the things he has been dragging his feet on is that it creates some kind of precedent, which we are trying not to do, and it can also divert that traffic to the next street over and create the same problem and then we're jumping over there and putting speed bumps and stuff in too. But you guys have been coming here for a long time and he would like to see this problem resolved. Before we vote on this, do we have any kind of idea what costs are involved.

The town manager said no. He wouldn't think it would be much more than a couple of thousand dollars max. We could probably use Powell Bill funds for it and it would probably be a speed hump instead of a bump. It would probably be an advance warning far enough that you can see in either direction that you are coming up on it. It would be painted probably yellow and permanent.

Ms. Mintz said she realizes what Dan is saying and understands it but maybe they need to go ahead and set this precedent in some of these neighborhoods. We may not have wanted to do this in the past but maybe our town has grown so much, to protect the citizens we may have to look at doing this in some places. She doesn't see Virginia and Florida coming to them and saying doing that because they don't have the curve. The problem is the curve where they need to be slowed up. Maybe if they have to repair their cars or property they will get the message.

Councilman Lashley said he used to live on Florida Avenue and didn't really want to get into the issue but he needs to. He has walked and ridden his bike on that road and it is dangerous and probably needs speed bumps. He is not an advocate of speed bumps but we are growing and need to take care of our citizens.

MPT Efird said she thinks they have been here enough to let us know they are not going to stop coming until we do something.

Mayor Macon called for a vote, and the **MOTION CARRIED UNANIMOUSLY.**

CONSIDER THE ADOPTION OF A RESOLUTION REQUESTING THAT THE WILMINGTON METROPOLITAN PLANNING ORGANIZATION TECHNICAL ADVISORY COMMITTEE STRONGLY ENCOURAGE THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PRIORITIZE AND ACCELERATE THE FINAL DOW ROAD CORRIDOR PLAN OVER THE MILITARY CUTOFF EXPANSION PROJECT

Mr. Owens presented this item. He said before you is proposed Resolution 11-1061 which came out of a meeting where Councilman Lashley, the Mayor of Kure Beach and I had as a conference call between some representatives from DOT. As I understand it, the Dow Road project as it has been proposed in the Dow Road Corridor Plan of 2009 keeps inching back. At one point it was ranked number 4 high priority project in the MPO and it keeps getting slid back. There are a lot of other priorities/projects that are starting to jump in front of it, and it's a concern of Kure Beach and that is why we are here before you today. The Dow Road project mainly consisted of some improvements to some of the intersections - Cape Fear, Harper, widening intersections. It wasn't a total 3 lane project, just 3 lanes in some strategic areas. There were widening strips on each side of the road and a proposal for a detached, multi-use facility from Lake Park Blvd. all the way down to Kure Beach. Another proposal was to flatten out the curve along K Avenue where Dow Road goes into K Avenue to improve that as well. There is also some other pedestrian improvements here and there for crosswalks at some of the residential areas throughout the town. He turned it over to the Mayor of Kure Beach.

Mayor Lambeth gave a brief history of why we're here. Bob attended a couple of the MPO meetings and Lonnie was at the last one and I think both of us started to levitate when two of the MPO members said that former administrations had wanted to shelve this project. That has never been the wish of Kure Beach and doesn't think it is ever been the wish of Carolina Beach. He researched back to 2004 all the minutes of all the meetings and, in fact, Laura Padgett is the one who made the motion to move us from number 7 to number 4 and at the meeting that we had she was one of the folks who said we had told them to shelve it. What Lonnie and I were discussing at the MPO meeting is their ranking, because of a \$50M mistake that DOT made on the extension of Military Cutoff Road. They have no status to prove that it's going to be a worthwhile project. They are flying by Mr. Pope's seat of his pants. In his heart he knows that that project needs to be prioritized. I assume the people who made the \$50M mistake are still

working for the state and, in all probability, got a promotion. Lonnie brought to the table the \$132,000 cars that came over Snow's Cut Bridge on the 4th of July. I gave him a nose count of how much it has increased in the last couple of years and the stats that they base these on are based on 2008 statistics which are not real time. I think I made the comment that the way they rank these using old data, no wonder the streets are already obsolete before they get a bill. We had a conference call with the Federal Highway Commission and the DOT and the last e-mail that I got from DOT and the Federal Highway Commission they say because of the shortfall money, this project may actually be dropped. We have been on there since 1983 and I don't think it's fair to the southern end of New Hanover County, when we're all part of New Hanover County. I had a phone call with the Chairman of New Hanover County Commission today to let him know that our council is on board with this and, assuming tonight ya'll get on board with it, and I talked to Joel, we will present this resolution at the next county commissioner's meeting. We have been the red headed stepchild about long enough. I think we need to get promised since 1983. There is where we're at. Tim did an excellent job redrafting the resolution that I sent him. Everybody on his council is on board 100%.

Jack Stanton said he doesn't care where you rank on the state's listing. If you are not in number one or two position, your project isn't going to get done in the next 50 years. All of you have been in government long enough to figure that out in the State of North Carolina. If your road doesn't run through Raleigh or Durham, you're on the back of the pack. If we're going to get money out of the state, let's not waste it on Dow Road, let's spend it right down the middle of Carolina Beach, right through the middle of Kure Beach because you've got some road problems down there too, mayor. Let's fix what is going to make money for our communities. Dow Road isn't going to make no money for any community. It's two lanes that run down the backside of the island, we who live here year round know it's there and we run it until somebody put up some signs directing tourists down the road but that was done out of necessity because of what happened to downtown Carolina Beach. Let's fix that problem, let's shelve this other one, let's find monies from the state that we've already put in out of our pockets and bring it in to downtown Carolina Beach and downtown Kure Beach, Ft. Fisher and let's open up that main artery that made us money for how many years. Right now it isn't making any money.

Mayor Lambeth said our elected officials in Raleigh from this area are aware of this and Frank Iler who sits on the committee that controls DOT funds is aware of it. He is a good friend to New Hanover County and he also commented that they waited over 20 years to get the bridge built, the second bridge on Oak Island, and Mr. Pope brought that up. I said we're way past the 20 years. I've heard about this since I was a kid and that's been a long time.

Councilman Wilcox said to him it doesn't make any sense to let a project just drop off the schedule. It doesn't cost us anything to try to keep it in the rankings. What we do with our streets in the town, except for the state highway which is Dow and Lake Park Blvd., are completely separate issues. The state is not going to give us money back if we don't do the Dow Road project, they will just spend it someplace else.

Mayor Lambeth said the number one project on their list now is the Skyway Bridge and I don't think any of us will be alive when that bridge is built. I would like to see this thing done in my lifetime. The engineering study has already been done, two bike paths and a multi-use path 10 feet off the road. They own the right-of-way. It's a win/win situation. I had brought it up several times as the former governor siphoned off \$2.7B out of the DOT funds and that is why they are in the shape they're in now. He didn't remember the cost. He said if he wanted to present a project that he knew would never get built, he would have done exactly what they did. Because the original project went through MOTSU, through the Air Force base and it went through the state park and that is why we went back to them and said we deal in real time down here, that project will never get built with those parameters.

Mr. Stanton said US 421 was screwed up when they repaved it. That money is state money and can be put through the main artery that is going to make us money. Let's shovel Dow Road. I don't care if it's been on the list for 25 years. We know the bridge isn't going to get built. You build a bridge but you don't have interconnecting roads to it. You widen out Dow Road and you got no interconnecting. You have the Sunny Point side, never going to be built on. Half of it is state property on the other side so we're going to build 3 lanes in the middle of nowhere that's not going to generate revenue in our downtown. We should have a say where that state money is going. We have 421 running right through the middle of both our towns, it's a state road. Let's fix it, let's get it back to making money and let's forget about Dow Road. It's a project that is not needed at this time. Revitalizing our towns is what is needed at this time and bring jobs back to Carolina and Kure Beach.

Councilman Lewis said the 421 project has already been voted on and it is going to happen. But, as the town grows, we're going to need access and Dow Road is going to be an access. Lake Park Blvd. will be taken care of before the next summer season. Dow Road is an artery we need for the town.

**Mayor Macon made a motion to adopt Resolution No. 11-1061 (Exhibit 1).
MOTION CARRIED UNANIMOUSLY.**

Mayor Lambeth said this is not a 3 lane project. All it entails is putting turn lanes at the entrance coming through Carolina Beach, 2 bicycle paths and cleaning up the curve to about a 22 degree curve from a 90 degree curve.

***DISCUSSION AND DIRECTION REGARDING A RECENTLY DISCOVERED
WATER BILLING ISSUE***

The town manager presented this item. Upon reviewing our water billing for the FY11/12 Budget we basically discovered that in 10/11 that something in our computer system hadn't been entered properly. In that budget season, July, we ended up going through the first billing cycle in August and we also were going under an FMS conversion. He is not really sure what happened with the entering of the data when we

changed our billing. The billing flat rate was changed but the variable rate was not changed so anything over 3,000 gallons was \$1.00 less than what we had budgeted in that budget year as well as this budget year. We've already gone through one billing cycle this budget year, obviously there are 12 billing cycles. We had a resident come in and asked us to back into the billing. It's something we should have done when we first billed in July of 2010. We should have spot checked. There are some of those things, measures that he thought was in place that did not happen and we under billed. He has given them copies of the 09/10 rates and a copy of the 10/11 rates which didn't change until the 11/12 Budget year. It shows you the difference between the fixed rate as well as the variable rate. It appears based on projections that approximately 50% of our usage falls outside of 3,000 gallons. We use about 250,000,000 gallons of water a year. If you take that the shortfall for the 10/11 season was basically \$125,000. We did meet our budget projections for the entire water/sewer/stormwater budget so there is not an overall lapse of funding there. What it also means is that a typical family of 4 using 6,000 gallons of water paid \$36 less for water over the course of the entire year as opposed to what we budgeted and thought was entered into the system in the 10/11 budget year as well as 11/12. The current revenue projection for the entire water/sewer service fee is \$3.3M so it didn't jump out at us right away and eventually caught up when we got to looking a little more. I'm not pointing fingers at anybody because it happened. We should have caught it and should have done some spot checking and those things he thought were in place may have not taken place. Some of the options available that he would propose are: (1) Move the rate to what the rate should have been in 10/11, July of 2010, which would increase the 1,000 gallon rate by \$1.00 which is \$.40 on the water rate, \$.60 on the sewer rate. (2) Try to continue on the budget season this budget year based on what the rates are entered at this point. His recommendation is to move the rates to where they should have been moved to in the first place. We have a lot of water and sewer infrastructure improvements that we are trying to undergo now. We have a lot of stuff on our plate as far as planning those. We have a lot of aging infrastructure and a lot of water situations where we really need to get moving on our long term water production needs which we're advancing towards. That is basically what happened.

Councilman Lashley said he would like for that individual who found the error to have a letter of appreciation put in their personnel folder.

The town manager said his recommendation is to move the rate. If we don't move the rate, we need to bill this week so it would be another month where we won't capture that revenue. We can come up with some better projections and let Council see those at the next meeting.

Mayor Macon made a motion to continue this item to the next meeting for a final decision. MOTION CARRIED UNANIMOUSLY.

SUMMARY OF RECENT JOINT WORKSHOP WITH CBP3, INC. AND THE TOWN COUNCIL AND FUTURE DIRECTION

The town manager presented. He felt there were a number of things that came out of the meeting between Council and CBP3 that they need to address and probably have another joint workshop. He has two proposed dates, September 26th or October 24th. Some of the things that they talked to the County to find out what they believe our new tax rate will be so that we will know a closer true value of those 7 properties. We also need to talk about whether CBP3 will be sending out the management contract for the operation of those hotels from Village Realty. They have asked for a 4 year extension and will CBP3 grant that extension. Currently the contract is with CBP3 but, obviously, we're a part of it since we are receiving the revenue and pay for the debt service. It is something we really need to decide sooner than later. It is already September and that contract is up towards the end of December. We talked about considering one or several committees to explore such options as the highest and best use of the property, any type of stopgap plans or any other ways to increase the revenue that comes in on those properties. We need to task the town attorney with describing in depth how and why the current contract with Village Realty was constructed and what future changes to a contract may mean for financing and CBP3. There are still a lot of questions. He understands because he was there but Steve can explain it better. We need to explore changes to the current loan such as switching over to a commercial loan, is that the best thing for us? Is the ability to produce revenue and the interest rate, how does that offset each other or do we ask the bank to continue the duration of the balloon payment up to 2014 as an interest only or any other type of thing the bank might be willing to entertain. We need to determine ways to finance the project of the principal interest loan stands in FY12/13. Obviously there would be some issues with the budget next year. We need to meet with State elected officials for our area, possibly include the governor's office, to discuss alternatives for funding and stalled grant funding. He feels like there is a lot of grant funding out there and that it is still a project with value even if the pier project doesn't come. If we could get grant money, then it would be a good project as a park and a beach access facility. If the outcome of the elected officials discussion does not appear to help move the project forward, then we can always put the state officials on notice that we may have to look at other options other than having this available for a pier site. We tasked the planning department with reviewing the sites and determining their development potential based on CAMA standards, stormwater, etc., and that is something the planning director and I talked about the other day. Determine if a beach access project can be salvaged from some of the existing parcels. Do we need to split parcel this up and use part of it as a beach access and try to sell some of the higher quality properties and what are the options there? Determine a plan to continue seeking state grant funding and also contacting private foundations. We have contacted some private foundations/corporations but have had no success yet. We have developed a planning, engineering and permitting team. Should we consider moving forward on that part of it and what should we do there? We could potentially invite them back to a joint meeting and let them kind of discuss the pros and cons of the project and what they could bring to the table. We could approach the County again to determine if there would be some financial participation in the project. We have asked once but we could possibly go back again to see if there is the willingness to do so.

We need to review all town budgets to determine what funds exist that could be used to pay down the current loan or that could be used for future debt payments. There is not a lot there. I did show you some the other day. We have a small capital account set aside for projects. We also have some park bond money. And we need to really determine a timeline to accomplish the above items. Right now we're just paying the debt service and we don't have a lot of direction at this point. The State hasn't advanced any of the MOA's, there seems to be very little political support for the project at this time but we just need answers and something that we need to get fairly soon. Regarding the second workshop, he thinks some of the stuff he thinks we can answer can be done then as well as talking about how to move forward meeting with elected officials - who is responsible for that, do we have a breakfast with all of them gathered or do we go up to Raleigh and talk with them individually or how do we work that? The highest priority is what happens with the management contract for hotel services.

Councilman Wilcox said he thinks for the committee to be effective we need to identify which questions on here need to be answered, what information needs to be available so they will have a reasonable basis to work from. It looks like a lot of them.

The town attorney said to find out what is the range of interest rates available at BB&T, restructuring the collateral, how do we do the management contracts - he doesn't need to talk to BB&T, he has the record of where we have been and how we got here and precisely why and can put that together very quickly if Council desires that.

Councilman Wilcox said we went through the process to get where we are for a reason. The question is whether or not there are other options available to us that would not restrict us so much with regard to revenue. The town attorney said possibly. There are risks for everything and he would feel more comfortable advising Council about that in closed session.

Councilman Lashley said he feels the number one priority is going to the state and talking to our elected officials and what we're going to do with this project. Are they going to back it or not? That has a direct bearing on a lot of these things and feels we should be going there as soon as we can with the whole Council. Are they going to sign the MOA or not? More than likely not and he feels that will help us a great deal to attack these items.

The town manager said he feels the management contract is the most time sensitive because of having to go through the process. Councilman Lashley disagreed and feels we should set up the meeting next week or as soon as possible.

Mayor Macon said we can start trying to set something up to happen maybe the last week of September, along with the head of that division.

The town manager said we could try to arrange those meetings here in Carolina Beach as opposed to Raleigh because he doesn't think they are in session and doesn't know when

they will go back in session - seems like sometime at the beginning of the year. He can have answers about that if they meet on the 26th. On the 23rd there is a beaches breakfast at the Marriott.

Councilman Lashley asked if we want to put out an RFP for the motels or stay with the contract?

The town attorney said he can advise Council about this in closed session.

The town manager said they can talk about a path moving forward on what to do on the 26th.

Mayor Macon made a motion to go into closed session to discuss attorney client matters in compliance with [NCGS 143-318.11a(3, 5 and 6)]. MOTION CARRIED UNANIMOUSLY.

Mayor Macon made a motion to go back into open session. MOTION CARRIED UNANIMOUSLY.

Mayor Macon announced that no action is needed as a result of the closed session.

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

Mayor Macon called the meeting back to order.

Council agreed to have a meeting with CBP3 on September 26, 2011 at 6:00 p.m. to include where they will examine doing an RFP and bidding the situation out. This will be noticed as a special meeting.

The town manager said he will do everything that he can to try to accomplish some of these things that he listed. He is going to call about the MOA and find out what the hang-up is and then they will be able to discuss what the MOA is. His guess is that someone is holding on to it for a reason.

Councilman Lashley suggested having the town attorney try to make a contact for a meeting in Raleigh.

The town attorney and Council agreed for him to make a contact for a meeting before the 26th or as soon as possible with somebody in authority.

REVIEW, DIRECTION AND APPROVAL OF THE TOWN MOORING FIELD CONSTRUCTION PROJECT

Mr. Owens presented this item. He said they are ready to move forward on this project. We sent this project out to bid and received a wide range to include one that didn't qualify up to \$260,000. We have talked to the contractor as well as our engineer and feel confident that we can install the project as designed with one modification, that's the size and type of mooring ball that was being used. The contractor came back with a price of \$58,120 and he has given Council a budget of \$84,400. So we hope to meet that budget based at \$77,600. He did ask for a contingency in there just in case and is asking Council to allow staff to finalize things with Mr. Snow and our engineer and move forward on the project. There is a grant and there was in excess of \$20,000 to match that grant in the budget so we are about \$24,000 short and he is requesting that we consider using that money from either the Parks Bond money, if it qualifies which we've asked that question, or from the capital reserve account from the General Fund of \$433,000 and add that to the Tourism Fund, the particular line item that they have set aside for that dinghy dock project. Staff is also asking that we designate an area at the recently built town dock facility to accommodate dinghies as required by the grant, there has to be some landing site for them, and that they continue to seek alternatives for a dinghy dock closer to the mooring facility. That would have to be designed and permitted and paid for through a different pot of money, through a grant or through town funds. Those are the 4 items he is asking for. He said there is probably the ability to dinghy to the dock at the Sandpiper. There is a little beach area if you wanted to pull up. We don't really need to designate that as a dinghy area. We need to have a designated area up by the marina.

Councilman Lashley said he is not crazy about using the parks bond money. We have \$120,000 left in it and he wants that to be used for the kids at the parks and things of that nature. He would prefer that it goes against the capital reserve account and wants that to be noted.

Mayor Macon made a motion to allocate \$24,000 from the capital reserve account General Fund into the Tourism Fund to take care of the project, allow them to negotiate with the lowest bidder to get the project going, allow them to designate a area for dinghies at the town dock facility, and to move forward on something else closer to the mooring facility. MOTION CARRIED UNANIMOUSLY.

UPDATE ON THE 2ND ANNUAL ISLAND DAY SCHEDULED FOR SEPTEMBER 24TH FROM 1:00 P.M. TO 5:00 P.M. AT THE CAROLINA BEACH LAKE

Councilman Wilcox said that some of the department heads, Chamber of Commerce, Boardwalk Makeover Group, and Arts and Activities Committee have been meeting and arranging for the 2nd Annual Island Day on September 24th from 1:00 p.m. to 5:00 p.m. We have pretty much the same activities we had last year with a few tweaks and entertainment. It was a great event last year and we are looking for a good old time again. We hope that anyone who is interested will come out, have a hospitality booth or

get involved or volunteer and somehow participate. They are asking for Council's approval of the event. The Boardwalk Makeover bingo account is funding 1/3 of it, Chamber of Commerce is funding 1/3, and 1/3 is proceeds from the farmer's market with the Boardwalk Makeover being responsible for any overages.

Mayor Macon made a motion to endorse Island Day. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND DIRECTION REGARDING THE CONTENT AND FORMAT OF THE UPCOMING BEACH COMMUNITY BREAKFAST SCHEDULED FOR SEPTEMBER 23RD AT THE MARRIOTT HOTEL

The town manager said this was a meeting mentioned earlier on September 23rd at 8:30 a.m. at the Marriott with breakfast provided. He thinks some of the participants from Wrightsville Beach have other obligations and Kure Beach hasn't responded back. Hopefully they will be there. He has asked the staff of the US Army Corps of Engineers if Col. Baker can come to give an overview of their projects, where he thinks we might stand with beach nourishment and inlet dredging and all those types of things. The second panel he thought they might contemplate would be to have the current chairman of the New Hanover County Ports, Waterways, and Beaches Commission as well as Commissioner Rick Catlin, Jim Ianucci who is a County Engineer, and a representative from Marlowe to chime in with a conference call to talk about federal issues and how the federal government is playing into these types of programs and what are the types of legislation out there. Everybody in that panel has agreed to come. He hasn't heard back from the colonel yet and would hope that he would send some staff folks if he wasn't able to attend. The last presentation would be to talk about marketing strategies for the beach communities. We'll all kind of embark of a different strategy. Unfortunately Shawn Braden is at a tourism type conference so that agenda item will have to be substituted. If you have any ideas he would be glad to try to accomplish that between now and the 23rd. We have asked town managers, town clerks, town attorneys, any of those types of folks who want to attend they would love to have there as well. He is really looking for agenda items. He asked Council what they would like to see discussed that is a joint interest to the three beach communities. The things that he brought about were Corps projects, inlets and beaches. Are there any other types of items Council would like to see a short briefing on?

Councilman Lashley said it doesn't address all three beaches but he would like to see someone from the North Carolina Aquarium come out and talk to us about what has been happening at Nags Head, as well as Emerald Isle and the future of Carolina Beach.

Councilman Lewis suggested inviting the local representatives.

Councilman Wilcox said if we do something with the aquarium, he would suggest doing it after this because it might not be of interest to the other two beaches and might discourage future breakfasts.

The town manager said he thinks that is one of those meetings that we are going to have to have with the aquarium director and the secretary of DENR and the governor. That's all those folks that we need to get in a room and talk. I'm not sure this is the venue for it. So just those main two items, that's probably going to be ample time. Once we get into the beach nourishment items and inlet items we'll probably be discussing those a lot. Then we'll leave a lot of time for closing remarks and general discussion and maybe some other ideas that we might want to see at a future date. If it does fall apart then we need to get in touch with Kure Beach and get a head count out there too.

CONSIDER ADOPTING A RESOLUTION SUPPORTING INITIATIVES BY NEW HANOVER COUNTY TO LESSEN THE NEGATIVE IMPACT OF PLASTIC BAGS ON OUR ENVIRONMENT

The town manager said this was a presentation that was brought to Council at a prior meeting. This is a resolution the town clerk received from Wrightsville Beach which they adopted and is something for Council to consider adopting. He is not sure what kind of action New Hanover County will take. In Dare County they did a ban on the use of plastic bags until recently because of some issues they had with a tornado and had to go back to allowing plastic bags because paper was not available. They could take as drastic an action as that, not sure that they will. This will just encourage them to take a look at it. It is a very general resolution which says to hereby support initiatives by the New Hanover County to lessen the negative impact of plastic bags on our environment.

MPT Efird made a motion to adopt Resolution No. 11-1059 (Exhibit 2).

Councilman Wilcox said he would like to get the name of the fellow who did the presentation from the Surfrider Foundation and either get him to come back to Council or maybe a couple of us talk with him about how they initiated these more aggressive programs in some of the other municipalities because he is still a little confused about how that would be done vs. the grocery store vs. little mom and pop stores and the restaurants that give things out. He would like to see how they tackled that. If someone will get his number he will call him and get more information and share it.

MOTION CARRIED 4-1 WITH MAYOR MACON VOTING NO.

ADOPT THE CONSENT AGENDA

Mayor Macon made a motion to approve the consent agenda.

Approval of the minutes:

Recessed Meeting	July 26, 2011
Special Meeting	July 29, 2011

Regular Meeting
Special Meeting

August 9, 2011
August 23, 2011

Set a public hearing date for October 11, 2011 at 7:30 p.m., or soon thereafter, to consider Sec. 3.2 Zoning Affects Use of Land and Structures; Sec. 3.9 Dimensional Standards for the various zoning districts; and Article 23.3 Definitions, to allow trellises to encroach into the required side and rear setbacks.

Budget transfers:

PUBLIC WORKS

Transfer \$15,000 from line item #105800.02 to line item # 105800.57.

FIRE DEPARTMENT

FEMA/SAFER Grant received in the amount of \$22,387 and appropriated as follows:

\$9,080 appropriated into account 105300.07
\$12,352 appropriated into account 105300.33
\$394 appropriated into account 105300.33
\$561 appropriated into account 105300.53

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER ALLOWANCES FOR ACCESSORY STRUCTURES IN THE CBD AND I-1

The Planning and Development Director, Gary Ferguson, presented this item. He said that for reasons that aren't very clear there are two zoning districts that don't allow accessory buildings and those are in the CBD and I-1. There doesn't seem to be a logical rationale for this so with that staff is sponsoring an amendment that will make an allowance for this particular accessory use in both zoning districts. We took this to the Planning and Zoning Commission on August 11th and they supported it with one change. They said they wanted to make certain that the same standards in the CBD, which are zero setbacks, are applied to accessory buildings as well. What you have before you is an amendment that allows accessory buildings in both of those zoning districts which currently they are not allowed. He said staff is speaking with a cell company next week and he thinks with a cell tower you are going to need to have some accessory buildings associated with that and it is kind of paramount that we do this. Also, the Baptist church in the CBD is also looking at this allowance as well. They have a little gazebo area in front of the church.

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

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

Councilman Wilcox asked how staff enforces an appearance standard. Mr. Ferguson said they didn't want to start changing a lot of our accessory building standards and they kind of kept them the same. If you look through the MB-1, I think the MB-1 has that, or the T-1, HB, what we tried to do is emulate what was already in place. We were thinking about making a major modification because of all of this is simply repeats from one zone to another zone to another zone so why don't we just simply make it a lot simpler to read but we thought when we start doing that we might get a little bit astray so we decided to keep it the way it is. I agree with you. We don't have appearance standards but I guess what we're saying is if you have a stucco looking building, commercial or otherwise, then perhaps your accessory building should be made out of stucco as well. That is what this is getting at.

Councilman Wilcox said he kind of envisioned that. He has lots of memories of sitting back on P&Z and on Council hearing CUP's, which we have to handle as a quasi-judicial hearing, and now we're being asked to apply in the CUP process, which is to come back to us then, an arbitrary standard. It's fine now if we adopt it but when it comes back to us in a CUP, I'm not sure what to do with that language.

Mr. Ferguson said if they would like it to be deleted then they can always delete that language.

Councilman Wilcox said he still questions the fact and always has if you intentionally don't have an architectural standard in our town, if it's a standard we can apply, if it's inconsistent with the spirit of the ordinance, if it's a standard we can apply when we're and hearing the CUP. Mr. Ferguson agreed.

Councilman Wilcox said he doesn't have a problem with accessory structures, he just doesn't know that helps us at all and maybe complicates things for us.

Councilman Wilcox made a motion to approve Ordinance No. 11-876 (Exhibit 3) striking "must be similar in appearance and" and finds that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER CONDEMNATION AND DEMOLITION OF A SINGLE FAMILY DILAPIDATED HOUSE LOCATED AT 416 LEWIS DRIVE IN ACCORDANCE WITH GS 160A 424 THRU 432

The town Building Inspector, Richard Lang, presented this item. He presented proposed Ordinance No. 11-877 to have the house at 416 Lewis Drive demolished. At the last Council meeting the planning director presented a brief history and pictures of the condition of the house. This situation has been going on for quite some time. He picked

it up over a year ago via complaint from one of the neighbors. For the process he uses a general statute out of the North Carolina State Administrative Code and Policies book. With abundance of caution, planning staff had the town's attorney create this ordinance to have the house demolished and a lien posted on the property. The cost estimate is somewhere in the neighborhood of \$6,000 which is fairly conservative. We have an estimate to demolish the house for around \$2,800 but we feel like, in the town's best interest, we should have an asbestos abatement in case it does show up. The owner of the property is not hostile to this action. I think he primarily doesn't have the wherewithal to be able to go in there and demolish the house. It has taken awhile because of inheritance and wills. The town attorney will advise us from that point on. We will lien the property and, if necessary, put it up for auction and get our part of the investment out of it.

Councilman Wilcox asked if we are notifying the owner within a timeframe to pay the lien or we will take action with regard to the cost of demolition. Mr. Coggins said, yes. We would have to file a report similar to a foreclosure.

MPT Efirm made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

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

MPT Efirm made a motion to adopt Ordinance No. 11-877 (Exhibit 4). MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER APPROVING A REQUEST BY WAVE TRANSIT TO FUND PUBLIC TRANSPORTATION TO CAROLINA BEACH THRU A \$7 VEHICLE REGISTRATION FEE

Mr. Owens presented this item. He said at their last meeting they had a presentation by WAVE Transit and we decided to go ahead and set a public hearing to discuss the item and whether we would support it. There is no resolution involved but if you do support it then we could write a letter and send that to the County commissioners and WAVE Transit or, if you don't support it, we could do the same thing.

MPT Efirm made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

Steve Shuttleworth, 808 Carolina Beach Avenue North, said he would encourage Council not to support this not because he is not in favor of having WAVE Transit service the beach but he thinks their method of collecting the funds to do it is inaccurate. The presentation that they gave here at Council a couple of weeks ago, the numbers didn't add up based on the amount of money he said it would take to service Carolina Beach or Wrightsville Beach compared to the amount of money they were going to generate.

There was a huge excess of funds they were attempting to raise. He would ask them to go back to WAVE and figure out a different way to pay for service to Carolina Beach.

There being no further public comments, **MPT Efird made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

Councilman Wilcox said he agrees with Steve and doesn't support this. He thinks if we are going to spend any money, it could be a lot less money but we would need to concentrate on something that would facilitate business with our island beaches - a trolley that would go to the aquarium, Ft. Fisher, Carolina Beach, and Food Lion. First of all people will ride because it's inviting and something people will want to ride even if it's just to cruise around the beach. I don't envision most people getting on a big bus to do that. But more importantly, that could be partially if not all privately funded and it would help our business districts substantially. That is kind of the low hanging fruit as he sees it. Maybe in the future once we get that worked out we can look at some transportation across the bridge.

MPT Efird said it was tried here several years ago and didn't go well. The gentleman finally had to sell his trolleys as he could not get it going. Maybe a different approach to it might work.

Councilman Lewis said he was approached by Albert on the MPO about the same issue, would that make sense. I think for the service employees who don't live on the island there probably would be some value but for the type of schedule that they would run, 3 or 4 times a day down to the beach and back, it's not like that is going to get you to work and back and is not going to service most of the people. He agrees with Dan and loves the idea of an island hopper.

REQUEST BY DUKE HAGESTROM OF WHEEL FUN RENTALS TO EXERCISE A 3 YEAR OPTION TO RENEW TO CONTINUE A PADDLE BOAT OPERATION AT THE CAROLINA BEACH LAKE

Tracy Hagestrom, 920 Riptide Lane, presented this item on behalf of Wheel Fun Rentals. She is requesting to renew a 3 year option to continue operating paddle boats at the lake, which is already in their contract.

MPT Efird made a motion to extend the contract for Wheel Fun Rentals for 3 years. MOTION CARRIED UNANIMOUSLY.

REQUEST BY SEAN COOK OF PLEASURE ISLAND RENTALS FOR THE TOWN COUNCIL TO EXTEND THE CURRENT VENDING LICENSE IN CAROLINA BEACH FOR A PERIOD OF 5 YEARS

The town manager requested to table item until the next meeting in October. He said there are some concerns he has with the way the ordinance is written. If you read the specifics of that ordinance and the specifics with what was granted, he is really not up for consideration until 2013. In his opinion, they need to change the ordinance to address that matter. Staff will advertise for a public hearing for an ordinance change for the next meeting.

DISCUSSION AND DIRECTION REGARDING BIDS FOR THE CARL WINNER LANE EXPANSION PROJECT

Mr. Owens presented this item. He said this has been delayed for a long time. In 2004 the town received a grant from NCDOT to expand and widen Carl Winner to better the alignment of Carl Winner which would create two north bound lanes entering on Lake Park. The total amount of the grant is \$130,000, of which \$100,000 is coming from NCDOT. We received two bidders. Barnhill Contracting at \$102,840.80 and was the low bidder. He has worked with them and thinks they will do a good job with the project. He is recommending that they be awarded the project. There was a part of the project that wasn't bid out and that was the traffic signal, power pole and some other miscellaneous items. They are hoping they won't have to move that power pole to cut down on the cost but he is estimating that cost at \$30,000. He said for the total engineering, survey and bid documents we have probably spent at least \$30,000 to date. We have pretty much absorbed that since 2004 in different budget years. He is recommending that they select Barnhill Contracting in the amount of \$102,840.80, increase the Carl Winner line item, which is in the Powell Bill part of the General Fund, from \$100,000 to \$132,840.80 and we would be using Powell Bill Reserve Funds to do the project, and recommend that we absorb the other \$30,000 in expenditures that we have spent on the project because the grant is only going to be \$100,000. We can move forward on it as soon as possible. They are trying to work out the few little items he talked about but can hopefully have it done by the end of November.

Mayor Macon asked to be excused from voting on this item and the reason is because it involves one of his bosses.

Councilman Wilcox made a motion to excuse Mayor Macon from voting on this item. MOTION CARRIED UNANIMOUSLY.

MPT Ebird made a motion to award the bid to Barnhill Contracting in the amount of \$102,840.80; increase the Carl Winner line item from \$100,000 to \$132,840.80 using Powell Bill Reserve Funds; and absorb other expenditures in the amount of \$30,000+ which came over numerous budget years since 2004. MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO THE OPERATIONS ADVISORY COMMITTEE

Mayor Macon made a motion to appoint Jerry B. Kennedy to the Operations Advisory Committee. MOTION CARRIED UNANIMOUSLY.

APPOINT REPRESENTATIVE TO THE NEW HANOVER COMMISSION FOR WOMEN FOR CAROLINA BEACH

The town clerk will advertise for position and continue to post on the website. She said the Operations Advisory Committee is requesting Council to consider allowing for an alternate member to serve. This code amendment would require adoption of Ordinance No. 11-878.

Mayor Macon made a motion to adopt Ordinance No. 11-878 (Exhibit 5) to allow for an alternate member to the Operations Advisory Committee. MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

Councilman Lashley asked about the status of the outdoor basketball court. The town manager said the last he understood was that they have all the bids and quotes. They did get a phone call from Sunny Point to ask whether we had permission or not. We have an e-mail that says we can do the project but there is a new individual running the public works program over there and we need to get with him and make sure he sees it the same way as the old public works person did. So we're working on that but haven't gotten any information back from Sunny Point yet. He spoke with Ted to make sure we get in contact with them again but we kind of got slowed down.

Mayor Macon made a motion to go into closed session to discuss personnel, real estate and attorney/client and matters in compliance with [NCGS 143-318.11a(3, 5 and 6)]. MOTION CARRIED UNANIMOUSLY.

Joe Sullivan of 9 Seagull Lane approached Council before they went into closed session. Mr. Sullivan said there is a little issue that came to his knowledge when he returned from Boston at the end of July. He said his next door neighbor was having a party and there were cars parked across the street on Seagull Lane and the police came and they had to move their cars and things. His car was parked in front of his house and he asked them if that was okay and they said no. He lived there last year and no one ever said anything. They suggested that he go down to the police department during business hours on Monday and discuss it with them. So he did and they said he couldn't park there. He asked what's this about and he was told the town manager had complaints from people. He was supposed to renew his lease on September 1st and he verbally agreed to but at the end of August the police rang his doorbell on a Friday night and gave him this (*note: Mr. Sullivan held up a piece of paper in his hand*) about parking on the street and things. He

called his landlord and said he couldn't renew his lease. He was under the understanding that he could park there. He forwarded to him the e-mail that he sent to the town in which he said that as far as he knew, from the time that he bought it in 2005 it was okay. The only common denominator is that all three of the police people told him it was the town manager. The people who own property here pay the town salaries. He is moving Monday and this matter no longer affects him and the people at the other end of the street are moving out as well. This does affect the businesses within the community. We are year around residents and he is sorry.

The town manager said this isn't the first year. They have talked to the people that are parking physically on the blacktop and not off the road. He did get some complaints by some folks who live in that area.

The police chief said the fire department had talked about not being able to make that turn there also.

MPT Eford said it is hard to get through there sometimes.

The town manager said the property line is right where the telephone pole is pretty much. He called the gentleman who sent in the e-mail to see if they couldn't meet out there and try to find some kind of plausible solution for it. There are probably many solutions but at this point when somebody calls you and says they are parking on the street and you get complaints and the fire department says the same thing, there's a law that says you can't park on the street. This isn't the first time we've dealt with this. There is not a lot of right-of-way there, probably 30 feet. He needs to define the right-of-way by a line so that everybody knows where the street right-of-way is.

Mr. Sullivan said they have to understand his concern. The majority of the time the police came was on the weekends so the business offices weren't open. The police always said to him that they weren't working that weekend but that is only 8 hours. The other 16 hours while he was asleep he didn't know if his car would be there when he woke up in the morning.

The town manager said they didn't tow or ticket. There may have been some misunderstand as to where you can and can't park by the police officers. He did call the person who sent the e-mail and said let's see if we can't come up with a solution.

Mayor Macon said they appreciated him bringing that to their attention and they will get to the bottom of that property line.

David Singly, 13 Seagull Lane, owns the property there since 2003 and never had a problem and still doesn't have an issue but if we have a tradesman come over and park out front, they can't pull into our garage, they have to park in front of their house. The house at the end of the street sticks out 3 or 4 feet and when we pull our cars up to the garage, we're not sticking any further out than those two houses on the end.

The town manager said he went down there today to look at it and the biggest issue was the cars on the corner. He drove down there too and, at that point, had to back up because there was a UPS truck and a mailman there. In that instance that's a temporary situation whether it's a tradesman or UPS, etc. His goal was not to have anybody lose their rental income or anything like that. His goal was to get some folks to come in and say let's find a solution, whether it's one way and we park people on the side or some other solution.

Mayor Macon said that is something they can look at once they make a determination how much room is out front. Maybe they can work with you since you are a property owner to try to make some type of determination.

MOTION CARRIED UNANIMOUSLY.

Mayor Macon said there was a motion to go into closed session.

After closed session, **Mayor Macon made a motion to return to open session.**

MOTION CARRIED UNANIMOUSLY.

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

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

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____