**Town of Surf City**

**Regular Council Meeting Minutes**

**December 6, 2011**

Mayor Guy called the regular monthly meeting of the Surf City Town Council to order at 7:00 p.m. Mayor Pro Tem Medlin gave the invocation, and Councilman Curley led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Councilmen Fowler & Helms, Town Manager Michael Moore, Attorney Charles Lanier, Finance Director Jane Kirk and Town Clerk Patricia Arnold.

**Approval of Minutes**

Minutes of the November 1, 2011 Regular Meeting were recommended for approval by Town Attorney Charles Lanier. Motion was made by Councilwoman Albury and seconded by Councilman Helms to approve as presented and was carried unanimously.

# Oaths of Office

Administrative Judge Beecher R. Gray administered oaths of office to Council members William Fowler, Donald Helms, and Nelva Albury, & Mayor Zander Guy.

# Council Organization

**Election of Mayor Pro Tempore**

Douglas Medlin was appointed Mayor Pro Tem on motion of Councilman Helms. The motion was seconded by Councilman Fowler, and unanimously carried.

# Council Liaison Assignments

Mayor Guy appointed the same Council Liaisons. Copy of liaison assignments is attached to these minutes.

**TOWN ATTORNEY APPOINTMENT**

Charles Lanier was re-appointed as Town Attorney on motion of Councilwoman Albury.. The motion was seconded by Councilman Fowler, and unanimously carried.

**Adjournment**

This meeting was recessed at 7:14 p.m. until December 9, 2011 at 10:00 am upon the motion by Councilman Helms and seconded by Councilwoman Albury. The Council unanimously approved motion.

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Patricia E. Arnold, Town Clerk A. D. (Zander) Guy, Jr., Mayor

**Town of Surf City**

**Reconvened Council Meeting Minutes**

**December 9, 2011**

Mayor Guy reconvened the meeting of the Surf City Town Council to order at 10:00 a.m. Mayor Pro Tem Medlin gave the invocation, and Councilman Curley led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Councilmen Fowler & Helms, Town Manager Michael Moore, Attorney Charles Lanier, Finance Director Jane Kirk and Town Clerk Patricia Arnold.

**BEAUTIFICATION & APPEARANCE RECOGNITION**

Mayor Guy presented the Proclamations for the Home of the Month for December to Earl & Gail Faircloth for their property located at 4053 4th Street and the Business of the Month for December to Long Island Pizza located at 610 N. New River Dr. owned by John & Pat O’Connor.

**Tsunami site plan**

Town Planner Rademacher stated that the developer, Mr. Hazy Elia, is requesting approval of a site plan for the development of an upscale surf shop. The property is zoned C3 commercial and allows as a use by right the development of retail sales space which would include a beachwear/surf shop. The proposed site is located in the Promenade shopping center located adjacent to the new McDonald’s and Island Family Medicine fronting Highway 50/210. The building is proposed to be 10, 500 square feet in size.

All of the items below remain true of this site plan revisions as they did for the original submittal.

Stormwater on the site will be collected on site and moved to the Stormwater ponds already constructed on the tract behind the property and approved by the State. Access from highway will utilize the main entrances for the Promenade complex and has been approved by the NCDOT. NCDOT has reviewed the site and has requested the removal of the driveway closest to highway 50/210. Lighting and landscaping plans have been submitted and are in compliance with the ordinance. Architectural review has taken place with the developer meeting all of the requirements of the Town Architectural code. Materials being utilized in the construction of this building will be compatible with the existing outparcels as well as with the entertainment complex to be located on the adjacent site.

Water and sewer service will be provided directly off of the main highway.

Sidewalks have been constructed along highway 50/210 and are in compliance with Town codes. An access way as required by the ADA is shown to get pedestrians from the public sidewalk to the project safely.

Existing fire hydrants located on highway 50/210 as well as in the main shopping center provide compliance with fire codes and have been reviewed by the Town’s Fire Marshall.

The Planning Board recommends approval of the site plan revision as plan remains consistent with all policies for the Town of Surf City and is compatible with surrounding developments.

Councilman Helms made a motion to approve the Tsunami Site Plan. Councilman Fowler seconded motion. Motion carried unanimously.

#### Marlowe & Company Contract

Town Manager Moore stated that this would be the seventh year we have worked with Marlowe & Company. Marlowe’s staffs work closely with our Topsail Island Shoreline Protection Commission. They assist us with our efforts to assure timely project management and sufficient federal funding for the initial construction and periodic beach nourishment of federal shore protection projects located on Topsail Island.

Marlowe & Company bill us $5,000 per month for services performed pursuant to the agreement and such fees not to exceed $60,000 in the aggregate during the Term of the agreement. The $60,000 is shared equally between North Topsail Beach, Topsail Beach, and Surf City. Each Town pays $20,000 each.

This agreement must be approved by the Three Island Elected Boards before signed and returned to Marlowe & Company.

Councilman Helms made a motion to approve the Marlowe & Company Contract. Mayor Pro Tem Medlin seconded motion. Motion carried unanimously.

#### Driving on the Beach

#### Manager Moore stated that three or four months ago the Council had a request to allow driving on the beach at night. Council did approve it on a temporary basis. Staff and Police Chief are to monitor and that if there were any problem that it would come back to Council and they would decide to continue or end the night driving. Since that time the Chief has sent Council a memo that he has received no complaints, no incidents and that he is not aware of any problems with the folks being on the beach at night. Since then we have had citizens express their concerns so we brought it forward to listen to their concerns and see if any further action needed to be taken.

#### Jean Beasley, Director of the Karen Beasley Sea Turtle Rescue and Rehabilitation Center & Topsail Sea Turtle Project, here with Sandy Sly, Secretary; and Terry Meyer, Directory of Beach Operations & Treasurer all from the Town of Surf City. Data can be found on web page under nesting program at www.seaturtlehospital.org.

Daytime driving is not in question. Stated that before Chris Medlin brought up night driving with the Town he went to ask her about what the impact would be on the turtle program. She called Terry and looked at statists and looked at period of time and location where beach driving would take place and we came to conclusion that this was a responsible proposal and we encouraged Chris to go ahead with this presentation to the Council. We have had a very close cooperative and mutually respectful tenure with the town since the mid 80’s with the founding of the turtle project by my late daughter Karen. We certainly hope that continues in the future. We have some great thing coming up. We hope that the new hospital will be a great boost a beneficial component to the community,

Take the sea turtles out of the equation; we will look after the sea turtles.

This past year caught us a little off guard. We had 114 nests. That is more than we have had in a lot of years. There were some late turtle layers this year but we will have a plan in place to address late nest if there is night driving. So don’t worry about the turtles that is our job and we will do it, in making your decision do what is best for the town.

We will work with the town to do whatever is necessary. At my advanced age I could not get down on the beach. So I certainly have personal concerns for people who want to get to the beach to fish. I have a great adherence to the philosophy that the beach belongs to everybody and everybody has right to access to the beach. I am proud of our town that we have for providing those opportunities. Take turtles out. We will take care of them. Do what is best for the Town.

Yogi Paliotti, Surf City, stated that getting to the beach is hard enough. There is a group of locals that keep an eye on the beach to make sure no one is speeding and that they have stickers.

Judith Plaut, 46 Sound Court, stated that she has no problem with fishermen, that her primary concerns were safety. She stated that she told Chris that if it had not have been because of a safety concern she would not have been here. She did not know people could drive and has been here since 1994.

Vision is not as good at night and it dangerous to drive in sand unless you know what you are doing. She has done a lot of research and is concerned about the kids. Towns usually wait until someone gets hurt or killed. She is concern on how the Police are going to monitor the beach at night and fear increase burglary; when we get up to January and February having people driving on the beach at night.

People around me did not know about the public hearing about driving on the beach.

As I looked at the ordinance I thought it was only for handicapped but it reads for anyone. I am all for the handicap. To make it simpler and safer it just needs to add words to stay in same area. This area has ambient light at night. There are still concerns with holes on beach and the number of people on beach in October and November. We have grown and year round community of citizens

Marlowe has a map of where all of our property owners live as primary residents.

We are asking police to patrol night drive from Dolphin to 1300 block of S. Shore Drive, which is a lot of territory. It would be easier for the Police to monitor if only 1000 south. Citizens would like vehicle free area, where we can walk, run and sit without worrying about vehicles. If buying or renting want to know where vehicle free zones are.

Need to make it safe for all of us and for the needs of all of us.

We would like to cherish a beach that is beautiful without tire tracks or small critters crushed.

There are runners, walkers, and children out there without flash lights at night. When you look and plan ahead, think it through. We are getting a lot more older people here. Think about everyone’s needs.

Should have to have handicap tag and medical letter and feel we should not charge

There is a getter diversity of people living here now from all walks of life

I care about the beach and the people.

What about the environmental impact.

I have read the army corp of engineer environmental impact statement. It has a wonderful description of all of our critters that live on the beach. When driving you are crushing some of them and I hope we would lessen the impact as much as we can.

We want new marking niches for this town. One big thing is Ecotourism. Encouraging everyone to preserve and protect and bringing in more things. We want more tourism in our quite season.

Survey land owners and see if people have a feeling which way to do this. We have a recreation survey and ask about fishing. It doesn’t state 4 wheel drive or just fishing. If able bodied they can carry their stuff like the sun bathers carry their stuff.

Don’t want to see a huge number of 4 wheel drive coming to our beach because now we do not have a cap on how many can be out there.

Can they run their engine all night when cold and can they sleep in the truck overnight?

We have not thought through all of these things for night driving. Make sure these things are looked at and make some modification on these things that are needed.

Chris Medlin, 2421 Hwy 210E, I am the one who originally came to the Council about opening the beach to for driving at night. I think it has been a good thing.

There have been no formal complaints, no injuries, or anyone hurt. No one has called the Police and put in a complaint. I don’t see what the issue is.

The complaint is that we are hurting the critters, when we mow our lawns we are hurting a few every time. Same kind of thing there are we drive on the beach.

There is a majority of fishing done by a small select group of people that enjoy trout fishing. There is not a lot of driving on the beach at night but there are a few people. Trout fishing in the fall in the surf is where you need to do it. If you limit it to a very small area now for fishing, which we are already in a small area now for fishing; just 1000’ south of the pier, you are not going to be able to get to the trout holes that are up and down the beach.

Majority of the fishermen are north of the pier that is where the majority of the holes are.

Topsail Island and Surf City thrive on fishermen. It is not just the money from the permits that are brought to the town. When people know that they can come here and have ready access to fishing, they come. And we saw it this year, when the hurricanes that happened in the OBX. We saw a lot of influx of people to come here to fish our beach, enjoy our restaurants, our hotels, and shop in my store at the tackle shop. We saw a tremendous boost to the economy. We sold 10,000 fishing licenses this last year, just out of our shop. That tells you how many come here just to fish, It is just extremely important to Surf City to have as much open access as possible.

Handicap people we need as much access for them too.

On the north end of the island you can only get a permit to drive on the beach for handicap people. Well North Topsail has much less fishermen that go there to fish. Here is Surf City we protect that.

When you can drive on the beach it helps a lot. You can take your children on the beach on the truck and let them sleep in the back while you fish all night and you still get family time together.

Some and a lot of the best fishing is at night because a lot of the fish are nocturnal feeders. The sea mullet, the red drum are more nocturnal and the special trout are more nocturnal then they feed during the day especially during the fall. Of course fall is when we have the best fishing. I think we have compromise pretty well by not driving on the beach in the summer time but have a small and select area to drive on the beach already. I think we have compromise throughout the years well and I would hate to see it limited to a very small, small area just because the fishing holes are not necessarily right there. There are fishing holes up and down the island. The sloes and holes move. So if you have a very small area you might sit out there all day long and not catch anything and we don’t want that. If they fish all day long and can’t fish in a sloe they are going to say Topsail Island doesn’t have any fish, there is no reason for us to come here I want people to get to the good fishing spots as much as possible

Consensus of Council to leave ordinance as is at this time.

**Audit for FY 2010-2011**

## M. Wade Greene, CPA from S. Preston Douglas & Associates, LLP, presented Council with the Town of Surf City Financial Statements for the year ending June 30, 2011.

#### Request to use Roland Ave Beach Access ~ Dolphin Dip

This is the 10th time Mr. Moxey has requested use of the Roland Avenue Beach Access. The annual Dolphin Dip Extravaganza is to benefit the Lower Cape Fear Hospice and Life Center.

The event is requesting to take place between 11:00 A.M. and 12:00 P.M. on New Year’s Day.

Councilwoman Albury made a motion to approve the Salt Water Landing Phase 3 Preliminary Plans. Mayor Pro Tem Medlin seconded motion. Motion carried unanimously.

#### Special Use Permit Extension ~ Beach House Marina

Beach House Marinahas requested an extension of their Conditional Use Permit.

11-30-99 Treasure Coast Yacht Club & Marina issued Conditional Use Permit for dry stack boat storage facility.

12-6-01 Beach House Marina issued Conditional Use Permit for dry boat storage facility, which expired 1-1-07.

11-8-06 Beach House Marina issued Conditional Use Permit for dry boat storage facility, which will expire 1-1-08.

9-4-07 Beach House Marina issued Conditional Use Permit for dry boat storage facility which will expire 1-1-09.

12-2-08 Beach House Marina issued Conditional Use Permit for dry boat storage facility which will expire 1-1-10.

11-4-09 Beach House Marina issued Conditional Use Permit for dry boat storage facility which will expire 1-1-11.

10-5-10 Beach House Marina issued Conditional Use Permit for dry boat storage facility which will expire 1-1-12.

Councilwoman Albury made a motion to approve extending the permit for one year with expiration date of 1-1-13 and they comply with current development standards. Councilman Helms seconded motion. Motion carried unanimously.

#### Community Center Membership Guideline 2011 changes

Recommendation by Recreation Advisory Committee.

***ARTICLE I: General usage***

1. Individuals meeting any of the following criteria may join Surf City Community Center for a fee of ~~$12.00~~ **$25.00** per person per year:
   * **Residential renters in the Town of Surf City who have their vehicles registered to their Surf City address (no PO Boxes, proof of residency required)**
   * **Employees of a Surf City Business (current pay stub required)**
2. Ages ~~70-79~~ **65-74** – Half Price Full Membership ($6.00 residents, $50.00 non-residents)
3. Ages ~~80~~ **75** & Up – Free Membership
4. Passes may also be purchased by non-members using the following fee scale:

* Weekly passes - ~~$25~~ **$20** per person
* Monthly passes - ~~$35~~ **$30** per person

1. **Individuals may choose to exchange volunteer hours with Surf City Parks & Recreation in lieu of monetary payment at an exchange rate of $20 per hour based on the North Carolina average. Volunteer hours must be pre-approved and documented by Surf City Parks & Recreation and must be completed prior to membership approval.**

1. A **scan** of your driver’s license/**official ID** is required for membership.
2. Memberships are non-transferable **and non-refundable.**

**Surf City Parks & Recreation Usage Request Rates**

* Persons/Groups renting space at Surf City Community Center outside of normal operating hours will be charged an additional ~~$15~~ **$25** per hour for a Parks & Recreation staff member to be onsite.
* **Deposits:**

**All events/rentals will be required to provide a security deposit of $100. Deposits will be refunded upon inspection of the facility/park.**

* **Cancellation:**

**If events/rentals are not cancelled prior to 10 days before the event, the security deposit will be forfeited and deposited by Surf City Parks & Recreation.**

**Community Center**

**Craft Rooms:**

Surf City Taxpayer: ~~$15~~ **$20**/hour

Non-Surf City Taxpayer: ~~$25~~ **$30**/hour

**Non-profit: $10/hour**

Surf City Taxpayer: $50/hour

Non-Surf City Taxpayer: $100/hour

**Non-profit: $25/hour**

* Patrons may also choose to pay an additional ~~$100~~ **$250** clean up fee instead of cleaning the room up themselves. Clean up includes cleaning tables and chairs, returning tables and chairs to their original places, sweeping, mopping, cleaning counters, sinks and walls, and garbage removal.

**Parks:**

**Picnic Shelter/Gazebo:**

~~$25~~ **$30** per 3 hours, **$15/hour additional time**

**Electricity at shelter:**

~~$5~~ **$10** per 3 hours

**Amphitheater:**

~~$25~~ **$50** per hour

**Electricity at Amphitheater:**

~~$5~~ **$10** per hour

**Non-profit Event Rates:**

**$250 (up to 6 hours including set up, event and clean up)**

**$500 (up to 10 hours including set up, event and clean up)**

**\*Groups may choose to exchange volunteer hours with Surf City Parks & Recreation in lieu of monetary payment at an exchange rate of $20 per hour based on the North Carolina average. Volunteer hours must be pre-approved and documented by Surf City Parks & Recreation and must be completed prior to the date of the event.**

Councilman Fowler made a motion to approve the changes to the Membership Guidelines. Councilwoman Albury seconded motion. Motion carried unanimously.

**Engineers Project Updates,** Town Manager Moore

**Surf City Wastewater Treatment Facilities**

Juniper Swamp Phase 1 Irrigation System: During the month of November, the contractor completed a significant portion of the clearing and grubbing work. The area in which the storage basin will be built has been cleared, as well as some of the required areas within the irrigation zones. The contractor has also amassed the majority of the materials required for the completion of the project onsite; namely pipe and fittings.

The Contractor began installing some underground pipe around the 1st of December, and will focus on this activity and completing the clearing work in the month of December.

The majority of all required submittals have been presented by the Contractor, and reviewed by the Engineer. There are a few submittals that undergone multiple iterations of review and comment, as well as some that are still unresolved. All parties are working diligently to get these remaining, few submittals completed.

***Key Project Metrics:***

Notice to Proceed: October 11, 2011

Contracted Project Completion: 365 Days

Changes to Construction Schedule: 0 Days

Original Substantial Completion Date: October 16, 2012

Current Substantial Completion Date: October 16, 2012

***Project is currently on schedule***

Original Construction Contract Amount: $4,617,817.00

Changes to Construction Cost: $0

Current Construction Contract Amount: $4,617,817.00

***Project is currently within budget***

Juniper Swamp Infiltration Basin: The Contractor for the Phase 1 Irrigation Project has agreed to dispose of some of the excess fill material adjacent to the infiltration basin to minimize the receipt of overland stormwater flow. The area will also receive some wasted material that may be more conducive to plant growth, and will be re-seeded upon completion.

**Tortuga Lane Street & Utilities Design:** The project remains under construction. The road construction is not yet completed. The town is also in the process of collecting informal bids to complete the water and sewer connections to the Community Center to serve the KBSTRRC.

**Little Kinston Forcemain Re-route:** The project has been designed and the final permits have been issued. This project is ready to proceed to construction at the Town’s chosen schedule.

**Hwy 50 Sidewalk Improvements:** Cavanaugh has completed design of the sidewalk project, and the funding has been approved by NCDOT. The Town needs to finalize its funding agreement with NCDOT, and once executed by DOT, the right-of-way encroachment agreement can be issued. The Town has also asked Cavanaugh to review and possibly adjust the alignment to provide for additional clearance between the sidewalk and some of the surface features in the area, such as signage and decorative appurtenant structures; which Cavanaugh is in the process of completing.

## Public Forum

No public comments.

**COUNCIL FORUM**

**Councilman Curley** stated that he learned a lot today and that the ordinance would be looked at and watched and if the situation changes it will come back before Council.

**Mayor Pro Tem Medlin** stated he appreciated everyone coming and expressing their concerns.

**Councilwoman Albury** thanked everyone for coming.

**Councilman Fowler** thanked everyone for coming. Breakfast with Santa is Saturday December 10th 8-10am.

**Councilman Helms** thanked everyone for their comments and asked that everyone be careful and to please get their chimneys, candles and live Christmas trees. Wished everyone a Merry Christmas and Happy New Year.

**Mayor Guy**

* Thanked everyone for coming
* Read a letter from employee Dixon Ivey for flowers for his grandmother’s funeral
* Read a congratulations card from the Commanding Officer of Camp Lejeune, Col. D.J. Lecce for Election.

**MANAGER REPORT**

No report at this time.

**TOWN ATTORNEY REPORT**

No report at this time.

**Adjournment**

There being no further business the meeting was adjourned at 11:10 a.m. upon the motion by Councilman Helms and seconded by Mayor Pro Tem Medlin. The Council unanimously approved motion.

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Patricia E. Arnold, Town Clerk A. D. (Zander) Guy, Jr., Mayor