



Wrightsville Beach Police Department

Office of the Chief of Police

August 27, 2012

Christopher Brook
Legal Director
American Civil Liberties Union of NC
PO Box 28004
Raleigh, NC 27611

Dear Mr. Brook,

The following is a response to your request regarding the Automated License Plate Reader program soon to be implemented in Wrightsville Beach, North Carolina. The line items below relate to the items requested in your letter dated August 8, 2012.

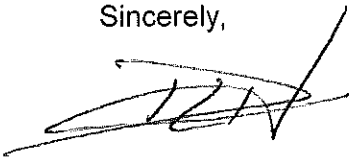
1. **Policies** – We are currently in the process of developing a policy for the deployment and approved uses of the ALPR system and a procedure for the storage and sharing of data.
2. Procurement - Attached you will find records pertaining to the procurement of the LPR system.
3. Use of ALPR Technology – Currently we are in the process of obtaining and setting up the ALPR system. The system is not operational at this time.
 - a. Currently we have no records for the number of license plates scanned.
 - b. Currently we have no records for the type of data obtained.
 - c. We have purchased one ALPR system to be mounted on a vehicle and purchased a second system to be mounted on our existing speed trailer.
 - d. One vehicle will be equipped with the ALPR system
 - e. We do not have a permanent stationary system.
 - f. Technical capabilities are attached in the proposal submitted by the selected vendor, NDIRS.
4. At this time, the ALPR system is not operational and we are still in the process of writing policy and procedures for the collection of data, storage of data and at what point it will be discarded. Our preliminary plan is to store data for a period of 30 to 60 days, unless the data is flagged as potential evidence. At that point it would be stored for discovery purposes and disposed of at the direction of the New Hanover County District Attorney's

Office.

5. Records regarding access to the APLR Data – Currently we have no records pertaining to access of ALPR data. The following is what we are proposing, but have not put into place.
 - a. Justification for access – To access stored data, an authorized employee must have an active open and assigned investigation, supported by an offense report and demonstrate reasonable need to access stored data. Again, we are in the process of developing a policy.
 - b. Purpose for access – Active open investigations or any other related official police business authorized by the Chief of Police.
 - c. Purposes data cannot be accessed – Anything other than active open investigations or other related official police business authorized by the Chief of Police.
 - d. Who may access the data – Our preliminary plan is to allow command staff and the investigation division access to the back office software. Again, our system is not yet in place and we are in the process of writing our policy and procedures.
 - e. The system will be set up with password permissions and a log of who accessed what information.
6. Data sharing – At this time we do not have any agreements in place to share data. If other New Hanover County police agencies deploy ALPR technology we would consider sharing data with them, but no agreements in place at this time.
7. Third party data bases – At this time we only have the ability to populate our own hot list data. We are working with NDIRS, in conjunction with the NC Division of Criminal Information (DCI) to access NCIC and other DCI information. Again, nothing is in place at this time.
8. Training Material – See attached power point presentation from NDIRS.

If you have any further questions regarding the attached documentation, I can be reached at 910-239-1711.

Sincerely,



Daniel L. House Jr.
Chief of Police
Wrightsville Beach Police Department



North Carolina Department of Crime Control and Public Safety
Division of Emergency Management

Beverly Eaves Perdue, Governor
Reuben F. Young, Secretary

H. Douglas Hoell, Jr., Director

July 18, 2011

Robert Simpson, Town Manager
Town of Wrightsville Beach
P.O. Box 626
Wrightsville Beach, NC 28480
Ph# (910) 256-7900

COPY

Dear Manager Simpson,

I am pleased to inform you that your jurisdiction has been selected to receive funding under the FY 2008 Port Security Grant Program. The total amount of federal funds awarded to your project is \$160,800, with a local match of \$53,600. Attached are a Conditional Grant Award and Memorandum of Agreement (MOA#7009) outlining this agreement. Please sign the Conditional Grant Award and the MOA as indicated on the last page, and return all documents to Rick Boettinger at NCEM 1830-B Tillery Place Raleigh, NC 27604.

If you have any questions, or need further assistance, please contact Rick Boettinger, Grant Manager, North Carolina Division of Emergency Management at (919) 715-8000, ext.230.

Sincerely,

John Yarboro,
Homeland Security Branch Chief

JY: rb

Enclosure

Mail:
4713 Mail Service Center
Raleigh, NC 27699-4713
Telephone: 919-733-3825

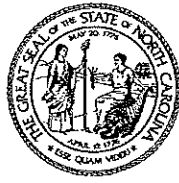
www.NCCrimeControl.org



Location:
116 W. Jones St., Ste. G120
Raleigh, NC 27603-1135
Fax: 919-733-5406

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North Carolina Department of Crime Control and Public Safety

Beverly Eaves Perdue, Governor

Reuben F. Young, Secretary

GRANT AWARD

Subgrantee: Wrightsville Beach Police Department
 Project Title(s): 2008 Port Security Grant Program – Surveillance and License Plate Recognition System
 Grant Period: 08-01-2008 - 07-31-2012 Date of Award: 6-10-2011
 Total Federal Share: \$160,800.00 Grant No.: 2008-GB-T8-K076-7009
 Subgrantee Share: \$ 53,600.00

In accordance with the provisions of Federal Fiscal Year 2008 Port Security Grant Program, the North Carolina Division of Emergency Management hereby awards to the foregoing Subgrantee a grant in the federal amount shown above. The CFDA number is 97.056 and the North Carolina Division of Emergency Management federal grant number is 2008-GB-T8-K076.

Payment of Funds: The original signed copy of this Award must be signed by the Official Authorized to Sign in the space below and returned to the North Carolina Division of Emergency Management with an original signed copy of the attached Memorandum of Agreement no later than July 31, 2011. The grant shall be effective on July 25, 2011 and upon final approval by the North Carolina Division of Emergency Management of the grant budget and program narrative. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

Conditions: I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the subgrantee; and that all agencies involved with this project understand that federal funds are limited to a maximum 36-month period.

Supplantation: The Act requires that subgrantees provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through the North Carolina Division of Emergency Management shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE FOR THE SUBGRANTEE

BY:

ROBERT SIMPSON, TOWN MANAGER
 WRIGHTSVILLE BEACH,
 NORTH CAROLINA


 REUBEN F. YOUNG, SECRETARY
 NC DEPARTMENT OF CRIME CONTROL
 AND PUBLIC SAFETY

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT OF THE GRANT PROGRAM BUDGET AND NARRATIVE.

MAILING ADDRESS:
 4701 Mail Service Center
 Raleigh, NC 27699-4701
 Telephone: (919) 733-2126



www.NCCrimeControl.org

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OFFICE LOCATION:
 512 N. Salisbury Street
 Raleigh, NC 27604-1159
 Fax: (919) 715-8477



MOA#: 7009
Tax #: 56-6001377
Fund Code #: 1520-046-H7-500
Federal Share: \$160,800
Local Share: \$53,600
Total MOA Amount: \$214,400
CFDA #: 97.056

MEMORANDUM OF UNDERSTANDING/AGREEMENT
BETWEEN
THE STATE OF NORTH CAROLINA,
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY,
DIVISION OF EMERGENCY MANAGEMENT
AND
WRIGHTSVILLE BEACH POLICE DEPARTMENT
PORT OF WILMINGTON

2008-GB-T8-K076

I. PARTIES

The parties to this Memorandum of Understanding/Agreement (hereinafter referred to as "MOA" or "Agreement") are the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management and WRIGHTSVILLE BEACH POLICE DEPARTMENT.

II. AUTHORITY

This Agreement is authorized under the provisions of: 1) Public Law 110-329, Consolidated Security Disaster Assistance, and Continuing Appropriations Act, 2009; 2) Public Law 110-53, The 9/11 Commission Act of 2007; 3) Public Law 107-56, (6 U.S.C. § 101 et seq.), the USA Patriot Act of 2001; 4) Public Law 107-296, the Homeland Security Act of 2002, 6 U.S.C. 101 et. seq.; 5) Public Law 109-295, The Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. 752(c); 6) the implementing recommendations or regulations of each Act or Law, if any; 7) the U.S. Department of Homeland Security, FY 2008 Port Security Grant Program Guidelines and Application Kit available at: <http://www.fema.gov/government/grant/psgp/index08.shtm> ; 8) DHS FY 2008-GB-T8-K076; 9) applicable Grants Programs Directorate (GPD) Information Bulletins available at: <http://www.fema.gov/government/grant/bulletins/index.shtm>; and 10) the N.C. Emergency Management Act, Chapter 166A of the North Carolina General Statutes.

III. PURPOSE

The purpose of this Agreement is to establish responsibilities and procedures to implement the terms of the U.S. Department of Homeland Security (DHS) FY 2008 Port Security Grant Program (PSGP). A copy of the federal grant instructions is available at <http://www.fema.gov/government/grant/psgp/index08.shtm>

This Agreement is to set forth terms by which the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management (Grantee), shall provide FY 2008 Port Security Grant Program Funding to WRIGHTSVILLE BEACH POLICE DEPARTMENT (Sub-grantee) to provide a Surveillance and License Plate Recognition System to better manage incidents and increase safety for all involved at the local, state and federal level in preparation and response for all hazard events.

IV. BACKGROUND

The Department of Homeland Security (DHS), through the Federal Emergency Management Agency (FEMA) Grants Program Directorate, in accordance with the authorities listed herein, created the FY 2008 Port Security Grant Program, Grant Number FY 2008-GB-T8-K076. This program was established to provide federal reimbursement funding to state and local governments to implement State Homeland Security Strategies to address identified planning, organization, equipment, training, and exercise needs to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events.

The Grantee and Sub-grantee enter into an arrangement by which the Grantee will provide Federal reimbursement funding to the Sub-grantee for the purchase of a Surveillance and License Plate Recognition System.

V. RESPONSIBILITIES

a. The State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management shall:

- (1) Provide reimbursement to the Sub-grantee for the cost of A Surveillance and License Plate Recognition System, as described in Attachment 1.
- (2) Conduct periodic monitoring visits to the Sub-grantee to maintain grant compliance.
- (3) The performance period for the award to the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management, ends on July 31, 2012. Funds allocated for the procurement of equipment must be encumbered and invoices dated on or prior to July 31, 2012.

b. WRIGHTSVILLE BEACH POLICE DEPARTMENT shall:

- (1) Expend FY 2008 Port Security Grant Program funds in accordance with the applicable USDHS Program Guidance and Application Kit(s), the Grant Application Package, and the Grant Award and Special Conditions documents, incorporated by reference herein, of this MOA for the purchase of a Surveillance and License Plate Recognition System and the enhancement of all hazard preparedness.
- (2) Utilize State of North Carolina and/or local procurement policies and procedures for the procurement of A Surveillance and License Plate Recognition System, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of 44 Code of Federal Regulations (CFR) Part 13 and 2 CFR Part 215. Sub-grantee must follow procurement procedures and policies as outlined in the applicable USDHS Program Guidelines and Application Kits and the USDHS Financial Management Guide. Sub-grantee shall comply with all applicable laws, regulations and program guidance. Sub-grantee must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements. Administrative and procurement practices must conform to applicable federal requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, codified in the following guidance: 44 CFR Part 13; 2 CFR 215; 2 CFR Parts 225, 220, and 230 (formerly OMB Circulars A-87, A-21 and A-122); Federal Acquisition Regulations (FAR), Part 31.2; and OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations"; 28 CFR Part 23 "Criminal Intelligence Systems Operating Policies"; 49 CFR Part 1520 "Sensitive Security Information"; Public Law 107-296, The Critical Infrastructure Act of 2002; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq.; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.; Certifications and Assurances regarding Lobbying 31 U.S.C. 1352, Drug-Free Workplace Act, as amended, 41 U.S.C. 701 et. seq. and Certification Regarding Drug-Free Workplace Requirements, Debarment and Suspension Executive Orders 12549 and 12689 and 44 CFR Part 17 and Certification Regarding Debarment, Suspension and other Responsibility Matters; Assurances as listed in SF 424B and SF 424D; and Grant Award and Special Conditions documents.
- (3) Submit invoice(s) requesting reimbursement for item(s) received to the NCEM Homeland Security grants manager. Grantee will reimburse Sub-grantee for eligible costs as outlined in the applicable USDHS Program Guidelines and Application Kits. Sub-grantee must take possession of all purchased equipment and receive any grant-eligible service prior to seeking reimbursement from the grantee.
- (4) Complete the procurement (s) process not later than July 31, 2012.

- (5) Provide quarterly progress reports to the NCEM Homeland Security grants manager as described in Attachment 2 by the following dates: 15 January, 15 April, 15 July, and 15 October.
- (6) Provide inventory list at project completion phase to the Homeland Security Branch listing all equipment purchased through the grant.
- (7) Comply with the applicable federal statutes, regulations, policies, guidelines and requirements, reporting requirements and certifications as outlined in the applicable USDHS Program Guidelines and Application Kits and Grant Award and Special Conditions documents.
- (8) Maintain grant management filing system as required in Attachment 3.
- (9) Retain all original records pertinent to this MOA for a period of five years following the date of the closure of the grant award, or audit if required, or longer where required by law. However, if litigation, claim or audit has been initiated prior to the expiration of the five-year period and extends beyond the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.
- (10) Comply with current federal suspension and debarment regulations pursuant to OMB Circular A-133, which states in pertinent part that "[e]ffective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. Sub-grantee shall be responsible to ensure that it has checked the federal Excluded Parties List System (EPLS) to verify that contractors or sub-recipients have not been suspended or debarred from doing business with the federal government."
- (11) Ensure that FY 2008 Port Security Grant Program funds are not used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.
- (12) Non-supplanting Requirement. Federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose.
- (13) All materials publicizing or resulting from award activities shall contain this acknowledgement: *"This project was supported by a Federal award from the U.S. Department of Homeland Security, Office of Grants and Training and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management."* Use of the federal program logo must be approved by DHS. Printed as a legend, either below or beside the logo shall be the words *"100 percent Funded by U.S. Department of Homeland Security."*

- (14) Sub-grantee shall order, receive, inspect, and stage the equipment and supplies. The purchase or acquisition of any additional materials, equipment, accessories or supplies beyond those identified in this MOA shall be the sole responsibility of Sub-grantee and shall not be reimbursed under this MOA. Sub-grantee shall prominently mark any equipment purchased with grant funding as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
- (15) Sub-grantee shall maintain an effective property management system that complies with the following requirements. Equipment is defined as tangible, non-expendable property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Sub-grantee may have property management guidelines that are more restrictive, requiring a unit of equipment with a value of less than \$5,000 to be inventoried; if so, such equipment purchased under this award allocation shall be included in the reports submitted to Grantee.
- a) Grantee and Sub-grantee shall take a physical inventory of the equipment. The EM Sub-grantee Equipment Inventory Report, Cost Reports with backup documentation, Certificate of Title, Site Visit Report and any other Sub-grantee reports or inventory reports that include information regarding the grant, vendor, invoice number, cost per item, number of items, description, location, condition and identification number may be used to meet this requirement. Sub-grantee must provide Quarterly Progress Reports until all funds are expended.
 - b) Sub-grantee must ensure adequate safeguards to prevent loss, damage or theft. Sub-grantee shall be responsible for replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage or theft of the property must be investigated and fully documented, and made part of the official project records.
 - c) Sub-grantee must ensure adequate maintenance procedures exist to keep the equipment in good condition.
 - d) Disposition Procedures. Sub-grantee may dispose of the equipment when the original or replacement equipment acquired under the grant award is no longer needed for the original project or program. Items with a fair market value of less than \$5,000 may be retained, transferred or otherwise disposed of with prior approval of Grantee and in accordance with applicable program requirements. Items with a current per unit standard federal or fair market value in excess of \$5,000 may be retained, transferred or otherwise disposed of with prior Grantee approval in accordance with disposition requirements in 44 C.F.R. Part 13. Sub-grantee must provide documentation that includes the method used to determine current fair market value.

(16) The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training or exercise beyond that identified in this MOA shall be the sole responsibility of Sub-grantee and shall not be reimbursed under this MOA.

(17) No indirect or administrative costs will be charged to this allocation award.

VI. FUNDING AND COMPENSATION

Grantee will reimburse Sub-grantee for the actual eligible costs incurred for the subject of this grant, **not to exceed One Hundred and Sixty Thousand, Eight Hundred Dollars, (\$160,800)** for Federal portion of equipment. Funds will be provided by the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management. The allocation of funds will be from the USDHS FY 2008 Port Security Grant Program.

Funding Sources

1. Federal Share for 2008-GB-T8-K076	\$ 160,800.00
2. Local Share for 2008-GB-T8-K076	\$ 53,600.00
Total for 2008-GB-T8-K076	\$ 214,400.00

All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from DHS, FEMA and Grantee for the purposes set forth and the MOA shall automatically terminate if funds cease to be available. Allowable costs shall be determined in accordance with the applicable U.S. Department of Homeland Security Program Guidelines, which include, but may not be limited to, the USDHS FY2008 Port Security Grant Program Guidance and Application Kit available at <http://www.fema.gov/government/grant/psgp/index08.shtm> 44 C.F.R. Part 13, 2 CFR Parts 215, 220, and 230, Federal Acquisition Regulations (FAR) Part 31.2, OMB Circulars A-21, A-87, A-122 and A-133 and the U.S. DHS Financial Management Guide available at

http://www.dhs.gov/xlibrary/assets/Grants_FinancialManagementGuide.pdf.

Allowable costs are also subject to the approval of the State Administrative Agent for the State of North Carolina, the Secretary of the Department of Crime Control and Public Safety.

VII. WARRANTY

Sub-grantee shall hold Grantee harmless for any liability and personal injury that may occur from or in connection with the performance of this MOA to the extent permitted by the North Carolina Tort Claims Act.

VIII. PROPERTY

All property furnished under this agreement shall become the property of the Sub-grantee. The Sub-grantee shall be responsible for the custody and care of any

property furnished for use in connection with the performance of this agreement. Grantee will not be held responsible for any equipment purchased by Sub-grantee.

IX. COMMUNICATIONS AND POINTS OF CONTACT

To provide consistent and effective communication between the Sub-grantee and the Department of Crime Control and Public Safety, Division of Emergency Management, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. Grantee contacts shall be Mr. H. Douglas Hoell, Jr., Director; John Yarboro, Homeland Security Branch Chief, and Rick Boettinger, Grants Manager. The sub-grantee contact shall be Captain Fountain, WRIGHTSVILLE BEACH POLICE DEPARTMENT.

All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this MOA. Any information to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties, the other party's confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information that: (i) as of the date of disclosure and/or delivery, is already known to the party receiving such information; (ii) is or becomes part of the public domain through no fault of the receiving party; (iii) is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence; or (iv) is independently developed at the receiving party by someone not privy to the confidential information. In accordance with the FY 2008 Port Security Grant Program Guidelines and Application Kit. Program Guidelines and Application Kit, "FEMA recognizes that much of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et. seq., all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office. The Grantee and NCOI should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information."

X. SUBCONTRACTING

If the Sub-grantee subcontracts any or all purchases required under this Agreement, Sub-grantee agrees to include in the subcontract that the subcontractor is bound by the terms and conditions of this MOA. Sub-grantee agrees to include in the subcontract that the subcontractor shall hold Grantee harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this MOA. If Sub-grantee subcontracts a copy of the executed subcontract agreement must be forwarded to the Division of Emergency Management. Contractual arrangement shall in no way relieve Sub-grantee of its responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. Sub-grantee is bound by the terms, conditions and restrictions

of the applicable USDHS Program Guidelines and Application Kits referenced herein.

XI. SITUS

This Agreement shall be governed by the laws of North Carolina, and venue for any disputed matters or claims shall be in the Superior Court of Wake County, North Carolina

XII. ANTITRUST LAWS

This Agreement is entered into in compliance with all State and Federal antitrust laws.

XIII. COMPLIANCE WITH THE LAW

Sub-grantee shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Sub-grantee shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in applicable USDHS Program Guidelines and Application Kits.

XIV. OTHER PROVISIONS/SEVERABILITY

Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Crime Control and Public Safety or WRIGHTSVILLE BEACH POLICE DEPARTMENT. If any term of this Agreement is found by any court or other legal authority, or is agreed by the parties to be in conflict with any law or regulation governing its subject, the conflicting term shall be considered null and void. The remaining terms and conditions of this Agreement shall remain in full force and effect.

XV. ENTIRE AGREEMENT

This Agreement, any exhibits, amendments annexed hereto, and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

XVI. MODIFICATION

Modifications of this agreement must be in writing and upon approval of both parties except as modified by official USDHS Federal Grant Adjustment Notice (GAN).

XVII. TERMINATION

The terms of this agreement, as modified with the consent of all parties, will remain in effect until **July 31, 2012**. Either party may terminate this Agreement upon thirty (30) days advance written notice to the other party.

Upon approval by USDHS, FEMA and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable USDHS Grant Adjustment Notice, incorporated by reference herein, or as established by the State Administrative Agency, whichever is sooner.

If Sub-grantee materially fails to comply with the terms of the award and DHS or Grantee suspends or terminates the grant award in accordance with 44 C.F.R., the applicable U.S. Department of Homeland Security Program Guidelines and Application Kits and other applicable authorities, incorporated by reference herein, Sub-grantee shall reimburse the Division of Emergency Management for said property.

XVIII. EXECUTION AND EFFECTIVE DATE

This Agreement will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective on **July 25, 2011**. The last signature shall be that of Mr. Gerald A. Rudisill, Jr., Chief Deputy Secretary, North Carolina Department of Crime Control and Public Safety.

XIX. TERM OF THIS AGREEMENT.

This Agreement shall be in effect from **July 25, 2011** to **July 31, 2012**.

(REMAINDER OF THIS PAGE 9 IS INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the parties have each executed this, Agreement and the parties agree that this Agreement will be effective as of July 25, 2011.

**N.C. DEPARTMENT OF CRIME
CONTROL & PUBLIC SAFETY**

**TOWN OF WRIGHTSVILLE BEACH
NORTH CAROLINA**

BY: _____
H. DOUGLAS HOELL, DIRECTOR
DIVISION OF EMERGENCY MANAGEMENT

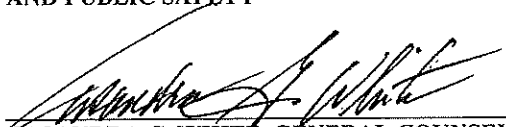
BY: _____
ROBERT SIMPSON, TOWN MANAGER
TOWN OF WRIGHTSVILLE BEACH,
NORTH CAROLINA

APPROVED AS TO PROCEDURES:

BY: _____

BY: _____
MARVIN MERVIN, CONTROLLER
DEPARTMENT OF CRIME CONTROL
AND PUBLIC SAFETY

BY: _____

BY:  _____
CASANDRA G. WHITE, GENERAL COUNSEL
REVIEWED FOR THE DEPARTMENT OF
CRIME CONTROL AND PUBLIC SAFETY, BY
CASANDRA G. WHITE, CCPS GENERAL
COUNSEL, TO FULFILL THE PURPOSES OF
THE US DEPARTMENT OF HOMELAND
SECURITY GRANT PROGRAMS

BY: _____
GERALD A. RUDISILL, JR.
CHIEF DEPUTY SECRETARY
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE FOR THE FY2010 HOMELAND SECURITY GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY GERALD A. RUDISILL, JR., CHIEF DEPUTY SECRETARY OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs FOR THE STATE HOMELAND SECURITY GRANT PROGRAM FOR OTHER FISCAL YEARS.

Attachment 1

PROJECT SUMMARY - FY2008 Funding

NOTE: Yellow blocks contain drop-down lists. Green blocks are blanks to be filled in, as appropriate.

Applicant Wilmington Police Department

Funds Awarded \$214,400.00

Project Description Video Surveillance System with Automatic License Plate Recognition System - Surveillance

Planned Expenditures		
Equipment	\$214,400.00	
Construction	\$0.00	
Total	\$214,400.00	Difference between Funds Awarded & Planned Expenditures (should be \$0) \$0.00
Cost Share		
Public Entities (25%)	\$53,600.00	
Private Entities (50%)	\$0.00	
PSGP Funding	\$0.00	
Total	\$53,600.00	Total should cover all costs; public entities have a 75/25 match; private entities, 50/50.

Include match amount even if waiver has been applied for.

EQUIPMENT REQUEST

Equipment Description & Primary Use		RKB #		# items	Item Cost	Extended Cost	Tax	Shipping/ Handling	Total	Cost Share	PSGP Funding
Video Surveillance System with Automatic License Plate		14 SW-01-VIDA		1	\$ 214,400.00	\$ 214,400.00	\$ -	\$ -	\$ 214,400.00	\$ 53,600.00	\$ 160,800.00

TOTAL PLANNED EQUIPMENT EXPENDITURES \$ 214,400.00

Attachment 2

QUARTERLY PROGRESS REPORT
Subgrantee: Wrightsville Beach Police Department
FY08 PSGP – MOA #2008-GB-T8-K076-7009

Funds Expended Prior Quarters:
Funds Expended this Quarter:

Grant Award: \$160,800.00

Quarter (list dates):

Activities	Metric	Current Status
1. Equipment	Date, current status (ex. List needs identified, items in vendor negotiation, purchased, placed in service, etc.)	

Quarterly Progress Reports need to be submitted to Rboettinger@NCEM.Org by January 15, April 15, July 15, and October 15.

Attachment 3

Required Sub-Grantee File Documentation

Sub-grantee or sub-recipient must meet the financial administration requirements in 44 CFR Part 13 and must maintain a file for each homeland security grant award. The files must be available for review by the North Carolina Division of Emergency Management – Homeland Security Branch Staff for site visits, project closeout and future audits.

Sub-grantee or sub-recipient must include appropriate documentation in the file, including but not limited to the following documents:

Conditional Grant Award

Vulnerability Reduction Purchasing Plan

Memorandum of Agreement/Memorandum of Understanding and Supporting Appendices

Quarterly Progress Reports

Completed appropriate cost report forms with invoices

MOA#: 7009
Tax #: 56-6001377
Fund Code #: 1520-046-H7-500
Federal Share: \$160,800
Local Share: \$53,600
Total MOA Amount: \$214,400
CFDA #: 97.056

MEMORANDUM OF UNDERSTANDING/AGREEMENT
BETWEEN
THE STATE OF NORTH CAROLINA,
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY,
DIVISION OF EMERGENCY MANAGEMENT
AND
WRIGHTSVILLE BEACH POLICE DEPARTMENT
PORT OF WILMINGTON
2008-GB-T8-K076

I. PARTIES

The parties to this Memorandum of Understanding/Agreement (hereinafter referred to as "MOA" or "Agreement") are the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management and WRIGHTSVILLE BEACH POLICE DEPARTMENT.

II. AUTHORITY

This Agreement is authorized under the provisions of: 1) Public Law 110-329, Consolidated Security Disaster Assistance, and Continuing Appropriations Act, 2009; 2) Public Law 110-53, The 9/11 Commission Act of 2007; 3) Public Law 107-56, (6 U.S.C. § 101 et seq.), the USA Patriot Act of 2001; 4) Public Law 107-296, the Homeland Security Act of 2002, 6 U.S.C. 101 et. seq.; 5) Public Law 109-295, The Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. 752(c); 6) the implementing recommendations or regulations of each Act or Law, if any; 7) the U.S. Department of Homeland Security, FY 2008 Port Security Grant Program Guidelines and Application Kit available at: <http://www.fema.gov/government/grant/psgp/index08.shtm> ; 8) DHS FY 2008-GB-T8-K076; 9) applicable Grants Programs Directorate (GPD) Information Bulletins available at: <http://www.fema.gov/government/grant/bulletins/index.shtm>; and 10) the N.C. Emergency Management Act, Chapter 166A of the North Carolina General Statutes.

III. PURPOSE

The purpose of this Agreement is to establish responsibilities and procedures to implement the terms of the U.S. Department of Homeland Security (DHS) FY 2008 Port Security Grant Program (PSGP). A copy of the federal grant instructions is available at <http://www.fema.gov/government/grant/psgp/index08.shtm>

This Agreement is to set forth terms by which the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management (Grantee), shall provide FY 2008 Port Security Grant Program Funding to WRIGHTSVILLE BEACH POLICE DEPARTMENT (Sub-grantee) to provide a Surveillance and License Plate Recognition System to better manage incidents and increase safety for all involved at the local, state and federal level in preparation and response for all hazard events.

IV. BACKGROUND

The Department of Homeland Security (DHS), through the Federal Emergency Management Agency (FEMA) Grants Program Directorate, in accordance with the authorities listed herein, created the FY 2008 Port Security Grant Program, Grant Number FY 2008-GB-T8-K076. This program was established to provide federal reimbursement funding to state and local governments to implement State Homeland Security Strategies to address identified planning, organization, equipment, training, and exercise needs to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events.

The Grantee and Sub-grantee enter into an arrangement by which the Grantee will provide Federal reimbursement funding to the Sub-grantee for the purchase of a Surveillance and License Plate Recognition System.

V. RESPONSIBILITIES

- a. The State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management shall:
 - (1) Provide reimbursement to the Sub-grantee for the cost of A Surveillance and License Plate Recognition System, as described in Attachment 1.
 - (2) Conduct periodic monitoring visits to the Sub-grantee to maintain grant compliance.
 - (3) The performance period for the award to the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management, ends on July 31, 2012. Funds allocated for the procurement of equipment must be encumbered and invoices dated on or prior to July 31, 2012.
- b. WRIGHTSVILLE BEACH POLICE DEPARTMENT shall:

- (1) Expend FY 2008 Port Security Grant Program funds in accordance with the applicable USDHS Program Guidance and Application Kit(s), the Grant Application Package, and the Grant Award and Special Conditions documents, incorporated by reference herein, of this MOA for the purchase of a Surveillance and License Plate Recognition System and the enhancement of all hazard preparedness.
- (2) Utilize State of North Carolina and/or local procurement policies and procedures for the procurement of A Surveillance and License Plate Recognition System, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of 44 Code of Federal Regulations (CFR) Part 13 and 2 CFR Part 215. Sub-grantee must follow procurement procedures and policies as outlined in the applicable USDHS Program Guidelines and Application Kits and the USDHS Financial Management Guide. Sub-grantee shall comply with all applicable laws, regulations and program guidance. Sub-grantee must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements. Administrative and procurement practices must conform to applicable federal requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, codified in the following guidance: 44 CFR Part 13; 2 CFR 215; 2 CFR Parts 225, 220, and 230 (formerly OMB Circulars A-87, A21 and A-122); Federal Acquisition Regulations (FAR), Part 31.2; and OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations"; 28 CFR Part 23 "Criminal Intelligence Systems Operating Policies"; 49 CFR Part 1520 "Sensitive Security Information"; Public Law 107-296, The Critical Infrastructure Act of 2002; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq.; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.; Certifications and Assurances regarding Lobbying 31 U.S.C. 1352, Drug-Free Workplace Act, as amended, 41 U.S.C. 701 et. seq. and Certification Regarding Drug-Free Workplace Requirements, Debarment and Suspension Executive Orders 12549 and 12689 and 44 CFR Part 17 and Certification Regarding Debarment, Suspension and other Responsibility Matters; Assurances as listed in SF 424B and SF 424D; and Grant Award and Special Conditions documents.
- (3) Submit invoice(s) requesting reimbursement for item(s) received to the NCEM Homeland Security grants manager. Grantee will reimburse Sub-grantee for eligible costs as outlined in the applicable USDHS Program Guidelines and Application Kits. Sub-grantee must take possession of all purchased equipment and receive any grant-eligible service prior to seeking reimbursement from the grantee.
- (4) Complete the procurement (s) process not later than July 31, 2012.

- (5) Provide quarterly progress reports to the NCEM Homeland Security grants manager as described in Attachment 2 by the following dates: 15 January, 15 April, 15 July, and 15 October.
- (6) Provide inventory list at project completion phase to the Homeland Security Branch listing all equipment purchased through the grant.
- (7) Comply with the applicable federal statutes, regulations, policies, guidelines and requirements, reporting requirements and certifications as outlined in the applicable USDHS Program Guidelines and Application Kits and Grant Award and Special Conditions documents.
- (8) Maintain grant management filing system as required in Attachment 3.
- (9) Retain all original records pertinent to this MOA for a period of five years following the date of the closure of the grant award, or audit if required, or longer where required by law. However, if litigation, claim or audit has been initiated prior to the expiration of the five-year period and extends beyond the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.
- (10) Comply with current federal suspension and debarment regulations pursuant to OMB Circular A-133, which states in pertinent part that "[e]ffective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. Sub-grantee shall be responsible to ensure that it has checked the federal Excluded Parties List System (EPLS) to verify that contractors or sub-recipients have not been suspended or debarred from doing business with the federal government."
- (11) Ensure that FY 2008 Port Security Grant Program funds are not used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.
- (12) Non-supplanting Requirement. Federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose.
- (13) All materials publicizing or resulting from award activities shall contain this acknowledgement: *"This project was supported by a Federal award from the U.S. Department of Homeland Security, Office of Grants and Training and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management."* Use of the federal program logo must be approved by DHS. Printed as a legend, either below or beside the logo shall be the words *"100 percent Funded by U.S. Department of Homeland Security."*

- (14) Sub-grantee shall order, receive, inspect, and stage the equipment and supplies. The purchase or acquisition of any additional materials, equipment, accessories or supplies beyond those identified in this MOA shall be the sole responsibility of Sub-grantee and shall not be reimbursed under this MOA. Sub-grantee shall prominently mark any equipment purchased with grant funding as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
- (15) Sub-grantee shall maintain an effective property management system that complies with the following requirements. Equipment is defined as tangible, non-expendable property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Sub-grantee may have property management guidelines that are more restrictive, requiring a unit of equipment with a value of less than \$5,000 to be inventoried; if so, such equipment purchased under this award allocation shall be included in the reports submitted to Grantee.
- a) Grantee and Sub-grantee shall take a physical inventory of the equipment. The EM Sub-grantee Equipment Inventory Report, Cost Reports with backup documentation, Certificate of Title, Site Visit Report and any other Sub-grantee reports or inventory reports that include information regarding the grant, vendor, invoice number, cost per item, number of items, description, location, condition and identification number may be used to meet this requirement. Sub-grantee must provide Quarterly Progress Reports until all funds are expended.
 - b) Sub-grantee must ensure adequate safeguards to prevent loss, damage or theft. Sub-grantee shall be responsible for replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage or theft of the property must be investigated and fully documented, and made part of the official project records.
 - c) Sub-grantee must ensure adequate maintenance procedures exist to keep the equipment in good condition.
 - d) Disposition Procedures. Sub-grantee may dispose of the equipment when the original or replacement equipment acquired under the grant award is no longer needed for the original project or program. Items with a fair market value of less than \$5,000 may be retained, transferred or otherwise disposed of with prior approval of Grantee and in accordance with applicable program requirements. Items with a current per unit standard federal or fair market value in excess of \$5,000 may be retained, transferred or otherwise disposed of with prior Grantee approval in accordance with disposition requirements in 44 C.F.R. Part 13. Sub-grantee must provide documentation that includes the method used to determine current fair market value.

(16) The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training or exercise beyond that identified in this MOA shall be the sole responsibility of Sub-grantee and shall not be reimbursed under this MOA.

(17) No indirect or administrative costs will be charged to this allocation award.

VI. FUNDING AND COMPENSATION

Grantee will reimburse Sub-grantee for the actual eligible costs incurred for the subject of this grant, **not to exceed One Hundred and Sixty Thousand, Eight Hundred Dollars, (\$160,800)** for Federal portion of equipment. Funds will be provided by the State of North Carolina, Department of Crime Control and Public Safety, Division of Emergency Management. The allocation of funds will be from the USDHS FY 2008 Port Security Grant Program.

Funding Sources

1. Federal Share for 2008-GB-T8-K076	\$ 160,800.00
2. Local Share for 2008-GB-T8-K076	\$ 53,600.00
Total for 2008-GB-T8-K076	\$ 214,400.00

All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from DHS, FEMA and Grantee for the purposes set forth and the MOA shall automatically terminate if funds cease to be available. Allowable costs shall be determined in accordance with the applicable U.S. Department of Homeland Security Program Guidelines, which include, but may not be limited to, the USDHS FY2008 Port Security Grant Program Guidance and Application Kit available at <http://www.fema.gov/government/grant/psgp/index08.shtm> 44 C.F.R. Part 13, 2 CFR Parts 215, 220, and 230, Federal Acquisition Regulations (FAR) Part 31.2, OMB Circulars A-21, A-87, A-122 and A-133 and the U.S. DHS Financial Management Guide available at http://www.dhs.gov/xlibrary/assets/Grants_FinancialManagementGuide.pdf.

Allowable costs are also subject to the approval of the State Administrative Agent for the State of North Carolina, the Secretary of the Department of Crime Control and Public Safety.

VII. WARRANTY

Sub-grantee shall hold Grantee harmless for any liability and personal injury that may occur from or in connection with the performance of this MOA to the extent permitted by the North Carolina Tort Claims Act.

VIII. PROPERTY

All property furnished under this agreement shall become the property of the Sub-grantee. The Sub-grantee shall be responsible for the custody and care of any

property furnished for use in connection with the performance of this agreement. Grantee will not be held responsible for any equipment purchased by Sub-grantee.

IX. COMMUNICATIONS AND POINTS OF CONTACT

To provide consistent and effective communication between the Sub-grantee and the Department of Crime Control and Public Safety, Division of Emergency Management, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. Grantee contacts shall be Mr. H. Douglas Hoell, Jr., Director; John Yarboro, Homeland Security Branch Chief, and Rick Boettinger, Grants Manager. The sub-grantee contact shall be Captain Fountain, WRIGHTSVILLE BEACH POLICE DEPARTMENT.

All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this MOA. Any information to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties, the other party's confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information that: (i) as of the date of disclosure and/or delivery, is already known to the party receiving such information; (ii) is or becomes part of the public domain through no fault of the receiving party; (iii) is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence; or (iv) is independently developed at the receiving party by someone not privy to the confidential information. In accordance with the FY 2008 Port Security Grant Program Guidelines and Application Kit. Program Guidelines and Application Kit, "FEMA recognizes that much of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et. seq., all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office. The Grantee and NCOI should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information."

X. SUBCONTRACTING

If the Sub-grantee subcontracts any or all purchases required under this Agreement, Sub-grantee agrees to include in the subcontract that the subcontractor is bound by the terms and conditions of this MOA. Sub-grantee agrees to include in the subcontract that the subcontractor shall hold Grantee harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this MOA. If Sub-grantee subcontracts a copy of the executed subcontract agreement must be forwarded to the Division of Emergency Management. Contractual arrangement shall in no way relieve Sub-grantee of its responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. Sub-grantee is bound by the terms, conditions and restrictions

of the applicable USDHS Program Guidelines and Application Kits referenced herein.

XI. SITUS

This Agreement shall be governed by the laws of North Carolina, and venue for any disputed matters or claims shall be in the Superior Court of Wake County, North Carolina

XII. ANTITRUST LAWS

This Agreement is entered into in compliance with all State and Federal antitrust laws.

XIII. COMPLIANCE WITH THE LAW

Sub-grantee shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Sub-grantee shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in applicable USDHS Program Guidelines and Application Kits.

XIV. OTHER PROVISIONS/SEVERABILITY

Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Crime Control and Public Safety or WRIGHTSVILLE BEACH POLICE DEPARTMENT. If any term of this Agreement is found by any court or other legal authority, or is agreed by the parties to be in conflict with any law or regulation governing its subject, the conflicting term shall be considered null and void. The remaining terms and conditions of this Agreement shall remain in full force and effect.

XV. ENTIRE AGREEMENT

This Agreement, any exhibits, amendments annexed hereto, and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.

XVI. MODIFICATION

Modifications of this agreement must be in writing and upon approval of both parties except as modified by official USDHS Federal Grant Adjustment Notice (GAN).

XVII. TERMINATION

The terms of this agreement, as modified with the consent of all parties, will remain in effect until **July 31, 2012**. Either party may terminate this Agreement upon thirty (30) days advance written notice to the other party.

Upon approval by USDHS, FEMA and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable USDHS Grant Adjustment Notice, incorporated by reference herein, or as established by the State Administrative Agency, whichever is sooner.

If Sub-grantee materially fails to comply with the terms of the award and DHS or Grantee suspends or terminates the grant award in accordance with 44 C.F.R., the applicable U.S. Department of Homeland Security Program Guidelines and Application Kits and other applicable authorities, incorporated by reference herein, Sub-grantee shall reimburse the Division of Emergency Management for said property.

XVIII. EXECUTION AND EFFECTIVE DATE

This Agreement will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective on **July 25, 2011**. The last signature shall be that of Mr. Gerald A. Rudisill, Jr., Chief Deputy Secretary, North Carolina Department of Crime Control and Public Safety.

XIX. TERM OF THIS AGREEMENT.

This Agreement shall be in effect from **July 25, 2011** to **July 31, 2012**.

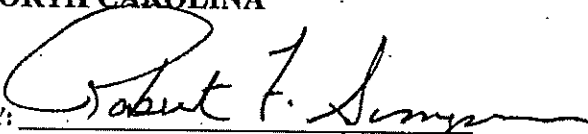
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IN WITNESS WHEREOF, the parties have each executed this, Agreement and the parties agree that this Agreement will be effective as of July 25, 2011.

**N.C. DEPARTMENT OF CRIME
CONTROL & PUBLIC SAFETY**

BY: 
H. DOUGLAS HOELL, DIRECTOR
DIVISION OF EMERGENCY MANAGEMENT

**TOWN OF WRIGHTSVILLE BEACH
NORTH CAROLINA**


BY: 
ROBERT SIMPSON, TOWN MANAGER
TOWN OF WRIGHTSVILLE BEACH,
NORTH CAROLINA

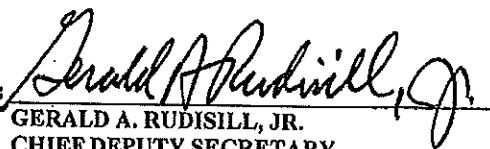
APPROVED AS TO PROCEDURES:

BY: _____

BY: 
MARVIN MERVIN, CONTROLLER
DEPARTMENT OF CRIME CONTROL
AND PUBLIC SAFETY

BY: _____

BY: 
CASANDRA G. WHITE, GENERAL COUNSEL
REVIEWED FOR THE DEPARTMENT OF
CRIME CONTROL AND PUBLIC SAFETY, BY
CASANDRA G. WHITE, CCPS GENERAL
COUNSEL, TO FULFILL THE PURPOSES OF
THE US DEPARTMENT OF HOMELAND
SECURITY GRANT PROGRAMS

BY: 
GERALD A. RUDISILL, JR.
CHIEF DEPUTY SECRETARY
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE FOR THE FY2010 HOMELAND SECURITY GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY GERALD A. RUDISILL, JR., CHIEF DEPUTY SECRETARY OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs FOR THE STATE HOMELAND SECURITY GRANT PROGRAM FOR OTHER FISCAL YEARS.

TOWN OF WRIGHTSVILLE BEACH



Request for Proposal

AUTOMATIC LICENSE PLATE RECOGNITION SYSTEM

REQUEST FOR PROPOSAL

AUTOMATIC LICENSE PLATE RECOGNITION SYSTEM

The Town of Wrightsville Beach, North Carolina is soliciting proposals from qualified vendors to provide an Automated License Plate Recognition System (ALPRS) to monitor vehicle traffic onto and off of Wrightsville Beach. Each proposal submitted shall address all of the requirements set forth in this Request for Proposal (RFP).

Municipal Profile

Wrightsville Beach is a coastal community that is a popular vacation and beach resort destination. It has a year-round population of approximately 2,500 residents and that number swells to over 25,000 during the summer months.

Wrightsville Beach is situated on the Atlantic Intercostals Waterway that extends from Norfolk, Virginia to Key West, Florida. This route is regularly used by boaters to travel from Northern to Southern ports and the Caribbean. Our community consists of two main islands, one of which is a barrier island on the Atlantic Ocean and the other is located on the waterway. Wrightsville Beach also borders the city of Wilmington which houses a large port for commercial and recreational traffic on the water.

The Wrightsville Beach community is unique in that all vehicle traffic heading into Wrightsville Beach and leaving Wrightsville Beach must pass over the Heide Task drawbridge creating a unique situation to efficiently and effectively monitor traffic into and out of our community.

Traffic studies have been conducted at different times of the year, including holiday weekends. When those numbers are extrapolated, vehicles crossing the Heide Task drawbridge onto Wrightsville Beach is estimated at approximately one million six hundred thousand (1,600,000) per calendar year.

Project Objective

The Town is seeking a qualified vendor to provide one (1) stationary ALPRS camera, one (1) mobile ALPRS camera and provide all the necessary software and infrastructure to monitor vehicle traffic into Wrightsville beach.

Project Considerations

The Town of Wrightsville Beach is in the process of negotiating an agreement with the North Carolina Department of Transportation to encroach upon their right of way on NC Highway 74/76 for the placement of a pole to mount the stationary camera or the placement of the camera on DOT's infrastructure. Our secondary option is to obtain an agreement with Progress Energy to allow the town to mount the camera on a utility pole. Any LPR vendor would be required to be adaptable to any stationary placement option and location.

Funding for this project was secured through a grant originating from the Department of Homeland Security and was specifically designed to aid in port security. The Town of Wrightsville Beach has established a specific budget for this project. The cost of the project and related expenses (installing a pole or other associated expenses) must be within the amount allocated for the project.

Project Overview

The project will encompass the following:

A. Technical Equipment Specifications

1. System shall be composed of a camera with a digital signal processor based on optical character recognition processing along with a power distribution and network communication unit, and all necessary cabling and mounting hardware for a use in a patrol vehicle setting and for a stationary unit mounted on a fixed object.
2. All cameras must be operational in both intense day and night lighting conditions.
3. The system will perform ALL optical character recognition processing on a dedicated processor unit, eliminating the need for any Mobile Data Terminal (MDT) processing requirements.
4. Support a web based application or system to display responses in full color with the plate read, color vehicle image, and cartography from the License Plate Reader system on non-LPR equipped vehicles.
5. Camera cables will be shielded to eliminate RF interference and use military specification (MIL-SPEC) connectors.
6. Power specification is 12 VDC; Power consumption will not exceed 25W per camera unit for at least the mobile LPR.
7. Each Camera unit must have internal heating elements to extend low temperature operating levels.
8. The system shall be designed and installed to be immune from the temporary drop in DC power during vehicle starts and will not reboot or lose connectivity with the vehicles system.
9. The system should be configurable to allow setting a delayed power off in a series of different intervals (Example: 0, 5, 10, 60,120 minutes).
10. Each camera enclosure shall include two cameras (one color and one black/white) and an infrared illuminator and be nitrogen sealed to perform in any weather condition.
11. LPR system should have operating temperature range of -20 to 65°C (-4 to 149°F)

12. Cameras must be available in ranges to reach a middle traffic lane from a road shoulder
13. On vehicle applications, cameras shall be externally mounted with secure magnetic base including optional alignment bracket and variable direction system. The variable direction system allows the camera to be locked into a forward or backward facing position.
14. The mounting system shall include an anti-theft/removal bracket to guarantee the placement of the camera when trunk mounted on a vehicle.
15. Communications between the cameras and user interface will consist of IP (internet protocol), TCP (transmission control protocol) and UDP (user datagram protocol) over 100Mb Fast Ethernet for mobile applications.
16. The system separately captures, interprets, processes, displays, and stores images of license plates within range of the equipped vehicle without action from the end-user.
17. The system will continue to read license plates during all functions except for a diagnostic mode.
18. The system shall provide a GPS device for mobile applications.

B. User Interface Specifications (In-Vehicle)

1. The user interface software must be able to be loaded on existing mobile data terminal (MDT) or laptop computer and not require additional interface hardware.
2. The system must be installed and function on an MDT within the minimum specifications for the user interface software. The minimum specifications are: Pentium III 700 MHz processor, 512 MB Ram, 800x600 minimal display Resolution, 5 GB disk space available, 1 - 100Mb Fast Ethernet, and 1- USB 2.0 port.
3. The system must be installed and function on an MDT within the recommended specifications for the user interface software. The recommended specifications are: Core2Duo or Higher processor, 1 GB Ram, 1024x768 minimal display Resolution, 30 GB disk space available for local car historical records, 1 - 100Mb Fast Ethernet, and 1- USB 2.0 port.
4. The system must function with full capabilities with an operating system environment of XP Professional or newer Windows technology.
5. Each license plate read will consist of one color overview image of the entire target vehicle, one black & white of the license plate, a time and date stamp, GPS coordinates, and any associated notification information.

6. The system must allow storage of plate reads for at least 1 month and up to 12 months and retain those records after data transfer to a server for long term storage.
7. The system shall provide the ability to store at least 10 million records in its "hotlist" database.
8. The system shall provide the ability to accommodate multiple hotlists acquisition for independent data sources or the police department's central console.
9. The system will be multi-user capable with user and password management available through the in-car interface and the police department's central console.
10. The system should have the ability to push settings to the in-vehicle system from the police department's central console.
11. The system should have the ability to lock out certain features based on user logon credentials set at the police department's central console. I.e. the ability to prevent a user from searching history.
12. The in-car system should have the ability to query record data on the server and present it to the user without leaving the application.
13. Passwords should be secured using one way hashing technology.
14. The system shall automatically allow retrieval of forgotten passwords without Administration intervention to reduce IT support.
15. Hotlists must be able to be loaded via USB flash drive, Wi-Fi and long-range (cellular, modem) with no user intervention.
16. Reads that are on the hotlist (notifications) must alert the user with both an audible and visible alarm in under a second.
17. The system will allow the end-user to query stored reads against time and date and full or partial plates.
18. The system will allow query results to be displayed and include a time and date stamp, a B&W image of the plate, a color overview image and corresponding GPS coordinates of the read placed on a map including any associated information with the hotlist database match.
19. The system will allow multiple results from a query to be shown on a map.
20. The mapping system must be local to the MDT and NOT require the use of internet connection to render any maps.

21. The mapping system must be licensed and proof license must be furnished at time of bid.
22. The mapping system will be part of the system purchase cost and not tied to data usage.
23. The mapping system will be updateable at least once per year given the system is under warranty.
24. The system will interpret and report only one license per scanned plate. Systems that provide multiple responses for each read plate are not acceptable.
25. The system shall provide multiple layers of security and configuration so that certain matches may alert only those officers with appropriate privileges.
26. The system should run off an embedded database not requiring additional maintenance, installation or fees.
27. The system shall be able to capture an image with a manual trigger by the end-user.
28. The system will allow the ability to toggle between the black/white (IR) image and the corresponding color image on the user interface.
29. The system will be configurable to choose the default image displayed after system startup as either the black/white or the color image.
30. The system is able to processes images and data from multiple sets of cameras (fixed and mobile) simultaneously.
31. The system is able to retrieve new or updated hotlist files automatically on an agency-defined schedule, via the wireless network connection, and without operator intervention.
32. The system will have at least 20 multiple classes of alarms to differentiate between notification types.
33. The Graphic User Interface (GUI) will allow the end-user to manually insert a plate, state and additional description data. The GUI will also search through in-car stored read for inserted plates and display any and all past reads on that that plate.
34. The system must to be able to take a still digital image with the cameras from the user interface.
35. The system must include on-board cartography in the user interface to show every read on a map

36. The system must be able to conduct "geo-fencing", whereby a violation range can be established for a specific alarm type and alarm accordingly within that range.
37. The system must be able to conduct "historical checks" of gathered data when a new hotlist is published and alert defined groups of users to possible matches.
38. The system must be able to conduct HTML data export containing independent images linked to a report.

C. Server Specifications

1. The software will allow searches of stored reads via time and date, plates (including partials), location radius, and map location. Queries will be able to be defined for partial plate searches using regular expressions.
2. The software will allow the display of a thumbnail of the original image with query results.
3. Each query result will link to a details page that includes original color image, black/white image, and map location.
4. The software must be able to create PDF file for each record to include a color image of the vehicle, a black/white image of the vehicle, a map of the read location and the ability to view the location on a maps.
5. The server software must have a mapping system that does NOT require internet connectivity to render the maps.
6. The server mapping system must be licensed and proof license must be furnished at time of bid.
7. Software has built-in trouble management system to alert support personnel of potential problems.
8. The software provides data mining functions including: Convoy Analysis, Unique/Duplicate plates time frame analysis, and Nested searches.
9. Communications protocols to accompany different bandwidth requirements.
10. The server software must support bi-directional communication
11. The system must be able to generate email messages to handheld devices including mapping.

12. The software must be able to manage multiple hotlists that have different independent refresh rates.
13. The software must be able to manage hidden hotlists segregating users by authentication.
14. The software will allow pending alarms that are not managed in a configurable time frame to be transmitted to a back office server and automatically change the class to deferred.
15. The software must allow for multiple login roles with various permission levels.
16. The software must allow for customized menu selection based on role.
17. The software must provide an activity log of user functions.

D. Company Performance

1. The LPR provider must have experience in large camera network systems installed and currently operational in North America.
2. The LPR provider must manufacture and service the system in the United States.
3. The LPR provider must be able to provide references from current U.S. customers.
4. The LPR provider must have 24/7 Technical Support within 250 miles of location

Scope of Services

The project should be accomplished in three (3) distinct phases – **Phase I**, Project Planning and Design; **Phase II**, Research and Data Gathering; **Phase III**, Project Installation and Implementation. The three phases should include, but not be limited to, the following components:

Phase I – Study Planning and Design

- A. Provide a live demonstration of the products to ensure they meet the above provided specifications.
- B. Contract preparation and approval.
- C. Determination of scope of work necessary to accomplish the project.
- D. Identification of at least three (3) comparable communities where the same or similar systems are being utilized and serviced by this vendor. Be sure to consider the unique nature

of Wrightsville Beach, including its location, large seasonal population change, close proximity to the Atlantic Intercostals Waterway and its unique vehicle traffic situation.

Phase II – Research and Data Gathering

- A. Make a site survey of the Town of Wrightsville Beach and of the Town's Police Department which will serve as the server and console location for the ALPRS.
- B. Make an assessment of the Police Departments vehicles, mobile data terminals (MDT), server, and other infrastructure to ensure the design has taken all these factors into consideration.
- C. Conduct an assessment of the specific needs of the Town as it relates to the ALPRS project. Specifically, the roadway, bridge location, mounting limitations and other obstacles that could affect the design of the ALPRS for Wrightsville Beach.
- D. Gather current data from at least three (3) comparable communities that have been identified for comparative purposes.
- E. Conduct a feasibility study of the project based on the funding available. Take into consideration that part of the Town's cost could include putting in a pole, running power to that pole and running fiber optics depending on the design for the stationary unit.

Phase III – Project Installation and Implementation

- A. Install the ALPRS on our mobile application.
- B. Install the ALPRS on our stationary application.
- C. Perform analysis of performance of both units to include a test of their accuracy and reliability.
- D. Provide a real time live demonstration to the Police Department and the Town Administration demonstrating the project's success and completion.

Proposal Submission

The Town of Wrightsville Beach will accept proposals only for the project described above. Proposals shall include the following:

- A. A brief description of the vendor's professional experience in providing Automated License Plate Recognition Systems to other municipalities. Please include specific information as how the vendor has supplies similar systems to similar communities as Wrightsville Beach.
- B. A listing of all fees and associated costs that would be charged in connection with this project.

- C. A proposed project schedule to include any special conditions, specific deadlines, or other requirements to complete the project.
- D. A proposed payment schedule.

Proposals must be received no later than 4:00 p.m. on Friday, March 2, 2012 and be addressed as follows:

Town of Wrightsville Beach
Attention: Town Manager
321 Causeway Drive
Post Office Box 626
Wrightsville Beach, NC 28480

Any questions should be directed to Robert Simpson, Town Manager at 910.256.7900 or bsimpson@towb.org.

Project Completion Date

The project must be finalized with all equipment installed and fully operational no later than June 22, 2012.

Vendor Selection

It is anticipated that a vendor will be selected on March 8, 2012 with the expectation that the project will commence no later than Monday, April 2, 2012. The Town of Wrightsville Beach reserves the right to reject any and all proposals received for this project.

TOWN OF WRIGHTSVILLE BEACH



MAILED

12072011



COPY

December 7, 2011

Mr. Richard Boettinger
State of North Carolina
Department of Crime Control and Public Safety
Division of Emergency Management, Homeland Security Branch
Raleigh, NC 27604

Grant Year (FY08), Port Security Grant Program

Dear Mr. Boettinger,

As a partner in this endeavor, we commit to provide the following local cash match for the contract between NCEM and the Wrightsville Beach Police Department for the following grant project:

Automated License Plate Recognition System

The above item has a total matching contribution of \$53,600.00.

If you have any questions about this project feel free to contact me by telephone (910.524.6402) or email (fountain@towb.org).

Sincerely,

Captain Teresa Fountain
Administrative Services Division Commander



DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Homeland Security
4713 Mail Service Center
Raleigh, NC 27603

SCANNED/EMAILED
02092012

4th QUARTER

COST REPORT
HOMELAND SECURITY

Vendor: WRIGHTSVILLE BEACH POLICE DEPT CFDA: 97.056
Contact: CAPTAIN FOUNTAIN
Address: PO BOX 628
WRIGHTSVILLE BEACH, NC 28480

Request # _____

Vendor Nbr/Fed ID Nbr: 566001377
Account Nbr: 4701-53692000008-1520-046-H7-500 Fund Code: 1520
NSA Contract Number: RCC: 046
Grant Period: 7/25/2011 - 7/31/2012 Grant Identifier: H7
FOA Nbr: 2008-GB-T8-K078-7009 Project Code: 500
Remarks: RFP published, awaiting final decision on choice of vendor

Budget Worksheet	EQUIPMENT						Total
Budget Amounts:	214,400.00	0.00	0.00	0.00	0.00	0.00	214,400.00
Expended this period:	0						
Balance Remaining:	214,000						

Funding Worksheet	Amount	Pmts to Date	Balance	% Funding	Reimbursement	New Balance
Federal	160,800.00	0.00	160,800.00	75%		
State	0.00	0.00	0.00	0%		
Match	53,600.00	0.00	53,600.00	25%		
Subtotal	214,400.00	0.00	214,400.00	100%		
Fed Admin	0.00	0.00	0.00	0%		
Total	214,400.00	0.00	214,400.00			

Certification

I certify the above are correct, based on subgrantees official accounting system and records, consistently applied and maintained, and that expenditures shown have been made for the purpose of and in accordance with, applicable grant terms and conditions, and that appropriate documentation to support these costs and expenditures is available or attached.

WRIGHTSVILLE BEACH POLICE DEPT Authorized Signature

02092012
Date

Homeland Security Approval Signature

Date

Controller's Office Approval

Date

Subgrantee Name:

Wrightsville Beach Police Department

Fiscal Year:

2012

Grant#:

20008-GB-T8-K076

MOA#:

7009

Contact Person & Phone #:

Captain Teresa Fountain, 910.524.6402

Date Submitted:

4/2/2012

Unexpended: \$ 160,800.00

Reimbursed Funds Prior Quarters:

\$0.00

Year & Quarter (1st, 2nd, 3rd, 4th):

2012, 1st Quarter

Grant Award:

\$160,800

Funds Reimbursed this Quarter:

\$0.00

Milestones

Date due or Date to be met by

Activity

Planning, Organization, Equipment, Training,
Exercise Or Construction

Current Status

List needs identified, Items in Vendor Negotiation, Purchased, Place in Service

1	12-Apr-12	Vendor Selection by BOA	WB Board of Aldermen is slated to announce vendor selection for ALPRS
2	22-Jun-12	Projected Project Completion Date	All equipment should be installed and fully operational no later than June 22, 2012
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SubGrantee Name:

Wrightsville Beach Police Department

Fiscal Year:

2012

Grant#:

2008-GB-T8-K076

MOA#:

7009

Contact Person & Phone #:

Chief Daniel House (910) 239-1711

Date Submitted:

7/11/2012

Unexpended: \$ 134,625.00

Reimbursed Funds Prior Quarters:

\$ -

Year & Quarter (1st, 2nd, 3rd, 4th):

2012, 2nd Quarter

Grant Award:

\$ 160,800.00

Funds Reimbursed this Quarter:

\$ 26,175.00

Milestones

Date due or Date to be met by

Activity

Planning, Organization, Equipment, Training,
Exercise or Construction

Current Status

List needs identified, Items in Vendor Negotiation, Purchased, Place in Service

1	April, 2012	RFP Bid selection	The Town of Wrightsville Beach Board of Alderman selected NDIRS as the vendor for our ALPR project
2	May, 2012	System Design/Customization	NDIRS is working to customize a system to match our needs.
3	June, 2012	Equipment Purchases	Equipment purchased from NDIRS. Total cost \$34,900. Reimbursement requested \$26,175. Town Match \$8,725.
4	July, 2012	Equipment Installation	Equipment installation slated for July 2012
5	July, 2012	Presentation to the Board of Aldermen	The Police Department is making a presentation to the BOA to purchase other equipment with grant money.
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- 4160 -



Wrightsville Beach Police Department

Office of the Chief of Police

Memorandum

To: Bob Simpson

From: Chief Dan House

Date: 04/06/2012

Re: ALPRS – RFP Response

Sir,

Based on our Request for Proposal for an Automated License Plate Recognition System, we received a total for six proposals from various vendors from across the nation. The six vendors are ELSAG, NDIRS, Dana Safety Supply (Genetec AutoVu LPR), Federal Signal Safety and Security Systems, PIPS Technology (a Federal Signal Company), and Major Police and Fire Safety Supply (selling Federal Signal Products).

I have made a thorough review of the all the proposals and found that they all have vastly different capabilities, support services, collateral costs, and pricing based on specific need. As a result, it was difficult to compare the different vendors on a level playing field.

I made a request of each vendor to come up with pricing for a stationary camera system that was capable of monitoring both east bound traffic lanes onto Wrightsville Beach and a mobile application that was capable of monitoring passing traffic on both sides of the road and perpendicular parked vehicles in parking lots.

I received the requested information from most of the vendors and plotted the costs on the attached spreadsheet. The first section lists the vendors based on the Police Department's preferred choice (ELSAG or NDIRS). The second section outlines the vendors based on cost from the least expensive to the most expensive application.

Although the two preferred vendors (ELSAG and NDIRS) appear more expensive than the other four vendors, there appears to be a significant amount of hidden costs with the others. Both ELSAG and NDIRS have provided detailed explanation of their costs where the others didn't. On most of the proposals you will see a cost of \$12,500.00 as "Installation Cost". This is the amount that Public Works estimates for the installation of a metal (aluminum or steel) pole and to run power and communications to that pole. With all vendors, there is an additional cost to install the equipment on the pole, which was not included with all vendors. Also, ELSAG and NDIRS offer support and training to the department as part of their installation cost. ELSAG

incorporates their installation cost into the price of the camera, and NDIRS listed a separate cost for equipment installation. The other vendors were not really clear as to what was included in their equipment installation costs and what we would have to pay out of pocket. Again with all vendors the Town would have to install a pole for the stationary camera at an estimated cost of \$12,500.00.

One of the largest advantages for choosing either ELSAG or NDIRS is they both have a base of operation in North Carolina. ELSAG's home office is located in Greensboro, NC and NDIRS has a location in Charlotte, NC (home office in Longwood, FL.). Both companies have 24 hour remote support and can have a technician respond if necessary within 12-24 hours.

Three of the six vendors provided live demonstrations at the Wrightsville Beach Police Department for my staff and I to view. Those three vendors were ELSAG, NDIRS and Dana Safety Supply (Genetec AutoVu LPR). Both ELSAG and NDIRS had very similar features and capabilities. The Genetec system did not seem to be as advanced as the others.

ELSAG had an additional feature that will be exceptionally helpful to the Investigative Division. Their system had a feature that would character reference make and color of all (most) vehicles recognized by the ALPR System. If we had a vehicle description (make, color or both), the system would give us the capability of view all license plates that came onto Wrightsville Beach matching that vehicle description. This feature would greatly enhance our ability to solve crimes involving vehicles in Wrightsville Beach.

Both ELSAG and NDIRS have been used for large scale projects across the United States. ELSAG is used by the NYC Police Department, US Customs and Border Protection and the National Capitol in Washington DC. NDIRS is used by the South Carolina Division of Law Enforcement (SLED), the Department of Criminal Justice Services in NYC, and most recently by the Charlotte Mecklenburg Police Department in preparation for the Democratic National Convention.

The final advantage I see with either ELSAG or NDIRS is the fact that both have made similar bids to the City of Wilmington, who is also looking for a vendor for an ALPRS. As a result, they are negotiating a data sharing option between the Wilmington Police Department, New Hanover County Sheriff's Office and Wrightsville Beach Police Department. Both systems are capable of sharing data with any agency in their network and are able to draw in data from other vendor's systems. NDIRS has also offers the Town of Wrightsville Beach a \$5,000.00 discount if we were willing to share our data with the Wilmington Police Department.

Although the final decision on the expenditures related to this project will reside with the Board of Aldermen, I do encourage the Town to consider the enhanced capabilities, support, and advantages that the two preferred systems offer. I believe that although we might expend a little more money now, we will save money in the future because these are tested systems and have the support mechanism in place to address any problems.



Town of Wrightsville Beach

Request for Proposal Automated License Plate Recognition System



Sorted by Department Choice

License Plate Recognition System					
Vendors	Mobile Systems (Vehicle-3 camera)	Fixed System (Pole Camera - 2 lane)	Installation	Total	Choice
ELSAG, Greensboro NC	21,475	26,370	12,500	60,345	1
NDIRS, Longwood FL (Charlotte NC)	16,650	18,100	27,407	62,157	2
Dana Safety Supply, Greensboro NC	16,525	15,650	12,500	44,675	3
Federal Signal, University Park IL	14,691	22,996	12,500	50,187	4
PIPS Technology, Knoxville TN	16,097	18,795	12,500	47,392	5
Major Police Supply, Kenvil NJ	16,097	19,995	12,500	48,592	6

Sorted by Cost

License Plate Recognition System					
Vendors	Mobile Systems (Vehicle-3 camera)	Fixed System (Pole Camera - 2 lane)	Installation	Total	Choice
Dana Safety Supply, Greensboro NC	16,525	15,650	12,500	44,675	3
PIPS Technology, Knoxville TN	16,097	18,795	12,500	47,392	5
Major Police Supply, Kenvil NJ	16,097	19,995	12,500	48,592	6
Federal Signal, University Park IL	14,691	22,996	12,500	50,187	4
ELSAG, Greensboro NC	21,475	26,370	12,500	60,345	1
NDIRS, Longwood FL (Charlotte NC)	16,650	18,100	27,407	62,157	2



Town of Wrightsville Beach

Request for Proposal

License Plate Recognition System



Sorted by Department Choice

License Plate Recognition System		
Vendors	Total Cost w/Trailer Retro fit	Department Choice
NDIRS, Longwood FL (Charlotte NC)	34,900	1
ELSAG, Greensboro NC	35,540	2
Dana Safety Supply, Greensboro NC	32,175	3
Federal Signal, University Park IL	34,641	5
PIPS Technology, Knoxville TN	31,020	4
Major Police Supply, Kenil NJ	44,124	6

Sorted by Cost

License Plate Recognition System		
Vendors	Total Cost w/Trailer Retro fit	Department Choice
PIPS Technology, Knoxville TN	31,020	4
Dana Safety Supply, Greensboro NC	32,175	3
Federal Signal, University Park IL	34,641	5
NDIRS, Longwood FL (Charlotte NC)	34,900	1
ELSAG, Greensboro NC	35,540	2
Major Police Supply, Kenil NJ	44,124	6

MINUTES
BOARD OF ALDERMEN
NOVEMBER 16, 2011

The meeting was called to order by Mayor Cignotti at 6:00 p.m.

Attendance: Mayor David L. Cignotti, Mayor Pro Tem Lisa Weeks, Alderman William J. Blair, III, Alderman Susan Collins, and Alderman William E. Sisson, Jr.; together with Town Attorney John C. Wessell, III, Town Manager Robert F. Simpson, and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance.

Invocation: The Lord's Prayer.

PUBLIC COMMENTS: LAYNE SMITH – OLD FIRE STATION.

Ms. Layne Smith, 300 Coral Drive, stated that she was present as a property owner, a mother and a member of the Wrightsville Beach Parks and Recreation Foundation to comment on repurposing the old fire station for a possible community recreation center that would serve all ages and groups in our community in an open air setting. She said, *"Something that we can use, for example, to hold the races and instead of having to rent the tents; open the doors and let the race participants use that area to sign in for their races; having somewhere for our younger people to hang out. I see more families here now than I have ever seen. I think what that brings with it, in addition to a sustainable tax base, is a need for more recreational opportunities. What we have now for the After School and the Recreation Center is small and it could definitely be a bigger and better facility. I know that recreational issues have been a really hot topic this year but I think what that means is that people are vested in this town. If we didn't love Wrightsville Beach, we wouldn't be talking about the things we want to have. So, when you're looking at that report, I just want everyone to envision what we could be doing there; we could be having cooking classes or seminars. We could be having lots of things that would benefit lots of different groups in our community. But it doesn't have to be a fancy new building. The Foundation is willing to raise money as a private entity to help finance that; we're not looking for complete public funding. But we do need to look at this building before we say this is not a possibility."*

CONSENT AGENDA APPROVED UNANIMOUSLY BY MOTION OF ALDERMAN COLLINS AND SECOND BY ALDERMAN SISSON WITH REMOVAL OF BUDGET ORDINANCE NO. 335-B AND DEPARTMENTAL QUARTERLY REPORTS.

- a. Approved regular and closed session minutes of July 14, 2011.
- b. Approved special event permits as follows:
 - 1. NSSA Mid Atlantic Conf. Surfing Event (Approx. 55 participants)
Saturday, November 19, 2011 (6:00 am – 6:00 pm) (Event 8:00 am)
Rain date: Sunday, November 20, 2011
Location: Beach strand at Oceanic Street
 - 2. NSSA Mid Atlantic Conf. Surfing Event (Approx. 55 participants)
Saturday, December 10, 2011 (6:00 am – 6:00 pm) (Event 8:00 am)
Rain date: Sunday, December 11, 2011
Location: Beach strand at Oceanic Street
 - 3. W.A.R.M. Resolution 5K Run (Approx. 150-175 participants.)
Saturday, January 7, 2012 (8:00 – 11:00 am)(race at 9:00 am)
Location: Wrightsville Beach Park, the Loop and North Channel Drive

- c. Acknowledged previously approved special events for December.
- d. Approved Budget Ordinance No. (2011) 328-B to recognize contributions previously accepted by the Board of Aldermen for Family Movie Night in the Park Program.
- e. Approved Budget Ordinance No. (2011) 329-B to recognize \$120 donation for a beach wheelchair.
- f. Approved Budget Ordinance No. (2011) 330-B to recognize donations in the amount of \$1,025 for a bench to be placed in South Channel Mini-Park in memory of Carlo Landi, former owner of the Mediterraneo Restaurant at Wrightsville Beach.
- g. Approved Budget Ordinance No. (2011) 331-B to recognize Recreation Foundation donation in the amount of \$817 for the Farmers Market.
- h. Approved Budget Ordinance No. (2011) 332-B to allocate \$53,600 as our local match for the License Plate Recognition Program.
- i. Approved Budget Ordinance No. (2011) 334-B to recognize matching federal grant funds of \$160,800 from the License Plate Recognition Program.
- j. Approved Budget Ordinance No. (2011) 333-B to recognize Cape Fear Memorial Foundation Grant for \$8,000.
- k. Approved Budget Ordinance No. (2011) 336-B to allocate \$250 for NC Water Resources Congress dues.
- l. Approved request for \$2,389.67 from TDA funds for Convention Center photos.
- m. Approved Ordinance No. (2011) 1665 to amend Schedule I of Chapter 76 regarding the safety lane on North Lumina Avenue.
- n. Approved Resolution No. (2011) 1749 to express support for the 2012 NCDOT Bicycle and Pedestrian Planning Grant Initiative.
- o. Approved revised 2011 Board of Adjustment meeting schedule to cancel the November 17th meeting.

BUDGET ORDINANCE NO. (2011) 335-B TO ALLOCATE \$1,000 FOR MARKETING COMMITTEE TRAVEL EXPENSES.

Alderman Blair stated that he had pulled this item from the Consent Agenda because he was curious as to what it was. Mr. Simpson explained that there is no money budgeted for the Marketing Committee for travel but they have a local marketing initiative to promote the shoulder season that requires some of the members (three at this time) to travel to Raleigh. Mayor Pro Tem Weeks explained that other members of the Marketing Committee used their own cars and gas to drive to Raleigh to do taping for the television station doing the broadcast. Alderman Blair asked if that shouldn't be more of a function for TDA funds instead of Town funds. Mr. Simpson said, in the future, the TDA could budget for that. Mayor Pro Tem Weeks noted that there was \$113,000 in roll over funds that could possibly be used. Mayor Cignotti suggested that the Town could pay the expenses and ask for reimbursement.

Alderman Blair expressed concern with setting a precedent for other committees. Mr. Simpson stated that some of the committees do have mileage money. Following a brief discussion, Alderman Sisson made the motion to appropriate the \$1,000 and then ask for reimbursement from the Marketing Committee and/or TDA depending on where that money goes. Alderman Blair said he would agree with that but adding that in the future, the Board have the opportunity to agree to that beforehand. Alderman Sisson amended his motion to add that stipulation. The motion was then seconded by Alderman Blair and unanimously approved.

DEPARTMENTAL QUARTERLY REPORTS COVERING THE MONTHS OF JULY, AUGUST AND SEPTEMBER, 2011.

Alderman Sisson stated that he had pulled this item from the Consent Agenda to coattail on some previous discussions about people from across the drawbridge using facilities here. He said in reviewing the Parks and Recreation quarterly report, he saw that in July, of the sixteen programs, eight had more off-beach participants than on-beach; in August, it was six out of eleven; and in September, it was eight out of ten. He stated that he just wanted the Board to be aware that the folks from across the bridge are footing the bill for a lot of these programs.

Mayor Cignotti referenced the Police Department's quarterly report and said we had quite a jump in total incidents and investigations compared to a year ago. Chief House explained that from July to September, there was a jump that looked high because we report in percentages, but our clearance rate is above the national average. Mayor Pro Tem Weeks commended the Police Chief for going from state citations to Town ordinance citations in order to keep more of the fines. Alderman Sisson also complimented the Chief for the outreach from Police Officers at Halloween when they drove around and handed out candy to the kids.

Mayor Pro Tem Weeks referenced the Sanitation report and said yard debris was up in September. Mr. Vukelich confirmed that the increase was due to Hurricane Irene and said we are submitting paperwork for reimbursement. When asked by Mayor Pro Tem Weeks if we were working on ways to be more efficient in yard debris pickup, Mr. Vukelich said we were.

Alderman Blair made the motion to accept the departmental quarterly reports. The motion was seconded by Alderman Sisson and unanimously approved.

PUBLIC HEARING FOR CONSIDERATION OF A TEXT AMENDMENT TO SECTION 151.023 SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

Planning and Parks Director Tony Wilson reviewed the following information: *"The Board of Aldermen directed staff and the Planning Board to review the existing driveway ordinances. The concern for the review was for the loss of on-street parking due to construction of driveways and for new construction of homes. Currently the ordinance will allow a single family to have a 32-foot wide driveway; duplexes can have a 64-foot driveway. Eryn went out into the town and looked at different streets to count the parking spaces. Staff feels that by reducing the width of driveways from 32 feet to 24 feet for single family dwellings, we will eventually see an increase for the on-street metered parking areas, for the R-1 areas; we're not sure if there'll be any change in the R-2 areas.*

Under departmental review, there were no comments from Public Works or Police; Fire Chief Smith had a few comments. At our last Planning Board meeting, the Planning Board voted 5-1 to forward a favorable recommendation to the Board of Aldermen to adopt the proposed text amendment." Mr. Wilson then reviewed the proposed changes.

Alderman Collins said, "I have a lot at my house that's like 48 feet wide; it's very unusual; it's really small. It is a duplex. I have two driveways that go under the house; it is not possible to have 16 feet in between them; you can only have 8 feet in between them. So, it would not work. Many of the lots at the beach are 50 feet and the 16 feet in between them – the driveways would have to be in the setbacks." Mr. Wilson stated that this was in the ordinance already and the driveways could not be separated but you could have one combined driveway. Alderman Collins asked why you would need sixteen feet in between if we are already limiting the size of the driveway. Mr. Wilson replied, "We felt like we needed to keep it in there for those larger lots." Following a brief discussion regarding the possibility of making an exception for fifty-foot lots, Mayor Cignotti suggested just flagging Section (E)(2)(c) for now and the Board would come back to it.

Alderman Blair stated that his main concern was the permanent loss of revenue from the parking meters. He expressed the need to come up with possible fees associated with new construction as it relates to the loss of parking before adding an ordinance about driveway width. He said, "Because our driveways are fairly generous, as we continue to lose those parking spots, if we don't figure out a way to recover it or do something, then it's going to eventually erode our parking revenues. It just seems to me when you wipe out one of your revenue sources that if somebody chooses to go the max on the driveways for their benefit, the loss of revenue is a Town event, not an individual proceeding."

Alderman Sisson agreed but said when the Board originally talked about that, the problem was that if you projected the loss of revenue out over a 10-year period, your fee would have to be like \$15,000 to offset that. He stated that he was fine with considering a fee for lost parking spaces but he would still want to keep the reduced size of driveways. A brief discussion developed regarding the limitations on what you can assess impact fees for and the need to consider this fee a substitution of revenue instead of an impact fee. Mr. Wessell was given direction to look at the possibility of assessing an impact fee if construction of a house or building wipes out a metered parking space and bring that back to the Board for consideration.

Alderman Blair asked if the decisions made at this meeting would affect the UDO. Mr. Wilson stated that he had already spoken with our Consultant and he will incorporate any ordinance amendments into the UDO to avoid any conflicts. Alderman Collins questioned the need for 28-foot driveways for the smaller lots because she felt two twelve-foot driveways would work. Alderman Sisson agreed and said he was not certain that driveways needed to be twenty-eight feet wide.

Mr. David Culp, Planning Board member, said, "What happened was Ace (Cofer) was looking around at some of his neighbors and they have less than 65 feet or 65-foot lots, similar to what you have but what they have are steps going up in driveways – and what he was looking for was two 14-foot ones so that the cars could go into their driveways and make the turn out."

Mr. Culp continued, "That's one of the problems; with a 12-foot driveway, they would have trouble making the turn out. The 14-foot is including the flares so it gets pretty narrow in there for making the turn out and that's what he was looking at. The streets are narrow also; because of the size of the street and because of parking on one side of the street, they were having trouble getting out there. That's the same way on Susan's (Collins) house where she's worried about the 16 feet. In other words, you could have the 28-foot so your two cars could come in and then you flare your driveway out so it can go into your garage rather than having the 16-foot separation." When Alderman Collins said if you didn't have the 16 feet in there, you could probably use the 24-foot driveways, Mr. Culp replied, "You could use a single 24-foot and then flare it around your steps. So, there is a way of doing it but a lot of people didn't want to do that because of aesthetics and the way they've got the house built right now. So, we felt because of the narrow streets and the parking being on one side, when people came out, they would have a hard time making the turn out." Alderman Collins noted that the Board was talking about new driveways. Mr. Culp said, "We're talking about new driveways but the lots are still short and he was saying it was limiting the architectural design again and that's one of the things we had been looking at trying to get away from the 'box.' And so, because of the architectural design is where he thought of having the option of doing that and we agreed with him."

Alderman Sisson referenced Section (H) regarding entrances that don't conform to these regulations and 'constitute a hazard, obstruct drainage, or are in a dangerous state of repair' and asked if that was based on some sort of proactive look by the Planning staff? Mr. Wilson replied, "I think it could be driven from a complaint or if Public Works or if we see that it's necessary, I think it could be either one of those." Alderman Sisson stated that he was in favor of being proactive and as long as it could work either way, that was fine with him. He then referenced Section (I) regarding streets being widened or curb and gutters placed after a driveway is installed and expressed concern that the word 'abutting' was confusing because it didn't strictly define the abutting property to the improvements, or what properties would be involved. Mr. Wessell suggested saying 'the owner of the property adjoining such street' instead. The Board agreed with that language and directed staff to amend the ordinance accordingly. A brief discussion followed regarding the pros and cons of requiring pervious surfaces.

Mayor Cignotti opened the public hearing at 6:42 p.m. and reviewed the proposed changes to the ordinance. With no public comment, the public hearing was closed at 6:43 p.m. Mayor Cignotti asked if there would be any ramifications from dropping the duplex lots from 64 feet to 30. Mr. Wilson said he didn't think so because it was almost impossible to get 64 feet.

Mr. Bill Baggett, representing the Blockade Runner, asked why the commercial part was ever 32 feet and why we were changing it to 26 feet. Mr. Wilson said, "We got with Frank (Smith) about the fire trucks and the number 26 would work with fire trucks so we stopped with that. But the Board at any time, if it's not a variance, they can change that from 26 to 40 feet or wherever they wanted it.

Mayor Cignotti asked the Board member how they felt about the 65-foot depth of a lot. Alderman Collins said, "I'm just hearing him say that 26 feet does work for a fire truck; so, I don't know why you'd need the 28 feet for single family."

Alderman Sisson said, "If you do 24 with a flare, it would seem to me that it would still give you the option to turn; unless you're driving a fire truck."

Alderman Collins asked if the Board was going to discuss the 16-foot separation in Section (E)(2)(e). When Mr. Wessell asked if the Board wanted to leave that section in for the larger lots only, Alderman Sisson replied, "Anything that exceeds 50 feet could have the 16 feet of separation but anything less than 50 feet could have a smaller degree of separation. It would seem to me that something like that could be approved at the Planning staff level because if you submit a plan to them, they're going to have to review it anyway. If we write a specific width into the ordinance, then they're going to have to come in and ask for a variance if they want to make it narrower than whatever that specific width is. But it seems to me if you have a review of the plan and someone comes in and says, okay, I'm going to have 10 feet of separation and you look at the configuration of the lot and everything and it looks okay; no big deal. And then the specific width of the separation could kick in once the lot exceeds 50 feet wide." Mr. Wessell said, "I think if you're going to let the staff make the decision, that's fine but we probably need to create some minimal standards so it's not just a discretionary decision on the part of the staff." Mayor Cignotti said, "Let's let Mr. Wessell bring that back to us with the suggestion of being no less than 8 feet. So, staff will bring that back and we'll deal with that separately."

Mayor Pro Tem Weeks made the motion to change commercial from 32 feet to 26 feet; to change an existing lot from 16 feet to 12 feet; to change a single family lot from 32 feet to 24 feet; to change a duplex to 30 feet; and deleting Section (E)(2)(c). The motion was seconded by Alderman Sisson and unanimously approved (Ordinance No. 1666 and associated Statement of Consistency). Following a brief discussion regarding the possibility of incorporating something in the language for new construction or renovations to require people to have to put a sidewalk on their lot so the sidewalks would eventually all be connected, Mayor Cignotti stated that the next Board should make that decision since they will be the ones to deal with the issue.

RESOLUTION NO. (2011) 1751 FOR APPROVAL OF AN INTERLOCAL AGREEMENT FOR THE BEACH NOURISHMENT CONTINGENCY PLAN.

Mr. Simpson reviewed the following: "Beach nourishment at Wrightsville Beach normally occurs in four-year cycles and is funded through an agreement with the US Army Corps of Engineers which provides for 65% funding from the federal government and 35% from state and local resources. The current agreement between the Town and the Corps of Engineers is valid until 2041 but is dependent on the availability of federal and state funding. *The Towns of Kure Beach and Carolina Beach have similar agreements; however the Carolina Beach agreement is set to expire in 2014. The state has typically provided 75% of the local share and New Hanover County has funded the balance of the local requirement through use of the Room Occupancy Tax (ROT). During the 2010 Beach Nourishment Project, the state reduced their funding level to 50% of the local share. Oversight for the portion of the ROT used for beach renourishment is provided by New Hanover County through the Ports, Waterway and Beach Commission. Even with agreements currently in place, there is growing uncertainty about future federal and state funding support for beach nourishment. As a result, the Ports, Waterway and Beach Commission initiated development of a Beach Nourishment Contingency Master Plan (BNCMP) to address many of the issues that might confront the community and region in the event federal and/or state funding is reduced or no longer available.*"

Mr. Simpson continued, "The BNCMP will not be implemented until approved by the governing bodies of the three beach communities and New Hanover County. In order to prepare, approve and carry out the Beach Nourishment Contingency Master Plan, the participating government entities propose to enter into an interlocal agreement that addresses scenarios in which the Beach Nourishment Contingency Master Plan would be implemented and the funding responsibilities associated with each situation. Once approved, the interlocal agreement will be binding on participants until June 30, 2015; however, the agreement shall automatically renew for subsequent four-year periods unless a party gives notice in advance that they do not wish to participate in a renewal. Recommendation: In the event the Beach Nourishment Contingency Master Plan is implemented, there is significant potential for the individual beach communities to assume responsibility for funding a substantial portion of their respective beach nourishment projects. This agreement outlines the responsibilities of the beach communities if such a situation occurs. Under terms of the agreement, if federal and state funding is insufficient to pay the costs of any beach nourishment project, the ROT will pay any shortfall in funding up to a maximum of the project cost. If a shortfall in project funding remains after New Hanover County has committed ROT funds to pay 82.5% of total project costs, the respective town in which the project is located shall be responsible for providing funding up to a maximum of 17.5% of the total project cost. This agreement is intended to facilitate the development of the Beach Nourishment Contingency Master Plan which would only be implemented in the event that there is a significant departure from the existing funding arrangement for beach nourishment. Recommend approval. We have been putting money away for the last three years and we have \$175,000 put away for this contingency. You have two documents: a contingency plan and an interlocal agreement which is a contract on behalf of the three beach communities and the County."

Mayor Cignotti noted that the Town is unique because of the inlet federal project that the County has contributing authority over. County Commissioner Rick Catlin explained, "We can still have contributing authority for the beach renourishment portion. Wrightsville Beach has two projects every beach renourishment cycle; one is funded through O&M funding, not beach renourishment funding, and that's the maintenance of the inlet and the mitigation – sand bypass. Some of the sand goes to Masonboro and some of the sand goes to Wrightsville Beach. But it pays for part of Wrightsville Beach's renourishment. Nothing in this interlocal agreement commits the Town to paying any portion of that; the only part that the Town would be committed to pay under the worst case scenario would be kind of the part from Crystal Pier up and that cost historically has been closer to two million dollars. There is not an imminent concern that the state will not fund this; there's a definite concern that the federal government's not. We have a contract that the state signs – our PCA that the state and federal government has signed for our beach renourishment; so they are under contract to do that. There's no hint that they're going to all of a sudden abandon us. We have no agreement for the state to pay any inlet maintenance and the state stepped up and paid 50% of that this year. I can't say that ten years from now, the worst case scenario won't be the situation; but it's highly unlikely in this first time period up to 2015 (I can't promise you that but it's highly unlikely)."

Mayor Cignotti reviewed the goals of the contingency plan that included possibly combining all the beaches into one permit and possibly all going to a four-year cycle. He then reviewed some of the changes that were made to the contingency plan during the review process that included deletion of a reference to Masonboro Island and addition of the static line exception to protect Wrightsville Beach and Carolina Beach's interests.

Mayor Cignotti said, *"We wanted a statement in there to make sure none of the things that we're doing, because this is all pretty new territory, would affect anything with our Army Corps of Engineers – participation in their programs. I felt it was important to set the June 30, 2015 deadline – originally it was open ended. As we go through this, we need to take it in steps and see how the first four years go. And then our last part was the cost-sharing part, and that's where I told Rick (Catlin) we're just very concerned about the 17.5% as a worst case scenario. When I looked at the contingency plan, it had 3.8 million dollars as our last project."* Mr. Catlin noted that the O&M Project was included in that figure so two million dollars would probably be a more realistic share of what we would be contributing in a worst case scenario. When asked if we needed to bump up our annual contribution to our beach nourishment fund from \$50,000 to \$100,000, Mr. Catlin replied, *"Maybe, it's a little bit of a gamble but I don't think you're going to lose the state's share the next cycle; so that gives you eight years – or six more years at \$50,000 so you should be fine. In the event that a disaster happens and all the dredges were down in the gulf again and we had to pay three times as much, then all of our beaches would be short. And there's nothing to stop the room tax from loaning that additional portion – there's nothing to stop the County Commissioners from being more generous in the future. But we have to start this based on real data and the real data that we've done our projections and been verified by a number of people is that if we don't cover that worst case scenario, then we're basically kicking the can down the road for somebody else to solve and the fund will go broke. If we do cover that 17.5%, either by the state or local, then the fund is solvent in today's gloom and doom predictions. Four years from now, if the economy has kicked back up and interest rates are back up and we're projecting a lot more money, then we can revise this. But I can't support an interlocal agreement that I know, based on numbers, is going to fail. It's important that we have this interlocal agreement so we can get our permitting contingency. I think we're the first in the nation to recognize that we need a contingency plan because we realize how important our beaches are to our economy; how important it is to protect the homes that are here. Years ago, we established the room tax and we've been guarding it very carefully over the years until now we've built it up to a point where with modest growth, we're sustainable if the state continues to pay the 17.5%."*

When asked about the fund balance in the room occupancy tax fund, Mr. Catlin said it was about thirty-five million. Alderman Blair asked if we could make that fund bigger by increasing the room occupancy tax rate. Mr. Catlin stated that the Travel and Tourism folks have changed the law to where if you do a room tax for this, they take two thirds of it. He said, *"We could actually go in for an increase and come out with a decrease. It would also be very risky to take something up to Raleigh that had thirty-five million dollars in it and open it up for surgery."* Following a brief discussion, Mr. Catlin said, *"This interlocal agreement also gives you assurance that you're going to get 82.5%; that's never been done before. Without this interlocal agreement, you could go to County Commissioners four years from now, or three years from now, and they'd say 'No.' Worst case scenario – you've got to pay the 17.5%; next cycle, you're a hundred thousand dollars short; that's not bad considering how crazy the world's gotten."*

Alderman Sisson asked how it would be possible to get a loan from the room occupancy tax money without special Legislation, Mr. Catlin replied, *"We're only using the sand portion; we're not using the TDA part – that would take Legislation. The sand portion – we could pay all of it; we could pay one percent; we could pay fifty percent. As long as it goes to beach renourishment."*

Mayor Cignotti said, *"We're the biggest contributor of the beach towns to the room tax. We understand that the money doesn't go into each town's pot what they put in; it all goes into one pot and it's shared so all the beaches can have sand and keep their beaches up. In the contingency plan, we're only getting 9 to 18% of the money in the pot (that's the projections for the future). But I know we want to keep that pot of thirty-five million dollars healthy and not run through it in ten to twelve years. But I struggle with our citizens being asked to pitch in hundreds of thousands of dollars. I would much rather the County pay for all of it right now and that gives us six years to start budgeting for the next renourishment cycle so we'd have plenty of money by putting like a hundred thousand or seventy-five thousand in a year. To me, the money was set up for the beaches to be used for sand. The majority of citizens out there are County residents and we already pay a huge County tax. I feel like the County should be pitching in some, too. It's not like the County citizens pay the tax to help out with that money."* Mr. Catlin said, *"If you start looking at who's paying what and you start trying to make some kind of equitable reimbursement to that, then the City of Wilmington that has been paying room tax for thirty-five years is going to want their millions of dollars back and that would completely bankrupt the fund. It's always been one fund. Wrightsville Beach is very likely to be the most expensive beach and more than likely, based on the last event, received more money from the room tax than some of the other beaches. This interlocal agreement is not asking you to participate in the maintenance of the inlet and the mitigation; we took that out. If there's no federal money, then the room tax would be the only possible vehicle to pay for that. So, Wrightsville Beach would be benefiting directly from the contribution to the navigation portion of the project but not through the interlocal agreement. It may end up that it's not equitable for Kure Beach."* Mayor Cignotti asked what would happen if we didn't sign the interlocal agreement. Mr. Catlin said, *"This is a chance for us to set an example for the rest of the nation on how to deal with this. As soon as you move backward with the federal government, state government or local government, next year that's standard operating procedure; as soon as you don't spend it, it's gone. You may come to a County Commission three years from now that says 'No; you didn't sign the interlocal agreement; you're on your own. This makes it predictable for you."*

Following a brief discussion regarding how we arrived at the 82.5% and the 17.5% figures, the need to ramp up our current deduction for beach renourishment, and the fact that the State Lands Act would not affect this tonight, Alderman Sisson made the motion to approve the interlocal agreement with New Hanover County as delineated in the Board's materials. The motion was seconded by Mayor Pro Tem Weeks and unanimously approved. The Board thanked Commissioner Catlin for his hard work on the interlocal agreement.

APPROVAL OF RESOLUTION NO. (2011) 1748 APPROVING AN AGREEMENT WITH THE HARBOR ISLAND GARDEN CLUB TO CONSTRUCT AN INTERACTIVE CHILDREN'S WATER FOUNTAIN IN THE HARBOR WAY GARDENS.

Mr. Simpson said, *"On September 8th, Mrs. Alison Long, President of the Harbor Island Garden Club, presented a proposal for the installation of an Interactive Children's Water Fountain at Harbor Way Gardens. The system's purchase, installation and all future maintenance costs will be the responsibility of the Garden Club. The Board approved the project contingent on the development of an agreement that would be acceptable to both parties. Tonight, Mrs. Long has some changes to the proposed construction of that particular facility but not to the proposed agreement."*

Mrs. Long said, *"We had a little change in who was going to be constructing the fountain. The company is Creative Cascades and we do have a little different design. I like this design a lot better because it will blend in naturally. The first design was a circle with a big feature in the center. This is more curved; we're using slate that will be nonslip; we want to make sure the design is as child friendly as possible. There will be three little features; the center feature will be a larger boulder with a geyser coming out. It will be slightly larger; it will be 20x25 feet."* Mr. Wessell noted that the new diagrams would be substituted for the two exhibits attached to the agreement. Mrs. Long continued, *"The original feature was going to have to have a pump housed. With this design, the pumps are located underground. The filtering system is more natural (called EcoSmart). It takes the water and filters it so it is a lot cleaner; it's going to kill bacteria, algae and viruses without using harsh chemicals. I'm hoping maybe next year, we can put solar panels on the shed to run those pumps so it will be 100% energy efficient."*

Mr. Wessell explained that this is being built on Town property and the agreement clarifies that the structure will be owned by the Town from the very inception. He said, *"We are granting the Garden Club a license to construct this; they have a right to go out there and build it and they have a period of time within which they have to build it. If they don't build it within that period of time, then we have the right to finish it and charge them the cost of finishing it. We are requiring them to carry insurance during the construction period but after that, the Town will be required to maintain insurance on it from that point forward."* When asked about the cost of insurance, Mr. Wessell said his guess would be that it would not make much difference, if any, to the cost of insurance; just added as another feature.

Mrs. Long stated that they anticipate the construction phase to be two weeks or less and possibly begin by March 1st. She noted that the deadline in the agreement is July 1, 2012.

Following a brief discussion regarding the fact that the maintenance costs would be paid by the Garden Club which makes it different than other projects, Mayor Pro Tem Weeks made the motion to approve Resolution No. (2011) 1748 approving the agreement with the Harbor Island Garden Club. The motion was seconded by Alderman Collins and unanimously approved.

CONSIDERATION OF BEACH ACCESS STREET END RECYCLING TEST PROGRAM PROPOSAL FROM GREEN COAST RECYCLING.

Mr. Simpson said the Board held a public hearing in August to address the possibility of expanding our beach strand recycling program by putting recycling stations at the access points; as a result, at their October meeting, the Board asked that we initiate a test program and invite Green Coast Recycling to provide that service over a three-month period. He said Green Coast Recycling provided input for three-time weekly pickup at four designated locations (650 South Lumina; Johnnie Mercer's Pier; L-shaped Parking Lot and Stone Street) for \$225 monthly per location which came to \$2,700 for a ninety-day test program. Mr. Simpson said the Board felt that cost was steep and scaled it back to twice weekly pickup and directed staff to go back to Green Coast for an additional quote; their new quote was \$150 per station for twice a week pickup which would come to \$1,800 for a three-month test period; pickup would be Monday and Friday and staff is proposing to do that between April 1 and June 30, 2012.

Alderman Collins agreed with May and June but thought April was not a good month to see real figures. She suggested doing a two-month test program in May and June. Alderman Blair agreed that April is a dead month and to get a good snapshot, we need to do the test program when everyone is out there.

Following a brief discussion regarding the volume of collections in April, Mr. Simpson said, *"When staff came up with those dates, we were just trying to align them for accounting purposes because we were going to be asking you to do a supplemental for this fiscal year and when the new Board comes into the budgeting process in April and May, you would budget for the next fiscal year. And by the time we implemented that budget, we would know the results of that test program."*

Mayor Pro Tem Weeks expressed the need to get a good three months trial especially since the corrals would be located on busy street ends. Alderman Sisson stated that Green Coast's current contract would be up in July and it would be hard to extend a test program beyond their contract. Mr. Simpson said that is why we wanted to do a test program because if we get into a long term agreement, we would have to go out to bid. Alderman Sisson said he had no problem with April and three months would give a good idea of how it would work. Mr. Vukelich stated that three months would give a better picture but two months would give you some idea. He said, *"Green Coast is going to work with local merchants to construct and donate the corrals and I'm wondering how willing they would be for a two-month test program."* Mr. Simpson said, *"We're going into this anticipating that it's going to be a follow-on program that may be funded for the next fiscal year. I think with the spirit of that, they're going to have those corrals built at their expense."* Mayor Cignotti said he was comfortable going with staff's recommendation for three months.

Alderman Collins said, *"From the beginning, Green Coast has not given us reports like we were supposed to get on time. I don't see any history that has been good. We didn't get reports on time; we didn't get fees on time; and it just didn't go smoothly."* When asked if Green Coast had corrected their paying on time and if they had given any reports, Mr. Vukelich replied, *"It's due this week, so we'll see. Their collection practices seem to be doing fairly well; their administrative portions that they owe the Town, they're fairly slow on that; we have to remind them."*

Alderman Sisson made the motion to go with the April, May and June scenario with Green Coast according to the figures just furnished by Mr. Simpson. The motion was seconded by Mayor Pro Tem Weeks and the vote was recorded as ayes by Mayor Cignotti, Mayor Pro Tem Weeks and Alderman Sisson and nay by Alderman Blair and Alderman Collins.

ORDINANCE NO. (2011) 1664 TO AMEND CHAPTER 114: VEHICLES FOR HIRE.

Mr. Simpson stated that last year, we strengthened our vehicle for hire ordinance because our ordinance was inadequate in respect to covering the different modes of transportation that we're now encountering. He said we have since identified a problem with the way the ordinance addresses limousines because taxis are now operating as limousines and not going through the inspection process that we had in place as a safety measure. He expressed concern with the increasing number of complaints being received from operators of the other limousines as well as from some of the taxi drivers about this situation.

Mr. Simpson stated that Ordinance No. (2011) 1664 was an attempt on our behalf to address the concerns by requiring limousines to have a City of Wilmington business license (which would require them to be inspected); it would change the definition of limousine to remove the current restriction on vans; and it would set a limit of ten limousines that can be registered to operate within the Town's jurisdiction. Following a brief discussion regarding the service that taxis provide, Alderman Sisson made the motion to approve the changes in Ordinance No. (2011) 1664 having to do with limousines. The motion was seconded by Mayor Pro Tem Weeks and unanimously approved.

RESOLUTION NO. (2011) 1750 IN SUPPORT OF THE RECONSTRUCTION OF RAILROAD TRACKS BETWEEN CASTLE HAYNE AND WALLACE.

Mr. Simpson stated that this was a request from the Wilmington Metropolitan Planning Organization (MPO) that we provide support for their initiative to restore the rail between Wallace and Castle Hayne. He said since we have membership in that organization, staff is recommending favorable consideration of the resolution. Alderman Blair, the Town's representative on the Transportation Advisory Committee, said, *"Although it does not affect Wrightsville Beach, it does affect the MPO Region which is a large area. So, in order for the MPO to move on stuff like this, it has to have a resolution from all of the contributing members."* Alderman Blair then made the motion to approve Resolution No. (2011) 1750 as written. The motion was seconded by Alderman Collins and unanimously approved.

REVIEW AND AWARD BID FOR STREET RESURFACING.

Mr. Simpson explained that this year's annual resurfacing program would provide funding to resurface East and West Atlanta Street, East Charlotte Street, Northridge Lane, Southridge Lane, and the widening of Bob Sawyer Drive. He then reviewed the following results of the bid tabulation:

Bid Tabulation for Asphalt Resurfacing Project 2011-2012				
	Norris Construction Grading & Paving, Inc.	Barnhill Contracting Company	Southern Asphalt, Inc.	Cape Fear Paving, LLC
Resurface E. Atlanta Street	\$ 13,835	\$ 16,275	\$ 11,973	\$ 15,051
Resurface W. Atlanta Street	\$ 8,050	\$ 8,400	\$ 6,529	\$ 7,766
Resurface E. Charlotte Street	\$ 14,345	\$ 18,600	\$ 13,410	\$ 15,770
Resurface Northridge Lane	\$ 11,050	\$ 9,500	\$ 8,800	\$ 9,720
Resurface Southridge Lane	\$ 11,050	\$ 9,950	\$ 9,100	\$ 9,110
Subtotals	\$ 58,330	\$ 62,725	\$ 49,812	\$ 57,417
Bob Sawyer Widening	\$ 28,950	\$ 42,625	\$ 19,420	\$ 13,897
Thermoplastic for Bob Sawyer	\$ 3,650	\$ 3,000	\$ 1,320	N/A
Totals	\$ 90,930	\$108,350	\$ 70,552	\$ 71,314

Mr. Simpson noted that the widening of Bob Sawyer Drive is a special project related to the development of the Public Safety Facility and will be paid for using remaining funds from that project.

Mr. Simpson said we budgeted \$68,296 for our street repaving program and staff was recommending Southern Asphalt who had the lowest bid for all of our requests which incorporated the widening of Bob Sawyer. When asked about Powell Bill funding, Mr. Simpson said we are projecting Powell Bill funding of \$65,800; our first disbursement was in October and the second will be in January.

Alderman Sisson noted the huge discrepancy between some of the bids and asked how the bids broke down because he had a problem with underpaying for labor or using people who may be willing to work for below minimum wage. Mr. Vukelich stated that we have used all of these companies before and on different occasions, each one of them has won the bid. He said sometimes if one of the companies is very busy, they will do the work but we will have to pay for it; and when they are hungry, they will work for less. He noted that all of these companies also do work for the Department of Transportation.

Alderman Sisson also referenced the specifications for materials and said two streets near where he lives was done about three years ago and the Shore Drive portion of that is already cracking. Mr. Vukelich said, *"We try not to exceed Powell Bill funding for street resurfacing. So we do not do milling and removal of the old asphalt; we just overlay and you will get some reflective cracking because there's a major difference between resurfacing and building a new road."* When asked if we verify the volume of the overlay, he said we have on-site oversight.

Following a brief discussion regarding the ability of companies to go online and know how much Powell Bill money is in the budget, Alderman Collins made the motion to accept the bid from Southern Asphalt. The motion was seconded by Alderman Blair and unanimously approved.

DISCUSSION OF BUILDING ASSESSMENT RESULTS.

Mr. Simpson stated that in 2009, the Building Utilization Group (BUG) provided some input to the Board after about six months of looking at the issue of how to use the old fire station and the old Police Department warehouse. He said the Board elected to pursue an engineering and architectural assessment of those buildings and set aside money in this year's budget to have that study done. He said the study, performed by John Sawyer Architects, has been completed and a final report has been submitted.

Architect John Sawyer gave the following report: *"I tried to take an objective look at these buildings; my conclusion is that these buildings have some serious problems and would be very expensive to work with. All of the wall materials on these buildings and the roof are corrugated asbestos. The asbestos is bound in the cement board and is not hazardous when it's in that board; when it is breaking or when it is machined, then it is a health hazard. The bigger problem is that there is no wall sheathing or vapor barrier on these walls. If you look at the history of these buildings, they're fine for what they were designed to do; they were meant to be warehouses; they were not meant to be occupied by people. They were part of the Saline Water Test Plant and they were there to house equipment. The problem with the skin of the building means that any improvements you put in these buildings in terms of additional framing, of trying to put finishes in them, it will simply sit there and absorb water. You'll just put a lot of money into something that's not going to last."*

Mr. Sawyer continued, "In the full report, I did three schemes of what you could do with the buildings to utilize them but all of these schemes, I believe, are simply going to be too costly to do. The other problem is that FEMA classifies this property as a VE Zone. It's VE15 which means that the lowest structural member, if you add to the 15 the two feet required by the Town, the bottom of the lowest member is 17 feet above mean sea level. The ground and the slab of these buildings are at about 10. The smaller building was built in 1965 and the taller building was built in 1972 and the requirement on wind loads in the building codes then was not like it is now. Now we have seismic requirements and we are now in a V Zone with wave action. Given all that, I looked at several options: Option 1) Let's do this as economically as possible; let's find a way to utilize as much of what is there; let's only spend 50% of the appraised value of the buildings. I developed a scheme that provides the public restrooms that you have to provide to utilize this building. Right now, the plumbing facilities in the buildings are far below what current code requires; they're not accessible at all. There really is only one restroom for one person on the ground floor. There is a second floor that's been framed in the existing building; in the proposed scheme, you would remove all of the interior partitions and make those floors level. I can imagine a pretty interesting thing happening – say if on Monday at the Farmers Market, if all the garage doors are open and the Farmers Market uses the space in the building and spans out onto the concrete apron with some of the their outdoor canopies, it could be a really festive and interesting place. The trouble is when you provide that kind of space for public use, it is an "Assembly Occupancy" in the building code and when the Town provides that kind of space for public use, you have to provide restroom facilities that are adequate for the use. You also have to make the facility accessible."

Mayor Pro Tem Weeks said, "I had a question about that because it also said that if they're within 500 feet of the building; that qualifies. That adjoining dormitory building has bathrooms on each end and the Flotilla is only using a portion of that. It was suggested to me that in that building, we could use the end with the restrooms that are closest to the building. Would that qualify?" Mr. Sawyer said, "If it's within 500 feet and it is available. It also has to have the proper number of fixtures given the capacity of the facility. There's signage all over the park facilities, some at the Recreation Department and at some of the fields, that directs the public not to use the facilities in any of the other buildings but to go to the tennis facility for public restrooms. That distance is over 1,200 feet on this site; so, if the restrooms in the old dormitory building are public restrooms that are accessible, they could qualify to satisfy some of the requirements; it just has to be within 500 feet. The County Tax Office was able to retrieve for me the 2011 tax value on these buildings; and 50% of the appraised value means that our limitation on construction cost would be \$229,000. I cannot find a way to solve the problems in the building with moisture, the skin of the building, the restroom issue and the accessibility issue without spending over \$300,000. And that's the cheapest scheme I could come up with. Another possibility is to take all the siding off the building; take the steel structure down; and just use the steel frame, the columns and roof structure and make an open-air large pavilion; box in the columns; put soffit material in it so it's an open-air space that provides shade and could be used for all sorts of Parks and Recreation functions. Still, by code, that's an assembly space and you still have to provide restrooms and when you do that kind of thing, then you're not talking about spending 50% of the appraised value, and you have demolished enough of the buildings that then you need to elevate them and get them above FEMA level. So, we wind up with building under those structures; elevating a floor system to support restrooms; and building a ramp somewhat like you've got on the Public Safety Facility to get up to that level."

Mr. Sawyer continued, "Just running through the numbers on that scheme, I think the construction cost to do all of that would be around \$387,000. The thing I want to point out here is that my Structural Engineer is freaking out about the building and he has advised me that his fee to study this building to solve the problems would be about \$50,000. In the construction costs, we have not designed the structural corrections that would have to be made to handle wave action and to handle wind; so, I made an educated guess at what the structural modifications would cost. Finally, I looked at an office scheme where we would elevate the floor through the whole building using the taller of the two buildings which is the only one that is tall enough to put a floor system up high enough to meet FEMA. Doing this scheme, you would demolish the older warehouse; you would elevate a floor system under that roof structure; you would be able to elevate it to such an extent that you could put parking under it; there would be stairways to get to the second floor; and the scheme would also involve a ramp. You would wind up with useable space for offices; I think it was about 3,600 square feet. The trouble with that scheme is that the construction cost is even more because we're building a much larger elevated floor system. All of that brought me to step back and look at the big picture and to think about what other things are happening on the Town's property; how this site and how these buildings relate to everything else that's happening here and to the big investment that has been made already. What I would recommend to the Board is that you look at it from that distance; that you don't invest a lot of money in these buildings but think about what this site is good for in the future and consider conserving this site for future growth – something that is new and elevated as it should be and meets all the codes because an investment in that sort of thing would be better than investing in these existing structures."

Alderman Sisson said, "As a cost comparison, even with the most expensive scenario that you envisioned for the reuse of the building, if you look at the amount the Public Safety Building cost the Town to meet all the codes, we're still looking at upwards of two million to build something brand new regardless of the use. That compared to even \$600,000 trying to reuse it for something would be a pretty big jump. Looking at it from a site perspective ultimately makes more sense but there is a lot of pressure to try to do something with what we've got even though it is somewhat cost prohibitive." Mr. Sawyer said, "The other issue I see, now we spend a lot of effort in trying to complete projects in a way that buildings won't cost as much as they used to cost to operate. Initial construction cost of a building – that's not it; it's what it costs in energy and maintenance to keep it operating. And the opportunity to solve that problem is much better if you start over. If you continue to try to work with the buildings that are there, it's much more difficult and could be more expensive. The schemes I worked on, given how tight the amount of money is, were practical and realistic and were done with the lowest costs I could do to rehab these structures and make them useable."

Mayor Pro Tem Weeks said the irony was that the Structural Engineer was freaking out about the buildings and they've been there since 1965 and survived many hurricanes. She said, "I'm the one that requested this because if you look at the survey, there's significant interest in having a nice community center for the Beach. Look at our revenue stream; the After School Program and Special Events are the top two revenue generators for the Beach, as far as Parks and Rec are concerned, and all those kids are crammed in that little room for After School. So, I think the community is interested in having some community center that people can congregate and rally around and be involved in. But, it doesn't sound like this is the solution. Perhaps with the next Board, after the new survey is generated, if that's still an interest, it can be addressed."

Mayor Cignotti said, *"I think the next Board will need to take a look at this and decide a path and budget accordingly for what direction they want to go. But this gave us some insight into what our potential is there."* Mayor Pro Tem Weeks stated that we did budget to paint it and she felt, if the money wasn't there to demolish, that still needed to be done. Mr. Simpson stated that we utilize a portion of the old fire station to store equipment and vehicles; and we now store our archived files and our Christmas decorations there as well. He said his recommendation would be to put this as an item for discussion at the Retreat for Board direction. Mayor Cignotti stated that if the new Board decides to budget \$35,000 to demolish the old building, there would be no need to paint it.

REVIEW OF FIRST QUARTER FY 2011-12 BUDGET PERFORMANCE.

Mr. Simpson gave a brief overview of the revenues, expenditures and fund balance for the first quarter of the 2011-2012 Budget. He said to date, our budget expenditures and revenue projections are going according to plan and there appear to be no major issues that have developed during the first quarter of the fiscal year. He noted that the former Water and Sewer Supervisor had felt it would be easier to have one purchase order up front and that skewed the figures for this quarter; that accounting process is being changed and in actuality, only \$1,600 was paid out of that account. Mr. Simpson stated that his recommendation would be to implement no major changes at this time and to conduct a mid-year budget review in January. Mayor Pro Tem Weeks noted that the Town's loan for the Public Safety Building is at 3.77% and suggested that staff could investigate the possibility of refinancing at a lower rate. Mr. Simpson said staff would explore that option.

MAYOR CIGNOTTI: APPRECIATION TO OUTGOING BOARD MEMBERS.

Mayor Cignotti thanked Mayor Pro Tem Weeks and Alderman Blair for their hard work over the past four years.

ALDERMAN COLLINS: REPORTS AND COMMENTS.

Alderman Collins referenced a letter from Lanier Parking expressing concern with the number of people asking for replacement parking hang tags for \$25, especially rental companies. She said, *"If you're going to offer replacements at all, it should be about \$250 so that it would cover a good portion of what someone would use it for during the summer."* Mr. Simpson stated that the system is being abused and this was something that could be taken care of with an ordinance amendment. Following a brief discussion, Mayor Cignotti suggested that Lanier could give the Board more information at their workshop in February when they make their recommendations. Alderman Collins stated that she would also like to get a report from Steve Dellies about the water testing that has gone on so far. Mr. Simpson stated that Mr. Dellies was meeting with Dr. Noble (NC State University) on Friday and he could give a report as soon as we get results.

MAYOR PRO TEM WEEKS: REPORTS AND COMMENTS.

Mayor Pro Tem Weeks reported that the Marketing Committee has \$113,311 of rollover money going into their budget for this fiscal year and the CVB will make recommendations on where to allocate that funding. She then reviewed some room occupancy tax comparisons and said things are trending very well.

Mayor Pro Tem Weeks said she also asked the CVB to do an audit on the rental homes not paying room occupancy taxes because that is a lot of lost revenue.

ALDERMAN SISSON: REPORTS AND COMMENTS.

Alderman Sisson commented on the following:

- He expressed concern that the bridge maintenance folks working on Causeway are using Jon boats and coming through there fairly close to the docks at speeds of at least thirty miles per hour. He said it is not just a wake issue; it is also a speed issue.
- He complimented the Police Department on the responsiveness that the officers have had since Chief House has come on board.
- He expressed concern with the gill netting going on around this beach because it is impacting our recreational fishing. He referenced legislation that is being pushed at the state level and suggested that the Board may want to issue a letter of support.
- He referenced the controversy we had over the balloon ban and said he was forty miles out at sea and found a half inflated 'happy birthday' balloon with ribbons attached.

MR. SIMPSON: REPORTS AND COMMENTS.

- 5 Live Oak renovations are complete. It has about 715 square feet; there are three offices, a small work area and a restroom. We're looking at \$16 a square foot which would be \$953.33 per month (\$11,440 per year). Utilities are about \$144 a month. Staff would like to market that in-house as soon as possible.

Street end right-of-way signs: A review of the September 8th minutes shows a lack of clarity on the guidance given. Alderman Collins expressed the need for further discussion to determine what we are trying to solve by putting the signs out. She said it would be good to put the signs where people are encroaching and asked if there was any action we could take regarding cars parked at street ends. Mr. Simpson said the first step to enforcement would be to put up the signs. Mayor Pro Tem Weeks expressed the need for consistency and said it would not be fair to put signs in some areas and not all. Alderman Sisson agreed and said he felt there was one law for everybody and it should be applied evenly across the island; he had no problem putting the signs up and enforcing them. Mr. Wilson said, "We thought this was the most inexpensive way to identify; we're not going to go after people who have encroachments there; we're going to just put the signs up for now to identify those areas as a first step. We identified 44 but we have 30 signs at this time." Mayor Pro Tem Weeks made the motion to put the signs at all street ends. The motion was seconded by Alderman Blair and unanimously approved.

- Parking Planning Group: Has had one meeting; they are focusing on two items to bring back to the Board in January: 1) Residential Parking District and how to identify people using that district; and 2) Overflow Parking Area.
- Bicycles on the Beach: We have had some inquiries about putting bikes on the beach but that is a violation of our ordinances. Following a brief discussion, the Board gave direction to leave it as it is for now.

- Wind Screens for Tennis Courts: The Wrightsville Beach Parks and Recreation Foundation is proposing to purchase and donate wind screens for the tennis courts – details have not been worked out yet. When asked if the Town would approve the quality of the wind screens, Mr. Simpson said that went through the Parks and Recreation Advisory Committee and they were supportive of the type of screen. He said staff did have concerns about having to put them up and down depending on the winds. Mayor Pro Tem Weeks stated that the Tennis Instructor has offered to handle the rolling up in high wind seasons.
- WECT Sounds of Summer Concert Series: A proposal has been made to the Recreation Committee about partnering with the Town. Mayor Pro Tem Weeks said, *"We just want to have a consistent family night every week in the summer; every Thursday night, there will be something going on in the park with music. What we proposed was to do what we did with the Family Movie Night; it would be fully funded."* Mr. Simpson expressed the need to place this in the budget as a line item and show the expense and the revenue. He also noted that it would put an additional burden on the Police Department to have a concert every week. Ms. Ryan stated that she would meet again with WECT in December and then with the Parks and Recreation Advisory Committee; and once the proposal is finalized, it would be brought back to the Board.
- Employee Luncheon: Thursday, December 15th at the Holiday Inn Resort.
- Revised UDO Meeting Schedule: Unanimously approved by motion of Mayor Pro Tem Weeks and second by Alderman Sisson to set a meeting for December 7th. Alderman Blair noted that he would like to remain on the UDO Committee after his term on the Board of Aldermen runs out in order to finish the work he had been involved in.
- Essentials of Government Course: Scheduled for February 23rd and 24th.
- Board Retreat: Scheduled for January 21st.

**REQUEST FOR CLOSED SESSION FOR DISCUSSION OF A PERSONNEL MATTER
PURSUANT TO G.S. 143.318.11.**

Alderman Sisson made the motion at 9:00 p.m. to go into Closed Session pursuant to G.S. 143.318.11 for discussion of a personnel matter. The motion was seconded by Alderman Blair and unanimously approved.

MEETING RECONVENED.

Mayor Cignotti reconvened the meeting at 9:18 p.m. and asked the record to reflect that the Closed Session had been held for the reason so stated with no action taken.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:19 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk

MINUTES
BOARD OF ALDERMEN
SEPTEMBER 8, 2011

The meeting was called to order by Mayor Cignotti at 6:00 p.m.

Attendance: Mayor David L. Cignotti, Mayor Pro Tem Lisa Weeks, Alderman William J. Blair, III, Alderman Susan Collins, and Alderman William E. Sisson, Jr.; together with Town Attorney John C. Wessell, III, Town Manager Robert F. Simpson, and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance.

Invocation by Rev. Patrick Rabun, Little Chapel on the Boardwalk.

PUBLIC COMMENT: JONATHAN ROWE – LICENSE PLATE RECOGNITION SYSTEM.

UNCW Professor Jonathan Rowe stated that the proposed License Plate Recognition System would only require a 25% investment from the Town and it would be vigilant twenty-four hours a day; seven days a week; three hundred sixty-five days a year and that was incomparable with the cost of having an equivalent officer checking for that same time. He said anything we could do to increase safety and prevent crime in the Town is better for the people who live here and own property and for those considering investing in real estate. He also noted the importance of tourism, especially the families that come and said the system would help them to feel safer knowing the Town is trying to protect them. Professor Rowe stated that one negative aspect of the system was the issue of privacy but there were two reasons to have the system in place: 1) if you have nothing to hide, you have nothing to worry about; and 2) this system is no different than police officers having the system in their hand and looking at license plates on the side of the road. He also noted that we have one of the best elementary schools around and it is important to provide protection for the children. Professor Rowe stated that the upcoming anniversary of 911 is a great reminder of how important our first responders are and anything we can do as a town to give them the tools to be more effective, we will be better off. He noted that 60% of all crimes that take place are from repeat offenders; so anything we can do to be proactive and preventing crime is better for the Town.

CONSENT AGENDA APPROVED UNANIMOUSLY BY MOTION OF MAYOR PRO TEM WEEKS AND SECOND BY ALDERMAN COLLINS.

- a. Approved minutes of May 17th, 26th and 31st and June 2nd and 6th, 2011.
- b. Approved special event permits as follows:
 - 1. Life Rolls On – Amendment to previously approved special event permit.
Saturday, October 1, 2011, 8:00 am to 4:00 pm
Location: Public Access #4
 - 2. Seaside Shuffle Road Race – approximately 300 participants
Sunday, November 20, 2011, 12:00 – 3:00 pm
Location: Waynick Blvd., South Lumina Avenue, Blockade Runner
 - 3a. NC Holiday Flotilla Day in the Park, Approximately 1,500 participants
Saturday, November 26, 2011, 7:00 am – 5:00 pm
Location: Wrightsville Beach Park and Municipal Complex

3b. NC Holiday Flotilla Boat Parade and Fireworks, approx. 20,000 participants
Saturday, November 26, 2011, 6:00 – 9:00 pm
Location: Banks Channel

- c. Acknowledged previously approved special events for October.
- d. Approved revised 2011 UDO Advisory Committee Meeting Schedule to set a meeting for Wednesday, September 21, 2011 at 5:10 p.m.
- e. Approved revised 2011 Board of Adjustment Meeting Schedule to cancel the September 22nd meeting.
- f. Approved revised 2011 Marketing Committee Meeting Schedule to cancel the September 13th meeting.
- g. Approved revised 2011 Board of Aldermen Meeting Schedule to add a special breakfast meeting with the beach communities on Friday, September 23, 2011, 8:00 a.m. at the Marriott in Carolina Beach.
- h. Approved Budget Ordinance No. (2011) 326-B to transfer \$721 balance from the No Wake signage account to the Parks and Recreation account for cleaner greener initiatives.
- i. Approved Budget Ordinance No. (2011) 327-B for \$5,000 contribution to the Carolina Beach Inlet Dredging Project.
- j. Approved Resolution No. (2011) 1741 to proclaim Constitution Week.
- k. Approved Resolution No. (2011) 1742 to approve a Letter of Support for a Sustainable Communities Grant.
- l. Approved Resolution No. (2011) 1744 for a Memorandum of Understanding regarding the Federal E-Verify Program.
- m. Set public hearing for Thursday, October 13, 2011, at 6:00 p.m., or as soon thereafter as possible, for consideration of a proposal by the Wrightsville Beach Parks and Recreation Foundation to construct a skateboard park on municipal property.

MICRO LITTER PRESENTATION BY SEAN AHLUM.

Mr. Sean Ahlum, Cape Fear Chapter of Surfrider Foundation, commended the Town and the Board of Aldermen for all they have done to keep our natural marine environment beautiful. He said last year the Board considered the possibility of banning cigarette butts and smoking on Wrightsville Beach and, since the smoking ban in bars and restaurants actually increased business, we can't say that banning cigarettes is a detriment to business as usual. Mr. Ahlum said in one year, starting on August 9th, 2010, one family (Richardet family) documented a beach cleanup for twenty minutes a night picked up on Wrightsville Beach 33,989 cigarette butts. He said, "Today, before I came to this meeting, I went to look at the surf; on my walk from the beach access to the bench at the corner of Oceanic Street, I found this many cigarette butts in less than a two-minute walk." He showed the collection of cigarette butts and also explained what happens to our water system when a cigarette butt is submerged in seawater. Mr. Ahlum said, "Cigarette butts are litter and are subject to a litter fine. I contacted town managers in coastal California that banned cigarette butts and smoking on their beaches and they've seen a dramatic decline just by passing the legislation that says it's illegal to smoke on the beach."

Mr. Ahlum said, "I would like to ask the Board of Aldermen to reconsider before the end of the year, the idea of banning smoking on Wrightsville Beach specifically due to the cigarette butt litter problem. I know last year you implemented the Beach Ambassador Program; I have 32,000 examples of why that program did not work as it was designed." He acknowledged the Richardet family and Mayor Cignotti thanked them for their time and effort in this project.

Alderman Sisson stated that when we empty the cigarette butt containers, he would like to try to get a count of the butts being disposed of. Public Works Director Mike Vukelich stated that his employees just dump the containers; they do not count the butts. He referenced the bait tank by the bicycle shop and by Wings and said the person that donated those said he would count the butts. That person was present at the meeting and said he has been tallying the cigarette butts and he has noticed a visual decrease in the cigarette butts on the ground around them. Mayor Cignotti thanked all those involved for their donation of the cigarette butt disposal containers.

NEW HANOVER COUNTY TAX REVALUATION PLAN PRESENTATION.

Mr. Roger Kelly, New Hanover County Tax Administrator, gave a presentation regarding the upcoming property revaluation and made the following points:

- Because of the economic situation, the Legislature amended the revaluation statute to say if a county reaches 115% sales ratio, they have three years from that date to do a revaluation unless three years takes them over the eighth year. If you fall below 85% sales ratio, you have three years to do a revaluation. County-wide we are at 117% as of the first of August.
- January 1, 2012, the revaluation will go into effect. Notices will be sent out mid December of this year. If you are not satisfied, you can appeal. An informal appeal process will be set up with an appraiser from January through March; if still not satisfied, you can appeal to the Board of Equalization and Review after the first of April until the end of June. Tax bills will be mailed in August; due September 1st; and delinquent January 7th.
- Current sales ratio shows the current values on record are at 134% of market; which means we are 34% higher than the market. So, once we make the adjustment for the revaluation, those values will come down equal to market.
- The current tax rate of \$.099 will have to increase to an estimated new rate of \$.1221 in order to remain revenue neutral and generate the same amount of money that we're generating today.

The Board thanked Mr. Kelly for his presentation. Mayor Cignotti encouraged residents to call the County Commissioners and express any concerns before the new rate is set. He expressed concern with having so few appraisers to help with the revaluation.

HARBOR ISLAND GARDEN CLUB PROPOSAL FOR CHILDREN'S FOUNTAIN.

Mrs. Alison Long, President of Harbor Island Garden Club, stated that the Garden Club was proposing an interactive children's water feature in the center of the Harbor Way Gardens. She said it would be a beautiful area about 12 to 14 feet circular; just a fun place for families to gather.

Mr. Drew Thorndike, Cape Fear Water Gardens, explained that a rain exchange system is a type of rainwater harvesting that would be incorporated into the proposed water feature. He then gave a Power Point Presentation covering the following information:

- Conceptually they want a dry gravel basin with a sphere and bubbling geysers around that and stepping stones to invite the kids to play in the water in more of a garden setting. We will install gutters on the garden shed and collect the water that falls on there.
- The basin will be dry with an overflow to avoid pooling water; the small gravel will allow the water to percolate through into the oversized underground reservoir.
- It will have an infiltration system with chlorine treatment to keep the water clean and safe. That will require a small pump house to contain the filter and pump. We want to put a motion sensor on it so it only comes on when people are in the area; the system will automatically cut off at night and in the off-season.
- It will be green and eco friendly and will be used as an educational tool with signage to show how the system works and to show people a fun, decorative way to collect, store and reuse rainwater on their property. Hopefully, the school will do field trips as well.

When asked if the site would be where the tree is in the center of Harbor Way Gardens, Mrs. Long said there was one small wax myrtle that would have to be removed and the Garden Club is willing to replace it or move it if it can be moved. When asked about the timeline, she said if approved by the Board, they hoped to have it installed by some time in April 2012. When asked about ongoing maintenance, Mrs. Long said the Garden Club would work with Mr. Thorndike to maintain it on a monthly basis when its open and they would winterize it for the winter months.

Mr. Wessel made the recommendation to have some type of written agreement that addresses various issues such as ownership, maintenance, responsibility for installation, and signage. Mr. Simpson noted that an agreement could be placed on the October 13th Consent Agenda.

Alderman Sisson made the motion to approve the concept of this with full implementation to be contingent upon approval of the agreement that they would sign with the Town that would cover the issues that the Town Attorney outlined. Mr. Wessell said it might be prudent not to expend funds until the agreement is signed. The motion was seconded by Mayor Pro Tem Weeks and unanimously approved.

PUBLIC HEARING FOR INPUT REGARDING LICENSE PLATE RECOGNITION SYSTEM GRANT. (RESOLUTION NO. (2011) 1743.

Mr. Simpson stated that the License Plate Recognition System comes in both a fixed system and a mobile system with the capability to identify vehicles that are registered to known felons and individuals with outstanding traffic violations. He said we received a grant in the amount of \$214,400 (\$160,000 will be paid by the federal government and \$53,000 local share); the Board has already put \$5,000 aside in the C.I.P.; and that leaves an outstanding sum of \$48,600 that would have to be funded from the general fund or other mechanisms. He said the Town would need to enter into a Memorandum of Understanding in order to go forward with this and we would be required to front the entire amount and then be reimbursed.

Mayor Cignotti opened the public hearing at 7:00 p.m. and reminded everyone that Professor Rowe had spoken earlier in favor of this system.

Mr. Jim Smith, 54 Pelican Drive, expressed support for the system because he felt it made good business sense by leveraging up the police force.

Mrs. Martha Chaffins, 10 west Salisbury Street, expressed the need to take care of the people that take care of us first and if this would help our police do a better job, she thought we should do it.

Mr. Harold King, 10 Island Drive, expressed support for the system in order to equip our police with technology that would give them an edge in dealing with crime.

Mr. Jim Mincher, 120 Live Oak Drive, expressed support for the system because the new Police Chief had supported it. He said the Town put a big investment in the Chief and he felt we should stand behind him. He also noted that it was a small price to pay to prevent even one incident from happening.

Mr. Carlisle Gee, 19 Myrtle Court, stated that he did not support acquisition of the system mainly because of money; he felt it was a classic example of a grant coming through the Port Authority to a small town that doesn't have a major issue. He said it would make more sense to put a camera on Martin Luther King Boulevard or I-40 where the majority of people come into this area and not wait until they get here to stop them. He reminded people that his brother had been assaulted two years ago on Wrightsville Beach but there had not been any major assaults since that time. Mr. Gee stated that no property values were affected because of the assault and this type of camera would not have stopped it from happening because the young man did not have a driver's license or a car. He said we just spent a lot of money on the new Public Safety Facility and he did not think it would be fiscally responsible to spend more money for a camera on the drawbridge.

With no further comments from the public, the hearing was closed at 7:10 p.m.

Alderman Blair said if it does catch one or two people over a one-year period, he thought it was money well spent for the deterrent because people will know we have it

Alderman Collins stated that she thought this was a good support of the Police Department and what we are trying to do here. She said if a felon comes on the beach, she would hope knowing that we have the camera on the bridge would at least deter him from bringing guns or drugs with him. She noted that the Police Department may already have some drug money that we could use to help with the cost. Mr. Simpson stated that there was \$86,000 in that account.

Mayor Pro Tem Weeks asked what the value was for one police officer on an annual basis. Chief House said it was around \$87,000 with salary and benefits. Mayor Pro Tem Weeks stated that the officers can't be everywhere all the time and this tool would help them to "multiply themselves." She said in the long run, she thought it would potentially save money in deterrents and efficiencies so she would support it.

Alderman Sisson stated that he did not think it was sound fiscally to come in after the budget is passed and say we need \$48,000 more. He said over the last two years, we've spent \$50,000 for a UDO Study; we're going to spend about the same for a cost efficiency analysis; this would be another \$53,000; so that would make it about \$150,000 in the last two years that might arguably not be needed for the running of the Town. He stated that an extra police officer could do more for the beach than the proposed camera would do and he was not convinced the camera would accomplish what some people think it will; so he was not in favor of spending the money.

Mayor Cignotti stated that he had read that this system was used more for terrorism efforts and for busting auto theft gangs and felons. He noted that the entire Board supports law enforcement efforts as evidenced by the new Public Safety Facility. He referenced the federal deficit and the need to cut spending and said to him, if we need to spend two hundred and some thousand federal dollars, it needs to be in a high-crime area in an urban environment that has auto theft gangs and a lot of felons. Mayor Cignotti stated that he thought an additional police officer and some other tools would help remedy the quality of life issues that are important to our citizens so he would rather purchase other tools such as the data collection system.

Mayor Pro Tem Weeks said, "On both Chief Carey's and Chief House's recommendation, we take the position normally that we support department heads on their recommendations, I'm going to make the motion at their request that we approve it." The motion was seconded by Alderman Blair and the vote was recorded as ayes by Mayor Pro Tem Weeks, Alderman Blair and Alderman Collins and nays by Mayor Cignotti and Alderman Sisson.

PUBLIC HEARING FOR INPUT REGARDING REMOVAL OF SAFETY RAILS ON THE SALISBURY STREET BANKS CHANNEL BRIDGE.

Mr. Simpson stated that comments had been received from some citizens about the railings on the Salisbury Street Bridge. He said the Department of Transportation's position was that once the railing is removed; it would be gone permanently. He noted that this is the only bridge in Wrightsville Beach that allows fishing during designated months of the year on the north side of the bridge.

Mayor Pro Tem Weeks stated that her hope was that the D.O.T. could move the railings out but since that is off the table, the other alternative is to remove them. She said her interest was to look at the bike plan because we have to start somewhere; at the very least, we could eliminate the railing on the north side because the fishermen are only there two months out of the year and the bike path is already running along Pelican Drive and that could be a natural safe pathway and crossway for leisurely bikers; and we would have to amend the ordinance.

Mayor Cignotti opened the public hearing at 7:20 p.m.

Mrs. Chaffins stated that she was against removing the railing. She displayed three photographs and said, "On the first bridge, you see there's a shoulder between the main road and the walkway of the bridge; the second picture is the north bridge over Banks Channel; between the walkway and the main road, if someone steps off the walkway, they're going to step practically into traffic."

Mrs. Chaffins continued, "People do fish on the bridge throughout the year and a lot of times they have their children along and this particular type of railing keeps these children from stepping into traffic. I recommend that you do not move the railings; it may be inconvenient for someone with a stroller to go over a narrow area of the bridge but that inconvenience is not anything that can be compared to if something happens and a child or toddler steps into the roadway, or someone's texting, or something happens and a car jumps the curb and that protection is removed. My personal recommendation is that the railing not be removed because it is a safety device and it was put there for a reason."

Mr. Jim Smith stated that he was in favor of removing the railing but he would ask the Board to go a step further. He said, "I don't see why we should remove it on the north side – that's where the guys fish. But the south side is definitely too crowded and some people just run in the road. That curb is tremendously high and it would take a lot for someone to run over that curb. The other steps I'd like for you to investigate, I don't understand why we have a 45 mph speed limit on Salisbury Street; we ought to reduce the speed limit on the drawbridge to 35 and then when we get to this bridge, it ought to be down to 25. Pelican Drive is our designated bicycle route; so now we're telling people that you're supposed to ride down Pelican and then cross Salisbury to get on the proper side which is the side that we need to have the railing taken down because there's not enough room. I agree with Lisa Weeks; we've got to start taking some steps. And the last issue that we need to work on, and there's precedence set with D.O.T., it's been done all over the state; it's been done in the City of Wilmington: narrow the lane down there and move that stripe out. That lane right now is 12 feet wide, which is a standard; they'll go down as low as 9 feet – I'm not recommending that but even if we can get them to 11, visually drivers will then be eased over away from that pedestrian edge and it will provide another level of safety."

Mr. Harold King stated that he walks that bridge almost every day and occasionally he sees a runner in the road. He said, "I see baby carriages coming; I stop and let the mama go by and we have no problem. I did see a triple wide carrier the other day that definitely won't go over that sidewalk. But taking that rail down is the wrong thing to do; it's setting up a liability which this Town doesn't want and I don't think D.O.T. wants it. That curb is higher than the sidewalk and it's narrow. So, taking that rail down you're setting up somebody – a baby carriage, a child, or somebody stumbles, they're going to fall in the road and cars are going by at 45 miles per hour or faster. If we could get it moved over, it would give us another 8 or 10 inches. What we have there is not ideal but it's a lot better than what we would have with no rail; so please leave the rail up."

Mr. Mincher said, "How long is that bridge going to be here – at least another 10 years; we need to work on just moving the railing out to the edge. I think that'll solve all the problems. Taking the rail down will be extremely dangerous. If a child goes off of that, it is a deep drop and they'd take a serious tumble. It is narrow; it is a problem for baby carriages but I think it's better having it up. We really need to either put it in the budget to move it or just go to the D.O.T. and tell them it's probably the highest used sidewalk in the County. We need to get money to move that out 8 or 10 inches until they rebuild the bridge. I think we ought to leave it up for safety reasons."

With no further comment from the public, the hearing was closed at 7:35 p.m.

Alderman Sisson noted that there are a lot of people walking dogs that also have to share the sidewalk with baby strollers, runners and walkers. He said, "I would rather move the rail to the edge, similar to what's done on the Causeway Drive Bridge, but the D.O.T. hasn't given us that option. I would not be averse to removing it on the north side of the bridge; I see the advantage to doing that for the bike path eventually. I see very little foot traffic on that side of the bridge and I don't see any problem with folks fishing without the rail. But on the south side, I'm not in favor of removing the railing or asking D.O.T. to do it because it is a safety issue."

Mayor Pro Tem Weeks agreed and said, "My interest was to try to get a section of a bike path and it's going to cost us three and a half million dollars to get the cantilever bridges built across both those sections for the bike path and I don't see that happening any time soon; so, anything we can do to at least have a safe crossing for leisure bikers to traverse across the bridge."

Alderman Collins stated that because the choice was either to take it down or leave it up, she would be in favor of leaving the railing up since it is a safety railing that protects people from cars.

Alderman Blair said he would have a tough time taking the railing down to try to accommodate a bike path that we don't have and somebody getting hurt. He said because we also have an ordinance prohibiting the riding of bicycles on the sidewalk, he would be in favor of leaving the railing up until we have a better solution.

Mayor Cignotti said, "I'd like to see the next Board look at bike paths again. I think we need to look at doing it as cheaply as possible by using the lanes that we have and trying to re-line some of areas. Causeway Drive has six lanes; that's an area to look at. I would like to revisit the speed limit on Salisbury because that's one way to make things safer for pedestrians and bike riders. But, at this time, until we have a more in-depth plan, I'm in favor of leaving them the way they are."

Following a brief discussion regarding possible liability issues, the possibility of the Town moving the railings at our expense, the fact that there are five speed limit changes on Salisbury Street, and whether the state has mandated lane widths for U.S. highways, Alderman Sisson said, "It seems to me what we're saying is we want to inquire from D.O.T. as to whether or not it's possible to move the railing at Town expense as part of the Salisbury Street Bridge renovation and at least inquire about lowering the speed limit and/or narrowing the lane width somewhat."

Alderman Weeks stated that she would like to incorporate the bike plan on the east side of the bridge when they repave Salisbury Street from the bridge to Johnnie Mercers. Mr. Simpson suggested having at least two Board members schedule a meeting with the district engineer to discuss all of these issues.

Mayor Cignotti suggested looking into the feasibility of narrowing lanes and possibly striping some kind of bike designation on that side. When Mr. Jim Smith expressed concern with the two passing zones on Salisbury Street, Mayor Cignotti said we could add that to the list of discussion topics. There was Board consensus for Mayor Pro Tem Weeks and Alderman Blair to meet with the D.O.T. and see if they are willing to help us with these things.

Meeting recessed at 7:52 p.m. and reconvened at 8:00 p.m.

CONSIDERATION OF SPECIAL EVENT FOR BEACH GAUNTLET: SATURDAY, MARCH 31, 2012, REGISTRATION 8:00, RACE 10:00 AM – 12 NOON; FRIDAY, MARCH 30, 2012, SETUP BEGINS AT 8:00 AM; LOCATION: BEACH ACCESS #1 TO BEACH ACCESS #9; 500-1,000 PARTICIPANTS.

Program Supervisor Katie Ryan stated that this was a special event permit application from Set Up Events for a new event on the beach called the Beach Gauntlet; a 5K race on the beach that would begin on the far northern end around Access 1 and extend approximately 1.5 miles to the area between Public Accesses 8 and 9; the course includes a series of obstacles and organizers would begin setup of these obstacles on Friday, the day before the event; they would rope off each of the obstacles prior to the event and have a volunteer at each obstacle throughout the event to keep people away from the equipment. Ms. Ryan stated that beach access would remain open to the public at all times and Set Up Events would shuttle all of the participants from various locations to Shell Island Resort. When asked how many "challenges" would be included, she said twelve had been proposed but not confirmed.

Alderman Collins expressed concern with setting up the day before the event because our ordinances prohibit you from leaving things out overnight. Mr. Wessell noted that the beach in front of the Shell Island Resort is private property so they would need consent from Shell Island Resort to use that. He said north of that is County property and south of that is Town property.

Mayor Cignotti stated that this was a first-time event with 1,000 participants and he wondered if the organizers could foresee it really getting that large. Mr. Benji Jones and Ms. Mary Toffolon, with Set Up Events, stated that there are only three or four of these events around and they usually have between 800 and 1,600 participants. They said the appeal is that you do not have to be a super athlete to participate and participants aren't necessarily competing with each other. When asked how many out-of-town people they thought would participate, Ms. Toffolon stated that she thought it may be 50-50. She said she would advertise it on their website that covers the east coast and since things are slow that time of the year, she felt there would be a good turnout.

When Mayor Pro Tem Weeks asked if they had spoken with anyone from the Wrightsville Beach Parks and Recreation Foundation that was listed as their charity, Ms. Toffolon stated that she had tried to make contact with no luck. She said, "What we do is reach into a community in an area that can use some funding and pay for volunteers essentially; so you bring us forty volunteers, we'll give you \$1,000 donation towards whatever you're working toward. We know they've got some projects coming up like the skate park that they're working on and we thought we could help fund that."

When Alderman Collins asked about the timeline for setting up on Friday, Mr. Jones said they would start about 9:00 a.m. and go throughout the day. He noted that they would have security all night at the obstacles to make sure people aren't climbing on them and they would have all of the equipment off the beach by either Saturday evening or early Sunday morning.

Mr. Simpson stated that other events like Beach to Battleship and the Triathlon set up the day before but our ordinance specifies that you cannot have a for-profit activity and the applicants have no sponsor to receive the funds that are derived from the event. He said, technically, he did not think the Board could act on the application without a sponsor. Following a brief discussion regarding possible sponsors, the Board agreed by consensus to place this on the Consent Agenda for the next Board of Aldermen meeting for consideration after they have identified a non-profit sponsor.

UPDATE ON SKATEBOARD PARK PROPOSAL.

Mr. Jim Mincher, Wrightsville Beach Parks and Recreation Foundation, stated that at their last meeting, the Board had asked him to come back with an update to their presentation that including plans and answers to maintenance questions. He said, "We do not have plans per se but it's like a lot of the beach houses here; they're very much the same although they have different plans. They may be three stories high and take up the whole lot but they basically kind of look the same from the street but they all have different plans. Here is a sample plan and a couple of different views of a possible skate park but these are not our final plans. That's just a sample plan; it shows what's typically in a skate park: a bowl kind of like a swimming pool; it's kind of flat in the center with kind of a ramp that you can ride up and ride down; it typically goes into what's called the street area. We're proposing approximately an 8,000 or 10,000 square foot skate park. If this comes about and you come up with a location, then we can design a park for that little piece of property." Mr. Mincher then reviewed pictures of the skate parks in Wilmington, Washington, NC, Asheville and Raleigh and noted the high usage and low maintenance in the parks. He referenced the minutes from the last meeting that said the users would be from 7 to 17 years old and said he felt it was more like from 7 to 47 years old. He said they were currently doing a study of Wrightsville Beach and how many skaters there actually are.

Alderman Blair said he didn't understand why they didn't have a scaled version because when you have a public hearing, you need to have what you're actually proposing to build. Mr. Mincher said they were proposing a skate park similar to what was in front of the Board. Alderman Sisson said he thought Alderman Blair was saying if the Foundation was proposing to use the infield of the softball field, even though that has not been approved by the Board, they could submit a design that would fit into that area. When Alderman Collins expressed the need for a definite plan for the public to see and what the costs would be, Mr. Mincher stated that the cost was approximately \$300,000 but they're proposing to raise the money to pay for the park so that won't be the Town's expense.

Mayor Cignotti suggested having a public hearing on October 13th to hear from the public and decide whether to move forward; if we decide to move forward, then Mr. Mincher can work with staff to iron out the details; and then have another public hearing in 90 days and finalize it. When asked what issues needed to be ironed out, Mr. Simpson said there were issues about whether we could go forward with the funding without some kind of commitment of funds, a bond, or a letter of credit before the Board can commit public property; how to handle contractors; how you arrive at the design; does the contract for the actual construction have to go through the bidding process because since the project is over \$30,000.

Mr. Simpson noted that Mr. Wessell feels we need to get an opinion from the Department of Interior to see if there are any restrictions on having the private sector constructing on Town property and how that would affect the reverts clauses. Mr. Simpson said he didn't think the Board should commit to the property until we have a formal agreement in place between the Foundation and the Town that addresses all of the issues germane to this project. Mr. Mincher stated that the Foundation would like to get input from the skaters on Wrightsville Beach on the design of the park and if you get that group together, they are going to want a park. He said to do that and then be turned down for the property would be putting your cart in front of your horse.

Following a brief discussion regarding whether to have a public hearing first, Alderman Collins asked if the plan was to have a public hearing to receive input but the Board would not vote on anything at that point. Mayor Cignotti said he thought the Board would vote on whether or not we wanted to move forward with the plan. Alderman Collins stated that she did not know how the Board could vote when they did not have all of the information in place to make a decision. Mayor Cignotti noted that the next Board would probably have to make the final decision. Alderman Sisson said he could see no problem with having a hearing on a concept and in the meantime, the Foundation could schedule whatever meetings are necessary to start hammering out details.

Mr. Wessell recommended that the Board have a written agreement in place before giving the Foundation the go-ahead so that everyone is clear on what was agreed upon. Alderman Sisson said he didn't think the Board would vote on proceeding; he thought they would vote on whether or not to approve the concept and to basically say the Town will start talking to the Foundation about contingencies and the details that need to be ironed out. Alderman Collins stated that this situation was different from other requests because they would be using Town property for an individual group. Mayor Cignotti said, "Maybe one of the choices would be, if the Board decided to go forward with it, is that they would raise the money and donate it to the Town to build a skateboard park."

Mr. Mincher said, "That's what we have to work out; how money would transfer. Before we go raising money, it goes back to the very start and the first thing we asked for was if the Town will set aside property, then we could proceed with getting some expensive plans and start raising the money to do it. We can't raise the money if there isn't any dirt to put it on." Alderman Sisson said, "If the Board were to vote in favor of the concept of having that, that would give you a firm place to stand from which to do all this stuff and in the meantime, if you can work out details with the Town on the issues that Mr. Wessell raised and other things, without committing to a specific set of plans that you have to lay out \$50,000 for or whatever, you've got some information to come back to us with for further action."

Mayor Cignotti proposed to have a public hearing in October, not for a final decision, but to hear from the public and decide if we want to proceed; after that, it will take a while to work out all of the details. When asked if we would have enough time to be ready by October, Mr. Mincher said this would not happen quickly because they had proposed two years to raise the money; but they could work on the stumbling blocks in the meantime.

Mr. Wessell said, "However we proceed, we need to be careful; at some point you're going to have to spend money on plans and there needs to be an understanding that even if that money gets spent, it's ultimately this Board's decision whether it likes those plans or not; and if they don't, you've got to do it over again."

STREET-END SIGNAGE PROPOSED BY THE PLANNING BOARD.

Planning and Parks Director Tony Wilson said, "At our April 28th joint meeting between the Board of Aldermen and the Planning Board, the Board of Aldermen did task the Planning Board with the following items for street ends (the street ends we're talking about are basically on Harbor Island; some are on the south end but they're accesses to the sound, not to the ocean front): 1) clarify and look at what can be done to be consistent on the street ends in the entire town; 2) determine what should be allowed on these street ends; and 3) establish how to make citizens aware that these street ends are public rights of way. There may be around forty-two within the Town of Wrightsville Beach. In some of the discussions we did get into encroachments; we didn't spend a lot of time on encroachments but we know those are there. The task that we were given was to come up with a way to identify these as public rights of way. We talked about language on the signs and we did come up with a sign with the help of Public Works. It has the Town emblem and a blue background that says "Public Right of Way." It's around \$26 per sign."

Alderman Sisson suggested going with the white lettering on the blue background because that was likely to be the color scheme for some other signs on the beach and that would make them consistent. He said he thought one of the things we were looking at was what to do about encroachments. Mr. Wilson said, "We did discuss some of the encroachments but I think because of the cost of surveys and things like that, it would be very expensive to identify those encroachments and there's no money set aside to survey each street end. And we know there are heating and air stands in some of those areas; we know there's parking of vehicles; and there may be a few houses even in some of those but we thought the task of doing that would be so expensive. It was tried in the late nineties and we started doing that. Because of the cost and seeing some of what those issues were with encroachments, we got direction to back off at that time." When Alderman Collins asked why the property owners aren't held responsible for proving that they're using their property, Mr. Wessell said, "I think what you're going to have is a property owner saying, "That's my lot." And once you do a survey, oftentimes given the little areas we're talking about, it's awfully hard to tell." Alderman Collins expressed the need for the property owner to have to provide a survey.

Following a brief discussion regarding different types of signage, Mr. Wilson said these signs would not be needed where we have CAMA signs; they would basically be on Harbor Island with some on the south end because the other areas are pretty well identified. Alderman Sisson expressed the need for the law to be enforced equally for everybody. He referenced a case where property owners had to pay a lot of money to move their stuff out of the Town's street end when it was discovered that even their A/C unit was intruding. He said it was not fair to make these people do this when there are people on North Channel who are doing the same thing.

When asked if the Planning Board was still looking at what should be allowed at the street ends, Mr. Wilson said he felt the current process was working.

Mr. Wilson reviewed the following current policy: "If individuals would like to request steps or some improvement, they would come to the Planning Department first; once that department determines it is something that can be done, they would take it to the Town Manager who would take it to the Board of Aldermen for consideration." He said the proposed "Public Right of Way" signs would be the first step in the process to identify the street ends.

Following a brief discussion regarding the fact that this was not funded and would have to come out of Public Works' budget, Mr. Simpson suggested putting some money away in the next few years to survey the street ends like we did for the pierhead line. Aldermen Collins expressed the need for serious consideration because of the expense involved. She said the proposed signage alone would be about \$700 for thirty signs. There was Board consensus that this topic could be discussed at the upcoming first quarter budget review.

CONSIDERATION OF RESOLUTION NO. (2011) 1745 APPROVING A RELEASE OF ALL CLAIMS FOR KIMLEY-HORN ASSOCIATES.

Mr. Simpson reviewed the history of the Town's problems with Alderman Brothers Construction and the subsequent claim that was filed by the Town with Ohio Casualty Insurance Company that held the performance bond for the project contractor. He stated that as a result of mediation, the Town was successful in being awarded the sum of \$100,000 from the bonding company. He said, "Kimley-Horn has partnered with the Town throughout this lengthy process and has performed services that have gone well beyond the scope of what was originally envisioned to insure the project was successfully concluded. Kimley-Horn is now proposing to pay the Town a sum of \$20,000 as contribution toward the resolution of the matter. In exchange, Kimley-Horn is requesting that the Town release them from future claims related to this project." Mr. Simpson explained that, at the request of the Town Attorney, the Release Document they provided has to be amended: in third "Whereas" delete the wording, "Included but not limited to all issues."

Following a brief discussion, Alderman Sisson made the motion to approve Resolution No. (2011) 1745 with the amendment as proposed to the Release Document. The motion was seconded by Alderman Blair and unanimously approved.

DISCUSSION OF KITE SURFING AT WRIGHTSVILLE BEACH.

Mr. Simpson stated that concern had been expressed by some citizens about the safety of swimmers near the kite surfing area. He said staff was seeking guidance from the Board on whether we need restrictions or further clarification placed in the ordinance addressing the conduct of kite surfing, kite boarding, etc. He explained that the current ordinance has some gray areas with regard to interpretation of where kite surfers can be in relation to the swimming areas. Mr. Simpson noted that currently, when the lifeguard stands are not manned; there are no restrictions.

Alderman Blair said, "My thought, when we went through this the first time, was ingress and egress on the south end – 100 feet off shore – stay away from the swimmers. I think that's how casual we approached it. What's happened this summer, I think, is there have been several people that do whatever they want to do regardless of No Swim Zones or Surf Zones, and the attempt here is to try to keep separation."

Mr. Bill Buchanan, resident of the south end, said, "We feel like it's been a safe sport; there have been no injuries; and we do watch out for each other. We are organized and want to be a part of any guidelines or exceptions. We are here to answer questions and try to make sure we come up with a good solution.

Alderman Blair said not all kite surfers have the same skill level and he would like to see that they stay away from swimmers. He said the main thing is safety and it was not worth the risk of having one person run over a swimmer. Mr. Hunter Brown said that they try to convey that to their kite boarding community and in eleven years, there has been no incident where somebody got hurt. When Alderman Blair noted how much the sport has grown, Mr. Brown said the sport has grown but the amount of kite boarders on the beach on a good day has not grown that much – maybe twenty kites on the water on a good day but the average is ten to twelve.

Mr. Stanley Carraway said, "We would like to be an active part just like when the surf zones were created several years ago when the surfing community was an active part. We would like to be involved in any committee or anything to help the Board really understand the safety and the rules; I think we could help each other.

Alderman Blair expressed the need to keep it simple and not have a lot of rules; just a place to come in and out of and stay a hundred yards off shore. Mayor Pro Tem Weeks said she thought that was what the Board had agreed on.

Mr. Buchanan said the sport is driven by the wind and a lot of the kite boarders enjoy the waves just like the surfers, so the Board would be restricting a lot of the sport if they say a hundred yards off shore and you can't come in on the waves. He said that's very restrictive for some people. He stated that if kite boarders come to the south end and it looks like they're not able to kite well, members of the kite boarding community will not let them go out even if they have to call Dave Baker. Alderman Blair stated that separation is a main factor whether they like to jump the waves or not because there are other places they can go, like Masonboro Island, that won't be around tourists and renters.

Mr. Carraway said he thought they had done a good job, especially on busy weekends, of trying to talk to each other. He noted that there is not a lot of parking and if the wind is blowing and there are a lot of swimmers in the water, they encourage the kite boarders to go somewhere else. Alderman Blair said it was just one or two people causing problems. Mayor Pro Tem Weeks said she saw a dad and a three-year-old in ankle-deep water on a crowded Sunday on the south end and a kite boarder was cutting in and out of them. Alderman Collins said she saw that over Labor Day Weekend on the north side of the Oceanic Pier and he was cutting all the way to the edge of the water.

Mr. Buchanan expressed the need to educate people and said he had come up with some suggested guidelines because the distance from swimmers is very important.

Mayor Cignotti referenced proposed Guideline Number 5: *"No matter what time of day or time of year, a kite boarder should never get within 50 yards of a swimmer except while entering and exiting the water. A minimum safety margin of 100 yards from swimmers should be implemented when attempting kite boarding tricks."*

Mayor Cignotti asked if it would make sense to say in our ordinance “in all zones” because our ordinance currently says you have to a hundred yards off in front of the lifeguard stands in swim only zones. Mr. Wessell said, “If you want to do something, let’s just say that you’re not supposed to kite board within fifty yards of a swimmer and stop there because the kite boarding tricks terminology is questionable.”

Mr. Brown stated that they were also in favor of having guidelines to hold the people who are breaking the rules accountable and not bring it down on the whole group. He asked if the proposed guidelines could be placed on the Town’s website like the surfing information is to help educate people.

Fire Chief Frank Smith said he thought the fifty-yard guideline makes a lot of sense as an internal guideline for a group but if it is written into the ordinance, there would be a lot of “he-said-she-said” with regard to the fifty-yard distance requirement. Mr. Wessell suggested that if the Board makes it fifty yards, the lifeguards need to make sure when they cite someone that they can say with confidence that they were within fifty yards.

Ocean Rescue Director Dave Baker noted that the lifeguards can use “reckless endangerment” for kite boarders as well as surfers when they get too close to people. He expressed the need for people to call when they see someone creating a problem and not wait a couple of days to report it.

Mr. Wessell suggested that he and Mr. Simpson could sit down with Chief Smith and Mr. Baker and craft something to bring back to the Board. Mr. Carraway said they wanted to work with the Board towards a solution.

Following a brief discussion, there was Board consensus to place a sign at Access #41 with a shortened-down version of the proposed guidelines and to place the ordinance and suggested guidelines on the Town’s website near the surfing regulations.

MAYOR PRO TEM WEEKS: COMMENTS AND REPORTS.

As a budget follow-up, Mayor Pro Tem Weeks asked if the evaluation of the old fire station and the other building could be completed by the next Board meeting. Mr. Vukelich said he had already contacted the engineer. Mayor Pro Tem Weeks also asked if we could do an evaluation in the off season of the feasibility of outsourcing grass cutting. She then referenced the County’s wellness program that allows employees to earn points for time off if they go to the gym or attend nutritional meetings. She said it might be a program that we could look at for potentially improving employee wellness. She asked what the latest information was on the gym situation for Town employees. Mr. Simpson said there had been no progress because the Crest had not been endorsed by the employees because they wanted to attend the gym of their choice and get some kind of credit toward the gym membership. He expressed concern with generating more for Mrs. Jones to have to do by creating a tracking mechanism for when employees get off. He noted that we currently have a program with Blue Cross-Blue Shield that is providing a lot of incentives for employees. Mayor Pro Tem Weeks expressed the need to be proactive and do something with gym memberships for employees like possibly giving them a \$200 credit to the gym of their choice.

ALDERMAN SISSON: COMMENTS AND REPORTS.

Alderman Sisson expressed concern with having the Finance Officer and Town Clerk filling in at the front counter in Town Hall because it takes them away from the work they should be doing. He said he planned to come back to the Board at a later date and suggest closing the front office at lunch time or pony up the \$15,000 it would take to pay a full time person.

Alderman Sisson referenced the Town's recent efforts to enforce the litter ordinance and stated that he had been notified by citizens that Town employees have been seen flipping cigarettes out the windows of Town vehicles. He said the Department Heads need to put the word out that Town employees are not exempt from those regulations.

Alderman Sisson stated that he had received several compliments about the Police Officers because their windows are down and they are talking with residents and engaging folks in a completely different way than they were before Chief House arrived. He commended Chief House for making such a huge difference in such a short amount of time.

ALDERMAN COLLINS: COMMENTS AND REPORTS.

Alderman Collins referenced the downtown parking meters that were moved from the east to the west side of North Lumina that are bagged on the weekends and asked if there had been any complaints or problems. Mr. Simpson stated that he had not received any complaints.

ALDERMAN BLAIR: COMMENTS AND REPORTS.

Alderman Blair expressed the need for the Board to have input into the RFP process for the operational audit in order to make sure the scope is broad enough. Mr. Simpson stated that he would place the draft RFP on the October 13th agenda for discussion and possible modification.

MR. SIMPSON: COMMENTS AND REPORTS.

Mr. Simpson reported on the following:

- Monthly Expense and Revenue Report: We're doing relatively well for the first two months.
- Carolina Beach Elected Officials Meeting: Scheduled for September 23rd at 8:30 a.m. at the Marriott in Carolina Beach.
- Beach Nourishment Contingency Plan: We have provided input but have not met with the County and other Beach Communities to discuss.
- Household Hazardous Waste Disposal Day: Re-scheduled to October 15th and will include medication disposal.
- Hurricane Irene FEMA Reimbursement Process: We have limited eligibility but staff will meet with the FEMA folks next week.

- Personal Training/Boot Camp Business Operations: We have at least three businesses operating on the beach and doing things like jumping off of piers. They do not have the authority to operate a “for profit” business on public property. The boot camps are not beach-related businesses and do not fall within the category spelled out by the ordinances. We also have a paddle-board business conducting business from the back of a trailer on Waynick Boulevard that we’re getting ready to address.
- Kings (next to Johnnie Mercers): Was damaged during Hurricane Irene. Tony Wilson met with the bank’s contractor this week; there is still no power to the building. We are waiting to hear back from them as to whether they are going to spend the money to repair the building. They were given permission to operate on the porch until Labor Day.
- Revised 2011 Historic Landmark Commission Meeting Schedule: Alderman Collins made the motion to approve the revised meeting schedule to cancel the September 12th meeting. The motion was seconded by Alderman Sisson and unanimously approved.
- Parking Workshops: Scheduled for September 13th and 15th from 6:00 to 8:00 p.m. in Council Chambers and the Conference Room.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:35 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk