

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

May 9, 2006

The Town Council of the Town of Carolina Beach met in regular session on May 9, 2006 at 7:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor, Bill Clark; Mayor Pro Tem, Alan Gilbert; Councilwoman, Pat Efirid; Councilman, Jerry Johnson; and Councilman Joel Macon. Also present was Town Manager, Tim Owens and Town Clerk, Lynn N. Prusa.

Mayor Clark called the meeting to order.

INVOCATION BY STEVE HALL, PASTOR OF ST. PAUL'S UNITED METHODIST CHURCH

Pastor Hall gave the invocation this evening.

PLEDGE OF ALLEGIANCE

Mayor Clark led everyone in the pledge of allegiance.

ADOPT THE AGENDA

Mayor Clark had one addition, Item #34(a), which is a request by the town attorney to go into closed session to discuss attorney/client privileged information in compliance with G.S. 143-318.11(a)(3).

There were two inserts added to the agenda packet:

Item #7 – Presentation Concerning Storm Water Education by John Hollemon, Executive Director of Cape Fear River Watch Program
(Insert the attached information provided on 5/9/06 concerning public education, outreach and participation assistance with Phase II Stormwater Management Cape Fear River Watch)

Item #29 – Discussion Concerning 911 Emergency Addresses
(Insert Addressing Standards and Procedures Manual for New Hanover Co. and the City of Wilmington)

Councilwoman Efirm made a motion to adopt the agenda with the changes as mentioned by Mayor Clark. **MOTION CARRIED UNANIMOUSLY**

RECOGNITION OF FRANCES JONES, KURE BEACH TOWN CLERK

Mayor Clark requested Frankie and Jimmy Jones to come up front. He announced that Frankie has been the Town Clerk for Kure Beach for 31 years. Mayor Clark said that Frankie and Jimmy for many years have been a big part of this community and being in government you have to lean on each other at different times.

Mayor Clark invited Kure Beach Mayor Tim Fuller and Kure Beach Councilman Jim Dugan to come forward and join them.

Mayor Clark asked the Carolina Beach Town Clerk, Lynn Prusa, if she had anything to say in recognition of Mrs. Jones. Mrs. Prusa stated that Frankie has worked closely over the years with the town administration and members of the town staff. She has participated in numerous joint town meetings and workshops over the years and it is the good working relationships that we have built with people in Kure Beach like Frankie that we have enjoyed that helps to unite our towns for the good of both communities.

Mrs. Prusa said, I want to take the opportunity to personally thank Frankie for being my mentor. I admire her dedication, her drive, her words of advice and encouragement and her good sense of humor. I will miss having that special connection.

Mrs. Prusa went on to say that she knows that Frankie is a very caring person who thinks of others before herself, and she asked Frankie to now take time to enjoy her life and don't forget that you now have control of your own agenda, and to fill it only with good things!

On behalf of Town Council, Ms. Prusa, gave Frankie Jones a gift. Everyone applauded in appreciation and recognition of Mrs. Frances Jones and family.

Before moving on to the next item on the agenda, Mayor Clark said that on May 10, 1984, Lynn Prusa joined our town staff. He presented her with a certificate of recognition for 22 years of service to the town.

PRESENTATION CONCERNING LIGHTING ISSUES AT BOARDWALK AND CAROLINA BEACH LAKE BY MR. DAVID MUNN WITH PROGRESS ENERGY

Steve Pagley, Director of Operations, said he was asked by Council to look at improving the lighting situation at Carolina Beach. During his last presentation, he didn't understand the difference between sodium high intense pink lights and certain upfront costs, so Mr. David Munn with Progress Energy is here this evening. He is the lighting

solution specialist. Mr. Pagley handed out a package and Mr. Munn began his presentation.

Mr. Munn said the first sheet in your packet is the Lake Area Proposal. The first line item highlighted is 40 lights proposed to go in there. Roughly there are 36 existing lights around the lake. We have added a couple extra in the parking area and different areas where we thought you needed a little extra light. There will be 40 fixtures and 40 poles. The first line item reads \$656.40, which is for the fixture itself. The next item is 40 poles at \$880.00 each, which comes to \$1,536.40. That will be your monthly cost of operating and maintaining those 40 fixtures around the lake area. If anything happens, they are under a maintenance contract and we take care of them.

He said that a little further down the page you will see a total proposed one time charge of \$12,406.48 and that is for two things:

1. There is a 181.00 per pole charge. Basically this is to get the underground facilities in the ground to wire each pole. We have 40 poles, which comes to \$7,240.00.
2. Mr. Pagley mentioned you wanted receptacles on each pole to operate Christmas decorations so we have added a receptacle on every pole. I built that in as a one time cost, which comes to \$5,016.00.

The subtotal is \$12,406.48, which is the one time cost for the receptacles and the underground facility charge. From that point on, you are at \$1,582.49 a month to operate the lights on a 10 year contract.

Councilman Johnson asked, do you have the cost per month we are paying right now for the existing 36 lights? Mr. Munn said based on those fixtures and what they normally pull I am estimating \$400 per month in KWH usage. That is assuming all of them are burning, which we know they all aren't. That figure is built into this monthly here; the \$1,582.49 includes the KWH usage of those lights. You can back out the \$400 that will give you an idea of what is built into that figure.

Mr. Munn said the next area is the boardwalk. There is a hodge-podge of lights down there now. There are a lot of floodlights mounted on the wood poles shining over the top of the buildings. I think it was because of security issues. There were dark areas in between the buildings, so there are a lot of floodlights down there now in conjunction with the post lights. All those floodlights would have to come out. The problem with that is you are going to end up with a lot less lighting because these are decorative lights. They are only going to light up the alleys and walkways. We couldn't leave the floodlights in and install the new lights because the floodlights would turn off the new lights because they are on photo controls. Mayor Pro Tem Gilbert said the biggest issue right now is a majority of those don't work and it is a security issue. If you take out the floodlights to put in these then you still have the security issue. Mr. Munn said I think

you will end up with less lighting with these new lights. Some of the flood lights are 400 watts per light. You have some with three on a pole so they are really bright.

Mayor Clark asked, do we need to take the boardwalk portion of this out and look at it in more detail later? Mr. Munn said he thinks so. Mayor Clark said let's skip the boardwalk because we need more study on this part and Councilman Johnson agreed.

Mr. Munn said the third phase is Route 421 north of Snow's Cut Bridge proposing lighting from the bridge to River Road on both sides of Route 421. Route 421 is mandated by NCDOT. They have requirement specifications that we have to follow specifically as to putting in underground facilities, tamping, reseeding, requirements on the break away poles, and setbacks. There is a one time upfront cost of \$45,538.36. This is basically your tamping and reseeding installation charge, putting in the underground facilities and getting the wire to it. This is what DOT requires and there is no way around it.

The monthly charge for maintaining and operating those lights is \$936.27. There are 22 proposed lights and they are the same lights as on the south side of Snow's Cut Bridge.

Mayor Clark said we are going to extend this meeting to the budget workshop on Friday, May 12th unless someone is ready to make a motion tonight. I think we need to look closer at these numbers. Mayor Pro Tem Gilbert said he would like to invite a lighting expert to go down to the boardwalk and bring a proposal that will give us security. Councilman Johnson asked if there was a fixture you can put up on the boardwalk that will not be affected by the floodlights. Mr. Munn's answer was no.

PRESENTATION CONCERNING STORM WATER EDUCATION BY JOHN HOLLEMON, EXECUTIVE DIRECTOR OF CAPE FEAR RIVER WATCH PROGRAM

Ann Bowman, Chairman of the Operations Committee and Fred Crouch, Operations Committee Member, introduced John Holleman. Mr. Holleman is the executive director of the Cape Fear River Watch Program. Ms. Bowman said this is to meet our stormwater education requirements under the North Carolina NPDES II Act and that is the reason we asked for the opportunity for Mr. Holleman to speak with you this evening.

Mr. Holleman said our mission at Cape Fear River Watch is to protect and improve the water quality of the lower Cape Fear River Basin through education, advocacy, and action. He explained that the material in front of you was prepared at the request of your Stormwater Committee to assist you in implementing a Stormwater Pollution Prevention Education Program. Mr. Holleman went over the highlights of the proposed program, as follows:

1. We would like to assist with providing a citizen's stormwater education brochure and other outreach materials as you need them.

2. We would identify opportunities to improve education and compliance of residents and visitors with existing town ordinances addressing litter and pet waste.
3. We would be willing to give presentations to interested community groups on stormwater and nonpoint source pollution using the Coastal Enviroscope and other materials.
4. We are certainly excited about the opportunity to prepare and present lessons on litter, nonpoint source pollution, and related topics to the students at Carolina Beach Elementary School. These lessons would be developed and presented to at least three grades and would serve as pilots for possible use in other New Hanover County Schools. Currently we do an enviroscope program for eighth graders but this would be our first venture into the elementary arena. We would help you develop a stormwater drain marking program using citizen volunteers to remind citizens that “only rain should go down the drain”.
5. We would plan an “adopt a storm drain” program for citizens and businesses.
6. We would coordinate a presentation on native landscaping, lawn maintenance, and/or Best Management Practices for homeowners and businesses.
7. We would work with you to coordinate a stormwater workshop for public employees.
8. Participate in and provide support for any public meetings conducted by the Stormwater Committee.
9. We would also evaluate opportunities for town facilities to serve as demonstration sites for Best Management Practices and make recommendations to the Stormwater Committee.
10. We would develop an awards program to publicly honor Carolina Beach businesses, homeowners, individuals, and groups for outstanding stewardship to reduce nonpoint source pollution.

He explained that on page 2 it goes over water conservation and they propose the following services:

1. We would be happy to serve in an advisory role to a Water Conservation Working Group appointed by the Town Council.
 - a. This would include helping to prioritize water conservation issues in Carolina Beach.
 - b. Develop educational materials targeting key water conservation opportunities.
 - c. Identify effective means to disseminate the water conservation messages to residents, visitors, and businesses.
 - d. Identify possible incentives to promote water conservation.
2. We would also work with Carolina Beach Elementary School in spring 2007 to present water conservation lessons to students and to help them share this information with the community.

We said the company has been in existence as a 501C3 nonprofit for the last 12 years. For a number of those years, we have implemented a similar contract with the City of Wilmington. We currently provide many of those services for the city that we proposed to provide to you in this new program. We are excited about the opportunity to expand our reach down to the town and would be happy to work with you in any way we can. I'm the new executive director of Cape Fear River Watch. I have been with the organization since October. Normally you would have seen Bill Murray who is our education specialist but he is away. I am happy to be here with you tonight.

Mayor Clark thanked Mr. Hollemon and said I know you are a nonprofit organization. Is there any cost to us? I know we have to publish the materials. Mr. Hollemon said as I understand it, currently in your budget I think you have set aside about \$8000 under stormwater. We are proposing to fulfill this entire program including your printing costs and the other necessary things that we do, so you would be somewhere in the \$10,000 to \$12,000 range. Mayor Clark said that's very reasonable for what you offer. Councilwoman Efird said it sounds like a good program.

Mayor Clark said he would also like to thank the Operations Advisory Committee: Ann Bowman, John McQuade, Fred Crouch, Steve Pagley, Brian Stanberry, Sheila Trott, Phil Denston and Gil Dubois for all the work they have done on this committee. Sometimes we don't recognize these committees that really do a lot of work for us. We really appreciate the volunteer effort.

Councilwoman Efird asked, do we need to take any action on this tonight? Councilman Johnson asked, is this something we need to take to our budget meeting on Friday? Mayor Pro Tem Gilbert said it has a budgetary impact so I thought we would forward it to the town manager. Mr. Owens said that we would probably want our attorney to possibly look at the contract as well. Mayor Clark agreed and said it sounds like a much needed program for our area.

INTRODUCE NEW EMPLOYEES

The first new employee Mayor Clark introduced is our new Town Manager, Tim Owens. He asked Mr. Owens to stand up. Mayor Clark said that Mr. Owens comes from Pamlico, via Shallotte, Kitty Hawk and all points in between. We are really glad to have Tim and his wife, Ellen to join us here in Carolina Beach.

Steve Harrell, Planning Director said he would like to introduce Karen Crenshaw. She is the new administrative support specialist in the Planning Department. She started about three weeks ago and she is doing a very fine job for us.

***PRESENTATION BY OFFICER CHARLES SMITH, CAROLINA BEACH
POLICE/OCEAN RESCUE DIRECTOR, CONCERNING NATIONAL BEACH
SAFETY WEEK***

Charles Smith, Police/Ocean Rescue Director, said each year as the summer begins the United States Lifesaving Association sponsors National Beach Safety Week in an effort to remind beachgoers to use caution in the aquatic environment. National Beach Safety Week begins the Monday before Memorial Day and ends seven days later on Memorial Day. Carolina Beach has been an active USLA chapter since the mid 1990's. This will be our first year as a certified beach. We have just received that national recognition and honor. In this proclamation, we are requesting public education for our beach goers to:

Never swim alone
Always swim near a lifeguard
Never drink alcohol before swimming
Respect the surf
Always learn to swim prior to swimming.

Mayor Clark made a motion to adopt Proclamation No. 06-866 (*Exhibit 1*), proclaiming National Beach Safety Week, May 22-29, 2006. **MOTION CARRIED
UNANIMOUSLY.**

Officer Smith said we have 27 filled lifeguard positions and they started training on April 15th. They have completed their USLA training and they will begin their emergency response training this coming Saturday. Our anticipation is to start on the beach on May 22nd, which is the Monday prior to our Memorial Day weekend. On May 22nd we go seven days a week from 10:00 a.m. to 5:00 p.m. for preventive life guarding and then we will have patrol lifeguards that will run from 5:00 p.m. to 7:00 p.m. They will be on motorized conveyances basically just to respond to rescues that happen between those hours. Mayor Clark thanked Officer Smith for his work.

PUBLIC DISCUSSION – (Five minute time limit per person.)

Donna Gurganus said she is the chairperson of the Pleasure Island Chamber of Commerce. She stated she would like to take a few moments to discuss who the Chamber is, what role we play in the economic life of this island, and why we should receive additional funds from the ROT to fund our summer fireworks and movie series.

The Chamber of Commerce first and foremost is not another charitable organization that comes before you with their hands extended. We are a professional organization created to serve the business community and residents of our island by promoting economic development and tourism. Through these promotions, we strive to improve the quality of life for citizens and make our community a place where others enjoy visiting. We take our mission to heart and work extensively each day to fill it. I would also like to mention

that the Chamber is currently experiencing the largest membership on record. We have a total of 309 members to date.

Ms. Gurganus shared with Council a few events that the Chamber sponsors and the financial responsibility the Chamber incurs. The Chowder Cook-Off was our first main event this year. The operating budget for that event was \$10,000. With ticket prices being \$5 per person, you see that it is a lot of tickets to sell for the Chamber to make any money. The next event to follow was the Charity Auction with an operating budget of \$10,000. This year due to the dissolving of PIMA the Chamber will host the Beach Music Festival. The operating budget for this event is \$22,000. In the summer, we host free concerts for the public. However, the cost to the chamber for these concerts is approximately \$8,000. This Fall we will once again host the Seafood Blues and Jazz Festival and our projected operating budget for this event will be \$80,000. In addition, the Chamber is looking to host a golf tournament in memory of our past chairperson, Ed Barnes, and the projected operating budget for this will be \$15,000. Total these events and also include expenses for our mail out program, salaries, insurances, and advertising and you will see the Chamber has an annual operating budget in excess of \$335,000. This is no small budget, especially when you consider we rely on donations and contributions of our membership and community.

When we come before you and request funds, we are not requesting them from the town's own earned money. We are requesting them from the ROT (Room Occupancy Tax) funds that are managed by the TDA (Tourism Development Authority). This money is collected from our hotels, motels, and rental companies based on the rental of rooms. So when the Chamber of Commerce hosts the Beach Music Festival and people drive down from Greensboro to attend and they rent a room at a local hotel, ROT money is earned. Why would the Chamber not deserve a portion of those funds back so we can improve these events to raise more money? This calendar year the ROT funds for Carolina Beach are expected to be in excess of \$300,000. We are requesting \$52,000. That is only 17% of the money collected. We ask for these funds so vehemently because we truly believe it to be an investment. If we take the \$52,000 the Town of Carolina Beach gives us from ROT funds and invest it in summer fireworks every Thursday night and summer movies every Sunday night during the summer season as well as put money towards the Seafood Blues and Jazz and the 4th of July fireworks, we know we will have more people stay in our hotels, motels, and rental companies. We know when these people spend the night here we collect more ROT money to be used for more great events. That is an investment. When you spend money appropriately, you will make money, but if we are not willing to invest the money in these events, we will not increase the earnings to be used in the future. We realize there is a need to use a portion of the ROT funds for capital improvements. For that reason, we are only requesting 17% of the funds for events. That leaves 83% or approximately \$249,000 for capital improvements. Ask yourself the question would you be more likely to visit a local beach because they have a clean public restroom or because they are hosting a phenomenal fireworks show on the beach for your entire family to enjoy. Ms. Gurganus said, we ask that as you finalize your budget for the 2006/2007 fiscal year you please realize the commitment the Chamber has made to this community and you value our involvement by granting our

request for \$52,000 to be used for summer fireworks and movie series, Seafood Blues and Jazz, and 4th of July because we truly believe if you value who we are as an organization and what we do for our community you will find the funds for such great events to move forward.

Next to speak was Duke Hagestrom. He said when we presented a similar request in the past one of the questions brought up by the Council was what is the Chamber doing to promote these particular events. I wanted to point out one of the great programs we have been working with is the Convention Visitors Bureau and the Tourism Development Authority to develop this great piece here. It has a great logo with the film and fireworks series for Carolina Beach. There is a great website that is being put into place that has a list of all the films that are going to be shown and all the fireworks dates. It has a great content "Carolina Beach is all about family fun so we are doing even more to make your time with us memorable". It goes through and talks about the film and fireworks series. It gives you two fun and free events to enjoy. Thursday nights are a free fireworks show on the beach near the boardwalk. Sunday nights free family movies at Carolina Beach Lake Park. Both events are open air and will be held weekly weather permitting beginning June 11th. There is a great little ad here. This is actually going to be running in Raleigh and Durham and a couple other markets. New at the beach beginning June 11th, Thursday nights free fireworks. Sunday nights free family movies and free admission. Come join us for a long weekend. So they are playing on the whole concept of making a long weekend out of their stay when they come down to the beach. There is even a little separate URL they set up carolinabeachweekend.com so they are kind of branding that whole concept of extending the weekend. Again just to reiterate that I think it's an awesome investment. It's good stewardship of ROT funds. I wanted to demonstrate that indeed in addition to this there's a lot of other things that we are doing from an investment standpoint to promote these particular events. Mr. Hagestrom passed the brochure around to Council.

Mayor Pro Tem Gilbert said while he is passing it around I would like to make a comment that presently the room occupancy tax funds almost in their entirety are paying for lifeguards. The former Councils have requested that money go to lifeguards. I have seen this (referring to the brochure) and it is pretty amazing. What we have to do is to figure out how to pay for the lifeguards to make those funds available because the \$249,000 basically went to lifeguards for the season. I know you understand that. Mr. Hagestrom said the Town of Carolina Beach used to fund lifeguards out of a combination of a grant from New Hanover County and the General Fund from Carolina Beach. When the room occupancy tax was instated, the Town of Carolina Beach opted to use the room occupancy tax funds to pay for those lifeguards. The part that used to come out of the General Fund just went away. So that half of the lifeguards that were funded out of the General Operating Fund, the Town has now just used the room occupancy taxes. The money that used to come out of the General Fund has shifted on to other things. All we are saying is there was a part that you used to find money in the General Fund to help pay for just a small portion of those lifeguards. We think lifeguards are a fabulous investment, but we think a small portion coming out of the General Fund to fund those lifeguards and then allowing the room occupancy tax dollars to really go towards what

that legislation was intended for to help promote this beach. It's going to grow and then it's going to be a win-win. We are going to be able to pay for lifeguards and pay for all these great events.

Twig Wiggins was the next speaker. He lives in the Monkey Junction area of Wilmington. He said that he spends about 200 days a year down here. He went on to say that he had the privilege of retiring last May and he starts his beach season in early March and doesn't quit until about Christmas time. I don't know if any of you have ever used Freeman Park area. I always have the flag flying just as you come into the entrance, the American Flag and the POW flag. I think I have a pretty good pulse of what goes on at the park being that I spend probably anywhere from a minimum of three to seven to eight hours down there, seven days a week as long as it's not thundering and lightning. I wanted to bring to your attention some of the things that I have noticed down at the beach. The high tide mark area is becoming a charcoal pit due to the campfires, people bringing wood, lumber, cans, bottles, metal scrapping, and any type of thing they can burn on the beach. It's a great deal of debris especially right near the high tide area. I can speak for about the first 100 yards of the beach as you come onto the beach. Generally speaking this is the area that I go to. I have tried to clean some of that up but there are a lot more fires than I can clean up. Often the fires are left smoldering when I get there in the morning and some are still left blazing. I didn't know if anybody was patrolling this area. It is a fire hazard I would think. Somebody pulling their car over one of these, there's a possibility of maybe even catching a car on fire, a tire on fire, or children stepping in it. Also whenever they burn this lumber or whatever debris they find, I'm starting to find a lot of nails on the beach. I noticed a lot of people with the metal detectors now are coming and trying to help out too and they are picking up bags of nails. I guess one guy had good intentions this past weekend. He tried to pick up his fire but he put it in a plastic trash can, which melted the bottom of the trash can. When he left the next day, I had the privilege to pick up [the trash can] along with one of my friends that comes down there; it took two of us to pick it up. In that trash can were glass bottles, metal scrapping and all. I didn't know if the Council or the Mayor was aware that this was going on to such a privileged area that we have down there. It's such a nice place. I would like to propose to the board that maybe they consider that we have a centralized area for camp fires and tents. The beach is also losing revenue to people walking onto the beach camping. Naturally when they walk onto the beach, where are they going to drop their stuff? At the closest place that they can possibly do it. The Town of Carolina Beach is losing revenue by people coming onto the beach, putting their tents down, and staying on the beach for free; whereas we have to pay the \$40, which is still a great bargain, and \$10 for the daily fees. If maybe there was a designated area for camping and campfires down the beach somewhere, maybe set back, maybe later on even adding grills, fire pits or something like that would enhance the Freeman Park area. Also it would be easier for the police to patrol if you had all the campers in a unified area.

Next to speak was Scott Estrich of Wilmington, who addressed the same issue Mr. Wiggins spoke about. He said he is part of a group of about 30 to 50 people who stay at the very beginning of the North End or what is now known as Freeman Park. I have been sitting in that area for approximately 16 years. I, much like Twig, feel honored to be able

to spend pretty close to seven days a week there. Some of you see me there everyday. I'm semi-retired. I live here because of that beach. I have a business here and it pumps better than 2 million dollars a year into the local economy. I do that simply because of that beach. I have been a big advocate of the fees on the beach. I continue to be. But I think that once we put the fees on the beach, I think some of the consequences are not as we intended them to be one of them being the camp fires. I have nothing against people camping on the beach. I think it is a fine thing. I think that the way it's come about probably isn't as we intended. As Twig said, you walk out there and we have smoldering fires every morning. Feet are dirty with charcoal from walking on the beach. I have no problem with people having dogs on the beach if they're in voice control like they're supposed to be. I think if people pick up their dog's poop it would work. I'm arguing with people all the time about my kids stepping in their dog's waste, not really what I envisioned when I stood up and said let's pay \$40 to go on the beach. Maybe we should have areas for camping, camp fires and areas where the dogs can go free. I really don't care where it is. I think if you all don't know what's going on at the beach you need to take a look because it is not what you envisioned. It's not right for what my family has seen. I hope you all come to take a look at it because it's not pretty.

Gina Benton said that she and husband, David, live at 711 Columbia Avenue in Carolina Beach. She continued by stating that the North End of Carolina Beach has been one of our favorite places on this island since 1983. We have utilized its natural resources in many ways and have always enjoyed its pristine beauty. With the influx of off road vehicles, the North End has seen a dramatic increase in vehicular and foot traffic. Camping also has become a favorite past time for many individuals and families. Approximately, two years ago town officials saw a need to become an overseer of this section of Carolina Beach. Part of its plan was to appoint an Ad-Hoc Committee to help establish rules and regulations pertinent to this area. Upon recommendations from this committee, the area once called the North End officially became Freeman Park. Fees, regulations, and restrictions were initiated and met with the approval from the then Town Council and Carolina Beach's Mayor. Our local police officers were called upon to enforce all the applicable laws. Now we are in year two of the Freeman Park plan.

At the end of last year, Mrs. Benson said that she approached the North End Committee with her year long observations and made recommendations for this year. Her suggestions included enforcing the rules and regulations in its entirety and supporting New Hanover County's ordinances regarding camping and camp fires. However based on a recent discussion concerning New Hanover County's new leash law, it appears to us as if New Hanover County Commissioners want no jurisdictional duties in Freeman Park. With two weeks away from the initial start of the summer, we feel it's extremely important to address this issue of camping and camp fires. Mrs. Benton recited to Council the following Freeman Park rules and regulations:

1. Litter is strictly prohibited. This applies to all types of trash, including camp fire remains. My family, friends, and I have already picked up many trash items burned in a camp fire or simply left on top of the beach.

2. No camping or fires are allowed within 25 feet of the dune of vegetation line. If you've gone up there, you see that often occurs right next to the fences and fences have often been used for firewood.
3. Fires may not be left unattended and must be extinguished with water not sand. I have already pulled trash from the sand only to find it has a smoldering fire beneath it. What if a car had backed over it or, God forbid, a child had stepped on it.

We would like to suggest for your consideration a plan that would include these concerns and address these concerns and yet allow for the enjoyment of camping by individuals and families:

1. Limit the area for camping. Establish a certain number of campsites and make them available to the public. Move this area up towards the point of the North End where port-o-potties are available and campers can enjoy all of the amenities beach camping has to offer.
2. Register your campers. A fee could also be charged for nightly camping similar to the inexpensive fee that we have here at our state park. This would add income for the town and its employees must maintain the safety and cleanliness of Freeman Park. Also by registering campers, individuals and families would have a record of usage and then they could be held accountable for their behavior and that of their guests.

June Brown should not have to go through what she went through last weekend. The North End residents should not have to close their windows to their homes to keep smoke and smoldering fires from infiltrating their homes and residents like us should not have to worry about stepping in burning fires, kicking up broken glass, or children being injured. There has got to be some liability somewhere and I hope this town is not ever going to face that question. Our question to you from David and I are you Mr. Mayor and the members of Council willing to get involved and make some changes?

Mayor Pro Tem Gilbert asked who is responsible for implementing some of these ideas or considerations, so we can get this moving ahead at least for consideration. Is that the police department? I know we have an ad-hoc committee but is there a department head that actually embraces these things and could evaluate or study it about the camp fires, about the fees, and things like that. Mayor Clark said Ms. Quattlebaum, Public Information Officer, and Mr. Ted Lashley, Director of Parks and Recreation, are our representatives on the Freeman Park Committee. I know you've looked at camping and camp fires both this year. I ask you to take it back to the committee and express these concerns. We have problems. We are adding police officers this year so we will be more around the clock. Mayor Pro Tem Gilbert said I've experienced everything they have brought to the table here in the exact same location where they are spending time. It is a problem. If the Freeman Park Committee could actually put it on their agenda for a time, I think it will be well served. Councilman Macon said this past weekend I was up there. I had to move my vehicle because of the charcoal as well as somebody was burning plastic and it had become intolerable. We had to leave.

Concerning another matter, Nancy Gunter said as of this meeting, I'm not on the Parks and Rec Advisory Committee. There are five of us and we had been given a 30 day stay. I was under the impression it would be on the agenda tonight but it's not. So as of tonight, there are five members not on the committee any longer. I was curious as to when you thought you might be making your recommendation or when you are going to let us know exactly what is going on. Councilwoman Efird said this means you don't even have a quorum if you have a meeting because you are officially off. Is that correct? Ms. Gunter responded as of this meeting yes. She said you extended it to the next meeting and this is the next meeting. Councilman Johnson said it wasn't on this agenda but that is what we said the last time to extend it to this meeting. Mayor Pro Tem Gilbert said we just got the list of the individuals who actually were beyond their terms. I saw that in my box this week. Ms. Gunter said but you've had that. I mean you might have just seen it but I know you all have seen it because you voted last time to move it over to this time. Mayor Pro Tem Gilbert said no we sent it back to the all the committees to evaluate who was over and who was not. The only official list that I saw was this week. Why don't we extend them another 30 days and then we will have the applicants. I don't know why it's not on the agenda. Councilwoman Efird said I think we should make some decisions. We've got people here willing to serve. Why do we keep doing this? Ms. Gunter said we are on other committees too besides that. I've worked on a lot of different committees. I've lived here ever since I moved to North Carolina. I've been on the committee for a long time. I enjoy serving. I love the kids. We all do; that's why we do it. I'm not under the understanding other than what is written that it could be that after you've been on for a certain amount of time you cannot be on any more. We have put ads in the paper; we've done everything to try to get people to join when we had vacancies and we never got a big response. We ran it sometimes for two months. Mayor Pro Tem Gilbert said I know we have some qualified people that want to serve on the Parks and Rec Committee and I think it's their right to join in. I don't think you should exclude yourself from that committee. You ought to be a friend of the committee or stay involved with that committee but I think we had three or four applications from people who wanted to serve on that committee. I think we are well served to get those people on. It doesn't mean you are off the committee. It's just not on the agenda right now. I don't have a list of the people who applied or I would make a motion. Councilwoman Efird commented we said at the last meeting we would make a decision this meeting. Ms. Prusa said I think what happened is that all the committees have not had an opportunity to look at that policy yet that Council wanted them to consider. I don't know if it has gone to Planning and Zoning or Board of Adjustment yet. Mr. Harrell said, our P&Z meeting is this Thursday. Ms. Prusa explained that the thought was to give all the committees, since that's what the direction was, an opportunity to look at the policy and digest it and then put it on the June agenda. That was why it was not put on the agenda this evening. Councilwoman Efird said the only thing is these people that we said get 30 days are not on there. I mean this is not fair to them to hang around wanting to do work and us not doing something about it. I think it is very unfair. Mayor Clark said let's bring it up under old business and we can extend this same committee until everybody has had time to digest it. The intent here is not to disrupt committees. It is just to give

those that maybe want to get on the committees an opportunity. We can't have a complete turnover of a committee or you lose all continuity.

Next to speak was Randy Simon. He said that he signed in for two things. I'm hoping on the Mona Black issue, Item #23, I will be allowed to speak at the appropriate time at 10:15 pm. Mayor Clark said our resident expert here says she doesn't think so. You have to speak on one issue or the other Randy according to Councilwoman Efird. Councilwoman Efird asked, what are you speaking about? Mr. Simon said he would like to give support to the Chamber of Commerce as I am a new board of director. I only signed in for the other issue Item #23 just to reinsure that I might have an opportunity to respond to whatever is going to be presented at that time. Is that an assumption I can make? Councilman Macon said you get five minutes. He can speak about whatever he wants to speak about. If you have something that is going to come up that is when you want to get up and speak about it. If you are not having a public hearing, he doesn't have the right to speak unless you give it to him. Mayor Clark said Item #23 is not a public discussion. He continued, go ahead and say what you want to say about your issues. Mr. Simon said so you are saying I won't be allowed to speak on that at all at the appropriate time. Mayor Clark replied it's not a public hearing. Councilwoman Efird said let him go ahead and speak. Mr. Simon stated well now you've got me torn because it's the issue I've been working on for over two years and four months. I was hoping at least after waiting two years and four months I could speak in some kind of response to what is going to be proposed as I am hoping it is a final agenda to that particular topic. Councilman Macon said I don't have a problem with him speaking when we get to that item. We've allowed discussion on that issue every time it has been brought up so I don't have a problem with it. Mayor Clark said okay, go ahead Randy.

Mr. Simon said with that consideration I would like to render a very short statement in reference to the Chamber of Commerce. I am a new board of director on that committee. I am in a learning stage and I have been listening as much as I can but I wanted to speak tonight to at least render my support to exactly what Ms. Donna Gurganus stated earlier. The board of directors in our last meeting had a great concern about whether or not we have the full support of the Town Council of Carolina Beach. We are very concerned in that we know we need funds to work. As mentioned earlier, we know we have 309 paid members referring to businesses on Pleasure Island. Taking into consideration 309 businesses that are very concerned with the output that we bring forth through the Chamber of Commerce, we must think about the employees and the families that are directly brought into the picture as to how we succeed. Now again I'm learning but I do know that our island's major product is tourism and we must have activities and we must support our local businesses and their families and their employees and that takes money. We strive in our volunteer status as serving on the Chamber of Commerce to bring activities such as the movies for the children, the Chowder Cook-Off, and the Carolina Beach Music Festival coming up on June 3rd. We try to progress each year to make them bigger and better which support our entire island and all the families on the island. Again tourism is a must. We must have activities to support the businesses such as hotels, to nic-nac shops, to hair styling shops; you can't name a business that is not affected by tourism I don't believe. So again the Chamber has a concern about do we have the full

support and we wanted to bring all these items up as best we could. We know the budget is coming up next week and how important it is to us to act in our demeanor in supporting all these businesses. We support even businesses that are not joining the chamber officially as far as paying dues because we know how important it is to keep our island active. We are in competition with other beaches obviously, and we want to make Pleasure Island the best tourism spot in the state of North Carolina and beyond. So again you are hearing it from a new board of director member and I'm just hoping the Town Council will render some kind of support. We just had our charity auction, A Touch of Class, held at the Marriott. We had 180 people but I was disappointed to see not one, and correct me if I'm wrong, representative from Town Council at that particular function, which was so important to the Chamber of Commerce, to the island, and to the benefit of giving money to a cause such as we did in that endeavor. We have concerns about the full support and that was just one issue. The other of course is the money that we really need to operate. We don't like to operate in the red. These activities are very costly. Bad weather can hamper them dramatically as you can imagine. Please render all the support you possibly can to a very worthy organization that has a broad scope of encompassing a lot of people, a lot of businesses that depend on their livelihood.

Councilwoman Efirm said in response to Mr. Simon that just because we don't attend all the functions doesn't mean we don't support the Chamber. I have been here 27 years from the time it started with the hotel/motel association which we started. We have supported every effort to bring tourism here. I have been in that kind of business since I've been here and believe me we do support the Chamber. Mr. Simon said I am doing a lot of listening and I see a fear and I want to know what we could do to remedy it as quickly as we can because that is why we are here speaking tonight. Otherwise we wouldn't find the importance of coming before you.

Councilman Macon said, I support the Chamber 100% and actually I was one of the folks who voted against when the town sold the building that the Chamber used to be in. I was out of town Friday so I could not attend. I was personally invited but I could not be there.

Lynne Denne a Carolina Beach resident was the next to speak. Mrs. Denne said that she knows that evil can only prevail when good people turn a blind eye and I was taught to speak up for what you believe in order to be a part of a solution. If you are not willing to speak up, you can't help be a part of a solution.

I first want to state that I think the Chamber of Commerce does wondrous things for our community and I applaud their efforts to enrich our lives and promote our island. I also want you to know that I am not against the project I am getting ready to speak about in this e-mail. If I were a voting person, I would vote to approve it. I am, however, quite concerned that an e-mail went out from the Chamber of Commerce that requested people to come to a Planning and Zoning meeting in support of one member of the Chamber. It's a political statement. I don't feel that as a Chamber of Commerce they should single out any one business and request for people to come in support of their project. I think that was wrong. I would not have had a problem had they sent out an e-mail and

requested that everyone attend the Planning and Zoning meeting because there were issues that were important. But their exact e-mail is the Carolina Beach Planning and Zoning Commission will be meeting to discuss Arcadius request for a Conditional Use Permit for the existing Harbor Master Site. If you are a business member in support of this project, Arcadius would like you to come to the Planning and Zoning meeting and it gives the time and date. Mrs. Denne said that she feels that was inappropriate. They received quite a bit of e-mail and conversation back and I also know the Mayor's office also received some calls about that. There was a reply from another member of the Chamber who has a person in the employ of this business who serves on our Planning and Zoning Board as a commissioner. Because of her e-mail and because of their response and the businesses remarks that they were against this, she is now coming under fire and is being questioned as to her fairness in serving on the Planning and Zoning Board. I think irreparable damage has been done to her reputation. I think that's a real shame. The main reason I'm here tonight is I just want to say our Planning and Zoning Commissioners, and two of them are sitting here tonight, work very, very hard. They are not paid. They give infinite amounts of their time, energy, and their talent to make our town a better place and developing is a huge aspect of what is going on in our island. If you had to pay them, you couldn't pay them for what they do. I personally wanted to thank them for serving. I wanted to especially thank the person who has been coming under attack right now and thank them for their time and service. I think they are to be commended. I am sorry this has happened. I hope in the future nothing like this will happen again. I think our Chamber, although they do wonderful things, needs to stay out of politics and this should never happen again. I think it's a problem in that the Chamber forwarded this e-mail to Arcadius and made the complaints known. I think that was wrong. I don't think they should have taken a stance. I'm sorry for this short sightedness and I hope this won't ever happen again. I think we are all better than that. I think we are all working for the common good of the town. I want to commend the Chamber but I also want to commend the Parks and Rec Committee and I want to thank them for serving so diligently on our behalf.

The last person to speak was Tammy Hanson of 714 Tarboro Avenue. She said I had not planned on coming to speak tonight. I felt compelled to come to speak tonight. I'd like to start by saying I am not as selfless as the people sitting on this Council or the people sitting on any committee of this town from Parks and Rec to Planning and Zoning because I am not willing to sit and be criticized for giving my time for free. I realize the Chamber has a really big project in this town because forefathers have not thought to pursue commercial businesses to entertain the residents and the tourists when they come in the summertime. That responsibility has fallen on the Chamber. I'm a member of the Chamber. I think the things they have done are wonderful. I love the fireworks and the summer movies. These are all things these people are doing on a shoestring budget. They're great ideas. The feedback I hear from the community and the tourists is wow, this is really cool. But what we have to realize is we've put a lot of burden on our chamber where other beaches have private businesses to provide these services. I'm kind of stuck in the middle. I own a business on the beach. I'm a member of the Chamber. I didn't send an e-mail in response to that e-mail the Chamber sent out. I had serious issues with it. I personally did not join the Chamber expecting to them to promote my

business or go to bat with me for Council on anything. When I got that e-mail, I was very taken aback by it. I was late paying my dues this month and I called and I said look I'm a realtor, real estate is slow right now. I'm not going to be able to pay my dues for about a month. There was no problem; we'll work with you. The next week I got that e-mail and it has made me step back and think do I want to be a member of this Chamber or do I want to take my money and join the Wilmington Chamber. Some kind of unity has to be found on this beach. This Council sitting up here has such little control over what happens this season as does the Chamber. There is only so much money. I'm taught that if you sit down and talk there is somewhere to meet in the middle. As a town, we can tear ourselves apart. The Chamber can fight against the Council and the residents can fight against each other. I personally think it's really sad. I really don't intend to participate in it for much longer if people in this town don't learn to communicate, compromise, and work for the good of the residents in this beach.

CONSENT AGENDA

Approval of the Minutes

Regular Meeting April 11, 2006

Consider request for the following budget amendments and transfer:

Transfer-Executive Department

The Executive Department is requesting a transfer from account 104200.53-Dues and Subscriptions into account 104200.14-Travel & Training in the amount of \$1000. These monies are to cover costs related to the Interim Town Manager.

Transfer-Police Department

The Police Department is requesting two transfers. The transfers are needed to cover costs within the department through 6/30/06. The first request is to transfer \$5000 from account 105100.45-Contract Services into account 105100.03-Overtime, the second request is to transfer \$2000 from account 105100.45-Contract Services into account 105100.33-Supplies.

Transfer-Fire Department

Two transfers are needed within the Fire Department to cover the costs related to overtime and holiday pay through 6/30/06. \$948.99 will be transferred from account 105300.14-Travel & Training and will be placed into account 105300.03-Overtime. \$600 will be transferred from account 105300.53-Dues and Subscriptions and will be placed into account 105300.01-Holiday Pay.

Transfer-Marina Department

There is a shortfall in the Marina Department's liability and workman's compensation insurance account in the amount of \$500; therefore, a transfer will be made from account 255500.13-Electric Account into account 255500.51-Liability and Workman's Compensation Insurance.

Amendment-Parks & Recreation Department

The Recreation Department is in need of replacing a piece of damaged equipment as part of the maintenance of the trail and park systems. The equipment is a John Deere Gator. The gator which they currently have has been deemed to be unserviceable by the Fleet Maintenance Department; therefore they would like to purchase a new John Deere Gator. The monies will come from monies available in the Contract Services account 106200.45 in the amount of \$8335. If approved by Council the monies will be appropriated into account 106200.75-Capital Projects less than \$10,000.

Transfer-WWT Department

Monies are needed in the Wastewater Treatment Department for Chemicals and Lab Fees. The Operations Director is asking that \$845 be transferred from account 308100.03-Overtime and \$2755 be transferred from account 308100.78-Permit Fees into account 308100.32 Chemicals and Lab Fees. These monies are needed to cover costs through 6/30/06.

Amendment and Resignation of Funds-Stormwater Department

Earlier this year a pump was stolen from the Stormwater Department our insurance company reimbursed the Town in the amount of \$955. We therefore need to appropriate these monies into the expenditure account 309000.75-Capital Projects less than \$10,000 and into revenue account 303860.00 in order to purchase another pump. Along with these monies the Stormwater Department is asking that monies available in other designations within the .75 account be used to purchase an additional pump. The request is for \$485 from the Blue Dye listing, \$650 from the Fountain Listing and \$600 from the Boat Trailer Listing be used to purchase the additional pump. In this situation, no money will be transferred, it will be redesignated.

Amendment-Water Department

In March of 2006, Mr. Ron Jessup who owns property on Clam Shell Lane paid the Town \$54,141 for water and sewer improvements for this property. We need to appropriate these monies within our budget. Therefore, the amendment will be to increase revenue line item 303720.00-Water Taps and increase expenditure line item 308120.20-Water Maintenance to Mains.

Transfer-Planning Department

The Planning Department is asking that \$1000 be transferred from their salary account 104910.02 and be placed into their overtime account 104910.03 due to overages in overtime costs. The department is also asking that \$500 be transferred from account 104910.45-Contract Services into account 104910.53-Dues and Subscriptions for monthly computer program, dues and memberships.

Transfer Legislative and Clerk

In the current budget year there were not enough monies appropriated to cover the legislative salary costs for the entire year; therefore, a budget amendment is needed to cover these costs. \$12,670 is needed in account 104100.02, the funds will be transferred as follows: \$3000 from account 104100.06-Group Insurance, \$2070 from account 104100.52-Special Events and \$7600 from account 104100.10-Legal Fees. Additional monies are also needed in the Clerk's advertising account 104300.12 in the amount of \$2616.42, these monies are being transferred from the following accounts, 104100.52-Special Events in the amount of \$1566.42, \$350 from account 104200.43-Executive Dues and Subscriptions, \$350 from account 104500.75-Human Resources Capital Projects < \$10,000 and \$350 from account 106200.55-Parks and Recreation Athletic Programs.

Election expenses were more than anticipated resulting in a need of an additional appropriation of \$1736.55 into account 104100.45, these monies are coming from account number 104100.16-Maintenance and Repair of Equipment in the amount of \$500 and from account number 104300.45-Clerk Contract Services in the amount of \$1236.55. There was a shortfall in the municipal complex loan account number 104100.86 in the amount of \$.47 a transfer in this amount will come from account 104100.14-Legislative Travel and Training.

The Legislative supply account number 104100.33 is also short in the amount of \$8 these monies will be transferred from account 104100.57-Legislative Miscellaneous. The Clerk's account for supplies 104300.33 needs \$80 and this money will come from a transfer from account 104300.14-Travel and Training.

Amendment-Legislative and Clerk

The law suit was settled with Coastal Plains Utilities in the amount of \$35,000. These monies were not anticipated in the current years' budget. When the check was paid, the monies were allocated from the Legal Salaries line item 104100.10. We need to make an appropriation from undesignated fund balance account 103990.00 in the amount of \$35,000 into account 104100.10.

The costs for advertising in the current year have been heavy. Additional monies are needed in this account to cover anticipated costs through 6/30/06. Therefore the Town Clerk is asking that \$5000 be appropriated from the unappropriated fund balance account 103990.00 and be placed into account 104300.12-Printing and Publishing.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider a conditional use permit for a planned unit development, Marina East, located at 400A and 402 N. Lake Park Blvd.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for 3 unit planned unit development located at 613 Carolina Beach Avenue N.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to Article 3 Zoning District Regulations, 3.8-1 Table of Permissible Uses for Uses Allowed in General Zoning District Neighborhood Business (NB)

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to the zoning map in the highway business district (HB) along South Lake Park Blvd. to Neighborhood Business (NB).

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to Planned Unit Development Regulations and Article 3 Zoning District Regulations, 3.8-1 Table of Permissible Uses.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to Chapter 9 Motor Vehicles & Traffic, Article VI Schedule C – Public Parking, Concerning “No Parking” on N. Lake Park Blvd, west side from Raleigh Ave intersection south the to BB&T Bank Drive-Thru exit.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider adopting a resolution of intent to close Burriss Drive.

Set a public hearing date for June 13, 2006 at 7:30 p.m. or soon thereafter to consider an amendment to Chapter 2 Administration Article II Mayor and Council, Section 2.17 Meetings, Time and Place to change the Town Council’s regularly scheduled meeting time from 7:30 p.m. to 6:30 p.m. and to consider setting a policy that public hearings will start no sooner than 7:30 p.m.

Councilwoman Efird made a motion to approve the consent agenda. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER AMENDMENTS RELATING TO TOWNHOUSES: APPENDIX A ZONING, ARTICLE 3 ZONING DISTRICT REGULATIONS; ARTICLE 8 LANDSCAPING AND DEVELOPMENT STANDARDS; ARTICLE 17 SITE PLAN REQUIREMENTS AND APPROVALS AND ARTICLE 23 DEFINITIONS TO ADDRESS “TWO FAMILY” DEVELOPMENTS

Mr. Ed Parvin, Senior Planner, presented this item. He stated this is a zoning text amendment to allow townhouse development on duplex buildable lots. The amendment includes: Article 3 Zoning District Regulations, Article 7 Off-street Parking and Loading Requirements, Article 8 Landscaping and Development Specification Standards, Article 17 Site Plan Requirements and Approvals, and Article 23 Definitions to address “two family” developments. The applicant is the Town of Carolina Beach planning staff. It has been something we have been reviewing for about a year now with our Planning and Zoning Board.

Mr. Parvin explained that in townhouse developments each unit owns the ground under it but not the common area. This proposal would allow for two unit townhouses to be permitted on any lot currently allowing duplex development at Carolina Beach.

The insurance policy on a condominium has to be written as commercial vs. townhouses being written as single residence. As a result new homeowners will save money in a townhouse due to the premium and deductible being lower than on a condominium. Basically there is some difference in how you build a condominium unit or a duplex unit than a townhouse unit. It’s a little more stringent building code requirement.

The first change would be changing the definition of townhouse. It will now read a single-family dwelling containing at least two but not more than 6 housing units where the land is subdivided for individual units under the principal structure. The unit is separated on one or both sides from a similar unit or units by a party wall or walls. No unit shall be connected on more than two (2) sides by common walls. Text changes are to strike through the duplex language and replace it with two-family to make it consistent so now it’s allowed to do a duplex and you can also build as a townhouse. The difference being when they submit a homeowner’s association for a condominium plat as we do now they can also have the option to submit a plat for a townhouse which essentially they will own the ground underneath the structure.

Mayor Pro Tem Gilbert asked if existing duplexes will be allowed to change to be considered townhouses to alleviate their commercial status to lessen their insurance? Mr. Parvin said one of the differences is the separation wall in between structures. Whereas a lot of existing duplexes have a one hour separation wall a townhouse would have to have a two hour separation wall. That is one change I am aware of in the building code. There are other requirements in the building code that they would have to meet. They would have to meet the building code and they would have to submit a new plat to us and make whatever changes they would need to make in their homeowners association policy. We would sign off on the new plat showing the footprint of the building with each side

delineated so instead of owning paint-to-paint you actually own the footprint of your building as well.

Councilman Macon said I think the reason for the problem is in the past the ordinance said that you couldn't subdivide a lot and make it nonconforming. That is one of the reasons they didn't allow the townhouse because you are basically making a nonconforming situation. Mr. Parvin stated that was a big concern and there was a lot of thought into how we were wording the townhouse definition. You won't be able to subdivide the lot. You will have to have the subdivision underneath the building. You won't actually create a nonconforming situation. You will only have underneath that structure so if the structure is removed you won't have two nonconforming lots.

Councilman Johnson said under Ordinance No. 06-634, the two family dwelling duplex has to stay there correct because of our existing duplexes but all the references will be deleted. Mr. Parvin said right. Essentially now we replace duplexes with two-family so you can build either as a duplex or as a townhouse on current duplex buildable lots. Councilman Johnson said I guess my question is since you are changing that do you need that definition still in there? Mr. Harrell asked, are you talking about what is in parenthesis in the table? Councilman Johnson said that is right. He asked, does that need to stay there to define the existing duplexes or a duplex since you are deleting it everywhere else and going with a two-family unit? Mr. Parvin said essentially the same definition would apply for a two-family dwelling and duplex, the difference being with the townhouse having a different definition.

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

Ann Bowman, owner of Coastwalk Real Estate said she serves as an expert witness in real estates cases. She said that one of the issues that she would like to bring up is the difference in definition that we teach real estate licensees per North Carolina law. A duplex is a unit that is above another unit. In other words, one of the units does not touch the ground and a townhouse must touch the ground because they own the ground underneath their unit. There is about four or five issues I would like to bring up.

Ms. Bowman said that her firm specializes in homeowner association management, and in order to reduce fees to a lot of these town homes that have been built, she is trying to help them out. Getting insurance is a very, very expensive idea for a condominium. It must be a commercial policy and commercial rates are currently not regulated by the North Carolina insurance commission. They get whatever they want. These people are paying \$7,000-\$8,000 a year for two units because we do not allow the land to be subdivided and owned equally. It means one owner, even though they live there full time, cannot take the responsibility for cutting the grass because you have to hire a landscaper per your definition of laws. I am serious. Condominium Act, Chapter 47(c) is what they are going under currently. I can only tell you that I am still questioning how we are selling half of a duplex versus a town home. A town home they own from the ground up through the roof and they each get their own insurance. However, in a

condominium you have to have common area insurance with each owner only having contents insurance. I understand a condominium and I understand a town home. What I don't understand is half of a duplex being sold with the no condominium documents in place. When I say I am serving as a consultant, I am only charging \$50 or \$75 a month to handle their affairs as if they were a full fledged condominium such as A Place at the Beach where I have 24 units or Beach Harbor where there is 27 units. They are under exactly the same rules and regulations. Building anything in their own half of the backyard would mean that they would have to pay for it jointly. One wants a pool and the other one doesn't. Currently Kure Beach has already permitted the subdivision of the lots and does not have this problem and it's working out extremely well. However, it's time for Carolina Beach to recognize that we really do need this definition change in our ordinance. I am up here to speak on behalf of it. Believe me it will really cut a lot of my time on the telephone trying to help out people especially with our industry having people who move in, they live there full time for about three to six months and they flip the property and they sell out so neither of the owners are there full time. Everything we have done up to that point has allowed the full time owner to take care of the landscaping.

Tammy Hanson said she would like to reinforce what Ms. Bowman just said. I am a realtor also. When we go to realtors meetings at the Wilmington Association of Realtors, I can't even count the times that I have had to sit in these meetings and listen to people point out that Carolina Beach has duplexes and you can't legally sell half a duplex and do you agents realize you cannot list and sell half a duplex. The problem is definitely in how these properties are being deeded. I don't know why we are being singled out like we are but this is something I have heard come up downtown at three different meetings in the past four months. There are even realtors that sit in there and argue that my client owns this half of this duplex. We are setting people up to get in problems down the road with their insurance and with their resells. I think the only way to correct this is for the Council to take some kind of action in adjusting these definitions and not allowing this to continue happening.

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

Mayor Clark said it sounds like this ordinance is way overdue. Mayor Pro Tem Gilbert asked, does it fix the problem that she just spoke to? If you can't legally call it a townhouse is it still a duplex because of the fire rating on the wall. How do these people get out of the commercial end of it? Mr. Parvin answered they would have to change their homeowners association policy and meet the building code before they could get a new plat signed to transfer over to a townhouse. Mayor Pro Tem Gilbert asked, is it your department that's doing the platting or is it the county that's doing the platting? When you say you can't subdivide the lot, you are not subdividing the lot you are taking a building and functionally splitting it in two but you are not actually splitting the lot. Mr. Parvin said right now we sign a condominium plat which we review and basically it defines common area. For a townhouse, it will be a similar document and it will have the property lines on the boundaries of the property and it will also have the property lines under the footprints of the building. We will sign that and then it will go to the county to

be recorded. Mayor Pro Tem Gilbert said we will still have a tremendous inventory of duplexes that don't meet the spirit of this and the people buying those duplexes which are on the market now are basically bringing in a commercial building so it is not going to help them. Mr. Parvin said, we will still have a lot of existing duplexes.

Councilman Johnson asked, what would they have to do to meet the town home definition? Mr. Parvin said we would require them to meet the current building code for a town home. Councilman Johnson asked, what would they have to do that they are not doing right now? Mr. Parvin said there are requirements for a two hour separation wall for a townhouse versus a condo that has a one hour separation wall. Mayor Pro Tem Gilbert said Dan Wilcox might have some input on this.

Mayor Clark made a motion to reopen the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Mr. Dan Wilcox, 614 Monroe Avenue, said there are a couple of issues. What Ms. Bowman addressed as far as the duplexes is correct, but the definition of a duplex is a two unit building that has single ownership. In our town, you can build a duplex. If I want to go out and build a duplex and I own the whole building it is called a duplex. When I want to sell one of those units, I then have to have it platted as a condominium. I have to go down to the town here and to New Hanover County and have it recorded as a condominium plat. It is no longer a duplex once you have multiple ownership. It becomes a condominium which is what puts it into the commercial status. There are a number of issues that need to be addressed regarding the building code. One is the fire separation which is a two hour fire separation for a town home and a one hour fire separation for a duplex. It would be very difficult, if not impossible, in a lot of the duplexes to upgrade that fire separation.

A bigger problem is that the building code doesn't allow services in a town home to run through the other town home. For instance in a town home, you have your electrical meter, your HVC and all your other electrical wiring existing on that side of the town home. The utilities on the other side of the building have to exist in that building. In most condominiums electrical and plumbing run through the other units. You have a common area where your HVC is and all your connections. Your electrical areas all run over there. Those are the two biggest issues with regard to the old duplexes.

You will still have duplexes. Under the new ordinance you will still have the ability to build a duplex. I don't think we want to take away the ability to build a duplex in concept. It's like saying one of you would like to go out and build one, live on one side and rent the other, that's a duplex. We are simply suggesting that's not going to be called a duplex anymore; it's going to be called a two-family dwelling. It's a noncommercial two-family dwelling. It is similar to a town home except you will have better insurance rates on the town home and you would own the land that you sit on. It also doesn't stop you from going out and building an over/under duplex and deciding that you want to either keep it a duplex or you want to sell part of it and make it a condominium and then pay the higher insurance rates.

Mayor Pro Tem Gilbert said I think there is an impression out there that this language is going to give people the opportunity to alleviate them from commercial insurance and I want to make sure it's clear that's not what is happening here. I have heard it on the street you will fix this language and the commercial rates will go away. Mr. Wilcox said I am not an expert in that end of it but I don't see that happening. I think there are too many obstacles. It will certainly help resolve the problem from this point forward. Theoretically it is a safer construction if you have a two hour fire separation and it separates utilities.

Councilman Johnson asked, out of curiosity since this building has been going on since 2004 if not earlier, why has nobody spoken about it before? Mr. Wilcox said to my knowledge it has not been the builders it has been the town's position that they didn't want to subdivide a 50 foot lot to allow the traditional construction of a town home. The town home on the right side would own the property on the right side and the town home on the left side would own the property on the left side. In order to do that, you have to subdivide it. After a lot of consideration, I believe staff came up with a pretty unique way to solve the problem. It still creates some common areas, which is the general site around the footprint of the building but you would be allowed to own the property you sit on. If anything happens to that structure, you don't end up with two nonconforming lots. Mr. Wilcox concluded, it is my understanding that the builders have wanted to build town homes in Carolina Beach for years.

Councilman Johnson asked, if a dwelling is destroyed by a hurricane or fire and one half owner says I don't want to rebuild and now you platted it 25 foot wide, don't you have a nonconforming lot now? Mr. Wilcox said you are not platting a lot. The lot is still a 50 foot lot. Mr. Harrell agreed it is not platting a lot. It still is a 50 foot lot. Underneath the building is what is owned by the property owner.

Ms. Bowman said she would like to address one more issue that is a problem. In town homes if one side decides they want to go with Allied Pest Control for the termite bond and the other side decides to go with Bug In-A-Rug neither of the two termite bonds that they are all forced to pay for will honor that because they have to have the entire building. I have one building where the two owners could not agree so badly that I had to turn them away. It's because one of them has a cousin in Raleigh who is an exterminator and they wanted to come down here. There are all kinds of problems that go on when there are just two families. Like who is going to be president and who is going to be treasurer. You have to have a board of director's liability policy and yet the only person who could possibly sue you would be your neighbor next door because they are on the board. Also the only way they could sue you would be to sue yourself. I mean to tell you it's bad. We need to separate these townhouses out of the condominium law.

Ms. Hanson said this goes way back to the 80's. There are duplexes on this beach that were built in the 80's and started as duplexes. At one point, I owned one of them. It's true what Ms. Bowman said, you do have to have the whole building bonded by one termite company. Otherwise when someone goes to sell their half, the mortgage

company requires a termite inspection and nobody is willing to guarantee the whole building because Allied has this half of the building and Bug-In-A-Rug has this half of the building. Nobody is going to guarantee the other person's work and then all of a sudden you can't get a mortgage on the property. I was lucky. We used the same company and everything was fine. Had that not been the case, I would have had a heck of a time selling my half. That particular duplex was built back in the 80's. This isn't something that just started happening in 2004. I don't know why it is suddenly such a big issue other than mortgage companies and insurance companies are getting very picky and very sticky about what they will and won't do. They go strictly by those definitions.

Mayor Pro Tem Gilbert said I think it came to a head this past year because of Katrina. When the underwriters started basically underwriting these policies and were charging the commercial rates people started closing and figuring that out. That is what was brought to my attention.

Councilwoman Efirm made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Mayor Pro Tem Gilbert made a motion to adopt Ordinance No. 06-634 (*Exhibit 2*). **MOTION CARRIED UNANIMOUSLY.**

***REQUEST FOR A MODIFICATION OF A CONDITIONAL USE PERMIT
LOCATED AT 15 CAROLINA BEACH AVENUE NORTH***

Jeremy Hardison, Zoning Administrator, was sworn in before his presentation. Mr. Hardison said we are having some technical difficulties for our visuals and if I may approach I have a picture of the existing site. This is a request for a conditional use permit modification. The original request was to redevelop approximately 6,300 square foot structure to an arcade and restaurant on the ground floor with storage on the second floor. The modification includes a 7 X 7 enclosed walk in cooler located in the rear of the property. Also around the cooler, the applicant would like to build an 11 X 17 concrete built structure that encompasses the cooler.

The applicant was approved for the conditional use permit for the restaurant and arcade in August of 2005. The applicant's cooler will be a one story structure. The parcel is located within the 100-year floodplain and the structure will have to be required to be elevated or flood proofed. The property is also located within a CAMA Area of Environmental Concern.

Councilman Johnson asked Mr. Hardison if we contacted all of the adjacent property owners about signing the waiver. Mr. Hardison answered yes, we did. Mr. Harrell said there are four adjacent property owners, counting the town, and we contacted all three. Two have agreed to sign the waiver. The third did not object to the hearing and had to get with the property owner. The real estate manager I spoke with did not object. We

would recommend as a condition for granting this modification that the waivers be signed because of the notice not going out on the ten days.

Mr. Hardison continued by stating that the current structure of the building is 21 feet in height. There are no setbacks or lot coverage requirements in the CBD. Mr. Hardison said that before you are the required findings in our Zoning Ordinance for specific standards and general conditions, the Technical Review Committee comments, and the staff recommendations. I will note for the rendering that was before you, it has changed from what TRC and Planning and Zoning heard. Before the cooler was in the rear of the property in between the two doors and the applicant requested, before it went to you, if he could change it to the north corner of the building to encompass the back door of the Black Horn Restaurant. Also, he would like to fence in the rear of the property as you see in the rendering the applicant provided you. Councilman Johnson said in this rendering, the yellow portion is that an exit door? Mr. Hardison said that is correct. Councilman Johnson asked if that is existing, and Mr. Hardison replied that is an existing to the arcade. Councilman Johnson said we had an existing one off of the restaurant and Mr. Hardison said correct. Councilman Johnson said but you are closing that off now and moving the cooler there. Is that a fire problem? Mr. Hardison stated his was not at TRC and the fire marshal has not reviewed this. Before the building permit stage, he would sign off on this. This is also a primary fire district.

Mayor Pro Tem Gilbert said this is the rear exit to the kitchen area of the restaurant. Mr. Hardison replied correct. Mayor Pro Tem Gilbert asked if the cooler will have an exit door and Mr. Hardison's response was yes.

Mayor Clark said the changes have not gone through TRC or Planning and Zoning. Mr. Harrell said he has requested those since that time. Basically, he is sliding the cooler over from where it was presented to P&Z. Mr. Hardison said from the center of the building to the north corner. Mayor Pro Tem Gilbert asked, would it have been in between the doors? Mr. Hardison said it was his understanding it was between the doors. Mr. Harrell said I think his intent is to enclose the door. When you come out the back door of the kitchen, there will be a door to the freezer on the right hand side and the door on the left hand side is where you step out into the ally. There is no blocking of the door to the ally. When you step out the back, you turn left to go down the stairs. If you turn right, there is the door to the freezer. Mayor Pro Tem Gilbert said when comparing one drawing to the other, he has just flipped it around so there really isn't any changes. Mr. Hardison said you have a rendering of what Planning and Zoning saw.

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

Brett Keeler, 303 Hamlet, representing the Black Horn Bar and Kitchen was sworn in. He stated the walk-in cooler will be an enclosed building that encompasses the current exit door. That exit door will be taken off. There will be a door into the cooler on the right hand side when you come over the back of the kitchen and the exit door to the fire on the left hand, for a fire egress and also for loading space. The other change was just to

encompass the back loading dock because we've lost parking spaces. It's not really useable space so that will be fenced in for security reasons and aesthetic reasons to have it in similar color. As you see in the renderings, it doesn't look very pleasing with the cement loading spaces. Those will have to abide by the noncombustible fencing and be less than six feet high. The gated way into the fencing area, the egresses will be pulled back so when the person comes out and opens up the fence they will be able to step out and look both ways before entering traffic. Councilman Johnson asked if the gates will swing inwards. Mr. Keeler said it would have to swing outwards. When it is setback regressed from the street the gate will push out for fire. Mayor Pro Tem Gilbert said it will swing out into the road. Mr. Keeler said no that is why we are regressing where the swinging gate is going to be.

Brian Roberts, Fire Chief, was sworn in. Chief Roberts said that although he doesn't have a good set of plans to look at, he doesn't have a problem with it but he would prefer the exit door not be enclosed in a gate that may or may not be locked. It has to be open at all times, which becomes an enforcement issue for us. Too many times gates get locked and I'm sure I will require him to put some kind of panic hardware on that gate. I know he is not going to want people entering the back of his cooler or going into the back of his restaurant. At the same time in the event of a fire, they can properly exit. As long as he is willing to provide panic hardware per code, I think we can work something out.

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

Mayor Clark said instead of voting yes or no maybe we should table it and send it back to TRC for review. We have some issues that need to be worked out.

Councilman Macon said he is not for tabling items that come before us. I don't think it is really an issue. I had the same question that Mayor Pro Tem Gilbert did as far as the exit but it was explained to me and I don't have a problem with it. Mayor Pro Tem Gilbert said why don't we vote on the amendment to the conditional use permit with an additional stipulation that it meet the TRC's review. Councilman Macon said the key is he can't get a building permit unless he can meet all the codes, which is what the TRC is going to be concerned about. The TRC is staff and the fire chief. Just because we issue a conditional use permit doesn't mean the building inspector has to write the permit. He can't write a permit in violation of a code.

Mayor Pro Tem Gilbert made a motion to approve the change to the conditional use permit subject to required findings 1-7, general conditions 1-4, staff recommendations 1-5 with general condition of fire marshal's review with TRC with items 1-4, following the conditions 1, 2 and 3 also adding a condition that the adjacent property owners agree to the changes and also the TRC with respect to fire egress those conditions be approved through TRC.

Mr. Owens felt there was some additional information. The staff did present a memo to Council recommending some changes and that was based on the TRC review. He asked

him to consider making that part of his motion. Mr. Clyburn said there is one point of clarity it's not that the adjacent property owner approve of the changes; it's the adjacent property owners waive any further notice then has already been provided. It's a notice issue not that they consent to these changes.

Mayor Pro Tem Gilbert amended his motion to include that the adjacent property owners waive any further notice and also the recommendations from the TRC as provided by the staff memo. **MOTION CARRIED UNANIMOUSLY.**

The approved conditions as listed in staff memo are as follows:

Required Findings. Specific standards. Applicant must make provisions for:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
- (4) Utilities, with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimensions, and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

TRC Comments from March 27, 2006

Produce a rendering of enclosure. List building materials

Building materials: plywood

Rendering: attached

Staff Recommendations:

1. Must meet the Carolina Beach flood damage prevention ordinance.
2. All permits and approval letters required by all Federal, State, and Local Agencies must be submitted prior to Certificate of Occupancy..
3. Certification shall be provided that all improvements, including but not limited to paving, drainage, stormwater, landscaping shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
4. Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire.
5. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.

Councilman Macon made a motion to take a ten minute recess. **MOTION CARRIED UNANIMOUSLY.**

REQUEST TO AMEND ARTICLE 7.1(D) Off-Street Parking Space Schedule Notes (1)

The Town Planner, Ed Parvin, presented this item. This is an amendment of Article 7.1 (d) Off-street parking standards, Notes (1) of the Zoning Ordinance.

The Problem:

The applicant believes Texas Avenue is a unique situation where granting access off of Texas vs. Lake Park Blvd. would not have a negative impact on public access.

Issues behind the problem:

Currently our ordinance requires lots with frontage on a dominant street, being Lake Park Blvd., and a street end, being Texas Avenue, to access on the dominant street.

Requested Course of Action:

The applicant is requesting a modification to Article 7 (Note 1) that will allow staff to evaluate unique circumstances that may warrant allowances of access off streets terminating on ocean and sound front areas. "Note 1" exists to protect and maintain ocean and sound front right-of-way area as dedicated space for public access. If this discretion is allowed staff recommends each case be reviewed by the Technical Review Committee to determine how public access will be impacted before allowing additional driveway cuts in these areas.

Consistency with the Land Use Plan proposal is in general conformity with the town Land Use Plan and policies specifically 8.3.11 Public Beach and Waterfront Access. The TRC reviewed this proposal and it was sent to Planning and Zoning. Planning and Zoning recommended staff create evaluation criteria for the Technical Review Committee to base approval or denial of these access requests.

The TRC heard this for a second time at its April 24, 2006 meeting and added the following criteria if this is to be allowed:

1. Enhance access by defining additional public parking;
2. Increase public safety by allowing access on the terminating street;
3. Include improvements to public access to the ocean and/or sound front areas.

On the first page of your memo, you will see the language that was added in.

The initial language remains. It gives the purpose of this note to preserve the public access areas and then it gives discretion to the Technical Review Committee based on the three criteria I just read.

Mayor Pro Tem Gilbert asked how much public parking is at this access. Mr. Parvin said at this time it is not paved and there is no marked public parking. One of the conditions from TRC is that it would be paved by the applicant and as much public parking as can be provided will be provided. After a plan for paving is submitted to Operations, we can evaluate how much parking we can get on that piece. Mayor Pro Tem Gilbert said the former buildings that were there did they use Texas Avenue to go in and out. Mr. Parvin replied they did and there is actually an easement on that north side. We would require the driveway for future development that the applicant is proposing would combine with that easement. There is a 10 foot easement so his driveway would connect with that easement to limit the cuts. Mayor Pro Tem Gilbert said the amount of parking potential for this site, would it be similar to the end of Ocean Blvd and the end of Alabama where those roads terminate into parking lots. Mr. Parvin answered probably not as much. The south side already has driveway cuts. I believe three driveways cuts on the south side. Actually how much parking you can get in there will be limited. There is some potential for some marked spaces to be put in there if it's paved. Mr. Harrell said the way it is right now, Mr. Gilbert, it is haphazard. There are no marked spaces. We feel like we can enhance public parking there by having marked spaces as opposed to what is there now, which is nothing. Mayor Pro Tem Gilbert said the impression by most people is that it is all private and you can't park there. This is probably one of the last areas that we can actually have some parking so I want to make sure that is optimized as much as we can. Mr. Harrell replied that's our intent.

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

Jack Lynch who lives at 1515 S. Lake Park Blvd. said I am the managing member of the LLC that owns this property. Since we don't have an overhead, I do have two maps that may help. We have 4 ½ ocean front lots that we required from the McCully's in

November of 2004. Three and a half of our lots face north and south and already face Texas. I approached the Planning Department and asked for a text amendment to change this because I really believe this is a unique situation. First of all as I said, 3 ½ of our lots face south. The McCully's will continue to own the lot and the house on lot 3 and one-half of lot 2. They have a 10 foot easement, which you will see on that drawing that gets them into their house off of Texas to the north. We propose to TRC that we combine our driveway with that 10 foot easement so there would be a 20 foot driveway in there so we are taking up 10 more feet to get into our project. There is a sixplex to the south of it and they access only off of Texas. There are also two houses to the south of it and they access only off of Texas. Allowing our request to access off of Texas would be much safer then putting additional driveways and also concrete on Lake Park Blvd. The proposed project sits next to our home. Our home sits on three oceanfront lots. I want to do something really nice next to our home. In my opinion, changing the text amendment is a plus for the town. It is also, I think, much safer for the fire trucks. The fire trucks will have good access. There is a fire hydrant on the corner of our property. I think getting the concrete off of Lake Park is a positive thing. We did agree with TRC that we would pave the road from Lake Park to the public access at no cost to the town. I respectfully request for your consideration of changing the text amendment. We can get some parking in there. I don't think you will be able to get anything like at Alabama because there is not that much space but you can get some parking on there. Mayor Pro Tem Gilbert said that would be great if it's defined. Mr. Lynch said I don't have any problem with it.

Mayor Pro Tem Gilbert made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Councilwoman Efirm made a motion to adopt Ordinance No. 06-635 (*Exhibit 3*) with the three conditions of the Technical Review Committee:

1. Enhance access by defining additional public parking;
2. Increase public safety by allowing access on the terminating street;
3. Include improvements to public access to the ocean and/or sound front areas.

MOTION CARRIED UNANIMOUSLY.

Councilman Macon commented I would say that I am not normally in favor of that situation but it is a unique situation because the way the lots are laid out but I would normally not support that.

REQUEST TO AMEND CHAPTER 10 OFFENSES, ARTICLE II WEEDS, JUNK, ETC., SECTION 10-23 NOTICE TO ABATE

Mike Hoffer, Code Enforcer, said I will give a quick review of the current ordinance. Among other things that ordinance requires that you keep your lawn maintained at 12 inches or less. Once it becomes 12 inches or higher you get notified by me that you have

to cut your grass. The ordinance allows for me to specify that it must be done within 15 days. What's become convenient for a minority of property owners is to just wait for a letter from me so the grass gets to be 12 inches or higher depending on when I happen to come by it. Wait for the letter from me, take your 15 to 18 days, because it is 15 days from the time you receive the letter, Then on the very last day they will cut the grass. This is a true story. This is how it works with a minority of people. Then the process starts all over again and two or three weeks later the grass is high and we send the letter out and it is a silly little game. I have devised a small ordinance change to adjust to these folks.

What I propose is on your first offense in any given calendar year, the same as always. I will send a letter and you have your 15 days to comply. On your second offense, you are allowed 7 days to comply. If indeed there is a third offense, you'd have 48 hours to comply. What I see this doing is for one allowing us to handle it quicker. The whole idea of this is that if you live somewhere and people across the street have a vacant property and they don't cut it, it's an eye sore and it is rude to you. It is suppose to get cut. I think this can certainly allow me to address the issue in a swifter manner. I think it also would send a message to those folks saying we do mean business about this and would encourage them to make arrangements with a landscaping person and make sure it gets taken care of. I certainly encourage you to adopt this.

Mayor Clark said what if you just get ignored after the third offense. Mr. Hoffer said that the ordinance allows for us to cut the grass for them if they don't do it. It's been done a couple of times and Mr. Clyburn can attest that we are following procedures to collect the fees from people. Mayor Pro Tem Gilbert said you mentioned vacant lots and how do you determine a natural vegetation vacant lot or a vacant lot that is overgrown with 12 inches of grass. Mr. Hoffer replied that the rule of the thumb that we follow is a virgin lot that's never been cut, that's just woods, is not an issue unless it is growing out into the right away. Once you decide to clear your lot then you accept the responsibility to keep it clear. Mayor Pro Tem Gilbert said lots in the Central Business District would have to conform to this and the answer was yes.

Mr. Hoffer said he would like to make one other point. Currently 12 inches is the cut off mark and other towns such as Kure Beach for instance, I believe says 8 inches. I think if you wanted to address that you are empowered to do so. Mr. Harrell said actually you wouldn't be empowered to do that tonight because the specific ordinance dealt with just the time frame for notice. That would be a separate issue.

Councilwoman Efird made a motion to open the public hearing. **MOTION CARRIED UNANIMOUSLY.**

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

Councilman Macon made a motion to adopt Ordinance No. 06-636 (*Exhibit 4*) as proposed. **MOTION CARRIED UNANIMOUSLY.**

REQUEST TO AMEND ARTICLE 11 SIGN AND HANDBILL REGULATIONS

Mr. Harrell made the presentation. He said before you tonight is a change in our sign ordinance. Basically we allow one sign per the front of the building. That sign has to be no larger than 25% of the façade of the front of the building. One exception is in the current ordinance. If you have a corner lot that abuts two right-of-ways, you can have a sign on each of the side walls that abut the right-of-way. There is a provision that both signs cannot be accumulatively larger than 25% of the front face. The signs are smaller on that type of property.

What we are proposing is that we have some properties, particularly on the boardwalk, that run from the boardwalk back to Canal Street. There are some other properties in town that the front of the property runs from one right-of-way to the next so you have a building facing on two different right-of-ways. All we are proposing, and P&Z has unanimously recommended, is that those properties be allowed to put a sign on the back of the store so they have signage on both sides. We have reviewed the land use ordinance and the land use ordinance simply says that we don't want to overwhelm the community with signs. Adding an additional sign on the backside and the two signs would have the same cumulative size that you would put on a corner building. We recommend that they be able to put that additional sign up.

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

There being no public comment, Mayor Pro Tem Gilbert made a motion to close the public hearing. **MOTION CARRIED UNANIMOUSLY.**

Councilwoman Efird made a motion to adopt Ordinance No. 06-637 (*Exhibit 5*). **MOTION CARRIED UNANIMOUSLY.**

REQUEST TO AMEND CHAPTER 4 BUILDING & BUILDING REGULATIONS, SECTION 4.21.2 APPEARANCE STANDARDS (ROOF PITCH)

Mr. Harrell said this is a request that came from Councilman Johnson to take a look at the appearance standards in our buildings and building regulations Chapter 4. The proposal is to change the language under Section 4-21.2 Appearance Standards. The original language basically says:

All residential districts, new developments shall be designed and constructed with the following minimum requirements and roof pitch is not less than six inches of vertical rise for every twelve inches of horizontal distance with minimum eave 15 inches excluding gutters. I included the whole ordinance in your packet but that's basically where the change would occur.

The recommended language from Councilman Johnson would be:

New development in all residential districts, and new residential development in all nonresidential districts shall be designed and constructed with the following minimum requirements for roof pitch and minimum eave.

Mr. Harrell explained that basically what you are doing is applying those same standards for all residential buildings in town to be more aesthetically pleasing.

Councilman Johnson said this actually initiated with the building of a unit right off of Woody Hewitt where we have less than the 6-12 pitch due because of the zoning area it's in. Our current zoning allows that. To be equal with anything that is residential, I felt it should be equal across the board no matter where the residential is built and what zone. Mr. Harrell said this is Council's call because it is not part of the Zoning Ordinance. It didn't have to go to P&Z.

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

Mr. Wilcox said first of all we don't have any appearance standards per se for the Zoning Ordinance. My recollection of the way this appearance standard came about was back in the effort to keep modular homes out of certain residential areas. My understanding was that this appearance standard was developed specifically for that purpose. I am not one who is in favor of these standards, never have been. You can travel up and down the coast and see beautiful flat roofed homes and homes with creatively designed roofs. I don't think there is any magic standard because you build a home with a 6-12 pitch roof that you are building an architecturally desirable home that is pleasing to look at. We see a lot of homes built here on the beach that have the 6-12 pitch roof and they are not near as attractive as what other homes might be. I'm not so sure that we as a town should even be considering this ordinance is my personal opinion.

The other issue is that as it is the ordinance isn't being enforced. While I am not in favor of it, if you are going to have an ordinance, I think we need to have an ordinance that is enforceable and is enforced. I know particularly the roof overhangs the eaves requirement has not been enforced. I would urge you to consider the intent of this ordinance as it was originally which really had nothing to do as I recall with appearance standards. It was more of an attempt to block modular homes from taking over the island. That has gone away by itself with the property values and other things. As I said, I don't see anything magic about 6-12 when it comes to an attractive structure. It's the only appearance standard we so call have. If you are going to have it, enforce it. I would really urge you to let this one go.

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

Councilman Macon said I didn't support the original ordinance. I still don't support appearance standards and will never support appearance standards. I would like to throw the appearance standards we have out. That is my position.

Councilwoman Efird said we have had a lot of controversy over this through the years.

Mayor Pro Tem Gilbert said I would like to draw on Councilman Johnson's experience. We talked about appearance standards just trying to upgrade things. I know people like them or don't like them. I look at Councilman Johnson's knowledge and putting this forward I think he probably considered it. I think it probably, in the spirit of what he is presenting, would do a good job to maybe maintain some of the aesthetics in those areas. I'm supporting it. Mayor Pro Tem Gilbert made a motion to approve Ordinance No. 06-638 (*Exhibit 6*) as presented.

Councilman Macon said I think the first ordinance was a mistake and I think this one will be a mistake as well. He asked, are we going to do a color palette too so we can dictate what color people paint their house? Mayor Pro Tem Gilbert said we're telling them they have to cut their grass at 12 inches. Councilman Macon said that's a safety issue.

Mayor Clark called for a vote. **MOTION CARRIED 3 -2 WITH COUNCILWOMAN EFIRD AND COUNCILMAN MACON VOTING NO.**

Councilman Macon said he would like to add an issue. In my opinion this is something that should have gone to P&Z for input. I think the previous ordinance went to P&Z. I would like to see things like that continue to go to P&Z. I think Councilman Johnson would support that since he used to be on P&Z. Mr. Harrell said the only reason I didn't is because the ordinance didn't require it.

REQUEST TO ENTER A GROUND LEASE AGREEMENT WITH ARCADIA GROUP, LLC FOR PROPERTY LOCATED AT THE INTERSECTION OF CARL WINNER STREET AND CANAL DRIVE (DELETE FROM AGENDA)

Mayor Clark said this item was deleted from the agenda. It was a request to enter a ground lease agreement with Arcadia Group, LLC for property located at the intersection of Carl Winner Street and Canal Drive.

Councilman Macon asked who deleted that from the agenda? Mayor Clark said we deleted it from the agenda as a public hearing because it was not advertised as a public hearing. Councilman Macon asked if it coming back up? Councilman Macon said I didn't know it was going to be a public hearing and he thought it was going to be a discussion about a workshop and that is what he was told. Mayor Clark said it's coming back up so the whole issue hasn't been deleted, but it has been deleted as a public hearing.

CONSIDER AMENDING APPENDIX A ZONING, ARTICLE 4 OVERLAY DISTRICTS & OTHER SPECIAL DISTRICTS (TABLE TO JUNE 13, 2006)

Mayor Pro Tem Gilbert made a motion to table the request to consider amending Appendix A Zoning, Article 4 Overlay Districts & Other Special Districts to June 13, 2006 at 7:30 p.m. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER AMENDING APPENDIX A ZONING, ARTICLE 3 ZONING DISTRICT REGULATIONS, SECTION 3.9(6) ALLOWABLE INTRUSIONS INTO REQUIRED SETBACKS FOR RESIDENTIAL ZONES (TABLE TO JUNE 13, 2006)

Mayor Pro Tem Gilbert made a motion to table the request to consider amending Appendix A Zoning, Article 3 Zoning District Regulations, Section 3.9(6) Allowable Intrusions into Required Setbacks for Residential Zones to June 13, 2006 at 7:30 p.m. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER AMENDING ARTICLE 14.8 ACTION BY TOWN COUNCIL (TABLE TO JUNE 13, 2006)

Mayor Pro Tem Gilbert made a motion to table the request to consider amending Article 14.8 Action by Town Council to June 13, 2006 at 7:30 p.m.

CONSIDER APPROVING REQUEST TO TOURISM DEVELOPMENT AUTHORITY FOR REIMBURSEMENT OF FUNDS FOR PLEASURE ISLAND CHAMBER OF COMMERCE EVENTS

Mayor Clark stated two months ago we approved \$25,000 for the Chamber of Commerce. We need a motion to take this to the TDA group for reimbursement of the \$25,000.

Mayor Clark made a motion to approve this request and to allow him to go before the TDA Board for this \$25,000. Councilman Macon said why don't we go for \$52,000? Mayor Clark said because the request is only for \$25,000 and we are trying to recover the \$25,000 which we have already written a check for. At the time, there was only \$18,000 in there and we felt like next month there would be a little more. The money has to be there before we can recover any of it.

Dawn Johnson, Finance Director, said Council did not authorize payment for \$52,000. You approved the payment of \$25,000 two months ago but not a payment for \$52,000.

Mayor Clark said there is a motion on the floor that we try to recoup the \$25,000. **MOTION CARRIED UNANIMOUSLY.**

UPDATE CONCERNING BLACK'S MARINA DRAINAGE ISSUE

Mayor Clark said at our last meeting we asked Mr. Pagley to get a quote to do the dredging and fix the problem. Mr. Owens said before you is a memo that I generated. We have received one quote for the dredging of those two slips at this time. You will see that quote in your packet. We are also in the process of hopefully videotaping the stormwater pipe leading to that marina. Currently our video camera is not working and we have to get it repaired. Our intent is Council wanted to seek the input of possibly another engineer; at least get a quote for what it would take to give a diagnosis of the situation. We wanted to videotape it first so an engineer could look at it and then give us a quote on what it would cost for him to give his professional opinion. That is where we stand with the project. The intent of this agenda item is to give you an update of where we stand.

Mayor Clark said I think at this time Randy Simon wishes to speak on this issue. Mr. Simon stated Mr. Pagley and Harry Oakes, Assistant Public Works Director, came over per your request. I'm confused because the information generated to me was they weren't going to do exactly what you just mentioned. They came in there and asked me where the two slips were. I showed them and I even explained which of the two were in worse shape today than they were when it was redredged. I was told that they are not going to dredge those two slips point blank. They said they were going to get an estimate from Snow's Dredging Company, who was there in my presence. They made it very clear that they were not going to go what Town Council just referred to. I am standing in a state of confusion because I was directly told that they are only going to do part of what Council had asked to do referring to one slip versus the two slips. The actual figures generated from that conversation was \$10,500 for one slip. I informed Ms. Black of the problem. She said we have to do it and to get a second estimate from the same company to complete what Town Council intended in the last two meetings and that was \$5,000 more. Not knowing or being communicated about what is going on I don't know what kind of estimate was given to Town Council.

Mr. Owens said looking at the estimate it does appear that he is correct. It was just for the south side and right around the drain pipe. I did not talk to the contractor and maybe Mr. Pagley can elaborate a little more. Is that correct Steve [Pagley] it is just for that one side? Mr. Pagley said, just for the one side.

Mr. Simon said again with my confidence in Town Council and then the people sent by Town Council to tell me what's going on is not remedying the problem. It's making more conflict and that's just been demonstrated. I know Town Council made it clear to get an estimate on the two slips in question, which were redredged by Ms. Black for a total cost of \$16,000 back in November of '04 because of the dilemma from that storm drain system. I don't understand why representatives of the town would come over and do half of what Town Council directed them to and then relay it to me to create an additional friction. We thought this was taken care of. At the last Town Council meeting a good program was presented. They actually put the picture of the device which was

supposed to go under St. Joseph's street referring to a collection bin that had two chambers, one to collect the silt and sand, the other to collect the oils. Somehow that project in my opinion was sabotaged to the point where it grew from \$90,000 at 7:25 p.m. to \$150,000 by 12:15 that same evening. Also it was demonstrated in the same sentence that it probably would not take care of the problem. It was relayed by Mr. Pagley, that he wasn't sure where the sand was coming from. Possibly it was coming from the dredging operation of the Army Corps of Engineers at the inlet. I've consulted with marine engineers and they can demonstrate that is not possible. I think your Mayor also knows it's not impossible but not probable. I have presented for the last two years plus pictures of the actual mud coming out of that storm drain pipe referring to that 30 inch pipe. I got the pictures and demonstrated the truck loads of sand that had to be placed on the adjacent property that was taken out of those two slips during the redredging operation. I don't know what more I can possibly do in proving there is no question the sand and oil are coming out of that 30 inch pipe. The only thing done are the two burlap bags placed on the two grates at the entrance to Mona Black Marina. If there has been anything else done, other than the street sweeper being brought back on line and working, I don't know about it. Of course it has been coming up for the last two years plus and adds to the agenda which isn't fair to the other people that have projects. I wish we could just come up maybe tonight with just an up and down vote. Ms. Black needs help. The evidence is there. I can't do any more but bring the truck loads in front of the building. They are there at the Taylor property. Please direct me as to what I'm supposed to do next.

Mayor Pro Tem Gilbert said what I understood from the last meeting is that there was a proposal of \$150,000 that may or may not fix the problem. What we had discussed is getting a quote to find out what the cost of dredging would be. At the same time, we had asked that a third party engineer go out there and make a decision on what's going on. I am looking at an event that was a water main break that the town's insurance agent said that the sand didn't come from there but we are not going to go by that. That is why we wanted a third party engineer to say where did that sand come from or is it a continuing problem. Video taping the storm pipe, I think is a great idea. That will tell us where the sand is migrating. I think we have already decided that we need some kind of third party because the engineer working for the town's insurance company has already made a recommendation to us. I think let's get these quotes in front of us, let's approve and then let's go forward. I'm a little anxious about approving \$150,000 device that may or may not work. I am also a little anxious on paying for dredging if an engineer is going to come and say it's not coming from there. I don't think it is fair to keep waiting on us to say go ahead and get a quote. Mr. Owens said basically that's our action plan. Unfortunately we haven't had a chance to video tape the pipe. We are working as fast as we can in order to enlist somebody's services to look at that situation. Unless Council wants to expand on the original quote, I would like to proceed on this as I have submitted to you.

Councilman Johnson asked, are you looking for an outside source to video? Mr. Pagley said we are picking our camera up tomorrow. It's in Monroe. Harry Dail told me any engineer that was going to review this is going to want to camera it. We are going to camera it. The engineer is also going to want to know, which we have already done, how

much of the system dumps into Black's Marina. Otherwise your engineering costs will probably be enormous because he has to camera it himself and he will have to come and do this survey himself. Councilman Johnson asked how long is it going to take to camera it and Mr. Pagley replied probably seven days. Mayor Pro Tem Gilbert said, after you camera it you already have the survey, and then you can go out and get a reasonable quote from a third party engineer. Mr. Pagley said that is right. Councilwoman Efird said you don't have any idea how long it's going to take to do this. Get this thing finalized some way or another.

Mr. Owens said we hope to possibly bring that back to you at the next meeting as far as the quote goes and have it videoed. I'm not promising that because it is based on the camera and that type of thing. That way you can see what the quote will be and let us know if you want to proceed forward with the study.

Councilman Macon asked, do we need to approve a quote from an engineer? Why can't we just let them hire the engineer and move forward? Mr. Owens said you probably don't and we can go forward with it. I think all of this will come in line with the next meeting and I can just give you the information. Councilman Macon said this thing has been dragging out for an extended period of time and frankly my patience is gone. Having this engineer go in there and take a look at the situation and making a determination is going to settle something. Whether it settles that we have a problem and we need to take care of business or settles that we don't have a problem and then whatever happens will happen. The point of it is we need a definite answer. I think move forward with the engineer.

Mayor Pro Tem Gilbert said what if Steve [Pagley] asks Harry Dail what a reasonable quote would be from a third party engineer with what you have. If you get a quote that's not in line with what Harry Dail would say is a reasonable quote, then come to us. I think you as a town manager and you as an operations director can probably look at it and see if it is reasonable. There has to be three engineering companies that you can get quotes from and just do it. It shouldn't take you more than a couple of weeks to get the camera and find the engineering group. Mr. Pagley said we can get an engineer to come in. We don't need to get Council's approval; we can use the line item to pay for the services. We don't have to go out and have a formal bid process. What if there is nothing wrong with the pipe? Mayor Pro Tem Gilbert said that is what I'm saying camera it. Mr. Pagley said we don't have to hire an engineer to tell me we don't see any separation in the pipe or we don't see dirt coming in from anywhere. I don't need to hire an engineer to tell you that do I. Mayor Pro Tem Gilbert said I think we need a third party. We had an insurance person tell us one thing. I would support a third party engineer basically representing the Blacks to tell us what is going on. I would like to see a PE go out there with some experience and look at it from an unbiased position.

Mr. Owens said I have the picture and we will do that as soon as possible. We will give you a copy of it when we get a quote.

PLANNING REPORT CONCERNING RATIO OF SINGLE FAMILY TO MULTI-FAMILY STRUCTURES

Mr. Parvin said last month Council requested we look at the ratio in the 1997 Land Use Plan and try to find out an estimate of where we are now as far as ratio for single family, duplex, and multi-family development. With some help, the planning staff has reviewed present and past building permits and came up with some numbers.

Mr. Parvin passed out a chart to Council. He said on the chart, you can see how the percentages are changing. Our 1997 Land Use Plan has data that was actually dated back to 1990. The day that was listed gives you the percentage we are suppose to maintain. In 2000, you see a slight decrease percentage wise in single family. Duplexes are also small and multi-family you have a larger percentage. From 2000 to 2005, you see a pretty large growth in duplex. The actual percentage of multi-family and single family has actually gone down while you are having more and more duplexes being built. The actual numbers are listed in the chart I passed out and the percentages are broken down in there. The graph gives you a basic view of that. Based on this information, the planning staff would be willing to hear from Council recommendations for making any zoning changes. Mr. Harrell said not necessarily tonight, since you just got the information.

Councilman Macon asked how we came up with the 2010 scenario. Mr. Parvin replied the 2010 scenario is basically if you have five more 2005's. It is not very likely you are going to have that condition repeated. Councilman Macon said I have a problem with it because for nine years I was a building inspector and wrote permits. Mr. Parvin said regarding the 2010 scenario we could probably come up with 50 different scenarios. Councilman Macon said that's my point but you gave a more negative one. I think we need to look at what has happened and what exists and are we in compliance with the Land Use Plan. Mr. Harrell said I would say that you are basically in compliance because you haven't lost a lot of percentage of your single family but you do see a swing from 7% in 2000 of duplexes to 13% in 2005. It's whether or not you consider the percentage drop between 2000 and 2005 as significant; however most statistical data is anywhere from plus or minus 3 or plus or minus 5. Councilman Macon said if duplexes aren't selling, then people start building something else. Everything runs in cycles. The other thing is we are basing this on permits written. Is that how the Land Use Plan refers to it? I don't think it says in any given year you have to meet a certain percentage of how many permits are issued for whatever. Mayor Pro Tem Gilbert commented that it says maintain a ratio. Councilman Macon said you maintain a ratio by having a zoning area dedicated to single family, a zoning area dedicated to duplex, and a zoning area dedicated to multi-family. If those zoning areas are in somewhat equal land mass, then you are going to be in conformance with the Land Use Plan. I am just stating an opinion on how I feel about the Land Use Plan and what that particular section means and deals with. I think if you look at the land mass that is dedicated to duplex, single family, and multi-family you will see if those areas are in somewhat equal parts. Mayor Clark said we are not ready for recommendations. Mr. Harrell said we weren't instructed to make any recommendations. We were asked to show you what the ratio of single family was to multi-family. Mr. Parvin said I can read that real quick 8.3.4 is types of residential

development desired. It says the town will encourage medium density, single family homes as a predominant housing form at Carolina Beach. Instruction of additional small scale multi-family projects shall be allowed to occur. The current percentage of multi-family units relative to single family units is held constant. That is number 1 in the policy. Number 2 is the town shall actively seek to reduce high density and development including large multi-family complexes, condominiums, high-rise structures, large hotel/motels in incompatible zoning districts. In an effort to revitalize the Central Business District, the town shall consider new economic development and redevelopment projects that support a resort market niche, family oriented businesses, and year round residencies and does not diminish the quality of life or environment. I think these were the statements that prompted Council to ask for this ratio. Mayor Pro Tem Gilbert said you are exactly right. My concern was looking at these numbers, 49% and 97%, and we are almost 3% lower in 2005. It shows increase in the duplexes. I have collected enough data that shows what this excess inventory will do to the value of our properties and over the long haul. Councilman Macon said the problem is you have an area that opened up for development that you couldn't develop before, which is Wilmington Beach. If you had a trailer there, you were replacing trailers because you had an existing septic system. You couldn't get a septic tank approved down there through the county. Now all of a sudden there is water and sewer so you have a whole area that is zoned duplex. That is not a normal course of business. I think the figures are being taken out of context. The units have been reduced because in the early 1980's you could build six units on Carolina Avenue North and some other areas. The Council then reduced it to four units and when I got elected it was reduced to two units. Mr. Parvin said from 29 units, to 17, to 15 I believe. Councilman Macon stated that is what I am trying to say.

Mr. Wilcox asked, didn't the Land Use Plan say you shall maintain a ratio between multi-family units and single family units? A multi-family unit in the 1997 Land Use Plan was a building of five dwellings or more. Duplexes have never been considered multi-family unit. They are a building with two single family units. It confuses me when you start talking about the duplexes as it affects the ratio of multi-family units. Mr. Harrell said we did not group the duplexes with the multi-family. We said this is the percentage of single family, this is the percentage of duplex, and this is the percentage of the multi-family. Councilman Macon said this is based on building permits. I'm talking about land mass dedicated to single family, duplex versus land mass dedicated to multi-family. That is what the ratio should be not based on permits.

DISCUSSION CONCERNING IMPLEMENTATION OF WATER ASSURANCE PLAN

Mayor Clark said this is a plan I presented to the Council a week ago at a workshop and also to the Operations Advisory Committee. The first question is, why have a water assurance plan? We had our Engineering Services group present to us, along with our planning department and operations department, what our maximum production of water is. We max at 2.04 million gallons per day on water. If we are at our maximum limit and

we are developing, when are we going to cross the line to run out of water? They went back and gathered that data.

Mr. Owens said we are continuing to meet with Environmental Services to further define what their action plan is. In short, I am trying to arrange a meeting with the commander of Sunny Point to look at some of these well sights. We are proceeding to look at different alternatives with the engineers. They are going to bring back costs estimates. We want to make sure we look at all of our alternatives from the least likely to the most likely so you have the whole gambit of different alternatives. We also are continuing to look at renovating our existing wells to improve our water flow. We are seeking quotes through the people who renovate our wells to bring that back to Council. Hopefully we can move forward on that as quickly as possible. All those combined will hopefully assure that we have water for two years out and even for the long term.

Mayor Clark said during peak water needs, which is July and August, the planning department ran out a scenario. In July 2006 we are at 1.8 million gallons a day, in July 2007 we are right at the 2.04, and in July 2008 we are above the amount of water we can produce. We have to have some wells in the ground before summer of 2008 or we will have some issues here. I put forth this 8 step plan so we could assure the citizens we are going to have water. The first thing is to assure the citizens we will have water and to the developers we are going to try our best to have water for you. It is going to take some changes on the citizens part and also it is going to take us as leaders here to make some changes in what we are doing. The manager is doing that in starting to search for wells.

1. Come up with a time table and how long it is going to take to get wells in the ground and water produced.
2. Building approvals and permits may take up to 45 days for approval. Right now they are 48 hours and I am saying 45 days for approval.

Councilman Macon asked, what does the ordinance say on the time? Doesn't it allow you five days? Mr. Harrell said I don't think we have any time frame actually stated in the ordinance but we have a quicker turn around than this. Councilman Macon said my turn around was 24 hours but the point of it is I think I had five days according to the ordinance. Mayor Clark said the reason for the 45 days is to give the operations department time enough to look at that project, see what impact it is going to have on the water and sewer problems. Councilman Macon said I don't see why it would take 45 days to determine whether or not there is water. How many permits have been issued for single family or duplex in the past month? Mayor Clark said the first quarter of this year there were 102. Mr. Harrell said in this past month of April we had no new permits for any new development. Councilman Macon said are we going to use the 150 or the 0 for our calculations. We are speaking hypothetically and I have a problem with it. Mayor Clark said there are 700 units out there for sale and there are quite a few that haven't come on-line. There are a lot of projects being built. Councilman Macon reiterated I don't think you need 45 days; you are buying yourself 30 days because everybody is going to adjust it so they are turning it in 45 days before they need it, so nothing is

accomplished. Mayor Clark said this was recommended from the Operations Department. Councilman Macon said I was told last week it came from the planning department. Mayor Clark said the 45 days was recommended by Steve. It probably is the size of the project. Mayor Clark said small projects are no problem.

3. Develop the criteria to analyze the impact of new projects and their effect on the existing water/sewer system.
4. Expand the equipment reliability improvement program on existing wells and Lift Station #1. Lift Station #1 is the one located at the boardwalk which carries the load for the North End and the boardwalk area. It is getting maxed out in peak summertime. Lift Station #1 has to continue to operate. Our wells have to keep producing the max number. Let's get our reliability expanded on this equipment. Make sure we have all the spare parts and have the contractors in line if we have a problem.
5. Develop a water conservation program. Part of that program was submitted

tonight with the River Watch Group. They are going to come in and help us with that program.

6. Prepare an emergency contingency plan for water/sewer. If we have an emergency problem, we know what our plan is going to be.
7. Expand existing program to locating our water losses. We have a 30% possibility water loss. That first 10% we hopefully can find it with putting more effort on it.
8. Well site #3 located off Georgia Avenue will not be shutdown until sustainable production of new water supply is on lone. Right now we have 13 and soon it will be 14 wells on line and we need all 14 wells so we don't peak out before this time line shows.

I present this to you in form of a motion. Do you have any changes or additions? Councilman Johnson said he has a question for the attorney on item 8, which I mentioned before. Regarding actually shutting it down, do we have any legal authority versus the property owner of that property? Mr. Clyburn said that's a real issue because in November the existing Town Council entered into an agreement with the property owner under which the property owner was authorized to abandon that well site after the recordation of a quick claim deed under which the town is quick claiming any interest it might have had in that property to the property owner. That is going to be an issue. I really would like an opportunity to deal with that issue. You may be asking the Council to do something that the Council doesn't have any legal right to do.

Councilman Macon said I would say that for #2 as well. If the ordinance says five days or 15 days, you are changing an ordinance to say 45 days and you didn't advertise for it. Mayor Pro Tem Gilbert said do we know the ordinance says that. Mr. Harrell said to my knowledge there is not a specified time as to when something is reviewed and the review

is complete. Mr. Owens said I think the best thing to do is give us an opportunity to take a look at that and address that. As complex as things are now, I would dare say it probably takes five days for some of the things to be approved now with the TRC and looking at all the different issues. Let's take a look at that and bring it back to you.

Mayor Clark said I guess the biggest issue is making sure we get a time table out there and see how many years we are away from getting the new wells on line. Councilman Johnson said I think from the Town Manager's memo, when he starts getting us some of those answers there and a couple of the answers here on the items we raised tonight then we can fine tune this plan to be able to put it in motion. Mayor Clark said I will withdraw my motion. Councilman Johnson said do we need to direct the town attorney to find out about item 8. Mr. Owens said I would say a legal opinion would be sufficient and he can give his legal opinion on it. My Clyburn said I think I am clear on what the Council needs. Councilwoman Efird wanted to know if the Mayor was finished on this item, which he said yes.

Councilman Efird said in regard to members of Parks and Rec, since their terms have expired, I would like to make a motion that we ask them to stay on for two more months until a decision can be made by the entire Council. **MOTION CARRIED UNANIMOUSLY.**

REQUEST BY THE PLEASURE ISLAND CHAMBER OF COMMERCE AND CAROLINA BEACH ELEMENTARY SCHOOL FOR FREE PUBLIC PARKING FOR SPECIAL EVENTS

Mr. Owens said we have had two requests. One request was that we suspend paid parking in the lots, not necessarily the metered parking, but the town parking lots for the Beach Music Festival. That was a request from the Chamber. You will see a letter in your packet to that effect. We also have had a request from the local elementary school to suspend parking for one of their functions they are having with the teachers at the end of the year. They go out on a charter.

Mayor Clark asked do we pass this for just these two groups or do different groups come to you and ask for free parking. Mr. Owens said I didn't feel comfortable approving either one of these requests because I didn't know what the typical policy of the Council. If we had some form of a policy to follow I would feel more comfortable. That is why I brought these forward to the Council.

Mayor Pro Tem Gilbert said I looked into this when I saw the requests for the Beach Music Festival specifically because I attended that last year. It was well attended and the parking lots were full. I called Jason over at Central Parking and I asked him what the revenues were for the Beach Music Festival. The revenue was \$7,482.05 with one lot machine out of service, which normally would have brought in \$1,000. The potential this year at that event is about \$8,482. Looking at this budget and scrutinizing these items and knowing the potential that we wouldn't be paying for lifeguards out of room

occupancy tax and it had been suggested that we pay for lifeguards out of the parking lots, I was concerned about the free parking for these events. My concern is this is between the third and fifth largest parking day revenue wise in the town. There was 1-5 and it was ranked. My biggest concern was it is a lot of revenue and I was concerned about it. On the request from Carolina Beach School, I attended that last year. It was on the Winner boats and it was approximately 70 couples. There was a malfunction in the machine and the teachers came back and they had tickets on their cars. It deflated the whole evening. I did the math on both of them. We are talking about \$8482 compared to approximately \$175 for the teachers. I am a little close to the page on the teacher issue because my wife is the person requesting for this. I think it is reasonable but I don't have a problem turning them both down. I will write a check to the teachers for \$175. I don't want to open the door to every event we have in the downtown Central Business District that we are giving away free parking, which is one of our only revenue generators for the tourism fund. I will step back from this. I want to vote on this because I don't have any monetary issue in this. I think Ms. Quattlebaum might attest to the CO's planning. We gave parking permits for the volunteers for that and I know for the school we are talking about five or less hours. Looking at \$8000 I am willing to forgo that. I don't know what the initiative was or what the difference is giving 30 teachers permits compared to opening up all our parking lots for one of our major festivals. I think there is a difference there. I know it could be debated.

Councilman Macon said we have done it for surfing contests and different things like that. Councilman Johnson said I would like to make everybody aware, especially to the public, that we have lost revenue or will lose the revenue this year. We no longer have the Raleigh Street parking lot and we lost the one on Charlotte, so we have lost quite a few spaces that we will not be getting revenue this coming season. Councilman Macon said that is a good issue and that is a good issue as to why we need to put the parking in at Cape Fear and Harper that the last Council worked on. I think if you don't do something on the Beach Music Festival then they park everywhere. Mayor Pro Tem Gilbert said they run out of parking. I think having the meters going down there creates a turn over so everybody doesn't have to go out and park on the streets. I think having the meters and charging the fee would allow for some turnover there where if they had it for free they will sit there for 12 hours. If they had to pay for two or three hours at a meter, it might turnover. I think the parking lots are full.

Mr. Owens said I think my biggest concern was not necessarily financial one way or another it is more when do you say yes and when do you say no. I can see in the situation where it is a town event and maybe then you say yes. I don't know how to distinguish between a wedding party, a surfing competition, teachers, beach music or chowder cook-off. I can't distinguish between those and I can't look at the money aspect of it either, even though it is probably in the back of my head.

Councilman Macon said a wedding party is different than a surfing contest. It's a non profit organization that you are trying to encourage an event and people to come here for events. You don't open up the whole town. You just give people who have paid registration, you can give them a discount and they have a special pass that goes in the

window that is half price. You do something to encourage people to have their events down here which brings tourists down to the area. You have people spending the night in the hotels and you are helping to create tourism. I think we need to keep an open mind to it and the same thing for the Beach Music Festival.

Councilwoman Efirm made the motion to deny both requests. **MOTION CARRIED 4-1 WITH COUNCILMAN MACON VOTING NO.**

CONSIDER AWARD OF BID AND ADOPT RESOLUTION FOR NCDOT TEA-21 BIKE TRAIL FROM SNOW'S CUT TO HARPER AVENUE

Ted Lashley, Director of Parks and Recreation Department, said Council has in their packet information concerning our multi-use trail, transportation enhancement act, TEA-21 Trail Project.

This was originally slated for Chappell Park to Ocean Boulevard in the buffer zone. After 9/11 concerns about Sunny Point caused us to move the project starting over by the American Legion and our off road Snow Cut's bike trail paralleling the state park boundary lines across the state park's entrance and terminating at Harper Blvd. It is pretty much the same length. We need to decide tonight whether or not we want to go ahead with this project. Margaret Gray of McKim and Creed who is our project designer and I put this out to bid using the informal bid process. We received two bids, one by Jacksonville Paving Company for \$181,280.64. The second bid was by Surface Max, Inc. for a total of \$131,175. We currently have \$104,357 set aside for the project. If we are going to continue, the first thing you have to consider is an amendment from the fund balance account to my 107200.74 capital projects account in the amount of \$26, 818, which will equal the low bid by Surface Max of \$131,175. If we decide to go with that, there is a resolution before you authorizing the Mayor to represent the town and sign the contract when we receive the go ahead with the construction approval by DOT. If we are going to continue, approve the budget amendment and adopt proposed Resolution No. 06-868.

Councilman Johnson asked which side of Harper Avenue? Mr. Lashley said the State Park side. He continued by stating that Harper comes to Dow and our trail will be on the other side of Dow Road facing Harper. Councilman Johnson said you are not coming across the road, and Mr. Lashley replied no. We are trying to line it up to make easy access for everybody to get over to the river to go fishing, use our bike trail, or go down to the boat ramps. Mr. Lashley said this is part of our overall bike way plan for the town along with hopefully all the new paving that will be included on the bike lanes. We figure this is a major intersection of the bike plan that will connect you to Snow's Cut, our trail, and the boat ramps for fishing. Councilman Johnson said the pavement will go all the way down to the boat ramp. Mr. Lashley said this will go all the way down in front of the American Legion and connect to our off road bike trail which does go all the way down to the boat ramps. Councilman Johnson said that's rock right now, which Mr. Lashley replied right. Councilman Johnson asked will that be paved. Mr. Lashley said

that will not be paved. That was the Army Corps of Engineer project and they want it kept natural.

Mayor Pro Tem Gilbert said the NC Department of Transportation (NCDOT) funding description said this will be separate from the roadway. Mr. Lashley said it will not be connected to the road. There is a separation but I am not sure of the exact footage. We are also planting 34 trees to give it more separation from the roadway to differentiate that from a road lane to make sure it is a bike lane. We will have some benches and rest stops along the way; I think we're slated for four benches. They wanted some vegetated buffer to make it easily identifiable as a trail not another part of the road.

Mr. Owens said I did talk to Alan Pope with DOT about this project and about additional funding. As you might expect, he couldn't appoint any additional funding. He did state we could use a portion of the TEA-21 funds this time and then reapply next time if we didn't have enough money for the project. It really is going to be a board decision. Besides that there might be some contingency funds our DOT board member might have. We could always ask for that. He said in the past they really haven't mixed those type of funds.

Mayor Pro Tem Gilbert asked if there was an opportunity for the bond referendum they just passed, since this is part of a greenway, to see if there is some funding there? Mr. Lashley said my contact with DOT in Raleigh, Ed Davis, has been very patient. This was originally a 2002 project. I'm not sure how much more of a time extension we would get. Mayor Pro Tem Gilbert said in TOP we have a meeting on the 10th, Thursday, to talk about funding. They are looking for funding across the whole MPO area, so do it now. Mayor Clark asked Ms. Johnson where are we going to get the money for this. Ms. Johnson said the money will come from fund balance. Councilman Johnson said I thought what Mayor Pro Tem Gilbert was asking, and I will ask, the current parks bond that was passed for the county is there any chance of getting any reimbursement of the \$200,000 we are promised to use against this. Mr. Owens said there is always the opportunity but whether it can be used as reimbursement funds I am not positive. I don't know enough about the park funds and when they will come available. Mr. Lashley said the only information we received was that the bond passed. Mr. Owens said my first thought is probably not. It will probably be used for new parks or new improvements. Mr. Lashley said most of that money will be dedicated to parks and park projects. Councilman Johnson said we could use those funds towards the state park. Mr. Lashley said possibly. Mayor Clark said we probably need to get some definition and also come up with a plan of where we can best use the \$200,000.

Mr. Lashley said it has taken so long for right of way clarification not only through DOT but the state park people and like I said Mr. Davis, my NCDOT contact in Raleigh, is urging us to try to conclude this project as soon as we can.

Councilman Johnson made a motion to award the bid to Surface Max, Inc. in the amount of \$131,175.00; approve the budget amendment from #103990.00 (Fund Balance) to #106200.74 (capital projects) in the amount of \$26,818.00; adopt Resolution No. 06-686 (*Exhibit 7*), and authorize the Mayor to sign the contract with the town attorney's prior review and approval. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER A REQUEST BY THE PLEASURE ISLAND SEA TURTLE PROJECT TO PROVIDE INFORMATIONAL FLYER TO THE RESIDENTS OF CAROLINA BEACH

Mayor Clark said the sea turtle project is part of a requirement for our beach renourishment. You see the specifications of what they like to put in there (*Exhibit*). It is mostly information about what is needed for sea turtle protection. They came to me with this request. I told them I would bring it to the board for approval.

Councilman Johnson asked is this any problem for the town to put in with the water billing. Mr. Owens said I don't believe so.

Mayor Pro Tem Gilbert made a motion to approve the request from the Pleasure Island Sea Turtle Project. **MOTION CARRIED UNANIMOUSLY.**

DISCUSSION CONCERNING 911 EMERGENCY ADDRESSES

Mr. Parvin said myself and our GIS Officer, Brenda Butler, are here tonight to talk to you about some addressing issues we have in town.

The problem is a history of issuing inconsistent addresses due to no set standards and procedures has lead to confusion and safety issues within Carolina Beach. When visitors try and find a business/home address, at times it becomes very difficult. 911 Emergency has a difficult time finding addresses in Carolina Beach. In a recent incident with 911, an individual was having a heart attack and called 911. The person in distress gave their address to 911 which was inconsistent with the "911 system." The ambulance went to the wrong address, although fortunately, the person at the address the ambulance arrived directed the ambulance to the correct address.

Situations like this and a lot of other inconsistencies in the town have led us to look at creating a way to correct some of these issues. We started with the area where we had the 911 incident. Diving in what we found out was people don't like to have their address changed. Before we move forward, we wanted to create a process for doing this where we can involve the members of the community and let them know what is going on. Hopefully create a safer addressing system for 911 and have our addresses make sense for everyone in town.

Only in the past few years has Town staff utilized county addressing procedures, which was an attachment that was in front of you when you got here tonight. Much of the addressing in Carolina Beach does not follow the “Addressing Standards & Procedures Manual for New Hanover County & the City of Wilmington” (see attachment) (Exhibit).

For example:

- East/West: Start with 100 block and go West
- North/South: North Side-EVEN Numbers
- South Side-ODD Numbers

In 2001/2002 New Hanover County hired an agency to come to Carolina Beach and GPS all parcels to assign addresses. When New Hanover County updated the addressing, they tried to work around the existing addressing that Carolina Beach had already established as much as possible. The current addresses of properties in Town have not changed to match the addressing that New Hanover County has assigned.

When people come in for address change or when there is a new home built we have laid out the process of assigning those addresses:

Sending a letter to the following individuals to make address change

1. New Hanover County addressing individual (to change the parcel data base for New Hanover County)
2. 911
3. Bell South
4. Carolina Beach Post Office
5. Carolina Beach Water Department
6. Tax Department (to change tax records)
7. Individual
 - Responsible for contacting their personal contacts
 - Changing the numbers on their structure

Recommended Course of Action

1. Officially adopt the “Addressing Standards & Procedures Manual for New Hanover County & the City of Wilmington” which we would like to use to reevaluating the addresses in town that are inconsistent with these policies
2. Identify problem areas by reviewing New Hanover County’s research. Brenda Has made a map which is in the corner here and it shows on the right side the Wilmington Beach area and the left side is the Central Business District. She told me earlier there were around 190 inconsistencies in the Wilmington Beach area. There are also several in the Central Business District.
3. Notify the public through the media of the upcoming process to amend addresses at Carolina Beach
4. Using GIS, create an aerial map of the Town showing current street number assignments. That is something as you can see in the map that Brenda has
5. already been working on.
6. Assign new street numbers in accordance with the NHC addressing manual.

- That is something we have continuously been working on, although we have not implemented those yet with the 2001-2002 research and field work Brenda has been doing.
7. Create a new aerial map of the town showing the proposed street numbers.
 8. Plan to hold a town meeting to make all property owners aware of the proposed changes and to gain resident insight of the process (advertise with media). We have made these maps available on our website as well so you can see what the proposal are going to be for our address changes.
 9. After Town Council approval begin the implementation process of changing street numbers.
 10. Create new maps and directories representing new street numbers. Continue working with stakeholders helping with any problems or concerns that arise.
 11. After completion we would evaluate the process to see how everything worked.

We wanted to bring this forward because we have had a long standing issue of addressing and this is our recommended course of action.

Councilwoman Efird said you are going to cause the post office to have a heart attack. Mr. Parvin answered we will have them busy. Councilman Macon said make sure they are aware of all of this as well.

Councilman Macon made a motion to officially adopt the “Addressing Standards & Procedures Manual for New Hanover County & the City of Wilmington”.

Mayor Pro Tem Gilbert asked have you looked at the economic impact on these businesses that would potentially have to change their letterhead and that end of it. Mr. Parvin said we have thought about that because the Central Business District is one of the biggest areas that are going to be impacted. There are people who are on one street and have an address that is on a completely different street. Mayor Pro Tem Gilbert said if you have identified potential addresses for business, I would go ahead and give them as much notice as you can before they start ordering. This is a good time for people coming into the season to start reordering things like that. Mr. Parvin said we would like to go ahead and complete our readdressing and publicize as much as we can. Our plan is to come back to you with this is what we are proposing so the community can see this is what addresses are actually changing and try to get that out as much as possible on our website, have an article in the paper on it, and bring it back to the Town Council.

Mayor Clark said before you make a change we are going to put out a lot of advertisement and Mr. Parvin agreed. Councilman Johnson said how does this coincide with the tax department? Mr. Parvin said when there is an address change there is an e-mail sent out that notifies New Hanover County addressing individual to change the parcel data base for New Hanover County. It notifies 911. We notify Bell South, the Carolina Beach Post Office, the Carolina Beach Water Department, the Tax Department to change the tax records, and the individual. Those are the people who are sent the notification. Councilwoman Efird said a lot of these things have already been recorded at the Court House and that is going to be another issue. Mr. Parvin said we are probably

going to do it in stages. We are probably going to do certain areas first. I think we were looking at starting with the Wilmington Beach area and moving north from there. It is going to be a lengthy process; it is not all going to happen at once.

Ms. Bowman said she represents four buildings and have one address that is incorrect up on Carolina Beach Avenue North. When you put together two or three lots apparently there are two or three different numbers assigned. At a place at the beach, I have six units that are at 912; six that are at 914 and six that are at 916. How do you get an insurance policy on one building that has four different addresses? At Reefs Four I have the common area located at 1310 and yet all 12 of the deeds read 1308. Apparently this came about because of the utilities services insisting that regardless of the address that the tax department and the municipality had assigned to it, they were going to bill it at their entrance point. We have 1310 as being the common area but 1308 is the official address as far as everybody in the building is concerned because that is where their electric, water, and sewer enter the building. Mayor Pro Tem Gilbert said hopefully this will take care of that. Ms. Bowman said I just want you to know that there are a lot of buildings. The other issue is if we are going to do any advertising we need to be sure that if there is a pool there that has an automatic 911 that 911 address gets changed in connection with it. That would be awful if anybody had an accident. Councilman Macon said I think that is the point we have safety and life issues.

Mayor Clark called for a vote. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER APPOINTING A SUB-COMMITTEE OF THE PLANNING AND ZONING COMMISSION TO SERVE AS A STEERING COMMITTEE FOR THE LAND USE PLAN AND CONSIDER HEIGHT ORDINANCE REGULATIONS

Mayor Pro Tem Gilbert said when I was involved with the Land Use Plan as a citizen there were many times the citizens didn't feel connected with in the process. I started looking into other communities who were going through the same process we were and they had steering committees. One close to us was Wrightsville Beach where they had 12 members and by all appearance none of them were part of their Planning and Zoning Commission. We have the Land Use Plan that needs to keep going forward and we have a more contentious issue over height. I wanted to make a recommendation that instead of asking the Planning and Zoning Commission to dedicate extra time to this that we put together a committee, not necessarily a sub-committee of Planning and Zoning, but a committee that could actually embrace some of these issues. Some of these specific things you could actually invite public input on. I thought we could start with 2 members of the Planning and Zoning Commission and 3 citizens who might have been involved with some of the Land Use Plan and they would actually apply for these positions. One of the things I ran into when I was reviewing the committees, I found in reading the Planning and Zoning Commission documents that the Planning and Zoning mission from the Council is prepare studies and plans related to controlling and creating orderly growth and development of the town. Also develop and recommend to Town Council plans and goals and objectives as well as policy, ordinances, and administrative procedures. When

I was attending those meetings, I didn't see a lot of the studies and the planning going on because they were so focused on the conditional use permits and things like that. I thought if we invited a citizen type steering committee they could focus on some of these issues and we could get the Land Use Plan going forward a little faster and get these height issues taken care of quickly. I talked to these other communities and talking to the folks at Wrightsville Beach they have involved their citizens. From hearing the way the 1997 Land Use Plan process went, there was a larger buy-in from the community and more of an interaction. I would like to strive for that within this type of committee to bring the citizens in to be a part of it.

Mayor Clark said you are presenting a five person committee. Mayor Pro Tem Gilbert said yes at this time. It may grow but at this time I thought two planning members and three citizens could get the ball rolling and get some of these issues going through the process.

Ms. Prusa asked would this be a standing committee or an ad-hoc committee? Mayor Pro Tem Gilbert said it could start as an ad-hoc committee and its recommendations would be forwarded to planning. I project that a planning member, one of the senior staff, be a part of this committee as a liaison to help give direction. Ms. Prusa said Council can make their own appointments without advertising or if you would rather advertise and collect some applications and make appointments from the applications, you can handle it that way. Mayor Pro Tem Gilbert said my idea was we solicit applications to find people who were interested. Ms. Prusa asked if it would be an advisory ad-hoc committee, five members, two appointed from P&Z. Mayor Pro Tem Gilbert said my thought is P&Z would apply if they were interested. Ms. Prusa asked, and would the purpose be initially to consider the Land Use Plan and height ordinance regulations and put that in the advertisement? Mayor Pro Tem Gilbert agreed.

Mr. Wilcox said I would appreciate any input we can get on the Land Use Plan. As far as the height issue goes, Planning and Zoning has already scheduled its special meeting for the public to address only the height issue on May 24. It has been advertised and set aside as a special meeting hopefully to spur public interest and to get everyone in there and concentrate only on the height issue.

Mayor Pro Tem Gilbert said I have been to those meetings and I thought this might help provide more information for you. I don't think you are going to come to terms with the height issue in one meeting. My thought was this would go forward with some of that input. Mr. Wilcox said the meeting on May 24th is about our fourth meeting on the height issue. We were hopeful that with public input we would be able to go forward. Mayor Pro Tem Gilbert said and it was that public input that stemmed me to do this from the meetings that you had. I am just kind of following some people that attended those meetings.

Councilman Macon said why don't we go ahead and make it bigger. You are just talking about five people and you already have two you are talking about putting on from P&Z.

Mayor Pro Tem Gilbert said I thought start as a smaller committee and let them dictate where it would go.

Mayor Clark said I guess the only issue is we got a meeting set up and advertised to look at the height ordinance. Mr. Wilcox said is that not part of their charge to deal with the height issues. Mayor Pro Tem Gilbert said I think it is but I think this is allowing a group to focus and maybe allowing the Planning and Zoning Commission to look at some of its other charges. I think these recommendations will go to Planning and Zoning. It will be more buy-in from the people who are part of this committee. With the Land Use Plan, there is discussion of height and with the zoning it has become contentious so basically give it to the citizens and let them start working on it. A lot like the former Land Use Plan where it did have a lot of buy in and there wasn't a whole lot of contention.

Mr. Owens said are we not under a particular time frame as far as when we are trying to get this to CRC. I know Mr. Harrell and I talked about this briefly today and there was some public hearings and things like that which had to be done before the end of September. Mr. Harrell said actually they have to be done before the end of July. Mayor Pro Tem Gilbert said I thought this would help get this going. Just work with the Planning and Zoning staff specifically on these issues and let's get them done. Mr. Owens said I think that's fine. First of all we have to select the members and they have to meet. You are talking about probably the end of June before that even happens. I just wanted to bring that to your attention.

Mayor Clark said I know the Ad-Hoc Committee for Freeman Park took us a month or more to get a mission statement and see how we were going to get going. Mr. Owens asked if September is a drop dead date. I know it has been a moving target for a while now. Mr. Harrell said the September date is when the CRC meets. We have to present a draft Land Use Plan 45 days before they meet so it has to be presented sometime in August. We have to have all the public hearings and all those things done by the end of July to be able to put it in a final form to get to them in time in August. Whether or not you could go beyond September is something we would have to explore with CRC and the CAMA officials. The dollars that were initially spent to start this process, which is nearly 2 years old now, have already been expended and whatever we are getting from the COG right now in terms of assistance is basically under our membership. Exploring whether it could be put off further, Mr. Owens, we could explore that whether it could go to the last quarter of this year or not for the CRC consideration. Mr. Owens said I'm not advocating necessarily that. You know things take a while to progress and I just wanted to bring that to your attention.

Ms. Prusa asked, do you want the applications before you in June? Mayor Pro Tem Gilbert said yes. Mr. Harrell asked, do you suggest for P&Z they be applicants as well? Mayor Pro Tem Gilbert said yes, find out who is interested.

CONSIDER A REQUEST TO VEND ON PUBLIC PLACES

Mr. Hardison said you have before you a request to vend on public sound front and park front properties. Anybody who would like to do this type of activity is basically under the discretion of the scope of the activity that they tend to do as per your review. This applicant is Paradise Island II, LLC. He wants to provide the service of beverages, drinks, and serve pre-packaged food such as sandwiches and things of that nature. He would like to do this on an ATV on the beach from the south end of Alabama Avenue to Freeman Park and also on any sound front town property that is available to him. The applicant is here to address you.

Councilman Macon asked how many are doing it right now. Mr. Hardison said right now as far as vendors on park properties or beach properties we have four types of vending activities. Councilman Macon said well some of it is chairs and umbrellas. Mr. Hardison said Paradise Island there are beach rentals there. They have a vending license until July 1st. So does Domino's, they have an active license and theirs expires July 1st. Wheel-of-Fun Rentals has paddle boats and they have another year on their contract. The same group has a vending activity that was just before you to vend on the beach. Mayor Pro Tem Gilbert asked where has Domino's been. Mr. Hardison answered on the North End. They will take multiple pizzas up there. Mayor Pro Tem Gilbert said there is an ice cream truck that also vends up there. Mr. Hardison said they have a vending license to vend on the streets of Carolina Beach but they do not have a permit for the North End. Mayor Pro Tem Gilbert said I was under the impression, you mentioned that Duke [Hagestrom] has that other vending within the corporate limits but didn't part of the North End Committee, the Freeman's, say they didn't want any commercial activity on the North End. Mayor Clark said that was part of the issues to go over but we never got to that. Mayor Pro Tem Gilbert said because they were pretty firm about any kind of commercial vending on the North End so that is interesting that Domino's has that out there but Domino's doesn't actually vend on the beach. Mr. Hardison said on the North End they will take their vehicles. Mayor Pro Tem Gilbert said but they don't have a vehicle on the corporate limits of Carolina Beach. Mr. Hardison said in the scope of their business if you order a pizza they will deliver it to you on there. However they will pack a couple more pizzas when they are delivering and whoever else wants pizza they will sell to them. Councilman Macon said they will also go out to the beach access. Mayor Pro Tem Gilbert said but they don't drive on the beach. Mr. Hardison said they only will drive on the North End because you are not permissible to drive any other place on the beach other than the North End. Mayor Pro Tem Gilbert said but there is nobody presently selling sodas and packaged food on the beach with an ATV. When Duke Hagestrom presented his it was with a push cart. My concern is the ATV is actually driving up and down the beach and vending which was my concern and I said no to that.

Mr. Owens said there were a couple of things I added to your packet. One was a copy of our ordinance and I think a policy the town had adopted prior to limiting the number of vendors. We do have an ordinance in place for Freeman Park. Freeman Park in particular does not allow ATV's or trailers or things of that nature. Vending with an ATV in my opinion would violate this portion of the ordinance. Whether we do that on

other parts of the beach, I don't know if we have an ordinance for that. But it does specifically say that in this Freeman Park ordinance. I really don't know how we stand on being able to enforce vending ordinances in a portion of the county. It is something the attorney and I really need to look at. I know we have this agreement with New Hanover County to enforce ordinances there but it is something that we really need to take a look and read the whole agreement. As far as the other places in town, vending is up to the Council.

Mayor Pro Tem Gilbert said I look at our visitors and they want quiet enjoyment and I will be consistent that I don't really agree with an ATV driving up and down selling items. I agree you can put your umbrellas on something and drop them off and you are gone. I don't see a lot of solicitation when I am at Hamlet or Alabama or where I'm hanging out. That concerns me that the ATV would be on the beach when you have a lot of people on the beach. I don't see that leading to the quiet enjoyment. I don't mind if you are going to walk around with a cooler and sell a soda out of it that you see at a lot of beaches. Councilman Macon said I don't have a problem with an ATV. They have been used in the past. If you are going from one end of the beach to the other end of the beach, how many times you would pass by a certain person would not be that often. We have total control over their conduct and how many they are running.

Councilman Johnson said I think we have a serious safety issue here besides just vending on the beach. We haven't allowed vehicles with the exception of Freeman Park out on our beach front to date to the best of my knowledge. Councilman Macon said yes we have. The original applicant had ATV's and drove them out on the beach. Mayor Pro Tem Gilbert said the vendors who have the chairs and the umbrellas have an ATV. Councilman Johnson said they go out in the morning and drop them off. Mr. Hardison said they have a Gator. Councilman Macon said it's not like they are out there jumping dunes and zooming in and out of people. Councilman Johnson said I understand that but we have our police and emergency vehicles and so forth if we have a situation. If we start getting a bunch of ATV vendors and so forth out there where do you draw the line, especially at Freeman Park? You open that door, even though Domino's is going up there right now and I wasn't aware of that, but the majority of that is owned by the county, then you have opened the door for the whole county. Councilman Macon said I think the key there is the county gave us jurisdiction over that. We have an ordinance in place that only allows however many we want to allow. If we figure four is enough and deny this or five or six is plenty that is up to the discretion of this board. I think the ice cream person on the North End needs to be brought into compliance. Of course, we need to have our attorney take a look at that. Councilman Johnson said it seems to me you are taking away from your downtown central business owners from trying to sell their product when you start allowing everybody to go out there on the beach. Councilman Macon said in the past we didn't allow it in the area of the boardwalk. Anything beyond the dimensions of the boardwalk was fair game. I think we found in the past it wasn't really a problem.

Mayor Clark said I guess this means seven days a week until 2 a.m. driving the beach. Mr. Hardison said that's the hours that are in the narrative. The applicant is ready to address that.

Brett Keeler, 303 Hamlet, represented Black Horn Bar and Kitchen. He said this vending application was an extension of our health department permits which you have to have in order to have a food vending cart. You have to have a restaurant that's associated with that. My verbiage in my narrative included a push cart/ATV to be utilized as a delivery vehicle not as an up and down ice cream cart which isn't allowed nor is vending on private property. That is what the Gator/ATV would be used for. It would be for delivery, which is encompassed in what we do as a business. Mayor Pro Tem Gilbert said let me read to you what I read. An ATV would be used to do vending in areas of sand and those in outlying areas. A push-cart to vend in paved areas. That is why I became concerned. Mr. Keeler said that is what was written by staff that is not what was in my narrative. My narrative encompassed all ocean front and sound front which is up to the Town Council's discretion of what you allow. From my prior knowledge and current knowledge I'm not sure where you stood on this. I couldn't be totally direct and totally pin-point.

Councilman Johnson said I am curious where are you talking about vending on the sound front? Mr. Keeler replied sound front is any ocean front. That encompasses the verbiage in the ordinance. Those are the things that Town Council must approve for vending. Mayor Pro Tem Gilbert said public sound like the boats which Mr. Keeler replied yes.

Mr. Owens said the only other thing I would like to add, and I think Mr. Harrell talked about it briefly with Mr. Keeler is we need to draft some kind of contract and we probably could use prior applications to do that. Also we need a copy of the liability insurance. That is more administrative and could be a condition of approval.

Mayor Clark said we can't drive ATV's on Freeman Park. Mr. Owens said that is my interpretation of the ordinance as it now stands. It basically allows automobiles but does not allow for ATV's or trailers.

Mr. Pagley said I have some concerns in front of the Boardwalk area. I have had to build a lane to get that garbage truck up and down. There really isn't that much beach left. If you allow him to go in my emergency lane, they don't even move out of the way when we are trying to empty the trash. Mayor Pro Tem Gilbert said there are a lot of people out there and they are not going to move. That is why I bring it up because what I read in here and I don't know who wrote this but it basically says the ATV will do the vending in areas of sand. That tells me it is going to be riding on the beach. Lt. Bartley, Beach Maintenance, said we would like you at least this year to consider a push cart only. The beach is so small. With the lifeguards ATV's it is hard for them to get around especially on holiday weekends. We would ask that an ATV be at least put off until the beach renourishment is done.

Councilman Johnson made a motion to deny the request. **MOTION CARRIED WITH MAYOR PRO TEM GILBERT AND COUNCILMAN MACON VOTING NO.**

Mayor Pro Tem Gilbert said his contention is that he will agree to the vending but not driving the ATV. I don't mind having another vendor out there but I just don't want to see the ATV going up and down. If they want to present a request that didn't have that I would support that. Councilman Johnson said if he wants to come back and represent under a different format that might be. Mayor Pro Tem Gilbert said I think Mr. Owens can have the contracts and everything done if he wants to come back. Maybe the ATV will get you to the accesses but not driving out on the beach. If you drive to Atlanta where you have a delivery or you want to walk out there. Councilman Macon said the problem is you aren't going to be able to take the ATV out on the road. Mr. Keeler said the verbiage of the contract that I wrote up as well as the narrative that I submitted was ATV or push cart, whichever would be allowable by the Town Council. So it was a three part submittal of both, one or the other. That is the way it was submitted. Mayor Pro Tem Gilbert said I'm missing this. Is it in here? Councilwoman Efird said if it was presented that we could chose either one then that might be a different situation. Mr. Keeler said that is the verbiage I used in my narrative.

Mr. Owens said I did receive a draft contract I think Mr. Keeler generated but I didn't get that until Friday afternoon and did not give that to you. That is why I said I need a contract. I looked at the contract and it may suffice but I would like to run it by the attorney. I would also like to compare it to other contracts we have done in the past. To make a long story short, I am still unsure as to where we are going with this. It sounds like the board wants a more definite plan as to where we are vending and we are not vending, what we are using and what we are not using. We can come back to the board with that if he wants to pursue it some more.

APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING WITH THE NC DEPARTMENT OF TRANSPORTATION

Mayor Clark stated I was at a meeting when two issues came up that needs Council approval. One of them is to expand the MPO boundary to include a portion of Pender County and also to two members to the Cape Fear Public Transportation Authority. The two new members will come from the Wilmington City Council. Councilwoman Efird made a motion to approve the Memorandum of Understanding. **MOTION CARRIED UNANIMOUSLY.**

Councilman Macon said he was still in shock that they denied Mr. Keeler. We could have adjusted it and approved whatever we wanted to approve. Councilwoman Efird said he didn't say what he wanted approve. Mayor Pro Tem Gilbert said we are coming into the season. We are talking about going into June. The man wants to get out there and do some business. Can we table this until Friday to come up with something? Councilman Macon said Duke Hagestrom came before us and you said as long as you don't use an

ATV I'm okay. The point is we had an opportunity tonight to approve it and say go ahead and get started with a cart. This particular Council and a majority of us don't particularly care for ATV's but to straight out and deny somebody. Mayor Clark said I don't want an ATV driving on the beach at 1 a.m. in the morning. The beach is pretty narrow now.

Mr. Owens said you have a motion that has been approved and we would have to come up with another motion to reconsider it on Friday at our budget workshop. We can take action at that workshop as far as I'm concerned. I can work with the applicant to get a more defined plan if that is what the Council wishes. Mayor Pro Tem Gilbert made a motion to continue the discussion for vending on Friday, May 12, 2006 at the budget workshop. Mayor Clark asked Mr. Owens if that gave him enough time to work out the details, which it did. **MOTION CARRIED UNANIMOUSLY.**

Mr. Harrell said they will call Mr. Keeler in the morning to let him know the discussion will continue on Friday.

DISCUSSION CONCERNING ACCEPTANCE OF RESIGNATION AND APPOINTMENT TO BOARD OF ADJUSTMENT

Mayor Clark said the recommendation is to accept Mr. Shoemaker's resignation and begin the process of seeking someone else to appoint. Councilman Johnson asked if we need a motion. Mayor Clark said we need an action to accept it. Mr. Harrell said I think you do in the sense that Mr. Shoemaker gave an option. The option was that he wanted a six to eight months hiatus and we aren't in a position to do that with the BOA.

Mayor Pro Tem Gilbert made a motion to accept the letter of resignation from Bob Shoemaker. **MOTION CARRIED UNANIMOUSLY.**

CONSIDER POLICE TAKE-HOME VEHICLE PROGRAM AND APPROVAL OF PHASE I

Lt. Bartley said each of you should have a letter from the Chief about Phase I of the Take-Home Car Plan we would like to implement. Phase I basically involves allowing the officers that live on the island to take home their cars. All of them live within the town limits of Carolina Beach. Two live on the North End, one lives in the northern part of the city, and one lives in the residential. Some of the added benefits I will give you besides what the letter says:

1. We don't expect any additional fuel costs to this because the cars are within the town;
2. It will save time for the officers when they come in. They won't have to change their supplies out of the car and another officer put in their supplies.

3. We found it will increase the life of the car anywhere from three years that we have expectations now to anywhere from seven to eight years;
4. If we have a night emergency, those are the first people we are going to call to come out to meet us. Currently we have two patrol officers who live in town. Officer Smith, who was here earlier, which he can respond off duty if he needs to and a Freeman Park Officer who lives up on the North End who can respond if there is an emergency.

These are some of the added benefits. Plus it puts the cars in the neighborhood to reduce crime. Councilman Johnson asked how many cars are involved here on the beach. Lt. Bartley said currently with this plan it will be four cars. Mr. Owens said we are looking into buying three additional cars this coming year and possibly implementing a larger take-home even outside of Carolina Beach. We are not requesting that at this time. We are looking at doing these four cars as a test situation.

Councilman Macon made a motion to approve Phase I of the Police Take-Home Vehicle Program. **MOTION CARRIED UNANIMOUSLY.**

REQUEST TO ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH G.S 143-318.11(a)(3)

Mayor Clark made a motion to go into closed session to discuss attorney/client privileged information. **MOTION CARRIED UNANIMOUSLY.** Mayor Clark asked Mr. Harrell to join Council in this closed session.

A motion was made by Mayor Clark to return to open session. **MOTION CARRIED UNANIMOUSLY.**

The town attorney announced that in closed session Council gave him the direction to communicate with the attorneys for Fairway regarding getting more information on exactly where they want to relocate their billboards.

Council during the closed session, the town attorney was directed to communicate with the attorneys for Arcadius to advise them that we will be available to meet with them on Friday, June 16, 2006 at 9:30 to discuss a proposed lease agreement.

Ms. Prusa said let her know by the end of this week if you and your spouse or guest are planning to attend Town Hall Day.

CONSIDER RECESSING TO BUDGET WORK SESSION

Councilwoman Efirm made a motion to recess until Friday, May 12, 2006 at 9:30 a.m.
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____