

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

April 12, 2011

The Town Council of the Town of Carolina Beach met in regular session on April 12, 2011 at 6:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor Pro Tem (MPT) Pat Efird; Councilman Dan Wilcox; Councilman Bob Lewis and Councilman Lonnie Lashley. Also present was the Town Manager Tim Owens, Town Clerk Lynn Prusa; Finance Director Dawn Johnson and Town Attorney Steve Coggins. Mayor Joel Macon was absent.

MPT Efird called the meeting to order.

INVOCATION

MPT Efird opened in prayer.

PLEDGE OF ALLEGIANCE

MPT Efird led everyone in the Pledge of Allegiance.

ADOPT THE AGENDA

Councilman Lewis made a motion to adopt the agenda. MOTION CARRIED UNANIMOUSLY.

NEW HANOVER COUNTY COMMISSIONER, RICK CATLIN, WILL GIVE AN UPDATE OF THE NEW HANOVER COUNTY BEACH NOURISHMENT PERMITTING CONTINGENCY PLAN

Rick Catlin, New Hanover County Commissioner, is here to give an update on the NHC Beach Nourishment Contingency Plan. He said the commission will be discussing this at their next meeting. He has spoken to the folks at Wrightsville and Kure Beach. Late last year we decided to approve the hiring of a consultant from our room tax to evaluate our options to make sure that no matter what happened we would be able to keep our beaches sandy. We have project cooperation agreements with the federal government in which 65% of the money is supposed to be federal dollars and 35% is split between the state and local governments. It has become 50-50 lately. The federal portion of the projects has not done very well. We've had some emergency funds from hurricanes and that is not a sustainable way to do projects. Carolina Beach's project cooperation agreement expires in 2014 and it is not looking favorable at being able to get that reinstated for the subsequent renourishment cycle. We all know how important it is to have sand on our beaches for our economy, home values and storm protection so we decided as the Ports,

Waterways and Beach Commission and the County Commission, at that time, decided to move ahead to try to develop a contingency plan and we've got that. I'm not going to go into detail but, basically, a new development allows us to get state permits for these federal projects if we don't change anything, if we do what the Corps of Engineers has been doing. That is the option that the Ports, Waterways and Beach Commission is going to recommend to the County Commission at our next meeting. That will give us a permit to put in our back pocket. We have a room tax that has over \$35 million dollars in it and that is set aside just for beach renourishment but the federal government will not let us make up the difference when they don't have the money, it's called contributing authority. We were in Washington recently, we're working on that issue but we don't have it yet and we may not get it and that means we have this money and can't use it. The federal government says sorry, we can't let you put in the money so they either don't do the project or they do it less than it was designed to be performed and these permits would allow us to negotiate with the dredging contractor to finish the project. Or, in the event such as Carolina Beach's situation where you don't have a federal project at all it would allow us to use those permits to continue with your renourishment. It's a little new to realize that our federal partners may not always be there for us and to try to be self sufficient or at least have a contingency plan but I think it is the right thing to do. I know that Tim has been working with us and I have had the support of this board and the other beach communities also. We will be bringing the recommendation to get a general permit that does what we do. We will use the room tax money for that permitting fee, as I understand it, then we will have it and hopefully get our federal money and won't need it, but we will have it if we do. It will give us the securing that we will always have our beaches sandy. One of the things we need to address is an interlocal agreement of some kind between the beach communities. Wrightsville Beach, for example, probably will get a very much lower percentage of the room tax than Carolina Beach does because they have a renourishment project and they also have a federal navigation project at the inlet so they are pretty much guaranteed some participation. Kure Beach will probably also receive a lower amount of the room tax but we have always regarded that room tax as a countywide fund and all of our beaches are equally important. Carolina Beach, because your federal project is likely to expire, may not get the state matching funds. That is where I have proposed an interlocal agreement to the other beach communities and we talked about it in Washington when Mayor Macon and all of us were up there. The projection of the room tax assumes that the state portion of the project continues and that makes it sustainable. It assumes that there is no federal money, worst case scenario, but that the state continues. There is a likelihood that while we don't have, and we don't know how long that will be, a federal project that you may not get the state participation so the suggested interlocal agreement is that each beach community agrees to pay the state portion if the state does not do that. To enter into an agreement that is not sustainable that we know if we don't do this it will crash and burn is not a good idea so that is what we would like to recommend for an interlocal agreement. In your worst case scenario that would be \$350,000 a year during those years that you don't have that funding. In all reality I don't think we would let you wash away if for some reason you couldn't come up with it. I think we all need to be proactive and try to come up with a responsible position. That is what we're going to be proposing and if things go at the

meeting like I suspect they will, we'll instruct county staff to work with the beach communities to develop an interlocal agreement along these lines and however else we end up negotiating it and then the county will commit to pay our portion and the local beach communities will commit to pay the portion the state pays if the state doesn't come up with it. Of course then we would all continue to work as hard as we can to make sure that you do get your project reauthorized and that we do get our normal funding that we get.

The town manager said Mr. Catlin needs Council's endorsement of the funding formula realizing it's a worst case scenario that way we can move forward at the next Ports, Waterways and Beaches Committee meeting and the county can move forward too in creating an interlocal agreement that will come back to you for a final vote. You are not taking a final vote at this time and you will have another crack at it when the agreement comes to you for approval.

Mr. Catlin said it would be nice to tell his fellow commissioners that he has a thumbs up from all the beach communities. Of course the final vote is not until they get it approved. The other two beach communities have approved this.

Councilman Lashley said what he is hearing is the county will pay 82% of the beach nourishment and we will pay 17% if the state does not take care of it.

Mr. Catlin said that is right, otherwise, it will be like it is now and you won't pay anything.

Councilman Lewis made a motion to endorse the concept of the funding formula.

Mr. Catlin said the really bad news that we heard, in addition to there being no money in the President's budget, the consensus is that the Corps of Engineers projects and beach renourishment projects and our inlet, which is another issue, are going to be considered as earmarks and there are no earmarks right now. That ends up being 0+0=0.

Councilman Wilcox said Mr. Catlin did a great job of providing a simple explanation of a very complex situation. The commissioners started working on this a long time ago and it took leaps and bounds just to get to this point and they all appreciate it.

MPT Efird called for a vote. **MOTION CARRIED UNANIMOUSLY.**

The town manager said there is one other item they need to consider. There is a meeting at the county office building on Thursday at 2:00 pm. He will attend and they can have up to two Council members if they wish to attend. Councilmen Wilcox said he will attend. This is to bring the entire plan to a close and finalize it.

PRESENTATION BY TOWN PLANNING CONSULTANT, MARGARET GRAY WITH McKIM AND CREED ENGINEERS AND DISCUSSION AND CONSIDERATION OF ADOPTION OF COMPREHENSIVE BIKEWAY PLAN

Margaret Gray of McKim and Creed and the town's Parks and Recreation Director, Ted Lashley, presented this item. Mr. Lashley said that in May of 2009 the town was awarded an NCDOT Bikeway and Pedestrian Grant for a comprehensive bicycle plan. The total project cost was \$25,000 with \$5,000 being the Town's match and a grant award of \$20,000. Ms. Margaret Gray was our planning consultant for the project and she is here and would be glad to answer questions. The scope of the project was to come up with a comprehensive plan that ties together all our main points of interest such as the elementary school, the recreation center, town hall, central business district with dedicated bike lanes or paths that will help to ease traffic congestion on the island and provide the citizens with recreational activities that the whole family can enjoy. The process included forming a steering committee that had participation from the town manager, council, planning director and staff, recreation department, police and fire, Wilmington NC MPO and planning departments, and John Vine-Hodge from NCDOT. Also included were Mike Kirkbride from the Island Greenway Group and the senior center. An online citizen survey was conducted on our website along with hard copies that we placed at several locations such as the elementary school, most of the surf/skate shops around town, bike shops and we held two public meetings and had a lot of people show up. The final draft plan has been approved by NCDOT in January of this year and is being presented to Council tonight for approval. Any major changes, especially on the state maintained roads, 421, Ocean Blvd. and Dow Road, will have to go back to NCDOT for approval. This is just a planning document that can be tweaked.

Margaret Gray, representing McKim and Creed, gave a brief overview of the document. This plan proposes 19 miles of bicycle routes that will be comprised of multi-use paths and bicycle boulevards. The objective and location of the 19 miles was to improve safety and provide interconnectivity to the many town destinations. 48 projects in total were identified, 12 of which were crosswalk intersection upgrades. Projects were then prioritized based on 3 types of criteria - the effectiveness of enhancing connectivity, the effectiveness of improving safety and the ease of project implementation. We continued to draw down and out of those 48 projects we had two phasing categories that we created. We had to make this a manageable list. We established a category that was high priority in short term and those that were high priority in long term. All of the projects are viable and important to create a comprehensive plan but we had to get it where it was manageable and cost effective. The high priority in short term projects were identified as projects that could be implemented within 5 years based on funding and grant acquisitions and contains 7 phases. I am just going to discuss one to give you an idea of the thought that was put into this. Phase one included the addition of multi-use paths on Clarendon from Lake Park to Dow Road. This project was identified as a phase one contender because it improves safety on a school route, provided interconnectivity to park sites and provided a link to the future Dow Road bike lanes and multi-use paths. With regard to the economic benefits of providing bicycle routes and interconnectivity to

town destinations, NCDOT has conducted a study on the Outer Banks which concluded that cyclists spend an average \$175 a day. This study also determined that there was a 1 to 8 ratio on construction costs in revenue dollars generated. For every \$1 spent on construction of bicycle routes, \$8 was earned through tourism. This plan supports a town vision, which we established a vision statement early on in this process that was to create a more bicycle/multi-use path friendly environment and provide interconnectivity to the various town destinations. I hope it meets with Council adoptions.

Councilman Lewis said he will make a comment, since he is on the MPO, that these bike type projects seem to get a lot of grants and funding and probably will for the next 5 years so it is an opportunity for us as a community to pick up grant money a lot easier than some other projects that may not be funded. Wilmington keeps getting funds left and right and NCDOT is very interested in doing the same thing on the islands and beach communities

Ms. Gray said with the establishment of the Complete Streets Program with DOT this is very much part of it and this document is instrumental in applying for grants. They want to see a comprehensive plan.

Councilman Lewis made a motion to adopt the NCDOT Bike Plan. MOTION CARRIED UNANIMOUSLY.

REQUEST BY ZAC ADAIR OF PANACEA ADVENTURES TO CHANGE THE DATE OF THE PANACEA PADDLE IN CAROLINA BEACH TO THE FIRST WEEKEND IN JUNE

Zac Adair presented this item. He said it was approved for June 11th and they are asking to move that date back to June 4th. He was told by the town manager that that is the same date as the Carolina Beach Music Festival and he would need to collaborate with Gail of the Chamber of Commerce. He met with Gail, Bruce, Mike and the town manager. He and the town manager went down to the paddle area to go over some of the logistics to work it out so that it would benefit both the Carolina Beach Music Festival as well as the Panacea Paddle. Everyone was on board to make it happen and he is here to ask for Council's approval to change it from June 11th. They have a lot of support from Carolina Beach, Brad Jones and Craig from the Surf House, it wouldn't be too far off to include them as partners on this, they have bent over backwards to put this together in part because of the growing standup paddleboard sport and what they are doing through their store for the community with demos throughout the summertime and bringing the families in. He was contacted by William Houck, the mid-Atlantic director for the World Paddling Association, and they asked if the Panacea Paddle could be used as the 6th and final qualifying race to the national championship which means that it is going to bring in quite a few professional racers and their families to the community for that day. That was his main reason for asking to switch the dates. He feels this would be huge for the businesses in Carolina Beach. They will have booths set up that day for all the restaurants. There are a handful of restaurants from this event location that they will be sending people to all day, he will be talking to all of them about the event. He said

Panacea Adventures is a world wilderness therapy program in which we offer a multi-day wilderness expeditions such as backpacking, rock climbing, whitewater rafting, sea kayaking and surfing, etc. We work with a variety of different populations but, specifically for the Panacea Paddle, providing these programs for individuals that lack accessibility and finances, individuals who are living with cancer, cystic fibrosis, spinal cord injuries, wounded warriors, etc., and 100% of our proceeds for that day are going to provide those programs for those individuals. The Panacea Paddle will also introduce to families what we have in Carolina Beach, the water sports - the standup paddleboards, the sea kayaking. There will be boat demos and standup paddleboard demos all day, live music and food for the families.

The town manager said they talked about next year maybe trying to find another date, mid May or so, and I think Zac was agreeable to that. It just so happened that it turned out the way it did. Parking is the main issue. He will ask Kurt to talk to the boat captains because there is going to be a little bit of a conflict there. I think they are starting around mid morning and ending up around 3:00 or 4:00 so there will be some conflict with boats leaving and coming so we will have to work through those issues.

Mr. Adair said Wrightsville Beach is doing several of these events every year and bringing a lot of people into their community and this is something they would like to do every year, see it grow, and provide that support to this community. This fundraiser is to bring their programs to Carolina Beach.

Councilman Wilcox said it is his understanding with Zac is that they are going to make a percentage of those slots available specifically for Carolina Beach residents or Pleasure Island residents.

Mr. Adair said if they could fill up every slot with Carolina Beach residents, he would.

Council was in general agreement with the new date.

REQUEST BY CHRIS PURITIS, CHAIR OF THE COMMITTEE FOR THE 25TH ANNIVERSARY OF THE HELP CENTER OF FEDERAL POINT, TO HOLD A CELEBRATION AT THE CAROLINA BEACH LAKE ON MAY 22, 2011

Chris Puritis and Rick Rogge presented. Ms. Puritis said the Help Center of Federal Point will be celebrating their 25th anniversary this May and they would like to hold it on the lake by the pavilion. They will be opening it up to the community; they will have tables with the history of the center, activities for the children, music and some refreshments. They would like the time to be between 2:00 and 4:00 pm and were hoping to reserve that time.

The town manager said that is on a Sunday and does not conflict with the farmer's market.

Council was in general agreement with the event.

Mr. Rogge asked if Council might consider declaring May 22nd the Help Center Recognition Day and 25 years of giving to the community.

Ms. Puritis said Kure Beach has agreed to the proclamation of the day.

Councilman Lashley made a motion to adopt Proclamation No. 11-1053 (Exhibit 1) declaring May 22nd Help Center Recognition Day. MOTION CARRIED UNANIMOUSLY.

The town clerk will take care of the proclamation.

MPT Efird thanked them for all their work and the great job they have done.

SPECIAL RECOGNITION OF THE ISLAND WOMEN FOR THEIR DONATION TO THE CHRISTMAS BY THE SEA

Councilman Wilcox and MPT Efird gave special recognition to all those who participated in Christmas by the Sea. This was a second annual event and was cited as one of the top ten Christmas attractions of the year. A certificate of appreciation was presented to the Island Women in recognition of their donation and participation in the 2010 Christmas by the Sea event by the Boardwalk Makeover.

RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE

MPT Efird recognized Tim Owens, town manager, executive department, for 5 years of service and was presented with a certificate of achievement.

INTRODUCE NEW EMPLOYEES

Chief Younginer, police department, introduced Police Officer, James Mobley. Police Officer, Brandon Smith, was not able to be here due to work conflict.

The town's Operations Director, Brian Stanberry, introduced the town's new Stormwater Construction Specialist, Chris Nichols, and Building Maintenance Specialist, Mike Orlaska. Tim Hall was not in attendance.

CAROLINA BEACH COMMITTEE REPORTS

None.

PUBLIC DISCUSSION

Jerry Bigley said there should never be any discussion about whether or not we can afford a narcotics officer unless we want to turn Carolina Beach into a big drug haven he would like the town to vote and support Chief Younginer. He thinks part of the funding

and stuff with the police chief should be held in closed session so all the drug dealers don't know what we have going on in Carolina Beach. He said there is a man going to put an ice machine where the Microtel is, which he has no problem with, but he was required to be 92' back and wants to make sure the other man is 92' back. If he isn't 92' back, we will go to court. What is equal for one is equal for the other. I don't want to have to go through a lot of questions by the planner and all this crap, I don't have to answer. On October 13, 2010 there was a meeting at which the town manager was not there, he was watching the meeting on TV and there was a discussion about people outside city limits being on boards. A man stood up and said how about Jerry Bigley, he's lived in Kure Beach all his life. He explained about all the businesses he has built over the years and that he has a house at The Cove. This individual that has something to say about him needs to say it to his face. This is the second time and next time that person better watch out. That person needs to get his head out of the sand and respect me and do me right because he has done a lot for this town. MPT Efird thanked Mr. Bigley for all that he has done.

Charles Eaves, 1311 S. Lake Park Blvd., said he wanted to make a suggestion on some of the signage as you approach Dow Road. The sign should be more informative, maybe it could say Carolina Beach business district and restaurants with an arrow pointing to the business district. Now it says Carolina Beach and Kure Beach with an arrow pointing down through the middle of our business district. Another suggestion, at the corner of Dow Road have a sign pointing to turn right to the aquarium and Ft. Fisher Ferry. Another problem here is traffic control. If the pedestrian light cannot be turned off it will interfere with the free flow of traffic. Only police officers with communication between each other can safely move blocked traffic. This will be likely during the afternoon traffic coming north from Kure Beach. We must have a backup plan for the summer season. Also, there are many motorcycles operating in Carolina Beach with a muffler without baffles that can be removed after state inspection. He was told bikers can buy a sleeve with a muffler that fits over it and the baffle can be easily removed. Many of the motorcycles are running wide open and creating tremendous noise. Maybe the police department could be cognizant of this because it is a violation of state law to remove the baffles. MPT Efird asked the police chief to look into this.

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

Christine Higgins and Dee Jenzano of the Arts and Activities Committee presented this item. Ms. Higgins expressed their appreciation and opportunity to work with the Parks and Recreation Department regarding the development of a special events fee structure and application process. They were asked to look at some of the current large events that we are having in our area. They researched what other communities are charging and how they are managing these larger events. They sent a memo to Ted and Tim Owens in March with the recommendations which she summarized for them to consider. The Parks and Recreation Department currently has a fee structure and applications for private activities in place which are adequate for smaller type activities such as family events at

the park, etc. The committee chose to look at larger events such as special events for the public with an estimated attendance of over 100 people. Venues they felt that could accommodate these larger events include the lake, the beach, and Mike Chappell Park. Our recommendation is that there should be a fee structure for these events and referred to the Wing Fling as an example. They are recommending a fee structure with three options: (1) Community based organization sponsored events - groups such as the Arts and Activities Committee, Boardwalk Makeover Committee, etc., where the event itself and any proceeds generated will go back to benefit the community or a community organization. For those groups they are recommending no fees to be charged for the venue but will be asked to be responsible for cleaning up and that type of thing. (2) Those events open to the public with no admission fee. They are recommending a \$250 fee that would be paid to the town which would include trash collection, electricity and water. They way they define this type of event is when it is open to the public and doesn't require an admission fee, a program designed to encourage the community to participate. (3) Events open to the public with an admission fee. These would be the types of programs that require fencing, if they provide alcohol which also requires fencing. With these events they are recommending a \$500 fee paid to the town which would include fencing, trash collection, electricity and water. There would be additional fees that we would request which is a \$100 non-refundable deposit that would be given back if they clean up and all the litter is picked up. Additional fees that could be around the larger events that have admission fees or alcohol would include hiring local off-duty police for portalettes and those types of facilities that they would need. Also, the people who run these events must come before Council for approval and to complete an application. They have provided a draft application for these larger events and then the committee would meet with the sponsors to go through their planning and provide guidance and to also follow up on any donations to local charities. They are requesting the changing of terminology currently in the Parks and Recreation application to reduce confusion where they refer to events and change it to private activities. She said there has been an increase in the number of large events at Carolina Beach but it puts a toll on our facilities and staff and there is a need to offset some of the maintenance and operating costs associated with them. They want to have a fee scale that makes it attractive for those groups who want to come, have an open event and be able to support our community. The Chamber of Commerce is included in the community based organizations.

Councilman Lewis asked about fencing and the cost of it.

Ms. Higgins said it is the orange type fencing that currently is free. If they need anything more than that, they will have to pay for it.

The town manager asked if they have any examples of open to public with no fee.

Councilman Wilcox said the first year Salty Paws was open to the public with no fee but last year they charge a fee.

Ms. Higgins said anyone charging admission would require a fence and additional support. That would be a \$500 fee. She corrected her statement about the \$100 non-refundable as being refundable.

Councilman Wilcox said the only option they need to be able to look is for some unusual event that comes here who bring their own porta-johns, fences, etc., or an event that is partly on private property, partly on public property - it may be a situation where Council might waive a fee if they are donating substantial money to charity or something like that. Otherwise he thinks what they came up with is very good.

The town manager said this would not be an ordinance; generally they adopt new fees in the budget. Council can start at any point. He will bring this back in May and make it official then.

The town manager suggested holding off on old business and going straight to the public hearings. Council agreed.

PUBLIC HEARING - RECEIVE INPUT ON A PRELIMINARY ASSESSMENT RESOLUTION FOR STREET PAVING AND DRAINAGE IMPROVEMENTS FOR UNPAVED STREETS IN THE SUBDIVISION KNOWN AS WILMINGTON BEACH AND THE CONSIDERATION OF THE ADOPTION OF AN ASSESSMENT RESOLUTION DIRECTING THAT THE WILMINGTON BEACH STREET PAVING AND DRAINAGE IMPROVEMENT PROJECT BE UNDERTAKEN

The town manager made presentation. He said at the last meeting they decided to go back through the assessment roll process and the preliminary resolution. We adopted that, we sent out everything regarding having advertisements in the paper, we sent out notices to the property owners about the public hearing tonight and believe we met all aspects of the NC General Statutes. He gave a brief overview of the project which will include all the paving, drainage improvements of all unpaved roadway in Wilmington Beach with a small section of Spot Lane that was excluded in the paving due to wetlands. The roadways will be constructed of 18' asphalt with no curb and gutter. There will be shallow grass wells on either side to transport water to drop inlets and eventually to their destination. Roadway improvements will be placed in the center of the right-of-way. In some instances these roads are off-center so they will be moved to the center of the road to the right-of-way. The larger ditches will be pipes such as Snapper and on top of that piping will be shallow swales. Existing drives that are either removed or were not put in and were put to the right-of-way edge will be put uniformly put back if they are either torn up or not in place now. We believe we met all the requirements of the NC General Statutes with regard to advertising which we did not do in 2005, there was some uncertainty there. Lowest and most responsible bidder was Triangle Paving and Grading. If it is approved tonight their notice is to proceed and done within 30-60 days maximum and that they move forward on the project. The timeline is 300 days which is subject to rain days, etc. The final bid by Triangle Paving and Grading was \$2,626,998. Total debt payment by the town is \$390,000 over 15 years. Essentially that drops about \$10,000 per year after that. This year will be \$390,000 coming up. We did receive ARRA funding in

the amount of \$2.3 million which probably saved the town or the assessment part of this project a significant amount of money. Total loan amount approved by the LGC is \$3.6 million. He showed the cost breakdown. Residents adjacent to the project will be assessed 2/3 of the total cost of the project which includes the cost of paving, drainage improvements, administrative costs, permitting, engineering, etc. The only thing that will be excluded will be intersections the cost of which will be born by the town, that estimated cost being about \$425,000. State law requires the town pay 1/3 of the costs for the project. The estimated assessment will be about \$5,000 per lot but won't be tallied up until the end of the project. The lot owners will pay an equal annual installment of 6% per annum. Assessments will be made on a per lot basis. Multiple owners (duplex) will split the \$5,000 cost but both are responsible for the total amount so if one doesn't pay you could place a lien on the property or foreclosure or whatever the general statutes will allow in getting the money that is being assessed. Water and sewer lots, if all the taps aren't in they will put them in. There is one area of the project that water and sewer is not in and that was done through another assessment with different terms so that won't affect the entire project. The town may take all actions to recoup those assessments if not paid on time which are to be paid yearly or paid all up front and receive a \$500 reduction of total costs within 60 days. There are some 100'x 100' lots and sometimes a portion fronts an unpaved roadway and there are also some lots that are smaller, 50'x 100', and some that may not be developable. Once we get into the final assessment roll we will look at those individually and decide what the proper assessment will be at that point. He showed a map of the area. He said there is bid information in their packets which were contingently approved. Tonight they are here to consider approval of Resolution 11-1051 which sets forth the terms as discussed earlier with the inclusion of one step further than what they were looking at last month which directs that the project be undertaken. The LGC has approved this project and everything is in the work to close on the loan in 2 weeks with this final bit of the puzzle. We do have to hold a public hearing on this and he thinks there are some residents in attendance that would like to speak and recommended they move forward with that.

Councilman Wilcox made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

Tom Monsour, Sea Ray, said when they bought the property, 1621 and 1622, one piece of the property would perk and the other property is wetlands so they didn't develop any further back because at the time they wanted sewer and we had to put in a septic tank. They bought the property because it was the end of the drag and everybody didn't plow down through there. We have young children and really didn't want it paved at this time if it was possible.

Jane Hendrix, 1611 Snapper Lane, thanked Council for continuing with this project. She said their street has been unpaved for some time, has no stop signs and vehicles continuously fly through there at a high rate of speed and asked if it is possible to have some 4-way stop signs put up at Texas and some of the other streets. The town manager said that once the area gets paved they will probably look at the areas for stop signs.

Gerald Ford, 901 Ocean Blvd., said the side of his lot is on Spot Lane and asked what portion of the unpaved part of Spot Lane will not be? The town manager said there is one block off of Ocean and showed it on the map.

David VanDamme, 1113 Bonita, said he was wondering about the ends of the roads. He is second to the last lot on Bonita and was wondering if at the ends there will be cul-de-sacs? The town manager said they didn't design it that way but knows they will have to address it. It will probably either be a hammerhead or T situation or maybe a cul-de-sac. At a minimum it will probably be a gravel cul-de-sac. Mr. VanDamme asked about the drainage. Where his lot is it really leans down towards that direction. Will the drainage be routed off towards different directions or is it all down and going to come to his lot? The town manager said there will be a shallow swale beside it and they will look at all the existing grades and do the best they can with the drainage there. The first 1 ½" of the water back in this area goes to the Greenville pond or the Alabama pond. Mr. VanDamme said he is glad the road is going to be paved but when you look at every 50' section of road costing almost \$12,000 between the 1/3 the city is paying and the 2/3 the people are paying and seems excessive. The town manager said there is a lot of drainage, piping all of Snapper cost quite a bit. There were at least 6 or 8 bids and gave him the information. Ms. VanDamme asked about lots across the street from them that are two 30' x 100" lots. The town manager said he would have to look at them individually. If they are 30' x 100' and developable then they could potentially have the same assessment. If they are deemed not developable, then maybe not. He has plans if they would like to stop by and look at them, he would be glad to go over them with them.

Chris Ware, resident of 605 Texas Avenue, a small stretch between Mackerel and Pinfish and is the only resident on that road. It faces that roadway itself. There is a vacant lot on the west side and a double lot on the other. He currently has two very deep ditches on either side of his driveway which is very narrow. Will those ditches be filled in? He thinks they buried a storm sewer there. The town manager said there is and yes they will. The general concept is that there will be a shallow swale there. They can look at the plans if he wants to. Mr. Ware said there is a vacant lot he thinks that has gone into foreclosure on one side, who pays for that property? The town manager said whoever owns it at the time whether it be the bank or whoever purchases it. Mr. Ware asked about the larger lots, double lots or larger and their assessment. The town manager said it could be double, a maximum of double, but it might be less. There is a lot on Spot and Ocean where one part of it is adjacent to a paved lot and one part is not and he can see that one being one assessment. If there is a house right in the middle of it, then maybe not but that is something they will have to address maybe a year from now. Mr. Ware said on Texas Avenue going towards the beach Texas is not accessible that full way. There is a pump station there and a large ditch going across the road, is that going to be made accessible all the way through to Lake Park? The town manager said there will be one one-way section of Texas which is right near that pump station, everything else will be two-way. Driving back there will be no access, walking only.

Anita Styles, 505 Tennessee Avenue, said according to the plan in the lobby the town will be putting sidewalks in on Tennessee Avenue. The town manager said Council

decided not to put sidewalks in at this point, he will talk about that some more. Ms. Styles said what she was concerned about was that if they were going to be putting sidewalks in on Tennessee, if it's going to be running all the way to the beach, shouldn't the assessment then also go for the people that are ... The town manager said there would be no assessment, that would be another portion that the town would pick up. There is no assessment for those sidewalks. If there were sidewalks put in front of everybody's property, then they could have assessed for all those improvements but it is only in certain east-west streets so that is something the town will have to pay for if we decide to do it. Ms. Styles said that Tennessee Avenue is one of the outlets for traffic and there are people flying down it now and when it gets paved they will go even faster and there are kids, people out with dogs, etc. Is there the ability to put speed bumps in to slow the traffic down? The town manager said they will have to send the police chief out there but there is no proposal at this time to put speed bumps or any other kind of traffic calming device. She said it needs to be addressed. She said about 14 months ago they received a previous document from the town stating the assessment was going to be \$3,600 and the costs were about the same and now the assessment is \$5,000. Why is it so drastically increased? The town manager said he will have to look at the two documents to understand better what the change is. The math he came up with is that it is going to be around \$5,000 for the assessment but won't know what the true assessment is until the project is completed. He said if she will call him he will find out the answer.

Councilman Wilcox made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

The town manager showed the resolution on the overhead again. He said Council will need to adopt this resolution to move forward. As he mentioned at the last meeting, we did include \$133,500 in sidewalk improvements in the financing because we didn't know what was going to happen at the time when they were going through financing. I am not recommending they do any walkways at this point. What I think we need to do is wait towards the end of the project. The contractor has agreed to honor those as long we don't get too far along in the project to honor those costs, even 6 months down the line. The reason I say that is there is still a lot of things that could change in this project, there could be change orders. We do have some for Tennessee for change orders, not as much as I am comfortable with. There are also fuel prices, the cost of fuel has created about a \$20,000 increase in the price. I want to hold onto those funds until the end of this project and then decide whether we want to do just Ocean Blvd.; Ocean, Tennessee and Alabama; none at all or all of the east-west streets. That would be his recommendation.

Councilman Wilcox made a motion to approve Resolution No. 11-1051 (Exhibit 2) which is an assessment resolution for street paving and drainage improvements for unpaved streets in the subdivision known as Wilmington Beach and resolution directing that the project be undertaken. MOTION CARRIED UNANIMOUSLY.

The town manager said the other item is that he would like for Council to approve the mayor, mayor pro-tem, town attorney, town clerk, finance officer, and town manager to move forward on any other kind of documents needed regarding construction or

financing that we need to execute and allowing them to sign those documents and execute them.

Councilman Wilcox made a motion to approve the mayor, mayor pro-tem, town attorney, town clerk, finance officer, and town manager to move forward on and sign whatever documents are necessary to facilitate the project and resolution. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER AMENDING CHAPTER 8 LICENSES AND BUSINESS REGULATIONS, ARTICLE 8-48 BEACH DELIVERY SERVICES; CHAPTER 10 OFFENSES, ARTICLE V PERSONAL WATER CRAFT; AND CHAPTER 11 PARKS AND RECREATION; ARTICLE 4 FREEMAN PARK SECTION 11-60 SURFING AND OTHER WATER RELATED ACTIVITIES. THIS AMENDMENT WILL CONSIDER ALLOWANCES TO RENT PERSONAL WATER CRAFT FROM LIMITED LOCATIONS ON FREEMAN PARK.

The Town Planner, Ed Parvin, presented this item. He said this is a request from Mr. Houston Lowder to consider an allowance for personal watercraft, jet ski rentals on Freeman Park. Currently we do have some business allowances on Freeman Park in our beach areas - vending, vendors go out there and sell food, beverages, sundries, firewood, etc., we also have beach delivery services and that is allowances for rental items now. They are non-motorized items, beach chairs, umbrellas, that type of thing. So this is going to be considered in that section of the ordinance for beach services, rental items, but this will be a motorized item for rent. Traditionally we have only allowed non-motorized items. That is Chapter 8 of our Town Code that we'll be looking at amending to create that allowance for an additional contract. Right now we have two contracts that we issue for up to 5 years for the chairs and umbrellas and we're looking at one more for the motorized items, specifically the personal watercraft up on the Freeman Park area. The other section of the ordinance that we're looking at amending and we had a lot of discussions on was the safety aspects of personal watercraft. This is something that is highly regulated by the state and our current town code basically cut and paste the NC General Statutes into our code. A couple of years ago the state went back, the general assembly, and updated these safety requirements. So what we are doing now is striking our old language that has now been updated by the state and we are referencing the NC General Statutes and all the regulations the state puts on and saying any successive ordinance will be recognized by the Town of Carolina Beach. In addition, you have a few more safety concerns that the Technical Review Committee and the Freeman Park Committee who heard this as well that put on this operation if it is going to be allowed. Because it is going to be on the public beach and it is difficult to address all the safety concerns of this type of use, personal watercraft, in this area, the Freeman Park Committee and the Technical Review Committee both recommended that this be allowed, if it's allowed, on a trial basis for one year on Freeman Park. Typically we have contracts for beach services for up to five years and because of the safety concerns, if you want to consider this, their recommendation was a one year trial. Where this would be located - there is an allowance now for these personal watercraft to come along on shore at the north end of Freeman Park, from markers 22 to 26 locations, and this has been

allowed since the Freeman Park ordinance was put in place. This ordinance would put allowance for one operator to go out there and stake off a 30' section and he is here tonight and has a presentation to show you what that is going to look like.

Councilman Wilcox said he understands the one year trial but I assume that in the language we have the ability, if there is some incidence up there, we can terminate it at any time, right? Mr. Parvin said yes.

Houston Lowder and Brandon Burris, who would be operating the business together, gave a Power Point presentation. Mr. Burris said it is something that is not really offered as an attraction in this area and something that people might consider as an option for the family to enjoy. They definitely try to keep safety in mind. The idea is to set up a small location at the end of Freeman Park which will allow them to cater up to people who are already out there and already have 4-wheel drive access. They would also be able to cater to those who may not have 4-wheel drive. They have a spot that has waterway access that is privately held. They have arranged an agreement with that person to use that property that people could drive regular vehicles to and park. It would be a safe launching area that is away from the surf and is a calm waterway. They are looking at a total of three skis to start with, two for rent and one for instructional or for towing should one become disabled. The skis are newer model Yamaha 4 strokes, they are not high horsepower, they are low horsepower and safe for beginners, low emissions and very fuel efficient, environmentally friendly, latest standard safety equipment with the lanyards that are always attached, 3 seaters which are fairly large in size, and very stable at speed and at rest. Customers would watch a safety video, which is also required by New Hanover County, do a quick walk around to make sure they understand the operation, standard boating courtesies with regard to right-of-way for swimmers, boaters and then local regulations. We will have a waiver saying that they are comfortable with operating the PWC, all the safety procedures that we go over. He went over what they would have at Freeman Park - a standard 10'x 10' popup canopy and, as Ed pointed out, between markers 22 and 26 as it is already allowed there at the north end. About 30 feet is what they are anticipating as a maximum to mark off that area. Since there are no trailers allowed out there currently and it might be a little bit of a headache to try to actually launch the skis out there anyway, we would actually put them in at a public access, ride them around to be beached instead of trying to pull a trailer out there and beach them that way. He showed a rough sketch of what they have in mind. He showed details of some of the stuff they had in mind - 18 and up (he thinks the state requirement is 16 and up but they think 18 and up is a better starting point), spending time with each person individually for instruction and questions, safety equipment on each watercraft (2-way radio for emergencies, tow rope, fire extinguisher, air horn), they will determine who might be incompetent or a safety hazard, no tolerance of any alcohol use in operating the vehicles, and he and his brother will become CPR/first aid certified and one of them will always be on site in case of an emergency. In summary, they know what insurance is required, \$1 million dollar policy, which is lined up to put in place. They want to stress that they don't want it to be a fly-by-night operation but to run it as a serious business.

Councilman Wilcox asked how they plan to put the buoys in the water. They said they could wade out.

Mr. Parvin said they have to be out 30 feet.

Councilman Wilcox said some of that area drops off dramatically. Mr. Burris said they will have to use one of the skis and they will be anchored and tied together. Councilman Wilcox said he knows they talked about originally wanting the smaller lane and I think we actually recommended a wider lane. You may find with some experimentation, you could narrow the mouth of the lane at the beach and go that way and create a little bit more space on each side.

Councilman Lashley said he didn't see any safety for the individual who is going to be on the jet ski, what are you going to put on them?

Mr. Burris said by law you have to wear a floatation device. Also, there is a lanyard that attaches to the ski and attaches to the person should the person and should the person come off of the ski, it is instantly disabled and comes to a stop. That is also standard on newer equipment.

Councilman Lashley asked how many people will be allowed on the ski. Mr. Burris said they are 3 seaters and they will probably allow 2 at the most.

Councilman Lashley asked about the location where people can walk to their place and where it is. Mr. Burris said it is just on the other side of the island, the other side of Snow's Cut, a private lot in the Sea Breeze area on the waterway side right off of Carolina Beach Road.

Councilman Lewis said there is a lot of traffic in that area of the waterway and can be very volatile but he has nothing against having the skis there.

Mr. Burris said he thinks their idea is to get as close to marker 26 as they can because in that V area, there is more of a V now and seems to be more of a safe zone in that small cut.

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

Rick Rogge, resident of Spartanburg Avenue and member of the Freeman Park Committee, wished them good luck if approved, said they had a lot of safety concerns. He is a lifelong boater and said a lot of beginning boaters will use a plastic play card that has a drawing showing where you would go in a situation where if there was an oncoming boat and if that type of product could possibly be fixed onto the jet skis it might really help their customers tremendously in understanding which way they're supposed to go when there are 3 boats coming at them from different directions.

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

Councilman Wilcox made a motion to approve the request based on changes proposed by the planning department. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - RE-REVIEW OF THE CONDITIONAL USE PERMIT FOR AMUSEMENT RIDES AND CONCESSIONS FOR ROBERT MERGERLE TO BE LOCATED AT 8 CAPE FEAR BLVD.; 45 CAPE FEAR BLVD.; 1 CAPE FEAR BLVD.; 7 CAROLINA BEACH AVENUE SOUTH; 9 CAROLINA BEACH AVENUE SOUTH; 102 CAPE FEAR BLVD.; AND 111 HARPER AVENUE. THE PURPOSE OF THE DISCUSSION IS TO HEAR HOW THE AMUSEMENT ACTIVITIES WENT LAST YEAR AND WHAT, IF ANY, CHANGES ARE PROPOSED FOR THIS YEAR.

The Planning and Development Director, Gary Ferguson, presented this item. He said that Mr. Mergerle is back again, this is his third year for the amusements. As you know he is located at two separate locations, one on Cape Fear and one on Harper. I think last year his rides went well, we had few incidents and has listed a few. The reason why Mr. Mergerle is back again is that one of the conditions on both of his CUP's was that he needs to appear before the Council and entertain any questions or concerns Council may have about the operation last year and also to learn from him what he is proposing to do this year in terms of new rides. He identified four issues last year that surfaced. One was a water ride that was brought to his attention by Councilman Wilcox and Mr. Mergerle is not proposing a water ride this year. Secondly, we had some issues on the Astor lot on Harper with fencing. Although the fencing was finally established, there was a period of time where there were some large holes in the area. Mr. Mergerle is aware of that and is going to pay attention to it this year. Background checks, that is something we briefly touched on at the last Council meeting and there was one incident last year regarding one of his employees. Background checks are required for all his full-time employees but he has also been requiring all of his part-time and full-time employees to have a background check. It has been recommended by the police chief, and Mr. Mergerle is fully on board with this, to go ahead and have name tags or tags that would identify each employee that works for the amusement so that folks can identify who they are. Lastly, there is a new ride that is proposing to come this year and that is a tower ride. It is an estimated height of about 80 to 90 feet, it's a ride that drops from air, comes down and it's magnetic in order to stop the ride from actually hitting the ground. You might want to ask him some more questions about that one since he doesn't have a whole lot of understanding of it. He is also proposing, 106 Cape Fear is a vacant lot right next to what used to be LeSoleil, and he is wishing to use that lot as well for children's rides or activities on that lot. That is something that wasn't part of his application last year or the year before but he is requesting that he have the opportunity to use that. We would need a letter from the owner supporting that. He has given them the site plan and grant orders if they have any questions. Our building inspector has spoken with DOL and they would like to do an inspection of the rides before they are erected so they can better take a look at all the pieces and make sure everything is as it should be.

Councilman Wilcox said he expressed the same thing to me. The amusement ride operator inspector is also an elevator inspector and inspected his elevator and said that at that time.

Robbie Mergerle said he was going to try to do everything pretty much like they did last year. They don't have a lot of changes just a couple of new pieces they want to bring in, keep most of the equipment in the same areas because they didn't have any issues.

Councilman Wilcox asked Matt Murphy what the status is on his lot behind our FEMA lot, is that going to be clear and available?

Matt Murphy said the FEMA lot is going to be tied up but their lot will be clear.

Mr. Mergerle said they couldn't work there if they have a construction site in front of them.

The town manager said the FEMA lot has to stay as an active construction site. We could consider putting up some stockade type fencing but it has to stay as a construction site.

Councilman Wilcox said he thinks they should ask the contractor and maybe they could get him to put up a 6' chainlink fence.

The town manager said he thinks the town would have to do that. If we put up a stockade type fence we can use it down the line somewhere.

MPT Efird asked about the new ride. Mr. Mergerle said it is built by Arm out of Youngstown, Ohio and it's a drop tower that sits 12 people who face out, lifts you straight up about 80' then releases and drops, freefalls. The magnets are how it stops the breaks and there is no way they can't work because they are always on. The breaks just bring you down to a gentle landing. The height limit is 42" for riders. That ride won't be here until about May. They are only going to put about 11 rides in right now for Easter then the rest will be here for Memorial Day.

Councilman Wilcox said behind 100 N. Lake Park there is a buffer, an easement there, that you stayed off of. Then, over behind what is the old Pop's hot dog place, are you going to have these things that close? Mr. Mergerle said he is going to leave them a little parking the way they did last year.

The town manager said he is not sure about the noise part of the tower ride, the people screaming and he is not sure if they will be able to hear it in the residential area or at the Marriott, etc. Mr. Mergerle said by the time they scream they are almost to the bottom.

Councilman Lewis said his issues were just about some of the things that happened last year. He said you can't have anybody drinking alcohol and operating rides with little kids. There was one person and I know you got rid of him but you have to enforce when you start to hire them, no alcohol on the premises. Mr. Mergerle said that wasn't an employee, he owned the bungee, was an outsider he brought in and won't do it again. He wasn't actually working on the ride but decided to go up there after he had been drinking and caused the problem and that is when he got eliminated immediately.

Councilman Lewis said there was a sex offender who was kind of an issue for a lot of people. Mr. Mergerle said that man never worked for them, he was assembling the rides for a couple of days but it was not open to the public. They found out about him and let him go. The person he was accused of offending is his wife who he is still married to. She was 16 and he was 17, got in trouble - he told me this. His wife came down and worked for them. They are older now but that was the case.

Councilman Wilcox said if he makes any changes out there he needs to let staff or the town manager know, if you're moving rides around or bringing something new in. Mr. Mergerle said they will be rearranging a little bit on the Aster lot, not a big deal, just configuring where they will fit. The rides will be coming in this week. He has to make one more trip but he will be in town later this week. He spoke with the inspector the other day when he was here and is aware of everything he wants to do.

The town manager said when he does come in and start setting up he would like to know when that is happening so he and the planning director can come out and take a look at where he is doing different things. Mr. Mergerle said it would probably be Friday and Saturday. They are mostly doing the Marriott lot and the other lot so they are not really going to change anything on those lots. He is not sure what he will be doing by the FEMA lot because he doesn't know if any people will walk over there if he puts equipment behind the construction site. That sort of goofs us up a little bit. We may lose some equipment over that because there may not be a reason to put it there. The town manager said there was no way they could get around that.

Councilman Wilcox said there will be work and activities going on at the boardwalk this weekend and that area will have to stay clear. Mr. Mergerle said they would absolutely not be there.

The planning director asked if he could tell them where the tower might be going on the property. Mr. Mergerle said it was going to go right by the FEMA lot, now he doesn't know what to do, he will have to think about it.

The planning director said this is the third season of Mr. Mergerle coming before Council and he asked if it would be possible for him in the future to work with staff as opposed to coming back before Council.

Councilman Wilcox said it is a review condition but once the CUP is issued, they have it, so we're just reviewing what happened last year, make any recommendations. The other option would be to pull the CUP if there was something really bad that happened but, in the meantime, if I have any complaints I can express them to staff.

Council agreed not to require him to come back before Council next year.

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

No comments were made.

Councilman Wilcox made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - REQUEST TO AMEND CHAPTER 8, SECTION 8-47 ALLOWABLE VENDING AND SOLICITING ON PUBLIC PROPERTY WITHIN THE TOWN OR MANAGED BY THE TOWN; RESTRICTIONS. THIS AMENDMENT WILL CONSIDER: (1) CREATING ADDITIONAL ALLOWANCES FOR STREET END VENDORS TO OCCUPY A PUBLIC PARKING SPACE IN ORDER TO HELP WITH THE LOGISTICS OF SETTING UP THE VENDING OPERATION ON THE BEACH; (2) CREATING AN ALLOWANCE FOR VENDORS ON THE MUNICIPAL BEACH STRAND TO HAVE TWO CARTS

The Town Planner, Ed Parvin, presented this item. He said last month they had some discussions about vending on Freeman Park, there was an additional allowance they made for pushcarts in the ordinance and at that time there were several other vendors who came before them and had some issues and concerns about how vending operations are conducted and requested Council to task staff to bring back some language to address those issues. There are two specific issues that they talked about that we have some modifications to our vending ordinance to address. He will go over them and there are people, for both issues, who would like to talk as well. The first is we have the three vending locations if you don't have a business in Carolina Beach or a property owner then there are three opportunities to vend and that is on Sandpiper, Ocean and Alabama. The way it works is you have to have your vending cart on the beach right beside that access point and that has caused some logistical concerns to the folks who have tried to get these permits in the past with supplying their vendor on the beach. What they would like to look at doing is occupying a parking space in the public parking lots at those three streets so they can better logistically handle that vending location. I think they would like to talk to you. We read the ordinance for that just to be no vending in the parking lot but that would be just for supply purposes only. That is how we have written the ordinance. They would like to talk to you about maybe expanding that. They are interested in possibly allowing vending in the parking lot. The second issue is the pushcarts on the municipal beach strand. Three seasons ago we had a joint meeting with all our committees and looked at these vending regulations and we created five permits for the municipal beach strand. For three years I have been going through and issuing these

permits and there have only been two that have been used. After last month's Council meeting those empty three permits went just like that first thing the next morning. What we did that night, at the request of one of those current vendors, is if those permits are open and just sitting there, maybe they could get two to have two carts. But there is a fairness issue that maybe we didn't address. You give an allowance for one vendor to have two carts and now we have other folks that might want two and then there is another interested party that didn't get a chance to get a permit. So, what they would like to do is keep the number of permits the same at five but, similar to Freeman Park, allow those five permits to have two pushcarts and that would simplify things for staff and make it a lot easier to administer for us and understand for the folks that vend out there on the municipal beach strand. Those are issued to the folks that have businesses in our CBD, if you have a brick and mortar you are allowed to get those permits. Those are the two changes. I know that Mr. Ed Titus is here. For the first change he has a brief presentation he would like to review with you on how he would like to look at the street end location vending. I think there are also some vendors here who may want to talk about the municipal beach strand vending option.

Councilman Wilcox said when you say give two carts to each of the vendors, that means you had someone who came in a while back after the Council meeting and they took two spots so they have two carts. What you are suggesting is that they be allowed two carts under one spot and that would free up the other spot. Mr. Parvin agreed.

Councilman Wilcox made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.

Ed Titus, resident of Cypress Island, said we talked last month about the vending places down at the end and, based on that discussion, I have proposed three different options here. One is what you have in place now which is a tent and a table on the sand and selling whatever products can be stored there. We talked about that last time and I mentioned my situation. What I would like to do is expand the offering of products to include the smoothies and other frozen drinks that are popular and it would be almost impossible to serve those on the sand because you have to have freezers and refrigerators and they have to be made fresh. You can't make them in advance and store them. I came up with another option which would be a tent and table on the sand with a trailer in the parking lot. What he would do is take orders from the people on the sand and then go back to the trailer and make the drinks and then the people would have to come get them at the trailer. They would melt if he tried to make up a bunch of them and bring them back to the sand. Number three is what he is asking Council for permission tonight and that is to set up a vending in the parking lot, open up a trailer, like a concession trailer at a fair or festival, let the folks come to the window and order, make the drinks fresh and serve them there. I know there are some questions about what that would do to the parking lot and that is why he made up this presentation. He showed some pictures of the layout where the beach access is for both vehicles and foot traffic, a picture of his trailer which is very small and doesn't take up much space. That is what could happen if we chose the tent on the beach and the trailer in the parking lot option. If he could put the trailer there in the first spot next to the public access then it might be feasible to put up a

tent and take orders then come back to the trailer to produce the product. If you choose option #3, there are two spaces in that parking lot that offer enough room where people could come to the concession window and be served. One is the last one on the left hand side there next to the ramp and the other is in a space is next to an access driveway that goes into the condo tower there. He showed pictures of what that access looks like. It is bordered by a fence and marked off by yellow striping. The picture shows his trailer parked there and said it shows it is possible to have the trailer there and not encroach upon the access, even with the extension of the awning it wouldn't extend past the fence line there. The other option, next to the beach access walkway, he showed pictures of the site with and without the trailer which showed there is plenty of room for people to stand there without obstructing anything or being exposed to any traffic hazard or anything else. In defense of changing the rules here some to expand the product offerings from cokes and hotdogs or Twinkies to a pretty full line of frozen drinks, there is not much else down there where people can go and get refreshments. There are any number of options that they could make. His trailer is set up so they could make almost anything from there but he would really like to stay with just the frozen drinks initially. He'd like to hear any concerns they might have and discuss them.

Duke Hagestrom, 920 Riptide Lane, said he didn't want to sound selfish and would like to explore that second option that Mr. Titus brought up with having two carts per vendor. He is a little concerned about a slippery slope. He has a cart that he vends with on the beach but if we went with two carts per vendor there is the potential to have ten carts going up and down a pretty limited area of the beach strand and there is a fine line between over commercializing the beach and offering some services and amenities. He just wanted to bring that up. I think that the last applicant that came forward ended up getting a permit and he asked what they were going to be vending and they mentioned an icy product. There is another vendor that vends and icy product, I vend an icy product so already we have three of us passing each other on the beach with one cart each, we're already seeing each other quite a bit. You start bringing two carts out then we're passing each other quite a bit and then there's the temptation to just park somewhere where there are lots of people so you can kind of monopolize that spot and we certainly want to encourage people to keep moving so that everybody out there gets an opportunity to get the product. I'm a little hesitant to speak because I don't want to sound selfish because I do happen to have one of those permits but, I personally would just continue to use the one cart and I am content with that. I am somewhat surprised that there is the thought that there is so much more products to be sold out there. Guess maybe I am just looking at the numbers for the last few years.

Councilman Wilcox made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Councilman Wilcox said we are dealing with a number of issues here. The parking spot for the vendors, how much are they paying for that vending spot? Mr. Parvin said \$1,500 covers the four month season for a permit.

Councilman Wilcox asked if they are out there every day. Mr. Parvin said they have only

had a couple folks do it and he doesn't think they were out there every day. They are required to be out there 50% of the time just like our other vendors. The vendors who were out there last year did not come back again this year. They can be out there sunrise to sunset.

Councilman Wilcox said his concern about the parking spot, he understands the need of it and I think if we could create a way to make it available during the hours they need it, that would be something that I think would be reasonable but what I don't want to do is shut down a parking spot that somebody is only going to be there every other day or just on the weekends, they're not going to get there until 1:00 in the afternoon. In other words, that parking spot stays closed to the public unnecessarily for long periods of time each day. I don't know how you would manage that. If I were going to vote to approve something like that, I would want to see some kind of conditions, there'd be a sign on there that says this spot is reserved for a certain period of time and they would need to designate what days they are going to be there. I don't know how you would do that. The planning director said the parking area they are speaking to, at Alabama, that is a highly desired parking space and I totally agree with your concern. I think the hours of operation are important as well but I thought vending on the beach was the only thing limited to hours. You have to be 50% of the time on the beach but I didn't know it applied to the beach ends as well, the access ends.

Mr. Parvin said there are three areas.

Councilman Wilcox said the same thing applies to all of them. I get the need for it but I would hate to see it closed down if someone is not really using it to its full potential for that purpose.

Mr. Parvin said that is a valid concern. Last year I think the folks that got the permits on Alabama and Ocean, talking to the police captain he said he only saw them out there a couple of days and he thinks they decided not to do it. That would prevent anyone from using that space for a good part of the season.

Councilman Wilcox said his inclination would be if that person is willing to make a commitment on what days and hours they were going to be there and a sign would be put up that would reserve it during that time frame, other than that we're just blocking out a parking space with no guarantees that it is going to be used.

Mr. Parvin said he called the people who were there last year several times and I never got a call back. They had an opportunity to come in and renew it by March 1st and they didn't. I am guessing things didn't go well, maybe that is why the logistical concerns are coming out this year.

Councilman Wilcox said it looks like we're dealing with three issues here - parking spot, the cart in a parking spot and resolving the vendor on the strand. He asked MPT Efirid if she would like to deal with these independently. She said yes.

The town manager said if Council does decide to allow for selling out of the parking lot or storage out of the parking lot, do we know how we're going to change the ordinance? Do we have that wording?

Mr. Parvin said they have written it up, for selling. He said there has been an allowance for several years to have vending on the beach, but there has never been an allowance to store. The ordinance before you tonight has an allowance to store a vehicle in one parking spot but not to vend. We didn't create an ordinance to allow us to vend in the parking lot which is what Mr. Tyson is talking about.

Councilman Wilcox said let's just deal with the parking right now. My position is unless there was some confirmation from these owners that they were going to keep regular hours and a sign put there to identify those hours, I probably wouldn't be in favor of voting for it unless there was some discipline to the process. He said he wasn't talking about vending from there; he's just talking about the support vehicle.

Councilman Lashley said he thinks it is great for the tourists to have something like that at those places, there's nothing down there. He thinks it's great to have something in a parking spot as a retail establishment, we're getting \$1,500. He agrees with Dan in that he would like to see certain times so we could use it as a dual spot.

Councilman Wilcox said he addressed the parking issue for the support vehicle only. I think there would have to be some type of plan in place for that. With regard to vending in a parking spot, I have an issue with creating a storefront in a parking lot. We want these folks to come out and get the vending locations for the purposes of servicing the people on the beach but when you set up in the parking spot, now what you are doing is attracting people from the street, from Lake Park, and creating a storefront where people can drive in there already in a congested parking spot, get out and want to get something, you could create a blockage situation. I am not 100% comfortable with that part of it. We talked long and hard about making sure these vending locations were on the beach so it's a convenience for the people on the beach. So someone has to come off the beach and off the access to go to that cart is kind of defeating that purpose. If we need to change that fee to make it more feasible for them to be on the beach, then maybe we should look at that. That is how I feel about those two issues. On the dual cart, I tend to agree with Duke. I understand there was an issue and I think there is another way to resolve that issue. If we have to issue one more single cart permit for a year and then it falls away and we drop back to the amount we approved, I think that would probably be an appropriate way to handle that.

Councilman Lashley said, with regard to having a retail place in the lot, he feels it would be a good idea for the tourist to have a trailer there and can sell what you want at that location.

Councilman Lewis said he agrees with him to a point except we have a lot of business owners paying a lot of money for a brick and mortar stores and then we start opening up parking spaces and that is public land we are giving away and we're saying all you need

is a \$1,500 permit for a little storefront. I would be more inclined in allowing the storage with the time frame Dan was talking about and not allowing vending.

Councilman Wilcox said once you start doing that and have your base of operations there, you're not going to be up there on the beach strand. It will take away the incentive to be there servicing the visitors on the beach. He said he does think we should make the number of vendors to six and next year one of those should sunset, fallback and correct that situation. Whoever had two of them would fall away next year.

Mr. Parvin asked if we would keep that allowance if there is one vacant and leave the ten days in there. Councilman Wilcox said yes, but subject to review every year.

The town manager said as far as the beach vendors, I think you need to go ahead and amend the ordinance to allow for six and then what we can do as staff is bring it back and knock it back down to five if we have to.

Councilman Wilcox asked if we advertised adequately for that.

The town manager said it is part of the town code so I think we're fine with any kind of changes that we make.

Councilman Wilcox made a motion to increase vending to six for this year and then bring it back next year for five on the beach strand vending. MOTION CARRIED UNANIMOUSLY.

Mr. Titus said on that parking issue and not occupying a space when you're not actually working there and I think, for me anyway, I would set regular days and then probably go down there a couple hours in advance before people arrive and put some parking cones in one of those spots to reserve it for the time that I am going to be there and then take the cones away when I leave. That would be one suggestion to resolve that.

The town manager said storage on a parking space was being considered tonight but not the retail part.

The planning director said the storage is what we were looking at initially.

The town manager said the change staff proposed is, "One parking place shall be reserved for the vendor to utilize for logistical purposes. Under no circumstances shall vending be allowed to occur on the landward side of the dune." This language basically says that we have to reserve one spot for this vendor at the street end and that kind of goes back to your comments about when, where, how. It has to be first come, first serve for me.

Councilman Wilcox said maybe they can figure something out, some mechanism of cones, where they are responsible for going down there the days they are going to be there and getting there early and blocking it off. That might work. Maybe we could

monitor that for a season as long as they are only taking one spot. Other than that I don't know how we do it.

The town manager said it is difficult to enforce, too. If you put a sign up that it's reserved, somebody is going to park in it. He said he thinks they can do that logistically as staff, we don't necessarily have to have that in the ordinance if Council agrees. What I propose is that you don't take any action on that.

Councilman Wilcox said if you had a cone with a special sign on it and assign one to each of those that has a permit but if for some reason someone took that cone and parked there, I wouldn't want to see that person come in and have them towed. We're not giving them ownership of the space, we're giving them the ability if they can put the cone there and if it works, fine, if it doesn't work then it's not a process that is going to work.

The planning director said something like perhaps a sign that says when the cone is here the space is reserved.

Councilman Wilcox said to let staff come up with signage for a cone.

Council agreed and no action was taken.

UPDATE AND DISCUSSION REGARDING UPGRADES TO MIKE CHAPPELL PARK, OTHER FUTURE PLANS, AND SET A PUBLIC HEARING FOR INPUT ON THE CONSTRUCTION OF AN OUTDOOR BASKETBALL COURT AT MIKE CHAPPELL PARK

The Parks and Recreation Director, Ted Lashley, gave an update. The main field, soccer field, still needs some additional work. We have met with Freeman Landscaping to give us a quote to go back and spot sprig, put some compost in some of those low lying areas and the bare areas, sprig those, and continue with fertilization and try to get those back in shape. We are also waiting for a bid from our current landscaping company for that too. The softball field, drainage was an issue was brought up at our meeting with the committee. We talked with our current landscaping company which has the equipment and the ability to put the correct slope on there for drainage and we're trying to get it drained out around the edges of the field back to that ditch area back there. He seems to think he's going to do that so we're waiting for some estimates on that work as well. He also has the license to spray something strong enough to kill the grass that is starting to pop back up over there. So we've been working on that. He said he thinks they also have on the consent agenda tonight the basketball court, setting a public hearing for May. We'll talk about that in May and then put that out to bid. Councilman Wilcox did come and look at recreation center, we're talking about taking out some walls trying to open up our weight rooms, make some more room for a youth lounge, raise the ceilings, move some air conditioning ducts around, finding a set of plans for that building. He called All Span the main contractor for the job, and they are going to come down and meet with us next week and look and give us some ideas on what we can and cannot do with those walls. They think they can locate a set of plans and we'll also get him, if we can, to give

us some quotes for the work. This is something we have wanted to do for a while but without looking at the plans we don't know what is load bearing. There is a lot of open space up there and I think we can really open it up. He said he and the town manager have talked and we're going to need and we probably need to do it now to get a professional landscape designer to come out and do some plans for us if we're talking about any future expansion, what to include what we're doing now, future parking expansion, because when we go to Sunny Point for permission using their land they are going to want to see some plans. This is all stuff we talked about at the meeting last Monday night. We'll go with what we think is the best way for that soccer field, to fill it in, the bare spots, trying to level it out. We have our current landscape contractor looking at it too.

Councilman Lashley asked if there is any way we can do some of this in house. I remember the quote for the outdoor basketball court was like \$40,000, that's a lot of money. Is there any way we can use our in house resources to put a basketball court over there?

Ted said when they looked at the quote they were going to take all that sand out, put about a 6" marl base down and asphalt.

The town manager said that is not a project he would want to try to tackle. What he and Ted talked about doing when they move forward, if that is the location, we roll all that in together, talked about putting in a paved pad, maybe doing some things like traffic calming, fencing and landscaping in that whole vicinity, call that a new project and go to the county and get reimbursed for it. The backstops and bleachers could possibly be moved around

The parks and recreation director said the man they got the equipment from in the children's park area is coming probably next week to take a look at it. A lot of time he can refurbish it for us and, if not, on his recommendation, we'll replace it. He will also ask about the free children's equipment and tables and seats.

UPDATE ON LIFT STATION #1 CONSTRUCTION AND BUDGET AMENDMENTS

The town manager presented this item. He said this is regarding lift station #1 and some of the problems that have gone on. The contractor who is currently doing the project installed the wet well and did the pad incorrectly. It is not parallel with the side lot line as shown on the plan. They have decided to tear it out and start all over again. They will have to go in and readjust the whole project they have done so far and tear up the slab and put in a new one. We would have hoped to have been out of that really heavy construction and he guesses it will take 2-3 weeks, sometime after Easter the heavy construction will be done and hopefully coming out of the ground with the electrical part of it. One of the things we talked about, too, is the new wet well. There was a bow in the wet well that we saw early on. Everyone has assured me that, structurally, it doesn't make a difference. While we were redoing the whole wet well system, we were going to

ask them to correct that situation. They have offered up a \$7,500 credit to not redo that. With Council's approval I would consider taking that offer and then we can apply that to another part of the project that we actually need. Cosmetically, there are several things we can do with it. It is actually low enough in the ground we could build up enough dirt around that you probably wouldn't see it or create some kind of planter box or fencing or something that would hide it. The rehab of the existing wet well, when that was excavated around, and there are some weird construction things that have gone on there. The bottom round wet well is about 18" thick, it's poured of river rock and rebar and is not going anywhere anytime soon. Above that is a cube shaped building made out of cinderblock and above that is a wet well where the slab is poured on piers. So, there are some issues there. We hope we can do what was originally planned which was to rehab the existing wet well and use it. The other part of this thing is the contractor's offer to just take it all out and possibly put in a new wet well. I am not sure if that is still on the table, it was when we were contemplating leaving the wet well askew as it is now so we have to work through those issues. The dumpster and recycle pad, the design that we had wasn't good enough. Waste Industries needs 70' to take those dumpsters in and out, and there are power lines that would come into play, so we had to expand that area. The cost of that was about \$25,000 for the additional fencing, concrete and paving. The thing that will help reduce some of that cost is that the underground storage and storm water pipes will be deleted and will be treated by surface runoff, we don't have to treat it. One of the biggest things that happened during construction and has really kind of delayed things is that we hit three underground storage tanks on the site adjacent to the wet well in their excavating to put in that wet well as well as a valve box. The cost was extensive to dispose of the fluids, the metal wet wells, a lot of the dirt that was excavated, be taken to special facilities, and the hiring of Mactec environmental firm to help us with the testing, permits and get information from the state. As of today or tomorrow we are going to submit them a report. At this point, Mactec is considering this a low risk site but it is up to the discretion of the state as to how they view it. Depending on what kind of category they put it in, some of the things to resolve this could be as little as putting a feed restriction on the site and saying there were underground storage tanks on up to excavating soil and doing remediation. That is one of the reasons why I am here before you tonight. Some of the other change orders that we are considering that came out during the whole process is \$6,500 to replace an air release valve that was damaged. We have chosen to install a grinder as opposed to the basket system. I think that will pay back over time because it takes everything and grinds it up and we take it out of the wastewater treatment plant. Currently the basket would require somebody's attention, maybe even daily during the summertime but definitely 3-4 times a week to remove the material from the baskets. It is time consuming and there are also some worker's comp liability risks. The current lift station has a by pass, this was not designed with a bypass. This is really one of those catastrophic events if that lift station were to go down that we would be able to set up a pump and bypass the whole lift station. It is very important that we do that because it sends roughly 50% of our waste to our wastewater treatment plant. Originally, on the loan, we didn't take out enough money to cover the whole project so we knew we were going to have to come back anyway. We're about \$78,000 short for that. Had we not hit the underground storage tanks and, exclusive of the loan amount, we would have probably stayed within our budget realm. There is still a lot of uncertainty

that revolve around these underground storage tanks as well and also how the other wet well is going to be rehabbed and constructed. I am hoping to squeak through with only having to come back before you one time. I am asking tonight that we consider taking from our Reserve Fund \$178,000. I have given you why we're in this position, mainly the underground storage tanks and that cost is \$80,000, not to mention another \$77,000 for the shortfall in the funding that we had with the loan and to still allow us some additional contingency funding in there if we run into other situations. Hopefully we have run into all the situations that we can and have.

The town attorney said he wanted to assure him and Council that there is no indication whatsoever when you go on to the underground storage tank sites that state has that there was anything located at that site. When I did the title work on this, I didn't note any kind of activity that was on that particular site that explains why those tanks are there. I don't know why they weren't exposed when work was done 30 years ago.

The town manager said they were a lot deeper than most tanks, some were about 8-10' deep. We feel like they could have been part of the service station that was there on the corner and could have had something to do with the hotel that was there way back as well.

Councilman Lewis made a motion to approve an additional \$178,000 from the Reserve Fund Balance for the project. MOTION CARRIED UNANIMOUSLY.

UPDATE AND DISCUSSION REGARDING THE FY 11/12 BUDGET PROCESS

The town manager presented. He said he is trying to schedule another budget workshop and then we will move forward on the public hearing in June but he would like for them to consider either the 25th, which is on a Monday, or the 26th of April which is usually set aside for our second Council meeting which may be easier in the evening if that is what Council wants to consider for a budget workshop. I think Bob had some ideas that we'll need to talk to Sheila Mallard about.

Council agreed on April 26th at 5:00 pm for a special meeting for budget and requested the town clerk to place an item on the consent agenda for May to advertise the public hearing for June 14th.

UPDATE ON THE IMPLEMENTATION ON TRAFFIC RELATED ITEMS ON LAKE PARK BLVD.

The town manager presented. He said he wanted to update on what is going on at Lake Park and what is taking place to clear up any confusion. One of the things we talked about is improvements to Carl Winner, that is not going to happen before summertime. The permitting process through DOT took a while and I think it is better, at this point, to wait until after summer, after Labor Day, to get it completed. The police chief sat in on a meeting with DOT to talk about signalization. There are about ten different signalization formulas that they have that they can change if they need to be. Some of the things they

have done: Carl Winner - have gone to a weekend time, improved amount of time to take that left and get off the queuing on Lake Park from 15 to 25 seconds. That is mainly from the morning hours on Saturday and Sunday until about noon. Harper and Cape Fear - during the weekday the cycle is at 100 seconds, it takes 100 seconds for that whole intersection to go through its light cycle and have everybody do the movements they're supposed to do. On weekends, weekend begins at 12:00 on Friday to 6:00 pm on Sunday. There is a weekend cycle of 240 seconds. A person at Cape Fear could wait as long as 240 seconds depending on when they hit the light. If no one activates that light, that green time stays green on Lake Park. The ped heads impact our traffic flow on Lake Park. They are on demand. There are some things DOT is looking at, we could treat the ped heads like we do cars and whenever they are activated it would be very similar to a car activating the light or they can deactivate those ped heads and then you would go across whenever the light changes or we could keep it the way it is. If we keep it the way it is, on demand, and every time it is activated it stops the traffic cycle and then it takes a while for it to get back to its flow. The way I understand it if it is set at 240 seconds it may go back to 180 seconds. It takes three cycles or so for it to get back to its 240 cycle and by then you probably have somebody pushing it again and so it never really corrects itself. Traffic congestion warning signage on Lake Park that has been installed, the cost is around \$4,500 and then there is going to be some trail blazing signage that DOT is putting in. I talked to them about different ideas, about way finding and things like that and they are happy with the way the signage is reading and looking at this point. We'll have some more discussion about it, they want to see if it works and if they need to tweak it, they will. Video of Easter weekend traffic, we're still working on that to get some video on that Saturday. Traffic counting, everything is going to take place with MPO doing some traffic counting. We'll have observations by DOT, they have been coming down on weekends to make sure everything is functioning properly but Will Letchworth will be here as well, for about four hours, and all he is going to do is charge for his time. We talked about creating a traffic map and that has been completed and we'll give those out to destination points, hotels, rental people and that also gives another map showing different alternatives as far as getting around town. We also added some events to it that are happening throughout the summertime. Additional bike symbols have been completed. We're going to be ready to place police officers at intersections but I am not sure I really want to do that unless things really don't pan out mainly because we need to see what works and what doesn't work. We will have the staff available to do that if need be. That is basically a summary of what has happened and we're trying to get everything to happen by Easter and definitely by Memorial Day.

Councilman Wilcox asked if they could use some of the extra funds from the maps to buy Lucite flyer holders, maybe put the town seal on them, to use at places where there are no holders. The town manager said they could do that.

Councilman Wilcox asked about the Ocean Blvd. alternate sign. The town manager said DOT is happy with the way it reads now, there is an arrow that points towards Wilmington and it reads "Use Alternate Route" when flashing. He has brought up the fact that there is not indication as to why, whether it be traffic congestion, etc., they are happy with it and didn't want to make a change at this point. He will talk to them some

more about it. He thinks it should read "Heavy Traffic Ahead". He also said that DOT was not willing to take out the lighting at Harper.

ADOPT THE CONSENT AGENDA

Councilman Wilcox made a motion to approve the consent agenda.

Approval of the minutes:

Special Meeting	February 7, 2011
Regular Meeting	March 8, 2011

Budget transfers:

FIRE DEPARTMENT

Transfer \$15,000 from line item #530-051 (liability/workers comp) to #530-033 (supplies) \$10,000 and #530-045 (contract services) \$5,000 to complete the construction project.

Approve the grant from Homeland Security in the amount of \$31,000 for the dive team and \$7,266 for the boat lift as well as the legal salaries line item by \$45,000 as presented by the finance director.

Give the Got-Em-On Fishing Club permission to use the town parking lot located on Canal drive adjacent to the Scotchman for the annual fishing tournament on July 7-10, 2011.

Adopt Resolution No. 11-1050 (Exhibit #3) donating the 2001 Mitsubishi to the Town of Kure Beach.

Set a public hearing date for May 10, 2011 at 7:30 pm, or soon thereafter, to consider amending Article 3.8-1 Table of Permissible uses to create a new use, "Planned Residential Development" in the following zoning districts: R-1, R-2, MH, MF, MX, NB, MB-1 and T-1; and to amend Article 3.2 Zoning Affects Use of Land and Structures; Table 3.9-2 Lot Coverage Standards for Accessory Structures in Residential districts; Article 7 Off-Street Parking, Sec 12.2 Development Standards for Particular Uses and Sec 23.3 Definitions. Planned Residential Development will allow more than one principal building on a lot as long as all regulations in the zoning ordinance are met.

Set a public hearing date for May 10, 2011 at 7:30 pm, or soon thereafter, to consider amending Article 3, 18, and 23 to allow existing drive-thru facilities in the CBD to exist, expand, and/or improve, but prevent allowances of any new drive-thru facilities to be located in the CBD.

Set a public hearing date for May 10, 2011 at 7:30 pm, or soon thereafter, to consider amending Article 3.8-1 Table of Permissible Uses to create a new use, "Drop-in Child Care" to be authorized as a permitted use and to amend Article 23 to define this new use and to amend Article 12.2 to develop standards for this use.

Set a public hearing date for May 10, 2011 at 7:30 pm, or soon thereafter, to consider amending Article 3.8-1 Table of Permissible Uses to allow for recreational vehicle/boat storage yards as a permitted use in HB zoning district and to amend Article 12.2 Development Standards for Particular Uses to increase the allowances for recreational vehicle/board storage yards in the HB zoning district.

Adopt Resolution No. 11-1052 (Exhibit 4) concerning drafting, approving and keeping minutes and general accounts of closed sessions.

Set a public hearing date for May 10, 2011 at 7:30 pm, or soon thereafter, to consider replacing the sand volleyball area with an outdoor basketball court at Mike Chappell Park.

MOTION CARRIED UNANIMOUSLY.

APPOINTMENTS TO THE BOARD OF ADJUSTMENT

MPT Efirid made a motion to reappoint John Keith to serve a 3 year term effective 4/12/11 to 4/12/14 and appoint Rick Rogge to replace LeAnn Pierce to serve a 3 year term effective 4/12/11 to 4/12/14. MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO THE AD-HOC BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Councilman Wilcox said he would like to talk to some of the members to determine whether that committee needs to continue to exist. Some of the members feel like they have helped with a lot of initiatives that helped improve some things and brought things to Council but now they don't have any projects.

APPOINTMENT TO THE OPERATIONS ADVISORY COMMITTEE

Councilman Lewis made a motion to appoint Robbie Little to serve a 3 year term effective 4/12/11 to 4/12/14. MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO THE ARTS AND ACTIVITIES COMMITTEE

Councilman Lewis made a motion to appoint Robbie Little to serve as a member of the Arts and Activities Committee. MOTION CARRIED UNANIMOUSLY.

Council requested that staff continue to advertise for board vacancies.

NON-AGENDA ITEMS

The town clerk said she has been working on the arrangements for Town Hall Day which will be on Wednesday, May 4th. We had also talked about inviting our local legislators to Carolina Beach for a breakfast meeting but since we're going to be in Raleigh on May 4th, she wanted to run it by them to see if you feel like it is still necessary to invite them to Carolina Beach if we can get some time with them in Raleigh. Council agreed to postpone the breakfast to another time.

Concerning automatic aid, the fire chief said we worked through some programming issues at the county and resolved some of that. We are also working toward Carolina Beach being the primary responder for all of Freeman Park.

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

MPT Efirm made a motion to return to open session. MOTION CARRIED UNANIMOUSLY.

MPT Efirm said action is not necessary as a result of the closed session.

MPT Efirm made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____