

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

*April 13, 2010*

The Town Council of the Town of Carolina Beach met in regular session on April 13, 2010 at 6:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor Joel Macon; Mayor Pro Tem (MPT) Pat Efirm; Councilman Lashley; Councilman Wilcox and Councilman Lewis. Also present was the Town Manager Tim Owens, Town Clerk Lynn Prusa, Finance Director Dawn Johnson and Town Attorney Steve Coggins.

Mayor Macon called the meeting to order.

***INVOCATION***

Bob Underwood, Senior Warden, Holy Cross Episcopal Church, led the invocation.

***PLEDGE OF ALLEGIANCE***

Mayor Macon led everyone in the pledge of allegiance.

***ADOPT THE AGENDA***

**MPT Efirm made a motion to adopt the agenda with the following change, as presented by the Town Clerk: under Item #12(f) add proposed Resolution No. 10-1007. MOTION CARRIED UNANIMOUSLY.**

***SPECIAL RECOGNITION OF SGT KIMBERLY MUNLEY FOR HEROIC ACTIONS IN FORT HOOD, TEXAS***

Former Mayor Barbour, father of Sgt. Munley, read Proclamation No. 10-1008 proclaiming November 5<sup>th</sup> as a day of recognition for Sgt. Munley and her heroic actions at Fort Hood. He also presented her with a key to the city. Her husband and family members stood with her. Sgt. Munley thanked Council and everyone. The Chamber of Commerce thanked her and presented flowers, a gift voucher from the Marriott, and dinner at Havana's. Chief Younginer presented a plaque and a meritorious service coin on behalf of the police department.

**Mayor Macon made a motion to adopt Proclamation No. 10-1008 (Exhibit 1). MOTION CARRIED UNANIMOUSLY.**

***PRESENTATION BY CHRISTINE HIGGINS REGARDING THE TRAP-NEUTER-RELEASE PROGRAM FOR FERAL CATS IN CAROLINA BEACH***

Mr. Owens said this item will be continued to next meeting.

***CAPE FEAR COMMUTES 2035 TRANSPORTATION PLAN***

Steve Stanton, 527 Spencer Farlow Drive, town representative to the Citizen's Advisory Committee for the Wilmington Metropolitan Planning Organization said the charge for the committee, and the 11 jurisdictions within the committee which entails NHC, parts of western Brunswick and eastern Pender, has been to develop the 25 year, futuristic plan for the MPO. He said Bill McDowell, planner with the MPO, is in attendance. He said there is a schedule for approval by all of the jurisdictions in the MPO which will come sometime in June. He presented the draft plan. For the 11 jurisdictions they are using demographics and futuristic planning the MPO devised. The Citizen's Advisory Committee reports to the Transportation Advisory Council of which Mr. Lewis is a member. They have to think about things that will be happening 25 years from now. The plan is federally mandated and a new plan required every 5 years. With the new census information, the MPO might be expanding. It is a multimodal plan and covers all forms of transportation - motorized and non-motorized. The committee received 3,300 inputs or comments this year which provided a good base to make some determinations for the plan. The previous plan 5 years ago received 6 comments. The number one concern from the survey results is safety, then travel time or convenience. Under revenue, tolls finished second besides impact fees or developer paying as they go. People were not fearful of paying a user fee for the transportation modifications. The vision statement is comprehensive but very logical - safe, efficient, appropriate, responsible, integrated, multimodal transportation system for the greater Wilmington area. The Wilmington staff developed a process to look at the demographics, futuristic census information, transportation needs and the need for multimodal increments and put together a process to develop the plan. The final draft is out and, besides open houses they are having around the three county area, each of the jurisdictions, councils and commissioners, are receiving the draft plan. They will have 6 weeks to review and they are looking for each of the jurisdictions to comment and, hopefully, endorse the 2035 plan sometime during the month of June. April 29<sup>th</sup> starts the open comment period. Aviation - one of the concerns was why does everybody have to drive to the airport and they are thinking of better ways of getting folks to the airport. Bicycle projects - bicycles and pedestrians were the number one interest of all of the feedback they received. They have a number of projects for bicycles and pedestrians and there are some that impact Carolina Beach. The plan has something for all of the areas within the MPO. Freight projects - they are looking at the new port in Southport; rail and truck traffic connecting to Raleigh and 95. Cape Fear Skyway is a must in the plan. Mass Transportation - bus rapid transit and express buses. Bus rapid transit emulates light rail. They are looking at Wi-Fi luxury type buses where you can get work done while coming in from Pender and Brunswick. There is a line from Snow's Cut. Park and ride is also instrumental in this plan. Express bus service from Carolina Beach and also bus rapid transit is in the works for Carolina Beach. Other considerations for roadway projects are congestion mitigation, quality of

life, safety with congestion mitigation usually being the priority issue. Quality of life refers to street beautification, making things environmentally sound. Roundabouts/rotaries will be used more. Something the committee is very interested in is a transportation manager or a transportation authority. You need someone to keep the projects alive and you need to contemplate what you want to have done in the area. Revenues - they are counting on a lot of state and federal money. They didn't incorporate a lot of local user fees. They are looking at locally generated, non-motorized pedestrian and bicycle money. Expenditures - they are looking at \$2.1 billion dollars. That is what is in the plan over 25 years. Unmet needs - there are a lot of unmet needs. There are a series of projects they will keep on the list but won't be prioritized but, if something should happen, they have projects in the queue that could supplant something that gets done or is rejected. Council will be getting the draft plan. The comment period starts at the end of the month and they will be looking for comments and endorsement.

### ***RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE***

Mayor Macon recognized Brian Stanberry, Public Works Director, for 10 years of service.

### ***PRESENTATION BY WILL LETCHWORTH OF WILBUR SMITH AND ASSOCIATES REGARDING THE NEW TRAFFIC CONFIGURATION ON LAKE PARK BLVD.***

The town manager gave an update concerning the traffic and new road configuration on Lake Park Blvd. during the Easter weekend. DOT asked him on Wednesday whether they could come in on Thursday and try to finish up all the paving. They would have had problems if they didn't finish up the paving and they had problems after they finished up the paving. They left Thursday afternoon pretty late and it was a really warm weekend with a lot of folks who came to town with a lot of traffic. He could have potentially called one of the traffic/transportation people on Friday or Saturday and they could have done something but it was a holiday. Sunday they came out and did the best they could but some of the traffic lighting wasn't there and neither were the loops. So there were some concerns there. Obviously there were some concerns with the Carl Winner intersection heading south, that still is not right and needs to be signed a different way. There are people merging over too late, in his opinion, and causing problems there. There have been some concerns about the striping which is not complete at this point. One of the bike lanes will be changed on the east side to be a little bit wider and they will be marked as bike lanes. And there are some other things they are going to do to delineate the corners and how things tie in. The fire department expressed some concerns, one of which was being able to take a right onto Lake Park and that will be addressed as well. They met with DOT and they will be able to push the center lane back so that fire trucks can make the appropriate turn and head south. DOT has made some recommendations. Will Letchworth will speak about the project. He looked at the circulation study when they went through the streetscape process. This is not a new concept and was just the first step in a process they were trying to implement a more urban setting. Obviously the traffic will slow down somewhat but the last thing you want

to do is impede flow and inconvenience folks because that does more harm than good. They are trying to make a more urban setting, emphasize walking and pedestrian and bicycle traffic a little more but you don't want to back traffic up all the way to Kure Beach and that is what happened over Easter weekend. There were some legitimate concerns there with the traffic lighting and how fast that light was cycling, also some of the sensors in the roadway. We are still looking at it. DOT had people out this past weekend. He feels like it was a pretty decent traffic weekend. They averaged daily traffic counts which he still hasn't processed yet but will continue to do some. He is going to try to do some over Memorial Day weekend. DOT wouldn't have gone forward with this project had they thought there would have been a problem. Will Letchworth can give a synopsis regarding the traffic engineering behind road diets and what we have done to go from 4 lanes to 3 lanes.

Will Letchworth of Wilbur Smith and Associates, said he came down last week to look at things with the town manager to try to get a handle on what caused the backups, specifically on Easter weekend but also to look at the project as a whole and if it is still where they want to be. Most of you have been involved in the streetscape process and have learned a little bit about road diets but some of the public may not be as aware of the history on what is called a road diet. In this situation it was going from a 4 lane to a 3 lane and some of the things that allows you to do, specifically with bike lanes and greater pedestrian access. It is not a new concept. He sent the manager some information that was written in 1999 that has some really good case studies and information on road diets, where they have taken place, the types of traffic volumes that they have accommodated, what they have done for the communities in terms of crash rates and it is a pretty widely accepted view in traffic engineering circles that going from a 4 lane to a 3 lane segment doesn't really reduce the capacity of the roadway so much and he thinks what really happened here in the CBD is the inside lanes is really the defacto turn lanes anyway. People stop in those lanes, cut around, and then the things it allows you to do by reducing the number of lanes in terms of what you have out here now - bike lanes, parking, greater pedestrian pathways and walkways. But also safety, in terms of people turning from side streets, a big problem with those 4 lane sections is the double threat where somebody stops to let somebody out, either walking, on a bike, in a car, and that person in that inside lane just doesn't see them and then you have a collision. There have been quite a few studies done that aren't in this that show a statistically significant drop in the collision rates from going from a 4 lane to a 3 lane section just because of those issues. He really feels it is a good idea. He thinks the streetscape plan process that you went through showed that the town was committed to providing greater pedestrian and bicycle accessibility through the CBD. The original streetscape plans did include a median divided section even further north than this striping includes but when they came in and looked at the traffic analysis and the numbers, they recommended not doing that north of Carl Winner. The traffic volumes, historically, that they had seen supported a 3 lane section south of Carl Winner on Lake Park. So what are we talking about in terms of numbers? Based on having worked with the town over the years, they have a pretty good data base of counts they have done on Lake Park over the years for different studies, for the Dow Road study, for this streetscape study, for private development TIA's, etc., so they were able to go back and take a look, as part of looking at the streetscape plan, and

seen how the traffic volumes have grown and changed and what level they are at. DOT has a count program where they typically do every 2 years average daily traffic counts. They took a look at those. They have a permanent count station on the bridge which they can factor in, off peak times to summer days. What they saw was north of Carl Winner, it is hard to get away from a 4 lane section because you need that left turn lane going into Carl Winner for folks going to the north end. Once you get south of there, the traffic volumes are in around 12,000, in the study from DOT's counts. The typical range for road diets is all the way up to about 25,000 cars a day. So you have a long ways between your typical summer day until you get to where you wouldn't consider a 3 lane segment. Does that mean it's not going to be congested on peak summer weekends? He answered, by saying of course not. There will be more traffic on those weekends, more traffic than your average day. He thanked the MPO for getting out pretty quickly last week and getting some counters down. They were able to get data for this past weekend. North of Carl Winner is still the same situation, looking at about 27,000 a day on Saturday, which is above that threshold. So we have the right cross section there. South of Lake Park you were in the 18,000 cars a day range which, in terms of daily traffic, is still well within that range where you would look at a 3 lane section. Another thing he noticed in looking at the data, not just in looking at the daily traffic, but looking at how the traffic varies between hours. Typically a peak hour, your highest hour in the day, is about 10% of the total day's traffic. That is not the case here, both for the Friday and the Saturday, your peak periods are really spread out so you have elevated volumes of traffic for a longer period of time, representing the highest one is about 7%. So you can't just think in terms of a road diet of how it compares to the average daily traffic. It is well within that range. It is certainly well within the range of traffic when you start to consider your very peak times. All that leads him to say, this cross section is the right cross section for what you are trying to do in the stated goals of the master plan but what the heck went so wrong on Easter? The simple fact of the matter was that DOT had come out and repaved and re-striped and primetime came before the road was ready for primetime. In terms of this project, it was far from done. Signal heads weren't necessarily hanging in the right spot, the loops weren't hooked up correctly, the signal timings weren't calibrated yet to the traffic conditions so there was no way it was going to work. Since then DOT has gone into the cabinets to make sure the loops were hooked up correctly, installed new ones where they were needed so the issue that you had when driving down the road and get a left turn arrow when there is no car sitting there, that is not going to happen anymore. One of their recommendations is for cars not to necessarily have a left turn arrow other than at Carl Winner anyway. With those signal timing changes, we've talked with DOT and sent them a lot of the analysis that they have and they are taking a look at the numbers that they have, if they process, in terms of getting that signal timing tweaked and correct for these signals but all of our analysis have shown, and he truly believes that operations will show, once you give it a few weeks this cross section is going to work fine, it will move traffic and you will not have the backups you saw on Easter. Will you still have some backups? Sure you will on peak times. If nothing else because if you had 6 cars pull up to a signal and you had 2 lanes where you are 3 cars back, 6 cars pull up and you have 1 lane and your 6 cars back. There is not anymore traffic; you're just a few more cars back. Give this process time, particularly for the signals; it's going to work a lot better. They are still tweaking the signing package. With this being a bit of a fast

track project in terms of getting out in front of this repaving, the signage is not as it will be at the end. He thinks they need some more advanced warning signs to let people know that that left turn lane turns left at Carl Winner. As the town manager mentioned, there are going to be some tweaks to some of the bike lanes to get that in a little bit better shape. But moving forward too, the growth that has been seen over the years in terms of the traffic counts taken, this is not a situation where 5 years down the road this thing is not going to work. You've got 15-20 years. They looked at 20-30 future traffic volumes in the study. You have many years before this thing is really going to reach the capacity limits. He thinks that as the streetscape project progresses and you see the benefits of the wider sidewalks, the benefits of folks being able to ride in the bike lanes, you get some benches and tables out there with umbrellas on them, he thinks people will really appreciate that this cross section and the town itself is not just about moving cars, it's about moving people. This cross section and what it allows you to do is moving people regardless of what mode they are using, not just moving people through cars. Might somebody have to wait a little bit longer in a car, sure, but, in terms of the total package, he firmly believes and that is what this master plan came out with, that this is the direction the town wants to go. There is a lot of analysis, a lot of effort and a lot of information behind this. They are continuing to watch it, probably get some traffic counts on some more of the summer weekends, continue to tweak things as they move along. They will continue to work with the town and with DOT to make sure that everything they can tweak is done and this thing will continue to run well into the future and work really for you.

Councilman Lewis said he did some research on the web and he couldn't find one town that had a road diet designed that had parallel parking or that was a resort town that had people coming in and staying. He kind of questioned that because he believed he would be able to find that on the web if someone had diagonal parking the way we have it and couldn't find anybody with diagonal parking the way we have it and a bike lane sitting right behind it. He will admit to the public that he made a mistake in voting for this the last time we did it because that is a safety hazard just waiting to hurt or kill somebody. Now that he looks at it, if he had done some research on the web he would have found he couldn't find any. That whole design for him is just taking all the statistics and all the things you guys have done and said somebody didn't really think this thing through and it was part his fault because he voted for it. There are a lot of numbers out there about road diets and how they can handle the traffic volume. He still has questions about Fridays and Saturdays when a lot of people come here in the summer months to go to their hotel room or the north end and the traffic at the north end, we can just tell from the numbers and the dollars what has happened to the north end over the last couple of years that traffic has increased at the north end. If the study was done 2 years ago, it's already way back in history because we have more people coming making a left turn on Carl Winner than we did 2 years ago. As he looked through those, it didn't make any sense to him. He was trying to find out why we would approve it. He thinks the design and the idea was great if we had the streetscape - wider sidewalks, maybe have a median, parallel parking - made a lot of sense, but the bike lanes right now are a big safety hazard for the residents and tourists. He probably had 30 different tourists tell him they probably wouldn't be back because of the traffic, that it was like Myrtle Beach. He happened to be

open on Saturday and people came and said they didn't realize our beach was so crowded. They couldn't get in, couldn't get to their room for 4 hours. They drove for 8 hours and were stuck in traffic for another 1 ½ hours trying to get to their room. People with businesses on Lake Park Blvd. probably couldn't get anybody into their businesses because it was bumper to bumper. He thinks it will be like this on Memorial Day weekend, Fourth of July weekend and any other big weekend where there will be a lot of people here. He went through a couple of different things - the bike lane, the merging traffic plan seems a bit confusing. No overhead signs whatsoever, you have to work on signage and he thinks that can be corrected. The traffic pattern is too busy during the big summer weekends. The police department doesn't have enough people to stand out there and direct traffic creating a confused group that just backed up, inbound/outbound traffic. 421 is built as a 4 lane road all the way down until we get to the lake for over 30-40 years. The residents will eventually understand the pattern. 20,000 tourists don't understand the pattern and will not ever understand it and the volume will increase. We have a Hilton Hotel that is supposed to go up. We're talking about a master plan project with bigger buildings, an aquarium pier which will bring even more traffic patterns. Regarding the numbers from this weekend, that's just a joke, everyone was at the Azalea Festival and it was just a normal spring weekend. Those are all his concerns. He thinks the design was made for something that is not in effect today and we took that design and just jammed it in, put some lines on the street and said let's see how that works.

Mr. Letchworth said a lot of what he had to say has quite a bit of merit. Obviously, if you go through the master plan, this isn't the ultimate vision and this is not, he believes, the way that this street will look in a few years, even. It is definitely an interim step and certainly not 100% ideal in all respects. He thinks that the parallel parking that he mentioned, having parallel parking adjacent to a bike lane is certainly preferably to having drive-in/back out parking. That is definitely a concern. The preferred method for striping bike lanes is beside the travel lane. You would not have parking and then the bike lane on the other side adjacent to the sidewalk. It really comes down to an issue of parking supply, parking demand and having parking in front of those businesses. Obviously if you go to parallel parking, you have significantly decreased the amount of parking that you have through that section. Is that, in terms of the safety benefits, a tradeoff? That is something the Council can certainly discuss. It's not something that he personally has looked into in terms of how much would you lose. He doesn't know if the consultant who did the master plan, if they went into the true numbers of parking supply and demand. It's not something they have ever looked at. If you had to go out here and build the ideal situation, he doesn't know that you necessarily would in, terms of safety, do that. That is a very valid concern. Looking at the traffic volumes and the operations and the operations, he certainly would not stand there and tell them he thought it was going to work if it wasn't going to work. He didn't bring the traffic models. That is certainly something they can look at. And what we do is not only look at the traffic you have now, the traffic you are going to have many years in the future, but many, many years in the future. He feels like that when they looked at growth rates and other issues and changing things to summer traffic, they were pretty conservative in the analysis they did. Again, this Easter weekend was an anomaly in terms of that roadway being ready for that traffic because it just simply wasn't. Those signals weren't even hooked up

correctly and that is just a function of the timing in terms of installing this 3 lane section. He really cautions them against taking that Easter weekend and saying it's going to be that bad next Easter or Memorial Day or just a regular weekend. That's just not going to be the case. Are you going to have weekends where it's busy, sure. He thinks one of the options Council may wish to consider that was an outcome of another study they did for the MPO, the Dow Road corridor study. Dow Road is one of those corridors that is not currently utilized to its capacity and is a very viable, alternative route for people who are going south of Carolina Beach. It will help take people off the road and help operations. It will also take people out from driving in front of the businesses too. So there are tradeoffs there as well.

Commissioner Lewis said it doesn't make a difference if they don't stop. An example, Linda's Fashions dress shop, has been there for years, she said that when people are backed up for 4 or 5 hours, even if they plan to come visit me, they don't even stop. They just want to get out of the traffic. People who are going to Kure Beach or are heading down to the aquarium, they eventually come up here. Taking them along the bypass using Dow Road makes a lot of sense, to him. They will come up here, the businesses won't lose a dime.

Mr. Letchworth said he agrees. It's a destination area and if you go down Lake Park now, what does the sign say? It says Kure Beach, Ft. Fisher to the left. You would never know if you were a tourist that Dow Road is over there. And when improvements are done to that corridor to make it more bicycle and pedestrian friendly, it's going to be an attractive corridor, multi-modal corridor, and not just for cars. He thinks that is a key in this that will help. But one of the interesting things to note is, they were doing that study at the same time they were looking at this and they didn't assume any diversion to Dow Road. They kept traffic volumes high on Lake Park assuming nothing would happen to add a little more conservatism to this analysis. The message is, particularly as it relates to moving cars, have a little bit of patience and give it a few weekends and give it a chance to work like it was meant to work and he thinks they will see a lot different results.

Councilman Lashley said he wanted to talk about the bike lanes a little more. The streetscape plan has parallel parking. We made a big mistake when we approved this thing with the back-in parking. We discussed it for probably over an hour. We need to take a look at that now. We're not worried about Dow Road. We worried about Lake Park and the safety of the public. It's a dangerous zone. We need to talk to the town manager and whoever needs to get off their backside and take care of that bike lane. He doesn't think they need a bike lane with the way it's set up right now and that is what he would propose. We need to have parallel parking starting from Harper up to about Charlotte, past the Fat Pelican. We're going to lose some parking spaces but safety is his main concern. That is what he would recommend whenever we can get someone up here to re-stripe this. He is not going to vote to have this the way it is now with the hazards we have with that bike lane.

Councilman Lewis said he agrees. For him, the bike lane should be totally eliminated. He likes the idea having one. It's just a very dangerous factor. The residents aren't letting any of their kids or themselves go down there and use it.

Mr. Letchworth said he thinks it makes a lot of sense to go out there and get a handle, from a design perspective, what you would be losing in terms of numbers of spaces, what you would be getting back.

Councilman Lashley said that safety is the issue here. He is not worried about losing parking spaces but is worried about the safety issue.

Mr. Letchworth said that is within the current cross section and the current roadway that you have, you can absolutely accommodate parallel parking and that bike lane, with room to spare.

Councilman Lewis said it has to all be parallel parking or none, the way he looks at it. The bike lane is a great concept but isn't really going to fit in until we really make an impact on changing the sidewalks, etc., and at that time we will have educated the public to maybe we have the corridor on Dow Road to take people around the town because the town will not be able to handle the traffic that they are going to expect in 5-10 years. If you put the streetscape in there in 5 years, traffic will not be able to be managed in this town. Maybe it could in 10 years.

Mr. Letchworth asked if they would rather have more parking and no bike lanes or bike lanes and less parking?

Councilman Lashley said his is the second choice.

Mr. Letchworth said, personally, given that it is a beach community, that it's a destination, the goal was to promote multi-modal travel, he thinks a bike lane is a very, very good idea for this corridor. He thinks it would be worth it to see the design implications of doing that with parallel parking and it would be safe.

MPT Efird said the way it is set up now it is dangerous.

Councilman Wilcox said they all got a lot of phone calls on the weekend from people they never hear from, that are otherwise pretty much happy about everything. He, too, would not be in favor of leaving anything like it is if the traffic is going to be like it was on Easter weekend. He thinks the concerns about the bike lane are valid, as far as safety goes. They had a pretty long discussion about that and that is what came out of it. He would be open to hearing about any options for whatever resolutions might be available for the bike lane but he thinks it doesn't make sense to have a traffic calming situation where you want, eventually, to widen the sidewalks and have outdoor seating and encourage bicycle and pedestrian traffic if you are not going to have a bike lane. Somehow they need to take a look and make sure that is part of the mix. With regard to the design of the system, he is still not ready to throw that out yet because it has to work

as a system. The change of the lanes, the striping, the signalization, the timing of the signals, the signage, all of it has to be in place and working as a system. Councilman Lewis makes a good point, it's 4 lanes all the way down and changes to 2 lanes at the lake. It seems to him if you went from 4 lanes to 3 lanes in the business district and 2 lanes at the lake, people are turning off and you are losing traffic as the flow continues, then you are also creating a traffic calming and you are working them down to 2 lanes, he has a tendency to believe that will work. Of course, none of us are traffic engineers and we are just doing our best to understand what has been brought before us and what has been being worked on for the last 6 years. We need to fix the traffic flow and he understands that if you are going to calm traffic, for the most case you are not increasing flow. If we want to calm traffic for people, instead of using this as a thoroughfare, that they want to stop, shop, eat, relax and enjoy our town, we just need to figure out what the right balance is. There are a couple of things that bother him. He showed a couple of photos. Councilman Lewis talked about some overhead signs. He showed a picture heading south on Carl Winner and a sign and said the first time he pulled up to that sign, he was slightly confused about what to do. He was in the right lane and if he went straight, he was in the bike lane. Right before that picture are some errors. The problem is when there are cars there you can't see the arrows. One of the first problems here is the confusion as to what you are supposed to do. The next photo showed markings where he was trying to figure out a way for people to understand that concept when they are sitting in the lane and all the arrows on the road are covered up. It seems to him that you have to do some intermittent stripes to get people over from that lane over without being in the bike lane and the bike lane would have to be very well marked. You would have to let people also know that are sitting there that it is still a left hand turn whether you do that overhead or something else that DOT would allow. The next photo showed coming back from the other direction, which was just as confusing. You are in one lane with a bike lane on the right hand side which he feels people think it's a turn lane, and, if you look ahead, that stripe for the center of the 2 lanes is directly in the middle of this lane. Again, people are confused. Showed the next slide. Without this being marked as a bike lane, you're just setting it up for people to use it as a turn lane. He doesn't know what kind of marking you use to designate that you are splitting the lane and opening it up, whether it's overhead. The reason he is showing those markings there is because that is where people can see when their cars are parked and they are sitting on top of the markings that are in the lanes, that intersection is generally visible. He is open to all kinds of discussions about the bike lane. He would like to see a bike lane down there. Whatever we can do to make that safer, that would be great. He wants to see the traffic signalization and the system work properly and he thinks these two stumbling blocks are a big part of the problem.

Mr. Letchworth said he is absolutely right and that is one of the first things he noticed when he came down last Wednesday or Thursday. There are particularly a lot of people in that left turn lane going south and continuing to go straight through. Again, it comes down to it not being quite ready with signage. One of his recommendations was not only overhead signage but advanced warning signs. The sign that is there now you don't see until you are right on top of it because it's right around the corner. There are a lot of those kinds of tweaks that have to take place to get signage right. You are right on target

with the striping too because without the guys riding the bike in the bike lane, you certainly don't know that it's a bike lane the way it's striped now. That will absolutely be remedied when the final thermoplastic goes in. Also, he thinks what he mentioned was right on too, with some of the puppy tracks in getting in terms of getting people over into a lane and having that shift across the intersection. He thinks some of what you see in the picture will also be taken care of a little bit when the signal modification is done here, to add the additional lane and turning radius for the signal at Carl Winner for people coming out of Carl Winner. He thinks that is going to set that up. He didn't bring those signal plans that show those markings with him he thinks that is going to set up that intersection a little bit better and make it clearer what is going on there. That transition right there is not nearly as big a concern as going back the other way where you are going from 2 to 1.

Councilman Wilcox said when he is sitting in that right lane going south that he looked over to try to see if the car next to him was going to push him off the highway. The other thing, too, here on these bike lanes, especially where I assume you are traveling in that direction, that bike lane just stops. Would there be some markings that would turn that up into the sidewalk, like a little directional that would take that bike lane up into the sidewalk or would it just stop like that?

Mr. Letchworth said what may be a better idea there too would be transitioning that bike lane into, particularly since there is not any parallel parking in that area, a shared lane with the through traffic at that intersection. That is a pretty common treatment at intersections, is to get those bicyclists in with the cars a little bit better. It is a little bit more of a sketchy situation here because you will have a lot of younger population riding bikes but just in terms of because that bike lane is ending, you can do some signage in terms of bike lane ending but also some pavement markings there that let those folks know that it is a share the road situation further on down but also in terms of bike traffic you may want to take a right and go over to Canal, etc.

Councilman Wilcox said he wanted to show those a pretty common examples. We can't have what happened Easter weekend and on the busiest weekends with traffic coming, it's going to be perhaps worse than what it would be with 4 lanes but it can't be that dramatically bad. We have been working with this for 6 years. Your engineers have looked at it, Wilbur Smith engineers have looked at it, MPO has looked at it, DOT engineers have looked at it. He is not willing to say this won't work yet. As public officials we pay experts to bring us information we can make decisions on and he thinks people expect them to follow professional recommendations on things like this, especially to do with safety. He knows they wouldn't have wanted them to ignore all the engineering. So he wants to believe that the engineering will work. Easter was a bad situation. It's hard to disseminate all this information and all these issues out to the public, so they're not getting a lot of this.

Mr. Letchworth said there is a whole lot things in traffic engineering that are new and fads, new and fun ways to handle traffic. This is not one of those. This has been around a long time. There are a lot of cases of going from 4 lanes to 3 lanes. There is a lot of data behind what that does to traffic, with safety, with volume, with conflicts, emergency

response time. This is a very established method for going to a more multi-modal corridor.

Councilman Lewis said he kind of disagrees. There are a lot of experts on a lot of subjects and there are a lot of screwed up highways, bridges to nowhere, all that stuff. They don't have the same types of things we're dealing with here, challenges. It's not a summer driven town where vacationers are coming in on Friday and Saturday and leaving on a Sunday, different weeks. It's not a situation where we have the bike lanes sitting behind parking, where we have this diagonal parking just pulling right back out. He has not found any of them. There has to be some on the web someplace if somebody has an expert about this. Even the examples you have in this article do not really talk about any vacation towns except for Santa Monica which is like a little city. It's not really a vacation destination where people are coming down that main road. All the other locations are little towns like East Lansing, Michigan. It's a different situation. Traffic flows are consistent every day. They don't have high volumes of visitors coming there, except maybe football weekends. In most cases that is another challenge we didn't put up with. He doesn't believe anybody monitored the road traffic counts. He knows the town manager said they were doing counts this week. He doesn't believe in any of the counts this weekend. You can tell the people weren't here. You can take the counts every weekend. This is not a good example. His concerns are public safety. He thinks you have to take the bike lanes out. It will be great to have bike lanes whenever we get this streetscape. We really need to put a plan together to reroute traffic around this town for whoever wants to go down to the south end.

Mr. Letchworth said that plan is in place and that is the Dow Road corridor study.

Councilman Lewis said that is not in place to be implemented for a long time. It's not like it is tomorrow. We're saying Memorial Day weekend lets take a chance and see what happens. He doesn't feel it is good for the residents, for tourism. We're trying to drive tourism they are going to have people saying they are not coming down here anymore, there's just too much traffic. After that weekend were kind of stuck, now we're right in the middle of summer and you say let's just keep going until September or October and then we'll make the change.

Mr. Letchworth said that when people come to Carolina Beach, is it Councilman Lewis' sense that the majority of people come and rent a house/condo and stay for a week, weekend? Do they come for a day? What is his sense of the type of visitor they have?

Councilman Lewis said he thinks it used to be a week but now that we have amusements and other things/values for them, the north end has become more popular, he thinks there are a lot of day trippers. We're getting a lot more people from Wilmington. So you have a little bit of both now.

Mr. Letchworth said that really comes into play in this, particularly when you look at people that come and stay for more than a day. They have worked with a lot of beach communities and it's been the position of most communities that when somebody comes

and stays, they want them to leave their car where it is and get on a bike or walk where they are going. This cross section is more conducive to that. This promotes that type of activity. That is a huge benefit of this cross section. Where you have day trippers, he still thinks there is plenty of capacity to handle that but they don't come and walk around and ride bikes. He thinks that is one of the reasons they have the break like we do at Carl Winner where all the folks that are going up to the north end, they get that added capacity of those lanes, they get people turned in and out and they can go to the north end but the folks that are coming in and staying in the CBD, get the benefit of those pedestrian and bicycle improvements.

Councilman Wilcox said the real question is, what are we going to do? Aside from the bike lanes, which we can talk about, maybe during a workshop - I guess we're about 85% finished with the system. We're missing the little details that would make these flows and transitions work. So the question is, do we throw everything out now without really knowing we're close to it working? Last weekend wasn't really a good test. Can we tweak more and it will work?

The town manager said that first thing Monday morning after Easter weekend is when he met with DOT and all these things are in the works, the striping, the bike lane to look like a bike lane, the hash marks to make sure traffic diverts where it's supposed to go to, the traffic signalization. They just haven't gotten around to doing all the facets of the project. The bike lane is not in the ideal situation and location. It would function better with parallel parking. He is not sure how that affects traffic. You would have less parking and less people pulling in and out but it's not an ideal situation. What can we do about it? He is not sure there is a whole lot they can do about it. He would have to get with DOT to find out if they decided they wanted to eliminate the bike lanes altogether, how that would work. If we want to go back to a total 4 lane section like it was and re-stripe it, he is going out on a limb and say they will require us to mill it all down, resurface it and re-stripe it which is an expensive proposition.

Councilman Wilcox said he doesn't understand. It's just paint.

The town manager said he can't speak for DOT. All indications are that what their problem is they just put all this pavement down, that paint does bleed back up whether you paint black lines back on it or not, it bleeds through and you can see it. They are going to want it milled back up and put back the way it was. He will have to talk to DOT about it a little more.

Councilman Wilcox said we had a lot of discussion about the location of this bike lane and they kept being told it needs to go where it is, behind the cars, part of the traffic area. Why can't it go on the other side? Why can't the cars be pulled out and the bumpers be pulled out and the bike lane go in the front of the cars?

Mr. Letchworth said you have a couple of issues, some with the way the curbs are designed, some of the bump outs. He would have to go back and refresh his memory on the layout of that and if it protrudes into the curb. That may be an issue here and it may

not be. The overhangs with cars into the bike lane, the sharing and merging at intersections and control at intersections. You've got bikes that are behaving as a vehicle even though they are in the bike lane if they are on other side of the cars and they are working with the signal too. Having to go in and put bump stops all along there to keep those overhangs from going, having the hard curb surface there too, you really don't see that done. There are a lot of issues with just having that separation. It is always better, particularly for the mixing of traffic, to keep those guys right there.

Councilman Wilcox asked if he was aware of or can he find any other conditions like we have out here where people have diagonal parking and have a bike lane between the traffic lanes and the diagonal parking?

Mr. Letchworth said he would do some research.

Councilman Wilcox said he is interested in the safety statistics and such. Common sense tells you it is not as safe as other conditions but he would still be interested to know who else is doing it.

Councilman Lewis said we allow bikers to merge in on traffic all the way down Lake Park Blvd., south or north. And you mentioned, when we were talking north on this picture, let's try to give the bikers a little notice that they're going to be sharing the road with the cars that are moving from 25mph to 35mph. Most bikers can stay in the lane and merge with traffic just the way it is. We don't need a special bike lane. That is not going to encourage more people to ride their bike. Having 3 or 4 blocks of bike lanes isn't encouraging the whole community or all of our tourists to get their bikes and come down here because now we're tourist friendly because the rest of the whole CBD has no bike lanes. It is just this one little road. It makes no sense.

Mr. Letchworth said it is providing an additional measure of protection on the heaviest volume road and the areas where you will have the greatest mix in terms of bicycle traffic. You probably won't see a lot of little kids riding up Lake Park north of Carl Winner. He thinks with this situation now, it will promote that. It will promote the people who come and stay in a house to ride along this section of Lake Park.

Councilman Lewis said not from the people he has talked to. He disagrees.

Mayor Macon asked, where Dow Road intersects 421, are we looking at some different signage where it would say downtown and bypass or something that would give people the indication that there is a way around traffic?

Mr. Letchworth said what they recommended as far as the Dow Road study was a signage package that directed people who were going to Ft. Fisher and Kure Beach to use Dow Road. Carolina Beach would be signed to the left as opposed to the way it is now where it basically sends everybody to the left.

Mayor Macon said he understands that but if you look at the timeframe on the Dow Road project, which has been moved up into the top 5 now with DOT.

The town manager said that is something they can absolutely do, ask them to relook at the signage at Dow Road.

Mayor Macon said obviously this is an important ingredient is this particular situation. We have been working on the master plan for a while. We can look at this traffic problem that we had. Experts as well as non-experts all agree on one thing - it wasn't finished, it wasn't ready, nobody was prepared for this type of traffic. Instead of looking at all this in a negative light, let's look at it as a great opportunity. Repaving 421, it was a great opportunity to go ahead and map out what had been voted on and studied and approved by the citizens in our master plan since it was started and we had meetings and we had the public in here and everybody agreed that it should be more pedestrian friendly, more bike friendly and go from 4 lanes to 3 lanes. If you live here and you haven't figured out how to drive around traffic then there is not much help he can give them. He was across the street and got a text from Councilman Lewis' business and got a text in the middle of all that to come have a beer at his place so he drove around over here, went under the bridge and came back around and had a beer. When he left he went back that way and got to where he needed to go and that is what we do as locals when you live in a beach community. This is a unique opportunity. They were repaving 421. We had an opportunity to put in the striping and do the road that we were talking about doing with the master plan. With the information that the Hilton may be starting construction later on this year, which is one of the ways we are looking to pay for our streetscaping, which is going to put power lines underground, which is going to put 15' sidewalks and landscaping and put the parallel parking. The problem with the knee jerk reaction that he is hearing is, we're going to do all of these things, but the problem is you can start eliminating the parking to parallel right now and people are going to be in here complaining about that. When we eliminate some of the parking on 421 and go to parallel parking, the thought process is that on Harper Avenue and Cape Fear Blvd., up to Third Street, that make up that parking in those areas. Those projects aren't ready yet either. They would be part of the downtown master plan when we do the corridor down there and the sidewalks and all that. The things aren't falling into place that you guys want to do. You eliminate the bike path and then there is going to be more confusion because everybody is going to think it is 2 lanes and that is going to be a problem and people are going to be in here complaining about this. This is a unique opportunity to see if this situation can be made to work. We have a unique opportunity that if things all roll into place, our master pan can come to fruition. Change is tough sometimes. Change isn't always good and it may not be good but he is sticking with his guns on this issue.

Councilman Lewis said we can't vote on this but we can all comment on it. Let's just put it on the agenda for the next meeting and make a vote on it there.

Councilman Wilcox said he has no problem with that, but it seems to him that if they are really going to get into the details of this, this may not be the setting for it. We need to sit down at the table with some engineers and diagram the roads and try to figure out what the alternatives are. What we are voting on?

Councilman Lewis said we have to do it quick or we're not going to do anything.

Councilman Lashley asked when the permanent striping going to occur.

The town manager said at any time.

Councilman Wilcox asked if they mill just where the line is.

The town manager said they would mill the whole roadway up and resurface it. Then they would put it back the lines for 4 lanes, like it was, and parking back the way it was.

Mayor Macon said you have 2-3 years where, if the Hilton builds and we're able to do some of the things we would like to do, that it could be a permanent situation and we begin the construction on the sidewalks and the master plan streetscaping and you have 2-3 years to get used to it. Everybody will learn. People who come here to visit will learn. You get your signage up on Dow Road and then whenever Dow Road hits and there is a turning lane down Dow Road, it won't be backed up. It can all work but the problem is it takes time, it takes commitment and it takes a little vision.

The town manager said if the striping doesn't work the way it is now, then neither would the wide sidewalks, parallel parking and bike lanes. The lanes are the same, the flow is going to be the same, for the most part he believes, and it is better than spending \$15 million dollars and go underground utilities and widen sidewalks. This was an opportune time to see if it works, to trust our professional engineers and DOT and that is what we did.

Mayor Macon said he is going to concentrate on the positive, look at the good parts about it and the things we can all learn from it.

Councilman Lewis said he is going to sponsor something at the next meeting. You guys can vote against it or you don't have to. He doesn't really care. If you guys have already decided that you're not going to do anything, he is going to sponsor something at the next meeting.

The town manager asked if there was anything Council wanted him to do research on as far as cost-wise.

Councilman Lashley said he wants him to research parallel parking. What it will take, what it will cost, whatever.

MPT Efird said the biggest mistake was having this all done on Easter weekend. That put a bad taste in everybody's mouth and is now going to be hard to convince that they

are going to like this plan. She is not real crazy about the bike lane. She saw a couple of things this last weekend that really scared her, especially down there where you turn into Harper Avenue, where the bike lane is. A lady just about hit somebody there because she was trying to turn right.

Mayor Macon said it happens all the time, whether there is a bike lane there or not. He has seen a lot of people on that bike lane.

### ***CAROLINA BEACH COMMITTEE REPORTS***

Rick Rogge, Spartanburg Avenue, representing the Harbor Commission, said the new docks are being built right now and that they will be installed in the next few weeks for the transient slip area. The mooring field work is progressing. There is a massive amount of legal work and necessary approvals are in process. Ed Parvin, senior planner, is working with the Harbor Commission and is doing an amazing job at getting through the approval process. All the different agencies are getting back to us in a very positive way about the fact that we want to put this mooring field in. So that looks good but it is still a little ways off. The commission strongly supports the “smart sponge” and all the efforts that are ongoing to improve the water quality. There is a lot of stuff being done by the town and everybody on the Harbor Commission is very impressed and happy about the direction it is going in.

Rick Rogge, representing the Freeman Park Committee, said the committee met on March 25<sup>th</sup> and had a very productive meeting. They received 2 pages of staff recommendations for review. The committee felt that most of the items had also been reviewed in the past and that the majority of the items had been addressed and most are currently addressed by current laws or rules and the one that were not they felt were bad ideas and should be dropped off the list. The committee did come up with a group of recommendations. The first was regarding fees for the use of Freeman Park. One of the recommendations that was discussed where someone had suggested that people who had annual passes, to go up on a weekend day would also have to buy a day pass. The committee unanimously and strongly felt that was a horrible idea. If you buy an annual pass, why would you need to buy a day pass? The biggest problem that exists up there is the traffic on a few big weekends and that would just make that traffic problem an absolute nightmare because everybody would have to stop to get a ticket. They also thought that the ticket taker or the people selling tickets, maybe the number of hours should be like 8:00 to 8:00. They don't want to dictate that kind of stuff. The concern seemed to be that there were a lot of people getting freebies. They were hurt by that and didn't like that concept. So they thought that maybe there could be some things done to take a look at that. They also discussed rate increases and came up with some recommendations. They would like to see this go into effect next year. A day pass would remain at \$20, a season pass increase to \$100 but for Carolina Beach residents it would remain at the current \$60. There was a great deal of discussion about this because it is county land and should be the same but because the Town of Carolina Beach is doing all the work, and putting all the money into it and has the biggest, vested interest in it that the residents should see a different rate. Regarding fires, it seems the current rules are

working and to leave them as they are. The police chief had some great input about vending and they are recommending that vendors should be able to vend until 1:00 a.m. but that the vendors should be very considerate of those who are sleeping. Also, the addition of some more outhouses. The biggest problem they perceived up there is the giant traffic backup on Canal Drive that happen 2-3 times a year. The police chief has some great plans to help that out and the committee agreed with him. The committee needs some new members as some people have left and they would like some help. He asked if there is anything in particular Council would like them to look at.

Councilman Wilcox asked if he would get those recommendations to them in writing and advertise for new members.

Randy Simon, Police Advisory Board, said that Council requested, at their last meeting, a joint session of the Park and Rec and the Police Advisory. They had a very positive and productive meeting. A discussion will be held on April 27 and he invited anyone with input to come. There will be a blood drive on May 4<sup>th</sup> from 12:30 until 5:00 at this complex in the police training room. Steve Stanton can be contacted regarding that at 458-6885.

### ***PUBLIC DISCUSSION***

Ryan Alson, 305 S. Lake Park Blvd., said the NCAA has asked him to look for a spot for a woman's sand volleyball trial for the Olympics which would do a great deal for this community. We have a chance to hold the Olympic sand volleyball trials for 2012. The IOC is also looking for a spot with the NCAA. The NCAA is also looking for a spot for women's final four. He is hoping Council could give him some suggestions of land that is available and maybe some help as far as grants. He is open for any suggestions. The town manager said they spoke today and will talk some more. Sounds like he has some great ideas. Mayor Macon said they have the Parks and Rec Committee and another committee who could help as well. Mr. Alson said he is mainly interested in as much feedback from the community as possible to find out if it would work here and the sooner the better. They are on a short timeframe. Councilman Lashley is in favor of anything that would bring people to the hotels and beaches. Councilman Wilcox said he thinks they need to know what it is that he is thinking might work as he is not sure what that model is yet. Mr. Alson said it has to be on private property. Beach sand would not work for them, not enough area. You are looking at 17,000 people here for 3 days; 20,000 for the juniors and as much as 50,000 for the finals. This would take place every year. The facility would be used year round for corporate leagues as well.

Alison Rostholdo, 1310 Lake Park Blvd., owner of Granny's Country Kitchen, said they have a problem with signage. She showed Council a picture with signage and setback and feels it is an accident waiting to happen. People can't find her restaurant, they can't see it. She has a 10 foot setback and she cannot move the sign out. Where she had the approval for her banner, your proposed new law says 20 sq. ft. minus 24 sq. ft. and now all the signs she had paid for last year are no good. She wants to know if she can please have her one sign (on far side of picture). It can be seen from all directions. She asked

Council to think about that.

Susan Baum, 923 Coastwalk Lane, asked what the status is on the lights at the tennis courts. The town manager said the parks and rec director is not here tonight and he is not sure. If they are not fixed now, then they should be fixed. He will take care of it. Mayor Macon said when he spoke to him the next week they were working on them. Ms. Baum said there is no timer. She would like to know how long the timer will last. The town manager asked that she call him and he will work out a resolution because if they are on, they shouldn't be and they should fix it. Councilman Wilcox said the tiles look great at the boardwalk and if she has some extras so they could put them away in the shed in case some get broken. Ms. Baum said she has 300 more on the other side and she has fishes going up with the elementary school name on it and each grade. She will get him 15-20.

Shirley Fraley, 407 North Carolina Avenue, said that over the Easter vacation, when she came out of North Carolina Avenue to come to Carolina Beach it's always hard to get out. Usually if she doesn't have to come into town, she uses that road so don't clog up that up where she can't get out the back way. She looks at these roads and you don't know what lane to get into a lot of times. She likes the paved roads but she didn't like the signs. She thinks it is so dangerous to have bicycle riders behind the cars and it needs to be parallel parking if you are going to have a bicycle lane out there. She would like to see it get changed before someone gets hurt. She has children, grandchildren that mean the world to her and there are other kids out there too. She is concerned about driving through Carolina Beach too because you do have the bicycle lanes plus you have the people that are going to back over the bicycles. She personally doesn't like this. She appreciates Councilman Lashley's and Councilman Lewis' comments and feels they were in order to do that and thinks they need to study about that. They need to pray about it too because somebody is going to get hurt and she hopes it doesn't happen.

***ADOPT THE CONSENT AGENDA***

**Mayor Macon made a motion to approve the consent agenda with the addition of Item 12(f), as follows:**

Approval of the minutes:

Regular Meeting	November 24, 2009
Special Meeting	February 4, 2010
Special Meeting	February 17, 2010
Special Meeting	March 2, 2010
Regular Meeting	March 9, 2010

Requests for budget transfers:

**PLANNING DEPARTMENT**

Transfer \$1,000 from line item #10-491-075 to line item #10-491-045.

Transfer \$1,000 from line item #10-491-075 to line item #10-491-033.

#### FIRE DEPARTMENT

Transfer \$3,500 from line item #530-005 to line item #530-016.

Transfer \$12,800 from line item #530-009 to the following line items: \$1,000 to line item #530-014; \$5,850 to line item #530-045; \$3,600 to line item #530-033; and \$2,350 to line item #530-008.

Adopt Resolution No. 10-1006 (Exhibit 2) to close a portion of Croaker Lane located in the Seagrove neighborhood from Ocean Blvd. north to the terminus of Croaker Lane.

Set a public hearing date for May 11, 2010 at 7:30 p.m., or soon thereafter, to amend Chapter 11 Parks and Recreation, Article IV Freeman Park, Section 8-47(m) concerning vending.

Approve application requesting reimbursement from the TDA in the amount of \$237,819.04 to promote tourism and family oriented events.

Adopt Resolution No. 10-1007 (Exhibit 3) declaring certain helmets surplus and disposal of in accordance with NCGS 160A-294-4 honoring deceased or retiring firefighters.

**Mayor Macon made a motion for a 5 minute recess. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon called the meeting back to order.**

***PUBLIC HEARING - CONSIDER CHANGING THE TWO-WAY STREET PATTERN ON CANAL DRIVE, THE PORTION BETWEEN CAPE FEAR BLVD. AND HARPER AVENUE, TO A ONE-WAY STREET PATTERN GOING NORTH***

Gary Ferguson, Planning Director, presented. The Technical Review Committee (TRC), which is formed by the department heads who discuss issues happening with planning and development, at their last meeting discussed the Astor development, relative to amusements. Astor, in combination with what is happening with the Fairfield Inn, Robert Mergele and his rides and amusements, there is going to be a total of 30 amusement rides west of the boardwalk and west of Canal Drive between Canal and Lake Park Blvd. With that number of rides, the TRC was beginning to wonder about the safety of Canal Drive, traffic and pedestrians interacting on that road, and there was a recommendation to bring in Anthony Prince who is an MPO with Wilmington. He is familiar with the area and has done traffic studies for the Hilton Inn, as well as for the Fairfield Inn. He is a good resource to go to. We have use him as well as Russ Maynard for the construction of the hotel and trying to look at traffic impacts. He came up with the diagram (shown on overhead). The proposal he recommended was making Raleigh Avenue a one-way street

heading north. There is an existing sidewalk which ends in front of the FEMA lot and there are some telephone poles through here. He pointed out the town property where the trash compactors and lift station are located. What Mr. Prince was trying to show was an area would be designated as a pedestrian way, marked with thermoplastic painting. The west side of Canal would be additional areas for pedestrians to walk on. There is an existing crosswalk when you step off the curb at Kelly's at Canal and there is another crosswalk at Cape Fear across Canal. They looked at this and there is some good and bad with it. The good part is they think it protects a higher degree of public safety for children crossing Canal Drive. He has no information on carrying capacities or average daily traffic for Canal. He knows Thursday evenings it is somewhat even shutdown in the evenings due to the numbers of folks congregating on the road itself. So public safety is on one side. On the other side are the business interests. Britt's Donuts' owner Bobbie Nivens came in and spoke to him briefly about it and made it clear that he does not support this proposal whatsoever and he also spoke with folks from Frank's Pizza and Laurie Honneycutt with Little Big World, and others in the immediate area of the boardwalk and they said this will be a negative impact on them. With that said, TRC thought they would present to Council, as they briefly touched on at the last meeting, for their consideration and public comment to see if they wanted to consider moving in this direction for a one-way.

Councilman Wilcox asked if this doesn't render the west bound lane on Cape Fear almost useless except for the people that are going to have to make a U-turn there.

The planning director agreed. He said one of the ideas that Mr. Prince was advancing was for Cape Fear to consider going one-way down Cape Fear. That may help additional parking on Cape Fear. This was about 2 months ago and the idea was being, can we perhaps revisit the CAMA grant that we received for an additional 19 parking spaces on Cape Fear? But, then, that began to spiral into another discussion about people trying to navigate and can you make a U-turn on Cape Fear if you went down. It got complicated. He thinks they have now relinquished our funding for Cape Fear, but Cape Fear would be a problem with this. But just as a concept just for Canal and just a consideration. No one is sold on this. The TRC was thinking that this should be discussed with Council.

Councilman Wilcox asked what kind of physical changes are intended if this were to be done? Is this signage?

The planning director said signage and thermoplastic painting which that is not cheap and that was another concern, who was going to pay for this? He thinks the town manager was suggesting that the amusement operator, Mr. Mergele, be responsible for paying for this striping. That was his suggestion. But, first they wanted to find out where Council was with it before they started looking more in depth.

The town manager said the other option, too, would be not to have a jog at the Raleigh intersection. Basically close one lane on the west side of Canal. You could use planters and things that aren't necessarily permanent. You could have a high visibility crosswalk right there at the Raleigh intersection if you wanted to do so on Canal. It's something

they talked about, he doesn't believe he is advocating either way because there are some disruptions and he thinks they have had enough traffic changes. There are concerns, obviously, on maybe Thursdays and Saturdays.

Councilman Wilcox said one of his concerns, and he thinks it may create some safer situations he assumes, is that they have been able to use Harper and Cape Fear to access the boardwalk area, not just for businesses, but to come down to the amusement area. Traffic-wise, you've got people coming down Lake Park and then turning left on Harper and they're coming down and then turning right, back in that way. And they are also going down Cape Fear so they are able to turn down both those areas and then come in. he thinks there are some disruptions here and his not quite grabbing his mind around right now. You turn left of Harper and come down and realize you can't turn right to go to the boardwalk. You have to go someplace else to go back down Lake Park and come back down around.

Councilman Lewis said he is in support of it staying the way it is. He likes the idea of the increased safety but he thinks they push that back on the property owner with a buffer zone on the property side where the amusements are. There has to be something there. He has to do something there for safety along that buffer zone.

Councilman Wilcox said he thinks they have plenty of space there to do that.

Councilman Lewis said that right now we have such a traffic problem and this will make just another bottleneck on top of all the problems we already have.

Councilman Wilcox said we are taking half of Cape Fear and we still haven't identified what we're going to do with that.

Councilman Lashley asked what is the speed limit there? Staff said 25mph. Councilman Lashley said he would lower the speed limit, consider speed bumps, and make it as slow as possible. He feels it could cause a bottleneck but it is another safety issue, which is a concern of his.

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

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

Councilman Wilcox said his observations on that road is that traffic crawls through there. You can't really get speed and most people aren't getting speed.

Councilman Lewis said that they haven't heard from the disenfranchised, the residents here tonight. Since they are not here he thinks maybe they aren't crazy about making this one-way either.

Councilman Wilcox said he is all for whatever they can do for the business district. He wouldn't want to create any problems although he doesn't know that this would specifically create any problems for those businesses provided all the other elements worked together so that everybody knew what they were doing and they weren't getting locked out.

**Councilman Wilcox made a motion that they take no action on this matter.  
MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONSIDER AMENDING THE ZONING ORDINANCE TO ADD INTERNET SWEEPSTAKES AS A CONDITIONAL USE IN A LIMITED NUMBER OF ZONING DISTRICTS AND ASSOCIATED PARKING REQUIREMENTS FOR THIS USE. MODIFICATIONS TO THE PROPOSED LANGUAGE MAY OCCUR DURING MEETING DELIBERATIONS. CONSIDER CHANGING THE PRIVILEGE LICENSE FEE FOR INTERNET SWEEPSTAKE MACHINES FROM \$5.00 PER MACHINE POTENTIALLY UP TO A MAXIMUM OF \$2,500 PER MACHINE.***

Ed Parvin presented. He said electronic gaming operations is what communities have been codifying as the name internet sweepstakes and these things have been popping up all over the state due to some loopholes in the laws for sweepstakes gambling in North Carolina. These are the ones we have seen come up in Carolina Beach: Snow's Cut Business Center at the Food Lion Shopping Center; Treasure Island, across the street; Boardwalk Internet Café where Mein Stein's was last year; the Pavilion Café, now called Moonbeam on Pavilion on the boardwalk; and the Lazy Pirate at Drifter's Reef Motel which is the latest one to apply for 40 games. Then you have it as an accessory use at a lot of eating and drinking establishments in town: Silver Dollar, Majic Beans, Tangerine's and Seawitch. Originally the first person to ask to do internet sweepstakes, we, as staff, said it's not in our table of permitted uses so you can't do it here in the Town of Carolina Beach. They challenged that, went to the Board of Adjustment who said it is in the table of permitted uses and should be classified under retail. So that is how they have been permitted, under retail. There have been some concerns, not only in Carolina Beach but New Hanover County and other communities about these uses. Those concerns were expressed originally to planning at our March Planning and Zoning Committee meeting. These are some of the current concerns they came to us with and asked us to draft an ordinance. They heard the ordinance last Thursday and these recommendations are coming based on what Planning and Zoning talked about last Thursday. The first option was pretty restrictive which was limited to I-1 only, which is a large area (little over 80 acres) on the western side of Dow Road but there are only a couple of buildings over there. One of the large areas (little over 60 acres) is in one person's ownership and there is no development there. The next option might be a little too lenient, which is what Planning and Zoning's concern was, which is what we are under now, and that is the use allowed as retail. Retail is allowed in CBD, HB, MX, MB by right and then conditional use in marina business. So what Planning and Zoning did was look at our Option 2 and added on some additional regulations. Option 2 was allowing the electronic gaming operations or internet sweepstakes in the HB as a

principal use and also allowing it in the HB in the CBD as an accessory use. This is a little bit unique from what other communities have done in allowing this. They did put a separation requirement as a lot of communities have done, 400' from schools, churches, residential and other gaming operations. There was some discussion about hours of operation. Originally it was 8:00a.m. to 10:00p.m.. There were a couple of P&Z that wanted 8:00a.m. to 12:00a.m. and there was a compromise and it was made from 8:00a.m. to 11:00p.m.. They wanted to limit the hours because of some concerns, other communities have had late night hours and a little more criminal activity with people walking out late at night with some cash in the pocket. Age 18 and up. Right now kids can go in, young children. P&Z thought this was an adult entertainment and should be limited to them. Number of machines, there was a lot of discussion at P&Z about the number 20. Whether we should say we don't want to regulate business and let them determine how many machines they can put in there but some P&Z said they don't want this to be a big use, we want it to be limited. They voted and decided to limit it to 20 and, for accessory they were only going to have 4. Alcohol would be limited to accessory and, when it's accessory, it can go in HB or CBD at an eating or drinking establishment. Additional requirements - gross floor area, this is also a unique standard for Carolina Beach. He hasn't seen anybody else put a square footage and that is because our boardwalk is unique, especially allowing it as an accessory use, which nobody else is doing. There are so many small areas in the boardwalk. Somebody could potentially go in and partition small areas in one of the buildings and open a series of 4 machines and call them all eating and/or drinking establishments. This is more of an anticipation of somebody trying to find loopholes in our ordinance. A 1,000 square feet, just to give you an idea, Majic Beans is a little over 1,100 square feet. Criminal background checks was also something that P&Z wanted to see. That is something we put on the amusement rides on the boardwalk and they felt a similar condition would be good for this type of operation. Grace period is very rarely seen. He thinks the attorney is probably going to talk more about this. Sixty days is what P&Z was going to look at but, essentially, what a grace period would be whatever timeframe, they had that long to come into compliance with this ordinance once it's adopted. So those people out there would have 60 days or however long to come into compliance with what gets adopted tonight. Visibility is something that a lot of people look at that a lot of these have individual rooms that people go into to do the gaming and those individual rooms can be a public safety issue. Sometimes the doors could be locked, you can't see what's going on in there. To have visibility and access for the principal use, they must be visible from the outside. Tax per machine was decided by P&Z at \$3,500 per machine and a flat tax of \$2,500. There is an article from Chris McLaughlin from the School of Government which said that he has seen communities requiring up to \$2,500 for a tax per machine and \$3,500-\$4,000 for the flat tax. They have seen some different numbers since then. Several communities have done around \$3,000. So there are the higher end of what you are seeing other communities do. Other restrictions - our ordinance didn't have all those regulations in there when they originally presented the options to P&Z. They added in a lot. There are some more options. We sat down with the planning staff, the town attorney and looked at all the array of options that you could have to regulate this type of use. There are a few more landscaping, lighting, signage, firearms, smoking, limits on how much you can win or lose. Conditional use permit - staff proposed this although he thinks it might have read

differently in the paper. They are actually proposing this to be permitted by right with these standards under all the options. A conditional use permit is an option. A moratoria is similar to what we were talking about with a grace period. This list additional options is not what P&Z chose but what you could have. Any combination can be employed. You can look at what P&Z did, be a little less restrictive or chose any of the options, more restrictive. Basically it's depending on public policies, value judgments, driven by views on gambling, available resources of municipal revenue, degree perceived harmful to public safety and effect on the community as a whole. The variables - we don't know what is going to happen with this use. It's probably going to be talked about in the General Assembly coming up in the next session, May. Land use plan - we talked a lot about this at the P&Z meeting with regard to consistency. They made a unique motion where they thought this ordinance was inconsistent with our land use plan but recommended option 2 that if Council found it consistent, they thought this was the ordinance to put in place if you thought it could be consistent with the land use plan. What they focused on was family oriented business and resort market niche. We don't define resort market niche but what you see for that for us is fishing community, beach community, retail and eating and drinking establishments, family entertainment. Those are the types of things people come down to Carolina Beach to do. Adult entertainment such as sweepstakes, electronic gaming - is that what we want for Carolina Beach?

Councilman Wilcox asked about P&Z saying this is inconsistent with the land use plan. Is that because it is not specifically a family oriented business?

Mr. Parvin said he thinks P&Z was looking at our resort market niche, what brings people to Carolina Beach. Are we a community that we want people to come here for the top 4 things identified in the list? We don't want people to think about Carolina Beach as a place to go to for gambling sweepstakes. That was their discussion.

Councilman Wilcox asked, what is the inconsistency with the land use plan?

Mr. Parvin said resort market niche.

Steve Coggins, town attorney, said he thinks there was a lot of focus at P&Z that is it inconsistent with family oriented business. He thinks their position was that for this kind of use to exist at all, in any context, is inconsistent with the land use plan.

The planning director said he thinks the word was incongruent as opposed to inconsistent with the land use plan, if he is not mistaken. He thinks that was a distinction they wanted to make clear because they got into whether or not something could be adopted that was inconsistent or not inconsistent with the land use plan.

Councilman Wilcox said he wondered because the ABC store is not a family oriented use either but we allow those. These businesses have these number of machines. Do they have this many machines or are they permitted for them because he though the Lazy Parrot had 1 machine. Staff said 3.

Mr. Parvin said he got approval for those, he doesn't think he actually put them in. The owner came in and got approval before the hearing tonight because he didn't know what was going to happen tonight.

Councilman Wilcox said so all of these have been paid for but these aren't actual machines in businesses.

Mr. Parvin believes he is the only one like that. Everybody else is in business. The accessory uses are all there too.

Councilman Wilcox asked, what is the idea of the grace period?

Mr. Parvin said the grace period is looking at those uses, and they only found one other community, he thinks Concord, that decided to go this route. Whatever gets adopted in whatever timeframe, P&Z said 60 days but also asked what would be the minimal we could look at and it is probably going to be a little more than 60 days. But they wanted to say in this amount of timeframe you have that long to come into compliance with the new regulations.

Councilman Wilcox asked, if he is saying that Council makes a new ordinance tonight and then all of these companies that have already been permitted have to come into compliance with that ordinance within a certain period of time?

Mr. Parvin said the Lazy Pirate would be a good one. They applied for 40 and they could only get 20 after 60 days.

Councilman Wilcox asked what if they had 30 already.

Mr. Parvin said they would have to take 10 out.

Councilman Wilcox asked if the ones that have already been permitted whether they would have to come back and pay \$2,500 to \$3,500 per machine under this ordinance, under the grace period.

Mr. Parvin said that is July 1<sup>st</sup> every year when they pay for their privilege license, they would have to pay that no matter what. So far they have paid \$5 for these machines.

The town attorney said he thought the map (showing locations) would be helpful because, when you are talking about the grace period that Councilman Wilcox mentioned, you will see that with pre-existing businesses the distance requirement is going to be problematic for a few of them.

Councilman Lewis said to have 1,000 sq. ft. premise to have a machine makes no sense whatsoever to him because they have a lot of businesses here that have a 400-500 sq. ft. and they could still put a machine there but somebody made the decision to have 1,000 sq. ft. By ALE rules you have to be 200 feet from a church and but we're saying this rule

is going to be 400 feet. So, instead of going by state guidelines, we pick our own guidelines. State guidelines around, at least what they consider adult liquor, they would say would be 200 feet, he thinks, but we're saying it would be 400 feet.

The town attorney said it is apples and oranges to look at regulations with respect to alcohol sales with respect to sweepstakes. Alcohol is something that is exclusively and preemptively regulated by the state. One cannot vary from those regulations imposed on us by the state. The town has no say where somebody locates an ABC store, what the distances are, that is something that is set. The situation, with respect to internet café sweepstakes uses, however, is not something that is within the exclusive province of the state and which the municipalities of North Carolina are allowed a certain leeway of governance of things that it is not allowed to do with respect to alcohol related businesses.

Councilman Lewis said his biggest concern right now would be, say the Silver Dollar, she has paid \$5 a license. Now she is going to pay \$3,500. Whatever advantage she had getting those in there to help her keep her business going in the winter, she has lost that with the \$12,000 or \$13,000 she is going to pay out the window for these exorbitant fees. Is that the way it is set up?

Mr. Parvin said most places, he doesn't know if she owns those machines. Councilman Lewis said she doesn't own them. Mr. Parvin said that is just a recommendation from P&Z. Council can set a different amount.

Councilman Lewis said he has a problem with that. And the person at the shopping center who opened their little internet café, in all good faith bought 30 machines because he thought there is no ordinance, we had it under retail, and the Board of Adjustment approved that, and all the time and effort and expense and, come July 1<sup>st</sup> they will have to take 10 machines out and pay \$70,000 just to stay in business, if that is the recommendation.

Mr. Parvin said he thinks that is a good point with how long that grace period is and what the courts are going to look at.

The town attorney said he can address that at Council's pleasure.

Councilman Lashley said he thinks the amounts are way out of whack and agrees with Councilman Lewis. He also noticed that at the boardwalk we have about 50 machines at the boardwalk and a few 4's here and there. He would like to limit what we have at the boardwalk. He is a firm believer that the island is a tourist environment, family oriented. There are a lot of 40-50 year olds who like to play those machines and he thinks that is part of a family. It's not just from 2 to 18 that some people think on this island. But he would like to limit what we have at the boardwalk. He doesn't know if that 200' or 400' limits that, maybe it does in itself. But the amounts are crazy and he can't imagine someone trying to be in business and on the first of July putting out \$70,000 every year to

have 20 machines. He doesn't know what the magic number is but he doesn't think it is \$2,500. He would suggest around \$250 per machine.

Councilman Wilcox asked if they buy their machines. Mr. Parvin said they didn't know who has bought

Councilman Wilcox asked if some of the places have computers which they bought. Mr. Parvin said a lot of the principal uses have just one server. He knows the Mein Stein place and he believes the one across the street and Snow's Cut, they would have computer monitors and one server.

Councilman Wilcox said he had some questions for the attorney. He thinks Councilman Lashley's point is the 200' vs. the 400', he feels is not a legal issue. It's a question of how much more egregious is internet sweepstakes than a bar. So if you are looking at it from a relative perspective, are these things so much worse than a bar that they need to be twice as far away from everything, especially if it is going to cause problems with the existing locations. So he is not really looking at comparing it, he is looking at what makes it that much worse than a restaurant or bar that serves alcohol. Also, there are a couple of things he questions. One of them is the 400' rule, not from churches and residents he understands that fully, but from each other. He thinks they get back into that same slipper slope of denying someone use of their property for intended use just because someone else happened to open up two blocks down the street. That concerns him from a zoning perspective because we have talked about that in depth. It was one of the reasons they ran into a problem with the other issue we're dealing with. He wonders when he looks at all the different requirements. He thinks they need to have a little more substantive discussion about the fees too. But he wonders, all these requirements about having somebody being able to have the windows open, what hours, what ages, how much you can or can't win. Are we dealing with a zoning issue here or are we trying to regulate these people's businesses? He is a little concerned about the in depth nature of the overall goal to kind of balance the community and make sure that these things don't overrun the community, which he is all for, but, at the same time, he doesn't want to create unrealistic situations. We can't enforce a lot of this stuff. The more regulations we create, the more we have to enforce and we are not enforcing some of these things on some other businesses, including those that service alcohol, so he is a little curious about some of these, wondering if we can do it. If this is something that is allowed under statute and BOA has already found that this is a legitimate business, if we can impose these types of regulations on a private business. Those are all questions. He wanted to get this out before public comment so they have everything out there.

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

Alison Rostholdo, 1310 Lake Park Blvd., owner of Granny's Country Kitchen, said she has seen a lot of these machines go up, she likes the way the town calls them sweepstakes because it is really gambling and that is okay by her. We are a family beach and drinking is a state/federal thing but she doesn't see how the gambling is allowed unless you allow

all gambling and then she thinks they are ruining this family beach.

Jerry Russell, 403 Fern Creek Lane, moved here about 5 weeks ago because it is a family oriented town. She has children and grandchildren who will come to visit and she just can't see having them down on the boardwalk with gambling going on. If you say that between 8 months and 18 years old is what we are directing our businesses towards, then you said it's adult entertainment so if you have a family at the boardwalk and the adults are going for the adult entertainment, where are the kids? Who is watching the kids? That is not a family oriented environment. She feels this is a total contradiction. You are advertising you want families. You're bringing all these businesses in, amusements and everything, you're revitalizing the boardwalk and you're saying we are family. But, at the same time it seems to her that under the table you are slowly slipping in this other element and she feels they need to find out where their vision is and where they are going and stay the path instead of just keep adding and adding these other things which have nothing to do with families.

The town attorney said, with regard to what the last speaker said, P&Z took in evidence that there are some institutions that are implementing Wi games in the back so that it is family friendly. The children can play Wi while the adults are playing the internet sweepstakes.

Councilman Wilcox said he understands the concerns here but you are saying we and we didn't implement this. Some of this is allowed under state statute and staff interpreted it was not allowed under our ordinance that was challenged and it went to the Board of Adjustment and they did not support staff's opinion in that. So that is what we are dealing with right now.

A resident of 305 S. Lake Park Blvd., said he is a huge fan of going to Vegas and gambling. He doesn't know any of the legalities but maybe a good suggestion would be to limit the permits instead of imposing a certain amount of machines and limited places and, once they expire, and you can go on a waiting list to reopen, that would limit the amount of places that would have the machines and it wouldn't get overrun. He loves it here and he doesn't want to see every single place have slot machines like it is in Vegas or other places. We're not that type of place. He thinks it does help some businesses in the winter but, at the same time, we can't let everybody get overrun.

Steve Shuttleworth, 808 Carolina Beach Avenue N., said he is not a fan of it. At best he would ask Council to take a giant step back, direct it back to staff and come up with a better plan. Do not make a decision tonight. This is unfair to our community to do this tonight. Councilman Wilcox had some points and had a lot of questions. The Council table is not a place to make policy. You might tweak something that staff brings you but you had P&Z wrestle with it for 2 hours. Senior staff denied it when it came in. They took it to the Board of Adjustment. Who advocated for it at the Board of Adjustment? What did that application look like? Did it really say we're going to be an adult entertainment, internet sweepstakes café or did it say it was going to be something else? Let's have a serious, public discussion with the citizens of Carolina Beach that talk about

whether or not this is truly the widespread use they want. Maybe as an auxiliary use to help supplement some income, a couple of machines, okay, he is not a prude. But everyday he runs on the boardwalk and runs right past that place, that is not the family entertainment Mr. Lashley that we are encouraging in this beach and, he agrees, we are 8 months to 88 years old. And as somebody who falls into that 40-50 year range he was talking about, he is not going to go hang out at an internet café while his kids are running up and down the boardwalk. That is not the family entertainment we are trying to do. Go in a visit these places. This is not what the town has worked so hard to do and when you have to start asking yourself if this is a retail use, I'm going to have a background check. Do you do that to the lady that sells the henna tattoos? Do you do a background check on her? She's retail. Do you have to say, you're not talking about a permitted use by right as opposed to a CUP. Let's get together as a community and decide what we want. Show some leadership. It's tough. Wrightsville Beach said no. New Hanover County is going to move to say no, they are wrestling with it. The state legislature is going to look at this. This is an addictive issue. The police chief is busy enough and is probably chasing all the guys with speed in the pocket down there on Canal, Councilman Lashley that you were joking about. It isn't funny. Do you know why they have to have their machines visible? Because when you close the room, things can happen in closed door rooms. Let's get it out there on the table on why they want them out in the open. It's because of what can happen when you close the door, in an adult entertainment situation, that the police chief is probably not going to be real happy about. So let's have a serious discussion, show some leadership, table this, send it back to staff, put a moratorium. You don't need any more of these, you have plenty of them right now. You don't know whether it is a 60 day moratorium until they have to pay. You think \$2,500 is too much. Other people might say it's too little. Do you know what the profit margin is? Are we worried about regulating businesses? Table this and give it back to staff to come up with a realistic proposal and get some citizen input. You heard it a week and a half ago at P&Z, it went to the Board of Adjustment. It has been less than 30 days out in the public and look at how it is blossoming. Take a step back for the community and come up with a better plan than trying to make sausage here tonight.

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

Councilman Wilcox said, as he understands it, they can look at this from a zoning perspective but, with regard to Board of Adjustment's decision, we would have to challenge that in Superior Court, their decision. How would the town go about that when it was a town quasi-judicial board that made that decision?

The town attorney said that is a moot issue given the fact that if the town wanted to challenge that, it would have needed to be done in a more timely fashion. In his view, that is not an option now. Keep in mind, at the risk of making this overly simple, the Board of Adjustment didn't say this was a great idea. They said that there is nothing in there that says that video internet cafes aren't allowed and, if it has any aspect of it that is retail, it is a permitted use and you have to construe it in favor of the property owner. It is a fundamental rule of zoning. That is all Board of Adjustment did. They would have

ruled differently if there had been a specific use specified in the ordinances that specified electronic gaming and with restrictions on it. To answer his second question, is this an appropriate zoning thing? Certainly some of it is zoning. Some of it is classic exercise of the police power. Council has not only the zoning power, Council also has the police power. Sometimes the line between those two is very thin. In truth, zoning emanates from the police power. Zoning is simply a subspecies of the police power and so Council's hands are not tied if you are trying to deal with a problem and it doesn't quite fit within the zoning aspect of it. He hopes he has answered that. He thinks the primary questions that Council is wrestling with, is how do you deal with these previously permitted uses? Regardless of what you pass, whatever it is, and the previously permitted uses, simply cannot comply with them. You do have some options. They range at one extreme at from saying they are non-conforming uses and they are grandfathered in. You can go to the other extreme and take the position exercising your police power in saying it is the position of the Town of Carolina Beach that we don't want them and, as of the date of the ordinance, you are closed down. In between you have the option of using what is called in zoning amortization rules, sometimes called sunset rules. He has heard it hear called a grace period, to comply, but he likes the label amortization. Those who run spread sheets is that you impose a period to comply that is fair enough for you to accomplish what you see as the primary public purpose, but also be fair to the owner to allow them a sufficient time that you deem fair to recoup their investment. In the City of Kings Mountain, as early as 2001, they put in a smorgasbord of restrictions on video poker games and they imposed a 6 month amortization period that says if you are an already existing business, you have 6 months to comply with these regulations and the town in that instance examined what the initial cost was, on average for the business, whether or not they were rented or purchase machines, the useful life of the machines, their actual depreciation, the fair market value for tax purposes, what would be the residual value of those machines after the period of amortization that expired, whether or not the machines were readily moveable and could be placed at another location, whether or not there were reasonable opportunities for owners to use the machines at other locations, and is there still value in the location of the business without those machines. The court took that on average, with that 6 month amortization period and looking at the revenues that were earned, that there would be approximately somewhere between \$1,500 to \$4,000 of profit on the machine. So, in that instance, the court held that the rules that were imposed by Kings Mountain were appropriate and that went up to the North Carolina Court of Appeals and it was affirmed. That is the closest authority he has been able to find in the State of North Carolina that is in the context of something close to what we are talking about. South Carolina, the period was 2 years when they outlawed completely video poker. He thinks also that Council is unaware that this whole thing could change overnight depending on what the General Assembly does. The General Assembly may decide to ban these machines altogether and those that are already existing must shut down. That could happen. Or, the state could, in this budgetary crisis, elect to say this is revenue source and they impose a tax on the particular machines. They may even move to pre-empt whatever the town does, we don't know. All we know is that as of today internet sweepstakes, and that is a very narrow term of art that I am using, there is something that has evolved since the Kings Mountain decision, this is not merely video poker. This is video sweepstakes where, just like you go into a McDonald's or

Harris Teeter, you're not going to be able to buy anything but if you go in there you can buy something and get a sweepstakes card. You can go in there and not buy anything and get a sweepstakes and you can then scratch it and you win or you don't. The way it is currently structured with these businesses is that is exactly what happens only it is in the internet context. You can go in and buy internet time or not buy it. You do have the right, whether you buy the time or not, to participate in the sweepstakes and you literally take part on the video screen of scratching that sweepstakes card. That is what is now the loophole in the law and the General Assembly is going to close it or they're not. So the question is how do you want to regulate it, if at all. Do you want them to continue unabated? There are some that probably would believe that. Do you want to ban them altogether? There are some who believe that. Or do you want to do something in between? A cogent point was made that this needs to be studied very carefully. At P&Z he recalls these two powerful forces at work that, during this delay, there is the risk of a multiple proliferation of these machines, even in a 30-60 day time period and there was a sentiment by P&Z that they did not want the current tourist season to come upon us with that proliferation going on. The second powerful thing going on was that whatever Council did, it did not want Council to be perceived as doing something that is more lenient than what New Hanover County or the City of Wilmington does because, then the point of least resistance, if you would increase the flow of those who wish to open these businesses. There was also sentiment expressed, he believes another speaker talked about the limit on the machines or permitting, should it be 20 or any limit at all. The fact is, technology is outpacing you because, probably within the next 6 months, the technology is going to be that anyone could walk into these places holding one of these and is going to be able to play.

Councilman Wilcox said he said limited permits, it could be a permit for a facility. Is that something that could be done? Could we say there is 5 of these businesses allowed. Is that something that could be done?

The town attorney said yes. He doesn't think it is appropriate to identify the actual businesses but if you wanted to limit it to 5 businesses, you could. And then the question is, do you then tell the remainder of them they are shut down now or be grandfathered in or is there an amortization period? He said Wilmington has an idea of where they are going. Staff has prepared for Council a summary of what is going on with the various towns and counties as to where they are headed.

Councilman Lewis asked if they could vote on a moratorium tonight and put this on hold.

Staff said you have to advertise it.

Councilman Wilcox said he understands the sense of urgency but isn't that kind of a moot point if we are able to pass an ordinance that then places all the restrictions that we would need and then those people have to come into compliance and theoretically we can place those restrictions so heavily that most of those businesses wouldn't be able to stay open anyway?

The town attorney said he may well be right. You may well find yourself that those machines are so profitable none will shut down. We don't know what we don't know.

Councilman Wilcox said he has a lot of concerns. He has worked as hard as anybody else to make the boardwalk family friendly and he certainly wants it to be that way and it would be fine with him if there weren't any of these places down there but he has gone into the Silver Dollar and he didn't even know one of those machines was in there. Then we have bars that have these things in them and if you change the rule to 400' then you have a bar that is only supposed to be 200'. Does the bar then have to move to comply with the 400'?

The town attorney said it is a Mexican standoff on some of those as to which one is going to close.

Councilman Wilcox said his other problem is, just from a fairness perspective, we have the existing businesses that need to be dealt with and we also have - these numbers have been pulled out of the sky. You are the first one to talk about the profitability of these and what can be afforded and what would fall into a reasonable fee that would not allow everyone to open these up but someone who is serious about running a good business and be willing to pay the fee and that fee would be commensurate with the amount of profit that could be made over a period of time. We have not heard any of that.

The town attorney said the numbers that you are seeing, regarding the amount of the privilege tax to be imposed on the business and the number of machines - where does that come from? That is just simply what we are seeing passed across the state.

Councilman Wilcox said we're either designing something to put people out of business or we're trying to control something but be fair. He is trying to figure out all those values.

The town manager said there are several things they can do if we want to approve an ordinance. We can approve an ordinance and then tweak it at the next meeting if we are not comfortable with it and think there is going to be a proliferation of these things. The finance director mentioned something, too, as well as the town attorney, you need to be careful what we do because we don't want to force people down here. Councilman Lashley mentioned \$200. If the county is \$2,500, then that may cause more machines to come down here. There are some other things about the particular recommendations that have unintended consequences. The visibility part could be difficult to master. For instance, the Lazy Pirate that you can't see from the outside. So there are some concerns and, also, if you had a 400' distance between each one and then you come into the amortization, which one shuts down.

Councilman Lewis asked if we can pass an ordinance that says we are limiting the number of permits to the 5 businesses we have right now.

The town manager said he doesn't feel that we can, that's like saying you can only have 5 restaurants. He has never seen anything done like that in zoning. We do that with vending because that is not a zoning issue.

Councilman Wilcox said if we wanted to stop new businesses from coming until we could wrap our mind around this, all we would really need to do tonight is to pass an ordinance that says it's \$3,000 a machine until such time when we could go back and look at all the particulars. Wouldn't that be the same effect? It would stop new businesses from coming, he would think, until we have time to deal with it.

Mayor Macon asked what they are looking at for advertisement as far as the moratorium. The planning director said they need a minimum of 30 days to initiate a moratorium and then they will have to go with a maximum amount of time of a 90 day moratorium. 60 days is probably what most communities would be going with. We need 30 days to advertise it, everybody who has such an operation can come in and voice their concern or support or opposition for it.

Mayor Macon said let's just say you have 30 days for a moratorium, you pass some regulations. He doesn't know what the fee thing is but it sounds like that was an excellent point that if the fee is higher in Wilmington and ours is lower then people are going to move this way. We can require it come under a conditional use permit, that is going to put them at 60 to 90 days before they can even get before us. We can do the advertisement for the moratorium and then be hearing this at the next Council meeting next month prior to anybody getting to us for a CUP without having to set any fees.

The planning director said it would give time to go through the process.

Councilman Lashley asked if we couldn't add up the number of machines that we currently have and say that is all the machines we're going to have in Carolina Beach at this time. The town attorney said he thinks that is problematic.

Councilman Wilcox said these existing businesses can only have so many machines. Most of them are full now.

The planning director said that New Hanover and Wilmington are both in a moratorium right now so nothing is going on right now.

Steve Shuttleworth said he thinks they are on the right track. It's okay to start publishing a moratorium, we've got 30 days, make it a conditional use but let's get something where you guys really understand. The numbers he quoted earlier on income had to do with past technology. He doesn't know if it is fair for a town to regulate and penalize a business for being profitable but let's take a giant step back and a moratorium is a great way to do that.

The planning director said a point he thinks the attorney needs to answer and that is relative to the noticing of the advertising for this, everything that we put together as advertising has been regulations and has not spoken to conditional uses. We've used permitted uses. That is the language we have been using in our advertisements. He thinks they are moving kind of far away from what we were advertising.

The town attorney said he thinks what he is saying is how the meeting for tonight was noticed and will be going beyond the scope for tonight.

Councilman Wilcox asked if a copy of the advertisement could be put together with public hearing agenda items for them to see. Staff said yes.

Mayor Macon said what they need to do if they are going to advertise for the moratorium, they need to put some kind of condition that was advertised.

The town attorney said, in the meantime, the mayor's suggestion about the privilege tax in the meantime is within the scope of what was advertised and that would have probably the chilling effect of what you are talking about, what we are trying to get our arms around.

**Councilman Wilcox made a motion to increase the fees per machine for new businesses and renewal to \$3,000 per machine with direction to staff to advertise for a moratorium and conditional use permit advertising and come back with any new ideas staff may have as well.**

The finance director said that fees are prorated so they would only pay \$1,500 until January.

The town manager said they would be amending the fee schedule.

**MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion for a 5 minute recess. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon called the meeting back to order.

The planning director asked to revisit the last item. They have just looked at 168-381 which is the establishment of a moratorium and with that they have some good news, they can establishment this moratorium after 7 days of advertising in the newspaper. So what the plan may be they can bring this back at their second meeting of the month, which would be on the 27<sup>th</sup>.

The town manager said that moratorium would only be for 60 days. If they wanted to go longer, the advertising is a minimum of 30 days. The hope would be that Wilmington will come out of their moratorium and they will know a little bit what they are doing.

Council and staff decided that 60 days would be sufficient time.

***PUBLIC HEARING - CONSIDER AMENDING ARTICLE 1, SIGN AND HANDBILL REGULATIONS, TO ALLOW FOR ADDITIONAL COMMERCIAL SIGNAGE***

Jeremy Hardison, zoning officer, reviewed why they are here tonight. It started with comments from business owners in regards to timeframes and duration of temporary signs and allowances of more temporary signs. The request was brought to Council and at that time they were only going to address the issue of duration of signs and when they can be displayed in regards of time. A motion was made to bring the item back after further review of the sign ordinance in its entirety. They had a sign meeting February 4<sup>th</sup> with the Business and Economic Development Committee, along with the Planning and Zoning Commission, and business owners attended that meeting to discuss signage and we were really there just to listen to see what they wanted and hear comments. What was addressed at that meeting was more allowances for temporary signs, longer duration, and they wanted different types of temporary signs to be displayed for businesses. They heard such comments as my business cannot be displayed or I need more signage. There was a gentleman there from UNCW, a professor from the business school, and he stated that it is really not about the business person or establishment, it's really about "we" as a community and what is a sign value of the community. To look at the bigger picture of signage they also did a sign survey on the website about what people's feelings are on signs in general. Before Council is the proposed sign ordinance. It is in a new format, hopefully an easier version to read. They wanted to clearly state what signs are allowed, what signs are not allowed, what signs need a permit and what signs do not need a permit in a clear format. Current commercial signs allowed that people can have today, you get a freestanding sign 25' in height for HB; attached - 25% of the front of the building; and directional signs equaling 4 square feet. Also, electronic signs are allowed but cannot flash, flashing defined by 60 seconds. More signs that are allowed, you can have an open sign, open flag, banners currently 4 weeks per year at 20 square feet, A-frames only in the CBD, ocean grills can have off-premise directional sign leading to a parking lot, decorative/patriotic flags, window/door signs with no size restriction. This is what they are proposing - allow commercial flags, human signs, A-frames in all commercial districts, portable signs, banner/feather signs, balloons, trailer vehicle signs. With those types of signs, they are allowed with no time restrictions. They looked at shopping centers and individual, commercial sites differently. They didn't want to punish shopping centers for having a multi-tenant building so they discussed with Planning and Zoning and you can get one temporary sign for the shopping center adjacent to the right-of-way and then each business in the shopping center can have a temporary sign but it can be no more than 2 feet from the face of the building. You can share a sign by the right-of-way and however they want to manage that sign is up to the shopping center. But each individual tenant can have their own temporary sign by the building. For individual commercial sites you can have one or the other but you can only have one of those type signs and you can interchange them with no time frames. They can put it by the building or the right-of-way.

The planning director said you can only have one. The shopping center can have one advertising the entire shopping center and each individual tenant within that shopping center can have a sign as long as it is attached to the wall or within 2 feet of the wall of the shopping center itself. The people who attended on February 4<sup>th</sup> were basically saying they need more advertising for people to identify where they are located in the shopping center. The shopping center can have one within 2 feet of their building and also on the road for the entire shopping center.

Mr. Hardison showed Food Lion Shopping Center with multi-tenants where they can each have a banner within 2 feet of the building. Great Clips wanted to have a sign by the right-of-way, they could have that. However they wanted to manage it, it would be between them. Pop's Ice Cream could have a banner all year round located by the right-of-way or they could attach it to the building. Other parts of the ordinance they addressed were non-commercial signs allowed in all zoning districts for special events, public information, free standing signs. For special events they also added a provision there to allow some type of commercial advertising. Little league baseball tryouts may have a Coca-Cola sponsorship on their banner that they are trying to promote, or soccer signups. Fees - which are examined each year during the budget, sign permit fees are \$25 and a building permit fee, if one is required, is \$25 for a footing inspection or something that needs to be associated with it. Enforcement - first they try to make contact with the owner, discuss the options, second they mail a letter out with a warning citation and, if nothing is done, then they would issue a \$50 a day fine for each day the violation exists. The proposed regulation is 20 square feet for a banner. The owner of Granny's spoke earlier and requested an allowance of 24 square feet. Councilman Lewis was at the sign workshop where they never really heard anything about the size just the length of time they could have the sign out. Mr. Hardison saw this yesterday and under the proposed ordinance it would not be allowed. If they want to make provisions for it as an inflatable sign, it would exceed the current height limits.

The town manager said it is an animated sign and there is probably a particular name for it.

Mr. Hardison said, in summary, the allowance for the temporary signs for shopping centers, they can have one against the building for each business and then one for the whole shopping center by the right-of-way; a standalone, commercial site can use one or the other for a temporary sign year-round.

The planning director said you can buy 5 permits for 5 different banners but display only one banner at a time.

Mr. Hardison said Council could decide to test it for a year to see what is happening. He said their community neighbor and county neighbor have just recently adopted restrictions going the other way for sign regulations. He said that banner signs can be used as a permanent sign on a building as long as you have a permit for this as a permanent sign.

The planning director said one of their issues with Granny's was the sight triangle, a 30' x 30' area at the driveways and intersections so people can see what is coming traffic-wise. He has noticed that when their banner is up that it was interfering with it, 30' along the road and 30' back through the driveway is the sight triangle.

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

Alison Rostholdo, 1310 Lake Park Blvd., owner of Granny's Country Kitchen, said she got the 30' x 30', she can't put her sign close to the road because she has because she has a 10' state setback. Her sign is on her property, you can see over, under, around it, east, west, north or south and she has polled everybody for a year and they have all said that sign was the only thing that worked and everybody can see around it and it's going to cause an accident the way it is without that sign.

The planning director, in looking at it, believed it was in the right-of-way. The right-of-way, as you can see in the picture of Pop's, that right-of-way is the telephone pole, not the roadway. If you are on the right hand side of the telephone pole, you're fine. They may have corrected that. When Mr. Hardison went out to speak to them it was in the right-of-way and was blocking the line of sight. He verified that and said she did move it back.

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

Mayor Macon asked how this affects businesses, such as the Marriott, where it is hard to see where to turn. Would you use a directional sign?

Staff said you have to own the property where the sign is put up.

The planning director said that at P&Z they did have concerns about the boardwalk. One of the P&Z members brought up the fact that the boardwalk folks aren't well seen and we need to correct that somehow and that speaks to off-site advertising, which are basically billboards. Billboards are not considered by size but they are advertising something that is not located on the premises where the sign is located. When they considered that, they said we need some allowance. As Mr. Hardison pointed out, there are some allowances, for example, for Boardwalk Makeover and other organizations to have a for profit business that contributes to a charitable cause and allow that kind of signage to go up. That is off-site, commercial advertising but it has to be for a charitable cause.

Councilman Wilcox asked if the property would have to be contiguous to place a sign on it.

The town manager said he would say it has to be contiguous but he is not sure.

The planning director quoted the definition for a shopping center, "Shopping centers - 3 or more commercial establishments containing 25,000 square feet of gross floor area, planned and constructed as a single unit with off-street parking and loading facilities provided on the property. This definition includes malls, commercial plazas, and commercial shopping centers."

Councilman Lashley said that with our new roadway that we want costumed, handheld signs out there. There are a lot of safety issues there.

Councilman Wilcox said they have been dealing with this for a long time and his biggest concern was the visual appearance of everybody having banners and he is being constantly assured they will be taken care of and it will look good and all that. He is ready to do something on it and if they come back and there is a problem with the appearance and it gets out of control, they can always change it.

Mayor Macon asked if the costumed sign holders have to be on their own property or can they be in the right-of-way?

The planning director said they cannot be in the right-of-way and that is purely a public safety issue.

Councilman Wilcox asked if they talked about the little signs that say open, etc. that a lit up, have the LED's that run around. Is that still classified as illegal?

The planning director said yes, the 60 second time limitation is on it and he thinks they did have some comments about folks saying why can't it be less than 60 seconds. That's animated, electronic type signs. When you look at the survey, most of the people were frowning on that and did not support it. There was at least one vocal person at their sign meeting on the 4<sup>th</sup> of February who was very adamant about the need for those types of signs. They think it looks attractive, etc. and is the atmosphere we want to create.

The town manager said he does have some concerns about the visual clutter if everybody put an A-frame or banner, feather sign, or dancing pizza. We have worked very hard at landscaping and trying to clean up the town and he has some concerns about a lot of temporary signage.

Councilman Wilcox asked what do you do in the CBD where their lot line is zero so their temporary signage would have to be on the building, right?

The planning director said yes. The banner isn't the only sign that they will be afforded, there are about 5 different types of temporary signs. There is a fair selection there.

Councilman Wilcox said he thinks it would be less unattractive if people had different kinds of signs and not every building had a banner. He is worried about the appearance of it driving into town. There is that and the tradeoff of trying to help the businesses in

these economic times survive, he is willing to try something for a while with the understanding that if it gets out of hand then we have to fix it.

The planning director said they had one person concerning banners who is a sign maker and they suggested at P&Z that they have standards for how banners are installed, both up against the wall and freestanding. If Council is supportive of these changes in the sign ordinance, he would urge them to require some type of standard to be in place. It's basically a grommet type sign on canvas and using bungee cords so it flexes with the wind and you place it on 4x4 pilings or 2x4 would probably work as long as you have adequate support in the ground. It will be good for the business and good for the town relative to its appearance. If you're going to have them, you want to be able to read them and right now, some of the signs are not legible. It just trashes up the look of the town but with some standards in place, he thinks it could make them look a bit better. Installation standards, how they are being displayed. Southern Signs gave them a good presentation and e-mailed to staff a couple of design standards just for banner type signs. He thought it was a good suggestion.

Councilman Lewis said, with regard to clutter, they have businesses who have feather signs but they don't have a sign up but there are 6 or 8 of these giant feather things going just because they happen to have a business. They want to have those but they don't want to have a sign on it. He feels that is clutter. There is no restriction on those.

The planning director brings up a good point about the type of signs he is referring to. If it attracts attention to your business, implies the type of business that you have, i.e., checkered flags, that does kind of denote a go-cart track and that is exactly the kind of message that is being conveyed. A wave painted on the side of a surf shop, is that a sign? Some people would say no, it's art. If that same wave was painted on the side of a go-cart track building, what would that be? That would just be art but if it is painted on the building that is associated with the business, it's not art anymore. He knows that is a fine distinction but it is one of those things they talk about.

Councilman Wilcox said what you're saying is if there is no writing on it, that's allowed, it's not a sign.

**Councilman Lewis made a motion to adopt Ordinance No. 10-825 (Exhibit 4).  
MOTION CARRIED 4-1 WITH MAYOR MACON VOTING NO.**

***PUBLIC HEARING - CONSIDER ADOPTING AN ORDINANCE RESCINDING CHAPTER 9 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI SCHEDULES, A SPEED LIMIT, REFERENCE NUMBER FOR DOT 1031992 AT US 421 (LAKE PARK BLVD.) FROM ATLANTA AVENUE (NON-SYSTEM) AT A POINT OF 0.23 MILE NORTH OF THE SOUTHERLY CAROLINA BEACH/NORTHERLY KURE BEACH CORPORATE LIMIT NORTHWARD FOR A DISTANCE OF 0.45 MILE, TO ST. JOSEPH STREET (NON-SYSTEM)***

Chief Younginer presented. He said items 16 and 17 go hand in hand in order to change the speed limit around the lake to 25. At Atlanta it changes to 35 and 35 is too fast for that curve. The recommended safe speed on the curve is 25. DOT said they need to rescind the whole entire 25 mph speed limit so that they will have one 25 mph speed limit and not two. So the 25 mph speed limit would go from St. Joseph around the lake to Driftwood, it goes back to 35 there. The first thing they are asking is for Council to rescind that 25 mph speed limit.

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

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

**Mayor Macon made a motion to adopt Ordinance No. 10-829 (Exhibit 5). MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONSIDER ADOPTING AN ORDINANCE TO AMEND CHAPTER 9 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI SCHEDULES, A SPEED LIMIT TO 25 MPH SPEED LIMIT ON LAKE PARK BLVD. AT US 421 (LAKE PARK BLVD.) FROM DRIFTWOOD LANE (NON-SYSTEM) TO ST. JOSEPH STREET (NON-SYSTEM)***

Chief Younginer said this changes the speed limit to 25 mph from St. Joseph around the lake to Driftwood.

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

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

**Mayor Macon made a motion to adopt Ordinance No. 10-830 (Exhibit 6). MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONSIDER AMENDING CHAPTER 9 MOTOR VEHICLES AND TRAFFIC, ARTICLE VII WRECKER/TOWING SERVICES AND IMPOUNDMENT***

Chief Younginer said this deals with our towing ordinance. He would like to change what they currently do now, using a rotation, and they are up to about 12 wreckers on that rotation. When we have an accident, he has to call the next one on the rotation. He has 30 minutes to respond. If he doesn't respond in 30 minutes, he calls the next one who has 30 minutes to respond. The county uses one wrecker, primarily, and so does Kure Beach. That is what he would like to do, take the rotation out of it and put in there that the chief of police will designate which wrecker to be called, which would be the nearest wrecker.

First, they will ask the people in the car if they have a preference on a wrecker and, if so, they will call that wrecker for them. Otherwise, then the police will designate a wrecker to come and get them. He needs someone to come and get them off the highway in just a few minutes. This is primarily for accidents because most of them in Freeman Park have a preference on a wrecker to begin with but if they don't, we have a list of wreckers they can pick from or we'll tell them the next one on there we are calling the wrecker. They are spending way too much time waiting for wreckers. If their preference is nearby, they will let them come.

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

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

**Mayor Macon made a motion to adopt Ordinance No. 10-826 (Exhibit7) to include that those fees listed are maximum fees. MOTION CARRIED UNANIMOUSLY.**

***CONTRACT AWARD RECOMMENDATION ELEVATION OF W. J. COOPER RESIDENCE AT 1117 CAROLINA BEACH AVENUE NORTH***

Jeremy Hardison made presentation. He said this is a FEMA approved and funded elevation of a single-family home at 1117 Carolina Beach Avenue North. He is asking for approval to choose a contractor to raise the house. The lowest bid came in from Bridgeview Contractors, Inc. for \$116,477 which is well within construction budget. This was a grant that the home owner applied for, along with the town, to raise a house. It is a severe repetitive loss. Nothing is coming out of our pockets. The contractor is a North Carolina licensed general contractor. They checked the references and they were good.

**Councilman Wilcox made a motion to approve staff's recommendation for the contractor. MOTION CARRIED UNANIMOUSLY.**

Ms. Efird said this weekend is the Chowder Cook off and the local Lion's Club is having their first bake sale.

Mayor Macon said the town clean-up will be the end of this month. The manager said they will advertise it on the water bill. The manager also added that the county will also be having a hazardous clean-up day.

**Mayor Macon made a motion to recess the meeting to April 27, 2010 at 5:30 p.m.  
MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

Approved: \_\_\_\_\_