

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

April 27, 2010

The Town Council of the Town of Carolina Beach met to continue its regular session from April 13, 2010 on April 27, 2010 at 5:30 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 Efird; Councilman Dan Wilcox; Councilman Lonnie Lashley and Councilman Bob Lewis. Also present was the Town Manager Tim Owens, Town Clerk Lynn Prusa, Finance Director Dawn Johnson and Town Attorney Steve Coggins.

MPT Efird called the meeting to order, and stated that Mayor Macon will be a little late.

LAKE PARK CONFIGURATION

Tim Owens, Town Manager, presented this item. This is a follow-up to a discussion from the last meeting. The town took a look at some re-striping and the road diet that was implemented on Lake Park Blvd. The purpose of the new road configuration is to move closer to implementing the town's streetscape plan along Lake Park Blvd. The resurfacing occurred and none of the lights were synched and then Easter came and we had some serious issues with traffic backed up. Since then DOT has worked at synchronizing the traffic lights and it seems to be flowing a lot better at this point. Council heard from Will Letchworth, traffic engineer with Wilbur and Smith, at the last meeting and it is his professional opinion that it will work with regard to moving traffic effectively. The bike lane seems to be an issue that folks have some concerns about. It's not ideal. Some of the information he gave Council tonight shows the very same thing, that you probably shouldn't design it like that but if you do design it, it does talk about some things to make it run better and be a little bit safer. The project to date is not complete, there is still a lot of striping to be done, make the bike lanes, mark some of the intersections and corners so you can see where you are going and what is actually happening out there on the street. That will potentially happen next week according to DOT. The contractor has a certain amount of time to finish in and sometimes they get thrown off course. He gave them a copy of a letter from NCDOT regarding some questions he felt Council had regarding whether they could move back to the 4 lane configuration, what it would take or how they could consider taking out the bike lane, what if they wanted to consider another configuration instead of 3 lanes as it is now - maybe two going in one direction and one going in the other. So there are some questions and some answers from NCDOT. Mr. Owens shared with Council and those in the audience a letter from DOT with use of the overhead projector. This is an update on how things have progressed and where we are heading. Some of the other things they will be considering doing include a traffic count on Memorial Day to gauge how close the traffic count is on the study that was done by Wilbur and Smith. DOT has sent people out the past few weekends to check traffic, the light synchronization, and they will continue to follow up on that and check on weekends, particularly as the season starts

rolling. He reviewed the questions in the letter:

1. Is there a process for Council to request changes to a new roadway design and what would have to happen to make those changes? A request endorsed by the Town Council is needed in order to consider changes to the current length and configuration. This request would need to include the changes you are proposing and the justification for the changes. Upon request, NCDOT will review the proposed changes. Approval from NCDOT will be required before any construction can begin.

2. What is the estimated cost and process to go back to the original 4 lane configuration? We have compiled a preliminary estimate of \$500,000 which includes resurfacing, re-striping, and possible milling. This is a rough estimate and does not include exact quantities for the work that would need to be completed. NCDOT will not be responsible for developing a final estimate for the work requested.

3. What is the estimated cost and process to eliminate the bike lane from the design? I would assume that this would entail grinding down the outer line and determine what would be used to fill the void left with the elimination of the bike lane. The only way to eliminate the bike lane is to grind existing markings, however, DOT has already approved the bike lines; therefore, the existing bike lines will not be removed.

4. Is it possible to switch the angled parking to parallel parking? What would be the price and estimated cost to do so? What could be done in the void that would be created from the parking area to the existing curb? Sidewalks would need to be constructed as described in your adopted streetscape plan in order to ensure the safety of the traveling public. The Town of Carolina Beach would be required to estimate this cost.

5. Is there any other type of lane configuration, such as going to a 3 lane section with 2 lanes heading northbound and 1 southbound that may work? A study would have to be required in order to look at a new lane configuration. At this time, NCDOT does not approve the above mentioned lane configuration.

Councilman Lewis said if they wanted to change anything they would never be able to get it done this summer anyway because they have to get approvals to get things done in the first place.

The town manager said, depending on how much they wanted to change, it would be possible. Some of the changes that were made recently, there were some concerns about the fire truck being able to turn at Cape Fear, those lines were ground off and the stacking lanes were pushed back. That should have helped that situation. One of the bigger concerns was the bike lane on the east side, there was a larger void and people were really confused by that, for several reasons, the markings haven't been done yet but DOT did expand the size of that bike lane in order to fill that void and make it safer and make sure people know what is the bike lane and what is the traveling lane.

Councilmen Lashley and Lewis said they would like to hear public comments.

Tilford Christian, 401 Risley Road, owner of Christian Plumbing and Majic Beanz, said he has concerns about the traffic configuration. He has talked to other owners and feels their opinions, and the block where he is, the traffic configuration is a total failure. Two weeks ago there was an emergency vehicle coming through there and the emergency vehicle was stopped, not coming through the traffic lights and the so called getting them time to coordinate it, coming from past the lake and it was stopped dead in its tracks. It has nothing to do with the lights and the traffic was backed up all the way past the lake. The 4 lanes seemed to work. Apparently we tried to fix something that wasn't broken. He feels it should go back to the way it was. About the \$500,000 to do that, up north when they want to change something they simply painted black over it and then they remark it. Paint doesn't cost \$500,000. He doesn't know about grinding down paint that they have down there, that seems a total waste. It might cost a few thousand dollars. (Councilman Wilcox said they won't allow us to do that.) He has seen it and knows everyone else has seen it done in communities. Maybe safety concerns have changed but it's not working down there. He doesn't see how it is going to work. He is down there every day and sees the traffic flowing and visitors and locals don't know how to use the turn lane. He has seen people make a left hand turn onto Charlotte from the right hand lane. Problems are being caused by this configuration. Mr. Wilcox pointed out the last time he spoke, where has he been and how come he wasn't interested in this a year ago? As he said then, he wasn't aware of it. He doesn't know a solution from Council's standpoint but he thinks Council needs to do something to look out for the residents and the visitors coming down here. It was front page news in the Wilmington Star today about the failure of our reconfiguration program. The City of Wilmington is making fun of us. He doesn't know if it is individuals that are pointing us in a direction, if it is DOT because he is not in on the meetings. Parallel parking was mentioned as a real solution. It has been mentioned before that Carolina Beach needs more parking. So you are going to eliminate 47 parking spaces in the block where his business is and put down 11 spots. He doesn't feel that is a solution. He wishes they would go down and talk to the other businesses - Mama Mia's, Michaelangelo's, etc. He doesn't think any of them will be happy going from 47 parking spots to 11.

Councilman Lewis said, especially where they are located, it is even more critical because, if you have a really large vehicle you are actually sitting in the bike lane itself and the bikers have to go around the extended vehicle in that area and he doesn't think the engineer thought of that. He spoke with DOT and they said the process is to mill it down. He also spoke with some DOT workers and they said the stuff down there is just paint and will wear off but that is their policy. His opinion was that they could just paint over it but it's not our road, it's a state road.

Jeannie Williams, 10 S. Lake Park Blvd., representing Majic Beanz, said the extended vehicle thing, they talked to parking enforcement this week and they gave them Danny's driveway and said they would leave people alone with extended vehicles to park up into that so that they wouldn't be out into the bike lane. Her concern about the parking is that it will go to parallel. She has there since 2002 when she established the coffee shop and

it is very hard to make it here and she is making it just now and if they take away her parking, she is not going to have it. Her parking lot is full every day. They share a landlord as well and Mike said he was going to go by and talk to you today. That parking is very important to them. People are not going to pay \$5 to park in the lot across from her. The economy got her last year but she is still chugging along. If her parking is gone, she is not going to make it.

Tom Jennings, 415 Charlotte Avenue, said he is a very avid biker here and supports the idea of making it bike and pedestrian friendly. The bike lane that was installed a few years back extends all the way from Kure Beach up to here was a big improvement but as a biker here he never felt the need to worry about the blocks where they have this bike lane now. It is very easy just to go to Carolina Beach Avenue N., or whatever, and across. He doesn't see the need for it. Pretty much every Saturday he bikes down to Ft. Fisher and back. On Saturday, Easter weekend, it was backed up to the area where the marker is in Kure Beach. On other weekends like that in the past he could pass a lot of the traffic part of the time but it wasn't stopped. This was a parking lot. He felt that if he didn't live here he would never come back. He understands that the traffic lights affected it, maybe that is a lot of the issue. It is a concern as well as the potential impact on Dow Road and the possible need for lights there and the safety issue of an ambulance not being able to get from Kure Beach. It doesn't seem like it should take a half million to reverse the striping if that is what needs to be done.

Patty Owens, representing McDonalds, 220 N. Lake Park Blvd., said sales have decreased since Easter weekend. People aren't coming back down to Carolina Beach because of the mess that they sat in. People said they would go to Myrtle Beach if they were going to sit in traffic because there is a lot more to do. That is a real concern of hers. Last Friday they had 6 buses come into their restaurant and every bus complained about trying to get into their parking lot. The tour buses are a big business driver for them that are going to Ft. Fisher, they stop to eat there and if they can't get into the lot anymore, they will go up the road. That is a huge concern. She knows that DOT said they have studied other towns, she heard all of that at the last meeting, but have they been to Shallotte. They are a one way in each direction town like us with that suicide lane. You sit in traffic at Shallotte. There is a bypass around them and that is what Dow Road is going to end up being. The whole point of this was to bring traffic into downtown Carolina Beach but you are driving it out. Leland had this and they are expanding it to 4 lanes. Something has got to give. We are a one artery town and we have clogged that one artery.

Randy Simon, 1410 Snapper Lane, said he is a retired state trooper and has dealt with traffic patterns and observed it as people described it and Easter was a disaster. But he is very proud that they finally got major improvements done to Lake Park Blvd. The road was in dire need of repair and accomplishing that is a major plus. The \$500,000 cost, with the economy today, is not very realistic to implement something of that nature. We had the improvements done to the pavement. He saw a major improvement, even with our busy weekend including the Chowder Cook-Off, at the lake. Was the traffic heavy? Yes, but it continuously moved. The coordination of the new traffic signals was

instrumental in effecting a major improvement. The people making the decisions for the time scheduling of the completion of that project on the Thursday prior to Good Friday prior to Easter weekend - the weather conditions were phenomenal and they people came and the traffic backed up. The traffic engineer said it didn't work because the project was incomplete at that time. We're a tourist island and we were hoping for people to slow down to visit our businesses, especially along Lake Park Blvd. With regard to McDonald's, he is not clear of her description because a tour bus coming in on 4 lanes would have to turn across 2 lanes of traffic vs. crossing just 1 lane and the turn lane being of sufficient size for a tour bus so he was hoping that will improve. With the painting of the lines and the bike lane, nothing is going to be perfect. With the bike lanes being designated and once we get the pictures so people can identify it as a bike lane, putting that all together he feels confident that this can be worked out rather than spending a half million more dollars, giving it a chance. Safety is our utmost concern. He is hoping with our configuration, the improvements being made, the additional painting coming in and the extra space that is available in the diagonal parking remaining that when we get the master plan implemented and have larger areas for sidewalks, he would be a strong advocate of moving the bike lane along the sidewalk and having the parking out toward the roadway but doesn't feel that can be done at this point. The issues being brought to the podium should not be overlooked, try to tweak them, make the adjustment keeping safety as the utmost concern but move forward from where we are now rather than going backwards.

The town manager said he failed to mention several recommendations that DOT has made to improve things and one was to consider compact cars on the west side of Lake Park in the area that is a problem. He feels that would be an enforcement nightmare. Hopefully there won't be many larger vehicles or trucks parking there. Currently when you come into Carolina Beach it does mention Carolina Beach/Kure Beach but doesn't really have traffic being directed down Dow Road. He wouldn't want to make that change without having a public hearing or some other kind of public input process. There are concerns for and against changing and adding signage showing the aquarium, Ft. Fisher, the ferry system, and Kure Beach to take Dow Road. There is some positive and negative impact there. The other is the Harper light, DOT is saying that may or may not be necessary to have a light there and could improve flow but, at this point, he wouldn't want to remove that light. Particularly if the Hilton ever expands on Harper, then you would have some issues with trying to get people down Harper. So that would be another opportunity as well.

Councilman Lewis said we have already had our first injury in the bike lane with somebody going to the hospital which he personally feels bad about because he approved this stupid thing. He asked the police chief if he would check on how many merging accidents we've had so far because he has witnessed a couple at Winner Road.

Chief Younginer said they were not reported. They have had only two at S. Lake Park that were rear enders and one by Squiggley's where somebody was trying to cut across the road and then we had the bike.

Councilman Lewis said he talked to a number of business owners and the concern of those who have a business along Lake Park Blvd. was if traffic is slowed down to a crawl, they're not going to stop. If we are going to have gridlock, bumper to bumper, it's not going to help any of the businesses here and they all say the same thing. People are so frustrated they just want to get out of town or to their condo. He has also talked to 3 or 4 property management companies who rent condos. On Easter weekend they had a 20% to 25% occupancy and are forecasting a 90% plus occupancy on Memorial Day weekend so when someone says that was a huge weekend, it was a huge weekend for people coming down to visit the island and maybe a huge weekend for some of the hotels but the condos and townhouses haven't even been filled up yet. In 5 or 6 weeks we're looking at all those being filled and that is another 3,000 to 4,000 people. We rent a condo and that is another 6-7 people. So that is another bunch of traffic coming down here. People going to Freeman Park say that it hasn't been over capacity yet but will probably be over capacity that weekend. We're still in a bind to have a lot more traffic. He looked at the Chowder Festival crowd and it worked out pretty well but we also had police on duty. So that may be a solution for the future to have some type of traffic control on those weekends. Chowder weekend, without the police control we would have had a disaster again. The police did a great job. We've had light pedestrian traffic, even on Easter weekend. There will be a lot more when the rentals start coming and will slow down traffic. The bike lanes are extremely dangerous. To have one accident - we will eventually come to the realization that how safe is that highway. Then we can go back to the state and say we have to do something. We have an unsafe condition here, how can we get this done without spending a half million bucks. He feels we will get some type of relief. We don't have the money to do it. The bike lane signage is very critical and is significant, on the road as well as on top of the road. His research has shown that bike lanes in a small town are significant hazards. There are a lot of accidents in bike lanes in the middle of the business district. It basically has to do with signage and people not adhering to what is going on. He doesn't think they will be able to control having small vehicles or subcompact vehicles only in there. People are going to be extended out into the bike lane and that lane will still be dangerous for anybody riding a bike. We need to get tons of messaging out to the public to make that work, if we're going to make it work. If we can't go back to the way we were, we need to have a sit down meeting to talk about how to make this work so no one gets killed in the bike lane and help take care of our businesses. When you talk about the bus turn lane, is somebody is coming south on 421 and is in the turn lane, no way is a bus going to turn going northbound, they will keep going and not go in the parking lot. They would have to into Harper first and try to figure it out from there. If we have some ideas of how we can help those people then that makes sense to him as well. He showed some ideas for bike lanes on the overhead - signage, different paint color. They need a comprehensive approach to the bike lane. The only way you would be able to get traffic through the intersections is to have the police involved with traffic control on major weekends.

The town manager said some of the signage he suggested will be in shortly, next week. The bike lane will be marked on the roadway with a bike symbol and advance bike lane ends signage. He has concerns about backing into the bike lane, it's not ideal. They couldn't go parallel parking. They would go from 92 parking spaces to 46 parking spaces

if they went to parallel parking, and that is why they chose to keep the angled parking. The back in parking that was suggested would be very confusing too.

Councilman Lashley said they could put all the signage they want down there but the safety issue of backing out into that bike lane is not going to be eliminated. We need to take a hard look if we want that bike lane or not. We only have it for 2 or 3 streets there and it's a dangerous area. He doesn't want to lose parking spaces but he does want to have some kind of action where they eliminate the dangerous situation we have with that bike lane. If we need to get rid of that bike lane, then that is what he would recommend. He has a problem with how much it will cost to paint that bike lane. If we paint that bike lane, is the state really going to come in and slap our hands, or DOT, if we do something that we think is correct? How much trouble would we get into if we have our own people paint that? The town manager said it is something we can't do; it's their roadway. Councilman Lashley said we could probably get a group of people together to paint it; we don't need to resurface it. That bike lane needs to go or parallel parking needs to come in and he thinks that is not the case they want.

Councilman Wilcox said he wished there was an easy answer. The bike lane is certainly not an ideal situation and doesn't think you could consider it extremely safe. He rode his bike in that same place before that bike lane was striped and a lot of other people rode their bikes behind those cars and have been doing it for years. When he has ridden his bike down there the last couple of weeks, he like the fact that it was striped and felt it was a little safer. If you take the perspective that no one was using it as a bike lane at all and no one was riding their bikes on the street down there, then, yes, it would be considered less safe. But a lot of people do ride their bikes on the street and for those that do and have, he thinks that bike lane actually creates a little bit safer situation for the people that do it. For the people that haven't done it, it's not going to create a safer situation. They can certainly take a look and see what the options are. Right now they appear to be a little bit limited. He wanted to address a couple of traffic issues. They are basing a lot of discussion on Easter weekend and the Chowder Cook-Off weekend. He saw a little bit of the same thing with the farmer's market. He was up there watching the traffic flow and people making a turn at the farmer's market. There was a police car there at one time, other people parking and couldn't get through and that was backing up traffic itself. It always has even when 4 lanes were there. If there is commotion at the lake and people can't make that turn, it always backs up traffic because that is the bottleneck, and that is where it changed from 4 lanes to 2 lanes. He is not ready to give up on the traffic flow part of it and doesn't know if the traffic engineers are wrong on the traffic flow part. You have to think about the logic. We used to have 4 lanes that went to 2 lanes at the lake. Now we have 4 lanes that go to 3 lanes for 2 or 3 blocks and then it goes back to 2 lanes. If the problem you saw on Easter was strictly traffic flow, it still has to filter down to 2 lanes no matter what. Whether it is coming from 4 lanes or coming from 3 lanes, that traffic still has to filter down to 2 lanes. That is where the bottleneck is created. He doesn't know that the 3 lanes are what are causing that problem. His point is, that weekend, the lights were so poorly timed that the traffic problems they were having were a combination of the lights and people trying to join at that lake on an extremely busy weekend, with regard to traffic, regardless of how many people were staying in the

hotels. There were a lot of day trippers down here. We have to go back to when this started 3 administrations ago and the streetscape plan started and the public came in and spoke and the engineers and spoke and everybody wanted to keep as much parking as they could, everybody wanted to have wider sidewalks, have cafes, create a bike and pedestrian friendly 2 or 3 blocks of CBD. And they wanted to create places for bikes to come down and people to walk which, in the long run, helps eliminate cars. Everybody wanted a lot and that went through an engineering process that started with Wilbur Smith Associates and Engineers and was worked on for a couple of years. Then it got involved with the master plan and Wilbur Smith picked it up and all during this time we had public hearings and people came in and told us what they wanted and he thinks it was a really good vision. They didn't come in and say they wanted to increase the speed limit to 50 mph and have 4 lanes because we want everybody to be able to blow through our town. They wanted to calm traffic a little bit and have the opportunity for more people to stop, shop, eat, and spend time in the CBD. He thinks the vision was good and it has stayed true that whole time, all those elements have stayed the same through the years. Then DOT got the plan and their engineers looked at the traffic counts and the plan. All those engineers still firmly believe that the flow part of it will work. He is disappointed that the contractor hasn't come back and, to this day, has not finished the markings and such which is not helping us in making certain determinations but he will. He agrees with Councilman Lewis that we have to petition for some better signage and things of that nature but, at this point in time, we can't do the parallel parking because the sidewalks aren't wide enough, and we can't re-stripe because of the cost. Mostly what bothers him is that he still really believes, looking at the logic of it, if you are narrowing things down to 2 lanes anyway, then the transition of 3 to 2 he believes is not the traffic flow problem. He thinks that is based on other things. We have to learn from this. We haven't done any hardscapes as far as sidewalks and other types of streetscape improvements yet. He doesn't know what the answer is other than to let it get finished, get the best signage up that we can, try to stay vigilant of it and make it as safe as we can and make it work as best as possible. Then, if we are tracking it and find we have problems we can put our fingers on, if they can't correct those problems we have stuff we can go back to the state with and ask them to help us make those corrections. To an extent, we relied on the state's engineers with regard to some of these aspects.

Mayor Macon arrived and apologized for being late.

MPT Efird said she definitely wanted to see some markings for the bike lanes, that is the most important thing they have to do right away.

Councilman Lashley made a motion to send a letter back to DOT indicating that they want to eliminate the bike lanes and see where it goes from there.

Mayor Macon said there is a motion on the floor. He asked, is there any other discussion on the motion.

Councilman Lewis agreed. Maybe if they go back to the head of the DOT of the state, we call upon our representatives at the state and tell them the situation, we then show

them that we have already had one accident where somebody was seriously injured on the highway and we expect more of those to happen. In his opinion, it is a dangerous situation. He thinks the fire department, as a group, are concerned about moving emergency vehicles. We get gridlock down there. He thinks removing the bike lane, if they'll give us approval to do it and make it reasonable, would be the best approach.

Councilman Lashley said they are encouraging people by having the bike lane, more people to use bikes and he doesn't approve of that.

Councilman Wilcox said they also have to look at the fact that if you were able to eliminate that bike lane, you are going to create another problem because you are going to create a ¾ of a lane on each side of the street that people are going to try to make that another lane. It is just wide enough to entice people so he doesn't know if they are really fixing all the safety issues when they do that.

Councilman Lewis agreed with that as well but a person backing out and once we have gridlock there is no way of backing a car out of those parking spaces and it slows down traffic even more.

Mayor Macon said he hasn't seen gridlock. What he has seen is one weekend when the lights weren't right, the wiring wasn't right and we had gridlock. He hasn't seen it since. If you are basing it on one weekend, we haven't even given this situation a try. If you want to throw the master plan out the window that everybody wanted, then, that's fine.

MPT Efird said she is willing to give it a try if it is striped right but not for long.

Councilman Wilcox said he thinks they have to get it marked and signed, and see what we have. The town manager agreed.

Councilman Wilcox said when he was at the farmer's market, which wasn't near as much traffic as the Chowder Cook-Off, a little girl got bit by a dog out there. The police came but, unfortunately, one of them parked right on the north side of the road, east of The Grind, the car was sticking out about 2 ½ feet in the pavement and then there were people parking on the other side, opposite side. Even without the police car there, that situation with those cars parking over there, that one street, Atlanta, has the potential to stop Lake Park Blvd. In the future, we need to get with the farmer's market and figure out a way to keep those people from parking there and making sure that area is clear so it doesn't cause any unnecessary hassles on Lake Park Blvd. The town manager said that is something he is going to be talking to Elaine tomorrow about.

Councilman Lewis spoke to the police chief and said that the person who owns the carwash there doesn't want people parking there but the only way to stop it is to have them ticketed. They come there for the farmer's market, Chowder Cook-Off, and it eliminates him from doing business the whole day and he asked if he could have somebody down there watching what is going on. Mayor Macon said it is private property and that the two of them have discussed this. If he wants to charge to park, he

can do that. If he doesn't want people parking there, then he can call a tow truck and have them towed away.

Mayor Macon said there is a motion on the floor.

MOTION DENIED 3-2 WITH MAYOR MACON, MPT EFIRD AND COUNCILMAN WILCOX VOTING NO.

Mayor Macon asked if anyone else would like to speak.

Steve Magicapre said he lives at 7201 Pompano Lane, right on the other side of the bridge. He has lived here 15 years and is the co-president of the Cape Fear Cyclists which now has 450 members. He has listened to what everybody has said, business people's situation, and is here to defend the bike lane. To get rid of a bike lane is getting rid of a safety lane. If you want to get rid of bike lanes, then they have to get rid of bike lanes off River Road and all over town. If they do that then there isn't a safe zone. Bike lanes are a safe way for kids to understand that is where they can ride. It is all about education and we need to educate and people need to be aware that they are cyclists and are on the road. Taking away a bike lane doesn't help the situation. We need to educate the drivers, our tourists, and putting signage is very important. The plan is there, it is set right now. Let's try to go with it. We can't do anything right now with it with the situation. Let's go with the signage and see how it goes. It's about education and making people understand that bike lanes are supposed to be a safe lane. He thinks you are going to get more people to come to this town knowing they can park the car over here and ride their bike all over. Cyclists generate quite a bit of money. Bicycles generate quite a bit of money. Tourists like riding them. He would like for them to think about it. It's a good thing for this community and he really believes in it. He feels for the surrounding business owners. That is another whole issue and he doesn't have those answers. Bicycle lanes are a safety corridor and that is what they are there for. Let's try to educate everyone on that.

Councilman Wilcox said he was told they don't need those bike lanes but the purpose of the bike lanes is to bring people down to the CBD to the businesses, not just around it. He wants to make it clear that his vote not to change the bike lanes right now doesn't mean he doesn't have to share concerns of Councilmen Lewis and Lashley. It means he wants the system finished, get it marked and signed and see what they have before throwing the baby out with the bathwater.

The town manager asked if Council wants to consider doing something, different signage with Dow Road at some point.

Mayor Macon said yes, they decided at the last meeting that there needed to be some directional signage.

PUBLIC HEARING - CONSIDER AN ORDINANCE ESTABLISHING A TEMPORARY 60 DAY MORATORIA ON CYBER-SWEEPSTAKES GAMING OPERATIONS WITHIN THE TOWN OF CAROLINA BEACH. TOWN COUNCIL MAY CONSIDER SUBSTANTIAL CHANGES IN THIS ORDINANCE AS A RESULT OF OBJECTIONS, DEBATE, AND DISCUSSION

The Planning Director, Gary Ferguson, presented this item. He said that at the last Council meeting on April 13, 2010 staff presented an ordinance that would regulate internet cafes, electronic gaming if you will. Council was not terribly comfortable with that proposal that came from both staff and the Planning and Zoning Commission. They wanted a little bit more information on it and, in the interim, given the fact that there is a pretty large demand for this type of use in our town and it was recommended that we establish a 60 day moratorium. That is the purpose of this public hearing tonight. There are some conditions that staff needed to address and four particular ones that are identified in your memorandum that basically talk about what is the problem. We have given you a problem statement relative to what we think these problems are relative to internet cafes. What are we actually going to be regulating by this ordinance? It's going to be electronic gaming is what the purpose of it is. What is the expressed date for termination of the moratorium? It is a 60 day moratorium and will last 60 days or until Council decides to adopt an ordinance. A clear statement of the actions and the actions are going to go through a process of public hearing notices and involving the public. We are proposing in this memorandum that we have a joint meeting with the Planning and Zoning Commission and the Town Council on May 13th at the regularly scheduled meeting of Planning and Zoning Commission. We also want to invite the citizens and the business owners who may be involved in this business to sit down jointly and talk about this. From that we will go to a June 8th meeting at which time we will hold a public hearing to consider a new ordinance regulating this use. One of the concerns Council and staff has is that right now the surrounding communities are still under moratorium, Wilmington and New Hanover County, and we want to be somewhat on a par and consistent with what they are doing so we are not inundated with these types of activities coming to Carolina Beach nor do we want to force them out of the town either. The meeting with P&Z would be to talk about some standards, fees, etc. in a joint meeting.

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

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

Councilman Wilcox said he likes the idea of a joint meeting because part of his concerns from some of the stuff that came from P&Z was, for instance, should it be visible. He doesn't know what that means. If the door has glass in it, is it visible? If it has one window, is it visible? 25% of the wall area has to be glass, if so, can they not have blinds? To throw those things into an ordinance that is completely enforceable, they may sound good but he doesn't know what they do with them when they get here. He thinks it is important to pin down those aspects a little closer without having to go back and forth.

Councilman Lewis agreed. A concern he has too is that there are two different business angles here. You have a business where the primary business is something else and they are just using it as an accessory and then there is the primary business of being an internet café with some type of sweepstakes. He thinks they should look at both differently and address them accordingly as well.

Councilman Wilcox made a motion to adopt Ordinance No. 10-832 (Exhibit 1) moratorium on electronic gaming. MOTION CARRIED UNANIMOUSLY.

Randy Simon said there are some people here concerning the skate park issue, which he guesses would be old business. It was on the April 13th calendar and was left off for tonight. He asked if it will be discussed tonight.

Mayor Macon made a motion to make the item on the skate park Item #21(a). MOTION CARRIED UNANIMOUSLY.

CONSIDERATION AND RECOMMENDATION REGARDING THE REIMBURSEMENT OF ISLAND FOREST STREET LIGHT COSTS

The town manager presented this item. He said Council has heard this item before. The town has accepted Island Forest subdivision's water, sewer and streets and never paid for their street lighting. One of the reasons could have been an oversight from the HOA or the developer and also could have been that there was a particular reason. Generally, when a subdivision is created, town's have standards as to what type of lighting they will accept. He gave Council a copy of Wilmington's manual, what they use, basically COBRA lighting is the standard and generally there are some standards about the number of lights, depending on how many lumens you have, etc. Richard Phillips is here tonight representing the HOA and may wish to speak. What they are seeking tonight is reimbursement. They are spending around \$680.12 a month on lighting. They are seeking reimbursement yearly of \$8,233.44. He took a look at the subdivision, the street lengths, type of lighting he thought the town would have approved as far as the standard goes, and, the way he sees it, it would be roughly 3 lights on the main drag in and there is a little cul-de-sac that would add 2 lights for a total of 5 COBRA lights. Those COBRA lights are \$12.65 apiece per month. He would be willing to recommend that the town, either yearly or quarterly, reimburse Island Forest in the amount \$63.25 per month or \$759.00 per year. He gave Council some additional information, streetlight information from Progress Energy and the street lighting policy that Wilmington has adopted. We do not have one. He thinks theirs is a good standard to use. There is another community too that we really haven't had the chance to address the lighting and that is Sea Grove so whatever applies here, he can see them coming back in and recommending payment for their street lighting as well.

Richard Phillips, president, Island Forest HOA, said the subdivision was built in 2005 by the developer. There are 18 lots there and 17 streetlights were put in and a 10 year contract was signed with Progress Energy. They are not asking for the full amount that

the town manager described. He moved in 2007 and the developer deeded his last lot to his father in the beginning of 2009 and he was running the HOA. At the beginning of 2006, every lot owner was paying \$350 a year in HOA dues and that would actually cover the lights. When he left in 2009 a new board was elected because he just left and someone had to pay the bills so he took over as president. In 2008, two owners who owned two lots each decided they would not pay HOA dues anymore even though they paid two years previously. They have liens against their lots but they are not getting money from them right now. The board, thinking they could call Progress Energy and they could help with the lighting situation, take a few lights out, change it, but it kind of backfired because not only did they say they couldn't take the lights out but the \$397 they were paying per month for the last 47 months was incorrect. They were actually supposed to be paying \$545 per month. So not only did they say they couldn't reduce it, they increased it 37%. We have 14 lots paying HOA right now and our new bill is \$545 a month. If you do the math, our shortcoming right now is \$1,995 per year. His concern is if he tries to raise HOA dues for the people that own lots there right now, nothing has changed. Their lots have lost a lot of value but he is going to raise their HOA dues \$150 a year. He is scared they are going to do what the other two owners have said and not pay. Then we are stuck as an HOA. One point he didn't mention, the Progress Energy contract that was signed for 10 years has a 40% cancellation policy and if we miss one month, and Progress Energy restated this, we owe them \$16,000 to finish the contract. The developer stepped away at the right time and Progress Energy is not cutting any slack to them so they are asking for help. The developer is Rick Rogge. The hardship came in when the new board called Progress Energy and were told they were paying the wrong amount. They couldn't afford the bill at that point in time and they were trying to reduce it. He may have given the town manager some wrong numbers to start with but they currently owe, per year, \$6,540 or \$545 a month. The bill went from \$397 a month to \$545. They have liens against the two owners that have stopped paying. There are 18 lots with 17 lights. Mayor Macon asked out of curiosity who owns the two lots. Mr. Phillips said the owners are Lee and Zanita Magaha and Michael and Johanna Humphrey and they both owners live in Falls Church, Virginia.

Councilman Lewis made a motion to approve the recommendation of the town manager to reimburse Island Forest HOA \$759 per year for street lighting retroactive to when the town accepted the streets through the duration of their contract with Progress Energy. MOTION CARRIED UNANIMOUSLY.

SKATEBOARD PARK UPDATE

Randy Simon, resides at 1410 Snapper Lane and he presented as chairman of the Police Advisory Board. He said that Council directed him to form a joint meeting between the Police Advisory Board and the Parks and Recreation Department which met on April 6th. There were 18 people present including the town manager, Councilman Lashley and Councilman Wilcox. They brought up-to-date from the Council meeting of October 8, 2007, shortly after the opening of the skate park, where there was a detailed discussion of the ramifications concerning the managing and running of the skate park. There were a lot of concerns at that time about the laws that applied such as state laws, wearing of

helmets, elbow and knee pads, and other related laws and ordinances. After that meeting the park was basically running itself and managed to some degree by parks and rec but not to the degree that was satisfactory to some residents and Council members. At the April 6th meeting they looked at all those issues. No one was satisfied with how it was being run. Councilman Lashley itemized a lot of details and Mr. Simon asked him to elaborate on his comments that he had concerns about.

Councilman Lashley said they heard from Margaret with parks and recreation who said she was picking up beer cans, cigarettes and things of that nature. There are 24 signs there indicating to skaters what equipment they should wear and there are 13-14 different ordinances and some of those signs say we fine people. He asked the police chief how many fines and citations have they had and he said a few of both. He would like to see on the monthly analysis of citations we have to break out the skate park and identify citations and fines there starting tonight. There were a number of things, people were concerned about kids coming from over the bridge. They thought about a payment on that. He would like to see the younger kids have a couple of hours or a couple days a week just for them. Alicia LaChance indicated that maybe we even want to lease that park to someone and the town manager was going to check on that where we would get from under operating that park and do something similar to what Wilmington Beach does with a private individual or company that runs the park and controls it. The kids or individuals who use the skate park run it. They spoke to the chief about that and he indicated that in the past Council didn't really support that. We need firm guidance to control that park from Council and he feels that previous Councils had not done that.

Mr. Simon said the management of the park was at issue and if it was managed too much we fell into a different category of civil liability. At this meeting, our mindset was the safety of the people using it and how they were going to use it. He feels they had been looking the other way other than Margaret from parks and recreation going over there periodically. Logistics plays a big role too in where the park was built. The change needs to be made but under the criteria so we wouldn't be falling into a different civil liability category. Referring back to October 2007, the civil liabilities stated, and Mr. Lee who was a part of the League of Municipalities, in conjunction with our town attorney at that time, mentioned that by looking the other way knowing that violations were occurring that the Town of Carolina Beach could be liable for not taking action on any violations that are blatantly being violated. You can go there anytime and see that the protective gear is not being worn. That is a state law in the town ordinance that is blatantly being violated. They need to be more proactive with regard to the issue of safety, alcohol and drug use in that facility. You cannot wait to be reactive. He asked for Councilman Wilcox to address some of his issues and viewpoints.

Councilman Wilcox said he would like to recap what the conclusion of the meeting was which was by general consensus. There were three items that were identified. His big concern is people coming from across the bridge, most of whom are driving age and up and pretty much making a situation that doesn't allow our kids to be able to use the park. He spoke with a person today who said they had been there three mornings in a row, took their young children there at 9:00 a.m. and there were 20 year olds all over there already

pretty much controlling the park and they couldn't do anything. They recognize the difference between supervision and enforcement and they felt they didn't want to get into the supervision to get into the liabilities issue but they felt enforcement was something that needed to be stepped up and if it went on for a certain period of time, to the point where the skate park might be shut down for a week, that there would be an educational process that would go along with this so people would understand the importance of following the rules. They also asked the parks and recreation director to look at two things. One was coming up with some information on charging non-residents for use of the park and having one or two days a week for younger children to be able to go over there and have the park locked out for those hours. Those are the three things they came away with. He doesn't know if the chief or parks and recreation director have anything prepared but that is where they left it.

The town manager said they didn't. He was planning on putting that on the May agenda and he is not prepared to give any recommendations tonight but that is what he took away from the meeting as well.

Mr. Simon said he contacted Margaret and asked if there was any implementation from the chief and his officers and she said yes, to the point where the chief authorized his officers to go over there on at least two occasions addressing two individuals, approximately 20-21 years of age, that were giving her a verbal problem to a great degree. They were asked to leave the skate park by the officers. They did leave but came back and gave Margaret more verbal abuse. The officers reappeared and had the two individuals removed from the entire park facility. Since that date the alcoholic beverages and the beer cans have vanished which she was picking up every single morning on cleanup. With the coordination of parks and recreation and the police department a positive step was taken. It is hard and very time consuming dealing with minors and takes our officers away from their duties but if they went there two days a week for an hour a day and write citations to the ones who are 16 to 20 who are making violations, the younger people are going to be watching this. You do that for 90 days and he feels the feedback and the change of that park would be astronomical. The chief agreed and wanted to go a step further and go there more than twice a week. They made a lot of good progress in a short period of time and wanted Council to be aware of what they had accomplished and get their sanction and support in proceeding through an educational process on this issue. He thinks that the parks and recreation director did do some research on privatizing, accepting a fee and turning the park over for that kind of criteria, especially in the Wilmington area.

Ted Lashley, parks and recreation director, said the police have been out there at least 4 times in the last couple of weeks so they are trying to ease back into it and do some education, pick up the enforcement a little bit as they go along. Not only did they escort a 21 year old out but some 10 and 11 year olds that needed to go to. The police did a really good job with them. He contacted Wilmington parks and recreation and spoke with the guys who run The Grind out there. They don't lease that skate park, they have 3 part-time Wilmington parks and recreation staffers working; one guy 35 hours a week and two guys at 19 hours per week. They are only open 57 hours a week vs. our park at

91 hours a week. That is something to consider. Maybe we could limit the times. He doesn't know if they want to man it with part-time staff or not. Looking at revenues with regard to leasing and wondered how much The Grind makes. From what he gets from the Wilmington parks and recreation department, they total about \$27,000 to \$28,000 a year including their insurance fees at about \$13,000 to \$14,000 a year. Then they get about \$10,000 a year in vending revenue. They charge about \$4,200 a year in program fees. They may cover most of their part-time staff by doing that. They have an annual membership of \$50 a year. Out-of-town residents would be \$75 a year. If you are a member you skate for free. Non-members are charged \$2 a day to skate.

Councilman Wilcox feels leasing would be going in the wrong direction. We are trying to create a situation so that our residents' kids can go there and skate like they're supposed to be able to. He thinks the police department has taken care of the drinking and all the other stuff but, even if that is all cleaned up, parents still don't feel comfortable with their kids going down to that park even when they go with them. He thinks they have lost what they intended for that skate park for. The town manager says he is bringing something back in May and maybe they can wrap this up in one big package and Council can agree on something.

Councilman Lewis said there are 30 year old people up there with 10-12 year old children. We're just looking for a problem for one of our residents. His position is that anyone outside of our community pays to come onto that park and abides by our rules or you're out. Anyone giving verbal abuse to one of our employees should be banned from coming back.

Mr. Simon asked if Council would consider giving him a vote of confidence, on behalf of the police department, that Council is in full agreement that they need to go ahead and take some strides now as just described. The town manager said they are doing that now.

Councilman Wilcox said they have his support. He does want to see come back is a specific protocol where they are going to this and at a certain point in time if the problem doesn't correct itself, close things down. The others Council members were in agreement.

DISCUSSION REGARDING FREEMAN PARK CONCERNS AND POTENTIAL SOLUTIONS

The town manager presented and said, since Freeman Park has been so popular, there have been some concerns expressed over different things. They have changed the ordinance several times, the fees several times. He believes that at Freeman Park there are some basic considerations: they need to keep it safe; make sure that permanent residents, visitors and park patrons are impacted as little as possible with regard to traffic, noise, and unruly behavior; the park remains clean and sanitary; the Town maintains enough revenue to provide for sufficient ambassadors, police officers, lifeguards, public works staff, and water/sewer staff to manage the crowds; that the Town sweep and keep Canal and Lake Park clean from sand immediately following a weekend; that adequate

trash facilities are present; and that adequate trash collection and port-a-john sanitation occurs regularly and are provided for folks. Those are the key ingredients to a good functioning facility but there are some concerns and they revolve around different things - open fires, traffic, crowd control during holiday weekends, camping, lifeguards, dogs, number of hours the ambassadors man the gate, litter, port-a-johns, vending, noise, hours of operation of the facility, crowd control and unruly behavior. He has had many discussions about past costs and what should we charge for different types of things. Department heads brainstormed different things they could do ranging from, as an example, open fires - banning them outright to allowing them during the wintertime. He hasn't proposed any real big, sweeping changes to our current situation up there. One of the biggest situations is obviously the holiday weekends and this past Fourth of July he thinks Council realized how bad things were as far as traffic control up there. What he and the police chief is trying to find two tow trucks that will man that entrance, particularly if we haven't had a lot of rain, because you get a lot of stuck vehicles up there. They also talked about allowing only two lanes of traffic flowing into the facility and none flowing out so they can get more folks in and then stop every 45 minutes to every hour on the hour to allow folks out with two lane traffic, one coming in and one coming out. They talked about maybe creating some signage that would warn folks to go ahead and buy a pass that will get them in quicker, somewhere like Island Tackle or someplace like that. Currently Walgreens, Island Tackle, Scotchman and Cupboard Grocery sell passes. They are going to try that this year on Memorial Day weekend and see if that works and hopefully that will help with Forth of July and Labor Day weekend. Forth of July is always the biggest weekend and will be the biggest issue depending on what day things fall on. He talked to a gentleman today who was concerned about both Canal and CBAN backing up so we might try to encourage folks to stay on Canal that way a lot of the local traffic can use CBAN. He's not sure how you do that, whether it's just signage directing people back to get in line. What people were doing was going around and breaking in line at the beginning. They don't know if that was intentional or not. So there is traffic, fires, camping, those are some of the main concerns. The fee structure, while we could make some changes, at this point a lot of folks have already bought their passes for the year and he thinks that kind of activity should be in the Fall so they will not what the fees will be. If you want to regulate camping, or create different types of pass structures, they could do that. The current yearly pass is \$60 and a day pass is \$20. You could create a pass where you make all the passes day passes and then create a pass that allows camping overnight. It might be \$120, a \$100 or what have you. You could make some changes to that and we could bring that back to you in the fall. Other than that, those are the only changes he really had that he thinks they should make and it particularly has to do with traffic on Canal. They did authorize some additional funding for police officers up there which should help out keeping the unruly behavior down as much as possible. We have done some serious improvements over the years. We've added lifeguards, we've done some things regarding trash collection putting a larger trailer up there so folks can empty their trash out at the end as opposed to putting it around at different trash cans. At some point we would probably like to put some more port-a-johns up there and maybe in next year's budget we can do that.

Councilman Wilcox said he hates to put more on the police chief but he is concerned about the residents up and down that street. We have 3 or 4 weekends that are just going to be busy no matter what they do. He knows we can't fix the problem with cars being parked but a lot of those residents are being harassed when they want to get in and out of their driveways and are trying to pull out into the street, there are people who are making that a little bit of a party lane while they are waiting to get into the park and they are out urinating and doing all kinds of things. Can we, on those busy weekends, increase bike patrols up there to control some of that. He thinks it would help the citizens.

Councilman Lashley said he thinks they should increase the fee on 1 July instead of waiting until next year. He knows they are real concerned about people already buying their tickets for \$60 but one of the committees suggested \$100 annual fee. He can't see waiting until January 1st to do that. He would do it 1 July and those funds could go towards the police department to help on these controls that you want. That will bring in some money that we need for the next budget year as well and would supplement more part-time policemen.

RECONSIDER CREATING A PARKING LOT AT 309 CAROLINA BEACH AVENUE NORTH

The town manager said they talked about this item at the last meeting and staff gave some estimates on what they thought a parking lot would be to do something temporary. He and Brian went and looked at it and think they can do it a lot cheaper, between \$5,000 and \$6,000, and feel like the revenue that would be generated from creating a parking area at 309 Carolina Beach Avenue N. would pretty much pay for that cost that they output. They would like to move forward with that if it is okay with Council. He would still have to get a CAMA permit to do some of those improvements and they will move forward on that. They met with Rob Mayers this week.

Mayor Macon made a motion to move forward with the parking lot at 309 Carolina Beach Avenue North.

Councilman Wilcox asked what parking lot company is going to handle that.

The town manager said they will handle everything. They will set it up once they get the CAMA permit and then they will manage it like any other parking lot.

Councilman Wilcox asked if they would be the ones to handle that issue up on Atlanta during the farmer's market? Do they do that kind of enforcement?

The town manager said they could probably ask them to do that. He thinks the best thing to do is try to address it with the folks doing the farmer's market, whether they need to put cones out there in the grass area.

Mayor Macon said he doesn't mind the parking on the side streets if they get it from the entrance, at least a block so it doesn't cause a backup.

The town manager said Atlanta is going to be an issue when folks start coming in for the summer. He sent Elaine an e-mail and they are going to talk about it on Wednesday. They could set up temporary parking areas in different areas, maybe in front of the school. Eventually he would love to expand the parking on the lake on down towards the west and the same thing with the parking area on Clarendon but it is a matter of money.

Mayor Macon said he would add that to his motion that they expand parking in the park area of the lake as soon as possible so his motion stands that they pursue parking at 309 Carolina Beach Avenue North and pursue additional parking at the lake. MOTION CARRIED UNANIMOUSLY.

SCHEDULE A BREAKFAST MEETING WITH STATE REPRESENTATIVES AND DONNA MOFFIT WITH THE NC AQUARIUM

The town manager said that meeting has been set. The town clerk has called everybody and the only person who is not going to make it is Representative Carolyn Justice. It will be at the Ocean Grill Tiki Bar at 8:00 a.m. on May 10th, Monday morning. If there is a particular issue Council would like for him to bring forward or be able to present, Council needs to express their concerns on certain items.

ESTABLISH A ROTATING SCHEDULE FOR COUNCIL TO ATTEND NEW HANOVER COUNTY COMMISSIONERS' MEETINGS

The town manager said this was something Council expressed an interest in doing. They talked about whether Council needed to go to both meetings - the day meeting and the night meeting. The night meeting seems to be more of a planning oriented meeting and the day meeting seems to be more regular business. Council should decide what they want to do and how they want to attend the meetings and the town clerk can fill in the chart. Meetings are held on the first and third Monday mornings and evenings. He feels the day meetings are the most important. The night meetings are planning oriented, conditional use permits, zoning amendments, site plan review, etc.

Mayor Macon said to sign them up for the day meetings, put everybody's name on the schedule and then call and if somebody can't make it then they can call somebody else.

Councilman Lewis asked to have his name put down later in the year.

Councilman Lashley requested May 17th and December 20th.

Councilman Wilcox requested May 3rd. June 21st would not be a good day for him.

DISCUSSION REGARDING SUMMERTIME TOWING PRACTICES

The town manager said this is an item Councilman Lashley wanted placed on the agenda to talk a little bit about. Staff has been in contact with some of the towing companies

regarding their signage and making sure it's in conformity. He has seen them putting extra signage up. He turned it over to Councilman Lashley for comments.

Councilman Lashley said the main thing he wanted was for the town and maybe the police chief to get together with the towing companies to discuss what went on last year. He knows they came up with some rules. The only other thing he would like to have seen is not to have any cars towed off the island. He doesn't know if they can accomplish that. He is not too happy about a tourist coming here with 3 kids and their car is towed downtown and they have to jump in a taxi if they can find even where the towing place is and spend 4 or 5 hours to retrieve their car. He knows one of the local towing companies has their own lot here and another company also has gone into business with them. It would be nice if they could keep the cars towed only on the island.

Chief Younginer said they have done that on rotation that they did away with. They only problem with the condos and everything else is that they are contracted out to whatever tow company they contracted with. We have gotten together with those tow companies and talked to them about their practices and told them what the rules are and we intend to watch them this year about dropping cars and stacking them at the Food Lion parking lot until they can drag them off and we told them they can't do those things. We have sent them letters and gotten their signs updated. They will watch them as best they can.

The town manager said if they create towing lots, the planning director might want to review that from a planning perspective. It would be nice for them not to be towed off the island but right now it is just not very convenient either for those companies and is not very practical. There's not a lot of land out there.

Councilman Lewis said there are guys who have offered us land, sends him a message every week. He said on Easter weekend they were dropping cars in the evening over by the Smart Strength Fitness. They dropped two cars there and picked them back up. So they didn't want to park where they want to park but that is a private owner lot as well. If he sees it happen again he will call the police chief.

The town manager said that is clearly in our ordinance. They have to be in a secure location, fenced in, etc.

Councilman Wilcox said he had a couple of calls after they approved that last thing because, I guess the towing companies weren't invited which he understands they didn't have to be. He thinks he was clear with them when he said they asked for permission to call the fastest tow company, not to call a single company all the time. If there were 2 or 3 people that had trucks down here that responded the fastest, that is your goal.

Chief Younginer said there are two companies on the island and they can get us in 5 minutes. The rest of them we were waiting 20 minutes and, if traffic is bad then they could sit there and hour and a half.

RESOLUTION SUPPORTING THE PRESERVATION OF A FUTURE CORRIDOR FOR THE CAPE FEAR SKYWAY AND RESOLUTION SUPPORTING THE “GAP” FUNDING FOR THE CAPE FEAR SKYWAY

The town manager said this is an item that was sent to us from the through the MPO TCC and they are asking us to consider adopting the two attached resolutions which would support the preservation of the future corridor for the Cape Fear Skyway. The other is a resolution supporting the ‘GAP’ funding for the Cape Fear Skyway.

Councilman Lewis made a motion to approve Resolution No. 10-1009 (Exhibit 2) and Resolution No. 10-1010 (Exhibit 3). MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

MPT Efird wished the town clerk and financial director happy birthday on behalf of Council.

Councilman Lashley said he would like to reiterate to the police chief that he would like to see in his monthly report a breakout of the skate park if they have citations or any fines.

The town manager reminded Council they have a budget meeting in the morning.

Councilman Lewis said he can’t make that meeting and he has a number of items he would like to bring up. He would like to make sure they are not moving forward until they have another meeting next week.

The town clerk said the Chamber of Commerce has invited Council to the Wilmington chamber to the elected officials’ barbecue and she knows that Councilman Lewis plans to attend but has not heard from the rest of Council. The barbecue is May 14th at 5:30 p.m. on the riverfront. MPT Efird, Councilman Wilcox plan to attend and Mayor Macon will try to attend.

Councilman Lewis said he doesn’t see any reason, unless Council asks, that they have non-exempt employees come to the meeting because they are either getting comp time or are being paid overtime. It’s all great to have training and so forth but he doesn’t think they should be at every meeting. He is not used to having all the staff sit here all night when there is nothing being addressed to that particular staff person. His recommendation is that non-exempt employees should not be coming to the meetings unless we invite them. Exempt employees can come to the meetings but he doesn’t think they have to be here at every meeting.

The town manager said that generally the non-exempt employees get time for time. They try not to give them overtime or comp time so the next day if they are here 3 or 4 hours they would take Friday off or half of Friday off.

Councilman Lewis said he understands but that affects work capacity and activities, etc. If you are non-exempt and are coming here and spending 6 or 7 hours here, you get the next day off. You're not really doing the activities the town needs. You're just sitting here listening to us for 7 hours. That is his objection.

The town manager said, as far as department heads go, for the most part if there is not an item that they are interested or involved in then he does give them the option of not coming.

Mayor Macon said he agrees with Councilman Lewis. If you don't need to be here then there is no sense in being here. Any questions they have, they can just find out at the next meeting.

Councilman Wilcox said the town manager or somebody needs to make a determination of who needs to be here because he remembers in the past, especially for CUP's, you never know what is going to come up or who will be called on. Maybe it is more particular to CUP hearings. We need to take a look at those and see what elements of those might be. You never really know what the public is going to request or what what's going to be responded to and that is the difficulty. But he agrees that if they don't need to be here, they shouldn't have to be.

The town manager said he agrees too. He is not requiring them to sit here. If they say they don't have anything on the agenda and ask if they need to be here, his answer is usually no.

Councilman Lewis asked if a property owner who has an existing CUP on an undeveloped lot and wants to execute part of that CUP but not the whole thing, how do we come to the determination that that particular property owner can't move forward with something on his lot when we are open to doing it for other individuals such as the waterslide. The waterslide basically had a CUP for a building on the lot of the waterslide and then another CUP came in just to put waterslides and we approved that for a temporary CUP. This group has a CUP already identified for a lot, he can't build the whole structure because of the economy right now but wants to build it piece by piece as we go along.

The town manager said the planning director can answer that but he thinks it's on a case by case basis. Obviously if you wanted to build a restaurant, you can't just build the bar part of it and not build the restaurant part or you can't just build the parking lot and not build the restaurant. Sometimes there are things that are elements of it that need to be done together.

Councilman Lewis asked if this is something the Planning and Zoning Commission would just take a look at?

The town manager said you can have a phase plan. If you are approved as a phase plan, then you can do phases of it.

The planning director said it oftentimes frustrates people because it takes 3 months. Unfortunately you have to amend the CUP oftentimes to allow that to come in or you have it as a clearly temporary use on a vacant lot with an existing CUP on it, you could have two CUP's on the same property.

Councilman Wilcox said he could amend that to a phased project but it's the same process to go through to get the amendment to the CUP as long as he has all the elements he needs in place for each phase.

The planning director said it all has to stand on its own, so to speak.

Councilman Wilcox said he has received a couple of calls from residents that are saying they are being told they can't buy parking passes if their car registration isn't registered here but we changed that to where non-residents are allowed to buy a pass as long as they have proof they own property here. The town manager said that is true. Councilman Wilcox said they are not being told that. The town manager said he would take care of that.

Mayor Macon made a motion to go into closed session to discuss legal and real estate matters in compliance with [NCGS 143-318.11(a)3 and 5]. MOTION CARRIED UNANIMOUSLY.

Mayor Macon made a motion to return to open session. MOTION CARRIED UNANIMOUSLY.

Mayor Macon said there was no action taken in closed session.

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

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____