

**MINUTES OF THE RECESSED MEETING
OF AUGUST 12, 2008 OF THE TOWN COUNCIL
TOWN OF CAROLINA BEACH**

August 22, 2008

The Town Council of the Town of Carolina Beach reconvened on August 22, 2008 at 2:00 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) Dan Wilcox; Councilwoman Pat Efird; and Councilman Jerry Johnson. Also present were Town Manager Tim Owens and Town Clerk Lynn Prusa.

Mayor Macon called the meeting to order.

Mayor Macon made a motion to allow discussion on the stop signs in Carolina Sands and move Item #25 to the top of the agenda. MOTION CARRIED UNANIMOUSLY.

Elaine Stewart, President of Carolina Sands HOA, 408 Carolina Sands Drive, presented her case for stop signs in Carolina Sands. She spoke last Tuesday at Council's meeting at which time Council approved stop signs on Carolina Sands Drive. She said they took a poll of all 263 homeowners and did not hear back from 256 of them so they took that as a number that are for the stop signs. She received 7 replies, 6 were for the stop signs and 1 wanted speed bumps. She also has a police report that was taken on July 4, 2007 where a car rammed into a house at 2:00 a.m. The Carolina Beach Police Department is bombarded by phone calls from Carolina Sands for speeders. The reason they have gone with the stop signs as a trial basis is to see if they can slow the speeders down. They have a runaway from Lake Park Blvd. all the way to Rip Tide Lane, about 5 blocks going about 40-50 mph and they don't stop. They feel if there are a couple of stop signs along there they can slow them down. They don't even care if they roll through the signs, they just want them to slow down. She said there are a couple of residents who would also like to speak. MPT Wilcox was curious if the driver during the accident was a resident or not. Ms. Stewart said it was someone from Bessemer City, NC. She said Council heard a police officer testify at a Council meeting how Carolina Sands Drive is now being used as a thoroughfare from Dow Road to Lake Park Blvd. Residents have witnessed some near mishaps, they have been very fortunate. She doesn't know if the stop signs will work but feels they have to at least try temporarily, maybe for a year, see how they work and then go to another plan. They have to at least try to slow speeders down before something happens.

Eric LaChance, 102 Carolina Sands Drive, said he has 3 children. The dynamics of the neighborhood has shifted from being a retirement neighborhood to having a large number of children with 25% of the houses having young kids. Last weekend they had 41 children under the age of 5 in the pool. He asked Council to take a look at themselves and decide between land or children. Council has to make the call, it is their responsibility. He said, as you all know, due to the increase in cost of fuel, New Hanover

County has decreased dramatically the number of bus stops throughout the area to take children to school. If you keep that in mind, what do you think a stop sign does for somebody - it slows them down. When children are going to school bus stops at 7:30 a.m., other people are going to work. Chances are they are probably late. His child is going to be one of those children walking to catch a school bus or riding a bike to school. With that note, he strongly suggests they take a look at putting stop signs at the requested areas so that even if a speeder does not slow down, he does not have that 900 mph straight run to race up and hit his kid. God forbid his kid gets hit. He comes from a military background and is on the road about 300 days a year. He basically spends the weekends with his wife and children. The other time he is deployed or somewhere else. He fears for the evening that he gets a phone call that his child has been hit. He has seen enough problems with kids getting run over by cars and he doesn't want to see it happen in his community.

John Stanton, 708 Carolina Sands Drive, said he has a multiple complaint on positioning of stop signs, himself and the lady who lives across the street from him. He asked, when and who conducted the traffic survey to relocate the stop signs? He did not see a survey crew anytime in the past. With regard to being notified or asked his opinion, he did not receive anything because she would have had more than 7 responses and he knows two of them, one is sitting in the chair beside him and he would have responded as they did at the homeowners' meeting. Stop signs do not work. They have one now - a three-way stop. He said that Alan Gilbert was in his yard Tuesday morning when he contacted 3 of the 5 board members that he could get hold of. He said at that time an incident occurred whereby a truck came out of the back turn, and as he came out of the turn he powered up, sped past Alan Gilbert and himself standing in the road, blew through the next stop sign and did not stop until he got to Lake Park Blvd. That was a construction truck with a Town of Carolina Beach sign prominently on the side of it. If the town can't follow the stop signs, if the Police Department is not enforcing them - what are 2 more going to do. He said it will do absolutely nothing. The only thing that has been a proven, effective deterrent is speed humps. Nobody is going to destroy their car flying over them at 50 mph. If there is no enforcement, they are not effective. Also, the Town of Carolina Beach, last two projects they had 11 years ago, there was a stack house dug in his yard looking for the water main running down Coastwalk, there is a 10' easement. He said they came 21' into his side yard, dug up his sewer, phone line, water line, destroyed his landscaping and when they went back the other direction 1' they found the water main running parallel to the street as it was shown on the map. He said it cost out of pocket \$5,000 to repair the damage the town and stack house did not repair. During the last project when they dug up the streets to put in the new storm sewers, they dug up his yard to collapse the old storm sewers. They repaired his driveway, but did not repair anything they destroyed in his flowerbeds or his irrigation. Again, \$1,200 out of his pocket plus \$1,700 for a hotel room that he showered in and used the bathroom in because, again, they clipped his sewer and waterlines to his house and it took 9 days to get it repaired. He said now you ask me to let the Town of Carolina Beach come into my yard again. What are you going to pay this time - nothing? He is getting tired of footing the bill. He gets told the Police Department does not have the manpower or money to enforce the speeding and stop sign laws in Carolina Beach yet they run roadblocks 4 days in a row on

Dow and Cape Fear. Where is that money coming from? He talked to 3 of the 5 members. Three of them said they did not believe stop signs would work - Mr. Macon the Mayor, Mr. Wilcox and Mr. Gilbert. Now if they are not going to work and you have the money to put stop signs in but not enforce them, why not spend the money to put in the speed humps and control the speeders. That is the only thing that is going to stop them because if you come down that road at 30-40 mph and take that blind turn, you have driveways and children that are going to get run over. Either stop them at that street just before the turn or put a speed hump in that will slow them down. That's the only effective method. He sees people who don't stop at stop signs daily. Stop signs will waste money, tear up his yard again and they will not be effective if the Police Department is not sitting there issuing citations. He said that he has called numerous times and has had them one time assessing the situation for speeding and he believes they only wrote one ticket that night. They haven't been back yet. He has seen them drive through but they don't sit there and watch the stop signs or speeders and it happens constantly.

Richard Pratt, 309 Carolina Sands Drive, said it strikes him that the most dangerous part of Carolina Sands is the western part of Carolina Sands Drive, the curve that comes around and is not being addressed by this. Three families have put up "children playing" signs adjacent to their driveway because it is extremely dangerous and, as the previous gentleman said, there are a great many children in Carolina Sands. The person who cleans the pool went over there the other day and said there were 57 kids in the pool. There are a lot of children and they are worried about the speeding. He hopes this is taken into consideration. Also, do something about that curve at the western end of Carolina Sands Drive.

Richard Cecelski, 941 Carolina Sand Drive, said he doesn't know what the solution is to dangerous driving in the neighborhood but they appreciate their attention. He was surprised when the white stripes were painted boxing in the stop signs and skeptical that it would do anything. He thinks it has helped some. He lives on the far northwest corner and that is a problem area. Part of the problem with Carolina Sands is that there are a lot of blind curves and that is a real bad one on the northwest corner. As you go down Seafarer there are several blind curves also, especially at Saltwater. It is very bad there. He hates speed bumps but wishes they had them in their neighborhood and would like to try that. He would also like to stop additional stop signs.

Elaine Stewart said she is sorry that the town tore up Jack's yard and he had to put out all that money but this is a completely different issue. One, the town is placing the stop sign on their 10' easement. Two, the most used intersection in Carolina Sands is Riptide Drive. There is one stop sign there but there is a runaway from Lake Park Blvd. to Riptide. Riptide is where their pool, tennis court and mailboxes are and a lot of times the parents will send their kids to get the mail. So there is a lot of traffic. Carolina Sands is different from other developments in that they have a lot of foot traffic and their foot traffic is different in that it is groups and families with dogs and strollers and wagons. And sometimes they are walking on the north side of the street and sometimes on the south side and sometimes both. She lives on Carolina Sands Drive and watches that

traffic everyday, in the evening when it is dark there is a lot of traffic still going to the beach. She really wishes they would think about it. She is game for giving the stop signs a test period, like for a year. She suggested putting them up from September until next September. She feels they owe it to themselves. Everyone is making the assumption they won't work. It is a cheap, easy way to see if they do work. If they don't, then maybe they need to go to Plan B. They need to at least try and see if they can get enforcement to help with it.

John Stanton pointed out the bad curve and suggested putting a stop sign at Sea Ridge but still feels speed humps are the way to slow them down. Stop signs are not effective now.

Jean Stanton, 708 Carolina Sands Drive, said she has lived there a dozen years and stop signs that are there now don't work and she doesn't think anymore will help. If a new stop sign should be put in, she thinks Sea Ridge would be the best place for a couple of reasons. That is the clubhouse turn and where drivers start speeding. If there is a stop sign there, they will have to stop and will have to start all over again to gain speed. She is at the corner of Carolina Sands Drive and Coastwalk and, as her husband said, nobody from Carolina Beach is coming anywhere near their yard with a shovel. It has cost her thousands of dollars. This would be the third time she has replaced her sprinkler system. They gave her a driveway that was really a sidewalk. It cost her \$1,200 to get a concrete company to come and change it into a driveway. It has been ridiculously expensive. She is talking about \$5,000 to \$6,000 anytime Carolina Sands decides to do something in there. Eleven years ago a stack house ripped up her yard, three years ago with the water main and everything. It costs them money. Frankly, she doesn't want to chance a stop sign in her yard because they will break her sprinklers again. It isn't fair to be constantly the ones who are picked on. There are other streets that a stop sign can go on. Also, about Sea Ridge, that lot on the corner of Sea Ridge is unoccupied and won't annoy anybody if you put a stop sign up at that corner. It will stop traffic from coming around that corner at great speeds plus nobody lives there and won't annoy anybody. Mrs. Broom lives on Carolina Sands Drive directly across from Coastwalk. As it is now, the cars that come down Coastwalk hit her in the eyes with their headlights and they dig up her yard all the time too and she also doesn't want it.

Jerry Bigley, owns 15 locations at Carolina Beach, suggested doing what the Mexicans do by using the big rope twine that goes across the street and if you hit it fast it will knock your front end out of alignment and they are very effective in Mexico because he stays down there about 6 months out of the year. It does a good job, very inexpensive, doesn't take long to do and lasts for about a year. He thinks that would be better than stop signs or speed bumps or anything else.

Eric LaChance said he would much rather have speed bumps but, here's the problem. He knows what the timing is, he is also a contracting officer and a civil engineer and has a little more background. He knows how long it takes to get an RFP out, to get a vendor out and start doing work and now you have to approach everybody else. So you are talking about an additional 6-12 months depending on how fast your contracting section works. As he understands it, it takes 20 minutes and he will personally put in every

single sign himself if anybody wants him to. He has a posthole digger. School starts on Tuesday so they either act now and act fast and push through the process to try to get the speed bumps in or we do nothing and wait for the speed bumps. He would go with either speed bumps or humps but that is for someone else to figure out. You would have to reduce your speed limit down to the appropriate speed bump so that the town is not liable for mismatching the two. There are things you have to consider with that.

Mayor Macon said he voted against the stop signs because he prefers the speed humps. He feels that is a better situation and requires you to go a certain speed. You can speed up in between the speed humps but it does require you to slow down before the next one. He asked staff if they had any idea how long it would take to do that.

Tim Owens said he feels the stop signs are where they need to go but it would be 3 weeks to a month before they could put in speed humps. It is a matter of getting the contractor out there to do them.

Mayor Macon said he prefers speed humps but it is the pleasure of Council. They have already made a motion to put in the stop signs and they would need a majority vote today to switch that, whether to put in the stop signs until the speed humps could be put in or something of that nature.

MPT Wilcox said that is kind of what they voted for, as he remembers, to put in stop signs and increase enforcement, monitor that and see how they worked. His opinion is they probably are not going to work but they have to do something. We don't have the budget to do speed humps. They spent a lot of money in Carolina Sands putting in new roads and he feels it is somewhat of a disservice to the rest of the community if they were to rush right back in there and start putting in speed humps regardless of the safety of the children. We have children all over the beach. We have streets that are much more main thoroughfares than in Carolina Sands. He spends all of his time on the beach and takes shortcuts through these thoroughfare streets as much as anyone and Carolina Sands does not strike him as an effective thoroughfare. You have to come down a road, come across, come in to Carolina Sands, go around a curve and come back out the entrance or vice versa. He said they have full-time residents, residents that rent, visitors of residents on weekends or seasonal and feels that a lot of their problem comes from within. It's either residents, children of residents, visitors of the children or adults, people that come there for the weekend that don't have kids and don't deal with these concerns on a regular basis. He doesn't think stop signs are the answer but he is voting for them because he thinks they need to do something with regard to the safety but he would encourage the HOA to be proactive within the community to get them involved in trying to control some of this within the community. As a town they can only do so much.

Councilman Johnson said he thinks they need to go ahead and get the stop signs in, not that he feels like they are going to solve the problem, but to consider the locations that they talked about and consider moving the Carolina Sands/Coastwalk intersection to Carolina Sands and Sea Ridge Lane due to that 90 degree curve to slow drivers down coming around there.

MPT Wilcox said he doesn't have a problem with that. He is not a traffic expert and doesn't know the best place to put those stop signs. If staff and the police agree with that, he's all for it.

Councilman Johnson asked staff how long it would take to put in the stop signs.

Tim Owens said they were ready to do that and they actually marked them and some of the residents came out and took up the marks. They are ready now. They were going to do it Thursday and they stopped. It will be done Monday depending on if Council is going to consider Mr. Johnson's request. It is a text amendment to the Town Code. You don't necessarily have to have a public hearing so they could delete the stop sign at Coastwalk and Carolina Sands and make a motion to change that too.

Jack Stanton said that turn right here (pointing to map) people are speeding and make that turn on two wheels, other residents see it all the time. If you stop them here (pointed at map) they can't hit that turn at 35 mph. There are three blind driveways with children playing there. So far no one has been killed. With speed humps on either side of it will slow them down on that curve. He's not against the signs, just the placement of the signs. No matter how many stop signs are out there, people will run them. The only effective method is speed humps, not just in their neighborhood but pretty much every neighborhood in town. Spartanburg is the Indianapolis 500 and it is full of children. Speed humps may be the only way because he keeps being told they can't afford enforcement. It is the cheapest and most effective method.

MPT Wilcox said he has no problem with speed humps but in order for him to vote for them there would have to be some budget appropriation and then they would have to determine the number they could do within that budget appropriation and then look over the whole island and identify the most critical places to do that and let it be driven by that particular safety need not by someone petitioning them for it.

Jack Stanton said he is all for that. There was never a traffic survey done. If you put a counter where you come off 6th Avenue on to Carolina Sands Drive and you put one on the other exit at Carolina Sands Drive and Lake Park, you will know how many came in the back and went out the front, how many went back out the same entrance. It is a fairly simple mathematical equation and you can tell whether it's residents or not. You can also gauge the amount of traffic in those areas. You can do the same on Spartanburg, Atlanta, Cape Fear, any road in this town. Those meters are cheap. You rent them by the month. He is for the whole town, not just them.

Elaine Stewart said the Carolina Sands HOA is working on this problem and they have a resident that's in Gainesville, FL right now and he has gathered information on speed humps that are rubber and moveable. They are using them in Gainesville, FL with the school system and around that city. He is getting all the information from the manufacturer. They are painted and they are humps, not bumps. They are going to try to research that as something that maybe they can do because they would be moveable and

they could put them out there during the hectic seasons and change them from road to road where the curves are. So they do have that in place in Carolina Sands and are working on the speed humps themselves. Asphalt speed humps will be very expensive right now. They have 43 empty lots now and some house being built. They will probably be built out in probably the next 2 years. They are trying to look ahead and deal with the problem they have now and are continuously working on it. They thought they would go with the stop signs that were approved on Tuesday. They thought that when something was approved that the town would go with that. They did decide it was a temporary fix just to see as a trial.

Councilman Johnson made a motion to push ahead and have the stop signs installed by Monday, end of the work day, before school starts and to relocate the stop sign at Coastwalk and Carolina Sands Drive to the Carolina Sands Drive and Sea Ridge Lane intersection.

Kurt Bartley, Police Captain, said the only concerns the Police Chief has are that once you put the speed humps in then you have skateboarders in the road and he wanted everyone to understand that might be a potential problem. If you are looking for a long range solution to humps, vibrating strips might be a better solution. They had a meeting on Monday afternoon telling everyone that once the stop signs go up to enforce them.

Tim Owens said that the MPO has monitoring equipment which he can get and put in strategic locations. It is a counter and also does speed and would probably tell them what is going on there.

Mayor Macon called for a vote, and **MOTION CARRIED UNANIMOUSLY.**

Tim Owens suggested that the Carolina Sands HOA come back in 6 months with an update. He will get the monitoring equipment and would like the information on the rubber speed humps.

Elaine Stewart said some times are more hectic than others, such as July and up to Labor Day weekend they are going to have a lot of folks in there. Their dead months are going to be November, December, January and February so the counters should be done when they have those problems more than others. They still have speeders and more people but it is worse at certain times of the year and would like for Council to take that into consideration.

UPDATE ON TRANSIENT BOATER AREA AT THE CAROLINA BEACH MARINA

Tim Owens presented an update. He said a few months back they approved a project to go ahead and work towards a transient boat slip area in the southwestern corner of the marina. The money was allocated and the project was going to move forward but he stopped it because of the timeline involving summer traffic. Council has seen the ultimate plan to remove the wooden deck, move one boat slip over and eliminate one of

the head boats and make a little larger area. They are currently seeking permits to go forward with dredging and don't have any plans at this point to do the floating docks, but hopefully will be able to bring another proposal back at some point to do all the floating docks and finger piers and pilings that will be needed to do a transient boat area. They are ready to proceed but they do have one resident who is concerned about taking out the deck area and he is here to talk about it.

Councilman Johnson suggested Mr. Owens contact Tommy Rothrock and whoever else from the town because when Tommy was in business he put in the last bulkhead and there were problems in that corner and that is why they couldn't dredge out that corner and the deck was put in instead.

The town's Harbor Master, Kurt Bartley, said he spoke to Harry Oakes who was over that area at the time and he said that CAMA wouldn't let them do it at that time. He also verified that with Dennis Barbour that CAMA wouldn't let them dredge that out.

MPT Wilcox asked, what is the possibility of not being able to do the whole floating dock? He suggested maybe doing one dock, get the prisoners to keep, and get the cost.

Mr. Owens said they are pushing towards that. He would like to see this happen by summertime. Once they get this done and the dredging done, then they can work towards the floating dock.

Richard Cecelski, 941 Carolina Sands Drive, said he is the owner of Carolina Ocean Studies. They do marine education, boating cruises out of Carolina Beach, Beaufort and Morehead City. They have been operating in Carolina Beach for 16 years. They work with all kinds of groups, primarily school groups, but some senior, scouting and church groups too. He would like Council to consider what they are losing when they lose that deck. They are losing a form of public access to the water and that the picnic tables will not be there anymore. A lot of transients come in, tie up and have picnics there. Also, you can get out on the water and oversee the marina better from the deck than you can from what will be come of this area if you do turn it into transient slips. He supports turning it into transient slips and is excited about all the changes that are happening around the marina with upgrades on the restaurants, and their customers using those restaurants. They sent a lot of business to Sweetwater when it was right beside the marina. His particular concern is that they have been using that deck as a staging area for their groups. All the groups who have been using the Winner boats will use that deck at one point or another and often will have two or three boats going out at once and it is hard to have another area around the marina for people to meet. Often they are coming in different cars/vans to meet in this area. He asks Council to work with them to try to come up with a solution for a substitute for this deck in some capacity. It has been mentioned that 3 parking spaces perhaps could be used as something of a park staging area. Those spaces would add up to about 486 sq. ft. The deck is 1,680 sq. ft. so 3 parking spaces would be a little more than ¼ of the square footage of the existing deck. They really need a minimum of 8 parking spaces. He would be the first one to regret giving up any parking spaces. Their customers probably use the parking spaces more

than any user in the marina. They average between \$6,000 and \$10,000 of contributions to the parking revenue with their customers every year, however, he thinks it would enhance the transient dock if they did have some grassy area, perhaps with picnic tables in some of those parking spaces. They would need a lot more than three and you couldn't fit even a mini-park in three spaces. Their business satisfies many of the goals of the master plan. They've been doing nature based eco-tourism for 16 years in Carolina Beach. They contribute to local economy by way of hotel use, restaurant use, shopping, etc. It's primarily school groups that come out with them but their average group size is about 80 with about 20 of those, adults. Those are their concerns. If they were going to use the grassy area, at a minimum, some type of attractive fencing would be necessary.

Jerry Bigley, 1011 Waterview Place, said he thinks Mr. Cecelski has some very good ideas. He is in that area a lot and very seldom sees the picnic tables being used. When the buses come down there, they don't use our parking lot, they drop off all the people there and go down to the old Food Lion shopping center to park their buses so they don't have to pay the town that \$10. He feels the plan they have is a very good plan. In the meantime, if you are going to do that, he thinks the town manager should come up with some funds to move those light meters, it's an eyesore.

Richard Cecelski, disagreed about the bus parking. They park a lot of buses there, cars and vans too. A lot of times the bus driver will want to come on the trip too so they can't use the alternative parking. All the activity bus drivers for the local groups always come on the trip so they have to park there. There didn't use to be any charge for bus parking at the marina.

Tim Owens asked for direction to move forward and work with Mr. Cecelski to come up with a good solution. They were going to take \$15,000 from the General Fund and he would like for them to remake that motion again because they might have lost it the last budget year.

MPT Wilcox made a motion to approve \$15,000 from the General Fund for the town manager to pursue the transient docking facility. MOTION CARRIED UNANIMOUSLY.

Council would like the town manager to work with Mr. Cecelski even if we need to reassess how we are currently using that property out in front. The original intention for that area was a staging area for that and if it needs to be more of a staging area, maybe that's what they need to do.

SEEK DIRECTION FROM THE TOWN COUNCIL REGARDING SITE DEBRIS RECOVERY AND RECLAMATION AT THE WWTP

Mr. Owens said that over the years the town has stored material from a variety of projects at the wastewater treatment plant. They recently had the NC Solid Waste staff to review a staging plan, when or if they have a hurricane, and they encouraged them to clean that

area up. They have two quotes with and Option 1 and Option 2 to clean that area up. He is also working with a person who is developing a subdivision on 7th Street who might be able to do a lot of this at no expense to the town because of his need for soil. Mr. Owens is asking to create a budget, hopefully he won't have to use it. He put \$100,000 but thinks they can knock it down to \$75,000. There is one other small area over near the garage that needs to be cleaned up as well. It is years of old culverts, manholes, dirt, etc. that have been taken out and placed back there. The intent is to try to, particularly if this one person developing the subdivision, take the dirt away then all that would be left would be the concrete, asphalt, and bricks, crush that up and use it as crush and run on projects. The plastics would be taken somewhere to be recycled. Some of the vegetative debris would be chipped up and used throughout the town. The rest would have to be hauled off. They have two quotes. He is seeking direction from Council and he needs a budget to do so. He is proposing \$75,000 coming from the Reserve Fund of the Water and Sewer Fund.

Councilman Johnson made a motion to approve Option 2 with a budget of \$75,000 to be transferred from the Water and Sewer Fund. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND SEEK DIRECTION ON PARKING AT STREET ENDS LOCATED ADJACENT TO MYRTLE GROVE SOUND ALONG CANAL DRIVE

Mr. Owens presented this item. He said they do have current ordinance language but it does contradict itself. In one area it says unlimited free parking and in another area it says parking as designated with signage. Each street ends a little bit differently, some allow for some forms of parking, some allow none. If they do anything he would suggest they go through a public hearing process because he is not sure how some of the residents next to those street ends may feel. They probably need to go through a process to clean up our ordinance, regardless, and then they need to decide whether it is free unlimited, free with time restrictions, paid parking or some other combination of parking. In all reality, if this was a new subdivision there it would be nice to have some parking there, but also, it would be nice to have, and this is something he would like to see the Harbor Committee work on, each one of those uniformly constructed and have gazebos at every other one or every third one but that is just not the way it is. There are lift stations at some, telephone pedestals, etc. They could come up with a plan for Council but he needs direction on whether they want to see it as free parking or metered parking or time restricted parking. They could treat them similarly to the oceanfront ones which are normally 3 hour parking with a meter. If that is the consensus of the board then they could bring back a parking plan as well as an ordinance that would treat them very similar to the oceanfront. Council agreed.

DISCUSSION REGARDING THE RENEWAL OF THE CASH POINTS ATM IN THE TOWN HALL PARKING LOT

Tim Owens said this was discussed at a prior meeting. He pulled a file on it and found that the ATM lease had expired. He called the State Employees Credit Union and asked them what they wished to do. They backdated their request and would like a two year extension from May 2008 to April 30, 2010. The current lease is for \$1 and they have to maintain certain standards. If Council did not want to extend the lease, he would ask Council to ask the Town Attorney to see if number 12 of the lease standards allows the town out of the lease. The town currently requires its employees to deposit their checks with the State Employees Credit Union and that is probably one of the reasons why we had an ATM placed in the parking lot to help service our employees.

Mayor Macon said they have had the ATM there for a while for \$1 a year and he thinks we need to find out what the going rate is for leasing for that kind of situation and have the attorney check and make sure that we can break the lease and that we can require them to pay a normal fee or have it removed.

Council directed staff to have the town attorney look into the lease standards and see if the lease is valid and what it means to us that they didn't actually request renewal in time and find out what the going rates are for leasing. Staff said they would talk to our attorney and then he will talk to the State Employees Credit Union folks about leasing the spot. Staff will also ask the attorney about various options.

DISCUSSION AND REVIEW OF A DRAFT RFP TO BECOME THE TOWN'S PRIMARY GAS VENDOR

Mr. Owens said this item was discussed in the past and he was directed by Council to come back with a draft RFP for their review before sending it forward. The RFP is for a contract to manage gas purchases in town. It is open to people who own retail locations and/or manage purchases. There are some items in the RFP that need to be addressed. The date needs to be changed to a later date and he will give a month or so to respond. He will call some people he knows who will be interested in responding to this as well as advertise in the Wilmington Star and the Island Gazette.

Jerry Bigley said he doesn't see why they are wasting tax money to have the town manager call people to see if they would be interested. He thinks that is stupid. In all the past contracts he has had with the Town of Carolina Beach, the number one prerequisite was that you had to have a generator and had to have the facilities in Carolina Beach. At the present time he has a 25kw for his ice machine, a 25kw at the gas station, he has just installed a 25kw at the Kure Beach store, he pays taxes in this town, his stores have never closed during a hurricane and he thinks he is a good asset to this town and thinks they ought to look at that real close. Also, he has outside cameras watching every car that comes in at both stores, he has the license number and everything else. The plan he has tells you when you are due for an oil change, what your miles per gallon is and

everything. He doesn't think anyone else in New Hanover County can give that. The gas will be the price that is on the pump. Today gas went up \$.14 a gallon wholesale. He can let the town know sometimes the day before the gas is going to go up which could save some money. He wishes the town manager could understand his points. If he gets it he is going to be open. If someone over the bridge gets it, they don't pay any taxes here. He pays over \$60,000 a year.

Mayor Macon made a motion to move forward with the RFP. MOTION CARRIED UNANIMOUSLY.

PRE-PLANNING AND SURVEYING FOR LAKE PARK BLVD. AND POSSIBLE MEETING WITH NCDOT TO DISCUSS STREETSCAPE CONCEPTS ALONG LAKE PARK BLVD. IN THE CBD

Mr. Owens said they will be discussing this item more in September. Some of the things they are faced with is that DOT will soon be resurfacing all of Lake Park Blvd. with bids going out in January so they need to understand and know what they are going to do with striping Lake Park whether we are going to go with the same diagonal parking or parallel parking, whether it is going to be 3 or 4 lanes. They will need surveys, probably need a traffic engineer to be able to tell DOT what we want to do and how it won't affect the level of service and then our engineer will get involved at some point. If we are going to go to three lanes, reduce the number of lanes, parallel parking - it is something they will need to hire someone to do fairly soon. Cape Fear could be, if Council wishes, the first master streetscape area. They have a \$100,000 grant to move forward to add some additional parking. He has some quotes to go underground with utilities. He is not all the way through that process but Peter J. Smith can come in and do all of it at one time for \$65,000. They probably won't have to hire the traffic engineer for Cape Fear but definitely Lake Park. He will give Council quotes he received after the agenda went out at the Master Development Plan meeting on September 8th.

DISCUSSION AND DIRECTION FROM THE TOWN COUNCIL REGARDING THE TOWN'S RESTAURANT IMPACT FEES

Tim Owens said this item was requested to be placed on the agenda. Some of the discussion was what is the cost of impact fees for other New Hanover County governmental entities and how does the town capture impact fees for standing areas/service areas that do not have actual seats. Our fees, for the most part, were \$500 per seat and have gone down to \$250 about a year ago. Looking at some of the other towns we are by far the largest as far as impact fees go in restaurants. He does not remember hardly any fees for any restaurants in any of the municipalities. He did take look at the wastewater table and what the state says the flow is going to be, a little higher than normal. He compared the restaurants flow vs. single family, single family users, using the wastewater table, it is \$12.50 per gallon. A restaurant is \$6.25 per gallon. They were exactly the same until we lowered it to \$250. There probably was some

methodology there when they came up with the original impact fee process. The drawbacks to using seats, seats get placed in there and we are not getting impact fees for them and we have to enforce it. We do not have any kind of real method of fees for people with just a standing area or leaning table. Maybe we want to consider that a square foot area. He is seeking direction from Council on how they would like to handle restaurant fees.

Councilman Johnson suggested sending this to the Operations Advisory Committee and the Budget Committee. MPT Wilcox said the recommendation came from the Business and Economics Committee.

Jerry Bigley said he has paid impact fees for 399 seats at what is now called Tangerine's Caribbean Grill and he lowered it down to 209 and he wants to make sure he is not going to be charged again. Staff said you do get credits as long as there is no change in use. He also commended the new fire chief for doing an outstanding job.

Mayor Macon said staff needs to come up with a specific recommendation keeping in mind that the goal is to accommodate as much as possible to attract new business/restaurants.

DISCUSSION CONCERNING "SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL" BY A. FLEMING BELL, II

Tim Owens said the Town Clerk, Lynn Prusa, pulled this together for Council to review and adopt or wait until another meeting. This is something they have discussed in the past. The town attorney would like to see this as more of a guideline as opposed to policy.

Councilwoman Efirm made a motion to table this item to some other time. After discussion, Councilwoman Efirm withdrew the motion.

Mayor Macon made a motion to adopt the NC City Council Procedures by David Lawrence and Suggested Rules of Procedure for a City Council by Fleming Bell, to use as a guides. MOTION CARRIED UNANIMOUSLY.

REVIEW COMMITTEE POLICY

Tim Owens said this is another item that Council and the town attorney wanted to discuss and since he is not here he recommends continuing this item to the September meeting as well.

Mayor Macon made a motion to continue this item to the September 9th meeting. MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

Councilman Johnson asked what the current situation is with William and Dolly Whittington on their fence situation from the previous meeting. Staff said that issue has been resolved, the fence was corrected. There were two pieces to the fence. There was an existing fence that was over 6' tall built in the 1980's and they simply added to it to additional height. After staff spoke with them, they brought into compliance the newly erected portion of that fence.

Captain Kurt Bartley said this is the 15th year for the DARE Program at the school and he would like to present them with a plaque and he will also be inviting Council to attend. He will let them know when it is scheduled.

Fire Chief Rorie said there are approximately 360 fire hydrants throughout the town that have/are being flow tested, some are being painted, 15-20 need maintenance and we need to add around 6 throughout the town because of long distances.

Gary Ferguson said they are working on restaurants at the Planning and Zoning Commission level and will bring back, hopefully for the next meeting, a comprehensive review of how they are going to address restaurants from a conditional use to a permitted use and also looking at parking and how they are going to address that in a more user friendly way without getting into seat police which will probably dovetail with the wastewater and water program. He did give everyone the newest, updated Zoning Ordinance with the updated zoning map of the town as well as the Land Use Plan. He asks everyone to try to keep their Zoning Ordinance updated with amendments that come forward. He said the Zoning Ordinance is an appendix to our Town Code of Ordinances, it is not actually a piece of our Town Code and he would like to get away from having one town code book governing everything that happens in the town. Our Zoning Ordinance changes almost every month and it might be more cost efficient for us to update our zoning ordinances as opposed to sending it off to Tallahassee and having them do it for us. Council agreed.

MPT Wilcox said he knows there has been some discussion at previous meetings regarding an alternative to CBD parking. If we are going to be building decks and providing parking, we may want to look into some fees associated with that for those businesses. Businesses in the HBD pay to have their parking put in. Because we are working on moving forward with parking issues/parking decks, he would like to have some research done on what other towns have done that might be in our same situation so they can see how to deal with that. We have to provide parking for the CBD but there should be some fees associated with it, maybe on an annual basis. Tim Owens said that would be particularly true for new construction. Councilman Johnson said that Wilmington leases out spaces behind BB&T. Mr. Owens said he has discussed this with some people. A parking deck is \$15,000 to \$18,000. They have talked about maybe \$25 a month per space per business. MPT Wilcox said if there is some model out there where it has been done he would like to see it.

REQUEST FOR CLOSED SESSION TO DISCUSS PERSONNEL AND LEGAL MATTERS [NCGS 143-318.11(A) 3, 5 and 6]

Mayor Macon made a motion to go into closed session to discuss personnel and legal matters according to NCGS 143-318.11(a) 3, 5 and 6. MOTION CARRIED UNANIMOUSLY.

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

Councilwoman Efird made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____