

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

July 12, 2011

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

Mayor Macon called the meeting to order.

INVOCATION

Jerry Bigley led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Macon led everyone in the Pledge of Allegiance.

ADOPT THE AGENDA

Councilman Lewis made a motion to adopt the agenda with the exception of Item #5, postponing that item until August. MOTION CARRIED UNANIMOUSLY.

PRESENTATION AND REQUEST FROM CRAIG DUNAWAY OF SUNRISE BROADCASTING TO HOLD AN EVENT IN CAROLINA BEACH ON OCTOBER 29TH FROM 12:00 P.M. TO 10:00 P.M.

Craig Dunaway with Sunrise Broadcasting made presentation. He said they are a cluster of five stations here in Wilmington, corporate ownership is in Raleigh, and he is the sales manager for two of the stations (WRMR and ESPN radio). He provided some handouts which gave an overview for potential clients. The station has classic and modern rock and covers seven counties from New Bern to Southport. They would like to have a fun outdoor concert on October 29th, something similar to the Wing Fling, where it would be fenced off with an all day show on Saturday. The gates would open at noon and the music would be from 2:00 p.m. until 10:00 p.m. He thinks it would be a good opportunity to use the shoulder season to expose Carolina Beach. They would be advertising the show for 12 weeks on all of their stations. They are also going to promote

a “play and stay” where they will encourage people to stay overnight at the hotels and will advertise those hotels who are interested in offering a seasonal discount for that night. They are also going to invite any of the local restaurants to be vendors in the cordoned off area for the concert. He has a list of preferred charities that have a 401c license and there will be a contribution involved with that. They will also probably select a youth group or something to help with the clean up and make a donation to them. They are also going to have a day of show donation to the Help Center, both in cash and canned goods. We haven’t formalized exactly how we are going to promote that but if you bring a canned good you are going to get a discount on your ticket. If you don’t bring a canned good, we’re going to contribute a portion of that ticket to the Help Center. This concert will help them put their footprint in the world of radio. Their promoter is from Jacksonville and has put on a number of concerts for 20 years and knows that side of the business. We are the creative promotional aspect of this joint venture that we’re doing. One of the concerns they have is parking. They know college kids will come to concerts and they are going to try to have some kind of arrangement with the university where they can have “no price” or “low price” to bus students back and forth to help eliminate some of the congestion. By choosing Carolina Beach, we give up the potential parking revenue and are happy to do that and feel that having the concert here is much more attractive than elsewhere.

Councilman Wilcox said the town learned some things from the Wing Fling event that could be done better and suggested he get together with the town manager and maybe some people from the boardwalk and take in some of their suggestions, if Council approves the event.

Mr. Dunaway said since the concert is the last weekend in October, they would like to promote that there will be a number of restaurants and taverns that would have Halloween contests post concert.

Councilman Wilcox said one of their biggest issues down there was the location of the port-o-johns and the trash facility and he thinks they have some alternate options for that.

Mr. Dunaway said that at this point he doesn’t know where to put vendors and those other items and would welcome any suggestions.

MPT Efird said one of the problems was putting some of those things in front of businesses so they didn’t get any business that day.

The town manager said they went over that and talked about moving them down the line where our lift station is, back away from the venue and the business owners. We talked about the water supply and electricity for the vendors.

Mr. Dunaway said it would be in the same area with the stage angled out away from the corner of the Marriott. The space will be a little larger.

Councilman Wilcox said there is probably a better place to put the stage so let's get together and talk about it a little bit. I think it will help the businesses and solve the port-o-john problem as well.

Councilman Lewis said that the access to the boardwalk with the Wing Fling, during and after, was relatively small and trying to get out of that area was limited and most people were going away from the boardwalk which was very upsetting for the business owners there.

Mr. Dunaway said their concern is that they have an obligation to make money for the promoter and the vendors there so, typically, there isn't the ability to exit the concert venue and come back because of the obligation to the vendors to sell their products plus it would take more manpower to set up additional entrances and exits. He would like to have a nice flow post concert back into the boardwalk area. He is not opposed to doing that but just doesn't want to speak on behalf of the promoter.

Councilman Lewis said, as a business owner and bar owner, they do very well on Halloween weekend and most other bars and restaurants will say the same thing. Where they need help is other weekends. It might help a few businesses that stay open after 10:00 p.m.

Mr. Dunaway said he hopes people will make it a day event, come early, go to the beach, eat lunch, etc. If it is important for everyone to have a back and forth flow, they can figure it out. They just have to make sure there is a secure way that people aren't leaving early and giving their tickets to someone else.

Councilman Wilcox said he thinks it would be good to take it to the Arts and Activities Committee so they can advertise it and give business owners an opportunity to attend that planning session, work through issues, and bring it back to Council.

Mr. Dunaway said he wants to make sure the vendors are appropriately placed and hopes some of the boardwalk businesses and restaurants want to participate. He needs within the next 10-15 days to get the bands.

The town manager said Council can vote tonight and instruct him to call an Arts and Activities Committee meeting with Mr. Dunaway and report back to Council in August.

Councilman Wilcox requested that the businesses be contacted about the meeting.

**Councilman Lashley made a motion to approve the event for October 29, 2011.
MOTION CARRIED UNANIMOUSLY.**

RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE

Chief Younginer recognized Sgt. Danny McCullough for 5 years of service.

CAROLINA BEACH COMMITTEE REPORTS

Fred Grady, 608 Cape Fear Blvd., Freeman Park Committee, said they have been talking about putting metal containers out there to put burnt firewood in as people have been dumping that into the sand. CAMA has okayed the metal containers as long as they are removable. The police chief recommended putting in posts and tying the barrels down. He feels the operations department should decide how many barrels to put out there and do it on a trial basis. He thinks it is something they should do to make the beach a little bit cleaner.

Duke Hagestrom, Parks and Recreation Advisory Committee, said he went over to Mike Chappell Park today and looked at the field. The contractor has done a nice job leveling the field, seeding, two fertilizations, the irrigation schedule is in place and the grass is growing. There are some spots where the seed got washed out from the rain and some washed out soil areas. The contractor is aware of that and will take care of it when they seed the outfield of the softball field. He has also been very responsive to the committee members and their suggestions when they have looked at the fields. They are currently waiting for them to place the backstops at the softball field, then they can figure out where home plate goes and then grading out the field and making sure the diamond is shaped properly and the clay can get worked after that. In general, we are making good progress and we are staying on it the best we can.

Councilman Lashley asked about the status on the outdoor basketball court.

The town manager said that one of the businesses that Ted had went out of business so he is trying to get one more quote. We plan to bring that to you in August and hopefully set the budget for it and move forward with the structure.

Mr. Hagestrom said their goal is for the big field on the south end will be a multipurpose field so any sport can take advantage of that. The field opposite the big field will continue to be a baseball field and the outfields for that we can divide into smaller soccer fields. Our goals are to have one really nice baseball field, then have another field and then the others would have a grass infield. The park will be perfect for lacrosse, soccer, flag football, etc.

PUBLIC DISCUSSION

Jerry Bigley, 1011 Waterview Place, said speaking of the ball field years ago I donated the first bleachers and the first building and got a dollar two ninety-eight cent sign on the side of the building but never even got a thank you from the town. I see other people around here putting up flagpoles and different things and they have ribbon cutting ceremonies and I get crap. I also donated a piece of land worth over \$55,000 and didn't get a thank you. I donated another piece of land worth over \$35,000 and didn't get nothing for it. I'm not up here to brag but I would like to have some recognition of what

I have done for my children, grandchildren, and great-grandchildren for them to be proud of what I have done for this town. I think it's about time somebody does something. I took junk property and made something out of them.

He said the police chief needs to talk to the jet skiers for speeding. There is a man over at Harbor Oaks who has a horn and when somebody speeds he puts the horn off.

He said a lot of people around this town have done a lot with signs to make them look good. He spoke about the golf cart rentals and said it was nice to see people thanking the military and that is what we need from the town, to be more patriotic to our military, retired and active, and we need to get on the ball and do something for them.

He said a couple of weeks ago the light at Ocean Blvd. was still flashing at 9:00 and no traffic. At 7:30 there was no traffic down there and I don't think we need to use that light anymore. Are you going to do something about it or not? I want to get an answer.

Councilman Wilcox said he thinks they gave staff direction at the last meeting to only use that when traffic was heavy or expected to be heavy but not otherwise. Mr. Bigley said he thinks it is being abused. I have called different people on the Council and they say they have talked to Tim or the chief about this but the same crap is still going on so some people need to get their story straight.

The town manager said they had that discussion and if it stayed on over past a certain time then that was a mistake and we had that discussion, maybe some of the officers got busy. When traffic is backed up or expected to back up, that is the only time we are turning it on and turning it back off when things are flowing better. That is the intent. It is not on during the weekdays. It's Saturdays from around 2:00 pm to 6:00 or 7:00 pm, Sundays, potentially, also but mainly just Saturdays. Mr. Bigley said I don't think you need it on Saturdays Tim. I'm out there, I'm a watchdog. I have nine rentals I have to look out for.

He thanked the police department for the way they handled the traffic during the 4th of July at Carl Winner.

He said he had a thing to say to Mr. Lashley - you pick on me, you pick on other people who are not here and I had a thousand phone calls about the way you talked to that lady at the last meeting and there was no reason for it whatsoever and you owe that lady an apology sir. You are almost borderline being censured, that's how bad it is. I am man enough to stand up here and talk to you because I am here, I'm not going to talk about you when you're not here and I wish you had the same respect for me too.

About the signs, you need to leave the signs the way they are at least through Christmas time. The economy is very, very bad. Are the signs hurting anyone? Look up and down 421, flashing signs everywhere, people know the economy is bad and we are wasting gas and money sending someone out to look at signs and stuff and giving people a hard time

and his language is always, "I'm the king, I'm the boss man and you do as I say or I will get you fined \$100 a day". We need to put an end to all that crap. My blood pressure is boiling tonight over the way this town has been treating people and talking to people and doing things whether it is in the best interest for the town. Thank you for the time and listening and please make a decision.

Lisa Wilkins said she will come back up during the discussion on signs.

ADOPT THE CONSENT AGENDA

MPT Efirid made a motion to approve the consent agenda to include the change to the minutes of June 14, 2011 on page 24 from Councilman Lewis to Councilman Lashley with regard to testing of the road diet.

Approval of the minutes:

Special Meeting	June 3, 2011
Regular Meeting	June 14, 2011

Budget transfers (Exhibit1) and budget amendment to bring the 2010/2011 drug seizure monies from account 10-510-060 over to the 2011/2012 budget.

Approve the application to the Tourism Development Authority for funding in the amount of \$38,368.97 for expenses incurred for lifeguards.

Adopt Resolution No. 11-1055 (Exhibit 2) in support of applying for a Coastal Recreational Fishing License Grant for the acquisition of 236 Carolina Beach Avenue North.

MOTION CARRIED UNANIMOUSLY.

CONTINUED DISCUSSION AND DIRECTION ON THE RE-STRIPING OF LAKE PARK BLVD.

The town manager presented. He said he met with DOT to talk about going back to four lanes, re-striping Lake Park Blvd., and get some direction on how they wanted to see things go. We talked about different options; there were three we were looking at. One was microsurfacing and that estimate is anywhere from \$110,000 to \$164,000. The concern with microsurfacing for everyone is that it looks a little different from typical asphalt, doesn't act like typical asphalt and, plus, they may have to come back in eight to ten years and re-microsurface the area. So I am not sure that is the best product for the town, particularly in our CBD. I don't think it will function or look as well. DOT is using this sparingly in some subdivisions and in one high traffic area and they have received some complaints on it.

Skidabrader is a machine they bring in which perforates the pavement and those folks also came in to the meeting. It works well in some applications, but it wouldn't penetrate enough to get those lines up that are in because they seep down into the pavement. Mill and Fill seems to be the best option. They think they can mill between the parking lines, doing just the travel lanes, and go back with fresh pavement. So it would be a mill and fill, not to the extent that they originally bid the project at which was \$226,347. This would be closer to \$192,000 and that includes 15% contingency. With today's fuel prices it's hard to tell where we are going to be when that thing is bid; hopefully, it will be less because it will be closer to wintertime and they will be coming in the spring.

Some of the other items we talked about were high visibility crosswalks; we did put two in at Hamlet and Atlanta. I am not sure the one at Hamlet will be able to stay or not but that is something they will have to look at and make sure it meets whatever the regulations are now that we are going from two lanes to four lanes but we are going to check on that. We also need to decide if we want to add additional high visibility crosswalks, either we pay for them or DOT pays for them. DOT did express some interest and did the projects in Kure Beach, maybe helping us with three or four of those, maybe five, if they are warranted. Some of the areas that don't have high visibility crosswalks now that could maybe warrant them are South Carolina Avenue, North Carolina Avenue, Carolina Sands Drive, Spartanburg Avenue and possibly Driftwood Lane. We already have permits for some of these and we are going to install some of these things with our sidewalks possibly with the Wilmington Beach project. I didn't want to make any changes to Lake Park Blvd. until we knew where we were going. We have talked in the past about Tennessee Avenue, Ocean Blvd., Texas, Alabama, possibly Carolina Sands Drive and/or Spartanburg Avenue would be what I recommend if Council wants to pursue these. We put all this in a letter, ship it off to them and ask them to consider either funding those high visibility crosswalks or allowing us to fund some of those as well.

The other item is the committee, when they were looking at this, wanted for DOT to consider improvements to pedestrian/bike facilities on the four lane section. I am not sure exactly what they can do. Basically when you put four lanes in it takes up a lot of asphalt so I am not sure what kind of improvements they can make. The Town Council can ask that they take a look at that and decide if there are some items that they can do to make bicycling and pedestrians safer on a four lane section of Lake Park Blvd.

The next item is there is a leaky valve near the intersection of Florence Avenue and Lake Park. We have to fix that prior to them coming back and doing the work and we are working on getting quotes to do that and find out how disruptive that's going to be.

DOT will be doing the striping plan and we would have to enter into a contract with them and pay them to do the work and oversee the construction part of it as well.

I have given you several recommendations, one, that we go with the mill and fill in those areas where the travel lanes are with an estimated cost of about \$192,800. I am

recommending that we consider high visibility crosswalks at a minimum at Tennessee Avenue (south side), Ocean Blvd. (south side), Texas (south side), Alabama (north side), potentially Carolina Sands Drive (south side) and possibly Spartanburg Avenue (south side). We also should consider asking DOT to incorporate any kind of bicycle/pedestrian improvements. One item that I did not mention was Harper. I had one complaint about how it is configured, if you were in the center lane that is your way to jog over to head west if you are on the east side. It's a weird configuration/intersection and I'm not sure there is anything that can be done better there but maybe ask DOT to look at that intersection and see if it needs to be changed as far as the alignment goes. The outside or northernmost lane is right only and aligns more so with the west side than the center lane does but I'm not a traffic engineer and will rely on them to see if an improvement should be made there. I recommend that Council send that forward as well. If Council wants to move forward with all this, I recommend that they instruct the finance director to amend the FY11/12 budget to use Tourism Fund Reserve Funds in the amount of \$200,000 which would give us a little more leeway if we wanted to install a couple of high visibility crosswalks beyond what we have mentioned. I did provide you a copy of the new estimate as well as some of the old estimates that you saw at a prior meeting.

Councilman Wilcox said he would like to make a recommendation. He said Council is ready to go back to four lanes without any discussion of what the resulting design would be, how it would affect bike lanes, parking, etc., and a lot of these other things you put in here, the restriping and mill and fill, dependent upon what you mill and fill in, which depends on the design. You're talking about getting into other design elements and I would like to see Council have a workshop and invite the traffic committee and people who are interested to come and go through these design issues before you ship it off to somebody else and have them make all the decisions for us - get the maps out and see what is not working, what is working, look at some of these areas you're talking about to see what we can fit and what we can't fit. We don't even know what we're doing yet and we're talking about sending stuff off to DOT. I think there is an interim step that we're missing especially giving the public an opportunity to talk about how they want that design to be.

Councilman Lewis said he agreed. He was looking to have involvement of a traffic committee in Council and the community and taking a look at what would be the best four lane design. We need to bring that together and then we'd feel comfortable with the way it is and we move it back and then tell DOT how we would like to do it.

Councilman Wilcox said if we could get someone from DOT or Wilbur Smith or someone like that for technical questions he thinks that would be great.

The town manager said he is a little bit unclear as to how you want to work this. Do you want to have a public hearing, do you want to have a workshop, do you want to have a workshop and a public hearing?

Councilman Wilcox said he thinks a workshop and invite the public.

The town manager said we probably need to do that in August, get it advertised and he will see if he can get some representatives from DOT because they will need to understand. We can recess the meeting on the 26th to a meeting in early August or we'll re-advertise a special meeting too.

Sharrill Jennings, 415 Charlotte Avenue, said she has been trying to consider all of the different options because we do have an opportunity to make a new design for the four lane road. A couple of things she has been thinking about is that a lot of people in the community are concerned that we don't have good enough bike safety because the bike lanes are behind the parked cars. If we could put them adjacent to the sidewalk that's a possibility if DOT thinks that would work as a possibility. Another thing is having both bike lanes be on one side instead of both sides. Another thing, which I'm not sure we have the space for, would be a median from Carl Winner to Cape Fear, she thinks that would help calm the traffic some because the people coming out of McDonald's or whatever they wouldn't be able to make a left turn on there or the people on Harper or the east side wouldn't be able to go on Harper because it would shoot the traffic straight through. She would like these things to be presented to DOT when they have the workshop. She's looking forward to that.

Councilman Wilcox said some of the things she has talked about we have had lots of discussion about and there are some technical difficulties with some of them. They are some of the things we asked in the beginning and found some answers we liked and didn't like.

Mayor Macon said the median thing didn't go over too good. We were wanting to put in a median in the first place but that didn't work out.

Councilman Wilcox said the bike lanes on the inside of the parking, didn't DOT want the bike lanes in the traffic area because they have to be in the signalization area because they are considered another vehicle. We asked a lot of those questions ourselves.

Ms. Jennings said she noticed the lanes could possibly be narrowed to allow a possibility of a median but maybe not. I would like to have these...

Mayor Macon said to please attend, it's a public meeting.

Councilman Wilcox said she could ask the town clerk to put her on the e-mail list and when that notification goes out she will get it automatically.

PUBLIC HEARING - RECEIVE INPUT REGARDING ON-STREET PARKING ALTERNATIVES AND REGULATION OF ON-STREET PARKING NEAR THE CORNERS OF TENNESSEE/BOWFIN AND TEXAS/BOWFIN

The town manager said he is going to turn the meeting over to Brian Stanberry but

wanted to make a few comments first. He said we are a resort community and parking is at a premium. Some of the easier places to make parking is in areas that we own whether it be larger right-of-ways or 90' right-of-ways or in areas where it is under developed and there is a parking area sort of like these (Tim showed various pictures of parking areas on overhead) where there are no houses on one side. It does infringe upon people's residential neighborhoods but they are all throughout the town in very similar situations. Some of the areas we have talked about in the past are Cape Fear Blvd., Harper Avenue, Bowfin/Texas, Bowfin/Tennessee, the lake. The Tennessee right-of-way is 90' and could accommodate a lot more parking than one corner of Bowfin and Texas. If you go to Kure Beach and some other areas like that they have a grass median and folks park in the median and it is a similar design, 90' right-of-way. There is also Alabama, Ocean Blvd., we may not want to do that because that seems to be a cut through area but it's available, there's a 90' right-of-way there. It's cheaper than purchasing land. I know we also looked at purchasing land as well in areas from time to time. So some of the things we're going to talk about tonight are having no parking in these areas and really talking about that second tier street back. We're also going to talk about considering parallel parking, angled parking. Angled parking would accommodate maybe 40 spots in the two different locations but also creates more with roadways because we would have to do some widening and it probably should be in asphalt plus the meters, timing and everything like that. The easiest alternative to provide structured parking/paid parking is to do parallel grass parking. The other is just to continue to allow it the way it is. I'm going to turn this over to Brian and he can go through some of the costs and we'll have a public hearing.

The public works director put the areas being considered on the overhead. We're talking about the intersections of Bowfin and Tennessee and Bowfin and Texas. He showed the parallel parking option on Bowfin and Tennessee. Given the complaint last month, there was discussion that there was uncontrolled parking and a massive amount of cars there. This would be the most cost effective solution to that. You disallow parking or you let it go the way it is now or maybe something like this. This you just leave it as is, you don't pave it, you just leave the grass the way it is and put in some tire stops. We have the meters in-house. For about \$1,000 you get 12 spots here. On Texas you get around nine spots parallel and that would also cost about the same. That would include signage, trash receptacles, that sort of thing.

Councilman Lewis said we have a stop sign at the corner of Tennessee and Bowfin and there are cars parked on top of it all the time. It is illegal by state law to have a car parked in front of that stop sign.

The police chief said it is. They went down there this past weekend. The only ones we would tow would be the ones out in the street. We put tickets on those to start with. We did some warnings this past week.

The town manager said we really need to look at our no parking signs, too. In that instance you may have one no parking here to corner and it's clearly marked then. And

the same way, like across the street, maybe if you didn't want to have parking across the street we would have to have a no parking here to corner. People probably won't be parking in folks' driveways but maybe where that open grass area is I have seen them park there.

Councilman Lewis said there was a concern by a citizen about litter and was a lot of garbage there like someone just threw it on the side of the road there. It's something we continue to pay money to have someone go pick up that trash, we pay police officers to go down there and patrol - I'm open for something like this.

The public works director showed the other option. He said the parallel Bowfin/Texas looks basically the exact same as that. This is Option B, we talked about this and it's probably something we could consider in the future - go with Option A, see if it works and then possibly implement something like this down the road. You would have to put in asphalt. It is 22 spots at Tennessee, angled parking, but it is more extensive, costs more, around \$30,000 to do that.

Councilman Lewis said plus you have big vehicles, trucks 4'-5' into the roadway and no place to get by them. It was a one way road when they do that.

The public works director said part of the cost was to pave a section to the west of Bowfin, a small swath of asphalt to allow two lanes of traffic and that is why it did cost more. Those are the options.

Councilman Wilcox asked why it would have to be hard surface, why couldn't you put parking bumpers in there at an angle and possibly railroad ties between the parking spaces to designate those spots.

The town manager said you could do that there but, still, the road is not wide enough, it's probably an 8' wide road.

Councilman Wilcox said even if you had to fix the other side why...The town manager said you could. It's a little more tricky design-wise, if Council wants to consider that, we can definitely implement that before next summer but it's not something we can do quickly. The other we can probably do fairly quickly. That's the other option do we do anything this summer? It's already mid July. Do we post no parking signs and just not worry about it until we implement it next summer? Do we go ahead and try to turn on parallel parking and go ahead and get that put in before the end of summer or do we just consider this for next summer. There're a lot of different options.

Councilman Lewis asked what the cost of a parking ticket is. The police chief answered \$15.00. Councilman Lewis said he would just pull his car in and leave it there for \$15, I'd come back next week. I would have to pay \$7.00 in a regular lot way down there; I can walk across the street and just pull in there for \$15.00 every weekend. We probably need to rethink that.

The town manager showed the parallel option.

The police chief said if someone pulled in diagonally and was hanging over the road, they would be towed. There would be signs that say parallel parking only. The ones parked by the stop signs, we need to start ticketing them also.

The town manager said our parking enforcement folks would also give them a ticket if they were turned in parallel.

Councilman Lashley said you would lose half the parking if you go with parallel parking versus the angled parking. We don't have adequate parking down there. We have 20 spaces at Tennessee. We've heard statements that there are 30-40 cars sometimes there. Even if we took 20 cars and put them in the 20 spots, you will still have an overflow. Down at Texas we only have four spots at that oceanfront parking area. I would hate to lose half our parking spots and would consider angled parking there and put a sign up no parking on the pavement. We have a police department who can take care of that. I have seen the trucks out there and there's trash there also. Same thing up at Texas where I live, we have trash there. We need to put out trash cans and a port-a-john at Texas. We need to look at angled parking at the oceanfront parking lot where we only have four spaces, more paid parking at Texas. We need to do something and we need to do it this year. People are not going to go away; they're going to park there this year so we need to put up signs or whatever to control that.

Councilman Lewis said the problem is this is a neighborhood where people live and kids play and there is one lane coming down Bowfin because of the angled parking.

Councilman Lashley said across the street we should put no parking. On Tennessee, there is a white fence and they should not be parking by that neighbor's fence. We should put no parking on the west side of Bowfin and both Texas and Tennessee to cut down the over parking because it does get cluttered. That is a right-of-way there and it's behind two gigantic parking lots that we have, Atlantic Towers and the Sands, so it's an area that we need to have people parking, unfortunately, because we don't have ample parking.

Councilman Lewis said if you go down there about 11:00 pm there are no cars because the Ocean Grill Tiki Bar is closed and all the day trippers have gone home - down along Bowfin. During the day there must be about 45 cars (maybe not that much) in an area that only fits about 20.

Councilman Wilcox asked who owns the lot that the Tiki Bar uses that directly adjoins the parallel layout. The town manager said it is all a part of the Ocean Grill/Golden Sands. They normally have someone there on weekends to patrol their traffic and make sure they're going to the Tiki Bar.

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

Ellen Sheridan, 1215 Bowfin, said that they have people who poop, pee, shower in our shower, leave dirty diapers, and leave their food trash. Mr. Lashley is welcome to come pick up after them. Just this side of doing it in the road, I think we have 100% of bodily fluids out on Bowfin. We do live there, that's our neighborhood and that's not okay. There are up to two-three dozen cars there on a summer weekend and they leave us 100% of their food trash and everything that goes with it.

David Ray, 104 Tennessee Avenue, said he has lived on that property all of his life and all we want is clean and organized or that's what it started out as. His car has been broken into once, had a surfboard stolen from around the back of the house, and their outdoor shower was open. You're at the beach and you have a lot of people coming through but we built that house three years ago this fall and that has happened within three years. Before that, the house that was there for 55 years had one bicycle that was stolen out of the yard during that time. Just clean it up and it's great. The chief has guys going through now. Thanked everyone for their attention.

Councilman Lashley thanked him for his letter. Said he owes he and his wife an apology and please accept it. He was out of line last month; he's not too happy with what he did and has had a couple of sleepless nights about it. Your letter was right between the eyes and he appreciates it and please accept his apology.

Mr. Ray said he never speaks for his wife but thank you.

Vince Vila, 1205 Swordfish Lane, said he doesn't think the parallel parking is a good option as it promotes a heavy load of traffic in there, people in and out, I think it will be an impact to the neighborhood and also the costs associated with it. Short of not having parking he thinks this option and having it done this year makes sense. We can test it this year and see what happens. If we leave it until next year, we're not going to know any more information than we have now.

Linda Lashley said Lonnie is her husband and they live at the corner of Texas and Bowfin and their balcony looks right there. She hasn't heard a lot of noise or anything and hasn't noticed much trash. She asked if they could observe what happens there and whatever it is try to replicate it at Tennessee. She thinks Tennessee is a more populated area, it has Ocean Blvd. there, there are probably many more people going down there and whatever is happening at Texas and Bowfin observe it very carefully and then try to make the same thing happen down there. She is not affected because she doesn't hear the noise, she does see the parking and sees one or two pieces of debris but it is very controlled and organized. No one who is a property owner here needs to be inundated by unorganized disturbances.

Bruce Veldman, employed by Atlantic Towers, said she spoke of the cleanliness; he has

two guys who work with him and clean it up every day. We cut the grass and that is done weekly so it's not that it needs to be patterned at Texas because I'm not sure Mr. Pope is going to furnish the town help.

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

Councilman Wilcox said we're a beach town and if you live along the water during the season on a daily basis, you have people using your water, your shower, your trash, unfortunately sometimes urinating in your yard, doing all kinds of things we would prefer they not do but it is one of the things that comes along with being a beach. People are going through those properties and in close proximity to those properties and those are the ones that get affected. I think the same thing is true around some of our parking areas to a degree. I have probably gotten an equal number of e-mails of people in favor of parking there and people not in favor of parking there. My personal preference would be to do something temporary there for the summer with bumpers and signage in parallel parking. But if you are looking forward to the future of parking for charge next season, and if we are going to do that and that is really going to be a town parking lot, I think we certainly have to service it. I don't know if we're not charging anything that the parking people will actually attend to that. As far as the trash and stuff goes, we're going to have to take care of it if we are going to have parking there. We need parking.

MPT Efird said we need paid parking because we have to pay someone to put cans down there and pick it up. That's going to be another cost and there certainly should be some cost for parking. How many meters do we have? The town manager said we have sufficient meters for both locations already in hand.

Councilman Lewis made a motion to approve Option A with parallel parking with meters.

The town manager said he would recommend that they fix the budget. He originally recommended \$15,000 and we need a minimum of \$5,000 from the Tourism Fund Reserve Fund because we are also going to look the other sides of the street for signage, maybe on Tennessee and maybe on Texas because if it does start pushing people elsewhere the police chief and I would have the ability to put up no parking signs in all locations.

Mayor Macon said he thinks the more parking the better. When you are extending Bowfin, you will have to extend it all the way down if you do that, correct? Or are you just going to extend it in that area and then there's a jog in the road I guess is what I'm asking. The town manager said they would have to put a jog in the road in order to do angled parking. Mayor Macon said he doesn't know that a jog in the road is a good thing and we have those two driveways there, it could be an issue. The town manager said they would put no parking on the west side and they will patrol every morning to pick up trash.

Mayor Macon asked if this is going to include a sidewalk. The town manager said not with this motion. I think we still need to make that decision with the Wilmington Beach project unless you guys want to put a sidewalk in but at this point, no. Meters will be on Bowfin both at Tennessee and Texas and no parking signs in areas where they think people may park and that shouldn't be parking.

Mayor Macon asked Council how they feel about the sidewalk. Councilman Wilcox said he would like to test it to see how it works under these conditions before we invest in putting sidewalks down there. We may find we want to change something.

Mayor Macon said the sidewalk is a benefit to not just people who park in that spot but also to the people who live in the area.

The town manager said both these locations are places where they are going to ask DOT to potentially consider high visibility crosswalks as well.

MOTION CARRIED UNANIMOUSLY.

Councilman Wilcox made a motion to take \$5,000 from the Tourism Fund for the implementation of the parallel parking. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER AMENDING ARTICLE 11 SIGN REGULATIONS TO ALLOW ATTACHED TEMPORARY SIGNS PLACED AGAINST THE SURFACE OF A WALL OR BUILDING TO BE PERMITTED UNDER THE SIZE LIMITATIONS FOR PERMANENT ATTACHED SIGNS. THIS AMENDMENT WILL APPLY TO ALL COMMERCIAL ZONES (CBD, NB, HB, MB-1, I-1, T-1, MF, AND MX)

Mr. Parvin, senior planner, presented. He said several years ago we amended our sign ordinance to create additional allowances for attached signage. We now have allowance for 25% of your front façade for attached signage. In addition to that 25% attached, you can also have a temporary banner. What we are seeing now is people, in addition to attached signage, they are using banners on their buildings so this amendment is going to address simply if they want to use that 25% for temporary banners or permanent signs, they can use either one as long as they don't go over the 25%. That's the first thing I want to talk about. The second thing, if you bear with me through the presentation here, is some of the frustrations that we have been having with our sign ordinance. I think there are several people here tonight who have also had frustrations with our ordinance

and we are hoping to get some clear direction and move forward with an ordinance that we all can agree upon for signs in our commercial areas. He showed some pictures of signage on the overhead giving some examples of the amendment before them tonight: Quik Lube down the street with a 20 sq. ft. banner and have temporary banners as their attached sign. Connie's across the street has done the same thing putting up a 20 sq. ft. banner and they have three of them. He showed some other areas where they have used banners for their attached signage at Federal Point Shopping Center; there are a couple of spots where they do that. We took this to the Planning and Zoning Commission and they recommend that we do allow these to be included so the temporary banner sign can be part of your 25% attached signage so you still get the same allowance, 25% of your front façade. Whether that is a temporary or permanent sign, we're not going to regulate that. You would have additional 20 sq. ft. allowance as well for your banner sign. That is the first issue and the ordinance before you and I would like to go ahead a move through a couple of other slides about some of the issues that we are dealing with in town. We've had a lot of sign violations as I mentioned earlier and the complaints that we're getting is not from anybody in the community, Council, planning board, it's from the business owners telling us that our sign regulations are too restrictive or saying that this guy down the street has it and you're telling me I can't have it. As you know our zoning ordinance isn't an immediate thing, when we get somebody in violation it's usually a process. We try to work with them and get the violation resolved. Once these things pop up they tend to multiply fairly rapidly. At some point we adopted an ordinance, and possibly in 2000 when we rewrote our zoning ordinance, we created a sign ordinance that doesn't appear to be consistent with the values of Carolina Beach, particularly our commercial areas. Since 2003, about the time when I got here, we've amended our ordinance, and if we amend it tonight it will be 10 times, and every time up here is when we are relaxing the regulations for our signs in our commercial areas. That's where I come to that conclusion. We are continuously taking our ordinance where how it was derived doesn't meet the interest of Carolina Beach or doesn't appear to be that way. What we are considering tonight is do we want to go back and look at these ordinances one more time. He went through some examples. One of the caveats of our new sign ordinance is that it requires shopping centers to work together on their signage and a directional sign is one thing you can have and it actually doesn't require a permit. I can't tell you how many hours I have spent trying to work with these folks but they all want the directional sign to say their business name and they have all been battling back and forth and we've been trying to mediate between them. So we have had some troubles with that center. He showed an example of a sign that was permitted and another one added on, temporary banner. Another shopping center with three signs on the right-of-way edge of the property; Kelly's Medical with two temporary; closed next door to us is fine and then when they opened they put up several temporary signs. I talked to them about it maybe a week ago and he fixed the problem but then added in pennant signs, which is also not allowed by our sign ordinance, so we're back to square one. The car wash across the street has several temporary signs; a directional sign that is oversized; the new rental business has several temporary signs; expansion of a billboard. At the boardwalk you can see an array of banner signs without permits; an ice cream cone is out in the retail area where sidewalk cafes go as signage. So what we are looking for is a motion on the

amendment and then direction from Council about your views of Carolina Beach, your commercial areas and are you satisfied with the appearance of the town today? If you are, then maybe we need to go back and revisit these sign regulations and accommodate some of these folks. If you are not, then we want support and I think Gary, Jeremy, Mary and everybody want me to say this as passionately as possible because we are really frustrated and I think a lot of business owners are frustrated with us as well. We're hoping to get some feedback and direction from Council on this tonight.

Councilman Wilcox said we don't allow signs on the roof, right? The senior planner said no. Councilman Wilcox said the banner ordinance right now is a banner to be on the face of your building, right? The senior planner said it is different for a standalone business and a shopping center. A shopping center can have one for the units and then they can have one out by the roadside. A directional sign is separate. You can have something like at CVS, an arrow with CVS above it, you can have that, and then you can have a temporary banner as well.

Councilman Wilcox said what about an individual business, as far as a banner goes?

The senior planner said they can have just one 20 sq. ft. banner either out by the road or on their building.

Councilman Lewis said if you're in a strip mall where there are six businesses, I believe the ordinance reads one banner for one business which I never agreed upon when I was looking at that from the beginning. It doesn't make any sense because you have six different businesses and they should have equal rights just like anybody else.

The planning director said each business can have an individual banner. What each business can't have is an individual banner out on the road right-of-way but every business in a shopping center can have a temporary sign. It can be a sandwich board; it can be balloons; it can be a whole variety of temporary signs. It can be a banner but you can't put the banner out in the common area of the shopping center. That's where the problem comes in because that's where the high visibility is so we had to come to an understanding with business owners about what was acceptable to them, giving them an opportunity to advertise themselves but at the same time trying to protect the appearance of the town.

Councilman Lewis said they had a public workshop; and in that workshop, I don't think many of the people from the strip malls were represented. Most of the people had individual businesses who were not in a multi-business type area.

The planning director said it is possible for each one of those businesses to agree with their adjacent property owners that they are going to display their particular banner on a particular day out in front. That's getting along and I know that's a problem and that is why Ed brought forward this concern. Everybody wants to take advantage of the most visibility at the greatest locations.

Councilman Wilcox said he has always had problems with a lot of our sign ordinances and, of course, we've changed a lot of those things in the last years that has actually benefited us in a lot of cases. For instance, Island Tackle, that building is quite attractive and to breakup those signs and put them in different places, which wasn't allowed before we changed our ordinance. We have an ordinance that talks about moving signs, when that ordinance was written there was no such thing as an LED sign. That really was talking about chasing lights and such. But now we apply that to a sign that is new technology where someone goes out and spends \$40,000 on a LED light that changes messages so it takes up less space, we're spending a lot of money on it and it's actually getting the message across but we enforce that as if it were a light with chasing bulbs around it, I guess. I was in favor of relaxing the banner ordinance so that each building could have a banner on it and be represented. It would concern me if you went down the street and you have a strip mall with 12 shops in it that would have 12 banners in the right-of-way on the main road coming into town. I don't think that is conducive to what we want the entrance of the town to look like and I don't know what the answer to that is --maybe so many square feet of banner per linear foot. Have you guys discussed anything like that? The senior planner said they have. Depending on direction we get from Council tonight, we have discussed some ideas to create allotment; we'll have to do some research, but based on maybe the linear footage of the property or something like that. Councilman Wilcox said so you don't really have all the recommendations tonight for some of these problems? The senior planner said they want input from Council tonight and direction and then we are going to take that, depending on what you tell us, and go back to our planning board and hopefully bring something back to you.

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

Lisa Wilkins, property owner of 1204 and 1206 N. Lake Park Blvd., said she will probably give a different opinion of what is going to follow behind me. My husband and I built that building a few years ago when sign ordinances were different and we happen to take a lot of pride in our property. We make all our tenants get the same kind of signage because we want the town to be nice. Unfortunately times have changed. We do live in a resort community and we only have four or five months out of the year for our tenants to make money; and if our tenants don't make the money, we don't get our rent. If we don't get our rent, we may not pay taxes.

The reason why I'm here is for a couple of different reasons. I spoke with Jeremy and everybody. What happened was in May of this year I received a certified letter with a violation notice. At that time, it happened to do with Michael's two flags that he has out at Cross Bridge Village and it only addressed, at the time, Michael's flags. Michael got the same letter and he went to the town and took out a banner permit and a flag permit and unbeknownst to me at the time, I thought the problem was rectified. I get a letter in June and have a \$1,700 fine; and in the letter, it now tells me about our other tenant, Bobby McConville, who owns Pleasure Island Carpets, about his banner but I did not

ever receive the first violation on Bobby's. So my biggest gripe is who is responsible? Am I, as the owner of the property, responsible for somebody else's property because to me if the Health Department went into Michael's and had a problem with them they are not going to come to the landlord of the property and this is their property. If I am going to be the financial end result, then I only want the correspondence coming to me, the correspondence from the town or planning and development, should only come to the person that is going to be responsible. It can't be both ways because if my tenant hides something from me, how am I going to know? As far as Kelly Medical, they were contacted by somebody from planning and development and I wasn't even notified of that. They complied right away and took down the one flag that they had. On another note, because we weren't notified of Kelly Medical and because he complied with the request from the town, a little bit of the gripe that I had was that the name of Kelly Medical is called Kelly Medical and Herb Shop. There is no possible way to fit all that on one flag. One of his flags, they were tastefully done, and he needed two flags and that was the only reason. So now he is out there alternating signs to appease the town. The other thing is, I don't know what would look worse, a lot of empty buildings and storefronts or temporarily giving our tenants what they need during the time because they need to make the money to carry them through the winter.

Mayor Macon asked how the notifications are sent out. Do they go to both, is that what we're doing? The planning director said it's a shotgun approach, to be honest. Based on the rewrite of Article 19, which is our enforcement ordinance, we can go after the tenant, the owner, the actual person who constructed the sign, everybody down the line. We typically hit the person who is responsible for putting the sign up which is usually the tenant or the owner. In your case, it would be the tenant. That is typically what we do. It is my understanding, you correct me if I am wrong, but I would hope that we did not send you one citation for whatever the number was you mention, \$1,700 - \$1,900, without any prior notification. Ms. Wilkins said she got one violation letter in May. The planning director said that is not usually the case. Ms. Wilkins said, when she got the \$1,700 fine, she called Ed and Jeremy and we sat down with them with all the tenants and then Ed called me back to tell me that it was going to be here tonight and then, of course, all the tenants are here. With today's economy and, then, I did speak to Gary one day when I was there and he said the clock is still ticking. There has to be a happy medium. Our two shopping centers, I don't even know what the road frontage is and to allow one banner, then you are discriminating against ten other tenants. I would not allow ten banners on the front of the property and I know all landlords are not going to be like that. There has to be a happy medium because otherwise you have discrimination. Michael and Shelly got the banner permit. Bobby has a lawsuit against discrimination because he can prove that his banner that he has out there he got four or five jobs from in one month. Again, what's worse looking, the banners or the empty storefronts?

Mayor Macon said, you're right, there is a happy medium to be found here between gaudy and trying to make things work and still look presentable. That's going to be a tough one.

Ms. Wilkins said we have ordinances and people who have to take out building permits and have plans. There should be some kind of diagrams. I just found out about this directional sign. Directional signs in and out of our parking lot, that's just a way for somebody to get in there and legalize it and not even have to take out a permit. I know with our tenants it's not about the money to take out the permit. It creates revenue for the town. Mayor Macon said we have relaxed the regulations and the 25% of the face of the building, that's a lot of signage. Ms. Wilkins said, personally, she would rather see a banner out on the street than a banner on the building.

Michael McGowan, Michael's Seafood Restaurant, said there is a little issue going on here. I've dealt with Ed and dealt with little Jeremy and I'm not real happy with them to be honest. Ed, I like, I've never dealt with Gary yet. Let's talk about some of these boring citations that Lisa got. I got one that Jeremy threw in my face when I came over here. First of all, it was not certified. I was out of the country at the time, here it is, the letter is not certified. It was dated on the 16th of May. I wasn't back in the country until the 25th of May so I didn't even open it until then. Then I received certified mail that tells me I'm getting charged this amount of money. At that point in time, my wife Shelley, who is here with me tonight, came over here, as we do, we're not here to cause problems, we're here to make money for this town; I'm here to promote this town. The first thing I said on TV was I'm here to promote this town when I won the national championship for the third time. I do a lot of things for this town. I take care of police officers, firemen and a lot of people at that restaurant; and when I get thrown in my face, like Jeremy tried to do to me, I don't appreciate that. My wife came over and talked to Ed, had a meeting with him, and he said all you have to do is take out a flag permit and a sign permit to verify what we have. That's all that was said. We did that. We wrote the check out and the check was cleared and cashed. What does that tell you when it's cashed? That means it was approved to me. As of June 2nd that check was cashed so that proves to me that these guys approved it. I never thought another thing about it. Miss Lisa get's a \$1,700 fine for my banners that I had permits for that you guys cashed a check for. You had no problem cashing that check; you had a problem with not telling me anything else. We need to come to that happy medium. I don't know what he's thinking about with the strip mall like that, you've got to work together, you've gotta do this, you have it one day and I have it the next. Get real; it's not going to happen. We live at the beach and like Lisa says - I've been here 15 years doing this business and if you don't make it between June and August, this town is going to shut down. You're going to just shut it down, I guarantee it. If you are going to be hardnosed about us just putting a little flag out there to bring people into our restaurants, bring people into Bobby's place or wherever, then we have a problem. I also came in that day to Jeremy and I brought, I don't have it with me because I gave it to Jeremy, but I brought pictures and my banner, all five different ways, everything for him, filled out the permit, took the permit with me and he just threw it in my face and I didn't care for that. So that's my situation, I have all the documents, I have everything right here. If we need to talk about it outside here, we can.

Mayor Macon asked Ms. Wilkins how many units are in her place and she said five. He

asked what do you think would be the right thing to do with five businesses? Five banners?

Mr. McGowan said Ed tried to tell me that I couldn't have it no more than three feet off my building. What am I supposed to do, put it on the sidewalk or in the parking lot? That little passageway that we have there is their land, that's part of their land.

Councilman Wilcox asked what is his suggestion. Mr. McGowan said he thinks we need to come to a happy medium instead of pond nosing us on this thing. One place has seven flags up in front of his place; the go-cart place has eight flags.

Councilman Wilcox said we're trying to find a resolution, can you give us some input.

Mr. McGowan said he came to the right people with paperwork, with pictures, with documents before anything even happened.

Councilman Wilcox said if something happened along that process, I apologize. With regard to Joel's question, we're looking for a resolution to the representation for the businesses along the street.

Mr. McGowan said he thinks they have to come to the right people, with the documents, with pictures, with exactly what you have put up at that building and where it's going to go and it has to be approved at that point in time. Not thrown in your face.

Councilman Wilcox asked if he is suggesting that each of the five businesses would have a banner out on the street. I guess that's the kind of stuff I'm trying ...

Mr. McGowan said your interpretation of a banner is different than my interpretation and his interpretation is totally different than all of ours.

The planning director said staff's interpretation came from a committee meeting that, unfortunately, I don't believe you were a part of. You were invited to it. We invited as many people as we could. Councilman Lewis conducted this meeting in May of 2010. We invited every business person; we put an advertisement in the newspaper trying to solicit people's input into a brand new sign ordinance. The whole focus was simply on the issue you are complaining of right now. The issue was a temporary allowance for signs. That's what it was all about and we tried to be as fair as we could. We got as much input from the business community as we could muster. We came up with an ordinance that I thought was adequate. Is it fair to everybody, absolutely not, but at least it gets us further than where we were because where we were, sir, was we had one allowance for one banner. This was just a year ago. That was for grand openings and grand openings only. After that grand opening was over, for four weeks and that was it, then it had to come down. Now we have gone major strides, at least for the appearance of the town, to try and keep things under some semblance of esthetics. That is somewhat important, I thought, to the town.

Mr. McGowan asked him if that is his opinion or Council's opinion. The planning director said no, that's Council's. That is why this question is up here on the screen tonight, are you satisfied with the appearance of the town today.

Mr. McGowan said coming from your office to me is the problem. That's what I'm trying to say. It's not coming from Council. The planning director apologized if there is an attitude here because that is not what we're trying to communicate. Mr. McGowan said that is what he's getting from your little boy Jeremy. The planning director said they don't want his money, don't want to hassle with him. What they want is simply compliance with the current ordinance.

Mr. McGowan said he agrees. (Inaudible) from Council, not from them.

Councilman Lewis said in the meeting we had in May, we really didn't have much representation from the...three or four of the major, I'm not going to call you strip malls, where you have multiple businesses in one building structure. We looked up those areas but there was nobody who was a champion for those so we kind of just sat there. I wasn't happy about the fact that we were doing one on one building, it didn't make any sense to me, but that's the way the thing just kind of fell. From my opinion, if you have five businesses I see no reason why you can't have five banners out there, each business have representation. And you have that grassy area that's not right on the highway and is actually separated by other places so it's not right on top of the highway. I'm satisfied with the way the appearance of the town is but I am also open to driving new business or we're not going to have any businesses here.

Councilman Wilcox said, just so you know, the sign ordinance doesn't just affect you guys, it affects everybody. I have a four unit building down on Lake Park Blvd. with four units for sale but I can't put four for sale signs out. I should be able to do that especially once they are all sold and each one of those owners wants to sell their unit, you'd think they should be able to put four for sale signs out. Everybody gets affected by it and we're just trying to figure out something that will find a balance here.

Ms. Wilkins said everybody's definition of a banner - a banner to me is a banner. What Michael has to me is a flag. So, what is Michael's? If you're going to classify it as a flag well then you can have the American flag but that is affected to. What's the definition of a banner? A banner to me is something that goes straight across.

The planning director said we have a definition and it is made out of fabric and that is basically it. We have a definition of a flag sign as well. You can have a logo on a flag sign like McDonald's does on top of the flag pole. Our banner is pretty clear in the way it is being described by definition. American flags, as Mr. Bigley would attest to, you can have those all day long. If it says Go Army on it or any wording on it, it automatically becomes a sign. That's the way our ordinance reads. You can have all the flags you want of all the colors you want with no words on those or symbols on those like

crabs or sand dunes or anything like that. You can have multiple colored flags all the way down the road and there is no regulation on them in the town.

Mr. McGowan said there's the problem, talk about gaudy-looking, now we're really talking.

The planning director said if you have solid flags they would not be considered signs.

Councilman Lewis apologized for any staff attitude and behavior on your part or any business' part. I have seen a bit myself years ago so I know it exists. No staff members should be treating anybody, any residents or business owners, like that.

Randy Wood, Red Hotz, first thing I want you to do is look at Section 11.7, paragraph b, would you interpret that for me Mr. Attorney? Mr. Coggins said if I had it in front of me. Mr. Wood read, "Flags and insignia of governmental subdivisions, agencies or parties, when displayed for patriotic purposes and not intended for commercial promotion. That is an allowed flag." He said Army, Navy, Air Force, Marines, POW's, MIA's, that's wording on flags. Gary, you just said if it had wording on it that it wasn't permissible. The planning director said he did. Mr. Wood asked what is on his lot, his gaudy lot. The planning director said he has a variety of flags.

Mr. Wood said he has a U.S. flag, two welcome flags, and the rest of them are military flags. Does anyone want to contradict that?

Councilman Lewis said no, he loves his flags.

Mayor Macon said are they following the ordinance is the question I guess.

Mr. Wood said, yep, they're following the ordinance. The two signs I have hanging out front, I have a Red Hotz with the logo. If you look in here also it says you can have an entrance and an exit sign for each. That's in paragraph (inaudible) "Freestanding or text signs denoting entrance, exit and parking may contain the business name and/or logo." There are no specifics on size. And it says entrance on one and exit on the other one.

The planning director said without a logo or without any wording on it. Let's go back to your definition...

Mr. Wood said, no, it doesn't say without. It says may contain the business name and/or logo.

The planning director said, let's go back and reexamine our definition of what a sign is first.

Mr. Wood said it's a flag. What I've got is flags and two signs, an entrance and exit sign.

The planning director said when you look at our definition of sign, I think this is where staff is coming from, our definition is extremely broad. Now you may not like that. The definition of a sign is any surface, fabric, device or display which bears lettered or pictorial or sculptured matter including forms shaped to resemble a human animal or product designed to convey information visually and which is exposed to public view. That is our definition of a sign.

Mr. Wood read the term sign shall include all structural members. Does that mean my chain link fence is a sign?

The planning director said if it is attached to it, yes. Do you have banners on your fence that say rent?

Mr. Wood said no.

The planning director asked what is on those yellow banners.

Mr. Wood said his yellow banners say, Red Hotz Beach Rentals and if you look in the upper left hand corner it says entrance. It's my entrance sign.

The planning director said it's over 2 feet.

Mr. Wood said there's nothing here that says it has to be two feet, I just read it.

Mayor Macon said there is a size limitation but I've got a question. Once again, the flags that say Army, Navy, the question is the section he quoted they're there.

Councilman Wilcox asked if they are exempt.

The town manager said they're an animal in my opinion that probably they could be exempt, that's my opinion. Or they could be brought in the broad part too. In my opinion if they had been American flags or Army, Navy or whatever that's getting out there for enforcement measure. What I would like to do for this discussion is we're not going to resolve these issues tonight or their issues. I really would like to get a broad picture of what we're talking about doing. Do we want to make changes to the sign ordinance, do we want to have what Gary mentioned at one point, just have prohibited signs and nothing else and allow signage to be whatever? This is kind of where we're at. As a community, what do we want our street fronts to look like?

Mayor Macon said he understands the (inaudible) thing but this is something we can solve right now. Mayor Macon said please read that section again for me. Mr. Wood asked which one. Mayor Macon said the flag. Mr. Wood said the flag definition...Councilman Wilcox said we didn't advertise for that I don't think so I don't know if we can solve it or not. Mayor Macon continued we can solve it because the ordinance says you don't have to advertise anything.

The planning director read the definition for a flag, "A flexible material such as cloth, paper, plastic, and typically displayed on a flagpole."

Mayor Macon said he was talking about the one...Mr. Coggins said the American flag definition.

Mr. Wood said, "The flags and insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes."

The town attorney said so the question is, is a sign that says "Go Navy, Go Army" an official insignia of a governmental body? My guess is it is not. My guess is you would not be able to show me a U.S. Army regulation or statute anywhere that says if something that says "Go Army" is an official designated flag of the U. S. Army.

Mr. Bigley said it doesn't say "Go Army".

The town manager said it doesn't meet the intent of that definition, I don't believe it does fully.

Councilman Wilcox said he knows the POW sign says POW on it, that's a standard sign, so how would you look at that?

The town attorney said he didn't know but thinks that it is an officially adopted flag symbol of our military that applies to all the armed services, not just a particular one. He thinks you can find a congressional act adopting that particular flag.

Mr. Wood said also under 11.7, paragraph 3, it says there is a limitation on quantity of one flag per each 25 feet of property. It don't say property frontage, property signage, it says per 25 feet of property. This was pulled off the Carolina Beach website. 11.7 under b, paragraph 3.

The planning director said that is not a current ordinance.

Mr. Wood said he just pulled it off their site today. How are we supposed to follow laws and stuff?

The planning director said he is not sure what he is addressing. If the owner of the business has a concern before he purchases signs, would you as a business person not pick up a phone or come down to planning and say, hey, this is my frontage.

Mr. Wood read where it says one flag for each 25 feet of road frontage.

Councilman Wilcox said there's an ordinance that's supposed to be online that every time a change is made that change gets posted online and those changes add up and eventually

those changes find their way into the ordinance but not all of them go there immediately. So, you can pull something offline that doesn't have the current adopted...

Mr. Wood said then why don't you get some of these people that are riding up and down the street looking for these flags and update the website.

Councilman Wilcox said you just asked why that is and I'm trying to explain it to you.

The senior planner said this is actually an ordinance that was on our website in 2006 and it's on the old website and we've been trying to get it removed. Our website has the new one. We redid our website several years ago and evidently it's still up.

The town manager said a lot of times if you Google stuff it will pull up old stuff, old information.

The senior planner said that regulation is still in there for patriotic flags every 25 feet of frontage.

Mayor Macon said anytime you want to put up something that's a flag or a sign, you would definitely not want to buy the sign or the flag until you came and talked to the town. That would be the smart thing to do. He asked staff to get Mr. Wood a copy of the new ordinance.

Mr. Wood asked if they could get someone to update the website. He said it was on the carolinabeach.org, just looked at it today.

Mayor Macon said the correct one is up on our website.

Bobby McConville, 110 Sugarloaf Court, owns Pleasure Island Carpets across the street at 1206. When I look at all those pictures, when you break them down into those little pictures that he made, it doesn't really give the full spectrum of what you see going down the road. So, to use those pictures as the perspective of how it actually looks is a distortion. When you take one angle and place all the signs at some weird looking angle, it might not necessarily look that way when you are actually riding down the road. I think the more signs the better. People are attracted to signage and we're all running businesses here that we want people to come in and see. Yes, I'm in a strip mall or a shopping center. I think it is very nice and kept up well and I think we should have banners and I think that what we have right now isn't really working. It's obvious. When you put up how many times we've changed this since 2003, I'm like, wow, you guys are really doing your job because there is a problem, you go back, you look at it and you try to revise it. And every time you've revised it, something comes along like maybe some new technology or some bigger strip malls, you go back and you fix it. And no matter what happens from this point on, I guarantee you in 2-3 years we'll probably be back in here going we need to revise what we did just 2 or 3 years ago. That is part of growing as a community. I think there is a lot of confusion between the flags and the

banners. It's our summertime, we need to maximize our profits as much as we can and temporary banners and flags definitely help that. I opened up my retail shop in April 2010 so the banner situation in May, the workshop, wasn't on my radar. I'm sorry that I missed out on that because I would have liked to help come up with a solution for that. I think that right now I would like to see the Council just put a moratorium on the particular maybe flag and banner ordinance, let's get through our summer, let's maximize our profits and kick it back to P&Z. I'm sure everybody that's here for this situation can come to P&Z and get together, work as a community and come up with some better solutions but maybe in 2 or 3 years we're going to have to come back and redo it again.

Mayor Macon said a moratorium on enforcement, is that what you're saying?

Mr. McConville said yeah, I guess relaxing enforcement of the ordinance until a better one that Council agrees on that works. I would like to see any of the fines that have been levied due to the confusion of the ordinances and between the flag and the banner ordinance, and it seems like there might be a little bit of miscommunication within staff, which, we're all human, we all make mistakes, I'd like to see those fines discontinued but at least temporarily shelved until we come up with a better ordinance through P&Z to bring to Council to say, yeah, this is good, we can work with this. I know this Council and P&Z are pro business and I know most of you have businesses up there so I'm not sweating it. I know we can work this out and I think this was a good discussion. Going through this exercise we can see where our issues are and where we need to point our efforts. Let's put a moratorium on the enforcement, let's get rid of these fines, let us make our money, let's get to P&Z and put our heads together and come up with a better solution.

Duke Hagestrom said he likes some of Bobby's last comments about let's get through the season and then work through the ordinance. He asked them to put the last picture on the overhead. He pointed out that the ice cream cone is merchandise for sale, it's not a sign, so if you would like to buy it. It's within 3 feet of my building and it's available for sale.

Councilman Wilcox said I think that kind of demonstrates some of the issues that we have. As I recall it, when we allowed people to have 3 feet, you can take tables of merchandise and put them out there, that's advertisement. I'm not sure, that certainly doesn't offend me. Staff is enforcing what the ordinance is.

Mr. Hagestrom said we get it and we'd be happy to work with you as we maybe get to the off-season and work through the ordinance.

Tammy Gause, 1117 N. Lake Park Blvd., is with the Carolina Beach Creamery next door. We had flags out, ice cream flags, and we had to remove them because he had told my husband, I didn't talk to him, he told my husband we could put flags up as long as they were just colors. Nothing could be wrote on them. That's what he said. I guess he is in compliance now, we're going to be fined again, I guess. We're unclear on what we need to do. We opened in July 2010. We weren't here for none of the sign ordinances, we

don't know as a business owner the right. You have only several months that you're going to make any money so you have to make it while you can. We do need to get some type of so that everybody can be on the same page because we don't want to be in anyway wrong but we want to make our business too.

Jerry Bigley, 1011 Waterview Place, said it appears to me to have a banner or flag with nothing on it is damn stupid. It isn't doing a damn bit of good. You ain't advertising what's inside the building. Some people need to get their head out of their butts. Also, I think maybe that 25% coverage needs to be increased to 30% or 35%. I don't have to put up with all this crap down in Kure Beach like I do here. They welcome me with open arms because I help the town just like I try to help the town here too. I know I'm getting a little bit of age but I'm not senile yet. Another thing to when you get back to that sign down there at Ocean Blvd., I've had people come into my store at Carolina Beach and say they were frightened that they might get fined or stopped or something. On their traveling, they had to travel that's going to go somewhere down there through Kure Beach and into Carolina Beach and here we are sending them away from us. That's stupid too. Think how much that is interrupting people's plans to come to the beautiful town of Carolina Beach and we're bypassing it and sending their (inaudible) to Wilmington. That's stupid. On those flags, if you can't put no writing on them, get your heads out of your butts and let us put some writing on them. Getting back to dangers and stuff, when you come out of the shopping center there and you go to turn left or right you can't see because there's trees there so I wish you'd get with your man there and have him cut or trim those trees so there won't be an accident. Also down on Charlotte Street, same way. Talking about trouble down on Texas Avenue and places this is fine but you go down on Charlotte Street this is a big problem. I sacrificed property in front of my pancake house for parallel parking so why the hell can't the rest of them? Are they better than me, hell no they're not. And one thing I want all you people to know and realize, this is election year, remember that. These other gentlemen here brought up very good points, let's put a damn moratorium on these signs, okay? And I agree with the man from Michael's, Jeremy always gives me a bunch of crap too. You're wasting gas money checking signs. It's so much nicer to have someone call on the phone and say Mr. Bigley you have a sign out there that just isn't right, could you come by here and let's talk about it, instead of wasting town money and sending out a registered letter, unless it's a town ordinance. I don't know whether it is or not. Let's just try to be nicer to each other. Please think about a moratorium for the rest of the year.

Jack Kelly, 215 Lumberton Avenue, has owned Kelly Medical for 15 years. We are not driven by the tourists. We are a 12 month business for medical equipment, gear and supplies. People need to find us and now we have just spent \$15,000 to join Medicare and Medicaid to keep our business open, we have to bring these people in. They have no idea where we are. I chose Carolina Beach as the place to run my business because I love Carolina Beach. Due to ordinances because of warehouse space and how warehouses are made and where they are placed, Jim was able to secure a warehouse for me and build a beautiful facility for us as well and that's home for us. So when I began seeing flag signs up and down the highway, but not at Carolina Beach, I decided, wow, what a wonderful

idea to bring people in. I was compliant with you first before I bought the sign, my flags, I came to you and asked you is there a sign ordinance and how much money does it cost? And you guys make money on each one of those flags, at least you're supposed to. I've been charged for my flag. We're called Kelly Medical and Herb Shop. My wife, Diane, owns the herb shop side. So to get people in the herb shop we have to have Kelly Medical and Herb Shop flags out there. I paid my dues, I paid for my flags. They flew, I don't know when the permit was actually made but was probably sometime in September/October of last year. I flew those flags every day, no complaints and then just recently I was asked to take one of my signs down. So we alternate the signs, one day I'm Kelly Medical and the next day I'm going to be Mr. Herb Shop. Well that's confusing to my people. It's confusing to my tractor trailers coming in delivering freight because they can't find Kelly Medical. I take my flags out in the morning at 9:00 and back in at 5:00. That's how I run my business. I know some of you cannot do that. I look at this whole sign ordinance and it reminds me of the old song back in the 60's, Signs, Signs, Everywhere Signs. That's a good thing but we're getting too caught up in charging for signs, you're making money on us. Do you have a record of how much money you have made on all these signs? I have no idea, but I know how much I paid for mine and everybody who is putting signs out should be paying for their signs. Do you agree? Bobby had a great idea, let's just hold it down right now and let us put our flags back out for the summer and then come back in here and roll our sleeves up and get the job done and take care of some things. I think we all can come, as business people and Council, with a happy medium for everybody. I really believe that.

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

Councilman Lewis made a motion approve the ability to have a fabric sign as a permanent sign, Ordinance No. 11-871 (Exhibit 3) and that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

Mayor Macon said he didn't know the right way to do it but he is definitely willing to waive any fines that have been assessed and definitely willing to put a hold on enforcement until we can come to some kind of conclusion. I don't know about the rest of Council and I don't know how we would go about doing that.

Councilman Lewis said he is in agreement with the Mayor. It's a difficult situation. The reason Kelly Medical probably hadn't heard anything about the flags you have - we have this unique thing called reactive enforcement which means that we really don't enforce things unless somebody says, jeez, I had a flag, he has two flags and I should be able to have two flags. Or my neighbor says I don't like what he's doing in his yard - that's how we work here which I don't like, period. I think it's ridiculous but that's why 6 months later you're kinda hearing about that. But I agree, I think we need a moratorium on it. I would like to sponsor another workshop and bring the business owners together but we have to get through the summer. Get together in September or October, sit down and talk about it and restructure it. I'm open for additional signs where we need them and get

everyone to agree with it. We might do this every two years just like Bobby said.

Councilman Lashley said he thinks they have at least three votes to put a moratorium on it. We are pro business and whatever we can do to help, we should do it. As far as the fines, I'm not crazy about the fines at all.

Councilman Wilcox said he wants to speak to the general tone here because you're looking at probably one of the most pro business councils that I recall in my time in this town. So when somebody gets up here and says we're trying to put people out of business or it's an election year and you're not getting away I find that a shame because we have worked our butts off to make this, to improve our image here, make it a place where people want to come, to put more people in this town so that more businesses have the opportunity to do more business. That's what the whole center of everything at the boardwalk, which have moved out to the highway business district, there are more businesses open, less empty buildings, more people coming here and to suggest that we're not pro business I think is just inaccurate and I am proud of that because that is what creates the balance between our residential and our business sector and make us a community. I will continue to do that and will continue to try and work through these issues. I have no problem if someone wants to make a motion for a moratorium while we work through these matters. I just caution you, my initial thoughts on signage where you have a storefront and maybe there's 5 or 6 stores on a strip mall and one person puts a banner out, that person has an advantage. They're probably going to see some activity because of that banner. But when all 5 or 6 people put banners out and that happens everywhere, it seems to me that advantage is diminished but other people feel differently and I'd be willing to flow with that. But we have spent hundreds of \$1,000 of dollars on our landscaping, on our entrance to our town, our new lights, our roadways to make this an attractive place when you drive into our town and whatever the resolution might be I would hope that everyone would understand that that's important to maintain as well in addition to the businesses being able to do business and all of those things - here is where the balance comes. I'm sure we'll find something.

Mayor Macon said you guys have businesses, you know the traffic has increased; you know that things have improved over the last years, and it is getting better and with that comes growing pains. We're not perfect and we haven't always made the best decisions in the world but, like Dan says, we have been pro business and probably one of the most pro business councils in my memory of 25 years and association with the town. Do I like everything we have become, maybe not? We do try hard to do the right things and we are listening. I do caution taking it too far and if you did buy stuff and you didn't check with the town, that's not smart business. There's tastefully done and then there's excessively done and I think everybody needs to take other people into consideration when they're doing stuff. I think that's what we should all do. Some people are going to not really care about what is in the best interest for the whole community, necessarily, but it was in their best interest sometimes and I don't think that is necessarily a good thing.

Councilman Lewis made a motion on the moratorium on the sign enforcement

ordinance enforcement until we can reconvene with a workshop and then move forward with new recommendations for 2011. I would also like to conclude that we also review all fines over the last 3 or 4 months, or whatever it may be, on these signs that were in violation and we consider cancelling those fines as well. It should be on banners and flags.

Mayor Macon asked if he wanted to specify on what the enforcement that you don't want.

Councilman Wilcox said he thinks that is important because we don't want to suggest there is a moratorium on the whole sign ordinance. I think it pretty much has to do with things we're discussing here tonight, correct?

The planning director said there is a question, too, from staff. If we start seeing banners placed on tops of roofs or we see them in the right-of-way.

Councilman Wilcox said there's his problem. He doesn't think we can waive enforcement if there is an abusive situation going on out there, we need to address it.

The planning director said that staff needs to get clear direction on what we consider abusive. We need to know where the line is because, as you know, we brought an issue back to you with the Harris Teeter allowing for future signs and one of our recommendations was should we not come up with a program for just listing prohibited signs. We brought that to your attention last time and Council was reluctant to adopt that. It was a prohibited sign saying you can't have them on sidewalks, you can't have them in the right-of-way, you can't have them on wheels and you're going to limit your maximum square footage per site to X. We talked about that. That is why when Ed presented the program tonight, we are getting as frustrated as these folks are. We are caught in the middle between what Council would like to see as pro business and what staff would like to see as what we thought we heard direction on at the last meeting. I'm sorry I'm getting a little emotional about this but to me it just sounds like we need to find some middle ground and when someone says no enforcement on sign regulations, I'm wondering if you're going to be prepared for what you see.

Councilman Wilcox said he agrees with him and I think we need to identify what it is we are going to relax here.

The town manager said he used to be a zoning enforcement officer and still am today. When I ride down the street I look at signs and to say you are not going to enforce a law, I've always had a concern with that if there's a law on the books, it concerns me. The sign ordinance isn't perfect and we probably do need to tweak, it if that is the way Council wants to go, but we have an ordinance in place, we've had public hearings and it just concerns me that now we're going to open it up and then who knows what folks are going to do and then you have to rein that back in when you finally make a decision. We're just making too many decisions on the fly in my opinion. We have a sign

ordinance and to say you're not going to enforce it, I think that's ...

Councilman Lewis said we don't enforce it all the time. I'll bet you I can go out and find 7 or 8 businesses with illegal signs and for whatever reason we decided not to go after.

The town manager said staff realizes Council is not supportive of some of the things that are out there. We're being the bad guys but there's an ordinance in place and we need to change the ordinance. We don't need to be the bad guys. The ordinance is what it is and we need to enforce it.

The town attorney said the comments he was hearing tonight seem to do more with the content of the sign, what's displayed on it, as opposed to say its size, as opposed to say its location. If that's true then staff probably should feel free to continue to enforcing with respect to size, location and whatnot keeping in mind also, I think, that rule no. 1 is public safety. Obviously you wouldn't want to have somebody during a moratorium do something to endanger the public. Obviously, staff feels they should do something about that. But it seems that what I am hearing, particularly when it comes to banners and flags, the only comments that I heard tonight was what is the content.

Councilman Lewis said and as it relates to shopping malls that have multiple businesses, the number and content.

The town attorney said that helps a lot. If you are going to give staff direction on a moratorium then, I think perhaps it would be helpful to whatever direction you give them as regarding flags and banners in terms of number.

The planning director said they never had regulated the content of the message.

The town attorney apologized. By the content he meant, for instance, a flag, an exemption from the officially adopted flag by a government, as opposed to say something that says, Rah, Rah, University of Florida.

Councilman Wilcox said back when we looked at this banner thing first, we did say, let's stop, on the banners, and let's hold off on enforcement and give us time to come up with an ordinance.

The planning director said (inaudible).

Councilman Wilcox said, right. We went to work on it right away and I really think that's what we should do as well. Either one or two or three things we have identified clearly here vs. saying we're just not going to enforce the sign ordinance. If other people take advantage, and I'm not suggesting that it would be these folks, but then you're going to have to pull all that back in and rein it in. Can we identify what it is here, the three items that we're wanting to ...

The planning director said I think it's temporary signs, it deals with keeping temporary signs on private property only and, I think what I hear Council saying is let's not regulate the number of signs because that is what seems to have the ire of the business community because they have multiple signs when only one is allowed. So if we go with those three items, I think we are closer to where we want to be in terms of a moratorium. Is that what your motion is going to contain?

Councilman Lewis said he would use those three items as long as it doesn't affect the public safety.

Councilman Wilcox asked the town attorney if they are allowed to do a moratorium without an advertisement.

The town attorney said this is not a zoning amendment, this is simply relaxing the enforcement.

MPT Efird said staff is catching flak because we aren't making it clear and the summer is almost over and we definitely need to give them some reprieve for the rest of the season. We've been doing signs for 25 years in this town and we've had so many problems with signage and what we should and should not allow and every couple of years or so we have to change every ordinance on signage. I don't guess we'll ever really get it right, to please everybody or to make it equal for everybody but we certainly need to take a good look at it so it can be fair to entice the people to come into our businesses and to at least be able to get some kind of advertising out. I've always believed in signage but I think it should be regulated and I think it should be good signage and not some of the trash that we have had on this beach.

Councilman Wilcox said it is going to take two months to get this back around, at least, right? So that will get you through the summer but we are going to start on this, get it over to P&Z and right away staff is going to do something.

The planning director said yes.

MOTION CARRIED UNANIMOUSLY.

Mayor Macon said he would like to apologize if any town employee is being rude. Not to make excuses, but I've been a government employee since I was 23 years old and I'll be 50 in January and it does wear on me sometimes and sometimes I don't show the best behavior as I should representing the entity that I work for as a government employee. It does wear on you but that's not an excuse. I expect a certain decorum, I expect a certain helpfulness and you guys know that and thank God I wasn't there to see something that wasn't because I would not have been a happy camper.

MPT Efird said that's the reason you got let go at Carolina Beach and had to move on.

Mayor Macon made a motion to take a 5 minutes recess. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING - CONSIDER AMENDING ARTICLE 3.8-1 TABLE OF PERMITTED USES AND ARTICLE 12.2 DEVELOPMENT STANDARDS FOR PARTICULAR USES, TO ALLOW BOAT SALES AND RENTALS IN THE MARINA BUSINESS (MB-1); CENTRAL BUSINESS (CBD); AND TOURISM (T-1) DISTRICTS

The planning director presented. He said what's on the agenda tonight is a public hearing to consider an amendment to the MB-1 which is the Marina Business 1 district. That district is in the light blue color down on the water of the Myrtle Grove Sound. The district currently does not have an allowance for boat sales or boat rentals and with that we thought it was an oversight so what we did is request this public hearing, on staff's part, to allow for this use to be established in the MB-1. The CBD and the T-1 zoning districts are the two zoning districts that the Planning and Zoning Commission recommended it be established in as well as the MB-1. It's already allowed in the Highway Business and the Industrial zones. With that we are going to consider this evening a public hearing to allow for boat rentals and sales, which includes personal watercraft or jet skis to be located in Myrtle Grove Sound or in the MB-1 zoning district.

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

No comments were made.

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

Councilman Wilcox made a motion to approve Ordinance No. 11-870 (Exhibit 4) regarding boat sales and rentals in the MB-1, CBD and T-1 zoning districts and that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND DIRECTION REGARDING THE FORMATION OF A COMMITTEE TO REVIEW OPTIONS THAT THE TOWN MAY HAVE REGARDING THE PIER/PARK PROJECT

The town manager said this was an item that Councilman Lewis brought up so I will let him take the lead. I did provide a memo with just some ideas.

Councilman Lewis said we are looking at \$4M of property that is sitting there with an

unfunded pier project that may never get funded from the state. We need to start to build the strategy to at least reduce our downside risks. The benefit that we had, thanks to Tim, we've actually gotten \$250,000 in funding, some grant money, but that's not going to cover \$4M and all the things you want to do. So the idea here would be to form a volunteer committee with residents and a chairman to kind of review all the other things we could do such as identifying funding sources for the project. We could maybe review our current conditions along with its associated costs and a number of these items. The idea here is that we now have an option to start to at least move the town towards when this thing doesn't become unfunded to just sit there as a \$4M white elephant with no value to any resident other than the person who is renting the hotels off of us. That's the only value anybody is getting out of it. My idea is that we should get cross section of people together. I think a seven member committee, if we could find that in the community, and then let that committee start to work together to come up with some options that we could take a look at, maybe have a partial park, maybe sell some land off, options we should start to consider today that we don't have right now in front of us. If we're going to keep going down the road and funding this at \$400,000 a year, we're going to be putting a lot of money into this thing which may never come to any value to the town.

Councilman Wilcox said it is time we started looking and at least trying to see what options are available to us.

Mayor Macon said we have some unused parking, too, that's revenue.

Councilman Wilcox said he questions, and he's not saying it's wrong or a bad idea, but he questions at this time getting a new committee involved is the right thing to do. This is a \$4M plus project that Council committed to and we don't even as a Council, at this point in time, have a good grasp for some of the options and technicalities and things of that nature. I think it is incumbent upon us to do this and maybe have a couple of work sessions and maybe work through this prior to handing it off to a committee or, at a minimum, that committee should be comprised of a couple of Council members rather than just handing it off to a committee and saying come back with what you come back with. I'm just not sure it's the best way to go about it. I think maybe a hybrid or maybe Council doing a little bit of research and giving that committee a little bit of something to work with so when they get it they're not just sitting there saying what do we do now.

Councilman Lewis said he wants to include Tim because he has a lot of good ideas that we talked about. His concepts are somewhat similar to mine in that if we are going to look at value, what could we do to make value of this thing if we don't get funding?

Councilman Wilcox said he agreed. It's an important project and expenditure and we have a staff member, Council member liaisons, people involved in other projects that are almost valueless to some degree compared to this. This is important and Council really needs to stay tuned in on this and do a little bit of the initial work before.

The town manager said the town attorney has a good background on some of the legal aspects of it as well, too.

Councilman Lewis he knows there has been some public comment, but he doesn't really believe that this is not a commitment by us. When somebody gets up and says you guys can walk away from this tomorrow, he doesn't believe that. He doesn't think it is good for the town to walk away from it, walk away from the note. We've had some people say all you have to do is stand up, walk away from that note, let that property go back to the bank and let those guys figure it out. I don't think that is a good thing for the town to do period.

The town attorney said he is correct.

Councilman Lashley said he thinks they already have a committee right here, CBP3. It is if you want to think of it, it is a committee of five people. Let us take a look at it and come back to Council. There're two Council members on that group.

Councilman Wilcox said he thinks it deserves the attention of all the Council.

The town manager said how about we start with a work session, we'll try to arrange one sometime in August when the summer starts winding down. Have a work session and then maybe kick it off with another committee or have another joint session.

Councilman Lashley said we don't need another committee, we have CBP3 and to me that is a committee. Bring them to the work session.

The town attorney said, for whatever it's worth, the relationship is very similar in some ways to your committees. Yes, you do have a board, CBP3, but it was Town Council, in setting up the articles of the corporation and the bylaws, that set up the procedure for the appointment of those members for that board. So a joint meeting of Council with the CBP3 board is appropriate and, after all, CBP3 stands for Carolina Beach Public Purpose Properties.

The town manager said they will find an appropriate date and try to arrange that, maybe talk about it at the meeting we're having in August to set another date.

REVIEW AND CONSIDER APPROVING BIDS FOR WORK RELATED TO THE CAROLINA BEACH MOORING FIELD

The senior planner presented. He said they received five bids on Friday and they are really all across the board so there's not a lot of detail that went along with the bids. What they would like to do is go back and try to talk to the contractors. The costs were a little bit higher than they were expecting and would like to find out what is driving the costs, whether it is related to the design or the mobilization to start construction and what they would like to do is come back with the final recommendation.

The town manager said they anticipate the grant to be \$60,000. The bids ranged from one that didn't qualify and it was about \$74,000. The winning bidder, if you were to accept the bidding, at \$126,000. The rest were \$164,000, \$227,000 and \$260,000 so they were significantly over the bidding anticipated. What we're going to do is look at the design and try to figure out why everybody was so high and come up with a method to bring something back to you guys, somebody that is certified and licensed.

Councilman Wilcox said recommended asking the bidders to provide suggestions on ways to redesign or reduce the costs. Sometimes bidders can be helpful to you if you put that in your request.

The senior planner said they were going to sit down with some of the low bidders and find out their recommendations.

Mayor Macon made a motion to continue this item to the next meeting. MOTION CARRIED UNANIMOUSLY.

DISCUSS AND CONSIDER APPROVING THE CAROLINA AND KURE BEACH REGIONAL SEWER AUTHORITY SEWER RATE FOR FY 09/10 AND APPLYING IT TO THE BILLING FOR KURE BEACH AND THE FORT FISHER AQUARIUM

The town manager said the sewer authority met several weeks ago and went through what the rate was or what we thought the rate would be for the 09/10 fiscal year. Every year, once we do an audit, we go back and look at the expenditures and we set the rate based on a formula that's been approved by the town and also the sewer authority. We applied a rate for 09/10 and 10/11 of .5707 cents and that rate was higher at .611 so when you apply that rate and look through the formulas here, the town of Kure Beach will owe us an additional \$2,791.21 for sewer treated by the Town of Carolina Beach. I've given you the actual spreadsheet that we used, we input the expenditures. The finance director did put together the spreadsheet. It shows the rates and what we charged and what the rate should have been over the course of the years. I've also given you sort of a summary of 08/09 and 09/10 to show that they are basically in line with each other and what the rates were over the different years. In 08/09 there were 92 million gallons, almost 93 million, and in 09/10 there were almost 109 million gallons of sewage from Kure Beach. What we are asking Council to do is set the rate at .611 cents and let us invoice the Town of Kure Beach as well as the Fort Fisher Aquarium at that rate.

Councilman Wilcox made a motion to set the sewer authority rate recommended for the 09/10 fiscal year at .611 and applying it for the billing for Kure Beach and the Fort Fisher Aquarium and approval of the fixed rate to 6832.15 per month. MOTION CARRIED UNANIMOUSLY.

DISCUSS AND CONSIDER CONTRIBUTING FUNDS TO THE NEW HANOVER COUNTY PORTS, WATERWAY AND INLET COMMISSION

The town manager made presentation. He said that at the last NHC Ports, Beaches and Waterway Commission meeting the commission expressed interest of billing Wilmington, the Town of Carolina Beach, Kure Beach, Wrightsville Beach for the services that they provide. They did this in the past, 2007 was the last time we were billed; I think it was \$1,000. For some reason they forgot to invoice folks and they want to kick this back up again. There is about \$12,000 they have in that account and it's really used for correspondence, expenses worked through the chamber, the administrative arm of the commission or any traveling that might have to take place for lobbying ventures - all that comes out of there. Wilmington pays in, NHC pays in and they are asking for \$1,000 from the Town of Carolina Beach. We would like to squeeze that in this year's budget if Council would like to consider contributing that to the commission. The commission is doing a lot of work on our behalf. One of their priorities at this point is to get our project reauthorized and contributing authority and there are a couple of other ways to look at it but we're really working hard for Carolina Beach to get renourishment.

MPT Efirid made a motion to approve appropriating \$1,000 of the FY11/12 Tourism Budget towards operating expenditures of the NHC Ports, Beaches and Waterway Commission. MOTION CARRIED UNANIMOUSLY.

DISCUSSION AND DIRECTION REGARDING THE TOWN'S CONTRACT WITH LANIER PARKING

The town manager presented. He said during the budget deliberations we talked about what we wanted to do with parking in the future, whether we wanted to bring it in-house, whether we wanted to keep our parking contract with Lanier Parking or whether we wanted to bid this service back out again. Those are the three options that I see. Currently the town brings in over \$1M worth of revenue through parking, the majority of that being through Freeman Park. Last year he thinks it was \$860,000 in revenue from Freeman Park. Our parking, for the most part, I think we did around \$365,000 last year and it pretty much breaks even with the parking program. Lanier does administer the Freeman Park and they give passes out and they also sit people as ambassadors at the entryway, too. Overall, it's about a little over \$700,000 to \$900,000 worth of net profit that comes in. Obviously, we have spent a lot of money at Freeman Park with police and lifeguard service and cleaning up after patrons. Lanier is asking that we consider a 3 year extension. They detailed, sort of, where their profit margin is. Their profit is basically \$50,000. There are some other expenditures they have that we may not have if we brought it in-house. I gave you some recommendations. My recommendation would be that we keep it with Lanier Parking and instead of a 3 year contract extension I would

want to consider a 2 year contract extension and then possibly bid it out after that. They will have had the service for 5 years. Yes, we could possibly save money but, from a parking perspective, they bring in a lot of things into the town that enhances the revenue stream. They're managing the day-to-day activities without us having to be involved in it other than stroking the check to pay Lanier Parking. We don't have to get involved with any of the hiring and firing or any of that. That's my recommendation and the options, as I mentioned, are to renew the contract or solicit for bids or perform the service in-house.

Councilman Lewis said he has identified and has had people come to him telling people, residents as well as former employees, about service issues, service delivery issues. We've had one of their people really abusing one of our town vehicles being able to drive it all over town. I've personally seen the sighting of it, not just residents. And, on top of that, one of their staff has been using foul language in front of people at the entrance of Freeman Park which I think is a bad overall feeling for any visitors to our community. Also, I have found, and if it is true I will supply you with some pictures, of electronic equipment being down for days at parking lots that we're collecting. So that means those days were not collecting anything because there's no collection going on and there has been significant problems with the electronics of moving information back between some of these electronic machines in the deposits. My opinion is we need to bid this out. It's not good business practice to keep some company the same contract over and over without going out to bid. We can do this thing in-house more effectively and if you don't want to move off and eliminate employees to reduce costs, this might be a way to reallocate resources. All they're doing is collecting money. I would not approve moving forward with anything with Lanier. The City of Wilmington is having complaints about them; Wrightsville Beach has had things in the paper about them. I've talked to two of the council members in Wilmington and they are not really happy with the collection process of Lanier, whether the collections are way behind what they promised the city and they were charging the same rates - collecting at a 65% rate and they said they would be collecting at 85%. I can't think this is a good business practice to renew a contract for 2 more years on a vendor that clearly isn't really providing us that much service for \$310,000.

The town attorney asked if there is a notice of non-renewal and was told 30 days. He said whatever the town decides to do, they need to know what they're going to do for sure by Thanksgiving. And if you are going to bid it out you need to do it well in advance so you know what your options are about whatever decision you make at Thanksgiving.

Councilman Lashley said we should consider taking Freeman Park back in-house and let the meters be with some company. Freeman Park is where we get all the revenue.

Mayor Macon said that could be something for the budget committee to look at.

Council agreed to put it out to bid.

The town manager said he will work up an RFP and put it out for bid.

CONSIDER SENDING A LETTER TO GOVERNOR PURDUE AND THE NC DEPARTMENT OF WATER RESOURCES EXPRESSING THE NEED FOR FUNDING FOR THE DREDGING OF CAROLINA BEACH INLET

The town manager said, from what he understands, there is about \$2M in the state's budget for maintenance dredging of inlets and it is very important that we get in line for those funds. I don't know that they've been allocated or allotted for anybody at this point so what I am asking is if Council will allow me or the Mayor to sign a letter and send that to our governor as well as our state elected officials and anybody else we think might want to listen to us in the plight of Carolina Beach Inlet. Duke Hagestrom, back in 2005, also put together some very good information, I thought, and am probably going to attach that, about the financial impact of the closing of the inlet. There are also safety measures. If the inlet is closed and you can't get out of it and you have a situation in the inlet or on the oceanfront of Carolina or Kure Beach you would have to go to another inlet to try to get out or launch a boat from the shoreline.

MPT Efirm made a motion to direct the town manager to send a letter to the governor expressing the need for state funds to assist in maintaining the Carolina Beach Inlet. MOTION CARRIED UNANIMOUSLY.

CONSIDER ALLOWING PURCHASES OF 2 AND 3 DAY DAILY PASSES AT FREEMAN PARK GATE

The police chief said Kurt sells passes by the day and you have to make it back to the entrance of Freeman Park by 8:00 the next morning to buy another pass. The 4th of July weekend would have been a good opportunity to sell some 2 and 3 day passes and save that. It's also an enforcement problem for us because when you get that many people out there it's hard to check everybody's passes although we have come up with some creative ways to try to do that and have gotten those numbers up. What parking would like to do through us is sell a 2 or 3 days pass with the 2 day pass at \$40 and the 3 day pass at \$50 which would give them a \$10 break for the 3 days. They think that will probably generate more money and will probably help the people who don't buy the passes that sneak by us because when you get that many people out there you just can't check them all. It would also cut down on our traffic.

The town manager said they would also be able to bring in that \$50 pass and buy a \$100 or \$60 or year-round pass too, possibly.

MPT Efirm made a motion to approve the 2 day pass at \$40 and 3 day pass at \$50 for Freeman Park. MOTION CARRIED UNANIMOUSLY.

APPROVE MUTUAL AID AGREEMENT WITH NEW HANOVER COUNTY, CITY

***OF WILMINGTON, TOWN OF KURE BEACH AND TOWN OF WRIGHTSVILLE
BEACH CONCERNING LOCAL STATE OF EMERGENCY DISASTERS***

The town manager said this allows us to coordinate when there is a disaster or an emergency situation.

Mayor Macon made a motion to approve the agreement. MOTION CARRIED UNANIMOUSLY.

***SCHEDULE A WORKSHOP AT THE CAROLINA BEACH FIRE STATION TO
DISCUSS AND SEEK DIRECTION ON THE EXPANSION OF THE FIRE
STATION***

The town manager said this is our typical if we were to have a second meeting that day, 5:30 we'll provide a light meal. We also want to talk about the mooring field and give an update on that as well. This would be on July 26th, the 4th Tuesday at 5:30 p.m.

Council agreed to scheduling a workshop on July 26th at 5:30 p.m.

NON-AGENDA ITEMS

The town manager said lift station #1 is progressing. There was another issue but it's the electrical pole that is there in front. They are probably not going to be able to do the stucco and get that in until later in the season. I would like to relocate that pole for esthetics anyway but it turns out it's within not a great area as far as being close to that building. What's going to have to happen is there are some other issues that Progress Energy wants to take care of, some copper wire they want to switch out, and the power has to be shut off for 4-6 hours. We can't do that in the season and will probably have to come back and do that. It shouldn't really disrupt other than the stucco and some other things the continuation of that project. In October when things slow down a little or maybe September on a Monday, Progress is going to have to fix our issue as well as fix what their issues are in that area. It would shut down a lot of the power in the boardwalk area and some of the surrounding areas as well.

Councilman Lewis said he would like to recommend that they give some recognition for Jerry Bigley for his contributions to the community and things he continues to donate to the town and I think it would be appropriate to get a plaque. It seems we do that for a lot of people and we haven't done that with him and I think it would be important to do that. Mayor Macon said there is a plaque out there and maybe we could get a picture of it so we could all see and take a look at that. Councilman Wilcox said there was some discussion earlier on about getting him some recognition for the property that he gave there and some memorial or something that might actually be in the pavement or something and some type of ceremony but we never got around to it. The town manager said he thinks it would definitely be appropriate there. He said we did swap properties so he got something in return. We're going to bid that project out very soon. Councilman

Lewis asked if we could do a proclamation at the next meeting from the Mayor in recognition of him. Council agreed.

Councilman Wilcox said there have been a couple of people who have fallen and gotten hurt pretty bad on the wooden boardwalk up there and I know they were working on it, I was going to ask. It was at the main walk where the showers are going up, going south. I walked through there a couple of days and they had some of them highlighted with orange paint and stuff. I wasn't there but I know somebody had to go to the hospital, had their head messed up and one lady hurt her arm. The town manager said he will walk it and see if there are any issues.

Mayor Macon made a motion to go into closed session to discuss legal, real estate and personnel matters in compliance with [NCGS 143-318.11a(3, 5 and 6)].
MOTION CARRIED UNANIMOUSLY.

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

Mayor Macon said there was no action taken.

MPT Efirid made a motion to recess to the July 26th meeting. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Sara Hartman
Assistant to the Town Clerk

Approved: _____