

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

February 22, 2011

The Town Council of the Town of Carolina Beach met in regular session on February 7, 2011 at 10:00 a.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor Joe Macon, Mayor Pro Tem (MPT) Pat Efird; Councilman Lonnie Lashley; Councilman Bob Lewis and Councilman Dan Wilcox. Also present was the Town Manager Tim Owens and Town Clerk Lynn Prusa.

Mayor Macon called the meeting to order.

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

Mayor Macon made a motion to go back to open session. MOTION CARRIED UNANIMOUSLY. Mayor Macon stated that no action is needed as a result of the closed session.

JOINT SESSION WITH THE LAKE PARK BOULEVARD TRAFFIC COMMITTEE TO CONTINUE DISCUSSION RELATING TO TRAFFIC ISSUES ON LAKE PARK BLVD.

Participants: Dennis Barbour, committee member; Kure Beach Councilman Jim Dugan, Alan Gilbert, committee member; Katie Hite, NCDOT Division Traffic Engineer; Chad Kimes, NCDOT Division Operations Engineer; Lee Ann Pierce, committee member; Ron Clontz, committee member; Carolina Beach Town Council members; Tim Owens, Town Manager; Gary Ferguson, Planning Director; and Police Chief Billy Younginer.

The town manager said he has been sitting in with the traffic committee and would like to go through this step by step. He gave them a list of all the committee members and who was going to attend tonight. The goal of this joint meeting is to determine and implement feasible short-term solutions to lessen traffic congestion during the 2011 summer season and also to determine and set a budget for the implementation of short-term solutions. Those are the main goals of tonight's meeting as he sees it. He thinks most everybody knows the history, the town asked DOT to re-stripe Lake Park Blvd. during their resurfacing from 4 lanes to 2 lanes. There is moderate congestion during some parts of the summer week and then moderate to severe congestion during certain portions of the summer weekends. There was a panel meeting held awhile back that some of you participated in. Out of that meeting came some short-term solutions as well as long-term solutions. He has given everyone a copy of that technical memorandum which was created by Dan Burden of The Walkable and Liveable Communities, Inc. What is at

stake? The Town requested that the DOT implement a new re-stripping plan. The CBD Master Plan's goal was to chart the future of the CBD and eventually to transfer the CBD into a more vibrant downtown that would attempt to balance vehicular travel and parking with improvements to pedestrian and bicycle transportation. One of the goals was to shift away from more of a thoroughfare concept to a main street type concept and that was one of the main goals of the Master Development Plan (MDP). If we decide to do something other than what the plan entails, we'll have to go back and do a lot of studying with the MDP and modify those recommendations. Some of the options, and this is stuff we have talked about in the past: (1) Continue to support the current road configuration with no changes. (2) Continue to support the current road configuration with short-term remedies, which we're going to discuss tonight. (3) Continue to support the current road configuration and implement the elements of the MDP with other long-term solutions, which is the more expensive of the solutions. (4) Revise the MDP and re-stripe Lake Park Blvd. to incorporate other features to improve traffic flow such as 2 northbound and 1 southbound lanes and that would take some additional study. (5) Revert the road striping back to the previous 4 lane configuration and revise the MDP. Those are the options that he feels they should consider at some point. He thinks the main goal tonight is to talk about short-term goals for the upcoming summer.

Dennis Barbour said he knows the town manager worked hard trying to put this together. He has called him on multiple weekends when traffic has backed up. Mr. Barbour offered comments which he distributed to everyone regarding his opinions about the options. The options were: (1) Continue to support road configuration with no changes and his comments was that it is not feasible or acceptable to tourist or residents. Option (2) continue to support road configuration with short term remedies to help traffic flow during summer season and particularly summer weekends. Short term solutions may eventually become long term. Mr. Barbour said this is only a short term patch to determine the effect signalization plans will have on traffic flow. Option (3) continue to support current road configuration and implement the elements of the MDP with long term solutions as presented by Walkable and Liveable Communities, Inc. Further study MDP revisions would be needed. He said the current road configuration just does not work so there needs to be some adjustment in the plan for it to work. Revise the MDP and re-stripe Lake Park Blvd. to incorporate other features to improve traffic flow (i.e., two north-bound lanes). Eventually re-stripping is inevitable of some sort. Long term and some figuration that moves more vehicles even at a slower pace than prior to re-stripping. While it looks nice a single lane can only move a certain amount of traffic traveling at a certain speed even if you change the configuration. (5) Convert road striping back to the previous 4-lane configuration and revise the MDP. Previous configured 4-lanes worked for many years; some congestion did occur but seemed to be acceptable to most visitors and residents. We had no where near the complaints that we have had with the 3-lane configuration. In addition to that we are talking about re-signalization works or would improve and probably would have improved even whatever congestion we had when it was four lanes.

Councilman Wilcox said the committee gave Council two charges, one to deal with short-term fixes for this summer and then when implemented to look down for a long-term fix. Is this to bring the committee's consensus or ideas regarding what the short-term fixes are?

Mr. Barbour said absolutely, but since this was brought into the presentation as options, I thought we should at least discuss the options that the town manager presented in case you have other options or in case the committee has other options.

Councilman Wilcox said it will be difficult for him to make a decision tonight. There are a lot of unknown information especially with regard to signalization that I would like to hear about. I do think we ought to concentrate on short-term for this summer and worry about long-term in the future.

The town manager said they were going to get to that here shortly.

Mr. Barbour said he feels all options fall under long-term planning and not achievable prior to this season.

The town manager said the first short-term action they talked about and this is something that Ron Clontz brought out, he gives his customers for his rental place maps to help move around the island. Staff in the planning department created a draft map with mostly the public places on there such as the lake, town hall, but it does help route folks around. It shows Ft. Fisher, Kure Beach, south Kure Beach, the ferry, etc., and on the back a calendar of events for 2011. I think Ron can probably speak to how it works a little better than I can but we were hoping to get this out to large rental agencies, hotels, motels, some of the other places around town that folks may go visit and visitors may go to. We estimated about \$2,500 budget for this to be implemented.

Councilman Wilcox said the Boardwalk Makeover Group met today and we are doing that same thing. We have one whole page that has the events on it so this theoretically could go on the other side of it and maybe this could be a combined effort.

Mayor Macon asked if the map is going to be a full sheet of the island?

The town manager said that was not his thought, it shows Kure Beach but it's to route folks around Carolina Beach.

Mayor Macon said you might want to show our parking lots.

The town manager said they didn't want to clutter it up too much. We might be able to show some of the major parking lots.

Chad Kimes asked if this is all the major events for the entire year? If there are some traffic generating events, it would be good for them to know about them.

The town manager said he would like for everyone to take a look at the list of events in case any were missed. If Council is okay with that, he can bring it back or vote on it at the end or bring it back to the March/April. That is one of the things we would like to do.

Next item discussed was the signage on Lake Park Blvd. near the Ocean Blvd. intersection. The town manager said they would like to put up a flashing type signal sign that would have an alternate route, not sure how that wording would go, I think that is something DOT is going to help us with the design on. The cost of that is roughly \$2,500 and we think we can cut that down to \$10,000 if DOT is willing to go with blazing signs to allow folks to help find their way. We would be responsible for the blinking sign. It's a manual process to turn it on and we will do the best we can to flip it on when there is traffic congestion and flip it off when there is not. The only way to do it any better than that is to have something automated where the sign would sense that traffic is starting to back up and flip it on but that would probably be very expensive to do.

Councilman Lewis said he thought the orange flashing signs from last year created more confusion than it helped and was hoping we would not have this same type of signage.

Mr. Kimes said if the sign is not flashing, no one is going to pay any attention to them. When you see balls bouncing and then use language like "use alternate route when flashing" and then we've got the signs blazed for them to take a left on Ocean Blvd. and then a right on Dow. I think that will catch a lot of drivers' attention coming from Kure Beach.

The town manager said it is very similar to what we have at Canal now.

Councilman Lashley asked what they are going to do at Dow.

Mr. Kimes said there would be a sign directing to Wilmington to the right and then you will see another sign once you get to 421 going over the bridge.

Councilman Wilcox asked if the sign at 421 could say left to Wilmington and right to Carolina Beach business district.

Mr. Kimes said it can, they will put that down. This can be done by Easter.

Katie Hite said we can get it on the April agenda, we're pushing closer to the May agenda.

The town manager said Easter is probably pushing it but definitely by Memorial Day.

Mr. Kimes said if you decide to go to some kind of detection down the road, what we call long line detection, where it will trigger that sign to go off, he thinks that is something they need to wait on.

Councilman Wilcox said there is nothing that stops us from putting something at Ocean if they are not in place by Easter.

The town manager said in that example I would prefer to borrow a flashing sign from them and put in “expect delays on weekends” or something where they would consider Ocean Blvd., short wording.

Alan Gilbert asked if they could go ahead and put that in motion and have a place for that sign as it doesn't look like it will be ready by Easter that is coming north, if you can have a temporary sign already in the works.

The town manager said he can ask DOT.

Ms. Hite said regarding the sign in the southbound direction, you are very limited on a right-of-way when you have to bring it back that far in order to keep it on the right-of-way at a safe distance from the traffic lanes. We had some obstacles there last summer.

Mayor Macon said because he is at the lake and would see the traffic start backing up to the lake and then start going beyond, it really looked like it didn't really start until about 4:00 pm when a lot of people were leaving Kure Beach and the Ft. Fisher area. It was always 4:00 pm to 8:00 pm when he would see it backing up. You don't want to put that switch too early so that local businesses are bypassed and you don't want to do it too late. It's almost like someone is going to have to monitor traffic to make sure.

Mr. Gilbert said he doesn't think there is any way to predict it because they would be at the beach access at South Carolina at 2:00 pm and it was backed up and then some days it might have been later or earlier depending on what that evacuation mode was. If a thunderstorm came through it pushed that out. I think you can kind of predict it at some level and have a shift commander in tune with what might be happening weather-wise that would cause an evacuation.

Mr. Barbour said I think the monitoring is going to be a key factor on where we go, when we go and the first busy weekend is Easter weekend. He asked DOT if they have a model they use for monitoring traffic that if the town wanted to use to help the police department, staff or whomever could have some format to use to model what is observed during this first busy weekend for traffic going north and south.

The town manager said he has an item for discussion on monitoring.

Councilman Wilcox said he would like to have someone at that Ocean Blvd. location being able to turn that sign on and off during different periods and monitoring so we can figure out the criteria we want to keep records of, something more than just having a sign down there to help figure out how many people are actually taking Ocean. We could use us, some volunteers, staff, police or whatever to do some of that work.

The town manager said he could probably do counts on Ocean. I've got other places I want to do counts, it would show spikes. We just need to know when it was turned on too. Some observation would help too.

Mr. Gilbert said he thinks to keep it simple for that first weekend, somebody is going to have to be responsible for monitoring that traffic. I think you are going to have to designate somebody to do it, or individuals to do it on their shifts whether it is a town employee, a maintenance person, a utility person or if it is a police officer during that window of opportunity who is making that cruise. Or somebody like Ron's facility. If he's got people sitting in his office, it might be an opportunity for them to help out or different businesses. That is probably what has to be in place at some point for the short-term in lieu of counts, how complicated is your sign going to be.

Councilman Lashley asked about K Avenue, Kure Beach putting a sign at K Avenue.

Jim Dugan said they have never really had a need to put a sign at K Avenue out Dow. That's always an option. My guess is that would be for activities taking place south of us. Last year it happened a couple of times but most cases it never reached the intersection itself and when it did, it was only for short periods of time. They never had to divert.

Councilman Wilcox said he thinks what they ought to do is look at Easter and see what happens there and then we can always go to Kure Beach after Easter and say we have monitored this and here's the situation.

Mr. Gilbert said that during the committee discussion we wanted to keep the experiment, per se, as simple as possible and not affect the businesses that are from K south like Ocean Grill, Golden Sands, etc.

Mayor Macon said we would like to have an official position. At one point certain members were okay with putting a sign down there and then all of a sudden evidently there was a poll on line and now they're not. It would be nice to know whether or not that's even an option for the future. What we're talking about is something simple so that if there is a traffic issue people can be directed that way.

Mr. Dugan said particularly if there is something going on south of us that that at least would be set up that it could be activated.

Councilman Wilcox said he thinks it is a variable we don't need to start with. I think we need to monitor what is going on here at Ocean but it would be nice to have your board address should that be there what that position would be.

Mr. Barbour said should the need arise, who should be called? The mayor? He was told yes.

Mr. Gilbert said Easter should be a good barometer so if we see some challenges maybe a second temporary sign can be a variable of this experiment. If it backs up to K that could be a consideration for one of those temporary orange signs to proceed K.

Mr. Kimes said we'll go back and study that and if both towns agree, we're going to put a permanent sign on Dow Road as an alternate route.

Mayor Macon said he thinks it should be. He knows Mr. Barbour may have an issue but if you're staying on an island and there is only one way off on the road, otherwise you have to take a ferry. You're on this island and you are going to ride around once you get here. The point is getting them where they need to be, then they can flow out of there. A lot of people coming to the island on Friday afternoons are going somewhere to stay and if they are going to Kure Beach, we don't necessarily need them adding to the traffic problem. Some people want to go through the business district and others don't want to deal with the traffic so there is probably a good mix.

Mr. Gilbert said he think it got sticky with the Dow Rd. corridor study, when they looked at that, that's when Kure Beach started backing out of what was perceived as a bypass. I think the communities have to come together if they support that type of signage. They talked about 421 actually becoming Dow and 421 bypass becomes straight through the towns. Even before this Lake Park reorganization went on with the Dow Road corridor study, that is when things started getting a little sticky.

Mayor Macon said if he is coming on the island he wants to get to where he is going, whether it is Kure Beach, the north end, etc.

Mr. Barbour said that residents came to him, even as late as this weekend, and told him that they couldn't come to him or businesses north of the center of town because of the backup that was there for a few hours. Year before last we didn't have it because they could get to where they needed to go in a slower period of time without being able to get in. Someone told him that last year he reverted to putting on an orange vest, getting in front of his business and directing traffic to allow people to enter and exit his business during those times when the traffic was stopped. When traffic stops, no one can move forward or backup to let people through.

Mr. Gilbert agreed with Mr. Barbour and said that the only reason we are talking about a bypass signage is because we have created a backup and we are doing damage control and reacting to that with signage. I think we need to go back to root of the problem with simple fixes right now before we talk about long term signage. We can fix it with the striping or re-striping or reverting back but Mr. Barbour is right, it's a cause and effect.

Councilman Wilcox said he is not concerned about the signage right now but he thinks if we don't take this simple map right here and understand that that represents a very simple network of roads and without Dow there's no network. It is always going to be more successful if you have a network for people to get around on rather than one corridor where they have to go in and out on. If we're going to be looking at future traffic

demands, we're going to have demands that we have to meet. At some point we have to start looking at that networking and how to make it viable for everyone to be able move through the network. We do have to look at signage at some point in time.

Mr. Barbour said he has no problem with that but there are many businesses and they may have a one business destination they want to get to on the way into town. Once they stop at that destination, they have several streets turning right that will take them to Dow Rd. and they can bypass the rest of Carolina Beach. He has no problem with a map that helps people navigate off the main road coming through town as long as they have the opportunity to reach whatever business destination they want.

Mr. Gilbert said he agreed with Councilman Wilcox and thinks it's a great idea to show people the options and then when you are going down Dow, taking you back down Cape Fear and down Harper, it shows them the business district. But for short term, we're talking about a flip sign.

The town manager said that is where we get into way-finding and that is something that we are not there yet and will be talking a little more about.

Mr. Clontz said one concern is once we get them turned on Ocean and they get to Dow, you've got people coming down Dow Rd. around that curve at 55 mph. Are we going to have some kind of sign?

The town manager said that is something I will have to talk to Sunny Point about and I have been meaning to do that because it is kind of bad there.

Mr. Kimes said they could look at doing an advanced warning sign.

Item #3. Block Protected Left Turns on Lake Park Blvd. and Side Streets. The town manager said it doesn't seem like this will be an option. The original thought was to block off the center protected left turns which would allow people to go and not create that trip at those intersections.

Mr. Kimes said what they could do if you were on Lake Park Blvd., the protected left turns could have a flashing left turn in the road. There are 14 seconds at every signal that they could put on the main line, which is right much. They originally thought we had some protected left turns on the side streets and we do not on the signals. We've had a lot of conversations on signal timing in the last 3 days on these 3 signals. We never reached optimization on these signals last year, we weren't even close. Right now you're in winter mode, the main line is only getting 65 seconds out of the whole cycle which isn't much time. The main line is only getting about 40 seconds. We have several people working on cycle length right now.

Councilman Wilcox said it is his understanding that they have the light synchronized so that this light turns green and by the time that car gets to the next light it's supposed to turn green and so forth. I understand that if maybe the lights were further apart, that

queue was 100 cars long or if those queues were empty that that would work but we don't have that situation. Those queues were already full so when that light, coming north, turns green that car can't move. They have to wait for that light to turn green and that car can't move which means nobody behind them is moving and when they can finally move is when that front car turns green then all of them move and 3 or 4 cars get through the light back here and it goes red then. We talked about this before, I don't know if you have run models on it but when you run the math on it, this is simple math if you were to do a 5 minute cycle, 1 minute with the side lanes, 4 minutes with the through put, you have moved 3 times the amount of traffic than we are capable of moving right now. Have you looked at those kinds of models, turning them all green and let traffic move.

Mr. Kimes said he thinks as they get back to more of the basics, like you are doing in your head, is what we will be doing with signal peds. One of the issues out there are the signal peds, they have 22 seconds and when you have 2 legs of that that's 44 seconds that we're getting pedestrians across. We have to have the 22 seconds as that is based on the speed of the pedestrian walking across and your distance so you have to have 44 seconds total in a cycle length for your pedestrian to get across. What we're going to do, if you have a total of 140 second cycle length he is going to bump that up 60 more seconds on the main line so we can get those cars you were just talking about that were stopped up there on 3 and what it is going to do is make your side traffic wait longer but I think you are willing to risk that as long as you have more green time on the through traffic. We also went back and looked at the signal at Carl Winner was never fully synchronized with the other two. It was synchronized with the one going all the way out to the bridge. By the time we get all of this worked out this week, we're going to put more time on the main road and we will have that implemented by Easter weekend or your next big event.

Mr. Gilbert said if we're talking about item #3 right now, I think the protected left turns is a variable we probably don't want to use right now. It sounds like you have a great plan here if you start manipulating that and then your queues build up and are backed up, if you are letting them stream through then those people who are going west to east that want to go to McDonald's will never be able to get through that intersection. I think in theory I can see where you are going with it. Put your theory in place and do your light cycles but then we have the other option of the backup if the light cycles don't work then Chief Younginer with his ideas with his control.

Mr. Kimes said they were looking for extra seconds and thought they had those protected lefts down there and we don't. Where we do is on the main line for people taking a left. Side streets will be fine because we have to run those 22 seconds for pedestrians, they will always have at least 22 seconds. If there are not any pedestrians, it runs on 14 seconds.

Councilman Wilcox asked if they need that protected left. Those cars are going to be able to turn left anyway in an open intersection, right?

Mr. Kimes said he would suggest putting it on flashing yellow and let's monitor it and see if we are having problems with left turns.

The town manager said there is not a lot of traffic at Cape Fear or Harper but Carl Winner is the one that really messes up the whole thing.

Mr. Kimes said they are taking it out of the smart system and going into old days. That is how we have to do it to get more time. The smart system says you're not supposed to go over 180 cycle lengths and we're going to bump it up to 240.

Councilman Wilcox asked if they will be able to change that so that it comes on holiday weekends and revert back to a more local friendly during the week.

Mr. Kimes said we can and then we can revert it back to the original system. And anything you have on that list that we discussed earlier, that's a good time to test those.

Councilman Wilcox said he would like to have it on Friday, Saturday and Sunday.

The town manager asked about the ped heads, he was under the impression that they only changed when the light changed, it's not really working, it's just waiting for the light to change is that right?

Mr. Kimes said it's not right.

The town manager said he pushes the ped head and can't activate that light.

Ms. Hite said you can. That is putting a call into the signal and telling the signal that it needs to go. Sometimes it gets out of coordination and it takes 3 to 4 cycles to get it back into coordination again so when that happens over and over and over again you get a compounding problem.

The town manager asked if you can coordinate it with the side streets, only allow them to come on when the side streets?

Ms. Hite said the idea behind the ped head is that you are giving the pedestrian the opportunity to tell the signal it needs to change because if they get an immediate response you have more chance of a pedestrian walking out into the crosswalk without guidance or waiting too long.

Councilman Wilcox asked if they could look at them and make sure they are functioning properly.

Ms. Hite said absolutely.

Mr. Kimes said the main thing is that they are going to get the town a lot more seconds on that main line and they will try doing the yellow blinking arrow for the left turns at two of those intersections.

The town manager said his only concern about increasing that main line time on Lake Park going south would be Carl Winner. It is at different times but Carl Winner does back up coming into town on Saturdays and Sundays from around 10:00 am to 2:00 pm. The other problem heading north is usually from 2:00 pm or later, say 4:00 pm, to 8:00 pm. I am hoping they offset each other. We might create a problem north/south and then create a problem with Carl Winner earlier by giving more time.

Mr. Kimes said maybe it is something you can adjust just at Carl Winner.

Item #4. Police Support at Intersections. The town manager said he has heard a lot of discussion about this, we've talked about heading southbound in the morning at Carl Winner and talked about northbound. He has given them his concerns and the estimated cost at around \$30,000. He will let the police chief elaborate a little further on some of those concerns.

Chief Younginer said one thing is that it will be hard to get people to come into work limited number of hours. If I were doing it I would do it for spurts of time, get the traffic cleaned up and get out of there. One thing to remember is that when we direct intersections, we're going to block the other ways. We can stop for short periods and let them cross but we are going to back it up some. We're going to have to be at those 3 intersections and we'll also have to be on Canal at Carl Winner turning that traffic.

The town manager said there is something they need to think about, too, are we going to be doing both, are we just going to see if the signalization works? I would prefer not to put officers out there. If the signalization works, we need to test that signalization and I feel like that is going to have to be Easter weekend.

Mr. Gilbert said to test the signals but the backup is the contingent to have the officers there and if it works, great, you save \$30,000. You should have the officers available as a contingent plan for the worst case.

Councilman Wilcox asked the police chief if he would have to commit to these folks. If on Easter weekend and everything is working great and you didn't need them anymore, is that going to be a problem?

Chief Younginer said not so much because he can use them at different hours because I need them at the north end, at the boardwalk and if I need them for other events then I'll just change the hours for the part-time people. Councilman Wilcox asked if that would bring the cost down? Chief Younginer said it sure will.

Mr. Barbour said this was one of his biggest concerns. He sympathizes with the chief because the planning will fall on him to make it happen. On the protected left turns, the committee didn't have that or discuss it. They did discuss the police intervention as well as The Walkable and Liveable Communities, Inc. who said in cases where you have congestion, intervention by traffic control officers works. This is highly recommended by all of our committee but it is going to require extensive planning and coordination by

the police department and monitoring for effectiveness. Is it effective to have signalization and no police officers or police officers over signalization? Chief Younginer presents a real concern about manpower constraints and hours. No one wants to stand there for 6 hours directing traffic.

Chief Younginer said they don't want to be called out to work for 2 hours either. They want to work for 4 or 6 hours, not 2. We're going to gear up and get ready for that and then watch these signals to see how they work.

Mr. Barbour said in the chief's letter he is mainly talking about Lake Park and Winner and Winner and Canal. Chief Younginer said it will take all 4 of those.

Mr. Barbour said as far as manpower he would urge Council to help Chief Younginer if he needs auxiliary police officers assigned for that particular reason, especially if they have some type of experience with traffic control. It is also his opinion that human intervention and visual appearance of police officers assisting traffic movement is a signal to visitors, residents and businesses that we are trying every possible avenue we can to help move traffic and relieve the situation we had last year. This first weekend is going to be the big test.

The town manager said here is part of his concern, we are probably going to hire a firm to come out and look and monitor the traffic and see what is going on. If we've got the signalization changes and have police, we need to make sure the signalization works or doesn't work. Maybe it does fail after about 2 or 3 hours, maybe it just backs up so that it's not acceptable anymore then that's when the same people there monitoring whether police protection works or not. I just think it is difficult for us to manager every weekend during the summertime. You are talking about putting 4 officers out there for Friday, Saturday and Sunday. If you do it this year then you have to do it next year and it's going to be expensive.

Mr. Gilbert said he didn't think they were talking about that. We have had a group of professionals say our problem is our intersections so, in the short-term, Easter, we're going to see if the signals can be fixed and then the police officers can be a backup to help facilitate it. The day after it either works or doesn't work the decision should be do you re-stripe, do you revert back, is there something better to do? I think it's extreme to budget \$30,000 thinking that you're going to have to do it all summer. I think the answer is if the police work and the signals didn't, then you better think about re-striping and that is the next decision.

Councilman Wilcox said he would like to see some data collected before we make any decisions. I generally agree that you need to have Easter, see how that goes before we make a decision. He asked the police chief how he would be directing traffic.

Chief Younginer said they would be waiving traffic with someone there to coordinate those 3 lights and Canal Drive. Once the officers get that traffic moving they will be talking to each other and they can link that traffic up.

Item #6. Improvements to Carl Winner. The town manager said there was a new design concept that came out of one of their meetings and it was a free flow off of Carl Winner onto Lake Park. I think that is a better option to moving cars off of Lake Park. I think it was the committee's recommendation that we continue to go with the original plan which is 2 lanes out and then that center lane would also turn left onto Lake Park heading south. The reason is we're so vested in what we have done so far, we have probably spent \$40,000 on the design and surveying, etc., to go back and do something else. It would take a lot of time and some additional funds we probably wouldn't get paid back for. It is my recommendation to move forward with what we have. We are ready to implement it and we can probably do it before summertime. I am not sure how that plays into signalization and what happens with all that but it is his recommendation that they consider the plan we had previously instead of the new plan. There are also some other situations if we did implement the free flow, we would have to undo that intersection in order to go to something else.

Mayor Macon asked if anyone had a problem with that. No one did.

Item #7. Traffic Counting, Observation, Video Monitoring and Pedestrian Counts. The town manager said he received some quotes from Wilbur Smith to do some observation and come down and look at intersections. I haven't had a chance to talk to MPO but, hopefully, we'll be backed up by their traffic counting and there will be some coordination between Wilbur Smith and them. That traffic count and observation I think needs to happen that Saturday of Easter and that will really set the tone on whether we need to do it more say on Memorial Day or July 4th and another summer weekend. I think we need to do something that weekend, have somebody down and possibly video monitor at will and maybe even do pedestrian counts.

Mr. Gilbert said he thinks it would be good to do more of an averaging, including day to day traffic, instead of just focusing on just those 4 holidays to maybe when you look at your bids on that to look at the summer. What is our long term goal? If our long term goal is just to focus on getting people in and out on a holiday, that may hurt us in the long term of getting people to pause and visit with us.

The town manager said that is not what they are focused on. A normal weekend after the kids get out of school and not a holiday weekend would be something we would want to look at. We're talking about doing monitoring as far as traffic counts, actual observation from that person who would come down, review the situation and he would be able to go back to DOT and talk to their traffic signalization folks and say here is what he is observing and it's not working and maybe come up with some other areas.

Mr. Himes said there would be a crew down there on Easter.

The town manager said the \$20,000 is for the year, not just for Easter. Easter would probably cost less than \$5,000.

Councilman Lewis asked if Wilbur Smith is the only company we deal with in this area because he questions the statistics and data they gave us before we made this decision because they missed a number of things in that data. I thought it was unfounded. They did monitoring and they did some of these counts in the winter months and never really did it in the summer months and then presented that data to us. That data was basically useless. They never did any data check on the background of diagonal parking and bike lanes. I question what we're doing with these guys the whole time.

The town manager said Wilbur Smith what they did traffic analysis on was not people backing in and out, they did based on the master plan. I think they were a little weak on some of their numbers, I think they converted to 1 ½ and they never got up to the 25,000 cars a day that we were actually observing last summer. So, I agree with that but my reason for using Wilbur Smith is that they know a lot about the town and have been here the whole time and I am trying to give them that last stab to fix their situation. I will be glad to use somebody else.

Mr. Barbour said he thinks what you have to do is be sure that the scope of whatever contract you give them covers all aspects of what you want to see back as a result of whatever monitoring and traffic counting they do. It has to be clear.

Mr. Gilbert said that sometimes putting it out to bid inviting another engineering firm in to get a fresh look at it, they may catch something that these guys who have been looking at it over and over may be a good thing.

The town manager said he would prefer to use Wilbur Smith but he will do whatever Council wants.

Mr. Barbour said video monitoring can show you what interactions are happening at the intersections. That is an important part.

Councilman Wilcox said when Dan's group was here they talked about that center lane and some areas, I think he used the term flex lane, he used some other term for it, where somebody is pulling out and people use that lane to travel around someone who is pulling in or out of a parking spot - that was the concept. It's a turn lane, it's also a go around or whatever you want to call it. Is that something that is used anywhere? An issue you think, well, there's going to be a problem there when 2 people decide to use it at the same time. We already have that same exact condition when 2 people decide to go into the turn lane and turn opposite lanes at the same time. Is there some ability to mark that lane differently or to let people know you can go around cars that are parking or pulling out?

Mr. Kimes said I would have to do research on it.

Councilman Wilcox said he was curious because they mentioned it as if it was something they had seen.

The town manager said what it looked like was they had control situations on either end and the middle was a grid pattern or something like that and looked like no man's land.

In this instance you have turn lanes and a turn lane has a purpose. But, I know exactly what you are talking about. Chad did work up some numbers for returning to a 4 lane section and are a little bit better than what we had originally talked about.

Mr. Barbour said when he looked at the maps, we're talking about three blocks and I counted striping and there is between 4 and 5 north/south bound white stripes on the road that make 3 lanes instead of 4 lanes. The cross sections are the same pretty much as they were before. We have wires in the road that a trip wires for the signals and we have signals. That is pretty much what you are talking about the difference is between 3 lanes and 4 lanes and we got a figure of \$200,000 to \$300,000 to go back to what we were vs. what we are. I'm not saying that is the way to go but, for Council's benefit I would like to see something more itemized that might be more realistic, less or however it comes out to be and the cost that you have that option of consideration to go back to what it was or some similar configuration. About 6 years ago he and Mayor Macon and MPT Efir had worked with DOT for a long time. Because of DOT we have had grants for sidewalks, we have a new road out there that used to have speed bumps and you couldn't travel more than 25 mph. We have a lot of things that DOT helped us with and appreciate all you have done for us over the years. We appreciate you being here and we want more help but to give them a realistic number, anything that you do different from what you have now could cost a lot of money. Walkable and Liveable came in and said, in a short period of time, you have 2 problems - signalization and you can put in roundabouts and do away with signalization and solve your problems. He thinks roundabouts cost \$2 million to \$3 million per intersection.

Councilman Wilcox said \$400,000 to \$600,000 is what we're getting back and a lot of them qualify for grants.

The town manager said he thinks \$700,000 to \$1 million.

Mr. Barbour said that is a long term project. It may be your choice to go back with something that allows four lanes in the process of getting to where you want to go if you have to spend \$800-900,000. I'm just throwing this on the table but, I think they need a firm number that they can look at to be able to make the hard decision because they have to come up with the money.

The town manager said he can contact the people who did the job, originally Barnhill, and see if we can't get the quotes from Barnhill to go back.

Mr. Gilbert said quite a few people who don't understand why you don't just go back and re-stripe it back. There is a theory that the intersections are the problem. The long term solution may be something other than the striping we have and it may be roundabouts but we're not in a position to even fund that right now and who is going to fund that? Most of the things that have been presented to us in pictures of Lajolla in California basically are funded by master developers. These cities didn't take on that responsibility so that is a long term question but I think it is worth throwing it on the table because a large group of citizens don't understand why we just don't go back. I think what they have to

understand is that we are going to study it right now and we are going to test the theory and if it comes up that the long term solution of roundabouts but paying for them is cut off the table in the short term, then taking a step back and considering re-stripping to the 4 lanes in the interim may be a discussion. If the \$300,000 means milling and filling and loops and everything, that seems like a bargain to me but another discussion I have had with people is what if you went out there and just, in the short term, if it turns out that we have to take a step back, what if you just grind off the lines, micro grinding, the town bonded for the \$300,000 or \$500,000 if the micro grinding is detrimental to the wearing of the surface, then we pave it. But, in the short term, grind it out, re-stripe it and then bond it for x many years until we can really figure out if roundabouts are going to be it, then that may be a shorter term solution that we're not milling and filling and taking all that asphalt up that is good asphalt and just do a micro surfacing to take it off. That is some of the discussion that I would like to hear at some point if our test of this theory shows that we can't fix it in the short term. I think some of the discussion of this Council is we have to take a step back to what it was before we can move forward for a long term solution.

Councilman Wilcox suggested they concentrate on the short term stuff and take that data and those results.

Mayor Macon said this is part of the master plan as done by the previous Town Council and where we're headed and where we thought we were headed prior to the economy bombing out, we felt like we had an option to finance and pay for the sidewalk improvements in the downtown area and none of that came to pass. Those were decisions that were made, whether people think they were mistakes or not, the key there is that they were based on what we felt was going to happen and where we were headed as a community and it was based on the master plan that was adopted by a previous Council. My commitment was to make sure that we implement that master plan and that is still my commitment. If roundabouts are the answer for the traffic flow, then that may be the answer. We need to be careful about the figures that we're throwing out and need to look at what those figures really are and go forward.

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

The town manager said there are some action items he needs to move forward on. Item #1, Map and Education - that is something I think Councilman Wilcox said we can probably accomplish using them. Item #2, the intersection and putting up signage I can move forward on that if Council wants to.

Mayor Macon rescinded his motion.

Councilman Lewis made a motion to take \$12,000 from the Tourism Fund and transfer it to the General Fund for signage for this current year. MOTION CARRIED UNANIMOUSLY.

Item #4, police support at intersections, the town manager said he thinks we can handle that internally. Item #6, improvements to Carl Winner, he said he thinks the motion should be that we continue with our existing plans.

Mayor Macon made a motion that we move forward with existing plans for Carl Winner Avenue lane corrections. MOTION CARRIED UNANIMOUSLY.

The town manager said he did want Council to establish a budget for observation, video monitoring and pedestrian counts, Item #7, of \$5,000 to come from the Tourism Reserve Fund to the General Fund.

Councilman Wilcox made a motion to approve a \$5,000 transfer from the Tourism Reserve Fund to the General Fund for monitoring and data collection. MOTION CARRIED UNANIMOUSLY.

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

JOINT SESSION WITH THE PLANNING AND ZONING COMMISSION TO DISCUSS ACCESSORY DWELLING UNITS, GARAGE APARTMENTS, DEFINITION OF WHAT CONSTITUTES A SEPARATE DWELLING UNIT, AND OTHER SIMILAR CONCEPTS

The planning director said that P&Z came to Council, back in December, for guidance about they should move relative to looking at the issue of accessory dwellings. I thought it would be good for a couple of the members, Brett Keeler and Greg Reynolds, to give a brief introduction to that to reacquaint us with what their concern was. From there, I will give a presentation on some of the issues that staff is struggling with relative to what is a dwelling unit. We don't want to overstep ourselves on this and want to make sure that you are in agreement with what we have been doing and if we need to change then we will do that. The purpose of this evening is to get good direction from Council. It seemed to work well between the group from P&Z and Council when we were dealing with the sweepstakes issues and we thought it would be a good idea to go over that. If Brett or Greg would give a summary statement as to why they think they need your input and what we're trying to accomplish.

Brett Keeler said that back in August we had a workshop and through conversation one of the things that came was planning staff's interpretation with what dwelling units were, the amount of 240 outlets, lavatories, and different units which didn't really mesh into the conversation we we're having at the time which was breezeways which we are not talking about here now. P&Z was trying to figure out whether or not there could be dwelling units within an accessory building that is within a primary so that there could be multiple stovetops, multiple lavatories, that aren't within the main house. The issues that we saw were both economic in nature because of our downtrodden economy people have to look for a different means of living. Parents are getting older, children aren't able to

find jobs, children are going to school and parents can't afford for them to rent an apartment, disabled children, etc., there are a myriad of instances that come up that given a little bit of flexibility would benefit this town and we need to position ourselves and differentiate ourselves and we have that ability right now. We just wanted to know whether or not this is something that Council wanted to do to tackle some of the ordinances that I spelled out that through interpretation. Right now in R-1 and R-3 there are a lot of these instances that a non-conforming, however, they're happening and so the only people who are being penalized are those who are abiding by the ordinances or by what the interpretations are by planning and zoning.

Greg Reynolds said, from an architect's point of view, I would like to create some flexibility in design that maybe is not allowed right now. As Brett said, a lot of it is economic, we do have a changing population in the sense that people can't afford 2 and 3 houses. We do have aging parents, kids who go to 4 years of college, come out and don't find jobs for 2-3 years. That is a truism I think we need to face and that some flexibility of having some different alternatives in design. I'm not trying to do only single-family by any means, we're just looking at some flexibilities and make sure the code literally says that. It's always been you can't have a certain outlet, etc. I think I have 4 in my 900 square foot condo, either for an air conditioner or water heater or dryer. So how do we interpret these rules? Families are changing and we might be heading back to the way things were generations ago because of economics. We're not trying to change any rules, we just want to open it up for discussion as to flexibility or interpretation and what Council wants this town to be.

The planning director said we need to talk about what is an accessory dwelling unit. In some ways, when people talk about accessory dwellings and a subordinate dwelling with one principal building, the house, and maybe an additional dwelling being on the site and an accessory dwelling only smaller in scale. That is not always the thing an accessory dwelling needs to have. We have planned unit developments (PUD) and someone could come in today in the R-1 zone and say this is going to be a mother-in-law suite, this is going to be an accessory apartment I'm going to have in the back of my house, but nevertheless, it is an accessory unit. It's not subordinate, perhaps, two big houses on one lot, maybe three, but one could look at it that way. An accessory building could also be within a single-family house. We have instances of those in town as well in districts that allow duplexes and districts that do not. In review of zoning definitions and dwelling unit, this is important. We want to make sure we follow the rules, what this 220 and what is a kitchen and what are these elements that make up a dwelling unit and how important they are. What is a dwelling unit, we call it a housing unit by our rules, and there are two pieces of this that are really important. One is physically separated from other housing units - separate, housekeeping establishment and physically separated from other housing units. These pieces living, sleeping, eating, cooking and sanitation make it up. There is a question in our mind right now as to say you have 4 of these but not the fifth one. Let's suppose you have the eating, sleeping, cooking and sanitation but you don't have a living room. Is that a dwelling unit? So if someone were to come to us and say there's no living room here so don't call it a dwelling unit. Are we okay as the planning department to permit that as something other than a dwelling unit? That is a concern that we have.

Our definition, however, isn't unlike many other definitions. He referred to a book they just got called "The International Zoning Code". They are very much similar to what we are saying. They say independent as opposed to separate but they use those same elements of living, sleeping, eating, cooking and sanitation. So I think we are kind of in the same realm where we should be on that. What are the types of dwelling units that we have and where are they located? He showed a chart depicting the zoning districts and the types of residential uses. Single-family is one that is permitted across the board. It also showed multi-family, mixed use, marina and tourist districts. He showed a map identifying those locations. Looking at some of the challenges the zoning administrator is confronted with when a client comes in and what we are starting to look closer at.

Councilman Wilcox asked if there is a description of a dwelling unit in the building code?

The building inspector read, "A single unit providing complete, independent living and facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation."

The planning director showed some house plans - one on Harper and Goldsboro, the pod house. When you look at this house it is 480 sq. ft. in total. It has all the elements that make up a single-family dwelling unit. He showed plans for a unit that came in about 2 weeks ago and is being proposed in the MX zoning district off Greenville Avenue, Third Street. This first came in as a duplex and it looks like a duplex. It was going to be a contractor/owner construction and the owner was going to build it so it wasn't a licensed contractor doing it. The mayor said you can't do that. The planning director agreed and said that is why the building inspector called up DOI just to confirm whether a homeowner/builder/contractor can build his own duplex. When the owner of this came forward and said he wanted to build a duplex and was told the bad news he said okay, I'll fix it and make it into a single-family house. The planning director showed the first level of the single-family house plans. Then he showed the second level. In order to make it a single-family house the owner created a four foot opening between the two units which creates that lack of separation. The buildings that you mentioned earlier in our definition of what a dwelling unit is, physically separated, this eliminates the physical separation from the dwelling unit. It has 4 bedrooms on each side, 8 bedroom house, it's a large house. It's 25' high. But if this house were to come in the zoning district in a single-family, which it is not being proposed to do right now, but if it were I think some of the people in the planning department would begin to have concerns about this being located in the R-3 or R-1b zoning districts. What we are trying to get from Council tonight is whether they think this would constitute a single-family house? It meets the building code definition of a single-family house and would meet our zoning definition of a single-family house because of that separation, the 4' cased opening between the two parts of the building. That is an example of one of the reasons of why we wanted to speak to you tonight, something such as this.

Mayor Macon said, in his opinion that is a single-family dwelling. My professional opinion is that you have to write that permit on that proposal, whether you like it or not or what you think they may do with it at a later date. It's when they do that at a later date that they have a problem.

The town manager said they agree with him and that is why we talked about it. There are two kitchens in there and it still smells like a duplex and looks like a duplex but we didn't think we could say okay, you're a duplex until he actually tries to in fill that area and then it's a duplex.

Councilman Wilcox said you can't for a couple of reasons. One reason is that there is nothing in the building code that says you can't have 2 kitchens, 12 bathrooms, whatever you want to have. That doesn't distinguish it. More importantly, our town adopted the building codes, that's our building standards. We can't adopt standards that are different than the building code, that is state law. So if the building code considers that a dwelling unit, we don't have the options suggesting it is not a dwelling unit. If the building code considers it a single-family dwelling, it is. For us to have a different definition of a single-family dwelling, we have to go to the building council and have them adopt our definition and we haven't done that.

The town manager said he doesn't disagree with what he is saying but that right there smells like a duplex and if you're a code enforcement officer and you're looking at that, alarms go off in your head. We would have to permit that in the R-1 and R-3, I agree with that because we don't have the standards that say you can't have 2 kitchens. But what is going to happen is the neighbors will come in and say you know he is going to fill that in. We have to be able to back that up which we can't do. I don't think we can withhold that permit because he has intra-connect ability between those 2 units.

Councilman Wilcox said we can't have a different standard for a single-family dwelling than the building code.

The town attorney said the building code is in a different part of the ordinances than is the code for a reason as it is part of the police power that you are exercising. The building code exists primarily for public safety and wellbeing reasons. Then we have a different power that the town exercises, the zoning power. What I wrestle with as the town attorney and having crossed this bridge before is that the town, what it is trying to accomplish through zoning, is different from when it is trying to accomplish sometimes through the building code and, yes, when you are enforcing the building code, you need to be consistent with the building code, you have to be right. The concerns that the building code is drafted to address in the first place is different from the concerns that are addressed in zoning and just because you get a building permit and you are entitled to build it in the building code, does that mean you are entitled to a zoning permit and can you have different standards? Councilman Wilcox said you don't need a zoning permit in an area where something is already zoned. Mr. Coggins said isn't that the point and maybe it is the right thing to have the same definitions in the zoning code as you do in the building code. Councilman Wilcox said the building code specifically says that the town

cannot adopt any standards different than the building code and the standards cannot differ. The town attorney said you can't adopt any building code standards but not zoning.

The town manager said let's take that example, if you close in that wall it's a duplex and you can get a building permit for that and it comes up to building code but it is back in R-1 and doesn't fall within our zones. There is a difference right there.

Councilman Wilcox said he thinks the argument is if you do (*note: inaudible words*) to suggest you're going to stop, you can call it anything you want to call it. We all know that zoning doesn't identify the building code. If you start using zoning to circumvent the state requirement that something is allowed in the building code, I think we have a huge problem.

Mayor Macon said this is two separate issues. Number one it's in there that it is zoned duplex. This is an issue of whether or not the homeowner can do an owner build which is technically what it is about. What they are saying is that if this same plan came up in R-3 what would they do and my answer is, in my 9 years as a building official and 18th year as investigator for the general contractor ordinance, I don't think they have a choice but to issue that permit.

Councilman Lewis said he is not questioning the permit. The enforcement comes back from the zoning part.

The town attorney said he has seen case law to the effect that making a zoning decision that it is actually appropriate sometimes to look behind the actual intent of the applicant whereas not with the building code. In zoning where you are governing things such as height but also the use, the conduct, sometimes you can look into intent. This is what he has seen.

Councilman Wilcox said this can't be owner built because it is a duplex. Are we suggesting that the owner could build this, have it be single-family, leave that opening there for 2 years so he has passed the qualification, close the opening and it's a duplex.

The town attorney said he is saying that is an appropriate thing for a building code and building code is done for public safety. In terms of use, though, within the zone, that's different.

Councilman Wilcox said if he opens it up and lives in it as a single-family dwelling for 2 years has he met the requirement? If he closes that door off.

The planning director said he thinks from staff's point of view the issue here is precedence. If this gentleman builds this house in a zone that allows for it, which is MX here, and someone else comes along or he has a piece of property in R-1b or R-3 and he was permitted that as a single-family. That is the concern that staff has not where it is going but the fact of what it appears to be. I know that is a bad word, we shouldn't be

going by appearances, we have no architectural standards in town but at the same time when you look at this it does raise questions. That is the whole purpose in presenting this to you so you get a sense of where staff is coming from and the difficulties we sometimes have in trying to say what is this thing? Is it a single-family or what have you? He showed another house plan on Lake Park Blvd. S. If one side of this unit had bedrooms and no kitchen and this side had a kitchen and a living room, would we permit this as a single-family house? That is a concern that we have, too. Should we permit it? These are all statements trying to get at what the Council wants us to do and it's not about our values or what we think is right. He showed another arrangement of a variety of possibilities that would exist and someone to be able to call a single-family unit. You have a kitchen here, you have a kitchen here, you have a bedroom, a living room and a bedroom and a bath so it has the elements but it has 2 kitchens. People in Carolina Beach have 2 kitchens. It doesn't create any big alarms but kitchens are one measurable way of looking at a building. Staff did some research on line and found out what many communities regulate the most and it seems to turn on kitchens. Do you have more than 1 kitchen? It's more measurable. Staff is not saying that is what we should look at in Carolina Beach. We're just saying what would you like for us to look at in terms of what constitutes a dwelling.

Councilman Wilcox said doesn't the international zoning code, our code and the building code say it has to be a separate building?

The planning director said yes and in this case when this door is wide open, this is all one unit.

Councilman Wilcox said we have 2 kitchens all over this beach, we have them in R-3 and they have been permitted to be installed and they are single-family dwellings.

The planning director said, again, we are just trying to reaffirm what Council wants us to do. If we need to amend our definitions, we'll do that. I know the town manager has been looking more closely at the issue of interconnectivity inside the dwelling unit. If doors are open, like in this situation, if there were no doors here and everything was open inside, he would say for me to stop looking at kitchens and start looking at the interconnectivity. We're trying to get from Council whether or not that is exactly what you want us to look at. If that is then we will begin to permit this with perhaps some changes in our definition.

The town manager said if you take the one example, close the door off in the middle and there's a separate entrance and exit, it's under one roof but to me that is 2 units.

Councilman Wilcox asked if they have looked at some other towns that have something other than the ordinances we're looking at right now, which are pretty common, and found other towns that have ordinances that talk about connectivity, under one roof and that kind of stuff?

The planning director said staff, when they went online, it was all about kitchens. That seemed to be the issue. I'm not saying that should be our issue because we have them all over the beach but the question is do we want to recognize them...

Mayor Macon said a lot of towns, including Wilmington, allow garage apartments and they regulate it so it is controlled because it's going on anyway. My old house had a mother-in-law apartment downstairs. It didn't have a stove in it but it had a living room, a bedroom and a bathroom and there was a refrigerator. My mom lived down there with me for 10 years until she passed away.

The planning director said that is exactly what they are trying to get tonight. What are the things that we should be looking at to make it easier for us but not to surprise you. When people come to you and say what in the world is being built next door to me, that is the thing we are trying to guard against and give you a heads up and we want to change the rules to make it absolutely clear what allowances are there.

Greg Reynolds said the example of the one with the two interconnecting doors, like a motel has, where you have 2 opposite doors with a locking mechanism that should throw a flag up on how you regulate it. That clearly shows that you can completely lock off one unit. I think we can keep them from having locks between these things.

Councilman Wilcox said he has a real problem with a kitchen being the definition of this.

The town manager said so did he but it opens the door up. If you have one upstairs and one downstairs in Carolina Sands, which there are a lot of, it makes it ripe for somebody just to close that entrance off between the two and renting out. I'm okay with that as long as inter-connectivity. If you make the decision that you want to lock it off and become a duplex by virtue of locking that out then it's a zoning issue and your code enforcement officer goes out and ...

Councilman Wilcox said most of those houses there's a door between the upstairs and downstairs that can be locked off.

MPT Efirm said then they rent them out. Councilman Wilcox said you can rent a room out too.

Councilman Wilcox said if you've looked all over the country and can't find any zoning ordinances that circumvent the building code on these issues then I would say there is a reason for that. If we can't find another municipality that has different ways of dealing with this that don't cause concern about the building code that would tell us something.

The town manager said his guess is that staff is interpreting very similar to what we are doing and it goes back to spirit and intent of what the rule is. If it looks like a duplex then a lot of times staff will say that looks like a duplex. I'm not saying it's right but that is where a lot of folks are headed.

Councilman Wilcox said, on the one previous to that, what would you deny the permit on? The town manager said he can't because of the interconnectivity. In other towns, I would say you would be able to deny the permit based on that it smells like a duplex or triplex or whatever it might be.

Mayor Macon said he thinks people do it but if they got challenged they would get beaten.

Councilman Wilcox said we have a long history of enforcing things that, if were challenged, we would probably lose on and I just don't want to add to that list.

The town manager said that is why we're talking about this.

The planning director said we are trying to get at what is a dwelling unit. If we can get that clearly defined, I think we will be a lot closer to where Council may want us to be. We're not. I think the fundamental basis we have to work from is what is a dwelling unit in our eyes? The connectivity issue seems to lean large to things like kitchens, they're not so important. That is what I am hearing so far.

The planning director said if the wall was blocked off there would be 2 dwelling units. If there is disagreement on that then that is why we're talking tonight. He said let's move on a little bit more because this is something we just talked about, again, the connectivity issue exists and if 2 kitchens exist, here and upstairs. That is just another example of multiple kitchens on a 2 level house. This is where we are. What do you want to call a single-family dwelling unit in Carolina Beach? That's what it is. And to follow up with this is the question should the town consider allowances for occupying accessory buildings because what we are showing you is, as I started off the program with, is talking about accessory dwelling units both within an existing building and outside of the existing principle building. We also need to talk about is there a harmful effect in allowing folks to occupy accessory buildings albeit not constituting or constituting a separate, independent dwelling unit? In other words it is an accessory dwelling. Is that a bad thing? We are trying to get some direction from Council on principally what is this? What do we want to call a one single-family dwelling unit in the town?

Councilman Wilcox said he grew up in Virginia Beach and properties across from the ocean, residential area, are very high dollar communities and most of them have a garage apartment and they are used for their kids or their parents or someone in the service industry - lifeguards, policemen, teachers. That's a part of their community. I don't think we're the only ones looking at alternate lodging for our elderly family members or children, etc., where they can't afford to put them in nursing homes or whatever. I think that is something we should look at when it's some type of family related situation or something that would accommodate some of our service industry.

The planning director said that in our zoning ordinance today we have a garage apartment. It's listed as a definition but we don't have a zoning district where it is allowed.

Councilman Wilcox said if you had a restriction in size to something that is reasonably small, it would clearly be some type of a small dwelling that would be for a family member or even if it is not a family member, a teacher, police officer, or whatever, that was to stay there I don't personally have a problem with it.

The town manager said that gets back to design standards, building code, now you're talking about size of buildings which I'm okay with.

Councilman Wilcox said zoning will let you control those aspects.

The town manager said he doesn't think the problem is some of these concepts. I think if you build a garage, at a minimum you ought to be able to have an office in there and we don't allow that type of thing. Now where we allow a full-blown apartment, that's a decision Council is going to have to make.

Mayor Macon said in a lot of zoning districts they do allow the garage apartments and in his opinion, if a duplex didn't exist but there was a single-family and somebody built a small garage apartment to the minimum of the size requirements which are dictated by building code that they should be allowed to do that and it would be detached and would only be two units. They pay all their fees, meet the building code minimum and there are 2 units there, there's no reason they can't have a small garage apartment.

Councilman Wilcox said not many years ago I think on Fayetteville Ave, I built a house over there that's in the R-3 district. I built the apartment downstairs. It was permitted by this town and inspected by this town. It has a living room, a bedroom, a bathroom with washer and dryer and full kitchen. It's just another example of the inconsistency we've had throughout the years of enforcing any of this type of things. The code hasn't changed all that much. Now that would be considered probably not permitted. We have a history of interpretations that have people in a situation and now we're saying it's non-conforming.

Councilman Lewis said going back to the integrity of the single-family home zoning districts and the people who live there, they basically want it kept to single-family homes for the reason that it attracts families to those environments, they don't want to have multiple people running in and out living next to them. They look at these accessory buildings as being the first step to putting duplexes up or multiple apartments in a house right next to them. That's the concern. As soon as you start changing accessory type buildings, now an accessory building can be whatever size, maybe have 2 apartments or 4 apartments in that garage. Now we have the house and 4 apartments and a garage and maybe 4 parking spaces and the next thing you know we're right back into what we had. I live in a condo because that is what I prefer. I don't want to tell people who want to live in a single-family district in a single-family home that they are going to be dumped with people living right next to them with multiple homes.

Mr. Keeler said the sanctity of the single-family isn't diminished by allowing accessory dwelling units nor is it protected by not allowing them because you can still rent them out.

Councilman Wilcox said he lives in an R-3 and a lot of people he knows there would like to have them and he doesn't think we can assume what they want.

MPT Efird said she definitely does not approve of any buildings on a single family lot.

Councilman Lashley said he agreed.

Mayor Macon asked if somebody wanted to do a garage apartment out behind the duplex area where there was a single-family dwelling, would you guys let them do it?

The town manager said to a PUD, right?

The planning director said right, in a zoning district that would permit it. That is an excellent point, right now we put people who want to build PUD's, which are single-family homes, we put them through the wringer in terms of making certain that they meet all the standards, drag them in front of P&Z and Council, we get all this stuff approved and you know what? We're seeing designs of single-family homes in these communities; that's what these PUD's are about, single-family homes and that's what, I think when you look at our land use plan that is the thing that is cherished. That is what needs to be promoted and yet we make people go through a process of a PUD instead, staff and I have been talking about maybe developing standards, which we have in article 12 of the zoning ordinance, and say, okay, if you meet these standards and you are not looking for any reductions in setbacks and you're going to comply with all the developing standards of that zone, why not allow it as a matter of right as opposed to a conditional use. I think that would further a variety of goals in the town. If you wanted to go a little bit further, you could start looking at duplexes as saying do we have too many duplexes in town and if we do, then maybe what we ought to start thinking about is putting them through a CUP process.

Mayor Macon said he didn't think we had too many duplexes. This was an argument a few years back when some other people ran that we were going to overbuild and become Myrtle Beach. Single-family and duplexes are considered a single-family in the building code as well as town homes. Looking at the multi-family area on the map, we do not have a problem with overbuilding here. The density has been reduced 75% in those areas that used to be multi-family and used to be 6 units.

Councilman Wilcox said he doesn't care what district it is, if I own a piece of property and I pay my taxes and I keep it clean and take care of it, it just feels wrong to him that he can't have a place outside of his home that I can take care of one of my family members, at a minimum, especially if I can only have it if one of my neighbors turns him in. We've also got an enforcement issue.

The town manager said if you go to Wilmington Beach there are also duplexes down below called owner's suites. To him that's 4 separate units because you've got no connectivity and I think most of them were studios or something like that. When I got here they weren't permitted as bedrooms and people were advertising it. So we called them and said you are advertising bedrooms so you need to come in here and pay. That's another situation where you've got 4 units, in his opinion, because there is no connectivity between them.

Mr. Keeler asked if there is a majority on the Council for them to continue look at this and then come back to P&Z to Council for action.

The planning director said he is hearing some things this evening about connectivity being the critical thing that we need to pay attention to and, if that's the part of it, then staff needs to go back and start rearranging our definitions and come back to P&Z with some modifications to those definitions about the kitchens and then from there we can begin to look at if kitchens are not that big of a deal then maybe we ought to start looking at other elements that make up a single-family that we can think about eliminating. Then we can also talk about this PUD notion. I brought it up and I am wondering if everybody is thinking that would be a good thing for the town and start moving toward getting away from PUD's through a CUP process and start having two single-family houses on one lot as long as it meets all the development standards of a PUD if you're zoned duplexes. If you can meet the standards of a zoning district, the setbacks, and you've got a lot that would accommodate two dwelling units that won't go over 40% of lot coverage, then why not go ahead and permit these? The density is not changing and, therefore, there shouldn't be any impact to the community.

Councilman Lewis said he and Marty had discussions with the town attorney about moving the process of responsibility back to the P&Z and planning department on CUP's. Unless there's an exception, not bringing to Council for approval. We have talked a little about that and would like them to bring back something or a recommendation in that area and Council vote on that.

Councilman Wilcox said one of the reasons that CUP's go through planning and then Council is that it is multiple opportunities for the community to participate and it's also good for the applicant because the applicant comes to P&Z who look at a lot of details and gives the applicant the opportunity to hear from the citizens, the planning board and staff and then make adjustments before they get to Council for that final hearing and I think that is an important part of the process that our community valued and to suggest that we would skip P&Z and bring it right to Council, which would be the easiest thing since we are quasi-judicial, or skip Council and leave it at P&Z I think either one of them is undermining that process, which is a good one.

Mr. Keeler said I'm not sure that is what he was suggesting.

Mayor Macon said not all of them, just the ones that are no brainers like a garage apartment in a duplex area.

Mayor Pro Tem Efird asked Mr. Ferguson if he will bring something back to Council. Mr. Ferguson said, yes they will.

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

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____