

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

**January 23, 2008**

The Town Council of the Town of Carolina Beach met in regular session on January 23, 2008 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), Dan Wilcox; Councilwoman, Pat Efird; Councilman, Alan Gilbert; and Councilman, Jerry Johnson. Also present were Town Manager, Tim Owens; Town Attorney, Al Clyburn; Finance Director, Dawn Johnson, and Town Clerk, Lynn Prusa.

Mayor Macon called the meeting to order which is a continuation of the January 8, 2008 regular meeting.

***CHANGES TO THE AGENDA***

The town clerk asked Council to consider setting two public hearing dates for the February meeting: (1) to consider amending the Zoning Ordinance; Article 7.2 Off-Street Loading Requirements for Commercial Districts outside the CBD, and (2) to consider amending the Zoning Ordinance; Article 3 Zoning District Regulations to reduce the rear yard setback in the Highway Business District when the proposed commercial use abuts any commercial district.

**Councilman Johnson made a motion to set a public hearing to consider amending the Zoning Ordinance Article 7.2 Off-Street Loading Requirements for Commercial Districts outside the CBD, and Article 3 Zoning District Regulations to reduce the rear yard setback in the Highway Business District when the proposed commercial use abuts any commercial district on February 12, 2008 at 7:30 p.m. or soon thereafter. MOTION CARRIED UNANIMOUSLY.**

The town clerk stated that the NC Water Resources Congress meetings will be held February 27-29th and they are requesting a member of Council to attend. Several council members will be checking their calendars and get back to the clerk.

***PUBLIC DISCUSSION (Five minute time limit per person)***

John Lebenich, 1705 Carolina Beach Avenue N., requests that Council reconsider the ordinance of setbacks which was voted on at the last meeting and also a conflict of interest in the voting on this ordinance by Councilman Wilcox and Mayor Macon. He felt they should have dismissed themselves from voting or consulted the town attorney on whether there was a conflict of interest, and there should have been more discussion and better explanation. He will be sending copies of tapes and minutes of these two meetings

to Kathy Farmer of the North Carolina Attorney General's office. He represents 17 homeowners on the North-End, and have been dealing with the issues of building on sub-standard lots in this high-risk area. He said it is time to discuss what is to be done with this property. He feels there is too much personal interest. If you are building properties for the people who are affected by this ordinance, he wants it to be documented and know why they are allowed to vote in a situation like this. Mayor Macon stated that it was his understanding that if there was not a direct interest, there is no conflict and asked the town attorney to expand upon that. The town attorney said that a member has to have a specific, substantial and readily identifiable financial impact from their vote on the issue. To some extent, members of Council are impacted by most of the votes they give due to the fact that they live and work in the community. If the town were to preclude a member of Council from voting on any issue where they might have some impact, they couldn't get any votes. His advice to Council is that if they perceive that they have a conflict of interest on any vote, it is their obligation to let the Mayor and other members of Council and the public know that they have a conflict of interest and why. Mayor Macon said it was a zoning district item, not a specific lot. Mayor Macon said he no longer has an interest in Blue Water structures, which is owned by Councilman Wilcox, as it was sold early last year. He does not own any property in that district or elsewhere in Carolina Beach. Councilman Wilcox said he has been working on this issue long before knowing the Kirkbride's or Olivolo's, and his concern was for all the properties on the North-end and he did not feel there was a conflict of interest.

Randy Simon, 1410 Snapper Lane, said with regard to the Wilmington Beach (storm drains, sidewalks, road paving, etc.) project, I ask that you direct this project to the new director of operations who has an engineering background as he would have a better understanding of what problems there might be and can address those issues better to Council.

### ***COMMITTEE APPOINTMENTS***

**Councilman Gilbert made a motion to go forward with all the appointments and nominations for committees together. MOTION CARRIED UNANIMOUSLY.**

Mayor Macon stated that the purpose of the Budget Committee is to review the budget, identify potential savings, evaluate presentation revenues and expenditures, etc. He will be the liaison and they will go through the budget on a line item basis as well as going through the checks that go out every month to identify where savings might be made.

Councilman Gilbert asked that the new committees start out as ad-hoc, let them put their policies together, figure out their meeting times, etc. The town clerk requested that the committees advise her at least a week prior to meeting where the meeting will be held, the time and date so that the public can be notified.

MPT Wilcox said the purpose of the Arts and Activities Committee is to determine if all current entertainment and tourist related activities can be enhanced; develop new cultural and entertainment related activities primarily related to the Boardwalk and CBD area; identify funding sources; work with Parks and Recreation to bring more Boardwalk recreation activities to tourists and locals; be a liaison the Chamber of Commerce to develop joint ideas and events and make recommendations to Council primarily for the start of the summer season.

The Business Advisory Committee purpose is a campaign to attract new businesses and assist existing businesses in the CBD and Boardwalk property owners to prepare for a successful 2008 summer season; pursuit of a tax increment financing opportunities; explore financial and economic development implications of waiving impact fees or offering incentives for businesses; encourage leasing of vacant buildings for new business ventures and new construction per Master Plan recommendations and basically all things that would promote new business and help existing businesses with problems they may have and issues they could discuss before meeting with Council.

He will be the liaison for those two committees and recommended seven (7) members for each.

Mayor Macon recommended five (5) for the Budget Committee, one (1) for the Operations Advisory and two (2) for the Police Advisory.

A list of all the applicants for each committee was presented to each Council member. Each person made their selection and the votes were tallied by the town manager's administrative assistant.

**Council unanimously selected Travis Williams and Brett Keeler to serve on the Police Advisory Commission.**

**Council selected Frederick Fisher to serve on the Operations Advisory Committee.**

**Councilman Gilbert made a motion to appoint LeAnn Pierce to the Business Advisory Committee. MOTION CARRIED UNANIMOUSLY.**

**Mayor Pro Tem Wilcox made a motion to appoint Michael Kirkbride to the Business Advisory Committee. MOTION CARRIED UNANIMOUSLY.**

**Councilman Johnson made a motion to appoint Thomas Campbell to the Business Advisory Committee. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to appoint the following to the Arts and Activities Committee: Steven Brent, Adam Higgins, John Garcia, Lorri Honeycutt, Dava Villapiano, Dee Jenzano, and Elaine Marie Stewart. MOTION CARRIED UNANIMOUSLY.**

***REQUEST TO PURCHASE AND CHANGE OUT METERS AT THE TOWN'S WELL SITES***

Paul Parker requested to replace meters on wells as he feels they are inaccurate and the town is not really losing water. He said there is a lot of unmetered flow which is being fixed. They are also flushing hydrants and changed out meters and could be about 400 residential meters that might have had problems. Meters have been added to the Town Hall, Fire Dept., Operations Building, and the greenhouse. They are also looking at any area where there is irrigation. The object is to match the production with consumption. He will report back to Council with the findings. The North Carolina Rural Water Association will be doing leak testing on the lines in February.

**Councilwoman Efirid made a motion to approve the request for \$25,000. MOTION CARRIED UNANIMOUSLY.**

***CONSIDER CHANGES TO THE TOWN'S PLANNED UNIT DEVELOPMENT ORDINANCE***

MPT Wilcox said this item was heard not too long ago and voted on which was basically the reduction of the ability to use a PUD to do smaller development projects. He would like to send this back to Planning and Zoning as he felt it was possibly rushed, and said there were solid recommendations made by staff and a number of people who have larger parcels and don't want to increase density and want to have single-family homes.

**MPT Wilcox made a motion to send the planned unit development ordinance back to Planning and Zoning for consideration and recommendation to Council. MOTION CARRIED UNANIMOUSLY.**

***CONSIDER CHANGES TO THE TOWN'S ORDINANCE REGULATING BARS AND TAVERNS***

Councilman Wilcox said with regard to the revitalization effort one of the things that keeps coming up is the 200 foot rule between bars and taverns. He would like to see it go back to Planning and Zoning as a lot of things have changed since this rule was put in place. There is very limited space for businesses in the CBD and Boardwalk because of the way it is structured. The fact that it is a tourist area with high density, it doesn't go with the idea and the ability for businesses to come here and be productive. Would like for Planning and Zoning and staff to look into it, see what other towns are doing and make a recommendation to Council. Councilman Gilbert said that with an area as small as CBD that diverse business clusterings would probably help a lot from the 8:30 a.m. until 2:00 at night. He feels that a bar would be ancillary to a restaurant and wants to be careful to maintain a diversity of businesses and not be bar exclusive. Tim Owens said there are some other issues that may not be consistent with the ABC laws as well and that it needs to be looked at.

**Councilwoman Efirid made a motion to send the town's ordinance regulating bars and taverns back to Planning and Zoning for consideration and recommendation to Council. MOTION CARRIED UNANIMOUSLY.**

**UPDATE CONCERNING SAFE ROUTES TO SCHOOL GRANT PROGRAM AND SET PUBLIC HEARING DATE FOR FEBRUARY 12, 2008 AT 7:30 P.M. OR SOON THEREAFTER.**

Tim Owens said he will be meeting on February 26<sup>th</sup> with the PTO to review results from a survey which was sent to parents. They have identified some areas such as sidewalks and getting children to school safely where it might be possible to apply for a grant to fill in some of the gaps in the sidewalk system. This will match up with some of the other long term goals such as biking path friendliness throughout the town. Mr. Owens feels it is too early to set a public hearing date now. He will bring it to the February meeting and ask for a March hearing.

**CONSIDER BROADCASTING THE MONTHLY MEETING ON PUBLIC ACCESS PROGRAMMING**

Councilman Gilbert said there has been increased public desire in broadcasting the meetings, especially since several of the forums were broadcast and there was a tremendous feedback on how great that was. There is a proposal to consider a second meeting a month with respect to outreach/information purposes, broadcasting might be a better consideration for the public, less stressful on staff. Tim Owens said the cost of equipment and staff would be \$525.00 per meeting and feels this would be the easiest route. Don't know all the logistics at this point or additional costs for additional meetings, etc. Meetings would be broadcast on cable, Channel's 3 and 5, all the equipment, one DVD for Town files, two to the cable companies. Mr. Owens can look into it further. Mr. Kirkbride suggested purchasing a webcam and hooking it into our server, record the meeting ourselves and meetings can be archived, would save considerable money.

**Councilman Gilbert made a motion to direct staff to pursue the best option for broadcasting the monthly meetings and bring the information back to Council. MOTION CARRIED UNANIMOUSLY.**

**CONSIDER AMENDING THE ZONING ORDINANCE, ARTICLE 7.1(D)  
OFF-STREET PARKING SPACE SCHEDULE TO ADDRESS HOTEL PARKING  
REQUIREMENTS AND ARTICLE 7.2 OFF-STREET LOADING  
REQUIREMENTS TO REVIEW REQUIREMENTS FOR LOADING SPACE  
SIZES**

Ed Parvin said the applicant is requesting an amendment to the parking standards - parking table for hotels and motels, a 25% parking reduction shall be given if 50 or greater parking spaces are required. The reduction shall only apply to associated on-site uses limited to restaurants, bars and meeting rooms. Mr. Parvin gave an example of the Drifter's Reef request. Staff reviewed some of the ordinances and different scenarios for this and liked the number 50 based on the probability of the number of people who would be driving there. They also looked at number 41 in the Land Use Plan - innovative ways to limit parking. Mr. Parvin feels this is a good example of cross use of parking spaces where you may not necessarily need all of the parking for a hotel and restaurant that are on the same site. He said the proposal was for 80 parking spaces, alternative might be to have a 69 seat restaurant and reduce parking.

The second part of the request concerns loading spaces. Staff originally looked at uses handling goods in quantity - 12' x 45' size space, and uses not handling goods in quantity - 12' x 25'. He said staff will be presenting another proposal for the rest of the commercial district at the February meeting. Tonight's proposal is for the CBD. Staff is recommending that Council not adopt this part of the text amendment but are recommending the first part for approval. This amendment was not looked at favorably by the Planning Board, they denied the proposed amendment and advised that it is inconsistent with the Land Use Plan. They did not like reducing the parking space size or reducing parking allowance for uses.

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

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

**MPT Wilcox made a motion to approve Article 7.1(d) Off-Street Parking Space Schedule as being consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.**

**MPT Wilcox made a motion to adopt Ordinance No. 08-715 off-street parking changes as stated in Article 7.1(d) in the Zoning Ordinance the reduction of 25% when restaurants are an ancillary use to a hotel (*Exhibit 1*). MOTION CARRIED UNANIMOUSLY.**

**MPT Wilcox made a motion to table the amendment to Article 7.2 Off-Street Loading Requirements until staff brings forth the companion item. MOTION CARRIED UNANIMOUSLY.**

**CONSIDER A REQUEST FOR A MAJOR MODIFICATION OF A  
CONDITIONAL USE PERMIT TO ADD A BACK DECK AND EXTRA  
SEATING AT A RESTAURANT, BLACK HORN, LOCATED AT 15 CAROLINA  
BEACH AVENUE NORTH.**

The following were sworn in: Tim Owens, Jeremy Hardison, Brett Keeler, Alan Pacek and Greg Reynolds.

The town's Zoning Administrator, Jeremy Hardison, stated that the applicant currently has 98 seats, 80 inside and 18 outside. The request is for an increase of inside seating to 99 seats for a total of 117. Along with that is a request for a parking waiver for a total of 39 public spaces, 6 additional spaces. The applicant currently has 33 spaces. Also in the rear of the building they would like to dress up that entrance and have an area for smokers to come out. The applicant is also requesting the construction of a covered 246 sq. ft. rear deck to be used as a second entrance for patrons. Mr. Hardison presented the history of the restaurant, describing how we got where we are today (*Exhibit 2 pages 1 and 2*). You hear a request of August 14 for the construction of a roof deck and 8 additional seats. The 8 seats were approved and there were some questions about the rear deck. There would be no seating on rear deck. There will be angled guarded hand rails to prevent placing of bottles on them and hand rail at bottom of steps leading to the rear deck will be extended out to prevent patrons from walking out onto the road. Property is located within the 100-year floodplain and within a CAMA Area of Environmental Concern. Planning and Zoning did approve the request in November, is in general conformity with the Land Use Plan, and the required and general findings. He provided the 15 staff recommendations (*Exhibit 2 pages 3 and 4*) that Planning and Zoning agreed with, and they did add one additional recommendation:

16. That there will be no service of alcohol or food on the rear deck.

There being no questions for Mr. Hardison, Mayor Macon asked for a motion to open the public hearing.

**Councilman Gilbert made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.**

First to speak was the applicant, Brett Keeler, 303 Hamlet Avenue, representing Black Horn Bar and Kitchen located at 15 Carolina Beach Avenue North. He said this request was previously brought in August as part of another modification and it was not included in the vote because of safety issues of the deck. The deck is basically a renovated entrance on the west side, raised 20½" high, roofing 8' to the header with a 4/12 pitch, 37" fencing with sloped railing, 3' setback from the southern portion of property - 2 ½ ' at northern portion. The deck will add an extra entrance and allows a smoking alternative and waiting area or an area to wait for cabs. It will include a call box to conform with ADA requirements. It will be an aesthetic improvement and will be a safer entrance/exit

with a better sightline. The deck is not that big, can't be used for seating. It will be used for someone to smoke a cigarette, talk on the cell phone, get a breath of fresh air and be safe. The current exit is not much for sightlines. There will be extended handrails so patrons can't just step off and into the road. They are also asking for 18 more seats to go to the maximum allowable without putting in a sprinkler system and they are asking Council to waive the parking requirement. Council questioned the railing height. Mr. Owens said that will be reviewed when the building inspector looks at it. Mayor Mayor said that would be part of the building permit compliance.

The applicant's Architect, Greg Reynolds, of 711 Canal Drive, said the guardrail requirements don't come into effect until you have a 30" drop and there is only 20", the actual handrail is up to where they would like it to be but can be changed if that is what Council would like. Councilman Johnson said that it would be more likely for someone to sit on it at 37" than at 42". Mr. Reynolds restated that it would create a more attractive entrance.

There being no further public comment, **Councilman Gilbert made a motion to close the public hearing. MOTION CARRIED UNANIMOUSLY.**

**Councilman Gilbert made a motion to approve the major modification of the Conditional Use Permit with required findings, specific standards 1-7, general conditions 1-4, staff recommendations 1-15, Planning and Zoning Commission recommendation 16 with the change of removing the wording "service of" to read: "There will be no alcohol or food on the rear deck". MOTION DENIED 2-3 (MAYOR MACON, MPT WILCOX, AND COUNCILWOMAN EFIRD VOTED NO).**

**MPT Wilcox made a motion to approve the Conditional Use Permit as presented based on required findings, specific standards 1-7, general conditions 1-4, staff recommendations 1-15, and Planning and Zoning Commission recommendation 16 as presented.**

**Before calling for a vote, Mayor Macon said he has an issue with unattended drinks and when drinks can be tampered with. There are issues that could become an enforcement problem for the restaurant and it would be up to you to keep the patrons in check that are taking advantage of the deck to smoke. I understand the fact that people that smoke drink and they want to take their drink with them when they smoke, but I don't really want it to be a hang out where people are partying down. I don't like drinks unattended especially when a female is involved.**

**Councilman Gilbert said the way this was presented was an area to get out of the rain if you are waiting for a cab and to smoke a cigarette. The presentation did not include an area to congregate and have a drink. They designed the railings not to be friendly to put your drink down on the railing. They were careful not to allow service out there but to include consumption. So by design you are going to get congregating and consumption.**

**MPT Wilcox said he feels it will improve the aesthetics to the back of the building. I think they are on their property and CBD has zero lot line setback. They are proposing something that is allowed in the ordinance. They have a good record of enforcement with ALE and we also have noise and behavioral ordinances as well. We now have some businesses coming to this town willing to spend money and we need to be pro-active in supporting these new types of concepts to the community.**

**There being no further discussion, Mayor Macon called for a vote. MOTION CARRIED 3-2 ( COUNCILMAN JOHNSON AND COUNCILMAN GILBERT VOTED NO).**

### **CONSIDER AMENDING THE ZONING ORDINANCE, ARTICLE 7.2 OFF-STREET LOADING REQUIREMENTS**

Gary Ferguson said this is a staff generated amendment to the Zoning Ordinance that addresses off-street loading in the CBD. There are two standards - uses that handle goods in quantity (retail, greater than 5,000s.f.) and uses that don't handle goods in quantity (hotels, restaurants, etc.). Staff checked other areas, Wrightsville Beach starts at 20,000s.f. regardless of use, Atlantic Beach and Morehead City do not have an off-street loading requirement in their CBD, Virginia Beach is similar - retail at 5,000s.f. and all other commercial uses greater than 20,000s.f., Oak Island just requires a loading plan, which will be part of the amendment this evening. A lot of the unloading and delivery have been going to Raleigh Avenue (an area 10'3" and 90' in length) and Cape Fear Avenue which has resulted in fewer complaints about loading, public safety or congestion. At the December 13, 2007 Planning and Zoning Commission meeting it was recommended for approval of this amendment which basically says that "where properties are located within the CBD, off-street loading requirements may be waived by the decision making authority (Town Council or Planning Department) provided a loading space plan is submitted by the applicant and approved by the Director of Planning or his/her designee that addresses the following: time loading will take place, approximate size of truck used for loading, duration of loading period, and location of the loading area". Staff finds this in conformity with the Land Use Plan.

**Councilman Johnson made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.**

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

**Councilwoman Efird made a motion to adopt a land use consistency statement that it is accordance with the provisions of NCGS 160A-383, and that it is consistent with the goals and objectives of the adopted Land Use Plan and other long range planning documents. MOTION CARRIED UNANIMOUSLY.**

**Councilwoman Efirm made a motion to adopt proposed Ordinance No. 08-716 (Exhibit 3). MOTION CARRIED UNANIMOUSLY.**

**CONSIDER AMENDING THE CODE OF ORDINANCES, CHAPTER 11 PARKS AND RECREATION, TO INCLUDE A NEW ARTICLE V PARKS ORDINANCE AND SECTION 11-42(C) LIABILITY OF USERS**

Ted Lashley presented proposed Ordinance No. 08-713 which amends Chapter 11 Parks and Recreation Article V Parks Ordinance, which is a new addition, and adding Article III Auditorium and Community Facilities Section 11-42(c) Liability of Users. Mr. Lashley said that he and Wanda Barbour, Chairperson for Recreation Committee, would like to table the request until the February meeting as there are some issues that may affect some changes.

**Councilwoman Efirm made a motion to table the request for amending the Code of Ordinances, Chapter 11 Parks and Recreation until the February 12, 2008 meeting. MOTION CARRIED UNANIMOUSLY.**

**NC DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT ENTRY-WAY PROJECT DRAFT PLAN**

Gary Ferguson requested that this proposal be tabled until the February 2008 meeting as the draft plan is not complete. Mr. Ferguson stated that he met with Mr. Otton to address his concerns with noise and hopes to incorporate some things to lessen the noise.

**Councilman Gilbert made a motion to open the public hearing. After some discussion Councilman Gilbert withdrew his motion.**

**Councilwoman Efirm made a motion to table the Entry-Way Project draft plan until the February 2008 meeting. MOTION CARRIED UNANIMOUSLY.**

Councilman Gilbert recommended that in the plan, the architect consider wax myrtles instead of crepe myrtles.

**CONSIDER AMENDING THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, ARTICLE II MAYOR AND COUNCIL, SECTION 2-17 MEETING TIMES AND PLACE, TO CHANGE THE REGULAR MEETING TIME FROM 6:30 P.M. TO 7:00 P.M., AND CONSIDER HOLDING A 2<sup>ND</sup> REGULARLY SCHEDULED MONTHLY MEETING**

Councilman Wilcox said his request comes from the effort in the town to stimulate people that want to come here and get their businesses open for the season and he doesn't feel they will make the season under the current schedule as it is a three month process. Councilman Wilcox requests that Council consider at least doing two regular meetings at

least through April and then make a decision on that - it will cut what could be a 4-5 month process down to a 1-2 month process. Changing the time would make the meetings more consistent.

**Councilman Gilbert made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.**

George Connet, 1321 Cabot Court, said he thinks 7:00 p.m. is better than 6:30 p.m. and feels you need two meetings to get through all the backfill from last year and keep the meetings shorter and to catch up on the scheduling - at the critical points of the year, two meetings are needed.

Greg Reynolds, 711 Canal Drive, said he feels without the two meetings the building process is really slowed down. Two meetings would really help the public and 7:00 p.m. is a better time.

Alan Pacek, 101 Island Mimosa Lane, feels the other thing Council should consider is that there are two hotels that are in play and decisions may need to be made on their behalf in order for them to get open by the 2009 season, delays could be very critical. He feels it would be accommodating to them to have the two meetings as proposed.

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

Councilman Gilbert said he would like to hear some of staff's comments.

Ed Parvin said you need sufficient advertising time, review time by staff, Planning and Zoning and Council, as well as administrative time for preparation of materials.

Gary Ferguson feels that setting the public hearing delays the applicant, and said if it would it be possible to move away from that, it might help. Secondly, need to look at conditional uses, try to streamline them such as permitted uses with standards - if an applicant could meet the standards and Council would review that as an amendment to the Zoning Ordinance, it might improve timing.

Lynn Prusa stated that she would do whatever Council asks of her but she has some concerns about the CUP process and will the timing factor really work, other things might be more beneficial instead of trying to crunch the CUPs, like zoning issues. History has shown that every time there is a change of Council, there is a lot of business at the beginning and it settles down after a few months. She would prefer that Council call a special meeting to discuss whatever issues they feel might need to be addressed and try that before locking into another regular meeting. She said there are no CUPs for February, two for March, and she would prefer to take more time to ensure things are done correctly. If you mess up an advertising requirement, it will slow down the process. Two meetings will create a lot more work for staff, and she would like for Council to consider calling special meetings as needed to get over the hump. Also take into

consideration that there will be a lot of budget hearings coming up.

Tim Owens said he barely has enough time to prepare once he receives the agenda. If staff has another meeting with a full agenda and packet, it's difficult for everyone. He feels that if the public participation is at 6:30 p.m., that gives an opportunity for a buffer. He said he has also heard some applicants say they don't have enough time, another meeting will cost more, be more of a burden on staff and it might be a quality issue. If we need more meetings, have special meetings. He would like to stay with 6:30 p.m.

**Councilman Johnson made a motion to deny proposed Ordinance No. 08-719. MOTION CARRIED 3-2 (MAYOR MACON AND MPT WILCOX VOTED NO).**

### **BUDGET FY 2008/2009 TIMELINE AND SCHEDULE**

Tim Owens presented a draft timeline for the budget process. Initial dates of January 29<sup>th</sup> and 31<sup>st</sup> will be very busy in that the Master Development Plan meetings are on those dates. He would prefer alternate dates but can accommodate those dates if that is what Council wishes. The public hearing can be set in February for the initial public hearing in March. Council and staff decided that the Town Council budget workshop and the goal setting retreat will be combined and held on February 4<sup>th</sup> beginning at 9:00 a.m. Staff will notice it as a special meeting.

### **DIRECTION REGARDING DIVISION OF COASTAL MANAGEMENT CAMA PUBLIC BEACH ACCESS**

The town's Senior Planner, Ed Parvin, discussed options for a public beach access/waterfront access grant. Projects are anticipated to begin September 2008, first deadline is February 29<sup>th</sup> and final submittal April 30<sup>th</sup>. Council reviewed possible locations. It was noted that the town can apply for multiple sites.

**Councilman Gilbert made a motion to go forward with staff recommendations on their priorities - Cape Fear, Tennessee, additional parking on Texas, maintenance and improving Canal Drive accesses. MOTION CARRIED UNANIMOUSLY.**

### **GRANT APPLICATION - CLEAN WATER MANAGEMENT TRUST FUND**

Tim Owens said he and staff were planning to ask Council to adopt a resolution to go forward with a Clean Water Trust Fund grant, specifically for lift station #1 and repairs to the wastewater treatment plant. After further discussions with Clean Water Management Trust Fund staff it was determined that our rates won't allow the town to apply for this grant as they are too low so there will be no action.

## NON-AGENDA ITEMS

Tim Owens mentioned that the Master Development Plan meetings begin next week, Tuesday the Steering Committee meet at 6:00 p.m. in the police training room, and Wednesday is the Open House 6:00 to 8:00 p.m. On Thursday, January 31<sup>st</sup> at 9:00 a.m. there will be a meeting with the utility companies on the feasibility of burying lines initially in the CBD. Also, there were approximately 100 applicants for consideration of funding obligated by the General Assembly to purchase waterfront access, etc. The town was chosen as one of 40 and will follow through with the project to purchase the Blackburn Seafood site. He said we need to find a state partner, and feels we can implement a lot of different things with regards to the Master Plan. If we don't get funded in the first round, it looks favorable for future funding. Possible state partners could be Marine Fisheries or the NC Aquarium could have training/teaching seminars. The intent is to preserve the fish house as a working waterfront fish house and expand other opportunities with regard to transient slips.

The town clerk said she should have caught this earlier and didn't. She explained that Brett Keeler was appointed earlier this evening to the Police Advisory Commission as a highway business district representative and she is unsure if he has property in this district; however, in consideration of this the chairman brought to her attention that he may be asking Council to change the code book to make the qualification be for at-large members instead of representation from different areas since it is so difficult to meet those requirements. Council was in general agreement with the appointment of Brett Keeler to the Police Advisory Commission.

**Councilman Gilbert made a motion to direct staff to write a letter to DOT Division Engineer or Maintenance part of DOT on repaving/reconstructing Hwy 421 to include a milling and filling or reconstructing in considering a paving surface that would reduce the velocity of runoff over that pavement and consider an open graded friction coarse if a design could be facilitated to provide reduction of that velocity. We need to send a letter to the MPO. MOTION CARRIED UNANIMOUSLY.**

Tim Owens said taken into consideration all that will be going on in the next 2-3 years, he feels we should ask for the repaving.

Councilman Gilbert asked Council to consider an informal Town Hall type meeting twice a year, maybe to be held at the Carolina Beach Elementary School.

MPT Wilcox asked Council/staff to consider letting boards make recommendations for appointments.

Also, with the Harbor Management Plan going on and water quality issues, would like for someone to look into a place for residents to dump car/boat oil. He also stated that the recycling requirements of the restaurants, etc. are doing now, there is a dumpster near CBD but the businesses outside that area where it doesn't make sense to cart their stuff

over there are having some financial anxiety. Need to look at other options for people not close to recycling bin.

Councilman Gilbert said that a number of rentals down Canal don't have recycling bins and people have complained, might want to look into a recycling center.

Mayor Macon said the town used to provide an area for dumping oil.

Also, in reference to MPT Wilcox's comments, Mayor Macon said that at one time Council members interviewed the Planning and Zoning applicants. Councilman Gilbert suggested an appointment committee.

Councilwoman Efird said she visited the Fire Department and things are going well, the transition has been smooth and the chief is doing a good job.

Mayor Macon said the town received a letter of appreciation from the Pleasure Island Chamber of Commerce for 2007 and the town's support.

***REQUEST FOR CLOSED SESSION TO DISCUSS ATTORNEY CLIENT AND REAL ESTATE AND PERSONNEL MATTERS [NCGS 143-318.11(a)3, 5 and 6]***

**Mayor Macon made a motion to go into closed session to discuss attorney, client and real estate and personnel matter [NCGS 143-318.11 (a)3, 5, and 6. MOTION CARRIED UNANIMOUSLY.**

**A motion was made by Mayor Macon to return to open session. MOTION CARRIED UNANIMOUSLY. No action was taken.**

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

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

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