

**MINUTES OF THE SPECIAL JOINT MEETING
OF THE CAROLINA BEACH TOWN COUNCIL
AND PLANNING AND ZONING COMMISSION**

July 22, 2008

The Town Council and Planning and Zoning Commission of the Town of Carolina Beach met in a special meeting on July 22, 2008 at 6:00 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina.

Mayor Macon and Chairman McQuillan called the meeting to order.

Roll call was taken: Mayor Joel Macon, Mayor Pro Tem (MPT) Dan Wilcox, Councilwoman Pat Efird, Councilman Alan Gilbert, Shawn Underwood, Jim Reese, Betsy McQuillan, Sarah Efird, Jim Miller and Greg Reynolds. Also present were Town Manager Tim Owens, Planning Director Gary Ferguson, Senior Planner Ed Parvin and Town Clerk Lynn Prusa.

DISCUSSION CONCERNING THE FOLLOWING:

- A. AMENDING THE 2007 CAMA LAND USE PLAN TO CONSIDER MODIFYING THE LIMITATIONS TO BUILDING HEIGHT IN THE COMMERCIAL 2 LAND USE CLASSIFICATION; AND/OR***
- B. AMENDING THE ZONING ORDINANCE, SECTION 3.9.1 TO LIMIT THE MAXIMUM HEIGHT OF COMMERCIAL BUILDINGS TO 115 FEET EXCLUDING APPURTENANCES IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT.***

Gary Ferguson presented request by the Hilton for an amendment to the 2007 Land Use Plan(LUP) to accommodate appurtenances that extend above the 115' height limit as defined in policy 32 (*see Exhibit 1*), to accommodate storm water below the building, and additional height in the ballroom, rooms and lobby. They are asking for a 10 foot allowance for the appurtenances which will create a 125 foot maximum. The Zoning Ordinance would also have to be amended to be consistent with the Land Use Plan.

Note for the record that Councilman Johnson arrived at the meeting at approximately 6:13 p.m.

Tim Owens said the reason for the special meeting tonight is in order to meet the deadline and set a public hearing for the amendment to the LUP and have it ready for the September 24-26, 2008 CRC meeting.

Mr. Ferguson said Policy 32 will remain as is. Recommended change to Policy 30:

“Building height shall be defined as that distance measured from the highest point of the structure, excluding appurtenances, to:

1. The front street line.
2. The nearest front street line where there is not an adjacent right-of-way.
3. An average of each front street line on through lots.”

Another approach, the Zoning Ordinance has language almost identical to this which says, “Building height, the distance measured from the highest appurtenance on the structure to” followed by the exact same three points of reference. Staff could add a fourth point of reference use the word hotel and say, “Appurtenances 10 feet or less shall be exempted from the height measurement.” This would be applicable only to hotels. This exact same change would be made in the Zoning Ordinance to be made consistent with the LUP. Staff would also define appurtenances.

Mr. Owens said there would be three things presented for consideration for public hearing on August 22, 2008: (1) the LUP change, (2) the zoning definition change for building height, and (3) the addition of definition for appurtenances.

Mayor Macon made a motion to call a Council meeting and public hearing date for August 22, 2008 at 6:00 p.m. to consider a LUP amendment and the two zoning definitions, one to change the definition of height in the current Zoning Ordinance and add a definition for appurtenances. Councilman Gilbert said he would be unable to attend but will try to juggle his schedule. Gary Ferguson said staff will take the Zoning Ordinance text changes to the Planning and Zoning Commission for approval.
MOTION CARRIED UNANIMOUSLY.

Commissioner Underwood made a motion to adjourn the joint meeting of Town Council and Planning and Zoning Commission, seconded by Commissioner Efir.
MOTION CARRIED UNANIMOUSLY.

TOWN COUNCIL - CONSIDER APPROVAL OF ARTS AND CRAFTS EXHIBIT AREA

Mr. Owens said this is an item MPT Wilcox asked to be placed on the agenda but it was not advertised. In a discussion with the town clerk, the suggested rules of procedure for special meetings, there is a section that is open to allow for Council to consider it if they wish to do so. It basically says, “only those items of business which have been specified in the notice may be discussed or transacted at a special meeting called in this manner unless all members are present or those not present have signed a written waiver of notice and the Council determines in good faith at the meeting that it is essential to discuss or

act on the item immediately.” MPT Wilcox said that time is of the essence on this issue.

Mayor Macon made a motion to add this item to the agenda to consider approval of arts and crafts exhibit area. MOTION CARRIED 3-2 WITH COUNCILMAN GILBERT AND COUNCILMAN JOHNSON VOTING NO.

Dee Jenzano, 100 N. Lake Park Blvd., said she wanted to make it clear that they have talked to a lot of the businesses and they didn't hear back from all of them but from a majority. They are asking to put 8 art and crafts tables where they have the Thursday night entertainment from 5:30 p.m. to 9:30 p.m.. They want this to eventually become some kind of arts festival where people will come down to judge the art. They have strict guidelines that have to be approved by the Arts and Activities Committee. No one can sell anything they have not made themselves.

MPT Wilcox said he has been attending the Arts and Activities Committee meetings and this began with a desire to have an annual boardwalk arts and crafts show and make it a pretty large event. During discussions, people started talking about Thursday evenings and felt this would be the type of crowd they would want to attract. There are 6 more weeks left and they would like to develop a network of local artists and give a sampling and advertise during that 6 week period for upcoming boardwalk art show events. He does not believe it is the plan to do it on Thursdays next year.

Councilman Gilbert asked if there was anyone from the Chamber of Commerce here supporting this initiative.

Duke Hagestrom, Chamber Chairman, said he is not familiar with it and can't speak to it.

Councilman Gilbert spoke against the request and said he would like to call for a motion.

Mayor Macon made a motion to allow it temporarily on the 31st and 7th to allow art and craft exhibits and put the request on the agenda for August 12th and make a decision about its permanence on that date.

Dee Jenzano said to let them do it for the three weeks and if Council doesn't like it they will stop. They are trying to get to the off season. They want to let people who come here that they have something more to offer and, hopefully it will move to a weekend day. They are trying to get the boardwalk up and running.

Duke Hagestrom said he is not necessarily opposed, it just hasn't been presented to them yet.

Mike Kirkbride and Greg Reynolds spoke in favor, visitors need more opportunity and access to artists' work.

Alan Pacek, Chamber Vice-Chairman, said his personal objective was to fill up as many vacant storefronts on the boardwalk as possible. The old bumper car building was looked at with the objective of putting in vendors (solicited 20) but there was not enough time to do it for this season. He feels the artists need an opportunity to try it out and could possibly become future tenants. The bumper car building does not have any heating or air and they feel it would be too hot to make that work this season but this would be a good step.

MOTION CARRIED 4-1 WITH COUNCILMAN GILBERT VOTING NO.

ADJOURNMENT

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

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____