

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

***July 7, 2008***

The Town Council of the Town of Carolina Beach met in regular session on July 7, 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 (MBT) Dan Wilcox; Councilwoman Pat Efird; Councilman Jerry Johnson; and Councilman Alan Gilbert. Also present were Town Manager Tim Owens and Town Clerk Lynn Prusa.

Mayor Macon called the meeting to order.

***INVOCATION***

Pastor Steve Hall led the invocation.

***PLEDGE OF ALLEGIANCE***

Mayor Macon led everyone in the pledge of allegiance.

***CHANGES TO THE AGENDA***

**Councilman Gilbert made a motion to adopt the agenda with the addition of including under Item #18 the application for the Firemen's Relief Fund Board submitted by Mrs. Dolores Kirkbride. MOTION CARRIED UNANIMOUSLY.**

***RECOGNIZE EMPLOYEES FOR YEARS OF SERVICE***

Larry Ward, Police Officer II, was not in attendance to be recognized for 5 years of service.

***INTRODUCE NEW EMPLOYEES***

Police Chief Younginer said Scott Hettinger, Police Officer I was unable to attend.

***RECOGNIZE OUTGOING MEMBER OF THE POLICE ADVISORY COMMITTEE***

Mayor Macon and Council recognized Steve Hall with a plaque in appreciation for his years on the Police Advisory Committee presented by Randy Simon, Chairman of the Police Advisory Board.

***RECOGNIZE DAN WILCOX FOR 2008 BOARDWALK MAKEOVER LEADERSHIP***

Mayor Macon presented MPT Wilcox with a plaque for his leadership and outstanding service to the 2008 Carolina Beach Boardwalk Makeover from the Town Council. Mayor Macon said there is a reception toward the end of the season being planned for the volunteers at which they will be recognized for their hard work.

***PRESENTATION BY MELANIE DOYLE, HORTICULTURIST AT THE NC AQUARIUM AT FORT FISHER, ON BEACH VITEX***

Melanie Doyle made presentation, said she has been a horticulturist at the NC Aquarium for seven years during which time she has also worked on the problem of beach vitex. The Beach Vitex Task Force began in South Carolina and has combined efforts with North Carolina to deal with the problem of invasion of this plant which causes destabilization of the dune system and can create harm to wildlife habitat. The purpose of the Beach Vitex Task Force is to educate people about the plant and recognize where it is and begin eradication and control efforts. They have been awarded a very sizable grant from the US Fish and Wildlife Foundation to begin eradication efforts in North Carolina. They have been contacting town officials along the coast informing them of what they would like to do which is to work with municipalities to identify location of the plants and, using grant money, begin eradication efforts in the fall. They are also asking communities to adopt an ordinance banning the plant and getting rid of it once recognized in the best known way. There is some amount of urgency because of the growth. Ms. Doyle has shared a prototype ordinance with the Town Manager and has copies of other ordinances that have been passed.

Tim Owens said that with Council's approval staff can generate some data as to location of sites and present at a later date. Also, if Council wants to consider an ordinance, they need to advertise for a public hearing.

**Councilman Gilbert made a motion to give staff direction to partner with the task force to study the sites and come up with an eradication program, go forward with an ordinance to make it illegal for the beach vitex and come up with a long term plan for eradication.** Tim Owens said the public hearing will be scheduled for next month or could be prolonged to another date if necessary. **MOTION CARRIED UNANIMOUSLY.**

***REQUEST FOR APPROVAL OF THE 3<sup>RD</sup> ANNUAL IBX PROMOTIONS/SILVANI PRO/AM BENEFIT SURF COMPETITION AND AUGUST 23<sup>RD</sup> CONCERT AT THE BEACH***

Presented by Tony Silvani, 717 Settler's Lane, Kure Beach. He is asking for Council's approval for the IBX 3<sup>rd</sup> Annual Pro/AM Silvani Benefit Surf Contest which is put on every year to bring awareness to Lyme's Disease through a non-profit organization. It has been held the last two years at Ft. Fisher but as Blackhorn Bar & Grill is the main sponsor they wanted to move the location in front of the boardwalk at Hamlet Avenue and have everyone park at that area. They are requesting a permit for beach access for August 2<sup>nd</sup> and 3<sup>rd</sup>, 8:00 a.m. until 5:00 p.m. both Saturday and Sunday.

Brett Keeler, 615 Carolina Beach Avenue N., said Council approved moving the surf event from Ft. Fisher to Carolina Beach but they would like to add a concert type event on August 2<sup>nd</sup>, hopefully bring in a national band to generate more money. The August 23<sup>rd</sup> event, similar to the April 12<sup>th</sup> event, with a band on the beach near the gazebo area. There would be admission for both events.

Tony Silvani said the silent auction and raffle would be at the beach area. They would like to hold the concert on August 2<sup>nd</sup> at the gazebo and begin at 5:00 p.m. and last until 11:00 p.m. They would also like to have catered food which they have had the last two years. August 3<sup>rd</sup> is the final day of the competition and presentation of awards for the event and would probably end around 3:00 p.m. or 4:00 p.m. There are 250 competitors with about 1,000 people on the beach and second largest surf contest in North Carolina.

Tim Owens said the town will require representatives to meet with staff to plan the event a minimum of 2 weeks in advance and submit a \$2 million event insurance policy to cover liability.

**Councilman Gilbert made a motion to give staff direction to allow the event for August 2<sup>nd</sup> and 3<sup>rd</sup>, 2008 with concert times from 5:00 p.m. to 11:00 p.m. and give direction to IBX Promotions and Silvani Pro/AM Benefit to meet with staff two weeks in advance to set up the logistics. MOTION CARRIED UNANIMOUSLY.**

***CAROLINA BEACH COMMITTEE REPORTS***

Ed Parvin, speaking on behalf of the Harbor Commission, said that Bobby McConville, who was the chairman, resigned in May and since then the commission has voted unanimously to allow Randy Simon to serve in a full time position rather than an alternate. He has served actively at every meeting since the beginning. Mr. Simon is currently serving as Chairman of the Police Advisory Committee and is a member of the Operational Advisory Committee. This would be his third appointment. Mr. Parvin said staff has been working with the harbor ordinance the last few meetings. The ordinance does not fit exactly as to what they are looking to do with the model that was adopted in

the Harbor Management Plan so they are holding off on that discussion but they are still meeting on other items. With regard to the harbor ordinance, he and the Police Captain are working on that. Pat Tesh is the acting chair.

**Mayor Macon made a motion to appoint Randy Simon to the Harbor Commission.** Councilman Gilbert would like him to choose 2 of the 3 committees as he feels two is pushing the limit. **MOTION CARRIED UNANIMOUSLY.**

Randy Simon, Chairman of the Police Advisory Committee, said they are looking at such issues as vehicles going home with officers - benefits and costs. There will be a meeting on July 14<sup>th</sup>. The committee usually meets the first Monday of every month at the Police Training Room and all are welcome to bring any issue or request. Mayor Macon asked that they look at more fuel efficient vehicles that would still accomplish the Police Department's needs. Mr. Simon recognized department member Steve Hall, current members in attendance and Police Chief Younginer. Councilman Gilbert said that DOT has authorized and the reduced speed signs have been flagged coming across the bridge. DOT is also going to signalize that intersection.

Alan Pacek, Carolina Beach Business and Economic Development Committee, reported on two items. First is the TIF overlay district and secondly, bringing awareness of a suggestion for a competitive adjustment program which is a component of a larger business incentive plan and is something they feel should be considered sooner than later. With regard to the TIF overlay district, they are meeting twice a month and will have meetings on July 11<sup>th</sup>, 25<sup>th</sup> and August 8<sup>th</sup> to prepare an economic development proposal that is part of the TIF package. They are targeting meeting with Council at the August 12<sup>th</sup> Council meeting. Details needed for the Local Government Commission (LGC) will be determined during these meetings. They are working closely with staff and New Hanover County representatives at these meetings. The Council and public are welcome also. Secondly, the commission applauds the town's proposal to streamline the conditional use permit (CUP) requirement for restaurants to allow them to open quicker and easier but because of various issues that have bogged down the process, maybe there is a better way to streamline it. Assuming it is moving forward, there are other things the committee would like to recommend for immediate consideration by Council. First is that the indoor restaurant fee per seat is the highest in the area at \$250 per seat. Restaurants in the Monkey Junction area are charged \$65 per seat and they feel there might be a need for some competitive adjustments. Also, in making some changes to allow new restaurants and streamline the process, we don't want to forget the existing restaurants and should benefit from this process. Third, they recommend that the booth seat size be expanded. Lastly, we are short on restaurants and whatever changes come about this year we have an opportunity to promote that as an inducement to bring restaurants in and should heavily promote whatever changes are made. MPT Wilcox said that the streamline process is what staff is already working on as permitted uses. The other two recommendations from the committee are to review the impact fees for indoor seating and review the standard that 18" establishes a seat in a booth. Councilman Gilbert said with regard to a facility fee study around a year ago and the result of that

facility fee specifically looked at reducing those fees and the former Council was given a list. To make us competitive with other communities, those fees were reduced by half. He said it would be nice if staff could update that list. He also said that, with regard to Mr. Pacek's comment about some ping-ponging because of staff doing something, he wants to make it clear that there was a discussion by Council before that meeting about being more thorough and from what he understood from their vote, Council made the decision to refine that ordinance so staff was basically acting with respect to Council's desire. Mayor Macon asked if will be going back to Planning and Zoning Commission. Gary Ferguson said that one of the problems is that the way they advertise for P&Z, several years ago they took on the same requirements as they do for Town Council's. When they heard the proposal on the restaurant for "The Dive" and the amendment dealing with amending the CUP process for restaurants, they heard that on the 30<sup>th</sup>. It was impossible for staff to give the proper advertising notice to bring that forward at the July P&Z meeting which means that they have to take that to August P&Z meeting and, therefore, to the September Town Council meeting for Council to hear that again. Alan is speaking to that delay because they decided as a town to have the same advertising requirements as the Town Council does. It costs more money but they do get the involvement of the public. There is a cost with it and the cost is time. MPT Wilcox said that Councilman Gilbert is correct in that about a year ago the previous Council was presented with a list of other municipalities and their water rates and his only concern with that was that a number of those on there were looked at to base our fee on were non-contiguous with us and, as he understands the committees concerns, we are in competition to have restaurants come here and need to concentrate on our contiguous municipalities and we are not competitive with any of those municipalities.

**MPT Wilcox made a motion to put on the agenda a public hearing to consider modification to the indoor seating fees for restaurants and have staff review the booth requirements for seating in restaurants. MOTION CARRIED UNANIMOUSLY.**

#### ***ADOPT THE CONSENT AGENDA***

Councilman Gilbert said, with regard to items that could be broken out or could be potentially contentious, that maybe in the future, if it is Council's pleasure, when they are closing roads they may have a challenging event on the consent agenda, could they break that out for discussion.

**Councilwoman Efirm made a motion to approve the items on the consent agenda as follows:**

Approval of the Minutes

Special Meeting	May 20, 2008
Regular Meeting	June 10, 2008
Regular Meeting Cont.	June 16, 2008

Requests for the following budget amendments and transfers:

Increase account 105100.22-Police Auxiliary Pay in the amount of \$200 and decrease account 105100.20-Police Licenses renewal.

Increase account 105100.23-Police Outside Employment Time in the amount of \$4,300 and decrease account 105100.74-Police Capital Projects.

Increase account 255200.02-Lifeguard Salaries in the amount of \$1,600 and decrease account 255200.01-Lifeguard Holiday Pay.

Increase account 256300.07-Beach Maintenance Retirement in the amount of \$150 and decrease account 256300.01-Beach Maintenance Holiday Pay.

Increase account 308000.45-W&S Adm. Contract in the amount of \$2,000 and decrease account 308000.02-W&S Salaries.

MDP Coordinator - \$10,000 was appropriated for the Master Development Plan which was not expended. The amendment will be to increase account 103990.00-Unappropriated Fund Balance in the amount of \$10,000 and increase expenditure line item 104100.46-Legislative Professional Services.

The remaining monies in the drug seizure account in the Police Department is \$15,628.52 and these monies need to be brought forward in the 08/09 budget. The amendment will be to increase account 103990.00-Unappropriated Fund Balance in the amount of \$15,628.52 and increase account 105100.60-Drug Seizure Monies in the same amount.

Adopt Resolution of Intent No. 08-923 (Exhibit 1) to close a 15 foot alley that runs 110 feet +/- from Elton Avenue to an existing 15 foot alley.

Set a public hearing date for August 12, 2008 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for an existing swimming pool and parking at 701 Elton Avenue (PIN 313006-29-5595-000).

Set a public hearing date for August 12, 2008 at 7:30 p.m. or soon thereafter to consider a request for a conditional use permit for an existing 7 foot fence located at 507 Monroe Avenue (PIN 313010-36-3134-000).

Approve request to submit application for TDA funds in the amount of \$121,073.21.

Set a public hearing date for August 12, 2008 at 7:30 p.m. or soon thereafter to consider amending the Code of Ordinances, Chapter 11 Parks and Recreation, Article IV Freeman Park, Section 11-74 Freeman Park Committee, to change to a standing committee of the town.

**MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon made a motion to recess for a 5 minute break. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon reopened the meeting.**

MPT Wilcox said that no one from the Budget Committee made a presentation but he is reminded that at the last meeting they provided a list of questions and asked staff if they had those answers. Tim Owens said he does not but did tell her, the committee member, that he would have those answers by tomorrow and will also provide the information to Council.

***CONSIDER AMENDING THE ZONING ORDINANCE TO ALLOW UP TO 50% EFFICIENCY UNITS IN HOTEL ROOMS IN THE T-1 ZONING DISTRICT***

The town's Senior Planner, Ed Parvin, presented this item. He said this is a request by Ms. Shirley Roth, owner of the Sea Gull Motel located at 413 Carolina Beach Avenue North to allow efficiency rooms for hotels of 15 units or less in the T-1 zoning district. Efficiency rooms would be managed as a part of the hotel but would offer kitchen accommodations for those wanting to occupy a room typically longer than for 1 or 2 nights. Currently there is no allowance for "efficiencies" in hotels/motels.

Options for consideration:

*Option 1: Maintain existing regulations:*

Positives

- May help promote redevelopment of older nonconforming hotels

Negatives

- Under this option no hotel units would be allowed to contain kitchen facilities. Several nonconformities currently exist and would be allowed to continue under Article 18 of the Zoning Ordinance, but no additional efficiency rooms in hotels would be allowed.
- Limit's the accommodation options for those visiting the area.

*Option 2: Allows hotels under 15 units in T-1 to have 50% of their rooms set up as efficiency rooms and allows for dwellings for caretakers on premises where they are employed.*

Positives

- This option will give the town the opportunity to ensure our community supports existing commercial areas focused on tourism.
- Gives additional room options for those staying around our marina and CBD area.
- Brings Sea Gull Motel in compliance with the Zoning Ordinance.

Negatives

- In many cities these rooms have been known to promote occupants who may be a detriment to the community such as those who are impoverished, debilitated, mentally ill, addicted to drugs, and/or dying. The hope is property values and the desirable nature are due to the vicinity of T-1 to the ocean and marina will prevent these conditions from prevailing.

The Technical Review Committee met on May 12, 2008 and had no issues with a limited allowance of efficiency rooms in the T-1 zoning district.

Planning staff has reviewed the existing ordinance allowances as well as in the long range planning documents. They recommend adoption of Option 2 to ensure these goals are successful for the following reasons:

1. It reinforces the communities existing commercial area;
2. It offers an opportunity to diversify our local economy; and
3. It provides an additional accommodation facility for visitors.

The Planning and Zoning Commission made a motion recommending approval of the request to amend the Zoning Ordinance to allow up to 50% efficiency units in hotel rooms in the T-1 zoning district with the 15 unit maximum (Option 2), and to advise that it is in general conformity with the Land Use Plan. Planning and Zoning made a second motion to ask staff to pursue allowing additional efficiency units in hotels up to 25 units on 20,000 sq. ft. or smaller lots. Both motions carried unanimously. Planning and Zoning's purpose for making part 2 of this motion is to minimize the number of nonconforming hotels in T-1. Increasing hotels with efficiencies up to 25 units will bring the Savannah Inn and Beach House Inn closer to compliance. This could be adopted tonight as well or tabled to be studied longer.

MPT Wilcox asked why the 15 room size limit was chosen but if you had a 16 room hotel, you couldn't have any efficiencies.

Mr. Parvin said it was selected because it is a situation where you are allowing for something that staff didn't think the town would want to see too much of.

MPT Wilcox said what he is suggesting is that if you allow a 15 unit hotel to have 7 units, if you have 16, 17 or 18 units maybe 7 is the magic number. Maybe it is 50% or not to exceed 7 units that way you are not penalizing someone who has a 16 unit or more hotel, that they at least have the same ability to have some efficiencies even though it may not be a full 50%.

Mr. Parvin said the second part of the motion, if you wanted to up it to 25 units or less as P&Z recommended.

MPT Wilcox said he is not even suggesting that, he is suggesting that whatever is provided for, if it is 20 units and you allow half of them and that is 10 units. If you have a 30 unit hotel, why wouldn't you still allow 10 units?

Mr. Parvin said that would expand it a little bit more but they didn't talk about that.

Tim Owens said this was a specific request by Ms. Roth and they were trying to address that.

MPT Wilcox said when they are setting ordinances it should be for the good of the community, he wants to make sure they are not missing an opportunity to make it a little bit better.

Mr. Owens said that in the T-1 there is a split in the zoning between 15 and there is a distinction between the two.

Attorney Coggins said MPT Wilcox's points are excellent and well taken because it provides a rational basis and avoids any challenges on a legal protection basis.

Councilman Johnson asked if they could do the 50% of 15 units as P&Z recommended with a maximum of 10 units for hotels with up to 25 units. Staff agreed.

MPT Wilcox said he didn't see why they couldn't do 10.

Mr. Owens said his concern at this point would be that any significant change would have to be readvertised because you are at the P&Z level. He feels one approach would be possibly make this correction and instruct staff to go back to P&Z and consider other changes.

MPT Wilcox is not suggesting delaying this request but if we do vote for this request he Council should send it back and clean it up a little bit and maybe expand it a little.

Councilman Gilbert agreed with MPT Wilcox but suggested surveying efficiencies because you may not be helping other hotels.

**Councilwoman Efird made a motion to open the public hearing. MOTION CARRIED UNANIMOUSLY.**

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

**Councilwoman Efird made a motion to adopt Ordinance No. 08-748 (Exhibit 2) Part 1 and that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.**

***CONSIDER A REQUEST TO AMEND THE ZONING ORDINANCE TO REVISE THE STANDARDS FOR PARKING DRIVE AISLES AND PARKING SPACE SIZES, AND TO ALLOW A PERCENTAGE OF PARKING SPACES TO BE DESIGNED FOR COMPACT CARS***

The town's Director of Planning and Development, Gary Ferguson, presented this item. He said that Gary Price and Russ Maynard, representing the Hilton Garden Inn, are requesting an amendment to the parking standards and to change them from what is currently in place. What is in place now doesn't exactly work when you put some of the dimensions to practical use. The difficulty is the width of one-way drive aisles serving a 90 degree parking stall that measures 9 feet wide and 16 feet long which staff confirmed. Standards are extremely technical, geometric and mathematical. Standards the town would codify in their ordinances probably need to be looked at in terms of flexibility. What staff is recommending and what the applicant has supported is Option 2 which is a hybrid of two types of standards. There is an explicit standard which gives you a drive aisle width and a stall dimension based on the angle of the parking spaces. When you change the angle of the parking you can reduce the drive aisle width. Our current ordinance does not reflect that. What staff is proposing and what the applicant supports is having the standards of Option 2 with a caveat or an allowance to the Technical Review Committee (TRC) to be able to use Urban Land Institute (ULI) parking standards if these standards explicitly don't address a particular concern that the applicant may have. If there were difficulties in meeting the standard, this would allow the applicant to petition the TRC for a review using the ULI parking standards. Staff does have experts on the TRC to evaluate things like this. Planning and Zoning Commission also recommended Option 2 at their July meeting and found it to be in general conformity with the Land Use Plan.

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

Attorney Tom Johnson spoke on behalf of the applicant. He said they agree with what Mr. Ferguson said. It gives a standard for the town to use, it expands upon the existing standard which is very limited and also allows opportunities for a safety valve in a given situation that an applicant can go to the TRC and ask for some adjustments if necessary. He feels it is a very good standard and is the way parking standards are going in cities and towns now.

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

Mr. Ferguson said he failed to mention two things: First, the applicant and staff support a proposal to allow compact parking. Currently we don't have compact parking stall allowances in the town. The current standard is 9 feet by 18 feet. Staff is suggesting and P&Z recommended 20% of the parking facilities or stalls can become compact spaces which are 8 feet by 16 feet dimensionally. Secondly, there is also a proposed reduction in parallel parking length such as a car parked against a curb. The current length is 24 feet long. Staff suggested and P&Z recommended reducing that to 22 feet. He said this is a national standard.

Councilman Johnson suggested that in the ordinance that the wording for the 20% of the spaces to be designed for use by smaller and compact cars be added stating that these spaces to be marked clearly for a compact. Attorney Coggins agreed with Councilman Johnson that those spaces need to be identified.

**MPT Wilcox made a motion to adopt Ordinance No. 08-750 (Exhibit 3) as presented by staff to include Councilman Johnson's recommendation that all compact spaces shall be clearly marked in the text in some manner and that it is in general conformity with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.**

### ***CONSIDER ADOPTING THE OFFICIAL ZONING MAP FOR THE TOWN OF CAROLINA BEACH***

Gary Ferguson said that given the recent issues and controversy that surrounded the rezoning of property located on Canal Drive and east of Spinnaker Point, staff is suggesting that the town needs to formally readopt an "Official" Zoning Map which will provide a legally defensible foundation of zoning districts in Carolina Beach; provide a basis for future rezoning requests; and give certainty to property owners as to what zoning district their property is located. Staff is recommending and what P&Z recommended at their July meeting was to adopt the current digitized zoning map to include the 22 amendments as the Carolina Beach "OFFICIAL" Zoning Map. There will only be one (1) signed "OFFICIAL" map that will be maintained by the town clerk. The town clerk will also maintain the signed copy of all amended maps. All copies will be stamped "UNOFFICIAL".

Councilman Johnson asked if the "Official" map is on display and there is a fire that destroys the "Official" map and that is the only copy, where do we stand?

Attorney Coggins said it is appropriate to have an authenticated copy that is available elsewhere so that it can be readopted after the fire and you have your new location.

Councilman Gilbert said he feels it is reasonable to register it with the Register of Deeds as many of our other documents are and update it anytime changes are made.

Mr. Ferguson said they could do that. Many other communities, every 4 or 5 years, simply readopt an official zoning map depending on the number of map amendments they have been through.

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

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

**Councilwoman Efird made a motion to adopt Ordinance No. 08-751 (Exhibit 4) as the “OFFICIAL” Zoning Map of Carolina Beach, that it be placed in a safe place and that it is in general conformity with the Land Use Plan. MOTION CARRIED 4-1 WITH COUNCILMAN JOHNSON VOTING NO.**

***RECEIVE INPUT ON A PROJECT THE TOWN IS CONSIDERING THAT CONSISTS OF INSTALLING STREET LIGHTING ON THE NORTH SIDE OF SNOW’S CUT BRIDGE FROM THE BRIDGE TO THE RIVER ROAD INTERSECTION***

Tim Owens stated that Council discussed at the last meeting putting in cobra style lighting on the approach to the bridge that would match the south side of the bridge. The cost is approximately \$12,000 per year, \$1,000 a month for electricity and light maintenance. There is a \$42,000 charge to seed and tamp which was in the original estimate but the contractor for Progress Energy and the town’s forces will complete the seeding and tamping project to eliminate the additional charge. Council asked to hold a public hearing which was advertised in the paper and notified the residents directly next to the corridor from River Road to Snow’s Cut Bridge.

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

Michelle Connett, 1321 Cabot Court, asked if the town had approached Kure Beach because it is lighting the entrance to Pleasure Island not just to Carolina Beach. Mayor Macon said not to his knowledge.

Ruby Freeman, 1032 Roscoe Freeman Avenue, stated that she, as well as her fellow community members, definitely oppose this. Even if you are considering this and you put the lights there and it costs \$12,000 a year, the next consideration will be that we are enjoying the lighting and you want us to share in the cost. She feels this is a step forward that you are trying to make towards annexation which they definitely oppose but that is another issue. She called the Department of Transportation (DOT) and they said it was not one of their regulations and that Carolina Beach was pushing for it for other reasons. She is opposed.

Mayor Macon said he did not see the letter but it would be put in to DOT regulations, it is not that the lights are required otherwise the lights would be there if they regulated it. Tim Owens read the letter. He said there would be 22 lights at the bridge at a cost of \$937 per month. Mayor Macon said it is not being required by DOT, and it would be installed by DOT regulations is the way the reading is in the letter.

Councilwoman Efird said it sounds like all of you are more concerned about is the annexation part.

Ms. Freeman said they are much concerned about that but they feel the lights are just one start, just the beginning. Even with the trees you guys put over there and they have other issues with that and they didn't even know that was coming up. They were not notified about the trees that were planted.

Councilwoman Efird said that what she had wanted when the bridge was built was to have lights on the bridge which is what you have any other place when you travel. They would never allow us to do that. She thinks coming up to Carolina Beach, you don't even see the town until you get to the top of the bridge. The lights are on the other side and her concern was that we needed to have some lights on that side to let people know they are coming to this island. She is sorry they think the town is going to annex them, but the town can't take care of what we have.

MPT Wilcox said he knows that any assurance they would offer them that they are not interested in annexing would not solve their concern but if you knew for an absolute fact that the lighting had nothing to do with annexation, what would be your concerns about the lighting other than the fact that you are concerned about it leading to annexation? Do you have a particular problem with the lights?

Ms. Freeman said, to be honest with you, she is not prepared to talk about that in particular because she would need to look at other avenues on that. She doesn't want to oppose strictly the lighting. Their concern is that once that starts it opens the doors for other things to start happening and it has nothing to do with illumination or style.

Ann Bowman, 1335 Bridge Barrier Road, said she is in favor of the lights because she has grown weary of coming to the bridge with its 45 mph speed limit and seeing people cruise by at 60-65 mph until they reach the top of the bridge. This is also true of people leaving the Town of Carolina Beach. You tend to accelerate going up the top of the bridge and faster going down. She thinks it would make the intersection a lot easier to handle and that the 45 mph speed limit there would be a little more enforced if they had some street lighting and it would be more a part of the town.

Sandra Ross, resides on the north side of the bridge. Her concern about the lights is that it seems like Carolina Beach is moving across the bridge. It started with the trees, paving, signs and not lights. It is not just in a short term, it's in the long term. Who is going to be paying for those lights? It's all about Carolina Beach and she is all about

where she is and is concerned about the long term of it, about the annexing of it, about the taxes of it, about the payments of it. It might look good at the beginning but are we going to get stuck with it. Personally, she doesn't want them over there. She didn't want the sign or trees because it seems to her that we are gradually moving across the bridge. Her concern is not only for the short term and what you are saying here tonight but what will be the long term for the lights over there, the cost and the taxes in the long run. They are concerned about what will occur after the lights. They appreciated the notice they received because usually they don't get them.

Jackie Glisson, 802 Magnolia Avenue, said she thinks they will be beautiful but we have more pressing problems. For the last two weeks she has stood in sewage 2 inches deep in her own shower on Magnolia Avenue. She asked if the town has explored any other avenues. Have they talked to the state. We don't own that bridge or even control it, we try to but we need to look after our own infrastructure. Ever since she has been here all she has heard is annex, annex and your taxes will go down. Hers have not and she doesn't expect them to. She hopes we will not be talking about annexing across the bridge any time soon. As a taxpayer of Carolina Beach, she is opposed to spending that kind of money to light the bridge even though it would be beautiful. She thinks we need to take some time and explore other avenues.

Irma McQuellon, lives on the north side of the bridge, stated that the speed limit on both sides of the bridge is not enforced. All night long the trucks and motorcycles scream across the bridge at 80-90 mph as well as the ambulance and fire trucks from Federal Point Fire Department is going across with all their bells and whistles. She is opposed to it because about 2:00 a.m. when the drunks leave the beach, driving or walking across the bridge, end up in her yard and that is in the dark. Lord knows what they will do if you light the way for them. She just wants Carolina Beach to stay on their side and let them stay on their side and they will all be happy.

Brett Keeler, 615 Carolina Beach Avenue N., said he owns a couple of businesses in Carolina Beach and Kure Beach. He said there is a simple way for people to stop this and buy the property. Right now it is open property, and Carolina Beach apparently has the lease on it and can use it. We need to light the entrance to Carolina Beach so people know it is a municipality. He said that when he came here about 3 ½ years ago, he didn't know where he was until he hit Ft. Fisher because there were no signs. We need to be able to light the way. If people don't want the light to illuminate the area and show where they are then they should buy it. If the town has the opportunity to do it, lease it and put the light up there, then let's do it.

Council/staff said the property is state owned right-of-way. We can buy the lights and they will put them over there but we can pay for it.

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

MPT Wilcox asked the town attorney if there is any legal mechanism that would offer the residents across the bridge any assurances that they would never have to pay for or be responsible for the lighting.

Mr. Coggins said well not in jest, they could ask for a meeting of the Council and State of North Carolina and purchase the bridge themselves. That is quite an involved matter. The answer is pending that legislation that is currently the subject of hot debate and may not get out of short session, there is no assurance.

**Councilwoman Efird made a motion that we consider approving the request for the lights on the north side of the bridge. MOTION DENIED 4-1 WITH MAYOR MACON, COUNCILMAN GILBERT, COUNCILMAN JOHNSON AND MPT WILCOX VOTING NO.**

Councilman Johnson feels someone should contact DOT as to where they stand as far as putting in the signal at River Road and Carolina Beach Road and how far they are going to go with it as far as lighting. Is it just going to be a signal or are they going to put in lighting and find out when they are planning on doing that before pursuing and wasting a lot of time and dollars on the lighting issue.

Tim Owen said he did talk to DOT and the only thing they can supply the town with is a black fiberglass pole which would be an upgrade to the pole. The only thing reasonable in price is the cobra lighting. He will pursue other options such as lighting on the rails across the bridge.

**Mayor Macon made a motion for a 5 minute break. MOTION CARRIED UNANIMOUSLY.**

**Mayor Macon called the meeting to order.**

***CONSIDER AMENDING THE CAROLINA BEACH CODE OF ORDINANCES TO REMOVE ANY REQUIREMENT FOR SPECIAL APPOINTMENT DESIGNATIONS FOR STANDING COMMITTEES/BOARDS/COMMISSIONS OF THE TOWN, PERMITTING ALL APPOINTMENTS TO BE AT-LARGE FROM THE CAROLINA BEACH CITIZENRY:***

***Amend Chapter 11 Parks and Recreation, Article II Recreation Committee, Section 11-17 Composition; Term***

***Amend Chapter 13 Police, Article III Carolina Beach Police Advisory Committee, Section 13-62 Establishment***

***Amend Chapter 16 Utilities, Article V Carolina Beach Operations Department Advisory Committee, Section 16-232 Establishment***

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

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

Lynn Prusa said that generally, after a 3 year term, policy is to open it up to the public and the person has the opportunity to reapply if they would like to at that time.

Councilman Gilbert said he would like to address the town's policies on the committees because he doesn't think this board has affirmed or reaffirmed the policy of our boards and committees and would like to hear some discussion in the future about having an opportunity to turn over some of the boards. In the long term of these committees and the health of the committees it might be good to turn them over at some point and he would like staff to put that on the agenda.

**Mayor Macon made a motion to adopt Ordinance 08-747 (Exhibit 5). MOTION CARRIED UNANIMOUSLY.**

#### ***APPOINTMENT TO THE FIREFIGHTER'S RELIEF FUND***

Fire Chief Jonathan Rorie said the Firefighter's Relief Fund is a state funded program that is funded through one-half of one percent of insurance premiums paid by everyone and the purpose of that fund is to insure that firefighters who are injured in the line of duty are not faced with becoming destitute, unable to pay their mortgage and things of that nature as well as other uses such as supplemental retirement benefits, educational benefits or additional insurance benefits. He also explained that the funds are distributed to eligible fire departments on an annual basis. Currently the department receives approximately \$8,000 to \$10,000 per year. At the May budget workshop for the Fireman's Relief Board they discussed the probability of making sure that they have some type of benefit package for the volunteer firefighters and firefighters in general and this is one mechanism that is already funded where they can look at that and put those programs in place. The board has been in place for many years but they are in need to replace some members. One of those positions is an appointment to be named by Council. They have advertised and received one. Their goal is to make sure that this board is in place and operational and on the immediate agenda this board is to look for those types of incentives for the volunteer firefighters to make sure they are getting the maximum benefit out of this program. He is requesting Council to appoint a representative to serve a two year term. They have a vacancy that should have been appointed in January 2008, therefore, it is recommended the Council appointee's initial term commence on July 1, 2008 and end on December 31. The other current appointee, Bob Weeks, they would recommend that his term run until December 31, 2008 and then they would reappoint him at Council's discretion in January 2009 which would put him on alternating 2 year terms as suggested and required by North Carolina General Statutes.

**Mayor Macon made a motion to appoint Dee Kirkbride to the Fireman's Relief Fund Board. MOTION CARRIED UNANIMOUSLY.**

***TAXI CAB REQUEST***

Ed Parvin gave a brief history. He said in June 2006 the taxi cab situation was reexamined and at that time we had 16 taxis that were approved for 5 different companies. It was looked at again last November and approved 3 more cabs for 3 different companies for a total of 19 taxis in operation with 8 different companies. The request tonight is from Green Cab for 4 taxis. They are a little unique from our normal taxis in that they are going to be golf carts which are street legal that can accommodate up to 6 passengers with a top speed of 25-30 mph. They will operate only on streets with speed limits of 35 mph or less. Mr. Parvin said the applicant is here tonight with a couple of updates.

The applicant, Randall Purdy, 1005 Carolina Beach Avenue N., said his goal is to provide an environmentally safe, cost efficient, public transportation by introducing neighborhood electric vehicles (NEV's) in the way of street legal golf carts which are DMV registered, plated and insured, seats 6 people, has headlights, turn signals, windshield and wipers, seatbelts, all-weather canopy and a top speed of 25-30 mph. Pleasure Island Green Cab would operate 2-4 NEV's on all roads of 35 mph or less which excludes Dow Road and Lake Park Blvd. from the bridge to ACE Hardware stoplight. Fares of "cash only" with a flat rate to be determined by sectioning the island into "zones". Fare totals will be determined by the number of zones utilized in reaching the destination. Estimated hours of operation will be 7:00 a.m. to 2:00 a.m. Phone orders and dispatching will be done by cell phones (one in each cab). Trip logs and cell phone cameras will be used to document transactions and clientele. Drivers will be over 21 years old, licensed and insured. Mr. Purdy believes the NEV will enhance the ambience important to a beach community and will be a public relations opportunity for the town. He will store one at his house and is trying to work with a partner who has a situation where we will have an office and garage and a condo house, downstairs being where they will take care of the cabs. Also, it will depend on which drivers he gets, he will ask them to maintain them at their house and give them a small fee for charging it.

Mr. Owens said he will need to talk with the planning department about whether it will require a home occupation permit. He questioned insurance, if someone were to fall out of the cab.

Mr. Purdy said he is researching that now. He said this has not been done before, with regard to DMV and insurance, at this capacity and he has several underwriters looking into the insurance right now. He would be operating under a taxi situation, with taxi plates and will have to have taxi insurance. He will have a meter because he cannot have a flat rate. The taxis will be green with some kind of checkerboard denoting it is a taxi. He eventually wants to install solar power.

Chief Younginer will research the issue of seatbelts and if required as it falls under a slow moving vehicle.

Tim Owens said if it is the pleasure of Council to approve it, staff will make sure he follows the ordinance and ask questions about insurance and other items.

**Councilman Gilbert made a motion to issue the requested four (4) certificates of convenience and necessity to Pleasure Island Green Cab. MOTION CARRIED UNANIMOUSLY.**

***REQUEST FROM CAROLINA SANDS HOA FOR ADDITIONAL TRAFFIC CONTROL SIGNAGE***

Mr. Owens said the Carolina Sands HOA has had some concerns about traffic in their community. They requested the police department take a look to see if they could do some three-way traffic signs or four-way, depending on where it is at. They also would like the town to consider installing two signs at the entryway which state speed limit strictly enforced and would be placed under the existing signage which is 25 mph. At this point it would require a code amendment to add the stop signage. The proposal from the Police Department is for Seafarer and Whitecaps Lane and Coastwalk and Seafarer Drive. There are existing stop signs at other street locations. If Council would like to proceed forward, staff needs direction to advertise for a public hearing for the next meeting.

Councilman Johnson requested that in the advertising for the public hearing ask Carolina Sands HOA to present to Council a petition from the homeowners showing a majority of the homeowners. He said they got in trouble approving some signage for another HOA of which the president said he was representing the homeowners and they didn't know anything about it.

Tim Owens said the main concern from two representatives of the HOA is Seafarer Drive and Saltwater where there are some blind turns. Some people are using this as a shortcut to go to Dow Road. Council feels residents should be notified.

Councilman Gilbert agreed with Councilman Johnson in that there should be some kind of polling or opinion of the homeowners.

Susan Baum, 923 Coastwalk Lane, said she is a resident of Carolina Sands and they have a great e-mail system that alerts them to every HOA meeting and they also have their mailboxes in one place that they could post for people to submit their name for a petition. So it wouldn't be a problem.

**Mayor Macon made a motion to move forward with the request from Carolina Sands HOA for additional traffic control signage and set a public hearing. MOTION CARRIED UNANIMOUSLY.**

***DISCUSSION ON THE CRC PUBLIC HEARING IN CAROLINA BEACH ON OCEANFRONT SETBACKS AND DIRECTION FROM COUNCIL REGARDING A PRESENTATION AT THE UPCOMING PUBLIC HEARING***

Mr. Owens said the staff is seeking direction basically on any comments the Council wants to relay to the CRC regarding the oceanfront setback rules. Our attorney has been involved in this a lot and will probably add some of his discussion. Essentially he tried to write a letter to Mr. Gregson that can be forwarded to him, if Council wishes. It expressed some of the concerns. In summary, some of the biggest concerns are mainly what they consider is a beach fill community. At this point it seems a little vague as to what they consider as such. You have heard staff say that we would probably be the epitome of a beach fill community but, until you go through that process it is open to interpretation. Our funding cycle ends in 2015. We have no assurance that we will be funded for another 50 years although we are trying to work towards that. The other item is if we are not a beach fill community, how does it apply to existing structures, existing CUPs that have been approved, existing condos. We have some concern there. It's not that all their proposals we feel are bad proposals. We did support some other items in here in this letter. Council may not want to support them but we did support some of the vertical improvements, they considered the cantilevering to be a good improvement to their rules in this letter. Council may want to rethink that. They also support the allowance, the first line of stabilized vegetation to be used as an added bonus to setbacks instead of the rigid static line. This is a draft letter. There are several options. They can go forward and make a presentation at tomorrow's meeting. The last public hearing of the CRC is August 15. The town attorney said it is also the deadline for submission with comments. They anticipate the adoption of the proposed amendments at its September meeting. The last opportunity for verbal comments would be done at the upcoming July meeting. Mr. Owens said he has given Council a copy of those draft rule changes as well as a big packet of information with a bunch of other considerations. It did give some opinions of other beach communities as well as some private citizens.

Mr. Coggins said he would want very much for the town to benefit from the answers to different questions by DCM staff before the official position of the town is submitted and, depending on what we learn that is particular to Carolina Beach, do we submit comments at all and, if so, what should those comments be. And supposing Council decided that the issues were of such severity, his recommendation would be that you not wait to simply comment in writing by August 15<sup>th</sup> because what that would do is simply go into a packet of information that will not be read by the majority of the members of the CRC until the September meeting at which time they are supposed to vote. Your particular comments would not really have an opportunity to be digested. Yes, you can contact members of the CRC but it is an impractical and cumbersome process. He would recommend that if there is something of substantial concern to the Council that someone, on behalf of the town, be present at the CRC meeting in July. Towns have found that they have been heard more by DCM who, after all, the towns are partners with them in the execution of CAMA policies when they are heard ahead of time and then they and their committees are allowed time to digest and tweak things. Especially now in this

environment it has been stated by staff and so many public comments and so many hearings and what not they are at the point of diminishing returns on some of these public hearings. His particular bias is that as he went through them and coming to understand the town as a unique place as it is compared to the other shorelines along the coast, he is not sure that the particular concerns unique to Carolina Beach are being taken into consideration.

Mr. Owens said it is a separate public hearing on July 24<sup>th</sup> at 5:00 p.m. in Raleigh at the Brownstone Hotel. He thinks that would require us and that is one of the options, to have a recessed meeting and, following any comment tomorrow, generate a response and go up to the Brownstone and present. His biggest concern in this whole process is the beach fill community and how we fall into that definition.

Council agreed to continue the meeting to Friday at 9:00 a.m., if needed.

***CONSIDER ACCEPTING OFFER TO PURCHASE REAL PROPERTY LOCATED AT PARCEL ID RO9006-010007-000 OR PIN 313011.55.4162.000, 6 CANAL DRIVE, .0244 ACRES LOCATED IN THE CBD, LEGAL DESCRIPTION OF J PT OLD 33***

Mr. Owens said this is a proposal to consider the disposal of real property which is basically located along Canal Drive behind Britt's Donuts and the Sandbar Surf Shop across from the lift station. All requirements of the North Carolina General Statutes have been executed. They went through the upset bid process and the original bid of \$15,000, along with a deposit, was the winning bid at this point by Mr. Robert Nivens. The town attorney would have to do the execution of any deeds. He has an old deed that needs to be explored as far as the disposal goes. There could be the potential for some deed restrictions that wouldn't allow for disposal of property that someone would have to explore. Then there would be the question of who pays for that cost, whether the town would absorb it or pass it along to the purchaser of the property. If Council does consider disposing of the property, there would be a condition placed on it that the attorney review the deed to make sure they can actually dispose of the property. Mayor Wilcox asked him if there is a problem with the deed. Mr. Owens said that we don't know that, but he feels that it needs some attorney work to make sure there are no deed restrictions on the property.

**Councilman Johnson made a motion to consider accepting the offer to purchase real property located at Parcel ID RO9006-010007-000 or PIN 313011.55.4162.000, 6 Canal Drive, with the town attorney doing the deed research and making sure everything is proper and legal. MOTION CARRIED UNANIMOUSLY.**

## ***REQUEST FOR POSITION RECLASSIFICATION***

Fire Chief Jon Rorie stated this is a request to reclassify two (2) of the current fire engineer position to the rank of Company Lieutenant with a salary grade 17 of the Town of Carolina Beach Position Classification Plan with supporting documentation. He said it has been programmed in the 08/09 budget using lag money but the decision could be delayed.

**Councilman Gilbert made a motion to table the request for position reclassification until the September meeting. MOTION CARRIED 4-1 WITH MAYOR MACON VOTING NO.**

## ***DIRECTION FROM COUNCIL TO SEEK SRTS DIVISION FUNDS AND/OR SIDEWALK FUNDS FOR A SIDEWALK AND PEDESTRIAN ISLAND PROJECT ON LAKE PARK BLVD.***

Tim Owens requested direction from Council to go forward and seek funds from NCDOT. There are two funds of money they can possibly ask for. One is sidewalk funds and the other is Safe Routes to School funds. The project the town is considering is the extension of sidewalk along Lake Park from Hamlet to Fayetteville on the eastside of Lake Park and the installation of a pedestrian refuge island near the corner of Atlanta Avenue and Lake Park. This would allow people to cross and go to the lake and school in a more safe fashion. He has spoken to DOT and said he wasn't sure whether engineering can be considered but believes that it can. He estimates the cost of the project to be around \$50,000 and is hoping it will be 100% funded through DOT funds. The MPO did send forward a resolution requesting those funds as well to DOT. Now it is a matter of getting together with the engineers and coming up with a more specific project and more sound cost estimates. He said they had also talked to Division staff about looking at some other projects such as pedestrian crossovers at some of the more popular beach accesses.

**Councilman Gilbert made a motion to direct staff to go forward with the project. MOTION CARRIED UNANIMOUSLY.**

## ***NON-AGENDA ITEMS***

Councilman Johnson said, with regard to the budget meeting today and rights-of-way, we have a lot of different varieties of landscaping - bushes, trees, encroaching sidewalks and asked if we have the right to trim those back. Tim Owens said yes if they are restricting and hanging over rights-of-way and causing problems with pedestrian and vehicular traffic and would notify property owners. We would not charge. Councilman Johnson said that he sees problems on Carolina Beach Avenue N., Carolina Beach Avenue S., Canal Drive and other areas throughout the town and doesn't believe we have anything in our landscaping ordinance requiring any type of retaining devices. People that use

landscaping materials such as bark, mulch, gravel, etc. it is spilling into the streets constantly and there is nothing holding it back and it is going into the storm drain or swept up. He would like for staff to look at that and create language to curtail that. Also, the parking lot restrooms at Sandpiper, Carolina Beach Avenue N. at the fire hydrant said there is a block of concrete which has been there for 6 months along with a lot of loose gravel and nobody has cleaned that up.

Mr. Coggins said that two matters of litigation have been resolved and will be dismissed next week regarding conditional use permits in connection with disputes with Marriott and the Tortuga Bar. He anticipates that perhaps there will be a dismissal next week with respect to the Fairfield conditional use permit.

Police Chief Younginer said in reference to the town lifeguard who was recently injured, that is suppose to be released from the hospital tomorrow. They did a couple of segments on the news today asking for information from the public about the boat that hit him.

Councilman Gilbert said Ms. Jackie Glisson is here this evening. She resides at 802 Magnolia Avenue where she has lived since 1975, and she has had sewage issues for the last 4 years. Ms. Glisson said they have been talking about it for 4 years but no one has done anything about it and Gene tells her they need to get with the engineers and the engineers need to come up with something to do. She would like action on the part of Council to see that it gets done. She is tired of getting in her shower and standing in sewage.

**Councilman Gilbert made a motion to direct staff to take care of this issue post haste.** Gene Gurganus said they did a quick survey on Thursday of the manholes in the area. The problem is the receiving line from her sewer is level and does not have enough fall in the receiving manhole. They recently put another sewer line on the 700 block of Magnolia which possibly could be the receiving manhole for this and might remedy the problem but they need to take some measurements and some preliminary elevations and give it to the engineer to see if it will work. If they didn't get out there today to start the measurements and elevations, they will be out first thing in the morning. There are 5 or 6 houses on that line. If they replace the line, it will have to be an 8" line which would constitute getting a permit which they can rush through and maybe get a permit in 30 days but they can marginalize and keep it open as much as possible until then. **MOTION CARRIED UNANIMOUSLY.**

Councilman Gilbert said that the beach access, especially over Sunskipper, that sand doesn't work. He said we have an adopt a beach program and he was thinking maybe they could do an adopt beach accesses and try to get some funds or volunteers to build something to span those rocks like the neighbors to the north and south. A lot of people are trespassing to try to get down across there. Maybe we could engineer some crossovers in the interim. Tim Owens said they put some in by the pier and he thinks that is gone. They did put some at Sandpiper and he believes it is still there. The Sea Oats is a real challenge and is not sure anything can be built there. He is seeking CAMA permits for the Sandpiper and the extreme north end.

**Councilman Gilbert made a motion to give staff direction to move forward with trying to span those rocks where they fill with sand.** Tim Owens can have our engineers design something and we'll get permits for all three of those locations. **MOTION CARRIED UNANIMOUSLY.**

MPT Wilcox said for the Thursday night events and possibly some other events, the desire by the Boardwalk Makeover group has been to have a beer garden area. The problem with the Boardwalk Makeover is that it's a 3 hour event so it is impractical to go through ABC requirements and all the other requirements, so they have been looking at other creative ways to allow people to have beer/wine while watching entertainment without it being an overly cumbersome process. One of the ideas is to cordon off the area with one entrance and one exit, charge admission and allow people to bring their own beer and wine and those funds would go back into the Boardwalk Makeover. We're talking about a small area at the back of the gazebo or designated area, cordoned off and follow all the regulations. He thinks Curt checked to make sure there would be no ABC problems and would be added to the insurance policy for the Boardwalk Makeover events. He is asking for Council's support in doing something along those lines. This would be from 6:00 p.m. to 9:00 p.m. before the fireworks on Thursdays. Councilman Gilbert and Councilman Johnson said they are concerned about taking away business from some of the local establishments and would like their input. MPT Wilcox said they never had a problem with any other events. People would be able to go into those businesses and buy the beer/wine and go into the beer garden and drink it. Councilman Johnson asked how it would be regulated, how would they be able to buy it at one place and carry it to another? Mr. Owens said they can't do that, only one person can do that. Councilman Gilbert asked if the event can be successful without alcohol. Councilman Johnson said it is a family event and if you introduce alcohol, you're going to turn some families away. MPT Wilcox said all their events are family events and he believes the concept can coexist. The Chamber does it all the time. The area would be cordoned off with one entrance and exit manned by people who are ABC trained and insured by Boardwalk Makeover just like other events are. Mayor Macon said he can see the problem will be controlling people who walk from a bar with an open beer to the beer garden. MPT Wilcox said he would like Council to support it on a temporary basis to give it a try. Tim Owen said they did talk to ALE and there didn't appear to be a problem with regard to bringing coolers as far as they were concerned. Mayor Macon said it would be different if you were required to take a cooler and use that to transport beer from a bar to the event, he can see that but doesn't feel they should be allowed to enter without a cooler.

**MPT Wilcox made a motion to allow the town manager to research and structure whatever is necessary to allow the Boardwalk Makeover to have a designated beer area within whatever rules are in the ABC or ALE guidelines and whatever the Town Manager feels is reasonable with regard to town policy. MOTION CARRIED 3-2 WITH COUNCILMAN GILBERT AND COUNCILMAN JOHNSON VOTING NO.**

Mayor Macon said it was pointed out to him that he was a little harsh in the meeting earlier today and he would like to apologize but he does want to emphasize the importance of a functioning town where they get buy in from the people that work in it and how they can make a difference and be trained to make a difference. There has been a marked improvement in the town, things were very clean this weekend and he does see a very strong improvement in the cleanliness of the town and the attitude with the employees. They see things being accomplished and when they do those things, it becomes contagious. We are in it together and need to work together and do the best job possible to make the town as attractive as possible and have the infrastructure up and running and maintained in a positive and clean manner.

***REQUEST FOR CLOSED SESSION TO DISCUSS PERSONNEL [NCGS 143-318.11(A) 3 and 5]***

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

**Councilwoman Efird made a motion to recess to Friday, July 11, 2008 at 9:00 a.m. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

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