

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

**June 22, 2010**

The Town Council of the Town of Carolina Beach met to continue its regular session from June 8, 2010 on June 22, 2010 at 5:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor Joel Macon; Mayor Pro Tem (MPT) Pat Efir; Councilman Lashley; Councilman Wilcox and Councilman Lewis. Also present was the Town Manager Tim Owens, Town Clerk Lynn Prusa, Finance Director Dawn Johnson and Town Attorney Steve Coggins.

***PUBLIC HEARING - RECEIVE PUBLIC COMMENT ON THE PROPOSED FY 2010/2011 BUDGET AND CONSIDER THE ADOPTION OF THE PROPOSED BUDGET FOR FY 2010/2011***

The town manager presented this item. He stated Council's copy of the proposed budget is a stripped down version. If Council adopts the budget tonight, he will have to go forward and do the large, expanded version which was proposed to them at the June 8<sup>th</sup> meeting. At the June 8<sup>th</sup> meeting they discussed a couple of items and had a workshop yesterday at which staff was given some direction. That is what they will talk about tonight. The town is in good financial shape given the current economic conditions. They have done some things to hopefully reduce costs. They have looked at the revenue streams and over the past 3-4 years they have done some things to hopefully remain in a good condition. Some of the projects that are in this budget are the partial debt service of the Wilmington Beach project which is \$150,000 and \$220,000 of the park/pier debt service. Those things were challenging this year that it equals over \$.01 of our ad valorem tax for those two items alone, those new budgetary items. They discussed at the workshop fund balance percentages which the finance director has updated. Our General Fund is approximately \$2.71 million dollars, which is about 30%. It is not as high as he would like to see it, our goal was 50%. We are down about \$200,000 from 6/30/09 last year. Our Tourism Fund balance is \$1.24 million, which is 59%. They has been relatively no change in that fund balance since 6/30/09 of approximately a year ago. The Utilities Fund is \$4.64 million dollars, which is 88% and above our target. We are up \$550,000 since 6/30/09. This does not surprise him as there is some debt service in there of which we haven't gotten to the construction phase of those projects yet. The total reserves for all funds is roughly \$8.59 million dollars and our total budget for all funds combined is \$15.5 million dollars which means we have a little over 50% of our total funds combined in a reserve fund in any three of the funds. Some of the budget actions during tough times - department heads submit a conservative budget, revenue estimates were conservatively estimated, employees will not receive any COLA or merit again this year, we have done some things to scale back staff wise and not fill positions, and we did look at every budget line item and did our projections based on several years worth of data. We talked about the budget process at the last budget public hearing. This is our

fifth workshop and third budget public hearing. Some of the measures that were taken as a result of the Monday workshop yesterday were: General Fund - the June 8<sup>th</sup> proposal was for an \$8,995,000 budget. We eliminated the \$.01 ad valorem tax increase that was proposed out of that budget. He looked at some of the revenue again, the Wellness Grant revenue, which they are not getting this year. They looked at some of the other revenues and feel like they under projected the utility franchise fee and he upped that by \$20,000. They upped the statewide sales tax by \$20,000 and, as a result of not proposing a \$.01 tax increase, they upped the General Fund appropriation by \$114,540 so the total budget, after some of the adjustments revenue wise, was \$8,911,063. General Fund expenditures - there were some items he proposed to Council. The original budget of June 8<sup>th</sup> was \$8,995,023. They proposed to reduce the use of the planning intern. There is still \$4,000 in there for a planning intern but they would phase one intern out towards the end of the summer and pick back up as school lets out they will get another one, potentially for the next summer season. They took out the proposal to eliminate the part-time records clerk. They made some adjustments to health insurance based on our actual quote and some other insurance actual quotes. They discussed taking out some of the non-profit allocation to some of the non-profits they do every year, going back to the 09/10 amount they took that out so there was no reduction for non-profits. They eliminated the tuition reimbursement program. They reduced tax collection percentage fee they charged that is paid to the county. They reduced the longevity pay plan because it was over projected. They reduced gas costs, telephone and postage costs which were all probably over projected on the actual costs. There was a reduction of \$29,500. After adjustments, this budget was balanced, the General Fund was balanced at \$8,911,063. The General Fund budget there was a \$.03 tax increase proposed at one point and the proposed budget tonight has \$.00 ad valorem tax increase. The two projects that are really creating difficulties in balancing this budget were the Wilmington Beach street and drainage project and the debt service they anticipate on that as well as the debt service on the park/pier project. Staff proposed \$224,663 as the fund balance contribution this year in the budget and that is actually \$42,000 less than this current fiscal year. The proposal has an increase of \$2.00 to the standard, single-family residence and commercial collection calls for a proposed, similar percentage. If we do not raise the fees, we will see about a \$90,000 shortfall in revenue as opposed to expenditures so that is why they proposed the \$2.00 increase per residential household for solid waste. Likewise, you have a fee schedule and staff proposed a number of increases that have been talked about over the number of budget workshops to a number of fees that really haven't been increased over several years since he has been there. Tourism Fund - there were no changes to the Tourism Fund. As of the June 8<sup>th</sup> meeting, it is balanced at \$1,931,700. We have conservatively increased revenues at Freeman Park, due to the recent rate increase, and the appropriated reserve fund from this fund is \$165,700. Some of the other budget balancing things they did to the Utility Fund, as a result of the workshop on Monday, they started with a budget on June 8<sup>th</sup> of \$4,693,681 and reduced the stormwater drainage fees, which he overestimated on the original budget on June 8<sup>th</sup> and underestimated the penalty collection they would receive over the course of a year by \$55,000 so they increase that line item. Then they reduced the reserve appropriation from \$311,881 to \$280,331. After adjustments it was \$4,667,131. Utility Fund expenditures, some adjustments were made and it is balanced in the proposed budget.

They balanced the Utility Fund budget. There is a proposed \$1.00 variable rate increase for water and sewer and a \$1.00 flat rate increase for a typical residential customer and that is for water and sewer that is combined. That is not \$1.00 for water and \$1.00 for sewer. They have also proposed that the stormwater ERU be raised from \$7.00 to \$9.00 which means a single-family residence would pay \$9.00 a month. Commercial establishments, the ERU is based on their lot coverage. The intent of this is to set aside some funds for the lake dredging project as well as some of the stormwater outfalls in Myrtle Grove Sound. They did reduce the fund balance appropriation for the Utility Fund. This amounts to only about \$16,000 more than was in last year's budget. He showed the increases across the board on water and sewer rates such as going from \$9.00 per 1,000 gallons for water and sewer to \$10.00 per 1,000 gallons and the standard residential ¾ meter changed from \$36.00 for water and sewer for 3,000 gallons to \$37.00. Everything in parentheses shows the proposed increase. The larger meters go up in scale. A 4" meter would pay \$4.00 more per month for 3,000 gallons. He doesn't have this on there but he would also propose to increase the irrigation rate from \$9.00 to \$10.00. They try to keep the same rate as what they are doing with water and sewer for the 1,000 gallon rate. The rate increases they are discussing - there is no proposed ad valorem increase; there is a proposed water rate increase and, if you use 5,000 gallons which is fairly typical of a 3-4 family household, you would see an additional expenditure of \$36 per year; increase in stormwater fee would be from \$7 to \$9 and would generate a \$24 additional expenditure for that household; solid waste fee, same thing, \$2 additional per month or \$24 per year. You are looking at \$84 additional expenditure a family would have to come up with based on some of the proposals before Council or, roughly, \$1.62 per week. Summary of the total budget, \$15,509,894 for all three budgets, their balance revenue and expenditure wise. He showed an historical view of past budgets from 07/08 to 10/11. The General Fund is up by over \$700,000, Tourism Fund is up by \$345,000, Water and Sewer Fund is up by \$39,000 and you can see the progression from 07/08. Some of the reasons, primarily, for the increase in the General Fund budget are two items, the Wilmington Beach debt service and the park/pier project. There is also a grant in there so the expenditure offsets the revenue, that's \$100,000 for the Carl Winner drive project, and the FEMA mitigation grant project that is offset. That's \$655,000 of the \$707,000 increase over the prior year. There are some other newer items proposed to be implemented in the budget - fire department expansion, mowing/landscape contract increase, increases in state retirement system, bike planning grant, and Mike Chappel Park project for about \$30,000. He showed some of the proposed General Fund capital items, the cost this year as well as when the debt service will retire. Same thing with the Tourism Fund, what the debt service for the proposed coming year as well as when some of the debt services will retire. Water and Sewer Fund, there is a lot of debt service. Some of the first 4 or 5 they are trying to get to construction and will see them get to lift station #1 and the eq-basin relatively soon and, hopefully, accepting bids for in September. It shows some of the other things they are working on, some of the debt service, when it's paid off beside all the capital items there. Future budget concerns - declining revenue and increase in expenditures which is happening because of the economy. Hopefully, they will see a turnaround and things will improve somewhat. There are a lot of capital projects they are looking at, trying to improve a lot of different facilities and some of those things are creating some problems with the budget. They

also have a low and typical fund balance for the General Fund, we're at 30% when typical towns are a little higher than what we are. Also in this packet is a proposed Budget Ordinance No. 10-835 which shows what the budget ordinance is and goes through the whole budget ordinance. One of the things that you have to do prior to July 1 is adopt the budget ordinance and this is what that is. It is a scaled down version of the entire budget. It lays out your expenditures, tax rate, water and sewer rate. As mentioned, the total of all budgets and funds is \$15,509, 894. Some of the actions he is asking Council to take is to consider opening up the meeting to a public hearing, close the public hearing, Council questions and discussion, consider adopting Budget Ordinance No. 10-835, consider adopting the proposed line item budgets and these debt line item and budgets are in their packet and are summarized by the budget ordinance. There is also a fee schedule in there as well which really hasn't changed since they saw it on June 8<sup>th</sup> and would need to be adopted. He would then complete the whole budget document, the larger version of this scaled down version here, and get it to Council by June 30<sup>th</sup>.

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

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

MPT Efird said, in reference to her saying she was not opposed to a tax increase, which was in the paper and she has had a few calls, she, the Mayor and Councilman Wilcox voted to purchase the properties on Canal and the oceanfront in anticipation of getting the pier to come here. At that time, they all three knew that they might have to have a tax increase of \$.01 to \$.03. Is that correct? She didn't think that any of the three were opposed to that in order to obtain this property. That is one reason she would not be opposed to a \$.01 tax raise. She knows that Councilman Lewis is opposed to even having the property and stated it in the newspapers and other people but, in talking with him and Councilman Lashley during election time, neither one of them seemed to oppose the town buying this property and she thinks buying the property is one reason she thought they needed a \$.01 tax increase because they have these other things, Wilmington Beach has been waiting nearly 6-7 years. We'll have the debt service on buying this property and doing the Wilmington Beach project. That is her reason. If they can get by without a tax increase and give the people the service that they need, that is wonderful and good but she is doubtful.

Councilman Lewis said to MPT Efird that he appreciates that comment and understands what she is saying. His position on the purchase of the property for the pier is he has some positive interest in that property. He thinks they can actually realize something even if the pier project doesn't become a reality because of the state. He really never opposed it. He is not supportive of the property they bought up at the north end that he can figure out what they can do with it. The property for the pier he has never really been opposed to. He is sorry if he confused somebody, if he wrote something that confused them, but he thinks the purchase of that property was a good idea. He thinks it still needs a period of time to flesh it out to see how valuable it's going to be. Even if there is a pier

not there, it may be more valuable to us in the future so, if anybody thinks he is not supportive of the pier project then that is not true.

Councilman Lashley said it's true, he and Councilman Lewis ran, with the blessings of these three people, and we are pro pier Council. You are wasting your time to get up here to talk to these five people about not buying the pier. We certainly want the pier, as far as he's concerned. He still thinks they can get along without doing a tax increase and thought that all along. We're going to have a hard time next year no matter what happens.

**Mayor Macon made a motion to adopt Budget Ordinance No. 10-835 (Exhibit 1), the proposed line item budget and the proposed budget fee schedule. MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONSIDER AN ORDINANCE TO:***

- #1. EXTEND THE EXISTING TEMPORARY MORATORIUM ON CYBER-SWEEPSTAKES GAMING OPERATIONS UNTIL SEPTEMBER 14, 2010 WITHIN THE TOWN OF CAROLINA BEACH***
  
- #2. ADOPT A PRIVILEGE LICENSE TAX FOR PRINCIPAL AND ACCESSORY ELECTRONIC GAMING OPERATIONS***

The Town Planner, Ed Parvin, presented this item. He said that at the June 8<sup>th</sup> meeting Council directed staff to move forward with the adoption of a moratorium for internet sweepstakes. There are three things they are looking at accomplishing tonight and one is extending the existing moratorium that is set to expire on June 26<sup>th</sup> until September 14<sup>th</sup>. There are three reasons for doing that which are, the General Assembly is still in the process of deciding what they are going to do with this land use, Wilmington has also extended their moratorium, and there are still some issues with the definition. He thinks they have all those worked out. The bill that just passed in the Senate to ban internet sweepstakes that staff copied in the moratorium for tonight. The second is to clarify what our tax is going to be because on July 1<sup>st</sup> we are still going to have this use, there are 14 places in town that have sweepstakes, there are 163 machines and there has to be a privilege license tax for these businesses. Thirdly, along with adopting the privilege license tax, and they have clarified this in the ordinance for adoption tonight, is the difference between accessory and principal because they were potentially looking at taxing them differently and the difference being, as they discussed at the joint meeting, a principal was more than 4 machines and accessory was when you have 4 or less. The tax they talked about at the joint meeting was \$250 per machine for an accessory operation. The question was what do they want to adopt for the principal operations. That is where they left the discussion at the joint and June 8<sup>th</sup> meetings, the moratorium and the tax level. That is what they are looking at tonight.

Councilman Wilcox said he didn't recall the phrase he used regarding accessory being 4 or less and principal being more than 4. If you have only 4 machines and you are not an accessory use, it's still a principal business, correct? The accessory language they discussed was accessory to another use, 4 machines was the max you could have. Mr. Parvin said it has to be accessory to another principal use.

Councilman Wilcox said it's not the number of machines; it still has to be an accessory use. Mr. Parvin said he guesses it would be both.

Councilman Wilcox said they left that last time and thinks they were all in agreement on the accessory fees and they were waiting on some input from staff on the tiered fee schedule they talked about for some type of substantial amount for the 2-4 machines and then have that tier down for additional machines and he doesn't know where they are on that. There was some discussion about some towns having legal issues with that. Mr. Parvin said the example they have seen with the tier was Maggie Valley had a tier. The first 4 machines was at one rate and then every machine after that was at a lower rate.

Councilman Lashley said it was \$2,500 and \$750. Mr. Parvin said they could look at doing an option like that or a flat fee per machine.

Councilman Lashley said the only problem he has with keeping those amounts is the possibility that on December 1<sup>st</sup> this will be banned. He would prorate it for 5 months, giving a permit for that time, ending on December 1<sup>st</sup>, and charging about 40% of what they talked about or \$1,000 for the first 4 and \$300 for anything over the first 4. Then it is clear what happens on December 1<sup>st</sup>. Mr. Parvin said if they were allowed they would have to go back and charge them.

The finance director said that is her only concern, if they don't collect the money up front and these individuals leave or what have you, she would rather taking the money now and then refund if it comes to that, then they are covered.

The town manager said they would know that pretty soon because if the General Assembly does abolish these things they would know it fairly soon and mail the rebate back to them.

Councilman Lashley said right now they can't have anybody else come in with machines, correct? Mr. Parvin said yes.

Councilman Lashley said he is missing something because at one time we only had 9 or 11 and now you say we have 14. What happened in between the moratorium they set? Mr. Parvin said at the last meeting Council said there's a lot more out there that's not on the list and they went out there and found them and they were existing prior to the moratorium. He thinks they now have a comprehensive list.

Councilman Lewis asked what the enforcement is on privilege licenses? If he has a business and his privilege license is up June 30<sup>th</sup> and has to renew by July 1<sup>st</sup>. On July 10<sup>th</sup> what happens if he hasn't renewed it? Mr. Parvin said the finance department sends a letter out to everyone saying they need to renew their license. It is the responsibility that all departments work together to ensure that businesses have a privilege license. When they come in to get permits, we look at them. When we're out in the field, whether it's police, fire or planning, we all look to make sure that the people operating in the town have those licenses.

Councilman Lewis said, if he is a sweepstakes owner and he has a parlor, if you guys can hound him as much as they want but if you never do anything, he'll wait until December 1<sup>st</sup> and then he's out of there anyway, shuts down, went bankrupt and closes the business out, try and get the money from him. He assumes licenses are paid within the first 30 days. The finance director said yes, they charge a light penalty if not paid by the date.

Councilman Lewis said if he's a parlor that might be \$20,000 so he pays that in 30 days. The finance director said yes. They have said that, once the deadline is passed, they send updated lists to planning and the police department telling them what businesses have not paid for their privilege license and it begins at that time for them to go and check and follow through.

Mayor Macon said he would think that the ordinance allows, if they don't have their privilege license, they can get shut down.

Councilman Wilcox said he assumes the extra establishments that were found were 2-4 machine places. Mr. Parvin said yes. One of them is the American Legion who had a couple. Usually we don't charge for non-profits. They were back and forth on whether they were going to charge them.

The town manager said that's a Council decision but he thinks in this case they probably could if that is what they want to do.

Councilman Lewis said there is another issue out there that no one is covering and he is not sure what the legislators are doing, the machine is now no longer electronic, it gives you basically a strip ticket. He puts \$10 in and gets 10 strip tickets and you are a winner or not a winner and you can get so much money. His concern is they get rid of the sweepstakes, the video changes, now all of a sudden someone has another technology that is not covered under the ordinances and these are strip tickets that roll out. He puts \$10 in and rolls them out and he strips them open. American Legion has them there today. So someone says you get me out of this business and I'm going to open up another business. Is there something we also want to include in there for any type of game of chance.

Mr. Parvin said he is not as up on the new definition as the town attorney. He was very impressed with the language of the new definition that it covers everything but there might be a loophole there.

The planning director said that when they read the new definition he thinks they will see that it is pretty exclusive and encompasses just about every type of gaming operation you can imagine, whether it is electronic or manual. He thinks they should have a copy of that in the actual moratorium language they are considering tonight.

Councilman Wilcox asked how it deals with the sweepstakes, McDonald's and other sweepstakes they have discussed. We have a moratorium on sweepstakes locally, they can't have a sweepstakes? Do we differentiate? We've talked about this before, that's a sweepstakes. Have we paid any attention to that? Are we charging McDonald's every time they want to do a sweepstakes?

Mr. Parvin said they haven't looked at McDonald's as being covered under the electronic gaming operations. When you go in and buy a drink, you're not buying drinks at McDonald's to get the tickets, you're buying the drinks to get a drink. He thinks there is a distinction there.

Councilman Wilcox said the distinction is that when you go to internet you're paying for internet time and you get something else for it. You're buying one product and you're getting the option of a sweepstakes.

The town manager said the General Assembly is not looking at McDonald's and things like that so there has to be a reason or understanding that it is not necessarily gambling or gaming.

Councilman Wilcox said we're covering only electronic operations covers that is what you are saying.

The town manager said he was trying to make the point that the General Assembly is obviously not trying to shut down McDonald's. The town attorney is on his way and can probably tell them better than he can.

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

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

**Councilman Wilcox made a motion to adopt Ordinance No. 10-838, accessory use electronic gaming machine fee schedule. Councilman Wilcox amended his motion changing it to Ordinance No. 10-837.**

The planning director said they need to fill in the principal dollar amount for principal uses on the Ordinance No. 10-837. The accessory is \$250 but they still need to figure out what they want to do with the principal use gaming operations. Ordinance No. 10-838 deals with the actual moratorium. Ordinance No. 10-837 deals with the fees.

**Councilman Wilcox withdrew his motion.**

Councilman Lewis recommended \$1,200 for the first 4 and then go to \$750. It might be easier to say for every machine it is \$1,000 if it's non-accessory and if you prorate it, that's pretty simple. It can't be used after December 1<sup>st</sup>. The cost is approximately the same. Primary would be \$1,000 per machine across the board.

Councilman Lashley asked if there is a limit on the machines they can have?

The town manager said not for a primary facility but if you are a restaurant or a convenience store you can only have 4.

The planning director said he thinks the town attorney mentioned at a previous meeting a concern about refunds and said that is not a requirement. He just wants to make sure Council understands that if you do establish a fee you don't necessarily have to consider a refund on that fee past December, if they don't want to do that.

Councilman Lashley said he knows a certain bar has 7 machines in it. Do they have 2 years or 3 years to come into compliance with that? We're saying 4 for accessory, they have 7 machines, can they keep them? The planning director said they can keep them but he thinks it would be the opinion that if you are over 4 you are going to be charged the principal fee amount. It was a disincentive for people who put more than 4 machines in, 4 was what was previously recognized as a maximum number for accessory uses.

Councilman Wilcox asked how many large ones we have. The planning director said we have two at the boardwalk, which are questionable in terms of their operation. One has 17 machines and the other has 30. The one with 30 he thinks is at Snow's Cut, Food Lion Shopping Center.

**Councilman Lewis made a motion to adopt Ordinance No. 10-837 (Exhibit 2) and include \$1,000 in Section 2 under the annual privilege license tax for each operational gaming machine used as part of a principal electronic gaming operation. MOTION CARRIED UNANIMOUSLY.**

**Councilman Wilcox made a motion to adopt the extension of the moratorium under Ordinance No. 10-838 (Exhibit 3). MOTION CARRIED UNANIMOUSLY.**

***PUBLIC HEARING - CONSIDER AN ORDINANCE TO AMEND THE TOWN CODE, LICENSE AND BUSINESS REGULATIONS TO ALLOW FOR ENTERTAINMENT AND OTHER SERVICE RELATED ACTIVITIES ON TOWN CONTROLLED PROPERTY INCLUDING, BUT NOT LIMITED TO STREETS, SIDEWALKS, AND THE BOARDWALK AND BEACHES***

The Town Planner, Ed Parvin, presented this item. He said this is an ordinance to address street performances, street performers or busking as a result of interest presented

at the last few meetings. He tried to give them a couple of ordinances to review. One the attorney gave them at the last meeting and then staff gave them one as well to review. They have added a couple of other regulations for Council's consideration and requested them to put yes or no on the side if they want or do not want to consider these. One they added is that no electrical equipment shall be permitted which is more of a safety issue. Originally there was an issue with any amplified equipment or any amplified music. They went through that discussion with eating and drinking establishments, whether it's amplified or not amplified, it could still break the noise ordinance so amplification wasn't really the issue, the noise was the issue. Separate from that is electrical equipment and that could be an issue so they added that in there. Also, duration of a permit, the town attorney's doesn't have a duration in it. In talking to him, his intent was that it would be per event that you would come in and get a permit but that is not specified that he saw in the attorney's language. They looked at someone coming in maybe 7 days prior and specifying when you want to have your events. The time, the town attorney had you could do it from 10:00 a.m. until midnight. Another option is 10:00 a.m. to 10:00 p.m. is pretty much open if they want to regulate that as well. Also, we had it on a first come first serve basis. There are three areas in staff proposed amendment where you could have busking or street performance at the gazebo, corner of Cape Fear and Canal at the FEMA lot, and the beach stage. The town attorney's ordinance is a little bit different. He identifies the beach stage and the gazebo area but then he opens it up to other areas that can be considered too but with more restrictions. So you can do it in a lot more areas but there are distance requirements from other buskers, from other commercial establishments - there's a lot more restrictions and a little bit more enforcement in that language. Signage was another thing where the performers shouldn't be turning into vendors, shouldn't be out there with signs saying what they are trying to do, collect money. I went over a few of these differences, the locations, the prohibited acts. They didn't change the prohibited acts from what was already in Chapter 8. The town attorney has expanded upon these mostly for the distance requirement between buskers and commercial establishments. The life of a permit is something that is up for discussion. We said 7 days. The attorney was looking at one event. Staff took out the amplified music and put in no electrical equipment and signage. Hours is looking anywhere from open to 10:00 a.m. to 10:00 p.m. to 10:00 a.m. to midnight. Some of the similarities - both of the ordinances, staff and attorney, have permit requirements but that is also up for debate. They all said there should be a provision in there that if there is a festival or something going on at one of these public spaces, that would take precedence over someone doing a performance and they would have to work around those types of activities. Aggressive manner is something that has been defined in our ordinance for a long time and is basically saying that you are not going out and jumping on people and soliciting them and aggravating patrons and citizens in the community. Not addressed and probably dependent on how this is permitted, the duration and whether there is a permit at all, is the cost of the permit. No one delved into that. Moving on past the street performances and addressing something a little bit closer to what has been going on, on the boardwalk proper, is business expansion. Right now we allow businesses to expand onto public right-of-way on the boardwalk in two different ways and those two ways are through a sidewalk café that has a lot of regulations and through display of goods which does not have a lot of regulations. Basically, you can just put your items out for sale as

long as you keep 4 ½ feet of clearance for pedestrians to walk by. The options here are to take no action and limit encroachments as we have in the ordinance, to display goods and sidewalk cafes, and only talk about the street performance in the other part of the ordinance or we could allow it to be wide open on the boardwalk with display of goods, you could just allow the business expansion just like you allow the display of goods for all those businesses. Or you could look at allowing it with conditions like you do for a sidewalk café. He listed some of the things they could consider - site plan, a narrative explaining the business expansion, potentially insurance fee, hours of operation, noise, permit expiration. Those are some of the types of things that they talk about with sidewalk cafes. Business expansion, what it would be is basically a performance. If you sell widgets in your store, you can take your widget outside your store and demonstrate what it does so if you sell guitars in your store, you can take your guitar out and play it. If you braid hair in your store, you can braid hair in the allotted area on the boardwalk. That is potentially what they are potentially looking at allowing. Right now what is allowed is just the display in the area where you can put your t-shirts, etc., out but you can't actually do performances. That is the distinction they are considering for tonight. There are a lot of questions up in the air with the business expansion and also with the street performances.

Councilman Wilcox asked if they had any discussion with regard to how many performers would be allowed? We tend to think of a single performer but it could be a group, 5-7. Has there been any discussion about numbers that would consist of a street performance? Mr. Parvin said they talked about the first come first serve basis and three areas defined and it would be the town manager and his or her designee to say who is going to issue the permit and look at, if you have 1 or 2 issued for one area you probably don't want to issue a third but they didn't specify in the ordinance or really have a lot of discussion about how many they would limit for. Obviously at the beach stage he thinks they could only have 1 out there.

Councilman Wilcox said that is not what he means. If 5 people come and want to perform as a group, has there been any discussion about that? He knows some other ordinances he read have restrictions on that. Has there been any discussion among staff about that? The town manager said they didn't address the size of the performance and really haven't discussed that at all. It was more about being able to coordinate multiple performers but not as opposed to a group.

Councilman Wilcox said it potentially changes the flavor of the activity. Are all these folks required to have privilege licenses? Mr. Parvin said the staff written ordinance wasn't looking at them as a business so they were saying no. He thinks it does mention in the attorney's ordinance that they would get a privilege license. That was something they were back and forth on.

Councilman Wilcox said if you are out earning money, are you conducting business?

The planning director asked the finance director if the state has some type of fee schedule for something like that for a privilege license because that is pretty much what they are bound to. It is what they say.

Councilman Wilcox said he is not recommending anything. We require when we have our arts and crafts shows and other things for people to come out on a temporary basis, itinerant merchants or whatever, to have a privilege license so he was curious if that would apply.

Councilman Lewis said he thinks most towns actually have. People are doing busking in other beach towns he's been in and they have a license that is displayed.

Mr. Parvin asked privilege license and a permit?

The finance director said there is not anything she is aware of that the state says they can't do regarding that, it would be up to us. They don't have a schedule listed for performances or busking, etc. It would be up to Council she guesses. They could always add one in, have our own description, and charge accordingly for that.

The town manager said he would think if they decided to do a permit, the permit fee could work very similar to a privilege license.

Councilman Wilcox said on the expansion of business, to clarify this, it's an expansion of what business? If you have a sub shop, the expansion of business is that you would set up a table and, if the health department would let it happen, serve subs out there, right?

Mr. Parvin said that is a distinction they probably need to look at for sidewalk cafes and expansion of business and how far they want to go with it.

Councilman Wilcox said a hat shop, you can have a model displaying a hat, maybe a little runway thing going on in that 4 ½ feet. If a hat shop came and pulled a privilege license, what would they fall underneath? Mr. Parvin said retail.

Councilman Wilcox said they could put one guitar in their shop and sell guitars and then have performances out front. Mr. Parvin said you're right.

The town manager said the expansion of the business, he's not sure they're ready to move forward on this. When they were looking at it, it was his opinion that some of the stuff that was happening on the boardwalk was expansion of business and there was also some mixed in busking, he believes, because there was a little bit of different types of activities going on there. They have kind of taken a stab at this type of ordinance. If Council wants to move forward on something like this, if you want to do caricatures, take pictures, do braiding or if you sold musical instruments to play music, that is kind of what it would cover. It needs a little bit of work, little more clarification. It really doesn't discuss noise, crowds, etc., but, if you are in favor of moving forward with something like that they can bring it back and tweak it. He thinks they were really more interested

in the busking part tonight.

Councilman Wilcox said you are really trying to separate the two issues here. The town manager said he is.

Councilman Lashley asked if the Planning and Zoning Commission has looked at this or just the planning department and town attorney come up with this combination?

Mr. Parvin said the attorney worked on it individually. Planning and the Technical Review Committee met with all the department heads, outside of parks and rec. Planning and Zoning Commission did not.

The town manager said they typically only look at zoning issues, plus we were a little bit on the fast track with this. They generally only look at planning items. This is a code ordinance. They would want to maybe get involved with the business expansion part of it, town code, but it is still on the order of a planning type item.

The planning director said that typically when it involves land use they try to involve the P&Z Commission as part of that, when it involves a land use regulation. Is it mandatory, do we absolutely do that? No, and in this case we saw a need to move it forward quicker so we could get something on the books, if Council desires to get it on the books now to address true busking.

Councilman Lashley said we have committees and it is at times hard to get people on these committees. He would always involve committees on issues we have with the town.

Councilman Wilcox said, just for history, these are types of items that have never gone through Planning and Zoning, they have always been strictly Council issues. It's not a planning issue.

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

Sheryl Jennings, 415 Charlotte, said she wanted some clarification on this. Is this just involving the boardwalk area and like when the farmer's market comes in and that sort of thing? Let's say I take a walk on the beach and I want to take a harmonica along and play a tune and, if nobody objects to it, does she have to get a license for that? Or if she wants to go out in her yard and play a musical instrument and she happens to be on that part that is right by the street.

Mayor Macon said if she is in the town right-of-way, she is not in her yard.

The town manager said if she is performing and trying to garner attention, that, to him, what this is about. It doesn't mean that if you are out with a few friends playing the guitar, he's not sure that's what this is about.

Mayor Macon said if you are walking around with a tip jar on the beach.

Ms. Jennings said that would be different, she understands that. She just wanted to clarify that.

Shannon Eileen McAniff-Brodeur, 314 Columbia Avenue, thanked everyone for their time spent on this and wanted to speak about the performing arts at Carolina Beach. She is asking that they look at the idea of busking as a positive asset instead of a detriment. It feels like it is being treated that way, excessive ordinances prohibiting it. She would like to see it as a relationship to enhance the town rather than restrictive permits. As was said, towns have done this before and she would like for them to look at how other towns have done it, how it has been successful for them. Coco Beach, Florida is a good example where it is used to help attract tourists. Year round performing arts are embraced and helps influence the youth. She would like to see more done with the arts in this community, especially for the youth. She would like to talk about the need for a teen center, a community arts center. They have made big progress in the last few weeks working together, putting together the performing art tonight, thanks to Dan Wilcox, the Arts and Activities Committee, and thinks that is a good example of working together so that there is room for everyone here. There's room for gambling and bars and busking and the rides and all the things that everybody loves. Her daughter plays the flute and the violin, is also a dancer and actress and has helped her be a better person, as well as her son who has benefited from going to various arts activities. She asked them to consider the idea that they could create a busking registry through the town rather than using the word permit, looking at it from the point of view as a privilege license and acknowledging that it is an industry, that the arts do make money, would be a great direction to go. She would ask that those costs not be so prohibitive to young, emerging artists that they can't afford to do it. Permits, on a regular basis, that can be subjectively given instead of objectively may be more prohibitive than the direction she is asking them to go. A boardwalk in San Francisco advertises buskers on their website. She knows a lot of work has been done to help bring tourists here and is a reason she came back. She would like to send a message to the youth of this community that the town wants to embrace their talents, the town can represent them. She can help one but not all of them. She has seen how it has improved a young man from what he was before and she is proud of him for that. She would like for the town to embrace these young artists in a way that shows them they are wanted.

Lorrie Honeycutt, 215 Peninsula, said she has a business on the boardwalk she opened a couple of years ago on the off chance that an art shop at the Carolina Beach boardwalk would make it. The direction of the boardwalk was great, going back to families and was a positive movement. She is a member of the chamber, supports the local fundraisers and charities, travels all over the country and promotes her business at Carolina Beach and has received a lot of positive feedback about our image and the changes that are happening here. She does happen to be the adjacent neighbor of Mary's and is happy to have an art shop next to her shop. It causes some synergy seeing these art shops together and she would love to see more there. What has happened so far is the noise level of the

activities outside of Mary's has been tremendous and so loud that she can't hear her patrons when they come to her shop. The language that is used outside the store, the panhandling or busking or whatever it's called, the belly dancing, she doesn't think it creates a family environment. She is in support of the ordinance, just the regulations of the ordinance, and she is in support of busking and art at the boardwalk but she thinks they need a little bit more control. She is happy to see that an ordinance is being considered. When they do consider the ordinance, she just wants them to consider the welfare of all the business owners there, not just a few.

LeAnn Pierce, 100 N. 8<sup>th</sup> Street, showed some pictures. She is a property owner in the CBD and currently owns New Orleans Snowballs. She has been here for 15 years. The issue she is having on the boardwalk is with the crowding and the noise that it's creating. We have very narrow walkways between her business and the gaming business across the street. They tend to congregate on that bench and play, not particularly in front of Mary's, but now other people are coming and you never know from night to night who is going to show up and play in front of your business. Every night it is somebody different. The pictures were taken a couple of nights ago showing how close it is. They tend to congregate, a bunch of kids around, there's bicycles and a lot of things. Even during the day this is happening. The pictures showed two guitar players. Obviously when there are a lot of people who gather for the donuts, for her shop, and she provided a picture showing how close they are to her window. She feels it is a safety issue. She never knows what they are going to do, say or play. Pictures showed someone playing from Wilmington, how close he was to her shop, the walkway, where he moved to and proximity to Mary's which she believes is about 50' from her shop. The issue she is having with that is the noise. When it is 50' away and she cannot hear her patrons order a snow cone, it is too loud. She has had to leave on several nights and go ask them to please turn it down. She shouldn't have to do that. She shouldn't have to leave her business unattended and ask them to turn down their music because it's about respect. She knows they have rights and it doesn't matter whether she likes their music or not but it's about respecting her and her business and other people around. She wouldn't want to do anything to hinder anybody else's business but she doesn't want them to hinder hers either. When she can't hear somebody order a snow cone and play a little radio sitting on her counter, that's hindering her business. She knows there are a lot of things they will have to do to make this work for everybody. On nights when they have activities, she doesn't see how they can allow people to come in and play different instruments because it really conflicts. The expansion of business she is not crazy about at all, doesn't know how it is going to work. They can talk about that some other time. If you are going to allow people to play on town property, she thinks they do need to know who they are and what they are going to do, what they are going to play. Are they going to sit there and tell nasty jokes on your property or what kind of language they are going to use. She guesses the only way they can regulate that is with a permit of some type. She has called the police and they have no clue what to do. They have come down there and said they don't know what to do. Maybe if they were wearing something that said they are allowed to be there. What is shown in the pictures can't happen. Even if the benches and planters weren't there, it's still too tight. It has to be some kind of safety hazard. People don't

want their little kids standing in the midst of that. She would be willing to work with the town but, right now, it is really out of control.

John Graves, 8 S. 7<sup>th</sup> Street, said he and his son Jonathan came about the skate park and there were a lot of issues with that about wearing helmets, etc., and feels the town worked out a great deal with that regarding getting a permit to put on their helmets, fee, etc. If they don't follow the rules, they're kicked out. He feels that would be a very good deal with the busking and street performing. He thinks it might be a good thing about distances between people and things that might have to be worked out which he thinks other towns have addressed that also. If you have Jonathan and a friend singing, he was there the nights she was talking about taking the pictures, there were no tip jars out. They were just sitting there playing and it was close to her business. He has been through there so many more times when there were lines in front of Britt's Donuts and nobody ever complained about the line that wrapped all the way around. He's not complaining either, it's an awesome place. He doesn't understand what the issue is here. To have some kind of permit or a way for them to pay a small fee, sign an agreement, something to wear around their neck or put on their guitar case and follow the rules. If they don't, they're out. With his son being 15 years old, you're talking about 7 day permits. He doesn't understand, he lives here on the island, how that he could every 7 days does he have the chance to go play. The fees, too, with him being 15. If he makes \$20 a night in tips, it's something that doesn't have to be so exorbitant. And with the insurance issues like the skate park, if they sign that agreement, he thinks there was a ghost rider with the park as long as they adhere to the rules then the town is not liable.

Michelle Connett, 1321 Cabot Court, said she is all for the arts and thinks it is great the youth are getting involved in something very creative. There has been a lot of work done on the boardwalk over the past 3 years and people want to come here and they don't want to create any obstructions or nuisances to that. She applauds the planning department for coming up with the suggestion of 3 locations that will not interfere with any business and she thinks they had worked that out that they are performing on Friday night if nothing else is going on at the gazebo. She thinks that is a good fit because then you are not interfering with anything else that is going on. So when you are looking at that, she thinks set locations as opposed to just in front of a shop are more appropriate for what they are trying to accomplish there. You also probably need to think about when you set times when people can be out there - do you want one person out there 5 hours? There are a lot of things to look at in that regard. She is not opposed to it occurring but it depends on where the location is and if you are interfering with other businesses and other people, different ages that are down there, because groups will gather and she doesn't want it to be an obstruction, a safety hazard or a nuisance.

April McMunn, 403 Canal Drive, recently she has been managing the building at 8 Pavilion Avenue, has been in management for 10 years, and there have always been groups of teenagers smoking, cussing, doing all of these things before there was busking. She is happy to see them get involved in something positive instead of her going around the corner asking why they are doing whatever because they have nothing else to do. They are down there anyways, with a guitar or not a guitar. Many times she has called

the police because they are on the gazebo turning flips, doing crude acts, etc., and it's not fair that they're not able to be there, she wants them to be there. To her this is a positive thing, not a negative.

Jonathan Graves, 8 S. 7<sup>th</sup> Street, since the last meeting he has been on the boardwalk playing the guitar and everything, 2 or 3 times with a tip jar, other times just to see people's reactions. Most of the time he goes out behind the arcade where all the chairs are or sit on the bench, even without a tip jar, people come listen to his music and still give him money. They don't know that it's legal or illegal. If you just have places like that, like on the back of the boardwalk where there is nothing going on, just people walking just to see what is back there, he thinks that would be a good place. Over on the corner at night where all the police cars park, that's another place where like 10:00 at night when all the Wheel Fun rental things went in and they just sit there, like, we're not really interrupting nobody. They haven't had any complaints. He thinks there is more noise at the bars than there is sitting over there and stuff like that. Another thing is, the carnival, like, if you're saying that we're busking and everything and they're sitting there, or not busking but panhandling, he knows some of the people, all of those games are, most of the games are a scam and everything but the people that are saying come play their games, get up in people's faces and stuff like that. They might not see it but he is down there most of the time and sees a lot of stuff that is going on down there and it is just input from the younger age.

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

Councilman Wilcox said Shannon said some things he thought were interesting and he agrees with a few of them. He thinks some proper arrangement could be a positive thing but, he's sure she has been told about the activities in front of her store, the noise complaints, foul language complaints, sometimes music, sometimes just noise. He's not sure he considers that a positive. He would think if he wanted to bring something positive to this town, he probably would have curtailed that activity and done it a little more respectful to the neighbors and other business people down there. He thinks that if the emphasis is to provide a place for performers, whether they be Jonathan starting off trying to perform, or whether they be professional buskers, which is basically what they are. They travel from town to town and are out there to make a living. If the emphasis is that then what we are talking about is providing places for that to happen rather than that being places that are adjacent to other property owners and creating noise control problems and things of that nature. He is in favor of a permit. He would think the permit fee would be very low. The permit is not, he doesn't believe, intended to raise funds. It's intended to have someone come in, read and accept the rules, sign and identify the town and talk about where they are going to be playing and those types of things. What he likes most about the permit is that he believes it gives the police officers the ability to enforce better than trying to enforce an ordinance. You go down there and there's an ordinance and the police officer comes by and says something to you, gives you a warning as a courtesy and comes back later or the next night and has to give you another warning, he thinks the permit would allow the police officers to be able to say I have

warned you 3 times and I am going to ask the town manager to suspend your permit for 30 days just to keep those activities orderly. What strikes him the most is has kind of been made out to be about somebody like Jonathan going out and sitting down and playing his guitar but it is turning in to a lot more than that. He doesn't know if that is to aggravate certain people or whether to prove a point or whatever but, we're dealing with 2 different issues here. We're dealing with a constitutional issue, which is the one that is raised about busking, and his goal tonight would be to solve that issue, to provide places for people to be able to do those performances, within their constitutional rights but to do that without stepping on the rights of other business people down at the boardwalk. That is the first issue we're dealing with. The second issue we're dealing with is something for commercial gain. He has asked Shannon on a couple of occasions and you're stated it in public and to the planning department and other people that you represent these artists. He doesn't know how she represents them, if she charges them a fee, he has heard different things but normally when somebody represents someone there is some type of fee for that, there is some type of percentage if you book a job, there is a percentage of what they take in and he doesn't know what that is but he will stop short of asking that question. But if you represent somebody, that's a business, that's not public speech, that's not a constitutional issue. That's you trying to promote your business, if you're representing them, on public property and he thinks that's a huge distinction between busking, which he understands. He thinks the other issue is that we have some existing ordinances on the books that cover some of these issues, not all of them, that haven't been enforced and he wants to point out one because he thinks it is important. If you really cared about doing the right thing, you would start with following the ordinances. This is our existing code of ordinances under our commercial entertainment. He read the following: "Without limiting the applicability of any other provision of this article, no commercial establishments shall play, operate, or cause to be played or operated, any amplified or non-amplified musical instrument or sound reproduction device in the manner that causes a noise disturbance on a neighboring premise or public area. For the purpose of this section, noise disturbance shall be presumed to exist where the sound or noise caused by any activity described herein is plainly audible within any occupied structure." It goes on to talk about some other things, about penalties. It also talks about the owner of the building, not just the operator. "The owner of any premise subject to this article who is not also an occupant of the premise shall be also responsible by the actions of the tenant, guest or otherwise since it is a subsequent violation of this ordinance." This ordinance, at the very least, has been severely violated and if you want to come in and ask for good faith from this board about working with you, he would have approached this in a different way. He wouldn't have put performances out there that appear to have been designed, aggravating certain individuals, that are amplified and are causing your neighbors problems. He is not trying to be difficult here but just trying to point out the reality of the thing. He gets phone calls from people who walk by those crowds, there is foul language. He's not saying who it is, it could be some of the people in the crowds. Experience is that when you have a crowd like that, people don't like to walk through it or walk around it so if you have a crowd in front of your building, people on either side of you, at a minimum, are going to be affected by that as far as the patrons that come. They're just not going to come and it's not fair. He thinks what staff is proposing tonight is a good compromise if, in your heart, is really providing a place for

performers. This will also take in the busking situation. We should consider those 3 locations or maybe some other locations but, at a minimum, we could start with those 3 locations. He thinks they need to enter into this like they enter into a lot of other things in this town. We open it up a little bit, try it on, if it goes well, we continue to expand on it, we groom it, we make it better as it goes along but we just don't open it up without any type of controls or know how to deal with it because, when we start having people pull wagons down there and come in from out of town and set up drum kits and all kinds of other stuff going on, that is not his intent for the boardwalk. He has worked very hard down there with the volunteers to make it a family destination, to get passed the negatives that existed before to have it turn into another negative situation. He thinks what staff has brought forward is a good, starting compromise and if things go well, people behave themselves and have respect for their neighbors, have respect for noise limits and our existing ordinances and we can then consider other things at a later date.

Councilman Lewis said he agrees on some of those points, maybe not all. He did a little research on this thing and in most beach towns there is busking going on or some form of entertainment that is a live performance, not support by a business, normally by individuals and the constitutional rights have to do with the individual performer. It has nothing to do with the business. The business does not have a constitutional right of an individual performance out in public property. It is the individual performer who has that right and freedom of speech. But they really talked about identifying open areas where you can perform. They all talked about some type of restriction on how many feet away you needed to be from one another. A lot of them had the opportunity to perform in front of a business with the business owner's written approval. What they focused on was establishing some type of a registration, license, or permit that allows that individual to register at that town or community and allow them to perform over a one year period as long as they meet some of the structures that you have in place. What planning has brought to us so far, there are a lot of yes and nos here. He thinks they brought an overview for them to look at, then there is a lot of yes and nos, we have to figure out if you have to have a permit, how much is that permit, is it a permit or registration, safety issue, are you going to require a performer to have insurance, locations. He agrees that, and almost everybody he saw on the web has multiple locations. You couldn't just have performers at every location on the boardwalk or every location in the town. He is not sure they should just limit it to the boardwalk, it should be across the whole town. This is our town ordinance. If somebody wants to busk up in the HB district somewhere, that should be open to interpretation as well. We have a sidewalk up there that as long as they are not threatening people on the highway or obstructing people across there. As you take a look at it we still have a bunch of other things, shall you have more than one performer, definitely the timeframe. Everybody who has these things installed, including San Diego, timeframes seem to go late, goes to midnight, but you're not allowed to start until noon. He thinks midnight is a little late for us. Then there is a compliance with noise ordinance. We have a noise ordinance in place. When you read all the verbiage there, you could shut down almost every business that has music if you wanted to, depending on how you interpret it. The town has interpreted it if it is excessive, getting multiple complaints, if they ask somebody to turn it down. He didn't see anything about amplification anywhere and he didn't see anything about signage so those are things he

has researched. He would like to find an area where they can promote our young people to do things other than just sit around and do nothing. He thinks it is great for us, promotes things. Maybe it doesn't promote things if it is all one location but if you can have multiple locations and locations where there is not a big obstruction it might make sense to us. The business is really a total side issue to individual performers. If we're talking about busking, that is individual performers. These are the business rules we have for your business and you'll have to come up with something along those lines.

Councilman Wilcox said he thinks they both read a lot of the same stuff but he will emphasize that when he said "with the owner's permission" they can perform in front of the business. Every place that he read, that was on private property they can perform with the owner's permission. What we're dealing with here is the public property. He is in agreement also on expanding on the locations but he thinks it might be prudent, let's face it, nobody wants to be down on the HB end busking where there is no walking traffic. Everybody wants to be in the location, which is the boardwalk right now, that's where they want to be and it is a good trial area to do 3 locations and see how it works.

Councilman Lewis said that from a business standpoint, if they want to consider that in the future, since we are allowing cafes, we're allowing everything else, people put merchandise out, he doesn't see any reason why the business can't put an individual outside that represents what they do. He's not so sure how that has to do with the busking part of that situation.

Councilman Wilcox said he is willing to take that up short of having guys in pizza outfits jumping around outside in front of the businesses. He thinks they have to figure out what that means.

Councilman Lashley said he has a problem when they have business owners come up here and they are aware of noise that is causing them their problems at their businesses. You have a permit, he read something in here about 7 days, he can't imagine just giving someone something for 7 days. If we're going to give a permit, which he is not really that keen about, but it would be a yearly permit as far as he is concerned. Anyone that is 18 or under he wouldn't charge them one damn cent if they want to come and play some music on the boardwalk or wherever. The boardwalk is a small area and he thinks the 3 areas that Planning and Zoning or this committee has identified are adequate for what is happening now.

Councilman Wilcox said to Councilman Lashley that the permit is not about a fee, it's about getting the person in front of staff to sign the indemnification clause, read the rules and agree to all that stuff.

Councilman Lashley said he understands but he doesn't want to charge a kid anything to play music somewhere, be it on the boardwalk or the 3 areas.

Councilman Wilcox said he has no problem with that.

Mayor Macon said he owns a restaurant and a wine bar. He could stay open until 2:00 a.m., have live music playing on his porch. He doesn't. He closes at 11:00 p.m. and tries to be very respectful to his neighbors and he has to say that if you were sitting on that bench and it was too loud and was interrupting a business next door and you are his dad, and you were there too, there's a problem because there are plenty of places that you can go to that you are not sitting right in front of a business. That is called common sense and common decency and common respect and, what he was hoping to see, is that during this couple of week period here, that that is what happened. If you can't do it, then we have to pass ordinances and that is what it gets down to. It's simple. If you're going to be that loud that you are disturbing businesses, then he has to deal with it. You had two weeks. That is where he is at.

Eileen McAniff-Brodeur said she thought this was two separate issues between busking and what is going on in front of the business so she really didn't speak about that tonight but since it's been addressed. If she has been un-neighborly to anyone she would like to apologize. To be accused of not being neighborly as a business owner, the last performance she had was on a Tuesday night and Lorrie from Big World Photo is closed on Tuesdays. She waited for her to post her new summer hours after she left her cell phone number in her store so that she could find out when she was going to be open and closed. She doesn't open on Monday because she is closed. She did the performance on Tuesday trying to respect her neighbor knowing she would be closed. She did let Jonathan play without an amplifier until about 8:30 p.m. The rides are so loud down there, they're amplified music. There are stores right next to hers and right next door to the snowball place, they're allowed to have music and speakers and if it bothers her, she shuts her door. She doesn't complain about their right to be there nor would she ever. They all have to try to work together so she has been trying to work and consider her neighbors. She is sorry if she has upset them. She does know the owner of the snowball booth did come in and ask her to turn down the amplifier on that Tuesday night and she of course agreed and said no problem and went right out there and spoke to the performer immediately and said it is too loud for her and really respected what she had to say and said if she ever need anything to just come to her. She has done that with a lot of the other business owners. A lot of the people on the boardwalk are very friendly, they do work together. They watch out for each others stores and call each other if they are not open. As a business owner to have such a black spot put on her reputation, it's kind of like slander. If we could just stick to the facts, she would really appreciate it. She is trying to work out a compromise here so they can all exist together.

Councilman Wilcox said he spoke to her about complaints he has had, those are the facts. He will tell her this, there are rides down there and they do make music and, again, are on private property. Anytime those rides interfere with somebody, the town addresses it. If they are causing a noise problem with any of the businesses, the town addresses it. People playing music outside their businesses, if it's too loud, the town will address it. He thinks the Mayor hit it on the head. There was pretty much a warning shot at the last meeting and, instead of going out and being a good neighbor and keeping things calm and not making excessive noise and not causing situations, it didn't happen. It's unfortunate.

Ms. McAniff-Brodeur said, in her opinion, felt like to do 2 or 3 performances, she thinks they have done 2 since the last one, 7 days a week is very respectful use of the time. It's not an extreme balance for the performing artist vs. the visual artist she is allow to have outside. She loves that the rides make noise, she is just saying that if they bother her, she closes the door. If somebody's music isn't to her taste and it's too loud, she closes the door. She is not saying she doesn't want it there, she just doesn't want to be selectively enforced upon.

Councilman Wilcox said they are not standing 5 feet from her front door. They are on private property. They're not standing in front of her business or near her business causing people obstruction or causing people just to shy away because of the activity and not come in your business. That is a different issue.

Ms. McAniff-Brodeur said, as far as the bench goes, before the rides came the benches were arranged differently on the boardwalk, before the season opened, and it wasn't as constrictive for some of the business owners down there. She would be very open to having that bench moved further and put across from her business where it is wider. She can't speak to other business owners but she does know that between the planters and the benches it is a little tight down there and she believes the merchandising ordinance addresses a certain amount of footage and it's not the same for everybody because of the width of the sidewalk. She is not the person who owns the benches so she wouldn't ever move it but if it is up to the town and it helps some of the other business owners, maybe they could do some rearranging to try to figure out what does work for everybody. She would never want to be called un-neighborly.

Mayor Macon said if she had 2 performances in the past two weeks, nobody called and complained to him about those 2 performances.

Ms. McAniff-Brodeur said she did know she upset the snowball lady because she did come and ask her to turn it down.

Mayor Macon said if she turned it down and it worked out, turned it down a little bit, okay, his point is it can work and you can play music and it can all work very well but we all have to be respectful of each other's space. He loves art and has musicians at his shop all the time on the weekends and he put a speaker outside and they stop playing music at 10:00 - 10:30 and then they close at 11:00. They are trying to be respectful of their neighbors and the houses that exist in that area. If properly done, it can work very well. They just have to be respectful of the space. Communication is the key. If an owner feels she can walk up to your son and say it's a little loud or could you scoot down to the other end and, as long as he's going to be respectful and say, yes ma'am, I'm sorry or I'll play a little softer. Acoustic guitars aren't that loud. You can play them loud or soft. You can still have the same effect.

Ms. McAniff-Brodeur said he said the guitars don't make much noise but she hasn't put any of the drum players out because she wanted this to get sorted out. Out of respect she

hasn't put them out. Maybe in the fall after the rides go and there is less noise, maybe that will be possible using the gazebo for that kind of venue.

Mayor Macon said if it's a snare drum they make things you lay right on top of them, they're not loud. There's a way to do it, to express yourself and have your art and do your thing and do it so it all works with everybody down there.

Councilman Wilcox said he has been playing in a band since he was in grade school and he has been helpful to her trying to get things squared up and get her performing at the gazebo down there so these kids would have a venue. He would be glad to sit down with her and is sure other council members would be glad to try and figure out some place in town that would be a performing arts center or something of that nature. But this has stirred up a lot of controversy and a lot of problems and he doesn't think that things have been handled 100% well and he thinks what staff is proposing is a fair compromise and let's see how it goes and then they can always come back and revisit this issue at a later time.

Mayor Macon asked if there is any way they can have the Arts and Activities Committee look at different locations? He is all for some different locations, too. Here is where he is at - this is new, it's a difficult situation to deal with because they are not sure exactly, it's a work in progress. That is what he wants the performers to understand and her to understand, it's a work in progress and they can come and work on it, tweak it, and make it work for everybody.

Ms. McAniff-Brodeur said the Arts and Activities Committee would love to work on that with you, they have been discussing it among themselves.

Councilman Wilcox said he thinks it would be good for them to look at it but he would like to get some places in place tonight for these folks to perform and, at least get something on the books that they all can rely on. They can then come back and visit it at a later date when they bring a recommendation back.

Ms. McAniff-Brodeur said to remember it was their intent in thinking that by bringing the arts to young people that they would decrease the chance that they would increase their violence. She is sorry if she didn't go about it in the right way. She knows that she talked to the property owner when she first opened and looked at the ordinances and thought she was good to go and that is Mary's issue. And then there is the busking issue and then there is the what to do with the youth in our community issue. There is a basketball court behind the library that just needs a hoop and maybe that would be a good temporary solution until they can spend more time talking about the permanent basketball court. They would love to talk about a community arts center in a more permanent location for people.

Councilman Lewis said Jonathan made a good recommendation. He has been on the backside of the ocean side of the boardwalk and it is total silence back there. He doesn't mind having that as a location because there's not a big crowd back there. There are no

real big retail business along that section. He has heard a couple of people back there and thinks it's great.

Councilman Wilcox said he doesn't disagree. He thinks the cove across from the welcome center, the grassy cove there might be another good location.

Mayor Macon said even the performers, if you have a bunch of people standing around cussing and carrying on, sometimes you might take it upon yourself to either shut down and move on until they move or politely say, come on guys I'm trying to make a living, trying to earn some money here and that's not helping because you're scaring other people away. It gets to a point that you have to accept some responsibility unfortunately.

Councilman Wilcox said don't let them ruin it for you. We've had problems back there before, even recently, with arts and crafts business stuff that were real problems. He thinks they need to discuss permit and duration and all that stuff and the cost. Seven days might be a management problem, maybe they could start with 30 days until Arts and Activities comes back with something. He doesn't have a problem with waiving the fee until they visit it next time. His purpose for the permit is simply to get someone in here, have them sign the rules, sign the indemnification and figure out where they're going to be playing and all that stuff that you need to figure out.

Ms. McAniff-Brodeur suggested that if they are going to come in and sign up with the town, a lot of towns take that opportunity to provide some tips on busking, like don't stand near an ATM or some of the other things they have been talking about. Maybe they could wear something so there's not a problem with the authorities and at the same time they get to pick up a sheet on tips.

Councilman Wilcox said he is sure they will come up with some guidelines. They have to work through the mechanics of that. In this case, since there are 3 locations, the distances are not an issue. He would like to propose a 30 day permit and waive the fee for now, hours 10:00 a.m. to 10:00 p.m. They need to figure out how many hours for each location and how they would manage the time for multiple people applying for that location on the same date.

The town manager said he thinks they can manage that. He thinks if they had multiple people wanting to play at the gazebo stage they could figure it out timing-wise.

Councilman Wilcox said another nice thing to show some cooperation among the artists that they would cooperate and figure out that among themselves so they can all get in around the prime time.

Mayor Macon said there are times too he has seen him walking around, walking down the street playing that's not what they are talking about. Just like the lady who said if she is walking down the beach and humming on her harmonica, he doesn't think that is an issue. He has seen him standing on the corner here and there, you weren't busking, you were just hanging out.

Councilman Wilcox said he does like the recommendation of no signage, at this point in time, because all the ordinances he read said no solicitation and, to him, when you have a sign up there asking for money, that's solicitation. Maybe that is something that could change in the future. He knows Wilmington allows an 8x11 professionally produced sign, he doesn't know what that means. He likes staff's recommendation, at this time, of no signage. He likes the idea of indemnification, that's why he was asking about the groups. If you get something to a certain size, then maybe indemnification is not enough. They can always come back and visit that. We do the same thing with the skate park, they are not monitoring these activities.

The town manager said he thinks what they could potentially do would be to put may as opposed to shall have insurance and leave it up to his discretion or whoever is monitoring this thing.

Councilman Wilcox doesn't know if you need to put this in the ordinance but he thinks at the police chief's recommendation the permit can be revoked for a period of time or 30 days and come back and be reinstated.

The town manager said what he is hearing is add some revocation language and it probably would follow suit with town manager designee that way the police chief or anybody could revoke a permit.

Councilman Lashley asked why do we want somebody to come in every 30 days to get a permit?

Councilman Wilcox said they way he is looking at this is that they are working with something they have had problems with and they are trying to get a situation where it can start and see how it goes. They can come back and get another permit, it's not costing them anything but it creates some controls to begin with.

Councilman Lashley said if they are causing problems, the police will take care of it and we'll take care of the permit.

Councilman Wilcox said it is just a suggestion until Arts and Activities has time to look at possibly other locations and maybe some other recommendations. He just wants to get something on the books tonight so they can start.

Councilman Lewis said what about doing it just for the summer, until the end of August. It's going to take Arts and Activities Committee probably a month.

Councilman Wilcox said he didn't have an issue with that. You've got enforcement controls. If we're going to do it for the summer, waive the fee for juveniles and charge a fee for professional entertainers, so to speak, above 18, because we are starting to see that kind of activity. He doesn't know how that is going to blend, it's another thing they have to work through.

Mayor Macon said he understands about the 1 performer thing but there are people who sing acappella.

Councilman Wilcox said he just asked had they considered that and that is something they will have to look and see if they have an issue with and then we can readdress it. The town manager has the discretion, if he sees some type of activity, he can require some type of insurance instead of indemnification. If they go down the list and say yea or nay and then add a few things and then vote on those modifications, then that can be put into text he assumes and is a matter of record.

Mayor Macon said this is the Council that voted to have the music at Freeman Park and he thinks that went really well, there weren't any problems. We're not people who want to say no to this stuff, they want to work it out and make it all work.

The town attorney said the Mayor is bringing up a point about singing and he is not sure if he was addressing the definition of a performer but he did notice coming from the City of Wilmington that performer is simply one who plays a musical instrument. That is the only form of music addressed, it doesn't address singing.

Mayor Macon asked if there is a reason it doesn't address singing, is that just a form of free speech?

The town manager said you're talking about dancing, singing, there are a lot of different types of performance artistry.

Councilman Wilcox said the question is are you doing it for tips, isn't it?

The town attorney said it does say performs acts of skill or otherwise performs or entertains.

Mayor Macon proceeded with the list:

- Item A - Purpose. Council agreed.
- Item B - Permit Required. Council agreed but charge people 18 or older \$20-\$25.
- Item C - Safety. Council agreed.
- Item D - Insurance. Council agreed that the town may require insurance.
- Item E - Location. Council agreed to town property across from the Welcome Center with signage busking allowed.
- Item F - Permit. Council agreed to permit for the summer through Labor Day.
- Item G - Time. Council agreed to 10:00 a.m. to 10:00 p.m.
- Item H - Noise. Council agreed.
- Item I - Aggressive Manner. Council agreed.
- Item J - Conflicts with Public Access Events or Other Performers. Council agreed.
- Item K - Signage. Council agreed.
- Item L - Exemptions. Council agreed and agreed with tip jar.

**Mayor Macon made a motion to adopt Ordinance No. 10-839 (Exhibit 4) with changes as stated above and changed fee to \$15 for over 18 years of age. MOTION CARRIED UNANIMOUSLY.**

***DISCUSSION AND DIRECTION FROM COUNCIL REGARDING SEVERAL REQUESTS FROM BUSINESS OWNERS TO BE ALLOWED TO DELIVER BEER AND WINE***

Gary Ferguson, the planning director, presented this item. He said this is a discussion item for Council. Staff wanted to bring something to their attention that they may or may not be aware of. The town has recently received a couple of requests for beer delivery. The first request came from the Brew Thru and they have a representative in the audience who is with the Brew Thru and their request was simply to be able to deliver beer to Freeman Park. The way it occurs is that someone would call in with a credit card number, identification, age, etc., to the place of business, make that order. The point of sale would actually be occurring at the store, which is in the commercial zoning district. The delivery person would then take that delivery to the location where it is to be delivered, verify the age, verify the credit card number and deliver the beer. A benefit is that this may help reduce some of the driving while intoxicated because people may not be encouraged to drive off a site to purchase alcohol if it was going to be delivered to them. We have also had a request from Pizza Shuttle and they also wanted to deliver beer to people's homes. According to ABC and ALE this is perfectly permissible which surprised staff. He contacted Tim Morris who is an attorney representing the ABC Commission and he says yes it is permissible to do this as long as the point of sale occurs at a commercial business or at a house or at the beach or some place like that. He did, however, mention to him that the town, when it comes to Freeman Park, could restrict this. However and what is not in your memo is the fact that, in discussing this with the town attorney, it would be a situation where if they prohibited the consumption of beer at Freeman Park then the delivery of beer there could be prohibited. That is what Mr. Morris was trying to communicate to him. He didn't have all the information. With that, since we do allow the consumption of beer and wine at Freeman Park, it would be very difficult for us to prohibit the delivery of those items if we currently allow for the consumption of those at Freeman Park. Staff just wanted to bring that to Council's attention because this was a strange item for us. Councilman Wilcox had talked to him earlier about it and asked what other towns are doing. He posted on the planning list serve the question, does any other community regulate the delivery of alcohol and the answer to that was no. There was no response. The person at ABC, the attorney Mr. Morris, also said that this is more of a liability issue than it is a regulatory, governmental issue in his opinion. He thinks that if the folks who are getting automobile insurance who are supposed to get that insurance and they have people who are qualified to deliver this beer that it becomes an issue for insurance and not so much as a governmental regulation. He is bringing this to their attention so they have an understanding of what could happen in the town and is perhaps maybe happening now. He understands the gentleman with the Brew Thru, he does deliver beer right now and pretty much just to events such as grand openings, chamber events, he will deliver kegs of beer, typically, is what his

interest is. He is also interested in seeing where this discussion is going to go and that is why he is bringing it forward to Council. The town manager thought it was important you be made aware of this. When talking to Mr. Morris he said if the town has real concerns about this, the ABC Commission would welcome hearing from them in letter form about those concerns in Carolina Beach.

The town manager said he thinks by virtue of them not allowing it in parks and on the beach, the municipal beach strand and things of that nature, you could maybe expand upon that to say no delivery as well but by not allowing consumption you can pretty much nip that in the bud as well.

Councilman Wilcox said you're talking about delivering to people's homes. What does that have to do with shutting down consumption at Freeman Park?

The planning director said that right now, according to ABC, there is an allowance according to their rules for beer to be delivered to houses. The ABC attorney made it clear that if they wished they could prohibit the delivery of beer to Freeman Park if they outlawed the consumption of beer at Freeman Park. That is not the suggestion, it's just the reality.

Councilman Wilcox asked if there is a legal definition of when point of sale occurs? Does it occur when you place the order or when you get the money, how does that happen?

Mayor Macon said they have to use a credit card, they can't pay cash when you get to the door. The age is 18 to serve.

Councilman Lewis said that in Pennsylvania they regulate beer a little bit differently so you have a beer distributor and people go pick up cases of beer but they allow for delivery to homes and that became very popular. He is open to having people deliver it. He thinks it is more of a safety issue.

Councilman Wilcox said they have to check ID's, make sure that person is at that residence, there has to be some...

The planning director said that is the concern from staff's point of view. What is the check mechanism in this? If the pizza delivery guy with a case of beer comes up to a house and the individuals he is delivering the beer to are questionable in their age and they hand out their ID and also wave a \$20 bill as a tip in front of them, is that an inducement for that individual delivering those commodities.

Mayor Macon said that is an enforcement issue.

The town attorney said they require the same standard ID at the point of purchase at any time you buy an alcoholic beverage. It is governed by ABC laws.

The town manager said he think what the planning director is saying is that they had some concerns initially when they were asked about this and they did some research and put it on the agenda and feel they are satisfied that there is not a lot they can do about it or want to do about it.

Councilman Lewis asked the police chief if the county police were ticketing people at Freeman Park at one time?

The police chief said the ALE went out there. There is a state law about drinking fortified wine and liquor and went out there and said they can't drink liquor and fortified wine in a public vehicle area and a public beach is a PVA. They wrote about 15 tickets so they have been encouraging people not to bring it.

John Childers, 910 N. Lake Park Blvd., Brew Thru, said that right now he is delivering for special events, grand openings, social events, etc., and is delivering no more than the maximum required by law which is 80 liters of beer. Kegs are unlimited. Wine, no more than 50 liters. Regarding fortified and unfortified wine, there are some wines that are unfortified. That still falls within the realm of the NC state law that he can deliver. At present he is not delivering to any residence. There is no reason for him to do that. Earlier he had asked for permission to deliver to Freeman Park, thought it was a great idea, especially being a businessman. The other fact is that folks are out there, they're there to party, they're going to get their beer one way or another, why not let somebody deliver it to them. They are not going to come off the Freeman Park area, clog up traffic, cause an accident, or end up with a DUI. That was his idea of helping his business and the town. As far as residential deliveries, he really doesn't have a say so in it. If it happens and you guys agree with it, that's great. He may end up doing it later on. But right now he does not charge anymore for his deliveries to special events than on premise and he does not charge a fee for that. He has not done private parties, has done some weddings, grand openings, social events, etc., around town. A private party would be a special event if you held it at your residence. If somebody wanted a couple of kegs and had no way to get that, he would deliver it. The state mechanism on that is you call him up, give him a credit card, give him your name, it's purchased right there. When he makes that delivery you have to be present to accept that alcohol. The ID is checked at the time of delivery. Everything is done within the state laws. He is taking a liability upon himself by doing that and is one of the reasons he has not done anything as far as residential. He doesn't care to have that liability. A lot of times with special events someone will come in, pay for it and when he takes it to that special event, they are there. All that is verified.

Richard Paige, Spencer Farlow, said he has been driving a cab for 16 years and what they do as far as alcohol delivery is if they don't know the person, they don't take it. Most people who ask for delivery say they want Domino's and a 6-pack, he knows them, call him and he will take it to them. If he doesn't know them he will say they're not allowed to do that. Same thing with cigarettes. The safeguards are there in place with the companies that are doing it and with the ABC laws. He doesn't feel Freeman Park is a problem because there is not that many vehicles to get down there to deliver alcohol,

especially with the permits to sell it.

Mayor Macon said that was just an example, they are not considering not having alcohol at Freeman Park.

Councilman Wilcox said this seems like it could be a huge liability for anybody who is going to deliver. Are we suggesting that anyone can deliver to Freeman Park or only people who have vending licenses?

The town manager said it is really not vending. If you have an off premise beer and wine license and you are a convenience store or whatever then you can. This is not a vendor. This is similar to delivering a pizza.

***DISCUSSION AND DIRECTION ON SETTING THE SEWER RATE FOR SEWER BEING TREATED BY THE TOWN OF CAROLINA BEACH FOR THE FT. FISHER AQUARIUM AND CONSIDER ACTION ON FINAL BILLING FOR FY 08/09 AND APPLYING THE NEW RATE TO FY 09/10***

The town manager said they have set the sewer rate for Kure Beach and they want to do the same for the Ft. Fisher Aquarium. Staff wants to close the year end 08/09 and then bring the aquarium up to current so they are seeking to set the rate. What they have been charging the aquarium is very close to what they owe us. They only owe us close to \$150 for basically both years.

**Mayor Macon made a motion to bill the Aquarium the \$153.06 to close out the 08/09 and apply the same rate to the 09/10 and bring billing up to current status.**  
**MOTION CARRIED UNANIMOUSLY.**

***CONSIDERATION OF A PROPOSAL FOR THE REPAIR AND RESURFACING OF CAROLINA BEACH AVENUE NORTH FROM SCOTCH BONNET LANE TO SEA GULL LANE***

The town manager said the rideability of CBAN in some areas is not that great. They are working towards completing the whole north end of CBAN at some point but there are some utilities they have to take care of first before they do that but they are working to permit those, get to construction, redo the roadway and maybe even widen the roadway to extend the area so you have a bike path. He is proposing today is a fix for a certain area. There shouldn't be any utility area issues under these roadways basically from Sea Gull to Scotch Bonnet. There may be a few connections or services that they may have to install, maybe some vacant lots where they need to install so they don't have to go back and cut the roadway. There are so many utility cuts there that we really need to do something to that roadway. This is not necessarily a 100% fix. They are going to try to do things with elevations, which asphalt, so if there is a water issue to push it around the side street that will basically connect down to Canal and go out through the drop elements there. Likewise, they will look at other different areas whether it be a French drain or some other items. There are some areas where there are some water issues when

it rains heavily. There are two proposals. The first proposal is to skin patch, do some utility work, raising the valve boxes and then doing a 1 inch asphalt overlay over the skin patch. The skin patch would go in and fill the voids where the utility cuts are. Then you go back and overlay. It's a sizable area, 4-5 blocks and is the worst area on CBAN. There are some other bad areas but they can individually hit those utility cuts. The two proposals, one he is estimating at \$123,000 but probably won't be that much. He added some additional work in there for miscellaneous sewer work and also a contingency. It will probably be closer to \$90,000 to \$100,000. Proposal two is a little bit cheaper but there was no 1 inch overlay and he would recommend they choose the first alternative because it would complete that area and would look a lot nicer and be a lot better. In order to do so you would have to set a budget with \$53,000 coming from the Utility Reserve Fund and \$72,000 coming from the Power Bill Reserve Fund.

**MPT Efird made a motion to approve proposal #1 taking \$52,279 from the Utility Reserve Fund and \$71,033 from the Powell Bill Reserve Fund.**

The town manager said it is their intent to do this after the summer so it doesn't disrupt a lot of summertime activities but they want to be able to get started as soon as things kind of slow down while it's still warm enough to.

**MOTION CARRIED UNANIMOUSLY.**

***DISCUSSION AND CONSIDERATION OF HOLDING A WORKSHOP WITH ENGINEERING SERVICES IN LATE JULY OR EARLY AUGUST TO DISCUSS THE STATUS OF FUTURE AND PENDING PROJECTS***

The town manager presented. He said they have quite a few projects going with Engineering Services and he really wants to get together sometime in August or early September to talk about these projects and where we are on the status of them. He is open to any date. He proposed August 9<sup>th</sup>.

Council agreed to August 9<sup>th</sup> at 10:00 a.m.

***NON-AGENDA ITEMS***

MPT Efird said they have two new Council members in our group, Lonnie Lashley and Bob Lewis, and this is the first budget workshop we've had with them, 5 workshops, and she appreciates the ideas they have brought to the table and think they will be a good asset in helping all of us. She appreciates their ideas and thoughts because we each have our own thing that we would like to see done and do and we need some new blood. She welcomes their input.

Councilman Lashley said he appreciates that. He has been through a number of budgets in his project life and we have 4 hardheaded people to his right but a variety on this Council and they are a cohesive group and he enjoys working with them.

The finance director said she gave Council some additional budget transfers that needed to be done before the close of this budget year, just transfers, no amendments. This is just for notification purposes.

The town manager said we still have a couple of little things to resolve and some signage, maybe some signage that shows it is a day dock and it's municipal. He asked everyone to come out to the ribbon cutting.

Mayor Macon thanked staff for that, it's a nice addition to Carolina Beach. So many good things are going on in Carolina Beach, it's awesome.

Councilman Lewis said he appreciated MPT Efir's comments. He applauds her and the Mayor and Councilman Wilcox for going out on a limb on the pier project because he thinks that is the only way they are going to get an opportunity to increase the opportunities for jobs in this town, move the town forward with other planning. He has always thought it was a good idea. No one knows if we will get the funding but there is a lot of potential for that property out there no matter what happens. Hopefully the pier will come there.

Councilman Wilcox said he agrees with MPT Efir's comments and thinks what they are elected to do is sit there and work through this budget process. It's not for two people to push away from the table and leave it tough for the other three to make a decision. He thinks it all went well. He has to ask about the road marking because it seems like we might get it this summer sometime maybe.

The town manager said what he heard from DOT was by June 26<sup>th</sup> it had to be done. That would be all the markings, the little bicycle guy in the bicycle lane, all the signage.

**There being no further business, MPT Efir made a motion to adjourn. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

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