

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

March 10, 2009

The Town Council of the Town of Carolina Beach met in regular session on March 10, 2009 at 6:30 p.m. in the Council Chambers at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor Joel Macon; Mayor Pro Tem (MPT) Dan Wilcox; Councilwoman Pat Efird; and Councilman Jerry Johnson. Councilman Alan Gilbert was absent. Also present were Town Manager Tim Owens and Town Clerk Lynn Prusa.

Mayor Macon called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Tom Campbell gave the invocation and led everyone in the reciting of the Pledge of Allegiance.

CHANGES TO THE AGENDA

Mayor Macon made a motion to adopt the agenda with the addition of Item #12(a) Parking Equipment; Item #29(a) Appointment to the Ad-Hoc Arts & Activities Committee; reorganize Item #17(a)(b)(c)&(d) and Item #27. MOTION CARRIED UNANIMOUSLY.

PROCLAIM MARCH 22-28, 2009 AS “PLANT AN AZALEA WEEK” TO PROMOTE THE CAPE FEAR GARDEN CLUB AZALEA GARDEN TOUR TO BE HELD APRIL 3-5, 2009 AND THE 2009 NC AZALEA FESTIVAL

Mayor Macon made a motion to adopt Proclamation No. 09-962 (Exhibit 1). MOTION CARRIED UNANIMOUSLY.

Mayor Macon read the proclamation and presented it to Ms. Sandra Files, Vice Chairman of the NC Cape Fear Garden Club Azalea Tour.

MPT Wilcox thanked the NC Cape Fear Garden Club for awarding a grant to Carolina Beach for the improvements to the gazebo area planners.

Before proceeding to the next item on the agenda, **Councilman Johnson made a motion to excuse Councilman Gilbert from the meeting. MOTION CARRIED UNANIMOUSLY.**

REQUEST BY AL MEADOWCROFT ON BEHALF OF UNCW CAPE FEAR SURFRIDER FOUNDATION TO HOLD A BEACH SWEEP IN CAROLINA BEACH ON APRIL 25, 2009

Al Meadowcroft, executive board member of the Surfrider Foundation, made a presentation on behalf of the Surfrider Club. He asked for permission to hold their annual beach sweep.

The town manager said the town would work with them before the event. He asked Mr. Meadowcroft to come see him before the event to make sure they have everything they need, whether it is trash cans or whatever. Mr. Owens said the insurance is covered. The only thing they are asking for is a minimum of 5 parking passes for the volunteers.

Mayor Macon thanked them for the work they do year after year to clean-up the beach and other groups that clean-up the north-end as well such as the Parrott Heads.

Mayor Macon made a motion to approve the Beach Sweep event for April 25th and waive the parking for the participants. MOTION CARRIED UNANIMOUSLY.

Mr. Meadowcroft said that in the past few years they have done Wrightsville Beach's storm drain marking and they would like to do that for Carolina Beach. Council agreed and recommended that he meet with the town manager.

PRESENTATION BY HUNTER FREEMAN AND DEREK ROBERTS CONCERNING NEW STORMWATER ORDINANCE FOR THE TOWN OF CAROLINA BEACH

Derek Roberts, Wilmington Branch Manager of Withers and Ravenel, stated that the company offers services in water resources engineering and stormwater engineering which they are here to speak about. He reviewed the services the company offers, its history and his presentation outline including a history of how federal regulations have impacted Carolina Beach leading to the deadline for a required ordinance by March 1, 2009. They are here to help us with that ordinance, Phase II regulations, as well as the CAMA overlay.

Hunter Freeman, also representing Withers and Ravenel, presented the key points of the new Carolina Beach Stormwater Ordinance. Their effort was to combine the minimum requirements under the state phase II program and the required measures the town needs to incorporate in the stormwater ordinance, merge those with the existing town ordinance and the town policies. They have tried to clarify those policies and keep them consistent in the ordinance going forward. In summary, for projects under 10,000 square feet of built upon area, structural stormwater controls will be required as well as a stormwater permit from the town. Controls will be required to treat runoff from 1.5" rainfall. There is a fee in lieu option for those projects. Offsite structural controls are allowed if the

project drains to an existing BMP that was installed for a state permit that has already been issued. That can still be used, there is no requirement onsite. There is also no required easement and no required maintenance agreement between the owner and the town. For projects that are over 10,000 square feet of built upon area, this would be larger projects, this is the threshold where the state permits currently kick in for coastal projects, there is no fee in lieu of this option so they would be required to have structural control. There are easement requirements, recorded easements on plat, deed restrictions that carry with the land and maintenance agreements and inspection reports that need to be filed annually by the owner of that tract and they need to file that report with the town. There are significant requirements for those larger parcels. Other additions include a provision for areas that drain to Class SA waters even though that does not apply currently, it may apply in the future. There is a new section on illicit discharges and connections to the storm drainage network to prohibit, for instance, sanitary sewer connections to the storm drainage network or washing of debris down the storm drainage network with purpose similar to the earlier request to clean up the beach, all of that in an effort to keep the water in the pipes restricted to just stormwater. And there is also a new pet waste ordinance that requires cleaning up after your pet. That is a state requirement they have asked us to include in all phase II ordinances.

Tim Owens said they are not having a public hearing tonight. This is to give Council a chance to review the ordinance and ask questions. A public hearing will happen at the next meeting. We will advertise it and someone from Withers and Ravenel will also be here to answer questions.

MPT Wilcox asked if sections of this were pulled directly from the state, where it says Section 16-176 Interpretation.

Mr. Freeman said yes, sections of it were pulled either from the existing town ordinances as well as the state has published a model ordinance for phase II communities and we pulled sections from the state language and specifically Section 16-176. The model ordinance was written by UNC School of Government.

MPT Wilcox asked for his interpretation of “liberally construed”.

Mr. Freeman said you are not bound to adopting the state model language, it is a starting point. He can’t answer that, he does not know off the top of his head.

Mayor Macon made a motion to set a public hearing for April 14, 2009 to consider the new proposed stormwater regulations. MOTION CARRIED UNANIMOUSLY.

PRESENTATION BY MIKE KIRKBRIDE WITH THE BOARDWALK MAKEOVER GROUP CONCERNING FUNDS FOR EVENTS/PROJECTS AND PHASE II LANDSCAPE PROJECT

Presentation was made Brett Keeler, Mike Kirkbride and Janet Hoffer speaking on behalf of the Boardwalk Makeover. He said this is their second year. Last year they made huge strides to make the boardwalk an enjoyable and welcoming area. There are a lot of tangible projects that have to do with aesthetics and a lot of physical labor. This year they are focusing a little bit more on landscaping and the physical nature of the aesthetics but more to present activities and events to draw people to that area.

The first proposal is for the Thursday Night Concert Series. It's an event they did last year. It will be 16 weeks of live entertainment from Memorial Day to Labor Day at about \$850 per event including sound equipment, tech and labor. Sound equipment is being donated but they have budgeted \$100 per week in case something happens to the equipment, labor at \$50 per week and truck rental at \$75 per event with a total of \$17,200. Last year they asked for \$14,000. They included leeway for bouncy houses and different entertainment they had last year. There are also revenue generators that are in there. They are looking into sponsorships from local businesses, beer garden and possibly a nominal fee for the kids bouncy houses and activities if they have enough of them such as a wristband for \$2 or \$3 which would help subsidize more events/activities. They have talked to a couple of radio stations about sponsorship but they have not gotten back to them with a proposal, but there is a good chance for radio coverage down at the boardwalk from Tuesday to Sunday. Also they are looking for sponsorship from local businesses. So, the first issue on the floor is \$17,200 to continue the Thursday night music.

Mayor Macon made a motion to approve funding of \$17,200 for the Thursday Night Concert Series to be taken from the Tourism Fund Balance. MOTION CARRIED UNANIMOUSLY.

Mr. Kirkbride presented the first phase of phase II which will finish up several of the coves they didn't do, complete the landscaping in the mural garden with a fountain. They received the garden club contribution for the gazebo area planters in which they will put palm trees. They do need to touch up what they have done in the past, fill in some plants in the coves that were done, replace some of the Adirondack chairs, fix irrigation and maintenance. This phase will cost around \$20,000. They have the \$5,000 garden club contribution to go toward it. The Boardwalk Makeover plans to donate \$5,000. They are asking the town to contribute \$10,000 toward these endeavors. The next phase of the events will be presented by Mr. Keeler.

Mr. Keeler said that last year what they wanted to do was have a campground feel where there is an event going on at the main focal point of the town every night. Last year they spent most of their energy on the aesthetic nature of the boardwalk and didn't have the time or resources to concentrate fully on the events. This year they want to build upon what they had the year before and build on that every year. They looked into doing a

Tuesday Night Family Night, doing a pilot program, four nights in July which would include story tellers, Pleasure Island Drama Club putting on a short play, utilizing what we have in this area for clubs. After researching municipal programs, they decided they have a lot more to offer than just possibly doing one night, that won't rely on a lot of capital or human capital and can also become an area for us to self sustain, fund our own projects and possibly create jobs. They are looking for a Tuesday Family Night at the Boardwalk, a pilot program starting off with the 4 Tuesdays in July to include bouncy slide rides, bungee, climbing wall, clown, juggler, face painting, games, cartoon video after dark from 4:00 to 8:00 p.m. with maybe a nominal fee of \$2 or \$3 to help subsidize. This depends on how much they can do based on the contribution from the town. They are asking for \$1,200 a night or \$4,800 to start them off. The percentage they get out of the money they are asking for depends on what kind of quality they can provide. Another thing that came up was the lack of bingo on the island. We have our 501(c)3. They have a non-profit status right now and are finalizing their 501(c)3 status. What they want to do on Wednesday night is a cash bingo night. They are limited to \$1,500 cash prizes. There is an initial investment of \$5,000 for this program. We have sponsorship through the Boardwalk Makeover and they are going to take care of that cost. This will be a revenue generator for the Boardwalk Makeover to help subsidize other programs they can hopefully get off the ground this year with money through the TVA and then expand upon next year. There is the Thursday night music. Friday Night Shag at the Boardwalk with a shag DJ from 5:00 to 8:00 p.m. David from Shanty's has donated his equipment and time with no cost to the Boardwalk Makeover or the town. There will be shaggers demonstrating and teaching. David said he is looking into sponsoring a name band to come on July 3rd and play at the gazebo and that would go right into the Friday night fireworks. Saturday Night at the Boardwalk, another pilot program, they want to do kids bingo from 6:00 to 7:30 p.m. There will be a nominal fee of \$1 per card and the prizes will be candy, plush toys and beach knickknacks. The cost of this is included in the Wednesday Night investment which is zero. Another idea is Battle of the Bands which would be 4 nights starting on May 23rd and culminating August 8th, which would be the final and which the Pleasure Island Chamber of Commerce is offering the winner a gig on the main stage at the Seafood Blues and Jazz. That cost will be all incurred through donated equipment and through entry fees. Four other Saturdays of the month would be Jazz Under the Stars with a budget of \$300 a night, total of \$1,200. For all of that they are requesting \$6,000. Sunday Night at the Boardwalk, Trop Rock DJ from 5:00 to 8:00 p.m., 15 nights at \$150 per night for a total of \$2,250. That is \$8,250 for all the rest of the nights to help expand on the Thursday nights.

Janet Hoffer presented the promotional, advertising and marketing package. She reviewed a list of what is needed to get the people to these events: signage for event listings; event flyers; band listing signage at both main boardwalk entrances; posters/flyers for local businesses; TV ad on Beach TV - no charge for that; targeted print and radio advertising using a marketing package for all the beach activities; free publicity through local publications, Beach TV, the Chamber, websites, rental companies, etc.; insurance with a blanket policy which would cover them for the entire year and would include all the events and other special events like Christmas By the Sea; also they would like to add a volunteer appreciation program where if you are a volunteer for this for the

summer and do a set amount of hours, the town would do something like a free Freeman Park pass or parking pass, something like that and would go along with your t-shirt. The boardwalk businesses have already agreed to contribute free soda and water for volunteers when they are working at the boardwalk. They are also talking about possibly giving discounts to volunteers. They want to promote people wanting to help out and to say thank you for your time. They are thinking a total of 30 volunteers. Not including that, the total they are asking for is \$7,500. The grand total Town of Carolina Beach Contribution for Phase II would be \$25,750. They really do have plans every year to add ways that they can become self-sustaining by getting more sponsors involved on a regular basis, helping pay for music, etc., beer garden once a week, bingo, fees for kids events and pursuing other local businesses.

Mr. Keeler said their second portion of request for TDA money last year was \$37,000 so it is down about \$11,250.

Mr. Kirkbride said they are looking to make the gazebo the center stage for events and making it a stage like setting for the year.

MPT Wilcox said there are a ton of other things that have gone unmentioned in the boardwalk improvements, a child play area by the Welcome Center, improving the center, swings, lights on all the buildings - coordinating that with the owners who will pay for it, Halloween events, additional events/vendors during the Beach Music Fest, etc.

Councilman Johnson asked if the fountain in the garden would be electric, which Mr. Kirkbride said yes. He asked if they have permission from the property owner as it is not the town's property.

Mr. Kirkbride said that is to be determined. They might forego the fountain and just do the landscaping.

MPT Wilcox said they don't have any specific approval, but, generally, have been told anything they wanted to do there, as far as improvements they would be willing to support.

Tim Owens asked Council to give staff some flexibility about how to administer it for payment according to governmental accounting because we issue checks once a month. We will work with them.

MPT Wilcox everyone recognizes there are economic hardships and people will probably be driving more to go someplace so the marketing and advertising is important to bring them here.

Mr. Kirkbride talked about the importance of volunteers and greeters.

Mayor Macon made a motion to contribute \$25,750 and 30 Freeman Park passes to be given out to those that meet the requirement to the Boardwalk Makeover crew to be taken out of the Tourism Fund balance with a request for those funds be reimbursed from the TDA. MOTION CARRIED UNANIMOUSLY.

TOWN OF CAROLINA BEACH COMMITTEES' REPORTS

Tom Campbell spoke on behalf of the Business and Economic Development Committee. He identified members and reviewed what their goal is which is to study ways in which Carolina Beach might become more business friendly. He brought up ways to calculate fees based on what other communities charge. The committee recommends, concerning water/sewer impact fees and specifically how those fees relate to restaurants, as follows: (1) change method used to calculate water and sewer impact fees from per seat method to square foot method as recommended by town staff; (2) that the total water and sewer impact fee be based on the average aggregate rate of \$127.60 per 110 square foot with no maximum fee; (3) adjust for outside seating using the rate equal to 1/3 the inside rate; (4) provide a credit for out of pocket payments by the restaurant developer who make a substantial investment in the infrastructure of the town. The town needs to be equitable and level the playing field with the surrounding communities or they will lose the opportunity to get restaurants here.

PUBLIC DISCUSSION

Jeanne Martin, 218 N. 5th Avenue, with Island of Lights, thanked Council for funds given in the past and requested funds for this year, 2009, the same as last year, \$7,000, to help them with the parade, light up, and New Year will be celebrated in Carolina Beach this year. They have to keep replacing displays, hiring DJ's, fireworks, etc. They have a lot of volunteers and bring in a lot of tourists. A written request was given to the town manager today.

MPT Wilcox said the Boardwalk Makeover group would like to coordinate the Christmas by the Sea event with them this year.

Rick Rogge, Spartanburg Avenue, spoke on behalf of the Help Center and the Island Cottage. The Help Center has been offering help to those without food and the basic necessities since 1980's. The majority of help is in the form of groceries but they also provide some help with utilities, rent, medicine and gasoline. The Cape Care Program supplies toys and clothing and was provided to 94 children, ages infant to 18, at Christmas this past year. Christmas baskets with enough food for the family for several days was distributed to 100 families. Two weeks ago with cooperation from the Carolina Beach Police Department, who referred a person over to the Help Center whose landlord did not provide any heat to them, provided them with heating equipment. The Help Center is supported by many individuals, civic organizations, many churches and the towns of Carolina Beach and Kure Beach. They have 82 volunteers working year round.

In 2008, 2,799 individuals were provided with food, an increase of 25% from 2007. The Help Center has a sister non-profit, the Island Cottage. For the Help Center to be more financially self-sustaining, the Island Cottage was created some years ago. It is a non-profit thrift store located next to the post office. Those profits are given to the Help Center. Items are sold at very low prices. Twenty youth groups from churches, about 240 youth volunteers, and 54 volunteers helped this past year at the store. Extra clothes this past year went to West Virginia mining families. The Help Center also helped send the body of a young man to Florida, who died unexpectedly, and helped his young widow with counseling. They have helped homeless to find homes and jobs. There is an amazing number of those who have been helped who have come back and donated their time to repay for the goodness they have seen there. He thanked the volunteers and supporters and the Town of Carolina Beach for past and future support.

Bob Lewis, 670 St. Joseph Street, spoke on behalf of restaurant/bar owners and said they support the recommendations made by the Business and Economic Development Committee based upon the same research they found themselves. They have also done additional research within the community here about some inequities that have gone on over the years, mostly record keeping issues. Hopefully this will come for a vote at the next meeting and they would be glad to talk about it at that time. Their group is getting larger all the time and will be attending next month's meeting if Council wishes to talk to them about the same issue.

ADOPT THE CONSENT AGENDA

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

Approval of the Minutes:

Regular Meeting

February 10, 2009

Requests for the following budget transfers:

Transfer \$5,500 from account 105300.51-Workman's Comp/Liability to account 105300.45-Contract Services.

Transfer \$3,000 from account 05300.03-Overtime to account 105300.33-Supplies.

Transfer \$1,500 from account 105300.10-Volunteer Call Pay to account 105300.18-Fire Prevention Material.

Set a public hearing date for April 14, 2009 at 7:30 p.m., or soon thereafter, to consider a request for a conditional use permit to convert the retail shop formerly "Sand Barz Surf & Skate", located at 9 Carolina Beach Avenue North (PIN 313011-55-5120.000) into a boardwalk beach club (bar/tavern).

Set a public hearing date for April 14, 2009 at 7:30 p.m., or soon thereafter, to consider a request for a conditional use permit for an open-air amusement and entertainment complex with a specialty restaurant (capacity 45) serving prepared foods and assorted beverages at an existing facility located at 12 Carolina Beach Avenue North (PIN 313011-55-6125.000).

Set a public hearing date for April 14, 2009 at 7:30 p.m., or soon thereafter, to consider a request to amend the Zoning Ordinance to consider modifying the standard used to determine parking for outdoor seating areas at restaurants.

Set a public hearing date for April 14, 2009 at 7:30 p.m., or soon thereafter, to consider a request to amend Article 10, Fence Regulation of the Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY.

CONSIDER ENTERING INTO AN AGREEMENT TO LEASE PROPERTY TO THE FEDERAL POINT HISTORICAL SOCIETY

Tim Owens presented a draft lease prepared by the town attorney. The lease is for 9 years for the land where the Federal Point Historical Society is located. If Council wants to move forward with it, they will make a few corrections to it and get it executed.

Darlene Bright, 407 Canal Drive, representing the Federal Point Preservation Society, Inc., stated that Mr. Owens said the lease was changed from \$1 to \$10 but in the body it still says \$1. She just wanted to clarify that. She also asked about item 7 regarding lessee providing hazard insurance since it used to be the lessor.

Mr. Owens said it is \$10. Regarding the insurance, he said they want to make it similar to what the old ordinance was so, unless Council requires otherwise, the lessor will provide hazard insurance for the improved structure.

Ms. Bright thanked the town for everything they have done for them.

PARKING EQUIPMENT

Tim Owens said they had a meeting with Lanier Parking yesterday where they expressed some concerns with honor boxes and changing those out to better equipment. They received some quotes for 7 pay stations, one at Freeman Park for \$14,460, and 6 other pay stations for \$63,854 for a total of around \$80,000. They could finance that over about 3 years at 4% interest for approximately \$28,500 to \$30,000 a year. They could probably structure that lease so that we take that hit next year, budget for it next year if Council wants to go forward with the proposal. Council can direct staff to move forward on purchasing the equipment as presented and ask that the finance officer pursue loans for the total amount of purchase. By purchasing now they can save about \$3,000 per

unit. A lot of revenue goes through the Freeman Park machine and they wanted to upgrade it and make sure it stays on line. An option would be to take existing equipment that still works and move them to locations that currently have honor boxes or used to replace those boxes that are no longer functioning properly. The new equipment will increase revenue and are more user friendly.

Councilman Johnson made a motion to direct staff to proceed with the purchasing of the six (6) pay stations, and the Freeman Park machine as outlined in the memo presented by the town manager, and for the finance officer to pursue loans for the amount. MOTION CARRIED UNANIMOUSLY.

RECEIVE PRELIMINARY INPUT FROM THE PUBLIC CONCERNING FY 2009/2010 BUDGET PROCESS

Tim Owens said tonight is a preliminary budget public hearing for the upcoming FY 2009/2010 budget. Typically we have an early process where the public can give some input on the budget process. The final budget public hearing, typically and as required by law, occurs after the budget document has been compiled and prior to adoption of the budget. Any type of input is welcome. Some of the things they are looking for are consideration of levels of service provided by the town, whether it needs increases or decreases; programs offered by the town; capital needs of the town; special projects of the town; and budget appropriation requests.

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

There were no public comments.

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

REQUEST TO AMEND ARTICLE 23.3 DEFINITIONS/YARD (1)(B) OF ZONING ORDINANCE; CHANGE WHAT CONSTITUTES FRONT OF THE LOT FOR CORNER LOTS (THE PROPOSED CHANGE WOULD BE TO LET THE OWNER DECIDE THE FRONTAGE AT THE TIME OF BUILDING PERMIT ISSUANCE.)

The town's Zoning Administrator, Jeremy Hardison, presented this item. Staff is proposing to change what constitutes the front of the lot in determining front yard setbacks for corner lots. He showed the current ordinance on the overhead. He crossed out what the proposed amendment would be. The current ordinance states that the narrowest dimension of a corner lot shall be designated the front of the lot. Staff recommends replacing that with "a front yard of the required depth shall be provided in accordance with the district requirements for one (1) frontage designated by the owner at the time of the building permit issuance and the second yard shall conform to the side

yard requirements as defined herein”. He showed examples. The ordinance does not regulate where the main entrance will be located or which side of the street a driveway on corner lots or how many driveway cuts you can have. It becomes an alignment concern. Staff is not proposing to reduce any setbacks but where you measure the setbacks from. It is consistent with the Land Use Plan as it does not reduce setbacks or lot coverage. TRC and Planning and Zoning recommended approval.

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

Rick Rogge, resident of Spartanburg Avenue, said this is common sense from a builder’s point of view and hopes Council approves it.

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

Councilman Johnson made a motion to adopt Ordinance 09-779 (Exhibit 2) and finds that it is consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

AMEND THE ALLOWANCES FOR “TOWN FACILITIES” AND “UTILITIES”

The town’s Senior Planner, Ed Parvin, presented this item. Mr. Parvin said in May 2008 Town Council adopted an ordinance to allow town facilities and utilities permitted in all zones. They brought this forward at the time they were bringing forward the modifications to lift station #1. Staff realized a few things when they were going through that process: the town would have to go through a conditional use permit process (CUP) for lift station #1 in our commercial area and we didn’t feel that was appropriate because it was a town facility and also when we looked at all our town facilities and utilities, there were a lot of areas where they were not allowed. So we modified the ordinance. One of the changes that was made at the Planning Board and Council adopted as well, was that these public facilities and utilities would remain conditional in residential areas but they would be permitted by right in commercial areas. We did that amendment and after doing that we now realized there are a few issues with that. He addressed those. (1) Placement of the language in the Zoning Ordinance. Staff put the definitions for town facilities and utilities in Article 12.2 - standards for particular uses. We didn’t really have any specific standards which is what that article is for so what we are requesting to do is move those definitions to Article 23 which is definitions. (2) Correcting the ordinance inconsistency. The table of permitted uses is correct and reflects what you adopted but Article 12.2 in definitions says that town facilities and utilities are permitted by right in all zones so there is an inconsistency there. Staff wants to take that out. The table of permitted uses tells you what is or isn’t permitted and take language that discusses permitted or conditional out of other language in the the Zoning Ordinance. (3) Public facilities vs. utilities. They broke that out into two categories in the table of permitted uses and the reason we did that was, utilities, there is actually a reference to Article 12.2

because there are some utilities that we do have existing standards for. There are no existing standards for facilities so we wanted to make that distinction in the table of permitted uses. (4) Redundancy in the table of permitted uses. One thing they did not go back and do was we wanted to make all town utilities and facilities allowed and we did that back in May of 2008 but there were a couple of categories such as Parks and Rec and the Police Department are good examples, that remained in the table of permitted uses, we wanted to take those out and let those fall into the caveat of town facilities and utilities. Those were the major changes. At Planning Board we talked about the table of permitted uses in general and they discussed it last summer and adopted an ad hoc committee to look at the table and some of the problems. We're looking at facilities and utilities and noticed a lot of other inconsistencies in the table. The original purpose for the ad hoc committee was to look at what uses are conditional and permitted and maybe some of those need to be modified. One of the big ones at the time was restaurants, last summer, and that has already changed but we feel there are some other areas that still need to be changed. Another is redundancies in the table such as the one he just mentioned. You might have Police Department and town facilities. We're taking that out tonight but we have already found there are others. The ad hoc committee will be looking at consistency with the 2007 Land Use Plan (LUP), making sure our table is consistent with what the LUP is telling us we want for the next few years. Table organization - over the years some of the uses might not be in the right category, maybe we want to redo the categories we have now (residential, related residential, nonresidential, and manufacturing). Lastly, (5) review use definitions and make sure they correlate, make sure we have definitions for uses. They are hoping to start working on that with the Planning Board but, for tonight, they just want to clear up town facilities and utilities. The Planning Board heard this at their last meeting and recommended approval.

The town manager said under the utility stations and substations: "(1) All structures shall, at a minimum, maintain the yard setbacks of the district in which located." A lot of times a subdivision will have a remnant piece of parcel or sometimes even on an easement and he has a little bit of concern with that language because a lot of times it's a remnant parcel that doesn't qualify as a 5,000 sq. ft. lot, etc. He is not sure how to address that.

Mr. Parvin said he referenced the utility standards that are already in our ordinance. They didn't look at those for this text amendment but that is a good thing to bring back.

Mr. Owens said it is generally like a well, most of these things are okay. You don't want to totally enclose a well site with vegetation, you want to have some see through so people aren't tampering with your equipment, but you can screen adjacent yards as long as you open the right of way. You can have setbacks on wells, you have to have setbacks. He can see a lift station being closer to the right of way. On Canal Drive, a lot of what the phone company owns is actually in the right of way as opposed to on lots. Some times it has to happen that way.

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

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

MPT Wilcox made a motion to adopt Ordinance No. 09-778 (Exhibit 3) changing the language in Article 12.2 under Utility stations or substations, not including service or storage yards, and radio, television, telephone communication towers (1), striking the entire second sentence and striking in the third sentence the words, “Required setbacks may be increased and”. It is also consistent with the Land Use Plan. MOTION CARRIED UNANIMOUSLY.

CONSIDER AMENDING THE ZONING ORDINANCE TO ADDRESS INTERNAL INCONSISTENCIES

Ed Parvin made presentation. He stated staff reviewed the zoning ordinance as well to look at internal inconsistencies and it wasn't clear as far as what happens when you find them. He reviewed the language staff is looking at putting in the zoning ordinance. Appendix A references you to the town Zoning Ordinance and other laws in the town Code of Ordinances. The best example is when you are looking at policing powers of the town code. There are different sections of the town code that have different types of policing powers. The Zoning Ordinance, for instance, there is usually a \$50 fine for violations whereas you have other parts of the town code that have more stringent fines. Basically it is saying the Zoning Ordinance doesn't interfere with those other sections so you can still have those more stringent fines in the other parts of the town code. It clarifies those inconsistencies can exist in your code. There are some inconsistencies in the Zoning Ordinance and staff is saying the more stringent rule shall apply. They found some of those in the last text change and they wanted to make sure they knew what to do at staff level when they come across those. Staff is recommending the following language to be adopted:

Sec. 1.8 Relationship Among Town Ordinances

- (a) To other laws. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with other town ordinances not contained in the zoning ordinance.
- (b) Zoning Provisions. When inconsistencies are identified within the zoning ordinance, the more restrictive shall apply.

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

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

Mayor Macon made a motion to adopt Ordinance No. 09-777 (Exhibit 4) and finds that it is consistent with the Land Use Plan and other long range plans. MOTION CARRIED UNANIMOUSLY.

Mayor Macon made a motion for a 5 minutes recess. MOTION CARRIED UNANIMOUSLY.

Mayor Macon called the meeting back to order.

REQUESTS TO VEND IN CAROLINA BEACH

Cynthia Rowe/Funky Pelican to Vend at Freeman Park

Jeremy Hardison presented the request by Cynthia Rowe to conduct vending within Freeman Park. She would like to operate a vehicle to sell food, sodas, ice, firewood, and beach accessories. The hours of operation would be 6:00 a.m. to 2:00 a.m. but the vending ordinance only allows until 11:00 p.m. The vending permit would be good for one year after which time the lease will become null and void unless re-evaluated and approved by Town Council. The current ordinance states that a maximum number of vending licenses shall be limited to four within Freeman Park. There are currently four municipal beach vendors approved. One vendor will expire at the end of June of 2009 and the other three will expire December 2010. There is a sunset clause on vending that will expire on December 31, 2010. The applicant is requesting to be considered for vending effective July 1, 2009 to which the applicant has agreed instead of April, as stated on the application. All food products or beverages must be permitted by the New Hanover County Health Department where applicable or other permitting agencies, as applicable. He notified Lala's Snoballs of this request and she said she was aware that her permit will be expiring at the end of June. She did express some interest of renewing her permit. Just Beachy was issued 3 permits for their 3 trucks.

Tim Owens said there are several other people who have requested vending at Freeman Park and other types of concessions. Our current ordinance says four permits and the town would have to do a text amendment if we wanted to consider more than four, either advertise that and go through the process or deny the requests. Staff has been instructed by Council to work on this ordinance. They will try to get with some of the committees, eventually, and see what their recommendations are. He put together a memo for Council to give a synopsis of where we stand and has posed some questions. Staff has been instructed to bring another ordinance back based on some of the recommendations from some of the committees that we currently have.

Mr. Hardison said Ms. Rowe would also like to ask to operate in the town limits and also the beach strand. They may be opening at the former location Rick's Beach Bites and if they locate there, they would have a business within the CBD.

Mr. Owens said it is up to Council's discretion whether to approve this request beginning in July or wait for the application to come from the other existing vendor. He would say wait until that permit comes up and if they apply, fine, just wait until the June meeting.

Cynthia Rowe said they will be opening a business called the Funky Pelican where Rick's Beach Bites used to be located and what they are requesting to take on the north end are the items they will be selling at their restaurant. They are a delivery, walk-up delivery, so it would be the food, drinks, ice, water, firewood, sunscreen. The building is currently leased and they are doing remodeling and bringing in equipment.

Mayor Macon said the only thing Council can actually give permission for tonight is on the beach strand prior to Freeman Park and then they will have to bring the Freeman Park issue back up.

The applicant said she understood.

Mayor Macon made a motion to approve Cynthia Rowe's application for the Funky Pelican to vend on the beach strand, not Freeman Park, to use a push cart and it is required that the business be in operation and ready to meet the regulations.

MOTION CARRIED UNANIMOUSLY.

Ed Parvin stated that the Funky Pelican owners came first, but there were three others (Dennis Barbour, David Billitto, and Bill Reaves) that were looking to vend at Freeman Park, which are already taken with the four permits Mr. Hardison talked about. Bill Reaves operates Beach Dogs in the CBD and would also like to do vending on the beach strand and within the town limits. Both of those are allowed and there are permits available. The municipal beach strand is unlimited. There are five permits allowed in the town limits and there are four available. Leann Pierce got the last one. Mr. Reaves wants to go all over town. Staff is looking at possibly confining the vending activity to certain areas to prevent conflicts as a potential condition from Council. They have been inundated with people applying for vending, there is tons of interest. Everyone is given information about what is available and what is required. Mr. Reaves is the only one of the three with a business in the CBD.

Bill Reaves/Beach Dogs to vend on beach strand, city and Freeman Park

Bill Reaves said he is not going to vend in residential areas or close to businesses that are like his business. He just wants it mainly for branding and financial recoup for the winter. He has two push carts already and is ready to go. He is not sure he wants to go on the beach but near the beaches.

Mr. Owens said the town ordinance states that once approved by Town Council, for the in town portion, the specific location and setup of the operation shall be approved by the Town Manager and be placed in the contract with the vendor. They would have to locate some places and put it in the contract. There is some discretion he has to use.

Mayor Macon said there is a lot of concern by the businesses regarding vending activity around town. They have allowed it in the past but no one seemed to use it so it has not been tested as far as how it is going to be received in the community.

Mr. Reaves said he has heard that the vending permits are not being used in Freeman Park. A lot of people call him and ask if he can deliver to Freeman Park because there are no resources out there.

Mr. Owens said delivery to Freeman Park is fine, that is allowed as long as they call and ask for delivery.

Mr. Reaves asked, if he had multiple carts, would he need a vending license for each cart? Mr. Owens said he feels you would otherwise one person could have 100 carts.

MPT Wilcox asked if they created this ordinance to allow for town vending, what did they envision was going to come in and take advantage of that ordinance, how would it be applied?

Mayor Macon said when it was originally discussed and allowed, there weren't a lot of restaurants to allow food or anything up on the Boardwalk and in the CBD. When we did allow these permits, they were allowed after hours when places were closed and food was not available. There were very specific restrictions about where they could go and what time they could operate so they didn't compete with the existing restaurants. Now we have a lot more restaurants and activity and it is a difficult situation. At one point it was needed and now not as much.

MPT Wilcox asked Mr. Reaves if he has specific hours or locations. Mr. Reaves said his hours and locations are relevant to business, the crowds. He does not want to limit himself to going some place or hours where there is no activity. He is not going to pull up next to an existing restaurant.

Councilman Johnson said the City of Wilmington has been through this and, if he remembers correctly, they still only have one hotdog vendor on Water Street. The ordinance, when it was written, as these vending licenses started increasing, someone has to make the determination or the ordinance needs to be rewritten, of safe locations or allowable locations where people can vend. If we don't do that, through the town manager, it gets way out of hand.

Mr. Owens said the way the ordinance is written that Council can have some input if they want. Steve Coggins, Town Attorney, said he reads the ordinance as allowing the Council to do whatever is in its pleasure.

MPT Wilcox said that unless he knows where he wanted to vend and the hours, he wouldn't know how to make a decision to vote for it.

Mayor Macon said they definitely need to deal with the sunset clause and to bring it back up. At the same time he would like to have the bugs worked out of the ordinance. We're either going to allow vending throughout the town or not but, if we are, we need to be specific about where and how it is going to be allowed. Right now it is up to the whim of Council, maybe it should be more specific.

MPT Wilcox said there might need to be some criteria about how close to an existing restaurant facility you can be or something by which staff and Council could make a decision about whether it is an appropriate location. He thinks the applicants would have to request to be in a specific location and at specific times.

Councilman Johnson said he feels option 2 under staff recommendations, to direct staff to rework the ordinance, which is already being reviewed jointly by planning staff, Arts and Activities, Chamber of Commerce and the Business and Economic Development Committee - that looks like the direction they need to go and address all these issues they are talking about.

Mr. Coggins said, in the meantime, with respect to the pending application, the applicant can be expressly asked to provide other information necessary to describe the vending activity proposal. He senses from some questions from Council of lack of clarity as to location of the particular activity. Under the current ordinance it would be appropriate to ask the applicant to be more specific in the application.

Mayor Macon said Council needs more specific information about where he wants to go and the hours of operation.

Mr. Reaves said that one reason he was vague was because it didn't ask him where he wanted to be. He has no problem with it being 200 feet from a restaurant or whatever. We have restaurants side by side.

Mayor Macon said they could approve vending on the beach strand right now, if he wanted.

MPT Wilcox asked him if he would like to look at the request for town limits and come back next month with some specifics, come up with a location/locations and times that they might be able to use as a basis for a decision.

Mr. Reaves said he would like to do that.

Mayor Macon made a motion to approve Beach Dogs to vend on the beach strand until they can work out the details on the other stuff. MOTION CARRIED UNANIMOUSLY.

Dennis Barbour/Island Tackle & Hardware to vend at Freeman Park

Dennis Barbour said he put together a memo describing his business and their intentions, which he read (**Exhibit 5**). He said they first applied for this vending permit in October 2007 and the same night that his permit came up on the agenda, the item directly before his permit request was the ordinance hearing that essentially put the limit on the number of permits that kept Council from being able to approve his permit. Since then he has been involved in their expansion process and hasn't come back before them. But that process, even the Town Attorney might question as to whether the ordinance should have applied when there was a permit already applied for prior to the ordinance being changed the same night. He is back before them tonight. He and others are trying to survive in a difficult, economic time. In Mr. Reaves situation, you can see the number of businesses that have been in that location over the years and he is just trying to survive like the rest of them by offering something outside of his building to tide him through the winter months. He would encourage the town to really examine this and also consider the fact that he had a request on the books prior to the ordinance change back in 2007.

Councilman Johnson said he thinks the Freeman Park Committee should be included with staff on the deliberation on this ordinance, especially where it addresses Freeman Park.

James Golden said that when they first started there were two permits allowed and then they were asked how many vehicles they were going to need to do it and they said they usually use three vehicles so, instead of just saying there were two permits, they said let's make it four so it would fit what was going on at that time. So they have three of the four permits. They do use three, especially on holiday weekends. The reason they don't have all three out at the same time is that the Freeman's didn't want Freeman Park to become commercial. They could have three vehicles out there all the time but the Freeman's didn't want it. If they had all three it would bother people, he thinks. He talked to the Health Department because so many people want to vend and they have a lot of concerns and just because you have a restaurant doesn't automatically mean the Health Department will let you vend. You have to be approved as a restaurant, a caterer, for vending and have approved vending vehicles. Just a regular pushcart may not meet that requirement. Requirements are pretty tough and the ordinance was originally set up for prepackaged food, obviously for safety, and the Health Department likes it that way. If they need to have all three vehicles out there to service the people, then they do.

Mr. Barbour said, to Mr. Golden's benefit as well as Duke Hagestrom and himself, if he were to ever get a permit, the sunset clause in the ordinance is detrimental to anyone who is trying to run a business like that because any business, whether it be vending or otherwise, requires some type of capital investment which is based on how long you think you are going to be in business. The sunset clause needs to be looked at as to whether it is even needed because the longer they can expect to be in business the more they are going to invest in their business.

Mayor Macon said he would like to bring the Freeman Park back to Council on the number of vendors and look at how we do the permits. He feels Mr. Golden doesn't need three permits, he needs one permit and then you have a maximum of maybe three vehicles that are associated with that permit but we need to re-look at how we are doing that, the number that we're putting out. We also need to bring the sunset clause back before this board.

Mr. Barbour said, along with that, he would ask the town attorney to look at what happened in 2007 with his permit was actually legal or not, to put the change in the ordinance prior to his permit on the agenda - not tonight. Also, if things are going to change and if there is a situation where others could apply for permits for vending on the north end, he would ask that his 2007 permit be pulled as a time of reference when he applied for a permit instead of having to apply and reapply and reapply whenever something changes or at least tonight's request instead of making him go through the process again.

MPT Wilcox said he thinks they also should look at requiring existing vendors notify the town 90 days in advance if they plan to reapply so it could possibly open the door for other vendors.

Mayor Macon agreed and said we need to pre-determine where we will allow vendors to set up.

Mr. Owens said he will probably bring back an interim ordinance for Council to consider.

Councilman Johnson said he feels they should direct staff or the town manager to go ahead and set up a table list, in consideration of Mr. Barbour's application in 2007 when this ordinance was changed, and however they came in by date for the request and consider them in the appropriate timely manner.

Mr. Owens said they can do some research because there have been others, on numerous occasions, asking for Freeman Park.

David Billitto to Vend at Freeman Park and Boardwalk

David Billitto said his thought was there might be a couple things missing at the north end, certainly fishing tackle is a really unique idea and hot dogs are really needed. We have firewood and general necessities. His thought was fully prepared food such as burritos and drinks. He understands the Environmental Health and Health Department rules regarding that and is comfortable with it. From a safety perspective, he thinks it makes sense to have someone who is fully Health Department certified vending food. Throughout the last few years there have been a lot of people, including himself, who have requested that permit and was told it was filled. He is trying to do a brick and mortar business on the boardwalk but has decided not to do it because he didn't think he would get approval for vending on the north end. He is currently in talks with another place and he does have a partnership that he can use a commercial kitchen, that allows

him to use a catering truck and vending. He showed Council a picture of his truck. This type of truck has to be attached to a graded, commercial kitchen. The two items are graded separately but you need a brick and mortar business to be able to do that.

Mayor Macon made a motion to table this item until next month and advertise for a public hearing on revising the vending ordinance. MOTION CARRIED UNANIMOUSLY.

REQUEST BY CATHY AND JAY DOSTERMAN TO EXTEND A CONDITIONAL USE PERMIT AT 1303 CANAL DRIVE FOR A TRIPLEX

Jeremy Hardison presented this item. He said the owners of 1303 Canal Drive are requesting Council consider extending their conditional use permit (CUP) for 2 years. The original CUP was approved for a triplex in March 2006. In March 2008 they came before Council and were granted an extension for 1 year. Between that time, prior to the original CUP expiration, the ordinance timeframes were changed. Prior to this change a CUP was valid for 1 year but extensions could be requested each year with no limits. A similar project came before Council last month and they were approved for a 1 year extension. It followed the same time frame, it was just a month behind the prior CUP of last month. It should be noted that the triplex approved for 1303 Canal Drive was approved under a planned unit development and could not come back today for a new CUP due to changes in the zoning ordinance.

Mayor Macon made a motion to extend the conditional use permit for 1 year. MOTION CARRIED UNANIMOUSLY.

Councilman Johnson suggested that staff send a letter, with acknowledge of receipt, that this is their one year grace period and the end of their extensions.

REQUEST BY PLEASURE ISLAND CHAMBER OF COMMERCE TO APPROVE UPCOMING CHOWDER COOK OFF AND BEACH MUSIC FESTIVAL

The town manager said these are two items they typically approve. One is the Pleasure Island Chamber of Commerce to hold the Annual Chowder Cook Off which is on April 18th and the Annual Beach Music Festival on June 6th. He said he wanted to talk about the beach stage. He would like to get approval that some of these funds come out of the Tourism Fund Reserve Fund. He is asking to set a budget of \$18,000. He doesn't think they will get anything near there. They are going to try to do some minimal improvements to the stage in that they are limited by CAMA. They are talking about creating some platforms to expand the size of the stage that can stay out up to 6 months during the summer months; raising the roof on the stage and try to come up with some type of canopy or cover to keep people out of the elements; leveling the stage; pressuring washing and cleaning the stage; and maybe some other types of improvements. They have to stay in that footprint. They will have to come up with a variance to get the whole

drawing done which is actually some more permanent improvements. We can make it a better stage, more suitable for performances during the summer months. He would like to set a maximum of \$18,000 to come out of the reserve funds. They will also be upgrading the electrical to enable the use of sound systems. They will check out changing location of electric panel box. They will also probably be putting down some new decking along the stage.

Councilman Johnson made a motion to approve the Pleasure Island Chamber of Commerce Annual Chowder Cook Off and the Annual Beach Music Festival and set a budget of \$18,000 from the Tourism Fund reserve account for the beach stage improvements. MOTION CARRIED UNANIMOUSLY.

CAROLINA BEACH SEA TURTLE MONITORING PROGRAM

Robert Gottesman spoke on behalf of Nancy Busovne. Mr. Gottesman said the proposal before Council is for the same amount as last year for patrolling from the start of turtle season, which is May 1st, until the last nest hatches. Last year it was October.

Tim Owens said, if it is all right with Council, they will consider budgeting this for next year like we do for the other type of organizations.

Council thanked them for their service and directed the town manager to put it on the budget.

APPROVE ON-DUTY AND RESIDENTIAL FIREFIGHTERS PROGRAMS

Fire Chief Jon Rorie made the presentation. Chief Rorie said he has spoken on this issue in terms with some of our previous budget meetings. The town has purchased a house at 811 Cape Fear Blvd. That purchase was made this year and the intention of that was to expand our current footprint of our station to add some base. Whether or not that occurs tomorrow or four years from now, he doesn't know but he does know that they have an asset that provides an opportunity for us to add value and enhance our services to the community. If a fire occurs right now at the north end, he would have to leave here, go to the station, get a truck, wait for others to get to the station and then respond. That creates some dimensions in terms of how long it takes to do that. He briefly talked about that in the information he provided Council. One of the things they are proposing to do is to take that asset, convert it to use right now to enhance our service by reducing our response time. They are proposing to convert that house to allow a live-in program or residential firefighters to occupy it on a 24 hour basis in return for providing an on-duty staffing service for the Fire Department so that we know that we have some people who are there available to respond. He feels it fits the mission in terms of trying to make sure that we provide that professional standard of service in a timely manner and it also minimizes opportunity costs to our citizens. If you look at that in terms of a funding, if we put these people in the house, at a cost of what you would consider utilities and things

of this nature of costs that are there anyway, we have that staffing credit that benefits us for ISO which could lead to reduced insurance premiums for our businesses and taxpayers, residences on the island and it provides or augments our current staffing where we have somebody available to respond. Some of the benefits of that are basically staffing continuity. These guys will be trained as drivers and as medical responders. It is cost effective, the benefit provided to them, vs. having a full-time person in that position. If you consider one full-time position, the equivalent of that is about \$50,000 a year. You are providing housing for someone to provide an on-duty credit 1/3 of the time. To do the same thing with full-time positions would require \$150,000 in funding so it is very cost effective. There is a return on that investment by reducing the cost of using full-time funding, those dollars could be better spent for expansion or upgrade of our current station covering some of our debt service we have for apparatus now, things of that nature, so there is a benefit there. He mentioned the ISO reduction. All this comes down to one basic question in terms of what it costs. He would argue that anytime you can maximize effectiveness of your current resources rather than adding additional resources, we are better off and the taxpayers are better served by doing that. He would argue that by utilizing our current staff, we don't see huge increases in personnel costs. He has it broken down in two different programs. The bottom line and the goal is to provide one engine company consisting of a driver, an officer and a firefighter that can be out the gate in 90 seconds of the alarm. That would be on a 24 hours basis. Our current full-timers and part-time staffing would handle the day time. We would look at additional part-time sleeper programs and resident firefighters to handle the night times. There are two pieces of this that are interdependent together. One doesn't work separately from the other. We would have the Residential Firefighter Program and a part-time Sleeper Program but they are working in conjunction to get three people - officer, driver, firefighter in 90 seconds out the gate, 24 hours around the clock. The cost structure of that is that basically the residential firefighter would be provided with a room, shower facilities, minimum storage facilities. In exchange for that, they would be on-duty one of every three nights and one day during the month. They would serve eleven 12 hour shifts on a monthly basis and that would rotate among three of them. The startup cost of that is basically what we are looking at in terms utility expenses (electricity, water, sewer, trash). We already insure the building. There are not a lot of building upgrades we need to do. The startup cost would include furniture - beds, living room furniture, things of this nature, and he budgeted that at \$5,000. The utility cost would be an additional, from starting today to next fiscal year July 1, estimated \$1,200 totaling startup cost at \$6,200. To continue that program in the next fiscal year would be roughly, following the same pattern you would have the utility expenses estimated roughly at \$300 a month or \$3,600 a year to maintain in return for one person on-duty eleven 12 hour blocks a month. The second piece of that is the Sleeper Program that would supplement those with an officer and a driver. This is a two prong in that uses both our current volunteers, our pay per call members to provide an on-duty staff on a rotating basis, on a scheduled basis in which they sign up for and they would receive a stipend to spend the night and staff the station equivalent to two call pays or \$25 a night. Two people doing that would be \$50 per night which equates to roughly \$18,500 per year. In the event that we come up short for an officer or driver to supplement that, we have also programmed into next year's budget funding to backfill those positions with part-timers. The bottom line is to accomplish that, we have an

additional startup cost of roughly \$7,000 to convert the garage to additional sleeping quarters and then some upfront funding things because he would like to start that as early as June 1 if possible, even though he knows that is before the next fiscal year and the reason for that is for the staffing credit for the ISO rating. If we have it in place for 6 months, we can get a full year's credit prior to our evaluation. That on-duty staffing credit is one for one where off-duty, himself included or anybody coming back, it takes three to equal one on-duty credit. He has tried to detail all of that in the documents he gave them. The bottom line is, the startup cost for the Residential Firefighter Program, which he would like to start immediately, is roughly \$6,200 that can be absorbed in the current line items in our current budget without any additional funding. It is there based on some things he has done with the surplus equipment and things of that nature. He would also like to be able to move forward throughout our budget workshops in the upcoming months to convert the garage to additional sleeping quarters and implement the program starting June 1 for the sleepers and part-timers to get those three people on duty 24 hours a day. That startup cost is \$7,000 and funding for whatever the part-time or Sleeper Program which is roughly a few hundred dollars up until July 1 of the new fiscal year. That program, to continue into fiscal year 09/10 would be an additional \$55,000. The bottom line is we can put three people on 24 hours a day for \$55,000 per year of additional funding. If you did that with full-timers, he would need 5 additional full-timers that would cost roughly \$250,000 and would exclude and insult the current members we have serving and have done so for many years. To him it is a no brainer at \$55,000 vs. \$250,000. You get that on-duty staffing complement, reduced response time, ISO credit, it's cost effective, you get growth and development of the people who are responding and operating and that would add up to a substantial sum of money in terms of savings to our taxpayers as well as rate reduction for ISO. It could lead to self-fund the station upgrades, improvements, expansions, things that are currently on deck as other budget issues. Tonight he is asking to absorb the Residential Firefighter Program, get approval to do that, put them in the house, buy the furniture, absorb that in current line item and then go through the rest of the process through our budget workshops to look at implementing the Sleeper Program on June 1. There is a contractual agreement for these residential firefighters that he has had the town attorney look over to reference what position that puts us in.

Mr. Owens said this is currently being done in other locations. They will look at the contract and make sure it covers us and talk to the insurance carrier.

**Mayor Macon made a motion to approve the Residential Firefighter Program.
MOTION CARRIED UNANIMOUSLY.**

DISCUSS PROPOSED/REQUESTED CROSSWALKS AT VARIOUS LOCATIONS

The Director of Planning and Development, Gary Ferguson, presented this item. He said the town manager requested planning staff to see if they could identify possible locations for crosswalks along Lake Park Blvd., US421. When they were asked to this, the criteria staff used in looking at the locations where this would probably be most welcomed would

be at existing traffic signals along 421. Currently crosswalks are not there right now at Federal Point Shopping Center and Snow's Cut Shopping Center. A second criteria were CAMA parking lots or parking areas on the west side of 421 where we see a lot of folks standing trying to get across to the beach during the summer time so we're looking at those locations as possible places such as Alabama and Atlanta Avenue. Also they considered public access sites that are currently manned by Carolina Beach lifeguards. The likelihood of people congregating in those particular locations probably exists. They are also looking at connectivity to existing streets or sidewalks that we have in place today. He showed a map with possible locations: Alabama Avenue, Texas Avenue, Ocean Blvd., Tennessee, Carolina Sands, Spartanburg, Atlanta Avenue. Three sites (Cape Fear, Harper and Carl Winner) where they have existing traffic signals, they already have ped heads on them and would only require the painting of the pedestrian crossing. Additional locations: Federal Point Shopping Center which has a light but no ped head or crosswalk, intersection of Dow Road which has a crosswalk from the south side to the north side but they don't have one that goes across the complete intersection. Lastly, Snow's Cut Shopping Center which has a traffic signal but no ped head or crosswalk. There are ten new sites in addition to the existing three sites we have. During a meeting with the Master Development Plan group, DOT expressed some concerns about placing crosswalks across 421 because it was a US designated highway and because they felt there was more of a safety concern and were not exactly enthusiastic about putting crosswalks even across a 2 lane section of the road but when you look down south, such as Ft. Fisher, there are at least three crosswalks of the type we would like to install. The town would be responsible for all maintenance associated with the crosswalks. It seems appropriate that the town would have some opportunity to have at least a minimum number of crosswalks crossing this busy road, especially during the summer time. This is the first proposal for Council's review.

Mr. Owens said he thinks what they would like to try to do is go ahead and get the ones from the lake, south, into DOT's hands, whatever permitting we have to do and hopefully implement this by this season if Council thinks it's a good idea. There are a lot of these on the Outer Banks where they have heavy traffic. It does require folks to stop for you when you are trying to cross at these locations. Some of the others might be a little more difficult, the four lane traffic, the ones with lights and ped heads and they may be a little more expensive. There can't be a lot of expense doing the ones across Lake Park.

Mayor Macon made a motion to direct staff to proceed. MOTION CARRIED UNANIMOUSLY.

CONSIDER AN ORDINANCE THAT REGULATES THE ACTIVITY OF CAROLINA BEACH LAKE AND LAKE PARK

Mr. Owens presented this item. He stated this is for discussion and if you are in favor we can move forward and bring an ordinance back for further discussion and then set a public hearing. We currently have an ordinance that regulates Freeman Park but we also have an ordinance that regulates, that's a separate ordinance, also have Chapter 11 which

regulates our parks and recreation facilities throughout town. Some of the things talked about, in relation to the paddle boat item is, do we want to allow some launching of kayak and canoes and, he thinks what he heard is possibly, maybe some limited situations. He went through some scenarios of things we can place in the ordinance.

Mayor Macon said he thinks they should definitely move forward to fix this item and make our ordinance match what we are allowing.

Councilwoman Efird said she had one complaint. There is a mean duck that will bite you when you are walking by the lake.

MPT Wilcox said if we allow kayaks should there be any liability concerns, age limits, etc. Mr. Owens said they will also talk to the League of Municipalities about insurance. He will bring something back.

ESTABLISH A BUDGET FOR A TEST WELL ACROSS FROM THE TOWN HALL

The town manager presented this item. He said they are requesting Council to approve a budget for a test well. They would be taking these funds from an existing line item that we haven't spent and are looking to go ahead and do Option 1 which is a test well. You can do a production well but you better do it only when you are sure the water is good quality. They are recommending going ahead and doing the production well and we will go ahead and move forward on it. This is the one across from the Town Hall.

Mayor Macon made a motion to use \$22,850 from Account No. 30-800-091 for the construction of a test well across from the Town Hall. MOTION CARRIED UNANIMOUSLY.

ADOPT A RESOLUTION TO PURSUE ECONOMIC STIMULUS FUNDING FOR CAROLINA BEACH PROJECTS

Tim Owens said he is seeking approval for Resolution No. 09-963 which is basically getting us closer to applying for economic stimulus funds. They would be requesting funds for a project, already in the state's hands, for a 3MG ground storage tank, one well and associated water lines. There is \$1.5 million dollars in grant they are seeking, a low interest or no interest loan match of \$1.5 million and a cash match of \$990,000. He is requesting Council consider approving this resolution.

Councilman Johnson made a motion to adopt Resolution No. 09-963 (Exhibit 6). MOTION CARRIED UNANIMOUSLY.

ADOPT A RESOLUTION DESIGNATING AGENTS AUTHORIZING THE EXECUTION AND FILE APPLICATIONS FOR OBTAINING FEDERAL FINANCIAL ASSISTANCE TO ELEVATE A SINGLE FAMILY DWELLING LOCATED AT 1117 CAROLINA BEACH AVENUE NORTH

Jeremy Hardison presented this item. He stated the proposed resolution is to authorize staff to execute a grant agreement with the state emergency agency. They identified a retrofit for a structure at 1117 Carolina Beach Avenue North for the structure to meet flood code. This is a 90% - 10% grant where the property owner will have to match to 10% of the cost. The state estimated the cost to be \$148,360 to do the project and the grant would be for \$133,524 for the federal grant and this would be implemented by FEMA. The reason is that this structure was identified as a severe repetitive loss and it meant cost benefit analysis that the state evaluated the structure for. Tim Owens said we are more of a pass through agency than anything. There will have to be bidding requirements and things of that nature and we may try to do an in-house or consider hiring consultants who do this type of work all the time and who would administer it make sure they follow the state law and federal law, etc. Mr. Hardison said if we choose to hire a consultant then that cost is added in and would be included.

Mr. Owens said there would be an associated contract that goes along with this which spells out the terms a little more than what we are requesting tonight. We are just trying to get the designation of applicant's agent.

Mayor Macon made a motion to adopt Resolution No. 09-961 (Exhibit 7). MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO THE OPERATIONS ADVISORY COMMITTEE

Lynn Prusa, Town Clerk, said there are two applicants. Council has the additional application that was submitted with the changes to the agenda.

Councilman Johnson made a motion to appoint Ronald Lee Bond. He is a civil engineer and would be a plus to that committee. MOTION CARRIED UNANIMOUSLY.

This appointment is for a three year term of office to replace Ann Bowman.

APPOINTMENT TO THE POLICE ADVISORY COMMITTEE

There were no applications to consider.

UPCOMING BUDGET MEETINGS

Mr. Owens said we need to determine some budget workshop dates.

Ms. Prusa said Council could make a motion to call the special meetings.

Mayor Macon made a motion to call special meetings on March 23, 2009, April 13, 2009, April 27, 2009, May 11, 2009, and May 18, 2009 at 9:00 a.m. to hold budget work sessions, and also the entry-way project to be discussed on March 23rd.

MOTION CARRIED UNANIMOUSLY.

APPOINTMENT TO AD-HOC ARTS AND ACTIVITIES COMMITTEE

MPT Wilcox made a motion to appoint Lora L. Pender-Rood. MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

Councilman Johnson said several months ago he asked the planning department about looking into the landscaping ordinance to see if we could add some teeth there to have people retain their landscaping on site.

Mr. Ferguson said this slipped by him. He has spoken to Operations briefly about it but his recollection is a little foggy at the moment. He will look into it and bring something back.

Councilman Johnson said that in various areas there is a lot of loose rock that gets out into the street because there is nothing to retain it. There is also bark and pine straw. They had this problem a few years ago at the Cabana del Mar and they had them put in retention to hold the rock, which they did.

Tim Owens said if it is in the right-of-way they could probably go to those owners and see if they will correct the situation.

Fire Chief Rorie said one of the things he alluded to earlier was the Medical Response Program. The fire department has responded to those types of calls in years past. The problem is they have done that kind of just because and we have never met a training standard or training requirement to participate in that program as outlined through the State of North Carolina Office of EMS and the New Hanover County EMS division. He is trying to develop a training class and put people through it so we can provide that service for about 50 calls a year in a backup capacity to New Hanover EMS. He estimates the cost at about \$10,000 to get the people through the training. He would like the resident live-in program to provide that to have that continuity of service. The Fire Department is established to provide fire protection but we haven't been established to

provide medical response so he wants to make sure they have direction from management in terms of Town Council for us to engage in those medical response activities for us to train to that level and then we will have to maintain that level for years to come. He would like some insight and direction.

Councilman Johnson asked why we need it since we have EMS stationed on the island.

Chief Rorie said the latest information he has is that they are going to have an EMS unit as well as a backup, single response unit on the island but that is not confirmed. The only argument he would make is that if that EMS unit responds and transports to Wilmington, then they are left without one. He feels this would be a supplemental service to provide to our island even if the EMS unit is already on the island. They do have a backup responder but there would be a time restraint.

Mayor Macon said he thinks it is definitely information he can keep looking at as long as we don't have to get into transportation and stuff like that. If we are just responding until they get there.

Mayor Macon said he has two things. He was told that there was an electrical situation with the stop light at Winner and Canal that we need to correct. Apparently the automatic trip is not working. MPT Wilcox said there is a problem with 3 major stop lights at Cape Fear, Harper and Winner has a problem. Councilman Johnson said it is working now. Tim Owens said someone was out there the other day. The only two we own are Carl Winner and Canal. MPT Wilcox said the worst one is at Cape Fear and Lake Park. Mayor Macon asked staff to check on that and let him know.

Mayor Macon also asked that someone look into the sight distance on Oystershell. He said if you are headed west, there is so much vegetation on the fence you cannot see anything when you try to pull out on Canal Drive.

Mayor Macon asked the town manager what the status is of the NLC Conference in Washington, D.C. Mr. Owens said he has not scheduled anything at this point. He is trying to figure out when Wilmington is going to be there but it looks like he will just have to go either late Monday night or early Tuesday. It's up to Council who goes. Mayor Macon asked him to get back to Council tomorrow. Mr. Prusa said the problem is they are trying to plan a dinner but they are waiting on the DC people to get back with them on scheduling. Mr. Owens said he has a meeting with McIntyre's and Burr's office on Tuesday morning, 10:00 a.m. and 11:00 a.m. respectively.

Mayor Macon made a motion to go into closed session to discuss legal and real estate matters in compliance with [NCGS 143-318-11(A)3 & 5]. MOTION CARRIED UNANIMOUSLY.

Mayor Macon made a motion to return to open session. MOTION CARRIED UNANIMOUSLY.

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

Respectfully submitted,

Lynn N. Prusa
Town Clerk

Approved: _____