

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

**October 8, 2007**

The Town Council of the Town of Carolina Beach met in a special work session for the purpose of reviewing the current use and operating policies of the newly opened skateboard park, and to receive feedback from users of the park, the town's risk management representative, town staff and others, and to consider revising and/or implementing new policies if deemed appropriate. The meeting was held on October 8, 2007 at 7:00 p.m. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Blvd., Carolina Beach, North Carolina. The following were present: Mayor, Bill Clark; Mayor Pro Tem (MPT), Alan Gilbert; Councilwoman, Pat Efird; Councilman, Jerry Johnson; and Councilman Joel Macon. Also present was Town Manager, Tim Owens and Town Clerk, Lynn Prusa.

Mayor Clark called the meeting to order. He thanked everyone for coming out tonight as we have had a lot of interest in the skateboard park. He said this is a joint meeting/working with representatives from the Parks and Recreation Committee and Police Advisory Committee. He recognized Wanda Barbour, Chairman of the Parks and Recreation Committee; and Randy Simon, Chairman of the Police Advisory Committee. Also we have here with us tonight Paul Miller with the North Carolina League of Municipalities to talk about the risk management perspective. We will open by giving an overview of the history of the park, and we would like to gather public opinion tonight. Following, we will have an open discussion from the committees.

The town's Parks and Recreation Director, Ted Lashley, began with a brief overview/history of the Skate Park.

He said that Council directed staff and the town manager in fiscal year 2003/2004 to seek a location and an area next to the Recreation Center was chosen because of its proximity to the Police Department and Recreation Center and staff felt that it could be monitored by on duty personnel. Even though the skate park was to be an unsupervised park the location would make it manageable because it was close enough for staff to respond to any problems.

In fiscal year 2004/2005 Jim Rees, a local skate park designer, was chosen to do drawings and concept plans for the park and help with cost estimates. The plans were shown to Council who then directed staff and manager to proceed with the project. The project was put out to bid and awarded to Lumina Builders for construction.

Because of incorrect zoning information and noise ordinance issues, and because of the project's location next to the Mariner's Village Subdivision it was decided by the manager and Council to seek another location to do this project. The Planning and

Zoning Commission also expressed concerns with the location and voted not to approve it at this location.

The only other alternate location with enough room for the project was at Mike Chappell Park and because it is in the MOTSU buffer zone, permission was asked of Sunny Point in fiscal year 2005/2006 to locate it at Chappell Park.

In fiscal year 2006/2007 permission was granted by Sunny Point to move ahead with the project at the Mike Chappell Park location and construction scheduling began.

The project was completed in July 2007 by Lumina Builders and a grand opening was held in August 2007. The park is approximately 8,000 sq. ft. of concrete skate surface with jumps, rails and a bowl.

Project Cost:

Lumina Builders	\$148,978
Camera System	\$ 9,132
Fencing	\$ 5,500
Signage	\$ 800
Irrigation	\$ 2,000
Stone Walkway	\$ 835
Total	\$167,245

The sod is from the town's sod farm. Blue Water Irrigation donated trees and shrubs. The lighting was donated by Dean Pye Electric.

Operation Hours: The Skate Park is open from 8:00 a.m. until 9:00 p.m. with the lights automatically going off at 9:30 p.m. to give everyone time to exit the park.

Usage (Summer): During the month of August the park received very heavy usage due to it being a new facility and skaters from all over the east coast were coming down to try it out. During peak times from 4:00 p.m. until closing 40 to 75 skaters were counted in the park with the largest count being 110. As the park was open only shortly during the summer season an accurate count will be made after the school season ends this year.

Usage (Fall): 8:00 a.m. until 4:00 p.m. – Usage dropped off after the start of school with 5 to 10 skaters in the park during school hours. These are older teenagers to adults at these times.

4:00 p.m. Until Closing: Park usage starts to increase after school is out and averages 15 to 25 skaters during the school week but up to 40 have been counted on some occasions.

Weekends: Friday 5:00 p.m. until closing 20 to 50 skaters on average with a count of 75 on several occasions. Saturday and Sunday usage is heavy with 15 to 20 skaters in the early hours increasing 25 to 50 after 4:00 p.m. until closing.

Concerns: Although signage is adequate and clearly states that users must wear helmets, kneepads and elbow pads (according to state law and town ordinance) this is something that is not being adhered to by some skaters and this greatly increases the risk of serious injury at the park.

Litter is a major problem with trash being thrown on the ground and not in cans provided inside and outside the park.

The majority of complaints received at the Recreation Department are about vulgar language and kids not wearing their pads and helmets. Parents have complained about the lack of respect shown to adults and staff when skaters are reminded about the park rules and helmet laws.

Options: (a) Fully staff park from opening to closing with skaters having to sign waivers and statements of rules and regulations. Helmet stickers or passes could be given out and users not in compliance would be asked to leave the park. Waivers could be done on site or at the recreation center (example of Wilmington Grind waiver provided); (b) Staff the park during peak hours. Require waivers and passes to skate; (c) Do random checks for passes or helmet stickers and rule violations.

Following Mr. Lashley's presentation, the town manager presented the town's current policy, town ordinance and state law.

Mr. Owens said that he has called other municipalities with skateboard parks and some have unsupervised parks and some have supervised parks, and they are going through some of the same challenges and issues that we are but remain an unsupervised park.

Mayor Clark then opened the meeting up for public comments and encouraged anyone in the audience to come forward at this time.

The first to speak was Randall Purdy of 1005 Carolina Beach Avenue North. Mr. Purdy said he is a 50 year old skateboarder and he would like to applaud Carolina Beach for providing us with a very fine skateboard park on a low to medium skill level, and it does provide a good place for kids to go. He can understand why they don't want to wear their helmets and pads and he can explain that to you if anyone would like to talk afterwards, because for now he is on a 3 minute time limit. It does keep them off the street and they don't have to wear a helmet on the street. On the street they're dealing with cars and traffic. Unsupervised parks in this country are developing faster than any other park at this time. There are several that are unsupervised. There is one in Kentucky that is open 24 hours and has a 24' tall full pike, unsupervised and no pads. I'm not saying that kids shouldn't wear helmets – I agree with that. I wanted to comment on this. Mr. Purdy said his business is building skateboard ramps. He has been doing it a long time and he

knows the intricacies of it. If you need consultation or anything like that I will be happy to do that. I just entered my 50<sup>th</sup> year and I am what the future of skateboarding is. It is now a multi-billion dollar business and it is not going away. I applaud your progressive thinking. There are some things that are kind of tricky. I think a smoking area should be provided outside of the fence. It is an outdoor situation, but I can understand why that is a picky issue and I don't approve of kids smoking and putting that in front of them, but we need somewhere for it. He has friends from all over to come to this park. If you have an event you will bring people. He hopes that in some way he could help. In his experience as far as children under 18, pads should be the parent's responsibility and they should be able to take care of that problem.

Ms. Sue Berwald of 404 Otter Road, said she wanted to address noise at the park. It is right next door to the tennis courts. We were playing tennis one morning and someone was playing music from their pick-up truck and the music was super loud. This is a concern that she would like to have considered in management of the park.

Ms. Julie Thompson of Atlanta Avenue, said she has a 16 year old son. It might be my responsibility to tell him to wear the pads and the helmet, but when he goes around the corner it comes right off. I can't stay over there and watch him all of the time. I have an 8 year old son and he wears the pads and helmet. I took him over there and there was a 10 year old boy cussing and I asked him to please not talk that way and they have no respect. I try not to have my child around that, and unless it is off hours we can't go over there and enjoy it. She said it is not so much the talking and the yelling, I'm used to that, but it's the cussing that I don't like.

Mr. Harold Lane of 603 Monroe Avenue, said it seems to him that we have a huge disparity of skill level from 50 years of age to younger kids such as my grandsons that have only skated a couple of years and some of the older kids are going 100 mph and we are putting them in the same arena with kids just starting. Plus we are not requiring nor enforcing any of the safety issues and we need to figure out a way to have the young kids there learning and enjoying becoming as proficient as the gentlemen in the back, but at the same time encourage safety as far as the liability of the town and as far as parents looking after their kids. I don't know how we will manage that except have an on-site person or a committee or time intervals for people to use the park. If not were going to hurt a young child simply because of a collision or a young child attempting something that a large or more skilled person can do. We need to manage a way to do all of that. At the same time, it is not unlike the north-end problem we had a few years ago. He said, if you're going to put sugar out there you're going to attract flies. In today's society 16 year olds are mobile, and we need to assume the responsibility of the sugar that we put in place to attract people to our community. I don't like the police state or managing kids, but we manage them on the soccer field, baseball field and on the basketball court and we should manage kids at the skateboard park.

Darla Seefluth of 737 Sloop Point Lane in Kure Beach, said her son uses the skate park. She has spoken a lot with Doke Skate Park in Thomasville where her son has a membership. They went to their Parks and Recreation Center and she signed a waiver

form and we got a list of their rules. They gave him a membership card that he is suppose to carry at all times and if he is randomly asked for it and he doesn't have it on him then he can be asked to leave. I spent time talking to him about some of the violations that go on there. It is an unmanned skate park, but if the policemen were to go over to the park and the child is not doing what they are supposed to be doing then they are asked to leave. If he has played the system enough and the different policemen get to know him/her then they all talk, and the skateboard is revoked at that time and the parents are called. The town thought that was a very positive situation that they had there. The policemen go there when they are not on call and they socialize with the children and get to know the children and that gives them a better rapport with the children in the long run and it all works out for them and they are very happy with their park. They felt it is very successful with it being an unmanned park and with the police being involved in it as much as they do. Someone asked if there is a registration fee, and Ms. Seefluth said no. She said you just go in and sign up. They did issue citations in the beginning and they realized they didn't want to do that. So what they do now is take the skateboard, and then they call the parent to get the child and then parent has to answer for their infraction and the child can lose their privileges to use the skateboard park for a period of time or forever.

Michelle Connet, 1321 Cabot Court, said she would like to understand the liability issue in either case – manned or not.

A young man by the name of Drey Harper said he feels the skateboard park is a good thing and it keeps most of the kids off the street. It makes it so we are a little bit safer because it is designed for skateboarding instead of them having to go out in the city skating out in the streets and they can improve their skating skills without having to destroy property. There is one problem at the park. There is litter. A lot of kids bring drinks and stuff and they throw it on the ground and we need to enforce that. Most kids don't use their helmet or knee pads and we need to enforce that. He admitted that he doesn't wear his, but he is going to start and we need to have people coming by enforcing that.

Darla Seefluth said I was just reminded about the Boardwalk and we are still having issues with skaters on the Boardwalk. She feels that many of those skaters are kids that come down on vacation and don't know that our park is there for them. She wants to know what the plans are to make sure they know the park is available other than relying on them to read it in the newspaper.

The town manager said if there are no more public comments, this may be a good time to lead into some discussion from our panel. We have worked closely with the League, since they are our provider, and they have been giving us advice all along. We have also discussed this some with our Town Attorney, Al Clyburn. Basically the way that we saw to manage it was as an unsupervised park. There is a state law that requires you to wear a helmet, knee and elbow pads, and there is a town ordinance that requires it too. What we are going to talk about tonight is liability. Mr. Owens then turned the discussion over to the League staff.

First to speak was Paul Miller with the NCLM. Mr. Miller introduced Steven Lee, Claims Manager for the League; and Lisa Kinsey with the League. Ms. Kinsey is a licensed underwriter for the State of North Carolina. He said there are many issues that you may want to address that are sensitive to you, but what he would like to address is solely the risk management, the liability aspect for insurance because that is his area of expertise.

Mr. Mille said when he first looked at the park he found it to be above average. He works 128 cities and towns and there are a few municipalities that have skate parks and Carolina Beach has one of the better ones. The signage and fencing is adequate. There is no obvious risk that he can see beyond the risk of skateboarding which is an inherent risk type of endeavor; and with that the General Assembly had elected to pass a general statute and he read some of the components of it which addresses the requirement for wearing a helmet, knee and elbow pads. When a municipality elects to have a skateboard park it can be either supervised or unsupervised.

He explained that an unsupervised skateboard park provides an umbrella of protection against the municipality, the election officials, manager and such. It is an understanding that because of the nature of this sport it is acknowledged that you are going to get hurt due to slips, trips and falls. Even though a person is wearing the helmet and pads there is still the possibility of injuries because of the nature of the sport. If it is unsupervised the general statute provides protection against the municipality providing inspections of the park are being done in order to provide a safe and enjoyable skateboard experience.

If the park is supervised then that brings in a whole different dynamic of bringing in additional personnel with set hours. He said in his simple understanding the best thing that could possibly be done is to be self-regulated.

Mr. Miller said ultimately if it is a supervised park then the park is closed when the supervision is not there. If it is unsupervised then the general statute provides protection against any liability.

Mr. Randy Simon of the Police Advisory Board asked if there is anything between the two, such as a person from Parks and Recreation or the Police Department to periodically go out there. He asked, does that automatically make it a manned station? Mr. Miller said the answer to that is no, if it is only periodically. For example, if an officer were to look at the tennis courts or soccer field or any of the outlying area as he would anywhere else, and he/she observed a skater not abiding by the behavior or established policies or procedures that the town has already elected, then the officer would be enforcing the town ordinance that you have in place and that would not remove your protection that is in the general statute.

If it came to the point of having a part time or off duty police officer go over there - how far can we go. Mr. Miller said now the water becomes muddy because once it becomes a supervised park then you are no longer standing underneath the umbrella of protection.

The town attorney said we are not the only town that has a skateboard park and there are other parks throughout the state. He asked, do you find it more difficult to defend the claim when it is supervised or unsupervised? For example if we provide supervision for every minute the park is open then one would naturally think because we are doing more then we would have more protection. He said that he is curious that if we choose to supervise it does that create more issues because we have to follow through with supervision or things can happen when we were suppose to be supervising and we didn't. Is a claim more difficult to defend when we have supervision or when we don't have supervision? Mr. Lee said his reading is of the statue is that whether it is or not, the statute says if it is unsupervised then your liability is waived and it doesn't speak to what it does if it is supervised. Mr. Clyburn asked, in managing your claims do you see more claims if it is supervised or unsupervised? Mr. Lee said since this ordinance was passed by the general assembly the claims have dropped off dramatically because now towns are encouraged to do that by the statue because it limits their liability. The claims they have are claims where people are not skateboarding in a park but on a park bench down the street, so he feels a park is a good thing. Whether you choose to supervise it or not isn't an issue as far as liability is concerned, unless it is negligent supervision. Attorneys can be very creative in how they draft a lawsuit which is just an allegation that somebody did something wrong but how it is worded would often trigger what happens when a jury rules. Mr. Clyburn said what if we have a supervised park and an accident happens and a witness comes forward and says that during those 5 minutes that the accident happened the attendant went to their car and was on their cell phone talking to someone and not on the premises doing their job. Mr. Lee said then that would be a problem.

Mr. Simon said on the other side of the coin, if our public officials know there are direct violations and we are taking a blind eye knowing that it is being violated and we do nothing about it, would we be liable? Mr. Lee said yes, and he asked the town attorney if he agrees. Mr. Clyburn said he thinks the legislation was written with the idea that we know 15-17 year olds don't want to wear the pads and the helmets. So the statue says our obligation is to adopt an ordinance that whether you like it or not you have to wear the helmet, knee and elbow pads and post signage. If you don't, then we can't be there every hour that the park is open to make sure the kids are wearing it. He believes the state law understood the limits of what we can do. Mr. Lee said that anyone can enforce the ordinance and it doesn't have to be the police. Someone else asked, if a voluntary person did it would that be alright?

MPT Gilbert said when you talked about the police and what made that muddy was hiring someone especially for that, but you mentioned an occasional drive-by and they saw something that wasn't be enforced. What about the daily routine of the parks and recreation department, say 6-9 people in and out during the day, and part of their routine was to take a few minutes of each hour to run over and take an inventory of that park to see how things were going to include trash and enforcement of the rules. He asked, would that still be muddy? Mr. Miller said in his opinion it would not be a supervised park, but an employee enforcing the rules on the signage. He said if you have someone on staff all the time during the 11 hours that is considerably different then a person being over there say once an hour to see if the trash cans are emptied, to make sure there are no

hazards or to mention to someone that they don't have a helmet on and if not then telling that person they have to go. MPT Gilbert said when you talk about self-regulation and a group of volunteers, and if there was someone out there doing it as part of their routine, then it wouldn't be supervised basically. Mr. Miller said it is possible though that it could be at least understood that if you had a group of volunteers who are going to take it upon themselves to be there to supervise the park then the park becomes supervised. MPT Gilbert said if I am there as a parent and I'm not supervising anybody else, but what you are saying is if I take the role to go out and instruct somebody to put something on then I'm taking on the liability. Mr. Clyburn said the statute reads that if a volunteer goes over there on an unpredictable schedule that to me is not a supervised park on a regular basis. He asked Mr. Miller if there is any legislation that regulates supervised parks or is this all we have. Mr. Miller said that is all we have. The town manager said the volunteer situation may work but he can see that more as an educational role than enforcement because he wouldn't want to see confrontation with say two peers getting into it because one is wearing the helmet and one isn't.

Mayor Clark said before we open to the public again, he would like to hear from the committees.

A committee member asked, regarding unsupervised parks, how many claims have been submitted against the state or a council? Mr. Lee said claims have stopped pretty much now that this statute has passed. The committee member asked again, how many have been submitted, and Mr. Lee said zero. Mr. Lee said cities and towns were afraid to put skateboard parks in because of the liability, but once the legislature passed this statute and removed the liability now you have ½ a dozen or so from here located within a 30 mile radius.

A member of the Parks and Recreation Committee, Mr. Lonnie Lashley, wanted to know if a helmet protects someone from permanent head and neck injury. Mr. Miller said he has no knowledge of that, but there are also facial injuries to consider.

Ms. Heather Kenny, a member of Parks and Recreation Committee, said she thinks the volunteer suggestion is a good thing. She is the first one to tell the kids when there is a problem such as telling a kid to watch their mouth, put the cigarette out or pick-up trash, etc. She said not to let anything stop you and that everyone should feel free to say something when they are out there, and someone needs to out there doing this.

A lady from the audience spoke up and said that she feels an unsupervised park is great and should stay that way but we need to figure out a way to let the children know what the rules are. Ms. Kenny said a 15-17 year old is not going to wear his helmet or stop at the gate to read a sign.

A another lady complained that while she was playing tennis last week, someone was throwing rocks on the tennis court and she asked them to stop and they continued to throw rocks and so she called the police. Someone else said that one person supervising all of those children is not enough.

Mayor Clark asked if anyone has any questions or the attorney.

Wanda Barbour, Chairman of the Parks and Recreation Committee, said their main concern is the safety of the children. She said that this morning at about 10:00 she drove over to the park and she spoke with some of the participants and parents. She said there was a child riding a scooter and that's not allowed. There was an adult without a helmet. Some of parents that were there expressed concerns about children being dropped off with helmets but as soon as the parents drove away the helmets came off.

Someone else spoke up and said that he has been over there many times and he is guessing that 67% of the kids didn't have a helmet on during those times that he observed the park. He feels there should be a time set aside for the small kids.

Ms. Barbour said that during her visit at the park she asked the parents for their suggestions. They didn't mind pay a fee if there little ones could skate during a certain time period.

Mr. Lashley suggested that we provide helmets. Mr. Lee said that would create a liability if the helmet doesn't fit. Ms. Kenny said the police department gives away helmets every year. She said kids have helmets they just won't wear them.

MPT Gilbert said he knows Greenville Lake and others have periods during the morning for younger skaters and older skaters can skate, but they yield to the younger ones. He asked to hear from folks that skate in other public parks and how they deal with the ages.

Someone mentioned that he has observed kids skating at the park before 8:00 a.m. Mr. Miller asked if the park was open by lock and key or did someone come over the fence? Mr. Lee asked, does the ordinance call it trespassing? Mr. Owens asked if the signage states the hours, wouldn't it be trespassing? Mr. Lee said not unless your ordinance states that. Mr. Owens said, we can change the ordinance. MPT Gilbert said, so you're saying if the park was left open with no lock and key ... Mr. Miller said you would need adequate lighting so it isn't a combat zone. If you were going to have a park with skating at all hours then it would need lighting so all could see so there wouldn't be a hazard. If the park has posted hours from 8:00 a.m. to 9:00 p.m. and you see someone using it at other times then it would be your duty to call the police department to report it. If you were going to leave it open for all hours then you would need lighting and a presence on a very frequent basis so as not encourage a nuisance such as drug traffic, etc.

There was discussion about the camera that was installed in order to monitor and record activity at the park. Mr. Owens said at some point we will provide a link so the public can look and see if their child is at the park. Mr. Lee said it sounds like a great thing. Mr. Owens said he doesn't see that as supervising, but as a convenience to the parents or if something happened we could pull the tape and see for ourselves exactly what happened. He said that nobody monitors it regularly. Someone asked if we save the tapes. Mr. Owens said he believes there is a 3 day window. It is similar to a surf cam; whereby someone can check the surf nowadays.

Someone asked how expensive is the insurance policy if we decided to monitor the park. Mr. Owens said he believes we provide \$4,000 additional per year. He asked, if it can be off set with fees to cover the insurance policy and an attendant. Would the policy be more for a supervised park versus an unsupervised park? Ms. Kinsey said generally, yes it would be more expensive for a supervised park. Mr. Clyburn said it sounds to him like the current policy that we have in place is the highest level of protection that we can have at a liability standpoint. Ms. Kinsey said yes, to take advantage of the immunity..

Mayor Clark opened up discussion to those in the audience.

Mr. Harold Lane of 603 Monroe said he would like to comment on the liability issue. He said if your 5-8 year old kid ends up slammed at the bottom of the the skate park by some 18-19 years old kid, I don't care what the law says you are going to have an attorney coming after you. He said it is the same as a swimming pool with a fence around it - it is an attractive nuisance. If a kid climbs the fence and drowns you will get sued, even with signs. He feels we shouldn't depend on weasel words of attorneys to protect us. We need to look at the insurance policy and give our kids the best possible coverage and protection.

Mr. Dan Wilcox of 614 Monroe Avenue, said it seems to him there are two issues. One is the safety and liability of children and the other is the expectation of the citizens to have a reasonable return on their investment. I'm hearing a lot about general statues and liabilities and I understand that is your job. It bothers me that we would talk more about protecting our liability then the safety of our children. The idea of volunteers, maybe the staff and police department sharing some of the liability and maybe you don't need full a time attendant. It would be nice to have an hour here and there set aside for the younger and new skaters to skate without risk. Another issue of concern is what he typically sees, a parking lot with 7-8 cars in it with mostly city stickers from Wilmington with 18-20 year old skaters. You don't see a lot of safety gear. The people of this town paid for the park and weather you are for or against it or you don't like where it is or not we have it and we have to manage the situation. Some people have 12-14 year old children and they don't feel comfortable sending them over there because of the language, because of the safety and following the rules. I know there is some inherent risk, but you wouldn't post a sign at a swimming pool and expect them to follow those rules and not have a lifeguard. It seems that our children should have the opportunity to use that park and if that means that people that come across the bridge should be paying more to use the park then it pays for repairs and maintenance.

Ms. Lynne Denne of 100 N. 7<sup>th</sup> Street, said I have a child and she doesn't skateboard, but we ride bicycles a lot and every time we go by the park there are parents standing out there. She said that on occasion when she goes by the park she has counted 30-40 kids and 3 wearing helmets. She'll notice 6 parents standing out there and 3 kids wearing helmets. She said, I'm trying to decide why we don't have at least 6 kids wearing helmets. One thing that was brought up was the park being open until 9:00 p.m., but now it gets dark at 6:00 p.m. and she would like to know what we will do about that. We do have a parks and recreation building that is open all of the time. She suggested that for

the safety sake of the children that we send them over there and the parent sign a release form and we take a picture of the child and we attach that to their form so when they get hurt we know who the child is and the parent to call. She understands the liability and that we are a town and we don't want lawsuits, but weather we are manning the park or not they are going to sue us. We need to take care of the kids and that needs to be the first concern and not the money issue because quite frankly I don't think you can put a price on my child's head.

Randall Purdy of Carolina Beach Avenue North, said he is a 50 year old skateboarder. He said we have been talking about skaters under 21, but the average age of a skateboarder is 30 years old. That is the fastest growing population and they are the taxpayers. We have to look out for the children, but this whole meeting is threatening the skaters. He suggested that you reach out to the taxpaying skaters and maybe hold an event where everyone can get together. He is out there helping the kids. He learned watching all of the big guys and getting in the mix. Yes, they are going to get hurt – it's skateboarding. The older guys are some of your regulators and the little skaters listen to those guys. He feels those are the guys that can help out that situation. Skateboarders have had a bad reputation in the past, and I remember all of the bad guys, but these kids don't know them – they just want to skateboard. Skateboarding is a multi-billion dollar sport and it is all American. It didn't derive for anywhere else - it came from Southern California. Too many people look at it as something dangerous. I'm tired of skateboarding being looked at as a little kid's sport because it's not anymore. If you watch the X-Games those guys are 30 years old.

Shell Serracin of 708 Cape Fear Blvd. She said her son said to her that it is very clear to him what the rules are and to him it says skate at your own limits. He wears his helmet and that is all he wears. If he gets hurt, he stops and he gets up. I'm not going to stop him from doing something he loves to do. This is the first summer that he has spent his days outside and he has met so many friends. This is what Carolina Beach is about. We love living here because the friends are so close, they can get on their bikes and go because everything is so close. All of them are skating safely and if they don't they know they will have to deal with their parents. If they are listening to the cursing ...it all starts at the house. If you tell your children that you don't have to use the language you hear and it's all the way you tell your kids. My son doesn't think it should be supervised, but I do. I'm not the one using the park. In my home we are torn about it.

Julie Thompson spoke again about the language. I go over there with my 8 year old child. I tell him don't use the language and we don't use that language at home, and I don't think I should have to sit there and listen to kids using bad language. My taxpaying money helped put it there and half of them are from Wilmington. Another issue, I've been over there when the police come and cleared out the skate park and everyone goes there separate ways and after 15-20 minutes they come back with their helmets off. I have a 16 year old son and I make him wear the helmet and there it sits on top of his head with no buckle and it's not going to do any good. He's had two head injuries and he doesn't need another one. We have lectured him on it. Boys are hard - especially mine. He has had more stitches then I can count. He comes home barely able to walk from that

place and he is back there the next day with the helmet sitting on top of his head, if I'm lucky, but unbuckled. I sneak over there – they say it's the parents' responsibility. I can't be over there all of the time because I have 3 other children. I work and try to feed them. I tell him to put it on. My 8 year old puts all of his gear on but he still comes home banged up. I took him to the Medac last week. I'm not one that is going to sue the town. Still, I want him to be safe. He won't listen to his mother, because he thinks I don't know anything. Even if the police come by there they clear out and 15 minutes later they come back. I don't know the answer. I just want him to be safe because he has had enough injuries.

A young skateboarder by the name of Jonathon Graves of 923 Searidge Lane, said he feels it should be like The Barn. They have people supervising it, and you get a membership. All you have to do is wear a helmet, but I wear pants so I don't cut up my knees. Sometimes I wear soft pads. At the skateboard park, everybody leaves when the cops come and then they come back. He admitted that sometimes he does too when he forgets his helmet. I think we should have 2-3 people supervising it. If it is one guy he could get beat up and then they would run when the cops come. MPT Gilbert said you mentioned the Skate Barn and it is supervised, but that is private facility and you have to sign a waiver, is that right? Jonathon said yes, the first time you sign a waiver and you get a little thing on your helmet, but not pads. You pay a \$5 fee if you have a pass and if you don't you pay about \$12.

Margaret Dowling, 607 Sound Side Drive is a concerned parent of a skateboarder. She said her question is about the liability. If there is a building at that establishment that is 300 yards away, would the town still be liable, if there was an attendant in that building and they were watching a camera seeing the behavior and went over there and told them they need to leave. Would that be a liability, even though they are not at the skate park? Mr. Miller said his understanding is that someone is actually out there. The attendant comes and unlocks the gate, there is a place for that attendant to stand or sit and observe the behavior of the participants of the park and it is going to be at that location and not some distance away so they can respond to behavior or an issue in a timely manner. Ms. Dowling asked, so 300' yards away is considered not a supervised area, but still could have an attendant monitoring by camera and still not be liable? Mr. Owens said I think you need to look at the intent, because you can't skirt around the law. Mr. Miller agreed. Mr. Miller said for it to be an attendant skate park the person would have to be on site.

Ms. Denne said she has another question. If we didn't charge any money, but they still had to go by the Parks and Recreation Department and the parent had to sign the waiver for their child, and we give them a piece of paper with the rules, and we snap their picture for identification purposes, is that considered monitoring? Could we put that in place as a safety precaution? Ms. Denne said that in the past she organized a skateboarding event and they handled it that way for identification purposes. During the event they had a guy that was knocked unconscious and they wouldn't have known who he was if they didn't have a picture.

Mr. John Graves, 923 Searidge Lane, said he can tell those kids to put their helmets on but how can he enforce it? Mr. Graves mentioned the Click it or Ticket Campaign and how he used to hate to put a seatbelt on. He said, at first I didn't want to wear a seatbelt but then I thought about it and how it could save my life if I got in a wreck. I think we need to enforce it for a little while in the beginning and have the officers come over. I feel it would only have to be done a few times and with a few kids being punished. If it is the law then we need to enforce it. If we see kids without helmets we need to line them all up and take a picture and then call their parents down to pick them up and maybe give a \$15 ticket. He used as an example in Wrightsville Beach at which time they had officers dressed as utility men and they caught 87 people in 2 hours without wearing their seatbelts. He feels it is an enforcement issue and we need to decide how we are going to enforce it.

Ms. Sue Berwald of 404 Otter Road, said if we consider having it supervised, is there a possibility of having identifications with no charge for residents and people that are out of the area would have to pay some type of fee. This is a park for the Carolina Beach people and others are coming to use the park and they are crowding it.

Someone else spoke up and said we are taxing the police department and this is something else that wasn't on their agenda. We need to find a real solution. Another person mentioned using parks and recreation and increasing their personnel and maybe use the police periodically – maybe a combination of the two. He asked the chief what is the age that you can actually take a kid to jail - is it 16 years of age? Chief Younginer said it depends on what the kid is doing. If we have a problem with a juvenile we can take them into protective custody such as fighting, disorderly conduct, etc. We wouldn't do it for not wearing a helmet. He said at the Boardwalk we have taken their skateboard and we give them a card with a case number on it and tell them to ask their parents to call us and we'll give your skateboard back after we figure out what the problem is. Some parents don't like that but it works.

Heather Kenny said one of the complaints that we got from a parent who is a Carolina Beach resident is why did they have to pay for a membership so their child can play basketball, but if they live over the bridge they don't have to pay a dime for their child to use the skate park. Mayor Clark said let's put that on the issue list. Ms. Kenny said, also if they are in the skate park and they fall and get hurt or if they are on the other side of the park and are skating on the bleachers and they fall and get hurt, is it the same thing?

Mayor Clark said we have identified a lot of issues.

Mr. Owens said there are some challenges. He too is all for the kids and their safety. There may be a medium ground where we can have waivers signed and do an educational briefing. Maybe you can have volunteer groups to help with education, or parks and recreation or police officers go by occasionally, but all of this could limit park use. We want to keep it open to the public from 8:00 a.m. to 9:00 p.m., but if we have people manning it we may have to reduce the hours. He said, there are some issues but I didn't

expect to solve it tonight. Mr. Owens said, I appreciate the support of the League and the town attorney tonight. He said we will have more discussion at a later date.

MPT Gilbert said he would like to get a comprehensive list of the issues that have been addressed. Mr. Owens asked everyone to send him an e-mail if there are any other issues.

Ms. Kenny said that on the opening date we told the kids what the rules are and we had a show on that day and 4 of the kids in that show did not have helmets on. She asked, what is that telling our children? Ms. Kenny said, I had a 13 year old kid walk up to me and tell me that he forgot his helmet, and I told him that he needed to go home and get it. The kid told me that someone told him that we are not enforcing the rules.

Someone else spoke up and said that earlier there was discussion about the different ages of kids. He asked, if we try to regulate that wouldn't we have to go to a supervised park? Mr. Miller said the co-mingling of different skill levels provides an avenue of disaster and you would probably want to have some kind of regulation with a certain time frame.

Someone asked, if you have someone there to supervise a certain event would that put us into a supervised park? Mr. Miller said no, if it is just for that specific date and time and that is the only time there is going to be supervision.

Another suggestion was to move a port-a-potty closer to the skate park.

A committee member encouraged Mr. Purdy to come forward as a citizen and to teach the kids how to skateboard.

Mayor Clark said that any other issues can be sent to us and we will start looking at these issues.

Ms. Denne said maybe we can have some kind of sticker to put on their helmet in order to i.d. them and if they don't have one we can send them to the parks and recreation department and give them a chance to get one.

Councilman Macon said the issue for him is safety, especially for the younger kids. Mr. Lee said he could tell us a very tragic story about a young child less than 10 years old, less than 20 miles from here, and it took that child 13 months to die and everyday was a little bit worse than the day before. If he had a helmet on the likelihood of the injury may not have occurred at all, but it certainly wouldn't have been as bad.

Mayor Clark thanked everyone for coming and the meeting adjourned.

Respectfully submitted,

Lynn N. Prusa  
Town Clerk

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