



CAROLINA BEACH
Planning and Zoning Meeting Agenda
Thursday, December 14, 2017 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

	Page
1. CALL TO ORDER	
2. APPROVAL OF MINUTES	
3. STAFF REPORT ON RECENT COUNCIL MEETINGS	
4. STAFF REPORT ON RECENT DEVELOPMENTS	
5. PUBLIC DISCUSSION	
6. DISCUSSION ITEMS	
a. Conditional Use Permit: Conditional Use Permit to redevelop the Federal Point Shopping Center located at 1018 N Lake Park Blvd. & 1001 Saint Joseph St. Agenda Item - Conditional Use Permit: Conditional Use Permit to redevelop the Federal Point Shopping Center located at 1018 N Lake Park Blvd. & 1001 Saint Joseph St. - Pdf CUP Application - Federal Point Federal Point Grocery Store Revised Civil 12-4-2017 11 x 17 landscape buffer exhibit Federal Point Grocery Store Landscape Plan 12-2-17 CUP Grant Order - Federal Point	2 - 48
b. Amend Article III, IX, and XVIII to allow for Body Piercing in the Highway Business District. Applicant: Corey Hardison Agenda Item - Amend Article III, IX, and XVIII to allow for Body Piercing in the Highway Business District. Applicant: Corey Hardison - Pdf Application Text Amendment Body Piercing Proposed Ordinance State Law Body Piercing New Hanover-Body-Piercing Minutes 6.18.02 Minutes 1.8.13	49 - 149
7. NON-AGENDA ITEMS	
8. ADJOURNMENT	



AGENDA ITEM

Meeting: Planning and Zoning - 14 Dec 2017

Prepared By: Jeremy Hardison

Department: Planning

Conditional Use Permit: Conditional Use Permit to redevelop the Federal Point Shopping Center located at 1018 N Lake Park Blvd. & 1001 Saint Joseph St.

BACKGROUND:

The applicant, Carolina Beach Development Company 1 LLC, is requesting a Conditional Use Permit (CUP) for a 51,469 sq. ft. Grocery Store anchor, an attached 8,400 sq. ft multi-tenant. and two future multi-tenant buildings for a total of 18,000 sq. ft. located at 1018 N. Lake Park Blvd & 1001 Saint Joseph St. The proposed development is located at the Federal Point Shopping Center. It currently has 10 tenants and 4 vacant units for a total of 81,138 sq. ft.. The site also consist of a 13,510 sq. ft. vacant dilapidated movie theater. All the existing structures are proposed to be demolished. Shopping Centers are permitted with a Condition Use Permit (CUP) in the Highway Business District. The property is 13 acres and consist of one metal building that will be removed. The proposed building will be 45 feetin height. The property is located in a AE12 flood zone. The existing ground elevation will be elevated 2 feet.to meet flood requirements.

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Traffic Improvements

A Traffic Impact Analysis (TIA) has been submitted to the Metropolitan Planning Organization's and the North Carolina Department of Transportation. Traffic improvements proposed to N. Lake Park Blvd. consist of acquiring additional right-of-way from the adjacent Wings, ABC store, a vacant lot across from the ABC store, and a portion of the Town's property where the stormwater pond is located to accommodate a left turning lane at the existing light. There will not be a right deceleration lane going

into the site because of right-of-way constraints. The existing two access points off of N. Lake Park Blvd will remain, although DOT will likely require the second entrance north of the ABC store to be right in/right out. The two entrances off of Saint Joseph St will remain, although delivery trucks will be utilizing N. Lake Park Blvd. To lessen the congestion at the light staff recommends the applicant to discuss with Wings and Pleasure Island Plaza to close their driveways off of N. Lake Park Blvd that are in close proximity to the light. Wings will have access to the Federal Point site to the light and Pleasure Island Plaza has interconnectivity to Bame Hardware and two additional access off of N. Lake Park Blvd.

Sidewalks

There will be a new 5' sidewalk installed adjacent to N. Lake Park Blvd. along the Town's property, the vacant lot and at the Wings store. The existing 5' sidewalk adjacent to the ABC store will be relocated where the store's landscaping is to make room for the left turning lane. The sidewalk will connect through the site to provide pedestrian access to Saint Joseph St where a 5' sidewalk will be installed along the Federal Point Property.

Interconnectivity

There will be interconnectivity provided to three adjacent properties to the north 1) an existing vacant lot facing N. Lake Park Blvd, 2) a lot that consist of residential units that has no road frontage and 3) access to the Town's Ryder Lewis Park. Access to the south parcel where Harris Teeter was approved in April is not provided. Harris Teeter's plan was approved with three cross easement drives being provided for interconnectivity from both commercial sites. The access provided Harris Teeter with access to Saint Joseph St, access to the N. Lake Park Blvd. stop light, and the ability for their delivery truck to turnaround. Harris Teeter's lack of access to the Federal Point Property will result in a redesign of their site layout. Staff requested for the Federal Point site to provide interconnectivity consistent with the approved Harris Teeter plan, but the applicant stated that the direction of the grocery store tenant was to not provide access to the Harris Teeter property. In order to provide safe ingress and egress between commercial sites to lessen the congestion on a major corridor in a convenient and practical matter staff recommends providing interconnectivity or a stub out to the adjacent south property to connect to when it is developed.

(2) *Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic,*

noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

Parking and loading spaces

- Multiuse parking requirements
- 5 spaces per 1,000 sq. ft.
- 77,869 sq. ft. = 390 required parking spaces,
- 403 spaces are provided.
- 4 loading zone spaces required
- 4 loading spaces provided

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

A Trash compactor will service the grocery store and dumpsters will service the multi-tenant space.

(4) Utilities, with reference to locations, availability, and compatibility;

Adequate upgrades and relocation of Water and Sewer services are proposed. Drainage will be captured on site through a stormwater pond detention system. Four fire hydrants will be provided in proximity to the site.

(5) Screening and buffering with reference to type, dimensions, and character;

The proposed plans provide the required Type B 10' setback buffer along the perimeter of the property, except along the entrances of Lake Park Blvd. and Saint Joseph St. A 30' buffer will be provided along the adjacent residential Carolina Beach Village neighborhood. Where residential properties are adjacent to the site a 6' fence will be provided.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

The existing Federal Point Signs will be removed. They plan on installing one freestanding sign along Lake Park Blvd.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	North Side	South Side
HB required	30'	20'	10'	10'

HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 10% and the proposed project exceeds the required setbacks.

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The use has served as a large commercial site for the past 33 years and will be developed as a similar use. The plan meets the ordinance and long range plans and policies.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the Landscaping requirements noted.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the area and will therefore not injure the value of adjoining properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Commercial 1 area includes a continued use as a highway business corridor. Transportation and traffic improvements are encouraged. Retail, and services are desired uses in the Commercial 1 area.

BUDGET IMPACT:

ACTION REQUESTED:

Approval must be consistent with the findings in the Zoning Ordinance as follows:

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

Denial should be directly related to one or more of the following findings.

Reasons for denial must be specifically stated by the Council:

- (1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use does not meet all required conditions and specifications;
- (3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies

COMMITTEE RECOMMENDATION:

TRC recommended to approve the CUP and it meets the specific standards and general conditions as illustrated on the current plan with the recommendation that interconnectivity or stub outs shall be provided to the south property, 2) work with Wings and Pleasure Island on closing their driveway cuts adjacent to the light.

ATTACHMENTS:

- [CUP Application - Federal Point](#)
- [Federal Point Grocery Store Revised Civil 12-4-2017](#)
- [11 x 17 landscape buffer exhibit](#)
- [Federal Point Grocery Store Landscape Plan 12-2-17](#)
- [CUP Grant Order - Federal Point](#)



**Conditional Use Permit
TOWN OF CAROLINA BEACH, N.C.**

Permit Number: 17-C07

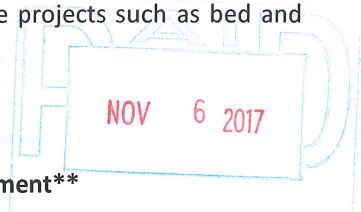
Each application must be printed or typewritten and have all information answered. It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete. The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

The Planning Department, Planning and Zoning Commission and/or Town Council reserves the right to require additional information if needed to assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and in accordance with the Code of Ordinances of the Town of Carolina Beach.

Major and minor projects; application fees. The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town's adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either "major" or "minor", depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as "major", while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as "minor".

Major Conditional Use Permit = \$ 800.00
Minor Conditional Use Permit = \$ 350.00

****Fees are nonrefundable after item has been sent for advertisement****



This petition will be scheduled for the next possible regular Planning and Zoning Commission meeting. The applicant or a representative should be present at the meeting to answer any questions the Commission may have. Planning and Zoning Commission meetings are held on the second (2nd) Thursday of each month at 6:30 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and advertisement are required by the General Statutes of North Carolina.

Project Name/Title: Grocery Store / Federal Point

Applicant Name: Carolina Beach Development Company 1, LLC

Applicant Mailing Address: 3920 Magazine Street, New Orleans, LA 70115
 Street Address City State Zip

Applicant Phone Number: work: 504-866-7300 mobile (work/home) (circle one): _____

Applicant Email Address: gordo@ghkinc.com

Property Owner Name: Wilmington Holding Corporation

Property Owner
 Mailing Address: 1295 Northern Blvd. #17, Manhasset, NY 11030-3002
 Street Address City State Zip

Address of Requested Site: 1018 North Lake Park Boulevard & 1001 St. Joseph St

Current Land Use: 529-regional retail Requested Land Use: grocery/retail

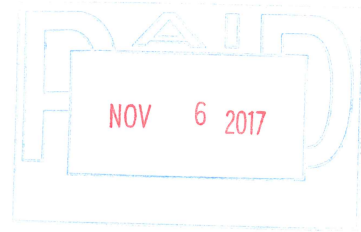
Tax Parcel Number: R08814-003-011-000 (Book: 1242, Page: 1048)

Acreage &/or square footage: 11.99 acres + 1 acre Existing Zone: HB

Owner Signature: Thomas Nuzio, Vice President Date: 11/2/17

Wilmington Holding Corp.

Owner Printed Name: By: THOMAS NUZIO, V.P.



Check the box beside each item verifying that the item has been submitted with this application

Written Application

All zoning permits and/or site plans submitted for review and approval shall be accompanied by a written application containing the following information:

Yes No N/A

- The applicant's, mailing address, phone number, and email address.
- The property owner's name, address and phone number if different than the applicant.
- The *developer's* name, address, and phone number, if different than the applicant.
- If the applicant is different than the property owner of record, a signed statement that the applicant is officially acting on the owner's behalf.
- The address and parcel identification number of the property.
- Proof of *lot* recordation (i.e. map book & pg #; *lot* and block #; and/or deed book and page#).

Site Plan/Drawings

The following site plans shall always be certified and stamped by a licensed professional. It is recommended that all site plans be certified by a licensed professional duly registered by the State of North Carolina (i.e. engineer, architect, or land surveyor).

Yes No N/A

- Conditional Use Permits*
- New commercial or industrial development*
- Change to a more intense use (i.e. increase in occupancy) for Multi family/Commercial uses*
- New residential development with three or more units*

Site Plan Criteria

All site plans shall include the following:

Yes No N/A


- The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- Engineers scale 1 inch = 40 ft or larger
- Title block or brief description of project including all proposed uses
- Date
- North arrow
- Property and zoning boundaries
- The square footage of the site
- Lot coverage* (buildings, decks, steps)
- Location of all existing and proposed *structures* and the setbacks from property lines of all affected *structures* to remain on-site
- Design of driveways and parking
- Adjacent right-of-ways labeled with the street name and right of way width
- Location of all existing and/or proposed easements

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

- | <u>Yes</u> | <u>No</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed <i>utilities</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all <i>buildings</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of <i>stories</i> and height of all <i>structures</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two foot contour intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of <i>open space</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Building</i> construction and occupancy type(s) per the building code |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all <i>signs</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated |

- I have provided a scaled electronic version of each required drawing
- I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

I have checked off each of the above boxes and attest that the required information noted on this application checklist is submitted for my project. I understand that if my application is incomplete, that my project may be delayed by one month unless I am able to retrieve the missing portion(s) by the submission deadline.

	11 / 21 / 17
Applicant Signature Gordon Kolb, Jr.	Date

SITE DEVELOPMENT PLANS FOR: FEDERAL POINT GROCERY STORE

1018 North Lake Park Boulevard
Carolina Beach, NC 28428



Project Number: 2017-108
 DWG Name: 2017-108 Details.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina REG 2206
 Georgia REG 02071
 North Carolina REG 01106
 Alabama REG 10206
 Virginia REG 06003338
bluewater
civil design
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 19 Washington Park, Suite 100 • Greenville, SC 29601
 www.bluewatercivil.com • info@bluewatercivil.com
 Certificates of Authorization:
 SC 04212 - GA PE0005809
 NC P0868 - AL CA4005E

FEDERAL POINT
 GROCERY STORE
 1018 North Lake Park Boulevard
 Carolina Beach, NC

LOCATION MAP

SITE CONTACTS

PLANNING/ PERMIT COORDINATOR

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

LANDSCAPING

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

FIRE DISTRICT

AGENCY: Town of Carolina Beach Public Utilities
 ADDRESS: 9 South Dow Road
 Carolina Beach, NC 28428
 PHONE: 910-458-2985
 CONTACT: Alan Griffin
 EMAIL: alan.griffin@carolinabeach.org

STORMWATER

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

TRAFFIC ENGINEERING

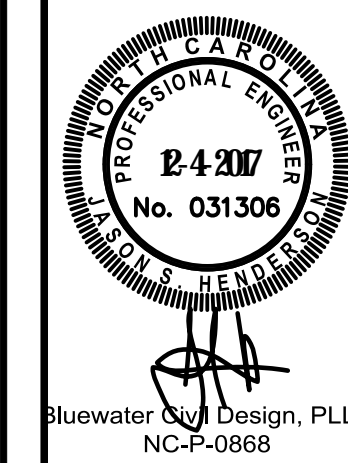
AGENCY: City of Wilmington/Wilmington MPO
 ADDRESS: 305 Chestnut Street, 4th Floor
 Wilmington, NC 28402-1810
 PHONE: 910-341-4677
 CONTACT: Dave Brent
 EMAIL: dave.brent@wilmingtonnc.gov

SHEET INDEX

DESCRIPTION	DWG. NO.
CIVIL TITLE SHEET	C001
EXISTING CONDITIONS	C002
OVERALL SITE PLAN	C101
SITE PLAN	C102
SITE DETAILS	C103
GRADING AND DRAINAGE PLAN	C201
OVERALL UTILITY PLAN	C301
ROAD IMPROVEMENT PLAN	R101
LANDSCAPE PLAN	LS-1
SITE LIGHTING PLAN	E101

*BOUNDARY & TOPOGRAPHIC SURVEY (BY ROBERT SESSOMS & ASSOCIATES, PLLC)

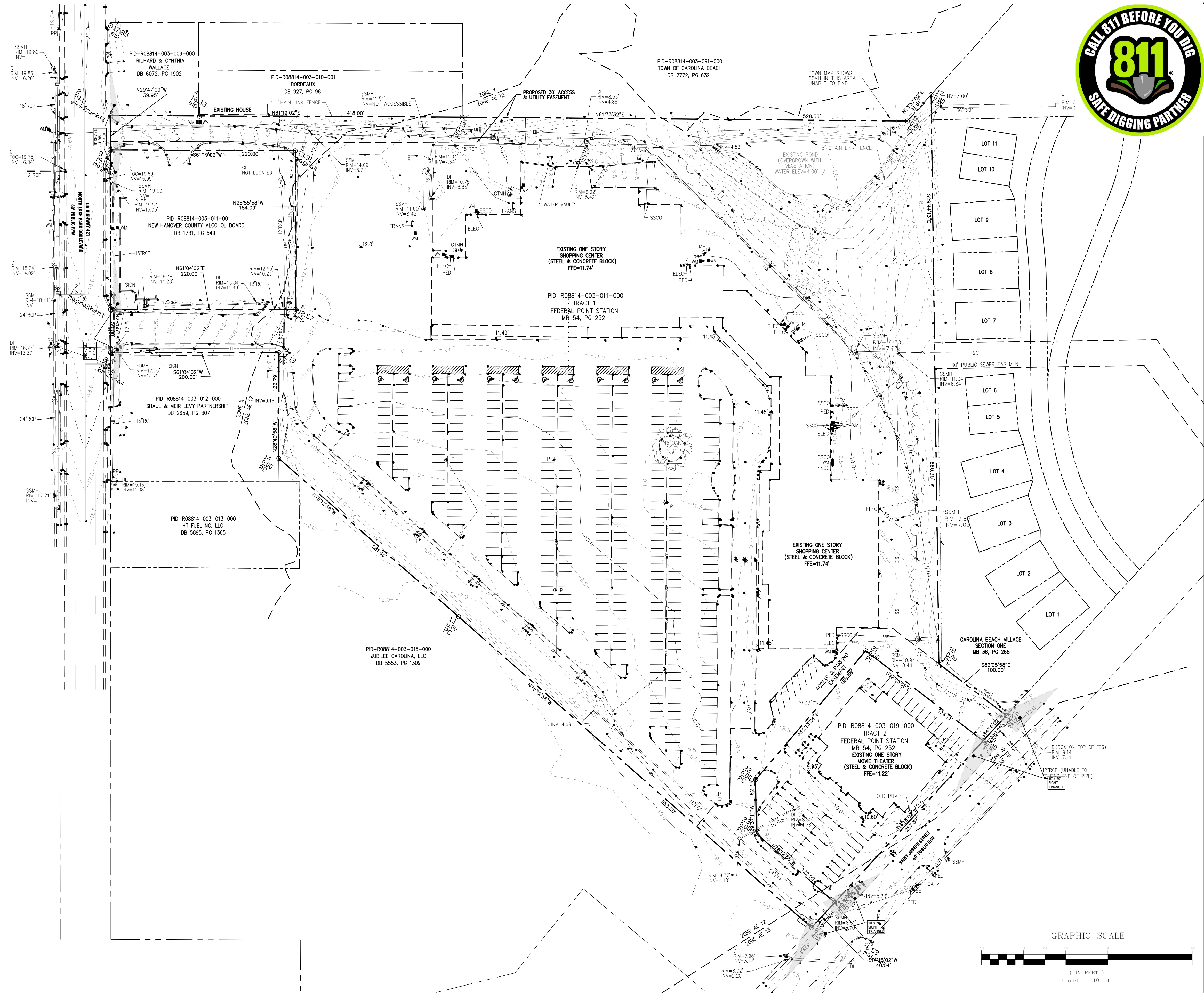
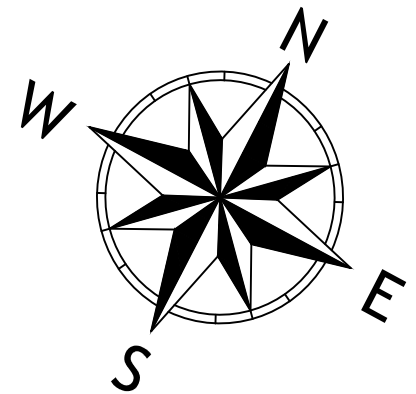
<p>DEVELOPER</p> <p>COMPANY: Carolina Beach Company Development 1, LLC ADDRESS: 3920 Magazine Street New Orleans, LA 70115 PHONE: 504-866-7300 CONTACT: Gordo Kolb EMAIL: gordo@ghkinc.com</p>	<p>CIVIL ENGINEER</p> <p>COMPANY: Bluewater Civil Design, PLLC ADDRESS: 19 Washington Park - Suite 100 Greenville, SC 29601 PHONE: 864-326-4204 CONTACT: Jason S. Henderson, P.E. EMAIL: jason@bluewatercivil.com</p>	<p>SURVEYOR</p> <p>COMPANY: Robert Sessoms & Associates, PLLC ADDRESS: 4033 Chandler Drive Wilmington, NC 28412 PHONE: 910-352-8846 CONTACT: Robert Sessoms EMAIL: rsessoms@rsshurveying.com</p>	<p>ARCHITECT</p> <p>COMPANY: Jared Ducote Architect ADDRESS: 600 South Barracks Street, Suite 210-6 Pensacola, FL 32502 PHONE: 850-439-1552 CONTACT: Jared Ducote EMAIL: jared@tbsarch.com</p>
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PLAN REVISION	DATE	ISSUE	REASON
A	10-27-2017	ISSUED FOR PERMIT	
B	11-9-2017	ISSUED FOR C.I.P. REVIEW - ACT FOR CONSTRUCTION	
C	12-4-2017	REVISED FOR C.I.P. COMMENTS, NTC	

TITLE SHEET

C001

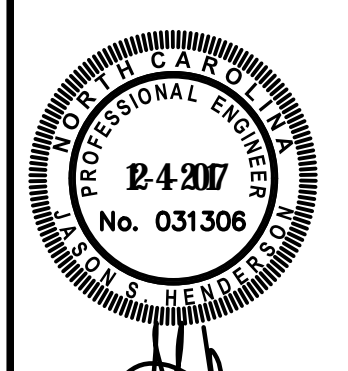


Project Number: 2017-108
 DWG Name: 2017-108 D1.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina Reg. No. 3246
 Georgia Reg. No. 02511
 North Carolina Reg. No. 03136
 Virginia Reg. No. 0208
 Virginia Reg. No. 64003138

bluewater
 civil design
 bluewater civil design, llc
 19 Washington Park, Suite 100 • Greenville, SC 29601
 www.bluewatercivil.com • info@bluewatercivil.com

Certificates of Authorization:
 SC C04212 - GA PE050500
 NC P0868 - AL CA4055E

**FEDERAL POINT
 GROCERY STORE**
 1018 North Lake Park Boulevard
 Carolina Beach, NC

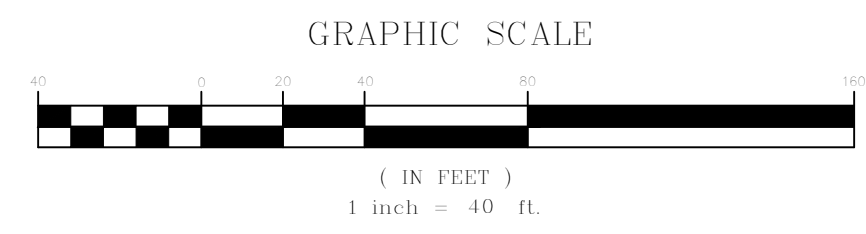


Bluewater Civil Design, PLLC
 NC-P-0868

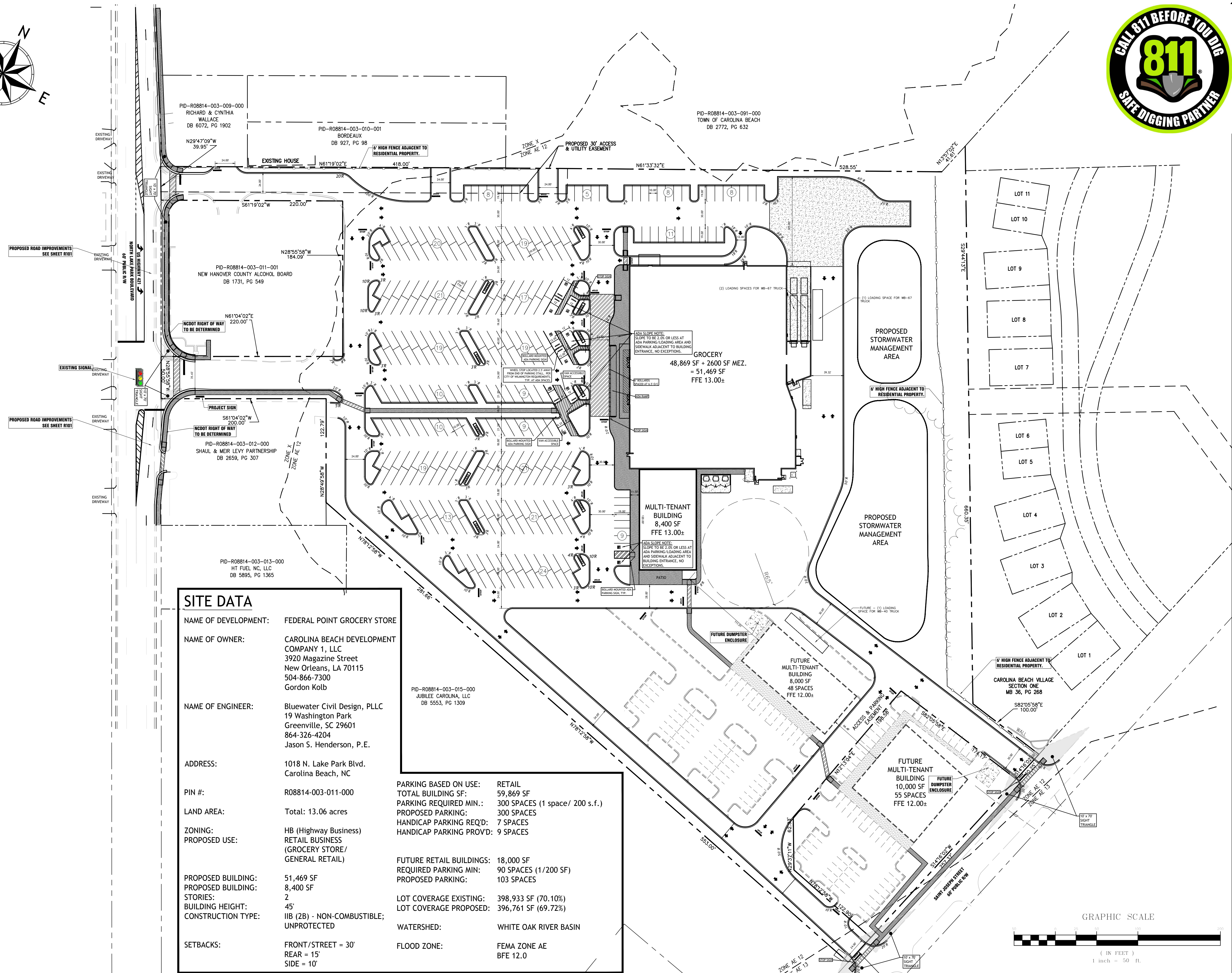
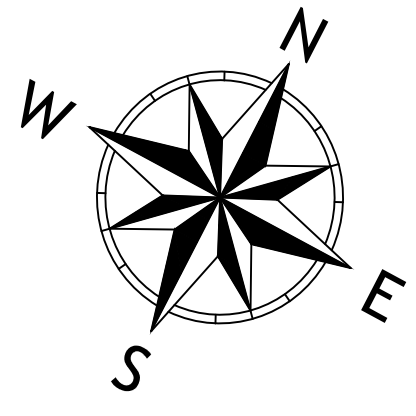
PLAN REVISION	DATE	ISSUE	ISSUE COMMENT
A	10-27-2017	ISSUED FOR PERMIT	
B	11-9-2017	ISSUED FOR C.L.P. REVIEW - NOT FOR CONSTRUCTION	
C	12-4-2017	ISSUED FOR C.L.P. COMMENTS, NTC	

EXISTING CONDITIONS

C002



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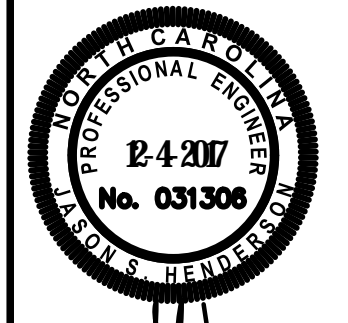


SITE DATA

NAME OF DEVELOPMENT:	FEDERAL POINT GROCERY STORE
NAME OF OWNER:	CAROLINA BEACH DEVELOPMENT COMPANY 1, LLC 3920 Magazine Street New Orleans, LA 70115 504-866-7300 Gordon Kolb
NAME OF ENGINEER:	Bluewater Civil Design, PLLC 19 Washington Park Greenville, SC 29601 864-326-4204 Jason S. Henderson, P.E.
ADDRESS:	1018 N. Lake Park Blvd. Carolina Beach, NC
PIN #:	R08814-003-011-000
LAND AREA:	Total: 13.06 acres
ZONING:	HB (Highway Business)
PROPOSED USE:	RETAIL BUSINESS (GROCERY STORE/ GENERAL RETAIL)
PROPOSED BUILDING:	51,469 SF
STORIES:	2
BUILDING HEIGHT:	45'
CONSTRUCTION TYPE:	IIB (2B) - NON-COMBUSTIBLE; UNPROTECTED
SETBACKS:	FRONT/STREET = 30' REAR = 15' SIDE = 10'
PARKING BASED ON USE:	RETAIL
TOTAL BUILDING SF:	59,869 SF
PARKING REQUIRED MIN.:	300 SPACES (1 space/ 200 s.f.)
PROPOSED PARKING:	300 SPACES
HANDICAP PARKING REQD:	7 SPACES
HANDICAP PARKING PROVID:	9 SPACES
FUTURE RETAIL BUILDINGS:	18,000 SF
REQUIRED PARKING MIN.:	90 SPACES (1/200 SF)
PROPOSED PARKING:	103 SPACES
LOT COVERAGE EXISTING:	398,933 SF (70.10%)
LOT COVERAGE PROPOSED:	396,761 SF (69.72%)
WATERSHED:	WHITE OAK RIVER BASIN
FLOOD ZONE:	FEMA ZONE AE BFE 12.0

Project Number: 2017-108
 DWG Name: 2017-108 D1.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina REG 2246
 Georgia REG 02511
 North Carolina REG 03196
 Alabama REG 12088
 Virginia REG 540003118
bluewater
 civil design
 bluewater civil design, llc
 19 Washington Park, Suite 100 • Greenville, SC 29601
 www.bluewatercivil.com • info@bluewatercivil.com
 Certificates of Authorization:
 SC C04212 - CA PE050580
 NC P0868 - AL CA4056

**FEDERAL POINT
 GROCERY STORE**
 1018 North Lake Park Boulevard
 Carolina Beach, NC



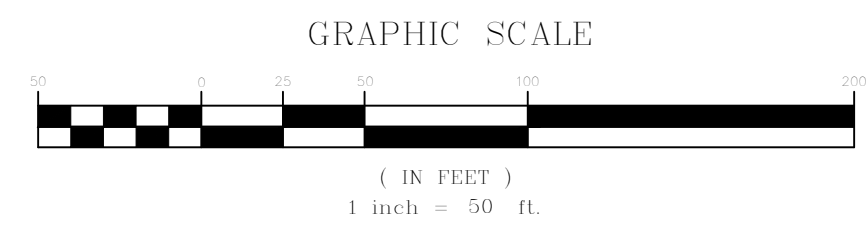
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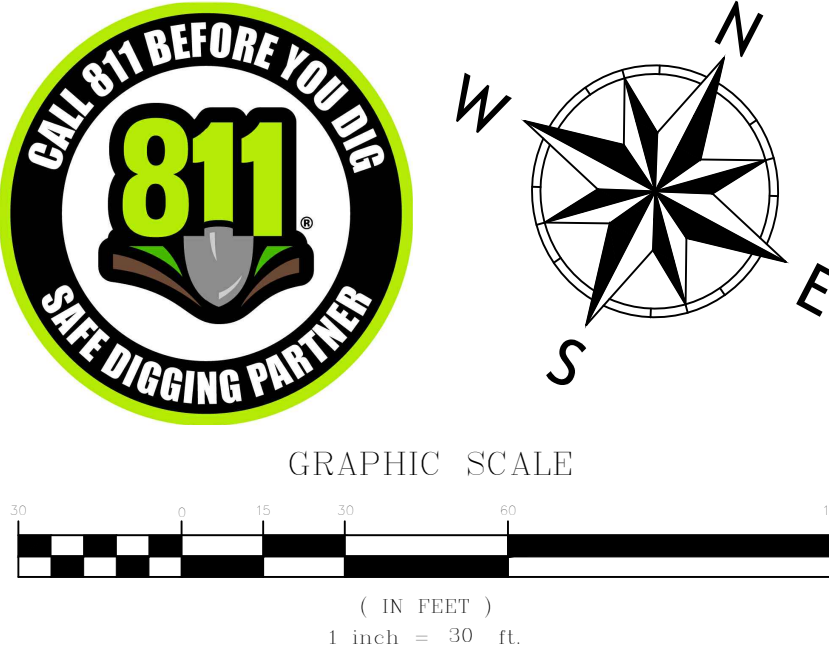
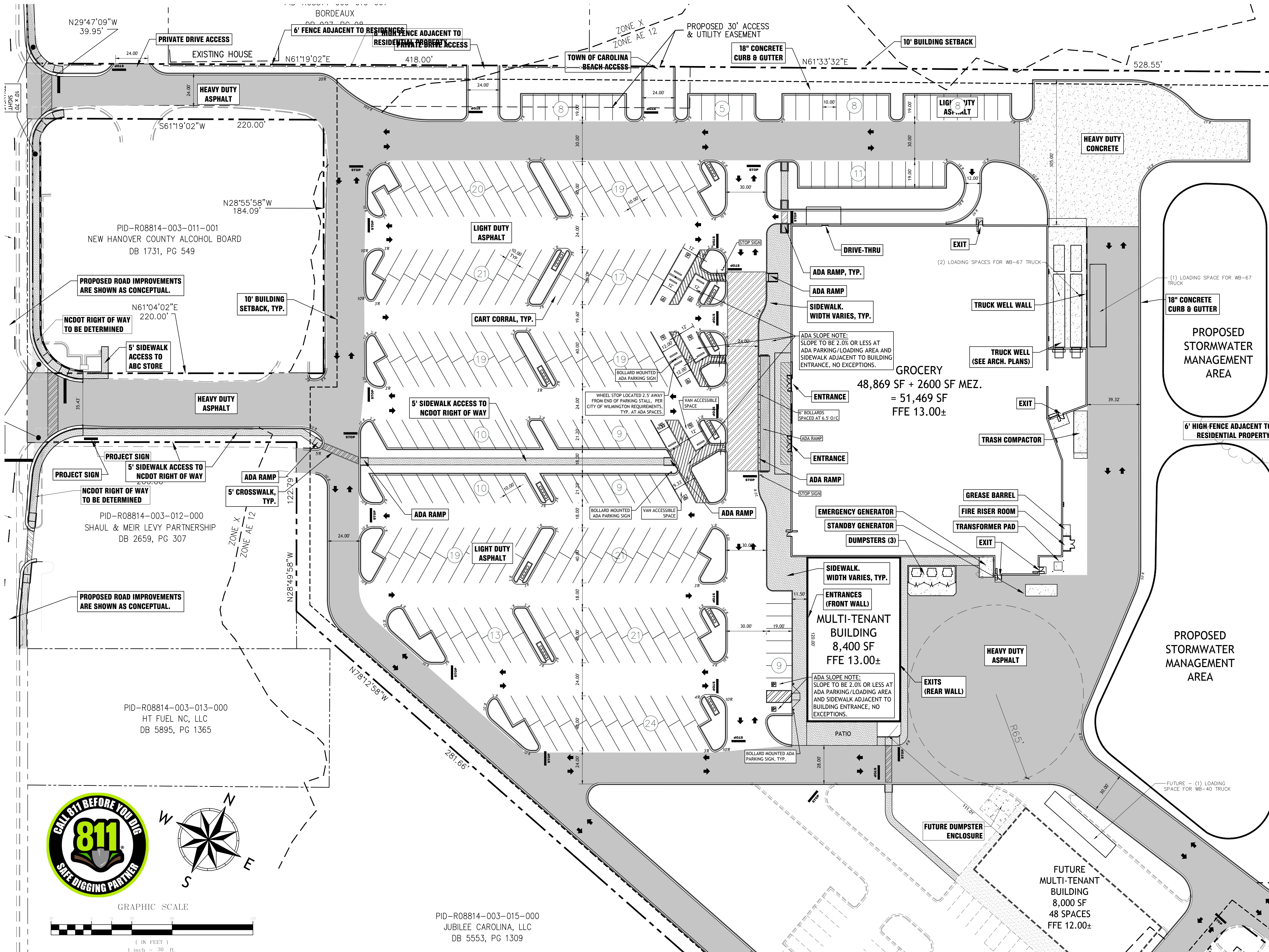
PLAN REVISION	DATE	ISSUE	COMMENT
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OVERALL SITE PLAN

C101

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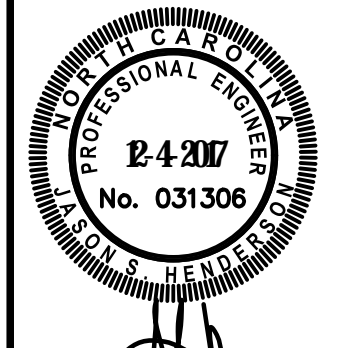


PID-R08814-003-015-000
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DB 5553, PG 1309

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Project Number: 2017-108
 Drawing Name: 2017-108 D1.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina Reg. 2246
 Georgia Reg. 02811
 North Carolina Reg. 03136
 Alabama Reg. 2288
 Virginia Reg. 640000118
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 Bluewater Civil Design, LLC
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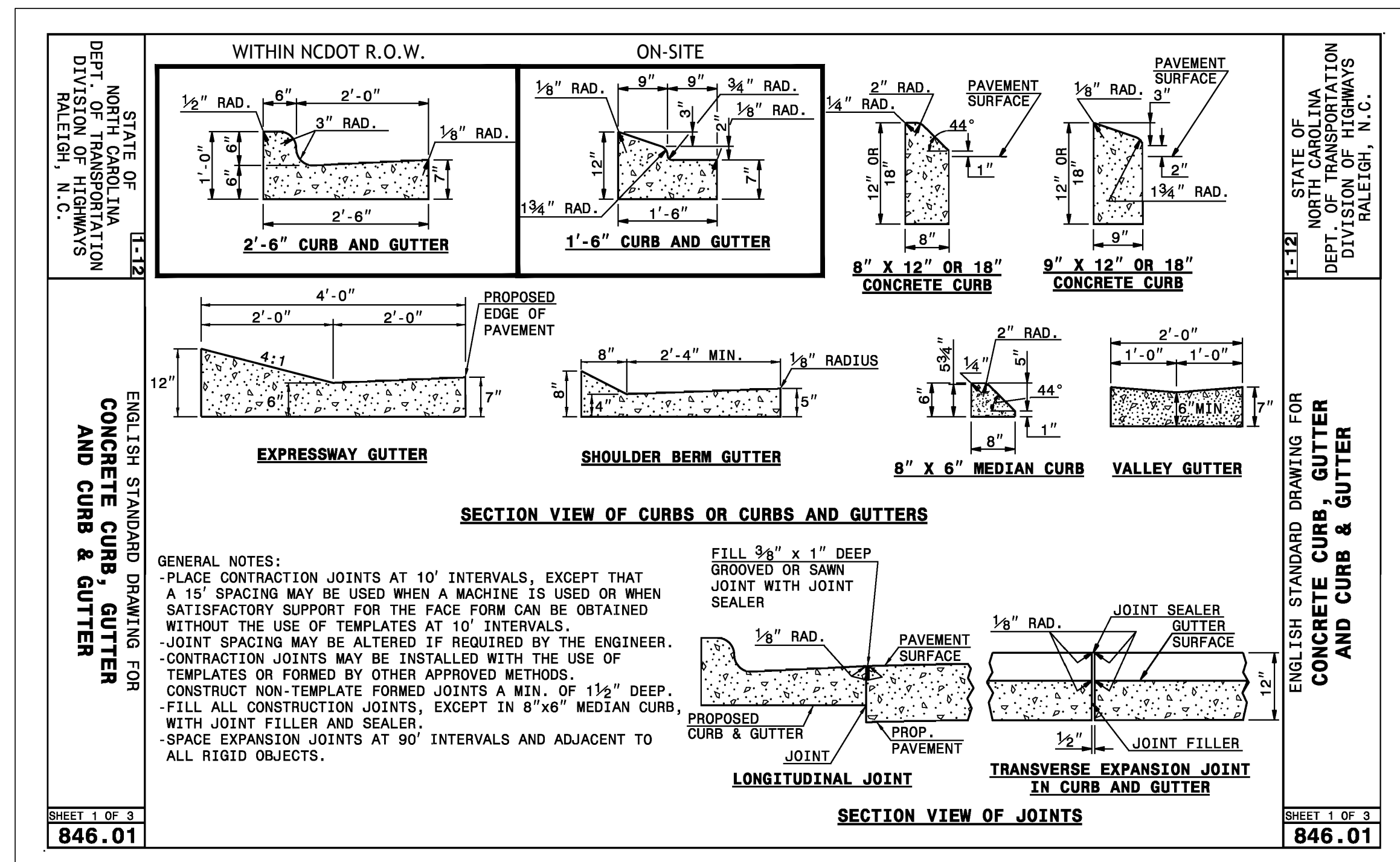
FEDERAL POINT GROCERY STORE
 1018 North Lake Park Boulevard
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SITE PLAN
C102



STATE OF NORTH CAROLINA DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS RALEIGH, N.C.

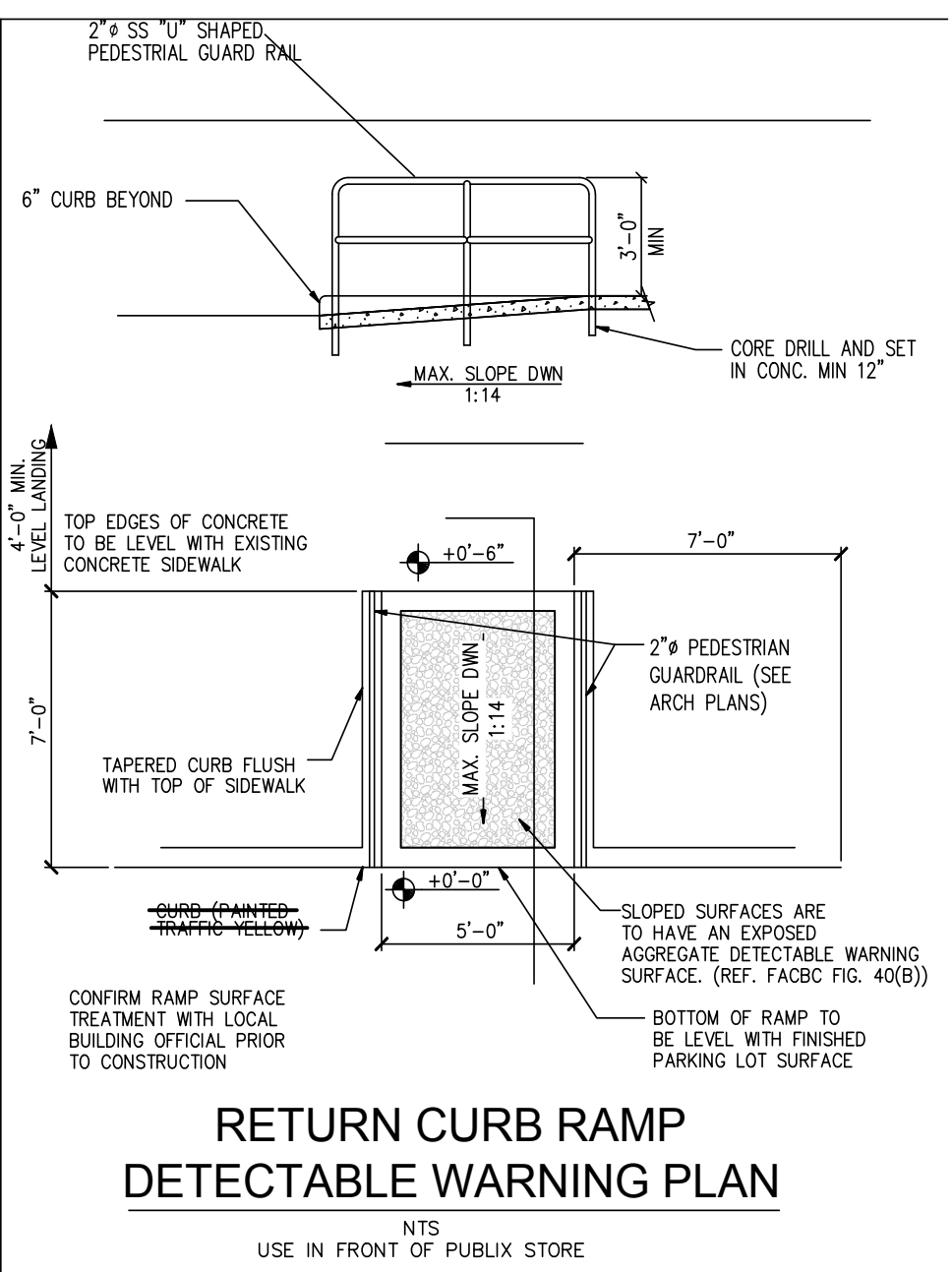
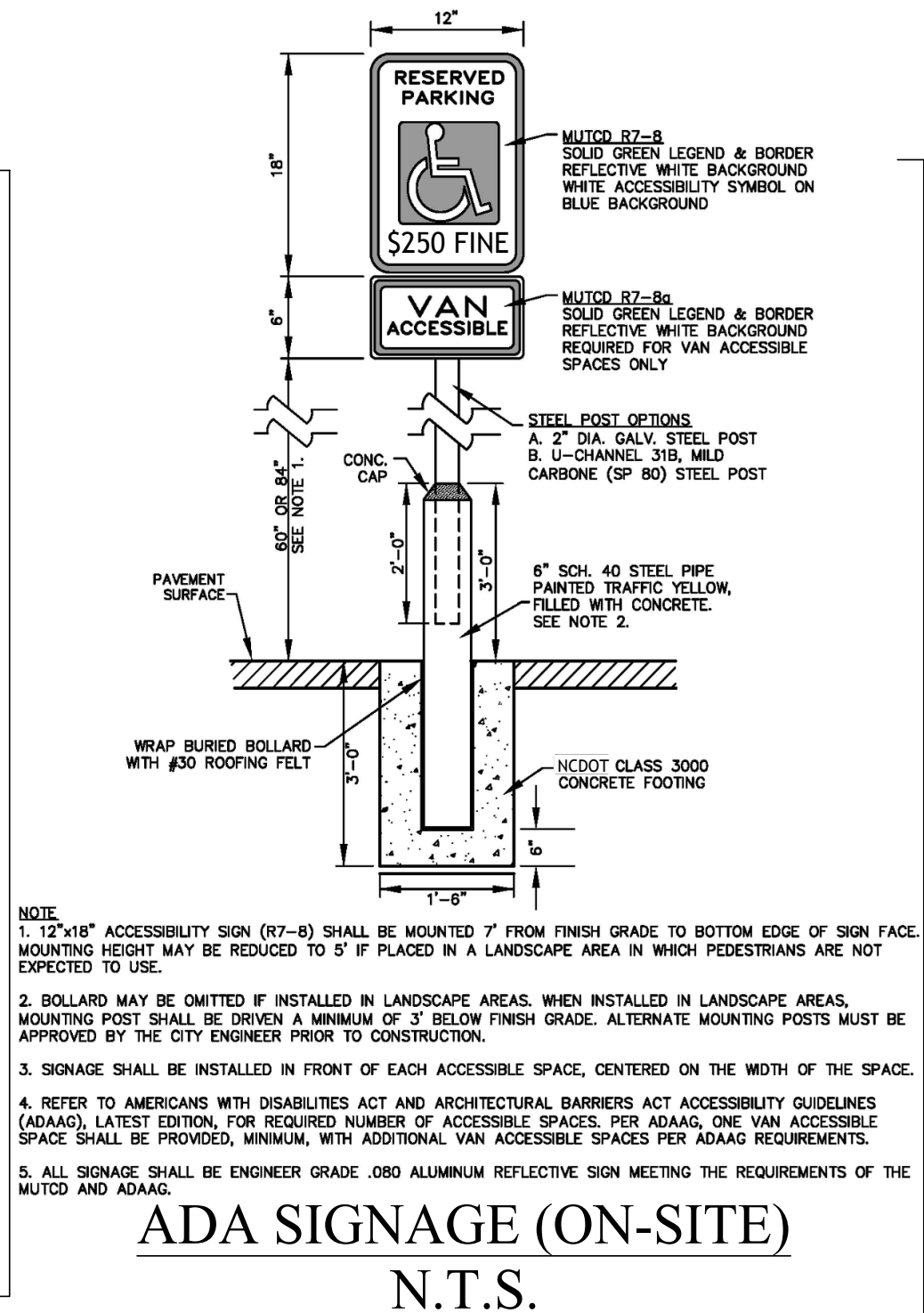
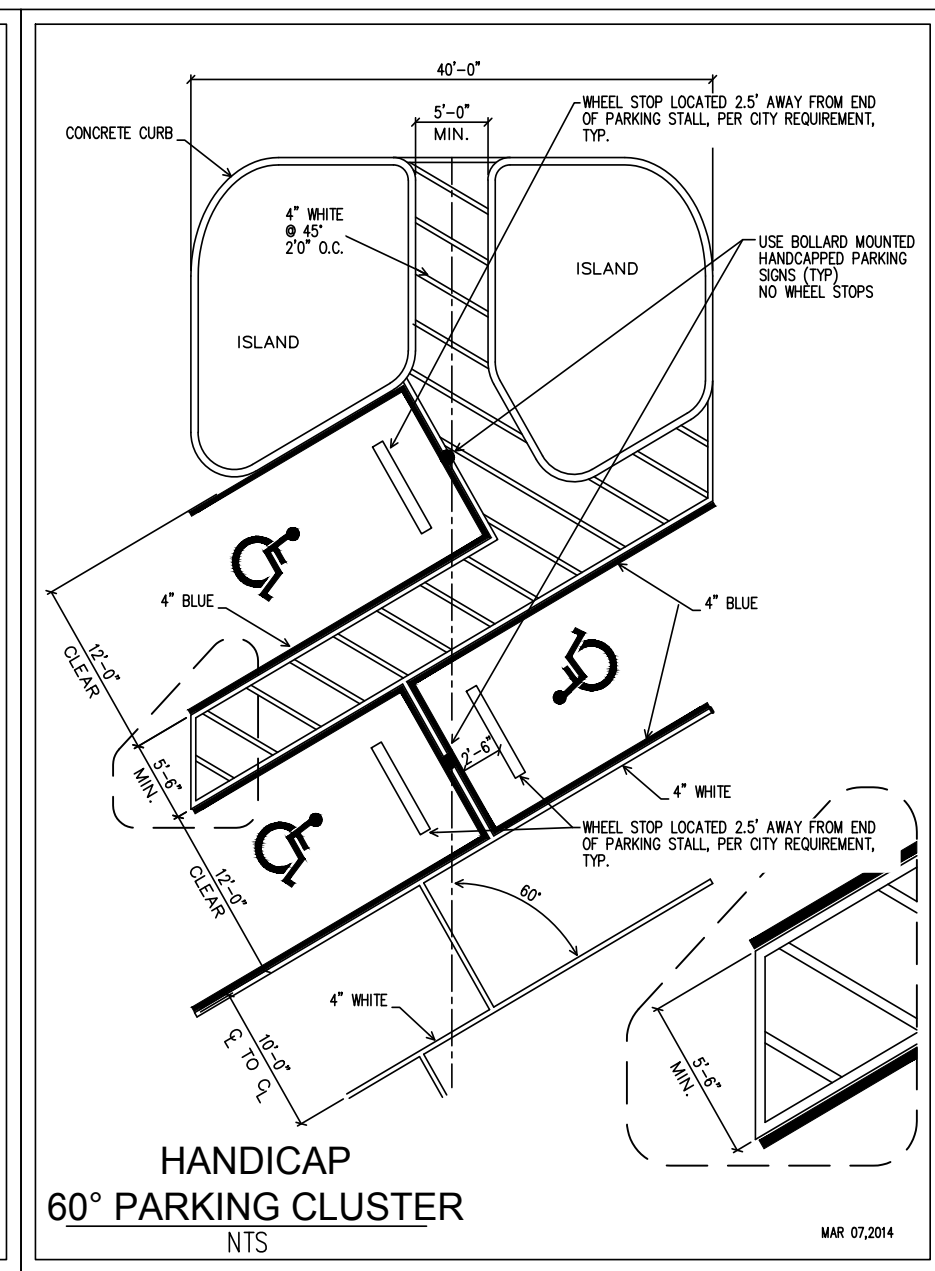
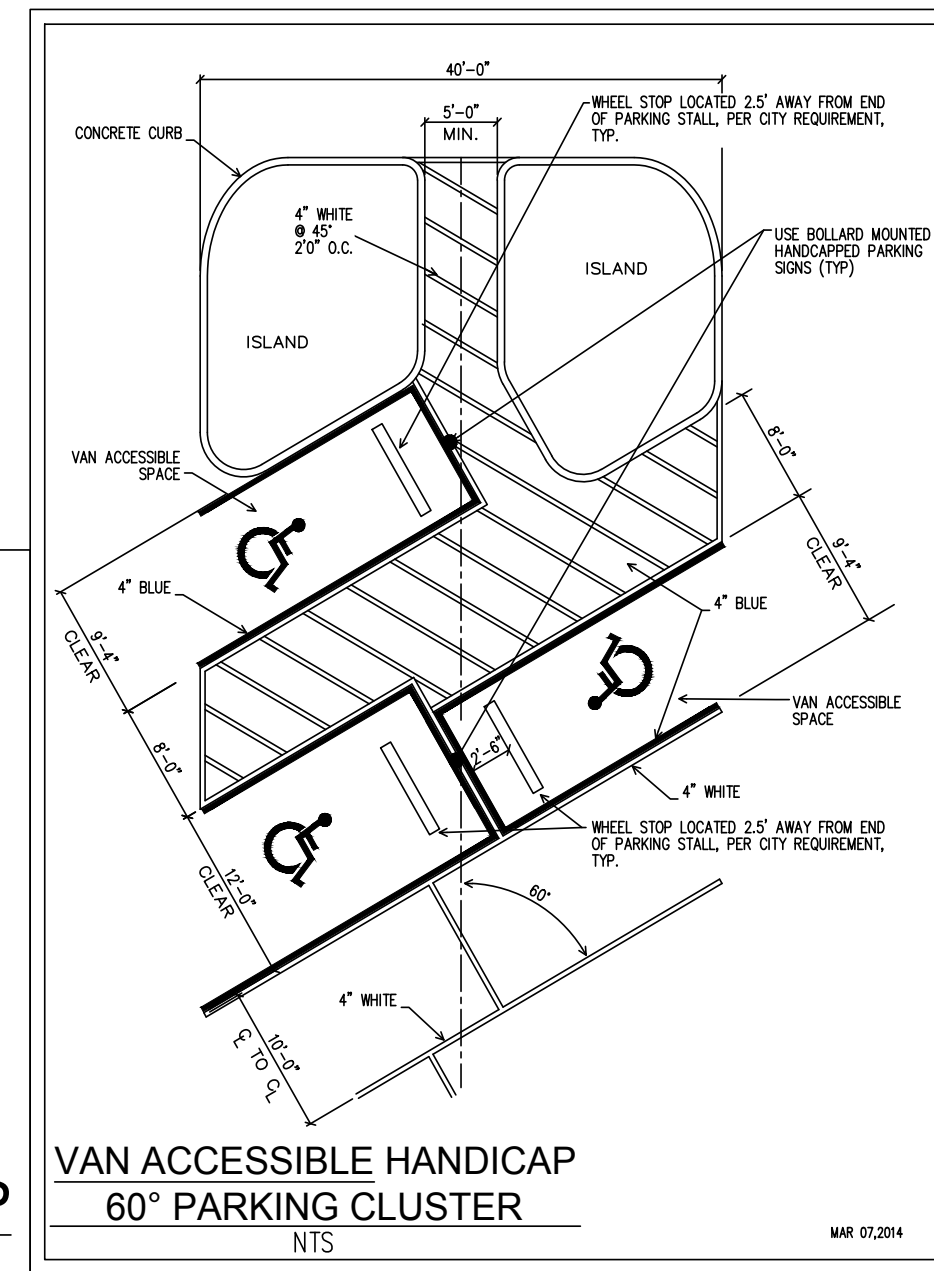
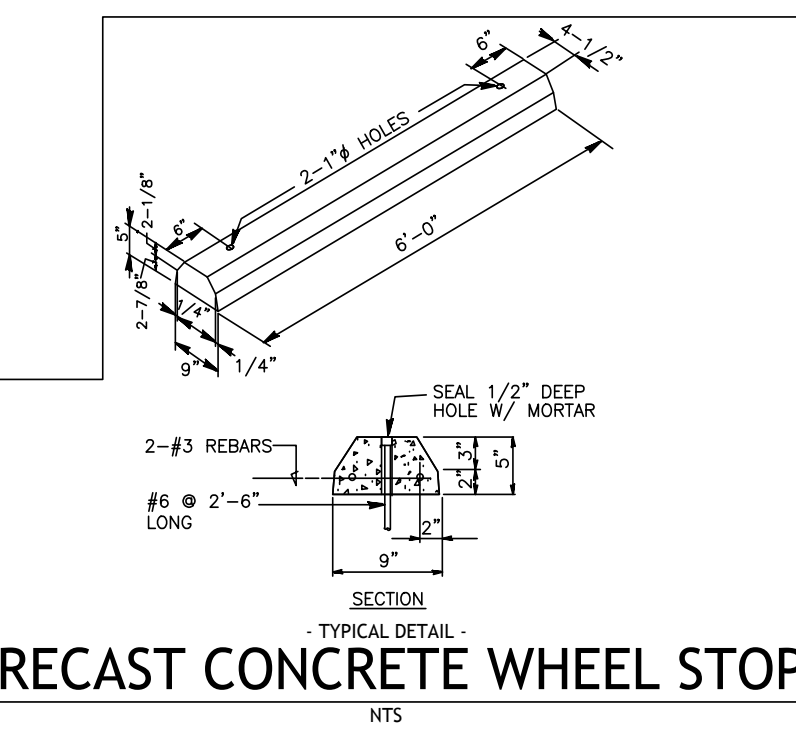
ENGLISH STANDARD DRAWING FOR CONCRETE CURB, GUTTER AND CURB & GUTTER

GENERAL NOTES:
 - PLACE CONTRACTION JOINTS AT 10' INTERVALS, EXCEPT THAT A 15' SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10' INTERVALS.
 - JOINT SPACING MAY BE ALTERED IF REQUIRED BY THE ENGINEER.
 - CONTRACTION JOINTS MAY BE INSTALLED WITH THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS.
 - CONSTRUCT NON-TEMPLATE FORMED JOINTS A MIN. OF 1 1/2" DEEP.
 - FILL ALL CONSTRUCTION JOINTS, EXCEPT IN 8"x6" MEDIAN CURB, WITH JOINT FILLER AND SEALER.
 - SPACE EXPANSION JOINTS AT 90' INTERVALS AND ADJACENT TO ALL RIGID OBJECTS.

SECTION VIEW OF JOINTS

LONGITUDINAL JOINT
 TRANSVERSE EXPANSION JOINT IN CURB AND GUTTER

SHEET 1 OF 3
846.01



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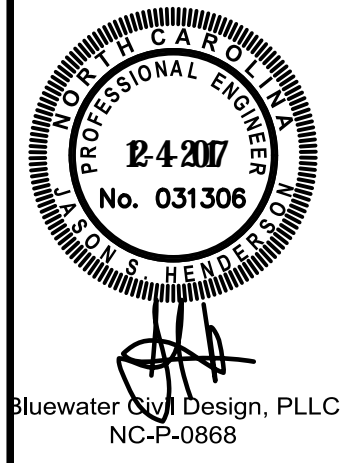


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 Engineer of Record: Jason Henderson, P.E.
 South Carolina Reg. 2246
 Georgia Reg. 02511
 North Carolina Reg. 01396
 Alabama Reg. 12086
 Virginia Reg. 64003118

bluewater civil design, LLC
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Certificate of Authorization:
 SC C04212 - GA PE050505
 NC P0868 - AL CA4055E

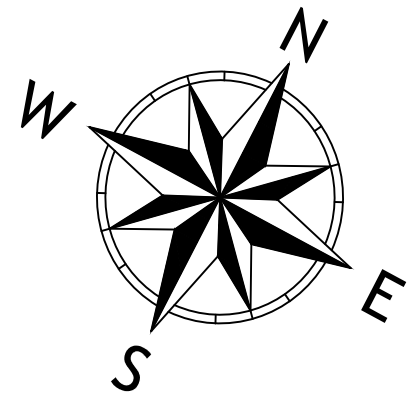
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Bluewater Civil Design, PLLC
 NC-P-0868

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SITE DETAILS
C103

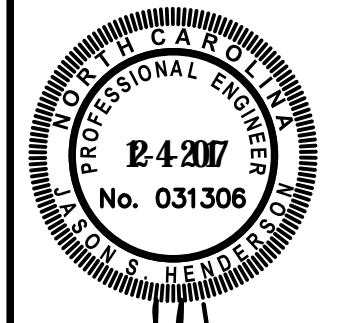


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 Georgia Reg. 02511
 North Carolina Reg. 01190
 Virginia Reg. 0208
 Virginia Reg. 040003118

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GRADING & DRAINAGE PLAN

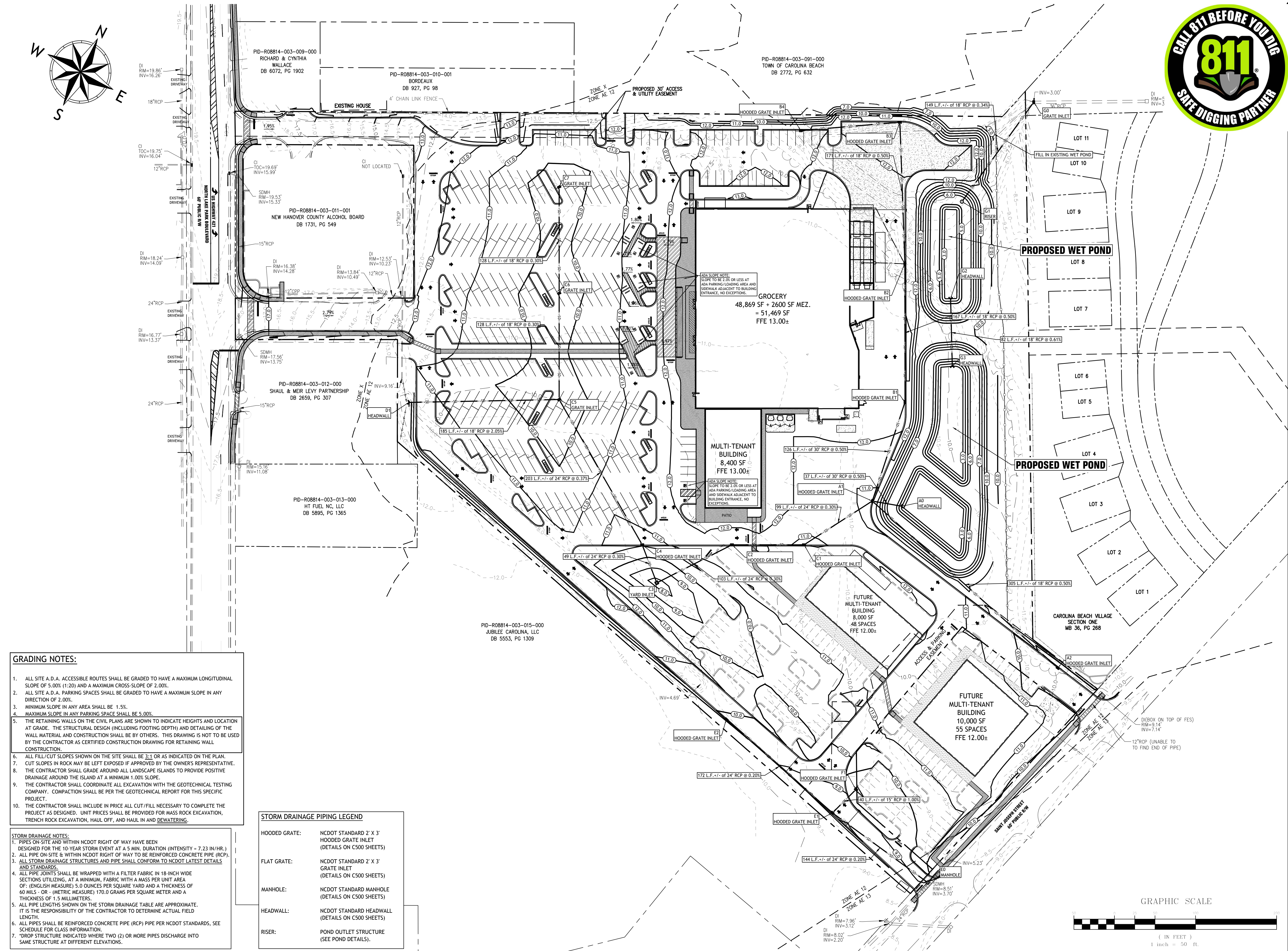
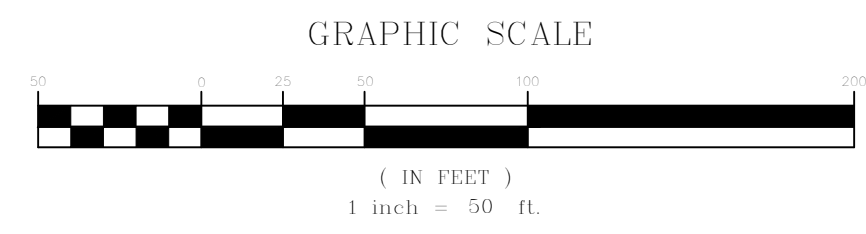
C201

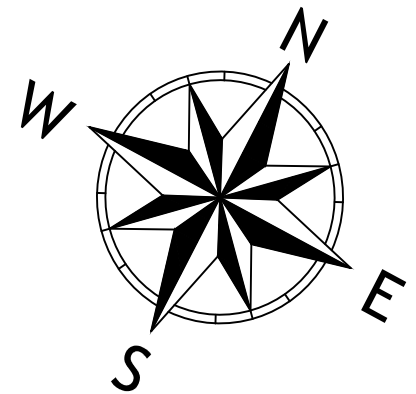
- GRADING NOTES:**
- ALL SITE A.D.A. ACCESSIBLE ROUTES SHALL BE GRADED TO HAVE A MAXIMUM LONGITUDINAL SLOPE OF 5.00% (1:20) AND A MAXIMUM CROSS-SLOPE OF 2.00%.
 - ALL SITE A.D.A. PARKING SPACES SHALL BE GRADED TO HAVE A MAXIMUM SLOPE IN ANY DIRECTION OF 2.00%.
 - MINIMUM SLOPE IN ANY AREA SHALL BE 1.5%.
 - MAXIMUM SLOPE IN ANY PARKING SPACE SHALL BE 5.00%.
 - THE RETAINING WALLS ON THE CIVIL PLANS ARE SHOWN TO INDICATE HEIGHTS AND LOCATION AT GRADE. THE STRUCTURAL DESIGN (INCLUDING FOOTING DEPTH) AND DETAILING OF THE WALL MATERIAL AND CONSTRUCTION SHALL BE BY OTHERS. THIS DRAWING IS NOT TO BE USED BY THE CONTRACTOR AS CERTIFIED CONSTRUCTION DRAWING FOR RETAINING WALL CONSTRUCTION.
 - ALL FILL/CUT SLOPES SHOWN ON THE SITE SHALL BE 3:1 OR AS INDICATED ON THE PLAN.
 - CUT SLOPES IN ROCK MAY BE LEFT EXPOSED IF APPROVED BY THE OWNER'S REPRESENTATIVE.
 - THE CONTRACTOR SHALL GRADE AROUND ALL LANDSCAPE ISLANDS TO PROVIDE POSITIVE DRAINAGE AROUND THE ISLAND AT A MINIMUM 1.00% SLOPE.
 - THE CONTRACTOR SHALL COORDINATE ALL EXCAVATION WITH THE GEOTECHNICAL TESTING COMPANY. COMPACTION SHALL BE PER THE GEOTECHNICAL REPORT FOR THIS SPECIFIC PROJECT.
 - THE CONTRACTOR SHALL INCLUDE IN PRICE ALL CUT/FILL NECESSARY TO COMPLETE THE PROJECT AS DESIGNED. UNIT PRICES SHALL BE PROVIDED FOR MASS ROCK EXCAVATION, TRENCH ROCK EXCAVATION, HAIL OFF, AND HAIL IN AND Dewatering.
- STORM DRAINAGE NOTES:**
- PIPES ON-SITE AND WITHIN NCDOT RIGHT OF WAY HAVE BEEN DESIGNED FOR THE 10-YEAR STORM EVENT AT A 5 MIN. DURATION (INTENSITY = 7.23 IN/Hr).
 - ALL PIPE ON-SITE & WITHIN NCDOT RIGHT OF WAY TO BE REINFORCED CONCRETE PIPE (RCP).
 - ALL STORM DRAINAGE STRUCTURES AND PIPE SHALL CONFORM TO NCDOT LATEST DETAILS AND STANDARDS.
 - ALL PIPE JOINTS SHALL BE WRAPPED WITH A FILTER FABRIC IN 18-INCH WIDE SECTIONS UTILIZING, AT A MINIMUM, FABRIC WITH A MASS PER UNIT AREA OF: (ENGLISH MEASURE) 5.0 OUNCES PER SQUARE YARD AND A THICKNESS OF 60 MILS. OR - (METRIC MEASURE) 170.0 GRAMS PER SQUARE METER AND A THICKNESS OF 1.5 MILLIMETERS.
 - ALL PIPE LENGTHS SHOWN ON THE STORM DRAINAGE TABLE ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE ACTUAL FIELD LENGTH.
 - ALL PIPES SHALL BE REINFORCED CONCRETE PIPE (RCP) PIPE PER NCDOT STANDARDS. SEE SCHEDULE FOR CLASS INFORMATION.
 - TROPIC STRUCTURE INDICATED WHERE TWO (2) OR MORE PIPES DISCHARGE INTO SAME STRUCTURE AT DIFFERENT ELEVATIONS.

STORM DRAINAGE PIPING LEGEND

HOODED GRATE:	NCDOT STANDARD 2' X 3' HOODED GRATE INLET (DETAILS ON C500 SHEETS)
FLAT GRATE:	NCDOT STANDARD 2' X 3' GRATE INLET (DETAILS ON C500 SHEETS)
MANHOLE:	NCDOT STANDARD MANHOLE (DETAILS ON C500 SHEETS)
HEADWALL:	NCDOT STANDARD HEADWALL (DETAILS ON C500 SHEETS)
RISER:	POND OUTLET STRUCTURE (SEE POND DETAILS).

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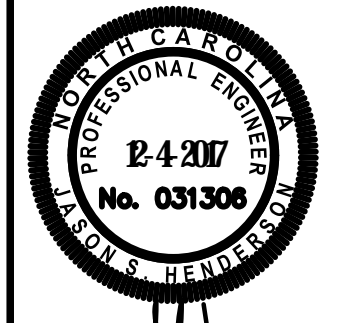


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 North Carolina Reg. No. 3396
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 Virginia Reg. No. 6003118

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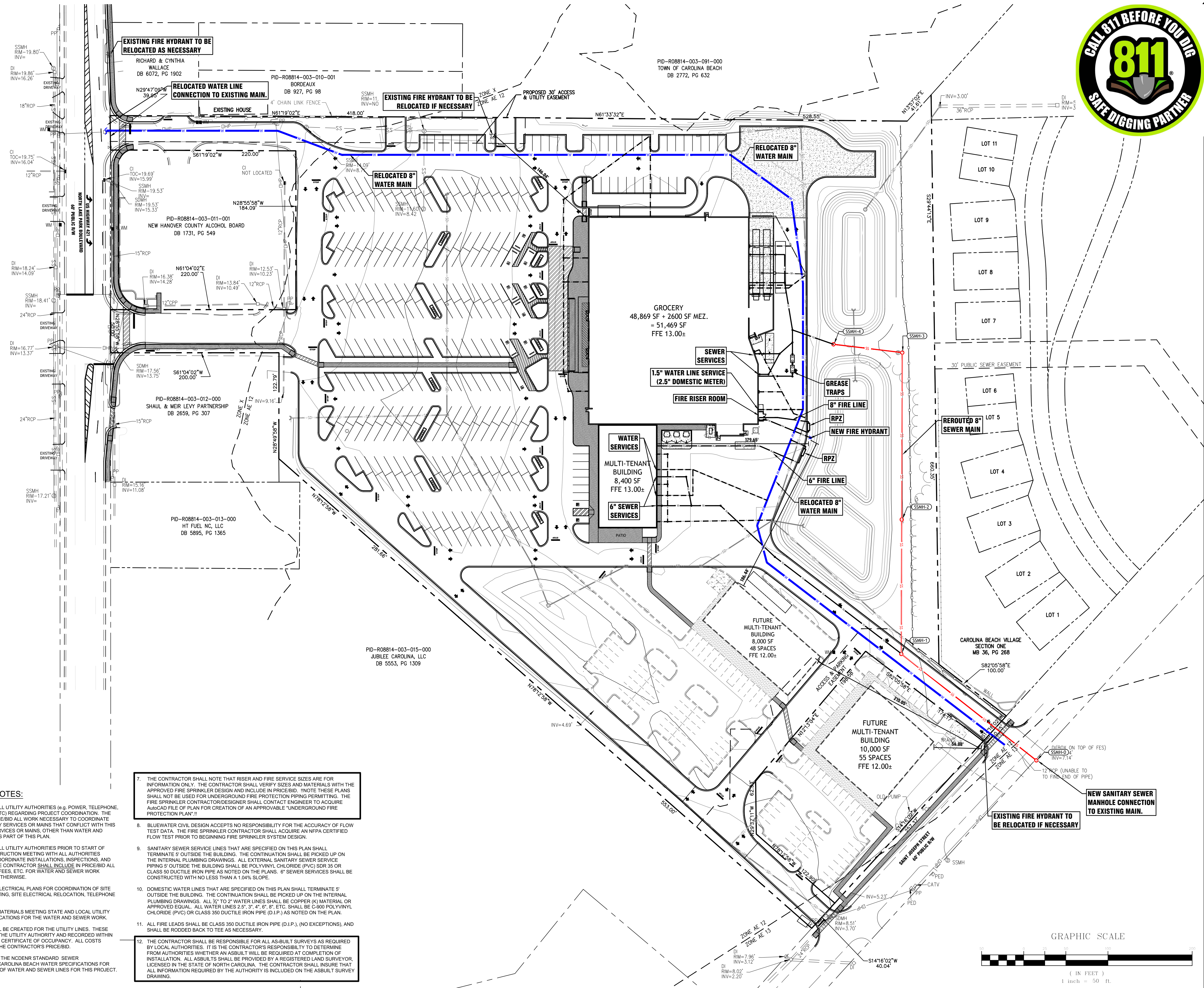
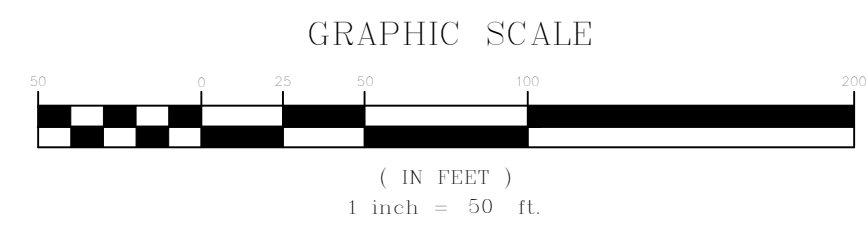
OVERALL UTILITY PLAN

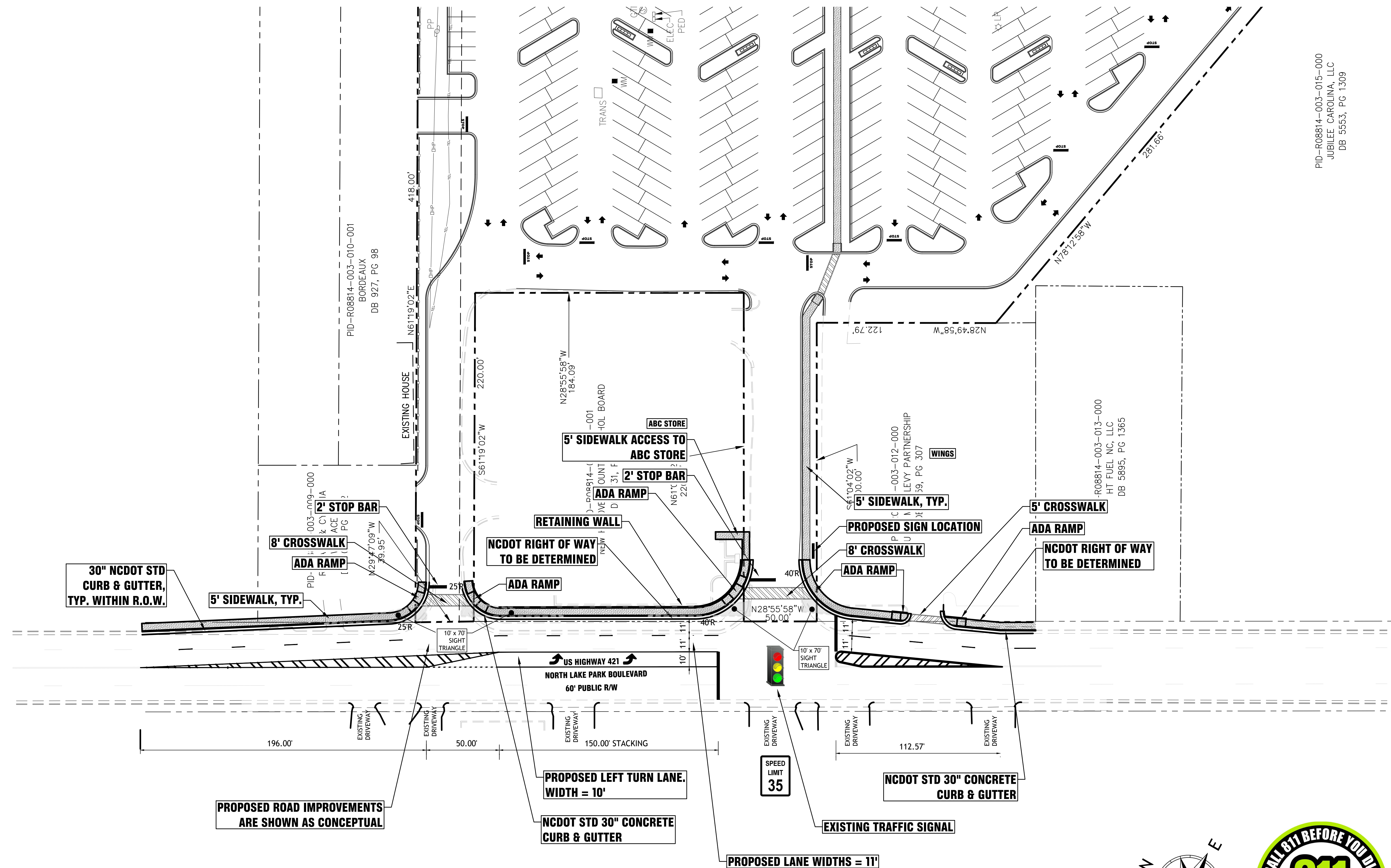
C301

- GENERAL UTILITY PLAN NOTES:**
1. THE CONTRACTOR SHALL CONTACT ALL UTILITY AUTHORITIES (e.g. POWER, TELEPHONE, CABLE, DATA, GAS, WATER, SEWER, ETC) REGARDING PROJECT COORDINATION. THE CONTRACTOR SHALL INCLUDE IN PRICE/BID ALL WORK NECESSARY TO COORDINATE THE RELOCATION OF EXISTING UTILITY SERVICES OR MAINS THAT CONFLICT WITH THIS PROJECTS COMPLETION. UTILITY SERVICES OR MAINS, OTHER THAN WATER AND SEWER, HAVE NOT BEEN DESIGNED AS PART OF THIS PLAN.
 2. THE CONTRACTOR SHALL CONTACT ALL UTILITY AUTHORITIES PRIOR TO START OF CONSTRUCTION SET UP A PRE-CONSTRUCTION MEETING WITH ALL AUTHORITIES (INCLUDING FIRE DEPARTMENT) TO COORDINATE INSTALLATIONS, INSPECTIONS, AND PAYMENT OF ANY RELATED FEES. THE CONTRACTOR SHALL INCLUDE IN PRICE/BID ALL TAP FEES, INSPECTION FEES, METER FEES, ETC. FOR WATER AND SEWER WORK UNLESS SPECIFICALLY INSTRUCTED OTHERWISE.
 3. SEE SITE LIGHTING PLANS AND SITE ELECTRICAL PLANS FOR COORDINATION OF SITE LIGHTING AND SITE ELECTRICAL ROUTING, SITE ELECTRICAL RELOCATION, TELEPHONE ROUTING, DATA ROUTING, ETC.
 4. THE CONTRACTOR SHALL ONLY USE MATERIALS MEETING STATE AND LOCAL UTILITY AUTHORITY STANDARDS AND SPECIFICATIONS FOR THE WATER AND SEWER WORK.
 5. IF REQUIRED, EASEMENT PLATS SHALL BE CREATED FOR THE UTILITY LINES. THESE EASEMENTS SHALL BE REVIEWED BY THE UTILITY AUTHORITY AND RECORDED WITHIN THE APPROPRIATE COUNTY PRIOR TO CERTIFICATE OF OCCUPANCY. ALL COSTS ASSOCIATED SHALL BE INCLUDED IN THE CONTRACTORS PRICE/BID.
 6. THE CONTRACTOR SHALL ADHERE TO THE NCDENR STANDARD SEWER SPECIFICATIONS AND THE TOWN OF CAROLINA BEACH WATER SPECIFICATIONS FOR THE CONSTRUCTION & INSTALLATION OF WATER AND SEWER LINES FOR THIS PROJECT.

7. THE CONTRACTOR SHALL NOTE THAT RISER AND FIRE SERVICE SIZES ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY SIZES AND MATERIALS WITH THE APPROVED FIRE SPRINKLER DESIGN AND INCLUDE IN PRICE/BID. (NOTE THESE PLANS SHALL NOT BE USED FOR UNDERGROUND FIRE PROTECTION PIPING PERMITTING. THE FIRE SPRINKLER CONTRACTOR/DESIGNER SHALL CONTACT ENGINEER TO ACQUIRE AutoCAD FILE OF PLAN FOR CREATION OF AN APPROVABLE "UNDERGROUND FIRE PROTECTION PLAN".)
8. BLUEWATER CIVIL DESIGN ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF FLOW TEST DATA. THE FIRE SPRINKLER CONTRACTOR SHALL ACQUIRE AN NFPA CERTIFIED FLOW TEST PRIOR TO BEGINNING FIRE SPRINKLER SYSTEM DESIGN.
9. SANITARY SEWER SERVICE LINES THAT ARE SPECIFIED ON THIS PLAN SHALL TERMINATE 5' OUTSIDE THE BUILDING. THE CONTINUATION SHALL BE PICKED UP ON THE INTERNAL PLUMBING DRAWINGS. ALL EXTERNAL SANITARY SEWER SERVICE PIPING 5' OUTSIDE THE BUILDING SHALL BE POLYVINYL CHLORIDE (PVC) SDR 35 OR CLASS 50 DUCTILE IRON PIPE AS NOTED ON THE PLANS. 6" SEWER SERVICES SHALL BE CONSTRUCTED WITH NO LESS THAN A 1.04% SLOPE.
10. DOMESTIC WATER LINES THAT ARE SPECIFIED ON THIS PLAN SHALL TERMINATE 5' OUTSIDE THE BUILDING. THE CONTINUATION SHALL BE PICKED UP ON THE INTERNAL PLUMBING DRAWINGS. ALL 1/2" TO 2" WATER LINES SHALL BE COPPER (K) MATERIAL OR APPROVED EQUAL. ALL WATER LINES 2.5", 3", 4", 6", 8", ETC. SHALL BE C-900 POLYVINYL CHLORIDE (PVC) OR CLASS 350 DUCTILE IRON PIPE (D.I.P.) AS NOTED ON THE PLAN.
11. ALL FIRE LEADS SHALL BE CLASS 350 DUCTILE IRON PIPE (D.I.P.), (NO EXCEPTIONS), AND SHALL BE RODED BACK TO TEE AS NECESSARY.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL AS-BUILT SURVEYS AS REQUIRED BY LOCAL AUTHORITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE FROM AUTHORITIES WHETHER AN AS-BUILT WILL BE REQUIRED AT COMPLETION OF INSTALLATION. ALL AS-BUILT SHALL BE PROVIDED BY A REGISTERED LAND SURVEYOR. LICENSED IN THE STATE OF NORTH CAROLINA. THE CONTRACTOR SHALL INSURE THAT ALL INFORMATION REQUIRED BY THE AUTHORITY IS INCLUDED ON THE AS-BUILT SURVEY DRAWING.

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PROPOSED ROAD IMPROVEMENTS ARE SHOWN AS CONCEPTUAL

PROPOSED LEFT TURN LANE WIDTH = 10'

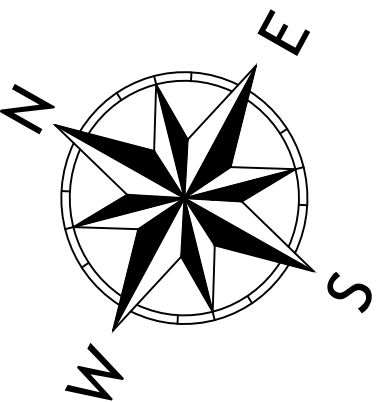
NCDOT STD 30" CONCRETE CURB & GUTTER

PROPOSED LANE WIDTHS = 11'

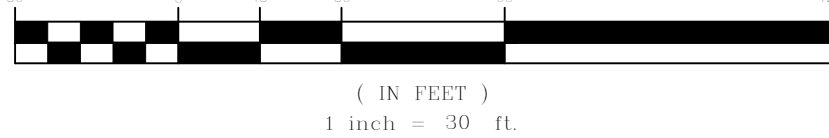
SPEED LIMIT 35

EXISTING TRAFFIC SIGNAL

NCDOT STD 30" CONCRETE CURB & GUTTER



GRAPHIC SCALE



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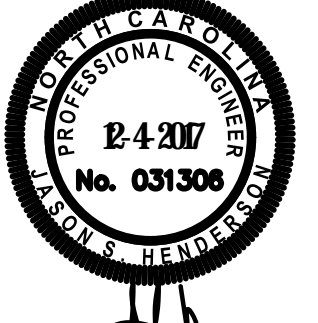
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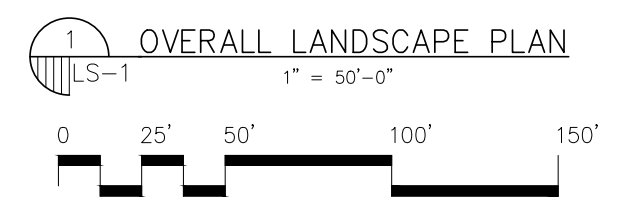
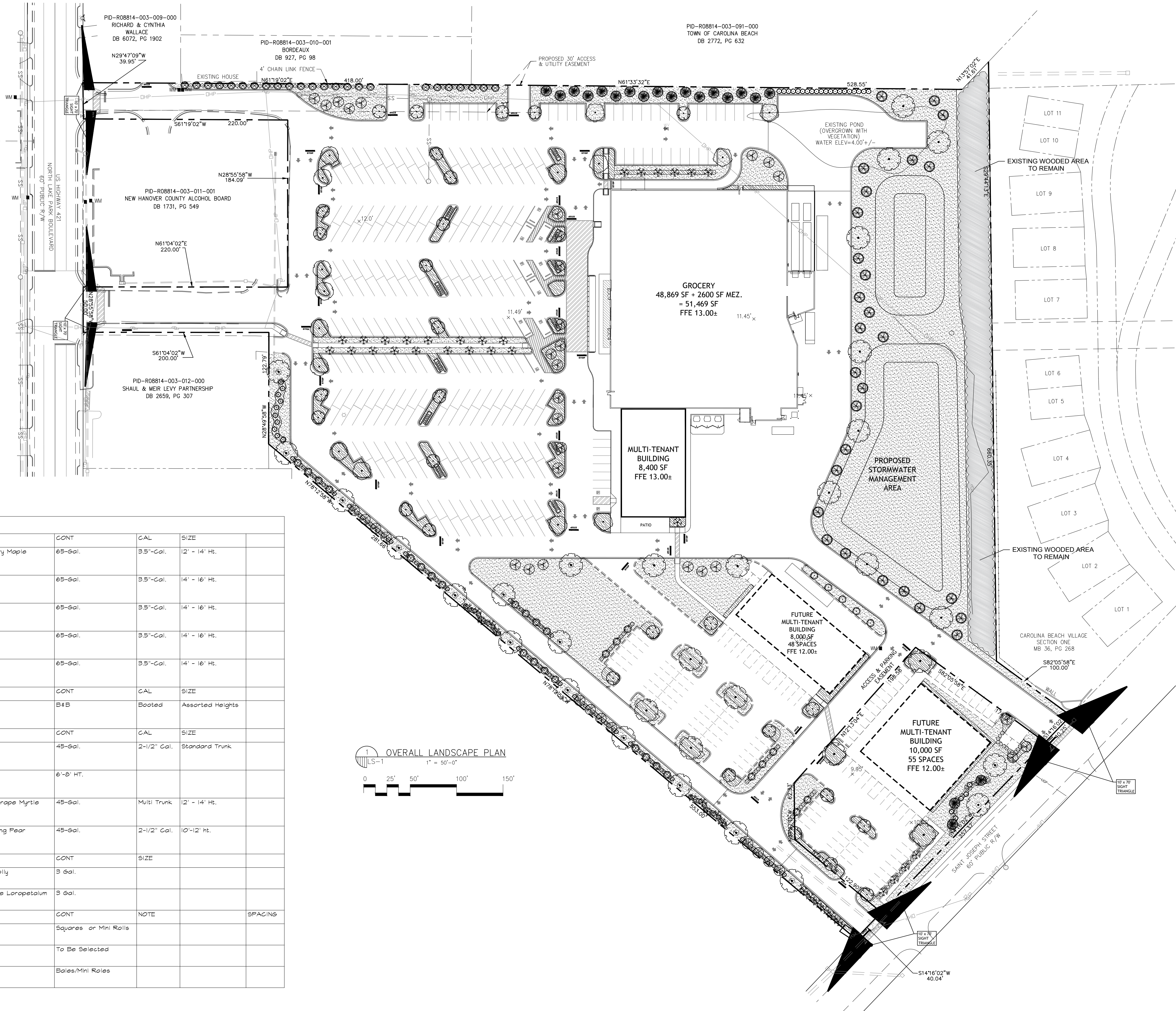
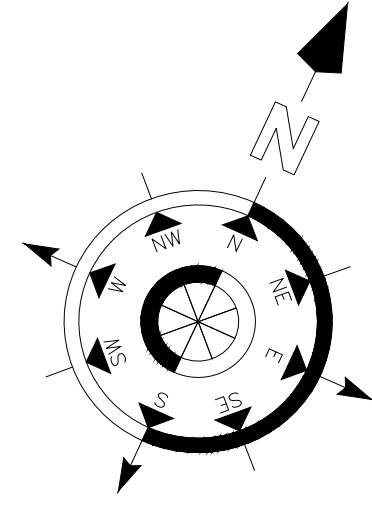


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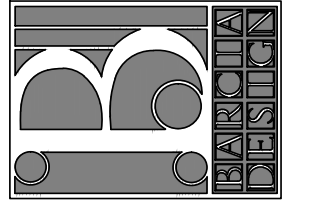
PROPOSED ROAD IMPROVEMENTS

R101



PLANT SCHEDULE						
CANOPY TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
	AG	5	Acer rubrum 'October Glory' TM / October Glory Maple	65-Gal.	3.5'-Gal.	12' - 14' HT.
	PT	30	Pinus taeda / Loblolly Pine	65-Gal.	3.5'-Gal.	4' - 16' HT.
	QP	10	Quercus palustris / Pin Oak	65-Gal.	3.5'-Gal.	14' - 16' HT.
	QR	34	Quercus rubra maxima / Eastern Red Oak	65-Gal.	3.5'-Gal.	14' - 16' HT.
	GL	20	x Cupressocyparis leylandii / Leyland Cypress	65-Gal.	3.5'-Gal.	14' - 16' HT.
PALM TREES						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	SS	44	Sabal palmetto / Cabbage Palmetto	B4B	Booted	Assorted Heights
UNDERSTORY TREE						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	IG	57	Ilex cassine / Dahoon Holly	45-Gal.	2-1/2' Gal.	Standard Trunk
	JS	35	Juniperus chinensis 'Spartan' / Spartan Juniper	6'-8" HT.		
	LM	40	Lagerstroemia indica 'Muskogee' / Muskogee Crape Myrtle	45-Gal.	Multi Trunk	12' - 14' HT.
	FB	24	Pyrus calleryana 'Bradford' / Bradford Flowering Pear	45-Gal.	2-1/2' Gal.	0'-12' HT.
SHRUBS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE		
	IB	236	Ilex cornuta 'Burfordii Nano' / Dwarf Burford Holly	3 Gal.		
	LS	51	Loropetalum chinense rubrum 'Suzanne' / Suzanne Loropetalum	3 Gal.		
GROUND COVERS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	NOTE	SPACING	
	GH	129,263 sf	Cynodon dactylon '414 Hybrid' / Bermuda Grass	Squares or Mini Rolls		
	LL	15,932 sf	Landscape Bed Area / Landscape Beds	To Be Selected		
	MP	3,661 sf	Mulch Area / Pine Stran Mulch	Bales/Mini Rolls		

ALPHONSE BARCIA III
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Federal Point Grocery Store
1018 North Lake Park Boulevard
Carolina Beach, NC
Sheet Title: Preliminary Landscape Plan

JOB No.:
SCALE: AS SHOWN
DRAWN BY: AB3
CHECKED BY: AB3

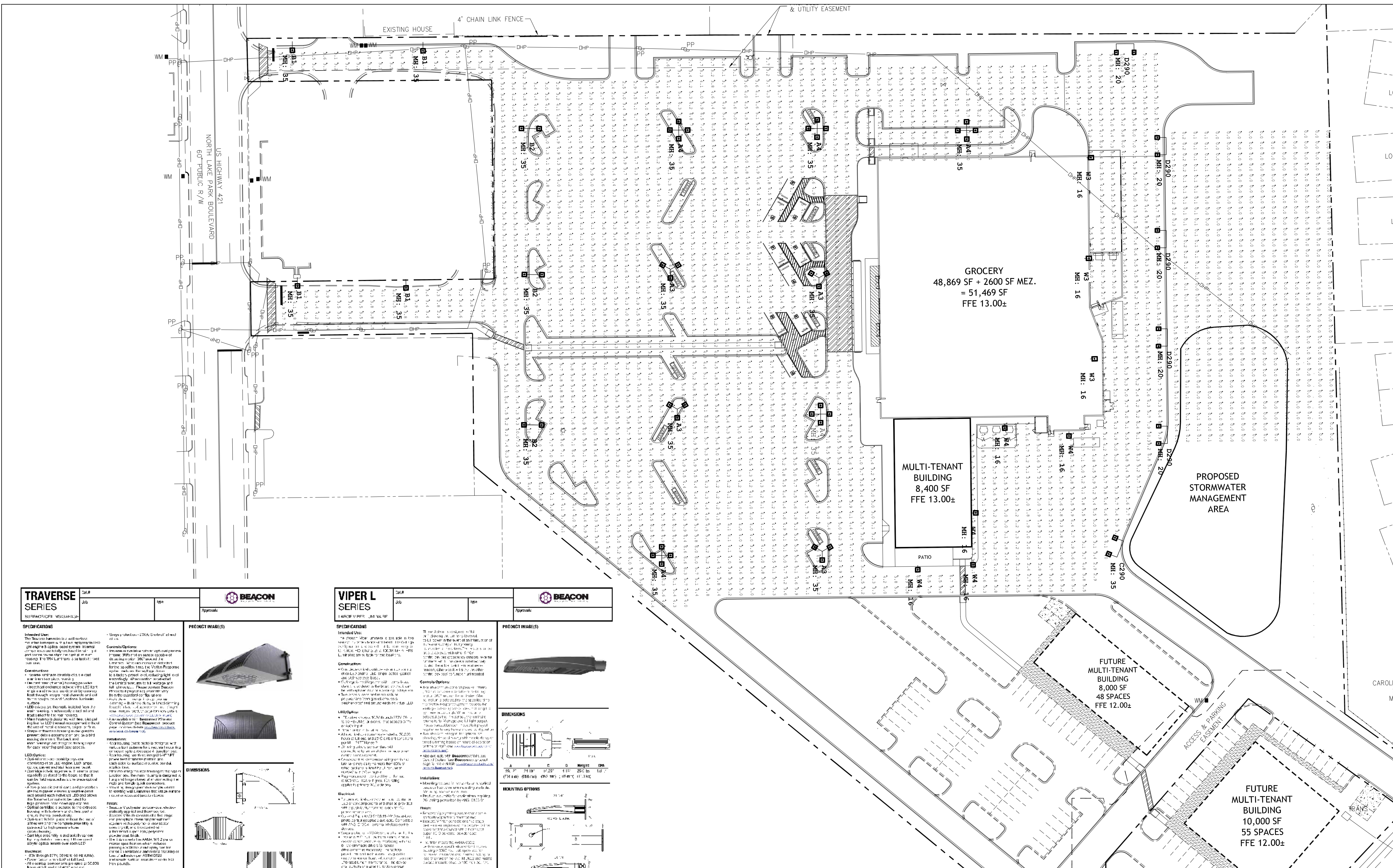
SHEET:

LS-1

1 OF 1

REV.
DATE: DECEMBER 4ND 2017

IF DRAWING IS NOT PRINTED 24" X 36" SCALE ACCORDINGLY



GROCERY
48,869 SF + 2,600 SF MEZ.
= 51,469 SF
FFE 13.00±

MULTI-TENANT BUILDING
8,400 SF
FFE 13.00±

PROPOSED STORMWATER
MANAGEMENT AREA

FUTURE MULTI-TENANT BUILDING
8,000 SF
48 SPACES
FFE 12.00±

FUTURE MULTI-TENANT BUILDING
10,000 SF
55 SPACES
FFE 12.00±

TRaverse SERIES

SPRINKLER SERIES

PRODUCT IMAGE(S)

BEACON

COMPARTMENTAL SERIES

VIPER L SERIES

PRODUCT IMAGE(S)

BEACON

COMPARTMENTAL SERIES

Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	LLF	Description
□	4	B1	P1-280-T3	SINGLE	0.900	VPL-96L-280-5K7-3
□	1	C290	P290-280-T4W	TWIN	0.900	VPL-96L-280-5K7-4W
□	5	A4	P4-280-T5W	4 @ 90 DEGREES	0.900	VPL-96L-280-5K7-5W
□	4	B2	P2-280-T3	BACK-BACK	0.900	VPL-96L-280-5K7-3
□	4	A3	P3-280-T5W	3 @ 120 DEGREES	0.900	VPL-96L-280-5K7-5W
□	5	D290	P2-136-T4	TWIN	0.900	VPS-60L-136-4K7-4-BLC
□	3	W3	W1-136-T3	SINGLE	0.900	TRV-60NB-136-4K-T3
□	5	W4	W1-136-T4	SINGLE	0.900	TRV-60NB-136-4K-T4

jared ducite · architect
600 South Barracks Street, Suite 2104
Pensacola, Florida 32502
850.439.1552 (p)
850.439.1554 (f)

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA AS SIGNED BY MY HAND AND SEAL.

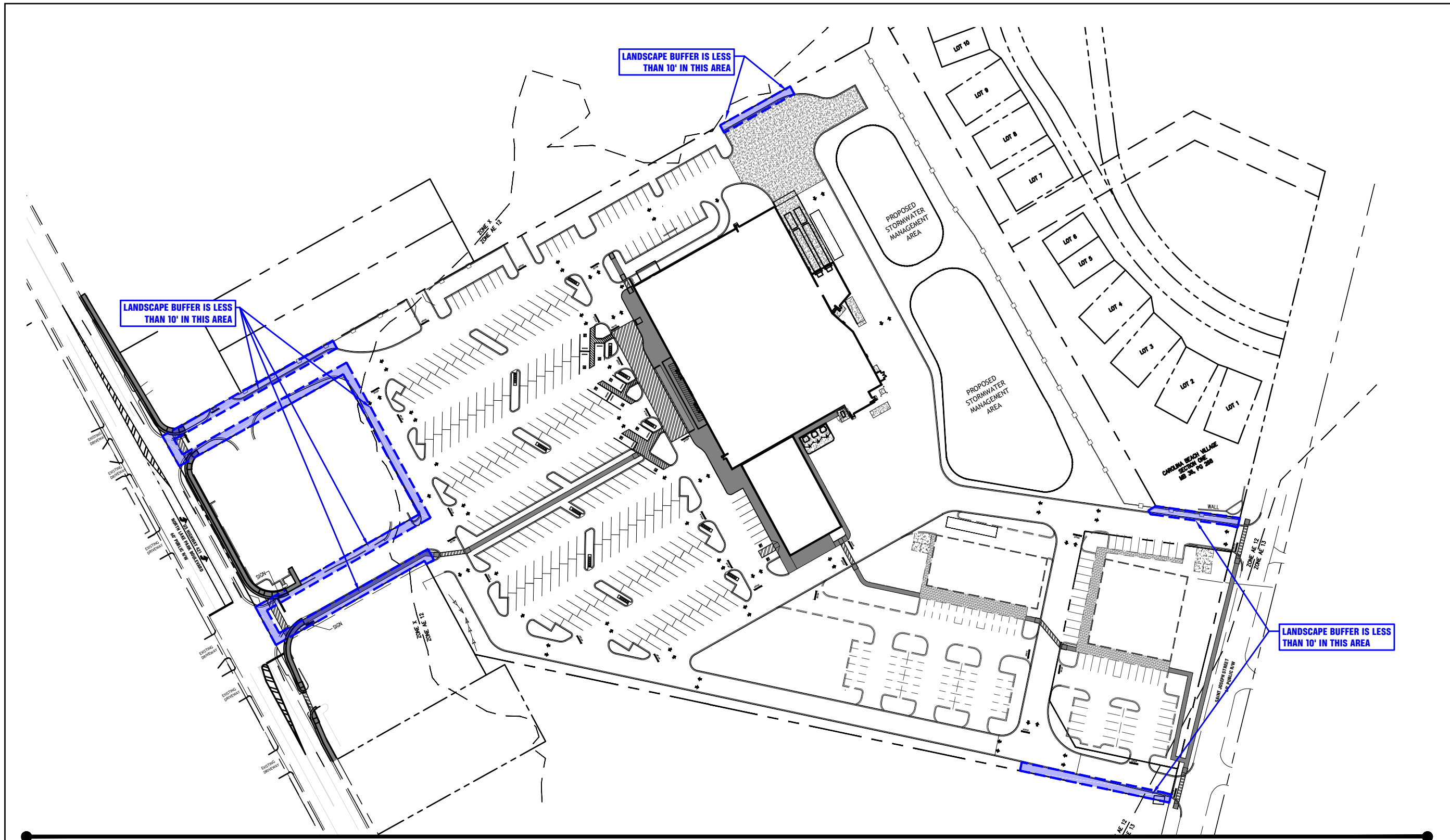
NO.	DATE	BY	REVISIONS

SITE LIGHTING PLAN
RFP-15-01282

PROPOSED GROCERY STORE
1018 NORTH LAKE PARK BOULEVARD
CAROLINA BEACH, NORTH CAROLINA

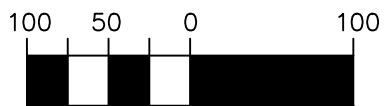
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DRAWN BY: JFD
DATE: 11/03/2017
REVIEWED: JFD

E1.01



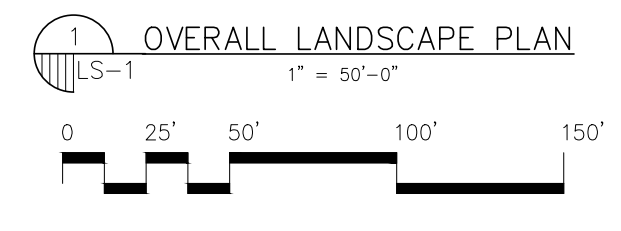
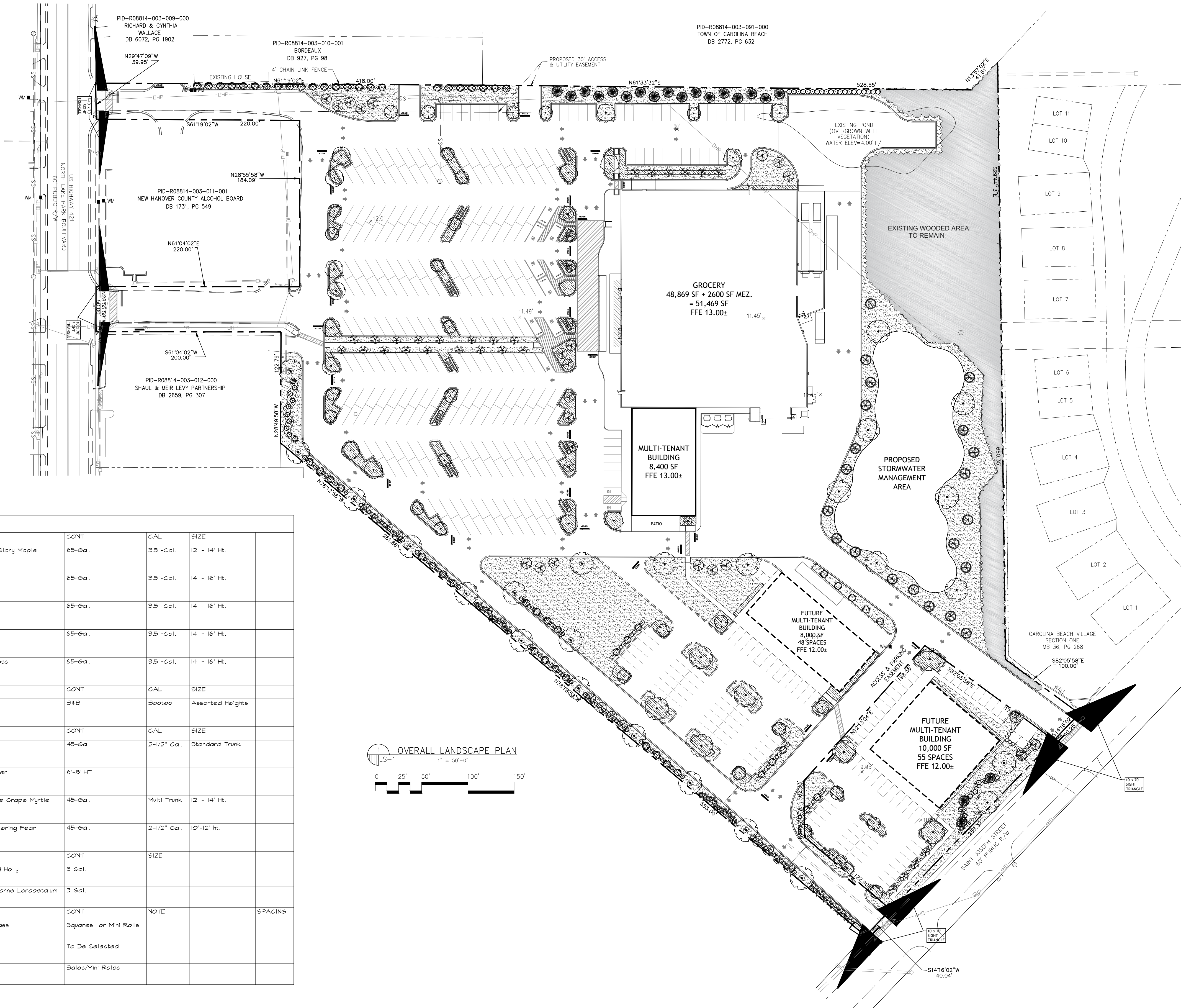
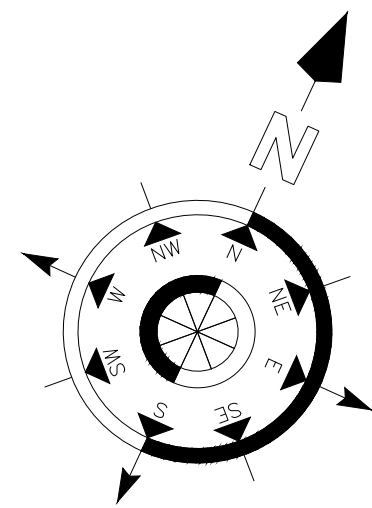

 Bluewater Civil Design, PLLC
 19 Washington Park, Suite 100
 Greenville, SC 29601
 www.bluewatercivil.com
 info@bluewatercivil.com

Date: 12/4/17



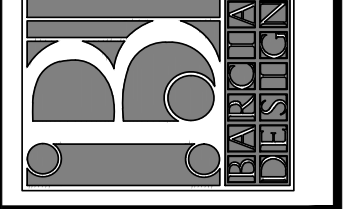
scale: 1" = 100'

Landscape Exhibit



PLANT SCHEDULE						
CANOPY TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
	AG	5	Acer rubrum 'October Glory' TM / October Glory Maple	65-Gal.	3.5"-Cal.	12' - 14' HT.
	PT	21	Pinus taeda / Loblolly Pine	65-Gal.	3.5"-Cal.	14' - 16' HT.
	QP	10	Quercus palustris / Pin Oak	65-Gal.	3.5"-Cal.	14' - 16' HT.
	QR	32	Quercus rubra maxima / Eastern Red Oak	65-Gal.	3.5"-Cal.	14' - 16' HT.
	CL	20	x Cupressocyparis leylandii / Leylandi Cypress	65-Gal.	3.5"-Cal.	14' - 16' HT.
PALM TREES						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	SB	44	Sabal palmetto / Cabbage Palmetto	54B	Booted	Assorted Heights
UNDERSTORY TREE						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	IC	57	Ilex cassine / Dahan Holly	45-Gal.	2-1/2" Cal.	Standard Trunk
	JS	35	Juniperus chinensis 'Spartan' / Spartan Juniper	6"-8" HT.		
	LM	40	Lagerstroemia indica 'Muskogee' / Muskogee Crape Myrtle	45-Gal.	Multi Trunk	12' - 14' HT.
	PB	24	Pyrus calleryana 'Bradford' / Bradford Flowering Pear	45-Gal.	2-1/2" Cal.	10'-12' ht.
SHRUBS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE		
	IB	236	Ilex cornuta 'Burfordii Nana' / Dwarf Burford Holly	3 Gal.		
	LS	51	Loropetalum chinense rubrum 'Suzanne' / Suzanne Loropetalum	3 Gal.		
GROUND COVERS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	NOTE	SPACINGS	
	GH	14675 sf	Cynodon dactylon '419 Hybrid' / Bermuda Grass	Squares or Mini Rolls		
	LL	15492 sf	Landscape Bed Area / Landscape Beds	To Be Selected		
	MP	3661 sf	Mulch Area / Pine Straw Mulch	Bates/Mini Rolls		

ALPHONSE BARCIA III
LANDSCAPE ARCHITECT LLC.
562 CLAYTON COURT
BARCLAYVILLE, NC 28511
(985) 960-0429



THIS DRAWING IS AN INSTRUMENT OF SERVICE, AND THE PROPERTY OF THE ARCHITECT AND MAY BE USED ONLY ON THE PROJECT NAMED HEREIN. THIS DRAWING SHALL NOT BE REPRODUCED, COPIED OR USED IN WHOLE OR PART WITHOUT WRITTEN PERMISSION OF THE ARCHITECT. ANY USE IS A VIOLATION OF FEDERAL AND STATE COPYRIGHT STATUTES.

Federal Point Grocery Store
1018 North Lake Park Boulevard
Carolina Beach, NC
Sheet Title: Preliminary Landscape Plan

JOB No.:
SCALE: AS SHOWN
DRAWN BY: AB3
CHECKED BY: AB3

SHEET:
LS-1

1 OF 1
REV.
DATE: DECEMBER 2ND 2017

IF DRAWING IS NOT PRINTED 24" X 36" SCALE ACCORDINGLY

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member



LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

ORDER GRANTING A CONDITIONAL USE PERMIT

Applicant: Carolina Beach Development Company 1 LLC
Location: 1018 N. Lake Park Blvd & 1001 Saint Joseph St.
Tax Parcel Number: 313006.48.6878.000 & 313007.58.1539.000

The Town Council of the Town of Carolina Beach, having held a public hearing on January 9, 2018 to consider approving a Conditional Use Permit for a Shopping Center and where sworn testimony was heard from the following persons: Senior Planner Jeremy Hardison, _____ . The following uncontested facts were presented:

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Traffic Improvements

A Traffic Impact Analysis (TIA) has been submitted to the Metropolitan Planning Organization's and the North Carolina Department of Transportation. Traffic improvements proposed to N. Lake Park Blvd. consist of acquiring additional right-of-way from the adjacent Wings, ABC store, a vacant lot across from the ABC store, and a portion of the Town's property where the stormwater pond is located to accommodate a left turning lane at the existing light. There will not be a right deceleration lane going into the site because of right-of-way constraints. The existing two access points off of N. Lake Park Blvd will remain, although DOT will likely require the second entrance north of the ABC store to be right in/right out. The two entrances off of Saint Joseph St will remain, although delivery trucks will be utilizing N. Lake Park Blvd. To lessen the congestion at the light staff recommends the applicant to discuss with Wings and Pleasure Island Plaza to close their driveways off of N. Lake Park Blvd that are in close proximity to the light. Wings will have access to the Federal Point site to the light and Pleasure Island Plaza has interconnectivity to Bame Hardware and two additional access off of N. Lake Park Blvd.

Sidewalks

There will be a new 5' sidewalk installed adjacent to N. Lake Park Blvd. along the Town's property, the vacant lot and at the Wings store. The existing 5' sidewalk adjacent to the ABC store will be relocated where the store's landscaping is to make room for the left turning lane. The sidewalk will connect through the site to provide pedestrian access to Saint Joseph St where a 5' sidewalk will be installed along the Federal Point Property.

Interconnectivity

There will be interconnectivity provided to three adjacent properties to the north 1) an existing vacant lot facing N. Lake Park Blvd, 2) a lot that consist of residential units that has no road frontage and 3) access to the Town's Ryder Lewis Park. Access to the south parcel where Harris Teeter was approved in April is not provided. Harris Teeter's plan was approved with three cross easement drives being provided for interconnectivity from both commercial sites. The access provided Harris Teeter with access to Saint Joseph St, access to the N. Lake Park Blvd. stop light, and the ability for their delivery truck to turnaround. Harris Teeter's lack of access to the Federal Point Property will result in a redesign of their site layout. Staff requested for the Federal Point site to provide interconnectivity consistent with the approved Harris Teeter plan, but the applicant stated that the direction of the grocery store tenant was to not provide access to the Harris Teeter property. In order to provide safe ingress and egress between commercial sites to lessen the congestion on a major corridor in a convenient and practical matter staff recommends providing interconnectivity or a stub out to the adjacent south property to connect to when it is developed.

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

Parking and loading spaces

Multiuse parking requirements:

- 5 spaces per 1,000 sq. ft.
- 77,869 sq. ft. = 390 required parking spaces,
- 403 spaces are provided.
- 4 loading zone spaces required
- 4 loading spaces provided

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

A Trash compactor will service the grocery store and dumpsters will service the multi-tenant space.

(4) Utilities, with reference to locations, availability, and compatibility;

Adequate upgrades and relocation of Water and Sewer services are proposed. Drainage will be captured on site through a stormwater pond detention system. Four fire hydrants will be provided in proximity to the site.

(5) Screening and buffering with reference to type, dimensions, and character;

The proposed plans provide the required Type B 10' setback buffer along the perimeter of the property, except along the entrances of Lake Park Blvd. and Saint Joseph St. A 30' buffer will be provided along the adjacent residential Carolina Beach Village neighborhood. Where residential properties are adjacent to the site a 6' fence will be provided.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

The existing Federal Point Signs will be removed. They plan on installing one freestanding sign along Lake Park Blvd.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	North Side	South Side
HB required	30'	20'	10'	10'

HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 10% and the proposed project exceeds the required setbacks.

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The use has served as a large commercial site for the past 33 years and will be developed as a similar use. The plan meets the ordinance and long range plans and policies.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the Landscaping requirements noted.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the area and will therefore not injure the value of adjoining properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Commercial 1 area includes a continued use as a highway business corridor. Transportation and traffic improvements are encouraged. Retail, and services are desired uses in the Commercial 1 area.

It is ordered that the application for the issuance of a Conditional Use Permit by Carolina Beach Development Company 1 LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Bluewater Civil Design, PLLC dated 12/4/17. The plan was stamped received by the Town of Carolina Beach on 12/5/17.
- 2) Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire. All plans will be reviewed to ensure building fire and town codes have been met.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
- 4) A Type B 10' landscaping buffer is required along the perimeter of the property. Landscaping variance is granted as depicted on the site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Sidewalk, curb and gutter required on N. Lake park Blvd and Saint Joseph St.
- 7) Recombination plat will be required before issuance of a building permit
- 8) The storm water system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning.
- 9) All permits and approval letters required by all Federal, State, and Local Agencies shall be submitted.
- 10) A plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
- 11) Infrastructure and site plan as-builts shall be provided/approved.
- 12) Bicycle Racks shall be provided and be designed with inverted U's as described in the 2011 Bicycle Multiuse Transportation Plan.
- 13) Provide interconnectivity to the adjacent north and south properties.
- 14) Work with Wings and Pleasure Island Center to close their driveway that is located next to the stop light if possible.
- 15) Grant a Town access and utility easement to the sewer and water mains and to Ryder Lewis Park.

Ordered this 9th day of January, 2018

Joe Benson, Mayor

Date

ATTEST:

Kimberlee Ward, Town Clerk

Date



**Conditional Use Permit
TOWN OF CAROLINA BEACH, N.C.**

Permit Number: 17-C07

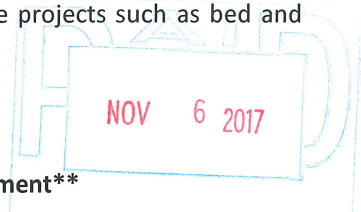
Each application must be printed or typewritten and have all information answered. It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete. The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

The Planning Department, Planning and Zoning Commission and/or Town Council reserves the right to require additional information if needed to assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and in accordance with the Code of Ordinances of the Town of Carolina Beach.

Major and minor projects; application fees. The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town's adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either "major" or "minor", depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as "major", while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as "minor".

**Major Conditional Use Permit = \$ 800.00
Minor Conditional Use Permit = \$ 350.00**

****Fees are nonrefundable after item has been sent for advertisement****



This petition will be scheduled for the next possible regular Planning and Zoning Commission meeting. The applicant or a representative should be present at the meeting to answer any questions the Commission may have. Planning and Zoning Commission meetings are held on the second (2nd) Thursday of each month at 6:30 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and advertisement are required by the General Statutes of North Carolina.

Project Name/Title: Grocery Store / Federal Point

Applicant Name: Carolina Beach Development Company 1, LLC

Applicant Mailing Address: 3920 Magazine Street, New Orleans, LA 70115
Street Address City State Zip

Applicant Phone Number: work: 504-866-7300 mobile (work/home) (circle one): _____

Applicant Email Address: gordo@ghkinc.com

Property Owner Name: Wilmington Holding Corporation

Property Owner
 Mailing Address: 1295 Northern Blvd. #17, Manhasset, NY 11030-3002
Street Address City State Zip

Address of Requested Site: 1018 North Lake Park Boulevard & 1001 Saint Joseph St

Current Land Use: 529-regional retail Requested Land Use: grocery/retail

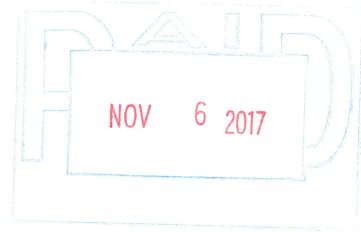
Tax Parcel Number: R08814-003-011-000 (Book: 1242, Page: 1048)

Acreage &/or square footage: 11.99 acres + 1 acre Existing Zone: HB

Owner Signature: Thomas Nuzio, Vice President Date: 11/2/17

Wilmington Holding Corp.

Owner Printed Name: By: THOMAS NUZIO, V.P.



Check the box beside each item verifying that the item has been submitted with this application

Written Application

All zoning permits and/or site plans submitted for review and approval shall be accompanied by a written application containing the following information:

Yes No N/A

- The applicant's, mailing address, phone number, and email address.
- The property owner's name, address and phone number if different than the applicant.
- The *developer's* name, address, and phone number, if different than the applicant.
- If the applicant is different than the property owner of record, a signed statement that the applicant is officially acting on the owner's behalf.
- The address and parcel identification number of the property.
- Proof of *lot* recordation (i.e. map book & pg #; *lot* and block #; and/or deed book and page#).

Site Plan/Drawings

The following site plans shall always be certified and stamped by a licensed professional. It is recommended that all site plans be certified by a licensed professional duly registered by the State of North Carolina (i.e. engineer, architect, or land surveyor).

Yes No N/A

- Conditional Use Permits*
- New commercial or industrial development*
- Change to a more intense use (i.e. increase in occupancy) for Multi family/Commercial uses*
- New residential development with three or more units*

Site Plan Criteria

All site plans shall include the following:

Yes No N/A


- The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- Engineers scale 1 inch = 40 ft or larger
- Title block or brief description of project including all proposed uses
- Date
- North arrow
- Property and zoning boundaries
- The square footage of the site
- Lot coverage* (buildings, decks, steps)
- Location of all existing and proposed *structures* and the setbacks from property lines of all affected *structures* to remain on-site
- Design of driveways and parking
- Adjacent right-of-ways labeled with the street name and right of way width
- Location of all existing and/or proposed easements

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

- | <u>Yes</u> | <u>No</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed <i>utilities</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all <i>buildings</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of <i>stories</i> and height of all <i>structures</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two foot contour intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of <i>open space</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Building</i> construction and occupancy type(s) per the building code |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all <i>signs</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated |

- I have provided a scaled electronic version of each required drawing
- I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

I have checked off each of the above boxes and attest that the required information noted on this application checklist is submitted for my project. I understand that if my application is incomplete, that my project may be delayed by one month unless I am able to retrieve the missing portion(s) by the submission deadline.

	11 / 21 / 17
Applicant Signature Gordon Kolb, Jr.	Date

SITE DEVELOPMENT PLANS FOR: FEDERAL POINT GROCERY STORE

1018 North Lake Park Boulevard
Carolina Beach, NC 28428



Project Number: 2017-108
 DWG Name: 2017-108 Details.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina REG 2206
 Georgia REG 02071
 North Carolina REG 01106
 Alabama REG 10206
 Virginia REG 06003338
bluewater
 civil design
 bluewater civil design, llc
 19 Washington Park, Suite 100 • Greenville, SC 29601
 www.bluewatercivil.com • info@bluewatercivil.com
 Certificates of Authorization:
 SC C04212 - GA PE0005800
 NC P0868 - AL CA4005E

FEDERAL POINT
 GROCERY STORE
 1018 North Lake Park Boulevard
 Carolina Beach, NC

LOCATION MAP

SITE CONTACTS

PLANNING/ PERMIT COORDINATOR

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

LANDSCAPING

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

FIRE DISTRICT

AGENCY: Town of Carolina Beach Public Utilities
 ADDRESS: 9 South Dow Road
 Carolina Beach, NC 28428
 PHONE: 910-458-2985
 CONTACT: Alan Griffin
 EMAIL: alan.griffin@carolinabeach.org

STORMWATER

AGENCY: Town of Carolina Beach Planning & Development
 ADDRESS: 1121 North Lake Park Blvd.
 Carolina Beach, NC 28428
 PHONE: 910-458-2991
 CONTACT: Jeremy Hardison
 EMAIL: jeremy.hardison@carolinabeach.org

TRAFFIC ENGINEERING

AGENCY: City of Wilmington/Wilmington MPO
 ADDRESS: 305 Chestnut Street, 4th Floor
 Wilmington, NC 28402-1810
 PHONE: 910-341-4677
 CONTACT: Dave Brent
 EMAIL: dave.brent@wilmingtonnc.gov

SHEET INDEX

DESCRIPTION	DWG. NO.
CIVIL TITLE SHEET	C001
EXISTING CONDITIONS	C002
OVERALL SITE PLAN	C101
SITE PLAN	C102
SITE DETAILS	C103
GRADING AND DRAINAGE PLAN	C201
OVERALL UTILITY PLAN	C301
ROAD IMPROVEMENT PLAN	R101
LANDSCAPE PLAN	LS-1
SITE LIGHTING PLAN	E101

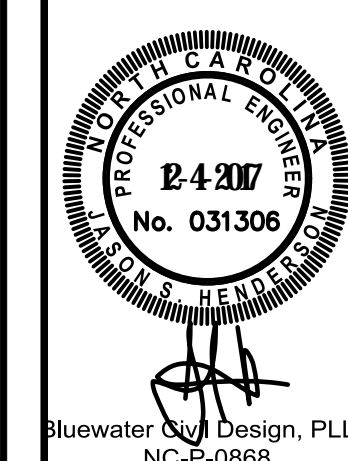
*BOUNDARY & TOPOGRAPHIC SURVEY (BY ROBERT SESSOMS & ASSOCIATES, PLLC)

DEVELOPER
 COMPANY: Carolina Beach Company Development 1, LLC
 ADDRESS: 3920 Magazine Street
 New Orleans, LA 70115
 PHONE: 504-866-7300
 CONTACT: Gordo Kolb
 EMAIL: gordo@ghkinc.com

CIVIL ENGINEER
 COMPANY: Bluewater Civil Design, PLLC
 ADDRESS: 19 Washington Park - Suite 100
 Greenville, SC 29601
 PHONE: 864-326-4204
 CONTACT: Jason S. Henderson, P.E.
 EMAIL: jason@bluewatercivil.com

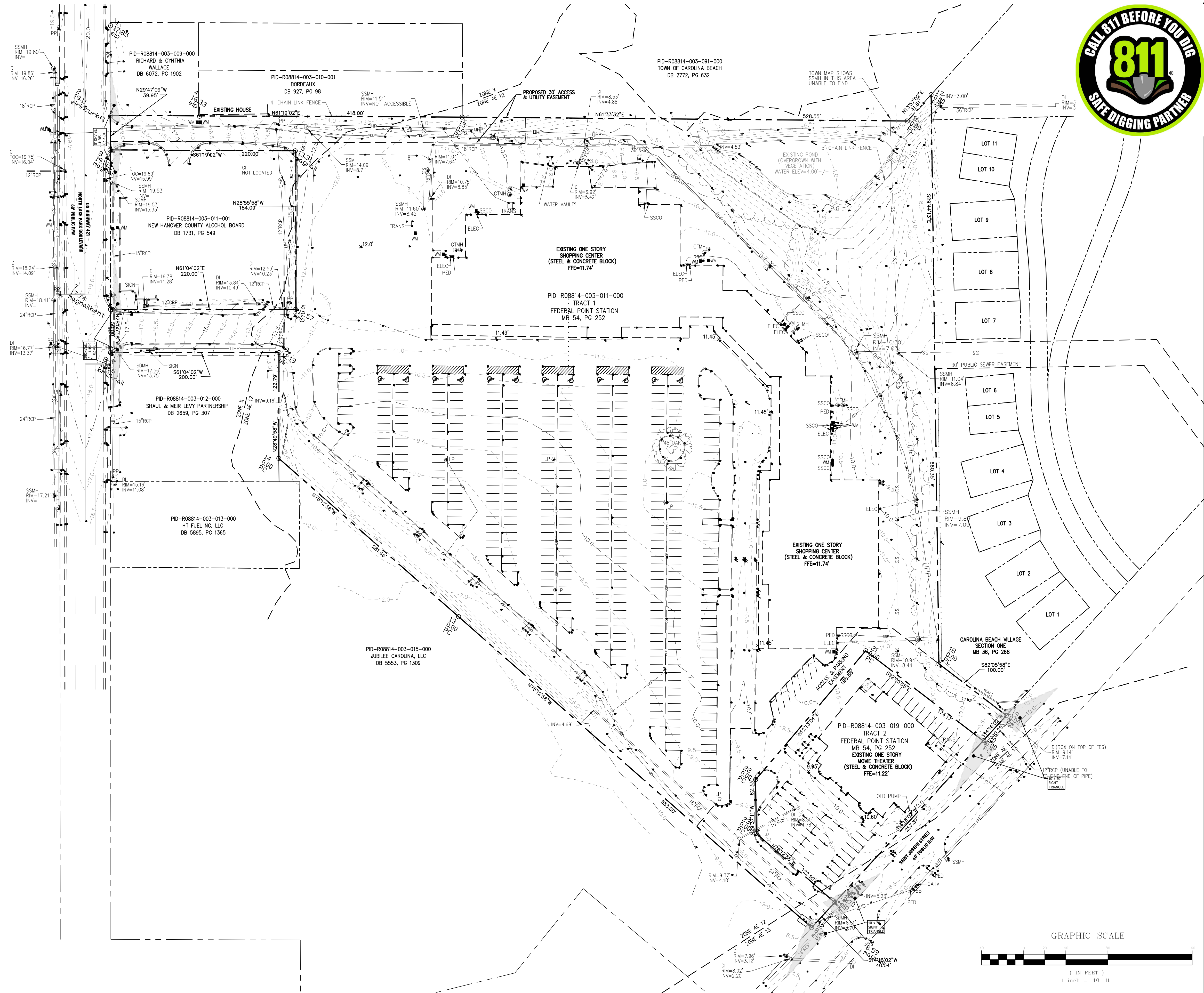
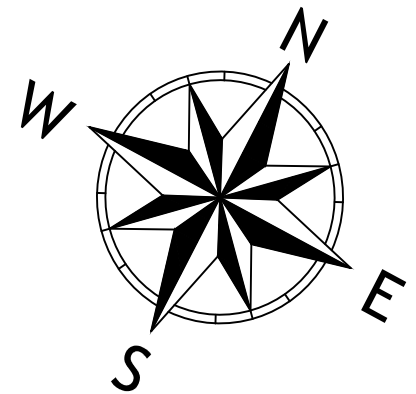
SURVEYOR
 COMPANY: Robert Sessoms & Associates, PLLC
 ADDRESS: 4033 Chandler Drive
 Wilmington, NC 28412
 PHONE: 910-352-8846
 CONTACT: Robert Sessoms
 EMAIL: rsessoms@rsslurveying.com

ARCHITECT
 COMPANY: Jared Ducote Architect
 ADDRESS: 600 South Barracks Street, Suite 210-6
 Pensacola, FL 32502
 PHONE: 850-439-1552
 CONTACT: Jared Ducote
 EMAIL: jared@tbsarch.com



PLAN REVISION	DATE	ISSUE	REASON
A	10-27-2017	ISSUED FOR PERMIT	
B	11-9-2017	ISSUED FOR C.I.P. REVIEW - ACT FOR CONSTRUCTION	
C	12-4-2017	REVISED FOR C.I.P. COMMENTS, NTC	

TITLE SHEET
C001

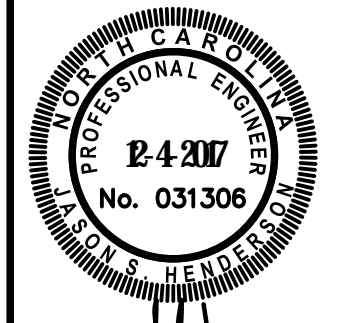


Project Number: 2017-108
 DWG Name: 2017-108 D1.dwg
 Drawing Scale: AS NOTED
 Date of Project: 10-2017
 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina Reg. No. 2246
 Georgia Reg. No. 20511
 North Carolina Reg. No. 21136
 Virginia Reg. No. 2088
 Virginia Reg. No. 64003138

bluewater
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 www.bluewatercivil.com • info@bluewatercivil.com

Certificates of Authorization:
 SC C04212 - GA PEFD05000
 NC P0868 - AL CA4065E

**FEDERAL POINT
 GROCERY STORE**
 1018 North Lake Park Boulevard
 Carolina Beach, NC

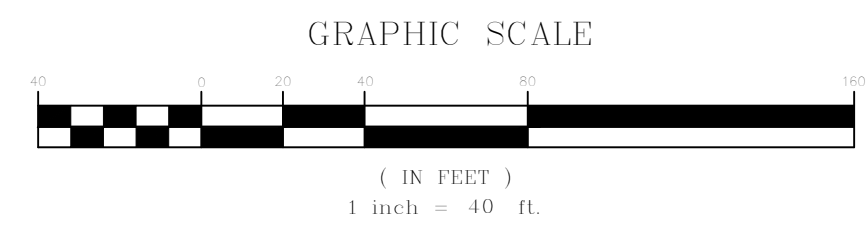


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 NC-P-0868

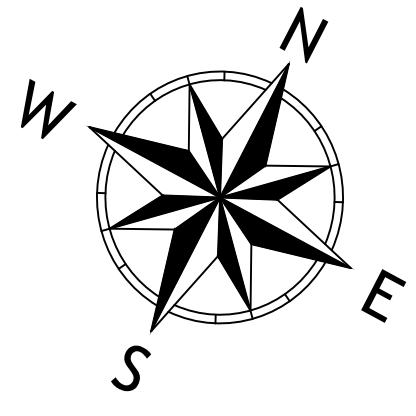
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EXISTING CONDITIONS

C002



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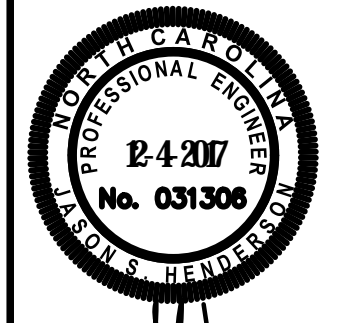


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 Jason Henderson, P.E.
 South Carolina REG 2246
 Georgia REG 02511
 North Carolina REG 03196
 Alabama REG 12088
 Virginia REG 940003118

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Certificates of Authorization:
 SC C04212 - CA PROFESSIONAL
 NC P0868 - AL CA4056

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 1018 North Lake Park Boulevard
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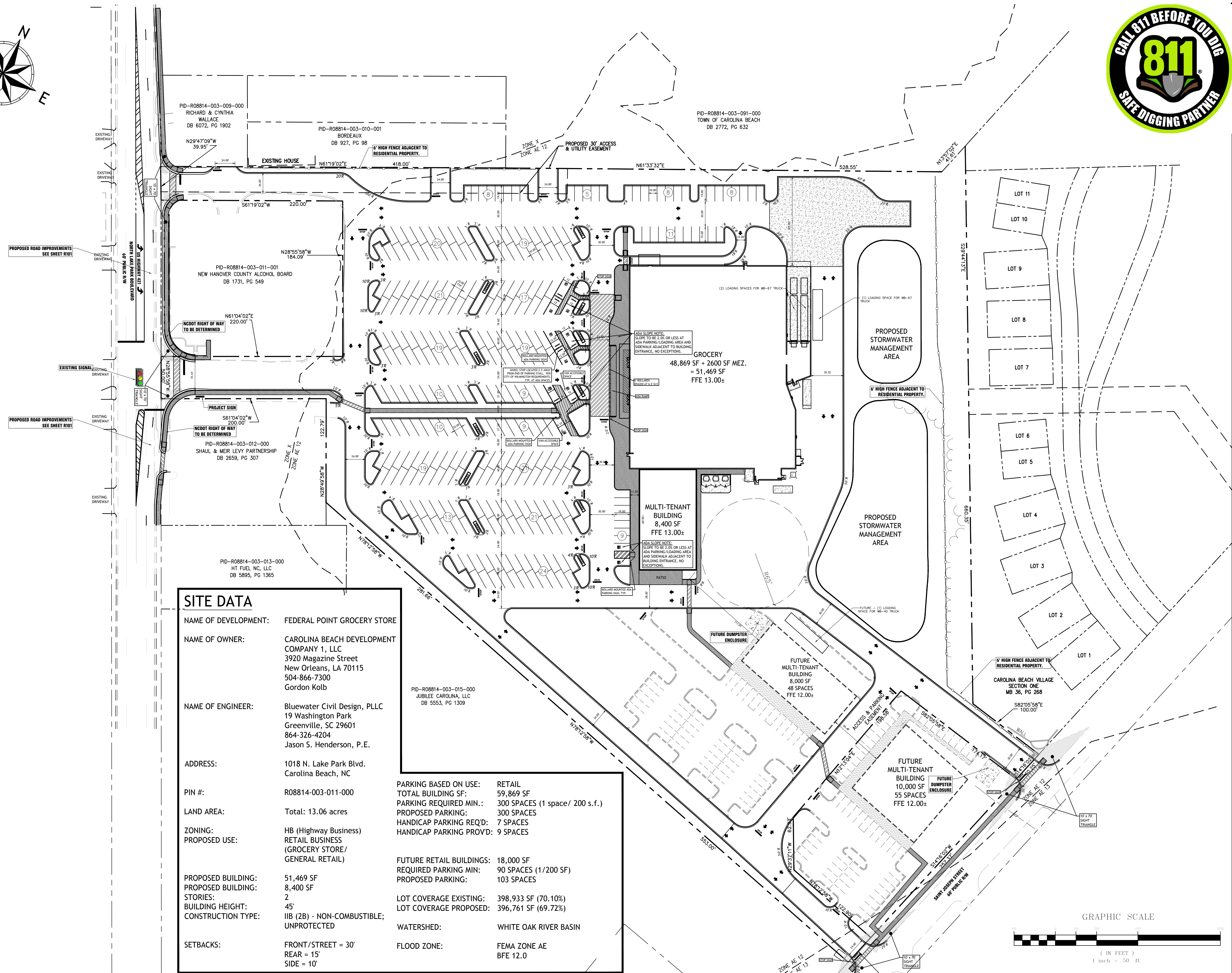


Bluewater Civil Design, PLLC
 NC-P-0868

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OVERALL SITE PLAN

C101



SITE DATA

NAME OF DEVELOPMENT: FEDERAL POINT GROCERY STORE
 NAME OF OWNER: CAROLINA BEACH DEVELOPMENT COMPANY 1, LLC
 3920 Magazine Street
 New Orleans, LA 70115
 504-866-7300
 Gordon Kolb

NAME OF ENGINEER: Bluewater Civil Design, PLLC
 19 Washington Park
 Greenville, SC 29601
 864-326-4204
 Jason S. Henderson, P.E.

ADDRESS: 1018 N. Lake Park Blvd.
 Carolina Beach, NC

PIN #: R08814-003-011-000

LAND AREA: Total: 13.06 acres

ZONING: HB (Highway Business)
 PROPOSED USE: RETAIL BUSINESS (GROCERY STORE/ GENERAL RETAIL)

PROPOSED BUILDING: 51,469 SF
 8,400 SF
 STORIES: 2
 BUILDING HEIGHT: 45'
 CONSTRUCTION TYPE: IIB (2B) - NON-COMBUSTIBLE; UNPROTECTED

SETBACKS: FRONT/STREET = 30'
 REAR = 15'
 SIDE = 10'

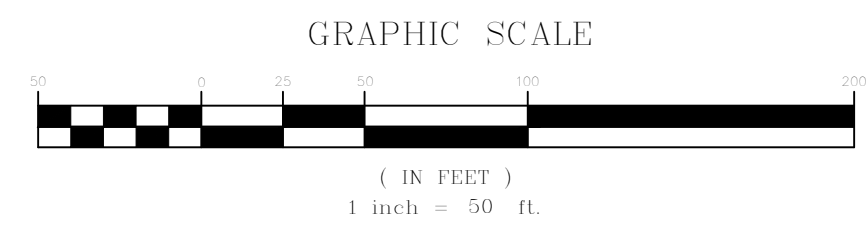
PARKING BASED ON USE: RETAIL
 TOTAL BUILDING SF: 59,869 SF
 PARKING REQUIRED MIN.: 300 SPACES (1 space/ 200 s.f.)
 PROPOSED PARKING: 300 SPACES
 HANDICAP PARKING REQD: 7 SPACES
 HANDICAP PARKING PROVIDED: 9 SPACES

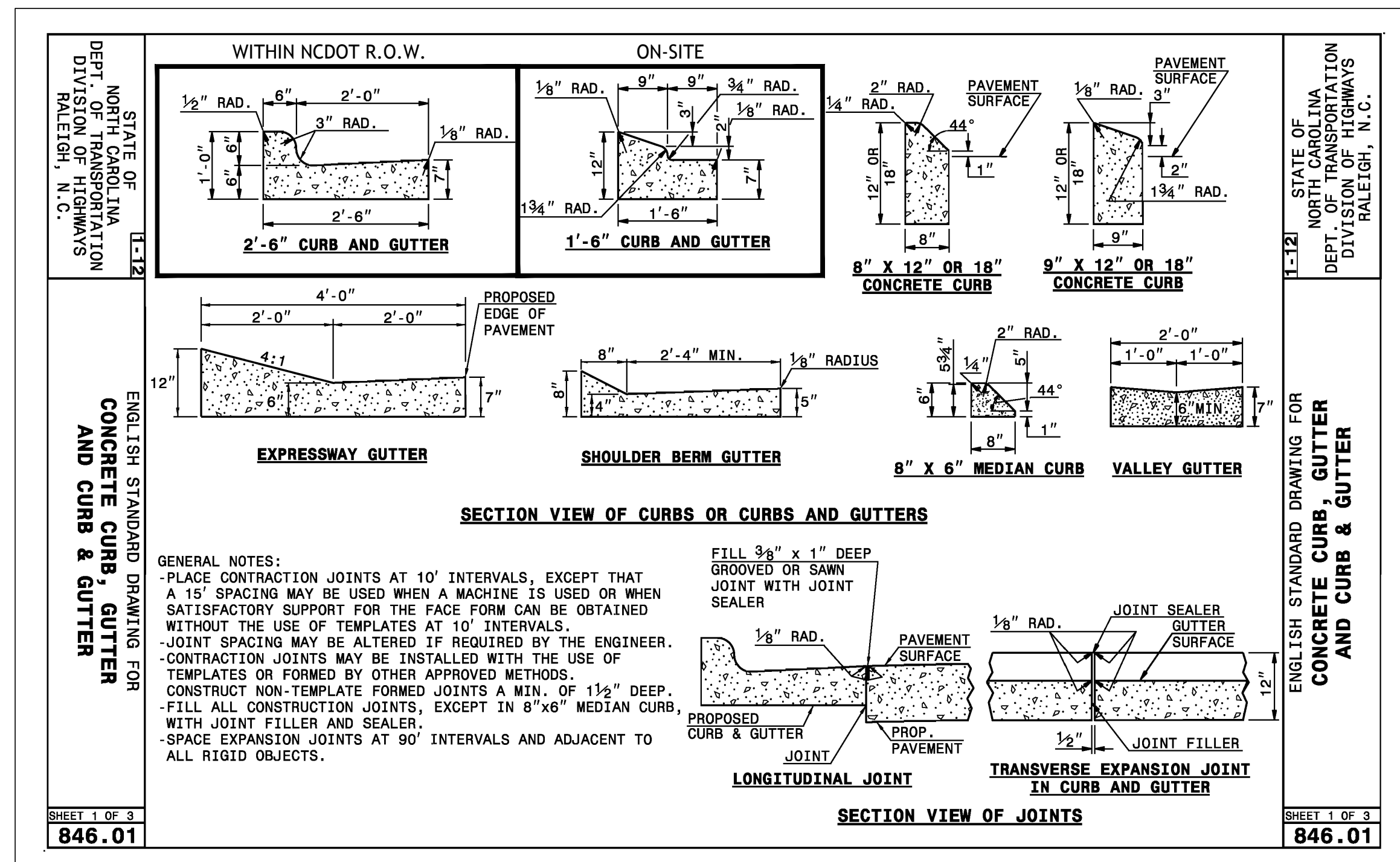
FUTURE RETAIL BUILDINGS: 18,000 SF
 REQUIRED PARKING MIN.: 90 SPACES (1/200 SF)
 PROPOSED PARKING: 103 SPACES

LOT COVERAGE EXISTING: 398,933 SF (70.10%)
 LOT COVERAGE PROPOSED: 396,761 SF (69.72%)

WATERSHED: WHITE OAK RIVER BASIN
 FLOOD ZONE: FEMA ZONE AE
 BFE 12.0

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STATE OF NORTH CAROLINA
DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
RALEIGH, N.C.

ENGLISH STANDARD DRAWING FOR
**CONCRETE CURB, GUTTER
AND CURB & GUTTER**

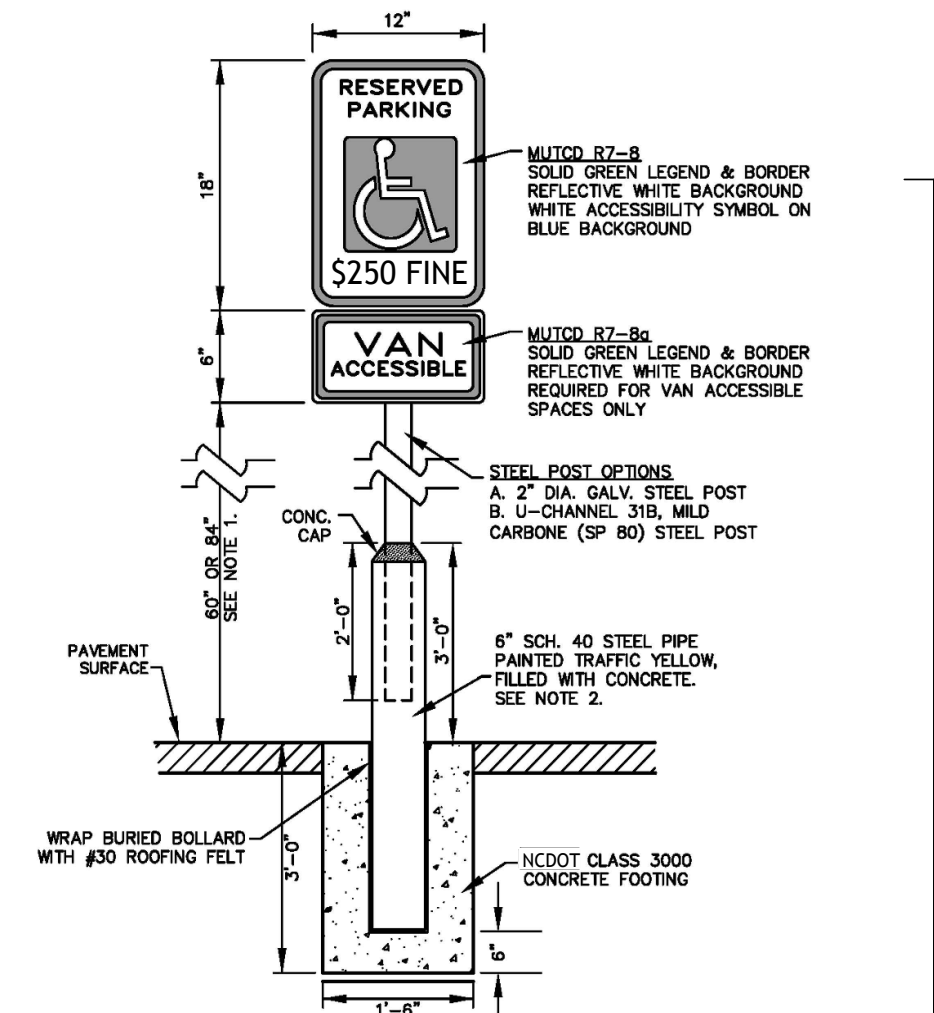
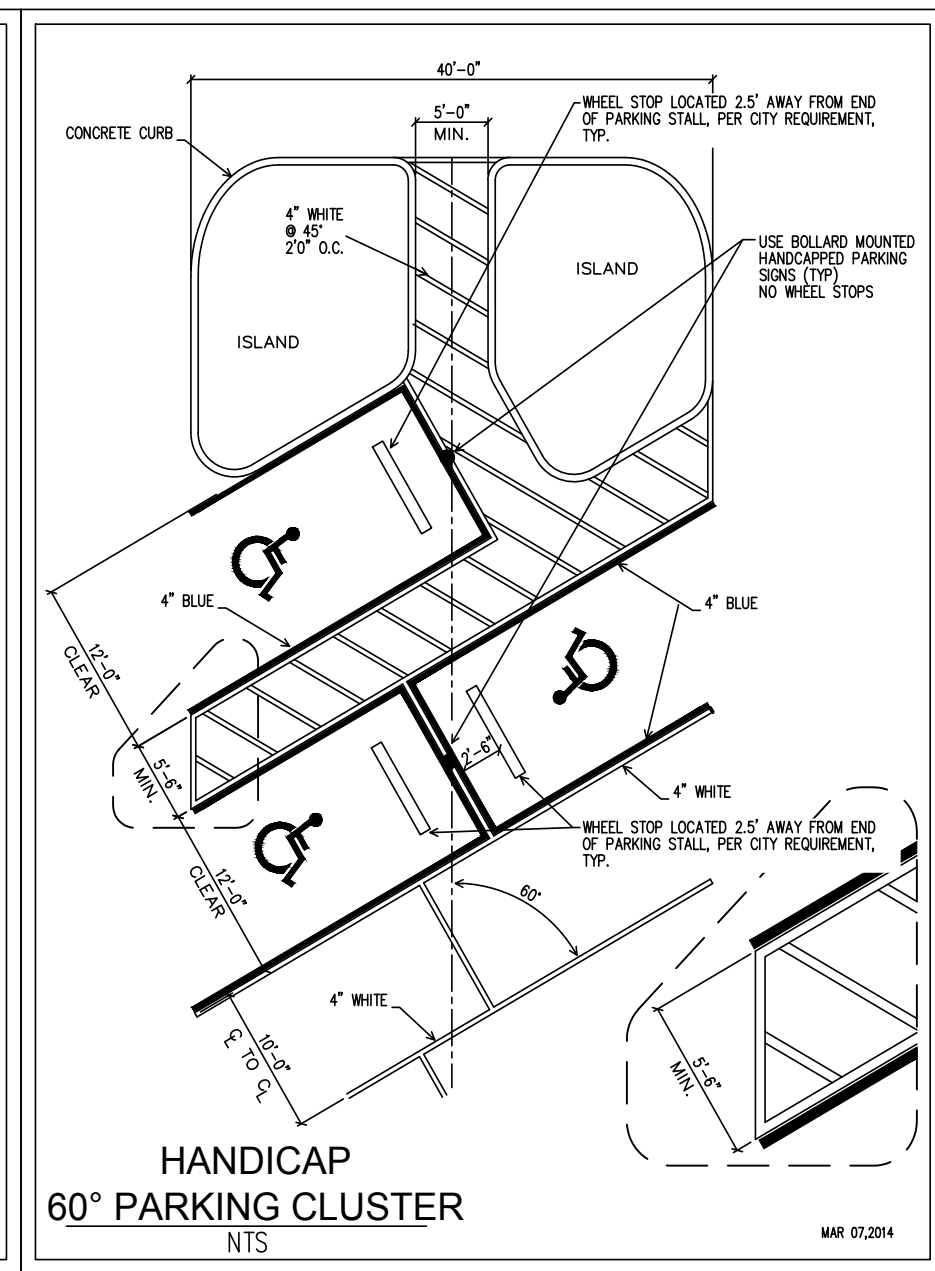
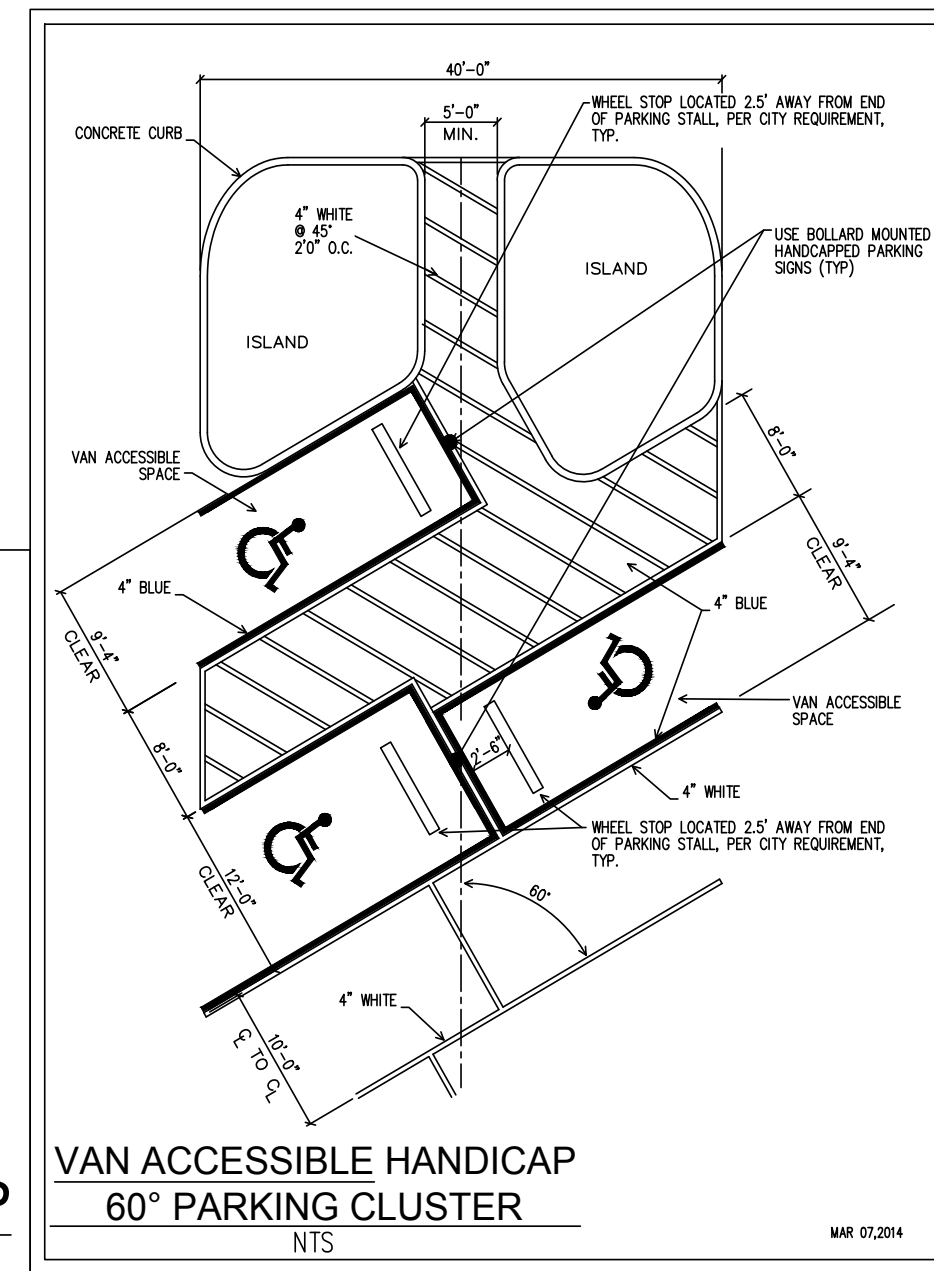
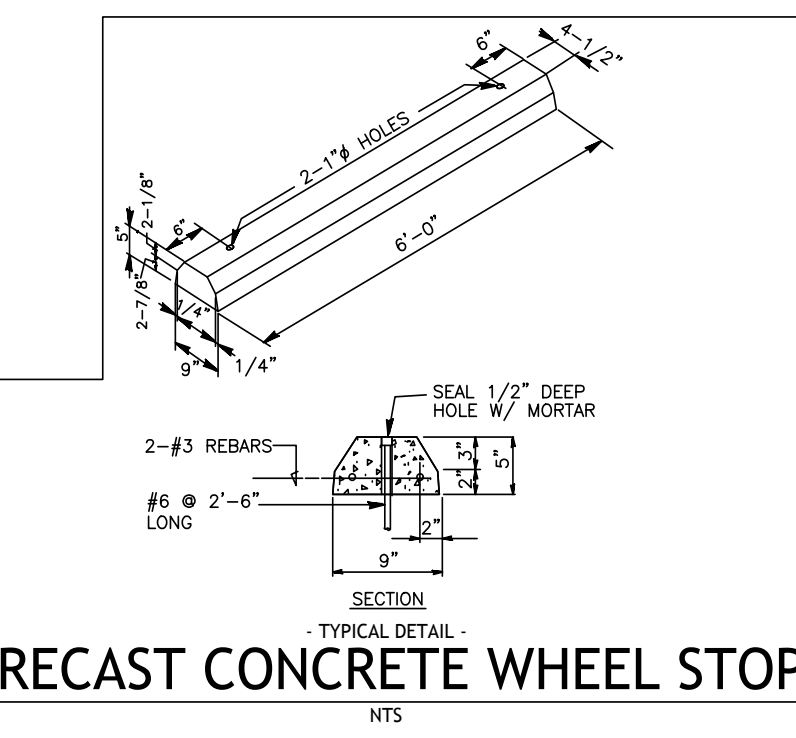
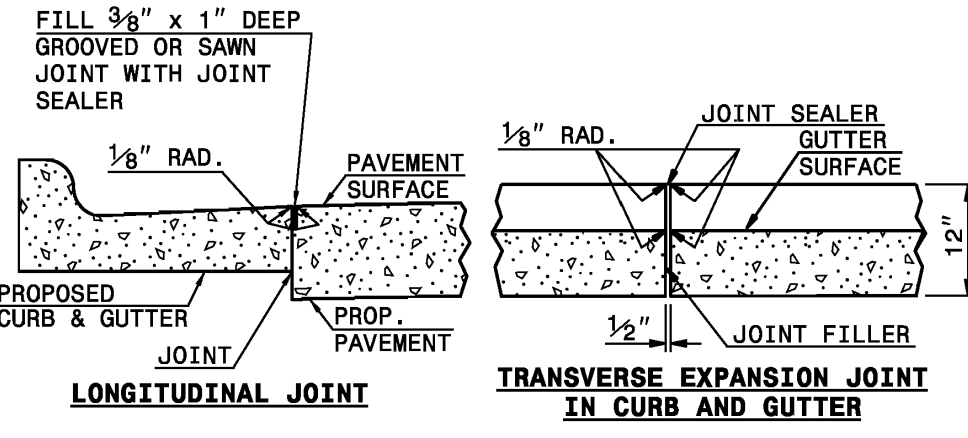
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846.01

STATE OF NORTH CAROLINA
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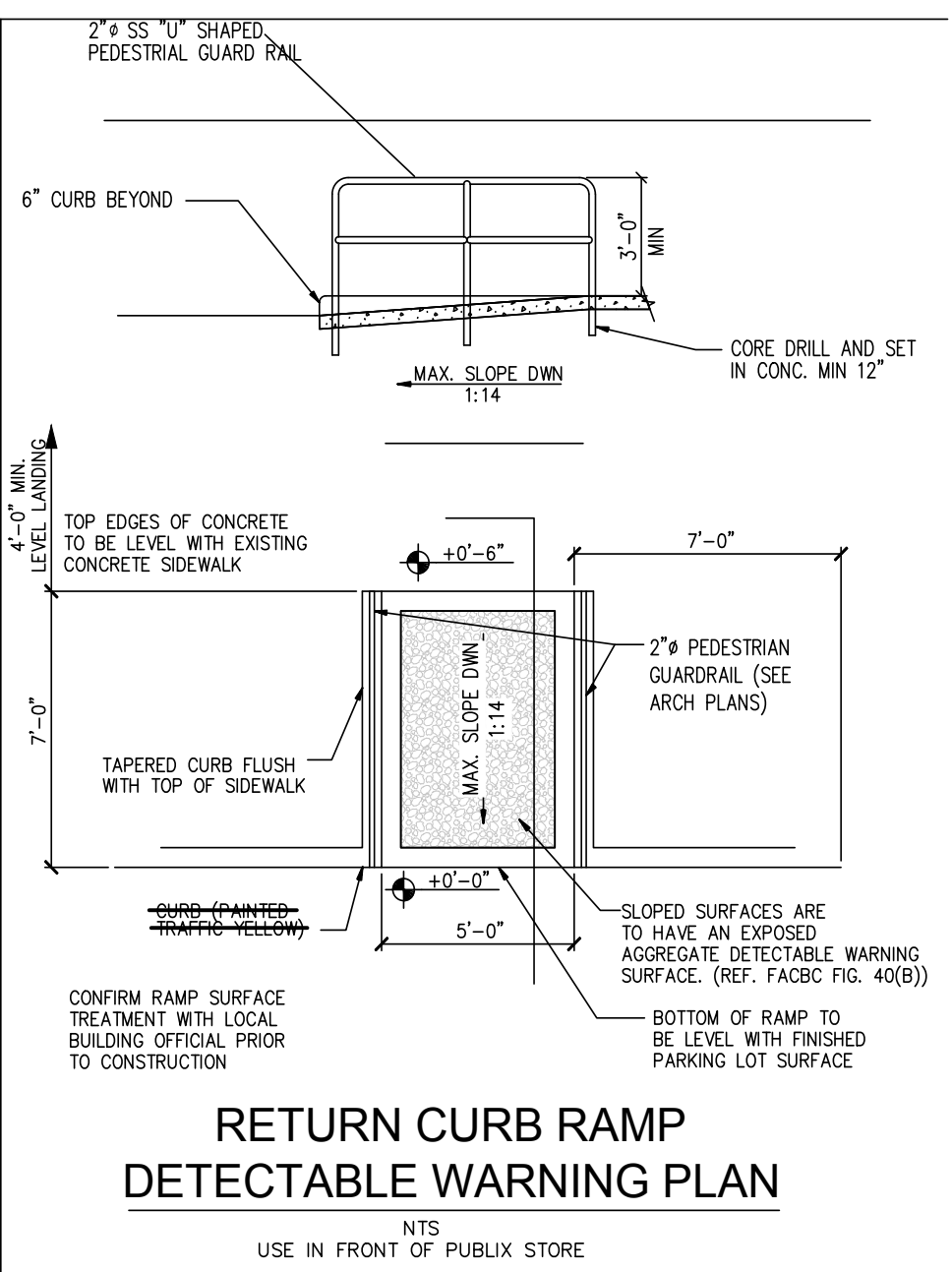
ENGLISH STANDARD DRAWING FOR
**CONCRETE CURB, GUTTER
AND CURB & GUTTER**

SHEET 1 OF 3
846.01

GENERAL NOTES:
-PLACE CONTRACTION JOINTS AT 10' INTERVALS, EXCEPT THAT A 15' SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10' INTERVALS.
-JOINT SPACING MAY BE ALTERED IF REQUIRED BY THE ENGINEER.
-CONTRACTION JOINTS MAY BE INSTALLED WITH THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS.
-CONSTRUCT NON-TEMPLATE FORMED JOINTS A MIN. OF 1 1/2" DEEP.
-FILL ALL CONSTRUCTION JOINTS, EXCEPT IN 8"x6" MEDIAN CURB, WITH JOINT FILLER AND SEALER.
-SPACE EXPANSION JOINTS AT 90' INTERVALS AND ADJACENT TO ALL RIGID OBJECTS.



NOTE:
1. 12" x 18" ACCESSIBILITY SIGN (807-B) SHALL BE MOUNTED 7' FROM FINISH GRADE TO BOTTOM EDGE OF SIGN FACE. MOUNTING POST SHALL BE GIVEN A MINIMUM OF 3' BELOW FINISH GRADE. ALTERNATE MOUNTING POSTS MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION.
2. BOLLARD MAY BE OMITTED IF INSTALLED IN LANDSCAPE AREAS. WHEN INSTALLED IN LANDSCAPE AREAS, MOUNTING POST SHALL BE GIVEN A MINIMUM OF 3' BELOW FINISH GRADE. ALTERNATE MOUNTING POSTS MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION.
3. SIGNAGE SHALL BE INSTALLED IN FRONT OF EACH ACCESSIBLE SPACE, CENTERED ON THE WIDTH OF THE SPACE.
4. REFER TO AMERICANS WITH DISABILITIES ACT AND ARCHITECTURAL BARRIERS ACT ACCESSIBILITY GUIDELINES (ADAAG), LATEST EDITION, FOR REQUIRED NUMBER OF ACCESSIBLE SPACES. PER ADAAG, ONE VAN ACCESSIBLE SPACE SHALL BE PROVIDED, MINIMUM, WITH ADDITIONAL VAN ACCESSIBLE SPACES PER ADAAG REQUIREMENTS.
5. ALL SIGNAGE SHALL BE ENGINEER GRADE, ORB ALUMINUM REFLECTIVE SIGN MEETING THE REQUIREMENTS OF THE MUTCD AND ADAAG.

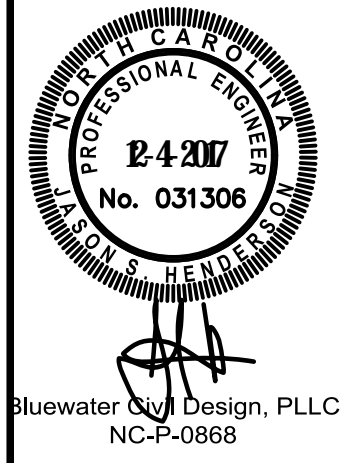


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South Carolina Reg. 2246
Georgia Reg. 02511
North Carolina Reg. 01396
Alabama Reg. 02588
Virginia Reg. 64000318

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Certificate of Authorization:
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NC P0868 - AL CA4055E

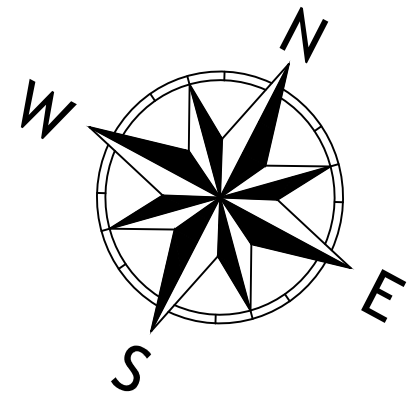
**FEDERAL POINT
GROCERY STORE**
1018 North Lake Park Boulevard
Carolina Beach, NC



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NC-P-0868

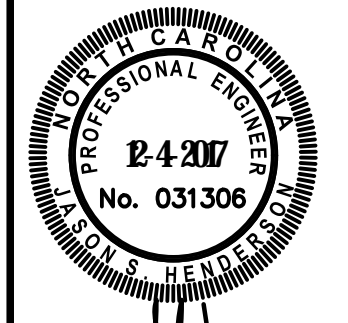
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SITE DETAILS
C103



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 DWG Name: 2017-108 D1.dwg
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 Engineer of Record:
 Jason Henderson, P.E.
 South Carolina Reg. 2246
 Georgia Reg. 02511
 North Carolina Reg. 01390
 Virginia Reg. 2088
 Virginia Reg. 640003118
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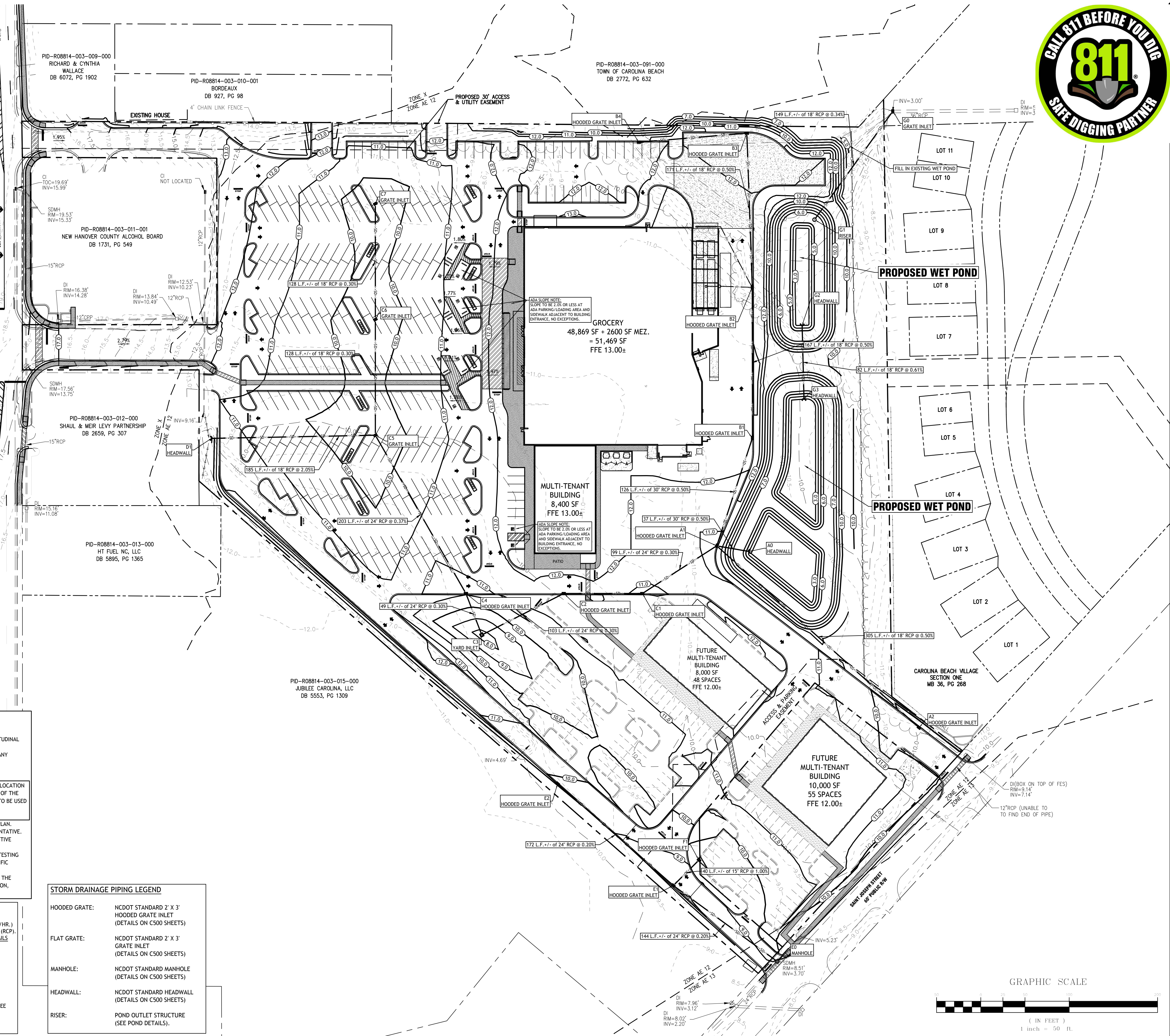
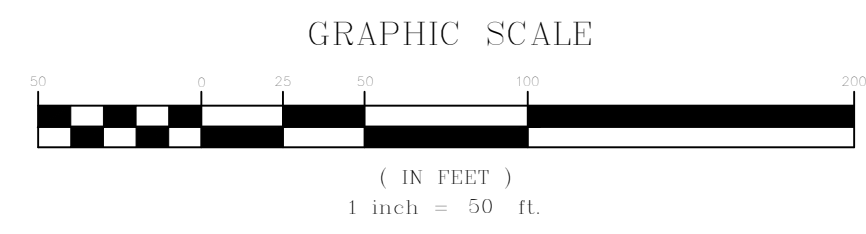
GRADING & DRAINAGE PLAN
C201

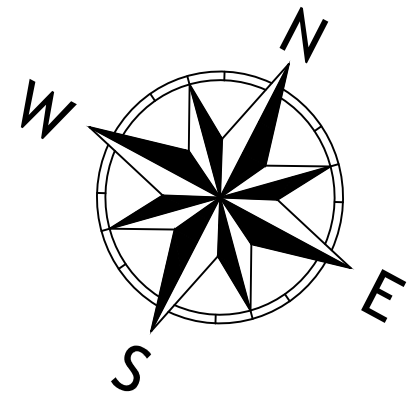
- GRADING NOTES:**
- ALL SITE A.D.A. ACCESSIBLE ROUTES SHALL BE GRADED TO HAVE A MAXIMUM LONGITUDINAL SLOPE OF 5.00% (1:20) AND A MAXIMUM CROSS-SLOPE OF 2.00%.
 - ALL SITE A.D.A. PARKING SPACES SHALL BE GRADED TO HAVE A MAXIMUM SLOPE IN ANY DIRECTION OF 2.00%.
 - MINIMUM SLOPE IN ANY AREA SHALL BE 1.5%.
 - MAXIMUM SLOPE IN ANY PARKING SPACE SHALL BE 5.00%.
 - THE RETAINING WALLS ON THE CIVIL PLANS ARE SHOWN TO INDICATE HEIGHTS AND LOCATION AT GRADE. THE STRUCTURAL DESIGN (INCLUDING FOOTING DEPTH) AND DETAILING OF THE WALL MATERIAL AND CONSTRUCTION SHALL BE BY OTHERS. THIS DRAWING IS NOT TO BE USED BY THE CONTRACTOR AS CERTIFIED CONSTRUCTION DRAWING FOR RETAINING WALL CONSTRUCTION.
 - ALL FILL/CUT SLOPES SHOWN ON THE SITE SHALL BE 3:1 OR AS INDICATED ON THE PLAN.
 - CUT SLOPES IN ROCK MAY BE LEFT EXPOSED IF APPROVED BY THE OWNER'S REPRESENTATIVE.
 - THE CONTRACTOR SHALL GRADE AROUND ALL LANDSCAPE ISLANDS TO PROVIDE POSITIVE DRAINAGE AROUND THE ISLAND AT A MINIMUM 1.00% SLOPE.
 - THE CONTRACTOR SHALL COORDINATE ALL EXCAVATION WITH THE GEOTECHNICAL TESTING COMPANY. COMPACTION SHALL BE PER THE GEOTECHNICAL REPORT FOR THIS SPECIFIC PROJECT.
 - THE CONTRACTOR SHALL INCLUDE IN PRICE ALL CUT/FILL NECESSARY TO COMPLETE THE PROJECT AS DESIGNED. UNIT PRICES SHALL BE PROVIDED FOR MASS ROCK EXCAVATION, TRENCH ROCK EXCAVATION, HAIL OFF, AND HAIL IN AND Dewatering.
- STORM DRAINAGE NOTES:**
- PIPES ON-SITE AND WITHIN NCDOT RIGHT OF WAY HAVE BEEN DESIGNED FOR THE 10-YEAR STORM EVENT AT A 5 MIN. DURATION (INTENSITY = 7.23 IN/Hr).
 - ALL PIPE ON-SITE & WITHIN NCDOT RIGHT OF WAY TO BE REINFORCED CONCRETE PIPE (RCP).
 - ALL STORM DRAINAGE STRUCTURES AND PIPE SHALL CONFORM TO NCDOT LATEST DETAILS AND STANDARDS.
 - ALL PIPE JOINTS SHALL BE WRAPPED WITH A FILTER FABRIC IN 18-INCH WIDE SECTIONS UTILIZING, AT A MINIMUM, FABRIC WITH A MASS PER UNIT AREA OF: (ENGLISH MEASURE) 5.0 OUNCES PER SQUARE YARD AND A THICKNESS OF 60 MILS. OR - (METRIC MEASURE) 170.0 GRAMS PER SQUARE METER AND A THICKNESS OF 1.5 MILLIMETERS.
 - ALL PIPE LENGTHS SHOWN ON THE STORM DRAINAGE TABLE ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE ACTUAL FIELD LENGTH.
 - ALL PIPES SHALL BE REINFORCED CONCRETE PIPE (RCP) PIPE PER NCDOT STANDARDS. SEE SCHEDULE FOR CLASS INFORMATION.
 - TROPIC STRUCTURE INDICATED WHERE TWO (2) OR MORE PIPES DISCHARGE INTO SAME STRUCTURE AT DIFFERENT ELEVATIONS.

STORM DRAINAGE PIPING LEGEND

HOODED GRATE:	NCDOT STANDARD 2' X 3' HOODED GRATE INLET (DETAILS ON C500 SHEETS)
FLAT GRATE:	NCDOT STANDARD 2' X 3' GRATE INLET (DETAILS ON C500 SHEETS)
MANHOLE:	NCDOT STANDARD MANHOLE (DETAILS ON C500 SHEETS)
HEADWALL:	NCDOT STANDARD HEADWALL (DETAILS ON C500 SHEETS)
RISER:	POND OUTLET STRUCTURE (SEE POND DETAILS).

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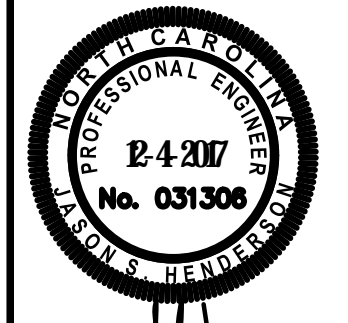


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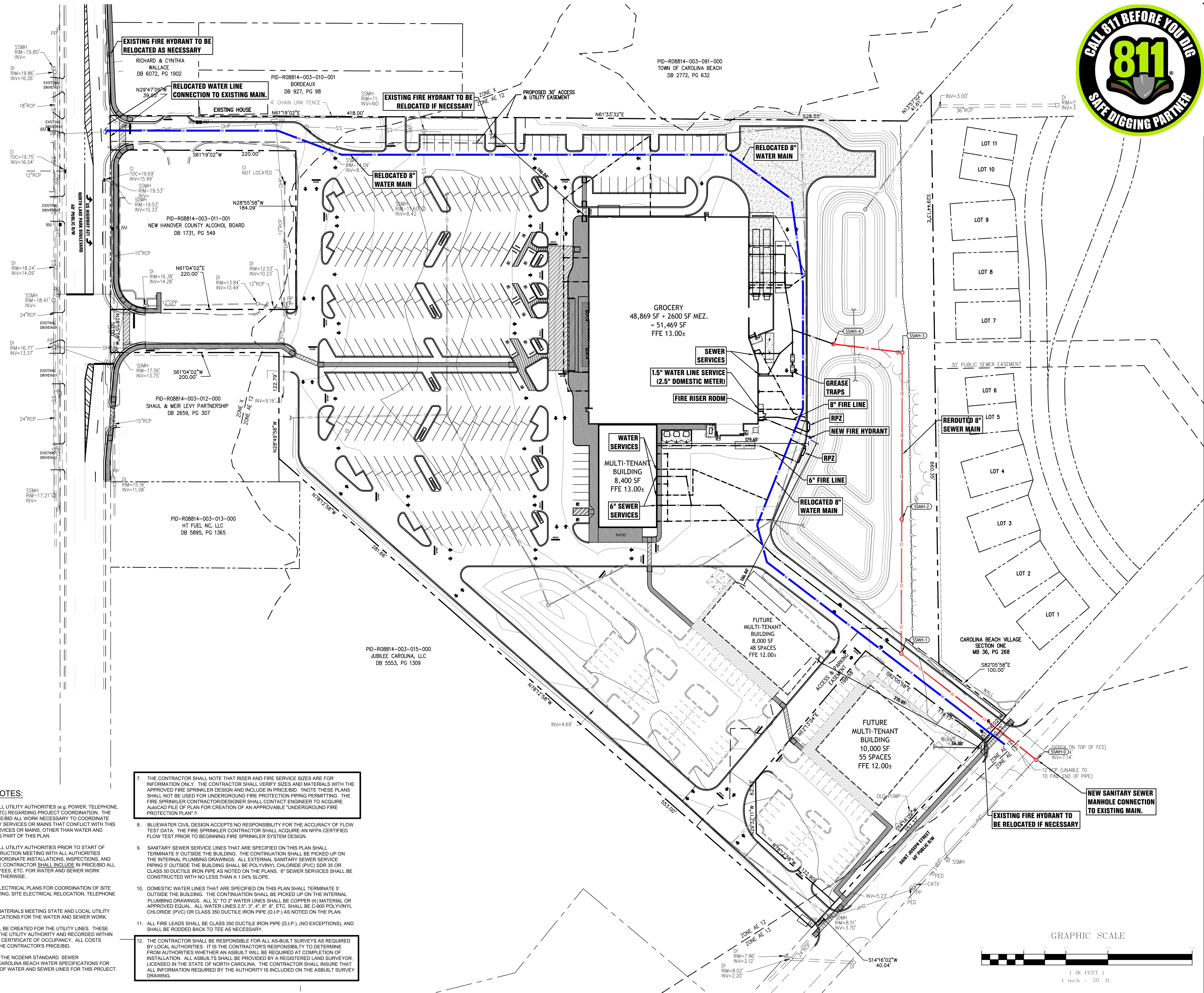
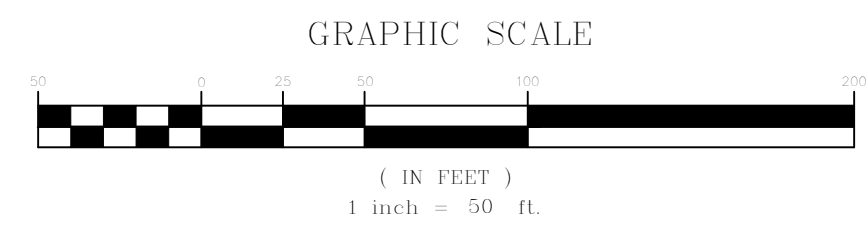
OVERALL UTILITY PLAN

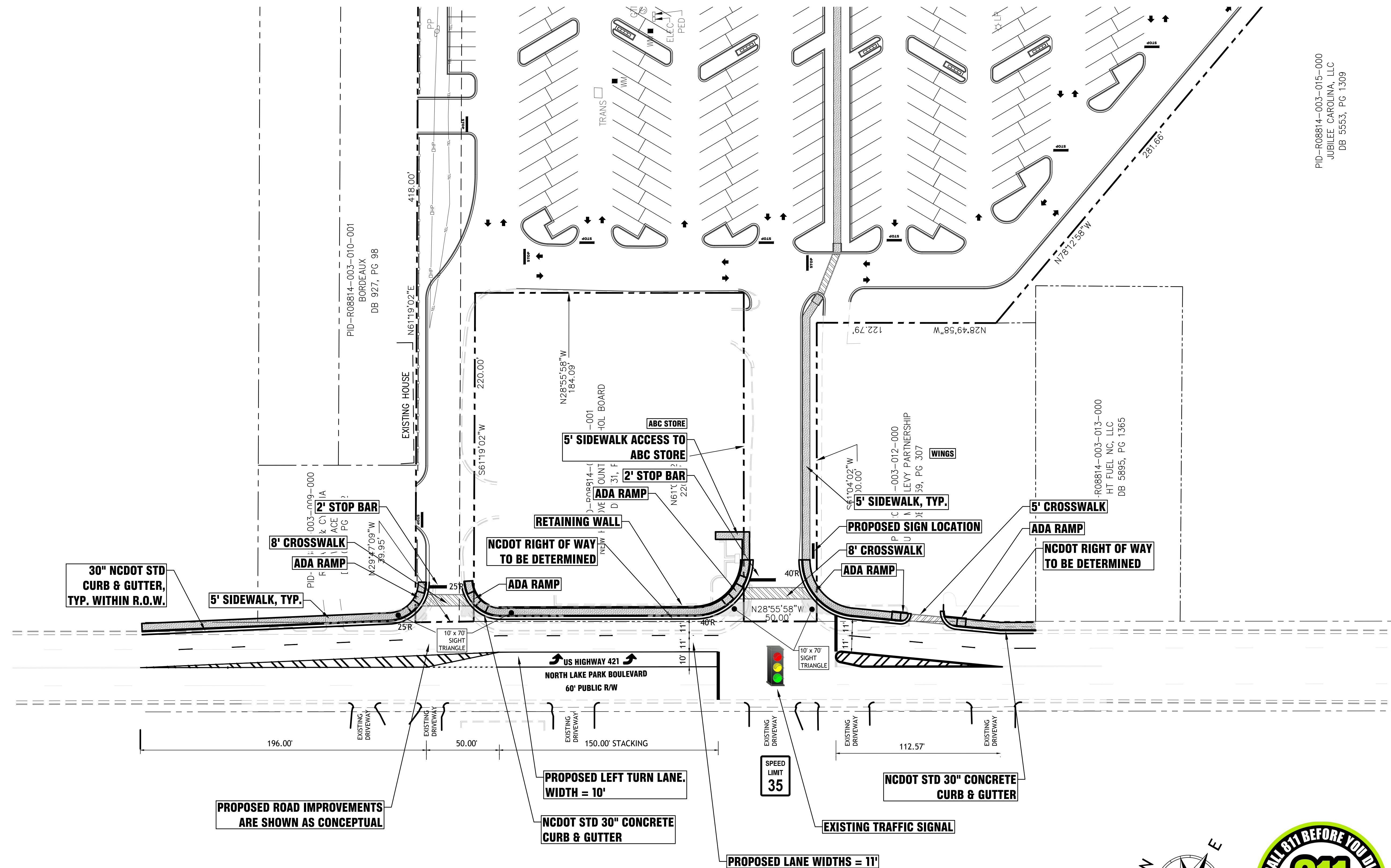
C301

- GENERAL UTILITY PLAN NOTES:**
1. THE CONTRACTOR SHALL CONTACT ALL UTILITY AUTHORITIES (e.g. POWER, TELEPHONE, CABLE, DATA, GAS, WATER, SEWER, ETC) REGARDING PROJECT COORDINATION. THE CONTRACTOR SHALL INCLUDE IN PRICE/BID ALL WORK NECESSARY TO COORDINATE THE RELOCATION OF EXISTING UTILITY SERVICES OR MAINS THAT CONFLICT WITH THIS PROJECT'S COMPLETION. UTILITY SERVICES OR MAINS, OTHER THAN WATER AND SEWER, HAVE NOT BEEN DESIGNED AS PART OF THIS PLAN.
 2. THE CONTRACTOR SHALL CONTACT ALL UTILITY AUTHORITIES PRIOR TO START OF CONSTRUCTION SET UP A PRE-CONSTRUCTION MEETING WITH ALL AUTHORITIES (INCLUDING FIRE DEPARTMENT) TO COORDINATE INSTALLATIONS, INSPECTIONS, AND PAYMENT OF ANY RELATED FEES. THE CONTRACTOR SHALL INCLUDE IN PRICE/BID ALL TAP FEES, INSPECTION FEES, METER FEES, ETC. FOR WATER AND SEWER WORK UNLESS SPECIFICALLY INSTRUCTED OTHERWISE.
 3. SEE SITE LIGHTING PLANS AND SITE ELECTRICAL PLANS FOR COORDINATION OF SITE LIGHTING AND SITE ELECTRICAL ROUTING, SITE ELECTRICAL RELOCATION, TELEPHONE ROUTING, DATA ROUTING, ETC.
 4. THE CONTRACTOR SHALL ONLY USE MATERIALS MEETING STATE AND LOCAL UTILITY AUTHORITY STANDARDS AND SPECIFICATIONS FOR THE WATER AND SEWER WORK.
 5. IF REQUIRED, EASEMENT PLATS SHALL BE CREATED FOR THE UTILITY LINES. THESE EASEMENTS SHALL BE REVIEWED BY THE UTILITY AUTHORITY AND RECORDED WITHIN THE APPROPRIATE COUNTY PRIOR TO CERTIFICATE OF OCCUPANCY. ALL COSTS ASSOCIATED SHALL BE INCLUDED IN THE CONTRACTOR'S PRICE/BID.
 6. THE CONTRACTOR SHALL ADHERE TO THE NCEMNR STANDARD SEWER SPECIFICATIONS AND THE TOWN OF CAROLINA BEACH WATER SPECIFICATIONS FOR THE CONSTRUCTION & INSTALLATION OF WATER AND SEWER LINES FOR THIS PROJECT.

7. THE CONTRACTOR SHALL NOTE THAT RISER AND FIRE SERVICE SIZES ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY SIZES AND MATERIALS WITH THE APPROVED FIRE SPRINKLER DESIGN AND INCLUDE IN PRICE/BID. (NOTE THESE PLANS SHALL NOT BE USED FOR UNDERGROUND FIRE PROTECTION PIPING PERMITTING. THE FIRE SPRINKLER CONTRACTOR/DESIGNER SHALL CONTACT ENGINEER TO ACQUIRE AutoCAD FILE OF PLAN FOR CREATION OF AN APPROVABLE "UNDERGROUND FIRE PROTECTION PLAN".)
8. BLUEWATER CIVIL DESIGN ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF FLOW TEST DATA. THE FIRE SPRINKLER CONTRACTOR SHALL ACQUIRE AN NFPA CERTIFIED FLOW TEST PRIOR TO BEGINNING FIRE SPRINKLER SYSTEM DESIGN.
9. SANITARY SEWER SERVICE LINES THAT ARE SPECIFIED ON THIS PLAN SHALL TERMINATE 5' OUTSIDE THE BUILDING. THE CONTINUATION SHALL BE PICKED UP ON THE INTERNAL PLUMBING DRAWINGS. ALL EXTERNAL SANITARY SEWER SERVICE PIPING 5' OUTSIDE THE BUILDING SHALL BE POLYVINYL CHLORIDE (PVC) SDR 35 OR CLASS 50 DUCTILE IRON PIPE AS NOTED ON THE PLANS. 6" SEWER SERVICES SHALL BE CONSTRUCTED WITH NO LESS THAN A 1.04% SLOPE.
10. DOMESTIC WATER LINES THAT ARE SPECIFIED ON THIS PLAN SHALL TERMINATE 5' OUTSIDE THE BUILDING. THE CONTINUATION SHALL BE PICKED UP ON THE INTERNAL PLUMBING DRAWINGS. ALL 1/2" TO 2" WATER LINES SHALL BE COPPER (K) MATERIAL OR APPROVED EQUAL. ALL WATER LINES 2.5", 3", 4", 6", 8", ETC. SHALL BE C-900 POLYVINYL CHLORIDE (PVC) OR CLASS 350 DUCTILE IRON PIPE (D.I.P.) AS NOTED ON THE PLAN.
11. ALL FIRE LEADS SHALL BE CLASS 350 DUCTILE IRON PIPE (D.I.P.), (NO EXCEPTIONS), AND SHALL BE RODED BACK TO TEE AS NECESSARY.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL AS-BUILT SURVEYS AS REQUIRED BY LOCAL AUTHORITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE FROM AUTHORITIES WHETHER AN AS-BUILT WILL BE REQUIRED AT COMPLETION OF INSTALLATION. ALL AS-BUILT SHALL BE PROVIDED BY A REGISTERED LAND SURVEYOR. LICENSED IN THE STATE OF NORTH CAROLINA. THE CONTRACTOR SHALL INSURE THAT ALL INFORMATION REQUIRED BY THE AUTHORITY IS INCLUDED ON THE AS-BUILT SURVEY DRAWING.

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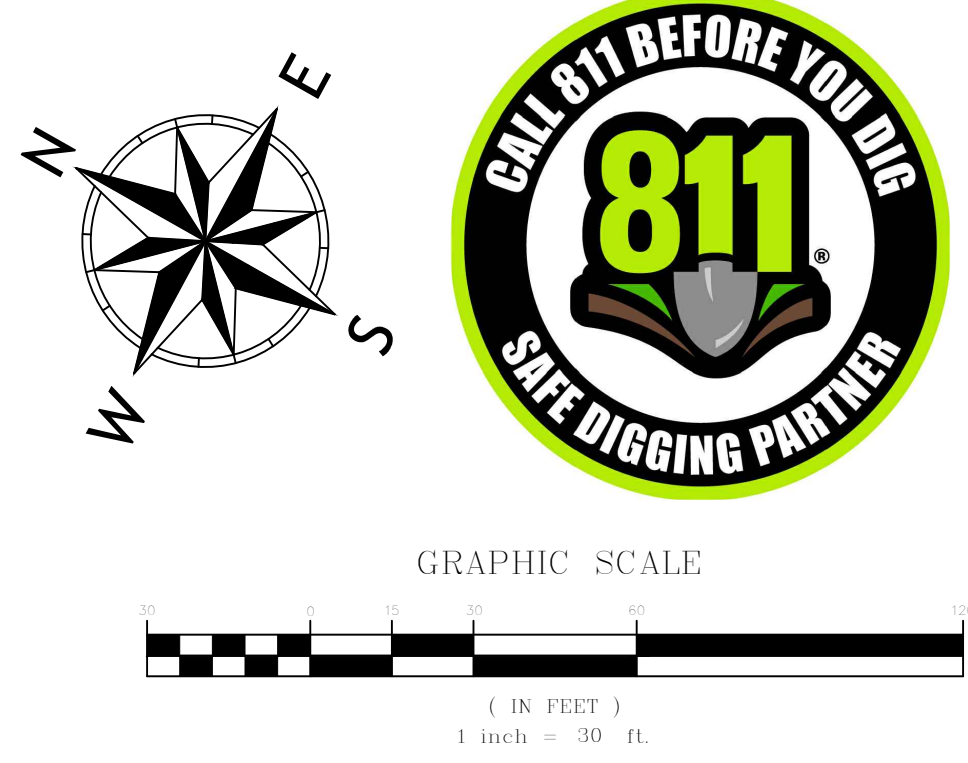
PID-R08814-003-015-000
 JUBILEE CAROLINA, LLC
 DB 5553, PG 1309

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 Georgia Reg. 22511
 North Carolina Reg. 02196
 Virginia Reg. 2208
 Virginia Reg. 240000118
blue WATER
 civil design
 bluewater civil design, llc
 19 Washington Park, Suite 100 • Greenville, SC 29601
 www.bluewatercivil.com • info@bluewatercivil.com
 Certificates of Authorization:
 SC 04212 - CA PE050560
 NC 00868 - AL CA4056

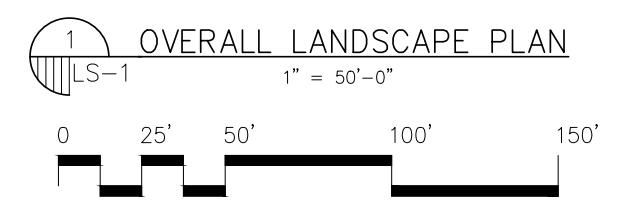
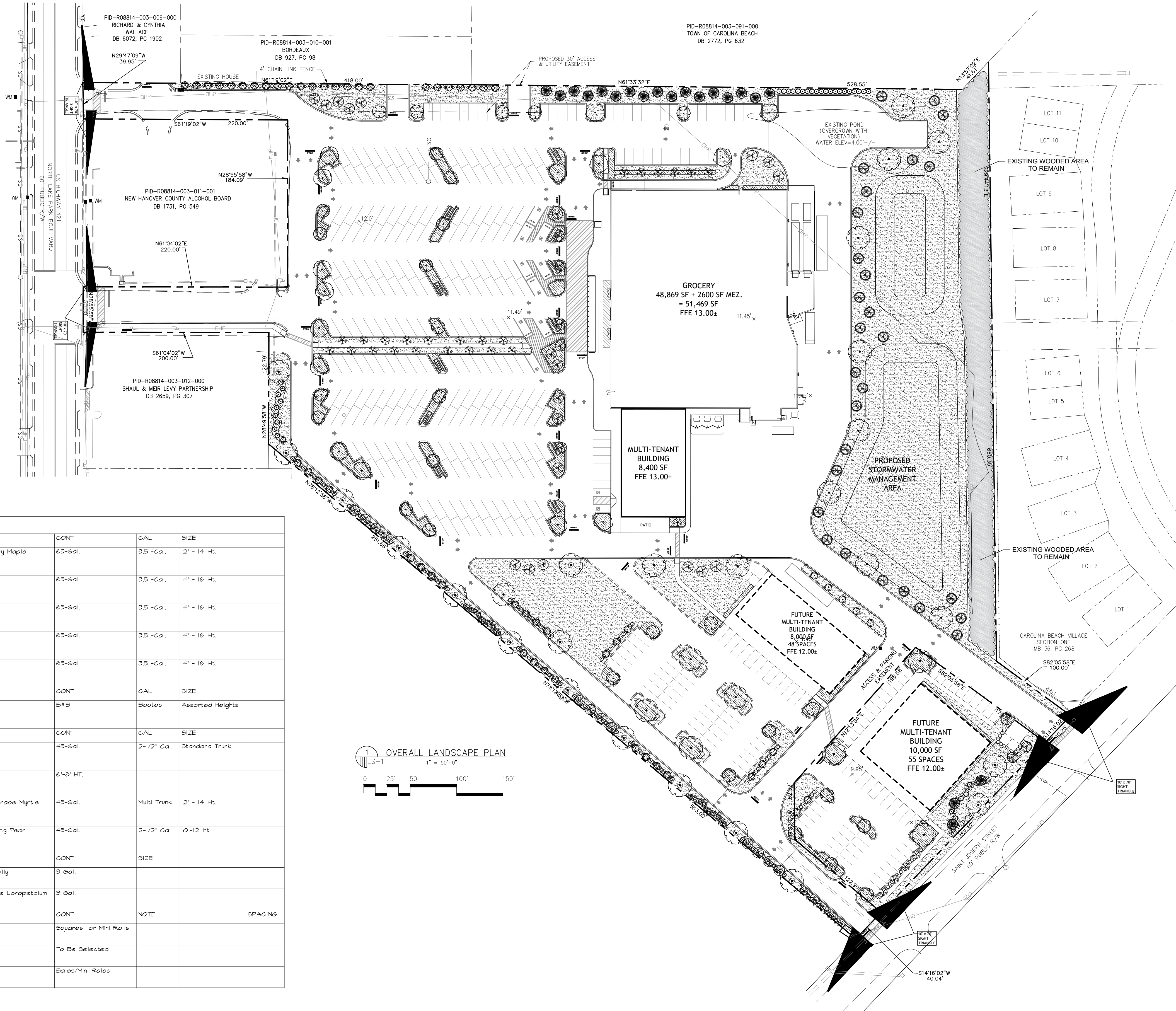
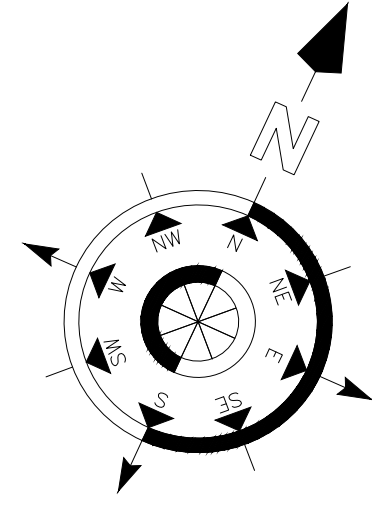
FEDERAL POINT
 GROCERY STORE
 1018 North Lake Park Boulevard
 Carolina Beach, NC

FOR THE STATE OF NORTH CAROLINA
 PROFESSIONAL ENGINEER
 2-4-2017
 No. 031306
 JASON HENDERSON
 Bluewater Civil Design, PLLC
 NC-P-0868

PLAN REVISION	DATE	ISSUE	COMMENT
A	10-27-2017	ISSUED FOR PERMIT	
B	11-9-2017	ISSUED FOR C.L.P. REVIEW ACT FOR CONSTRUCTION	
C	12-4-2017	REVISED PER C.L.P. COMMENTS, NTC	

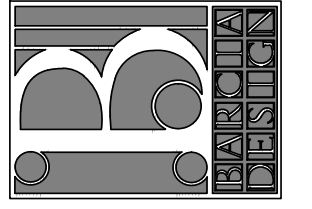


PROPOSED ROAD IMPROVEMENTS
R101



PLANT SCHEDULE						
CANOPY TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
	AG	5	Acer rubrum 'October Glory' TM / October Glory Maple	65-Gal.	3.5'-Gal.	12' - 14' HT.
	PT	30	Pinus taeda / Loblolly Pine	65-Gal.	3.5'-Gal.	4' - 16' HT.
	QP	10	Quercus palustris / Pin Oak	65-Gal.	3.5'-Gal.	14' - 16' HT.
	QR	34	Quercus rubra maxima / Eastern Red Oak	65-Gal.	3.5'-Gal.	14' - 16' HT.
	CL	20	x Cupressocyparis leylandii / Leyland Cypress	65-Gal.	3.5'-Gal.	14' - 16' HT.
PALM TREES						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	SS	44	Sabal palmetto / Cabbage Palmetto	B4B	Booted	Assorted Heights
UNDERSTORY TREE						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	
	IG	57	Ilex cassine / Dahoon Holly	45-Gal.	2-1/2' Gal.	Standard Trunk
	JS	35	Juniperus chinensis 'Spartan' / Spartan Juniper	6'-8" HT.		
	LM	40	Lagerstroemia indica 'Muskogee' / Muskogee Crape Myrtle	45-Gal.	Multi Trunk	12' - 14' HT.
	FB	24	Pyrus calleryana 'Bradford' / Bradford Flowering Pear	45-Gal.	2-1/2' Gal.	0'-12' HT.
SHRUBS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE		
	IB	236	Ilex cornuta 'Burfordii Nano' / Dwarf Burford Holly	3 Gal.		
	LS	51	Loropetalum chinense rubrum 'Suzanne' / Suzanne Loropetalum	3 Gal.		
GROUND COVERS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	NOTE	SPACING	
	GH	129,263 sf	Cynodon dactylon '414 Hybrid' / Bermuda Grass	Squares or Mini Rolls		
	LL	15,932 sf	Landscape Bed Area / Landscape Beds	To Be Selected		
	MP	3,661 sf	Mulch Area / Pine Stran Mulch	Bales/Mini Rolls		

ALPHONSE BARCIA III
LANDSCAPE ARCHITECT LLC.
562 CLAYTON COURT
SLIDELL, LOUISIANA 70461
BARCIADESIGNS@GMAIL.COM
(985) 960-0429



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Federal Point Grocery Store
1018 North Lake Park Boulevard
Carolina Beach, NC
Sheet Title: Preliminary Landscape Plan

JOB No.:
SCALE: AS SHOWN
DRAWN BY: AB3
CHECKED BY: AB3

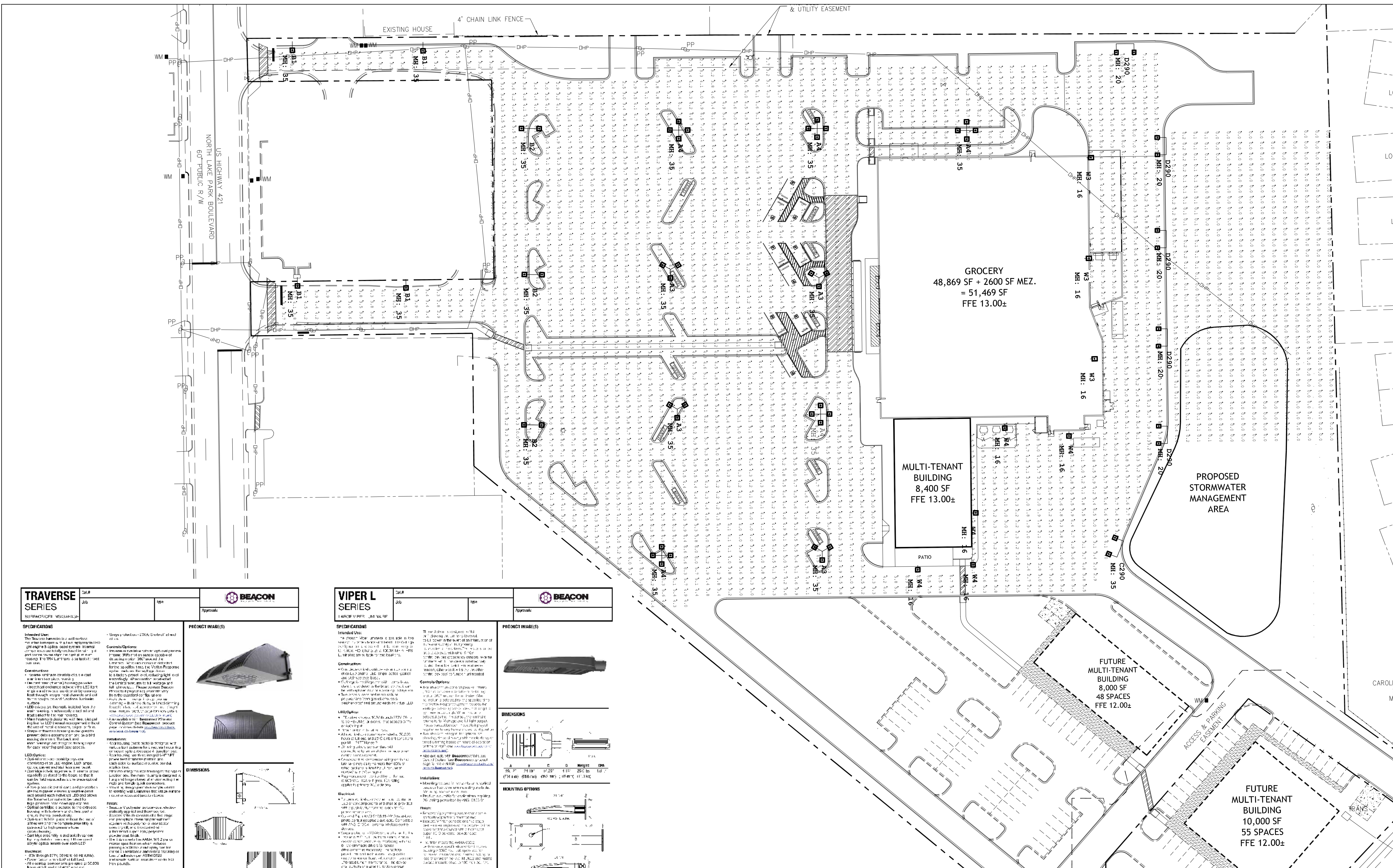
SHEET:

LS-1

1 OF 1

REV.
DATE: DECEMBER 4ND 2017

IF DRAWING IS NOT PRINTED 24" X 36" SCALE ACCORDINGLY



GROCERY
48,869 SF + 2600 SF MEZ.
= 51,469 SF
FFE 13.00±

MULTI-TENANT BUILDING
8,400 SF
FFE 13.00±

PROPOSED STORMWATER
MANAGEMENT AREA

FUTURE MULTI-TENANT BUILDING
8,000 SF
48 SPACES
FFE 12.00±

FUTURE MULTI-TENANT BUILDING
10,000 SF
55 SPACES
FFE 12.00±

TRVERSE SERIES

SPRINKLER

PRODUCT IMAGE(S)

BEACON

COMPARTMENTAL SERIES

BEACON

VIPER L SERIES

SPRINKLER

PRODUCT IMAGE(S)

BEACON

COMPARTMENTAL SERIES

BEACON

Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	LLF	Description
[Symbol]	4	B1	P1-280-T3	SINGLE	0.900	VPL-96L-280-5K7-3
[Symbol]	1	C290	P290-280-T4W	TWIN	0.900	VPL-96L-280-5K7-4W
[Symbol]	5	A4	P4-280-T5W	4 @ 90 DEGREES	0.900	VPL-96L-280-5K7-5W
[Symbol]	4	B2	P2-280-T3	BACK-BACK	0.900	VPL-96L-280-5K7-3
[Symbol]	4	A3	P3-280-T5W	3 @ 120 DEGREES	0.900	VPL-96L-280-5K7-5W
[Symbol]	5	D290	P2-136-T4	TWIN	0.900	VPS-60L-136-4K7-4-BLC
[Symbol]	3	W3	W1-136-T3	SINGLE	0.900	TRV-60NB-136-4K-T3
[Symbol]	5	W4	W1-136-T4	SINGLE	0.900	TRV-60NB-136-4K-T4

jared ducite · architect
600 South Barracks Street, Suite 2104
Pensacola, Florida 32502
850.439-1552 (p)
850.439-1554 (f)

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATIONS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA AS SIGNED BY MY HAND AND SEAL.

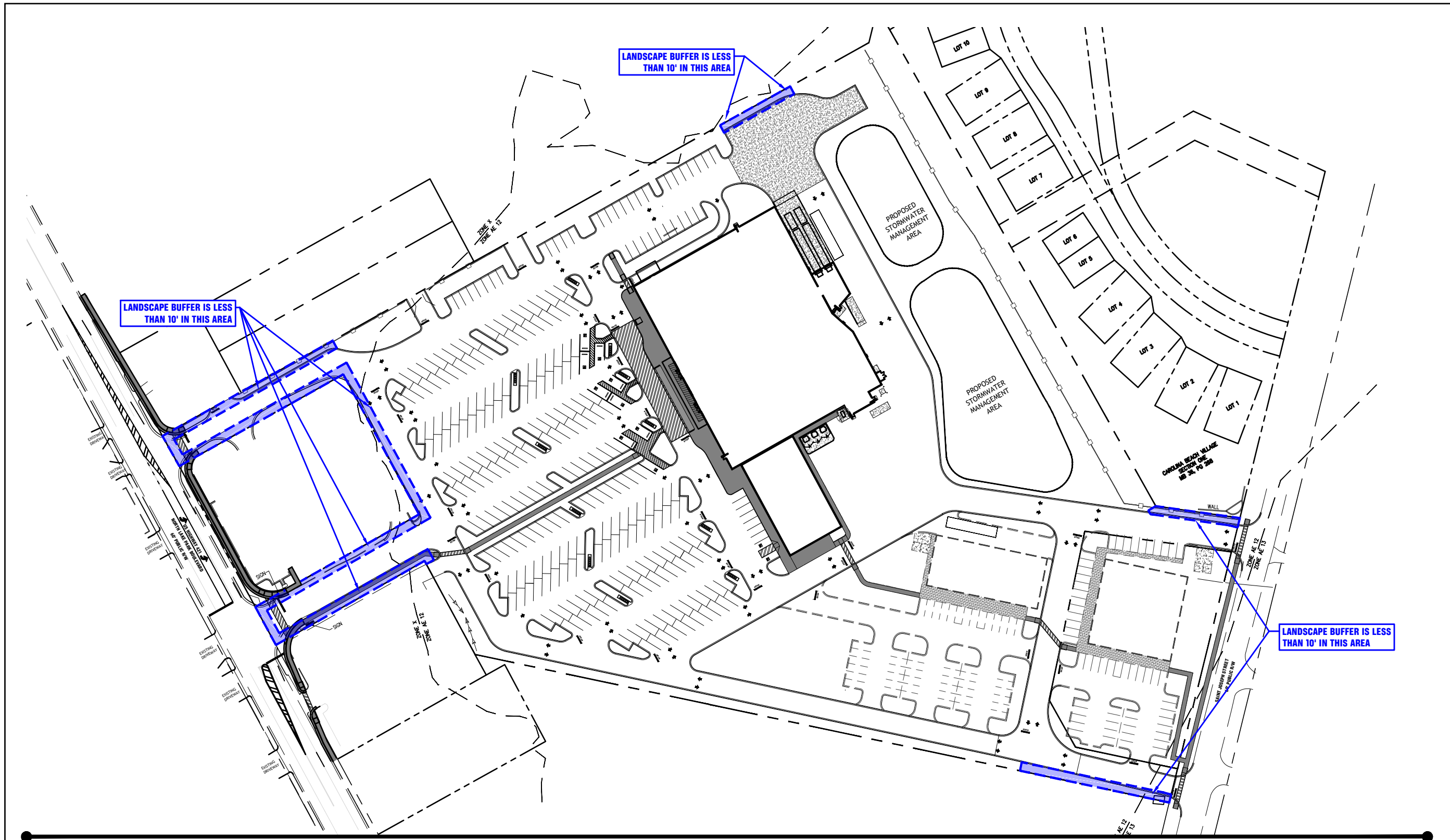
REVISIONS

NO.	DATE	BY	DESCRIPTION

SITE LIGHTING PLAN
RFP-15-01282
PROPOSED GROCERY STORE
1018 NORTH LAKE PARK BOULEVARD
CAROLINA BEACH, NORTH CAROLINA

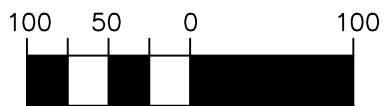
CADD PILOT: JFD
DRAWN BY: JFD
DATE: 11/02/2017
REVIEWED: JFD

E1.01



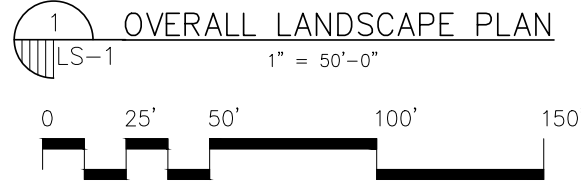
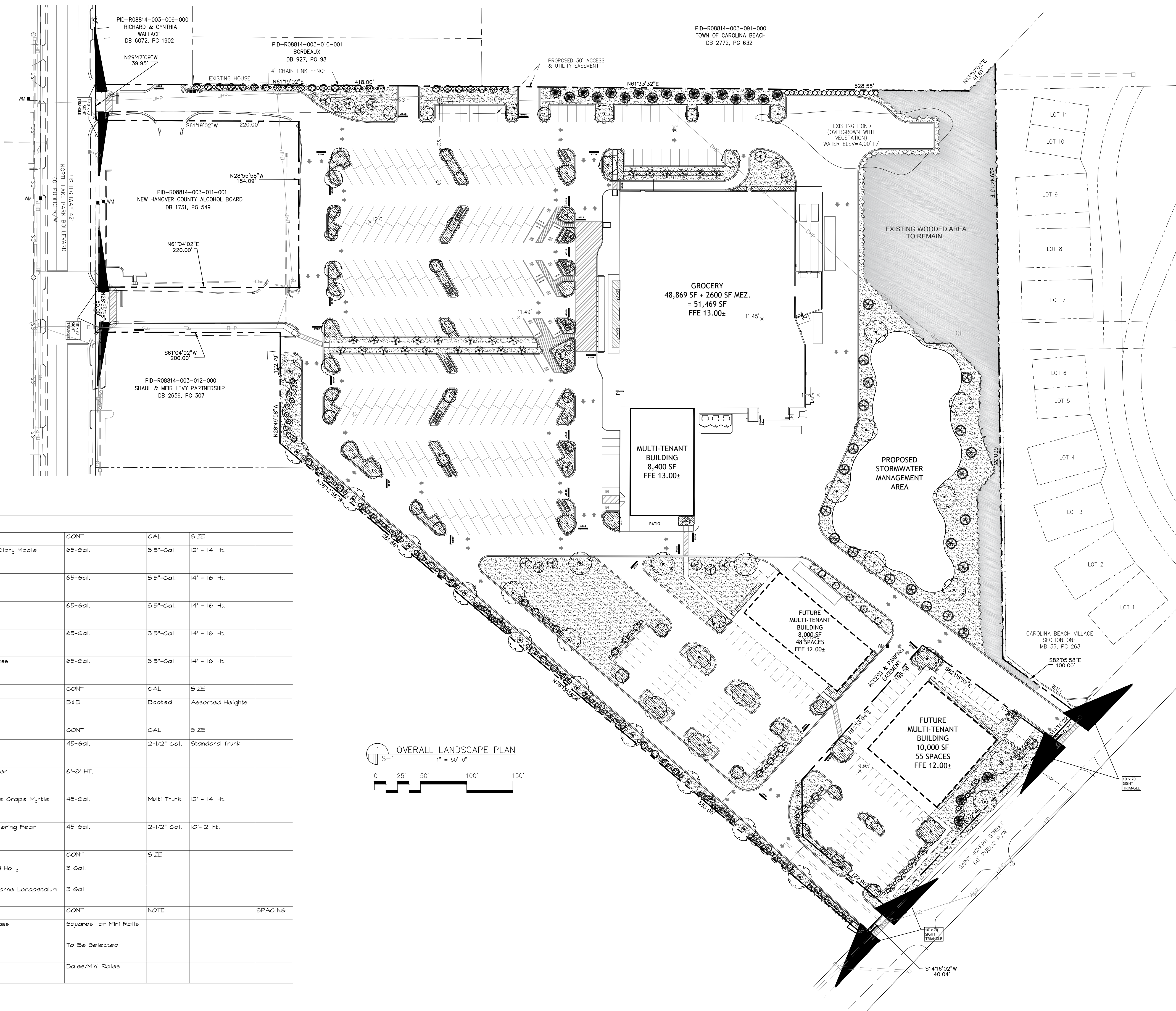
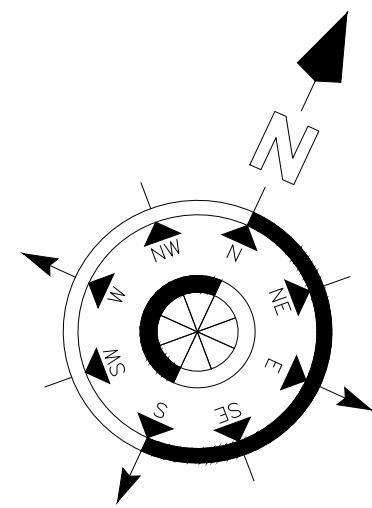
Bluewater Civil Design, PLLC
 19 Washington Park, Suite 100
 Greenville, SC 29601
 www.bluewatercivil.com
 info@bluewatercivil.com

Date: 12/4/17



scale: 1" = 100'

Landscape Exhibit



PLANT SCHEDULE						
CANOPY TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	GAL	SIZE
	AG	5	Acer rubrum 'October Glory' TM / October Glory Maple	65-Gal.	3.5"-Gal.	12' - 14' HT.
	PT	21	Pinus taeda / Loblolly Pine	65-Gal.	3.5"-Gal.	14' - 16' HT.
	QP	10	Quercus palustris / Pin Oak	65-Gal.	3.5"-Gal.	14' - 16' HT.
	QR	32	Quercus rubra maxima / Eastern Red Oak	65-Gal.	3.5"-Gal.	14' - 16' HT.
	CL	20	x Cupressocyparis leylandii / Leylandi Cypress	65-Gal.	3.5"-Gal.	14' - 16' HT.
PALM TREES						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	GAL	SIZE	
	SB	44	Sabal palmetto / Cabbage Palmetto	54B	Booted	Assorted Heights
UNDERSTORY TREE						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	GAL	SIZE	
	IC	57	Ilex cassine / Dahan Holly	45-Gal.	2-1/2" Gal.	Standard Trunk
	JS	35	Juniperus chinensis 'Spartan' / Spartan Juniper	6"-8" HT.		
	LM	40	Lagerstroemia indica 'Muskogee' / Muskogee Crape Myrtle	45-Gal.	Multi Trunk	12' - 14' HT.
	PB	24	Pyrus calleryana 'Bradford' / Bradford Flowering Pear	45-Gal.	2-1/2" Gal.	10'-12' ht.
SHRUBS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE		
	IB	236	Ilex cornuta 'Burfordii Nana' / Dwarf Burford Holly	3 Gal.		
	LS	51	Loropetalum chinense rubrum 'Suzanne' / Suzanne Loropetalum	3 Gal.		
GROUND COVERS						
CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	NOTE	SPACINGS	
	GH	14,675 sf	Cynodon dactylon '419 Hybrid' / Bermuda Grass	Squares or Mini Rolls		
	LL	15,492 sf	Landscape Bed Area / Landscape Beds	To Be Selected		
	MP	3,661 sf	Mulch Area / Pine Straw Mulch	Bales/Mini Rolls		

ALPHONSE BARCIA III
LANDSCAPE ARCHITECT LLC.

562 CLAYTON COURT
CAROLINA BEACH, NC 28511
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Federal Point Grocery Store
1018 North Lake Park Boulevard
Carolina Beach, NC

Sheet Title: Preliminary Landscape Plan

JOB No.:
SCALE: AS SHOWN
DRAWN BY: AB3
CHECKED BY: AB3

SHEET:
LS-1

1 OF 1
REV.
DATE: DECEMBER 2ND 2017

IF DRAWING IS NOT PRINTED 24" X 36" SCALE ACCORDINGLY

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member



LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

ORDER GRANTING A CONDITIONAL USE PERMIT

Applicant: Carolina Beach Development Company 1 LLC
Location: 1018 N. Lake Park Blvd & 1001 Saint Joseph St.
Tax Parcel Number: 313006.48.6878.000 & 313007.58.1539.000

The Town Council of the Town of Carolina Beach, having held a public hearing on January 9, 2018 to consider approving a Conditional Use Permit for a Shopping Center and where sworn testimony was heard from the following persons: Senior Planner Jeremy Hardison, _____ . The following uncontested facts were presented:

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Traffic Improvements

A Traffic Impact Analysis (TIA) has been submitted to the Metropolitan Planning Organization's and the North Carolina Department of Transportation. Traffic improvements proposed to N. Lake Park Blvd. consist of acquiring additional right-of-way from the adjacent Wings, ABC store, a vacant lot across from the ABC store, and a portion of the Town's property where the stormwater pond is located to accommodate a left turning lane at the existing light. There will not be a right deceleration lane going into the site because of right-of-way constraints. The existing two access points off of N. Lake Park Blvd will remain, although DOT will likely require the second entrance north of the ABC store to be right in/right out. The two entrances off of Saint Joseph St will remain, although delivery trucks will be utilizing N. Lake Park Blvd. To lessen the congestion at the light staff recommends the applicant to discuss with Wings and Pleasure Island Plaza to close their driveways off of N. Lake Park Blvd that are in close proximity to the light. Wings will have access to the Federal Point site to the light and Pleasure Island Plaza has interconnectivity to Bame Hardware and two additional access off of N. Lake Park Blvd.

Sidewalks

There will be a new 5' sidewalk installed adjacent to N. Lake Park Blvd. along the Town's property, the vacant lot and at the Wings store. The existing 5' sidewalk adjacent to the ABC store will be relocated where the store's landscaping is to make room for the left turning lane. The sidewalk will connect through the site to provide pedestrian access to Saint Joseph St where a 5' sidewalk will be installed along the Federal Point Property.

Interconnectivity

There will be interconnectivity provided to three adjacent properties to the north 1) an existing vacant lot facing N. Lake Park Blvd, 2) a lot that consist of residential units that has no road frontage and 3) access to the Town's Ryder Lewis Park. Access to the south parcel where Harris Teeter was approved in April is not provided. Harris Teeter's plan was approved with three cross easement drives being provided for interconnectivity from both commercial sites. The access provided Harris Teeter with access to Saint Joseph St, access to the N. Lake Park Blvd. stop light, and the ability for their delivery truck to turnaround. Harris Teeter's lack of access to the Federal Point Property will result in a redesign of their site layout. Staff requested for the Federal Point site to provide interconnectivity consistent with the approved Harris Teeter plan, but the applicant stated that the direction of the grocery store tenant was to not provide access to the Harris Teeter property. In order to provide safe ingress and egress between commercial sites to lessen the congestion on a major corridor in a convenient and practical matter staff recommends providing interconnectivity or a stub out to the adjacent south property to connect to when it is developed.

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

Parking and loading spaces

Multiuse parking requirements:

- 5 spaces per 1,000 sq. ft.
- 77,869 sq. ft. = 390 required parking spaces,
- 403 spaces are provided.
- 4 loading zone spaces required
- 4 loading spaces provided

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

A Trash compactor will service the grocery store and dumpsters will service the multi-tenant space.

(4) Utilities, with reference to locations, availability, and compatibility;

Adequate upgrades and relocation of Water and Sewer services are proposed. Drainage will be captured on site through a stormwater pond detention system. Four fire hydrants will be provided in proximity to the site.

(5) Screening and buffering with reference to type, dimensions, and character;

The proposed plans provide the required Type B 10' setback buffer along the perimeter of the property, except along the entrances of Lake Park Blvd. and Saint Joseph St. A 30' buffer will be provided along the adjacent residential Carolina Beach Village neighborhood. Where residential properties are adjacent to the site a 6' fence will be provided.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

The existing Federal Point Signs will be removed. They plan on installing one freestanding sign along Lake Park Blvd.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	North Side	South Side
HB required	30'	20'	10'	10'

HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 10% and the proposed project exceeds the required setbacks.

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The use has served as a large commercial site for the past 33 years and will be developed as a similar use. The plan meets the ordinance and long range plans and policies.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the Landscaping requirements noted.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the area and will therefore not injure the value of adjoining properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Commercial 1 area includes a continued use as a highway business corridor. Transportation and traffic improvements are encouraged. Retail, and services are desired uses in the Commercial 1 area.

It is ordered that the application for the issuance of a Conditional Use Permit by Carolina Beach Development Company 1 LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Bluewater Civil Design, PLLC dated 12/4/17. The plan was stamped received by the Town of Carolina Beach on 12/5/17.
- 2) Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire. All plans will be reviewed to ensure building fire and town codes have been met.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
- 4) A Type B 10' landscaping buffer is required along the perimeter of the property. Landscaping variance is granted as depicted on the site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Sidewalk, curb and gutter required on N. Lake park Blvd and Saint Joseph St.
- 7) Recombination plat will be required before issuance of a building permit
- 8) The storm water system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning.
- 9) All permits and approval letters required by all Federal, State, and Local Agencies shall be submitted.
- 10) A plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
- 11) Infrastructure and site plan as-builts shall be provided/approved.
- 12) Bicycle Racks shall be provided and be designed with inverted U's as described in the 2011 Bicycle Multiuse Transportation Plan.
- 13) Provide interconnectivity to the adjacent north and south properties.
- 14) Work with Wings and Pleasure Island Center to close their driveway that is located next to the stop light if possible.
- 15) Grant a Town access and utility easement to the sewer and water mains and to Ryder Lewis Park.

Ordered this 9th day of January, 2018

Joe Benson, Mayor

Date

ATTEST:

Kimberlee Ward, Town Clerk

Date



AGENDA ITEM

Meeting: Planning and Zoning - 14 Dec 2017

Prepared By: Jeremy Hardison

Department: Planning

Amend Article III, IX, and XVIII to allow for Body Piercing in the Highway Business District. Applicant: Corey Hardison

BACKGROUND:

The applicant Corey Hardison, with Pleasure Island Tattoo, is requesting to allow body piercing in the Highway Business (HB) zoning district. Currently the use is not allowed in Carolina Beach. Previous request for the use was denied in 2002 and brought up again in 2013 with the allowance of Tattoo Studios, but was pulled by the applicant to focus more on allowing for Tattoo Studios. The reason for denial is that it was not considered in keeping with a family oriented boardwalk and the CBD where it was proposed to be allowed. Historically the Town has wanted the niche of the CBD to be retail shopping, restaurants, entertainment and some services oriented to the beach. I have attached the minutes of both these meetings for your review. The applicant believes the HB would be better suited for Body Piercing. Body Piercing would be defined as the piercing of holes in parts of the body other than the ear in order to insert rings, studs, or other pieces of jewelry. The State, New Hanover County and the communities that we reviewed exempted piercing of the ear lobe as part of Body Piercing. Carolina Beach Ordinances are silent on both Body and Ear Piercings.

In some communities these uses are prevalent in poor areas and associated with crime and health issues. For that reason many town's are hesitant to open up allowances for these activities. However, most states have already mitigated these concerns by adopting strict health guidelines and zoning laws.

Local governments are tasked with determining whether they want the use in their community and where they think the uses would be best located. Limitations can be placed on these uses similar to how Town Council has limited other uses that are often part of a community but not wanted in prevalence due to potential negative impacts (i.e. electronic gaming operations, Tattoo Studios).

LONG RANGE PLANNING

HB is equivalent to the Commercial 1 Lands Classification in the 2007 Land Use Plan. Commercial uses in Commercial 1 shall primarily include retail, office, restaurant, entertainment, and service. This zoning district is designed to accommodate vehicle dependent uses vs. walk up traffic. In this area commercial uses are visited specifically for a service vs. many other commercial zones (i.e. MX, NB, and CBD) that would be more associated with pedestrian traffic. In other words there is not a marketing niche for a HB area. There are destinations that provide goods and services that people in the community have an interest in traveling to receive.

ACTION REQUESTED:

- (1) It is recommended the Town Council open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is reasonable and in the public interest. However, the form of the required statement has changed. The statement must take one of three forms:

- 1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
- 2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
- 3. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

COMMITTEE RECOMMENDATION:

If the Town would like to consider allowances for body piercing then it could be a Conditional Use Permit and zoning regulations could be added to mitigate potential negatives with the uses. Distance requirements are an effective way to create limits that the town has utilized with electronic gaming operations, tattoo studios, adult entertainment, and also at one-time bars. Also, similar to restaurants their staff has inserted a requirement that a conditional use permit shall be required if alcohol was

proposed to be served. Additional regulations could be inserted in the proposed ordinance to place further limits on the use if the Committee wishes. Staff recommends separating out the allowances for ear lobe piercings by right from body piercings to be consistent with the state and other communities.

ATTACHMENTS:

[Application Text Amendment Body Piercing](#)

[Proposed Ordinance](#)

[State Law Body Piercing](#)

[New Hanover-Body-Piercing](#)

[Minutes 6.18.02](#)

[Minutes 1.8.13](#)

Amendment Number: 17T-3



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Corey Lane Hardison Phone #: (252)-558-8419
Street Address: 6260 Riverwoods Dr. Apt. 207
City: Wilmington State: North Carolina Zip: 28412
Email: CoreyHardisonTattoos@gmail.com

REQUESTED TEXT AMENDMENT

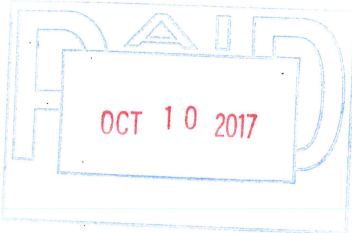
Town Code Section(s) Requested to be Amended:
Article 3, 7, 18

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach
I propose for Regulated piercing in the town of Carolina Beach @ pleasure Island Tattoo.
1009 North Lake Park Blvd. CB, NC

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner: Corey J. Hardison Date: 10-10-17





ORDINANCE NO _____
An Ordinance Amending Chapter 40 Zoning, Article III Table of Permitted Uses, Article IX Development Standards for Particular Uses, and Article XVIII Definitions

Sec 40-72. Table of Permissible Uses														
TABLE INSET:														
	C = May be permitted with Conditions													
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Non-Residential Uses														
Ear Piercing Facility												P		
Body Piercing Facility												C		

Sec. 40-260

Body Piercing Facility

1. All approval letters from New Hanover County Health Department and North Carolina Department of Health and Human Services and/or any subsequent government entity that regulates this activity shall be posted on-site.

2. Hours of operation shall be limited from 8:00am to 9:00pm.

3. SEPARATION REQUIREMENTS: Tattoo studios shall be located a minimum distance measured in a straight line from the closest point of the building of the proposed business to the property line of any of the following:

- Residential districts 200 feet
- Church or school 200 feet
- Public parks, playgrounds, or libraries 200 feet
- Other Body Piercing Facility 400 feet

ARTICLE XVIII DEFINITIONS

Body Piercing Facility. A building where the piercing of holes in parts of the body other than the ear in order to insert rings, studs, or other pieces of jewelry.

Ear Piercing Facility. A building where the practice of making holes in the lobes or edges of the ears to allow the wearing of earrings.

Adopted this 09th day of January, 2018.

Joe Benson, Mayor

Attest: _____
Kimberly Ward, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 635

Short Title: Regulate Body Piercing. (Public)

Sponsors: Representatives Mitchell; Capps and Setzer.

Referred to: Finance.

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. Chapter 66 of the General Statutes is amended by adding a
5 new Article to read:

"Article 40.
"Body Piercing.

8 **§ 66-315. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) 'Body piercing' means the creation of an opening in the body of a
11 human being so as to create a permanent hole for the purpose of
12 inserting jewelry or other decoration. Body piercing includes, but is
13 not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. Body
14 piercing does not include piercing an ear lobe with a disposable,
15 single-use stud or solid needle that is applied using a mechanical
16 device to force the needle or stud through the ear lobe.
- 17 (2) 'Department' means the Department of Environment and Natural
18 Resources.
- 19 (3) 'Body piercing facility' means any room, space, location, area,
20 structure, or business, or any part of any of these places, where body
21 piercing is practiced or where the business of body piercing is
22 conducted.
- 23 (4) 'Body piercing technician' means a person who practices body
24 piercing.

25 **§ 66-316. Standards to be established.**

26 The Department shall establish sterilization, sanitation, and safety standards for
27 persons engaged in the business of body piercing. The standards shall be directed at the
28 establishment and maintenance of sterile conditions and the safe disposal of

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1 instruments. The Department may modify the standards as appropriate to protect
 2 consumers from the transmission of contagious diseases through cross-contamination of
 3 instruments and supplies.

4 **"§ 66-317. Infection control.**

5 (a) Precautions by Technicians. - A body piercing technician shall at all times
 6 observe the following infection control precautions:

- 7 (1) The technician shall wash his or her hands thoroughly with water and a
 8 germicide soap approved by the Department before and after each
 9 customer's procedure.
- 10 (2) When necessary for the technician to perform a procedure on certain
 11 individuals who must undergo hair shaving, either disinfected scissors
 12 or a single-use disposable razor shall be used, and the skin shall be
 13 cleaned with a germicide solution approved by the Department and
 14 used in accordance with the manufacturer's directions.
- 15 (3) The technician shall use single-use disposable gloves when setting up
 16 equipment and single-use disposable gloves when performing
 17 procedures on a customer. These gloves shall never be washed or
 18 reused in any manner and shall be immediately replaced upon notice of
 19 a tear, any contamination, or other defect.
- 20 (4) All needles, instruments and other surgical equipment, and body
 21 piercing items or jewelry shall be properly sterilized by autoclave and
 22 sterilely packaged and labeled with the date of sterilization and a
 23 sterile indicator.
- 24 (5) Prior to any direct contact with the customer, the technician shall
 25 sterilely place all sterile instruments and body piercing items or
 26 jewelry on a sterile disposable towel or drape to be used as a single
 27 sterile field throughout the procedure. Regloving with single-use
 28 sterile disposable surgical gloves shall occur prior to initiation of the
 29 procedure, which shall be performed using strict sterile surgical
 30 techniques. Any nonsterile contact or contamination of the
 31 instruments, jewelry, or field shall immediately result in cessation of
 32 the procedure, and all equipment shall not be reused until resterilized.
- 33 (6) The skin of the customer shall be scrubbed in a sterile surgical manner
 34 with a germicide solution approved by the Department and used in
 35 accordance with the manufacturer's directions.
- 36 (7) Gauze, alum, styptic pencils, or medical supplies deemed necessary to
 37 control bleeding shall not be used unless a separate disposable single-
 38 use sterile item is used on each customer.
- 39 (8) The technician shall dispose of used single-use needles and other
 40 disposable sharp supplies in safety puncture-proof containers approved
 41 by the Department. These used containers shall be disposed of in a
 42 manner prescribed by the Department.
- 43 (9) All used surgical equipment intended for reuse shall be properly
 44 scrubbed clean of visible materials and soaked for a minimum of 20

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- 1 minutes in a germicidal solution approved by the Department and used
2 in accordance with the manufacturer's directions prior to being
3 resterilized by autoclave.
- 4 (10) The body piercing technician shall allow and cooperate with on-site
5 inspections deemed necessary by the Department.
- 6 (b) Precautions by Operators. - The operator of every body piercing facility shall
7 at all times observe the following infection control precautions:
- 8 (1) The operator of every body piercing facility shall keep a written log
9 for two years of autoclave use, to include, but not be limited to, date
10 and time of use and sterilization spore test strip results done at least
11 monthly.
- 12 (2) The operator of every body piercing facility shall include a room for
13 the purpose of disinfecting and sterilizing equipment, and this room
14 shall be physically separate from the room used for body piercing
15 procedures to avoid cross-contamination of equipment.
- 16 **§ 66-318. Registration of operators and technicians required; permit for facility**
17 **required.**
- 18 (a) Every operator of a body piercing facility and every body piercing technician
19 engaged in the business of body piercing shall register with the Department.
- 20 (b) The operator of every body piercing facility shall apply for and obtain a
21 permit issued by the Department and shall renew the permit annually.
- 22 (c) The Department shall issue a permit to the operator of a body piercing facility
23 or renew a permit when the applicant meets all of the following requirements:
- 24 (1) The applicant proves to the satisfaction of the Department that all the
25 body piercing technicians engaged in body piercing at that facility
26 have satisfied all the age and certification requirements for technicians
27 under G.S. 66-319(a).
- 28 (2) For an initial permit application, the body piercing facility passes the
29 initial inspection under G.S. 66-320.
- 30 (3) The applicant pays a permit fee of three hundred dollars (\$300.00) to
31 the Department for the initial permit and for each annual permit
32 renewal.
- 33 (d) Upon obtaining a permit under this section, the operator of a body piercing
34 facility shall do all of the following:
- 35 (1) Provide the Department with the business address of the facility and
36 the address at which the permittee performs any body piercing activity
37 regulated by this Article.
- 38 (2) Obtain a copy of the Department's standards from the Department,
39 sign an acknowledgment upon a receipt of the standards, and meet the
40 standards.
- 41 (3) Post the permit in a conspicuous place on the premises of the body
42 piercing facility.
- 43 (e) Fees authorized by this Article shall be used exclusively to support the
44 activities of the Department under this Article.

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"§ 66-319. Requirements for body piercing technicians.

(a) A body piercing technician shall satisfy all of the following age and certification requirements:

- (1) Be at least 18 years of age.
- (2) Possess a current Red Cross First Aid Certification and renew that certification every three years.
- (3) Possess a current Adult Cardiopulmonary Resuscitation (CPR) Certification and renew that certification annually.
- (4) Possess a certificate attesting to the successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.

(b) A body piercing technician shall conspicuously display:

- (1) The Red Cross First Aid Certification.
- (2) The Adult CPR certification.
- (3) The annual certificate showing successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.
- (4) A copy of the annual permit issued by the Department to the facility under G.S. 66-318.

(c) A body piercing technician shall comply with all applicable federal Office of Safety and Health Administration requirements or guidelines.

"§ 66-320. Inspections.

(a) The Department shall conduct an initial inspection of a body piercing facility that must be successfully completed as a condition of permitting.

(b) The Department shall conduct an inspection of a body piercing facility after any complaint is filed with the Department.

(c) The Department may conduct an inspection of a body piercing facility at any time without previous notification to the body piercing facility.

(d) The Department may charge an additional amount not to exceed fifty dollars (\$50.00) to cover the cost of an inspection under this section.

"§ 66-321. Informed consent; verification of customer's age.

(a) An operator of a body piercing facility shall conspicuously display a clearly legible notice to customers informing them of any disqualification that body piercing may confer upon a prospective blood donor according to the current and subsequent amendments to standards of the American Association of Blood Banks. This notice also shall appear in the informed consent or release form used at any body piercing facility.

(b) Every prospective customer must receive an informed consent form that complies with subsection (a) of this section and contains, at a minimum, aftercare suggestions for the specific piercing site. Every prospective customer must sign an informed consent form before the body piercing activity may begin.

(c) A body piercing technician shall verify by means of picture identification that a customer is at least 18 years of age. For purposes of this section, 'picture identification' means either of the following:

- (1) A valid North Carolina drivers license.

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1 (2) An official photographic identification card issued by the North
 2 Carolina Department of Revenue, a federal or state law enforcement
 3 agency, or an agency of the United States Department of Defense or
 4 the United States Department of State.

5 (d) Proof that the body piercing technician demanded, was shown, and
 6 reasonably relied upon proof of age under subsection (c) of this section is a defense to
 7 an action brought under this Article.

8 **"§ 66-322. Scope of Article.**

9 (a) A department shall not adopt rules that conflict with, or are more
 10 comprehensive than, provisions of this Article or the standards adopted by the
 11 Department by rule.

12 (b) This Article does not limit the Department's ability to require an operator of a
 13 body piercing facility or a body piercing technician to obtain any business license or
 14 permit that the Department finds appropriate.

15 **"§ 66-323. Prohibited acts; criminal penalty.**

16 (a) It is unlawful for a person to perform or offer to perform body piercing upon
 17 a person under the age of 18 years, unless the body piercing is performed in the
 18 presence of, or as directed by a notarized writing by, the person's parent or legal
 19 guardian.

20 (b) It is unlawful for a person to perform body piercing upon a person impaired
 21 by drugs or alcohol. Such a person is incapable of consenting to body piercing and
 22 incapable of understanding body piercing procedures and aftercare suggestions.

23 (c) It is unlawful for a person to perform body piercing upon skin surfaces
 24 having a rash, pimples, boils, infections, or evidence of any unhealthy condition.

25 (d) A person who violates a provision of this section is guilty of a Class 1
 26 misdemeanor.

27 (e) Subsection (a) of this section does not apply to the body piercing of an
 28 emancipated minor.

29 (f) The minor upon whom body piercing is performed or the parent or legal
 30 guardian of that minor or any other minor is not subject to punishment under this
 31 section.

32 (g) A person who has his or her body pierced while under the age of 18 in
 33 violation of subsection (a) of this section may bring a civil action against the body
 34 piercing technician who performed the body piercing, seeking to recover actual
 35 damages and punitive damages, plus the costs of the action and attorneys' fees.

36 **"§ 66-324. Additional penalty.**

37 The Department may revoke, suspend, or refuse to issue or renew a permit under this
 38 Article or may impose an administrative penalty of up to one thousand dollars (\$1,000)
 39 per violation upon proof that the operator of the facility has acted in any one or more of
 40 the following ways:

41 (1) Failed to maintain a business address or telephone number at which the
 42 facility can be reached during business hours.

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1 (2) Failed to maintain proper sterilization, sanitation, or safety procedures
2 under standards established pursuant to G.S. 66-316 or adopted by
3 rule.

4 (3) Obtained a body piercing facility permit through fraud or deceit.

5 "**§ 66-325. Activities of physician.**

6 This Article does not restrict the activities of a physician or surgeon licensed under
7 Chapter 90 of the General Statutes."

8 **SECTION 2.** The registration requirement under G.S. 66-318, as enacted in
9 Section 1 of this act, becomes effective October 1, 2002. The permit requirement under
10 G.S. 66-318, as enacted in Section 1 of this act, becomes effective January 1, 2003. The
11 remainder of this act becomes effective January 1, 2002.

NEW HANOVER COUNTY
BOARD OF HEALTH
RULES GOVERNING BODY PIERCING
ESTABLISHMENTS AND PRACTITIONERS

IN

NEW HANOVER COUNTY
NORTH CAROLINA
EFFECTIVE SEPTEMBER 1, 1999

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Section 5000 Purpose

To establish standards for the operation of any body piercing establishment, and for the performance and training of any person who engages in the practice of body piercing so as to minimize the risk of disease transmission, the New Hanover County Board Of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

Section 5001 General Provisions

(a) Scope No person shall operate, or cause any body piercing establishment to be operated contrary to the provisions of these Rules. No person shall practice, or cause body piercing to practiced contrary to the provisions of these Rules.

(b) Conflict The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

Section 5002 Definitions

The following definitions shall apply in the interpretation and enforcement of these Rules:

Aftercare means written instructions given to the client, specific to the body piercing procedure(s) rendered, on caring for the body piercing and surrounding area. These instructions will advise clients to seek medical treatment, if necessary.

Antiseptic means an agent that destroys disease causing microorganisms on human skin or mucosa.

Board Of Health means the New Hanover County Board Of Health.

Body Piercing means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, branding and scarification. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the North Carolina Medical Board shall not be performed in a body piercing establishment. Nor does this definition include, for the purposes of these Rules, piercing of the lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

Body Piercing Establishment means any place or premise, whether public or private, temporary or permanent in nature or location, where the practice of body piercing, whether or not for profit, is performed.

Body Piercing means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Department means the New Hanover County Health Department or its authorized representative.

Director means the Director of the New Hanover County Health Department or his (her) authorized representative.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear Piercing means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body piercing establishment.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

Hot Water means water which attains and maintains a temperature of at least 100⁰F.

Instruments Used For Body Piercing means hand pieces, needles and other instruments that may come in contact with a client's body for possible exposure to bodily fluids during body piercing procedures.

Invasive means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

Jewelry means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

Liquid Chemical Germicide means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup/gal, or 2 tablespoons/quart of tap water).

Operator/Technician means any person who operates, manages, controls, conducts or practices body piercing activities at a body piercing establishment and who is responsible for compliance with these Rules, whether or not actually performing body piercing activities. The term includes technicians who work under supervision of the operator and perform body piercing activities.

Permit means written approval by the Department to operate a body piercing establishment or to practice body piercing as an operator. Approval is given in accordance with these Rules and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising New Hanover County.

Person means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

Physician means a person licensed by the North Carolina Medical Board to practice medicine.

Procedure Surface means any surface of an inanimate object that contacts the client's unclothed body during a body piercing procedure, skin preparation of the area adjacent to and including the body piercing procedure or any associated work area which may require sanitizing.

Sanitize/Sanitization Procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

Single Use means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, and protective gloves.

Sterilization means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Universal Precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 5003 Body Piercing Operator/Technician Requirements And Professional Standards

(a) The following information relative to operators and technicians shall be recorded and filed on the premises of a body piercing establishment, and shall be available for inspection by the Department:

- (1) full name;
- (2) exact duties;
- (3) date of birth;
- (4) gender;
- (5) home address;
- (6) home/work phone numbers; and,
- (7) identification photo.

(b) The following information relative to the body piercing establishment shall be recorded and filed on the premises, and shall be available for inspection by the Department:

- (1) owner's full name, home address and home/work phone numbers;
- (2) hours of operation;
- (3) a complete description of all body piercing procedures performed;
- and,
- (4) a copy of these Rules.

(c) It shall be unlawful for any person to perform body piercing procedures unless such procedures are performed in a body piercing establishment with a valid permit.

(d) The body piercing operator/technician shall be a minimum of eighteen (18) years of age.

(e) Smoking, eating or drinking by anyone is prohibited in the area where body piercing procedures are performed.

(f) Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

(g) Operators/technicians shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body piercing procedures. Before performing body piercing procedures, operators/technicians shall thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(h) While performing body piercing procedures, operators/technicians shall wear disposable medical gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surface or object, or by contact with a third person. At a minimum, gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to applying the next set of fresh gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves shall not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

(i) If, while performing a body piercing procedure the operator's/technician's glove is pierced, torn or otherwise contaminated, the procedures described in the preceding Subsections (g) and (h) shall be immediately repeated. The contaminated gloves shall be immediately discarded and the hands thoroughly washed [see Subsection (g) above] before a fresh pair of gloves are applied. Any item or instrument used for body piercing which is contaminated during the procedure shall be immediately discarded and replaced with a new disposable item/instrument or a new sterilized item/instrument before resuming the procedure.

(j) Contaminated waste, as defined in these Rules, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled shall be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It shall then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure To Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

(k) No person shall perform any body piercing procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial guardian or legal guardian. Nothing in this Section is intended to require an operator/technician to perform any body piercing procedure on a person under eighteen (18) years of age with parental or guardian consent.

(l) Any skin or mucosa surface to receive a body piercing procedure shall be free of

any rash or visible infection.

(m) The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body piercing establishment in any capacity in which there is a likelihood that they could contaminate body piercing equipment/instruments, supplies or working surfaces with body substances or pathogenic organisms.

(n) Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B immunization series. This offering shall be included as a pre-employment requirement.

Section 5004 Exemptions

(a) Physicians licensed by the State of North Carolina, who perform body piercing procedures either independent of or in connection with patient treatment are exempt from these Rules.

(b) Individuals who pierce only the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these Rules. Individuals who use ear piercing systems shall conform to the manufacturer's directions and applicable U. S. Food And Drug Administration requirements. The Department retains authority to investigate consumer complaints alleging improper disinfection or misuse of ear piercing systems.

Section 5005 Public Information And Notification Requirements

(a) All clients interested in receiving a body piercing procedure shall be given verbal and written educational information approved by the Department. Verbal and written instructions approved by the Department for aftercare of the body piercing area shall be provided to each client by the operator/technician upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and contain: the name, address and phone number of the body piercing establishment. These documents shall be signed and dated by both parties with a copy given to the client, and the operator/technician retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement provided by the Department, which advises the public of the risks and possible consequences of body piercing procedures. All establishments shall also prominently display in public view the name, address and phone number of the Department, and the procedure for filing a complaint.

(b) All infections, diseases or complications resulting from a body piercing procedure which become known to the operator/technician shall be reported to the Department by the operator/technician within twenty-four (24) hours.

Section 5006 Client Records

(a) To evaluate a client's medical condition for receiving a body piercing procedure, and to assure proper aftercare direction and not violate the client's rights or confidential medical information, the operator/technician shall request the following information:

In order to assure proper healing of your body piercing procedure, we request that you disclose if you have or have had any of the following conditions:

- (1) diabetes;*
- (2) history of hemophilia (bleeding);*
- (3) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;*
- (4) history of allergies, adverse reactions or other skin sensitivities;*
- (5) history of epilepsy, seizures, fainting or narcolepsy; and,*
- (6) taking medications such as anticoagulants which thin the blood and/or interfere with blood clotting.*

(b) The operator/technician shall ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client shall be asked to disclose any other information that would aid the operator/technician in evaluating the healing process of the client's body piercing area.

(c) Nothing in this Section shall be construed to require the operator/technician to perform a body piercing procedure upon a client.

Section 5007 Records Retention

The body piercing establishment shall keep a record of all persons who have had body piercing procedures performed. Each operator/technician shall keep records of all body piercing procedures performed including at least the following information: name, date of birth, address and phone number of the client, date of the procedure, name of operator/technician who performed the procedure, type and location of the procedure performed, signature of client and if the client is a minor, proof of parent or guardian presence and consent, i.e. signature. All client records shall be confidential and shall be retained for a minimum of three (3) years, and upon request made available to the Department.

Section 5008 Preparation And Care Of The Body Piercing Area

(a) Before performing a body piercing procedure, the immediate and surrounding area of the skin where the body piercing procedure is to be performed shall be washed with soap and water or an approved surgical skin preparation depending upon the type of body piercing to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used. Single service blades shall be discarded after each use. Reusable razor blade holders shall be autoclaved after each

use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(b) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers unless the disposable products meet the definition of biomedical waste (see definition).

Section 5009 Sanitation And Sterilization Procedures

(a) All non-single use, non-disposable instruments used for body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or as directed by the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions.

(b) After cleaning, all non-disposable instruments used for body piercing shall be packed individually in peel-packs and subsequently sterilized [see Subsection (c) below]. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six (6) months.

(c) All cleaned, non-disposable instruments used for body piercing shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions for operation of the sterilization unit shall upon request be made available to the Department. Sterile equipment shall not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body piercing establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

(d) Each holder of a permit to operate a body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and upon request made available to the Department.

(e) After sterilization, instruments used for body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(f) All instruments used for body piercing shall remain stored in sterile packages until just prior to performing a body piercing procedure. When assembling instruments used for performing body piercing procedures, the operator shall wear disposable medical

gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(g) All equipment and instruments shall be specifically manufactured for performing body piercing procedures and shall be used according to manufacturer's instructions.

Section 5010 Requirements For Single Use Items

(a) Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in an approved sharps container.

(b) All products applied to the skin shall be single use and disposable. Bactericidal agents, soaps and other products shall be dispensed and applied with sterile gauze or otherwise in a manner so as to prevent contamination of the original container and its contents. Gauze shall be used only once and discarded.

Section 5011 Requirements For Premises

(a) Persons making application for a permit to operate a body piercing establishment after adoption of these Rules shall submit a scaled floor plan of the proposed facility layout for plan review by the Department.

(b) All walls, floors, ceilings and all procedure surfaces of a body piercing establishment shall be smooth, free of cracks or open holes, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleanable and sanitized after each client. All body piercing establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling from any: room used for human habitation; food establishment or room where food is prepared; hair salon; retail sales; and, other activity which offers potential for contamination of work surfaces.

(c) Effective measures shall be taken by the body piercing operator/technician to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances or premises.

(d) There shall be a minimum of forty-five (45) square feet of floor space for each operator/technician in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body piercing stations shall at least be separated by dividers, curtains or partitions.

(e) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body piercing

procedure is being performed, and where instruments and sharps are assembled.

(f) No animals of any kind shall be allowed in the area(s) of a body piercing establishment where procedures are performed except service animals used by persons with disabilities (i.e. seeing eye dogs).

(g) A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the body piercing establishment. One hand sink shall serve no more than three (3) operators/technicians. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and a minimum of one (1) toilet in a body piercing establishment.

(h) At least one covered waste receptacle shall be provided in each operator/technician area and each toilet room. Receptacles in the operator/technician area shall be emptied daily. Solid waste shall be removed at least weekly from the premises. All refuse containers shall be provided with lids, and shall be cleanable and kept clean.

(i) All instruments and supplies shall be stored in clean, dry and covered containers.

(j) Reusable cloth items shall be mechanically washed with detergent and dried after each use. Cloth items shall be stored in a clean, dry environment until used.

Section 5012 Establishment Permit

(a) No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body piercing establishment until a permit is obtained from the Department.

(b) A permit to operate a body piercing establishment shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) A permit to operate a body piercing establishment shall not be transferable from one place or person to another place or person.

(d) A valid body piercing establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

(e) The holder of a body piercing establishment permit shall only employ operators/technicians who have complied with the operator permit requirements of these Rules.

Section 5013 Operator Permit

(a) No person shall practice body piercing procedures without first obtaining an operator permit from the Department.

(b) The operator permit shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) Application for an operator permit shall include:

- (1) name;
- (2) date of birth;
- (3) gender;
- (4) residence address;
- (5) mailing address;
- (6) phone number;
- (7) place(s) of employment as an operator;
- (8) training and experience;
- (9) proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department; and,
- (10) demonstrated knowledge of the following subjects: anatomy; skin diseases, disorders and conditions (including diabetes); infectious disease control including handwashing techniques, sterilization equipment operation, sanitization / disinfection / sterilization methods and techniques; waste disposal; and, facility safety and sanitation.

(d) Knowledge of the above subjects may be demonstrated through documented attendance of courses and successful completion of an examination given or approved by the Department with a passing grade of 70 percent, attained prior to issuance of the operator permit. Examples of courses approved by the Department include Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Documented attendance/completion of training provided by professional body piercing organizations/associations or by equipment manufacturers may also be submitted to the Department for approval.

(e) A course for body piercing operators, the holders of body piercing establishment permits, tattoo artists and tattoo business operators, hereinafter referred to as the body piercing practitioner/tattoo artist course, providing training in at least the following topics: hygiene, sterilization techniques including autoclave operation, hazardous waste handling and disposal, and first aid shall be made available through the Department or through a private provider such as a contracted registered surgical nurse with expertise in sterilization techniques and procedures. Successful completion of this course shall be determined by the administration of a written examination by the instructor. Participants with a score of at least seventy percent (70%) on the written examination shall be rated as passing and, therefore, successful in completing the body piercing practitioner/tattoo artist course. The Director shall periodically review the content of instruction and the written examination offered in the body piercing practitioner/tattoo

artist course to assure that it fulfills the objectives and standards established by these Rules.

(f) No operator permit shall be issued to a person until he (she) attends and successfully completes the body piercing practitioner/tattoo artist course. Operators shall attend and successfully complete the body piercing practitioner/tattoo artist course at least biennially [every two (2) years] and prior to filing application for renewal of their operator permit.

(g) No operator permit shall be issued unless, following reasonable investigation by the Department, the body piercing operator has demonstrated compliance with all provisions of these Rules.

(h) Operator permits shall be conditioned upon continuous compliance with all provisions of these Rules.

(i) Operator permits shall be posted in a prominent and conspicuous area in the body piercing establishment where they may be readily observed by clients.

Section 5014 Prohibitions

(a) Performing a body piercing procedure on any body part of a person under the age of eighteen (18) without the written consent and presence of the parent, legal custodial guardian or legal guardian of such minor shall be prohibited. Consent shall be given in person to the body piercing operator/technician by the parent, legal custodial guardian or legal guardian at the time the body piercing procedure is to commence. Photographic identification of the parent, legal custodial guardian or legal guardian shall be required.

(b) Performing a body piercing procedure on a person who, in the opinion of the operator/technician is inebriated or appears to be under the influence of alcohol or drugs shall be prohibited.

(c) Operating, owning or soliciting business as a body piercing establishment or operator without first obtaining all necessary approvals and permits from the Department, unless specifically exempted by these Rules, shall be prohibited.

(d) Obtaining or attempting to obtain any body piercing establishment or operator permit by means of misrepresentation, fraud or concealment shall be prohibited.

Section 5015 Enforcement

(a) Establishments and operators in business or practicing on the effective date of these Rules shall be given thirty (30) days to make application to the Department and comply with these Rules. Establishments and operators that continue business or practice without proper permits from the Department or operate in violation of these Rules shall be subject to legal remedial actions and sanctions as provided by the North

Carolina General Statutes.

(b) A representative of the Department shall properly identify himself or herself upon entering a body piercing establishment to conduct an evaluation, inspection or investigation. The Department shall conduct at least annual evaluations/inspections of body piercing establishments to determine compliance with these Rules.

(c) It shall be unlawful for any person to interfere with the Department in the performance of its duties.

(d) A copy of the inspection report shall be provided to the permit holder or operator of the body piercing establishment.

(e) If, after investigation, the Department finds that a permit holder or operator is in violation of these Rules, the Department may, as an alternative, advise the permit holder or operator, in writing, of its findings and instruct the permit holder or operator to take specific steps to correct such violations within a reasonable period of time not to exceed thirty (30) days.

(f) If there is reasonable cause to suspect a communicable disease has been or may be transmitted by an operator/technician, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the public health, the Department may, upon written notice to the permit holder or operator, do any or all of the following:

(1) Issue an order excluding any or all operators/technicians from the permitted body piercing establishment who are responsible, or reasonably appear responsible for the transmission of a communicable disease until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

(2) Issue an order to immediately suspend the body piercing establishment permit until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

Section 5016 Suspension Or Revocation Of Permits

(a) Permits issued under the provisions of these Rules may be suspended temporarily by the Department for failure of the permit holder or operator to comply with the requirements of these Rules.

(b) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of these Rules, the permit holder or operator shall be notified in writing that the permit is, upon service of a notice, immediately suspended. The notice shall contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within a specified time period.

(c) Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within five (5) days following receipt of a written request, including a statement signed by the applicant that conditions causing the suspension have been corrected, the Department shall reinspect the body piercing establishment or evaluate relevant documentation provided by a permit holder or operator. If the applicant is in compliance with the provisions of these Rules, the permit shall be reinstated.

(d) For repeated or serious (any Rule infraction that threatens the health of the client or operator/technician) violation of any requirements in these Rules or for interference with Department personnel in the performance of their duties, a body piercing establishment permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A request for a hearing shall be filed by written petition to the Department. Unless the permit holder or operator requests a hearing within five (5) days following service of the notice, the Department may permanently revoke the permit. A permit may be suspended for cause, pending a hearing relative to its revocation.

(e) The hearing provided for in this section shall be conducted by the Department at a time and place acceptable to the permit holder or operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be provided to the permit holder or operator by the Department.

Section 5017 Department Personnel Competency Requirement

Department personnel performing environmental health/sanitary evaluations or complaint investigations of body piercing establishments shall meet the same requirements as specified for operators/technicians in Section 5013 of these Rules prior to assuming responsibilities in this discipline.

Section 5018 Interpretation And Severability

(a) In the interpretation of these Rules, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

(b) In the event any particular clause or section of these Rules should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these Rules are declared to be severable.

Section 5019 Remedies

If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

Section 5020 Effective Date

Adopted August 4, 1999 by the New Hanover County Board Of Health, these Rules shall be effective on and after September 1, 1999.

Signed *William T. Steuer*
William T. Steuer, Chairman
New Hanover County Board Of Health

Signed *David E. Rice*
David E. Rice, Health Director
New Hanover County Health Department

PUBLIC HEARING – CONSIDER AMENDING THE TABLE OF USES IN THE ZONING ORDINANCE TO ALLOW FOR BODY PIERCING SERVICES

Jane Daughtride, Planning & Development Director, said Mr. Dean Moss, owner of Whizzbang located at 10 Lake Park Blvd., came to the town for a privilege license for a retail gifts and souvenirs store and we issued a privilege license to him. She explained that Mr. Moss began advertising for body piercing and the town does not have a provision in our ordinance that allows for piercing services, so we advised him that he was not privileged to do that work. Ms. Daughtride stated that he would need to come before the Planning & Zoning Commission to ask them for an amendment to the ordinance to include piercing services as an allowable use before he could maintain that privilege license. She explained Mr. Moss was on the agenda for the Planning & Zoning Commission meeting on April 25, 2002; however, he did not make a presentation in person, but he did submit a letter of request. The Planning & Zoning Commission discussed the issue and they did not feel that piercing services was an activity that was positive for the community and recommends denying this request.

Councilman Doetsch asked if he submitted his request to the Planning & Zoning Commission? Ms. Daughtride stated the letter from Mr. Moss dated April 5, 2002 that is in Council's agenda packet was exactly what the Planning & Zoning Commission received.

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

Charlie Grissom, resident of Wilmington Beach, said he was on the Planning & Zoning Commission when this issue was addressed several years ago. Mr. Grissom feels this was not the kind of service that we wanted in the Central Business District with our revitalization efforts. He said there were some issues that came up. One issue was that many of these services cater to underage children, which puts them in a very awkward state with the Health Department. In addition, there were also health and sanitary concerns. Mr. Grissom said this is a very marginal kind of business and he is not sure if we would want this business in Carolina Beach. He added that at that time, Council and the Planning & Zoning Commission were 100% against this when it came up a few years ago.

Dean Moss, owner of Whizzbang located at 10 Lake Park Blvd., said as of September 1, 1999, the state adopted guidelines for professional body piercing and now it is regulated by the Health Department very stringently. There are inspections very often and the sanitation guidelines for the building and premises itself are probably no less than that of a dentist's or physician's office. When he learned from Ms. Daughtride that there was nothing in place within the ordinance for the Town of Carolina Beach, he stopped procedures. Mr. Moss explained once a decision is made his next step is to go back to the county and submit a floor plan for his salon that will be approved by the health inspector and there is an inspector specifically for body piercing. As for underage body piercing, no one under the age of 18 may be pierced without a parent or guardian's written permission. This must be documented and the records as well as the identification have to be checked and kept on file for a period of 3 years. Further, Mr. Moss explained these records have to be available to the Health Department and to the state upon demand. As for the hygienic portion of the salon, their sterilizing machine has to be spore-tested monthly and it has to meet the criteria that the Health Department has put in place, which is very strict. Mr. Moss added that Brunswick County has many body piercing services and they are not regulated by the Health Department as of yet.

Mr. Moss feels that body piercing is an extension of jewelry and is removable, unlike a tattoo. It is a personal decision that someone makes who wishes to have it and his goal is to provide a safe and professional environment for those services. He stated that licenses are given on a yearly basis and they can be revoked at any time for violations.

In addition, Mr. Moss feels if the town receives any complaints to be reported within 24 hours that he should be required to report to Carolina Beach as well. Mr. Moss said he chose Carolina Beach because a large portion of his clientele is coming from Carolina Beach. He feels a professional studio would be an asset to Carolina Beach and he would like to be an example of body piercing. This is regulated and there is no room for margin of error. Mr. Moss feels it should be an option. Mr. Moss asked Council to give it great consideration.

Councilwoman Efird asked if Mr. Moss ever had any problems with his salon in Wilmington? Mr. Moss said he does not have a salon in Wilmington; he has a retail jewelry store in Westfield Mall. However, he was piercing in Brunswick County last year, and did not have any problems and any problems that do come up are dealt with quickly and professionally. Councilwoman Efird asked if he limits the piercing to ears only? Mr. Moss said no, we do not limit piercing to only ears; however, they do not perform any piercing below the waist. Councilwoman Efird mentioned when this issue came up before, it was mostly tattooing and not body piercing.

Ms. Daughtridge explained we received a letter from Tom Stitch, with New Hanover County Health Department, informing us that Mr. Moss is not in compliance with state law already because he is advertising, both through the yellow pages and business cards, body piercing at both store locations. She continued by stating that each establishment has to be licensed per location, not per person. Ms. Daughtridge mentioned that Mr. Stitch has been in Carolina Beach a few times to try and take a look at the location, but has not been here at the right times. He has called many times and is interested in the outcome of this.

Mr. Moss commented that he was unaware that Carolina Beach had restrictions in place when they put the advertisement in the yellow pages in February. We had to take the order then because they could not take the ad in the summer time because that is when they distribute them. He explained that to Mr. Stitch and he did not have a problem with it, but he did advise to make sure our business cards were not listed as "professional body piercing" until it would be put in place. Mr. Moss added that he has spoken with Mr. Stitch a few times and he has been inside his shop.

Councilman Doetsch said if the county is interested in what we do about this, why did they not take any action? Ms. Daughtridge said their concern is that Mr. Moss does not comply with the state. Based on the letter from Mr. Stitch, she stated Mr. Moss would be prosecuted if it continues. Mr. Moss said he has performed no piercing in Carolina Beach.

Devra Jacobs, resident of Carolina Beach Avenue South, said that if someone were to do body piercing in Carolina Beach a lot of money would be staying on the island for receiving the same services that they are going into Wilmington to get. Ms. Jacobs asked if the town approves this and there is a problem, can Council take this back? Mayor Rothrock explained this is to change the ordinance to allow this type of business. Ms. Jacobs feels this seems like a normal business and she supports it because she knows from seeing and talking to people how much money is being spent in Wilmington.

Maurice Raker, resident of 1512 Swordfish Lane, said personally, he is not for body piercing. Nevertheless, Mr. Raker asked if Council amends the ordinance, what is to keep an influx of these people coming in here? Mayor Rothrock said if we were to amend the ordinance, there would be an unlimited number in Carolina Beach.

Lank Lancaster, resident of 104 S. 6th Street and Planning & Zoning Commission member, said we did review Mr. Moss's application without the benefit of his presentation. We did discuss the previous application for a permit to do tattooing and piercing. He said we did not think, given the refocusing of where Carolina Beach seems to want to go, that body piercing was a service that should be supported in Carolina Beach. Mr. Lancaster feels Mr. Moss's presentation addressed that there are an adequate number of places in the county and we did not feel it offers anything particularly advantageous to Carolina Beach even though we might lose some of the revenue for this business.

Bill Powell, resident of 304 Harper Avenue, feels this is a personal thing and it only affects that person. He said this is just one freedom that we have in this country. Mr. Powell believes that if the business is legitimate, licensed, and is inspected, he does not see why we would not allow it.

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

Councilman Macon made a motion to adopt Ordinance No. 02-508 to allow body-piercing services. **MOTION DENIED: Councilman Macon and Councilwoman Efird voted aye. Mayor Rothrock, Mayor Pro Tem Barbour and Councilman Doetsch vote nay.**

Mayor Rothrock said he is not in favor and does not feel that body piercing is something that we need in our Central Business District or next door to an apartment house.

Mayor Pro Tem Barbour is concerned from a compliance standpoint and there is already issues from the county. He cannot change our ordinance to make a situation legal until all the compliance issues are resolved with the county and Carolina Beach.

In reference to the compliance, Mayor Rothrock commented that the location at Independence Mall would not be in compliance until the existing telephone directories are replaced.

Councilman Doetsch said we should not state what a person should and should not do. However, after going through months of revitalization issues, he does not feel this supports what we are trying to do for the Central Business District.

Mayor Rothrock said he is concerned about age and documentation that could be forged as well as the location, which is next door to an apartment house. He commented that if someone wanted adult entertainment, they would have to go over the bridge.

Councilwoman Efird said with the regulations from the county and the city, they can be shut down.

Councilman Macon said the county has adopted regulations to make it safe and we keep saying those people or those kind of places as though we are talking about a certain type of person. It almost borders on discrimination to say that these are people we do not want down here. As far as the advertisement is concerned, if an honest mistake was made then it was made. He corrected the mistake as best he could and he cannot take it out of the phone book. But, he can choose to not pass out

that are not in compliance. Councilman Macon added that he still has to apply for it and from the county to operate the salon.

EXISTING BUSINESS – CONSIDER AN AMENDMENT TO APPENDIX A ZONING ORDINANCE, ARTICLE 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

Ms. Daughtride, Planning & Development Director, said this is continued business from the last meeting. The Planning & Zoning Commission has sent forward to Council a comprehensive change to the parking chapter in the Zoning Ordinance and it has changed a number of the standing parking requirements. It also took out the parking impact fees where onsite parking could not be provided. Ms. Daughtride stated there were some concerns about one or two provisions that were in there that dealt with parking needs in the Central Business District if we do away with the impact fees.

Ms. Daughtride said there were some changes to the amendment as follows:

Under Off-Street Parking Standards; Section 7.1(c), she proposes we add language that reads “waiver of parking requirements in Central Business District. Where properties are located within the CBD, parking requirements will be waived if public parking spaced adequate to meet the requirement are located within 500 feet of the use.” Mr. Peck, Town Manager, suggested changing “will” be waived to “may” be waived for flexibility.

Under (d) off-street parking space schedule; room renting/boarder houses, Ms. Daughtride said to adjust “1.25 to “1” per roomer or boarder in addition to requirements for the dwelling units.

Under swimming pools, Ms. Daughtride suggested we change to one per 75 sq. ft. of “water” area instead of “parking” area.

Under the post office section, Ms. Daughtride suggested we change to one per “300” sq. ft instead of “200” sq. ft.

Under retail stores and service businesses (i.e. barber, tailor, etc.), Ms. Daughtride recommends we change to one per 200 sq. ft. “of actual retail space or service area” and strike the rest of the sentence.

Councilwoman Efirid does not want to make it too hard for businesses to come here. Ms. Daughtride said we have actually reduced the requirements.

Councilman Doetsch feels this is a good first step to help stimulate growth.

Mayor Pro Tem Barbour made a motion to adopt the Ordinance No. 02-503 with the amendments and changing the word from “will to “may” (Exhibit 3). **MOTION CARRIED UNANIMOUSLY.**

AWARD OF BID FOR NEW FIRE ENGINE

Brian Roberts, Fire Chief, said we had previously received bids early in 2002 and received only two responsive bids, so we rebid. We received three responsive bids this time and he recommends that we

and taking a lot more of the parking and increase the cost. He thinks this is a good balance for folks who have mobility issues, etc. The public input sessions are tomorrow night at 7:00 p.m. at the Recreation Center, Thursday at 12:30 p.m. at the senior center and at the March bingo they will have a table for additional feedback. Of the feedback they have received the consistent comment is thank you for including us and valuing our opinion. There are statistics where there is a certain percentage who would want a pool no matter what and a percentage who would never want one. They will bring that data back. The Island Gazette used a polling tool that checks the IP address and limits your vote.

Council Member Friede made a motion to add 2 positions to the committee. MOTION CARRIED UNANIMOUSLY.

Council Member Smith and Council Member Bridges agreed to serve as the Council representatives. Former Council Member, Lonnie Lashley, agreed to serve as a member of the committee.

Mayor Lewis made a motion to appoint Amy Hester to the Aquatics Committee. MOTION CARRIED UNANIMOUSLY.

Mayor Lewis said before going to the next item that he wants to say that the 5 members of Council are residents of the board are residents of the community trying to do the best that we can based on the knowledge that we have. A lot of times we don't make the right decisions. He mentioned that when he first got elected we voted for the road diet and that was the biggest mistake that I ever made as councilman and now we are back to a four lane road. Unfortunately it cost us money to do that. So you hope that you don't make that many mistakes over a period of time in elective office.

Mr. Bigley was in the audience and added that he has four great grandchildren who attend Carolina Beach Elementary School.

PUBLIC HEARING – CONSIDER A REQUEST TO AMEND APPENDIX A, ARTICLE 3, SECTION 3.8-1; ARTICLE 12, SECTION 12.2 AND ARTICLE 23, SECTION 23.3 OF THE ZONING ORDINANCE TO ALLOW BODY PIERCING AND TATTOO STUDIOS IN THE HB ZONING DISTRICT. APPLICANT: DIXON BROADFOOT

Mr. Parvin presented this item. He said this is an application for body piercing and tattoo studios in our highway business (HB) district. This issue has come before Town Council before, both tattoo parlors in 1995 and body piercing in 2002. The difference at that time was both applications were looking at our downtown central business district (CBD) area. Historically the Town has wanted the niche of the CBD to be retail, shopping, restaurants, entertainment and service oriented toward the beach. Highway business does have a different character and Mr. Broadfoot thinks this would be a better fit for his establishment of tattoo and body piercing. There have been concerns about these types of uses throughout the country. One of those is health issues and most states, North Carolina is no exception, have addressed these through state legislation that put stringent restrictions on these establishments and they are enforced through the state and the county health department. You also have impacts that you can mitigate through

zoning. A lot of communities, when he was looking across the country, they see this type of use come before them and they have concerns that this is going to create an area of high crime, low income. Those are the concerns he is seeing. There are no studies or research he has been able to find that represent that but that is usually a community concern. So what most communities do is adopt regulations to mitigate those concerns and we have put similar ones that other communities have put into place. One that we have for some other uses as well is if you serve alcohol in the HB district, Mr. Broadfoot, or anyone opening a business in the HB, would have to come back for a conditional use permit (CUP), all of your approvals would be posted on site and then separation requirements. We use these for several different types of uses. The most recent that Council is probably familiar with is the electronic gaming operations which we adopted he thinks in 2010. They adopted, he thinks, identical separation requirements.

Council Member Friede asked about other separate requirements that we have and said there was a discussion a few years back about separation of bars. Was that in just the CBD?

Mr. Parvin said they had in the zoning separation requirements for bars and for sexually oriented businesses.

Council Member Friede asked if these are the numbers that we used on the others.

Mr. Parvin said these are what we used for electronic gaming. Sexually oriented businesses are significantly more and it is only allowed in the industrial area. He said that those numbers are not in front of him, but it is closer to 1,000 feet for those businesses. This went to Planning and Zoning last month and they made a motion to deny which passed 4-3. Some of their concerns that we discussed were, one, can we completely zone out a land use such as body piercing and tattoo studios? Going to David Owens at the School of Government he said you can zone out a particular use as long as it's not arbitrary and capricious. That is what you will find court cases to say. So what does that mean? A good example for a small resort community is you could probably zone out a heavy industrial use whereas a larger community couldn't do that. What that means for tattoo studios, he's not an attorney and can't tell them that. Also, the ruling by the 9th Circuit Court of Appeals does not apply to the eastern side of the country but would apply to several of the states on the western part of the country – Alaska, Hawaii, Washington, Oregon and California. It was found that this is a first amendment right, a freedom of speech, that you have to create an allowance. Again, this doesn't apply right now in North Carolina but that is a federal court decision. Other things that Planning and Zoning considered was under CUP you could require this use. Right now staff has it written up as permitted by right, you could make it a CUP so any applicant in the HB district would have to come back before Council and community members could address Council and talk about adding conditions to that approval. You could look at increasing the distances from schools and churches to 400 feet. He thinks they were at 400 feet for the separation between tattoo studios. If you did it for a residential you would pretty much zone it out completely so you couldn't do that and accommodate the applicant. A lot of communities set a high privilege license fee. We went through this with the electronic gaming operations as well; we set higher ones for that. He saw several he gave to Planning and Zoning and several of them said \$1,000 for tattoo studios. Otherwise it would go

to what is set by the state which would be gross receipts so it would be a minimal amount, about \$20 or \$30 a year. And then you can look at this under a CUP or if you wanted it permitted by right you could add a condition on there to have limited hours of operation.

Council Member Friede asked what kind of enforcement issue would present, if any, if we said we wanted to have limited hours of operation.

Mr. Parvin said that it would most likely require the police department to go out there and enforce that.

Mayor Lewis said you could also research a complaint.

Mr. Parvin said yes, a lot of times just talking to the folks will resolve the issue, and that is usually where we start.

Council Member Friede said we have limited hours of operation on sweepstakes operations. Is that correct?

Mr. Parvin said he knows they had a CUP. We had one in the fall for the marina that it be limited to daylight hours.

Council Member Friede asked if we have anything else that we have limited hours of operation on.

Mr. Parvin said he couldn't think of anything off the top of his head. He knows with CUP's that has been a common condition that he has seen with Councils over past years add on.

Council Member Friede said the enforcement of that needs to be done basically by police if it's after 5:00 p.m.

MPT Shuttleworth said or if it's a complaint investigation follow-up. He asked Mr. Parvin about his write-up where he said under the recommendation that at one time bars were limited by their distance. Why did the Town quit doing that?

Mr. Parvin said he thinks that at one time you were having more concerns with bars.

MPT Shuttleworth said we took that distance regulation out.

Mr. Parvin said that is correct; at one time there were bars the Town was having concerns with on the boardwalk, particularly, and then businesses changed, the boardwalk cleaned up and the concerns went away.

MPT Shuttleworth said so it was the flavor of a particular individual's business that someone was trying to regulate by limiting by distance how many bars there were.

Mayor Lewis said he thinks it was a conscious decision to slow down the growth of bars next to each other.

Mr. Parvin said he thinks the concerns went away. There were concerns when the bars were bringing in...

MPT Shuttleworth said that's the concern, there were particular bars. In your write-up, your summary of request you say all these previous applicants were in the CBD and the Town had worked to encourage family oriented uses in our downtown, being the CBD, and based on that discussion everything was oriented towards the CBD and in this case you are talking about the HB district, correct?

Mr. Parvin said that is right.

MPT Shuttleworth said so encouraging family oriented uses in the CBD, is that what you are trying to do?

Mr. Parvin said that is what, when you look at those cases in 1995 and 2002, those were the concerns expressed when people come to Carolina Beach and walk up and down the boardwalk.

MPT Shuttleworth said whereas you said in the HB district these are pretty much service businesses that people are destined to drive up to and they have an intent to go there not just strolling by down Lake Park. They have a reason to drive up and get a particular service.

Mr. Parvin agreed.

Mr. Parvin said that he knows the applicant is here if you would like to hear from him at this time.

Mayor Lewis said let's hear from the applicant and then we will open the public hearing.

The applicant, Dixon Broadfoot, thanked them for their consideration in this matter tonight. He said he is a property owner at 1009 Lake Park, Suite B. Before we speak tonight it was brought to his attention, nothing personal at all, but at the last Planning and Zoning meeting Tom (referring to Council Member Tom Bridges) had some real valid input earlier and it was questionable whether or not he had the valid right or legal, if you want to check with Noel Fox, if it's legal for him to, if he's already voted once to be up there again and do it. Is that something you could check on?

Ms. Fox said she isn't sure that she understands.

Mayor Lewis explained to Ms. Fox that he was on Planning and Zoning and voted against it, or voted on an issue to recommend to Council, but he never voted as a member of Council.

Ms. Fox said this is a different forum.

MPT Shuttleworth said he voted once as a Planning Commissioner and now he's hearing it as a Council person. Is there a problem with that?

The town attorney said not that she is aware of.

Mayor Lewis said he doesn't have to recuse himself. He said he thinks they were talking about a conditional use permit maybe, he'd already heard evidence before that but this is not a conditional use permit. So in that case he doesn't think they have anything to concern ourselves with, right?

Mr. Broadfoot said he brought up some really good... when he walked out of there he thought that he was in favor and had some really good valid points but it was just brought to his attention that there could be some legal issues with allowing, since he's already voted one time, to vote again.

Council Member Bridges said he will recuse himself if necessary.

Mayor Lewis said he thinks he's okay. If it was a conditional use permit we'd probably have that ... so keep going.

Mr. Broadfoot said he wanted to tell them a little bit about himself. He sold his shop last year and had an opportunity down here in Carolina Beach to capitalize on a small opportunity and invest instead of rent. Basically what he wants to do is open up a small boutique style gallery specializing what he does. He has been doing it for 18 years. He does cosmetic makeup and regular tattoos as well. Basically it's a growing trend and feels it would benefit the city in allowing him to do it here. It will cut down on illegal tattooing because it is becoming so popular through the years. We pass out all these temporary tattoos to our kids, people are going to do it somewhere. He feels it would benefit the city to allow a government regulated, sterile, clean place to get it down without having to leave the beach. He lives three miles from here and like you guys and everybody else here we don't like to leave the beach if we don't have to. He is looking to open up something like that here to keep people on the beach, keep revenue here. We don't go across town to buy gas and go get our groceries across town. We should be a full service city and provide an option and an opportunity for people to get it done here instead of getting it done illegally. The location he's looking at is about 1,000 sq. ft. The growing trend is getting to be more gallery oriented and because of that he wanted something just for himself, 1,000 sq. ft. is perfect for what he is looking to do, a place that he can bring his kids to work with him.

MPT Shuttleworth asked what he meant by gallery oriented?

Mr. Broadfoot said they have evolved a lot more, he guesses the old stigma, stereotype behind it. It has changed so much through the years because of the popularity. If you have never been in one before, they are more art gallery oriented. A lot of the tattoo artists are becoming quite famous with a lot of their paintings and drawings. If you are sitting around and you're not doing tattoos you are painting, you're doing watercolors and there is a lot more involved with just tattoos. It has become art not even on skin but on canvas. That's kind of where it's been geared.

These guys are producing books and magazines. That is kind of where it has evolved, more gallery oriented appointment only. It's not your walk in, bang 'em out, loitering thing anymore. The loitering doesn't make any money for him. You come in and get your tattoo if it takes four hours then you leave. He is addressing that right now with the HOA in the units that he bought. We have a meeting tomorrow and hopefully that will fix any kind of concerns they have with loitering issues which he doesn't believe exists. He thinks you will find all that happening a lot more down at your local McDonald's than you would here at his family oriented business. He is a father of two and likes to go home around 9:00. He just wants to offer a nice, clean safe alternative to keep the vacationers on the beach here. From past experiences the bigger and more volume kind of style tattoo studios and those things are changing and evolving. It seems like a family of four would come into town and one or two of them would get a tattoo and the rest of them would spend money shopping while the four hour tattoo took place. After that they stay in town and get dinner. His opinion when they get people here on the beach we should keep them because of economics. We have like Charlotte and Raleigh, you can draw a full circle around any business there. You get people coming from all areas. That is why those businesses thrive so well. The beach economy depends a lot on the locals that are here and also depend a lot on tourism and when we're working with only 180 degrees and you have the ocean on one side of you, we're limited on what we can generate to thrive here. You have ferries and Southport and everything else and have such a small sliver of opportunity to keep the revenue here. If you have someone like me with 18 years of experience, nationally recognized and have travelled all over the world tattooing. I know we're looking at the bigger picture here. I don't know if you're going to do better and he doesn't know how much available options and opportunities there is going to be competitively with what he does and his skills and, yes, maybe there is the potential to open Pandora's box but it took him a year just to find a place. It's really limited and he thinks they will see when he pulls up the map if you do the 200' setbacks, it reduces the availability even more. Then with the existing uses, you have storage units, you have churches in place, you have thinks that aren't going to be closing down for years to come and it cuts it down that much more. He would like to bring some other people who are in favor if they don't mind. He is looking forward to hearing people who are in opposition. He has done a lot of research for anything he could find in opposition or anything negative about it and he could not find any factual data on anything negative about a new business like this coming here or going anywhere else for that matter. He couldn't find anything negative on the con side other than just speculative opinions that people may have and those people may not have ever been to a tattoo shop. He thinks a good example might be his daughter, if he gives her something new to eat and she has never seen it before she is going to say "ew, I don't want to try it." How does she know how it is going to taste if she has never been there or never had it before and he thinks that's maybe some of the stigma that arises from it. It's evolved and changed so much, his clientele is so professional. He can go and see doctors and lawyers. Everybody knows everybody gets tattoos, it's not for criminals. He doesn't think they fabricate criminals, it doesn't define a person. It is art on skin.

Council Member Friede asked if it is his opinion that there are illegal, unregulated tattoo parlors operating on the island now.

Mr. Broadfoot said it is not his opinion. He knows for a fact that there are plenty of people tattooing out of their homes. They are not parlors. He thinks it's the kind of thing that someone

has a friend who has a gun that they bought on the Internet. These kids are 18 and they don't want to leave the island and they might not have a ride - the availability of a traded or bartered tattoo to have someone who is not regulated. It scares him, he has seen a lot of it for years. They come to him to fix it. His biggest concern isn't just the crappy quality of art that they are getting; it is the exposure to unsterile, unsanitary needles, that they are not governed by any regulations. They don't have autoclaves or the Health Department involved to inspect them. There is a lot of it going on at this beach.

Council Member Friede asked how permitting this as a right in the HB district would eliminate those backdoor shops, one person operations.

Mr. Broadfoot said it won't eliminate it but it would give people another option. Some other options are if I want a tattoo I can go into town and get one but you are providing a local option for the people that are turning 18, the people that aren't going to be, they're called scratchers, doing it at their house. If you provide an option like that he takes the brunt of the responsibility of everyone who comes in his door. Having his around does keep a better eye on the community because he is required to report anything like that that he sees locally and if he is not here locally he can't report it locally. He has been working with the Health Department for years and when they hear of someone doing illegal tattooing they notify the correct persons involved and she does the research and they do what they can to help reprimand the person that is doing it. It's kind of like a little bit more of a check and balance situation.

Council Member Friede asked if he has reported the people on the island that he knows are doing illegal tattooing.

Mr. Broadfoot said it has been going on for years down there and he is sure there are people in the audience who are willing to stand up and say they know people who have gotten illegal tattoos on the island. It's just growing in popularity so much. You can open up just about any magazine, whether it's GQ or Sports Illustrated, they're everywhere, everybody's got them and they are influenced by their heroes and idols and because of that they are going to get it. He is here to at least give that opportunity and option to Carolina Beach.

Mayor Lewis said there are a couple of different ways they can do public input. They can have everybody get up who is in favor and move on that side of the room and everybody who's not move on that side of the room. The town clerk said they could have one representative for and the against but he thinks they will just go by the individuals. Because they have a lot of people who want to talk he would like to try to keep it to 5 minutes, focus just on the subject. They can start by anybody raising their hand who would like to make a comment for or against, it doesn't make any difference.

Kenneth Horne, owns and operates Pleasure Island Insurance, resides at 630 St. Joseph Street, Unit 103. He has spoken to Dixon, they had about a 45 minute conversation in his office, and he's a fine young man. This is not about Dixon or about tattoos, this is about Carolina Beach and you folks have a really difficult position. You want to bring in business, he understands that, that is what you were elected to do but at the same time you have to be careful what you bring in. He is reminded of 2001 he had rented a unit at Pleasure Island - he just happens to be going to

be his neighbor, that has nothing to do with it trust me, but he was renting a unit #84 and his son said, "You know Dad we really need to buy our own unit." He told him that was a huge investment, we have to do some research and make sure. We have to take a look at this community and find out what is going on. We looked at zoning. There's a reason for zoning. Zoning is so that people of like kind can get together. Let me give you an example, if you want to buy a new car in Wilmington you have to go to a certain place to buy a new car. You don't go to First Citizen's Bank and right beside it is Rippy Cadillac, it doesn't work that way. If you want to go to a bar, you have to go to a particular place to be able to go to a bar. The same thing is true with a tattoo parlor. If you want to go get a tattoo, there should be a place identified for tattooing. He is in the highway business community and he has invested a lot of money in the highway business community and he would have never bought that building if there had been a tattoo parlor sitting in there. Why? Is it because he is prejudiced of tattoo owners? No. Is it because of prejudiced of people who have tattoos? No. It's just that a good businessman is not going to put his business in an area that's not going to bring in his clientele. So he chose Pleasure Island Plaza because of the clientele that was being brought in to that particular commercial development. We had a lawyer, we had the tax people, we had real estate people and all those people bring in clients that really and truly flourish his business. He told Dixon that he is cutting off his nose to spite his face and the last thing he wants to do is oppose a business. He is not opposing the tattoo business but he is opposing where they want to put it and he personally doesn't think, quite frankly, that there is a place on Carolina Beach for it because Carolina Beach, quite frankly, is a beach community. Most of the businesses here are servicing the people that are really making the investment in the beach. He reminded Planning and Zoning and he will remind Council that back, he doesn't know if it was a beautification program, one of those projects they were talking about, they came around to all of the businesses owners and said they want to really change the complexion of the boardwalk but we're going to need business owners to make that investment. That particular time it was \$3,500 a pop. You put \$3,500 in you got your little name on a plaque in a little cul-de-sac, you know where I'm talking about. Well business owners like him and others didn't make that investment to turn around and go back. There was a reason why you were changing the perception of the boardwalk at Carolina Beach, because you wanted to change the clientele that come to the boardwalk. He submits to Council that they have that same decision now. Steve you said something earlier that he truly respects, you said there are only a few things that government is responsible doing and you used the word protection. He is a business owner and he is looking to him to protect him and his environment and he doesn't want him to bring in a business that is going to hurt his business. Forget tattoos. If you tried to bring in Rippy Cadillac beside him, they would get just as much argument from him as they are about tattoos. If they tried to bring in a church beside him, you would get just as much of an argument from him that they are going to get from a tattoo. There is a place for all these businesses and he submits that he doesn't believe it is in Carolina Beach.

MPT Shuttleworth said you're in the insurance business and asked what kind.

Mr. Horne said they sell property, casual, life and health.

MPT Shuttleworth said pretty much all kinds of insurance but the people that get tattoos, don't they get insurance?

Mr. Horne said that is not a fair question. People that are white headed don't buy insurance either. He sells insurance to people that has tattoos and rings in their nose.

MPT Shuttleworth said but what you said was that people come into the plaza, like businesses attract businesses so the connotation was if they are going into the law office or going to the real estate office they might stop in your office and buy insurance. So he is just wondering if they go to the tattoo parlor, you don't think they would stop in and buy insurance?

Mr. Horne said he didn't think so. He doesn't think they go to the tattoo parlor and say as soon as they get my tattoo I'm running over to the insurance business or insurance office and buy an insurance policy. He doesn't see that working.

MPT Shuttleworth said he doesn't disagree with that.

Mr. Horne said the people he does business with typically are buying properties on this island. He realizes this is emotional and he'll respect their decision. He just wants them to understand that he doesn't think the decision is about Dixon and his quality as a tattoo artist or, quite frankly, what he does or how he does it. He thinks the decision is about Carolina Beach and what kind of image this town council wants Carolina Beach to have.

Joe Bradley, 910 Basin Road, said he has known Dixon for quite a while down here and owns a construction company here. He knows with Dixon, the professional that he is, that it would probably be the best bet for the whole community down here on the island to get rid of the scratchers. You've got your eye on him, the police station is here, the Board of Health is always going to be looking at him. He is just so professional. He knows how he runs his house and how he runs his businesses and he just kind of thinks that it's kind of - everybody has a dream. He wants to open a business here. Everybody wants to open some sort of business and you all know that. As for illegally being done, he can't see it, the way he's proposing it at all to actually being doing something that... He understands the gentleman before him with his insurance company that he's not going to bring in any business to him but, at the same time, he just may. There are people down there. The coffee shop will probably do better. There are a lot of things. How often do you go out and shop for insurance? It's not like you're going out for furniture or going to the grocery store. He sells insurance. He has respect for the man but at the same time he thinks everybody should get a shot at something and he doesn't think you people could lose with this guy at all. Dixon is a good man.

Greg George, 111 Summer Salt Lane, is here to speak in support of this. He knows Dixon's reputation although he only met him one time before this evening. He came in not to support him and his business but to support the concept. He has lived here for 10 years and ridden his bike around this town 7 to 10 miles a day and he knows most of the business owners here and most of the businesses. He is 50 years old and didn't get a tattoo until he was 47 and he bets half of the people in this audience have tattoos. He respects the gentleman that has the business but let's just get real about it. People with tattoos are discriminated. To him that's what this boils down to here tonight. He wants to point out that this business is going to bring jobs to this town. This business is going to bring taxes to this town and he can't tell them how many dozens of people that he either know personally or met on the street that he has had to send into

Wilmington. We probably take \$10,000 or \$15,000 into Wilmington, plus it's a hassle. This gentleman is in the insurance business, he guarantees a large portion of his customers have tattoos. I come here because he knows cancer survivors that need tattoos for cosmetics that they can't get on this island. He knows there is a lot of military presence on this island. Military men and women have tattoos. To him it is discriminatory. This type of business is no worse than a dingy bar on the boardwalk or a sweepstakes business in town. Some of those businesses could bring in worse types of clientele than this business. People with tattoos are just like everybody in this audience and he thinks the people of Carolina Beach should support this measure and if you couldn't tell how articulate the gentleman who is going to run this place if he is allowed to, he's not just some rum dumb tattoo artist. He's a businessman and he's here and wants to get your support and he supports him and his business.

Doug Kramer, 1100 Carolina Beach Avenue N., said with regard to Ken Horne, he is his insurance agent and would he not use him because there's a tattoo parlor there? No, but if he didn't know Ken Horne and there was a tattoo parlor there he might not and probably would not go and use that business. He thinks there are a lot of people in here who feel the same way he does so there is going to be an effect on his business and you should protect him for that reason.

Brooke Kempies, not a local here but is in support. They provided Council with a packet and she just wanted to hit on some of the opposition and responses so the community could hear those. A lot of the opinions are "if I want a tattoo I'll go into Wilmington to get a tattoo". For her she thinks that is a problem for local business owners that are here. Why would you want to send revenue outside of the city? We want to keep locals and tourists here. As Dixon stated it's not just getting a tattoo, you're going to spend money at gas stations and restaurants and other local shops. One of the other oppositions was "we don't want those kinds of people here and I just don't like tattoo shops". At this time she thinks there is a lot of support out there and she would like to ask everyone who has a tattoo or who is in support of this tonight to please stand. (Note: appeared that the majority stood.) This is your local economy, right? So this is your local community and so our local businesses here are concerned about the community but that's it, right there. Probably over half of those people stood up.

Mayor Lewis asked where she is getting the people she's talking about. Who's talking against it?

Ms. Kempies said this was at the last meeting that we had at Planning and Zoning, she took these oppositions down and wanted to address them. The next one "I'm concerned about the health issues" and she knows that has been touched on but tattoo shops are regulated by the county and Health Department and thinks this will help in the spread of hepatitis B and other disease control so this would be a positive and not a negative. Next one "I'm concerned bringing a tattoo studio will lower the property values". Tattoo business right now is a multi-billion dollar industry. It's featured in magazines, television shows featuring very famous galleries and shops around the world and everything has kind of grown into a more upscale art gallery so if you have someone locally here that is running that type of business they're just going to put the money back into this community. Especially being a property owner, you're going to want to increase the values there and not lower them. Also she thinks studies have been proven that when there are a lot of tattoo shops together, that was more of the concern that there was going to be a decrease in

property value but with the restrictions and with the highway business district that they are asking a conditional use for you won't be able to provide that. The local economy won't be able to support more than a couple of tattoo shops so if you did open this Pandora's box half of those people that even try to apply and there's enough shops that the economy is not going to support it down here, maybe one or two. But it also prevents us from becoming a monopoly as well. It took us a year for us to find the property that we decided to buy so say you have someone, they are probably going to have to buy the business because you may have locals who don't want to rent to a tattoo shop. So you are really looking at cutting down the opportunity there. It's going to be someone who has vested business interests here and it's going to be someone who is really dedicated and headstrong to open that business here. It's not going to be that if you approve this tonight ten other shops are going to open up. One of the other oppositions that we have is "we've gone this long without being change, so why should be adopt it now". She would say offering a competitive market. All the other cities around you do offer tattooing so being able to evolve with the times and offer this type of service she thinks would only benefit the local economy plus it's our first amendment right and the Supreme Court has already ruled that there is a place in every city that should allow tattooing. The last one is "what is tattooing". Tattooing is simply a form of expression to the individual. It's not going to harm someone else. She doesn't think it's going to harm someone else's business plus she does have insurance, might have used them, maybe not but who knows. At least give me the opportunity to do so instead of just assuming that because of her business or because she has tattoos she would not.

MPT Shuttleworth said in fairness to Mr. Horne, he's sure she has tattoos but his question was, and thinks she would have to admit, good, bad or indifferent, there is some stigma, there is some connotation – he has had several people go down to Third Street, go look at all the tattoo shops downtown, look at the problems down there. You look like a very presentable young lady. He's sure Mr. Broadfoot is going to have a fine shop but this is a zoning change that would allow multiple, could have, and he believes free market would dictate how many but Mr. Horne has an existing business. He bought into something that didn't allow that and he is concerned about...

Ms. Kempies said did it say that it didn't allow it or just hadn't been brought up?

MPT Shuttleworth said there is no zoning in Carolina Beach that allows it so if you are a business person and you are making a decision, you do your research and go look at the zoning and say these are the things, I'm not next to a place that can have an adult entertainment, I'm not next to a place that can have this, this or this yeah I'm going to invest here and open my business. He has to weigh his decision based that he is trying to be concerned about too. He is sure Mr. Broadfoot operates a great business. It's not his; it's the fact that this is a blanket agreement. When you said all the other local communities do that, he's been trying to do some research and couldn't find out about Southport and Wrightsville. He knows Surf City allows it but he doesn't know about Bald Head, Wrightsville, Southport, Kure Beach so he is not sure all the other communities do allow it.

Ms. Kempies said in Wilmington and Myrtle Beach.

MPT Shuttleworth said what about Kure Beach, Southport, and Wrightsville Beach? He's just trying to understand. He asked the attorney beforehand is there a freedom of speech issue that

says we have to allow every zoning and there's not. There's the 9th Circuit Court that said something about it out in California but we already got a lot of heat about listening to the Surfriders so he is not sure how much about the 9th Circuit he wants to listen to. He is just trying to balance out of both and just so you know I didn't stand up because he is not in favor or against it but he does have a tattoo. Your question was are you in favor of it or have a tattoo. He thinks Mr. Horne had a valid point.

Ms. Kempies said it's not based on fact. It's based on speculation and is it better to have a functioning business that may bring revenue to his company as opposed to an empty lot next to it because that is what he had before they bought the property.

Greg Lyon, 311 Harper Avenue, said he is a lifelong resident, owns a business and is a part-time employee refereeing little kids. He is covered in tattoos. I am also a musician. He has known Dixon for about 20 years and has gotten all his tattoos from him. He is a law abiding citizen, very clean, cleanest tattoo gallery he has ever seen and he has been to quite a few. He just wants to support him in all the ways he can and hopes they will make a good decision and go forward with this because it will bring money. Like everybody said while somebody is waiting to get a tattoo they might go over to the insurance company, you never know. Just because someone has tattoos or has a birth defect or anything doesn't make them any different than anybody else. Nobody is perfect in this world. Hope you make the right decision and we support him all the way.

Jeanine Williams, 1608 Bonita, said she is in favor of this. She met Dixon just last week but has heard of him for years. If he had been here years ago she would have had an appointment years ago. It was her 16 year old son who was illegally tattooed on this beach. She had to take him to the emergency room and he had to do antibiotics for two weeks. That's where he got that information. I think maybe we shouldn't call it tattoo shop or parlor, maybe we should go with tattoo gallery. I think that is what he is trying to set up, an art gallery by appointment only tattoos. She wants an appointment and when she is done she will stop and pay her auto insurance, she promises.

Kurt Evers, W. Kilarny Road, Wilmington resident, said he has been a friend of Dixon's for 22 years. He is a very upstanding citizen and would run a very good business. As a former health inspector for Pender County he has inspected tattoo parlors himself and does know that Dixon runs a very clean establishment and would do so here in Carolina Beach. Also, he would like to bring up the point that having grown up here and Dixon as well, Wilmington and the surrounding market in Carolina Beach has seen a very much increased use from the university and from Cape Fear Community College. With that being said it would bring in a lot of revenue from that.

Mayor Lewis said when we talk about changing the zoning or changing things, it's not just any individual, it opens it up to everybody. He appreciates all the comments about how great Dixon is but it's also an issue about the businesses. He could have the business here for two years and sell it to somebody else and we're dealing with that individual or other people can come into the marketplace.

Steven Sacewicz, 313 Hamlet, said he owns his home, it's in the flood zone, and he has tons of insurance. He's a school teacher and coaches kids. He's been teaching for 14 years and his wife teaches school. They have a daughter that goes to Carolina Beach Elementary. He's the kind of people that he reads about in the paper that you don't want here that says we don't want those kinds of people here, we don't want those kinds of people at the business.

Council Member Friede said they never said that. Whoever is here, please understand, this is the first time this has come to Council. We have not said we don't want those people here so whoever came to yell at us and say we don't want those people here that was not us.

Mr. Sacewicz said in the paper, he's sorry if he's loud, there's no finger pointing at all he is just saying the feel of the community and when people read these things says we don't want those kinds of people here and that is the feeling that people are getting.

Council Member Friede said not from them, she hopes.

Mr. Sacewicz said if they look around and when she has everyone stand up, it was more than 50% who were in favor. There are not a lot of people opposed who are here so there's a lot of support for the business and as a Council it is my understanding that they are to do what the town wants, what the people want, not what they personally believe in. He doesn't like coffee so coffee shops shouldn't go in or cheeseburgers or tattoos, etc. He just wants everyone to be open minded. There are a lot of good people out there who have tattoos and want a place to go get them and he understands people's concerns about it, but go visit some places like Dixon said.

MPT Shuttleworth asked him what does he understand those concerns to be. That's what he's trying to get to.

Mr. Sacewicz said there's a stereotype of people with tattoos that they're bad people, they're bikers - they are biker gangs. When people say "those kinds of people" people are saying they don't want to see people who are smoking, drinking, fighting, and loitering and hanging out, bashing out streetlights and drag racing up the street. That's a real bad stereotype. There was a lot that went on in this country, that a lot people with tattoos are fighting for in other countries, to stop that kind of thing. He wants that to be the focus. He doesn't want it to be it is Dixon's shop or it's this or it's that. He wants there to be no stereotypes on this. It's a business, it's going to bring revenue and not say we don't want that. He doesn't understand how we can say we don't want that business. The town, if the people support it, we, and the Council should support it.

Michael Darsh, not a resident, said he is self-employed in New Hanover County. He has known Mr. Broadfoot for 10 years personally and professionally. What he has seen in his tattoo shops and some other ones are all kinds of people going in. He has actually seen a full family group. To think that it is only a certain type of person that goes in or that there is no need is really wrong. He knows someone who has a tattoo, very elaborate, went up to \$1,600 to pay for it. It's a very, very specific tattoo of a picture of one of his deceased pets. It helped him get over the loss of his lost pet. Tattoos have a benefit than just artsy, they're psychological too. It's a service that should be rendered and offered to the citizens of Carolina Beach just as much as any other.

Mayor Lewis said that was a good point because we have a friend not in just Carolina Beach but in the local community who is a survivor of breast cancer and she decided to celebrate her survival with a tattoo which she shows off and he thinks that helps her get through the whole issue in the first place.

Jim Kitts, owns Carolina Beach Realty and he owns the space right next door to the proposed gallery. He doesn't know Mr. Broadfoot. He knows Greg Lyon and has a lot of respect for him and he has no problem at all with people who have tattoos. He thinks that the fact that there is so much discussion or controversy with regard to the situation puts forth the example that there is a certain stigma. Say I'm on the wrong side of that stigma and you can blame me for that and say I'm a bad person for thinking that but I haven't been proven wrong. I've never been beaten up by anybody with a tattoo or nothing has ever happened to me with anybody with a tattoo. It's just one of those things, and he hates to say this but he doesn't mind it but he just doesn't want it next to him. In his business they handle a large amount of vacation rentals, do about \$2,000 a year and that translates into probably about 14,000-16,000 people coming through his office. He can't speak for everybody else because he doesn't know what they think or how they feel. When they call him and make a reservation they ask him where they can go eat, and they go to Uncle Vinny's Pizza. When they want to rent a bike, they go to Wheel Fun Rentals. He hasn't had anybody call him and ask where they can go get a tattoo, so he doesn't know about the fact of keeping the money or revenue in town. You know what they might come get their keys and check in and might go get their tattoo and they might be happy. It might be a good thing he doesn't know but he just thinks that, call him uneducated and he's not educated enough to make a correct decision on this but he is against it. He apologized. He thinks that the fact that the situation, the property was bought and it probably should have been done and handled the other way around. You do your due diligence and you get your approval and you buy your property, then you know beforehand. The last think he'll say is, obviously we talk about the Pandora's box and is probably a beaten down term now but if this does get approved and we're able to open them, obviously there's a lot of people that have tattoos and it's a good business and he might be the second person to open a tattoo parlor down here so that would be maybe a good way to look at it.

Council Member Smith said, like Ken, she feels like both of them have similar businesses in that people aren't driving by and saying where can I rent a house or where can I get insurance.

Mr. Kitts said they do for him.

Council Member Smith said she is insured at Pleasure Island Insurance and she has never set foot in the office in the 9 years she has owned her home. She has never even had to go to the office. Does he feel like his foot traffic would be affected because of the tattoo parlor?

Mr. Kitts said he has people in here who have tattoos that he has spoken to that have been in his office looking for a place to rent.

Council Member Smith asked if he felt his business would truly be negatively impacted.

Mr. Kitts said he doesn't know with the local people that are looking for a place, he doesn't know, he can't speak to that and that is why he said earlier when he was mentioning the thousands of people who come to town and this is their first image of Carolina Beach. We've worked hard to try to get this thing in a little bit of a different direction. He thinks the discussion came up earlier with regards to the bars. Do you know why they did that with the bars? Because they were beating each other down out in front of them and it was causing too much of a ruckus. Is that going to be the case with the tattoo parlor, he doubts it, he doesn't think so but that's why it happened in his opinion. That's why the things changed. If this one opens up there is going to be more. There is no doubt about it. Carolina Beach started out with one realty company and he thinks they have more than that now. They started out with one insurance company and he thinks they have more than that now so it's the way it is.

MPT Shuttleworth said that his comments about the bars wasn't why we restricted them, his question was why did we lift the restrictions. If we made the restriction because everyone was out there beating them down, did they quit doing that and now we're like, okay, well you can open up as many bars as you want?

Mr. Kitts said that question was never answered about why we stopped it in the first place.

MPT Shuttleworth said that's why they stopped enforcing it because somebody sued us and said you can't restrict the number of bars by location. He does think he made a valid point; he does a lot of vacation rentals. A lot of your people book stuff and then they show up and, if he is hearing him, his concern is that their first image when they drive up and pick up their keys with their kids for a family vacation they're hanging out next to the tattoo parlor. We spend a lot of money as a community on marketing the town and we're trying to bring a lot of people in.

Mr. Kitts said he doesn't know; he has never owned a business next to a tattoo parlor.

Eva Klutz said she lived here for 24 years and what bothers her is all the unutilized spaces such as Maxway where the Food Lion used to be and all the business possibilities that are out there. Part of the town really looks ghostly and it doesn't have to be. We could really be booming, a summer town as well as a winter town. Her little cousin has gotten a garage tattoo on her too and knows if she had had other options she would have waited until she got old enough and did it in a respectable manner. Some people don't leave the beach and have learned to live like that and we need options.

Deb Lecompte, 307 Charlotte Avenue, said she wanted to ask if anybody here has stopped going to the mall to shop. Studio 7 has a beautiful shop in the mall. She doesn't think you see any riffraff, loitering or any of that. She thinks that in a time when we have the economic lows that we have we need to search out whatever businesses would be profitable on this island and thrive. As you saw the many people who stood up in here that have tattoos she doesn't think it is a stigma that goes along with being riffraff or the like anymore, it's just not that stigma anymore. And she thinks they need to let go of our antiquated ordinances and possibly look at some changes that could affect positively in our town. She is a 50 year old mom of three and has

multiple tattoos. She is a business owner and if Mr. Broadfoot opens up his shop, if allowed to, then she will probably be one of his first customers.

MPT Shuttleworth said she mentioned the mall, which has some pretty tight covenants, is owned by one group and they kind of dictate who comes and who goes. The zoning allows it but they have some restrictions on that business. They didn't just let any tattoo parlor in there. What he is trying to understand is how do we protect current business owners, how do they have a right to protect their investment and at the same time not excluding an opportunity for businesses.

Ms. Lecompte said she understands but she thinks they need to open up the possibilities to see; there are regulations. It's dictated by the Health Department and state regulations.

MPT Shuttleworth said he has no doubt that he's going to be clean but is it going to look in keeping with the other properties? The mall tells the guy you can be open these hours or this size sign.

Ms. Lecompte said she is sure that if they check with the businesses here or located next to Studio 7 in the mall they have not been adversely affected by the fact that they have a tattoo gallery located right next to them.

MTP Shuttleworth said but doesn't consumer oriented businesses where we're talking about putting in a place where there's a lot of professional oriented businesses. It's a little bit different and he gets it.

Ms. Lecompte said she wouldn't close the door on something that could possibly bring positive revenue to this island. She is not sure how Mr. Horne would feel if somebody decided they wanted to open another sweepstake's shop next to him. We just have to get past the "not in my backyard" mentality.

Tammy Hanson, 714 Tarboro Avenue, said she is going to speak in two different hats here. She wants to speak first as a resident and a proud owner of three tattoos. When she got her first tattoo she lived in Charlotte, NC and they didn't allow tattooing and she drove all the way to Wilmington to get one. Yes, people will go wherever they have to go to get a tattoo. Speaking to the illegal tattooing, she has two teenage girls and that has been going on at this beach for as many years as she can remember. Unfortunately due to the cost of tattoos she doesn't see a tattoo shop or gallery stopping the black market tattoos. It's just cheaper and if people don't have \$120 an hour for a tattoo and they want one they're going to let their buddy give them one because he ordered the kit off the Internet. It's sad but it's true. She doesn't really know how you stop that problem. She remembers the 2002 debate over this and she remembers people being called "those people" and she was really offended. You have a right but she agrees with everybody else, you have to have zoning, a place for things and she doesn't think Carolina Beach can talk out of both sides of its mouth. You can't say you're going to have family oriented right here and the heck with the rest of you all you can put anything you want over here. You've got to drive through here to get to here and she is back to that first impression that we were talking about that people see when they come. If we open this up, she's had a long conversation with Dixon and she would love to think that everything would be perfect and we could limit this and

we would never have a problem. But our forefathers made these decisions for a reason and she thinks, she hates to use the typical Pandora's Box but two years from now Dixon decides he's going to retire and move to the Cayman Islands and he sells his shop to somebody that isn't going to do a quality job and then we're fighting an uphill battle. She would love to figure out a way to make a compromise on that, she is not sure what it is. As an individual citizen she doesn't agree with making an across the board zoning change.

Her other hat, she is a realtor, owns a company in Carolina Beach and she rents a space in Pleasure Island Plaza. She is also the Pleasure Island unit owner's association manager. She regrets the way this has turned out too because she feels that the permit process should have come before the purchase of the property. It's kind of putting the cart before the horse. She feels it would have been much better off handled as a conditional use situation but, at the same time, she doesn't know that that would have benefited him any more either. She was asked by the board of directors to poll the owners of the plaza. We have 9 owners who said they were adamantly against this. We have 4 tenants in the building and out of the 4 she was able to reach 3 who all said they were adamantly against this. We had some that recused themselves because they were involved in the transaction so it doesn't add up to the total 14 units we have but needless to say 9 of the owners out of 14 did not recuse themselves and took a stand. She has to represent all the owners and after Dixon closed he came and spoke with her for half an hour and we talked about this and she told him she really regretted the way it happened because he is being penalized and scrutinized by something that once it's done it's not his fault if everything else unravels but he is being looked at for that across the board approval that she doesn't know you can give one person. Their actual covenants in the association, when you talk about protecting yourself, they do have restrictive covenants in Pleasure Island Plaza. They are old and antiquated but they do say that any use should be a conforming use based on governmental ordinances. Up until now the Pleasure Island Plaza unit owners have trusted those ordinances to protect their property because they bought based on those ordinances. Tomorrow morning there will be a meeting of the unit owners and those bylaws are going to be thoroughly discussed and amended and very specific language is going to be put into those bylaws and voted on by the owners. There are quite a few of those owners here tonight who decided not to sign in, just to let one person speak on their behalf, and she would like for them to stand now. (Four owners were in attendance.) She would also like to point out that just because people aren't here tonight does not mean that council has not heard from other residents on this. She manages several associations. She was copied on several e-mails and a lot of those people just feel like they bought here for a reason and the atmosphere that they have been working towards is why they purchased here and put their life savings into a retirement home. She was asked to bring that to council's attention.

MPT Shuttleworth asked her if in their property owner's association, in their bylaws, does it limit hours of operation?

Ms. Hanson said currently no, they plan to address that issue.

MPT Shuttleworth asked if it discusses loitering.

Ms. Hanson said it discusses obstruction of walkways.

MPT Shuttleworth said obstruction said would be like a bench. Does it say you can't have your customers hanging out front.

Ms. Hanson said not specifically. It does address signage and approval of signage and things like that.

MPT Shuttleworth said pretty standard stuff but it doesn't say you can't be open past 9:00 p.m. or you can't open before 6:00 a.m. or you can't have 3 customers sitting on a bench out front.

Ms. Hanson said right. Due to the fact that we have already had break-ins there and we have had some problems, in the past 6 months. We're removed from the CBD so we don't have a police officer sitting on our corner at midnight. Currently there is not a business in the plaza that is open beyond 7:30-8:00 p.m. and no one opens before 9:00 a.m.

MPT Shuttleworth said apparently we have an insurance company, one property management company, yours, and we have vacation rental property, 3 real estate companies, 2 hair salons, art gallery, jewelry store and a nail salon. So you have several different service businesses.

Council Member Friede said Plaza Island Plaza is one of the first commercial centers that people see when they cross the bridge. There are a few things before you get to Pleasure Island Plaza. One of the things that you and Mr. Kitts had mentioned is the impression that people get when they come to the beach and that is obviously something that everybody up here is concerned about. What about the possibility of a tattoo shop, gallery, parlor, whatever you want to call them in another area of town that isn't the banner entrance to town, along Dow Road in the industrial zone? I'm asking you because you are here representing, you're a resident, you have tattoos, you're clearly not a person who is opposed to tattoos and you represent a number of business centers. You have a few different hats on here.

Ms. Hansen said this has been a rough week.

Council Member Friede said there are a number of things that Council could do. We could say yes, we could say no, we could send it back to P&Z with direction for more direction from them, we could say by conditional use permit only, we could say not in highway business we don't think that's the best place. There are other areas in town. Not to put you on the spot but what about other areas in town that may not be as prominent to the overall appearance of town and the family oriented that we have been aiming for.

Ms. Hansen said all she can figure out is this is why it has never been approved because everybody has got the same "not in my backyard" mentality. She lives two blocks off of Dow Road, that's industrial and she could have a strip club behind her house. She didn't realize that until all this came up. Is she thrilled about that use? Not really. She doesn't know there is a good answer, you guys are in the hot seat and she's glad she's not on council.

Scott Brown, lives at The Cape and is a property owner at Pleasure Island Plaza. He and his wife own two units there, a custom picture framing shop and a hair salon. Prior to them buying those

units, at separate times, they looked at where it was, businesses that were there, how they were currently zoned and based on that they made their choice to buy it. That is what should have been done in this same circumstance. Obviously he is not in favor of changing the zoning for there or the highway district. He thinks if that had been done it would have come out differently for there.

Jeannie McBane, 1009 N. Lake Park Blvd., owns Jeannie's Jewels and Fashions in the Pleasure Island Plaza. She has two sons that are tattooed. One of them has full sleeves on both arms and the other has a major cross down his back. She is totally not against the art of tattooing, although she doesn't have any herself. She introduced her business partner, Paul Hawkins, and said his son, same thing, tattoos all over his body. Her client base is 40 years of age and up. There is a stigma attached to tattooing and whether that is right or wrong she is not going to be the judge of that. She can just judge her business. She has a very nice ladies boutique with fine jewelry and clothing and fashion jewelry. Most of her customers would be scared to death. Sure, she has lots of clients that have tattoos, she's not saying that she doesn't, but she also has a lot of women that shop there and she is like Ken, she doesn't want to be next to a tattoo shop. For that reason she would like to request that the petition be denied.

Paul Hawkins, 1009 N. Lake Park Blvd., said in his mind it's a lot simpler than some of the things he has heard people say when they come up here. We did due diligence before they opened that business and spent a large amount of money to stock that business based on the information that they had to make a decision on whether they wanted house their business there are not. He is also not in favor of having a tattoo shop or parlor or gallery. He already made his decision and investment. He has nothing against tattoos.

Council Member Friede asked what if one opened up somewhere else in town? If the association is having a meeting tomorrow morning, the owners could vote to ban it in Pleasure Island Plaza so regardless of what zoning decision we make tonight it could be a permitted use anywhere else along the HB district, potentially. What would your opinion be about that?

Mr. Hawkins said he thinks the opportunity that we have to come here and address our personal interest, he hopes Mr. Dixon does well and hopes he finds a place to do business. He just doesn't want a negative impact on the business that he has already established and worked for three years to make successful, have any ill effect at all by a business that moves in next to it. He doesn't care what it is. If it is not a like-minded business, he doesn't want to see it there. He has nothing against tattoos, and he has nothing against Mr. Dixon making a living.

Council Member Smith asked what he means by like-minded business. He's just trying to operate a business like a service business or a retail business just like you are.

Mr. Hawkins said what he would say is that the process that he went by – when he went to school the first thing they told him if you are going to open a business you do your due diligence, you eliminate as many unforeseen liabilities as is humanly possible, hang your sign out and you'll either make it or you won't.

Council Member Smith asked what is his biggest fear?

Amendment Number: 17T-3



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Corey Lane Hardison Phone #: (252)-558-8419
Street Address: 6260 Riverwoods Dr. Apt. 207
City: Wilmington State: North Carolina Zip: 28412
Email: CoreyHardisonTattoos@gmail.com

REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:
Article 3, 7, 18

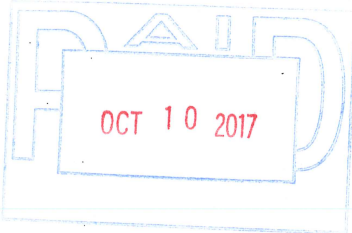
Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach

I propose for Regulated piercing in the town of Carolina Beach @ pleasure Island Tattoo.
1009 North Lake Park Blvd. CB, NC

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner: Corey J. Hardison Date: 10-10-17





ORDINANCE NO _____
An Ordinance Amending Chapter 40 Zoning, Article III Table of Permitted Uses, Article IX Development Standards for Particular Uses, and Article XVIII Definitions

Sec 40-72. Table of Permissible Uses														
TABLE INSET:														
P = Permitted	C = May be permitted with Conditions													
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Non-Residential Uses														
Ear Piercing Facility											P			
Body Piercing Facility											C			

Sec. 40-260

Body Piercing Facility

1. All approval letters from New Hanover County Health Department and North Carolina Department of Health and Human Services and/or any subsequent government entity that regulates this activity shall be posted on-site.

2. Hours of operation shall be limited from 8:00am to 9:00pm.

3. SEPARATION REQUIREMENTS: Tattoo studios shall be located a minimum distance measured in a straight line from the closest point of the building of the proposed business to the property line of any of the following:

- Residential districts 200 feet
- Church or school 200 feet
- Public parks, playgrounds, or libraries 200 feet
- Other Body Piercing Facility 400 feet

ARTICLE XVIII DEFINITIONS

Body Piercing Facility. A building where the piercing of holes in parts of the body other than the ear in order to insert rings, studs, or other pieces of jewelry.

Ear Piercing Facility. A building where the practice of making holes in the lobes or edges of the ears to allow the wearing of earrings.

Adopted this 09th day of January, 2018.

Joe Benson, Mayor

Attest: _____
Kimberly Ward, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 635

Short Title: Regulate Body Piercing. (Public)

Sponsors: Representatives Mitchell; Capps and Setzer.

Referred to: Finance.

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. Chapter 66 of the General Statutes is amended by adding a
5 new Article to read:

"Article 40.
"Body Piercing.

8 **§ 66-315. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) 'Body piercing' means the creation of an opening in the body of a
11 human being so as to create a permanent hole for the purpose of
12 inserting jewelry or other decoration. Body piercing includes, but is
13 not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. Body
14 piercing does not include piercing an ear lobe with a disposable,
15 single-use stud or solid needle that is applied using a mechanical
16 device to force the needle or stud through the ear lobe.
- 17 (2) 'Department' means the Department of Environment and Natural
18 Resources.
- 19 (3) 'Body piercing facility' means any room, space, location, area,
20 structure, or business, or any part of any of these places, where body
21 piercing is practiced or where the business of body piercing is
22 conducted.
- 23 (4) 'Body piercing technician' means a person who practices body
24 piercing.

25 **§ 66-316. Standards to be established.**

26 The Department shall establish sterilization, sanitation, and safety standards for
27 persons engaged in the business of body piercing. The standards shall be directed at the
28 establishment and maintenance of sterile conditions and the safe disposal of

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1 instruments. The Department may modify the standards as appropriate to protect
 2 consumers from the transmission of contagious diseases through cross-contamination of
 3 instruments and supplies.

4 **"§ 66-317. Infection control.**

5 (a) Precautions by Technicians. - A body piercing technician shall at all times
 6 observe the following infection control precautions:

- 7 (1) The technician shall wash his or her hands thoroughly with water and a
 8 germicidal soap approved by the Department before and after each
 9 customer's procedure.
- 10 (2) When necessary for the technician to perform a procedure on certain
 11 individuals who must undergo hair shaving, either disinfected scissors
 12 or a single-use disposable razor shall be used, and the skin shall be
 13 cleaned with a germicidal solution approved by the Department and
 14 used in accordance with the manufacturer's directions.
- 15 (3) The technician shall use single-use disposable gloves when setting up
 16 equipment and single-use disposable gloves when performing
 17 procedures on a customer. These gloves shall never be washed or
 18 reused in any manner and shall be immediately replaced upon notice of
 19 a tear, any contamination, or other defect.
- 20 (4) All needles, instruments and other surgical equipment, and body
 21 piercing items or jewelry shall be properly sterilized by autoclave and
 22 sterilely packaged and labeled with the date of sterilization and a
 23 sterile indicator.
- 24 (5) Prior to any direct contact with the customer, the technician shall
 25 sterilely place all sterile instruments and body piercing items or
 26 jewelry on a sterile disposable towel or drape to be used as a single
 27 sterile field throughout the procedure. Regloving with single-use
 28 sterile disposable surgical gloves shall occur prior to initiation of the
 29 procedure, which shall be performed using strict sterile surgical
 30 techniques. Any nonsterile contact or contamination of the
 31 instruments, jewelry, or field shall immediately result in cessation of
 32 the procedure, and all equipment shall not be reused until resterilized.
- 33 (6) The skin of the customer shall be scrubbed in a sterile surgical manner
 34 with a germicidal solution approved by the Department and used in
 35 accordance with the manufacturer's directions.
- 36 (7) Gauze, alum, styptic pencils, or medical supplies deemed necessary to
 37 control bleeding shall not be used unless a separate disposable single-
 38 use sterile item is used on each customer.
- 39 (8) The technician shall dispose of used single-use needles and other
 40 disposable sharp supplies in safety puncture-proof containers approved
 41 by the Department. These used containers shall be disposed of in a
 42 manner prescribed by the Department.
- 43 (9) All used surgical equipment intended for reuse shall be properly
 44 scrubbed clean of visible materials and soaked for a minimum of 20

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- 1 minutes in a germicidal solution approved by the Department and used
2 in accordance with the manufacturer's directions prior to being
3 resterilized by autoclave.
- 4 (10) The body piercing technician shall allow and cooperate with on-site
5 inspections deemed necessary by the Department.
- 6 (b) Precautions by Operators. - The operator of every body piercing facility shall
7 at all times observe the following infection control precautions:
- 8 (1) The operator of every body piercing facility shall keep a written log
9 for two years of autoclave use, to include, but not be limited to, date
10 and time of use and sterilization spore test strip results done at least
11 monthly.
- 12 (2) The operator of every body piercing facility shall include a room for
13 the purpose of disinfecting and sterilizing equipment, and this room
14 shall be physically separate from the room used for body piercing
15 procedures to avoid cross-contamination of equipment.
- 16 **§ 66-318. Registration of operators and technicians required; permit for facility**
17 **required.**
- 18 (a) Every operator of a body piercing facility and every body piercing technician
19 engaged in the business of body piercing shall register with the Department.
- 20 (b) The operator of every body piercing facility shall apply for and obtain a
21 permit issued by the Department and shall renew the permit annually.
- 22 (c) The Department shall issue a permit to the operator of a body piercing facility
23 or renew a permit when the applicant meets all of the following requirements:
- 24 (1) The applicant proves to the satisfaction of the Department that all the
25 body piercing technicians engaged in body piercing at that facility
26 have satisfied all the age and certification requirements for technicians
27 under G.S. 66-319(a).
- 28 (2) For an initial permit application, the body piercing facility passes the
29 initial inspection under G.S. 66-320.
- 30 (3) The applicant pays a permit fee of three hundred dollars (\$300.00) to
31 the Department for the initial permit and for each annual permit
32 renewal.
- 33 (d) Upon obtaining a permit under this section, the operator of a body piercing
34 facility shall do all of the following:
- 35 (1) Provide the Department with the business address of the facility and
36 the address at which the permittee performs any body piercing activity
37 regulated by this Article.
- 38 (2) Obtain a copy of the Department's standards from the Department,
39 sign an acknowledgment upon a receipt of the standards, and meet the
40 standards.
- 41 (3) Post the permit in a conspicuous place on the premises of the body
42 piercing facility.
- 43 (e) Fees authorized by this Article shall be used exclusively to support the
44 activities of the Department under this Article.

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"§ 66-319. Requirements for body piercing technicians.

(a) A body piercing technician shall satisfy all of the following age and certification requirements:

- (1) Be at least 18 years of age.
- (2) Possess a current Red Cross First Aid Certification and renew that certification every three years.
- (3) Possess a current Adult Cardiopulmonary Resuscitation (CPR) Certification and renew that certification annually.
- (4) Possess a certificate attesting to the successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.

(b) A body piercing technician shall conspicuously display:

- (1) The Red Cross First Aid Certification.
- (2) The Adult CPR certification.
- (3) The annual certificate showing successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.
- (4) A copy of the annual permit issued by the Department to the facility under G.S. 66-318.

(c) A body piercing technician shall comply with all applicable federal Office of Safety and Health Administration requirements or guidelines.

"§ 66-320. Inspections.

(a) The Department shall conduct an initial inspection of a body piercing facility that must be successfully completed as a condition of permitting.

(b) The Department shall conduct an inspection of a body piercing facility after any complaint is filed with the Department.

(c) The Department may conduct an inspection of a body piercing facility at any time without previous notification to the body piercing facility.

(d) The Department may charge an additional amount not to exceed fifty dollars (\$50.00) to cover the cost of an inspection under this section.

"§ 66-321. Informed consent; verification of customer's age.

(a) An operator of a body piercing facility shall conspicuously display a clearly legible notice to customers informing them of any disqualification that body piercing may confer upon a prospective blood donor according to the current and subsequent amendments to standards of the American Association of Blood Banks. This notice also shall appear in the informed consent or release form used at any body piercing facility.

(b) Every prospective customer must receive an informed consent form that complies with subsection (a) of this section and contains, at a minimum, aftercare suggestions for the specific piercing site. Every prospective customer must sign an informed consent form before the body piercing activity may begin.

(c) A body piercing technician shall verify by means of picture identification that a customer is at least 18 years of age. For purposes of this section, 'picture identification' means either of the following:

- (1) A valid North Carolina drivers license.

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1 (2) An official photographic identification card issued by the North
 2 Carolina Department of Revenue, a federal or state law enforcement
 3 agency, or an agency of the United States Department of Defense or
 4 the United States Department of State.

5 (d) Proof that the body piercing technician demanded, was shown, and
 6 reasonably relied upon proof of age under subsection (c) of this section is a defense to
 7 an action brought under this Article.

8 "**§ 66-322. Scope of Article.**

9 (a) A department shall not adopt rules that conflict with, or are more
 10 comprehensive than, provisions of this Article or the standards adopted by the
 11 Department by rule.

12 (b) This Article does not limit the Department's ability to require an operator of a
 13 body piercing facility or a body piercing technician to obtain any business license or
 14 permit that the Department finds appropriate.

15 "**§ 66-323. Prohibited acts; criminal penalty.**

16 (a) It is unlawful for a person to perform or offer to perform body piercing upon
 17 a person under the age of 18 years, unless the body piercing is performed in the
 18 presence of, or as directed by a notarized writing by, the person's parent or legal
 19 guardian.

20 (b) It is unlawful for a person to perform body piercing upon a person impaired
 21 by drugs or alcohol. Such a person is incapable of consenting to body piercing and
 22 incapable of understanding body piercing procedures and aftercare suggestions.

23 (c) It is unlawful for a person to perform body piercing upon skin surfaces
 24 having a rash, pimples, boils, infections, or evidence of any unhealthy condition.

25 (d) A person who violates a provision of this section is guilty of a Class 1
 26 misdemeanor.

27 (e) Subsection (a) of this section does not apply to the body piercing of an
 28 emancipated minor.

29 (f) The minor upon whom body piercing is performed or the parent or legal
 30 guardian of that minor or any other minor is not subject to punishment under this
 31 section.

32 (g) A person who has his or her body pierced while under the age of 18 in
 33 violation of subsection (a) of this section may bring a civil action against the body
 34 piercing technician who performed the body piercing, seeking to recover actual
 35 damages and punitive damages, plus the costs of the action and attorneys' fees.

36 "**§ 66-324. Additional penalty.**

37 The Department may revoke, suspend, or refuse to issue or renew a permit under this
 38 Article or may impose an administrative penalty of up to one thousand dollars (\$1,000)
 39 per violation upon proof that the operator of the facility has acted in any one or more of
 40 the following ways:

41 (1) Failed to maintain a business address or telephone number at which the
 42 facility can be reached during business hours.

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1 (2) Failed to maintain proper sterilization, sanitation, or safety procedures
2 under standards established pursuant to G.S. 66-316 or adopted by
3 rule.

4 (3) Obtained a body piercing facility permit through fraud or deceit.

5 "**§ 66-325. Activities of physician.**

6 This Article does not restrict the activities of a physician or surgeon licensed under
7 Chapter 90 of the General Statutes."

8 **SECTION 2.** The registration requirement under G.S. 66-318, as enacted in
9 Section 1 of this act, becomes effective October 1, 2002. The permit requirement under
10 G.S. 66-318, as enacted in Section 1 of this act, becomes effective January 1, 2003. The
11 remainder of this act becomes effective January 1, 2002.

NEW HANOVER COUNTY

BOARD OF HEALTH

**RULES GOVERNING BODY PIERCING
ESTABLISHMENTS AND PRACTITIONERS**

IN

NEW HANOVER COUNTY

NORTH CAROLINA

EFFECTIVE SEPTEMBER 1, 1999

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Section 5000 Purpose

To establish standards for the operation of any body piercing establishment, and for the performance and training of any person who engages in the practice of body piercing so as to minimize the risk of disease transmission, the New Hanover County Board Of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

Section 5001 General Provisions

(a) Scope No person shall operate, or cause any body piercing establishment to be operated contrary to the provisions of these Rules. No person shall practice, or cause body piercing to practiced contrary to the provisions of these Rules.

(b) Conflict The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

Section 5002 Definitions

The following definitions shall apply in the interpretation and enforcement of these Rules:

Aftercare means written instructions given to the client, specific to the body piercing procedure(s) rendered, on caring for the body piercing and surrounding area. These instructions will advise clients to seek medical treatment, if necessary.

Antiseptic means an agent that destroys disease causing microorganisms on human skin or mucosa.

Board Of Health means the New Hanover County Board Of Health.

Body Piercing means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, branding and scarification. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the North Carolina Medical Board shall not be performed in a body piercing establishment. Nor does this definition include, for the purposes of these Rules, piercing of the lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

Body Piercing Establishment means any place or premise, whether public or private, temporary or permanent in nature or location, where the practice of body piercing, whether or not for profit, is performed.

Body Piercing means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Department means the New Hanover County Health Department or its authorized representative.

Director means the Director of the New Hanover County Health Department or his (her) authorized representative.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear Piercing means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body piercing establishment.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

Hot Water means water which attains and maintains a temperature of at least 100^oF.

Instruments Used For Body Piercing means hand pieces, needles and other instruments that may come in contact with a client's body for possible exposure to bodily fluids during body piercing procedures.

Invasive means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

Jewelry means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

Liquid Chemical Germicide means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup/gal, or 2 tablespoons/quart of tap water).

Operator/Technician means any person who operates, manages, controls, conducts or practices body piercing activities at a body piercing establishment and who is responsible for compliance with these Rules, whether or not actually performing body piercing activities. The term includes technicians who work under supervision of the operator and perform body piercing activities.

Permit means written approval by the Department to operate a body piercing establishment or to practice body piercing as an operator. Approval is given in accordance with these Rules and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising New Hanover County.

Person means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

Physician means a person licensed by the North Carolina Medical Board to practice medicine.

Procedure Surface means any surface of an inanimate object that contacts the client's unclothed body during a body piercing procedure, skin preparation of the area adjacent to and including the body piercing procedure or any associated work area which may require sanitizing.

Sanitize/Sanitization Procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

Single Use means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, and protective gloves.

Sterilization means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Universal Precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 5003 Body Piercing Operator/Technician Requirements And Professional Standards

(a) The following information relative to operators and technicians shall be recorded and filed on the premises of a body piercing establishment, and shall be available for inspection by the Department:

- (1) full name;
- (2) exact duties;
- (3) date of birth;
- (4) gender;
- (5) home address;
- (6) home/work phone numbers; and,
- (7) identification photo.

(b) The following information relative to the body piercing establishment shall be recorded and filed on the premises, and shall be available for inspection by the Department:

- (1) owner's full name, home address and home/work phone numbers;
- (2) hours of operation;
- (3) a complete description of all body piercing procedures performed;
- and,
- (4) a copy of these Rules.

(c) It shall be unlawful for any person to perform body piercing procedures unless such procedures are performed in a body piercing establishment with a valid permit.

(d) The body piercing operator/technician shall be a minimum of eighteen (18) years of age.

(e) Smoking, eating or drinking by anyone is prohibited in the area where body piercing procedures are performed.

(f) Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

(g) Operators/technicians shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body piercing procedures. Before performing body piercing procedures, operators/technicians shall thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(h) While performing body piercing procedures, operators/technicians shall wear disposable medical gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surface or object, or by contact with a third person. At a minimum, gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to applying the next set of fresh gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves shall not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

(i) If, while performing a body piercing procedure the operator's/technician's glove is pierced, torn or otherwise contaminated, the procedures described in the preceding Subsections (g) and (h) shall be immediately repeated. The contaminated gloves shall be immediately discarded and the hands thoroughly washed [see Subsection (g) above] before a fresh pair of gloves are applied. Any item or instrument used for body piercing which is contaminated during the procedure shall be immediately discarded and replaced with a new disposable item/instrument or a new sterilized item/instrument before resuming the procedure.

(j) Contaminated waste, as defined in these Rules, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled shall be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It shall then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure To Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

(k) No person shall perform any body piercing procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial guardian or legal guardian. Nothing in this Section is intended to require an operator/technician to perform any body piercing procedure on a person under eighteen (18) years of age with parental or guardian consent.

(l) Any skin or mucosa surface to receive a body piercing procedure shall be free of

any rash or visible infection.

(m) The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body piercing establishment in any capacity in which there is a likelihood that they could contaminate body piercing equipment/instruments, supplies or working surfaces with body substances or pathogenic organisms.

(n) Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B immunization series. This offering shall be included as a pre-employment requirement.

Section 5004 Exemptions

(a) Physicians licensed by the State of North Carolina, who perform body piercing procedures either independent of or in connection with patient treatment are exempt from these Rules.

(b) Individuals who pierce only the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these Rules. Individuals who use ear piercing systems shall conform to the manufacturer's directions and applicable U. S. Food And Drug Administration requirements. The Department retains authority to investigate consumer complaints alleging improper disinfection or misuse of ear piercing systems.

Section 5005 Public Information And Notification Requirements

(a) All clients interested in receiving a body piercing procedure shall be given verbal and written educational information approved by the Department. Verbal and written instructions approved by the Department for aftercare of the body piercing area shall be provided to each client by the operator/technician upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and contain: the name, address and phone number of the body piercing establishment. These documents shall be signed and dated by both parties with a copy given to the client, and the operator/technician retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement provided by the Department, which advises the public of the risks and possible consequences of body piercing procedures. All establishments shall also prominently display in public view the name, address and phone number of the Department, and the procedure for filing a complaint.

(b) All infections, diseases or complications resulting from a body piercing procedure which become known to the operator/technician shall be reported to the Department by the operator/technician within twenty-four (24) hours.

Section 5006 Client Records

(a) To evaluate a client's medical condition for receiving a body piercing procedure, and to assure proper aftercare direction and not violate the client's rights or confidential medical information, the operator/technician shall request the following information:

In order to assure proper healing of your body piercing procedure, we request that you disclose if you have or have had any of the following conditions:

- (1) diabetes;*
- (2) history of hemophilia (bleeding);*
- (3) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;*
- (4) history of allergies, adverse reactions or other skin sensitivities;*
- (5) history of epilepsy, seizures, fainting or narcolepsy; and,*
- (6) taking medications such as anticoagulants which thin the blood and/or interfere with blood clotting.*

(b) The operator/technician shall ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client shall be asked to disclose any other information that would aid the operator/technician in evaluating the healing process of the client's body piercing area.

(c) Nothing in this Section shall be construed to require the operator/technician to perform a body piercing procedure upon a client.

Section 5007 Records Retention

The body piercing establishment shall keep a record of all persons who have had body piercing procedures performed. Each operator/technician shall keep records of all body piercing procedures performed including at least the following information: name, date of birth, address and phone number of the client, date of the procedure, name of operator/technician who performed the procedure, type and location of the procedure performed, signature of client and if the client is a minor, proof of parent or guardian presence and consent, i.e. signature. All client records shall be confidential and shall be retained for a minimum of three (3) years, and upon request made available to the Department.

Section 5008 Preparation And Care Of The Body Piercing Area

(a) Before performing a body piercing procedure, the immediate and surrounding area of the skin where the body piercing procedure is to be performed shall be washed with soap and water or an approved surgical skin preparation depending upon the type of body piercing to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used. Single service blades shall be discarded after each use. Reusable razor blade holders shall be autoclaved after each

use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(b) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers unless the disposable products meet the definition of biomedical waste (see definition).

Section 5009 Sanitation And Sterilization Procedures

(a) All non-single use, non-disposable instruments used for body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or as directed by the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions.

(b) After cleaning, all non-disposable instruments used for body piercing shall be packed individually in peel-packs and subsequently sterilized [see Subsection (c) below]. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six (6) months.

(c) All cleaned, non-disposable instruments used for body piercing shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions for operation of the sterilization unit shall upon request be made available to the Department. Sterile equipment shall not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body piercing establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

(d) Each holder of a permit to operate a body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and upon request made available to the Department.

(e) After sterilization, instruments used for body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(f) All instruments used for body piercing shall remain stored in sterile packages until just prior to performing a body piercing procedure. When assembling instruments used for performing body piercing procedures, the operator shall wear disposable medical

gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(g) All equipment and instruments shall be specifically manufactured for performing body piercing procedures and shall be used according to manufacturer's instructions.

Section 5010 Requirements For Single Use Items

(a) Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in an approved sharps container.

(b) All products applied to the skin shall be single use and disposable. Bactericidal agents, soaps and other products shall be dispensed and applied with sterile gauze or otherwise in a manner so as to prevent contamination of the original container and its contents. Gauze shall be used only once and discarded.

Section 5011 Requirements For Premises

(a) Persons making application for a permit to operate a body piercing establishment after adoption of these Rules shall submit a scaled floor plan of the proposed facility layout for plan review by the Department.

(b) All walls, floors, ceilings and all procedure surfaces of a body piercing establishment shall be smooth, free of cracks or open holes, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleanable and sanitized after each client. All body piercing establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling from any: room used for human habitation; food establishment or room where food is prepared; hair salon; retail sales; and, other activity which offers potential for contamination of work surfaces.

(c) Effective measures shall be taken by the body piercing operator/technician to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances or premises.

(d) There shall be a minimum of forty-five (45) square feet of floor space for each operator/technician in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body piercing stations shall at least be separated by dividers, curtains or partitions.

(e) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body piercing

procedure is being performed, and where instruments and sharps are assembled.

(f) No animals of any kind shall be allowed in the area(s) of a body piercing establishment where procedures are performed except service animals used by persons with disabilities (i.e. seeing eye dogs).

(g) A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the body piercing establishment. One hand sink shall serve no more than three (3) operators/technicians. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and a minimum of one (1) toilet in a body piercing establishment.

(h) At least one covered waste receptacle shall be provided in each operator/technician area and each toilet room. Receptacles in the operator/technician area shall be emptied daily. Solid waste shall be removed at least weekly from the premises. All refuse containers shall be provided with lids, and shall be cleanable and kept clean.

(i) All instruments and supplies shall be stored in clean, dry and covered containers.

(j) Reusable cloth items shall be mechanically washed with detergent and dried after each use. Cloth items shall be stored in a clean, dry environment until used.

Section 5012 Establishment Permit

(a) No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body piercing establishment until a permit is obtained from the Department.

(b) A permit to operate a body piercing establishment shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) A permit to operate a body piercing establishment shall not be transferable from one place or person to another place or person.

(d) A valid body piercing establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

(e) The holder of a body piercing establishment permit shall only employ operators/technicians who have complied with the operator permit requirements of these Rules.

Section 5013 Operator Permit

(a) No person shall practice body piercing procedures without first obtaining an operator permit from the Department.

(b) The operator permit shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) Application for an operator permit shall include:

- (1) name;
- (2) date of birth;
- (3) gender;
- (4) residence address;
- (5) mailing address;
- (6) phone number;
- (7) place(s) of employment as an operator;
- (8) training and experience;
- (9) proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department; and,
- (10) demonstrated knowledge of the following subjects: anatomy; skin diseases, disorders and conditions (including diabetes); infectious disease control including handwashing techniques, sterilization equipment operation, sanitization / disinfection / sterilization methods and techniques; waste disposal; and, facility safety and sanitation.

(d) Knowledge of the above subjects may be demonstrated through documented attendance of courses and successful completion of an examination given or approved by the Department with a passing grade of 70 percent, attained prior to issuance of the operator permit. Examples of courses approved by the Department include Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Documented attendance/completion of training provided by professional body piercing organizations/associations or by equipment manufacturers may also be submitted to the Department for approval.

(e) A course for body piercing operators, the holders of body piercing establishment permits, tattoo artists and tattoo business operators, hereinafter referred to as the body piercing practitioner/tattoo artist course, providing training in at least the following topics: hygiene, sterilization techniques including autoclave operation, hazardous waste handling and disposal, and first aid shall be made available through the Department or through a private provider such as a contracted registered surgical nurse with expertise in sterilization techniques and procedures. Successful completion of this course shall be determined by the administration of a written examination by the instructor. Participants with a score of at least seventy percent (70%) on the written examination shall be rated as passing and, therefore, successful in completing the body piercing practitioner/tattoo artist course. The Director shall periodically review the content of instruction and the written examination offered in the body piercing practitioner/tattoo

artist course to assure that it fulfills the objectives and standards established by these Rules.

(f) No operator permit shall be issued to a person until he (she) attends and successfully completes the body piercing practitioner/tattoo artist course. Operators shall attend and successfully complete the body piercing practitioner/tattoo artist course at least biennially [every two (2) years] and prior to filing application for renewal of their operator permit.

(g) No operator permit shall be issued unless, following reasonable investigation by the Department, the body piercing operator has demonstrated compliance with all provisions of these Rules.

(h) Operator permits shall be conditioned upon continuous compliance with all provisions of these Rules.

(i) Operator permits shall be posted in a prominent and conspicuous area in the body piercing establishment where they may be readily observed by clients.

Section 5014 Prohibitions

(a) Performing a body piercing procedure on any body part of a person under the age of eighteen (18) without the written consent and presence of the parent, legal custodial guardian or legal guardian of such minor shall be prohibited. Consent shall be given in person to the body piercing operator/technician by the parent, legal custodial guardian or legal guardian at the time the body piercing procedure is to commence. Photographic identification of the parent, legal custodial guardian or legal guardian shall be required.

(b) Performing a body piercing procedure on a person who, in the opinion of the operator/technician is inebriated or appears to be under the influence of alcohol or drugs shall be prohibited.

(c) Operating, owning or soliciting business as a body piercing establishment or operator without first obtaining all necessary approvals and permits from the Department, unless specifically exempted by these Rules, shall be prohibited.

(d) Obtaining or attempting to obtain any body piercing establishment or operator permit by means of misrepresentation, fraud or concealment shall be prohibited.

Section 5015 Enforcement

(a) Establishments and operators in business or practicing on the effective date of these Rules shall be given thirty (30) days to make application to the Department and comply with these Rules. Establishments and operators that continue business or practice without proper permits from the Department or operate in violation of these Rules shall be subject to legal remedial actions and sanctions as provided by the North

Carolina General Statutes.

(b) A representative of the Department shall properly identify himself or herself upon entering a body piercing establishment to conduct an evaluation, inspection or investigation. The Department shall conduct at least annual evaluations/inspections of body piercing establishments to determine compliance with these Rules.

(c) It shall be unlawful for any person to interfere with the Department in the performance of its duties.

(d) A copy of the inspection report shall be provided to the permit holder or operator of the body piercing establishment.

(e) If, after investigation, the Department finds that a permit holder or operator is in violation of these Rules, the Department may, as an alternative, advise the permit holder or operator, in writing, of its findings and instruct the permit holder or operator to take specific steps to correct such violations within a reasonable period of time not to exceed thirty (30) days.

(f) If there is reasonable cause to suspect a communicable disease has been or may be transmitted by an operator/technician, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the public health, the Department may, upon written notice to the permit holder or operator, do any or all of the following:

(1) Issue an order excluding any or all operators/technicians from the permitted body piercing establishment who are responsible, or reasonably appear responsible for the transmission of a communicable disease until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

(2) Issue an order to immediately suspend the body piercing establishment permit until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

Section 5016 Suspension Or Revocation Of Permits

(a) Permits issued under the provisions of these Rules may be suspended temporarily by the Department for failure of the permit holder or operator to comply with the requirements of these Rules.

(b) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of these Rules, the permit holder or operator shall be notified in writing that the permit is, upon service of a notice, immediately suspended. The notice shall contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within a specified time period.

(c) Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within five (5) days following receipt of a written request, including a statement signed by the applicant that conditions causing the suspension have been corrected, the Department shall reinspect the body piercing establishment or evaluate relevant documentation provided by a permit holder or operator. If the applicant is in compliance with the provisions of these Rules, the permit shall be reinstated.

(d) For repeated or serious (any Rule infraction that threatens the health of the client or operator/technician) violation of any requirements in these Rules or for interference with Department personnel in the performance of their duties, a body piercing establishment permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A request for a hearing shall be filed by written petition to the Department. Unless the permit holder or operator requests a hearing within five (5) days following service of the notice, the Department may permanently revoke the permit. A permit may be suspended for cause, pending a hearing relative to its revocation.

(e) The hearing provided for in this section shall be conducted by the Department at a time and place acceptable to the permit holder or operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be provided to the permit holder or operator by the Department.

Section 5017 Department Personnel Competency Requirement

Department personnel performing environmental health/sanitary evaluations or complaint investigations of body piercing establishments shall meet the same requirements as specified for operators/technicians in Section 5013 of these Rules prior to assuming responsibilities in this discipline.

Section 5018 Interpretation And Severability

(a) In the interpretation of these Rules, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

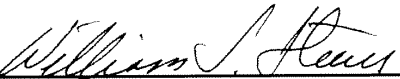
(b) In the event any particular clause or section of these Rules should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these Rules are declared to be severable.

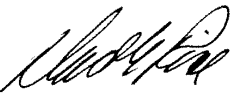
Section 5019 Remedies

If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

Section 5020 Effective Date

Adopted August 4, 1999 by the New Hanover County Board Of Health, these Rules shall be effective on and after September 1, 1999.

Signed 
William T. Steuer, Chairman
New Hanover County Board Of Health

Signed 
David E. Rice, Health Director
New Hanover County Health Department

PUBLIC HEARING – CONSIDER AMENDING THE TABLE OF USES IN THE ZONING ORDINANCE TO ALLOW FOR BODY PIERCING SERVICES

Jane Daughtride, Planning & Development Director, said Mr. Dean Moss, owner of Whizzbang located at 10 Lake Park Blvd., came to the town for a privilege license for a retail gifts and souvenirs store and we issued a privilege license to him. She explained that Mr. Moss began advertising for body piercing and the town does not have a provision in our ordinance that allows for piercing services, so we advised him that he was not privileged to do that work. Ms. Daughtride stated that he would need to come before the Planning & Zoning Commission to ask them for an amendment to the ordinance to include piercing services as an allowable use before he could maintain that privilege license. She explained Mr. Moss was on the agenda for the Planning & Zoning Commission meeting on April 25, 2002; however, he did not make a presentation in person, but he did submit a letter of request. The Planning & Zoning Commission discussed the issue and they did not feel that piercing services was an activity that was positive for the community and recommends denying this request.

Councilman Doetsch asked if he submitted his request to the Planning & Zoning Commission? Ms. Daughtride stated the letter from Mr. Moss dated April 5, 2002 that is in Council's agenda packet was exactly what the Planning & Zoning Commission received.

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

Charlie Grissom, resident of Wilmington Beach, said he was on the Planning & Zoning Commission when this issue was addressed several years ago. Mr. Grissom feels this was not the kind of service that we wanted in the Central Business District with our revitalization efforts. He said there were some issues that came up. One issue was that many of these services cater to underage children, which puts them in a very awkward state with the Health Department. In addition, there were also health and sanitary concerns. Mr. Grissom said this is a very marginal kind of business and he is not sure if we would want this business in Carolina Beach. He added that at that time, Council and the Planning & Zoning Commission were 100% against this when it came up a few years ago.

Dean Moss, owner of Whizzbang located at 10 Lake Park Blvd., said as of September 1, 1999, the state adopted guidelines for professional body piercing and now it is regulated by the Health Department very stringently. There are inspections very often and the sanitation guidelines for the building and premises itself are probably no less than that of a dentist's or physician's office. When he learned from Ms. Daughtride that there was nothing in place within the ordinance for the Town of Carolina Beach, he stopped procedures. Mr. Moss explained once a decision is made his next step is to go back to the county and submit a floor plan for his salon that will be approved by the health inspector and there is an inspector specifically for body piercing. As for underage body piercing, no one under the age of 18 may be pierced without a parent or guardian's written permission. This must be documented and the records as well as the identification have to be checked and kept on file for a period of 3 years. Further, Mr. Moss explained these records have to be available to the Health Department and to the state upon demand. As for the hygienic portion of the salon, their sterilizing machine has to be spore-tested monthly and it has to meet the criteria that the Health Department has put in place, which is very strict. Mr. Moss added that Brunswick County has many body piercing services and they are not regulated by the Health Department as of yet.

Mr. Moss feels that body piercing is an extension of jewelry and is removable, unlike a tattoo. It is a personal decision that someone makes who wishes to have it and his goal is to provide a safe and professional environment for those services. He stated that licenses are given on a yearly basis and they can be revoked at any time for violations.

In addition, Mr. Moss feels if the town receives any complaints to be reported within 24 hours that he should be required to report to Carolina Beach as well. Mr. Moss said he chose Carolina Beach because a large portion of his clientele is coming from Carolina Beach. He feels a professional studio would be an asset to Carolina Beach and he would like to be an example of body piercing. This is regulated and there is no room for margin of error. Mr. Moss feels it should be an option. Mr. Moss asked Council to give it great consideration.

Councilwoman Efird asked if Mr. Moss ever had any problems with his salon in Wilmington? Mr. Moss said he does not have a salon in Wilmington; he has a retail jewelry store in Westfield Mall. However, he was piercing in Brunswick County last year, and did not have any problems and any problems that do come up are dealt with quickly and professionally. Councilwoman Efird asked if he limits the piercing to ears only? Mr. Moss said no, we do not limit piercing to only ears; however, they do not perform any piercing below the waist. Councilwoman Efird mentioned when this issue came up before, it was mostly tattooing and not body piercing.

Ms. Daughtridge explained we received a letter from Tom Stitch, with New Hanover County Health Department, informing us that Mr. Moss is not in compliance with state law already because he is advertising, both through the yellow pages and business cards, body piercing at both store locations. She continued by stating that each establishment has to be licensed per location, not per person. Ms. Daughtridge mentioned that Mr. Stitch has been in Carolina Beach a few times to try and take a look at the location, but has not been here at the right times. He has called many times and is interested in the outcome of this.

Mr. Moss commented that he was unaware that Carolina Beach had restrictions in place when they put the advertisement in the yellow pages in February. We had to take the order then because they could not take the ad in the summer time because that is when they distribute them. He explained that to Mr. Stitch and he did not have a problem with it, but he did advise to make sure our business cards were not listed as "professional body piercing" until it would be put in place. Mr. Moss added that he has spoken with Mr. Stitch a few times and he has been inside his shop.

Councilman Doetsch said if the county is interested in what we do about this, why did they not take any action? Ms. Daughtridge said their concern is that Mr. Moss does not comply with the state. Based on the letter from Mr. Stitch, she stated Mr. Moss would be prosecuted if it continues. Mr. Moss said he has performed no piercing in Carolina Beach.

Devra Jacobs, resident of Carolina Beach Avenue South, said that if someone were to do body piercing in Carolina Beach a lot of money would be staying on the island for receiving the same services that they are going into Wilmington to get. Ms. Jacobs asked if the town approves this and there is a problem, can Council take this back? Mayor Rothrock explained this is to change the ordinance to allow this type of business. Ms. Jacobs feels this seems like a normal business and she supports it because she knows from seeing and talking to people how much money is being spent in Wilmington.

Maurice Raker, resident of 1512 Swordfish Lane, said personally, he is not for body piercing. Nevertheless, Mr. Raker asked if Council amends the ordinance, what is to keep an influx of these people coming in here? Mayor Rothrock said if we were to amend the ordinance, there would be an unlimited number in Carolina Beach.

Lank Lancaster, resident of 104 S. 6th Street and Planning & Zoning Commission member, said we did review Mr. Moss's application without the benefit of his presentation. We did discuss the previous application for a permit to do tattooing and piercing. He said we did not think, given the refocusing of where Carolina Beach seems to want to go, that body piercing was a service that should be supported in Carolina Beach. Mr. Lancaster feels Mr. Moss's presentation addressed that there are an adequate number of places in the county and we did not feel it offers anything particularly advantageous to Carolina Beach even though we might lose some of the revenue for this business.

Bill Powell, resident of 304 Harper Avenue, feels this is a personal thing and it only affects that person. He said this is just one freedom that we have in this country. Mr. Powell believes that if the business is legitimate, licensed, and is inspected, he does not see why we would not allow it.

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

Councilman Macon made a motion to adopt Ordinance No. 02-508 to allow body-piercing services. **MOTION DENIED: Councilman Macon and Councilwoman Efird voted aye. Mayor Rothrock, Mayor Pro Tem Barbour and Councilman Doetsch vote nay.**

Mayor Rothrock said he is not in favor and does not feel that body piercing is something that we need in our Central Business District or next door to an apartment house.

Mayor Pro Tem Barbour is concerned from a compliance standpoint and there is already issues from the county. He cannot change our ordinance to make a situation legal until all the compliance issues are resolved with the county and Carolina Beach.

In reference to the compliance, Mayor Rothrock commented that the location at Independence Mall would not be in compliance until the existing telephone directories are replaced.

Councilman Doetsch said we should not state what a person should and should not do. However, after going through months of revitalization issues, he does not feel this supports what we are trying to do for the Central Business District.

Mayor Rothrock said he is concerned about age and documentation that could be forged as well as the location, which is next door to an apartment house. He commented that if someone wanted adult entertainment, they would have to go over the bridge.

Councilwoman Efird said with the regulations from the county and the city, they can be shut down.

Councilman Macon said the county has adopted regulations to make it safe and we keep saying those people or those kind of places as though we are talking about a certain type of person. It almost borders on discrimination to say that these are people we do not want down here. As far as the advertisement is concerned, if an honest mistake was made then it was made. He corrected the mistake as best he could and he cannot take it out of the phone book. But, he can choose to not pass out

that are not in compliance. Councilman Macon added that he still has to apply for it and from the county to operate the salon.

EXISTING BUSINESS – CONSIDER AN AMENDMENT TO APPENDIX A ZONING ORDINANCE, ARTICLE 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

Ms. Daughtride, Planning & Development Director, said this is continued business from the last meeting. The Planning & Zoning Commission has sent forward to Council a comprehensive change to the parking chapter in the Zoning Ordinance and it has changed a number of the standing parking requirements. It also took out the parking impact fees where onsite parking could not be provided. Ms. Daughtride stated there were some concerns about one or two provisions that were in there that dealt with parking needs in the Central Business District if we do away with the impact fees.

Ms. Daughtride said there were some changes to the amendment as follows:

Under Off-Street Parking Standards; Section 7.1(c), she proposes we add language that reads “waiver of parking requirements in Central Business District. Where properties are located within the CBD, parking requirements will be waived if public parking spaced adequate to meet the requirement are located within 500 feet of the use.” Mr. Peck, Town Manager, suggested changing “will” be waived to “may” be waived for flexibility.

Under (d) off-street parking space schedule; room renting/boarder houses, Ms. Daughtride said to adjust “1.25 to “1” per roomer or boarder in addition to requirements for the dwelling units.

Under swimming pools, Ms. Daughtride suggested we change to one per 75 sq. ft. of “water” area instead of “parking” area.

Under the post office section, Ms. Daughtride suggested we change to one per “300” sq. ft instead of “200” sq. ft.

Under retail stores and service businesses (i.e. barber, tailor, etc.), Ms. Daughtride recommends we change to one per 200 sq. ft. “of actual retail space or service area” and strike the rest of the sentence.

Councilwoman Efrid does not want to make it too hard for businesses to come here. Ms. Daughtride said we have actually reduced the requirements.

Councilman Doetsch feels this is a good first step to help stimulate growth.

Mayor Pro Tem Barbour made a motion to adopt the Ordinance No. 02-503 with the amendments and changing the word from “will to “may” (Exhibit 3). **MOTION CARRIED UNANIMOUSLY.**

AWARD OF BID FOR NEW FIRE ENGINE

Brian Roberts, Fire Chief, said we had previously received bids early in 2002 and received only two responsive bids, so we rebid. We received three responsive bids this time and he recommends that we

and taking a lot more of the parking and increase the cost. He thinks this is a good balance for folks who have mobility issues, etc. The public input sessions are tomorrow night at 7:00 p.m. at the Recreation Center, Thursday at 12:30 p.m. at the senior center and at the March bingo they will have a table for additional feedback. Of the feedback they have received the consistent comment is thank you for including us and valuing our opinion. There are statistics where there is a certain percentage who would want a pool no matter what and a percentage who would never want one. They will bring that data back. The Island Gazette used a polling tool that checks the IP address and limits your vote.

Council Member Friede made a motion to add 2 positions to the committee. MOTION CARRIED UNANIMOUSLY.

Council Member Smith and Council Member Bridges agreed to serve as the Council representatives. Former Council Member, Lonnie Lashley, agreed to serve as a member of the committee.

Mayor Lewis made a motion to appoint Amy Hester to the Aquatics Committee. MOTION CARRIED UNANIMOUSLY.

Mayor Lewis said before going to the next item that he wants to say that the 5 members of Council are residents of the board are residents of the community trying to do the best that we can based on the knowledge that we have. A lot of times we don't make the right decisions. He mentioned that when he first got elected we voted for the road diet and that was the biggest mistake that I ever made as councilman and now we are back to a four lane road. Unfortunately it cost us money to do that. So you hope that you don't make that many mistakes over a period of time in elective office.

Mr. Bigley was in the audience and added that he has four great grandchildren who attend Carolina Beach Elementary School.

PUBLIC HEARING – CONSIDER A REQUEST TO AMEND APPENDIX A, ARTICLE 3, SECTION 3.8-1; ARTICLE 12, SECTION 12.2 AND ARTICLE 23, SECTION 23.3 OF THE ZONING ORDINANCE TO ALLOW BODY PIERCING AND TATTOO STUDIOS IN THE HB ZONING DISTRICT. APPLICANT: DIXON BROADFOOT

Mr. Parvin presented this item. He said this is an application for body piercing and tattoo studios in our highway business (HB) district. This issue has come before Town Council before, both tattoo parlors in 1995 and body piercing in 2002. The difference at that time was both applications were looking at our downtown central business district (CBD) area. Historically the Town has wanted the niche of the CBD to be retail, shopping, restaurants, entertainment and service oriented toward the beach. Highway business does have a different character and Mr. Broadfoot thinks this would be a better fit for his establishment of tattoo and body piercing. There have been concerns about these types of uses throughout the country. One of those is health issues and most states, North Carolina is no exception, have addressed these through state legislation that put stringent restrictions on these establishments and they are enforced through the state and the county health department. You also have impacts that you can mitigate through

zoning. A lot of communities, when he was looking across the country, they see this type of use come before them and they have concerns that this is going to create an area of high crime, low income. Those are the concerns he is seeing. There are no studies or research he has been able to find that represent that but that is usually a community concern. So what most communities do is adopt regulations to mitigate those concerns and we have put similar ones that other communities have put into place. One that we have for some other uses as well is if you serve alcohol in the HB district, Mr. Broadfoot, or anyone opening a business in the HB, would have to come back for a conditional use permit (CUP), all of your approvals would be posted on site and then separation requirements. We use these for several different types of uses. The most recent that Council is probably familiar with is the electronic gaming operations which we adopted he thinks in 2010. They adopted, he thinks, identical separation requirements.

Council Member Friede asked about other separate requirements that we have and said there was a discussion a few years back about separation of bars. Was that in just the CBD?

Mr. Parvin said they had in the zoning separation requirements for bars and for sexually oriented businesses.

Council Member Friede asked if these are the numbers that we used on the others.

Mr. Parvin said these are what we used for electronic gaming. Sexually oriented businesses are significantly more and it is only allowed in the industrial area. He said that those numbers are not in front of him, but it is closer to 1,000 feet for those businesses. This went to Planning and Zoning last month and they made a motion to deny which passed 4-3. Some of their concerns that we discussed were, one, can we completely zone out a land use such as body piercing and tattoo studios? Going to David Owens at the School of Government he said you can zone out a particular use as long as it's not arbitrary and capricious. That is what you will find court cases to say. So what does that mean? A good example for a small resort community is you could probably zone out a heavy industrial use whereas a larger community couldn't do that. What that means for tattoo studios, he's not an attorney and can't tell them that. Also, the ruling by the 9th Circuit Court of Appeals does not apply to the eastern side of the country but would apply to several of the states on the western part of the country – Alaska, Hawaii, Washington, Oregon and California. It was found that this is a first amendment right, a freedom of speech, that you have to create an allowance. Again, this doesn't apply right now in North Carolina but that is a federal court decision. Other things that Planning and Zoning considered was under CUP you could require this use. Right now staff has it written up as permitted by right, you could make it a CUP so any applicant in the HB district would have to come back before Council and community members could address Council and talk about adding conditions to that approval. You could look at increasing the distances from schools and churches to 400 feet. He thinks they were at 400 feet for the separation between tattoo studios. If you did it for a residential you would pretty much zone it out completely so you couldn't do that and accommodate the applicant. A lot of communities set a high privilege license fee. We went through this with the electronic gaming operations as well; we set higher ones for that. He saw several he gave to Planning and Zoning and several of them said \$1,000 for tattoo studios. Otherwise it would go

to what is set by the state which would be gross receipts so it would be a minimal amount, about \$20 or \$30 a year. And then you can look at this under a CUP or if you wanted it permitted by right you could add a condition on there to have limited hours of operation.

Council Member Friede asked what kind of enforcement issue would present, if any, if we said we wanted to have limited hours of operation.

Mr. Parvin said that it would most likely require the police department to go out there and enforce that.

Mayor Lewis said you could also research a complaint.

Mr. Parvin said yes, a lot of times just talking to the folks will resolve the issue, and that is usually where we start.

Council Member Friede said we have limited hours of operation on sweepstakes operations. Is that correct?

Mr. Parvin said he knows they had a CUP. We had one in the fall for the marina that it be limited to daylight hours.

Council Member Friede asked if we have anything else that we have limited hours of operation on.

Mr. Parvin said he couldn't think of anything off the top of his head. He knows with CUP's that has been a common condition that he has seen with Councils over past years add on.

Council Member Friede said the enforcement of that needs to be done basically by police if it's after 5:00 p.m.

MPT Shuttleworth said or if it's a complaint investigation follow-up. He asked Mr. Parvin about his write-up where he said under the recommendation that at one time bars were limited by their distance. Why did the Town quit doing that?

Mr. Parvin said he thinks that at one time you were having more concerns with bars.

MPT Shuttleworth said we took that distance regulation out.

Mr. Parvin said that is correct; at one time there were bars the Town was having concerns with on the boardwalk, particularly, and then businesses changed, the boardwalk cleaned up and the concerns went away.

MPT Shuttleworth said so it was the flavor of a particular individual's business that someone was trying to regulate by limiting by distance how many bars there were.

Mayor Lewis said he thinks it was a conscious decision to slow down the growth of bars next to each other.

Mr. Parvin said he thinks the concerns went away. There were concerns when the bars were bringing in...

MPT Shuttleworth said that's the concern, there were particular bars. In your write-up, your summary of request you say all these previous applicants were in the CBD and the Town had worked to encourage family oriented uses in our downtown, being the CBD, and based on that discussion everything was oriented towards the CBD and in this case you are talking about the HB district, correct?

Mr. Parvin said that is right.

MPT Shuttleworth said so encouraging family oriented uses in the CBD, is that what you are trying to do?

Mr. Parvin said that is what, when you look at those cases in 1995 and 2002, those were the concerns expressed when people come to Carolina Beach and walk up and down the boardwalk.

MPT Shuttleworth said whereas you said in the HB district these are pretty much service businesses that people are destined to drive up to and they have an intent to go there not just strolling by down Lake Park. They have a reason to drive up and get a particular service.

Mr. Parvin agreed.

Mr. Parvin said that he knows the applicant is here if you would like to hear from him at this time.

Mayor Lewis said let's hear from the applicant and then we will open the public hearing.

The applicant, Dixon Broadfoot, thanked them for their consideration in this matter tonight. He said he is a property owner at 1009 Lake Park, Suite B. Before we speak tonight it was brought to his attention, nothing personal at all, but at the last Planning and Zoning meeting Tom (referring to Council Member Tom Bridges) had some real valid input earlier and it was questionable whether or not he had the valid right or legal, if you want to check with Noel Fox, if it's legal for him to, if he's already voted once to be up there again and do it. Is that something you could check on?

Ms. Fox said she isn't sure that she understands.

Mayor Lewis explained to Ms. Fox that he was on Planning and Zoning and voted against it, or voted on an issue to recommend to Council, but he never voted as a member of Council.

Ms. Fox said this is a different forum.

MPT Shuttleworth said he voted once as a Planning Commissioner and now he's hearing it as a Council person. Is there a problem with that?

The town attorney said not that she is aware of.

Mayor Lewis said he doesn't have to recuse himself. He said he thinks they were talking about a conditional use permit maybe, he'd already heard evidence before that but this is not a conditional use permit. So in that case he doesn't think they have anything to concern ourselves with, right?

Mr. Broadfoot said he brought up some really good... when he walked out of there he thought that he was in favor and had some really good valid points but it was just brought to his attention that there could be some legal issues with allowing, since he's already voted one time, to vote again.

Council Member Bridges said he will recuse himself if necessary.

Mayor Lewis said he thinks he's okay. If it was a conditional use permit we'd probably have that ... so keep going.

Mr. Broadfoot said he wanted to tell them a little bit about himself. He sold his shop last year and had an opportunity down here in Carolina Beach to capitalize on a small opportunity and invest instead of rent. Basically what he wants to do is open up a small boutique style gallery specializing what he does. He has been doing it for 18 years. He does cosmetic makeup and regular tattoos as well. Basically it's a growing trend and feels it would benefit the city in allowing him to do it here. It will cut down on illegal tattooing because it is becoming so popular through the years. We pass out all these temporary tattoos to our kids, people are going to do it somewhere. He feels it would benefit the city to allow a government regulated, sterile, clean place to get it down without having to leave the beach. He lives three miles from here and like you guys and everybody else here we don't like to leave the beach if we don't have to. He is looking to open up something like that here to keep people on the beach, keep revenue here. We don't go across town to buy gas and go get our groceries across town. We should be a full service city and provide an option and an opportunity for people to get it done here instead of getting it done illegally. The location he's looking at is about 1,000 sq. ft. The growing trend is getting to be more gallery oriented and because of that he wanted something just for himself, 1,000 sq. ft. is perfect for what he is looking to do, a place that he can bring his kids to work with him.

MPT Shuttleworth asked what he meant by gallery oriented?

Mr. Broadfoot said they have evolved a lot more, he guesses the old stigma, stereotype behind it. It has changed so much through the years because of the popularity. If you have never been in one before, they are more art gallery oriented. A lot of the tattoo artists are becoming quite famous with a lot of their paintings and drawings. If you are sitting around and you're not doing tattoos you are painting, you're doing watercolors and there is a lot more involved with just tattoos. It has become art not even on skin but on canvas. That's kind of where it's been geared.

These guys are producing books and magazines. That is kind of where it has evolved, more gallery oriented appointment only. It's not your walk in, bang 'em out, loitering thing anymore. The loitering doesn't make any money for him. You come in and get your tattoo if it takes four hours then you leave. He is addressing that right now with the HOA in the units that he bought. We have a meeting tomorrow and hopefully that will fix any kind of concerns they have with loitering issues which he doesn't believe exists. He thinks you will find all that happening a lot more down at your local McDonald's than you would here at his family oriented business. He is a father of two and likes to go home around 9:00. He just wants to offer a nice, clean safe alternative to keep the vacationers on the beach here. From past experiences the bigger and more volume kind of style tattoo studios and those things are changing and evolving. It seems like a family of four would come into town and one or two of them would get a tattoo and the rest of them would spend money shopping while the four hour tattoo took place. After that they stay in town and get dinner. His opinion when they get people here on the beach we should keep them because of economics. We have like Charlotte and Raleigh, you can draw a full circle around any business there. You get people coming from all areas. That is why those businesses thrive so well. The beach economy depends a lot on the locals that are here and also depend a lot on tourism and when we're working with only 180 degrees and you have the ocean on one side of you, we're limited on what we can generate to thrive here. You have ferries and Southport and everything else and have such a small sliver of opportunity to keep the revenue here. If you have someone like me with 18 years of experience, nationally recognized and have travelled all over the world tattooing. I know we're looking at the bigger picture here. I don't know if you're going to do better and he doesn't know how much available options and opportunities there is going to be competitively with what he does and his skills and, yes, maybe there is the potential to open Pandora's box but it took him a year just to find a place. It's really limited and he thinks they will see when he pulls up the map if you do the 200' setbacks, it reduces the availability even more. Then with the existing uses, you have storage units, you have churches in place, you have thinks that aren't going to be closing down for years to come and it cuts it down that much more. He would like to bring some other people who are in favor if they don't mind. He is looking forward to hearing people who are in opposition. He has done a lot of research for anything he could find in opposition or anything negative about it and he could not find any factual data on anything negative about a new business like this coming here or going anywhere else for that matter. He couldn't find anything negative on the con side other than just speculative opinions that people may have and those people may not have ever been to a tattoo shop. He thinks a good example might be his daughter, if he gives her something new to eat and she has never seen it before she is going to say "ew, I don't want to try it." How does she know how it is going to taste if she has never been there or never had it before and he thinks that's maybe some of the stigma that arises from it. It's evolved and changed so much, his clientele is so professional. He can go and see doctors and lawyers. Everybody knows everybody gets tattoos, it's not for criminals. He doesn't think they fabricate criminals, it doesn't define a person. It is art on skin.

Council Member Friede asked if it is his opinion that there are illegal, unregulated tattoo parlors operating on the island now.

Mr. Broadfoot said it is not his opinion. He knows for a fact that there are plenty of people tattooing out of their homes. They are not parlors. He thinks it's the kind of thing that someone

has a friend who has a gun that they bought on the Internet. These kids are 18 and they don't want to leave the island and they might not have a ride - the availability of a traded or bartered tattoo to have someone who is not regulated. It scares him, he has seen a lot of it for years. They come to him to fix it. His biggest concern isn't just the crappy quality of art that they are getting; it is the exposure to unsterile, unsanitary needles, that they are not governed by any regulations. They don't have autoclaves or the Health Department involved to inspect them. There is a lot of it going on at this beach.

Council Member Friede asked how permitting this as a right in the HB district would eliminate those backdoor shops, one person operations.

Mr. Broadfoot said it won't eliminate it but it would give people another option. Some other options are if I want a tattoo I can go into town and get one but you are providing a local option for the people that are turning 18, the people that aren't going to be, they're called scratchers, doing it at their house. If you provide an option like that he takes the brunt of the responsibility of everyone who comes in his door. Having his around does keep a better eye on the community because he is required to report anything like that that he sees locally and if he is not here locally he can't report it locally. He has been working with the Health Department for years and when they hear of someone doing illegal tattooing they notify the correct persons involved and she does the research and they do what they can to help reprimand the person that is doing it. It's kind of like a little bit more of a check and balance situation.

Council Member Friede asked if he has reported the people on the island that he knows are doing illegal tattooing.

Mr. Broadfoot said it has been going on for years down there and he is sure there are people in the audience who are willing to stand up and say they know people who have gotten illegal tattoos on the island. It's just growing in popularity so much. You can open up just about any magazine, whether it's GQ or Sports Illustrated, they're everywhere, everybody's got them and they are influenced by their heroes and idols and because of that they are going to get it. He is here to at least give that opportunity and option to Carolina Beach.

Mayor Lewis said there are a couple of different ways they can do public input. They can have everybody get up who is in favor and move on that side of the room and everybody who's not move on that side of the room. The town clerk said they could have one representative for and the against but he thinks they will just go by the individuals. Because they have a lot of people who want to talk he would like to try to keep it to 5 minutes, focus just on the subject. They can start by anybody raising their hand who would like to make a comment for or against, it doesn't make any difference.

Kenneth Horne, owns and operates Pleasure Island Insurance, resides at 630 St. Joseph Street, Unit 103. He has spoken to Dixon, they had about a 45 minute conversation in his office, and he's a fine young man. This is not about Dixon or about tattoos, this is about Carolina Beach and you folks have a really difficult position. You want to bring in business, he understands that, that is what you were elected to do but at the same time you have to be careful what you bring in. He is reminded of 2001 he had rented a unit at Pleasure Island - he just happens to be going to

be his neighbor, that has nothing to do with it trust me, but he was renting a unit #84 and his son said, "You know Dad we really need to buy our own unit." He told him that was a huge investment, we have to do some research and make sure. We have to take a look at this community and find out what is going on. We looked at zoning. There's a reason for zoning. Zoning is so that people of like kind can get together. Let me give you an example, if you want to buy a new car in Wilmington you have to go to a certain place to buy a new car. You don't go to First Citizen's Bank and right beside it is Rippy Cadillac, it doesn't work that way. If you want to go to a bar, you have to go to a particular place to be able to go to a bar. The same thing is true with a tattoo parlor. If you want to go get a tattoo, there should be a place identified for tattooing. He is in the highway business community and he has invested a lot of money in the highway business community and he would have never bought that building if there had been a tattoo parlor sitting in there. Why? Is it because he is prejudiced of tattoo owners? No. Is it because of prejudiced of people who have tattoos? No. It's just that a good businessman is not going to put his business in an area that's not going to bring in his clientele. So he chose Pleasure Island Plaza because of the clientele that was being brought in to that particular commercial development. We had a lawyer, we had the tax people, we had real estate people and all those people bring in clients that really and truly flourish his business. He told Dixon that he is cutting off his nose to spite his face and the last thing he wants to do is oppose a business. He is not opposing the tattoo business but he is opposing where they want to put it and he personally doesn't think, quite frankly, that there is a place on Carolina Beach for it because Carolina Beach, quite frankly, is a beach community. Most of the businesses here are servicing the people that are really making the investment in the beach. He reminded Planning and Zoning and he will remind Council that back, he doesn't know if it was a beautification program, one of those projects they were talking about, they came around to all of the businesses owners and said they want to really change the complexion of the boardwalk but we're going to need business owners to make that investment. That particular time it was \$3,500 a pop. You put \$3,500 in you got your little name on a plaque in a little cul-de-sac, you know where I'm talking about. Well business owners like him and others didn't make that investment to turn around and go back. There was a reason why you were changing the perception of the boardwalk at Carolina Beach, because you wanted to change the clientele that come to the boardwalk. He submits to Council that they have that same decision now. Steve you said something earlier that he truly respects, you said there are only a few things that government is responsible doing and you used the word protection. He is a business owner and he is looking to him to protect him and his environment and he doesn't want him to bring in a business that is going to hurt his business. Forget tattoos. If you tried to bring in Rippy Cadillac beside him, they would get just as much argument from him as they are about tattoos. If they tried to bring in a church beside him, you would get just as much of an argument from him that they are going to get from a tattoo. There is a place for all these businesses and he submits that he doesn't believe it is in Carolina Beach.

MPT Shuttleworth said you're in the insurance business and asked what kind.

Mr. Horne said they sell property, casual, life and health.

MPT Shuttleworth said pretty much all kinds of insurance but the people that get tattoos, don't they get insurance?

Mr. Horne said that is not a fair question. People that are white headed don't buy insurance either. He sells insurance to people that has tattoos and rings in their nose.

MPT Shuttleworth said but what you said was that people come into the plaza, like businesses attract businesses so the connotation was if they are going into the law office or going to the real estate office they might stop in your office and buy insurance. So he is just wondering if they go to the tattoo parlor, you don't think they would stop in and buy insurance?

Mr. Horne said he didn't think so. He doesn't think they go to the tattoo parlor and say as soon as they get my tattoo I'm running over to the insurance business or insurance office and buy an insurance policy. He doesn't see that working.

MPT Shuttleworth said he doesn't disagree with that.

Mr. Horne said the people he does business with typically are buying properties on this island. He realizes this is emotional and he'll respect their decision. He just wants them to understand that he doesn't think the decision is about Dixon and his quality as a tattoo artist or, quite frankly, what he does or how he does it. He thinks the decision is about Carolina Beach and what kind of image this town council wants Carolina Beach to have.

Joe Bradley, 910 Basin Road, said he has known Dixon for quite a while down here and owns a construction company here. He knows with Dixon, the professional that he is, that it would probably be the best bet for the whole community down here on the island to get rid of the scratchers. You've got your eye on him, the police station is here, the Board of Health is always going to be looking at him. He is just so professional. He knows how he runs his house and how he runs his businesses and he just kind of thinks that it's kind of - everybody has a dream. He wants to open a business here. Everybody wants to open some sort of business and you all know that. As for illegally being done, he can't see it, the way he's proposing it at all to actually being doing something that... He understands the gentleman before him with his insurance company that he's not going to bring in any business to him but, at the same time, he just may. There are people down there. The coffee shop will probably do better. There are a lot of things. How often do you go out and shop for insurance? It's not like you're going out for furniture or going to the grocery store. He sells insurance. He has respect for the man but at the same time he thinks everybody should get a shot at something and he doesn't think you people could lose with this guy at all. Dixon is a good man.

Greg George, 111 Summer Salt Lane, is here to speak in support of this. He knows Dixon's reputation although he only met him one time before this evening. He came in not to support him and his business but to support the concept. He has lived here for 10 years and ridden his bike around this town 7 to 10 miles a day and he knows most of the business owners here and most of the businesses. He is 50 years old and didn't get a tattoo until he was 47 and he bets half of the people in this audience have tattoos. He respects the gentleman that has the business but let's just get real about it. People with tattoos are discriminated. To him that's what this boils down to here tonight. He wants to point out that this business is going to bring jobs to this town. This business is going to bring taxes to this town and he can't tell them how many dozens of people that he either know personally or met on the street that he has had to send into

Wilmington. We probably take \$10,000 or \$15,000 into Wilmington, plus it's a hassle. This gentleman is in the insurance business, he guarantees a large portion of his customers have tattoos. I come here because he knows cancer survivors that need tattoos for cosmetics that they can't get on this island. He knows there is a lot of military presence on this island. Military men and women have tattoos. To him it is discriminatory. This type of business is no worse than a dingy bar on the boardwalk or a sweepstakes business in town. Some of those businesses could bring in worse types of clientele than this business. People with tattoos are just like everybody in this audience and he thinks the people of Carolina Beach should support this measure and if you couldn't tell how articulate the gentleman who is going to run this place if he is allowed to, he's not just some rum dumb tattoo artist. He's a businessman and he's here and wants to get your support and he supports him and his business.

Doug Kramer, 1100 Carolina Beach Avenue N., said with regard to Ken Horne, he is his insurance agent and would he not use him because there's a tattoo parlor there? No, but if he didn't know Ken Horne and there was a tattoo parlor there he might not and probably would not go and use that business. He thinks there are a lot of people in here who feel the same way he does so there is going to be an effect on his business and you should protect him for that reason.

Brooke Kempies, not a local here but is in support. They provided Council with a packet and she just wanted to hit on some of the opposition and responses so the community could hear those. A lot of the opinions are "if I want a tattoo I'll go into Wilmington to get a tattoo". For her she thinks that is a problem for local business owners that are here. Why would you want to send revenue outside of the city? We want to keep locals and tourists here. As Dixon stated it's not just getting a tattoo, you're going to spend money at gas stations and restaurants and other local shops. One of the other oppositions was "we don't want those kinds of people here and I just don't like tattoo shops". At this time she thinks there is a lot of support out there and she would like to ask everyone who has a tattoo or who is in support of this tonight to please stand. (Note: appeared that the majority stood.) This is your local economy, right? So this is your local community and so our local businesses here are concerned about the community but that's it, right there. Probably over half of those people stood up.

Mayor Lewis asked where she is getting the people she's talking about. Who's talking against it?

Ms. Kempies said this was at the last meeting that we had at Planning and Zoning, she took these oppositions down and wanted to address them. The next one "I'm concerned about the health issues" and she knows that has been touched on but tattoo shops are regulated by the county and Health Department and thinks this will help in the spread of hepatitis B and other disease control so this would be a positive and not a negative. Next one "I'm concerned bringing a tattoo studio will lower the property values". Tattoo business right now is a multi-billion dollar industry. It's featured in magazines, television shows featuring very famous galleries and shops around the world and everything has kind of grown into a more upscale art gallery so if you have someone locally here that is running that type of business they're just going to put the money back into this community. Especially being a property owner, you're going to want to increase the values there and not lower them. Also she thinks studies have been proven that when there are a lot of tattoo shops together, that was more of the concern that there was going to be a decrease in

property value but with the restrictions and with the highway business district that they are asking a conditional use for you won't be able to provide that. The local economy won't be able to support more than a couple of tattoo shops so if you did open this Pandora's box half of those people that even try to apply and there's enough shops that the economy is not going to support it down here, maybe one or two. But it also prevents us from becoming a monopoly as well. It took us a year for us to find the property that we decided to buy so say you have someone, they are probably going to have to buy the business because you may have locals who don't want to rent to a tattoo shop. So you are really looking at cutting down the opportunity there. It's going to be someone who has vested business interests here and it's going to be someone who is really dedicated and headstrong to open that business here. It's not going to be that if you approve this tonight ten other shops are going to open up. One of the other oppositions that we have is "we've gone this long without being change, so why should be adopt it now". She would say offering a competitive market. All the other cities around you do offer tattooing so being able to evolve with the times and offer this type of service she thinks would only benefit the local economy plus it's our first amendment right and the Supreme Court has already ruled that there is a place in every city that should allow tattooing. The last one is "what is tattooing". Tattooing is simply a form of expression to the individual. It's not going to harm someone else. She doesn't think it's going to harm someone else's business plus she does have insurance, might have used them, maybe not but who knows. At least give me the opportunity to do so instead of just assuming that because of her business or because she has tattoos she would not.

MPT Shuttleworth said in fairness to Mr. Horne, he's sure she has tattoos but his question was, and thinks she would have to admit, good, bad or indifferent, there is some stigma, there is some connotation – he has had several people go down to Third Street, go look at all the tattoo shops downtown, look at the problems down there. You look like a very presentable young lady. He's sure Mr. Broadfoot is going to have a fine shop but this is a zoning change that would allow multiple, could have, and he believes free market would dictate how many but Mr. Horne has an existing business. He bought into something that didn't allow that and he is concerned about...

Ms. Kempies said did it say that it didn't allow it or just hadn't been brought up?

MPT Shuttleworth said there is no zoning in Carolina Beach that allows it so if you are a business person and you are making a decision, you do your research and go look at the zoning and say these are the things, I'm not next to a place that can have an adult entertainment, I'm not next to a place that can have this, this or this yeah I'm going to invest here and open my business. He has to weigh his decision based that he is trying to be concerned about too. He is sure Mr. Broadfoot operates a great business. It's not his; it's the fact that this is a blanket agreement. When you said all the other local communities do that, he's been trying to do some research and couldn't find out about Southport and Wrightsville. He knows Surf City allows it but he doesn't know about Bald Head, Wrightsville, Southport, Kure Beach so he is not sure all the other communities do allow it.

Ms. Kempies said in Wilmington and Myrtle Beach.

MPT Shuttleworth said what about Kure Beach, Southport, and Wrightsville Beach? He's just trying to understand. He asked the attorney beforehand is there a freedom of speech issue that

says we have to allow every zoning and there's not. There's the 9th Circuit Court that said something about it out in California but we already got a lot of heat about listening to the Surfriders so he is not sure how much about the 9th Circuit he wants to listen to. He is just trying to balance out of both and just so you know I didn't stand up because he is not in favor or against it but he does have a tattoo. Your question was are you in favor of it or have a tattoo. He thinks Mr. Horne had a valid point.

Ms. Kempies said it's not based on fact. It's based on speculation and is it better to have a functioning business that may bring revenue to his company as opposed to an empty lot next to it because that is what he had before they bought the property.

Greg Lyon, 311 Harper Avenue, said he is a lifelong resident, owns a business and is a part-time employee refereeing little kids. He is covered in tattoos. I am also a musician. He has known Dixon for about 20 years and has gotten all his tattoos from him. He is a law abiding citizen, very clean, cleanest tattoo gallery he has ever seen and he has been to quite a few. He just wants to support him in all the ways he can and hopes they will make a good decision and go forward with this because it will bring money. Like everybody said while somebody is waiting to get a tattoo they might go over to the insurance company, you never know. Just because someone has tattoos or has a birth defect or anything doesn't make them any different than anybody else. Nobody is perfect in this world. Hope you make the right decision and we support him all the way.

Jeanine Williams, 1608 Bonita, said she is in favor of this. She met Dixon just last week but has heard of him for years. If he had been here years ago she would have had an appointment years ago. It was her 16 year old son who was illegally tattooed on this beach. She had to take him to the emergency room and he had to do antibiotics for two weeks. That's where he got that information. I think maybe we shouldn't call it tattoo shop or parlor, maybe we should go with tattoo gallery. I think that is what he is trying to set up, an art gallery by appointment only tattoos. She wants an appointment and when she is done she will stop and pay her auto insurance, she promises.

Kurt Evers, W. Kilarny Road, Wilmington resident, said he has been a friend of Dixon's for 22 years. He is a very upstanding citizen and would run a very good business. As a former health inspector for Pender County he has inspected tattoo parlors himself and does know that Dixon runs a very clean establishment and would do so here in Carolina Beach. Also, he would like to bring up the point that having grown up here and Dixon as well, Wilmington and the surrounding market in Carolina Beach has seen a very much increased use from the university and from Cape Fear Community College. With that being said it would bring in a lot of revenue from that.

Mayor Lewis said when we talk about changing the zoning or changing things, it's not just any individual, it opens it up to everybody. He appreciates all the comments about how great Dixon is but it's also an issue about the businesses. He could have the business here for two years and sell it to somebody else and we're dealing with that individual or other people can come into the marketplace.

Steven Sacewicz, 313 Hamlet, said he owns his home, it's in the flood zone, and he has tons of insurance. He's a school teacher and coaches kids. He's been teaching for 14 years and his wife teaches school. They have a daughter that goes to Carolina Beach Elementary. He's the kind of people that he reads about in the paper that you don't want here that says we don't want those kinds of people here, we don't want those kinds of people at the business.

Council Member Friede said they never said that. Whoever is here, please understand, this is the first time this has come to Council. We have not said we don't want those people here so whoever came to yell at us and say we don't want those people here that was not us.

Mr. Sacewicz said in the paper, he's sorry if he's loud, there's no finger pointing at all he is just saying the feel of the community and when people read these things says we don't want those kinds of people here and that is the feeling that people are getting.

Council Member Friede said not from them, she hopes.

Mr. Sacewicz said if they look around and when she has everyone stand up, it was more than 50% who were in favor. There are not a lot of people opposed who are here so there's a lot of support for the business and as a Council it is my understanding that they are to do what the town wants, what the people want, not what they personally believe in. He doesn't like coffee so coffee shops shouldn't go in or cheeseburgers or tattoos, etc. He just wants everyone to be open minded. There are a lot of good people out there who have tattoos and want a place to go get them and he understands people's concerns about it, but go visit some places like Dixon said.

MPT Shuttleworth asked him what does he understand those concerns to be. That's what he's trying to get to.

Mr. Sacewicz said there's a stereotype of people with tattoos that they're bad people, they're bikers - they are biker gangs. When people say "those kinds of people" people are saying they don't want to see people who are smoking, drinking, fighting, and loitering and hanging out, bashing out streetlights and drag racing up the street. That's a real bad stereotype. There was a lot that went on in this country, that a lot people with tattoos are fighting for in other countries, to stop that kind of thing. He wants that to be the focus. He doesn't want it to be it is Dixon's shop or it's this or it's that. He wants there to be no stereotypes on this. It's a business, it's going to bring revenue and not say we don't want that. He doesn't understand how we can say we don't want that business. The town, if the people support it, we, and the Council should support it.

Michael Darsh, not a resident, said he is self-employed in New Hanover County. He has known Mr. Broadfoot for 10 years personally and professionally. What he has seen in his tattoo shops and some other ones are all kinds of people going in. He has actually seen a full family group. To think that it is only a certain type of person that goes in or that there is no need is really wrong. He knows someone who has a tattoo, very elaborate, went up to \$1,600 to pay for it. It's a very, very specific tattoo of a picture of one of his deceased pets. It helped him get over the loss of his lost pet. Tattoos have a benefit than just artsy, they're psychological too. It's a service that should be rendered and offered to the citizens of Carolina Beach just as much as any other.

Mayor Lewis said that was a good point because we have a friend not in just Carolina Beach but in the local community who is a survivor of breast cancer and she decided to celebrate her survival with a tattoo which she shows off and he thinks that helps her get through the whole issue in the first place.

Jim Kitts, owns Carolina Beach Realty and he owns the space right next door to the proposed gallery. He doesn't know Mr. Broadfoot. He knows Greg Lyon and has a lot of respect for him and he has no problem at all with people who have tattoos. He thinks that the fact that there is so much discussion or controversy with regard to the situation puts forth the example that there is a certain stigma. Say I'm on the wrong side of that stigma and you can blame me for that and say I'm a bad person for thinking that but I haven't been proven wrong. I've never been beaten up by anybody with a tattoo or nothing has ever happened to me with anybody with a tattoo. It's just one of those things, and he hates to say this but he doesn't mind it but he just doesn't want it next to him. In his business they handle a large amount of vacation rentals, do about \$2,000 a year and that translates into probably about 14,000-16,000 people coming through his office. He can't speak for everybody else because he doesn't know what they think or how they feel. When they call him and make a reservation they ask him where they can go eat, and they go to Uncle Vinny's Pizza. When they want to rent a bike, they go to Wheel Fun Rentals. He hasn't had anybody call him and ask where they can go get a tattoo, so he doesn't know about the fact of keeping the money or revenue in town. You know what they might come get their keys and check in and might go get their tattoo and they might be happy. It might be a good thing he doesn't know but he just thinks that, call him uneducated and he's not educated enough to make a correct decision on this but he is against it. He apologized. He thinks that the fact that the situation, the property was bought and it probably should have been done and handled the other way around. You do your due diligence and you get your approval and you buy your property, then you know beforehand. The last think he'll say is, obviously we talk about the Pandora's box and is probably a beaten down term now but if this does get approved and we're able to open them, obviously there's a lot of people that have tattoos and it's a good business and he might be the second person to open a tattoo parlor down here so that would be maybe a good way to look at it.

Council Member Smith said, like Ken, she feels like both of them have similar businesses in that people aren't driving by and saying where can I rent a house or where can I get insurance.

Mr. Kitts said they do for him.

Council Member Smith said she is insured at Pleasure Island Insurance and she has never set foot in the office in the 9 years she has owned her home. She has never even had to go to the office. Does he feel like his foot traffic would be affected because of the tattoo parlor?

Mr. Kitts said he has people in here who have tattoos that he has spoken to that have been in his office looking for a place to rent.

Council Member Smith asked if he felt his business would truly be negatively impacted.

Mr. Kitts said he doesn't know with the local people that are looking for a place, he doesn't know, he can't speak to that and that is why he said earlier when he was mentioning the thousands of people who come to town and this is their first image of Carolina Beach. We've worked hard to try to get this thing in a little bit of a different direction. He thinks the discussion came up earlier with regards to the bars. Do you know why they did that with the bars? Because they were beating each other down out in front of them and it was causing too much of a ruckus. Is that going to be the case with the tattoo parlor, he doubts it, he doesn't think so but that's why it happened in his opinion. That's why the things changed. If this one opens up there is going to be more. There is no doubt about it. Carolina Beach started out with one realty company and he thinks they have more than that now. They started out with one insurance company and he thinks they have more than that now so it's the way it is.

MPT Shuttleworth said that his comments about the bars wasn't why we restricted them, his question was why did we lift the restrictions. If we made the restriction because everyone was out there beating them down, did they quit doing that and now we're like, okay, well you can open up as many bars as you want?

Mr. Kitts said that question was never answered about why we stopped it in the first place.

MPT Shuttleworth said that's why they stopped enforcing it because somebody sued us and said you can't restrict the number of bars by location. He does think he made a valid point; he does a lot of vacation rentals. A lot of your people book stuff and then they show up and, if he is hearing him, his concern is that their first image when they drive up and pick up their keys with their kids for a family vacation they're hanging out next to the tattoo parlor. We spend a lot of money as a community on marketing the town and we're trying to bring a lot of people in.

Mr. Kitts said he doesn't know; he has never owned a business next to a tattoo parlor.

Eva Klutz said she lived here for 24 years and what bothers her is all the unutilized spaces such as Maxway where the Food Lion used to be and all the business possibilities that are out there. Part of the town really looks ghostly and it doesn't have to be. We could really be booming, a summer town as well as a winter town. Her little cousin has gotten a garage tattoo on her too and knows if she had had other options she would have waited until she got old enough and did it in a respectable manner. Some people don't leave the beach and have learned to live like that and we need options.

Deb Lecompte, 307 Charlotte Avenue, said she wanted to ask if anybody here has stopped going to the mall to shop. Studio 7 has a beautiful shop in the mall. She doesn't think you see any riffraff, loitering or any of that. She thinks that in a time when we have the economic lows that we have we need to search out whatever businesses would be profitable on this island and thrive. As you saw the many people who stood up in here that have tattoos she doesn't think it is a stigma that goes along with being riffraff or the like anymore, it's just not that stigma anymore. And she thinks they need to let go of our antiquated ordinances and possibly look at some changes that could affect positively in our town. She is a 50 year old mom of three and has

multiple tattoos. She is a business owner and if Mr. Broadfoot opens up his shop, if allowed to, then she will probably be one of his first customers.

MPT Shuttleworth said she mentioned the mall, which has some pretty tight covenants, is owned by one group and they kind of dictate who comes and who goes. The zoning allows it but they have some restrictions on that business. They didn't just let any tattoo parlor in there. What he is trying to understand is how do we protect current business owners, how do they have a right to protect their investment and at the same time not excluding an opportunity for businesses.

Ms. Lecompte said she understands but she thinks they need to open up the possibilities to see; there are regulations. It's dictated by the Health Department and state regulations.

MPT Shuttleworth said he has no doubt that he's going to be clean but is it going to look in keeping with the other properties? The mall tells the guy you can be open these hours or this size sign.

Ms. Lecompte said she is sure that if they check with the businesses here or located next to Studio 7 in the mall they have not been adversely affected by the fact that they have a tattoo gallery located right next to them.

MTP Shuttleworth said but doesn't consumer oriented businesses where we're talking about putting in a place where there's a lot of professional oriented businesses. It's a little bit different and he gets it.

Ms. Lecompte said she wouldn't close the door on something that could possibly bring positive revenue to this island. She is not sure how Mr. Horne would feel if somebody decided they wanted to open another sweepstake's shop next to him. We just have to get past the "not in my backyard" mentality.

Tammy Hanson, 714 Tarboro Avenue, said she is going to speak in two different hats here. She wants to speak first as a resident and a proud owner of three tattoos. When she got her first tattoo she lived in Charlotte, NC and they didn't allow tattooing and she drove all the way to Wilmington to get one. Yes, people will go wherever they have to go to get a tattoo. Speaking to the illegal tattooing, she has two teenage girls and that has been going on at this beach for as many years as she can remember. Unfortunately due to the cost of tattoos she doesn't see a tattoo shop or gallery stopping the black market tattoos. It's just cheaper and if people don't have \$120 an hour for a tattoo and they want one they're going to let their buddy give them one because he ordered the kit off the Internet. It's sad but it's true. She doesn't really know how you stop that problem. She remembers the 2002 debate over this and she remembers people being called "those people" and she was really offended. You have a right but she agrees with everybody else, you have to have zoning, a place for things and she doesn't think Carolina Beach can talk out of both sides of its mouth. You can't say you're going to have family oriented right here and the heck with the rest of you all you can put anything you want over here. You've got to drive through here to get to here and she is back to that first impression that we were talking about that people see when they come. If we open this up, she's had a long conversation with Dixon and she would love to think that everything would be perfect and we could limit this and

we would never have a problem. But our forefathers made these decisions for a reason and she thinks, she hates to use the typical Pandora's Box but two years from now Dixon decides he's going to retire and move to the Cayman Islands and he sells his shop to somebody that isn't going to do a quality job and then we're fighting an uphill battle. She would love to figure out a way to make a compromise on that, she is not sure what it is. As an individual citizen she doesn't agree with making an across the board zoning change.

Her other hat, she is a realtor, owns a company in Carolina Beach and she rents a space in Pleasure Island Plaza. She is also the Pleasure Island unit owner's association manager. She regrets the way this has turned out too because she feels that the permit process should have come before the purchase of the property. It's kind of putting the cart before the horse. She feels it would have been much better off handled as a conditional use situation but, at the same time, she doesn't know that that would have benefited him any more either. She was asked by the board of directors to poll the owners of the plaza. We have 9 owners who said they were adamantly against this. We have 4 tenants in the building and out of the 4 she was able to reach 3 who all said they were adamantly against this. We had some that recused themselves because they were involved in the transaction so it doesn't add up to the total 14 units we have but needless to say 9 of the owners out of 14 did not recuse themselves and took a stand. She has to represent all the owners and after Dixon closed he came and spoke with her for half an hour and we talked about this and she told him she really regretted the way it happened because he is being penalized and scrutinized by something that once it's done it's not his fault if everything else unravels but he is being looked at for that across the board approval that she doesn't know you can give one person. Their actual covenants in the association, when you talk about protecting yourself, they do have restrictive covenants in Pleasure Island Plaza. They are old and antiquated but they do say that any use should be a conforming use based on governmental ordinances. Up until now the Pleasure Island Plaza unit owners have trusted those ordinances to protect their property because they bought based on those ordinances. Tomorrow morning there will be a meeting of the unit owners and those bylaws are going to be thoroughly discussed and amended and very specific language is going to be put into those bylaws and voted on by the owners. There are quite a few of those owners here tonight who decided not to sign in, just to let one person speak on their behalf, and she would like for them to stand now. (Four owners were in attendance.) She would also like to point out that just because people aren't here tonight does not mean that council has not heard from other residents on this. She manages several associations. She was copied on several e-mails and a lot of those people just feel like they bought here for a reason and the atmosphere that they have been working towards is why they purchased here and put their life savings into a retirement home. She was asked to bring that to council's attention.

MPT Shuttleworth asked her if in their property owner's association, in their bylaws, does it limit hours of operation?

Ms. Hanson said currently no, they plan to address that issue.

MPT Shuttleworth asked if it discusses loitering.

Ms. Hanson said it discusses obstruction of walkways.

MPT Shuttleworth said obstruction said would be like a bench. Does it say you can't have your customers hanging out front.

Ms. Hanson said not specifically. It does address signage and approval of signage and things like that.

MPT Shuttleworth said pretty standard stuff but it doesn't say you can't be open past 9:00 p.m. or you can't open before 6:00 a.m. or you can't have 3 customers sitting on a bench out front.

Ms. Hanson said right. Due to the fact that we have already had break-ins there and we have had some problems, in the past 6 months. We're removed from the CBD so we don't have a police officer sitting on our corner at midnight. Currently there is not a business in the plaza that is open beyond 7:30-8:00 p.m. and no one opens before 9:00 a.m.

MPT Shuttleworth said apparently we have an insurance company, one property management company, yours, and we have vacation rental property, 3 real estate companies, 2 hair salons, art gallery, jewelry store and a nail salon. So you have several different service businesses.

Council Member Friede said Plaza Island Plaza is one of the first commercial centers that people see when they cross the bridge. There are a few things before you get to Pleasure Island Plaza. One of the things that you and Mr. Kitts had mentioned is the impression that people get when they come to the beach and that is obviously something that everybody up here is concerned about. What about the possibility of a tattoo shop, gallery, parlor, whatever you want to call them in another area of town that isn't the banner entrance to town, along Dow Road in the industrial zone? I'm asking you because you are here representing, you're a resident, you have tattoos, you're clearly not a person who is opposed to tattoos and you represent a number of business centers. You have a few different hats on here.

Ms. Hansen said this has been a rough week.

Council Member Friede said there are a number of things that Council could do. We could say yes, we could say no, we could send it back to P&Z with direction for more direction from them, we could say by conditional use permit only, we could say not in highway business we don't think that's the best place. There are other areas in town. Not to put you on the spot but what about other areas in town that may not be as prominent to the overall appearance of town and the family oriented that we have been aiming for.

Ms. Hansen said all she can figure out is this is why it has never been approved because everybody has got the same "not in my backyard" mentality. She lives two blocks off of Dow Road, that's industrial and she could have a strip club behind her house. She didn't realize that until all this came up. Is she thrilled about that use? Not really. She doesn't know there is a good answer, you guys are in the hot seat and she's glad she's not on council.

Scott Brown, lives at The Cape and is a property owner at Pleasure Island Plaza. He and his wife own two units there, a custom picture framing shop and a hair salon. Prior to them buying those

units, at separate times, they looked at where it was, businesses that were there, how they were currently zoned and based on that they made their choice to buy it. That is what should have been done in this same circumstance. Obviously he is not in favor of changing the zoning for there or the highway district. He thinks if that had been done it would have come out differently for there.

Jeannie McBane, 1009 N. Lake Park Blvd., owns Jeannie's Jewels and Fashions in the Pleasure Island Plaza. She has two sons that are tattooed. One of them has full sleeves on both arms and the other has a major cross down his back. She is totally not against the art of tattooing, although she doesn't have any herself. She introduced her business partner, Paul Hawkins, and said his son, same thing, tattoos all over his body. Her client base is 40 years of age and up. There is a stigma attached to tattooing and whether that is right or wrong she is not going to be the judge of that. She can just judge her business. She has a very nice ladies boutique with fine jewelry and clothing and fashion jewelry. Most of her customers would be scared to death. Sure, she has lots of clients that have tattoos, she's not saying that she doesn't, but she also has a lot of women that shop there and she is like Ken, she doesn't want to be next to a tattoo shop. For that reason she would like to request that the petition be denied.

Paul Hawkins, 1009 N. Lake Park Blvd., said in his mind it's a lot simpler than some of the things he has heard people say when they come up here. We did due diligence before they opened that business and spent a large amount of money to stock that business based on the information that they had to make a decision on whether they wanted house their business there are not. He is also not in favor of having a tattoo shop or parlor or gallery. He already made his decision and investment. He has nothing against tattoos.

Council Member Friede asked what if one opened up somewhere else in town? If the association is having a meeting tomorrow morning, the owners could vote to ban it in Pleasure Island Plaza so regardless of what zoning decision we make tonight it could be a permitted use anywhere else along the HB district, potentially. What would your opinion be about that?

Mr. Hawkins said he thinks the opportunity that we have to come here and address our personal interest, he hopes Mr. Dixon does well and hopes he finds a place to do business. He just doesn't want a negative impact on the business that he has already established and worked for three years to make successful, have any ill effect at all by a business that moves in next to it. He doesn't care what it is. If it is not a like-minded business, he doesn't want to see it there. He has nothing against tattoos, and he has nothing against Mr. Dixon making a living.

Council Member Smith asked what he means by like-minded business. He's just trying to operate a business like a service business or a retail business just like you are.

Mr. Hawkins said what he would say is that the process that he went by – when he went to school the first thing they told him if you are going to open a business you do your due diligence, you eliminate as many unforeseen liabilities as is humanly possible, hang your sign out and you'll either make it or you won't.

Council Member Smith asked what is his biggest fear?