



CAROLINA BEACH

Regular Town Council Minutes
Tuesday, August 8, 2017 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Regular Town Council was held on Tuesday, August 8, 2017 at 6:30 PM at Council Chambers.

PRESENT: Mayor Dan Wilcox, Mayor Pro Tem LeAnn Pierce, Council Member Steve Shuttleworth, Council Member Tom Bridges, and Council Member Gary Doetsch

ALSO PRESENT: Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. CALL MEETING TO ORDER WITH INVOCATION BY REVEREND SHAWN BLACKWELDER WITH ST. PAUL'S UMC

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Dan Wilcox

Vote: UNANIMOUS

3. SPECIAL PRESENTATIONS

a. Jeep Go Topless Day Event Presentation

Matt Gilliland with Carolina Beach Go Topless Day presented a check in the amount of \$11,000 to the Federal Point Help Center.

Mr. Gilliland also mentioned that CB Jeep Go Topless Day 2018 is scheduled for May 19, 2018 and would like for Council to consider allowing them to secure an area for the participants to park as well as consider allowing a band.

Council advised Mr. Gilliland to work with staff on the logistics and bring it back to them.

b. Special Event Request - RibFest November 10-12, 2017

Allen McDavid, Rib Fest Organizer presented a request to host a rib fest November 10-12, 2017 in the area of the boardwalk where the amusement rides are during the summer.

Council asked Mr. McDavid to work with staff to iron out the details such as police services, fire, water, and barricades and bring it back to Council.

c. Special Events for August and September

Ed Parvin presented the special events scheduled for August and September.

Council Member Shuttleworth complimented Eric Jelinski and the Parks and Rec Department for the work they have been doing to make Carolina Beach handicap accessible. He also complimented Kevin Murphy with Odysea Surf School for do a great job with the Life Rolls On event.

Council Member Bridges stated that the beach access mats that are on the beach are demos and the Town does not own them but the Parks and Rec Committee is coming up with fund raisers to purchase them.

d. Project Update by Gil DuBois

Public Utilities Director Gil DuBois gave an update on the current projects in town:

GEN X:

Kure Beach published a press release on 8/8/2017 about GENX. The testing laboratory had a (MDL) Minimum Detection Limit of 4.9 ppt (Part Per Trillion) The test results were 5.2 ppt. Carolina Beach pulled samples from two wells that are the highest producers. There were three testing laboratories selected to do the testing of the well water. One of the testing facilities was the EPA and the state regulatory agency collected the samples that were analyzed. Both certified environmental laboratories provided their results to the Town. Eaton Analytical MDL was set at 2 ppt and the results were recorded as <2 ppt. Test America established their MDL at 4 ppt and both sets of test results were recorded as ND (no detection). There is no information at this time from the EPA in regards to GEN X test results.

The lockable cut off and testable backflow devices are being evaluated at this time. The Town will be providing developers, residents, etc. a list of acceptable devices by October 1, 2017 so they can purchase and install recommended devices or components that meet or exceed the state and Town specifications. Both of the required components shall be installed at the property owner's expense.

Mr. Cramer, Ed Parvin, and staff are in the process to get regulations and procedures in order to submit to obtain and maintain compliance with the new law that is effective October 1, 2017.

Lake Dredging Project:

Civil Works has made some substantial improvements in their dredging operation. They have added equipment and are hauling a substantial amount of material from the lake. Procedures have been discussed in case of a tropical storm or hurricane. They are

currently working on the west end of the lake and it has already provided more stormwater storage. Due to some of the severe storms recently, they have had to pump the water from the lake. Civil Works has worked with the Town as needed to regulate the water levels and provide flood control for the immediate area.

Phase B:

Phase B is currently a ahead of schedule for the overall project. They have been addressing stormwater issues and other situations that were not on the actual proposal, but needed to be addressed as the project moves forward. There have been a few serious issues with the old clay sewer main on Harper in the last few months. After conducting another evaluation of this specific mainline from Lake Park and Harper to Harper and 5th Street, they are going to add that specific section of sewer main into the Phase B project. Based on the actual video of the line, service evaluations and other related situations, they must replace this specific section of main this year.

Marina:

The construction for the emergency repair in the south west corner of the marina is complete. All jet filters are in. The contractor is planning to put a temporary fence on the existing deck by the Winner vessels this week. The contractor is cleaning up and moving materials out. They will be pulling the turbidity curtain out depending on weather.

Ocean Heights:

Water and Sewer services for 48 homes are being installed at this time.

Well House #2 Replacement:

The project will go out for bid by September 1, 2017. Final structural plans are in place and the electrical drawing is in final review.

Stormwater Projects:

There are multiple projects being discussed, designed, developed and implemented at various locations in Carolina Beach. The Ocean Heights proposal for Stormwater is being put together by Professional Engineer, Joe Boyd with Withers Ravenel.

Stormwater Main Line from Lake Park to Black Discharge Pipe:

Harris Teeter has granted the Town authorization for an easement so the vortex sediment trap can be installed to improve stormwater quality and prevent debris especially sand into the discharge pipe. This project was designed several years ago and a grant was given to the Town for water quality improvement. Original placement of the device was modified due to property owner changes and acquiring a legal easement. The project should be underway by December.

The storm drainpipe on Swordfish Lane was installed for about ½ of the block on Swordfish between Texas and Alabama.

The Stormwater line on Lewis Drive will be installed shortly from Access Road to St. Joseph on Lewis Drive. Some of the storm drain system will be open ditch but most of the area will have pipe and inlet boxes to convey the storm drainage.

There are three different areas that are under consideration for improvement along Greenville Avenue:

Greenville and 2nd Street area from Carolina Sands Drive to the Lake along 2nd Street.

Greenville and 3rd Street area south of Greenville Avenue toward Carolina Sands.

Greenville Avenue and 4th Street, north along 4th Street for three blocks.

Stormwater crews are gearing up to start replacement of several stormwater discharge valves along the Canal Drive on the existing stormwater discharge pipes. We may also have to replace some of the piping after we complete our evaluation of each specific site.

There are multiple stormwater issues in the Teakwood area. Some of the existing pipes appear to have joint separations and some depressions in the soil are appearing around the junction boxes or catch basins. Crews are trying to do repairs as needed to maintain the system. They are having difficulty accessing the structures and pipe due to obstacles in the easement or property owners not realizing that there is an easement. Staff is working with the town attorney to provide notification to all the property owners about the easement and the need for accessibility to maintain, repair or replace specific components of the infrastructure to prevent flood and damages to other private property and to provide adequate stormwater drainage.

Goldsboro: Construction should start around October 1 from Lake Park to 3rd Street then north to the ponds.

St. Joseph Stormwater: From St. Joseph to Lake Park under the Last Resort Property. Line existing pipe under property that we now have a documents recorded easement for storm water.

Harper Avenue Stormwater: The stormwater pipe currently runs through four private properties and there is a complete line failure in that area. Engineered plans are being prepared to remove the pipe from private property and place new pipe in the Harper and 4th Street easement.

4. PUBLIC COMMENT

David Pierce, 917 Basin Road (reporting on behalf on the Harbor Commission) - The boat captains have some concern with the new license agreement. The one major concern is the requirement to run 50 charters per year. Some captains cannot make that minimum. The Harbor Commission voted to request Council to reduce the minimum number to 25.

Mayor Wilcox said that staff can bring that back to Council.

Captain Dave Tilley, 1501 Canal Drive has a concern about how slow the marina construction project is going. He also wants to request that the ladders remain behind each individual boat

on the bulkhead.

Mayor Wilcox mentioned that some of the boat captains took their rack cards to the information center that the Town purchased and is manned by the CVB and they would not take the rack cards. Someone needs to talk with the CVB and explain that the Town paid for the booth and they should put rack cards from different businesses in there.

Miles Bielec said that he took his rack cards to the information booth and they accepted them. He said he would contact the CVB.

Chris Jones, Canal Drive mentioned that there is some confusion about the speed limit on Dow Road. There is not a sign that says 45 until you get near 7th Street. He is concerned that there is no access to Food Lion with a golf cart.

Mr. Parvin said that the Town has made contact with DMV to see if the speed limit is appropriate for that area.

Lonnie Spell, 1402 Bertram Drive explained that there is a 35 mph speed limit sign right before you turn onto Dow Road. The 45 mph sign is after you pass CVS. Most would believe it is still 35 until you get to that sign. He also mentioned that he is disappointed that Council approved the business at Bertram Drive and feels that 45 mph is going to be a problem in that area.

Lou Messina, 500 Jarrett Bay Drive mentioned that he has a golf cart but cannot go out of his neighborhood because of the speed limit.

5. PUBLIC HEARINGS

- a. Consider amending Chapter 40 Article III & IX to allow for Automobile Repair Garages in the Neighborhood Business Zoning District
Applicant: Town of Carolina Beach Ordinance #17-2164

Jeremy Hardison presented the request. The Mayor requested staff to bring a zoning change for Town Council to consider that would allow for automobile repair garages as an allowable use in the Neighborhood Business (NB) Zoning District. Currently automobile repair garages are not allowed in the NB zoning district. When existing uses are not allowed in a certain area, they are considered non-conforming. There is one existing garage (Superior Automotive) in the NB zoning district that is non-conforming that was built in 1988. A use that is classified as non-conforming is limited in the amount of renovations or additions that can occur.

The NB area is located between Carolina Sands and the Carolina Beach Lake on the west side of S. Lake Park Blvd. There is also another small area designated as NB on the corner of Sandpiper Ln. and Carolina Beach Ave. North where there is a convenience store and residence. The area where Superior Auto is located from Carolina Sands to the Lake along S. Lake Park Blvd previously allowed for automobile repair garages when the area was zoned Highway Business (HB). In 2006, the area was changed to NB when the Planning & Zoning Commission evaluated the area when it heard concerns from the residential property owners that were classified as non-conforming use because residences were not allowed in

the HB zoning district. Prior to 2006 when it was zoned HB there were 15 non-conforming uses that consisted of 14 single-family and one duplex. There were 8 conforming uses that included three eating establishments, office, convenience store, auto repair, laundry and retail. The current NB zoning district does not allow for Duplex's and Automobile Repair Garages. As a result of the 2006 zoning change they became non-conforming uses while all the other uses are conforming.

Planning & Zoning Commission recommends approval of the amendment to allow automobile repair garages in the NB zoning district by Conditional Use Permit, it is consistent with the goals and objectives, in general consistent with policies encouraging and promoting local businesses geared toward providing neighborhood services to the community.

Mayor Wilcox opened the public hearing.

Patricia Jones, 612 Carolina Beach Avenue North said that she was concerned how this would affect the Kupboard Grocery on Carolina Beach Avenue North if you expand the NB to include auto repair garages.

Mayor Wilcox closed the public hearing.

ACTION: Motion to approve Ordinance #17-2164 as Conditional Use in accordance with the provisions of the NCGS 160A-383, the Town Council does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Motion: Dan Wilcox
Vote: UNANIMOUS

6. CONSENT AGENDA

- a. The following items were approved under consent:

Set public hearing for September 12, 2017 to consider a text amendment to the dimensional criteria for accessory structures in Chapter 40.

Annual surplus report for items auctioned between August, 2016 - July, 2017.

Jeffrey Hogan was appointed to serve as Treasurer to the Firemen's Relief Fund Board to replace Barry Henline, This term does not expire.

Resolution 17-2164 - AIA Water Grant Reimbursement Resolution.

Budget amendments and transfers as presented by the Finance Director.

Meeting minutes from July 11, 2017 and July 25, 2017.

ACTION: Motion to approve the consent agenda.

Motion: Dan Wilcox
Vote: UNANIMOUS

7. NEW BUSINESS

- a. Consider a budget ordinance for the Ocean Heights development.

Council Member Shuttleworth asked that this item be tabled to the August 22, 2017 workshop. Council agreed.

- b. Appointment to the Parks and Rec Committee

Alex Torres will serve the vacant term left by Mike Hoffer for a term ending 6/30/2020.

Jason Kessler will serve the vacant term left by Carolyn Thomas for a term ending 6/30/2018.

ACTION: Motion to appoint Alex Torres and Jason Kessler to the Parks and Rec Committee. All Council Members voted for these two candidates.

Motion: Dan Wilcox
Vote: UNANIMOUS

8. NON-AGENDA ITEMS

Council Member Bridges mentioned that they needed to vote on the Parks and Rec Master Plan.

Council Member Doetsch said that he needed to have an alternate member on the WMPO to cover him if he is out. MPT Pierce agreed to take that position.

9. CLOSED SESSION

Mayor Wilcox made a motion to go into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3).

Mayor Wilcox made a motion to return from closed session stating no action was taken.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 9:30 p.m. Motion carried unanimously.

AUTOMOBILE REPAIR GARAGES

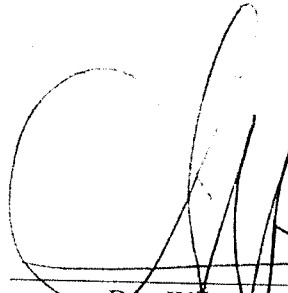


ORDINANCE NO. 17-1062

Amend Chapter 40 Article III, Sec 40-172 Table of Permitted Uses

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See sections 40-261, 40-548)														

Adopted this 8th day of August, 2017.



 Dan Wilcox, Mayor

Attest: Kimberlee Ward
 Kimberlee Ward, Town Clerk



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 17-2164

Reimbursement Resolution for AIA-Water Grant Project.

WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

BE IT THEREFORE RESOLVED by the Town of Carolina Beach, a follows:

1. The Town Hereby determines the Project to include the development of an Asset Management System that will allow the town to prioritize and track infrastructure repairs and replacements to the town's water system through the AIA – Water Grant Project.
2. The Project is to be financed through the use of the AIA-Water Grant Funds. The insurer intends to finance the costs of the Project with the proceeds from the utility fund until grant funds are available. The currently expected maximum amount of other obligations to be issued or contracted for this project is \$180,000.
3. Funds have been advanced or may be advanced from the Utility Fund Balance for the project costs are intended to be reimbursed form the grant proceeds.
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from Utility Fund proceeds.

A handwritten signature in black ink, appearing to read "Dan Wilcox".

Dan Wilcox, Mayor

A handwritten signature in black ink, appearing to read "Kimberlee Ward".

Attest: Kimberlee Ward, Town Clerk

AUGUST 8, 2017

Date Approved

Town of Carolina Beach
Resolution No. 17-2164

