



**CAROLINA BEACH**  
**TOWN COUNCIL MEETING**  
**MINUTES • JULY 11, 2017**

---

**Council Chambers** **Regular Meeting** **6:30 PM**

---

**1121 N. LAKE PARK BLVD.**  
**CAROLINA BEACH, NC 28428**

**1. CALL MEETING TO ORDER WITH INVOCATION BY REVEREND MOLLY PAINTER FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

**2. ADOPT THE AGENDA**

**Mayor Wilcox made a motion to adopt the agenda. Motion carried unanimously.**

**3. SPECIAL PRESENTATIONS**

a. Employee Recognition

*(Requested by Kim Ward, Town Clerk)*

Ed Parvin recognized Code Enforcement Officer Mark Hewitt for 10 years of service.

b. July and August Special Events presented by Brenda Butler

*(Requested by Brenda Butler, Planning & Development)*

Brenda Butler reviewed the events scheduled for July and August.

c. Project Update by Gil DuBois

*(Requested by Gil DuBois, Operations)*

Operations Director Gil DuBois gave an update on the following projects:

The Freeman Park ambassador booth was delivered today.

There are two kiosks being delivered to the boardwalk this Friday.

Phase B is slowly moving forward. They are currently working at Raleigh and 3rd Street.

The Lake Dredge Project is moving along. They have another excavator in transit. There will be four excavators and 10 trucks running daily. There has been approximately 10,000 cubic yards of material removed. They are currently working

on the west side of the lake and should be out of there within the next 14 days and completely out by Christmas.

St. Joseph Street has been closed off and put a sedimentation box in to improve water quality. That project should be complete within two weeks, weather permitting.

The Ocean Heights development has 48 new home sites going in. A lot of work will be going on there.

d. Manager's Update

*(Requested by Kim Ward, Town Clerk)*

Town Manager Michael Cramer gave an update on topics coming up on the July and August workshops.

Mr. Cramer demonstrated the new financial transparency center on the Town's website where citizens can view the Town budget through the ClearGov program.

**4. OLD BUSINESS**

a. Stormwater Management Ordinance Adjustment

*(Requested by Michael Cramer, Town Manager's Office)*

Assistant Town Manager Ed Parvin reviewed the proposed stormwater ordinance changes.

Mayor Wilcox mentioned that he is concerned about the quality of the stormwater infiltration systems.

Mr. Cramer responded that there are state requirements that the Town would be able to utilize.

Council Member Shuttleworth would like to see the ordinance differentiate commercial property versus residential BMP's.

Mr. Cramer replied that this only addresses anything that has a state mandated pond or infiltration system associated with it.

Council Member Shuttleworth wants staff to come up with some sort of language that requires a homeowner, moving forward, to have an inspection every three or five years and report it to the Town.

Mr. Cramer said that could be brought back later on to add to the ordinance.

Council Member Doetsch said that he feels strongly about getting that in place as soon as possible.

Mr. Parvin said that the next section of the Code lays out the regulations on how you can conduct inspections on private property.

**Council Member Doetsch made a motion to approve Ordinance 17-1054 updating the stormwater management ordinance with the associated changes that were presented in red. Motion carried unanimously.**

b. AIA Grant Authorization - Budget Ordinance 17-1059 and Resolution 17-2162

*(Requested by Michael Cramer, Town Manager's Office)*

At the April 25th council meeting, Council authorized two resolutions of support regarding an application for grant funding from the N.C. Division of Water Infrastructure - Asset Inventory and Assessment (AIA) Grant Program. Funding would be used to hire a consultant to work with Town and Cityworks staff in a water and sewer system asset inventory, condition analysis and preventative maintenance program. If funded the project would significantly enhance the Town's developing Cityworks program and GIS database in more efficient management of water and sewer infrastructure. Separate grant applications must be submitted for the water system and wastewater system. The maximum grant award for each is \$150,000, with an 80/20 grant/town match required as shown below.

The scope of work includes detailed asset inventory development and validation to leverage the Town's investment in its Centralized Maintenance Management System (CMMS) ability to access and maintain that information. A risk-based criticality analysis of the system will be performed to assist in determining where to focus data collection, including condition assessment, activities within the Water/Wastewater system. The risk-based analysis will streamline the ability to develop condition assessment strategies, a modified preventative maintenance (PM) program, and begin asset-level detail renewal and replacement modeling. Resources for the development of the program are limited, and similar to most medium- and small-utilities, there are limited resources during implementation that can keep the program sustainable. Therefore, the asset inventory, condition and preventative maintenance program must be developed with a solid technical foundation, while at the same time it must be practical and optimized from the beginning. The scope of the assessment to be performed on the wastewater and water system included: (1) the ability to estimate the overall reliability of the existing system, (2) a criticality assessment of the major subsystems (pump stations, wells, etc.) within this system, (3) a criticality assessment of the key components of major pump stations/wells, (4) the application of criticality scores to the major assets within the system that guide condition assessment techniques and (5) guidelines for revision of the current preventative maintenance (PM) program for upload into Cityworks.

In October 2016, the Town received an official award letter for the Wastewater grant for \$150,000. The Town recently received an official award letter for the Water grant for \$150,000. In order to accept the grant the Town will need to match the grant with \$30,000 from the Utility Fund Balance.

**Council Member Doetsch made a motion to approve Budget Ordinance 17-1059 and Resolution 17-2162 accepting a grant from the NC Division of Water Infrastructure. Motion carried unanimously.**

## 5. PUBLIC DISCUSSION

Don Licata from Harbor Point wanted to mention several topics. He stated that he feels golf carts are a hazard and is glad that Council will be discussing this next month. He mentioned that the speed limit is not being enforced on Spencer Farlow, Access Road, or St. Joseph Street. He would like the Town to consider putting in a bike lane on these streets. He stated that there are no town docks available in the height of the summer season. He would like the Town to consider making Carolina Beach a destination for transients. He is in favor of Tom's Marine and Carolina Beach Boat Yard putting in the dry storage racks.

Jess Yates, D514 Pleasure Island Yacht Club - supports home building and business building without the bureaucracy. He also supports having dry dock storage.

Captain Charles Schoonmaker said he would like to speak in favor of Tom's Marine and the Carolina Beach Boat Yard. Please consider allowing dry stack storage.

**6. PUBLIC HEARINGS**

- a. Conditional Use Permit for a Business Planned Unit Development Center for an office complex consisting of three 10,800 sq. ft. buildings located at 1322, 1324, & 1326 N. Lake Park Blvd Applicant: RGL Development

*(Requested by Jeremy Hardison, Planning and Zoning)*

The following were sworn in by the Town Clerk:

Shane Register, Realtor

Michelle Connett, Neighboring property owner

George Connett, Neighboring property owner

Jon Rimer, Applicant

Andi Van Trigt, Applicant's Attorney

Rachel Hatfield, Neighboring property owner

Senior Planner Jeremy Hardison reviewed the proposed business plans for a business planned unit development located on three lots at the corner of North Lake Park Boulevard and Bertram Drive. It is in the Highway Business District designed for commercial uses. The property is 2.26 acres. The land behind the property is zoned residential. In 1999, it was approved for a 47 plot subdivision (Port Side). The property to the north is the Pavilion which is an 11 unit multi-use complex that was approved in 2005.

The proposed site plan consists of 3 buildings totaling 32,160 square feet for office use. The idea is for contractors and offices with a store front and roll up doors in the rear. There is an existing billboard on the site that will remain. The buildings will be one story, twenty feet in height. The applicant must meet the seven specific standards.

NCDOT's policy restricts access off of Lake Park Boulevard or any DOT right of way when there is an alternate access. In this situation, the alternate access would be off of Bertram Drive. DOT will not permit a driveway cut off of Lake Park Boulevard. There is currently a deceleration lane going into Bertram Drive.

The Town encourages interconnectivity within adjacent commercial sites. The Pavilion was not willing to grant access for interconnectivity.

The Town's pedestrian and bike plan calls for sidewalks on Lake Park Boulevard on the east side of the street. The applicant will install those as well as a 5 foot sidewalk along Bertram Drive.

The applicant is meeting the required parking spaces. 41 spaces is the requirement but they will have 52 spaces. No deliveries will be taking place on Bertram Drive.

Any outdoor lighting will have to be positioned so the point source is not directly shining toward the adjacent properties.

There will be two refuse areas. P&Z requested the containers be placed away from the residential lots. The applicant has accommodated this request.

They are proposing a stormwater onsite infiltration basin which would be a dry pond with a block wall system. It would be 15 foot wide and 5 foot deep.

The applicant would have to extend the water and sewer lines to service his property. The Fire Chief is requiring that the applicant will have to install two additional fire hydrants. There are currently three in the vicinity.

The applicant is providing a 10 foot, type B landscape around the perimeter of the property. During the Planning & Zoning hearing, they heard several requests for an 8 foot fence along the residential properties. The applicant agreed to provide that buffer.

The project meets the setback requires as well as lot coverage. The Land Use Plan designates this area as commercial and it is designated as a Highway Business Corridor. Offices and services are desired uses in this location.

P&Z recommended approved of the plan with a condition of an 8 foot fence along the residential properties as well as to relocate the dumpsters away from the residential properties.

Approval or denial of this project must be related to the special standards and the four general conditions.

Council Member Shuttleworth asked why the Town did not ask DOT for a turn lane coming out of Bertram Drive so you could have some stacking. He also mentioned that he is concerned about the stormwater on this site. There is 30,000 square feet of structure and the parking. There is a 15 foot wide infiltration with no outfall.

Mr. Hardison said they would also have to meet the State's requirements. The engineer felt this was an appropriate amount for this site.

Mayor Wilcox mentioned that the applicant is only required to meet the specific standards at this point in the process.

Council Member Shuttleworth said that he is concerned about there not being connectivity.

Mr. Hardison said there is no teeth in the current ordinance for connectivity so the Town cannot require the business to the north provide connectivity.

Mayor Wilcox opened the public hearing.

The applicant's attorney Andi Van Trigt reviewed the primary reasons why the Conditional Use Permit should be granted based on the specific conditions. She identified specific points that relate to each condition.

Applicant Jon Rimer RGL Development addressed some of the questions and concerns Council had.

Mr. Rimer said he tried to get access off of Lake Park Boulevard. His preference was to have his entrance off of Lake Park Boulevard, not Bertram Drive.

The first thing he did on this project is get a soils test. The engineer drew the plans according to what the soils tests said so that it could be submitted to the state. They looked at putting the stormwater underground and putting parking on top of it but you can't get to it to dig it out.

He feels that this would be a low impact business compared to another type of business that could have gone in this location.

Council Member Shuttleworth said he is concerned about the amount of traffic in the

morning and the kids that wait in that area for the bus. He is also concerned about the stormwater.

Mr. Rimer said he is going off of the engineer's recommendations based on the soils testing. They have also discussed putting in a sheltered area for the students waiting on the bus.

Real Estate Broker Shane Register represented the seller of this property. He gave his professional opinion on how this project could affect property values. He said that it can significantly affect home values but that's not 100%. The primary concern should be traffic and safety. He encourages all parties to work together for successful commercial development. There are other uses that could have been used on this property that were less attractive and not a good fit for Carolina Beach.

Michelle Connett 1321 Cabo Court in Port Side feels that this is good project but it needs to be tweaked a little. She spoke for the residents (who were also in attendance) of the Port Side Community stating that their goal was to protect the value and safety of their investment. Their main concerns were: the entrance into Bertram Drive is very narrow and blinding, there is a school bus stop at the intersection where this project is proposed, noise, lighting, delivery trucks unloading on Bertram, drainage, etc.

Omar Kharbat, manager of the Pavilion next door to this property. He did not consider allowing connectivity to his property because he is concerned about the tenants and visitors parking in his parking lot. He does not feel there is adequate parking for the proposed project.

Joel Carpenter, Port Side resident - Will this property be owned by the developer or will it be sold to individuals? He is also concerned about the traffic in the morning and the evening.

Rachel Hatfield, 1604 Bertram Drive - Wanted to speak about trees, bugs and kids. She mentioned the Land Use Plan and wanted to remind Council and residents to reference this Plan to ensure consistency and the development and maintenance of the community. She is requesting mature trees and shrubbery in the type B buffer requirements. She also expressed her concern regarding stormwater and asked that the developer consider an underground stormwater detention system. Her final request was to consider the ingress and egress into the property off of Bertram Drive. She asked that the developer and Town consider either widening the turning radius into Bertram Drive or providing connectivity into the Pavilion parking lot.

Greg Galloway, 400 Jarrett Bay Drive - Asked Council to take a birds-eye view of the island and not just look at individual projects. He is concerned about connectivity to the overall area. He suggested painting lines on Bertram Drive to show clear separation of the lanes.

Anne Terry, 402 Mainship Court said that she is concerned about traffic and that she wishes the footprint of the project was not so large.

Andi Van Trigt reminded Council that Bertram Drive and North Lake Park Boulevard are public roads and there should be a cooperative effort on both parties to ensure safety.

Mayor Wilcox asked Ms. Trigt if her client would be willing to work with the Town on softening the acute turn into Bertram Drive.

Ms. Trigt consulted her client and agreed to work with the Town.

Council Member Bridges suggested restricting the entrance to the first entrance until the road gets fixed.

Council Member Doetsch said he would like to meet with NCDOT again to discuss an entrance off of Lake Park Boulevard.

Council Member Shuttleworth said that he understands why NCDOT does not want to grant access. You can have too many accesses off of main thoroughfares that it becomes dangerous. There is already a three lane turn lane going into this area. He mentioned that he would like to require in the CUP a lighting plan that would not disturb the neighbors, a requirement to work with Town staff and NCDOT for a solution to the intersection of Bertram and Lake Park, and in addition to the 8 foot fence, he would like them to look at putting mature trees in the type B buffer. He also asked that they revisit the stormwater plan. He is discouraged that the folks at the Pavilion are claiming that they are a Class A office and they will not grant access because of the type of product it was. He would like for them to reconsider.

Mayor Wilcox clarified what the Town can request in a Conditional Use Permit. If the applicant meets the requirements, then the project deserves approval. Some of the requests that have been mentioned cannot be required under the CUP.

MPT Pierce said that she is concerned about large trucks making deliveries. How will they get the large trucks into the complex?

Mr. Rimer replied that they planned for that and there is enough room to get a truck in and out of the complex.

Mayor Wilcox asked Mr. Rimer to address the ownership question that was asked by Joel Carpenter.

Mr. Rimer said that RGL currently owns the complex but they can sell off individual units or the whole complex.

Attorney Fox clarified that you are voting on the seven specific standards and the four general conditions. If you impose a condition that has a demand, it has to be reasonably related in proportion to the impact of the development.

**Council Member Shuttleworth made a motion to approve the Conditional Use Permit #17-C04 for the seven specific standards, four general conditions including the fourteen conditions that staff added, as well as the additional conditions that Council imposed tonight to have the applicant work with the Town of Carolina Beach and NCDOT for a solution to Bertram and North Lake Park Boulevard, include mature trees in the setback along that abuts the residential property, and add a bus shelter at the intersection of Bertram Drive and North Lake Park Boulevard all being consistent with the Land Use Plan. Motion carried unanimously.**

- b. Conditional Use Permit: For a CUP Modification to Carolina Beach Marina & Boat Yard located at 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street Applicant: David Pierce

*(Requested by Jeremy Hardison, Planning and Zoning)*

The following were sworn in by the Town Clerk:

Applicant David Pierce  
Applicant's Attorney Ned Barnes  
Tom Scuorzo  
Robert Schoonmaker  
Dennis Barbour  
Ed Parvin  
Jeremy Hardison  
Lynn Halterman

Jeremy Hardison presented the request for the Conditional Use Permit to allow dry dock storage at the Carolina Beach Marina and Boat Yard located on Basin Road and St. Joseph Street. Applicant is requesting to begin Phase II of his project by adding a new office, dry stack storage, workshop, boat storage, and maintenance/sales areas.

Mayor Wilcox opened the public hearing.

Ned Barnes reviewed the conditions and explained the benefit of having this facility as it is being proposed.

David Pierce 917 Basin Road said that he had a soil sample tested and the water table was high. He also had a stormwater engineer create an engineer's plan. He anticipates paying the fee to the Town versus installing his own stormwater collection system.

Council Member Shuttleworth asked Mr. Pierce what he could do to provide better esthetics to the abutting residents.

Mr. Pierce said he got approval from Ms. Mona Black to erect a fence between his and her property. The residents on the other side are never there and he has not received a complaint from them.

Council Member Bridges said that based on the pictures, the property looks unkempt and hopes it doesn't become a bigger unkempt mess.

Mr. Pierce said that he cannot do anything because he needed a CUP which is why he is here.

Hubert McLamb owns property next to this property and is having some stormwater issues. He would like to have an easement from Mr. Pierce's property to his to have stormwater work conducted.

Mr. Pierce said he is working with Mr. McLamb.

Dennis Barbour said there is a shortage of boat storage. The state funded the purchase of water access because they knew there was a shortage of public access to public waters. Boat dealers cannot keep the supply up with the demand. He supports this project.

Robert Schoonmaker spoke in support of more boating access and dry stack storage.

Lynn Halterman, 1200 St Joseph Street complimented David Pierce and his staff at Carolina Beach Boat Yard for their efforts and supports the project.



Tom Scurzo from Tom's Marine spoke in favor of the project and asked if he would have to come back to council for a CUP to connect to Carolina Beach Boat Yard.

Ms. Fox replied that yes, he would have to come back for a CUP.

Mr. Pierce said that he is not trying push his boundaries out as far as he can but just trying to make it feasible.

Mayor Wilcox closed the public hearing.

**Council Member Doetsch made a motion to approve the Conditional Permit Use Modifications including the seven specific standards and the four general conditions and forego the landscaping buffer to all adjoining properties except for the existing one next to Federal Point. It will also include a waiver of the utility pole and he can install a 6 foot fences versus the 8 foot fence.**

Council Member Bridges questioned why Council required RGL Developers to have an 8 foot fence and are only requiring Carolina Beach Marina to only have a 6 foot fence.

Mayor Wilcox stated that Council did not require RGL Developers to have an 8 foot fence, they volunteered.

Council Member Shuttleworth said that P&Z recommended that RGL have an 8 foot fence and Council approved it.

Ms. Fox said she understands Council Member Bridges concern and she also wanted to make a modification to item #1 which is that all the permits should be applied for within 30 days and it does not say that in the grant order.

Mr. Hardison said that he has corrected that on the final copy of the grant order.

**Motion carried unanimously.**

## **7. CONSENT AGENDA**

**Mayor Wilcox made a motion to approve the consent agenda which includes:**

Set public hearing date for August 8, 2017 to consider a text amendment to Chapter 40, Article III to allow for Automobile Repair Garages by right in the Neighborhood Business Zoning District.

Budget amendments and transfers as presented by the Finance Director.

Adopt Resolution 17-2163 requiring local government to prepare a Local Water Supply Plan according to North Carolina General Statute 143-355 (I). This plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested in accordance with the statute and sound planning practice.

Council meeting minutes from June 13, 2017 and June 27, 2017.

**Motion carried unanimously.**

## **8. NEW BUSINESS**

- a. MOTSU Study Results and Clean Up Process

*(Requested by Michael Cramer, Town Manager's Office)*

Beginning in May 2014, the Town of Carolina Beach has been working with MOTSU, North Carolina Division of Waste Management and the Clark Group to sample and define any potential environmental issues and remediation steps required for the old Fleet Maintenance and Operation facility on MOTSU Property. Over that time the Clark Group has been able to narrow down the issues and the areas of concern down to 4 small areas. In order to get to this stage the Town has invested approximately \$217,000 toward this effort. Following our most recent yearlong study of the ground and groundwater, the Clark Group has proposed a remediation and monitoring plan for the area that we anticipate will get us to a conclusion of this process. The Clark Group has proposed a remediation and monitoring contract that is a "not to exceed contract" for \$186,264 and covers soil, groundwater and monitoring well analysis.

**Mayor Wilcox made a motion to approve Budget Amendment Ordinance 17-1060 in the amount of +\$186,264.00 for professional services provided by The Clark Group. Motion carried unanimously.**

b. Citation Ordinance Change

*(Requested by Michael Cramer, Town Manager's Office)*

Mr. Cramer mentioned that the Town issues several different types of civil citations and the Town ordinances contain language that suggests that the Town can follow criminal proceedings if the violations are not corrected. This language requires that the revenue generated from the civil citations must be remitted to the school system. Many of these civil citations would never be transferred to a criminal proceeding due to the high cost to the Town. Town staff including the Town Attorney, have reviewed other community's civil citation ordinances and determined that with minor adjustments the Town could waive the potential for criminal action and retain the revenue associated to the non-criminal civil citations.

**Mayor Wilcox made a motion to approve Ordinance 17-1058 removing the option to have a criminal process for certain code violations. Motion carried unanimously.**

c. **Brunch Bill**

Attorney Noel Fox introduced Senate Bill 155, commonly called the "Brunch Bill" that went into law on June 30, 2017. This bill authorizes cities and counties to allow alcohol sales at restaurants beginning at 10:00 a.m. on Sundays.

**Mayor Wilcox made a motion to approve Ordinance 17-1061 allowing the sale of alcoholic beverages before noon on Sundays at licensed premises. Motion carried unanimously.**

9. **NON-AGENDA**

MPT Pierce asked if there was an ordinance for people leaving beach equipment on the beach over night.

Mr. Cramer said that there was and they would be discussing this issue at the next workshop.

MPT Pierce asked the manager to consider implementing the adopt-a-beach program.

10. **ADJOURNMENT**

**Mayor Wilcox made a motion to adjourn at 11:40 p.m. Motion carried unanimously.**

Kimberlee Ward  
Kimberlee Ward, Town Clerk

8-8-2017  
Date Approved

**PROPOSED GRANT ORDER**

Dan Wilcox  
Mayor

Steve Shuttleworth  
Council Member

Gary Doetsch  
Council Member



LeAnn Pierce  
Mayor Pro Tem

Tom Bridges  
Council Member

Michael Cramer  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
TEL: (910) 458-2999  
FAX: (910) 458-2997

**ORDER GRANTING A CONDITONAL USE PERMIT # 17-C04**

**Applicant:** RGL Development  
**Location:** 1326 N. Lake Park Blvd (PID: 313118.30.5957.000), 1324 N. Lake Park Blvd (PID: 313118.30.5838.000), and 1322 N. Lake Park Blvd (PID: 313118.30.5822.000).  
**RGL Business Center**

The Town Council of the Town of Carolina Beach, having held a public hearing on July 11, 2017 to consider approving a Conditional Use Permit for a Planned Unit Development Business Center and where sworn testimony was heard from the following persons: Assistant Town Manager Ed Parvin, Senior Planner Jeremy Hardison, Applicant Representative Jon Rimer, Applicant's Attorney Andi Van Trigt, Realtor Shane Register, Michelle Connett, Rachel Hatfield, makes the following findings of fact and draws the following conclusions:

1. The property is in the Highway Business (HB) zoning districts.
2. Business Planned Unit Development are permitted under a Conditional Use Permit (CUP) in HB zoning district.
3. The project consist of three buildings totaling.32,160 sq. ft. for office use

**BASED ON THE FOREGOING FINDINGS OF FACT** and competent, substantial and material evidence presented at the hearing, the Town Council makes the following conclusion as required by Article 14 of the Zoning Ordinance of the Town of Carolina Beach:

It is the Town Council's conclusion that the proposed use has satisfactorily addressed the following seven (7) Specific Standards:

- (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;

*Two 40' width drives are proposed off of Bertram Dr. Bertram Dr. is a 50' public road . N. Lake Park Blvd has a raised median in front of Bertram Dr. to prevent left turns and has a deceleration lane north bound turning right onto Bertram Dr. A 5' sidewalk will be provided albng N. Lake Park Blvd and Bertram Dr to provide pedestrian access. Fire lanes will be provided and marked on site.*

- (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**

- Office 1 per 300 sq. ft. = 36 spaces
- Warehouse 1 per 5,000 sq. ft. = 5 spaces
- Proposed = 41 spaces
- Provided = 52 spaces

loading will have to occur on site and not be allowed on Bertram Dr.

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

Dumpster's will be provided on site that will be enclosed.

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

Drainage will be captured on site through a stormwater pond detention system. Proposing to add two fire hydrants along Bertram Dr and N. Lake Park Blvd. Water and sewer line will need to be extended to the property along Bertram Dr.

(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. Type B buffer will provide for every linear feet or fraction thereof shall contain two canopy trees, or four understory trees and six shrubs. An 8 foot fence is required along the rear of the property adjacent to residential uses.

(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	East Side	West Side
HB required	30'	15'	10'	12.5'
provided	30'	15'	45.2'	57.5'

HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 33%.

**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 plan meets the ordinance and long range plans and policies. The property to the north is the Pavilion shopping center that was built in 2005 as a 11 unit multiuse facility. The property to the east is zoned single-family Residential which is the portside subdivision that was approved in 1999 for 47 lots. The property to the south across Bertram Dr is zoned Highway Business, but it being utilized as a single-family mobile home constructed in 1978 that does not have access off of Bertram Dr.

- (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.

- (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. Offices and services are desired uses in the Commercial 1 area.

THEREFORE, because the Town Council concludes that all general and specific conditions precedent to issuance of a Conditional Use Permit have been satisfied, IT IS ORDERED that the application for the issuance of a Conditional Use Permit by the Town of Carolina Beach be GRANTED, subject to the following conditions:

- 1. All permits and approval letters/final inspections required by all Federal, State, and Local Agencies must be submitted to the Town of Carolina Beach Planning Department prior to issuance of a building permit.
2. The site plan corresponding to this approval was designed by Intracoastal Engineering dated 6/13/17. The plan was stamped received by the Town of Carolina Beach on 6/13/17.
3. The Conditional Use Permit was approved on 7/11/2017. The expiration date will be 7/11/2019.
4. Provide a type B landscaping buffer with mature trees and provide for an 8' fence adjacent to residential properties.
5. A combination plat shall be recorded before issuance of a building/zoning permit.
6. No deliveries shall occur on Bertram Dr.
7. Stored materials or equipment shall not attract rodents or mosquitoes nor in any other way (noise, dust, fumes, light, etc.) constitute a nuisance for the public or adjacent properties.
8. No stored materials or equipment shall be visible from the street.
9. Install additional fire hydrants per fire department requirements.
10. Upgrade utilities to provide water & sewer to the units.
11. 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-way's.
12. Sidewalk required per site plan dated 6/13/17.
13. Provide stub out to adjacent commercial property for future interconnectivity.
14. Provide silt fence around perimeter of the property during construction.
15. Applicant must work with the Town and Department of Transportation on an engineering solution to the intersection of Bertram Dr and Lake Park Blvd N.
16. Work with the New Hanover County School District on the existing bus stop location at the entrance of Bertram Dr. and provide a bus shelter.

Ordered this 11th day of July, 2017

[Signature]
Dan Wilcox, Mayor

7/11/2017
Date

ATTEST:
[Signature]
Kimberlee Ward, Town Clerk

7/11/2017
Date



## PROPOSED GRANT ORDER

Dan Wilcox  
*Mayor*

Steve Shuttleworth  
*Council Member*

Gary Doetsch  
*Council Member*



LeAnn Pierce  
*Mayor Pro Tem*

Tom Bridges  
*Council Member*

Michael Cramer  
*Town Manager*

**Town of Carolina Beach**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
TEL: (910) 458-2999  
FAX: (910) 458-2997

### ORDER GRANTING A CONDITONAL USE PERMIT MODIFICATION# 17-C05

**Applicant:** CBBY, LLC  
**Location:** 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street. (PID's R08814-004-012-000, R08814-004-014-000, R08814-004-060-000, R08814-004-016-000, R08818-003-001-000, R08814-004-011-000, R08814-004-010-000, R08814-004-008-000).

#### **Carolina Beach Marine Sales & Service**

The Town Council of the Town of Carolina Beach, having held a public hearing on July 11, 2017 to consider the to consider approving a Conditional Use Permit Modification for a Marina and where sworn testimony was heard from the following persons: Senior Planner Jeremy Hardison, Assistant Town Manager Ed Parvin, Applicant Manager David Pierce, Applicant's Attorney Ned Barnes, Tom Scuurzo, Robert Schoonmaker, Dennis Barbour, Lynn Halterman

The following uncontested facts were presented:

The CUP modification includes marina operations expanding onto 6 adjacent lots located at 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street. The expansion includes the following:

1. The property is in the Marina Business (MB-1) zoning districts.
2. Marinas are permitted under a Conditional Use Permit (CUP) in MB-1 zoning district.
3. Office and warehouse building located at 924 Saint Joseph St.
4. Three story open dry stack boat storage and boat maintenance area located at 914, 916 & 918 Saint Joseph St.
5. Existing single-family home with storage and warehouse space located at 917 & 919 Basin Rd.
6. Increase boat slips for the marina from 8 to 14.

**BASED ON THE FOREGOING FINDINGS OF FACT** and competent, substantial and material evidence presented at the hearing, the Town Council makes the following conclusion as required by Article 14 of the Zoning Ordinance of the Town of Carolina Beach:

It is the Town Council's conclusion that the proposed use has satisfactorily addressed the following seven (7) Specific Standards:

**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;

Two additional access points are proposed to enter the site along with the existing Basin Rd entrance that dead ends at the subject property. Basin Rd is a 60 ft. right-of-way with 20 ft. of pavement. The two additional access points are off of Saint Joseph St. One will enter into the dry stack boat storage area and the other will provide access to the office and warehouse. Internal circulation will be provided with proper drive aisle widths to accommodate emergency vehicles. A fire department staging area is provided on 923 Basin Rd. that should remain open.

- (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 regulations for the uses on site will be:**

Use	Standard	Required
Commercial Marinas	1 per wet boat storage space. 1 per 2 dry storage, 1 service bay, 1 per 2 employees + required for all other uses.	14 wet slips = 14 spaces 2 employees = 1 space Total = 15
Retail sales	1 per 200 sq. ft.	800 sq. ft. building = 4 spaces
Proposed two bedroom residential unit	1 per 1,000 sq. ft.	1 space
Existing single-family unit	2 per dwelling unit + *0.5 per bedroom over 2	2.5 spaces
Proposed Office	1 per 300 sq. ft.	2.66 spaces
Existing Office	1 per 300 sq. ft.	1.28 spaces
Warehouse	1 per 5,000	1 space
Repair area	1 per 500 sq. ft.	2 space
Dry stack storage	1 per 5	10 space
<b>Total</b>		<b>39 parking spaces</b>

Provided 39

The applicant would like to request to install 12 on-street parking spaces off of Basin Rd.

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

The applicant is proposing roll-away trash containers along with a dumpster.

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

Two additional fire hydrants are proposed.

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



**The applicant would like to ask for a waiver from a Type B landscaping requirement. The original CUP required a 10' landscape buffer along the adjacent Federal Point residential properties. The applicant is providing for a 6' fence along the perimeter of the property.**

- (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;

**Two signs are indicated at the front gate, at the end of the most eastern dock and on Saint Joseph St. The applicant proposes exterior lighting on site for security and safety. The applicant states that it will not shine on adjacent properties.**

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

**applicant will be proposing broken slate as the surface for the drivable surface areas and maintenance areas.**

***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 modification will have to meet all federal, state and local safety and regulatory requirements.**

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

**The applicant is requesting waivers from sidewalks, curb, gutter and type B landscaping requirements.**

- (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 project will be reviewed in accordance with all local, state, and federal regulations. It is in general conformity with the 2007 land use plan and is consistent with the zoning ordinance.**

**The adjacent uses are Mona Black Marina to the north that was approved in August of 2000 for a 28 boat slips with associated parking and bathrooms. To the southeast is Federal Point Yacht Club that was approved April of 1995 for 17 single-family lots and 132 boataminium with a clubhouse and pool. There is a vacant lot the surrounds the expansion use on Saint Joseph St.**

- (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.

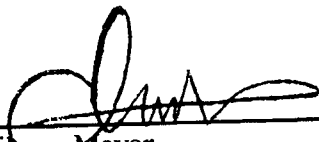
**The project is located in the Marina Mixed Use district area of the Land Use Plan. The proposed project is consistent with the 2007 Land Use Plan. The area has been developed 90% residential and 10% commercial (restaurant and service).**

**The desired future use is a predominance of single-family and duplexes with commercial uses shall include low intensity water-oriented restaurants and services which provide additional public access opportunity.**

**THEREFORE**, because the Town Council concludes that all general and specific conditions precedent to issuance of a Conditional Use Permit have been satisfied, **IT IS ORDERED** that the application for the issuance of a Conditional Use Permit by **the Town of Carolina Beach** be **GRANTED**, subject to the following conditions:

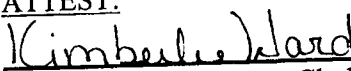
1. All permits and approval letters/final inspections required by all Federal, State, and Local Agencies must be applied for within 30 days from CUP approval and final approvals submitted to the Town of Carolina Beach Planning Department prior to issuance of a building permit.
2. The site plan corresponding to this approval was designed by Reynolds Architecture dated 6/22/17.
3. The Conditional Use Permit was approved on 7/11/2017. The expiration date will be 7/11/2019.
4. A Type B landscaping buffer is required adjacent to the federal point residential properties except for an electrical platform. A waiver was granted for curb, gutters, sidewalks and for a Type B landscaping buffer requirement around all other perimeters of the property. A 6' fence along the perimeter of the property is required.
5. Current and new structures shall meet flood requirements.
6. A combination plat shall be recorded before issuance of a building/zoning permit.
7. Any proposed fuel storage tanks shall meet Article 12 of the Zoning Ordinance and be approved by the Fire Department.
7. Stored materials or equipment shall not attract rodents or mosquitoes nor in any other way (noise, dust, fumes, light, etc.) constitute a nuisance for the public or adjacent properties.
8. Install additional fire hydrants per fire department requirements.
9. 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-way's.
10. Delineate the drive-aisle and fire staging area by utilizing curbing, fencing, pavement, markings, bollard's or landscape timbers or similar type of delineation for the drive aisle to remain open.
11. Install signs depicting only one-way traffic where applicable.

Ordered this 11<sup>th</sup> day of July, 2017

  
\_\_\_\_\_  
Dan Wilcox, Mayor

7/11/2017  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Kimberlee Ward, Town Clerk

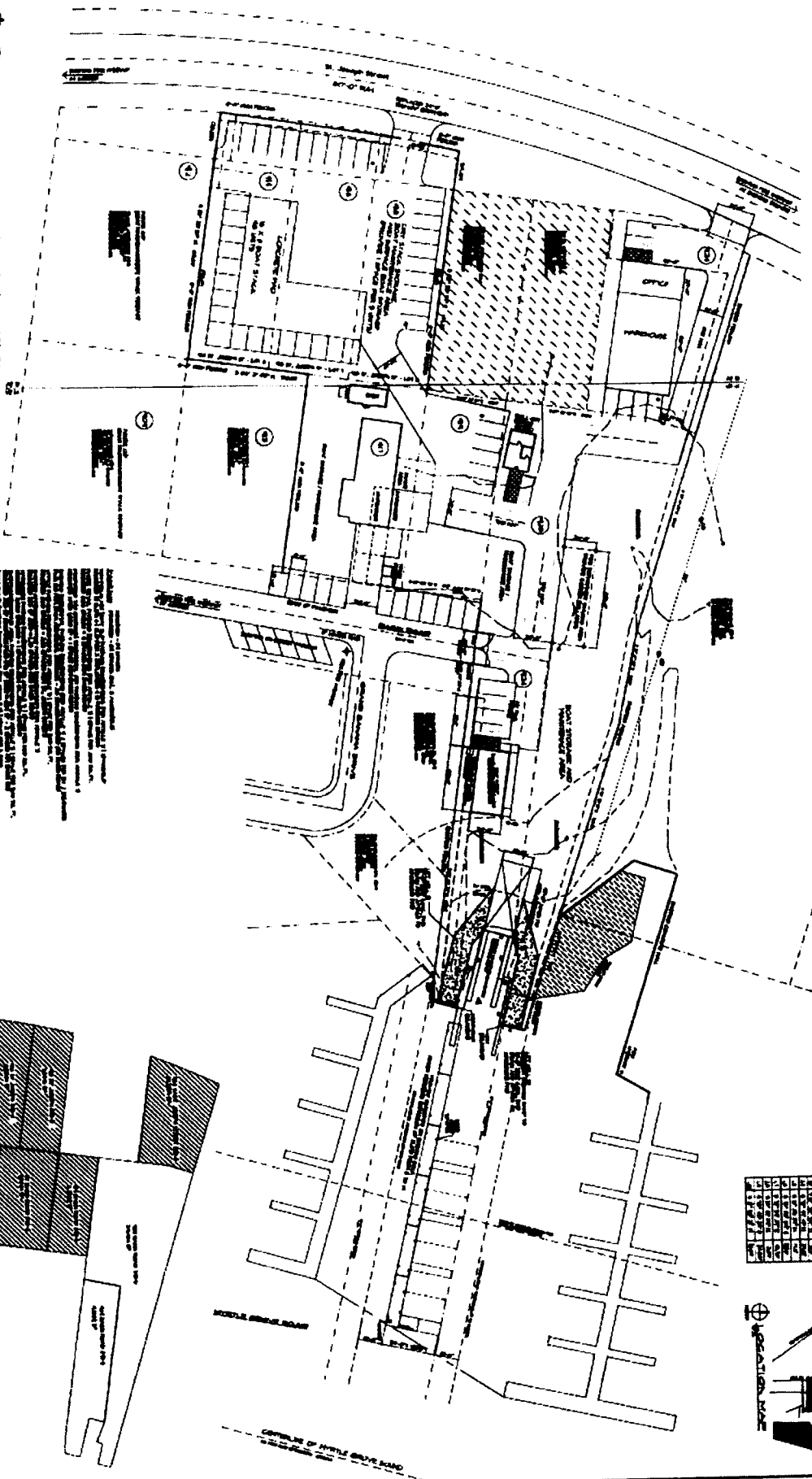
7/11/2017  
\_\_\_\_\_  
Date



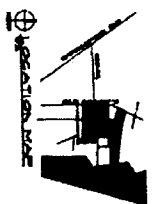


# EXISTING GUP MODIFICATION

AS PREPARED FOR THE 101ST AIRBORNE DIVISION



NO.	DESCRIPTION	DATE
1	REVISION	10/1/58
2	REVISION	11/1/58
3	REVISION	12/1/58
4	REVISION	1/1/59
5	REVISION	2/1/59
6	REVISION	3/1/59
7	REVISION	4/1/59
8	REVISION	5/1/59
9	REVISION	6/1/59
10	REVISION	7/1/59
11	REVISION	8/1/59
12	REVISION	9/1/59



**LEGEND**

EXISTING GUP MODIFICATION

AS PREPARED FOR THE 101ST AIRBORNE DIVISION

**GENERAL NOTES:**

1. THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.

2. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

4. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

5. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

**GENERAL NOTES:**

1. THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.

2. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

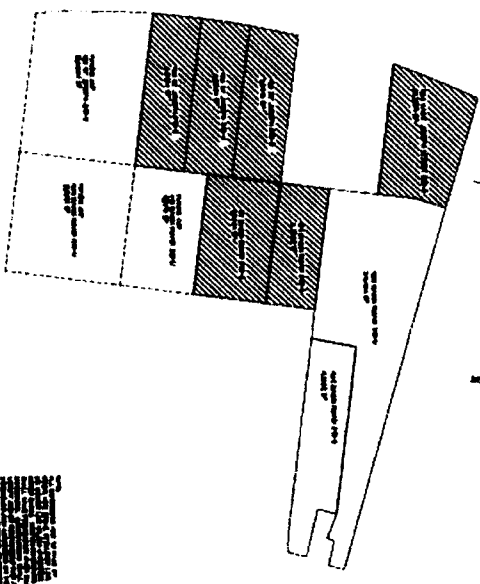
3. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

4. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

5. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.



# APPENDIX KEY MAP



**GENERAL NOTES:**

1. THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.

2. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

4. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.

5. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION REGARDING THE EXISTING GUP MODIFICATION.



**ORDINANCE NO. 17-1058**

AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF CAROLINA BEACH, NORTH CAROLINA  
AMENDING CHAPTERS 4, 16, 20 AND 28 OF THE CODE OF ORDINANCES,  
TOWN OF CAROLINA BEACH, NORTH CAROLINA

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

1. That § 4 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

**§ 4-11 VIOLATIONS.**

(A) Any person violating the provisions of § 4-11 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense.

# Ordinance



Town of Carolina Beach  
Town Council

## ORDINANCE NO. 17-1058

2. That § 16 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

### § 16-76 PENALTY.

(A) Any person violating the provisions of § 16-76 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

3. That § 20 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

### § 20-56 PENALTIES AND REMEDIES.

(A) Any person violating the provisions of § 20-56 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

# Ordinance



Town of Carolina Beach  
Town Council

## ORDINANCE NO. 17-1058

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

4. That § 28 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

### §28-26 PENALTIES.

(A) Any person violating the provisions of § 28-26 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

# Ordinance



Town of Carolina Beach  
Town Council

## ORDINANCE NO. 17-1058

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

5. That § 28 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

### §28-120 PENALTIES.

(A) Any person violating the provisions of § 28-120 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

6. That § 28 of the Code of Ordinances, Town of Carolina Beach, is hereby amended to read as follows:

### §28-167 PENALTIES.

(A) Any person violating the provisions of § 28-167 shall be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 15 days after having been cited for violation of the ordinance. In

# Ordinance



Town of Carolina Beach  
Town Council

## ORDINANCE NO. 17-1058

accordance with G.S. §160A-175(b), a violation of the section enumerated herein shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

(B) A violation of any remaining section of this chapter is a misdemeanor punishable in accordance with the provisions of G.S. § 14-4. The fine for such violation shall not exceed \$500.00.

(C) A violation of any remaining section of this chapter shall subject the offender to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule. If any person fails to pay a civil penalty within 15 days after being cited for a violation, the town may seek to recover the penalty in a civil action in the nature of debt.

(D) The provisions of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(E) Each day's continuing violation of any provisions of this chapter shall be a separate and distinct offense

(F) This article may also be enforced, by any appropriate equitable means, including the revocation of the offender's Freeman Park pass.

(G) Any person issued a civil citation under the provisions of this section may appeal the issuance of such citation to the Town of Carolina Beach Chief of Police ("Chief of Police"). An appeal shall be perfected in accordance with the following:

(1) An appeal shall be taken by giving written notice of appeal to the Chief of Police within 14 calendar days of the date of issuance of the civil citation. In determining the 14 calendar days within which such appeal may be taken, the date of the civil citation shall not be counted.

(2) Such written notice must be received by the Chief of Police no later than 5:00 p.m. on the fourteenth day of the appeal period. If the fourteenth day falls on a Saturday, Sunday or holiday recognized by the town, the time for filing such appeal shall be extended to 5:00 p.m. on the next day which is not a Saturday, Sunday or holiday.

(3) A copy of the citation issued to the appealing party shall be attached to such written notice of appeal.

(4) The written notice of appeal shall set forth the grounds for the appeal, include other information that the appealing party believes



# Ordinance



Town of Carolina Beach  
Town Council

## ORDINANCE NO. 17-1058

supports its position and must include the name, email address, mailing address and telephone number of the appealing party.

(5) Within 15 calendar days of receipt of the written notice of appeal, the Chief of Police shall issue a written decision. The Chief of Police may uphold the citation, dismiss the citation or reduce the citation to some lesser offense. Provided, that the Chief of Police may not impose any penalty greater than that set forth in the citation from which appeal was taken. The written decision of the Chief of Police will be emailed or mailed by first class mail to the appealing party within five days of issuance to the email address or mailing address of the appealing party shown on the written notice of appeal.

(6) The decision of the Chief of Police shall be final.

(7) If the Chief of Police upholds the citation or takes other action that requires the appealing party to make payment to the town, such payment must be made within 30 days of the date of the written decision of the Chief of Police. If the appealing party fails to make payment within that time, the town shall undertake enforcement action as appropriate.

7. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

8. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

9. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Carolina Beach, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 11<sup>th</sup> day of July, 2017.

A handwritten signature in black ink, appearing to read "Dan Wilcox", written over a horizontal line.

Dan Wilcox, Mayor

A handwritten signature in black ink, appearing to read "Kimberlee Ward", written over a horizontal line.

Attest: Kimberlee Ward, Town Clerk



**ORDINANCE NO. 17-1059**  
**AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE**  
**AIA WATER GRANT PROJECT**

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

**SECTION ONE:**

That the Fiscal Year 2017-2018 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
24-013-033	Supplies	\$0.00	\$0.00	+ \$0.00
24-013-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
24-013-046	Professional Services	\$0.00	\$180,000.00	+ \$180,000.00
24-013-074	Capital Over \$10,000	\$0.00	\$0.00	+ \$0.00
24-013-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
24-013-090	Contingency	\$0.00	\$0.00	+ \$0.00
<b>TOTAL</b>			<b>\$180,000</b>	

**SECTION TWO:**

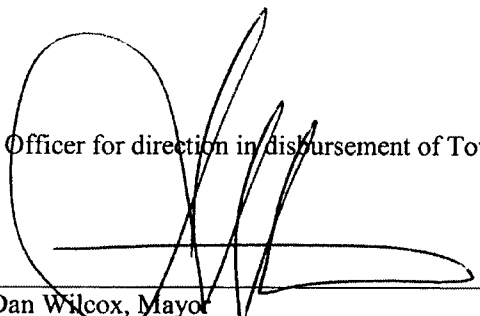
That the Fiscal Year 2017-2018 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
24-350-000	Transfer from W & S Fund	\$ 0.00	\$30,000.00	+ \$30,000.00
24-350-001	State Grant – AIA	\$ 0.00	\$150,000.00	+ \$150,000.00
<b>TOTAL:</b>			<b>\$180,000</b>	

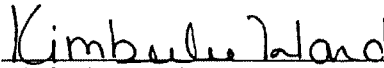
**SECTION THREE:**

A copy of this ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 11th day of July, 2017.

  
 Dan Wilcox, Mayor

ATTEST:

  
 Kimberlee Ward, Town Clerk



**ORDINANCE NO. 17-1060**  
**AN ORDINANCE TO AMEND THE CAPITAL PROJECT BUDGET ORDINANCE FOR**  
**THE MOTSU PROJECT**

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

**SECTION ONE:**

That the Fiscal Year 2017-2018 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Capital Project Fund by adopting the following Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
12-001-046	Professional Services	\$217,000.00	\$ 186,264.00	+ \$186,264.00
<b>TOTAL</b>			<b>\$ 403,264.00</b>	

**SECTION TWO:**

That the Fiscal Year 2017-2018 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Capital Project Fund by adopting the following Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
12-350-000	Transfer from Utility Fund	\$217,000.00	\$ 186,264.00	+ \$186,264.00
<b>TOTAL</b>			<b>\$ 403,264.00</b>	


**SECTION THREE:**

A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 11th day of July, 2017.

  
DAN WILCOX, MAYOR

ATTEST:

  
Kimberlee Ward, Town Clerk



# Ordinance 17-1061

Town of Carolina Beach  
Town Council



## **An Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises**

**WHEREAS**, under previous North Carolina law, alcohol sales were prohibited before noon on Sundays. Governor Cooper signed Senate Bill 155, commonly called the "Brunch Bill," into law on June 30th, 2017 authorizing cities and counties to allow alcohol sales at restaurants and stores beginning at 10:00 a.m. on Sundays.

**NOW BE IT ORDAINED**, the Town of Carolina Beach Town Council, pursuant to NCGS 160A-205.3, a new Section in Article 8 of NCGS Chapter 160A created by passage of Session Law 2017-7, hereby adopts this Ordinance authorizing the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. Sundays in and on such premises that have a valid and current premises' permit issued under G.S. 18B-1001.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the Town Council of the Town Carolina Beach the Code of Ordinances is hereby amended to include the following:

### **Chapter 18, Article VI: Regulating Hours of Certain Alcohol Sales within the Town Limits**

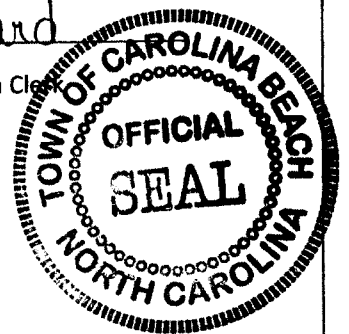
- a) The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town limits at any premises having a valid and current premises' permit issued under NCGS 18B-1001 on Sundays beginning at 10:00 a.m.

This ordinance is effective upon its adoption.

Approved this 11<sup>th</sup> day of July, 2017

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk



Town of Carolina Beach  
Ordinance No. 17-1061

Dan Wilcox  
Mayor

Tom Bridges  
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

**Resolution No. 17-2162**

**RESOLUTION IN SUPPORT OF ACCEPTING A GRANT FROM  
THE N.C. DIVISION OF WATER INFRASTRUCTURE - ASSET  
INVENTORY AND ASSESSMENT GRANT PROGRAM -  
DRINKING WATER SYSTEM**

WHEREAS. The Federal Clean Water Act Amendments of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of conducting a drinking water system asset inventory and assessment, and

WHEREAS. The North Carolina Department of Environment and Natural Resources has offered a Grant in the amount of \$150,000 for conducting a water system asset inventory and assessment, and

WHEREAS. The Town of Carolina Beach has need for and intends to conduct a water system asset inventory and assessment and

**NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE  
TOWN OF CAROLINA BEACH:**

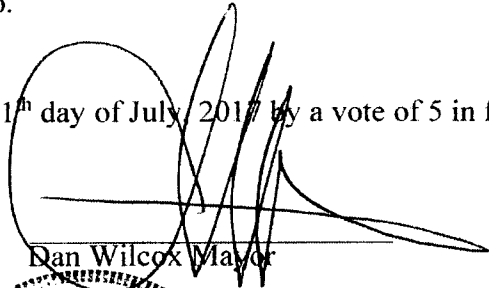
That the Town of Carolina Beach. does hereby accept the Grant Offer of \$150,000.

That the Town of Carolina beach does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the Grant offer, Section II – Assurances will be adhered to.

That Michael Cramer, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Carolina Beach has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal, and State grants and loans pertaining hereto.

Adopted by the Town Council this 11<sup>th</sup> day of July, 2017 by a vote of 5 in favor and 0 against.



Dan Wilcox Mayor

Attest:

Kimberlee Ward  
Kimberlee Ward, Town Clerk



...

# Resolution 17-2163

Town of Carolina Beach  
Town Council



## RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Carolina Beach, has been developed and submitted to the Carolina Beach Town Council for approval; and

WHEREAS, the Carolina Beach Town Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Carolina Beach, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Carolina Beach Town Council that the Local Water Supply Plan entitled, Local Water Supply Plan dated July 11, 2017, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Carolina Beach Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11<sup>th</sup> day of July, 2017.

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk

7-11-2017

Date Approved



Town of Carolina Beach  
Resolution No.

1 | Page