



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • FEBRUARY 21, 2017

Council Chambers

Regular Meeting

6:30 PM

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

1. INVOCATION BY REVEREND MOLLY PAINTER FOLLOWED BY THE PLEDGE OF ALLEGIANCE

Mayor Wilcox called the meeting to order. Reverend Molly Painter gave the invocation which was followed by Girl Scout Troop 4791 leading the Pledge of Allegiance.

Attendee Name	Title	Status	Arrived
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	

2. ADOPT THE AGENDA

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

3. SPECIAL PRESENTATIONS

- a. Debbie Todd will present Proclamation 17-2150 proclaiming March 12 -18, 2017 as Girl Scout Week.

(Requested by Kim Ward, Town Clerk)

Debbie Todd presented Proclamation 17-2150 proclaiming March 12 -18, 2017 as Girl Scout Week which was read by Mayor Wilcox.

- b. Employee Recognition

(Requested by Kim Ward, Town Clerk)

Chief Alan Griffin recognized retired Deputy Chief Granger Soward and retired Captain Gary Gurganus for their years of service on the fire department.

Mayor Wilcox and members of council recognized Gail McClosky for her years with the Pleasure Island Chamber of Commerce and presented her with a "boardwalk fish" and Proclamation, proclaiming September 28, 2017 as Gail McClosky Day.

- c. March Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the special events for March.

- d. Project Update by Gil DuBois

(Requested by Kim Ward, Town Clerk)

Gil DuBois gave a project update on the following:

Stormwater area on Winner Avenue is completed.

Water main replacement on Wilson is underway.

We reestablished emergency power for boat captains on the west side of the marina as well as water and electricity on the north side. The west side was completed last week. The north side will be finished this Friday. We are currently a week ahead of schedule to begin work on the bulkhead.

Phase B project - Concrete work will begin this week. Final asphalt on Atlanta from Lake Park to the school will be finished next week. We are replacing broken or damaged curb wings at driveway entrances and aprons. The guy wires at Hang Ten area are being relocated and will be completed in a couple more weeks. Parking lot and street work there will be finished around April 15th. East of Lake Park - grading is being done, numerous water line repairs due to leaks, all is scheduled to be finished by April 1st. Carolina Beach Avenue South is starting today on driveways and replacing concrete from the back of the Marriott to Hamlet and finished by the end of the week. They will start grading on Hamlet next Monday or Tuesday in preparation for paving, then they will start on Woody Hewitt towards Fayetteville. We should have asphalt down on Hamlet hopefully by the time of the Low Tide Run. Fayetteville Avenue has multiple issues. Businesses were notified and we have spoken to many of the owners regarding water lines that failed. Third Street should be completed hopefully by the end of the week.

Wastewater Treatment Plant - The outfall line was completed about a month ago and waiting on final engineering drawings for it. We cannot move forward until after March 17th and look to the State to reevaluate the permit around April 1st. The EQ basin is totally operational and waiting for the engineer's final to be submitted for certification to the State.

Lake Dredge - Preparation will start next week and will take about 2 weeks before excavation at the lake will begin. They will start at the east end and contractors will be working out of the parking lot.

Damages caused by Hurricane Michael - Wastewater Plant 1 filtration system broke off the top of the tank. The replacement should be finished between April 1-15. The well house next to lake needs to be replaced.

We are still working on the last of the boardwalk northern extension.

Mayor Wilcox said staff has been working hard to get approvals for extending the bike trail along Cape Fear up to Dow Road which may be received in May from NCDOT and would push the project into the summer months.

Mr. DuBois said that minimal disruption would be to the homeowners from Fifth or Sixth to Dow. The street will remain open.

e. Town Manager's Update

(Requested by Kim Ward, Town Clerk)

Michael Cramer gave updates on the following projects:

Lake Park crosswalks - The first installments of flashing signs were installed at all four intersections (Carolina Sands, Ocean, Alabama and Tennessee) are completed.

The other two intersections at Atlanta and Hamlet will be completed in April.

Joint Land Use Study with MOTSU - MOTSU suggested the town go through a land use planning exercise with the other communities that border their property (seven municipalities and counties) and will take about 18 months. Col. Brown will be the project manager. Cape Fear Council of Government will be the grant recipient and holder of the grant. Department of Defense will be funding the study and will give us approximately a 90% grant, about \$300,000. The other 10% match will come from the seven communities, about \$5,000 per community for the study. The end result should determine what is/isn't allowed in what parts of their buffer. There may be an allowance to move forward during the planning process on town requests.

Budget process - Requests for non-profit funds will be heard tonight. On March 14th requests for general fund dollars will be heard. March 28th will be the first budget workshop with council. February 28th is the deadline for department head budgets to be submitted to the manager.

4. OLD BUSINESS

a. Marina Budget Ordinance Adjustment

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

Michael Cramer presented. Last month we established a budget and a resolution for financing for the marina project using the engineer's estimates. There were four responsive bidders, the lowest was \$499,000. Part of the adjustment made in the estimate cost was approximately \$100,000 because of the change to sheet piling from 15' to 33' long to prevent future problems (\$127,000 additional in construction costs to emergency repair). There were also additional ancillary costs for temporary power and water improvements to boat slips during construction. March 6th is the planned start date for the project and will take about 45 days to mobilize and reconstruct that section of the marina. It is still unknown whether there will be any reimbursement from FEMA due to Hurricane Matthew. The request will be sent in. The manager is requesting council approve Budget Ordinance 17-1046 and Reimbursement Resolution 17-2149 for the total project budget for the marina emergency repair of approximately \$520,000.

Mr. Cramer will provide projections on the fund balance at the budget workshop in March.

Council Member Doetsch made a motion to approve Budget Ordinance 17-1046 and Reimbursement Resolution 17-2149 in the amount of \$151,000 for the adjustment. Motion carried unanimously.

5. PUBLIC DISCUSSION

No one spoke.

6. PUBLIC HEARINGS

a. ROT Funding Request from Carolina Beach Downtown Initiative and Pleasure Island Chamber of Commerce

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

Greg Reynolds, Director of Pleasure Island Chamber of Commerce, presented a request for the same amount as last year to support the costs of fireworks, movies and three major events in the amount of \$87,600. From 2010 to 2017 the chamber has donated \$34,586.82 and \$19,587.49 from the foundation back to the

community. The Chamber also requests the use of public lands for events to be organized through Brenda Butler.

Mayor Wilcox opened the public hearing.

Patricia Jones, 612 Carolina Beach Avenue North, recommended the use of rewording from free to provided by because the events cost money to provide.

Mayor Wilcox closed the public hearing.

Dava Vilipiano and Wayne Rouse, Pleasure Island Revitalization Association (PIRA), reviewed donations made to various community organizations and events totaling \$48,300 in 2016. They reviewed expenditures and are requesting ROT funds in the amount of \$33,200 for 16 events, same as last year.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth made a motion to approve the requests from PIRA in the amount of \$33,200 and from the PI Chamber of Commerce in the amount of \$87,600 from the ROT funds. Motion carried unanimously.

- b. Consider amending Chapter 40 Sec. 40-72. to allow for Animal Care Facilities In the Highway Business (HB) zoning district with standards.

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented the request by Sue Bondy to allow a dog boarding facility which is currently allowed only if associated with an animal hospital. The proposal would be located in the Highway Business district by right. Staff is proposing a broader category to allow for any type of animal service facility to combine with veterinarian animal hospitals. Parking would be the same as an animal hospital. The definition would include types of services defined as animal facilities. Proposed standards to address impacts were reviewed. Planning and Zoning recommended approval. Limited outdoor use would be from 8:00 a.m. to 5:00 p.m.

Council Member Shuttleworth asked about other types of businesses or facilities that could be affected by close proximity and how we would regulate that.

Ed Parvin said they did look at that and there is a day care center next door to the proposed location. Staff decided to leave it at a buffer and fence requirement. The other stipulation is the size. We didn't want to regulate the number of dogs or the size outside. Zoning, we thought we would regulate the size of the structure and they had to be boarding inside. 1,500 square feet is a little bit larger than the unit she is looking at, so if you get any larger than that we felt you would be at the threshold where you're going to have a facility that you could board enough animals where you could have a significant impact on another business such as a day care or church. We didn't add in any other distance requirements outside of residential - that's something you could look at.

Mayor Wilcox opened the public hearing.

Sue Bondy, 109 Maypop Court, applicant. She currently owns a boarding facility in her home and would like to expand in the Carolina Beach area which currently does

not have a kennel. She spoke of the need for the tourists and described the facilities for the dogs and their outside time (10 dogs allowed out at same time). She would like to have the fence go up to 9 feet. There would be no more than 30 dogs there at a time. The State requires there be 1 person for every 10 dogs at any given time.

Lena, 441 Darlington Avenue, has boarded her dog with Sue for the past 2 years, spoke in favor of the facility because of the excellence of care.

No one else spoke.

Mayor Wilcox closed the public hearing.

Council requested staff develop a conditional use criteria and ordinance for them to adopt at the next council meeting in March and you could advertise parallel later in the agenda for a business that wanted to use this CUP.

Mayor Wilcox called for a 5 minute break.

- c. Consider amending Chapter 14, Section 14-22 to clarify allowances for itinerant merchants

(Requested by Ed Parvin, Planning & Development)

Mayor Wilcox called the meeting to order.

Ed Parvin presented the amendment. Tony Silvagni originally brought this part of the code before council in 2013 when some adjustments were made which stated you could have a temporary business location as long as you maintained your primary business location for at least one year. If your primary business closed you couldn't continue your itinerant merchant. Also, items sold had to consist of only items sold or rented at primary business. Last May, Planning and Zoning asked staff to re-look at the code with regard to requirements for primary business, itinerant merchants' site and those requirements, and actions allowed on the public beach. Amendments were made to clarify the code. Current code and proposed changes were reviewed. Planning and Zoning voted to recommend this proposal and requested drafting the application which is included in the packet. Clarification - primary business has to have items displayed for sale. Your primary business should already have parking handled, your itinerant merchant location would not have to provide parking. Proof of access to restroom facilities within 200 feet of the itinerant merchant refers to employees restrooms. Violations work a little different with standard brick and mortar business as the town would not be revoking anyone's license to operate but issuing a violation will work the same way. Fees are consistent with other beach services. We will be looking at contracts, their possible elimination and going with permits next month. This is what we are doing with the itinerant merchants as well. Food trucks can be used as long as they are in commercial zones and you meet requirements of the code and do not violate parking.

Mayor Wilcox opened the public hearing.

Tony Silvagni, 504 Harper Avenue, is requesting a permit to allow him to continue operating as an itinerant merchant and issuance of a beach services permit. Current itinerant merchant location is 100 Hamlet Avenue and primary location in prior years was 308 S. Lake Park Blvd. Today is it 101G Cape Fear Boulevard which is being upfitted. He plans to operate a permanent brick and mortar business with associated rentals/sales also taking place in an undeveloped lot at 100 Hamlet Avenue. He will continue to rent space at 308 S. Lake Park Boulevard solely for inventory purposes.

Eilene Caplar, 705 Carolina Beach Avenue South, lives off Hamlet, spoke of crime in area in the past and feels Tony's business has improved the area and it is safer.

Michael Landry, spoke in support of Tony Silvagni and itinerant merchants.

Wes Bell, 405 Greenville Avenue, spoke in favor of beach services permits for itinerant merchants and supports Tony Silvagni.

Mayor Wilcox said we are not here to hear anything about an additional beach services permit tonight. That is a separate matter for another time. We are only discussing itinerant merchants.

Patricia Jones, 612 Carolina Beach Avenue, spoke in favor of the motion for itinerant merchants.

Mark Miller, 702 Seafarer Drive, spoke in favor of itinerant merchants and P&Z recommendations and lot requirements in the CBD.

Susan Hill, 200 Sea Watch Way, spoke in support of Tony Silvagni's business and professionalism and changes to the code.

Kevin Murphy, 306 Wilson Avenue, spoke against the allowance of itinerant merchants as it is detrimental to other brick and mortar businesses.

Jason Pratcher, wounded warrior/wounded warrior project teammate, spoke about help of Ocean Care/Odyssey Surf School.

Nan Toppin, 104 S. Sixth Street, spoke in favor of Tony Silvagni's business and itinerant merchant agreement.

Doug Reutlinger, 225 Colquitt Drive, asked the town to consider the children around Tony's business and all the positive aspects of what they are doing, staying out of trouble. Very impressed with his operation.

Jason Stanley, owns business at 11 Boardwalk, Suite 130, spoke in favor of Tony Silvagni's business.

Sam Potter, attorney representing some of the business owners here, said this is about overall fairness and overall set of facts that should apply to everyone. This is not an opportunity available to everyone because of limited areas available. Spoke against itinerant merchant agreement.

Anthony, 901 S. Lake Park Blvd., objects the businesses who are trying to drive Mr. Silvagni out of business.

Lou Belo, 923 Carolina Sands Drive, owner of several business on the boardwalk, spoke about following the rules.

Mark Miller, there is an opportunity for everyone but it costs money.

Robbie Johnson, spoke about positive aspects of Tony's business, do not penalize him because he did it first.

Bonnie Warner, 1308 Canal Drive, spoke in favor of Tony's business and his character.

Steve Coggins, attorney for Tony Silvagni's Surf School, said the code is blind and applies to all and they join in the recommendation of the Planning and Zoning Board.

Leann Tosky, 606 Monroe Avenue, said this is about the law and people following the law and clarifying the law and all businesses thriving on the island.

Renee and Tyler Wrightsville, 701 Carolina Beach Avenue North, spoke in favor of the recommendation.

Sean Cook, 2 North Lake Park Blvd., said no one is trying to put Tony Silvagni out of business. He can operate like everyone else on this island with his two locations. He has business owners and employees who oppose what is going on this evening.

Council Member Shuttleworth said (to Mr. Cook) what is really objectionable to a lot of people are the trailers at Hamlet and their temporary nature. Is that the idea?

Mr. Cook said without a doubt. There's no overhead like you have with a brick and mortar. He is against itinerant merchants.

Ron Claud, 617 St. Vincent Drive, Shawn and Kevin have had every opportunity to do the same thing Tony has done - have an itinerant merchant location. Believes others have not done it because they are happy where they are and because of the cost it takes.

Mayor Wilcox closed the public hearing.

Mr. Parvin said there is a form that can be submitted to the town if a person sees a violation of town code and it will be investigated. You can file a complaint by email or by form on the website.

Michael Cramer said our process for following enforcement with this particular issue is no different than we do with any issue. If we have actions we have to take to spur an investigation, like what Ed has talked about already, we do that. We also go and follow up whenever we get calls and complaints. Part of that is an interpretation on the enforcement officer of whether or not what they are hearing from the complainant and what they are seeing and understanding when they get to the location that there is some sort of a difference there. Quite often that is what happens.

Council Member Doetsch made a motion to approve Ordinance 17-1045 with the exception of 3c. Motion carried unanimously.

7. CONSENT AGENDA

Mayor Wilcox made a motion to approve the consent agenda. Motion carried unanimously.

The following items were approved under the consent agenda:

Set a public hearing for March 14, 2017 at 7pm or soon thereafter to consider a Conditional Use Permit for St. Paul's United Methodist Church to construct a fellowship hall and parking lot in the R-1 zoning district located at 300 Harper Ave, 307 Third St, 313 Wilson Ave and 400 4th Street.

Set a public hearing for March 14, 2017 at 7pm or soon thereafter to review non-profit funding requests from the general fund.

Set a public hearing for March 14, 2017 at 7pm or soon thereafter to consider amending Chapter 28 sec. 28-62 beach services to increase the number of permits from two to three on the municipal beach strand.

Budget amendments and transfers as presented by the finance director.

Adopt Resolution 17-2151 Debt Set-Off.

Adopt Resolution 17-2148 MOTSU JLUS.

List of surplus items auctioned on GovDeals in 2016.

Minutes from January 10, January 17 and January 24, 2017.

8. NEW BUSINESS

- a. Discussion on Cape Fear Public Transportation Authority's request for Carolina Beach to assist with the Short Range Transit Plan

(Requested by Kim Ward, Town Clerk)

Council Member Doetsch said he has been working with WAVE Transit Authority regarding contracting a firm to do a study on fixed routes in the area to hopefully include UNCW and the north campus of Cape Fear Community College. We just awarded contract with Nelson Nygaard. WAVE would like the town to appoint a local resident to assist with the project of a short range transit plan.

Also, they will be reactivating the crossing of the Cape Fear group which will be looking at the new bridge in March or April. There will be an open house tomorrow evening from 5:00 to 7:00 regarding the rail realignment process.

9. NON-AGENDA ITEMS

Council Member Bridges asked when do we deal with the noise ordinance as it relates to the wedding house?

Michael Cramer said he expects the town attorney will have all the changes from the last workshop completed and will present it to council at the March workshop.

Mayor Wilcox asked about the stormwater ordinance for people who have ponds, fees, adjustments, etc.

Mr. Cramer said they will be discussing that at this month's workshop on the 28th and have some information on the pond discussions.

Mayor Wilcox would like a commitment on bringing something to council in March, at least on that one part of it. If we can't do the whole thing in a more timely manner, let's pick off chunks of it.

Mr. Cramer said we can.

Mayor Wilcox said we have some businesses at the boardwalk that are not being good stewards of our town property with regard to our walkways, primarily restaurants because they are spilling food... I would encourage you to walk around and if we have to give people a notice or whatever. If we are going to allow people to have cafes, they

have to take care of our walkways. They have to power wash them once in awhile - they look terrible.

Council asked about violations for it.

Council Member Shuttleworth said he had a couple of owners reach out to him and the manager about physically not being able to do some of the things we asked them to do like bringing in their tables at 10:00 pm because they are open until 1:00 am and there is not place to store it at 10:00. He told them they need to get with the manager on what their issues are.

Ed Parvin said it was expanded from 11:00 pm to midnight but they would like to have it until 2:00 am.

Council Member Shuttleworth said he is fine with sending the enforcement officer on the cleanup.

Mr. Parvin said sidewalk cafes are Brenda's area of responsibility.

10. ADJOURNMENT

Mayor Wilcox made a motion to adjourn. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

3.14.17
Date Approved

Ordinance 17-1045

Town of Carolina Beach
Town Council



Amend Chapter 14 Section 14-22 to clarify allowances for itinerant merchants

Sec. 14-22. - Itinerant merchants.

(a) Findings and Purpose. It is hereby determined that:

- (1) An itinerant merchant shall be defined as the act of utilizing a property with temporary facilities in order to conduct "commercial operations" herein defined as the display and sale of general merchandise, goods, and services.
- (2) Prior to obtaining approval, the itinerant merchant shall maintain a primary business location in the town for one year.
- (3) Commercial operations at the itinerant merchant location shall be limited to the same commercial operations that are offered at the primary business.
- (4) The primary business shall be located in a building and open at all times when the itinerant merchant is operating.
- (5) The purpose of the itinerant merchant allowance is to create a way for businesses to expand to other properties on a seasonal basis.

(b) Administration

- (1) The Town Manager or their designee shall be the "official" with the primary responsibility for those matters set forth in this section and enforcing the same through any applicable provision of law. "Official" also includes any other person as may otherwise be designated by law as having authority in a particular matter within the scope of this section.
- (2) A violation of an itinerant merchant permit shall result in a fine equal to the cost of the original permit as defined in the Town's annually adopted rates and fees schedule. The third violation of an itinerant merchant permit shall result in the revocation of the permit. A new permit may not be obtained until the next calendar year.
- (3) Administration procedures under Article XI of this chapter shall also apply.

(a) — *Intent*— It is the intent of this section to allow, under limited basis, temporary sales, rentals, and services on commercial property

- (1) The town council finds that this allowance will promote diversification of the town's economy and employment opportunities and would support the incubation and growth of entrepreneurial/start-up businesses, consistent with the principles of the town's long range planning documents

Town of Carolina Beach
Ordinance No. 17-1045

Ordinance 17-1045

Town of Carolina Beach
Town Council

- (2) G.S. 160A-174 grants towns the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the city through the creation of ordinances.
 - (3) Itinerant merchants bring benefits to communities, however, they also bring unique regulation challenges.
 - (4) This article and its requirements, rights or privileges shall not apply in any respect to vending at any market, festival, or activity, arts and crafts exhibit or event sanctioned by the town.
- (c) Contract application, Permit Requirements
- (1) The approved itinerant merchant contract permit and any other required local, state, or federal permitting shall be maintained on site at all times.
 - (2) The itinerant merchant contract permit application shall include:
 - a. Dates of operation.
 - b. Types of goods for sale or lease, and/or any services provided.
 - c. Name of property owner, business owner and itinerant merchant.
 - d. A scaled drawing showing lot lines, existing buildings or structures, proposed vehicles/trailers and any merchandise display areas, location and size of the public rights-of-way, any on-site parking and proposed ground coverage. No part of the operation shall be located in any required setback, site triangle, or required buffer.
 - e. Proof that the property owner or designated agent (lessee) grants his permission to locate the itinerant merchant operation on the property.
 - f. Show and/or provide proof of access to restroom facilities within 200 feet of the itinerant merchant location.
 - g. List of all contract conditions.
 - h. Copy of the itinerant merchant's contract to handle solid waste.
 - i. Copy of vehicle/trailer registration(s).
 - (2) ~~Expiration~~ Itinerant merchant contracts shall be valid for a time specified by town council at the end of which the contract shall become null and void. At the contract holder's request, a new contract may be reviewed by town council for approval as regulated by and in accordance with the town Code at that time. All contracts are nontransferable.
 - (3) Expiration: Itinerant merchant operations shall be limited to 180 consecutive days per calendar year. Each calendar year a new permit shall be required to be submitted and approved prior to conducting itinerant merchant operations.
- (d) Conditions. Applicants shall provide a business plan that addresses all criteria required by this section. The following standards shall apply:
- (1) Location.
 - a. ~~Itinerant merchants shall be limited to 180 consecutive days per calendar year.~~ may be approved for a temporary contract to allow sales, rental, and/or service operations not to exceed 180 consecutive days per year. **No more than one itinerant merchant shall be located on a lot.**
 - b. **Itinerant merchants shall be on one lot privately owned non-residential property in one of the only be located in the following commercial districts: CBD, HB, NB, T-1, MB-1, AND I-1.**

Ordinance 17-1045

Town of Carolina Beach
Town Council

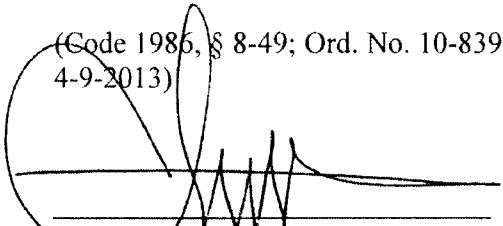
- c. Separation requirements. Itinerant merchant vehicles/trailers shall be no less than 100 feet from:
 - 1. The property line of another lot housing an itinerant merchant.
 - 2. The property line of another business providing similar services, or sales (i.e., food sales, retail sales, beach items for rental, surf lessons, etc.).
 - 3. The zoning boundary of any residentially zoned property.
 - d. All transactions and operations shall occur at the approved itinerant merchant location only. No beach services shall be allowed. No monetary transactions shall be allowed on public property outside of the approved primary business or itinerant merchant location.
 - e. Prior to obtaining approval, the itinerant merchant shall maintain a primary business location for at least one year in the town. Commercial operations at the itinerant merchant location shall be limited to the same commercial operations as are offered at the primary business. After approval of the itinerant merchant, any changes in the associated primary business location or design shall be reviewed for approval by town council.
- (2) *Public safety and nuisance prevention.*
- a. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the state building code.
 - b. An itinerant merchant shall not operate as a drive-through.
 - c. If concrete or asphalt is not present, the ground coverage and grading plan shall be approved by the public works department. Any modifications to the lot shall require an amendment to the site plan for review and approval from the Town prior to being conducted.
 - d. No exemptions from solid waste collection/disposal service. No merchant or occupant of premises within the town shall be exempt from the collection and disposal service provided by the town or its franchise.
- (3) *Design.*
- a. *Registered vehicle/trailer.* Itinerant merchants are required to operate out of a readily movable trailer or motorized wheeled vehicle, currently registered with the state division of motor vehicles, designed and equipped for the sales, rentals or services provided by the itinerant merchant.
 - b. *Signage.*
 - 1. Attached signs may be allowed that are permanently attached to the sides of the registered vehicle and/or trailer; and
 - 2. One temporary sign may be permitted in accordance with the temporary sign standards in chapter 40, zoning.
 - c. *Lot coverage and merchandise display.* In no instance shall the lot coverage of all vehicles and trailers utilized be greater than 500 square feet. Lot coverage shall be defined as the total square footage of the vehicles/trailers. Areas designated for on-site services, merchandise display or seating shall be immediately adjacent to the vehicle or trailer utilized for sales. The display area shall not exceed 250 square feet. The display area shall be a defined area that is confined by approved temporary fencing.

Ordinance 17-1045

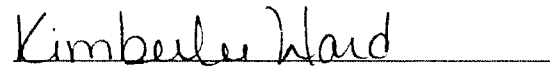
Town of Carolina Beach
Town Council

- d. *Parking.* One parking space per 250 square feet of vehicle/trailer area shall be required on site for patrons of the merchant. No part of the business commercial operations shall be located within required parking spaces or drive aisles utilized by other businesses on site. Parking waiver allowances from chapter 40, zoning, may be applied.
- (4) *Fee and taxation.*
 - a. Itinerant merchants shall comply with all local, county, and state retail sales tax regulations, including food and beverage tax regulations.
 - b. An annual fee shall be required for the issuance or renewal of an itinerant merchant permit contract. The fee shall be established in the town's annually adopted fee schedule.
- (5) *Suspension and revocation of permit*
 - a. Should it be determined that the merchant has willfully violated the terms of this agreement, the town has the right to effect immediate termination of this agreement and to refuse any future itinerant merchant requests.
 - b. The Town Manager may revoke a contract if he determines that the operation is causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.
 - c. The Town Manager reserves the right to temporarily suspend itinerant merchant contracts during times of special events.

(Code 1986, § 8-49; Ord. No. 10-839, 6-22-2010; Ord. No. 13-907, 2-12-2013; Ord. No. 13-909, 4-9-2013)



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

2-21-2017
Date Approved



Ordinance



Town of Carolina Beach
Town Council

ORDINANCE NO. 17-1046

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE MARINA PROJECT

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

SECTION ONE:

That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Marina Project by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
27-001-033	Supplies	\$ 0.00	\$ 35,000.00	+\$ 35,000.00
27-001-046	Professional Service	\$ 75,000.00	\$ 41,500.00	+\$ 41,500.00
27-001-074	Capital Outlay Over \$10,000	\$ 325,000.00	\$ 75,000.00	+\$ 75,000.00
TOTAL			\$ 151,500.00	

SECTION TWO:

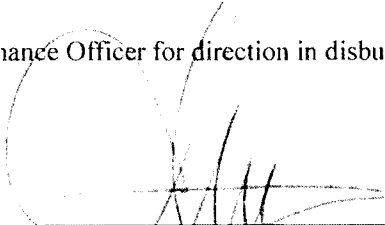
That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Marina Project by amending the following General Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
10-399-000	Transfer from General Fund	\$400,000.00	\$ 151,500.00	+\$151,500.00
TOTAL:			\$ 151,500.00	

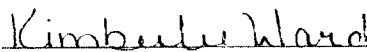
SECTION THREE:

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 21st day of February 2017.


DAN WILCOX, MAYOR

ATTEST:


Kimberlee Ward, Town Clerk

Town of Carolina Beach
Ordinance No. 17-1046



RESOLUTION #17-2148

A RESOLUTION SUPPORTING THE DEVELOPMENT OF A JOINT LAND USE STUDY (JLUS) FOR THE MILITARY OCEAN TERMINAL SUNNY POINT (MOTSU) AND SURROUNDING LOCAL GOVERNMENTS.

WHEREAS, the Town of Carolina Beach recognizes that the continued operation of MOTSU is important to the economy of the area and region; and that its future operational capacity as an important asset for our nation's defense that should be protected; and

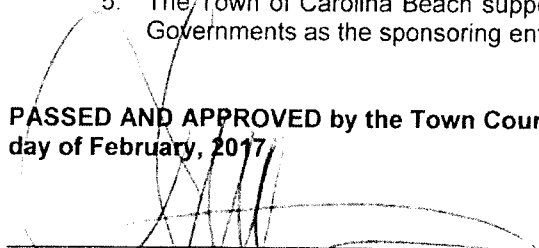
WHEREAS, MOTSU is interested in participating in a JLUS to coordinate future planning efforts of its operations with surrounding local governments; and

WHEREAS, the Town of Carolina Beach recognizes that participation in and development of a JLUS will preserve and enhance the health, safety and general welfare of the residents of the community and surrounding areas by improving communication between MOTSU and surrounding local governments and by developing recommendations for coordinating compatible land uses in area.


NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Carolina Beach that:

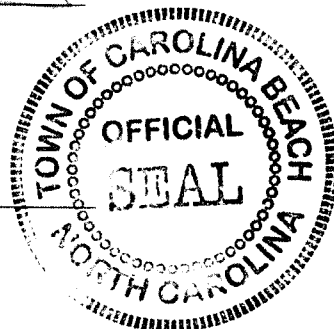
1. The Town of Carolina Beach agrees to participate in the development of a JLUS for MOTSU and the surrounding local governments.
2. The Town of Carolina Beach agrees to appoint a representative(s) to the JLUS policy committee.
3. The Town of Carolina Beach agrees to consider funding their local matching shares of the cost of the JLUS, either in cash or in-kind or a combination thereof, once determined by the policy committee.
4. The Town of Carolina Beach commits to a good faith effort to implement any recommendations included in the JLUS.
5. The Town of Carolina Beach supports the appointment of the Cape Fear Council of Governments as the sponsoring entity for the JLUS.

PASSED AND APPROVED by the Town Council for the Town of Carolina Beach on the 21st day of February, 2017.


Dan Wilcox, Mayor

ATTEST:


Kimberlee Ward, Town Clerk



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 17-2149

Reimbursement Resolution for the Repair and Replacement of the Town of Carolina Beach Municipal Marina Bulkhead 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, as follows:

1. The Town Hereby determines the Project to include the Emergency Repair and Reconstruction of the West side of the Marina Bulkhead Infrastructure Improvements associated with the Marina Bulkhead Project.
2. The Project is to be financed. The insurer intends to finance the costs of the Project with the proceeds of debt to be issued by the issuer (The "Borrowing") the interest on which is to be excluded from gross income for federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$520,000.
3. Funds have been advanced or may be advanced from the General Fund Balance for the project costs are intended to be reimbursed from the financing proceeds
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from financing proceeds.

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

February 21, 2017

Date Approved

Town of Carolina Beach
Resolution No. 17-2149



Proclamation 17-2150

Town of Carolina Beach
Town Council



Girl Scout Week Proclamation 17-2150

WHEREAS, March 12, marks the 105th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout Leadership Experience girls gain knowledge and develop skills that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in science, technology, engineering, math and the arts as well as other fields that can expand their horizons; and,

WHEREAS, Girl Scouts has shaped the lives of 53 percent of female senior executives and business owners, 60 percent of women in Congress, and virtually every female astronaut;

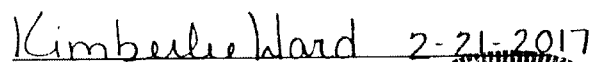
WHEREAS, more than 2.7 million current Girl Scout members nationwide will be celebrating 105 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

WHEREAS, in partnership with over 9,000 adult volunteers, Girl Scouts – North Carolina Coastal Pines serves nearly 26,000 girl members in 41 central and eastern North Carolina counties, including 1306 of adult and girl members in New Hanover County.

NOW, THEREFORE, the Carolina Beach Town Council does hereby applaud the commitment Girl Scouting has made to support the life and leadership development of girls and proudly proclaim the week of March 12-18, 2017, as Girl Scout Week.



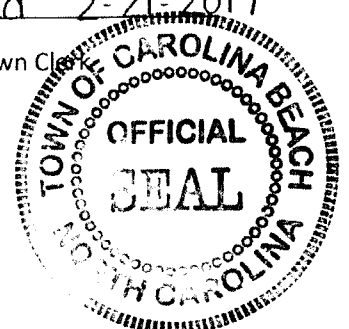
Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

Town of Carolina Beach
Proclamation No. 17-2150

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Resolution 17-2151

Town of Carolina Beach
Town Council



NC Local Government Debt Setoff Program

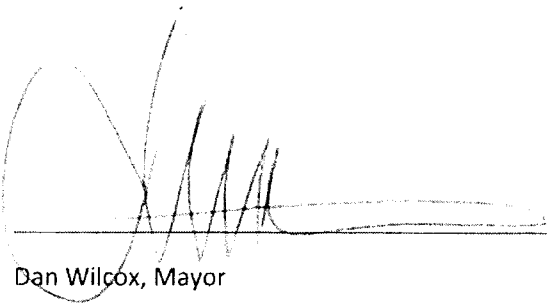
WHEREAS, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue: and

WHEREAS, the law authorizes the setting off of certain debts owed to local governments against tax refunds; and

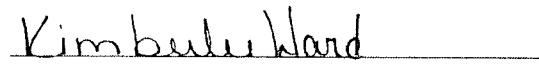
WHEREAS, the North Carolina association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the Town of Carolina Beach, as provided by law;

NOW THEREFORE, BE IT RESOLVED by the Town Council that the Town of Carolina Beach will participate in the debt setoff program and hereby designates the Town Manager as the person to hold hearings and conduct necessary proceedings.

The Mayor and the Town Manager are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

2-21-2017
Date Approved

