



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • SEPTEMBER 13, 2016

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Wilcox called the meeting to order. Invocation was given by Reverend Shawn Blackwelder from St. Paul's United Methodist Church followed by 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	
Noel Fox	Attorney	Present	

2. ADOPT THE AGENDA

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

3. SPECIAL PRESENTATIONS

a. September & October Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the special events for September and October.

b. Project Update from Gil DuBois

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

Gil DuBois gave an update on the following projects:

Boardwalk northern extension is scheduled to start in October and finished by February.

Island Greenway - we are waiting on DOT for final plans.

Cape Fear multi-use path - we hope to start construction in December-February, waiting on DOT approval.

Lake dredge - we have all permits and hope to get bids out in late September/early October and have construction start in December.

The St. Joseph Street project is completed. We now have septic tanks connected to the system.

Phase 1A, 1D and all work for State Utility Contractors is wrapping up. We have received additional bills from Engineering Services for additional work on the project.

Atlanta Avenue water line is in progress from Fourth to the Clarendon connection point, finishing on a weekend so they don't interfere with the school.

Lake directional drill pumping operation was completed. There is still storm drain work left to do.

EQ basin foundation is completed and hope to have a new liner on the ground by the next workshop.

Wastewater treatment plant outfall discharge project is scheduled to start the second week in October and is planned to be completed by Christmas.

Driftwood Lane directional drill into the lake was rescheduled to start on the 21st due to Island Day.

After the rainstorm event we lost approximately 100 feet of bulkhead on the west side of the marina. We hope to have something in the next week or two to send out to bid. The area is secured. We also had some flooding issues on Winner Avenue and Goldsboro. We will be bringing information at the next workshop addressing potential solutions.

c. Manager's Update

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

Michael Cramer gave update on the following:

Tropical Storm Hermine caused some flooding issues on Canal, Winner Avenue and Goldsboro. Notifications will be sent to property owners on Winner Avenue to come to the September 27th workshop to hear the discussion on possible solutions.

Towing regulations (signage) will be discussed at the September 27th workshop. We met with the towing companies on the island and discussed regulations/compliance. Ed Parvin will present this item and recommendations for updates.

On September 23rd through the 28th, the manager will be attending the International City/County Managers Association meeting in Kansas City. Vacation for a week will follow that. Ed Parvin will manage the workshop on the 27th.

Council Member Shuttleworth requested the manager send written support to Mrs. Jasmine McKee saying the town is not opposed to the ducks at the lake but will not be responsible for them.

The manager gave approval to the Girl Scouts to release the ducks there to replace the ones that died. There is no town ordinance regarding the release of domestic fowl into the lake, but there is a state statute with regard to releasing discarded pets. If ducks are removed, it would be stealing from public property.

Council Member Shuttleworth asked about the helicopter issue. The manager said the requested text amendment was withdrawn. Staff has been looking at other municipal ordinances to craft one to bring to council at a workshop.

Noel Fox - Until the applicant's appeal rights or course of action laid out in the zoning administrator/town manager's letter have been addressed, it is premature for staff to

draft an amendment to the ordinance because until those time periods have passed the town cannot take action while appeal rights are pending. I would respectfully request that since one of the options the applicant has would be to pursue a conditional use permit under the zoning administrator's determination, that council not engage in prolonged discussion with the manager tonight because if it comes before council bias and things of that nature factor into a conditional use permit.

Michael Cramer - It would have to go to Planning and Zoning because it is a zoning change, then to council the following month for adoption.

4. PUBLIC DISCUSSION

George Keenan representing 812 Carolina Beach Avenue North spoke about flooding of property which is very low. He would like to see runoff from other properties taken care of by those owners. Council recommended he speak with Ed Parvin regarding town ordinances and what we can or cannot do retroactively, etc.

Lucy Sears, 716 Glen Avenue, is concerned about the odors coming from the waste transfer station. Council recommended she check with staff.

Scott Veals, 300 South Carolina Avenue, gave a handout regarding illicit discharges into and connections to stormwater systems. He was referring to conflicts with 306 South Carolina Avenue who chemically mows his property and town right-of-way. There is not an ordinance to prevent it.

Brett Keeler, 917 Colonial Circle, spoke about loopholes in the table of permissible uses and the Michael McGowan co-ed softball tournament at Mike Chappell Park on September 30th through October 2nd.

Captain Dave Tilley asked council to consider an amendment to the Harbor Committee rules to include allowing the existing waiting list to be put into force under the old rules to enable him to get a slip in the harbor.

5. PUBLIC HEARINGS

- a. Consider amending Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions to address standards for Breweries. Applicant: Richard Jones

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented the text amendment to look at some brewery regulations and some uses allowed in the industrial zoning district. We reviewed our existing regulations for when a business wants to provide on premise consumption of alcohol. There are three classifications: Bar - created standards in 2000 and we currently have 8 bars that are permitted as well as 2 hotels with bars. Standard restaurant - prior to 2008 if you served alcohol or not you were required to get a conditional use permit (CUP) because of the potential to serve alcohol. Those were amended to encourage restaurants to come to town and to create standards and thresholds in place if a restaurant was to become a bar. Brewery - we visited again in 2014 to open up as a brewery for on premise consumption to have a taproom. When we adopted breweries as a use, it was for the production and manufacturing of malt beverages and the allowance of a tasting room for beverages manufactured on site. Existing standards were shown that are being looked at being amended by the applicant, one of which is 2.(a) *Where more than 20% of indoor gross floor area is devoted to service bar area for the consumption of alcohol.* So there are some limitations on the taproom, on the size, and where the consumption is being located.

There was also a stipulation that you could only serve alcohol brewed on site. Breweries are allowed in the Industrial area and Highway Business district on Lake Park Blvd. The existing brewery is located at Harper and Dow Road. Proposed options: the allowance of providing wine and other craft beers not brewed on site. Eliminating the 20% indoor gross floor bar area and allow 100%. Staff is recommending as an option if the gross floor area exceeds the total indoor gross floor area of the building to limit what that outdoor area is for the brewery. Changes to Industrial uses currently not allowed: Meeting room or facility to allow a use such as a brewery to offer meeting rooms to private groups where alcohol and catering may be served. Retail - sale of merchandise with business logos/gift shops. Other vendors coming to the site to sell items as a special event. Addition of outdoor recreation such as disk and miniature golf. Use table would be amended to allow these changes as permitted by right. Staff also recommended amending the parking regulation for meeting facilities so it doesn't reference maximum capacity as a standard but based off square footage and would be consistent with eating and drinking establishments. Three options: (1) Applicant amendment - allow breweries by right to serve alcohol that is not brewed or manufactured on site. Eliminate any gross floor area limitations for the service area. Planning and Zoning recommended the applicant's amendment. (2) To allow by right but has some current thresholds in place - alcohol could be served not brewed on site, eliminate the 20% maximum allowable bar service area but if you exceed 50% you need a CUP and need to meet bar regulations, CUP required if the outdoor area exceeds the total indoor gross floor area. (3) If alcohol is to be served that is not brewed on site, you need a CUP or it is not allowed at all, if 20% indoor gross floor area of bar service area is exceeded you need a CUP.

Mayor Wilcox opened the public hearing.

Patricia Jones, wife of Richard Jones, owner of Good Hops Brewing and applicant. Good Hops Brewing opened a little over 2 years ago with over 20,000 visitors a year. The town received a complaint last April and she and her husband have been working with the Planning and Zoning Department to address the issue. Staff recommended they go through a text amendment to add disc golf to the table of permitted uses under commercial outdoor recreation and be permitted in the industrial zone. They also discovered Good Hops has been operating outside the regulations because of serving other alcoholic beverages other than their own or consume it anywhere other than the taproom they will need a CUP. They have spent many hours with staff and committees. They reviewed ordinances from other North Carolina cities. Their purpose is the same as the towns. They have had no negative impact. Recommendation of the Planning and Zoning Committee is to strike the limit of the floor space. With the current ordinance they cannot grow. They would like 2.(a) and (b) removed. Other Wilmington breweries are allowed to serve other craft brews. Planning and Zoning stated they should be allowed to operate their brewery similar to any other brewery in the state. Breweries are already very regulated by federal and state agencies. Industrial and Highway Business districts are very limiting. Local breweries in the United States are growing every day. Big beer companies control distributions, taps, shelf space and sponsorships. Brands are built on the on premise market. Right now Carolina Beach has a great brewery, they have a strong following and strong numbers. They hope the town will amend the ordinance so they can grow and be profitable and be recognized as they type of industry Carolina Beach wants. She and her husband have no intention of building a bar but under a CUP future owners may want to. Their intent was to open a brewery not a bar. They cannot exist within the taproom. They have a beer garden. They do tours and are crowded. She reviewed the positive goals of their business. They are the only brewery in NC offering a disk golf course which was the center of their

one complaint. Within two weeks they had over 500 locals sign a petition to support Good Hops and Trinity Disk Golf Course as well as over 12 local businesses supporting the building and sponsorship of each of the nine holes. They did not come to the town beforehand because they do not charge for the course. They thought it was an ancillary activity. Regarding the meeting space, they are one of the largest facilities on the island. They share their space with the locals, hosted over 45 family and life events, supported over 100 community and charitable events, have had requests to use their warehouse space. They were not aware they needed to come before council regarding that. They want to become compliant and be able to improve and expand. The front and side of the property is used for parking. They have the entire four acres they lease and that is where the disk golf course is located. She checked with the NC ABC and the paperwork was submitted to them that included all four acres that the town was required to sign off on, and alcohol can be consumed anywhere except the parking areas. We would like to put taps out on the area to the left and improve that area. Food trucks were used but has been stopped until a decision can be made. Most people bring in food. Only beer and wine will be served. They do have a permit for wine and pre-packaged food (required) from the ABC but no percentage of food is required for breweries. They report every month a brewer's report of operations to the federal government and answer every month to the NC ABC. They have a permit in place for a fence along Dow Road to increase their parking and would like to extend it to Tarboro.

Ashley Hall, 703 Carolina Beach Avenue North, spoke in favor of Good Hops Brewery. It is a family owned and family friendly business. It is a destination which helps the community.

Justin Matthew Verrazzo, concrete artist, spoke in favor of the brewery. It has had a wonderful impact on the community.

Cliff Wilkins, 811 Magnolia, spoke in favor of the brewery. They hardly ever hear any noise at their residence but they hear the fireworks and the movie put on by the town. The brewery always closes down at 8 or 9. It is very community based.

Mark George, 402 Otter Road, spoke in favor of brewery. It is a sustainable business, environmentally friendly and good community citizens.

Chris White, 312 Sumter Avenue, spoke in favor of the brewery, very family oriented.

Christopher Richards, 6620 Sago Palm Drive, Wilmington, Pleasure Island Disk Golf Club President, spoke in favor of the brewery and disk golf course.

Jason Wooten, 208 North Dow, spoke in favor of the brewery. Noise is not an issue. It is a good and respectable business which would like to operate the way they have been and do it within town ordinances.

Cindy Sheffield, 106 Summersalt Lane, spoke in favor of the brewery and craft beer and the family friendly business it is.

Richard Jones, 6610 Stoddard Road, Wilmington, assistant brewer at Good Hops, spoke in favor of the brewery and the hard work involved. The owners are very committed to the brewery and are here to benefit the people of the town.

Brenda Shadrick, 406 Goldsboro Avenue, spoke in favor of the brewery and the disk golf course.

Pastor Shawn Blackwelder, 313 Wilson Avenue, spoke in favor of the brewery and its community support.

Jeremy Thomlinson, representing the Cape Fear Craft Beer Alliance, spoke in favor of the brewery and would like to see that community expand. The business is very supportive of the community.

Fred Ireland, 619 Canal Drive, spoke in favor of Good Hops. Expanded on the reasons for the inclusion of wine and the outdoor aspect.

Todd Piper, 413 Clarendon, spoke in favor of the brewery.

Maurine Vasquez, 1310 Pinfish Lane, spoke in support of the brewery, its financial commitment and their effort to do it the right way.

Roger Campbell, Snapper Lane, spoke in favor of the brewery and its notoriety as a great brewery.

Richard Fuller, spoke about the support of the community and the brewery.

David Cole, owner of The Dive and Hurricane Alleys, spoke in support of the brewery and its growth.

Patricia Jones thanked everyone for their support. Breweries are a business, limiting the service area to 50% could keep them from growing and could make them fail. They do not offer music any longer, it is cost prohibitive.

Mayor Wilcox closed the public hearing.

Mayor Wilcox asked about if they stopped brewing or of knowing they are an actual brewery.

Jeremy Hardison said staff would make sure that they still had an ABC permit as a brewery but does not know if there is a ratio as to how much they have to have that you are manufacturing and distributing versus what you are serving on site and what types of malt beverage and wine. There is a stipulation that you have to serve alcohol you are brewing on site.

Mayor Wilcox said outside retail such as a vendor coming in and selling things, which would be under our special events which are limited to three times a year.

Michael Cramer said the owners have come in and received a couple of special event permits over the time they have been in business with us.

Mayor Wilcox said the special events they are talking about are the ones they hold inside their facility.

Council Member Bridges said if they use a CUP to allow them to do the things they are wanting to do now, that stays with that site and that business and would control any future business coming in.

Staff agreed. Their approval would be for site specific location. You could put conditions within reason on that to mitigate any impacts.

Council Member Shuttleworth made a motion to adopt Option 1, Ordinance 16-1021 and change the ordinance as outlined in Option 1 which was approved by Planning and Zoning Commission, is in accordance with NCGS 160A-383 and we find it is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. Motion carried unanimously.

Mayor Wilcox called for a 5 minute break.

- b. Amend Chapter 40 Article XVIII Definitions and Chapter 18 Article III Section 18-77 Abandoned or Junked Vehicles.

(Requested by Jeremy Hardison, Planning and Zoning)

Code Enforcement Officer Mark Hewitt presented the proposed amendment on abandoned or junked vehicles. He is asking to adopt the language used in the North Carolina general statute to bring our ordinance in compliance. These vehicles are one of the top five code violation complaints. Determining factors were reviewed and order of importance as stated in NCGS, no current license plate displayed and partially dismantled or wrecked being first. Additional criteria follows that. This amendment will make code compliance more efficient and enforcement easier. It will benefit the town in protecting property values, health and safety and numerous other aids to the town. The Planning and Zoning Commission recommended the amendment.

Noel Fox prepared language for the amendment and its enforcement.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Mayor Wilcox made a motion to approve Ordinance 16-1024 and to include that the revised ordinance is necessary and desirable to promote or enhance community, neighborhood or area appearance and the town staff may enforce the revised ordinance in the manner prescribed in NCGS 160A-303.2. Motion carried unanimously.

- c. Amend Chapter 40 ARTICLE XIV Sec. 40-424. - Nonconforming lots. To address the newly approved development line with non-conforming lots.

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison said this does not change the current regulation but addresses an obsolete reference with our new development line that will be certified tomorrow by the Coastal Resource Commission. The development line is the town's building line that we are adopting. The proposed ordinance allows a reduction of required lot area for a lot that has lost area due to shore erosion. It states you will be given a 50% setback and eliminated reference of the CAMA 60 foot setback line as it is no longer applicable with the new development line. The Planning and Zoning Commission recommended approval.

Council Member Doetsch asked what would happen if the CRC hearing was not successful.

Jeremy Hardison - We would have to revisit what you previously adopted with the development line as an ordinance. CRC is just certifying that what we have done is correct and is supported by staff. Under commission rules they wanted us to adopt

an ordinance prior to certification.

Mayor Wilcox opened the public hearing.

No one spoke.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth made a motion adopt Ordinance 16-1023 to amend Chapter 40 Article XIV Sec. 40-424 Nonconforming lots to address the newly approved development line in accordance with the provisions of NCGS 160A-383 and that the ordinance is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. Motion carried unanimously.

- d. Consider amending the Town Code Chapter 10 Section 10-6 Town Marina to accommodate the modifications to the Town Marina License Agreement. Applicant: Town of Carolina Beach

(Requested by Ed Parvin, Planning & Development)

Ed Parvin - We have been making slow but steady progress on the request for proposals for a person or entity that can help us manage the charter boats and potentially the mooring field as well. The Harbor Commission wanted that to be out until October. We anticipate getting three proposals back. We will review those and bring a recommendation to council in November.

There is about a 100 foot section at the marina that has caved in where the bulkhead has failed. There are four vacant boat slips currently and this happens to be where the bulkhead failed. We are looking at reconfiguring these slips. It is right past the day boat docks so there is potential to open some of those slips up to make the sewer pump-out station a little more user friendly for the larger vessels.

In July, council adopted a process for filling vacant slips. We have not moved forward on that because we are trying to get a license agreement in place so the new management company could come in and implement all of it at one time. Tonight we are looking at the license agreement and the issues we looked at with the Harbor Commission by making the license agreement consistent with state and federal law. Our old lease agreement had not been updated in a number of years. The insurance requirements in it were \$100,000. We have increased that to \$500,000. A big topic of conversation was the ability to transfer slips and move toward a town managed list instead of boats being transferred without town knowledge. We have added a little more teeth in it if we have issues with the tenants. We can revoke the license and remove the vessel. We had several attorneys at the Harbor Commission meeting to help draft the license agreement. What we have done with this proposed ordinance is struck all the rules and regulations and put them in the license agreement as Exhibit A. Exhibit A reiterates what was actually in the code. It seemed to be a better fit. We would be using the new license agreement when they come in to renew in October.

Mayor Wilcox - What did we do on the license agreement to make sure vessels are operational? Not only operational but functional, meaning that they have to have a current USCG certification and they are able to take passengers out on the boat.

Council Member Shuttleworth - On page 81, it says that they have to show 15 charters during the fiscal year and they have to apply for a Coast Guard Auxiliary safety inspection annually.

Mayor Wilcox - It says you must apply for a safety inspection, it doesn't say anything about being approved.

Attorney Noel Fox - These were all recommendations that the Harbor Commission has been working on. I would think that the provision in Exhibit A that says to be considered for a license renewal, each charter and head boat must show proof of a minimum of 15 charters may address your concerns.

Mayor Wilcox - Not really. There's a difference between an annual safety inspection and an inspection for an inspected vessel.

Captain Dave Tilley - Those are called COI's, and those are more for boats that carry more than 6 passengers.

Mr. Cramer - So you are suggesting that we need to adjust that language where it states all vessels shall apply for a USCG Auxiliary safety inspection annually or obtain a COI?

Mayor Wilcox - It needs to say that they maintain at all times, the COI for the vessel. If you are an inspected vessel, you have to have that certification.

MPT Pierce - Are we asking them to be an inspected vehicle?

Mayor Wilcox - They have to be if they are taking more than six people. By law they can't take over six people out 15 times a year if the vessel is not inspected so maybe it takes care of itself.

(Captain Dave Tilley was providing information but was inaudible due to him speaking from the audience area).

Council Member Shuttleworth - I think what Dave is saying is that the only ones required to have that are the large boats and the majority of our boats are only going to carry six people or less. They don't get that inspection.

Mayor Wilcox - I have a 100 ton master license too so I understand the difference between a six pack and an inspected vessel. I'm just saying that this is not as clear as it could be on what an inspected vessel is. We don't want to be a wet well.

Mr. Cramer - Do you have a recommendation on how to adjust that to meet that need? I believe that they did talk about these things in the Harbor Commission meeting.

Mayor Wilcox - I was there for those discussions and we did talk about it. If a vessel owner has an inspected vessel and ran 15 charters last month and loses inspection and it sits there for the next nine months or the rest of the year, we have not accomplished our goal. They may knock the 15 out in the first month or two. I think we need two revisions: they need to maintain the COI (if they are required to have it)...

MPT Pierce - I think you are asking for that language to be clear but I do think that once we get a harbor master, they are going to know what's going on down there. It needs to be written in there though. I'm not sure that 15 trips is enough but I don't know enough about it.

Captain Tilley - I think it should at least be 30. If it were up to me I would say 50 but I would get a lot of flak for that.

Mr. Parvin - A lot of the commission members started out at a higher number but there was discussion from some of them that had issues where a boat needs to be repaired for part of the year. You don't want to punish a good boat captain because they've had a bad or slow year.

Mayor Wilcox - These are the recommendations from the Harbor Commission. We can make adjustments. I personally feel comfortable with at least 20 trips.

MPT Pierce - I also feel that \$500,000 is too low for an insurance requirement.

Attorney Fox - I am in agreement with you. My recommendation was that it be at least \$1,000,000 for general liability. The commission was concerned about the large cost increase in premiums for the boat captains.

MPT Pierce - It is such a minimal difference in cost for a \$1,000,000 policy versus a \$500,000. Maybe \$50-\$100.

Mayor Wilcox - The idea was to start it moving in the right direction and this was a pretty substantial jump. It was \$100,000.

Mayor Wilcox opened the public hearing.

Captain Dave Tilley - I had gone to the harbor master and he was going to issue me a slip and Ed said he couldn't do that because council had already adopted the new regulations and they would not be giving out slips until January. I don't want to spend all this money in marketing and have to tell people to come on one side and then in January have to go to the other side. I am the only one on the waiting list. I've been on there all summer. I would ask that you put in something to clear the waiting list to have the harbor master to assign a slip and then there wouldn't be anyone on the waiting list.

Council Member Doetsch - When would you want to put a boat in?

Captain Tilley - I have a boat bought, I'm waiting on a weather window to bring it home. I have a 44' Henriques. It carries six people.

Mayor Wilcox - Do we have a list? If we do, how many people are on it? Have we reached out to those people to see how many are still interested? What is the real number?

Attorney Fox - There is a historical list. It is not up to date. It is not accurate. The process that was adopted at the most recent meeting will eliminate all the issues that have resulted from the historical list.

Mayor Wilcox - I get that but at the commission meeting I have specifically recommended to staff that they look at that list because I want to answer this man's question. I want them to qualify that list. We need to know how many people are really on that list and how many slips we have. If we have four available slips and one viable applicant, why wouldn't we put him in a slip and once the new license agreements come out in January, he would have to sign that or he loses his slip. I have not seen that information. It sounds like we have not reached out to people.

Mr. Cramer - In my estimation, there is no list. The list that existed is defunct that we cannot go and validate it. We have dead people on the list. It's not a viable option to start with that list and go backwards.

Mayor Wilcox closed the public hearing.

MPT Pierce - How many people are asking verbally for a slip?

Mr. Cramer - We have a list. It is historical. We do not believe it is a viable list. We do have one individual that has been added in the last six months and that is Captain Tilley. We did not use the vetting process that council approved to put him on the list. In my mind what needs to take place is, if we are going to use the parameters that we put in place last month, we start now with the list. This my personal idea on how we should handle that list. I think with the next lease, which would be October 1, we could start creating a list for the lease. Noel disagrees with me.

Council Member Shuttleworth - How many vacant slips do we have that we could lease?

Mr. Cramer - None.

Council Member Shuttleworth - So there are four that are available are on the west side and have bulk head issues?

Mr. Cramer - Yes.

MPT Pierce - I don't hear Captain Tilley saying he wants to put a boat in there tomorrow. I hear him saying he wants to secure a slip to advertise.

Mr. Cramer - All I want to hear is how you would like us to address that particular issue.

Council Member Shuttleworth - Let's figure out the rule after we get Captain Tilley in a slip.

Mayor Wilcox - He doesn't need a slip right now. He needs confirmation that he can get a slip when one becomes available. We could guarantee him the slip with the understanding that he needs to agree to the same rules come January 1. Could we not do that?

Mr. Cramer - You could do that with a vote of this council to say do it.

Attorney Fox - My concern is that the town has gone through a very lengthy process to eliminate the chatter about the non-functioning aspect of the marina in terms of how the slips are filled. Council has given direction to staff and staff has worked with the Harbor Commission and the RFP is pending that allows a contractor who submits a proposal to manage those slips in the manner that they see fit. We have adopted a resolution that calls for an advertisement in the paper and a time period for people to put their name on a list. Staff has not been letting the vacant slips because of the infrastructure issues that exist and the fact that this process has been ongoing for some time and will be coming to a known conclusion in October or November and then January the new process starts. My concern is if you do it for this boat captain, tomorrow you will have someone come in and say they are number 2 on the list.

Mayor Wilcox - The reason I asked to qualify the list is to find out if there are any

qualified people on it. I don't understand why this is so hard to understand. The reason we can't do this under your analogy is because we didn't go and vet the list.

MPT Pierce - What I am hearing is we don't know who to vet because we don't have a list.

Mr. Parvin - We don't have a list.

Council Member Shuttleworth - It's more than vetting a list. We had a publication process out there that said we had to publish a notice that a list was available. Michael had a vetting process. The manager or harbor master currently is supposed to vet those qualifications.

Council Member Bridges - Am I correct that the historical list is not concrete? Can you not put your hand on it? Is it on a piece of paper?

Mr. Cramer - Staff has not done what the mayor has asked us to do and vet the list to see who is on the list. We believe we do have a list but we are not certain.

Council Member Shuttleworth - Who is the keeper of the list?

Mr. Cramer - The harbor master which is currently Harry Humphries. The list has been passed from person to person.

Council Member Bridges - Once we get the stuff in October, is it possible to identify who is going to get those slips and let them know before January that they will be there?

Council Member Shuttleworth - What you are hearing from council is a very strong desire to get Tilley in a slip and then figure out the rest.

Mayor/MPT Pierce - ..and whoever else is on that list.

Attorney Fox - The license agreement is supposed to take effect in January. If this council directs staff to issue a slip to Captain Tilley, then that is what determines what needs to be done. As the attorney, I do feel that you will have other people come forward who say they are on the list or thought they were on the list and have not been afforded the opportunity.

Mayor Wilcox - I wouldn't mind holding off on this a little longer if the harbor master would find the list and vet it.

MPT Pierce - Where are they? We are talking about this issue. They should be here talking to us.

Attorney Fox - We adopted the resolution meetings ago and nobody was here for that.

Council Member Bridges - I prefer to lean on the side of caution. We could end up creating more problems than less if we don't follow what we have already approved.

Mayor Wilcox - I asked for this to be done before we adopted that. That's my concern. Now we sit here today and we don't know if we have a list and who is valid.

MPT Pierce - We chose it by the lottery, so that means Captain Tilley may not get picked.

Attorney Fox - It's only a lottery if there are competing folks for a slip that meet the qualifications.

MPT Pierce - I don't pull names out of a hat when I am looking for a tenant.

Council Member Shuttleworth - Noel, what was the notification process that we needed to vet the list?

Attorney Fox - According to the resolution that was adopted, according to the calendar year, the town will advertise the availability for persons to apply to be on the town marina boat slip waiting list.

Council Member Shuttleworth - So what ordinance are we under between now and then?

Attorney Fox - My understanding was that we were not letting any slips in the marina because of the infrastructure improvements that needed to be made and the fact that a RFP had published and we were waiting for those people who are in the marina management business to give their specific ideas on how the marina should be managed. It would give them an opportunity to be a part of the process.

Council Member Shuttleworth - What is the technical ordinance that we are under right now?

Attorney Fox - We have an existing ordinance that is not in accordance with town practices and not in accordance to the lease that anybody is under. We have lease agreements that are contradictory to the town ordinance. You are in what I call an official quagmire.

MPT Pierce - I want things done a certain way. I don't care if they haven't been done right, I want them to be done right. I don't care if it was \$500,000, I want it to be \$1,000,000.

Mr. Cramer - Then we need to have each member of council voting on each one of these items or what is being proposed. If we want to adjust what the Harbor Commission is recommending, we can go line by line and put that forward as a motion. If the only thing that is of concern at this point is the statements in Exhibit A that discusses the licensing and certifications, we can do everything else and take that out and adopt it later. You have options.

MPT Pierce - I didn't see how the lease renews.

Attorney Fox - It's a license. It is for a term of five years. There are limitations on the amount of time you can license town property. You cannot do it beyond a period of nine years, 364 days or it is treated as a sale. That is North Carolina law, not a town ordinance. They would have to go back through the process. It is not a vested right. This is a marina that is a town property that needs to operate in a manner that makes it accessible to all citizens.

MPT Pierce - That's giving the harbor master a lot of control. What if someone invests a lot of money into a boat and then they don't have a slip in five years?

Mayor Wilcox - It was not my understanding in the meetings that they would have to go back through the lottery.

Council Member Doetsch - I think that if the person is current in all the requirements, they should automatically get it the following five years. If not, they go back into the lottery.

Attorney Fox - That would be considered an extension of the lease and would violate North Carolina law that says you cannot have a lease of property or a license of property for more than 10 years. That's why it is revocable at any time. There was much discussion about these terms with Attorney Ned Barnes and also an attorney that was an insurance agent. Maybe tonight is not the time to adopt these changes given all the concerns and feedback.

Mayor Wilcox - I don't recall there being an understanding that you had to go back to the lottery after five years. If you go back through the lottery and the license agreement, you are there for more than five years.

Attorney Fox - I did not make any revisions to the license agreement since March and I have not been to a Harbor Commission meeting since that time. Since then, the license agreement is not something that has been changed since the Harbor Commission meeting and revisions were made pursuant to that meeting. I was not involved in the lottery process. That came out of the Harbor Commission as well as Exhibit A with the rules and regulations. I will be happy to work with the Harbor Commission to improve those based on this feedback but I don't think that Exhibit A is something that this council wants to pursue.

Mayor Wilcox - If we hold off on this and send it back to the Commission for clarification on a couple of issues, is that going to cause us any problems with everything else that is moving forward?

Mr. Parvin - The lease agreements come up in October.

Attorney Fox - You could not renew the lease and just do a month to month until January.

Mayor Wilcox - I am fine with holding off.

MPT Pierce - I understand that the Harbor Commission is making the rules but I don't see how you can vote on something that you are monetarily involved in.

Council Member Bridges - They are an advisory board.

MPT Pierce - I am just saying how can you make the rules for the slip that you are paying for?

Mayor Wilcox - Was there an actual vote? It doesn't matter if it is Harbor Commission or Planning and Zoning, it is a conflict of interest.

Attorney Fox - The meeting that I attended, there was not a vote. It was a discussion and revisions were made based on the feedback.

MPT Pierce - But it is a suggestion on how we should do it.

Mayor Wilcox - We have a problem. We have good people on the committee. The

structure of the committee is not their fault, it is the town's fault. We now have the majority of the committee that are boat captains potentially making recommendations on things that could affect them. They are not the only providing discussion. We have other people coming to the meetings and it has been a pretty open discussion. It's not just the boat captains that gave these recommendations. We want these people because of their experience but at the same time you end up with four or five boat captains on a seven person committee. It is a concern.

Council Member Bridges - I understand the conflict of interest but they are giving input similar to us holding this public hearing. We didn't restrict them from speaking because they worked at Good Hops. You just take that information and if they are in consensus that this is a good plan.

Mayor Wilcox - I get what you are saying but it is inconsistent with our own policies. We have members who have direct financial interest which is a conflict.

Council Member Bridges - They are not voting.

MPT Pierce - No but they are making recommendations that we are following. I don't like 15 trips, I don't like \$500,000 and I don't like the lottery. When is the RFP due and when will you choose that person? Maybe we should pick that person and let them handle it.

Mr. Parvin - October 1. We will review them in October and hopefully bring it to you in November.

Attorney Fox - We had discussed whether or not to let them run their own show and determine how they rent the slips.

MPT Pierce - Will they work for the manager?

Attorney Fox - Yes. It sounds like I have some work to do with Ed and the harbor master.

Mayor Wilcox - Can we schedule a Harbor Commission meeting in September?

Mr. Parvin - We can have one anytime, we just need to advertise.

Mayor Wilcox - I think we should. It's important to everyone. I would suggest that council read this and submit your questions to Ed.

Mr. Cramer - If each one of you could read through what is in front of you and come up with specific questions that you have and you are able to do that by the end of the week and get those to Ed, we will put together an agenda that will be concise and say we are looking to get feedback on x, y, and z. We will schedule a Harbor Commission meeting separate from their normal business meeting to address just those items.

MPT Pierce - Will you be the one interviewing a selecting the harbor master?

Mr. Cramer - The RFP process is to figure out if we want to do a harbor master that is contracted or whether we want to do something internal. Once we get that information, the idea was for Ed, myself, Chief Spivey and Harry Humphries to go through and review them and make a recommendation to council.

Council Member Shuttleworth - I would suggest that we figure out a way to accommodate the only person that has expressed a strong interest in the last few months to lease one of our slips. We started this whole process to maximize the revenue that the town received on those slips. I have not heard of anyone else knocking on town hall's doors saying that they want a slip. Is there not a way we can add to the quagmire we already have and figure out how to get Captain Tilley in line for a slip?

Mayor Wilcox - If the council says make it happen, it can happen but we are trying to be as least disruptive to the process as possible. I don't want push back from someone who says they were on a list.

Mr. Cramer - I guarantee you that I will have an answer on the list before the Harbor Commission meeting. At that point, if council wants us to go and address Captain Tilley's matter outside of our process, we can do that. All you have to do is direct staff to do that.

Council Member Shuttleworth - I would like to direct staff to do that.

Council Member Doetsch - I will agree with that.

MPT Pierce - I agree and when everything changes in January, either you comply or you are out.

Council Member Shuttleworth - We may not get there on the harbor master decision by January.

Mr. Cramer - If we find that there are five people on the list, do you want me to come back to you or make a decision?

Mayor Wilcox - If there are not enough slips, you come back to us.

Council Member Bridges - That's why I don't feel that we need to make a motion.

Attorney Fox - What agreement are you wanting Captain Tilley to enter into?

MPT Pierce - Month to month.

Council Member Shuttleworth - I would ask that you work with anyone who has contacted the town in the last six months in writing requesting a slip. How many written requests have you received in the last six months?

Mr. Parvin - One.

Council Member Doetsch made motion to move Captain David Tilley into the list and he pay month to month until the final agreements are signed, sealed and delivered. Motion carried 4 to 1 with Council Member Bridges voting no.

6. 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 October 11, 2016 at 7pm or soon thereafter to consider amending Chapter 14 License and Business Regulations and Chapter 34 Streets and Sidewalks to expand right of way encroachment allowances.

Budget amendments and transfers as presented by the finance director.

Minutes from August 9, 2016 and August 23, 2016.

7. NEW BUSINESS

a. Awarding Construction Bid for the Boardwalk Northern Extension Project

(Requested by Jerry Haire, Grant Administration)

Jerry Haire said we have a responsible bidder for the boardwalk project. We received four bids and the lowest bidder is Civil Works who did the previous boardwalk project and we were pleased with their work. The manager and staff recommended awarding their bid.

Council Member Shuttleworth requested that it be on record that he is nervous about not hiring a project manager for this project.

Jerry Haire, Gil DuBois and Michael Cramer will be project liaison.

Mayor Wilcox said he would like to talk with Construction Interface to see if they could modify terms or something and give us some level that maintains that single contact/liaison between the contractor and the town.

Michael Cramer said it was staff's recommendation that we did not receive the value that we thought we would get with a single project manager on the previous boardwalk project. Although we did receive fine services and exactly what we asked for, we still needed the three of us to follow up behind the project manager.

Mayor Wilcox made a motion to approve awarding the bid to Civil Works Contracting in the amount of \$715,720.00 for the Boardwalk Northern Extension Project and the award by council represents a preliminary determination and no legally binding acceptance of the bid or offer occurs until the town has executed a written agreement. The contract award is subject to Civil Works providing all bonds, insurance and other required documents and executing a contract in a form agreeable to the town. We would also like the manager to research some project management options and bring them back to council. Motion carried unanimously.

b. Amend the Town's budget ordinance, rates and fees schedule for the Municipal Marina to clarify the Town Marina is for Charter and Head boats only and develop an option/incentive for annual payment vs. quarterly.

(Requested by Ed Parvin, Planning & Development)

Ed Parvin said along with the amendments for the license agreement we are also looking at amending the rates and fee schedule to allow for an annual payment in addition to the quarterly payment. Quarterly fees were increased a few dollars and the annual fee was decreased a few dollars as an incentive to pay annually and eliminate some of the problems with late payments and make it easier to administrate. We currently do not allow for pleasure or transient boats to have a license or lease agreement at the town marinas - that was struck.

MPT Pierce asked about whether a price per foot rate had been determined as well as what the town's expenses are.

Staff did not do a study of price per foot with this rate change or determine what our expenses are at this time.

Council Member Bridges made a motion to adopt Ordinance 16-1026 making the rates effective January 1, 2017 as outlined in the ordinance. Motion carried 4-1 with MPT Pierce voting no.

- c. Consider adoption of a Resolution in Support of a Grant Application to the NC Division of Water Infrastructure for a Wastewater Project

(Requested by Jerry Haire, Grant Administration)

Jerry Haire said the next two items are the same grant application. One is for wastewater and one is for water. The first one is for wastewater. The State will determine if you will get a grant, loan or combination of both. We will be applying for a specific dollar amount. These projects are for the north end - Florida, Georgia, Virginia, Delaware and Maryland Avenues and Carolina Beach Avenue North from Salt Marsh Lane to Sea Oats Lane for water and sewer lines there with priority given in order to failing systems, rehab and replacement and expanded infrastructure. Engineer's total estimated cost is \$1,657,655.55. Map of service area showing red line denoting project boundary and yellow line indicates where water and sewer work will be done. Included in the engineer's cost estimate are incidental costs for paving and stormwater, etc.

Council Member Bridges made a motion to adopt Resolution 16-2136 in Support of a Grant Application to the NC Division of Water Infrastructure for a Wastewater Project. Motion carried unanimously.

- d. Consider adoption of a Resolution in Support of a Grant Application to the NC Division of Water Infrastructure for a Drinking Water Project

(Requested by Jerry Haire, Grant Administration)

Council Member Doetsch made a motion to adopt Resolution No. 16-2135 in Support of a Grant Application to the NC Division of Water Infrastructure for a Drinking Water Project. Motion carried unanimously.

- e. Consider Adoption of Resolution in Support of a Municipal Reimbursement Agreement for a Pedestrian Plan

(Requested by Jerry Haire, Grant Administration)

Jerry Haire said this grant was approved in the spring for the development of a town-wide pedestrian plan. It's an 80/20 matching program. Estimated cost is \$40,000.00 with the town providing \$8,000.00 up front. NCDOT will administer the program with a consultant assigned to us. Process will take 12-18 months with a public input session.

Council Member Bridges made a motion to adopt Resolution 16-2134 in support of a Municipal Reimbursement Agreement for a Pedestrian Plan. Motion carried unanimously.

8. NON-AGENDA ITEMS

Council Member Bridges said he wanted to reemphasize the request of the staff to work on modifying our ordinances to better resolve the conflict we have with the Wedding House.

Noel Fox said she received an email from their attorney yesterday requesting a phone conference and that is tentatively scheduled for Thursday which she will share.

Michael Cramer said staff has been working on various options in our ordinance for tweaking the language to address the issue.

Council Member Shuttleworth thanked Ed Parvin and the planning staff and concur with Michael. Apparently there is a group on the island that is going to help one of our residents in one of those houses on Atlanta Avenue and I just wanted to make sure that the town is doing what we can to waive any kind of fees or help him with water and sewer to connect to rebuild that house.

9. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 10:50 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

10.11.2016
Date Approved

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. 16-2136

**RESOLUTION IN SUPPORT OF APPLYING FOR A GRANT FROM THE
N.C. DIVISION OF WATER INFRASTRUCTURE – STATE RESERVE
PROJECT PROGRAM – WASTEWATER SYSTEM**

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing wastewater collection systems, and
- WHEREAS, The Town of Carolina Beach has need for and intends to construct a wastewater collection system, described as replacement of approximately 5,890 linear feet of gravity sanitary sewer and associated infrastructure along Florida, Georgia, Virginia, Delaware and Maryland Avenues and Carolina Beach Ave. North from Salt Marsh Lane to Sea Oats Lane, and
- WHEREAS, The Town of Carolina Beach intends to request state grant assistance for the project,

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

That the Town of Carolina Beach, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Carolina Beach to make scheduled repayment of the loan, to withhold from the Town of Carolina Beach any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

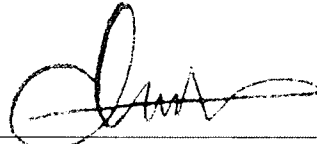
That Michael Cramer, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.

That the Authorized Official, 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 Applicant 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 thereto.

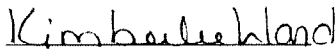
Adopted this the 13th day of September, 2016 at Carolina Beach, North Carolina.

Adopted by the Town Council this 13th day of September, 2016 by a vote of 5 in favor and 0 against.



Dan Wilcox
Mayor

Attest:



Kimberlee Ward
Town Clerk



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Carolina Beach does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Carolina Beach duly held on the 13th day of September, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2016.

Kimberlee Ward
Kimberlee Ward



Kimberlee Ward
Town Clerk

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. 16-2135

**RESOLUTION IN SUPPORT OF APPLYING FOR A GRANT FROM THE
N.C. DIVISION OF WATER INFRASTRUCTURE – STATE RESERVE
PROJECT PROGRAM – DRINKING WATER SYSTEM**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing drinking water systems, and

WHEREAS, The Town of Carolina Beach has need for and intends to construct a drinking water system, described as replacement of approximately **7600** linear feet of water lines and associated infrastructure along Florida, Georgia, Virginia, Delaware and Maryland Avenues and Carolina Beach Ave. North from Salt Marsh Lane to Sea Oats Lane, and

WHEREAS, The Town of Carolina Beach intends to request state grant assistance for the project,

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

That the Town of Carolina Beach, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Carolina Beach to make scheduled repayment of the loan, to withhold from the Town of Carolina Beach any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

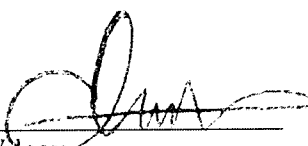
That Michael Cramer, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.

That the Authorized Official, 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 Applicant 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 thereto.

Adopted this the 13th day of September, 2016 at Carolina Beach, North Carolina.

Adopted by the Town Council this 13th day of September, 2016 by a vote of 5 in favor and 0 against.



Dan Wilcox
Mayor

Attest:

Kimberlee Ward

Kimberlee Ward
Town Clerk



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Carolina Beach does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Carolina Beach duly held on the 13th day of September, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2016.

Kimberlee Ward
Kimberlee Ward



Kimberlee Ward
Town Clerk



Resolution No. 16-2134

**A RESOLUTION ADOPTED BY TOWN COUNCIL OF THE TOWN OF
CAROLINA BEACH SUPPORTING AN AGREEMENT WITH THE NORTH
CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF BICYCLE
AND PEDESTRIAN TRANSPORTATION PLANNING FOR DEVELOPMENT OF
A PEDSTRIAN PLAN**

WHEREAS, the North Carolina Department of Transportation (the “Department”) has initiated a program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, and,

WHEREAS, to encourage the development of comprehensive local bicycle plans and pedestrian plans, the Department’s Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development, and,

WHEREAS, the Municipality has determined that a comprehensive Pedestrian Plan is needed to evaluate and identify critical municipal needs for planning and/or implementation of improvements, and,

WHEREAS, the Municipality was awarded a grant for development of said Pedestrian Plan in March 2016, and,

WHEREAS, the Department and the Municipality have agreed to enter into an agreement for a DOT Administered – BikePed Planning Project – Federal, and,

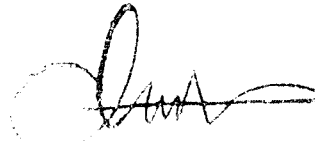
WHEREAS, the Department and the Municipality have agreed to participate in the cost of this comprehensive plan, with the Department paying 80 percent of the cost and the Municipality paying 20 percent of the cost, and,

WHEREAS, the estimated cost of the project is \$40,000, with the Department providing \$32,000 (80%), and the Municipality providing \$8,000 (20%), and,

WHEREAS, the Municipality is required to submit said \$8,000 to the Department upon execution of the Agreement.

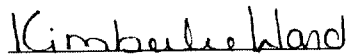
NOW, THEREFORE, BE IT RESOLVED by the Town Council that the Town Council directs the Town Manager to execute the DOT Administered – BikePed Planning Project – Federal Agreement and make the required payment of \$8,000 to the Department.

Adopted by the Town Council this 13th day of September, 2016 by a vote of 5 in favor and 0 against.



Dan Wilcox
Mayor

Attest:


Kimberlee Ward
Town Clerk



Ordinance 16-1026

Town of Carolina Beach
Town Council



Amend the Town's rates and fees schedule for the Town marina

MUNICIPAL MARINA

The owners or captains of all vessels desiring space at the Town Marina shall be required to execute a lease license agreement, as appropriate, prior to provision of such accommodation, and shall be bound to abide by the marina rules and regulations. Charter vessels are also required to acquire a lease agreement prior to commencement of operations from the town marina.

Licensee may elect to pay fees in quarterly payments or one annual payments in accordance with the schedule below. ~~Original fee schedule is not applicable to Ordinance 16-1026. Annual fee is \$1,000.00 (on July 1). Quarterly dockage fees are due and payable in advance of the first day of each quarter and shall be considered delinquent if not paid on or before the tenth (10) of the month. A tenant who is delinquent in payment of dockage fees shall be notified by mail or by hand delivery of such notice by the Harbor Master. If payment is not made within seven (7) calendar days of receipt of hand delivery or by mail, the Harbor Master may remove such vessel from the Town Marina pursuant to Section 6-20 and terminate the lease agreement. Notice shall be deemed to have been received on the date the tenant receives hand delivery of the notice or, if by mail, notice shall be deemed to have been received three days after the date of the postmark appearing on the notice. Any notice by mail shall be addressed to the tenant at the address that appears in the tenant's lease agreement. The Harbor Master may assess a late fee for any dockage fee not paid when due. Such dockage fee shall be equal to 5% of the quarterly dockage fee.~~

~~If Lessee fails to pay any of the rental due within (10) days after same is due or if the Lessee fails to pay any of the utilities as required within ten days after same become due, or if Lessee shall fail to perform any other obligations as contained herein or shall violate any town ordinance, including Ordinance Number 99-438 or shall fail to perform any other obligation, duty or responsibility imposed by this Agreement or by law, or shall become bankrupt, insolvent, placed in receivership or an assignment of the vessel for the benefit of creditors, then if any of said events, Lessor may terminate this lease and/or without resort to judicial process and may immediately re-enter and resume possession of the demised slip and remove any docket vessel therefrom to the closest available marina and may take any other legal action or pursue any other remedy against Lessee and may terminate this Lease and proceed with any other remedies concurrently, including but not limited to, legal action against Lessee for damages for breach of the Lease. Lessee shall pay to Lessor all costs and expenses, including a reasonable attorney's fee incurred by Lessor in exercising any of Lessor's rights or remedies hereunder and Lessor shall within thirty (30) days after notice in writing repay and reimburse Lessor for any costs incurred by~~

Town of Carolina Beach
Ordinance No. 16-1026

Ordinance 16-1026

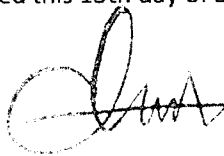
Town of Carolina Beach
Town Council

Lessor together with interest at eight (8%) percent per annum and attorney fees as may be required, and the failure on Lessees part to make such repayment shall constitute a default hereunder. Reentry, resumption of possession or the re-letting of the demised slip shall in no event be deemed a surrender of this.

Dockage Rates (Per Quarter)	Annual Fee:	Quarterly Fee
Pleasure Boat		\$614.00
Charter Boat		\$976.00-\$1000
Head Boat (Minimum Rate)		\$2,900.00-\$2950
Transient Craft (Per 24 hr. period)		\$45.00


This ordinance will take effect January 1, 2017.

Adopted this 13th day of September, 2016.



Dan Wilcox, Mayor





Attest: Kimberlee Ward, Town Clerk

9.13.2016

Date Approved



ORDINANCE NO. 16-1024

Amend Chapter 18 Article III Sec. 18-77 Abandoned or Junked Vehicles

(a) *Abandonment prohibited; definitions.* It shall be unlawful for any person(s) to abandon or junk any vehicle and for any person to leave or allow to remain any junk vehicle or otherwise discarded vehicle within the jurisdictional limits of the town. The term "junk vehicle" means a motor vehicle that:

- (1) Is partially dismantled or wrecked; and Does not display a current license plate when the motor vehicle is required by laws of the state to have such a license plate to operate on public roads, unless stored within an enclosed structure; and that;
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended; or Is partially dismantled or wrecked; or
- (3) Is more than five years old and appears to be worth less than \$100.00; or Cannot be self-propelled or moved in the manner in which it was originally intended; or
- (4) Does not display a current license plate when the motor vehicle is required by laws of the state to have such a license plate to operate on public roads, unless stored within an enclosed structure; Is more than five years old and appears to be worth less than \$500.00.

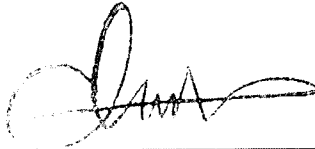
Amend Article XVIII. Sec. 40-548.-Definitions

Junked vehicle means a motor vehicle that:

- (1) Is partially dismantled or wrecked, and Does not display a current plate when the motor vehicle is required by laws of the state to have such a license plate to operate on public roads, unless stored within an enclosed structure; and that;
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended; or Is partially dismantled or wrecked; or

- (3) Is more than five years old and appears to be worth less than \$100,000, or Cannot be self-propelled or moved in the manner in which it was originally; or
- (4) Does not display a current license plate when the motor vehicle is required by laws of this state to have a license plate to operate on public roads, unless stored within an enclosed structure. Is more than five years old and appears to be worth less than \$500,00.

Adopted this 13th day of September, 2016.



Dan Wilcox, Mayor



Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1023

Amend Chapter 40 Article XIV Sec. 40-424.

(g) Reduction of required *lot* area when lost to shore erosion. Where *lots* abut the *estuarine tidal waters*, as defined in article XVII, or by the Carolina Beach Erosion Control and Hurricane Wave Protection Projects and where *lot depth* has been lost due to the encroachment of such waters, making such *lot* area non-conforming to the zoning district requirements, the existing *lot* area may be considered conforming to meet the minimum *lot* area requirements of the zoning district in which located. However, the front and *side yards* of the zoning district shall apply.

(1) For sound-front *lots*, a fifty (50) percent reduction in the *front yard* shall apply where appropriate provisions are made for off-street parking.

(2) Where the Carolina Beach building line creates a reduction in *lot* area that supersedes the ~~GAMA sixty-foot setback line~~ that results in a non-conforming *lot* a fifty (50) percent reduction in the *front yard* setback may apply where appropriate provisions are made for off-street parking.

Adopted this 13th day of September 2016.

Dan Wilcox, Mayor

Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk



**STANDARDS FOR BREWERIES
(P&Z RECOMMENDATION & APPLICANTS RECOMMENDATION)**



ORDINANCE NO. 16-1021

Amend Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions

Article IX Development standards for particular uses, Sec. 40-261

Breweries

Breweries are establishments that are encouraged by the Town due to their support of a resort market niche and year round residency. Despite this some brewery establishments may have adverse secondary impacts. To address possible adverse impacts and in order to ensure the health, safety, and well-being of the citizens of Carolina Beach, as well as that of the tourists and visitors to the Town, all persons requesting to open a brewery shall follow the regulations below.

Standards for Breweries:

1. No outdoor production operation shall be visible from adjacent properties or right-of-ways.
2. A conditional use permit shall be required if a brewery meets any of the following:
 2. (a) More than 20% of the indoor gross floor area is devoted to service bar area for the consumption of Alcohol that is brewed on site. Breweries may provide on premise consumption of malt-beverage or unfortified wines that are not manufactured on site.
 3. (b) Shall comply with all provisions of the ABC Commission, if applicable. Any brewery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.
4. Breweries located in the Highway Business (HB) shall be limited to 6,000 sq. ft. of indoor gross floor area.
5. No outdoor production operation shall be visible from adjacent properties or right-of-ways.

Article III, Sec 40-172 Table of Permitted Uses

TABLE INSET:

P = Permitted

C = May be permitted with Conditions

TABLE INSET:

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Commercial outdoor recreation, such as miniature golf, golf driving ranges, par-3 golf courses, go carts and similar enterprises (See Art. 12.2)											P			P
Meeting facilities, fraternal and civic	C	C	C	C		C	C	C	P		P			P
Retail sales General									P	P	P	P		P

Article V Off-street parking and loading requirements

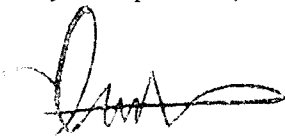
TABLE INSET:

Types of Uses	Number of Required Parking Spaces
Clubs and lodges Meeting rooms/facilities	1 per 3 seats of meeting space at maximum capacity See Eating and Drinking Establishments

Article XVIII Definitions

Meeting Space Facilities: Facilities for indoor and outdoor public assembly and group entertainment that may provide for catering in approved indoor and outdoor areas such as: public and civic meeting halls for rent and similar public assembly uses and facilities such as auditoriums, exhibition, convention halls; theaters, for "live" theatrical presentations or concerts by bands and orchestra.

Adopted this 13th day of September, 2016.



Dan Wilcox, Mayor



Attest: Kimberlee Ward
Kimberlee Ward, Town Clerk