



CAROLINA BEACH

TOWN COUNCIL MEETING

MINUTES • JULY 12, 2016

Council Chambers

Regular Meeting

6:30 PM

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

1. CALL MEETING TO ORDER WITH INVOCATION BY PASTOR JONATHAN BOWLING WITH CAROLINA BEACH PRESBYTERIAN

MPT Pierce called the meeting to order as Mayor Wilcox was unable to attend the meeting due to illness. Pastor Jonathan Bowling of the Carolina Beach Presbyterian Church led the invocation followed by the Pledge of Allegiance.

Councilmember Pat Efird was recognized in the audience.

MPT Pierce made a motion to excuse Mayor Wilcox. Motion carried unanimously.

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Excused	
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

MPT Pierce made a motion to adopt the agenda. Motion carried unanimously.

3. SPECIAL PRESENTATIONS

a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

The following employees were recognized:

Lt. Danny McCullough for 10 years of service in the Police Department.

New Police Officer Samantha Macon.

b. Council will recognize the town committee members who served the maximum number of terms on their committees.

(Requested by Kim Ward, Town Clerk)

The following committee members were recognized for their volunteer service on town committees:

James Allen served on the Marketing Committee since 2003.

Tom Scuorzo served on the Harbor Commission since 2007.
Randy Simon served on the Harbor Commission since 2008 (not in attendance).
Sarah Efird served on the Planning and Zoning Commission since 2003.

c. Special Events for July and August

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the special events for July and August.

d. Project Update by Gil DuBois

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

Gil DuBois presented an update on the following projects:

- 1.) WWTP Outfall Pipe (\$680,918) - Plans are to start water area September 15th.
- 2.) EQ Basin (\$633,402)
- 3.) Directional Drill to Driftwood \$176,360)
- 4.) Directional Drill to Henniker's Ditch (\$1,255,483) - Drill work is to be finished by next Thursday, and 15 total days from last Monday to have pipe connected.
- 5.) Dredging Lake (\$2,420,000)
- 6.) Well 15 (\$462,000)
- 7.) Phase B (\$13,005,825) utility and infrastructure project - A public meeting took place last week and a summary in progress will be given to the engineer. The public can still forward any comments or concerns to Ed Parvin and Gil DuBois. The project will begin on Atlanta Ave. (the north side) on July 18th. There will be ongoing meetings with the school to coordinate work.

There was a sewer failure on Lake Park from Winner to Harper, which will be closed tonight. Public contact was made and a notice sent out concerning the closure. The fix should be completed by morning.

e. Town Manager's Update

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

Michael Cramer gave an update on the revenue bond issuance to complete the 2016 projects. Closing took place on June 30th with a 2.68% interest rate on a 25 year term. The town has a credit rating of AA3, which is the fourth highest for municipalities. This is our first bond issuance with a total of \$26,850,000 bonds sold, about \$4.7M short needed for projects but we had premiums paid to us in excess of \$4.7M. Bond payment will start at \$1.5M, almost \$210,000 savings per year from projection, \$5.2M over the life of the bonds. We will finalize last year's numbers over the next month or two which will tell us how much we have in our fund balance and be able to utilize that in our calculations for projected fund usage and utility rates.

Boardwalk Northern Extension Project:

Michael Cramer: We are on track to start the boardwalk completion this fall. Bids will be going out for the northern extension project. We expect to have them back in mid-August and then come to council in September to award the contract and begin in October.

Completion of multi-modal trail on Cape Fear:

Michael Cramer: We are close to getting approval from NCDOT to be able to go out for bid, anticipating by September/October to be able to get in and get out.

Harris-Teeter:

Ed Parvin: We have seen a few permit requests, sign permits and recombination plat. We're working on logistics with neighboring properties and have applied for the demo permit on the metal building.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

Patrick Boykin, 712 Glenn Avenue spoke against the solid waste facility on Bridge Barrier Road.

Lucy Sears, 716 Glenn Avenue also spoke against the solid waste facility. Michael Cramer said in the last 6-8 months we have worked to change our waste stream so that it is not going to the transfer center any longer, 90% is taken off of the island and the other 10% is inert type material (yard waste, bulk waste such as chairs, etc.) We have exterminators who go out there every quarter and are still using traps. There are wash downs around the compactor and deodorizers. We have cleaned up as much as we can for the current facility. No garbage is going there anymore. He will look into the problem of the smell.

Sherrill Jennings, 415 Charlotte Avenue spoke against the sidewalks in Phase B.

Tom Jennings, 415 Charlotte Avenue also spoke against the sidewalks and has a tree he is concerned about losing.

Maggie Tallon, 511 Raleigh Avenue is a new resident would like to see the money be reallocated to water issues. MPT Pierce said a lot of the revenue bond financing is going toward water quality and the water treatment facility. The sidewalks are just a small part of it.

Becky Underwood, 410 Charlotte Avenue spoke against sidewalks in the Phase B Project. She also mentioned the current sidewalks are not being maintained. She is asking that council re-evaluate the issue.

Oscar Cleveland, 418 Hamlet Avenue spoke against the sidewalks, wants landscaping kept.

John Hilker, 405 Fayetteville Avenue spoke against the sidewalks.

Jimmy Wooten, 708 Charlotte Avenue spoke against the sidewalks. He also mentioned that there are no centerlines marked on the roads.

Rick and Donna, Atlanta Avenue wanted to discuss the ordinance on chickens. MPT Pierce informed her that the town would be holding a public hearing at the August meeting and that would be a good time for her to bring her concerns before council. Donna would like to have time to form a petition. MPT Pierce explained that the town has an application in process for the public hearing and suggested she speak with the town manager and be at the next council meeting when it's discussed.

Herman Musselwhite, 216 Annie Drive requested a continuance on the Annie Drive assessment. MPT advised Mr. Musselwhite that the town would be having a public hearing tonight on Annie Drive and they could discuss the details during the public hearing.

Council Member Shuttleworth feels having the sidewalks on all four sides of the street should be up for discussion and would be happy to revisit that discussion. Sidewalks are intended for safety of residents to get off the road. Council is in agreement to revisit the issue.

Sean Redding, 414 Fayetteville Avenue asked if there had been any accidents on the streets that we are going to put sidewalks on. He has an 8 year old that walks to school every day and is not aware of any problems.

MPT Pierce asked the town manager to schedule a discussion on the sidewalks at our next workshop. Council agreed. Mr. Cramer will schedule it on the July 26th workshop at 9:00 am and will be televised and on the website.

Harriet Hilton, 312 Atlanta Avenue asked if trees were going to be removed and if they would be removed at the beginning of the project? Michael Cramer said most of Phase B will not require extensive tree removal but it would probably be done when they get to the section for sidewalks and road improvement rather than water and sewer, which will be done first. MPT Pierce recommended she speak with Michael Cramer or Gil DuBois.

6. PUBLIC HEARINGS

MPT Pierce called for a 5 minute break.

- a. Conditional Use Permit (CUP): For a Hotel located at 205 N. Lake Park Blvd & 209 N. Lake Park Blvd (PID 313011.55.0780.000 and PID 313011.55.0880.000). Hotels are permitted as a CUP in the Central Business Zoning District. Applicant: Matthew Fox on behalf of Edna Strickland

(Requested by Jeremy Hardison, Planning and Zoning)

Sworn In - Jeremy Hardison, Ed Parvin, Matthew Fox and Charles Alexander.

Jeremy Hardison presented the request. He reviewed the history of the property and it's deterioration. Owners would like to restore to the original Welcome Inn located in the CBD which abuts their single-family home with upgrades. The property will have to meet DOT standards on curb cuts, meet parking requirements, and have an entrance on Harper and exit on Lake Park Blvd. The 5 foot sidewalk will remain. The property will need utility upgrades due to failed sewer system, and will provide street trees on Lake Park Blvd. The Inn will have 11 sleeping rooms, a staff kitchen area, a foyer/gathering room, and a manager's room. There will be upgrades to all rooms and they will have bathroom facilities. The Property meets general conditions and Land Use Plan policies. Planning and Zoning recommended approval. ADA standards will be required.

MPT Pierce opened the public hearing.

Matthew Fox, contractor for applicant, spoke about the property and upgrades planned to meet the building codes.

MPT Pierce closed the public hearing.

Council Member Doetsch made a motion to approve the conditional use permit for a hotel located at 205 N. Lake Park Blvd. And 209 N. Lake Park Blvd. To include the 7 specific standards, 4 general conditions and required conditions 1-8. Motion approved unanimously.

- b. Consider a Conditional Use Permit request at 303 South 3rd Street for a Planned Unit Development, Tax parcel number: 313014.44.2246.000. Applicant: Charles Alexander

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented the request for a planned unit development (PUD) in a mixed-use zoning district at the corner of Third and Fayetteville on a lot with an existing duplex. The duplex does not meet current setbacks. A planned single-family home would meet setbacks, it would be on pilings and accommodate required parking. The driveway cuts would be off Third Street. Additional water and sewer tap would be required and a Type A landscape buffer. The property would meet lot coverage requirements. The applicant is asking for an exception of 1.25 times the maximum allowable density in the MX district. This project was approved in 2011 but the CUP has expired. They are asking for sidewalks to be waived on Third Street. There is an existing sidewalk on Fayetteville which they would expand to a 5 foot sidewalk during utility upgrades. There is a sidewalk on Third Street across the street. The project meets the 4 general conditions. Planning and Zoning recommended approval.

MPT Pierce opened the public hearing.

Charles Alexander, applicant, reviewed plans for property to include landscaping and building exterior as well as cosmetic renovation of existing duplex. Parking and landscaping will be tied in and organized. Construction would begin immediately.

MPT Pierce closed the public hearing.

Nicole Fox, town attorney, stated there is specific review criteria outlined in the code that would allow council to deliberate at a CUP if someone was suggesting a PUD in a different zoning district that might, depending on evidence presented, lead council to determine it is not something they would want to grant a CUP on.

Council Member Doetsch made a motion to approve the Conditional Use Permit for a Planned Unit Development at 303 S. Third Street with regards to specific standards 1-7, general conditions 1-4 and required conditions 1-10. Motion carried unanimously.

- c. Amend Chapter 40 Zoning to adopt a development line for oceanfront properties.

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented the amendment which was discussed at a previous workshop and reviewed by Planning and Zoning last month. The Coastal Management Act has granted local government the option to review how they measure oceanfront setbacks where the placement of structures are located. The issue evolved due to lending practices and whether non-conforming structures could be rebuilt in the same footprint and difficulties getting a loan for that property. This made it impossible for some structures to be sold or some lots to be unbuildable. CAMA adopted this option. The history of oceanfront setbacks was given. There are 64 structures that are non-conforming to include over 800 units that cannot be rebuilt. Staff is proposing the use of the Carolina Beach building line as the development line. As long as you have 60 feet of vegetated buffer these structures can be rebuilt. Some limitations are where the vegetation is not 60 feet, which is where the rocks start at the north end of the beach. CAMA is in the process of grand-fathering rules. One current stipulation is a limit of 10,000 square feet for a structure. That would leave 1 building that could not be rebuilt, the Sea Scape, which is just under 11,000 square feet. Staff is recommending a request to the

Coastal Resource Commission to include the rock revetment into the grand fathering ordinance they are currently considering.

MPT Pierce opened the public hearing.

Adrian Cox, Public Affairs Director for the Wilmington Regional Association of Realtors, spoke in support of the adoption of zoning amendment and their ongoing work with the CRC.

MPT Pierce closed the public hearing.

Council Member Shuttleworth made a motion to adopt the development line whereas in accordance with the provisions of the NCGS 160A-383, the Town Council does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans and the adoption of Ordinance 16-1018. Motion carried unanimously.

MPT Pierce asked the town manager to check on the time for the CRC meeting in Wilmington on September 13th to determine whether there would be a conflict with the council meeting on that same date.

d. Public Hearing regarding the Annie Drive Street Assessment Roll

(Requested by Kim Ward, Town Clerk)

Ed Parvin presented. The Annie Drive improvement project has been completed and the assessment process configured to move forward with the public hearing tonight and the assessment roll by resolution. Public notification in a local paper is required stating the assessment roll has been confirmed and assessments will be levied 20 days from confirmation (August 3, 2016). At that time, bills will be sent to property owners giving them payment options of paying within 60 days or by October 3rd with a \$500 reduction making a total assessment of \$5,248.53 or payment can be made in 7 annual installments with a 6% interest rate per annum and would add to the total assessment of \$5,748.53 an additional \$2,414.38. There are 15 property owners who would have an equal assessment.

MPT Pierce opened the public hearing.

Herman Musselwhite, 216 Annie Drive, spoke of past problems regarding building of Annie Drive which included the loss of a property stake, destruction of a mailbox and other damage. He requested an itemized statement of costs and is asking for a continuance and determination if numbers are correct.

Jackie Morgan, 217 Annie Drive, he is representing his dad and is the only full-time resident on the street. Mr. Morgan spoke about speeders since the improvement and lack of speed control signs and would like a continuance as well. They did not benefit from the improvements.

MPT Pierce closed the public hearing.

Michael Cramer said the request for accounting from Mr. Musselwhite is news to him. He saw the email listing issues from Mr. Musselwhite this morning which has been assigned to Gil DuBois to address. He has not had any contact with the property owners other than that. Signage will have to be adopted by council. Adding stop signs on Annie Drive is an issue to be addressed at the July 26th workshop.

Council Member Shuttleworth asked that either Michael or Ed get with Gil or someone from his office to sit down with Mr. Musselwhite with regard to accounting and damage and previous payment.

Michael Cramer said this does not include anything for water and sewer, only streets and stormwater.

Noel Fox - residents have a 10 day appeal period after confirmation of the assessment roll, which would delay 2 months to confirm the assessment roll. The project came under budget and there have been more than 1 opportunity for council and citizens to question the costs that were forecast for the project. The preliminary roll was adopted previously. Mr. Musselwhite does have the ability to file a notice of appeal.

Ed Parvin said we did not charge for water and sewer, engineering and administrative costs and all costs for Island Mimosa. By statute residents were charged a lot less than could have been.

Noel Fox explained how to file: 10 days after confirmation of the assessment roll to file a notice of appeal with the appropriate division of the New Hanover County Superior Court or District Court, whichever the attorney determines.

Michael Cramer said he will check on adding speed signs.

MPT Pierce made a motion to adopt Resolution No. 16-2133 confirming the assessment roll and levying assessments on Annie Drive. Motion carried unanimously.

7. CONSENT AGENDA

Council Member Doetsch made a motion to approve the consent agenda. Motion carried unanimously.

The following items were approved under the consent agenda:

Setting a public hearing for August 9, 2016 to consider amending Chapter 40, Article III, Section 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.

Setting a public hearing for August 9, 2016 to consider amending Chapter 40 Article III, Sec 40-172 Table of Permitted Uses; Article V Off-street parking and loading requirements; Article VI Landscaping and Development Specifications Standards Sec 40-176 Buffer yard landscaping; Article IX Development standards for particular uses, Sec. 40-261 and Article XVIII Definitions.

Setting a public hearing for August 9, 2016 to review Chapter 4 Animals and Fowl Sec. 4-2. - Harboring and keeping of animals and fowl to consider amending to allow for chickens within the town.

Approval of the Capital Project Budget Ordinances - 15-990, 16-1011, 16-1012, 16-1013, 16-1014, 16-1015, 16-1016, 14-931 (amended).

Budget amendments and transfers as presented by the finance director.

Adoption of Resolution 16-2131 Volunteer Firefighter Health Insurance.

Minutes from June 14, 2016, and June 28, 2016.

8. NEW BUSINESS

- a. Adopt a resolution defining the method for filling vacant slips at the Town Marina

(Requested by Ed Parvin, Planning & Development)

Ed Parvin presented a resolution for filling vacant slips at the marina defining a process to advertise open slips, having minimum application requirements, giving direction to harbor master on how to choose the type of operation going into the slip and the use of a lottery if there are more than one. If approved, staff will move forward to develop the application process and start advertising. Currently there are 4 available slips but they are looking to combine two where the pump out is, leaving 3 slips on the west side of the marina. There would be an annual waiting list that would be created and would be drawn from if a vacancy became available. Charter fishing vessels are kept on the east side, head boats on the south side, and charter business is kept on the west side.

Council Member Doetsch made a motion to adopt Resolution 16-2113 establishing the policy for filling vacant boat slips at the Town Marina. Motion carried unanimously.

- b. Council will discuss the status of committee members who are not meeting the attendance requirement.

(Requested by Kim Ward, Town Clerk)

Kim Ward requested a vote from council for removal of Harbor Commission committee member Lewis Stroud who was not meeting the attendance requirement.

Council Member Shuttleworth made a motion to remove Lewis Stroud from the Harbor Commission for failure to meet the attendance requirements. Motion carried unanimously.

Council Member Shuttleworth asked to revisit the MAC Committee appointments due to requests from the Marriott and the new Hampton Inn to have representatives.

Council agreed to discuss this matter at the workshop.

9. NON-AGENDA ITEMS

Ed Parvin said they are looking at a temporary CO for the Hampton Inn on Friday. They will start to move in at that time and plan to open sometime in August.

10. CLOSED SESSION IF NEEDED

None.

11. ADJOURNMENT

Council Member Doetsch made a motion to adjourn. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

8.9.2016
Date Approved

ORDINANCE NO. 14-931
AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET CREATING A
CAPITAL PROJECT ORDINANCE FOR THE MOTSU 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 a General Fund Capital Project by adopting the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
12-001-046	Professional Services	\$80,000.00	\$ 137,000.00	+ \$137,000.00
TOTAL			\$ 217,000.00	

SECTION TWO:

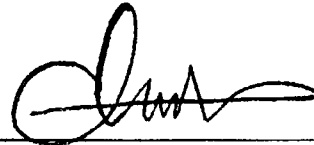
That the Fiscal Year 2016-2017 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a General Fund Capital Project by adopting the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
12-350-000	Transfer from Utility Fund	\$80,000.00	\$ 137,000.00	+ \$137,000.00
TOTAL			\$ 217,000.00	

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 12th day of July 2016.



DAN WILCOX, MAYOR

ATTEST:

Kimberlee Ward
Kimberlee Ward, Town Clerk



ORDINANCE NO. 15-990
AN ORDINANCE TO AMEND THE CAPITAL PROJECT BUDGET FOR THE
PHASE B INFRASTRUCTURE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Phase B Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-001-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-001-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-001-046	Professional Services	\$125,500.00	\$11,000.00	+ \$11,000.00
23-001-074	Capital Over \$10,000	\$0.00	\$12,250,000.00	+ \$12,250,000.00
23-001-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-001-090	Contingency	\$0.00	\$619,325.00	+ \$619,325.00
TOTAL			\$13,005,825.00	

SECTION TWO:

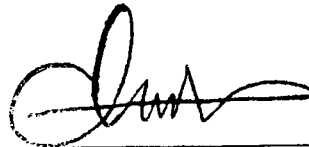
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Phase B Infrastructure Project by adopting the following Capital Project Ordinance Amendment:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-001	Loan Proceeds Phase B	\$125,500.00	\$12,880,325.00	+\$12,880,325.00
TOTAL:			\$13,005,825.00	

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 12th day of July 2016.



DAN WILCOX, MAYOR

ATTEST:

Kimberlee Ward

Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1011
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE
WASTEWATER TREATMENT PLANT DISCHARGE LINE REPLACEMENT
PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-006-033	Supplies	\$0.00	\$72,393.00	+ \$72,393.00
23-006-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-006-046	Professional Services	\$0.00	\$3,500.00	+ \$3,500.00
23-006-074	Capital Over \$10,000	\$0.00	\$572,600.00	+ \$572,600.00
23-006-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-006-090	Contingency	\$0.00	\$32,425.00	+ \$32,425.00
TOTAL			\$680,918	

SECTION TWO:

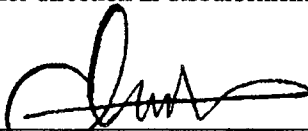
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-006	Loan Proceeds WWTP Discharge Bond	\$ 0.00	\$680,918	+ \$680,918
TOTAL:			\$680,918	

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 12th day of July, 2016.



 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



**ORDINANCE NO. 16-1012
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE
WASTEWATER TREATMENT PLANT EQUALIZATION BASIN PROJECT**

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-007-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-007-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-007-046	Professional Services	\$0.00	\$51,240.00	+ \$51,240.00
23-007-074	Capital Over \$10,000	\$0.00	\$552,000.00	+ \$552,000.00
23-007-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-007-090	Contingency	\$0.00	\$30,162.00	+ \$30,162.00
TOTAL			\$633,402.00	

SECTION TWO:

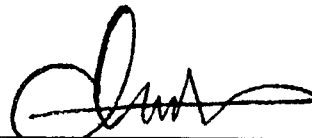
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-007	Loan Proceeds EQ Basin Bond	\$ 0.00	\$633,402.00	+ \$633,402.00
TOTAL:			\$633,402.00	

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 12th day of July, 2016.



DAN WILCOX, MAYOR

ATTEST:

Kimberlee Ward
Kimberlee Ward, Town Clerk



**ORDINANCE NO. 16-1013
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE
DIRECTIONAL DRILL TO DRIFTWOOD PROJECT**

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-008-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-008-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-008-046	Professional Services	\$0.00	\$14,124.00	+ \$14,124.00
23-008-074	Capital Over \$10,000	\$0.00	\$153,838	+ \$153,838
23-008-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-008-090	Contingency	\$0.00	\$8,398.00	+ \$8,398.00
TOTAL			\$176,360	

SECTION TWO:

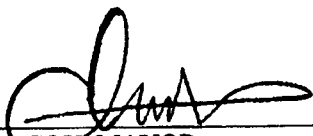
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-008	Loan Proceeds DD Driftwood Bond	\$ 0.00	\$176,360	+ \$176,360
TOTAL:			\$176,360	

SECTION THREE:

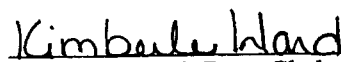
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 12th day of July, 2016.



 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1014
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE
DIRECTIONAL DRILL TO HENNIKER'S DITCH PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-009-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-009-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-009-046	Professional Services	\$0.00	\$76,333.00	+ \$76,333.00
23-009-074	Capital Over \$10,000	\$0.00	\$1,119,365.00	+ \$1,119,365.00
23-009-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-009-090	Contingency	\$0.00	\$59,785	+ \$59,785
TOTAL			\$1,255,483	

SECTION TWO:

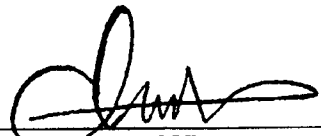
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-009	Loan Proceeds DD Henniker's Ditch	\$ 0.00	\$1,255,483	+ \$1,255,483
TOTAL:			\$1,255,483	

SECTION THREE:

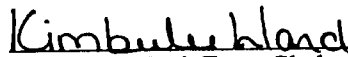
A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 12th day of July, 2016.



 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1015
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE
DREDGING OF CB LAKE PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-010-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-010-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-010-046	Professional Services	\$0.00	\$100,000.00	+ \$100,000.00
23-010-074	Capital Over \$10,000	\$0.00	\$2,100,000.00	+ \$2,100,000.00
23-010-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-010-090	Contingency	\$0.00	\$220,000.00	+ \$220,000.00
TOTAL			\$2,420,000.00	

SECTION TWO:

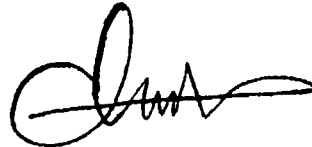
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-010	Loan Proceeds Dredging Lake Bond	\$ 0.00	\$2,420,000.00	+ \$2,420,000.00
TOTAL:			\$2,420,000.00	

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 12th day of July, 2016.



DAN WILCOX, MAYOR

ATTEST:

Kimberlee Ward

Kimberlee Ward, Town Clerk



ORDINANCE NO. 16-1016
AN ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE WELL
15 PROJECT

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

SECTION ONE:

That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-011-033	Supplies	\$0.00	\$0.00	+ \$0.00
23-011-045	Contracted Services	\$0.00	\$0.00	+ \$0.00
23-011-046	Professional Services	\$0.00	\$20,000.00	+ \$20,000.00
23-011-074	Capital Over \$10,000	\$0.00	\$400,000.00	+ \$400,000.00
23-011-075	Capital Under \$10,000	\$0.00	\$0.00	+ \$0.00
23-011-090	Contingency	\$0.00	\$42,000.00	+ \$42,000.00
TOTAL			\$462,000.00	

SECTION TWO:

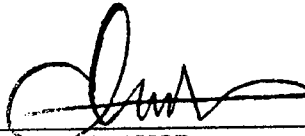
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
23-350-011	Loan Proceeds Well 15 Bond	\$ 0.00	\$462,000.00	+ \$462,000.00
TOTAL:			\$462,000.00	

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 12th day of July, 2016.



 DAN WILCOX, MAYOR

ATTEST:



 Kimberlee Ward, Town Clerk



Resolution 16-2131

Town of Carolina Beach
Town Council



Resolution 16-2131

WHEREAS, the Town of Carolina Beach has long utilized volunteer firefighters to supplement full-time staff and;

WHEREAS, on May 19, 2000 at a special meeting of the Town Council, Council recognized a list of 26 volunteer firefighters who were deemed eligible for reimbursement for healthcare expense as long as the volunteer firefighter remained an active roster member and;

WHEREAS, Council has previously stated that service as a volunteer firefighter will be added to the service of a full-time, benefit budgeted employee for the purpose of calculating years of eligible service towards health benefits upon retirement and;

WHEREAS, the Patient Protection and Affordable Care Act of 2010 limits an employer's ability to reimburse for health care expenses and;

WHEREAS, in order to be an eligible participant on the Town's Group Health Plan a participant must be a benefit-budgeted employee, an elected official or retired from the Town;

THEREFORE, effective July 1, 2016 let it be resolved, the Town will no longer provide direct reimbursement for healthcare expense for volunteer firefighters nor will volunteer firefighters be allowed to participate in the Town's Group Health Plan, unless the Volunteer Firefighter has completely resigned from service as volunteer firefighter and otherwise meets the criteria established by Council in Resolution 00-671.

FURTHERMORE, the Town may choose to amend the current longevity pay benefit program to recognize volunteer firefighters with significant years of qualified roster-member service to the Town.

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk

7.12.2016

Date Approved



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 16-2132

RESOLUTION ESTABLISHING THE POLICY FOR FILLING VACANT BOAT SLIPS AT THE TOWN MARINA

WHEREAS, from time to time boat slips become available at the Town Marina; and

WHEREAS, the Town of Carolina Beach promotes a vibrant commercial marina consisting of charter vessels in good working order that are available for hire; and

WHEREAS, there needs to be a fair, objective, and equitable method to fill vacant slips; and

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Carolina Beach, North Carolina adopts the following policy for filling vacant boat slips:

1. At the beginning of the calendar year the Town of Carolina Beach shall advertise the availability for persons to apply to be on the Town Marina Boat Slip Waiting List. Applications may be received at any time throughout the year. At the end of the calendar year the list will be cleared. A new application is required to be completed each year in accordance with the new annual advertisement.
2. Advertisements to be on the waiting list shall be made once in a paper of local distribution, published on the Town's website, and sent to the local media outlets via the Town Clerk's Sunshine list. The advertisement shall include information on how to submit an application.
3. All applications for a Town Marina slip shall be submitted with the following attachments:
 - a. Vessel registration
 - b. Length of vessel
 - c. Minimum of a USCG Uninspected Passenger Vessel License
 - d. NC For Hire Permit
 - e. Type of operations to be conducted
4. Within 25 days of receiving an application, the Harbor Master shall notify the applicant(s) by telephone to advise whether the application was accepted or incomplete.
5. Each boat slip has unique characteristics and may not be appropriate for every vessel on the waiting list. In general the east side of the marina shall be reserved for charter fishing vessels, the south side for head boats, and the west side open for any charter vessel for hire. The Harbor Master shall have sole authority to determine which applicants on the waiting list own vessels appropriate for an available slip(s). The determination shall be based in part on type of the operation proposed by the applicant and length of the proposed vessel.

Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 16-2132

6. If the Harbor Master determines that multiple applications are appropriate for a vacant slip meet the criteria, a lottery shall be held at Town Hall. The lottery shall be weighted 2:1 in favor of applicants that are Carolina Beach residents with vessels registered in New Hanover County.

Adopted this 14th day of July, 2016.

Handwritten signature of Dan Wilcox in black ink.

Dan Wilcox, Mayor

Handwritten signature of Kimberlee Ward in black ink.

Attest: Kimberlee Ward, Town Clerk



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 16-2132

RESOLUTION ESTABLISHING THE POLICY FOR FILLING VACANT BOAT SLIPS AT THE TOWN MARINA

WHEREAS, from time to time boat slips become available at the Town Marina; and

WHEREAS, the Town of Carolina Beach promotes a vibrant commercial marina consisting of charter vessels in good working order that are available for hire; and

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Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 16-2132

6. If the Harbor Master determines that multiple applications are appropriate for a vacant slip meet the criteria, a lottery shall be held at Town Hall. The lottery shall be weighted 2:1 in favor of applicants that are Carolina Beach residents with vessels registered in New Hanover County.

Adopted this 14th day of July, 2016.

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



Resolution



Town of Carolina Beach
Town Council

RESOLUTION NO. 16-2133

WHEREAS, the Town Council of the Town of Carolina Beach has on this day held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for Annie Drive.

WHEREAS, the Town Council of the Town of Carolina Beach has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for Annie Drive is hereby declared to be correct, and is hereby confirmed in accordance with G.S. 160A-228, and the assessments shown thereon are hereby levied pursuant by the authority granted pursuant to Section 9.1 of the Town Charter and in accordance 160A-216.
2. The Town Council of the Town of Carolina Beach, pursuant to authority conferred by Chapter 160A, Article 10 of the General Statutes of North Carolina does hereby levy assessments as contained in the said Assessment Roll, as follows: (see attached)
3. The Town Clerk is hereby directed to deliver to the Town Finance Director the said Assessment Roll, and
4. The Finance Director is hereby charged with the collection of the said assessments in accordance with the procedure established by law.
5. The Town Finance Director is hereby directed to publish once on the 3rd day of August, 2016, a notice of confirmation of the Assessment Roll, which notice shall set forth the terms of payment of the assessments, (with installment payments to become due and payable on succeeding due dates of property tax) (with the first installment payment to become due and payable on the 60th day following confirmation and the succeeding installments to become due and payable on the same date in succeeding years).

Adopted this 12th day of July, 2016.

Handwritten signature of Dan Wilcox in black ink.

Dan Wilcox, Mayor

Handwritten signature of Kimberlee Ward in black ink.

Attest: Kimberlee Ward, Town Clerk



Dan Wilcox
Mayor

Steve Shuttleworth
Council Member

Gary Doetsch
Council Member



LeAnn Pierce
Mayor Pro Tem

Tom Bridges
Council Member

Michael Cramer
Town Manager

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

ORDER GRANTING A CONDITONAL USE PERMIT

Applicant: Matthew Fox per Edna Strickland
Location: 205 & 209 N Lake Park Blvd.
Tax Parcel Number: PID 313011.55.0780.000 and PID 313011.55.0880.000

The Town Council of the Town of Carolina Beach, having held a public hearing on July 12, 2016 to consider approving a Conditional Use Permit for a Hotel and where sworn testimony was heard from the following persons: Senior Planner, Jeremy Hardison and applicant, Matthew Fox. The following uncontested facts were presented:

Specific Standards

Specific standards. Applicant must make provisions for:

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

The existing property has three curb cuts servicing the hotel, single-family dwelling, and the vacant lot. There will be an approved curb cut to access the proposed parking lot on the vacant parcel. A one way drive from Harper Ave to Lake Park blvd is proposed. DOT will evaluate the existing curb cuts for modification that are needed. An existing 5' sidewalk is adjacent to the lots for pedestrian to access the parking lot to the Hotel.

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

Parking

Hotel parking requirements are 1 space per sleeping room. The hotel proposes 11 rooms that would require 11 parking spaces. The applicant is proposing 13 parking spaces. The ordinance allows for off site parking facilities if its in the same ownership and 500' from the use.

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

Operations will evaluate the amount of tonnage and determine if a dumpster will be required.

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

Utilities will be required to be updated

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

There is minimal landscaping currently on site. The landscape requirement is to provide for a understory street tree in the CBD for every 50'.

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

Any new signs will be required to meet the sign regulations.

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

There no required open space or lot coverage requirements in the CBD.

General conditions.

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

The use meets the ordinance and long range plans and policies

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

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

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

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

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

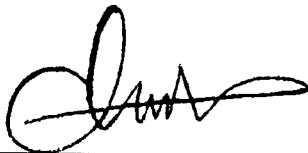
The desired Future Land Use of the Commercial 1.1 area includes a continued use as a transition or buffer from the highway business corridor and the traditional Town center. Predominant use will be for tourist and family-oriented retail and services.

It is ordered that the application for the issuance of a Conditional Use Permit by **CBAD LLC** be granted, subject to the following conditions:

1) The use must be in conformity with all ordinances of the Town included noise ordinance.

- 2) The use must meet fire and building code.
- 3) A sign permit shall be obtained for any signs located on the property.
- 4) All permits and approval letters required by all Federal, State, and Local Agencies must be submitted prior to issuance of a building permit.
- 5) Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire. All plans will be reviewed to ensure building fire and town codes have been met.
- 6) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
- 7) All lighting shall be confined to the property.
- 8) Water and Sewer upgrades to the Town utility system prior to Certificate of Occupancy.

Ordered this 12th day of July, 2016.



Dan Wilcox, Mayor

ATTEST:


Kimberlee Ward, Town Clerk

7.12.2016
Date Approved



Dan Wilcox
Mayor

Steve Shuttleworth
Council Member

Gary Doetsch
Council Member



LeAnn Pierce
Mayor Pro Tem

Tom Bridges
Council Member

Michael Cramer
Town Manager

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

ORDER GRANTING A CONDITONAL USE PERMIT

Applicant: Charles Alexander

Location: 303 S Third St.

Tax Parcel Number: 313014.44.2246.000

The Town Council of the Town of Carolina Beach, having held a public hearing on July 12, 2016 to consider approving a Conditional Use Permit for a Planned Unit Development and where sworn testimony was heard from the following persons: Senior Planner, Jeremy Hardison; Assistant Town Manager, Ed Parvin; Town Attorney, Noel Fox and applicant, Charles Alexander. The following uncontested facts were presented:

Specific Standards

Specific standards. Applicant must make provisions for:

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

The on-site parking for the proposed single-family home has been designed by the applicant to back out onto S third St. Sidewalks are reviewed under the CUP if it should be required The applicant is requesting relief from providing sidewalks, curbs, and gutters. There is currently a 4' sidewalk on Fayetteville Ave. The town will be performing infrastructure improvements in the area and will be replacing the sidewalk from a 4' to a 5'. There is an existing sidewalk across the street along Third st.

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

The single family home requires 3 parking spaces for the proposed three bedrooms. The applicant is providing three (3) 9' X 18' parking spaces. The duplex has three (4) parking spaces provided. The site will include a total of seven (7) parking spaces.

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

Trash bin roll outs will be utilized for each dwelling unit.

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

Where water and sewer are not present the Town typically requires the developer to install the improvements along the public right-of-way. The applicant is requesting to utilize the existing water and sewer taps to run the utilities down the property.

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

The applicant is providing a 5' "Type A" landscape buffer yard around the property.

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

No signage is proposed for this site.

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

Maximum lot coverage is 40% proposed is 39%

Residence	Bedrooms	Footprint
Existing Duplex	2	935
Proposed SFR	3	1,518
Total	5	2,453

Zoning Setbacks	Front (Fayetteville Ave - 50'ROW)	Corner (S Third St-50' ROW)	Side	Rear
MX required	20'	12.5	7.5'	10'
Proposed Single-Family	20'	13.8'	8.5'	47'
Existing Duplex	95'	3'	3.2'	1' (steps)

The applicant is requesting an exception of 1.25 times the maximum allowable density in the MX district. Under the PUD allowance Sec 16.3 an exception may be allowed up to one and one quarter (1.25) times the maximum allowable density for the district in which the development is located. This exception was adopted as part of the zoning ordinance rewrite in 2000.

Density (17 units/acre)

2.43 With 1.25 = 3.0

Proposed = 3

General conditions.

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

Single family homes and duplex units are a desired use in the MX zoning district according to the 2007 Land Use Plan.

- (2) That the use meets all required conditions and specifications with the following exceptions
 - a. *To request an additional 1.25 times the allowable density.*
 - b. *Relief from providing sidewalks, curbs, and gutters.*
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

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

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


The desired Future Land Use of the Mixed Use 3 area includes a continued relatively dense residential and commercial lodging use, with single-family and duplex units becoming more prominent for the more landward portions of Mixed Use 3 (west of Lake Park Boulevard). Density will be comparatively high with 5,000 to 6,000 square foot lot minimums, and density ratios averaging around 17 units per acre, with higher density ratios for commercial lodging. Lot coverage will not be allowed to exceed 40%.

It is ordered that the application for the issuance of a Conditional Use Permit by **Charles Alexander** be granted, subject to the following conditions:

1. The storm water plan must be submitted prior to issuance of a building permit. The storm water system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning prior to issuance of certificate of occupancy.
2. A driveway permit and construction authorization permit from the Town of Carolina Beach will be required before issuance of building permit.
3. Copies of all federal and state approvals shall be submitted to the Town prior to the issuance of a building permit.
4. Flood Certification must be presented prior to issuance of a Certificate of Occupancy.

5. Final project must be designed to provide required number of parking spaces as provided in Article 7 of the Town's Zoning Ordinance. Final project must be designed to provide seven (7) required parking spaces.
6. The number and types of vegetation must be included on the final plan. A certificate of occupancy shall not be issued until landscaping is planted according to approved final site plan.
7. Maintenance of permanent open space parking, streets, drainage systems, utilities, and other such facilities. All common facilities shall be maintained for their intended purpose as expressed in the approved final site plan. The method of providing for such maintenance shall be submitted prior to Certificate of Occupancy by one (1) or more of the following:
 - a. Public dedication to the Town, subject to the Town's formal acceptance of such facilities in its sole discretion.
 - b. Establishments of an association or nonprofit corporation of all individuals or corporations owning property within the mixed use development for the purpose of ensuring maintenance of common facilities.
 - c. Retention of ownership, control, and maintenance of common facilities by the developer or Home Owner's Association.
8. Certification shall be provided that all improvements, including but not limited to, paving, drainage, stormwater, and landscaping, shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
9. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the Planning and Zoning Commission in the same manner as outlined in Article 14 of the zoning ordinance.
10. The site plan corresponding to this approval was designed by Cape Fear Surveying Services dated 5/17/16.

Ordered this 12th day of July, 2016.


 Dan Wilcox, Mayor

7.12.2016
 Date

ATTEST:

Kimberlee Ward
 Kimberlee Ward, Town Clerk

7.12.2016
 Date

