

grocery bag consumption by 40% in the Town of Carolina Beach in the first year and ultimately eliminate them. He reviewed the components and costs.

Council Member Shuttleworth asked about the fee for bags vs all volunteer.

Council Member Doetsch - There was a joint meeting and the final proposal was to work on the educational process first and then move on to charging for plastic bags through the merchants.

Ethan Crouch - There is a monitoring process and if the goal is not achieved a year from now then it is clear we need to do something more.

MPT Pierce asked about outreach to the schools, recreation center and family night on the boardwalk.

Ethan Crouch - Various groups are involved in an outreach. He recommended the town take that outreach to the elementary school, etc.

c. Brief May and June Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler briefed on the special events for May and June.

d. Manager's Update

(Requested by Kim Ward, Town Clerk)

Michael Cramer gave a combined update of the manager's update and Gil DuBois' projects update.

Project updates from Gil DuBois include:

-Completed Phase 1d project construction on Cape Fear from Sixth Street to Dow Road.

-Boardwalk Utility Project - all water, sewer, stormwater, sidewalk improvements done on the concrete boardwalk area, utility poles/lines removed. The last part will begin the week of May 23rd, removing utility poles on Canal and the 100 block of Cape fear.

-Continue to work through sink holes/stormwater improvements emanating from Hurricane Joaquin.

-The re-establishment of the stormwater detention pond at the end of Alabama has been completed and stabilized.

-There are just a few stormwater projects left to do.

It appears we may be getting some state funds for that storm and will continue to submit bills until we are through all of the reimbursements and will give you that information at that time.

Manager's updates include:

Freeman Park briefing -

We had 60 of the campsites open by April 1st and all of the campsites open by May 1st due to the beach nourishment project, we have added an additional 110 campsites this season.

Last year we encouraged pack it in, pack it out and we handed out trash bags. We still had blue barrels out there because of the learning curve. It went really well. We believe the tonnage from Freeman Park went down about 20% however the regular

beach strand tonnage increase by 20%. We may have had visitors migrate to the beach strand and not a whole lot of gain. This year we are attempting to enforce the pack it in, pack it out plan. We will still be handing out trash bags but we will be removing the blue barrels. There will be signs out there instructing visitors where to dispose their trash. We will have four large containers out there and we are planning to increase that to six. We thought about making one or two of them recycling containers.

There is a section of the beach that becomes tight during high tide. We have established some signs that we flip down when it becomes a safety hazard. We will periodically do spot closures. SP Plus and the police department will help with this.

Budget update - The last budget workshop on May 25th at 9:00 am in the conference room to discuss administrative accounts and projects and what you can see for a final budget. Will have a copy for council's review.

Council Member Doetsch asked about furthering the pack it in, pack it out program at Freeman Park.

Michael Cramer - We will continue education of the program and probably next year we will start limiting the number of cans out there and move them towards the entrance.

Council Member Shuttleworth asked for an update on the stormwater issues on Canal and the north end.

Michael Cramer - We have been using the old vacator truck for stormwater. A lot of structures have been cleaned out starting at the north end and Canal. Structures and pipes were cleaned out in the 1300 to 1500 block, then we went to the more heavily flooded areas in the 800 to 1000 block. We are now back at the north end finishing the cleaning in that area. We will start a rotating schedule for cleaning infrastructure and then moving through the rest of the city. We are looking at other solutions for the high water on Canal, increased signage on not going through the high water, gate arms, education on flooding, and alerting staff on these events.

Council Member Shuttleworth is concerned about how we block off Canal, when, how long and moving the 5 ton truck at 3:00 am which causes problems with residents.

e. Presentation by High Tide Helicopters

(Requested by Kim Ward, Town Clerk)

Michael Cramer presented the request of High Tide Helicopters to run helicopter tours out of the vacant lot next to the town hall. This is a new proposal made by High Tide Helicopters.

Council Member Shuttleworth - I reviewed email sent by the town manager in which it was stated he would determine whether this would be a use by right and no further public hearings or it would be a CUP and would need to go through a public hearing process, through Planning and Zoning review and then to council.

Michael Cramer - There are some uses not listed on the zoning use table. There are three basic principles we follow in this type of situation - is it a permitted use, is it a right by CUP or do we change the text of the ordinance to allow or disapprove that type of activity.

Noel Fox, town attorney, reminded council that this is a presentation to council, there is no application that is pending. There are three options to a zoning administrator under the current code that would take place. (1) It would be approved as a permitted by right activity or use of a business; (2) it would be before council in the form of a conditional use permit (CUP) because it has been identified as being more similar to a right that is conditional; (3) the zoning administrator if they were uncertain or unable to compare the proposed use to the existing uses in the table would then ask the Board of Adjustment, this is all in the town's code, to make a determination as to where that use falls. I would like also to point out that it is not correct that this would be the only opportunity for a public hearing in this matter in the scheme of all three options. Specifically, any party aggrieved by a decision that the zoning administrator could make has the right to appeal to the Board of Adjustment. There is built-in due process for all citizens under the existing town code. There is no application pending and for that reason I would respectfully suggest that the council hear the presentation and then let the process unfold as it is required to under the code otherwise you are creating a special exception to the situation.

Jessica Ward, owner/operator of High Tide Helicopters, located at the Cape Fear Regional Jetport - We were here last year for a special event where they provided tours and education of aircraft and was very successful but also received disapproval from residents in the flight path which included the lake. She reviewed a flight path that would totally avoid any residential areas and the Carolina Beach Harbor. Noise mitigation methods would include increasing altitude from 500 to 800 feet. Tours would occur one day a week during the summer months between 9:00 am and 6:00 pm. Flight path would be programmed into the GPS. The area where the helicopter comes closest to the residential areas, they will be on the right side of the helicopter which is the quieter side due to the rotation of the blades and exhaust system. They would like to do tours out of the vacant lot at Carolina Beach between the week of Memorial Day through the week of Labor Day, 16 potential dates weather permitting, only one week day per week to minimize disturbance to the residents and eliminate the weekend disturbance. It would be a Tuesday, Wednesday or a Thursday and will be eliminating the Carolina Beach flyover and the harbor flyover so they would not be going over any residential areas. Education of aircraft and misconceptions were reviewed. She would like to donate to some of the non-profits on the island through gift certificates that they could raffle off and feels that it would be an overall benefit to tourism in the town.

Council Member Doetsch asked if Jessica would be willing to come over sometime and fly the proposed route to show residents of Carolina Beach what it would sound like.

Jessica Ward said she would welcome the opportunity.

MPT Pierce - How long is each tour?

Jessica Ward - The shortest tour would be 8-10 minutes, longer tours would turn south at the coastline and would include Ft. Fisher, another would include Bald Head Island. Longer flights would have 2 landings and takeoffs per hour. Shorter flights there could be 5 per hour. There will also be breaks for refueling, etc. Refueling takes place on site with FAA approved safety measures.

Council Member Shuttleworth - Did you look at any other airports in our area? Pilot's Ridge is private. The only other is the Wilmington Airport. Did you look at Kure Beach, Ft. Fisher or Wrightsville Beach?

Jessica Ward - I only looked at Carolina Beach based on overwhelming response from the event last year but she has looked at other areas a little further out.

Council Member Shuttleworth - How will you handle parking?

Jessica Ward - The site across the street is plenty large enough to handle parking as we did at the special event last year. There would be a temporary fencing system for public safety and port-a-johns.

Residents who signed up for public discussion to speak for/against the helicopter tours:

Brett Keeler, 917 Colonial Circle, concerned about the zoning and if this use was contiguous with the Highway Business District and with the established commercial and residential districts around it and in the flight path operation. He recommended a text amendment to add this to the table of permissible uses as a conditional use in the industrial district.

Tammy Hanson, 714 Taraboro Avenue, spoke about new home buyers being upset about the possibility of helicopter tours, effects on wildlife and quiet enjoyment of residents property.

Stan Piatkowski, 112 Green Turtle Lane, concerned about offensive noise in high decibel range.

Jeremy Linqvist, 113 Island Palms Drive, acupuncture business located next to proposed site. He treats veterans with PTSD, pregnant women, children and is concerned that it will be detrimental to his business and patients to include noise, dust, wind and potential danger.

Dana Jackson, 704 Atlanta Avenue, Island Time Drop-in Daycare, concerned about the children in the backyard next to proposed site. Ages range from 12 months to 12 years.

Nan Toppin, 104 South 6th Street and Carolina Beach Presbyterian Church, spoke against proposed location affecting church activities and ministries during the week. The church was affected last year during the special event by the noise.

Sonja Powell, 101 Rouge Cove Road, also a member of Carolina Beach Presbyterian Church and agrees with Nan. Lives at Federal Point Yacht Club and was greatly impacted by the noise last year. Concerned about the businesses there also. Recommended the Ft. Fisher area.

Becky Byrd, 900 Grand Bahama Drive, said noise last year was horrible and will affect people here.

Matt Bryant, 101 Teakwood Drive #605, noise was terrible last year, concerned about safety, wildlife.

James Kreimer, 1080 St. Joseph Street, lives in high-rise and witnessed the helicopter flying over the roof last year, opposes business.

Rebecca Wilkins, 811 Magnolia, husband is a 28 year combat veteran who was greatly affected last year.

Suzanne Thomson, 222 Cabana, spoke supporting local businesses near site, wildlife, children, residents. Opposed to helicopter tour proposal.

Bob Lewis, 102 Sugar Loaf Court, opposed to location, safety issues with drivers, access and parking surfaces, handicap facilities. Recommended a CUP process.

Paul Wicker, 812 Monroe Avenue, concerned about safety to children and businesses in the area, noise, wrong direction for town.

Mark Grady, 1108 North Lake Park Boulevard, lives near site, works in aviation safety and he is more concerned about vehicular safety. Change in flight path addresses his concerns.

Carla Schoonmaker, 404 Fern Creek Lane, disturbed by constant noise last year, opposed to business proposed.

Elin Reuben, Carolina Beach, feels it is a great opportunity.

Cliff Hollar, 806 Magnolia Avenue, feels it caters to businesses and not residents, noise.

Alex Torres, 310 Spencer Farlow Drive, affected by loud noise last year which was non-stop.

Bob Martin, 1200 St. Joseph Street, concerned about safety issues. It is the wrong location.

Karen Graybush, 518 Sumter Avenue, good idea, wrong location.

Carla McCullough, 1200 St. Joseph Street, was in flight path last year, there were two helicopters. Spoke about helicopter crash at her facility last March by student pilot.

George Gallop, 202 Lewis Drive, affected by helicopter noise last year for two days every 8 to 12 minutes which were about 200 feet away. Concerned about wildlife.

Judy Odham, 1026 Waterview Court, feels if business is successful and will want to expand.

Jessica Ward - spoke of the student pilot accident. Company has a perfect safety record and is her number one concern. She is currently flying over Carolina Beach every day at 500 feet over the beaches/Snow's Cut and has not received any phone calls. She spoke to concern about take offs and landings noise. She has only one tour helicopter, the other is used for training and does not plan to expand. There will only be one helicopter touring.

Council members spoke regarding the proposition.

Michael Cramer - We will not move forward unless an application is received, then will go through the process. In looking at this particular activity there are basically two areas that it may fit into in our zoning ordinance and table of uses. One is amusements/carnivals/rides. That is one of the applications we could look at and another is a CUP in that zoning district which is highway business. The other is worded so that it covers anything that is outdoor recreation and doesn't list every

possible example. What the ordinance is attempting to do is give you guidance of what types of activities fall into outdoor recreation without listing every single possible one because it changes. The code is often written so that it is vague in some areas to give flexibility to the community.

4. PUBLIC DISCUSSION

Stan Lewis, 1503 South Lake Park Boulevard, concerned with noise with wedding events held at 1511 South Lake Park near him. He has video of recent event held there. There is illegal parking (has pictures), excessive trash, fire code violations involving too many guests. Problem has existed for over 3 1/2 years without being addressed by the town. He feels the business is being operated in the wrong zoning district, abuses the special event exception (only 3 a year), inadequate parking.

Mayor Wilcox suggested meeting with Mr. Lewis and staff at the workshop on May 24th.

MPT Pierce recommended the town manager look into the business license/registration with the county to see how it is classified.

Council Member Doetsch recommended Mr. Lewis' packet be given to the town attorney and that she attend the workshop.

Tom Jennings, 415 Charlotte Avenue, spoke on the proposed increase in the utilities and proposed sidewalk expenses and it's effects on fixed, low incomes. Council clarified increase.

Becky Underwood, 410 Charlotte Avenue, spoke on the 5 year utility plan and the use of 10 feet of residents' front yards for sidewalks, grass, for 17 roads. How will it help with water control and stormwater runoff? Does not want the sidewalks. Feels there is a lack of transparency. Some residents will lose their driveways and/or have sidewalks at their front doors.

Mayor Wilcox asked Ms. Underwood to give a list of questions/complaints to the town manager and someone will respond to her.

Mark Miller, 702 Seafarer Drive, concerned about the rate increases. Suggested using a property tax or look at a way to spread the cost to all property owners.

Mark Grady, 1108 North Lake Park Boulevard, concerned about the amount of money being spent by the town on infrastructure improvements and that the town police that on the residents behalf.

5. PUBLIC HEARINGS

Mayor Wilcox called for a 5 minute break.

- a. Conditional Use Permit (CUP): For an Arcade located at 810 N. Lake Park Blvd & 112 Winner Ave. N (PID 313006.47.7665.000 and PID 313006.47.8632.000). Amusements in enclosed buildings are permitted as a CUP in the Highway Business Zoning District. Applicant: CBAD LLC, James and Jennifer Kitts

(Requested by Jeremy Hardison, Planning and Zoning)

Ed Parvin, Jeremy Hardison, Ned Barnes and Jennifer Kitts were sworn in by the town clerk.

Jeremy Hardison presented request for a conditional use permit (CUP) for an arcade located at 810 N. Lake Park Blvd. As required for indoor amusements by town code. Located in Highway Business district, previously used for retail requiring additional

parking (total of 14). Applicant plans to purchase a single-family home at 112 Winner Avenue N., which will remain, and will provide the additional parking connected by a walkway to the arcade. Trash bin rollouts will be used for refuse; will provide sidewalks and connect to town's utility system for property; will provide a 5' landscaping buffer yard where it is feasible per site plan; proposed signage meets requirements; existing building meets current lot coverage and setback requirements except on the south side where it is 5' from the property line. Building can remain as is unless more than 50% renovation is done. Planning and Zoning recommended approval along with staff's conditions.

Ned Barnes, attorney for applicant, feels it meets the 7 specific standards as required, has drafted the easements for water and sewer and waiting for legal description, landscaping has been worked out with town staff.

Council Member Bridges - Are there any plans for an easement that accesses the Scotchman?

Ned Barnes - We researched the possibility of an open access that serves both properties with the Scotchman but have an alternate plan with the land in the back to do more work if that easement is not agreed to.

Mayor Wilcox opened the public hearing.

Karen Graybush, 518 Sumter Avenue, is concerned about traffic in the area.

Jennifer Kitts said he will be putting in sidewalks that aren't currently there.

Mark Miller thinks it's a great project.

Mayor Wilcox closed the public hearing.

Council Member Shuttleworth made a motion to approve the conditional use permit for an arcade located at 810 N. Lake Park Blvd. And 112 Winner Avenue, that it meets the 7 specific standards and 4 general conditions. Motion carried unanimously.

- b. Consider Amending the 2007 Land Use Plan Classification map from Commercial 2 to Mixed Use 1 for 310 Carolina Beach Ave North to allow for standalone residential uses.

(Requested by Jeremy Hardison, Planning and Zoning)

Jeremy Hardison presented. This property is involved in the next item as well and was heard a year ago for a rezoning request which was denied. The applicant has reapplied for a land use plan amendment and a rezoning for 310 Carolina Beach Avenue North from Commercial 2 to Mixed Use 1. We reviewed the land use classifications for this area and use of neighboring properties. The property is currently vacant. There are some non-conformities in the CBD for residential including multi-family which are older uses when it was zoned T-1. Council denied it for following reasons: they preferred to see more of a straight line for a zoning district, relationship to marina and keeping it more of a CBD area, did not want to decrease the CBD from current limits, conflicts with having potential residents moving that close to the CBD if rezoned to allow for residential. Planning and Zoning recommended amending the 2007 Land Use Plan Classification Map from commercial to mixed use with a 4-0 vote, 3 members absent.

Mayor Wilcox opened the public hearing.

Justin Donaton, 224 Sea Watch Way, Kure Beach, representing owner of the property, sent some changes to staff with copies to council. He and the owners have spoken to a lot of people in the area who would prefer residential use. The property seems to be so much more contiguous with something that would be defined in a T-1.

Mayor Wilcox closed the public hearing.

Noel Fox reminded council they are hearing a Land Use Plan amendment, not the rezoning, and whether it is in the best interest of the town to amend the Land Use Plan to allow for mixed use instead of commercial in this district.

Mayor Wilcox would like for staff to look at what was changed in 2004 in that sector from a community perspective, and bring back a recommendation on what makes sense on a modification to the Land Use Plan and have a public hearing. He would like to have the people notified in the affected area and those that would fall on the other side of the line and advertise it to the public.

Michael Cramer - Staff can look at it and bring back a proposal on how long it would take to go through the process.

- c. Consider amending Article II, Sec 40-44. Official Zoning Map to rezone 310 Carolina Beach Ave N from Central Business District (CBD) to Tourist (T-1).

(Requested by Jeremy Hardison, Planning and Zoning)

See Item 1928: Land Use Plan Classification Map Amendment.

6. **CONSENT AGENDA**

The following items were approved under the consent agenda:

Minutes from April 12, 2016, April 26, 2016, April 28, 2016 and May 3, 2016.

Setting a public hearing for June 14, 2016 to consider adopting the 2016/2017 budget.

Setting a public hearing for June 14, 2016 to review the manufactured housing appearance criteria.

Setting a public hearing for June 14, 2016 to consider adopting a business registration.

Budget amendments and transfers as presented by the finance director.

7. **NEW BUSINESS**

- a. Consider approving Bond Order Resolution 16-2127

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

Michael Cramer presented. The town has been working on a plan to repair, replace and improve our water, sewer, stormwater, roads and sidewalk infrastructure since 2012. Five areas were identified that needed the most improvements which were discussed at public meetings. Improvements were started in 2014. He reviewed what had been done to date and financing. The LGC required that all future phases needed to be paid with revenue bonds rather than the traditional installment financing which uses the utility revenue entirely as collateral vs the pipes in the ground for the loans. This is safer and more consistent way of financing large revenue related projects. Council asked staff to explore 3 concepts that might reduce the expected impact of these improvements on the community. (1) Reduce the list of projects that would be financed and rather than developing a financing plan for all five of the phases at one time that we should limit our financing plan to just projects that could begin this summer or soon thereafter. Currently we have received 8 out of 10 bids for the projects and expect that in July we could begin all 10 of those projects in the next 2 years. The bond issuance value for those 10

projects is estimated at \$21M. In order to sell these new revenue bonds we are required remove all infrastructure liens from the existing system and refinancing our existing system debt. (2) Look into the town's ability to pay off some of the existing system debt instead of refinancing it. Financial markets look at two main characteristics when evaluating credit worthiness for the community - the number of days and the amount of cash on hand and the debt coverage ratio. If the town was to pay off 1 in 3 of the 5 existing loans with our reserve funds we would significantly reduce our current cash on hand and negatively impact our debt coverage ratio pushing those characteristics below the level favored by lenders. The rating agencies would rate our credit worthiness and our bond availability lower and our risk higher and interest rates on any future loans would most likely go higher. Staff would recommend the existing 5 loans be refinanced with this package and not do payoffs for some of those loans. The refinancing package for the existing loans total approximately \$9.2M. (3) Limit the amount of the rate increases to the public as much as possible. With an expected bond issuance in the area of \$30M, a combination of the \$21M for new projects and the \$9M of refinancing projects looking at a term of 25 years and anticipated interest rate of approximately 3.75% we believe that a maximum rate change needed over the next 5 years would be approximately 60%. We are estimating the maximum rate increase to be 11.5% for the first 3 years and 5% for the next 2 years. Council is only approving the first year increase tonight - 11.5% increase on water and sewer rates and an increase of \$2.00 per household for stormwater utility fee. Each year the town council will review all the revenue and expenses to determine what rate of increase would be for the following year. If more revenue or less spending takes place the rate could be less than anticipated each year. This way the council retains their full control over the future rate increases and is also able to satisfy the financial markets that the town will pay our debts. It is for these reasons that I have recommended council approve Resolution 16-2127 allowing the town's financial team to issue a not to exceed amount of \$35M of revenue bonds at a not to exceed amount of 5% interest and pay the bond payments through the proceeds raised by the utility system.

Council Member Shuttleworth made a motion to approve Bond Order Resolution 16-2127 and follow the town manager's recommendation on that bond for \$35M. Motion carried unanimously.

- b. Consider approving the Rate Adjustments for the Water, Sewer and Stormwater Fees pursuant to the Bond Order

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

Michael Cramer said this is the consideration for approving the rate adjustments for the water and sewer and stormwater fees pursuant to the bond order for next fiscal year. The rates would go up 11.5% for water and sewer rates and \$2.00 per month per ERU for the stormwater fee.

Council Member Shuttleworth made a motion to approve the rate adjustments for the water, sewer, and stormwater fees pursuant to the bond order as set forth in the manager's report. Motion carried unanimously.

Council Member Shuttleworth recommended to the town manager that he give page 141 out of the packet to the Island Gazette editor to print.

- c. Consider Awarding the Construction Contract for the Stormwater Outfall to the Ocean Project

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

Michael Cramer said the next three items are all construction projects associated with these revenue bonds. The town went out to bid on the construction contract for the stormwater outfall from the lake to the ocean. This is a 16" stormwater force main only for emergency drain procedures to prevent shutting down Lake Park, Driftwood and South Carolina Beach Avenue. The lowest responsive bidder recommended by the town engineer was Sandy's Hauling and Backhoe Service with a bid of \$153,837.50. The recommendation of 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.

MPT Pierce made a motion to award the construction contract for the stormwater outfall to the ocean project to Sandy's Hauling and Backhoe Service in the amount of \$153,837.50 subject to the conditions that they provide all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town. Motion carried unanimously.

- d. Consider Awarding the Construction Contract for the 16" Stormwater Force Main Project

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

Michael Cramer said this project is the second stormwater force main that we have in the area going from the lake to Henniker's Ditch coming through the pump station that we have at the lake. This will allow faster draining of the lake and keep it at a more stable level when we have large flooding events. The lowest responsive bidder recommended by the town engineer was Herring-Rivenbark, Inc. with a bid of \$1,119,365. The recommendation of 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.

Council Member Bridges made a motion to award the contract for the construction of a 16" stormwater force main to Herring-Rivenbark, Inc. with a bid of \$1,119,365 subject to the conditions that they provide all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town. Motion carried unanimously.

- e. Consider Awarding the Construction Contract for the Phase B Utility Improvement Project

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

Michael Cramer said this is the second of five repair and replace contracts for water, sewer, stormwater, roadways and sidewalks. The lowest responsive bidder recommended by the town engineer was T. A. Loving Co. with a bid of \$12,250,000.

Council Member Doetsch made a motion to award the construction contract for Phase B Utility Improvement Project to T. A. Loving Co. in the amount of \$12,250.00 subject to the conditions that they provide all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town. Motion carried unanimously.

- f. TDA REIMBURSEMENT APPROVAL REQUEST

(Requested by Sheila Nicholson, Town Manager's Office)

Michael Cramer said this is typically a quarterly reimbursement we request of our room occupancy funds dealing with activities. Majority used for lifeguard salaries, CBDI donations, and Pleasure Island Chamber donations. This time we are requesting \$189,772.86 in salaries, benefits and expenses for the lifeguards. Once approving this and requesting the reimbursement, we will have \$58,871 left in the fund.

MPT Pierce made a motion to approve moving forward with the request for the TDA reimbursement approval in the amount of \$189,772. Motion carried unanimously.

8. NON-AGENDA ITEMS

Council Member Doetsch said it looks like the county, in their first budget cut, is looking to reduce the WAVE Transit's money by about 35.7% which would probably negatively impact the southern portion of the county. Council was in agreement with him approaching the churches and the Senior Center in the neighborhood to write letters to the County Commission to reconsider and as well as a letter from council. He will also try to do the same thing at the MPO level.

The town manager said he would write a support letter for funding of WAVE Transit for their review and approval.

Council Member Shuttleworth asked that council or the manager direct something to the county commissioners or the county manager that by actions of other municipalities or the county raising their property taxes is going to affect our sales tax and that is patently unfair. They have the ability to make that up, they can just grant those dollars.

Mayor Wilcox said that should include the city as well.

The town manager said he would write a letter for this item as well explaining that to the county commissioners and county manager and bring it to them for approval. Once we know the true amount he will be able to give them an estimate. He can use a range.

9. ADJOURNMENT

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

Kimberlee Ward
Kimberlee Ward, Town Clerk

6.14.2016
Date Approved

Proclamation 16-2122

Town of Carolina Beach
Town Council



Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

Knowledge and skills are important in reducing human error and improving judgment. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

Whereas, North Carolina has 5,000 miles of water shoreline for boating & fishing

Whereas, there are 300,000 registered vessels (boats) in the state

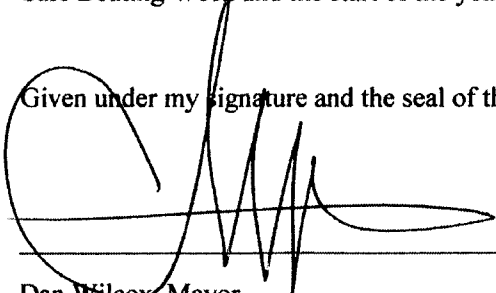
Whereas, boating is one of the state's most popular activities

Whereas, drowning is the reported cause of death in 75% of boating accidents, 10.6% over last year

Whereas, there were 26 boating deaths last year in North Carolina, (5th in the nation)

Therefore, The Carolina Beach Town Council hereby supports the goals of the North American Safe Boating Campaign and the Cape Fear Sail & Power Squadron and proclaim May 21-27, 2016, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

Given under my signature and the seal of the Town of Carolina Beach this 10th day of May, 2016.



Dan Wilcox, Mayor

Kimberlee Ward
Attest: Kimberlee Ward, Town Clerk

5-10-2016
Date Signed



Resolution 16-2127

Town of Carolina Beach
Town Council



BOND ORDER AUTHORIZING THE ISSUANCE OF ENTERPRISE SYSTEMS REVENUE BONDS OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA

WHEREAS, the Town of Carolina Beach, North Carolina (the "*Town*") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 et seq. (the "*Act*"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue refunding bonds of the Town for the purposes as specified in the Act; and

WHEREAS, the Town Council of the Town (the "*Town Council*") has determined to issue not to exceed \$35,000,000 Enterprise Systems Revenue Bonds, Series 2016 (the "*2016 Bonds*") to (1) finance the costs of improving and expanding the Town's water, sewer and stormwater facilities (the "*Project*"), (2) refinance certain of the Town's outstanding installment financing obligations used to finance water, sewer improvements and stormwater improvements, (3) pay interest on a portion of the 2016 Bonds during construction of the Project, (4) fund a reserve fund for the 2016 Bonds or to purchase a surety bond in lieu thereof, if necessary, and (5) pay the costs of issuing the 2016 Bonds, including the possible purchase of municipal bond insurance; and

WHEREAS, the Town will issue the 2016 Bonds under (1) the General Trust Indenture dated as of June 1, 2016 (the "*General Indenture*") and (2) Series Indenture, Number 1 dated as of June 1, 2016 (the "*Series Indenture*," and together with the General Indenture, the "*Indenture*"), each between the Town and U.S. Bank National Association (the "*Trustee*"); and

WHEREAS, the Town and the Local Government Commission of North Carolina (the "*Commission*") have arranged for the sale of the 2016 Bonds to Robert W. Baird & Co. (the "*Underwriter*"), under the terms of a Bond Purchase Agreement to be dated on or about June 16, 2016 (the "*Purchase Agreement*") pursuant to which the Town and the Commission will sell the 2016 Bonds to the Underwriter in accordance with the terms and conditions set forth therein; and

WHEREAS, an application has been filed with the Secretary of the Commission requesting Commission approval of the 2016 Bonds as required by the Act; and

Town of Carolina Beach
Resolution No. 16-2127

Resolution 16-2127

Town of Carolina Beach
Town Council

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the Town:

1. the General Indenture;
2. the Series Indenture;
3. the Purchase Agreement; and
4. a Preliminary Official Statement to be dated on or about June 8, 2016 (the "Preliminary Official Statement") with respect to the 2016 Bonds.

WHEREAS, the rates and charges proposed for the Town's water, sewer and stormwater enterprise systems for the fiscal year ending June 30, 2017 are included herein, schedules of which have been provided to the Town Council.

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

Section 1. The 2016 Bonds are hereby authorized and will be issued pursuant to the Act to raise the money required, in addition to any funds which may be made available for such purpose from any other source, to (1) finance the Project, (2) refinance certain of the Town's outstanding installment financing obligations used to finance water, sewer improvements and stormwater improvements, (3) pay interest on a portion of the 2016 Bonds during construction of the Project, (4) fund a reserve fund for the 2016 Bonds or to purchase a surety bond in lieu thereof, if necessary, and (5) pay the costs of issuing the 2016 Bonds, including the possible purchase of municipal bond insurance.

Section 2. The aggregate principal amount of the 2016 Bonds authorized by this Bond Order will not exceed \$35,000,000. The 2016 Bonds hereby authorized will be special obligations of the Town, secured by and paid solely from the proceeds thereof or from Net Revenues (as defined in the General Indenture).

Section 3. The Town's issuance of the 2016 Bonds, in substantially the form to be set forth in the Series Indenture, is hereby in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the 2016 Bonds (including without limitation the maturity date and rates of interest) are hereby approved and confirmed and are incorporated herein by reference. The proceeds from the sale of the 2016 Bonds will be deposited in accordance with the Series Indenture.

The principal of and interest on the 2016 Bonds will not be payable from the general funds of the Town, nor will the 2016 Bonds constitute a legal or equitable pledge, charge, lien or encumbrance on any of the Town's property or on any of its income, receipts or revenues except the funds which are pledged under the Indenture. Neither the credit nor the taxing power of the State of North Carolina or the Town is pledged for the payment of the principal of, premium, if any, or interest on the 2016 Bonds, and no

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holder of the 2016 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the Town or the forfeiture of any of its property in connection with any default thereon.

Section 4. The following rates and charges are hereby approved for the fiscal year ending June 30, 2017 and will be effective on July 1, 2016:

Water Rates	Fiscal Year Ending June 30, 2017
Base Availability Rate:	
5/8 or 3/4 Inch	\$15.43
1.0 Inch	\$36.28
1.5 Inch	\$47.28
2.0 Inch	\$74.75
3.0 Inch	\$141.28
4.0 Inch	\$242.98
6.0 Inch	\$663.32
Volumetric Per 1,000 Gal:	
Block 1 - 0 to 3,000 Gallons	\$0.00
Block 2 - Over 3,000 Gallons	\$4.34

Wastewater Rates	Fiscal Year Ending June 30, 2017
Base Availability Rate:	
5/8 or 3/4 Inch	\$27.89
1.0 Inch	\$76.11

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1.5 Inch	\$100.24
2.0 Inch	\$165.25
3.0 Inch	\$312.28
4.0 Inch	\$546.10
6.0 Inch	\$1,490.88

Volumetric Per 1,000 Gal:

Block 1 - 0 to 3,000 Gallons	\$0.00
Block 2 - Over 3,000 Gallons	\$7.38

Stormwater Rates	Fiscal Year Ending June 30, 2017
<hr/>	
Equivalent Residential Unit	
(2,000 sq ft):	\$11.00

Customers outside the City limits pay twice the above-rates.

Section 5. The form and content of the General Indenture and the Series Indenture and the exhibits thereto are hereby in all respects approved and confirmed, and the Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk are hereby authorized, empowered and directed, individually and collectively, to execute and deliver both the General Indenture and the Series Indenture for and on behalf of the Town, including necessary counterparts, in substantially the forms and content presented to the Town, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the General Indenture and the Series Indenture, the Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk, or their respective designees, are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent under the Series Indenture.

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Section 6. The 2016 Bonds will be sold to the Underwriter pursuant to the terms of the Purchase Agreement. The form and content of the Purchase Agreement are in all respects approved and confirmed, and the Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement, individually and collectively, for and on behalf of the Town, including necessary counterparts, in substantially the form and content presented to the Town, but with such changes, modifications, additions or deletions therein as he or she may deem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the Purchase Agreement, the Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk, or their respective designees, are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 7. The form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the Official Statement to be dated on or about June 16, 2016 (the "Official Statement") by the Underwriter in connection with the sale of the 2016 Bonds is hereby in all respects authorized, approved and confirmed

Section 8. The Town Manager or Finance Director of the Town is hereby authorized to execute a no-arbitrage certificate to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 9. If any one or more of the covenants, agreements or provisions contained in this Bond Order is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Bond Order or of the 2016 Bonds authorized hereunder.

Section 10. No stipulation, obligation or agreement contained in this Bond Order or contained in the 2016 Bonds, the General Indenture, the Series Indenture, the Purchase Agreement, the Preliminary Official Statement, the Official Statement or any other instrument related to the issuance of the 2016 Bonds is a stipulation, obligation or agreement of any officer, agent or employee of the Town in his or her individual capacity, and no such officer, agent or employee is personally liable on the 2016 Bonds or subject to personal liability or accountability by reason of the issuance thereof.

Section 11. The Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk, or their respective designees, are hereby authorized, empowered and directed, individually and collectively, to do any and all other acts and to execute any and all other documents which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by this Bond

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Town of Carolina Beach
Town Council

Order, the General Indenture, the Series Indenture or the Purchase Agreement; except that none of the above is hereby authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Order, (b) the specific provisions of the General Indenture or the Series Indenture, (c) any agreement to which the Town is bound, (d) any rule or regulation of the Town or (e) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

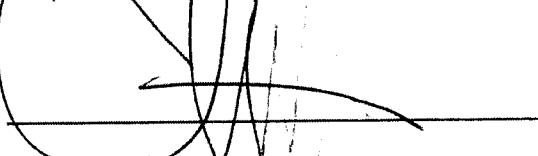
Section 12. The Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk, or their respective designees, are hereby authorized and directed, individually and collectively, to prepare and furnish, when the 2016 Bonds are issued, certified copies of all the proceedings and records of the Town Council relating to the 2016 Bonds, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2016 Bonds as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, constitute representations of the Town as to the truth of all statements contained therein.

Section 13. All acts and doings of the Mayor of the Town, the Town Manager, the Finance Director and the Town Clerk, or their respective designees, that are in conformity with the purposes and intents of this Bond Order and in the furtherance of the issuance of the 2016 Bonds and the execution, where appropriate, delivery and performance of the General Indenture, the Series Indenture, the Purchase Agreement, the Preliminary Official Statement and the Official Statement are hereby in all respects approved and confirmed.


Section 14. All resolutions or parts thereof of the Town Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 15. This Bond Order will take effect immediately on its adoption and, pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the Town Council other than the procedures set out in the Act.

Adopted this 10th day of May, 2016.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

5-10-2016
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 CONDITIONAL USE PERMIT

Applicant: CBAD LLC, James and Jennifer Kitts
Location: 810 N Lake Park Blvd. & 112 Winner Ave
Tax Parcel Number: PID 313006.47.7665.000 and PID 313006.47.8632.000).

The Town Council of the Town of Carolina Beach, having held a public hearing on May 10, 2016 to consider approving a Conditional Use Permit for an Arcade and where sworn testimony was heard from the following persons: Senior Planner, Jeremy Hardison and Applicant, Jennifer Kitts, Applicant representative Ned Barnes, Mark Miller, and Karen Graybush. 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 building has two curb cuts in front of the building to access the parking lot. There is angled parking on the north side of the building where the drive aisle dead ends to an interconnected drive to the adjacent Scotchman store. Vehicles have historically used the interconnected drive to exit the property onto the Scotchman's property. There does not appear to be an easement to access the Scotchman's property. If the interconnected drive was closed staff it would require the applicant to submit an alternate design to accommodate forward maneuvering of vehicles. Another drive is proposed off of 112 Winner Dr. that is adjacent to the rear of the property that the applicant has purchased in order to provide more parking that is required. A 5' interior sidewalk will be provided from the Winner Ave parking lot to the Arcade property. A 5' sidewalk is provided for a portion of the property between the two curb cuts. There is not sidewalk on sides of the driveways.

- (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

The change of use would require additional parking spaces. Arcades are required to have 1

space per 200 sq. ft. This would = 14 required spaces They applicant will be providing 9 spaces on site and 5 additional spaces on the adjacent 112 Winner Ave. There is an existing single-family dwelling that will remain on 112 Winner Ave that requires three parking spaces. A total of 8 spaces will be provided on the adjacent site to accommodate both uses.

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

Trash bin roll outs will service the property. A dumpster will not be required.

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

The property currently does not have water and sewer utilities servicing the building. The applicant will be required to connect to the town's utilities.

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

The site currently does not have any landscaping. The applicant proposes to provide a 5' landscaping buffer yard where it is feasible per site plan.

- (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;

The applicant proposes to utilize the existing freestanding sign and will have an attached sign per town sign regulations.

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

The existing building meets current lot coverage and setback requirements except on the south side where it is 5' from the property line.

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 on site plan.

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

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

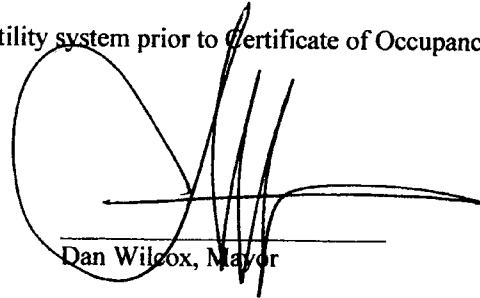
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Commercial 1 area includes a continued use as a highway business corridor. Entertainment and service are desired uses in the Commercial 1 area.

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) A 5' sidewalk shall be provided for 810 N. Lake Park Blvd. prior to Certificate of Occupancy
- 9) The existing interconnected drive to 900 N. Lake Park Blvd (Scotchman) shall remain open for maneuvering unless an alternative design is approved that meets ARTICLE V. - OFF-STREET PARKING AND LOADING REQUIREMENTS.
- 10) Cross easement shall be provided to 112 Winner Ave to access the required parking spaces prior or issuance of a building permit.
- 11) Water and Sewer shall be connected to the Town utility system prior to Certificate of Occupancy.

Ordered this 10th day of May, 2016


Dan Wilcox, Mayor

ATTEST:

Kimberlee Ward
Kimberlee Ward, Town Clerk

5-10-2016
Date Approved

