



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • SEPTEMBER 8, 2015

Council Chambers

Regular Meeting

6:30 PM

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

- 1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE**
 Mayor Wilcox called the meeting to order followed by an invocation and the Pledge of Allegiance.

| Attendee Name | Title | Status | Arrived |
|--------------------|------------------------|---------|---------|
| Dan Wilcox | Mayor | Present | |
| LeAnn Pierce | Mayor Pro Tem | Present | |
| Steve Shuttleworth | Council Member | Present | |
| Sarah Friede | 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

The following amendment was made to the original agenda packet:

Remove Item: Special Presentation Item 3.c - Marathon Race Presentation.

Council Member Friede made a motion to adopt the agenda with the change as stated. MOTION CARRIED UNANIMOUSLY.

3. SPECIAL PRESENTATIONS

- a. Employee Recognition

(Requested by Kim Ward, Town Clerk)

Ed Parvin, Assistant Town Manager, introduced Kevin Lackey, MPA intern. (Introduced later in the meeting prior to the first public hearing.)

Brian Stanberry, Public Works Director, recognized Tim Lawrie for 15 years of service.

- b. Update September and October Special Events

(Requested by Brenda Butler, Planning & Development)

Brenda Butler presented the September and October special events.

- c. Marathon Race Presentation

(Requested by Brenda Butler, Planning & Development)

Removed from agenda.

- d. Presentation by the Wilmington Urban Area Metropolitan Planning Organization

(Requested by Kim Ward, Town Clerk)

Steve Stanton, representative on the Citizens Advisory Committee for the Wilmington Metropolitan Planning Organization (WMPO), introduced Suraiya Rashid, Senior Transportation Planner with the WMPO. They are here tonight asking Council for the approval of the 2040 Transportation Plan that has been constructed by both the Transportation Advisory Committee, public comment, and the Citizens Advisory Committee. The federal government requires the plan by the end of this year. A draft presentation was made several months ago.

Mayor Wilcox said they had a full presentation before and Council would prefer to hear a summary of just the changes from the previous presentation.

Ms. Rashid said based on public comments received in April changes were made in the plan most notable in the bicycle and pedestrian element. No significant changes occurred in Carolina Beach which is well represented in that element. Projects were added in Pender County with regard to that. There were a few roadway projects: Magnolia Drive extension in Brunswick County; changed funding structure in which we showed the Cape Fear Crossing project being partially funded due to insufficient funds for the project. Those were the main highlights for changes to the plan.

Council Member Friede asked about the 2014 Transportation Plan BP-20 says it runs on Harper Avenue to Third and most of the other projects look like they run to Lake Park. Is there any reason why that doesn't connect down to Lake Park?

Ms. Rashid said she couldn't say offhand but the entire bicycle and pedestrian element went through several layers of approval and the first layer was the WMPO Bicycle and Pedestrian Advisory Committee and most of those limits for each of the projects were set looking at reasonable funding limits. The projects were broken up into logical termini's that would allow for funding to occur.

Mr. Stanton said that section of the project also has existing sidewalks from Third Street down to Lake Park and this section of it includes sidewalks and a bike lane on both sides of it from Third up to Dow.

Council Member Friede pointed out that the resolution in our packets says it was adopted in August so the date would need to be changed on that.

Council Member Doetsch made a motion to adopt Resolution 15-2101 with the suggested change made by Council Member Friede. MOTION CARRIED UNANIMOUSLY.

e. Committee Reports

(Requested by Kim Ward, Town Clerk)

Michael Cramer said there are no committee reports at this time.

f. Project Update by Gil DuBois

(Requested by Kim Ward, Town Clerk)

Gil DuBois made presentation. He said they started paving last week on Cape Fear and they hope to have all the paving complete by next Thursday and will make the October 1st deadline. We still have some stormwater and a few minor things, cleanup details they will be doing. We are staying on top of it, keeping everything clean and trying to wrap that project up. That includes the side streets. They are doing fine grading, had a surveyor and needed to do a couple of adjustments. They may see paving on Friday but will probably be next Monday or Tuesday before they bring the paving machine in at which time they intend to complete all paving,

weather permitting. One of the things we had to do in that project is when they took the sidewalks on Canal Drive in the boardwalk area between Harper and Cape Fear, to meet the soil and erosion control plan, we had to put infiltration bed in our project so it's going back up on the south side of the road on Cape Fear. That will be one of the last things that goes in and it will be between the walk path and the highway. Last week we received the details and specifications for the Annie Drive street improvement project. Ed Parvin reviewed them and gave them back to him today. We've given those to Brian Cox and hopefully start on it in the next 30 to 45 days. We had an unusual but very pleasant meeting at the boardwalk last week with excellent attendance by the property and business owners there. Since then I have received 35-40 comments from different people saying how much they appreciate us coming to them for change and whether they could still operate the business, still attend the meetings. It was a very productive meeting. Right now we have plans to get everything scheduled and go ahead and wrap up the northern area where we pretty much already had laid out. If Council doesn't object we will go ahead and start on the next section.

Council Member Shuttleworth asked if he would give a quick summary of what he is scheduling and timing to include the sidewalks, the power lights underground, etc.

Mr. DuBois said the project is broken up into 5 segments and will finish one segment before going on to the next. Construction will start slightly north of Shelby Jean's and go south in front of Britt's Donuts down to the next intersection that turns up which is Pavilion South that goes up by Brenda's and Old Salty's and that area there. At the same time the conduits will be coming from the wastewater treatment or pump station next to Raleigh Street where we already have them under the road but they would come up the sidewalk and intersect at that time. So we have to do concrete removal, sewer replacement, waterline replacement and water services and we have to leave the old waterline in service by block until we get the new one chlorinated and passed off and certification from the state then we would hook up the new services. We are looking at anywhere from two to three weeks per section if everything goes smoothly to tear everything out and we have kind of planned for about 4 weeks for each section with some time built in for weather and/or unforeseen situations. After we do those two sections, we need to get some schedules from Christmas by the Sea. If everything goes right we should be up all the way to the back of the gazebo I think the 15th of November time frame and I think Christmas by the Sea tries to get everything set up around the 15th. So then we are going to have the northern section and the section up by Hurricane Alley's to do. There is one section from the back of the gazebo that goes up by Silver Dollar and Loretta's that 2 years ago we went in and replaced all the infrastructure and buried all of the phone lines within a few hours of each service without any interruptions. We still have to put a storm drain in that section and the northern half of that to replace the concrete. Those owners and business operators were there and we told them what the plan was and we'll just do each segment until it's done. The plan is to have Christmas by the Sea back at the boardwalk this year and not the lake. The start date is September 22nd and the finish date is March. We have to coordinate taking the poles down with getting the utilities removed.

Council Member Shuttleworth said so at the end of the day all of the concrete sidewalks at the boardwalk/central business district will be replaced, all of the electric power lines will be underground, we'll have new water and sewer lines and new stormwater.

Mr. DuBois said new sewer and water services. If we know something is planned for that area, we want to go ahead and try to put in adequate services. We have final

plans for the wastewater treatment plant replacement pipe we discussed previously and plan to begin construction around the first of October on the plant. About a year ago I talked to you about the North Carolina Public Safety Emergency Management Group and we put in an application for a 6" pump of about \$36,000 and we got approved for that. It won't cost the Town anything other than just to maintain it and we also have to share it. We actually asked for 2 pumps. At a recent meeting in July, I went in and asked for two variable message boards. Today I received a congratulations letter saying all the things we asked for have been approved for the Town valued at about \$100,000. We've needed these pumps when we've done pump station repairs, work at the wastewater treatment plant, line blockages and now we don't have to go out and rent them. The message boards can be used if we have an evacuation or sewer break or water break - anything that is public information. We could also use it for an event. It can be used as we deem necessary.

Council Member Shuttleworth said the only other two questions I had for you, when we talked at the workshop about the work on Cape Fear going out from Sixth to Dow and I am hoping we will hear about that again at our next work session, you guys are making progress on the plans and specs and getting bids.

Mr. DuBois said we did not get a completed set of plans and drawings from Engineering Services until last Friday. We were given an updated quote today which was given to the Manager and we are going to double check that quote to the plans and make sure we don't miss anything.

Council Member Shuttleworth said we talked about once we finish this section of Cape Fear, finishing the rest of it or coordinating that with Jerry and the grants for the bike trail but get Cape Fear done from one end to the other so we don't have to go through this for a long... so we're still working on that?

Mr. DuBois said we took the recommendation of the Council and followed through on that and we have all that information that's available to you through the Manager and it is scheduled on the next workshop on the 22nd of September. We'll have a discussion and if you guys give us a green light we can move forward on that.

Council Member Shuttleworth said could we also hear at that time about the dredging of the lake? You had had some new processes that you were looking at.

Mr. DuBois said we've got some things in place for the dredging of the lake. We've also had a couple of new processes that have been presented to us that I am trying to gather some additional information of possibly putting a device in the pond that would eliminate all of the organics - 50% to 60% of the material on the bottom of the lake is organic. Once that is dissolved or removed and we did want to dredge, it would lighten that load by 50% to 60% or greater.

Council Member Shuttleworth if we could keep that moving forward and hear more details to get that on the project board because it is something that has needed to be done for a number of years.

Mayor Wilcox requested that Kim Ward, Town Clerk, reach out to the committee chairs to make sure they know committee reports are back on the agenda to give Council an update. Also, Christmas by the Sea will be having their first meeting tomorrow and with the magnitude of the changes down there it will not be business as usual. A lot of the displays will not be usable and we have a whole new, wooden boardwalk. We will have to go back to the design board and come up with all new

concepts which will take a lot of manpower and time so we are looking for volunteers. There will be a call for volunteers with whatever skills you have on Facebook and the Island Gazette so if you are interested we would love to have you come on board.

g. Manager's Update

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

Michael Cramer presented. He said he had two items for tonight. The first is a quick update on the camera system at the boardwalk which was discussed at the workshop. Information on it was forwarded to you, placement of cameras and implementation. There are a couple of different features with this camera system. One is the central management system which is the computer that runs the entire system which will be housed in the lifeguard station at the boardwalk. We currently don't have any network connection to that building. This project will also run network connections from that building to all 7 of the 360 degree fish eye cameras along the boardwalk, 4 of which will be on the concrete boardwalk and will be able to get both the wooden and concrete boardwalks in the back section. There will be 3 dedicated to just the wooden boardwalk. They do have a pan tilt zoom capability and can be directed at various locations. They can be operated from a central location as well as police vehicles, their mobile data terminals, on cell phones and things of that nature for the supervisors down in that area. The cost for that is approximately \$30,000, multiple quotes have been in that same range. Most of that is for the extensive need for the computer system, housing it in the lifeguard station and running the network cables to all of the locations. This is something you will also see in the consent agenda to transfer the funds from the General Fund Fund Balance to fund the project.

Mayor Wilcox said he is concerned about running hardwires into a building that we don't own. Have we also looked at the opportunity to set up a weatherproof cabinet somewhere that doesn't lock us into that facility?

Mr. Cramer said yes. Right now it is the best location for us to have the central computer but later on we may be able to move that down towards the gazebo, put it inside the building at the gazebo or do a weatherproof unit there and that would come as we move down the boardwalk as we put conduits along the boardwalk giving us the ability to expand the camera system later on. At that point we should be able to move the cabinet to another location if we stop leasing that facility.

Mayor Wilcox said we have the same problem with the audio system. When Gil is doing that run up the alley in front of the Silver Dollar and Loretta's, if we could get something from the gazebo storage areas back there then in the future we would have the option of running both of them out of there.

Council Member Shuttleworth asked if we have looked at putting these out at Mike Chappell Park?

Mr. Cramer said Mike Chappell Park has a camera currently in the center part of the park on a pole mount. We've looked at trying to expand that but part of the difficulty is getting the network capabilities out there because it is MOTSU property and getting the cabling out there is somewhat difficult. I believe Eric is looking at adding additional cameras there.

Council Member Shuttleworth asked how about at the lake?

Mr. Cramer said I don't believe there has been any talk about there but that is definitely one of the areas that if we had a location for a computer system hub we could look at.

Council Member Shuttleworth asked how do we justify putting \$1M+ in the boardwalk area?

Mr. Cramer said very similarly to the other infrastructure projects that we have around the town. These are all old 50-75 year old infrastructure that we haven't maintained very well in the past. It just so happens that now we are starting to focus on the boardwalk area and the infrastructure there. We've also been working on the Phase 1a project. All of those projects could be issued as assessments to the property owners. Council to date has not had an interest in assessing replacement of existing infrastructure to the property owners. Mostly what we've done is any new infrastructures such as Annie Lane where we're putting that in as new aspect coming in for development that we assess the property owners there. The difference really is between repair and replace of existing systems or putting in new.

Council Member Friede asked how long the video storage be held on our system. Are we keeping digital copies? How is that going to work? Obviously we don't have the manpower for someone to sit and watch nothing but video feed 24/7.

Mr. Cramer said no, of course not. That was part of the reason for making it so the police officers in their vehicles or cell phones could go down there in close proximity and look at the cameras offline. We haven't established a specific length of time but we typically try to keep video feeds 30-45 days. Those we want to keep can be downloaded to a thumb drive here at the office. There will definitely be connectivity to the Town Hall and the Police Station. Regarding a static IP camera for visitors and citizens to log in I have been talking with Time Warner Cable who is interested in having a static camera looking at the beach and oceanfront so they can broadcast weather across the state and we should be able to tap into that feed or one of our other camera feeds so we can put it on our website as a live feed. Lastly, I would like to make the announcement of our new police chief. After a long and arduous search through 86 applicants we narrowed it down to 12 individuals and ended up with 5 candidates who we had a panel interview with. The panel consisted of Ed Parvin, myself, Alan Griffin - Fire Chief, Holly Brooks - HR Director, and Sam Gervase - Police Chief at Topsail Island. There were three internal applicants and two external. We determined the best candidate that we would recommend would be our existing Lieutenant Chris Spivey who has been with the Town for 15 years. We are officially announcing his selection tonight and swearing in.

Chris Spivey was sworn in as the Town of Carolina Beach Police Chief and was presented the police chief's badge.

4. OLD BUSINESS

None.

5. PUBLIC DISCUSSION

Lucy Sears, 716 Glenn Avenue, said you know why I'm here, it's always a problem. It's been a problem for 2 1/2 years now and there's never an end to it. It's growing and getting bigger. The dumpsters don't even close like they're supposed to. Trash is being dumped all over the ground again. We've got buzzards and all kinds of birds flying around there eating at it. The dumpsters still smell, some days really bad and I just can't live that way anymore. It seems like something can be done. It's just a growing problem.

Mayor Wilcox said Lucy, I know you weren't able to attend the last workshop we had and I don't think Patrick was there. We spent most of the workshop talking about this issue. We went back and looked at a lot of concepts we looked at before, gave them a fresh look. We had Waste Industries here and kind of grilled them on all of the possibilities. We have tasked staff and Waste Industries with bringing back a lot of information that would give us some alternative methods of dealing with the trash vs. waste transfer.

Michael Cramer said at the next work session we'll be talking about that again.

Mayor Wilcox invited them to come so you can hear what we're talking about and we can hear what you have to say. I was really kind of optimistic after that meeting that there are some strategies we can employ to change the way we're doing things and maybe solve this problem since we cannot find a piece of property to move it to.

Jan Feury said I am a returning resident to Carolina Beach. I started residing here in 2004 until 2010. I owned and operated a business on the island for 5 years. I moved to northern California from 2010 until November of this year. I'm now, again, a property owner and I'm here because I have questions. It might be premature at this point but I received 4 phone calls from friends and residents on this island, both on Saturday and Sunday about the helicopter activity on the island wondering if there were bodies they were looking for, if it was a military exercise and then I drove down Carolina Beach Blvd. on Sunday afternoon and saw that there was a business up and operating. I live on Third Street. I think that residents on this island, if you look at the logo I think that's what this island stands for, peaceful enjoyment of property. Those helicopters are taking off every 20 minutes from 8:00 am until 7:00 pm. It was unnerving to say the least. I am also concerned about our State Park. I'm concerned about our marshlands. I'm concerned about the birds and cranes and I guess what I'm asking right now because I had to jump through hoops to open a business on this island, is how are they operating? Is it a conditional use permit? How was it granted? Is it zoned for it? They're just all the questions that I have and I think a number of other residents on this island do. We're not Myrtle Beach. We have a north end, we have a south end and I want to commend this Council. During the time that I was gone the changes that were made at the north end are just spectacular and I think it's really added to the tourist attraction of this island. I have concerns and I wanted to address them.

Mayor Wilcox said we have an ordinance that allows for a private event on private property I think it's 3 times a year. That was a private event on private property and that is not an ongoing concern. If that operator wants to come back to the Town and petition for some type of a full-time business or seasonal business that would be a whole different process that would require Council approval and citizen input. It would be a whole different situation. That was a, I won't say a one-time event, but they're allowed to do an event of that nature 3 times on private property under that ordinance. Other people use the ordinance for different things. This happened to be a helicopter event. I will say there has been a lot of discussion about this and based on some of the things I've heard, people have to understand that certainly Council would have some control if that were to come back as a proposal to say we don't want it landing and taking off here and those types of things but we don't have any control with regard to air space so that operator can fly from their location, which they currently are doing, and come back and forth on the beach. They can set up across the bridge and fly that same route as many times as they want.

Ms. Feury said that's understandable. I just wondered if people who were doing the event this weekend if they petitioned Council, the Chamber, or if they are Chamber members or if this is a concern for the future.

MPT Pierce said that did not come through Council, it was through staff.

Ms. Feury said I guess it's from being a resident for so many years and having a business and having so many concerned friends on the island.

Mayor Wilcox said it was an approval available to you in the ordinance to have an event on private property 3 times a year. We reduced that from 30 times a year just recently.

Ms. Feury said I think because it came as a surprise to everyone, too. It was from the north end to the back end of the island.

Council said it was a surprise to them too.

Patrick Boykin, 712 Glenn Avenue, said I am here, as Lucy, for the solid waste center and continue to express my concern over it and the need for the elimination of the solid waste center. In addition to that it would now appear that the Town of Carolina Beach has created a dumping site behind CVS right beside the water tower with concrete and pavement and things like that and I just feel that if we are trying to attract tourists and the tourism industry and things like that that our image is very important. When I came to Carolina Beach to live there was a term that I don't even want to repeat here that, oh, so you're moving to the "beach".

Mayor Wilcox said but they didn't say the beach did they.

Mr. Boykin said no. It was a choice word and I think that we as residents need to try and do everything to change that image. When you drive down Dow Road and you see loads of dirt and concrete and chipped up pavement and everything else right beside the water tower, I don't think it's a very impressive image to attract tourism. I would suggest that Council look into it. We've got the solid waste center as much as I hate that. It was termed that that was the lay down yard. Why isn't it going over there?

Mr. Cramer said it is only temporary storage while we set up the transfer station to house that kind of stuff. Just this past week we got in large concrete abutments that we have stationed around at the transfer site so that we can house different types of material at those. So that should be a temporary thing where we need to do that for all the projects that we have going. That will be shipped off and then all of our material will be on the transfer station.

Council Member Shuttleworth said so we're going to store temporary construction debris?

Mr. Cramer said of course.

Council Member Shuttleworth so when State Utilities does a project or another contractor they don't just immediately haul it off the island?

Mr. Cramer said State Utilities are the contractors for the Phase 1a project and things like that, they do take that and ship it off the island at that time. If we are doing utility cuts and things like that, typically we try and get a bulk rate so that if we cut open the asphalt and take up some material, we go and store that temporarily until we get enough to haul it off in one large batch.

MPT Pierce asked how long are you talking about?

Mr. Cramer said it comes and goes. I think the couple of piles that have been there,

there have been two or three loads that have been taken away and they've come back so it happens on a regular basis. Usually just a couple of weeks until we get enough material to get it transported off in one large segment.

Council Member Shuttleworth asked do we really save that much money on bulk transport that we can't, I mean if we are about to start a project down at the boardwalk where they are going to generate a bunch of concrete and sub-par material from excavation, are we really saving that much money that we can't just haul it off even if the Town's generating the material?

Mr. Cramer said it's our estimation that we are since it is so expensive to haul it off the island and get it to the proper disposal facility but if you would like I can definitely go and look at those cost numbers for you.

Mayor Wilcox said let's look at it at the work session so we don't get too far off topic here. Everyone agreed.

Mr. Boykin said I just thought it was very interesting that where it's all placed there is a no trespassing, no dumping Town of Carolina Beach sign.

Council Member Shuttleworth said only our dumping Patrick, apparently.

Mr. Boykin said oh, I misread the sign.

Elaine Terrill, 502 Fern Creek Lane, said I am new here at Carolina Beach. I moved down here from Fayetteville, Ft. Bragg, retired Army nurse and my husband is retired military also. My question I guess is yard waste. I read the thing in the paper. I'm not exactly sure what we're supposed to do. In Fayetteville, and I know it's a bigger town, more people, but they also covered more area, every Tuesday you could put out in a trash can or a lawn and leaf bag the clippings that you got from your rose bushes or raked your leaves or whatever and they picked it up and hauled it away. If we had big things like we chopped down some trees and had tree limbs or bushes uprooted we could put that on the curb and call and one time a year you got a free pickup and anything after that you paid for but your routine, everyday I'm trying to maintain my yard so it looks great for the community every Tuesday they picked it up. So everybody came out on Saturday and Sunday and trimmed their bushes and raked up their leaves or whatever and they picked it up. Here I don't know what to do with it. The people I talked to say put it in your trash can because they're not going to pick it up but once or twice a year you make a pile, a mountain out on your street and then it sits there for 2 months until somebody picks it up.

Mayor Wilcox said we're actually in the middle of changing all of our yard debris pickup procedures and because the changes are so dramatic I couldn't tell you what they are right now. We do have somebody here you can speak with.

Ed Parvin said I will be going through those in the second public hearing we'll be talking about how we're changing the yard waste program.

Ms. Terrill said I think the question is not if I'm cutting trees down like in the spring when everybody's trimming bushes and you have a big mountain and then you call and somebody comes and picks it up but if people are just doing leaf pickup, what am I supposed to do with it?

Mayor Wilcox asked can you stick around for the public hearing?

Ms. Terrill said yes.

Mayor Wilcox said if you have questions after that we can hook you up with the right people.

Lonnie Lashley said I want to talk to Michael Cramer. I want to thank you for selecting Chief Spivey from within the police department because that is a morale booster for our police department to build morale is a positive thing. What happens when you select someone from the top as you did it opens up an avenue of maybe 4 or 5 more promotions and I would encourage you to look within your department. Now we have a Lieutenant vacancy. We could take a senior sergeant and maybe replace that individual that opens that position. It snowballs and before you know it we've promoted 4 or 5 people within our department. That's a big morale booster that builds team concept. It's a solid thing that we need in this Town. The police department is very important so please encourage yourself to look and follow that avenue of selection.

Fred Fisher, 1504 Drill Shell Lane, said I have lived here on the island permanently since 1999. I moved here from Raleigh into Wilmington. I'm a retired registered nurse and worked in New Hanover Hospital for over 30 years. I wanted to say how glad I was to see Chris Spivey was chosen as the new police chief and I think that's a great thing. I'm in big favor of police protection in this Town, in great favor of fire protection, infrastructure. As far as infrastructure goes I think we are really doing a lot of work there but a lot of things need to be done particularly, and I might be called a pothole policeman but when we're spending half a million dollars on one project, since I retired I ride my bike around Carolina Beach and I love it but there are just potholes after potholes and I think one of the fundamental things the Town should be responsible for is the infrastructure and the roads. You have on this plan here for a review of a conditional use permit over at Lee's Lane. If you come down the road that runs past Lee's Lane, St. Joseph, it has a humongous pothole right there if you are going north off of Lake Park at the curve there. I ride my bike real early in the morning and I was coming along there and hit that pothole and I almost went ass over teakettle. It is deep. I can't believe that we have the number of people riding around town and nobody has said anything about it. Maybe they have but it hasn't been fixed. So you can multiply that by a lot, I'm telling you can. The other thing I was really shocked more than anything was what was brought up by the Town Manager Mr. Cramer. I don't remember when I first heard about it, actually tonight was the first time I heard about it, was this Orwellian camera system we're in the process of putting in downtown Carolina Beach. Let's face it folks, what kind of world have we come to when we have to have an Orwellian camera system viewing all of us at a family beach? What is the police force for? A police presence is the best thing you can have downtown. You don't need to have somebody in a car looking at a camera. We don't need to have someone looking at a camera up here at a park. We need presence. Any police officer, any police power will tell you the presence of police officers in the community is the best thing you can have and so it is just appalling to me that we have come to this position in our lives in the United States of America where we're spied on by our government. There is always a balance between liberty and security in our world and so a lot of times you have to give up security for liberty and vice versa but do we really need to spend this kind of money downtown and essentially be spied on everywhere. You can't go anywhere in this country without some type of camera viewing everything you do and I think that is an invasion of my privacy and I am just appalled that the Town of Carolina Beach would even do that. I want to know what you guys think about that.

Mayor Wilcox said we appreciate the public comment. If you will go ahead and take a seat I will address those two questions. First of all potholes. Staff and the manager and council have been pushing on potholes for quite a while now. Michael can give you a

better update but we just finished having a company go around and do all types of ultrasonic testing and surveys of all the roads trying to identify the condition of the roads, the potholes and things of that nature. We've had a system in place now where if a citizen sees a pothole and calls it in then staff will go out there and get a temporary patch to it until we can figure the rest of it out. You are perfectly correct on that and that is something that is well in process and we're waiting on a report back from that company now, correct?

Mr. Cramer said yes.

Council Member Shuttleworth said I thought we were under a program that they were all going to be filled in within a certain amount of time and that time has come and gone Michael.

Mr. Cramer said yes, and they have been.

Council Member Shuttleworth said they were all filled in?

Mr. Cramer said they were all filled in when we went through the Velocity Paving Company. I'm pretty sure that the one that Fred is talking about is one on Lee's Lane in front of Dominos and I was told about that last week so I don't know if that's a new one or one that was missed or what have you.

Council Member Shuttleworth said I've seen that most of the potholes have been filled so I don't know if I ride my bike as much but I do get out and run quite a bit and I haven't seen nearly the ones that have been a problem.

Mr. Cramer said there are other ones that pop up on a daily basis.

MPT Pierce said you do have that location.

Mr. Cramer said yes.

MPT Pierce said Fred I can assure you for two years this council has drilled "fill potholes" and they have heard it and heard it and heard it. That is exactly what we're trying to do.

Mayor Wilcox said on the camera thing Fred, I will just say that our primary purpose and focus there is vandalism, especially since the new boardwalk was put in. We go out there in the mornings and things are knocked over and broken and vandalized and we're tired of it. That in itself cost the citizens a lot of money to repair those things all the time. We're a small town, we have a small police force. We might have 4-6 police officers on duty at any given time and any given shift. That's to cover the whole Town - Freeman Park, the boardwalk, all of our residential areas. That's everything so we can't have a police presence on the boardwalk 24 hours a day and especially since a lot of the vandalism takes place at night after the beach crowds are gone. That's probably when all of it takes place. That's a decision that we made to protect an investment that we made on behalf of the citizens and we thought it was the right thing to do.

Mr. Fisher made a comment that was not on the microphone.

Mayor Wilcox said this is a public comment, we can't have a dialogue like this in public comment. I'll have a discussion with you after the meeting or come by the house and talk to you about it. We can get you any of the answers you want but this part of the meeting we have to stay on track. Let me know specifically what you want and I will get you the information.

6. PUBLIC HEARINGS

- a. Review a Conditional Use Permit for a Planned Unit Development that will consist of 36 one-bedroom condo units located at 402 N Lake Park Blvd. (PIN: 3130-56-3687.000) and Lee's Lane. Applicant: HDI Holdings

(Requested by Jeremy Hardison, Planning and Zoning)

Mayor Wilcox said this board deals with two types of legislative decisions which we can use our personal opinion on. We can say that we don't like something or don't want it in the Town or that it's good for the Town and it doesn't have to be based on fact or any type of evidence and we also deal with quasi-judicial hearings which are due process hearings which is what the conditional use permit is. These hearings are very much like a court of law where things have to be handled very carefully and purposefully and we have to base all our decisions on material and competent evidence. We have to base it on testimony and the people testifying have to be in the room for cross examination. We cannot accept hearsay or someone saying I'm representing 20 people from my condo. If they are not here to be cross examined it's not allowed. So we listen to everything you have to say just keep in mind that if it doesn't fall within the rules of what we can base a decision on that we can't consider it. We might understand it emotionally, we might understand the passion behind it but we have to stick to the rules and if we don't the rulings can be appealed and people aren't treated fairly and we don't want that. In order to move forward we have to have everyone who plans on speaking sworn in so if you will come up to the clerk that wants to speak on this item, put your hand on the bible and be sworn in.

The following people were sworn in: Ed Parvin, Jeremy Hardison, Charles Poindexter, Cindy York, Dave Tracy, J.C. Warren and Frederick Fisher.

Mayor Wilcox said staff is going to give an explanation on the project and then we will hear from the applicant and then we'll have public comment. Afterward we will have people speak either for or against the project. Then there will be opportunity for cross examination. How many people plan on speaking? Could you show me by raising your hands? Only a few. Normally we try to limit it to 3-5 minutes to keep it concise. Just tell us what you want to hear. If at the end of discussion, sometimes an issue will come up that you might not have been aware of, if you have a quick follow up question or something of that nature that is short we can address that as well.

Jeremy Hardison made the presentation. He said this is a conditional use permit (CUP) for a 36 one bedroom condo project. Here is a rendering (shown on overhead) that shows 4 stories on pilings. The property is at 402 Lake Park Blvd. Off the intersection St. Joseph and Lake Park Blvd. It is in a split zoning district. The front portion is in Highway Business and the back of the lot in the rear adjacent to Myrtle Grove Sound is Marina Business district. The building itself will be in the rear of the property in the Marina Business district. Prior uses as you see in this aerial photo were two residences that were demolished in 2004. In 2006 there was a site plan approval for 32 two bedroom units for this property. To the south is Dominos and also a single-family home. To the north is Inland Harbor and there is a Lee's Lane right-of-way that splits. A little bit more about Lee's Lane, it is a dirt road, 25' wide. Historically it has been used by both properties for access. As you can see people have also used this as a parking area but it is a private right-of-way meaning that the Town does not maintain this road. Along with Lee's Lane the applicant is proposing to relocate their property line to the adjoining property line of Inland Harbor and grant an access easement to the project. Staff has requested the applicant to pave the current dirt road all the way to the existing pavement for

Inland Harbor. It will be a two lane access, 20' in width for emergency vehicles. The square footage of the units is 650 square feet, a few of them are less than that. There are no density requirements in the Marina Business district other than if you have 3 units or more it is reviewed under a conditional use permit. They meet the maximum lot coverage and they are providing a 10' landscape buffer around the perimeter of the property except for along the building where Lee's Lane is where there is a 6' buffer. You have 26' of area from the property line to the building. They are proposing a 5' sidewalk along Lake Park Blvd. And currently there is a curb there as well. Based off the square footage of the unit the parking requirement is 36 spaces. They are providing 40 standard spaces to meet the ordinance. They are meeting the setbacks in accordance with the ordinance and all CAMA requirements. They are going to have a day dock and a pier they are proposing along with a swimming pool. With the setbacks and the height, in the Marina Business district you can go beyond the height limit of 50' if you provide a 1' additional setback for every for every foot of height to the side yards and front yards. They are meeting this requirement and this is to the top of the elevator shaft itself that sticks up. Here is the height profile at the bottom (shown on overhead) which is 52.7 1/2 feet and they are meeting the setbacks, 26' rear yard and side yard 10' on the north and 14' on the south. They do meet that requirement for the 1 to 1 setback ratio. The Land Use Plan, there was an amendment that was approved by Town council and the Coastal Resource Commission at their July 15th meeting for multi-family in the Marina Business district and the density requirements. P&Z at their last meeting did recommend approval that it met the specific standards and general conditions in the ordinance.

Council Member Friede said the site plan shows the proposed new property line, it looks like it's right on top of a lift station that's there in the northwestern corner of the property. Am I reading this survey correctly? Is that the Town's lift station there?

Mr. Hardison said there aren't any public utilities in that area.

Council Member Friede said so is that lift station part of the adjacent property to the north?

Mr. Hardison said it's the property owner's.

Council Member Friede said so it's not the Town's lift station.

Mr. Hardison said no.

Council Member Friede asked would the applicants be able to meet the additional setback requirements for the additional height if they weren't acquiring this additional strip of land to the north?

Mr. Hardison said if the existing property line would remain? No, they would not.

Council Member Shuttleworth asked would they be meeting the minimum setback if the existing property line stayed?

Mr. Hardison said yes, they could shift the building over and meet it where they have 14' on one side to 10'.

Council Member Shuttleworth asked who actually Lee's Lane?

Mr. Hardison said it's a private drive.

Council Member Friede said you can call it a drive but it's a strip of property.

Council Member Shuttleworth said someone owns it.

Mr. Hardison said it's not a parcel of land that is deeded. It's a right-of-way.

Noel Fox, Town Attorney, said it is a private access easement. It's a deeded right of access and if Council would direct their questions regarding the title to the applicant's property and the adjacent property to the attorney for the applicant. That attorney is the applicant's attorney who has conducted a title search who will be responsible for making certain that the applicant, if this CUP were to be granted by this council according to the plan that has been submitted with the application that they are able to do what the plan says. If the title issues which exist or do not exist, which I do not know, were to prevent the applicant from being able to comply with the plans they have submitted and it would be a determination by staff whether or not it was a major or minor revision to the plan as to whether or not it came back before Council.

Mayor Wilcox said in other words if they wouldn't have met the conditions of the grant order.

Council Member Shuttleworth said to Ms. Fox, what you're saying is we need to ask someone else who owns the piece of property.

Ms. Fox said you need to direct the questions regarding the title on that property to that 25' strip to the applicant and the applicant's attorney who is here. It is not a Town right-of-way.

Council Member Friede said and the lift station is not the Town property.

Mayor Wilcox opened the public hearing and the first part of the public hearing would be the applicant's presentation.

Charles Poindexter said I am the applicant along with HDI Holdings and we were told to have our attorney here tonight because HDI is an LLC. This is Cindy York, she can answer any questions that you might have relative to the questions you were asking just a minute ago. Prior to getting into any legal discussions about that I would like to comment just a little bit on the project very briefly and Lee's Lane. The project we obviously have taken all the way from staff review through Planning and Zoning and here we are tonight. The project itself meets all the burdens of the permit that we're asking for and so I really don't have anything to add to that. We know that the primary conditions set upon us by Planning and Zoning and subsequently by you tonight will be working out this ingress/egress with our neighbors because we were told early on our original plan was to close Lee's Lane. Well, there is nothing there to close is what you're going to find out. So this situation is about as clear as mud so we would just like to request approval of the CUP for our project tonight and obviously we will have to meet the conditions set upon us in order to proceed with our project as is currently designed.

Mayor Wilcox said okay and so apparently we have some questions for the attorney.

Council Member Shuttleworth asked Ms. York who owns Lee's Lane?

Ms. York said that is a question that still needs to be determined. Several attorneys have looked at it and it is a little bit confusing. The documents date back to the 1940's. They are a little ambiguous. Right now I know that the Inland Harbor and HDI Holdings both definitely have access rights, they both have easement rights but as far as the fee, I have to research that further. We are prepared to deal with that and not do anything...

Council Member Shuttleworth said let's back up a little. If everybody currently has access and the proposal Charles is to continue that access, why do we need to shift the property line? Why do we need to create a property line? Is there some density? Is there some lot coverage? Is there some setback? What is the reason to create a new lot line?

Mr. Poindexter said the bottom line is 2' and 7 1/2" of elevator shaft that exceeds the height requirement. Jeremy, would that be a fair representation so it turns into a setback issue on the north side because of the elevator shaft?

Mr. Hardison said yes.

Council Member Shuttleworth said that's what my math said when I looked at the math. I just wanted to make sure that's the issue.

Mr. Poindexter said that is the whole and total issue. We don't care anything about moving that property line. We are not trying to encumber anybody's property or anything. In fact, what we're trying to do, we have offered the neighbors to pay for 100% of the expenses of beautifying that area bringing Lee's Lane up to proper DOT standards, the paving, and the maintenance of that area in perpetuity. We are in active discussions with Inland Harbor. At this time we don't have any resolutions but just so you know what our position is that is kind of what we have thrown out there to do.

Council Member Friede said but you don't know if Inland Harbor actually owns it.

Ms. York said Inland Harbor does not own it. The question is, who does. They are ruled out as owners from my part.

Mr. Poindexter said as we are.

Council Member Shuttleworth said at the end of the day what you are looking for is you've got a setback issue to get your elevator shaft in over 2 1/2'. You have to have additional setback, that's what this Town requires. And you have it on the one side but even if you moved it over 4' and were at 10' you are a couple of feet short.

Mr. Poindexter said we're good on 3 sides.

Council Member Friede said you certainly have plenty of room on all the other sides. I do notice that one of the items that we have in our packet if we find that it is consistent and were approving this is that adjacent property owners signed a street closing plat and Cindy knows perfectly well that a street closing plat does not convey property. That has to be changed. That is not a conveyance of property. When you figure out who the fee simple owner is obviously you know that you need to get a deed. I'm not comfortable at this point with approving a CUP that purports to do something that really would be ineffective between the parties. You don't need a plat if you've got a conveyance of the fee or an easement from the fee owner if you can trace it back that way. I also have a concern about the lift station that appears

to be on the new proposed lot line. I presume that is Inland Harbor's.

Mr. Poindexter said that is on Inland Harbor's property. We don't have anything to do with that except we do in that we would be making it a whole lot better looking than it is today.

Council Member Friede said I don't know if that's a lift station and I don't know what their needs are surrounding that so I guess as long as it's just a driveway they'll be able to have access to it if they need to do maintenance from the south side.

Mr. Poindexter said yes, actually through this process we were looking to totally clear up the easement instead of having what we have today and they would still have the easement that they have today. Can I ask Jeremy a question about that line item you just said? Jeremy, is that not a holdover from when we were going to "close the street that is not a street"? That condition she's talking about?

Ed Parvin said I think the verbiage in that is making Council Member Friede uncomfortable. We could modify that. We'll need to see a subdivision plat, a combination plat for that to be one property and that will need to be recorded before they can move forward with the building permit. I think we can modify that condition to clarify.

Council Member Friede said that is the only thing that jumped out at me was the property line issue that is obviously an issue for you, too.

Council Member Doetsch asked in your research who is it boiling down to that maybe is the owner of the easement.

Ms. York said I think it is a little premature for me to say. Again, this dates back to the 1940's and you can trace the easement coming to both parties but I have not yet done because it just hasn't been part of...

Council Member Doetsch said so that easement came from the same source to both parties adjoining.

Ms. York said yes but I don't know what happened in between. I don't know if that same party conveyed the fee to someone else and I can't really speak definitively about that.

Mr. Poindexter said to Council Member Doetsch that along the yellow brick road there was a company that owned that at some time that has since been dissolved and the owner is dead.

Ms. York said there is some possibility that they just never did what they intended to do with it. I have to look into it.

MPT Pierce said if we approve a CUP and you can't clear that easement or define who the property owner is then I assume you can't go forward with the project.

Ms. York said we are going to clear it one way or the other.

Mr. Poindexter said it is my understanding as the applicant that we cannot proceed with the project as designed. It doesn't mean we can't come back with a new one but we can't do anything with the one designed until we clear it up.

Ms. Fox said you are making your decision based on the 4 general and 7 factors based on the application that is before you now so if there are changes that have to be made to the project as a result of a title issue that may result that will come down to major or minor change and our ordinances do elicit in part but not in full what minor changes are. This council could make it a condition that if there is an ingress/egress issue that needs to come back before council as a part of a condition.

Council Member Shuttleworth said I understand that. What I am looking at is the prepared order granting a CUP and it lists 7 items and then general conditions, 4, and then it has another 12 items listed. Number 7 is the item that concerns Council Member Friede and that is regarding they have the recorded road closure plat signed off by adjacent property owners will be required before issuance of a building permit. If in fact we are not doing a road closure plat, we need to address number 7 in some fashion if we choose to move forward tonight or don't choose to move forward. If we do you have to have something in there that says some agreement with the neighbors.

Ms. Fox said we can change the verbiage. I understand Council Member Friede's concerns. I think that before any plat can be recorded there is going to be a requirement that that issue be resolved. They will never be able, as you know Council Member Friede, to get insurance on the project if they have a title issue lingering. So they are going to have to resolve the ownership. This is their proposed resolution now.

Council Member Friede said if we vote on this and we vote in favor of it, we can't create this condition that they can't meet.

Ms. Fox said correct, I am suggesting that we change that verbiage.

Mayor Wilcox said I think we're all saying the same thing.

Dave Tracy, owner at Inland Harbor's HOA, 500 St. Joseph 3102, also on the board of directors for 10 years, treasurer, and I also do all the insurance acquiring for the property. The question that I have for council this evening is that the easement that we're discussing here right now, it stipulates that there is also a provision that the citizens of Carolina Beach are provided access through that easement to gain access to the waterway. As we go through and negotiate this I understand that in June council discussed the need for access to the waterway. This easement provides for that presently. As we go about negotiating, agreeing/disagreeing who owns the easement rights, who in the city will be representing the citizens or the public of Carolina Beach?

Ms. Fox said the language that the gentleman is referring to is in a deed that is dated January 28, 1946. The specific language is saving and accepting however the easement outstanding in benefit of the public for the use of the canal shown on map prepared by M. H. Lanier, CE and duly recorded in Map Book 3, page 67 in New Hanover County Registry. That is the Town of Carolina Beach map. I believe that there is no, one I think that is about as clear as mud also, but whether or not it is a public right-of-way it does not appear to be a public right-of-way based on this map. Does the language refer to the canal as being public? It is about as clear as mud. That is something I have spoken with the applicant's attorney about, it is something that we will be investigating through the course of their attempt to resolve title issues but the Town is not recognizing this as a public right-of-way. It has never recognized this as a public right-of-way. The Town is not an adjacent property owner. It does not have riparian rights. There are a numbers of issues with that

easement and the deed from 1946 and it does not continue in the chain.

Mayor Wilcox said to this gentleman's question, not a right-of-way but are there any easement rights?

Ms. Fox said I don't believe so. I think that will become more apparent when the applicant completes the title search and determines who actually owns that piece of land that is between these two properties. But the map itself that the language that I just recited refers to does not show public right-of-way off of it. Council Member Friede you may have comments on this.

Council Member Friede said I was going to add that I have looked at that old deed and did in fact look at that language to see whether I thought there was a clear grant of a public right-of-way. The old legal description runs to the middle, I think maybe, of Myrtle Grove Sound which is now the marina or the canal and so everything below the mean high water mark in North Carolina is public trust waters, anything that is navigable and so that exception and so that exception in there for the rights of the public to the use of the water is language that is generally contained in legal descriptions that run below the high water line of something. Every once in a while you find the state or somebody will privately raise lands or there's some issue like that and people may regain the access that was once submerged but, for the most part, language like that that I've seen in legal descriptions, and, yes, I'm a title attorney and I love these things. When legal description runs below the mean high water mark that just means to the water itself, not the rights to get to the water but the right to use the water.

Mr. Tracy said we have a number of people on the board as well as homeowners that were concerned about retaining those rights.

Council Member Friede said I'm not the attorney for the applicant, I'm not the attorney for the Town. I've taught continuing education seminars on riparian rights.

Mr. Tracy said so it's not submerged lands that were sold by the school department or the board of education.

Council Member Friede said so that's what those, generally speaking, water rights are. Just the waters themselves, not the right necessarily to access the water.

J. C. Warren, 500 St. Joseph Street, said my comments are related to the ownership of the property. Like Council Member Friede's question, somebody owns this property. Easements don't get created out of nothing and I think if we go back to the deed that created the property for which this easement was created you are going to find out if it is property that was originally owned by the owner that deeded the property to Inland Harbor. Our position is we own that land and I think what we have is the owner when he recorded the deed, and it's probably not the first time it's been done in the history of deeds, forgot to include the land that he took the easement from which came from our property. It is also our position, we've been paying taxes on that property over the years so it might be unclear to some people, it's clear to us, we own that property.

Mayor Wilcox asked do you have any documentation on that.

Mr. Warren said the deeds.

Mayor Wilcox said so here's the beauty of a CUP, most of these projects could never

meet all of the conditions before they come for approval so the CUP means that we put in the grant order, the conditions they are required to meet in order to move forward with the project. And if they can't meet those conditions, they can't move forward with the project. Your situation will have to be worked out before anybody can move forward with the project.

Mr. Warren said as you said earlier, the way the CUP reads right now they can't work it out and you've made a suggestion you are going to reword it, that concerns me. The rewording is going to... I'm just concerned that, I see what the CUP says right now, I don't know what it's going to say after this meeting.

Mayor Wilcox said you are going to know that in a little while because the Town Attorney is over there scribbling and figuring it out for us right now. She is going to let us know what the recommended language is because that will have to be part of the vote and part of the consideration.

Council Member Shuttleworth said my guess is that it will be something that says they have to figure it out with you. You are going to have to have clear resolution that you are satisfied either with what they offer you or moving the property line or you're not. I think what Ms. Friede has pointed out is we cannot put upon them a condition they could not ever meet which is to have a road closure when there is no road. That's the language that will probably be changed. To get enough votes at this table I'm pretty sure it is going to have to say work something out with you guys.

Frederick Fisher was sworn in, 1504 Drill Shell Lane, said I am in favor of this project and hope it goes through because I think it will be a great asset to the Town of Carolina Beach. I think having those condos there will add a lot to people who want to come to the beach. It's a great place to come to and if I had \$125,000 I'd be plopping my money down right now. What I am concerned with is the traffic that comes off of Lake Park there on that curve, you can go straight or you can curve. That's right where people will be coming in and out of there. I am just concerned that people coming off of, and I've seen it happen a lot, and I think that the speed limit drops from Lake Park to St. Joseph, if there is some way of letting people know that because people trying to get out of there if you add that much more, 36 residents plus all their family members and stuff like that I could see a real hazard there. I'm not a danger ranger but it just seems to me that some way we could let the people coming off of Lake Park going north know that they have to slow down there. Some type of sign or something to indicate that so that the people getting out of there can get out of there safely because you can't turn a hard left, you have to go across to the turn lane. When you have people bearing down on you there and you are trying to get out of there, particularly in the summertime. I think there needs to be some way to protect them and to protect the people who want to go on St. Joseph's. I would hope that the Town would address that and the building will do that.

Mayor Wilcox asked if the applicant would like to address any questions or comments.

Ms. York said I do agree with both council that the reference to rights to the canal because based on the description going into the canal. As far as the reference to ownership of the fee by Inland Harbor, again, there is nothing in their chain of title that gives them ownership and fee.

Mr. Poindexter said that we have seen at all so to even put it out there that they own

that, we are not saying that we own it but I am definitely saying they don't own it. There is an easement granted to both parties, we're going to have to figure out how to play nicely. That's the bottom line. As to the gentleman's comments about that, I don't even know what you call them. It's not really an intersection, it is a mess and I would think that in the course of our project we would like to work with the Town for whatever betterment there might be there as far as DOT concerns, speed limits this gentleman just indicated to me that the speed limit does drop down to 25 MPH there so maybe some additional signage in addition to other things. We'll work with you however you wish.

Mayor Wilcox said I'm sure the Town would be glad to help and I think Michael has some comments to that.

Mr. Cramer said on the CUP order number 12 on their lists out works, work with NCDOT and the Town to reconfigure the intersection of St. Joseph Street and N. Lake Park Blvd. So I believe that condition is already one of the things we've talked about.

Mayor Wilcox asked for any other comments from anyone that was sworn in who has heard any answers they want to comment to?

None.

Mayor Wilcox closed the public hearing. Discussion among Council.

Council Member Friede said this intersection is causing me a little bit of heartburn because we just discussed this at length last month when we looked at the traffic study for the new Harris Teeter. Ed, can you pull up those? And didn't they give us a new map? I feel like they were showing us a like new configuration for this intersection.

Mr. Parvin said what do you want to pull up?

Council Member Friede said part of the traffic study we looked at last month I swear had a new configuration for this intersection. I may be making it up. I got bogged down in the detail of that traffic study.

Mr. Cramer said the traffic study was done on the existing configuration of the intersection, not any future changes.

Council Member Friede said I thought there was something where he...

MPT Pierce said what does number 12 mean where it says work with DOT and the Town to reconfigure the intersection? Like how?

Mr. Cramer said it means that the applicant will have to work through most likely some sort of a study or discussion with NCDOT on how to make that intersection safer because of the proximity to the entry point to the property.

MPT Pierce said it is already a very difficult intersection.

Mayor Wilcox said we aren't traffic experts and we haven't heard from a traffic expert so I would suggest that we not make that part of our consideration for the CUP, whether for or against.

Council Member Shuttleworth said Jeremy, P&Z approved this 5-0. Were they aware of the conflict on the right-of-way? The easement?

Mr. Hardison said they were. There was much discussion on the easement and they did hear from representatives of the adjacent property.

Council Member Shuttleworth asked were they aware that it's not a right-of-way, that it's privately owned because they put a condition in here that says they're going to do a street closure. How would P&Z say we'll do a street closure when there's no street?

Mr. Hardison said they were under the existing condition of Lee's Lane and that there had to be an agreement with adjacent property owners to come up with some resolution and they were comfortable with that.

Council Member Shuttleworth said but that's not what it says. What it says is they're going to do a road closure. So did P&Z think it was a road?

Mayor Wilcox asked did P&Z come up with that language or did staff?

Mr. Hardison said that was staff's language that P&Z approved.

Council Member Shuttleworth said so they just felt like as long as there was a road closure they're okay with it.

Mr. Hardison said yes.

Council Member Shuttleworth said I would bring up number 12. Michael and Jeremy this is just for you, you may get mad at me later but what the heck kind of condition is that? It's an ambiguous statement. You're going to work with NCDOT and the Town to reconfigure the intersection. It doesn't say they're going to bear 50% responsibility, they're going to write a check for 20, 40. So the applicant can come back later and say I worked with them, I showed up at the work meeting. I just think in the future that's a pretty open ended statement and pretty tough condition for them to meet and it certainly would give the neighbors, if I'm a neighbor and I don't like the project I'll come back and say they didn't work.

Mr. Parvin said I think what we'll do is have a meeting and we'll help facilitate with the Wilmington MPO, NCDOT, the applicant and staff and look at options to do any reconfigurations and over the years we've met with DOT and looked at options to reconfigure that intersection and nothing has ever come out of it. Now is a unique time because we do have this development coming in here and maybe we'll get a new perspective.

Council Member Shuttleworth said generally through the planning process that I'm experienced with, like Harris Teeter, they had to go out and do a traffic study ahead of time and came back with recommendations. At this point we're late in the game. I'm surprised you guys didn't in the beginning say to these guys you need to meet with DOT and figure out whether it's 36 cars or not or whether it's the Town's responsibility but just having an open ended statement in there that says we're going to go work with DOT, I don't know what that means. You see what I'm saying? Later he can come back and say you can't put a \$400,000 intersection burden on us as the developer. And what if the Town doesn't have the money and then the neighbors come back and say well, sorry guys, you didn't meet the CUP, you can't get approved. You might have gotten the right-of-way issue figured out

but you didn't work with DOT to our satisfaction or someone else's. It's a pretty open ended statement and I would prefer in the future, I'm surprised that got through P&Z because what does it mean? Usually you guys make an applicant go to MPO ahead of time and do some kind of traffic analysis or study ahead of time or at least during the planning process at a TRC meeting or before it gets to P&Z and certainly before it gets to us there would be some kind of design profile that says this is what we think in the future and it's a cost share of 90/10 or 10/90 or something. I'm fine with them just saying we're going to go work with them. I don't know what that means. Good luck Charles.

Mr. Cramer said to give you an idea typically on the larger projects, the ones like Council Member Friede was talking about with the Harris Teeter, we do go and request them to do that leg work up front. In a case like this where it is a smaller level type project with less impacts, size of the property, number of trips that the individuals who are going to be going in there, how many sites and so forth, we typically wait until afterwards to see what the feasibility is and then work with the state, especially since it is NCDOT, and get their buy in to exactly what it is that they want. Yes, it is somewhat of an ambiguous statement but our intent is that we would follow-up with that and fine tune that even some more.

Mr. Parvin said and we do involve MPO in the process going forward with TRC and those types of things. It's not a new project for them.

Mr. Cramer said it is most likely a time killer if we were to require every property to do some sort of a traffic impact study.

Council Member Shuttleworth said we haven't had a 36 unit project or condo project come in on Lake Park in the last 4 years. We haven't had one come in in the last 6 years and sir I am not sure you can find another project in town that we have done that we haven't required some kind that has any kind of reasonable size to it. I'm not talking a 2 or a 4 unit deal.

Mayor Wilcox said what would you like to see Steve?

Council Member Shuttleworth said either we need to be very clear on an obligation or take it out.

Mayor Wilcox said in other words the Town is going to be responsible for it or the developer or 50/50 or whatever it is?

Council Member Shuttleworth said yes, something. I just think it's wide open and we're setting up a conflict. I think you set up a conflict if there's discontent and... I just bring it up and I did say that I'm sure in the future, staff will nail it down a little tighter. I think it's just open ended on this one.

Mr. Cramer said if you have suggestions on the language that may help this case and also future cases.

Mayor Wilcox said let me do this, ask the applicant, do you guys have any willingness to share in cost of reconfiguring that intersection? I know you don't want to.

Mr. Poindexter said you know what I'm opening myself up to in answering that question. Do I want to put in a \$2M stoplight? No, I do not. Would we participate in some minor configuration of a concrete island and make it safer for our residents

and our next door neighbor residents, absolutely. The problem is my answer is as nebulous, no offense, as the question because we don't know whether it's a \$100,000 issue or a \$10M issue. But we would certainly work with the Town in any way that was fair and appropriate but that doesn't really help much.

Council Member Shuttleworth said Charles, in some instances you come into an odd configuration like this and you get stuck with the right in, right out. That's what you get, a right in, right out. It's a DOT street. It's an odd configuration.

Mr. Poindexter said I know exactly what you're talking about.

Council Member Shuttleworth like you said, coming out left and as a neighbor pointed out coming out left is a really hairy turn right there because you have to kind of fade across going in front of Dominos and then you have to get to that island and go left and it's a split lane there. So often times you would see up and down Carolina Beach Road, right in, right out.

Mr. Poindexter said right in, right out I don't think would be a deal killer for us at all. You are going to have a reconfiguration further down the back side of St. Joseph's aren't you for the Harris Teeter Shopping Center? So that wouldn't be a deal killer for us. What we don't want to do, honestly, all kidding aside, we just don't want to commit to something that we can't commit to. DOT, we all love them, they can come up with some pretty interesting stuff and I don't want to be part of that.

Council Member Doetsch said I think by interesting you mean expensive.

Mr. Poindexter said yes. Right in, that's good observation Steve. I don't think a right in, right out would... it might help everybody.

Council Member Doetsch said that would probably be the safest thing there.

Council Member Shuttleworth said I agree with Dan, I'm not a traffic engineer. I don't want to put the burden at the table on the applicant or force the neighbors into accepting something. My only point is that is a pretty tough condition in a CUP to just say work with. It doesn't say shall be responsible for or participation, cost sharing based on number of units, nothing.

Ms. Fox said would you be more comfortable with language that says "shall meet all requirements as proposed by DOT"?

Council Member Shuttleworth said no.

Mayor Wilcox asked who shall meet all requirements?

Ms. Fox said the applicant.

Mr. Poindexter said no, I would not.

Mayor Wilcox said here's the problem, you're not required to do these surveys and studies to get to this point but this is the kind of problem we can have at this point if there is a question that we can't answer.

Mr. Poindexter said the only thing I would remind anybody that might not be aware of the rest of this process that we've been through, this is a 36 unit building. It is designed as a second residence building. We are not looking at having 36

permanent residents here. The square footage in 28 of the 36 is 504 square feet. It's not exactly a party pad. We're not going to have a whole lot of cars there. Just know what the nature of it is. It's not an apartment that's being rented out.

Council Member Shuttleworth said that means your 36 people are going to be here in that 100 days when we all the other people here.

Mr. Parvin said would you be more comfortable if it just said that this required any DOT required permits. So any permits required from DOT they have to get which they have to get anyway. The reason that Harris Teeter had to do study is because they are on a DOT right-of-way. It's not because the Town said they had to, it's because the DOT said you had to do it.

Mayor Wilcox said here's what I think. I think I've been here 26 years and that intersection has been a problem the whole time. It's a problem for the Town. It's really our problem. Those properties that are going to be developed whether it's yours, whatever is going on down the road and it's something that we need to address.

Mr. Poindexter said we're welcome to...

Mayor Wilcox said we want you to work with us on it but there are a lot of problems right there that we've had for years. I don't think it makes it your specific problem just because you're creating some additional...

Mr. Poindexter said because we're the ones that showed up. How about if we were to say something like on our part, on our property we would do whatever we needed to do to meet the conditions of the driveway permit and that could be changed based on what DOT decided to do out front but we're not participating in anything over the curb line. Is that fair enough?

Mayor Wilcox said I would have no problem with that. I think we've got to move past this point.

Mr. Poindexter said that would be my suggestion.

Council Member Shuttleworth said I would like to hear from Ms. Fox as a language recommendation for item number 7.

Ms. Fox said what about instead of what is suggested in the draft of the CUP order that that language be replaced with recording of all necessary documents of conveyance as, strike that - recording of all necessary documents of conveyance between adjacent property owners and easement holders as needed to satisfy plans submitted by applicant. Because you are approving the plan.

Council Member Friede said I like it.

Council Member Doetsch said and that's 7 of the 12 conditions.

Ms. Fox said yes.

Council Member Shuttleworth said so does that give the Pelican Point people a position where they have to agree on whatever is being prepared?

Ms. Fox said yes. If the property line is being changed a conveyance will need to

take place.

Council Member Shuttleworth said from those who hold an easement?

Ms. Fox said I've added easement in there. Holders and property owners will need to agree to this.

Council Member Shuttleworth said there seems to be a dispute over who owns this property but there's no dispute that everyone has an easement? That's what I want to get to.

Ms. Fox I understand that, yes, and what I would also advise the Council for the applicant is that if their title search reveals that there is a property owner who is adjacent to this property that was not properly notified of this CUP that this may need to come back before Council.

Mayor Wilcox said they still have an easement.

Council Member Shuttleworth said that's why I wanted to make sure it had the easement language in it.

Council Member Friede said you can't unilaterally expand the use of an easement so when the easement was granted it was for one house probably, two houses, whatever was back there so the underlying fee owner of what we're calling Lee's Lane could come back and say, yeah, we never intended that or my grandma never intended that or my great uncle, whoever owns it now, however it comes down, they could come back and say we are not okay with that so they could get an easement from Inland Harbor to the north because it sounds like Inland Harbor has an easement but that doesn't give them the right to trump the fee simple owner who still owns that strip of land to come back and say we're not okay with that and we're putting a gate in front.

Mayor Wilcox said that's part of the reason you have to find the owner.

Council Member Friede said that's getting back to Steve's question about the property owners and the easement owners, whoever owns it may be also Inland Harbor who owns an easement, then they're the fee simple owner and they don't need an easement.

Mayor Wilcox said how about item 12?

Council Member Friede said we'll leave it alone.

Mayor Wilcox said do we want to leave it alone or add that the applicant will modify...

Council Member Shuttleworth said no, I'm comfortable that he heard it and that staff heard it and we're going to stand out there on the edge. I guess I would try and make a motion.

Ms. York said I just want to make sure the language says that you need proper conveyance from the easement holders as well.

Ms. Fox said I specifically did not put that language because you or someone has testified that there may be a property owner other than Pelican or the applicant.

Ms. York said I get that and I think that's the key thing. I thought you also said we had to have...

Ms. Fox said it's recorded of all necessary documents of conveyance between adjacent property owners and easement holders as needed to satisfy plans submitted by applicant.

Ms. York said so the conveyance comes from the property owner.

Ms. Fox said yes. The conveyance comes from the property owner but the easement holders would have to also submit necessary documentation for the Town to know that they were in agreement.

Ms. York said when you say they were in agreement, say the property owner, we get the property owner and they're okay, they do the conveyance but if we're not violating the easement that Inland Harbor already has, why would they have to agree further.

Ms. Fox said your plan as submitted is what we're basing this language off of. So you have changed a property line and you've changed the scope of the easement as it is granted right now. Is that correct?

Ms. York said their easement is for ingress and egress so if they still have it.

Ms. Fox said but not for 40 units I think is why you need that language in there.

Council Member Shuttleworth said I think for me what I'm looking at is you're moving the property line I'll leave it up to the attorneys to figure it out. You need the property line moved so you can get the height variance. Everyone acknowledges that. So there seems to be a dispute over who owns that property, Lee's Lane, and who has easements or doesn't have easements. So if you want to move the property line, if you just want to grant an easement and not move the property line then Mr. Poindexter is going to have a problem getting his 52'.

Ms. York said we're not suggesting that at all. I just don't want to give an easement holder the power to hold up the project just because they don't like it.

Council Member Friede said I think what Cindy is trying to say is that if Inland Harbor doesn't like this project for whatever reason and we've created this language that they could hold it up by refusing to sign.

Ms. Fox said as necessary.

Council Member Friede said right, as needed, as necessary. So if you are certifying title and you come back to the Town as part of the process and say it's not necessary. Here's the fee holder, here are the terms of their easement, we're not blocking it, we're not whatever, then as needed is where that description I think would be. That is at least the way that I would read it.

Ms. York said okay, as long as we read it the same way.

Council Member Shuttleworth made a motion granting the conditional use permit as outlined meeting the 7 specific standards and 4 general conditions and the additional 12 items as outlined in staff's conditions substituting

item number 7 with language provided by the Town Attorney.

Mayor Wilcox said I think it's an interesting project. I like it because the unit sizes are very small and it lends itself to people, perhaps seniors, people in the work force who otherwise have a hard time finding housing on the island and I think it's something we've needed for a while and I hope it does well and hope it serves that purpose well.

MOTION CARRIED UNANIMOUSLY.

Mayor Wilcox called for a 5 minute break.

- b. Consider amending Chapter 14 Solid Waste and the Town's Rates and Fees schedule to modify the process, procedure, and fees for picking up yard waste and bulk items. Applicant: Town of Carolina Beach.

(Requested by Ed Parvin, Planning & Development)

Mayor Wilcox called the meeting back to order.

Michael Cramer said this is an amendment to Chapter 14 of our Town ordinances and the rate and fee schedule.

Ed Parvin presented. He said this is the amendment and rate and fee schedule change we discussed at the July 27th workshop. A little background, items that we typically see left for curb pickup include things like yard waste, white goods, mattresses, grills, those types of things. Besides one pickup truck load, 3 cubic yards, 6x5x3, 96 gallon waste carts we tried to find out all the different ways we could come up with to define one pickup truck load which is what our code says today and we're using those analogies to describe to the public what is allowed to be put out. Right now you have a free quarterly pickup for yard waste and there is a set charge for bulk items. All of our pickups now are based on work orders so you have to call everything in I think is the answer to the questions that we heard earlier tonight is what is the Town's program. Basically right now you get one quarterly free pickup, you have to call in and ask for it. Outside of that quarterly free pickup there is a charge for any bulk item or yard waste. Some of the challenges we've had up to present is with personnel. We're using a significant amount of our environmental personnel to accomplish the process that we have in place now. I have a few pictures up here of the equipment that we're using which wasn't purchased specifically for these types of operations but it's what we've historically used for bulk and yard debris pickup. And then the last thing I have down in here is our facilities have changed quite a bit. We used to do a spring cleanup where we allowed everybody in town to bring all their yard debris or bulk items to the MOTSU buffer zone where we had some of our facilities and we can't do that anymore. Here are some more challenges we're having, just an educational effort really, this is what people are currently putting out. This is difficult these leaves and grass clippings on the side of the road to pick up, large vine material is difficult to gather, large branches, trees. So some of the challenges that we've been facing - we've got a really old ordinance and it has a significant number of conflicts with our practices. Basically our code was written about 30 years ago and as time has gone on we've changed our practices to accommodate as best we could the growing population in Carolina Beach. So it's really time to sit back and take a look at how we've been doing things and how can we today come up with a better process procedure for yard debris pickup. So that's where we are now. At the July 27th meeting we went through pretty detailed 4 options. It we went back and did it in accordance with the current code, if you will remember there were lots of issues with the current code like it said we would do a lot of stuff with the Town's chipper which we potentially

could have sold 12-20 years ago. No one on staff remembers it. The traditional practice is what we're struggling with now so we'd like to make some improvements to it. We have looked at opportunities with Waste Industries. When we go with Waste Industries their interest is moving us to everyone participating which makes it difficult because we do have a lot of properties on the island that have very limited landscape material. Option 4 is what we all talked about as something you wanted to see us bring back and expand upon a little bit at this meeting. That is what we coined as routes. We basically broke the Town up into 4 routes. 1, 2, 3 and 4 are shown on the screen and we would pick up a route a week. Instead of a quarterly pickup you would have a pickup once a month for free so you are expanding/enhancing the service that we're giving the public. They don't have to call it in anymore. They just know that it's the first week of the month, I'm week 1 so I know to put my trash out. Just yard debris. With this proposal your bulk items would all be called in at any time. You will still be able to call in any time with yard debris if you have additional yard debris and it's the third week and you're week 1 and you say I just need to put this out and get rid of it, you can still call in. There would just be a cost. Some of the pros we talked about with Option 4 is more predictability which was just missing. It gives the residents the flexibility to use bundles and paper bags. We have two options in the proposal to use either one of those. So basically you can put branches out or clippings and leaves in paper bags. We clarify what type of bulk items the Town will pick up. We clarify what type of bulk items the Town will pick up. The current code does say that but it's a little bit ambiguous so we try to clarify that. It gives, right before enforcement options, we remove all the ordinance conflicts and it allows us to know what our workload is going to be a little bit better than now. We don't know right now how many different work orders we're going to have on a given day or week whereas now we'll have a lot more predictability and the community will have predictability. We are expanding the service with this program. We feel like this will be not only an enhancement for the community but it will allow for better scheduling and management of our employees so we see this as a win but because it's expanding the program there are some potentials for additional costs. Another con that might be seen by the public is as I showed on that one slide with all the different vegetation that was out, we're putting guidelines on it so now you do have to put it out in a specified way. But you know we're coming every month versus quarterly where you can just kind of throw a bunch of stuff out there.

Council Member Friede asked what if the stuff isn't bundled or packaged the way it's supposed to be? What if people still put out those enormous piles by the side instead of bundling up?

Mr. Parvin said we can still pick those up if they are manageable and they will just get an additional charge for what is over the amount we typically pick up. So there will just be an additional fee.

Council Member Friede said for the volume thought, not for failure to comply.

Mr. Parvin said failure to comply, there is an enforcement action and there will probably be a notice the first time. So how does it work? What happens when it's your week for pickup? Yard waste is required to be moved to the road's edge and it will be the first Monday through Friday week of the month like the month of September I think we started on a Tuesday so that wouldn't be week one. Week one would be the following week. The first full Monday through Friday week would be when you would be required to put your yard debris out on that Sunday evening. We really wanted to get it down where we'd say you put it out on Sunday evening and we'd pick it up on Monday. I don't think we're quite there yet but what we can

say is you put it out Sunday, we're going to start in that zone Monday morning. We don't know yet how long that will take but we're going to get it done in that 5 day period. Then the next week we'll start on the next zone so that Sunday evening of week 2 everybody will put their material out.

Council Member Doetsch said this is just for normal circumstances, not after a hurricane or ice storm or anything like that and I think that needs to be made clear to the public that under those weather events it's a little different.

Mr. Parvin said absolutely.

Mr. Cramer said what you will find is we'll be able to go and postpone or put off our regulations during those types of events and say that the yard waste ordinances are suspended for the next month or so while we pick up storm debris.

Mr. Parvin said what we're looking at for this monthly pickup is one pickup truckload and I've described it several different ways here. One is 3 cubic yards. For some of us that clicked when we were talking at TRC. Some people like 6x5x3 because that describes a pickup bed. Some like the ninety-six gallon waste carts because they can picture that in their head and they know about what that amount is. Even clearer to me is twelve 4' long bundles or nine 30 gallon bags because that's what we're asking you to put out. We're asking you to put out the bundles. They're 4' long, 6" in diameter or less, 50 pounds or less or the 30 gallon paper bags. You can get them at Lowe's, Home Depot, or any hardware store usually has them. They are 5 for \$1.98 and that's what your grass clippings, leaves, that type of thing would go into those bags. We tried to simplify our fees for bulk items, white goods, and those types of things which will be \$25 per item.

Council Member Friede asked what are white goods?

Mr. Parvin said white goods basically are refrigerators, stoves, microwaves, those types of things people put out.

Council Member Friede said should we define those because I read through it and looked for a definition of white goods and I didn't see it. Wouldn't it be nice if we took a moment to define it somewhere? We have a definition section.

Ms. Fox said as soon as you defined it somebody would say it's not a white good because it's black. I think white goods is a pretty common term used in ordinances.

Mayor Wilcox said it's an industry standard term as well.

Council Member Friede said people who are reading our ordinances and trying to comply don't necessarily know what industry standard is so I am just saying it would be nice if we provided a little bit of guidance on that.

Mr. Parvin said there are some of the items there, outside of your white goods, non-recyclable glass and ceramic, furniture, lawn mowers with gas and oil removed and then we get down to the yard waste and we've broken it out with yard waste and, again, we've got some specifics in here what each one means. The dump truckload that's what we have so basically you're doubling what we typically pick up on your monthly pickup. One thing that you asked us to come back with is how can we let folks know about what's going on. One thing we did is, and they were actually already working on it before we talked to them, we went back to our Operations Advisory Committee. A couple of them are sticking it out tonight, thank you for

being here. This is an issue they've been discussing at several of their committee meetings and I'll skip down to number 6, distribute flyers developed by the Operations Advisory Committee. They've been working on flyers even before they knew we were doing this because there is confusion out there about how this program works. They've worked with Island Day to have a booth out there where they can distribute flyers to the community and get the word out about the changes we're proposing and what our plan is going to look like. We could do notices in water bills, Facebook, press release, Sunshine List, website notification. One thing we talked about at the Ops Committee meeting which I thought was a savvy idea was having a refrigerator magnet that we could make for residents that shows the zones on the magnet because it's only once a month and it has the zone. It would have week 1 over your zone then you would know your week is coming up with a couple of little tidbits of information we could work with the Operations Advisory Committee on. Those are the types of things we're looking at to implement it. What we'd like to do is to have the rest of this month and October to do that outreach and work with a November start date.

MPT Pierce said whenever somebody opens an account at the water department, do we get their email address?

Mr. Cramer said we attempt to, it's not a requirement.

MPT Pierce said I ask because I've been noticing a lot of stuff in my water bill when it comes and it just seems like a lot of paper and a lot of printing and I was wondering if we couldn't just send emails out with that information.

Mr. Cramer said we can but like I said it's not a requirement. It's only when we ask if they will provide it. Sometimes people aren't interested in us sending them emails. But we do have that capability to send out emails in that way.

Mayor Wilcox asked for any discussion.

MPT Pierce said back to the white goods, say if somebody puts a refrigerator or freezer out by the road do you charge \$25 to pick it up?

Mr. Parvin said yes.

MPT Pierce said so you probably have 2 guys come to pick it up, right?

Mr. Parvin said potentially. Part of this process that we're looking at, some of the equipment that I showed on the screen at the beginning...

MPT Pierce said okay, let's say you have 1 guy and equipment, where do you take it?

Mr. Parvin said temporarily we could take it to the transfer station and then it would get hauled away.

Mr. Cramer said once again we would take it to the transfer station, wait until we had a complete load and then take that load to the recycling center.

MPT Pierce said so we have to take it into Wilmington and dump it. It seems to me it costs us more than that to service that.

Mr. Cramer said at the present time we're not picking up as many white goods as we used to and part of the reason for that is because most of the large, big box stores

that sell those white goods also have delivery and removal and they actually charge a fee for that and I think it's anywhere between \$3 and \$50 depending on what organization is doing it. So we don't get as many of those but it covers our expenses at this point.

Mr. Parvin said we do have a new piece of equipment that some of you I think have seen with a knuckle boom. Number of employees? We're hoping a lot of this route we can do with 1 employee and the knuckle boom and pick up a lot of this yard debris, even some of those white goods and bulk items on those routes.

Council Member Doetsch said I had some stuff out by the road the other day and they came out. It's a fairly large sized truck and the knuckle boom is between the cab and the back of it. One guy got out and pick up all the stuff and put it up, raked it up and threw that in the truck and was gone. So it was 1 guy and 1 piece of equipment. It impressed me.

Mr. Cramer said what we're hoping with that is we'll find some savings in there going from 4 individuals picking up yard debris or white goods and a pickup truck and several loads to 1 person doing a route with that knuckle boom.

Council Member Shuttleworth said on the white goods could we just put a parentheses (example: household appliances)?

Mr. Cramer said I think on the website that would be a great place to list out everything we could think of for those white goods.

Council Member Shuttleworth said I appreciate you coming around once a month, I think that's great. I know the lady who was here earlier asking what she should do with her yard debris. Some of us aren't fortunate to have a yard, we just live in a decked area. What does someone do with their grass clippings if they are mowing their yard more frequently than once a month?

Mr. Cramer said typically what we're seeing is people are storing their grass clippings or their leaves and things like that that they rake up in a portion of their yard and then taking it out in bulk that once a quarter. For some people that's a lot of bulk. By going to monthly and having it so you have a set time what we're expecting is the quantities will go down because they'll have more frequency of pickup and they'll do basically the same thing. They'll be able to put it in the paper bags and set that by the street.

Council Member Shuttleworth said as we collect all this organic debris and we've talked about a chipper and stuff, I assume we're taking this over to the transfer lot. Are we going to end up working on some kind of ability to chip it and have it available for residents to come and pick up and use as mulch? Are we going to use it as mulch or are we just going to compile it until we have enough to haul it off?

Mr. Cramer said typically what we will do is take it to the transfer station and then truck it off to the designated recycler. There are several of them in the area that take the yard waste and recycle it or take it to the landfill where it's free for us to dump those grass clippings and trimmings.

Council Member Friede said 14-11 we're proposing the placement, collection, quantity and cost for pickup of acceptable materials. C- Quantity, each monthly pickup of yard waste may include up to and then number 2 under that is paper bags. Are we intending to define the number of paper bags and so it just may include up to

paper bags? There's something else that should be there. The wording there is a little bit odd. How many of them? How many paper bags? Bundles and bags shall be 50 pounds or less. Bundles and bags shall be equal to or less than 3 cubic yards. That's a little bit confusing.

Mr. Cramer said do you have a suggestion that would make it better?

Mayor Wilcox and Ms. Fox said get rid of the up to and use may include.

Mr. Parvin said you can have bags and bundles.

Council Member Friede said but the total regardless shall be no more than 3 cubic yards?

Mr. Parvin said yes.

Ms. Fox asked is it the quantity that is throwing you off? C. Quantity: each monthly pickup of yard waste may include... if it didn't have the word quantity would it be... if it was quantity and type of debris would that make a difference to you?

Council Member Friede said it's more of a trying to figure out how all these pieces fit together.

Mr. Cramer said we're trying to give flexibility to the homeowners so that we aren't dictating to them that they only put out 3 bags each time or 2 bundles of 4' branches.

Council Member Friede said I get that. It's just the way that it's all put together here, it's confusing. Alright, so may include paper bags, okay?

Mr. Cramer said yes. If you would like we can put and/or a comma after each one of the 1, 2, 3 and 4 so that it is in addition to basically.

Council Member Friede said how about each monthly pickup of yard waste may include the following, the combination of which cannot exceed 3 cubic yards per pickup. So we could get rid of d. And then we could have you can have bundles or you can have bags.

Mayor Wilcox said you mean get rid of 4.

Council Member Friede said right, get rid of 4.

Ms. Fox said so the combination which cannot exceed 3 cubic yards or 50 pounds?

Mayor Wilcox said no, the 50 pounds is per bag or bundle.

Council Member Friede said how about paper bags weighing 50 pounds or less each? Bundles of limbs and shrubs no longer than 6' in length, no longer than 6" in diameter...

Ms. Fox said the weight restriction in c. And the length description, I guess that's the length, in number 4, those are both applicable to bundles and bags so why could you not combine those and resolve your issue? Each monthly pickup of yard waste may include the following the combination of which cannot exceed 50 pounds or 3 cubic yards.

Mr. Cramer said it's not 50 pounds total for 3 cubic yards, it's 50 pounds each for every bag or each bundle. I don't see each in there but that is what it is that's why I'm saying that.

Council Member Shuttleworth said hence that is Ms. Friede's concern Ms. Fox is that he doesn't see each in there. You read it, it is confusing.

Mayor Wilcox said easy enough to fix, put each in it.

Council Member Friede said right, then we can leave number 1 exactly as it is and then say paper bags weighing 50 pounds or less, and then that's it. That's all we need, it leaves two. We'll have number 1 and number 2. Number 3 gets rolled into number 2 and number 4 has been put up and made part of the first sentence.

Mr. Cramer said I think if have it if you would like me to take a stab at what the intent is. Each monthly pickup of yard waste may include the following: bundles of limbs and shrubs no longer than 6' in length or more than 6" in diameter and weighing 50 pounds or less, paper bags weighing 50 pounds or less the combination of which will not exceed 3 cubic yards.

Council Member Friede said that works. Under cost and under Section 1412 as proposed we're talking about the Town going in and removing debris that the owner did not remove. We don't have a timeline on that. Is that defined someplace else in here. If they don't remove it like when or by what time?

Mr. Cramer said typically it goes through our enforcement aspect and that's in the 1413 there for enforcement and there's a scheduled timeline for most code enforcement activities.

Mayor Wilcox opened the public hearing.

Tom Elicson and Mark Goddard from the Operations Advisory, I think it will improve the service to the residents and that was the general feeling of everyone that was present at our last Operations Advisory Committee meeting. We will be trying to do a little outreach on the program.

The only thing that I would add is just before Ed and Brian brought it to us we were looking at work orders so and had actually looked at a year's worth of work orders to just see what are people calling in, what kind of work was being done and interestingly enough 45% of the work orders in a year were around this issue. So one of the savings potentially could be that if people aren't calling in, maybe items are getting picked up, it would free up some of our staff. We really liked that idea.

Mayor Wilcox asked what kind of outreach are you guys doing?

Mr. Goddard said I think Ed mentioned we were working on flyers not only on the issue...

Mayor Wilcox said the stuff that was listed in here?

Mr. Goddard said yes. We're looking at recycling as well as the street light outage. The flyer would direct them to the appropriate person to call and they would not have to call the Town.

Mayor Wilcox thanked them for their help on that and said he looked forward to seeing them on Island Day.

Fred Fisher go out the street one block long and the neighbors in my little community we kind of share a lot that the neighbors own and we put all of our debris on that so you've got 3, 4, 5, or 6 families in there using this one area and I like the notion of having it picked up once a month which will probably eliminate these big trash piles. If it's limited to one 6' pickup truck it's going to have on this trash pile 3 or 4 pickup loads. Are they going to be able to do that without charging us individually for pickup? And the other issue that I'm concerned with is that bagging leaves is a pain in the ass, is there any way to have a vacuum pick up leaves if you take them to the street? That's more my concern. As far as the price and everything, I think you have a good rate schedule and I think it's a good idea what has been presented here tonight.

Mayor Wilcox said we can ask staff about how you would treat that lot.

Mr. Cramer said the lot aspect, what we would hope the residents would be able to help us with is doing it individually on your own lots but I understand what you're talking about. You are storing up material on the adjacent vacant lot. I'm sure that just with some common sense and us talking with those residents where we know that's happening that we can get around that issue. We don't want to go and charge people for services that they are common aspects anyway. We can work through that type of an item.

Mayor Wilcox closed the public hearing.

Council Member Friede said I am really looking forward to this change. I think it will be great because I have wondered for years how to dispose of my yard waste. I'm not going to say what I do with it now but this will be much better.

Mayor Wilcox made a motion to approve Ordinance 15-984 with the aforementioned changes to Section C. MOTION CARRIED UNANIMOUSLY.

Mayor Wilcox made a motion to approve Ordinance 15-985 Rate Schedule. MOTION CARRIED UNANIMOUSLY.

7. CONSENT AGENDA

Mayor Wilcox made a motion to approve the consent agenda which included the following items:

Set a public hearing date for October 13, 2015 at 7:00 pm or soon thereafter to review Appendix A Zoning, Article 8 Landscaping and Development specifications, specifically buffer yard requirements.

Set a public hearing date for October 13, 2015 at 7:00 pm or soon thereafter to consider amending Article VI - Schedules, Schedule F- Traffic Patterns on Specified Streets. Review north end side streets one-way traffic pattern between the 300 block to the 1800 block of Carolina Beach Ave North and Canal Drive.

Budget amendments as presented by the Finance Director.

Minutes of the August 11, 2015 Council meeting.

Motion carried unanimously.

8. NEW BUSINESS

- a. Consider Proclaiming the week of September 17, 2015 Constitution Week

(Requested by Kim Ward, Town Clerk)

Kim Ward, Town Clerk, said that was sent to us. We usually adopt this every year and I don't think anyone is actually here to speak on that.

Council Member Friede made a motion to adopt Proclamation 15-2103 proclaiming the week of September 17, 2015 Constitution Week. MOTION CARRIED UNANIMOUSLY.

- b. Consider approving Ordinance 15-986 regarding the use of the Solid Waste Compactor at the Boardwalk Area.

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

Brian Stanberry, Public Works Director, presented. He said we've had some issues come to our attention with the boardwalk compactor. Businesses that aren't paying for use of the compactor utilizing those resources. When we started looking into it, the folks at the boardwalk in the CBD area, the specific area, they are paying a fee of \$51.67 per month for that use. When we started looking into the ordinance when the complaint came to us, it was a couple of different people and it seemed specific the intent was specifically for the folks in the CBD for the specific set of challenges they have due to lack of space and lack of resources to get rid of their trash. So when we looked at it, the ordinance worded towards having a lock system which hadn't been in place the 15 years since I've been here. We felt like the simplest thing to do was just to revert back to that, so we have locked that facility. There's 4 locks and 31 keys were handed out and numbered to each business and that has been in place for about a week now. We had a few hiccups but seems to be working pretty well and has cut down on people utilizing that facility. To go along with that we need an ordinance change because it doesn't actually specifically gear towards somebody throwing trash away that's not supposed to be using that facility. That's not really in the ordinance and all we really wanted to do is clear that up in Section 14.2 e. - Usage by non-subscribers which says any person found to be using the compactor or recycling dumpster or allowing a non-subscriber to use the compactor or recycling dumpster... we just added that in to have some enforcement.

Mayor Wilcox made a motion to approve Ordinance 15-986. MOTION CARRIED UNANIMOUSLY.

- c. Consider establishing a Capital Project Budget Ordinance for the Cape Fear Blvd. Multi-Use Path

(Requested by Jerry Haire, Grant Administration)

Michael Cramer presented. He said council has been updated over the past few months on the Wilmington MPO STPDA Grant for the Cape Fear Blvd. Multi-use path. We received a grant award in the amount \$425,000.00 to put implement that multi-use path from Sixth Street on Cape Fear all the way to Dow. Our match for that is \$106,000.000 for a total amount of the project to be \$532,049.00 and this is establishing that project account so that we can move forward with design and build.

Council Member Shuttleworth made a motion to approve Ordinance No. 15-983 to amend the General Fund Budget creating a capital project ordinance for the Cape Fear multi-use path project. MOTION CARRIED UNANIMOUSLY

- d. Consider amending the Town's Rates and Fees schedule to remove the charge for the replacement of a lost or stolen trash can

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

Michael Cramer presented. He said a couple of meetings ago Council Member Doetsch suggested that we look into how we handle the replacement of stolen garbage cans. Currently the ordinance states that we charge \$80 to have those replaced. We did a little background checking and for the past 3 years - in 2013 we replaced 20 cans, 2014 37 cans and so far this year we have replaced 13 cans. The proposal in front of you is to remove the language on charging the citizens for cost of replacing the can. Averaging the cost out it would cost the town \$2,600 a year for stolen garbage cans.

Council Member Doetsch made a motion to approve Ordinance No. 15-989. MOTION CARRIED UNANIMOUSLY.

- e. Consider amending the General Fund and Utility Fund for the funding of the Boardwalk Infrastructure Improvement Budget Ordinance

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

Michael Cramer presented. This is to establish a project fund for the Boardwalk Infrastructure Improvement Budget. At our last workshop we talked about the replacements and Gil gave you an update on that tonight - water, sewer, stormwater, electrical line, phone and cable and sidewalk installation at the boardwalk. This ordinance will transfer \$364,405.00 from the Utility Fund and \$388,050.00 from the General Fund for a total budget of \$752,555.00. We expect to start the project if awarded this tonight in the middle of the month and have it completed by March.

Council Member Friede made a motion to adopt Ordinance No. 15-988 as presented. MOTION CARRIED UNANIMOUSLY.

Council Member Shuttleworth commented that he mentioned to him and Debbie Hall about giving council some kind of tabulation of over the last couple of years of the capital funds that we've spent and those that will be reimbursed through financing and those that are just going to be depleted and won't be reimbursed in the General Fund. We had that discussion and Michael has told us that our Fund Balance is in the mid 60's when in actuality he thinks it might be lower than that based on numbers he has looked at recently. We need to know that. I just want to be on record so the rest of council knows that I've asked you to do that. We need to get those numbers out there to understand because we've had some changes.

Mr. Cramer said yes, not only did you recognize that. Debbie and I talked a little bit about it and there have been enough changes over the last 3 years that we probably ought to update council on exactly how those funds are situated and how we calculate out that ratio.

- f. Boardwalk Infrastructure Improvement Financing Resolution

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

Michael Cramer presented. He said this will allow us to go and get funding through LGC either for the General Fund portion or the Utility Fund portion or both sections of the boardwalk improvement project. This does not include the camera system.

Council Member Shuttleworth said this would be one of those examples we just talked about. We just approved spending \$752,000.00 out of the two combined funds when in actuality we're going to turn around and borrow that money at some point from LGC. So we're increasing our debt, we're maintaining our fund balance.

Mr. Cramer said that is correct.

Council Member Friede made a motion to adopt Resolution 15-2104 for reimbursement of the boardwalk infrastructure improvement project. MOTION CARRIED UNANIMOUSLY.

- g. Consider Amending the Water and Sewer Capital Project Budget Ordinance to include funds associated with the WWTP Discharge Line Project

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

Michael Cramer presented. He said Gil also gave you an update on this earlier this evening and that is establishing a project fund for the wastewater treatment plant discharge line project. This is where we are going in and improving the discharge lines from the wastewater treatment plant affluent into the river. We've done studies on this already to determine exactly the length and what needs to be done and this is a requirement so that we will lessen the regulatory burdens from the state regarding this affluent. The total amount for the project is \$281,000.00.

Council Member Friede made a motion to adopt Ordinance No. 15-987 to amend the Water and Sewer Budget for the wastewater treatment plant discharge line project. MOTION CARRIED UNANIMOUSLY.

- h. Consider Adopting a Resolution to Finance the WWTP Discharge Line Project

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

Michael Cramer presented. He said this is the financing portion for the WWTP discharge line project.

Council Member Friede made a motion to adopt Resolution 15-2105 as presented. MOTION CARRIED UNANIMOUSLY.

- i. TDA Reimbursement Approval

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

Mr. Cramer presented the request for the TDA reimbursement. We get reimbursement for things like our lifeguard expenses, CBDI events at the Boardwalk, Pleasure Island Chamber of Commerce, etc. This is opportunity for us to put in a request for reimbursement from the TDA for these funds. The total amount of the funds that we are requesting is \$115,991.05.

Mayor Wilcox asked if Council needed to take action.

Mr. Cramer said that he would like a vote from Council.

Council Member Doetsch made a motion to approve the request for TDA reimbursement for \$115,991.05. MOTION CARRIED UNANIMOUSLY.

Council Member Shuttleworth said that the way he is reading it is that we will have \$323,450 left over in the FY15/16 budget. We had 58 last year, what do we do with those rolling funds?

Mr. Cramer - That is actually the budget figure that will be left after this reimbursement for this year. We spend it on things like for the 2015/16 season, it will go towards things that you approved in the budget like CBDI, the Chamber and any other of our lifeguard expenses.

Council Member Shuttleworth - So we got \$98,000 for the CBDI and Chamber donations, out of \$446,000. So are you applying the rest of it toward lifeguards?

Mr. Cramer - What has happened in the past is there has been a rolling fund so that

every year the amount that is left over in that budget rolls over to the next year. We basically depleted that rolling fund and we are now running off the currently budgeted numbers. Once we get this \$115,000 back, what we'll have in the budget for the rest of the 15/16 FY would be that \$326,000.

Council Member Shuttleworth - I think we need to understand those numbers for when we have those conversations with TDA about sand dollars.

Mayor Wilcox - At the last TDA meeting, Carolina Beach was up 12%. That's our biggest ROT increase in 8 or 9 years.

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Council Member Shuttleworth - I think we need to understand those numbers for when we have those conversations with TDA about sand dollars.

Mayor Wilcox - At the last TDA meeting, Carolina Beach was up 12%. That's our biggest ROT increase in 8 or 9 years.

9. NON-AGENDA ITEMS

Council Member Friede said I have had several people approach me about if there is a mechanism in place for them to call in what they think might be zoning violations without creating the appearance that they are ratting on their neighbor, anonymously.

Ed Parvin said once they talk to us we do write down their name. If they make a complaint to us that is something we're going to prioritize and they come in every day. I understand that they don't want to be out there.

Mayor Wilcox said we have been through this before where we tried to create an anonymous policy and it is a public record when somebody makes a report.

Mr. Parvin said what our policy is if someone wants to know who is complaining they will have to come to the town hall. We don't tell them on site who it is.

Council Member Friede said she has also had some questions about whether our zoning enforcement officer goes out and rides around town because there are things that are seen as obvious and flagrant violations that are allowed to continue or if we are still operating on the basis of a complaint.

Mr. Parvin said we have hired a code enforcement officer, Mark Hewitt, and he does make rounds of the community as well as we also have Brenda who does signs so she does also make rounds of the community. And we have a building inspector who also makes rounds so if there is something that they notice regarding building, codes or signs they are looking for types of activities.

Michael Cramer said we will accept anybody's help in getting that information so we can follow-up on those things but not anonymously. Sometimes code enforcement actions do take quite a long time because there is a lengthy process for that.

MPT Pierce said I've been thinking about the development that we're doing on St. Joseph Street between the Harris Teeter and the 36 units that we're talking about and I saw in the MPO plan that there are some bicycle paths planned on St. Joseph Street. Do you have a timeline for that?

Mr. Parvin said that's one that there's an opportunity for a STPDA grant for this year. If that is a potential I think it is one that we were going to talk with Mike this week to see if that was an option to move forward with. It would be something we would have to apply for.

Mr. Cramer said I don't believe we've done any of the engineering for anything like that. They have done planning and identified them as projects that should go towards funding for the MPO and that is what you approved tonight was the projects for the 2040 plan. That project is on there we just haven't vetted it all the way.

MPT Pierce said she had an owner in the CBD approach me about they did not have a water cap on the property or bathroom and didn't use the trash but they pay all those fees. Do we charge water, sewer and trash to someone who doesn't have restrooms or any sewage issues or...

Mr. Cramer said I guess I would have to know more about the location to really answer that.

MPT Pierce said it's the Putt-Putt course. He said he pays a little over \$100 a month.

Mr. Cramer said I would have to look into that. I would imagine that the utilities are stationed there whether or not they use them could be another issue. Most likely we have the infrastructure dead ending at their property. I would have to look into that and see. I'm not real sure where they would put their waste if it wasn't the compactor. I guess they put it into our garbage cans. I will follow-up on it.

MPT Pierce said I had another person ask me the same thing about the sewage and if they have their own septic, why were they being charged for sewage and if they don't have a restroom and don't use it they still get charged.

Mr. Cramer said they should have their own septic. If you have a water service and you are using water, you get charged for sewer because the water has to go somewhere and the idea is that it has to come back out into our system for sewer so they get both the water and the sewer charge.

Mayor Wilcox said for the record there are no septic tanks allowed in Carolina Beach. He said Sheila put together a list of after hour emergency numbers. It was reported to us that some of our after hour numbers were non-functional.

Mr. Cramer said the lines are working now and the messages should have been changed now.

10. CLOSED SESSION IF NEEDED

Council did not go into a closed session.

11. ADJOURNMENT

Kimberlee Ward
Kimberlee Ward, Town Clerk

10-13-2015
Date Approved

ORDINANCE NO. 15-983
AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET CREATING A
CAPITAL PROJECT ORDINANCE FOR THE CAPE FEAR BLVD. MULTI-USE PATH
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 Cape Fear Blvd. Multi-Use Path Project by amending the following General Fund Capital Project Ordinance:

| <u>Account Code</u> | <u>Description</u> | <u>Previous</u> | <u>Amended</u> | <u>Changed</u> |
|---------------------|-----------------------|-----------------|----------------------|----------------|
| 22-001-046 | Professional Services | \$ 0.00 | \$ 44,337.00 | +\$ 44,337.00 |
| 22-001-074 | Capital Over \$10,000 | \$ 0.00 | \$487,712.00 | +\$487,712.00 |
| TOTAL | | | \$ 532,049.00 | |

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 Cape Fear Blvd. Multi-Use Path Project by amending the following General Fund Capital Project Ordinance:

| <u>Account Code</u> | <u>Description</u> | <u>Previous</u> | <u>Amended</u> | <u>Changed</u> |
|---------------------|-------------------------------|-----------------|---------------------|----------------|
| 22-350-000 | Transfer from General Fund | \$ 0.00 | \$106,410.00 | +\$106,410.00 |
| 22-396-000 | State – NCDOT Grant | \$ 0.00 | \$425,639.00 | +\$425,639.00 |
| TOTAL: | | | \$532,049.00 | |

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 8th day of September 2015.

ATTEST:

Kimberlee Ward
 Kimberlee Ward, Town Clerk



WILCOX, MAYOR

Ordinance 15-984

Town of Carolina Beach
Town Council



Amend Chapter 14 SOLID WASTE to develop a new process and procedure for disposal of yard waste and bulk items.

Sec. 14-10. – Bulky items.

Appliances and bulky items shall be removed at the fee rate established by council.
(Ord. of 5-21-81; Ord. No. 94-345; 5-10-94)

Sec. 14-11. – Tree trimmings.

(a) Tree trimmings shall be removed at the fee rate established by council. Tree trimmings of two (2) inches or less in diameter shall be disposed of by residents contacting the town public works department and requesting use of the town chipper. The town chipper shall be provided at town convenience to dispose of the trimmings. Residents requesting use of the chipper shall deposit their tree trimmings in the curb of the public right-of-way.

(b) Tree trimmings greater than two (2) inches in diameter shall be disposed of by the residents and shall not be deposited in the streets or public right-of-way.
(Ord. of 5-21-81; Ord. No. 88-239; 6-14-88; Ord. No. 94-345; 5-10-94)

Sec. 14-12. – Amount collected.

(a) Maximum volume per collection day is one (1) cubic yard. This is approximately equal to six (6) thirty-gallon cans or bags or a pile four (4) feet by three (3) feet by two (2) feet.

(b) Quantities in excess of those listed in subsection (a) and section 14-5, or materials otherwise not properly prepared, will not be collected and the occupant will be notified to have material removed from the right-of-way.

(Ord. of 5-12-81)

Sec. 14-15. – Special or bulk collections.

(a) *Collection of limbs, branches or boards.* No limbs, branches or boards more than four (4) feet long or greater than six (6) inches in diameter shall be collected. Limbs, branches or boards may be neatly stacked rather than containerized. (One (1) cubic yard total limit including any cans or bags; six (6) bags per pickup.)

(b) *Request for special bulk collections.* Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a charge will be made.

(c) *Not for removal of building materials.* This service is not for removal of materials resulting from building materials scraps or other contracted work, such as construction, remodeling, reroofing, tree removal, concrete work and such. For contracted work, the cost of material removal should be included in the price of the job.

Town of Carolina Beach
Ordinance No. 15-984

Ordinance 15-984

Town of Carolina Beach
Town Council

- (d) *Placement in neat piles*: Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.
- (e) *Disposal of hazardous materials*: All hazardous materials, as so defined by the Environmental Protection Agency, shall be disposed of through an approved method as established by the EPA. All costs for such removal shall be at the expense of the party requiring the removal of such material. No hazardous material shall be placed for collection by the town or its franchise collector except as otherwise noted.

(Code 1977, § 4-2010; Ord. of 5-12-81; Ord. No. 94-345, 5-10-94)

Sec. 14-1. - Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

Acceptable materials: Materials that the town will pick up at road side as described in 14.10. *Acceptable materials* will be picked up either on a set timeline or by request from the resident.

Building material scraps: Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structures, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

Garbage: All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

Recycling bin: A container issued by the town in which is deposited household and/or commercial refuse accepted as recyclable items by the town.

Refuse: All non-putrescible wastes.

Solid waste: Garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants.

Tree trimmings *Yard Waste*: Tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants or grass.

Sec. 14-7. - Location of containers for and after collection.

(a) All containers shall be placed at the front property line and outside the street area on scheduled days of collection.

(b) The day following the scheduled day of collection all refuse containers shall be placed outside the street area and in such a way that they are the least visible from the street.

Town of Carolina Beach
Ordinance No. 15-984

Ordinance 15-984

Town of Carolina Beach
Town Council

(c) Additional debris, such as building material scraps, renovation scraps, appliances and other materials or items not commonly accepted as household refuse or household solid waste, as defined herein, shall be removed by the owner and/or contractor by arrangements made with the town or franchised collection as a special collection. The following costs shall be applicable to additional collections requested of the town, per each collection:

Nonfreon appliances, each\$15.00

Freon appliances, each 25.00

Other debris40.00

(c) Violations to this section shall be subject to a fine in the amount not to exceed twenty-five dollars (\$25.00). Each day or event shall be a separate violation.

(Code 1977, § 4-2007; Ord. of 5-12-81, Ord. No. 93-332, 2-8-94)

Sec 14.10 Placement and collection of acceptable materials in quantities too great to be placed in a container.

(a) Acceptable materials must be separated as follows:

1. White goods and metals; bicycles must have the tires removed;
2. Non-recyclable glass, and ceramics;
3. Furniture such as beds, sofas, mattresses, chairs and the like;
4. Yard waste;
5. Lawnmowers, weed eaters, blowers or similar gas-powered equipment, with gas and oil removed;

(b) Prohibited items

1. Hazardous materials of any type waste, including empty fuel tanks, propane tanks or any pressurized containers;
2. Any bulk waste from residential or commercial properties produced as a result of a contracted service.

Sec 14-11 Placement, collection, quantity, and costs for pick-up of acceptable materials

(a) Placement

1. Acceptable materials shall be placed in piles by the resident for collection in the right of way immediately adjacent to the street.
2. No refuse containers, yard debris or bulk items shall be placed within the portion of the right of used by vehicles, on sidewalks, or within a drainage ditch of any street.
3. No materials shall be placed in the right of way other than during the designated collection week for that property or after a work order has been generated for the acceptable material. All reusable containers shall be removed within 24 hours of pick-up.

Town of Carolina Beach
Ordinance No. 15-984

3 | Page

Ordinance 15-984

Town of Carolina Beach
Town Council

(b) Collection:

1. Yard Waste: The Town of Carolina Beach shall have a set schedule for picking up yard waste for each property on a monthly basis. Said schedule shall be set annually in the adopted rates and fees schedule.
2. All other acceptable materials shall be called in to generate a work order for pick up.

(c) Quantity: Each monthly pick up of yard waste may include a combination of bundles and/or bags equaling no more than a total of 3 cubic yards of material. Bundles and bags shall meet the following criteria:

1. Bundles shall consist of limbs and shrubs no longer than four feet in length and no more than six inches in diameter.
2. Only paper bags shall be utilized.
3. Bundles and bags shall be 50 lbs. or less each.

(d) Costs

1. Monthly pick up of yard waste as described in (c) of this subsections shall occur at no charge.
2. Other acceptable materials may be picked up by the Town of Carolina Beach however a fee in the amount established by the annually adopted rates and fee schedule shall be paid to the town for collection of these materials.
3. When yard waste in excess of what is described in (c) of this subsection is not removed by the property owner or occupant, removal may be accomplished by the town as specified in Sec 14-12.

Ordinance 15-984

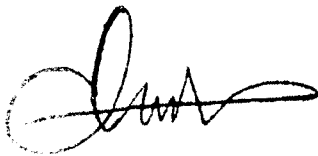
Town of Carolina Beach
Town Council

Sec. 14-12 Collection and disposal of other than acceptable materials

Material not defined by the section as *acceptable materials* such as construction debris shall not be collected by nor disposed of by the town. The removal and disposal of the material is the responsibility of the property owner and/or their contractor, builder or agent. However, if the material is not removed from any property within the corporate limits of the town, the town can enter onto the property and remove the material, charging the cost of such removal and disposal to the property owner.

Sec. 14-13 Enforcement

The Town hereby may perform any of the authorized enforcement actions as described in Chapter 1 Section 1-6 of this code.



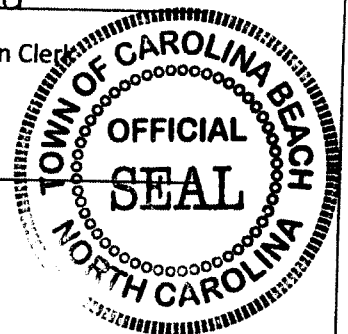
Dan Wilcox, Mayor

Kimberlee Ward

Attest: Kimberlee Ward, Town Clerk

9.8.2015

Date Approved



Ordinance 15-985

Town of Carolina Beach
Town Council



Amend the 2015-16 Budget Ordinance to update the RATES FEE SCHEDULE pertaining to yard waste and bulk items.

Special Pickups

Residential debris such as building material scraps, appliances, yard waste and other items not commonly accepted as household refuse or solid waste shall be considered as a special pickup and an additional charge shall be levied for the special pickup. **Less than one pickup load of yard debris from each residence will be collected once per quarter at no charge.

| | |
|----------------------------|------|
| Per pickup truck load | \$60 |
| Less than full pickup load | \$40 |
| Appliances (with Freon) | \$35 |
| Appliances (without Freon) | \$25 |

Items collected by the Town (\$25 per item)

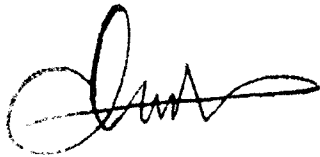
- White goods (i.e. appliances) and metals, bicycles must have the tires removed;
- Non-recyclable glass, and ceramics;
- Furniture such as beds, sofas, mattresses chairs and the like;
- Lawnmowers, weed eaters, blowers or similar gas-powered equipment, with gas and oil removed;
- Yard Waste – one free pick up per month that is equal to or less than 3 cubic yards.
- Yard Waste work orders requested in addition to the monthly pick up shall be at the following rates:
 - 3 cubic yards (1 Pickup truck load) \$60
 - Less than 3 cubic yards \$40
 - 6 cubic yards (dump Truck load) \$100
- 1 cubic yard = four 30 gallon paper bags or three bundles

Ordinance 15-985

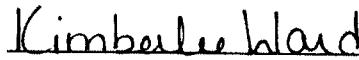
Town of Carolina Beach
Town Council

Penalties.

(a) Any person who shall violate or fail to comply with any provision or order made concerning solid waste, shall be subject to civil penalty as set out in section 1-6 of the Town Code of Ordinances or punishable by a fine not to exceed fifty dollars (\$50.00) under G S section 14-4, or both. Each day such violation shall be permitted to exist shall constitute a separate offense. The Town Manager or their designee may, in lieu of the fine, direct staff or the franchise collector to remove the solid waste, yard waste, or litter and impose the appropriate fee.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

9-8-2015

Date Signed



Ordinance 15-986

Town of Carolina Beach
Town Council



Amend Chapter 14 Section 14.2 to address violations of the town provided compactor in the CBD

Sec. 14-2. - Collection—Charges; fees.

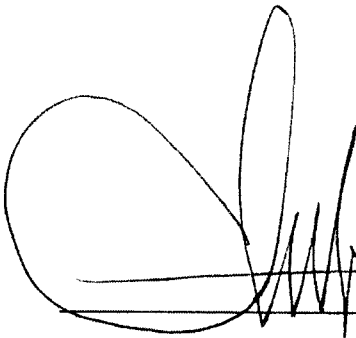
- (a) *Rates and charges to be established by council; considered debt owing town or its franchisee.* For the service of collecting and disposing of garbage and refuse, the owner or occupant of each premises from which garbage and refuse is collected by the town or its franchisee shall be charged such rates as may be established, from time to time, by the town council. Such charges shall be considered a debt owing to the town or its franchisee from the owner or occupant of the premises which uses the service. The commercial or residential rates shall be charged at the monthly fixed charge which shall be as provided in the annual budget ordinance.
- (b) *Businesses using compactor dumpster to maintain current accounts.* Any person who has two (2) or more business locations in the town who has a key issued to him and uses the town's compactor dumpster must have his accounts paid in full for each of his business locations before being issued a key; otherwise, the key shall be returned to the town immediately upon notification of arrearage in any one (1) of such person's accounts with the town.
- (c) *Forfeiture of right to use of compactor.* Any person who knowingly allows a person in default to use his personal key, or allows such person to deposit his garbage or waste material in the town's compactor, shall immediately forfeit his right to retain such key and he shall thereafter be required to deposit such solid waste under the supervision of a town employee and the cost or time of such employee shall be borne by the violator.
- (d) *Time limitation for payment of arrearage; termination of service for failure to pay.* Any person who receives notification from the town in writing as to his arrearage in one (1) or more of his accounts shall have no more than ten (10) days to pay his account in full for all locations as listed upon the privilege licenses issued to him. Failure to pay within the time allotted shall cause such service to be terminated immediately and it shall not be resumed until such time as all accounts of such person are paid in full.
- (e) *Penalty for usage by nonsubscribers and allowing nonsubscribers to use compactor dumpster.* Any person found to be using the compactor or recycling dumpster illegally or allowing a nonsubscriber to use the compactor or recycling dumpster shall be guilty of a misdemeanor and shall thereafter return his key to the town and thereafter deposit his solid waste under the supervision of a town employee and the cost and time of such employee shall be borne by such person or violator.

Ordinance 15-986

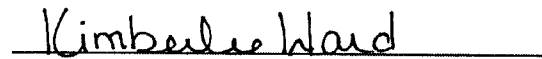
Town of Carolina Beach
Town Council

(f) *No exemptions from collection/disposal service.* No owner or occupant of premises within the town shall be exempt from the collection and disposal service provided by the town or its franchisee. All owners or occupants of premises within the town shall be subject to the service charges prescribed by the town council or negotiated by the town council with its franchisee, if there is one. Any adjustment for such charges shall be made at the discretion of the council, or if there is a franchisee, it shall be negotiated by council.

(Ord. No. 81-35, § 14-2002-1; 10-13-81; Ord. No. 85-169, 4-9-85; Ord. No. 86-184, 2-11-86)



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

9.8.2015

Date Signed

ORDINANCE NO. 15-987
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> |
|---------------------|--------------------|-----------------|---------------------|----------------|
| 14-001-071 | Discharge Pipe | \$ 0.00 | \$281,000.00 | + \$281,000.00 |
| TOTAL | | | \$281,000.00 | |

SECTION TWO:

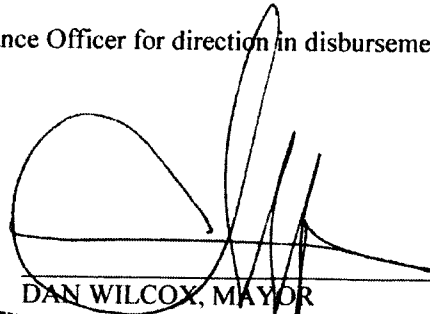
That the Fiscal Year 2015-2016 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Capital Project by adopting the following Water and Sewer Capital Project Ordinance:

| <u>Account Code</u> | <u>Description</u> | <u>Previous</u> | <u>Amended</u> | <u>Changed</u> |
|---------------------|---------------------------------------|-----------------|---------------------|----------------|
| 14-350-000 | Transfer from Water and Sewer Fund | \$ 0.00 | \$281,000.00 | + \$281,000.00 |
| TOTAL: | | | \$281,000.00 | |

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 8th day of September, 2015.



 DAN WILCOX, MAYOR

ATTEST:


 Kimberlee Ward, Town Clerk



ORDINANCE NO. 15-988
AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET AND THE UTILITY
FUND BUDGET FOR THE BOARDWALK DISTRICT IMPROVEMENT 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 Boardwalk District Project by amending the following General Fund and Utility Fund Budget Ordinance:

| <u>Account Code</u> | <u>Description</u> | <u>Previous</u> | <u>Amended</u> | <u>Changed</u> |
|---------------------|------------------------------|-----------------|----------------------|----------------|
| 10-580-074 | Capital Outlay Over \$10,000 | \$ 149,500.00 | \$ 388,050.00 | +\$388,050.00 |
| 30-812-074 | Capital Outlay Over \$10,000 | \$ 144,800.00 | \$ 364,405.00 | +\$364,405.00 |
| TOTAL | | | \$ 752,455.00 | |

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 Boardwalk District Project by amending the following General Fund and Utility Fund Budget Ordinance:

| <u>Account Code</u> | <u>Description</u> | <u>Previous</u> | <u>Amended</u> | <u>Changed</u> |
|---------------------|----------------------------|-----------------|----------------------|----------------|
| 10-399-000 | Transfer from General Fund | \$ 0.00 | \$ 388,050.00 | +\$388,050.00 |
| 30-399-000 | Transfer from Utility Fund | \$ 0.00 | \$ 364,405.00 | +\$364,405.00 |
| TOTAL: | | | \$ 752,455.00 | |

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 8th day of September 2015.

ATTEST:

Kimberlee Ward
 Kimberlee Ward, Town Clerk



[Handwritten Signature]

 WILCOX, MAYOR

Ordinance 15-989

Town of Carolina Beach
Town Council



ORDINANCE 15-989

AN ORDINANCE AMENDING THE 2015/2016 ANNUAL BUDGET REMOVING THE CHARGE FOR A LOST OR STOLEN TRASH CAN

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

That the Fiscal Year 2015/2016 Budget for the Town of Carolina Beach is hereby amended to remove the fees associated with trash cans being lost or stolen as mentioned in the Rates and Fees Section of the FY 2015/2016 Annual Budget Book.

Replacement Containers

The Town shall provide the initial containers for solid waste collection and recycling without charge. Replacement containers due to loss or damage shall be charged to the owner or occupant of the premises at \$80.00 per cart.

Duly adopted this 8th day of September, 2015.

Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

9-8-2015

Date Signed

Resolution 15-2101

Town of Carolina Beach
Town Council



RESOLUTION ADOPTING THE *CAPE FEAR TRANSPORTATION 2040 PLAN*

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization (Wilmington MPO) provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the N.C. Board of Transportation; and

WHEREAS; the Wilmington MPO is federally required to update the metropolitan transportation plan (MTP) every five years; and

WHEREAS, the Wilmington MPO began development of the *Cape Fear Transportation 2040* plan in 2013 to satisfy the requirements of the Moving Ahead for Progress in the 21st Century Act (MAP-21) as well as other federal, state and local laws for a continuing, cooperative and comprehensive transportation planning process; and

WHEREAS, the *Cape Fear Transportation 2040* plan is a product of a multi-modal, 3-C transportation planning process, compatible with the Wilmington MPO's long range vision; and

WHEREAS, the *Cape Fear Transportation 2040* plan is fiscally constrained; and

WHEREAS, the *Cape Fear Transportation 2040* plan was developed by the Wilmington MPO's Citizen Advisory Committee in coordination with the Technical Coordinating Committee and the Transportation Advisory Committee, local elected and appointed officials, local municipal and county staff, service organizations, and the general public; and

WHEREAS, public comments were solicited at regular intervals during the planning process and a 30-day public comment period was held to receive comments on the plan; and

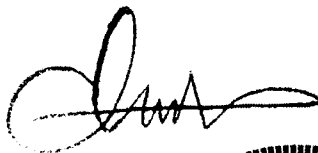
WHEREAS, the Wilmington MPO's Transportation Advisory Committee requests adoption of the Cape Fear Transportation 2040 Plan by the MPO's local member jurisdictions.

Resolution 15-2101

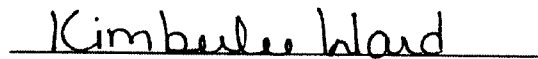
Town of Carolina Beach
Town Council

NOW THEREFORE, be it resolved that the Town of Carolina Beach hereby adopts the *Cape Fear Transportation 2040* plan.

ADOPTED at a regular meeting of the Carolina Beach Town Council on September 8, 2015.



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

9.8.2015

Date Signed

Resolution 15-2104



Town of Carolina Beach
Town Council

Reimbursement Resolution for Construction of Water, Sewer, Storm water, Sidewalks, Lights and Underground Power, phone and Cable Infrastructure Improvements associated with the Boardwalk Infrastructure Improvement Project.

WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

BE IT THEREFORE RESOLVED by the Town of Carolina Beach, a follows:

1. The Town Hereby determines the Project to include the Construction of Water, Sewer, Storm water, Sidewalks, Lights and Underground Power, phone and Cable Infrastructure Improvements associated with the Boardwalk Infrastructure Improvement Project.
2. The Project is to be financed. The insurer intends to finance the costs of the Project with the proceeds of debt to be issued by the issuer (The "Borrowing") the interest on which is to be excluded from gross income for federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$752,455.
3. Funds have been advanced or may be advanced from the General Fund and Utility Fund Balance for the project costs are intended to be reimbursed form the financing proceeds
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from financing proceeds.

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

Dan Wilcox, Mayor

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

Attest: Kimberlee Ward, Town Clerk

9.8.2015

Date Approved



Town of Carolina Beach
Resolution No. 15-2104

Resolution 15-2105



Town of Carolina Beach
Town Council

Reimbursement Resolution for Construction of Waste Water Treatment Plant Discharge Line Project.

WHEREAS, The Finance Director has described to the Board the desirability of adopting a resolution as provided under federal tax law to facilitate the unit's using financing proceeds to restore the unit's funds when the unit makes capital expenditures prior to closing on financing.

BE IT THEREFORE RESOLVED by the Town of Carolina Beach, a follows:

1. The Town Hereby determines the Project to include the construction of a Discharge Line associated with the Waste Water Treatment Plant Discharge Line Project.
2. The Project is to be financed. The insurer intends to finance the costs of the Project with the proceeds of debt to be issued by the issuer (The "Borrowing") the interest on which is to be excluded from gross income for federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$281,000.
3. Funds have been advanced or may be advanced from the Capital Project Fund for the project costs are intended to be reimbursed form the financing proceeds
4. The adoption of this resolution is intended as a declaration of the unit's official intent to reimburse project expenditures from financing proceeds.

Dan Wilcox, Mayor

Attest: Kimberlee Ward, Town Clerk

9.8.2015
Date Approved



Town of Carolina Beach
Resolution No. 15-2105

Proclamation 15-2103

Town of Carolina Beach
Town Council



Proclaiming September 17-23, 2015

"Constitution Week"

WHEREAS, September 17, 2015 marks the two hundred twenty eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week, and

NOW, THEREFORE, I, Dan Wilcox, as Mayor of the Town of Carolina Beach do hereby proclaim the week of September 17-23, 2015 to be

Constitution Week

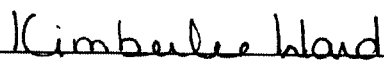
in the Town of Carolina Beach and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Adopted this 8th day of September 2015.



Dan Wilcox, Mayor





Attest: Kimberlee Ward, Town Clerk

9.8.2015

Date Signed

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member



LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

ORDER GRANTING A CONDITIONAL USE PERMIT

Applicant: HDI Holdings
Location: 402 N. Lake Park Blvd
Tax Parcel Number: 313011.56.3687.000

The Town Council of the Town of Carolina Beach, having held a public hearing on September 8, 2015 to consider approving a Conditional Use Permit for a 36 unit condo building and where sworn testimony was heard from the following persons: Senior Planner, Jeremy Hardison, Assistant Manager, Ed Parvin, Applicant's Attorney, Cindy York, Charles Poindexter, Dave Tracey, JC Warren, and Fred Fisher. The following uncontested facts were presented:

Specific Standards

1. Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
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;
3. Refuse and service area, with particular reference to the items in (1) and (2) above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
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;
7. Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

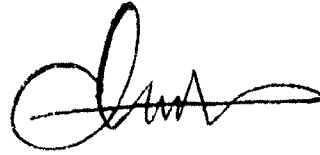
General conditions.

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.;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
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.

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

- 1) The site plan corresponding to this approval was designed by Honeycutt Engineering dated 6/22/15 and revised on 8/31/15. The plan was stamped received by the Town of Carolina Beach on 9/1/15.
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted, and approved by the Town of Carolina Beach.
- 3) 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 for original submission.
- 4) Landscaping buffer is required per site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Install a 5' Sidewalk adjacent to N. Lake Park Blvd
- 7) Recording of all necessary documents of conveyance between adjacent property owners and easement holders as needed to satisfy plans submitted by applicant. Recording the road closure plat signed off by the adjacent properties will be required before issuance of a building permit.
- 8) 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.
- 9) All permits and approval letters required by all Federal, State, and Local Agencies shall be submitted.
- 10) A plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
- 11) Infrastructure and site plan as-builts shall be provided/approved prior to CO.
- 12) Work with the NCDOT and the Town to reconfigure the intersection of St. Joseph Street and North Lake Park Blvd.

Ordered this 8th day of September, 2015



Dan Wilcox, Mayor

9/8/2015
Date

ATTEST:

Kimberlee Ward
Kimberlee Ward, Town Clerk

9/8/2015
Date

