



CAROLINA BEACH
Regular Town Council Meeting Agenda
Tuesday, February 12, 2019 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

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1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE	
2. ADOPT THE AGENDA	
3. CONSENT AGENDA	
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b.	Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to create an allowance for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach	85 - 113
c.	Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of breweries and distilleries in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach	114 - 140
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	Motion to go into closed session to discuss a personnel matter in Accordance to NCGS 143.318-11(a)(6)	
10.	ADJOURNMENT	



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Debbie Hall

Department: Finance

Budget Amendments and/or Transfers

BACKGROUND:

I have received several budget amendments and/or transfer requests. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendments and/or transfers. I have also attached a copy of the supporting documentation for the appropriations and/or transfers.

Appropriation:

Appropriate \$100,500 from the Utility Fund fund balance to account 30-900-046 for surveying and engineering of the five priority stormwater areas. Council approved moving forward with these studies at the December Council meeting.

Transfers:

Transfer \$6,000 from account 23-013-074 to account 23-002-046 to cover engineering and surveying costs for Phase C stormwater and streetscape.

Transfer \$2,000 from account 10-491-014 (travel and training) to account 10-491-033 (supplies) to cover future supply purchases.

Transfer \$137,375.81 from the General Fund departmental 004 Merit Pay line items to the 002 Wage line items.

Transfer \$39,536.99 from the Utility Fund departmental 004 Merit Pay line items to the 002 Wage line items.

Transfer \$49,524.76 from account 10-491-002 to account 10-420-002; \$3,817.19 from account 10-491-005 to account 10-420-005; \$3,865.33 from account 10-491-007 to account 10-420-007; and \$1,485.68 from account 10-491-025 to account 10-420-025 to cover wages and benefits for new Town Manager.

Transfer \$25,000 from account 30-900-002 Wage line item to account 30-900-044 Temps line item.

BUDGET IMPACT:

The \$100,500 appropriation for five priority stormwater projects affects the Utility Fund fund balance.

ACTION REQUESTED:

Approve budget amendments and/or transfer as presented by the Finance Director.

ATTACHMENTS:

[Budget Appropriation and Transfers 2.12.19](#)



AGENDA ITEM

Meeting: Regular Town Council - 11 Dec 2018

Prepared By: Ed Parvin

Department: Executive

Stormwater

BACKGROUND:

At the November workshop staff presented 5 stormwater projects associated with the areas where we have seen consistent stormwater issues. The evaluation you were given has been put in a formal proposal for surveying and engineering for you to consider approving. Priority 1: Work with Publix to route SW through their site to alleviate concerns we are having with SW along Lake Park Blvd. Timeline: 90 days. Survey crews have already started at this location and will immediately shift over to Priority 2 once completed.

Priority 2: Texas Avenue and Snapper: Staff will be meeting with the program logic and pump tech in January to see if there are immediate changes we can make to allow the pumps to run longer at a slower rate allowing for less rest time needs (cut on/off times). Finalizing engineering recommendations will be approximately 6 months.

Priority 3: Charlotte, Cape Fear, 4th and 6th Street: Work can be completed within 3 months.

Priority 4: LPB, Goldsboro and Wilson: Work can be completed within 3 months

Priority 5: Dow Road to 7th from Harper to Sumter. This is a larger study area and will likely take from 8-12 months to complete surveying and modeling.

Once all projects are complete staff will bring back solutions to Town Council for consideration.

BUDGET IMPACT:

The two proposals account for \$100,500

ACTION REQUESTED:

Motion to approve the Engineering and Survey work for Priority 1 - 5 as listed on the attached Engineering Proposal.

ATTACHMENTS:

[18032 Carolina Beach Stormwater Study Contract \(12-4-2018\)](#)

Debbie Hall

From: Ed Parvin
Sent: Friday, January 18, 2019 11:49 AM
To: Debbie Hall
Subject: transfer

Please transfer \$6,000 form 23-013-074 to 23-002-046 to cover engineering and surveying costs.

Submit to Finance for Payment: 1/10/19

Town of Carolina Beach

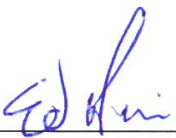
Interoffice

TO: Debbie Hall, Finance Director
FROM: Ed Parvin, Interim Town Manager
SUBJECT: Budget Transfer
DATE: January 11, 2019

Respectfully request Budget Transfer for the following:

\$2,000.00 from 10-491-014 TO: 10-491-033

Moving the requested funds (from Training ok'd by Darrel Johnson) due to ZERO Balance in the Supply Budget.

Signature:  Date: 1/10/2019

Merit Increases for fiscal year ending June 30, 2019

004 Line Item Utilized

<u>Cost Center</u>	<u>Department Name</u>	<u>Merit Budget</u>	<u>Utilized</u>	<u>Remaining</u>
10-420-004	Executive	\$8,438.00	(\$3,558.05)	\$4,879.95
10-430-004	Clerk	\$4,642.00	(\$3,897.32)	\$744.68
10-440-004	Finance	\$7,166.00	(\$6,635.97)	\$530.03
10-450-004	Human Resources	\$4,826.00	(\$4,826.00)	\$0.00
10-491-004	Planning	\$22,580.00	(\$19,604.51)	\$2,975.49
10-493-004	Public Works - Brian	\$1,440.00	(\$1,260.39)	\$179.61
10-510-004	Police	\$58,215.00	(\$50,620.74)	\$7,594.26
10-520-004	Ocean Rescue	\$2,068.00	(\$2,068.00)	\$0.00
10-530-004	Fire	\$22,774.00	(\$20,041.32)	\$2,732.68
10-580-004	Environmental	\$16,129.00	(\$12,414.00)	\$3,715.00
10-620-004	Parks and Rec	\$10,954.00	(\$8,799.27)	\$2,154.73
10-630-004	Beach Maintenance	\$8,710.00	(\$3,650.24)	\$5,059.76
30-800-004	Water/Sewer Admin	\$12,697.00	(\$6,229.21)	\$6,467.79
30-810-004	WWTP	\$9,437.00	(\$9,436.73)	\$0.27
30-811-004	WWC	\$16,887.00	(\$12,456.93)	\$4,430.07
30-812-004	Water	\$3,059.00	(\$1,195.54)	\$1,863.46
30-900-004	Stormwater	\$14,097.00	(\$10,218.58)	\$3,878.42
		\$224,119.00	(\$176,912.80)	\$47,206.20

	Utilized
General Fund Total	(\$137,375.81)
Utility Fund Total	(\$39,536.99)

Payroll History
9/12/2018 - 2/24/2019

GL Account	Description	Amounts
10-420-002	Wages	\$49,524.76
10-420-005	SS & FICA	\$3,817.19
10-420-007	Retirement	\$3,865.33
10-420-025	401(k) Match	<u>\$1,485.68</u>
	Total	<u>\$58,692.96</u>

Need to do a budget transfer from the Planning Department to the Executive Department for Intermin Town Manager wages and benefits

Debbie Hall

From: Alisa Perry
Sent: Thursday, January 31, 2019 2:21 PM
To: Debbie Hall
Cc: Mark Meyer
Subject: Budget Transfer Request

Debbie,

Please make the following budget transfer to cover the shortage in temporary labor funds.

DATE: January 31, 2019

DEPARTMENT: Operations (Stormwater)

DEPARTMENT CODE TRANSFERRED FROM: 30-900-002

DEPARTMENT CODE TRANSFERRED TO: 30-900-044

AMOUNT OF TRANSFER: \$ 25,000.00

Please let me know if you have any questions.

Thank you,

Alisa D. Perry
Accounts Payable Technician



(910)-458-0786
alisa.perry@carolinabeach.org



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019
Prepared By: Debbie Hall
Department: Finance

**Approve Contract for Auditing Service for the Fiscal Period
Ending June 30, 2019**

BACKGROUND: G.S 159-34(a) requires approval of the annual financial audit contract by the primary government governing body. Copies of the LGC Contract and Engagement Letter for Bernard Robinson & Company L.L.P. are attached for your review.

Fees for Audit Services for period ending June 30, 2019:

Audit Services -----\$21,000
Writing Financial Statements ----- \$ 4,000
Each Single Audit (Federal or State) ----- \$ 2,000

ACTION REQUESTED: The Finance Director recommends approval of the contract for auditing services.

ATTACHMENTS: [Audit Contract FY19](#)
[Audit Engagement Letter FY19](#)

LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 10/2018

The	Governing Board Town Council
of	Primary Government Unit The Town of Carolina Beach
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Bernard Robinson & Company, LLP
	Auditor Address 1501 Highwoods Blvd. Suite 300 Greensboro, NC 27410

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/19	Audit Report Due Date 10/31/19
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

County and Multi-County Health Departments: The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on

eligibility determination as required by OSA and in accordance with the instructions and timeline provided by OSA.

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 12).

10. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

13. The Auditor shall submit the report of audit in PDF format to LGC Staff when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

If the OSA designates certain programs to be audited as major programs, as discussed in Item 2, a turnaround document and a representation letter addressed to the OSA shall be submitted to LGC Staff.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

15. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 26 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

17. Special provisions should be limited. Please list any special provisions in an attachment.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

19. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

21. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

22. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

23. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

24. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 10/2018

25. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

26. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

27. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slgl/Pages/Audit-Forms-and-Resources.aspx>.

28. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

FEEES FOR AUDIT SERVICES

For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter, but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8, 9, and 12 for details on other allowable and excluded fees.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year audit fee on file with the LGC, the LGC calculation prevails.

20 NCAC 03 .0505: All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law.

PRIMARY GOVERNMENT FEES

Primary Government Unit	The Town of Carolina
Audit	\$ 21,000
Writing Financial Statements	\$ 4,000
All Other Non-Attest Services	\$ 2,000 (for each major federal or state program)
75% Cap for Interim Invoice Approval	\$ 20,250.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm Bernard Robinson & Company, LLP	
Authorized Firm Representative (typed or printed) Victor Blackburn	Signature 
Date 01/21/19	Email Address vblackburn@brccpa.com

GOVERNMENTAL UNIT

Governmental Unit The Town of Carolina	
Date Primary Government Unit Governing Board Approved Audit Contract (Ref. G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed) Joe Benson	Signature
Date	Email Address joe.benson@carolinabeach.org

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer (typed or printed) Debbie Hall	Signature
Date of Pre-Audit Certificate	Email Address debbie.hall@carolinabeach.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU N/A	
Date DPCU Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)
 Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



Bernard Robinson & Company, L.L.P.

January 21, 2019

Town of Carolina Beach, North Carolina
1121 N. Lake Park Blvd
Carolina Beach, North Carolina 28428

To the Town Council

We are pleased to confirm our understanding of the services we are to provide Town of Carolina Beach, North Carolina for the year ending June 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Town of Carolina Beach, North Carolina as of and for the year ending June 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Carolina Beach, North Carolina's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Carolina Beach, North Carolina's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Local Government Employees' Retirement System
- 3) Other Post-Employment Benefits

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Carolina Beach, North Carolina's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

1501 Highwoods Blvd., Ste. 300 (27410)
P.O. Box 19608 | Greensboro, NC 27419
P: 336-294-4494 • F: 336-294-4495

brccpa.com



Town of Carolina Beach, North Carolina
 January 21, 2019
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- 1) General Fund - Schedule of Revenue, Expenditures and Changes in Fund Balance - Budget and Actual
- 2) Combining Balance Sheet
- 3) Combining Statement of Revenues, Expenditures and Changes in Fund Balance (if applicable)
- 4) Grant Fund – Budget and Actual
- 5) Matsu Project Fund – Budget and Actual
- 6) Annie Drive Paving and Drainage – Budget and Actual
- 7) Operations Center – Budget and Actual
- 8) Boardwalk Improvement – Budget and Actual
- 9) Island Greenway Improvement – Budget and Actual
- 10) Utility Fund – Budget and Actual
- 11) Water Project – Budget and Actual
- 12) Stormwater Improvement – Budget and Actual
- 13) Water and Sewer Capital Project Fund – Budget and Actual
- 14) Schedule of Ad Valorem Taxes Receivable – Budget and Actual
- 15) Analysis of Current Year Levy – Budget and Actual

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of Town of Carolina Beach, North Carolina and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Town of Carolina Beach, North Carolina's financial statements. Our report will be addressed to Members of the Town Council of Town of Carolina Beach, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the Government's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Government's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose.

Town of Carolina Beach, North Carolina
January 21, 2019
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If during our audit we become aware that Town of Carolina Beach, North Carolina is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Government or to acts by management or employees acting on behalf of the Government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the Government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

Town of Carolina Beach, North Carolina
January 21, 2019
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Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Carolina Beach, North Carolina's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes, and supplementary information of Town of Carolina Beach, North Carolina in conformity with accounting principles generally accepted in the United States of America based on information provided by you. In addition, we will perform a cash basis to accrual basis accounting adjustment based on information provided by you as part of the nonaudit services you have requested. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements and related notes, and supplementary information previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. Management is also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Town of Carolina Beach, North Carolina
January 21, 2019
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Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the Government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the Government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Town of Carolina Beach, North Carolina
January 21, 2019
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You agree to assume all management responsibilities relating to the financial statements and related notes, supplementary information, and performing a cash basis to accrual basis accounting adjustment, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes, supplementary information, performing a cash basis to accrual basis accounting adjustment, or other changes affecting the financial statements, and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them..

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our report to the Organization; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our report are to be made available for public inspection.

The audit documentation for this engagement is the property of Bernard Robinson & Company, L.L.P. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request in a timely manner to North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Bernard Robinson & Company, L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report's release date or for any additional period requested by the regulatory agencies, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Victor Blackburn is the engagement partner and is responsible for supervising the engagement and signing the report, or authorizing another individual to sign it.

To ensure that Bernard Robinson & Company, L.L.P.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Town of Carolina Beach, North Carolina
January 21, 2019
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Our fees for these services will be based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, word processing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of personnel assigned. Our fees are based on anticipated cooperation from the Organization's personnel, timely completion of all requested items, and the assumption that unexpected circumstances will not be encountered during the engagement. If circumstances occur and additional time is necessary to complete the audit, we will discuss this with management promptly to arrive at a new estimate before we incur the additional costs. The time related to any additional services we are required to perform in order to complete the audit will be billed separately. Our fees for the audit services for the year ending June 30, 2019 will be \$25,000. We will invoice you for these fees at the following intervals: 1) completion of our fieldwork; and 2) delivery of financial statements. Invoices are payable upon presentation. All costs relating to collection of these fees will also be the responsibility of Town of Carolina Beach, North Carolina including, but not limited to, attorney fees and collection agency fees. Invoiced fees outstanding past 60 days will be subject to a 1½% monthly finance charge.

You agree to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

We appreciate the opportunity to be of service to Town of Carolina Beach, North Carolina and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign a copy and return it to us.

Sincerely,

Bernard Robinson & Company, L.L.P.

BERNARD ROBINSON & COMPANY, L.L.P.

RESPONSE:

This letter correctly sets forth the understanding of Town of Carolina Beach, North Carolina.

Management signature/Title: _____

Governance signature/Title: _____



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Sheila Nicholson

Department: Executive

ROT Reimbursement Request

BACKGROUND:

FY 15/16 ROT budget amount was \$533,062; the Town was reimbursed \$284,418

FY 16/17 ROT budget amount was \$839,302; the Town was reimbursed \$668,741

FY 17/18 ROT budget amount was \$789,781; the Town was reimbursed \$302,371

The original amount of ROT funds allocated for Carolina Beach FY 18/19 was \$652,563 and \$599,766 carryover was added making the total available ROT funds for FY 18/19 \$1,252,329. So far, the Town has been requested a total of \$692,401.19 in reimbursements during FY 18/19.

The Town of Carolina Beach would like to make a request for ROT funds in the amount of \$137,089.83 at the March 2019 TDA Board meeting. This amount includes the following:

- \$ 87,600.00-reimbursement for donation made to Chamber of Commerce FY 17/18
- \$ 17,615.09-reimbursement for ocean rescue/lifeguard expenses 12/1/18-1/31/19
- \$ 23,334.74-payment for estimated cost of bike racks and kiosks for walking trails

If the request is approved and paid, the the remaining budget balance for the 18/29 ROT Activities fund would be \$422,837.98.

ACTION REQUESTED:

The Town Manager recommends Council approval of the ROT reimbursement request for the March, 2019 TDA Board Meeting

CAROLINA BEACH

Town Council Workshop Minutes
Tuesday, December 18, 2018 @ 8:30 AM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, December 18, 2018 at 8:30 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member JoDan Garza, and Council Member Steve Shuttleworth

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 9:30 AM

2. CLOSED SESSION

Council will go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6).

- a. **Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.**

Mayor Benson called the meeting back to order stating that no action was taken during closed session.

3. ADJOURNMENT

Mayor Benson made a motion to recess this meeting until December 19, 2018 at 9:30 a.m. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
 Wednesday, December 19, 2018 @ 9:30 AM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Wednesday, December 19, 2018 at 9:30 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member JoDan Garza, and Council Member Steve Shuttleworth

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. COUNCIL RESUMED MEETING FROM DECEMBER 18, 2018

2. CLOSED SESSION

CLOSED SESSION TO DISCUSS A PERSONNEL MATTER IN ACCORDANCE TO NCGS 143-318.11(A)(6)

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Council returned to open session at 11:45 am.

Mayor Benson made a motion to recess the meeting until 1:30 pm. Motion carried unanimously.

Mayor Benson called the meeting back to order at 1:30 pm.

Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Council returned to open session at 5:00 pm stating that no action was taken during closed session.

3. ADJOURNMENT

Mayor Benson made a motion to adjourn at 5:00 pm. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

Special Meeting

December 19, 2018

Page 2 of 2

CAROLINA BEACH

Town Council Workshop Minutes
Saturday, December 22, 2018 @ 4:00 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Saturday, December 22, 2018 at 4:00 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 4:00 PM

2. CLOSED SESSION

a. Closed Session

Mayor Benson made a motion to go into closed session to discuss an attorney/client matter and a personnel matter in accordance to NCGS 143-3187.11(a)(3) and (6). Motion carried unanimously.

Cases being discussed include:

TCB vs. Carolina Freeman LLC NHC 18 CVS 3151

TCB vs, B& F Enterprises LLC NHC 18 CVS 3152

TCB vs DRDK, LLC NHC 18 CVS 3153

TCB vs Freeman Beach, LLC 18 CVS 3154

Council returned to open session stating that no action was taken during closed session.

3. ADJOURNMENT

a. Mayor Benson made a motion to adjourn at 5:40 pm. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
Thursday, December 27, 2018 @ 4:00 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Thursday, December 27, 2018 at 4:00 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member JoDan Garza

ABSENT: Council Member Steve Shuttleworth

ALSO PRESENT: Assistant Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 4:00 PM

- a. Council Member Shuttleworth listened to the meeting by telephone.

2. DISCUSSION ITEMS

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143.318-11(a)(6). Motion carried unanimously.

Council returned to open session at 5:15 pm.

3. MEETING RECESSED

- a. Mayor Benson made a motion to recess the meeting until Wednesday, January 2, 2019 at 3:00 pm. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk.

CAROLINA BEACH

Town Council Workshop Minutes
Wednesday, January 2, 2019 @ 3:00 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Wednesday, January 2, 2019 at 3:00 PM at Council Chambers.

PRESENT: Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member JoDan Garza

ABSENT: Mayor Joe Benson and Council Member Steve Shuttleworth

ALSO PRESENT: Assistant Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MPT BRIDGES CALLED THE MEETING TO ORDER AT 3:00 PM

- a. Mayor Benson called in by phone during the open meeting and closed session.

2. DISCUSSION ITEMS

- a. MPT Bridges made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Council returned to open session at 3:20 pm stating that no action was taken during closed session.

Council Member Garza made a motion to enter into an employment contract with Lucky Narain to fill the role as town manager effective February 25, 2019. Mr. Narain's starting salary is \$120,000. Motion carried unanimously.

3. ADJOURNMENT

- a. MPT Bridges made a motion to adjourn at 3:20 pm. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward Town Clerk.

CAROLINA BEACH

Regular Town Council Minutes
 Tuesday, January 8, 2019 @ 6:30 PM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Regular Town Council was held on Tuesday, January 8, 2019 at 6:30 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER WITH INVOCATION BY PASTOR DAN KECK OF KURE MEMORIAL LUTHERAN CHURCH FOLLOWED BY THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

ACTION: Motion to adopt the agenda.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. The following items were approved under the consent agenda:
 - Set public hearing for February 12, 2019 at 6:30 pm or soon thereafter to hear requests for funding from non-profits.
 - Set public hearing for February 12, 2019 at 6:30 pm or soon thereafter for a text amendment to Chapter 40 Article VIII to expand the size allowance for corner lot freestanding signs.
 - Set a public hearing for February 12, 2019 at 6:30 pm or soon thereafter for a text amendment to Chapter 40 Article III to review the use allowance for Distilleries and Breweries in commercial zones.
 - Approve budget amendments and/or transfer as presented by the Finance Director.
 - Minutes from the December 11, 2018 Town Council meeting.

ACTION: Motion to approve the consent agenda.

Motion: Joe Benson

Vote: UNANIMOUS

4. SPECIAL PRESENTATIONS

- a. Small Business Administration-Elizabeth Dwyer

Small Business Administration-Elizabeth Dwyer reminded citizens of the services that they offer.

- b. History of Carolina and Kure Beach by Elaine Henson

Elaine Henson gave a presentation on the history of Carolina and Kure Beach.

- c. Manager's Update

Ed Parvin gave an update on the current and upcoming projects.

5. PUBLIC COMMENT

- a. Derek Then 500 St. Joseph Street, Unit 3106 spoke about affordable housing and against raising the building height requirements.

Amy Hooker Kidd 618 Clarendon Avenue spoke against the grant application for a multi-use path on Clarendon Avenue. She asked Council that if the grant is approved, please hold a public hearing.

Council Member Pierce said that they would.

Mary Weber 500 St. Joseph Street spoke against changing the building height requirements. She suggested waiting to hear from the Land Use Study.

Fred Grady Cape Fear Boulevard said he loves the bike path on Cape Fear. He thanked Jerry Haire and Council for a job well done.

6. PUBLIC HEARINGS

- a. Adopt a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'. Applicant: Pelican Point CB, LLC

Jeremy Hardison presented a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'.

Mayor Benson made a motion to open public hearing. Motion carried unanimously.

Mary Weber asked if the plan gets approved is there a minimum requirement between two buildings.

Council Member Shuttleworth replied that the fire code requires a minimum distance. The Fire Marshal would have to approve each Conditional Use Permit request.

Mr. Hardison added that the more restrictive rule would apply.

Mr. Derek Then, 500 St. Joseph Street stated that he was concerned about parking.

Mayor Benson made a motion to close public hearing. Motion carried unanimously.

Council Member Garza said he would like to stick with what is already in place.

MPT Bridges asked why would you amend this now if the Land Use Plan is currently under revision.

Council Member Shuttleworth said he didn't think staff would recommend this if there was a safety issue. It just gives the builder some flexibility.

MPT Bridges asked if you are increasing the height, are you making the building narrower.

Council Member Shuttleworth said it might make it narrower but it moves it away from the street.

Mayor Benson stated that he does not have a problem with it and that they will have checks and balances.

ACTION: Motion to approve Resolution 19-2197 that the Town of Carolina Beach amends its CAMA Land Use Plan as it relates to the one to one setback policy when buildings exceed the 50' height requirement.

Steve Shuttleworth (Moved By)	For
Joe Benson	For
Tom Bridges	For
LeAnn Pierce	For
JoDan Garza	Against

Vote: carried

- b. Amend Chapter 40 Article III, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations Applicant: Pelican Point CB, LLC

Jeremy Hardison presented the request amend Chapter 40 Article III, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations.

Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan.

Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission's (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a "comprehensive plan" as defined in the revisions to G.S. §153A-

341 and §160A-383.

Mayor made a motion to open the public hearing. Motion carried unanimously.

Mayor made a motion to close the public hearing. Motion carried unanimously.

ACTION: Motion to approve Ordinance 19-1102 in accordance with the provisions of the NCGS 160A-383, Council does hereby find and determine that the adoption of the ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

This Ordinance amends the plan and meets the development needs of the community that were taken into account in the zoning amendment.

Joe Benson	For
Tom Bridges	For
LeAnn Pierce	For
Steve Shuttleworth (Moved By)	For
JoDan Garza	Against

Vote: carried

- c. Text Amendment: To amend Chapter 16 Article VI Sec. 16-205 and Sec. 16-208 to either close the 300 block of Texas Avenue or make it only for one-way traffic

Miles Murphy presented the request to amend Chapter 16 Article VI Sec. 16-205 and Sec. 16-208 to either close the 300 block of Texas Avenue or make it only for one-way traffic. He compared the cost of each option. He stated that the Town has received numerous complaints that vehicles are utilizing the one way road as a two way road.

Mayor Benson made a motion to open public hearing.

Mayor Benson made a motion to close public hearing.

Council Member Shuttleworth asked what Operations would like to see happen so they can access the stormwater lift station.

Mr. Parvin said they were comfortable with either option. TRC felt both options were safe and recommended the one-way because it was a more cost effective solution.

ACTION: Adopt Ordinance 19-1101 amending Chapter 16 Motor Vehicles and Traffic, Article VI to allow for one-way eastbound traffic along the 300 block of Texas Avenue.

Motion: Joe Benson

Vote: UNANIMOUS

7. ITEMS OF BUSINESS

- a. Resolution in support of a TASA Grant application for the Clarendon Ave. MUP project

Jerry Haire presented a request to apply for the Transportation Alternatives Set Aside (TASA) grant.

Federal DOT funds will be administered through MPO; same funding source as the Island Greenway, Cape Fear Blvd. & Harper Ave.

There would be an 80% grant/20% local match minimum program w/ \$898,000 in available funding.

Carolina Beach Bicycle Pedestrian Advisory Committee at their November 19 meeting recommended unanimously that Town Council consider applying for funding for the Clarendon Avenue Multi-Use Path from 4th St./ CB Elementary to Mike Chappell Park & new Island Greenway.

The project is a priority project in the 2018 CB Pedestrian Plan, and 2011 CB Bicycle Multi Use Transportation Plan.

The project would be a 10 foot wide paved path with streetscape similar to Cape Fear Blvd.

Council Member Pierce said that the Bike/Ped Committee is supportive of this project.

Council Member Shuttleworth said the elementary school is in favor of the project and said this project has been discussed in great detail in the past. Thousands of dollars has been spent in design. The project was moving forward but then a new Council came in and didn't want to fund it.

Mayor Benson asked if money has been spent to apply for the funds.

Mr. Haire replied that if awarded, Council is committed to matching funds. It would be \$136,000 (20% match).

Council Member Shuttleworth was concerned on how that would be paid and asked if it could be financed.

Debbie Hall said she would have to look at the numbers.

Council Member Shuttleworth asked if it could wait until July 1.

Mr. Haire replied that it could.

MPT Bridges said that it's hard to turn down the money for these projects.

Council Member Pierce said she would rather fund items like this over funding vehicles and equipment.

ACTION: Motion to adopt Resolution No. 19-2198 in support of submitting a TASA Grant application in the amount of \$546,450 for the Clarendon Avenue Multi-Use Path project.

Motion: LeAnn Pierce

Vote: UNANIMOUS

b. Appointments to the Underground Powerline Committee

The following applicants were appointed to the Underground Powerline Committee:

Walter Bartlett

Kurt Taube

Greg Spence

Cynthia Dunn

Cathy Casey

Jay Healy

Arthur Hughes

Steve Reams

The Council liaison will be Council Member Steve Shuttleworth.

8. NON-AGENDA ITEMS

Council Member Garza would like staff to ask Duke Energy about a raffle system to paint the power poles to add color to the Town.

Council Member Garza asked for the status of the tree at the corner of 7th and Charlotte. It has an obstruction if you are traveling north.

Council Member Garza asked if Town Hall is recycling yet. There are plastic bags lining the recycle bins so he feels they are probably not.

Mr. Parvin replied that staff is recycling the items in the recycling bins in Town Hall.

Council Member Garza asked if the Town had heard back on the response to the LGC.

Debbie Hall mentioned that she has not hear anything official but she did speak to them on the phone and they were satisfied with the response.

Council Member Garza asked about the buildings in town that are being demolished.

Council Member Pierce asked what the process is for demolition.

Ms. Fox replied that you must follow the General Statutes and all of the noticing requirements. You must be certain that you are communicating with the property owner and not a tenant or property manager.

Council Member Pierce would like for the Code Enforcement Officer to issue notice of violations to these property owners.

Council Member Garza asked about renting a location at the boardwalk for the Federal Point History Center. He would like to move forward on that. They would receive much more foot traffic and exposure on the boardwalk.

Council Member Garza asked why there has only been 2 civil citations written since Sept 24. He asked

chief what his staff does in the off season.

Chief Spivey mentioned that the golf carts are not out as much. Freeman Parks is the most common place that they issue citations to and there is not much going on out there in the off season.

Council Member Pierce asked if Mr. Parvin had met with the boy scout that is working on his Eagle Scout project to do the kiosks on the Island Greenway.

Mr. Parvin said that Brian Stanberry is coordinating that and that he was told it was the kiosks at the boardwalk.

Council Member Pierce mentioned that she feels that it was the trail heads because they wanted those complete before the ribbon cutting.

Council Member Pierce asked if the TDA asks for the bike paths and rack would be coming up in January.

Sheila Nicholson replied that it will be at the January 31 TDA meeting.

Council Member Pierce said that she does not want it heard at the January 31 meeting because she won't be there. She requested Sheila to ask them to move it to March.

Council Member Shuttleworth mentioned that Layton does not have a date on the beach nourishment yet. He also mentioned that he will not be at the February meeting, he will be out of town.

MPT Bridges said that there is a Town and State Dinner on February 20th in Raleigh and feels that it would be good for Council to attend.

Council Member Shuttleworth asked Mr. Parvin to reach out to Lucky to see if he would like to attend.

Council Member Garza asked when the Beach Communities Meeting will be.

Mrs. Ward replied that it is Wrightsville Beach's turn to host and it will probably be in the spring.

Mayor Benson said that Loralee Grigas can now treat patients on Medicaid and she was invited into Trilium. He will be meeting with Chairman Barfield tomorrow at 10 am to request a letter of support. She would like to be on block funding so patients don't have to leave the island.

9. ADJOURNMENT

Adopted at a regular meeting on February 12, 2019.

CAROLINA BEACH

Town Council Workshop Minutes
Tuesday, January 22, 2019 @ 8:00 AM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, January 22, 2019 at 8:00 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 8:00 AM

2. CLOSED SESSION

Mayor Benson made a motion to go into closed session to discuss an attorney/client matter in accordance to NCGS 143-318.11(a)(3). Motion carried unanimously.

Cases being discuss include:

TCB vs. Carolina Freeman LLC NHC 18 CVS 3151

TCB vs, B& F Enterprises LLC NHC 18 CVS 3152

TCB vs DRDK, LLC NHC 18 CVS 3153

TCB vs Freeman Beach, LLC 18 CVS 3154

TCB vs Futch Heirs, 18 CVS 3155

Motion Benson made a motion to return to open session stating that no action was taken during closed session. Motion carried unanimously.

3. ADJOURNMENT

Mayor Benson made a motion to adjourn at 9:00 am. Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
 Tuesday, January 22, 2019 @ 9:00 AM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, January 22, 2019 at 9:00 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Town Manager Lucky Narain, Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, and Town Clerk Kim Ward

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 9:00 AM

2. DISCUSSION ITEMS

a. Update from the Canal Drive Flood Committee

Dale Walters, Chairman of the Canal Drive Flooding Committee presented their ideas and requests to move forward with the flood mitigation efforts for the Canal Drive.

1. Traffic Circulation Ordinance

The Town has already committed extensive resources to address nuisance traffic on Canal Drive during flood conditions, with Town Operations taking the lead on operating the existing drop gates and setting up advisory barricades and traffic control signage during tidal and storm events. What has been missing is an enforcement vehicle for police back-up when drivers ignore the traffic advisories and when drivers create wakes or splash salt water over parked cars and landscaping.

The Committee worked with Chief Spivey to craft an enforceable ordinance which is now ready for Town Council consideration. There is a DRAFT copy in the briefing package and the final version is currently under review by the TRC. This will come to Council in February.

Salient features of the proposed Ordinance:

It is a Town-wide Ordinance providing for discretionary citation enforcement for flood conditions throughout the Town, not just to the periodic tidal flooding on Canal Drive.

Officer discretion was of paramount concern in drafting up the recommended citation capacity with the objective of not restricting reasonable, cautious, resident traffic from utilizing the roads when it is safe to do so.

The recommended fine ladder provides a maximum of \$500 for egregious violations, \$250 for moving or tampering with the physical facilities and a typical citation figure of \$50 for driving around the barricades or creating nuisance wakes and splashes.

An important feature of the proposed Ordinance is that: "Any person may file an affidavit and present items of evidentiary value to the Carolina Beach Police Department complaining of a violation of this section in accordance with Town Code". This provision provides for non-confrontational citizen participation in enforcement during tidal and storm water events when police personnel are not immediately available

Secondary to enforceability, the Committee looked at various routing alternatives and existing notification signs and field set up facilities for restriction of flood traffic.

The existing set up has been very well thought out. The Committee is recommending minor changes to set up and more effecting notification signage:

The current field set-up calls for barrel barricades down the center of Canal Drive, uncovering of the side street flip signs, and placement of M-3 portable barricades at strategic locations. The Committee is recommending that the barrel barricades be limited to driving hazard locations only, and not throughout the entire flood area. Reason? Set up takes a lot of labor and, drivers are confused by the barrels and routinely ignore them by driving on the dry side of the street anyway.

The Committee is recommending removal of the flip sign for the same reason; they take labor to open and close and most of them are left open after the tidal flooding which further confuses drivers and pedestrians.

The Committee is recommending revised signage:

Notification clearly identifies that Canal Drive is closed. Notice of the enforcement elements of the Ordinance are provided. Alternate routing is clearly identified. Colors are consistent with other specialty advisory signs provided by the Town at beach locations and parking lots.

Proposed locations. These are the same as existing with the exception of an added barricade at Delaware Street and a high water location proposed at the east end of Carl Winner during extreme wind and tide conditions that cause tidal basin overflow.

To assist with current field operations, the new water surface monitoring station will be utilized to provide automated telephone alerts to Operations personnel when flooding is expected on Canal and again when the high water conditions subside.

2. Water Surface Monitoring Station Progress

The water surface monitoring station is being installed this week and should be operational, with the data stream available to the public on the State FINMAN website. The station includes real-time water surface elevation, a rain gauge, a barometer, and an anemometer. It will be coordinated with the existing tidal monitoring stations in Wilmington and Wrightsville Beach and all data will be included in the state-wide emergency and flood management data base.

The DRAFT bulkhead survey and tidal vulnerability study for Myrtle Grove Sound is going to be submitted to Town staff this week. The Committee has requested to be included in the draft review and comment process. The end product will provide 1 year, 2 year, 5 year etc. risk projections, a full horizontal and vertical survey of existing tidal flood and erosion prevention facilities between the Marina at the south and Joyner Marina at the north.

This monitoring system and the accompanying reports will greatly assist the Town in addressing the tidal flooding particulars that will be outlined today in Topic 4, Bulkhead Ordinance.

3. Master Plan Drainage Initiative

The Committee has taken on two initiatives, both of which are limited to researching available grant and loan vehicles for flood issues in the Town.

Initiative #1: The Committee is recommending that Town Council consider development of a Master Plan Drainage plan. This engineering document would address flood basins and storm water management throughout the entire Town. Master Plan Drainage studies are structured to provide overall engineering analysis and design criteria for the Town's storm water management as a whole, providing proposed open channel and closed pipe sizes, retention facility sizes and locations and other planning tools that complement existing Subdivision and building ordinances.

The storm water management challenges identified in such a study are intended to address both Capital Improvement Projects such as the reconstruction of Canal Drive and Carolina Beach Avenue North and the impact of infill development and redevelopment projects.

Initiative #2: The Committee is recommending that Town Council consider researching grant and loan options that may be available to private properties and land owners who may be required to participate in implementation of tidal water protective structures anticipated by the proposed adoption of a viable high water control Ordinance.

4. Bulkhead Ordinance

The drafting of the currently proposed ordinance was the prime task assigned to the Committee. Time was, and is, of the essence in providing a working ordinance for use in conjunction with construction of the water, sewer and local flood control pumps for the North End CIP project.

There are only two practical solutions available for tidal flood protection; elevate the island as a whole, or, build a perimeter flood control barrier. As the island has already been developed, the infill option is not available, however, over 90% of the developed frontage on Myrtle Grove Sound along Canal Drive and Florida Street are already equipped with privately constructed tide water erosion and inundation prevention facilities, chiefly vertical bulkheads. Hence the working title of

“Bulkhead Ordinance” for the working draft. The DRAFT was submitted for staff review last August.

As currently written, efforts focus on three principal areas:

Minimum top elevation for existing and future tide and flood control measures;

Individual lot grading and compliance with the provisions of Title Five of FEMA guidelines regarding imported fill in tidal flood zones, and;

Minimum requirements for hydraulic design and storm water conveyance for projects and facilities that drain into Myrtle Grove Sound.

Internal review by the Town’s Attorney identified two elements included in the Ordinance that will likely require enabling legislation from the State of North Carolina in order to implement:

The minimum elevation required for a tidal erosion and flood barricade that is intended for incorporation into a publicly managed flood prevention barricade and pump system, and;

The time certain requirement to bring private tidal flooding prevention facilities into compliance with the height and maintenance provisions of the proposed Ordinance.

The Committee is requesting direction from Town Council on the desirability of structuring an approach to secure the requisite enabling legislation.

There are pressing elements contributing to the flood conditions at the North End that can be addressed through existing Town development ordinances. Chief among these is the regulation of grading and fill import that materially alters the existing cross lot drainage and storm water conveyance realities of the North End. This is also the case with regard to infill construction along portions of Dow Road.

At last Thursday’s Committee meeting, the grading and imported fill portion of the proposed Ordinance was extracted from the tidal flood provisions and referred to the TRC for consideration. The Committee has asked to be included in the process for addressing the issues associated with mass import and cross drainage and will be drafting summary recommendations for Town Council which will be coordinated with staff and submitted through the Town Manager’s office.

b. Canal Drive and Carolina Beach Avenue North Project Discussion

Jerry Haire gave an update on the Canal Drive/Carolina Beach Avenue North Project Timeline:

The next steps include:

Identify storm water management options.

Identify options for burying powerlines.

Public education on options and recommendations.

Continue to refine engineering plans and project specific work scopes based on report recommendations.

Pursue grant funding from a variety of sources.

Contract to complete the work.

Mr. Haire also reviewed some potential funding options for these projects.

- c. Fire Chief Alan Griffin will lead a budget discussion on debt services

Chief Alan Griffin presented his 10 year master plan for vehicle replacement. He mentioned that the lifeguard F250 and two four-wheelers will need to be replaced this year. Council asked if there were any vehicles scheduled to come off line this year that could go to the lifeguards. Chief Griffin said he would work with Ops and Police to see if there is a truck in the fleet that would serve this purpose.

Chief Griffin also discussed some of his staffing concerns. They applied for the Assist a Firefighter Grant but were denied. The call volume has continued to increase. They ran 993 calls in 2018. He is requesting to use the money that the Town committed to match and hire 4 part-time employees or create 3 full time positions for an additional \$50,000 per year.

Council Member Shuttleworth asked if calls are seasonal.

Chief Griffin said that you have a lot calls on the beach in the summer and most of the major structure fires seem to be in the winter.

Council Member Shuttleworth asked what Chief Griffin recommended out of the two options presented.

Chief Griffin said cost wise it would be cheaper to hire part-time but he would recommend hiring three full time for scheduling and efficiency purposes. This would put four firefighters on each 24 hour shift.

- d. Budget Discussion

Ed Parvin presented a request to approve Budget Ordinance 19-1103 to amend the general fund budget for Hurricane Florence for an additional \$331,000. This brings the total to \$1,201,000.

Council Member Shuttleworth asked about the permit fees for Publix and the project on Cape Fear Boulevard. He stated he didn't see those numbers in the budget. He asked for a specific dollar amount of these permit fees and if they are going into the general fund. He asked that Mr. Parvin present those numbers in his February manager's update.

Council Member Shuttleworth requested a financial report from the Finance Director to be presented at the February 26th workshop.

Mayor Benson made a motion to approve Ordinance 19-1103 approving an additional \$331,000 for Hurricane Florence.

Mr. Parvin presented a request to approve Ordinance 19-1104 for an appropriation for a MERT trailer for \$28,825.

Council Member Shuttleworth made a motion to approve Ordinance 19-1104 creating a budget appropriation for the MERT trailer purchase in the amount of \$28,825. Motion carried unanimously.

e. Council Liaison Committee Updates

Council Member Garza- The Land Use Plan meeting went well and had a good turn out. They now have their website up and running. Open house is Feb 6th 4-7 pm. The online survey for residents will be open for three weeks.

Parks and Rec is still bouncing back from storm with roof repairs. Their new security cameras are working well. They have a Valentines Day dance coming up in February.

The Freeman Park Committee discussed removing ash barrels and having fire pit at the campsites. They are still working on the stencils for pack it in pack it out. Pick up your shit was the number one vote for the theme. Everyone on the committee seemed to like that because it keeps the theme of Carolina Beach. It covers two things, trash and dog poo. Another idea was a mouth that says feed me your garbage. Once they get that nailed down and the stencils figured out, they will paint all the trash cans on the beach strand from Alabama to the north end. A Honda Civic got stuck on Freeman Park because no one was at the booth. The meetings are now once a month versus once a quarter.

MPT Bridges - The Operations Committee is working with Gigi identifying poles that have lights and those that don't have functioning lights. They will be put into CitiWorks with the ID number. They are also designing a flyer about having separate irrigation meters. It's a state law. They will receive a price break if they have a separate meter.

Mayor Benson - The Canal Drive Flood Committee is doing a great job. Wednesday is the Harbor Commission's quarterly meeting. They will be looking at a suggested resolution that will be brought to Council in February. They will also discuss the fuel point on the west side of the marina as well as security cameras. There will be another executive meeting on the 29th with the Joint Land Use Committee. Hopefully they will discuss what the next lease will look like with MOSTU.

Council Member Pierce- The Police Advisory Committee is attending the first Citizens Academy on March 6th for 6 Wed nights. They will review the local police department and the Judicial system. The next academy will be in the fall.

The Bike/Ped Committee meeting was postponed to next Monday.

Council Member Pierce and Jerry Haire will be meeting with DOT this Thursday to look at crosswalks that they are having issues with.

Council Member Pierce and Mayor Benson serve on the TDA and they have asked them to postpone their asks for bike rack and kiosks until March.

Most of Council will be in Raleigh for the Town and State Dinner on February 20th.

Council Member Shuttleworth- The Towns application to the MPO for the multi-use path on Clarendon was the only application they received for the grant.

The Beach, Ports and Waterway Commission has been working hard to secure long term funding for beach nourishment. 950,000 cubic yards of sand on Carolina Beach starting Jan 28.

MAC meets this afternoon to look at the budget for next year.

The Underground Power Line Committee had a great turn out for their first meeting last night. They have a great group with experienced specialists on the committee. They will be meeting monthly.

Council Member Shuttleworth mentioned that he will not be at the February Council meeting. He has been invited to speak at a conference regarding lessons learned from Hurricane Florence.

3. NON-AGENDA ITEMS

- a. Council Member Garza asked Mr. Parvin if he had discussed painting/decorating the power poles in town with Duke Energy.

Mr. Parvin said that he did discuss that with them and they were not in favor of that due to the fact that they have to inspect the poles and they feel it would impact their ability to do their inspections.

Council Member Garza asked about grass on greenway and if it will be maintained.

Brian Stanberry replied that NC STATE is doing samples to see what it needs to survive.

Council Member Garza stated that the Spartanburg Avenue area of the greenway seems unsafe. He also reminded staff about the tree that is obstructing the view at Cape Fear and Charlotte. If you are heading north from Atlanta, it blocks the view.

Mr. Stanberry said he would look at the line of sight.

Council Member Garza said that he attended the Chamber event and several people asked to see more street art in town.

Council Member Garza asked fire department if they would change their variable message sign occasionally to put out safety messages.

Chief Griffin said the sign was 100% grant funded for fire prevention messages but they also use it for ocean safety.

Council Member Pierce mentioned that the Bike/Ped discussed signage. She asked about using the billboard at the Food Lion Shopping Center. She asked if the town has to pay to use it. She would like to utilize it to put safety messages on it.

Mayor Benson said that he will be sending a request for information to Mr. Parvin this afternoon for his Town Hall meeting tonight at 6:30 at the American Legion.

Council Member Garza said there will be a memorial for Danny Swinson Wednesday night at the Lazy Pirate.

4. ADJOURNMENT

- a. Mayor Benson made a motion to adjourn at 11:30 a.m . Motion carried unanimously.

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
 Wednesday, January 23, 2019 @ 8:00 AM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Wednesday, January 23, 2019 at 8:00 AM at Carolina Beach Fire Department.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

ALSO PRESENT: Assistant Town Manager Ed Parvin, Finance Director Debbie Hall, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. ED PARVIN CALLED THE MEETING TO ORDER AT 8:30 AM

- a. The following department heads were in attendance:
- Lucky Narain, Future Town Manager
 - Sheila Nicholson, Administrative Assistant to the Town Manager
 - Jeremy Hardison, Interim Planning Director
 - Chris Spivey, Police Chief
 - Eric Jelinski, Parks and Recreation Director
 - Alan Griffin, Fire Chief
 - Jerry Haire, Grants Manager
 - Holly Brooks, Human Resources Director
 - Brian Stanberry, Public Works Director
 - Mark Meyer, Public Utilities Director

2. RETREAT DISCUSSION ITEMS

- a. Ed Parvin opened the meeting at 8:30 am by introducing Lucky Narain, the candidate selected to fill the town manager position. Lucky's official start date is February 25, 2019.

Lucky told staff a little about himself and his plans for the next couple of months. He is going to meet with each department head individually to get a feel for the organization. He will observe for three or four months before making any policy changes.

Ed Parvin reviewed the actual revenues for FY 2018/2018 and the Year to Date for FY 18/19. He is working with the Finance Director to get the projected revenues for FY 19/20.

The permit fees were waived after Hurricane Florence. That was state mandated until the end of

the year. It was approximately \$50,000. It is up to the State to decide if they are going to reimburse that.

Mr. Parvin reviewed the debt service balances and the payments scheduled for FY 19/20. The current debt balance in the general fund is \$5,778,433 with a payment of \$1,084,123 in FY 19/20. The current debt balance in the utility fund is \$33,734,694 with a payment of \$2,360,351 in FY 19/20.

Mayor Benson stated that after reviewing the debt service balances, the Town is not in financial peril.

Council Member Shuttleworth added that the amount the debt the Town owes is not bad for a town this size.

Mr. Parvin also showed a chart that laid out an estimated impact of a tax increase showing increments of .01, .02, and .03 per \$100. Estimated numbers are 1 cent - \$196,000, 2 cent - \$392,000, and 3 cent - \$58,506.

Mr. Parvin moved on to discuss the personnel portion of the budget. There are 124 full time positions, 5 part time positions, 14 paid per call positions, and 42 positions allocated for lifeguards. 20 employees fall into the exempt category. 12 employees have reached the maximum salary in their pay scale.

Staff will meet with Lucky to discuss some restructuring due to all the recent changes.

Council Member Shuttleworth stated that there needs to be a succession plan for the employees that have 20 plus years.

Chief Griffin added there are some employees who may have 5-10 years with the Town but may have 20-25 years with the Local Government Retirement System so they may go out sooner than it appears on paper. There are more people closer to retirement than what it looks like on the chart.

Mr. Parvin said the Town did a pay study for the Police Department in 2018 and the plan is to do one for the remainder of the Town this year. It cost a little over \$5,000 for the Police Department and will probably cost an additional \$5,000 for the remainder.

Council Member Pierce stated that the League of Municipalities gave a quote around \$30,000 to do an efficiency study. She feels that the Town could have paid a little more and got an efficiency study and pay study completed.

Council Member Garza said that with the efficiency study, he would like to evaluate the vehicles, the take home vehicle policy, outsourcing payroll, streamlining payments for water billing,

Council Member Shuttleworth added that when you look at the take home car policy, police needs to be taken out of the equation for reasons Chief Spivey can elaborate on. He also would like to see some sort of autopay or online bill pay with the billing department as well as some automation or outsourcing of payroll.

David Hill with the Maps Group reported the results from the police department's pay study. He showed the recommended grade changes.

Mayor Benson said that he would like to see the overall pay package that includes benefits.

Mr. Hill said that this study only included salary. If you start comparing benefits, it could take a very long time due to the various benefit options each employer offers. He said that more departments are starting the take home car program as a retention benefit. If the Town were to go with the recommended movement in pay grades, it would cost approximately \$160,000. That includes FICA, retirement, and 401k. If you do not move the entire scale, you will be right back into the salary compression issues that has been a problem in the past. He recommends moving the pay scale as presented but you can expect that most communities will give an average of 2% for a COLA in July.

Mr. Hill explained the new 25 year retirement option for sworn law enforcement regardless of age. He also reviewed the separation allowance and the new law that allows employers the option to negotiate a separation buyout to an officer who chooses to retire prior to reaching eligibility for the separation allowance. The new law also allows employers to fund the "transfer benefit" for members of the Local Government Retirement System.

Council Member Shuttleworth asked staff to start planning and budgeting for future separation allowances and what that liability will be. He feels this is a great option to be able to give the officer the buyout option.

Mr. Hill went on to say that there are limitations. Age 62 being one. Once the employee reaches age 62, the payments stop. The payments would also stop at the employee's death or if they go back to work full time for another agency that participates in the Local Government Retirement System. They would not stop if the employee go to work for a state or private agency.

Mayor Benson asked Chief Spivey what the retention rate is for 8 years of service.

Chief Spivey replied that most officers come to work for Carolina Beach and by year three they are looking to go to a larger department.

Mayor Benson asked if the turnover rate for his department was high.

Chief Spivey answered that at the 2018 Christmas party, he introduced 9 new officers from the previous Christmas party. It costs the Town approximately \$24,000 to onboard a new officer. That includes training, uniforms, and equipment. You're also paying another officer to do nothing but train that officer for 3-4 months.

Council Member Pierce asked if the Department could require a contract from the employee to work a minimum number of years.

Chief Spivey said that you could not require that.

Council Member Pierce asked if the Police Department sponsors and pays Basic Law Enforcement

students.

Chief Spivey replied that they just started doing that. They get paid 30 hours a week at \$13 per hour.

Council Member Shuttleworth asked Holly Brooks how the police department got so behind in salary if they had a pay study and adjustment 4 years ago.

Ms. Brooks explained that since the Council had not approved a COLA for three years and all other communities did, that's what put Carolina Beach behind other towns. This will be the case Town wide, not just the Police Department. When you approve a COLA, it adjusts the entire pay scale up.

MPT Bridges added that other communities have been doing more overall for their employees than Carolina Beach has.

Council Member Shuttleworth stated that in hearing the presentations from the Police Department and from the Fire Department yesterday, they are both saying they need an additional 10% to cover their personnel budget and Council is trying to find ways to cut the budget. In all fairness, the Town needs to be competitive and it is costing \$24,000 in turnover costs.

Mayor Benson told Chief Spivey that he was presenting something that was defensible.

Chief Spivey said you can't put a price tag on an officer who has been here for many years that knows the community and generations of family. Cpl. Henderson is a perfect example.

Council Member Garza stated that you can't lose that guy!

Mr. Narain asked Mr. Hill why a police officer would want to negotiate his separation allowance. Can you approve a tiered amount over a number of years?

Ms. Fox stated that you can only do what the legislature tells you that you can do.

Chief Spivey said that it gives the officer an option to take the lump sum if he has a special circumstance or financial need that may be immediate.

Council Member Shuttleworth said that it is the employee's choice if they want to take that option or not and the Town is not required to offer it.

Mark Meyer said that he feels his department is a training ground. He will get good employees and get them trained and then they move on to other agencies that pay them \$5 an hour more. He is trying to figure out some creative ideas for retention.

Mr. Narain reminded staff that if you bump the numbers up, you will also have to increase the dollar figures for overtime.

MPT Bridges said that it is not always a money issue. You can retain employees if they feel appreciated and respected. Employees like to feel like their employer is going to take care of them. If the surrounding communities are taking care of their employees better than we are, you can't do enough at that point to keep them.

Chief Spivey presented the Police Department's activities and goals. The department currently has 36.5 positions.

Council Member Garza asked if the number of cases justified the need for 7.5 detectives.

Chief Spivey replied that it would marry up for their case numbers.

Council Member Garza asked who the lead detective was.

Chief Spivey replied that it was Detective Hettinger. Not only does he manage CID, he is certified through the Secret Service to handle all of the digital forensics.

Council Member Garza asked if the need for staff was in uniform patrol.

Chief Spivey replied that there was an immediate need for patrol officers.

Chief Spivey went over the number of vehicles the department had.

Mr. Parvin explained that the take home vehicle policy was a benefit that most police departments have started using as a method of recruitment and retention.

Council Member Pierce said she would like to see what departments are using this as a benefit.

Chief Spivey presented the activities, training, and call statistics over the past three years. The Capital Improvement Requests for FY 19/20 include; vehicle rotation, continued surveillance equipment, and officer retirement buyout option.

They will be holding their first Carolina Beach Citizens Academy starting the first Wednesday in March. It will be a six week program. They are also looking at duty scheduling program. Right now, one person manages the schedule for 35 officers. That can be very difficult to manage. This program should help the department be more efficient with managing overtime.

The League of Municipalities has a new certification program that the department will be looking into. It is similar to CALEA but it is managed through the State at no cost. They review policy and procedures as well as best practices.

Chief Spivey stated that they would like to begin Phase 1 of the Police Department's structural enhancement expansion. The new plan is currently on the drawing board.

Council Member Pierce said she feels this is also a recruitment opportunity. She asked if there were any grant funding opportunities.

Mayor Benson asked the Chief to reach out and work with Carolina Beach Counseling's Loralie Grigas on the services she is providing for those battling addiction.

Chief Griffin presented the Fire Department's activities and goals for FY 19/20.

The Fire Department currently has 13 full time positions. Chief Griffin reviewed the number of vehicles and equipment he has in his fleet and his 10 year vehicle master plan. Chief also discussed the activities the department participates in and their call statistics. The Capital Improvement Projects they are requesting this year include; replacement engine and equipment to transition to the new 911 dispatch system.

Mayor Benson reminded Chief Griffin that he would like to host an Emergency Operations Symposium.

Chief Griffin said that he would be glad to take the lead on that since he wrote the Emergency Operations Plan. The goal would be to educate the public on the Plan, the Council's role in an emergency, and how the Town functions during a disaster.

Council Member Pierce asked about what calls fire and police get dispatched to and if they respond together.

Chief Griffin explained the Emergency Medical Dispatch system and that fire only responds to Delta and Echo type calls.

Chief Griffin reviewed the service and outreach programs that they do on an annual basis.

He spoke about career development and possible incentives for staff members who get state certifications.

The Fire Department is due an ISO inspection this year. The last ISO review took the Town from a rating of 5 to a 3.

Chief Griffin presented the Ocean Rescue goals and activities. They are asking to replace two four wheelers and establish a sub-station at Hamlet Avenue.

Ocean Rescue helps with weekly fireworks clean-up, they run the Jr. Lifeguard Camp, work the Beach Music Festival, and participate in the USLA Lifeguard Competition.

Council Member Pierce asked if lifeguards enforce Town ordinances on the beach. She gets asked a lot why a lifeguard just walks by a violation.

Chief Griffin explained that they may educate beach patrons of things like dogs on the beach or glass bottles but they do not take enforcement action. They will call the police if they see a violation. They are to be focused on the water if they get tied up having a discussion about a violation, they are not watching the water. He is also not in favor of sending an 18-year-old up to

someone to possibly get involved in a confrontation. A few years ago, a lifeguard was bit by a dog when he attempted to notify the owner that dogs were not allowed on the beach.

Council Member Shuttleworth added that he was not in favor of sending young adults to address problems on the beach, they need to be focused on saving lives.

Chief Griffin explained the placement of the lifeguard stands and how they will have the ability to move stands this year because they will be on skids. Not all stands are manned. They tend to staff stands where the rips occur most often.

Council Member Pierce asked for a list of areas that the lifeguards tend to have the most rip rescues. She would like to be able to pass along that information to visitors.

Chief Griffin explained that the rip current locations change frequently especially after a beach nourishment project.

Council Member Garza asked how recruitment and retention was for lifeguards.

Chief Griffin explained that it was the best it has ever been. They actually had to turn some guards away this year. Carolina Beach is the higher paying beach now so they are getting the cream of the crop. Not only did they get an increase in pay but they kept the guards on until the end of October this year. They Mayor had requested that. They usually were let go right after Labor Day.

Chief Griffin continued his budget presentation saying that he put the Hamlet Avenue substation on his list but they may fall more under Operations since they are looking to combine the restroom with the substation. Chad Soward is working with Mark Meyer on design.

Council Member Shuttleworth asked if this would replace the substation on the boardwalk. He would like to take the \$12,000 per year that is being spent on the lease of that building and put it toward the upgrade of the restrooms/sub-station on Hamlet. He also expressed an interest in moving the Pleasure Island Chamber of Commerce and the History Center to the boardwalk for better public access. A possibility would be where the current life guard substation is.

Eric Jelinski presented the Parks and Rec Department's activities and goals. They currently have six full time and two part time employees. Mr. Jelinski reviewed the accomplishments of their department over the past four years. They have seen a significant increase in membership numbers and revenue. He presented his goals and ideas for FY 19/20.

Council Member Shuttleworth was the membership ratio was for resident versus non-resident.

Mr. Jelinski said that it is 75% resident, 25% non-resident.

Mr. Jelinski went on to review the goals and Capital Improvement Items for FY 19/20. Those include: complete Phase 1 of Joseph Ryder Lewis Civil War Park, expand rec programs, complete master plan for Lake Park, install energy efficient lighting at Mike Chappell Park, identify a location for sand volleyball courts, and install a new playground at McDonald Park.

Council Member Pierce asked what the expected completion date was for the Joseph Ryder Lewis Civil Ward Park.

Mr. Parvin replied that he wants to complete the project around the same time the Publix is completed which will be around July.

Council Member Shuttleworth suggested having the residents help with the building of the playground like they did at Mike Chappell Park to help off-set some of the costs. He also mentioned wanting to move the water tank on Cape Fear Boulevard to free up that space for community activities such as a pool, volleyball courts, community garden, etc.

Mr. Meyer was not in favor of this idea as the water lines that are currently in the ground at that location must stay in that location.

Council Member Shuttleworth stated that was Council's last choice for a location. They want to see it relocated to Dow Road on the MOTSU property or behind Town Hall.

Council Member Pierce asked to see a breakdown on what it would cost at each of the three locations for a water tank.

Mayor Benson had to leave the meeting but wanted to give some feedback before he left. He reiterated that he wants to see the revenue numbers first, then work on the expenditures. He would like to see the fund balance up to 30% as a goal. He is not opposed to a tax increase but it must be defensible and they must calculate the risk if they don't increase the tax rate. He asked to know if the requests for capital items are mission critical.

Jeremy Hardison presented the Planning activities and goals.

The Planning Department has 8 full time employees. In 2018, they issued 114 new residential building permits, 11 new commercial construction, and 18 new business registrations. Code Enforcement issued 253 violations in 2018.

Mr. Hardison listed the goals for the planning department for FY 19/20.

Council Member Shuttleworth asked for an explanation on vending permits. Mr. Hardison explained.

Council Member Shuttleworth reminded staff that Council has expressed a concern of over commercializing the beach.

Mr. Hardison said these topics will be coming up at the February 12, 2019 Council meeting.

Council Member Pierce questioned why ice-cream trucks are not limited.

Council Member Shuttleworth added to the question as to why they are regulated differently than a food trucks.

Ms. Fox clarified that there are specific ordinances that regulate this but this will be coming to Council in February.

Mr. Hardison reviewed the new electronic permitting process.

Mark Meyer and Brian Stanberry presented the Operations Department activities and goals. The Utilities Department has 25 full time employees and Public Works has 20. Both departments went over the number of vehicles and pieces of equipment that they have and the purpose they serve.

Council Member Shuttleworth questioned the need for so many vehicles and the duplication of certain pieces of equipment.

Mr. Meyer explained the need for all of the equipment that is currently in their fleet.

Mr. Stanberry and Mr. Meyer explained the goals for each division in the operations department.

Council Member Shuttleworth asked why the Town installs water services for new construction.

Mr. Meyer said that he does not feel comfortable allowing contractors to dig up Town roads. The Town is able to charge the contractor what it costs the Town but cannot charge any more than that.

Council Member Shuttleworth mentioned that a couple of committees have asked about reducing the number of blue trash barrels on the beach. If that were to happen, could you eliminate one of the can trucks?

Mr. Stanberry replied that you could but you would not be able to obtain the Town's standard of getting the trash off the beach before the morning visitors arrive. There is one employee that is dedicated to the trash pickup in Freeman Park. That position was approved by Council as a response to the concerns on Freeman Park.

Mr. Meyer gave an update on the rehabs on wells 2, 3, 5, 6, 8, 9, and 10. They are getting 20% more water production since they have been cleaned. The water quality is improving substantially.

Mr. Meyer reviewed the Wastewater Treatment and Water and Wastewater Utility Department accomplishments for 2018.

Mr. Stanberry reported the 2018 accomplishments in the Environmental and Stormwater Departments.

Council Member Shuttleworth asked if the benches on the boardwalk would be re-stained soon.

Mr. Stanberry said that it is on the list.

Council Member Garza asked if contractors are allowed to use Town employees or Town equipment to do what they are being contracted to do.

Mr. Meyer replied that they are not. He added that there has been a couple of times he has used Town equipment to load some rock but that was it.

Mr. Meyer reviewed the large projects scheduled for 2019. They include:

- 1.Stormwater Priority list 1-5
- 2.Marina south side and east side
- 3.Ground Storage water tank
- 4.Phase C (water /sewer /stormwater)
- 5.North End project (water /sewer /stormwater)
- 6.CBAN and Canal
- 7.Ocean Heights stormwater
- 8.Well and Water plant rehab filter expansion
- 9.Well 12 and well 7 improvements
- 10.Possible Lake Dredge
- 11.Hamlet and FEMA lot bathrooms
- 12.Henniker's Ditch clearing and maintenance
- 13.Well 15h on MOTSU
- 14.WWTP Headworks

Council Member Shuttleworth asked if they could plan to restack the rock revetment this year.

Mr. Stanberry said that they would evaluate it but it may be better to cover it with sand. They lose a good number of those rocks every year.

Council Member Shuttleworth added that the crosswalk at Salt Marsh Lane is critical.

Council Member Pierce asked if the blue trash barrels have been put out on the beach strand. She would like to reduce the number of them that get put out this year.

Mr. Parvin went over a list of requests that staff put together to present for the Joint Land Use Study. Below are the requests from staff:

OPERATIONS

- 1.Stormwater easements
- 2.3 million gallon water storage tank
- 3.“x” additional wells
- 4.Consolidated WWT and potential water treatment facility near the entryway to the WWT plant (remove “x” current buildings)
- 5.Spray field
- 6.Expansion of the WWT Plant
- 7.Storage of Spoils from Lake
- 8.Storage of construction materials from infrastructure projects (i.e. pipe, dirt, asphalt, etc.)

- 9.Underground Utility easements
- 10.Temporary Emergency Debris Management Site
- 11.Add well 15h into Distribution system

Parks and Recreation

- 1.Additional baseball/softball fields and soccer fields
- 2.Sand volleyball courts
- 3.Multiuse paved path, primitive trails, and mountain bike trails
- 4.Community garden
- 5.Disc golf course
- 6.Dog park
- 7.Pickleball specific courts
- 8.Bathroom building and park maintenance building
- 9.Swimming pool and splash pad
- 10.Paved parking lot

Public Safety

- 1.Training area (firing range, NIMS) 3-5 acres

Council Member Shuttleworth mentioned having some sort of off road BMX/mountain bike trail on the west side of Dow Road. The terrain on that side would be ideal.

Mr. Jelinski and Mr. Haire agreed that would be a great attraction.

Mr. Meyer expressed concern about the law enforcement side of using the west side since that is in MOTSU's jurisdiction.

Council Member Shuttleworth said that he feels the priorities should be for the operational needs and then the recreational.

Mr. Parvin said that he will draft a letter with these requests.

Town Council gave their feedback on their goals for FY 19/20:

Council Member Garza stated that he agreed with the Mayor that he would like to see revenues first, then work from there.

He added that residents are inclined to do a tax increase only to fill a gap.

He has had several requests to have more street art to jazz up the town.

The discussion on sustainability needs to continue (water, wind, solar, etc.)

Council Member Pierce said that she feels the citizens would possibly be in favor of tax increase for purchase of land that directly affects citizens. She added that the Town cannot look at doing a tax increase every year but she could not deny public safety and their needs to protect the citizens.

She feels they are looking at a tax increase either way.

Council Member Bridges said that he would like to see if there is a need for a tax increase before they make that decision. He would also like to see what services will go above and beyond if you approve the tax increase. He requested that staff provide Council a list of services that will be provided in order to defend the increase to citizens.

Council Member Shuttleworth asked for an update on the current capital projects and where we are with each phase. He would also like to evaluate what lessons were learned during these projects so we can be more proficient?

He would like to see the Town be more automated in areas such as billing and payroll. This could alleviate some of the pressure on staff and be more efficient.

He asked staff to look at the 1, 3, and 5 year needs and impacts it will have on the budget such as retirement and staffing. He feels that staff should start forecasting and preparing for that a little better.

He explained that the Town is not in bad financial shape. There should be more tax revenue next year based on the number of permits that were issued this year. 114 permits should take a \$60k lot to a \$400k home. He also agreed he would like to figure out where we are before we suggest a tax increase.

He would like to see more open space. The Town does not own a lot of unused land. Staff has trouble finding a place to stack pipes.

He asked that staff speak up when there are unbudgeted projects being discussed. If they hadn't spent the money on unbudgeted items, and not short on the income, there would not be a problem funding the needs to have a competitive police and fire department. He is a little hesitant on committing to a tax increase right out the gate. The Town needs quality police officers and we must be competitive to recruit and retain these officers. Council is not giving push back on salaries or staffing but they are going to ask Lucky to evaluate the vacant positions and whether they should be filled or not.

He would like to continue a good relationship with MOTSU and New Hanover County.

He feels that the Town should continue to advocate with the County to purchase Freeman Park.

The ROT funds need to be revisited. Council needs to figure out what works for Carolina Beach and be more aggressive. It could be 2% advertising, 2% activities, and 2% discretionary.

Attorney Noel Fox said that Lisa with the County pushed backed on every idea the beach towns agreed on and it got shut down from there after about 5 meetings.

Council Member Shuttleworth added that Wilmington gets no benefit because they allocate all of theirs to the convention center.

Ms. Fox said the County was the primary opponent. They were not a partner in those discussions. It has to go to a state level.

Council Member Shuttleworth asked at what point is enough advertising enough? Kure Beach and Wrightsville Beach are ready to gripe about it.

3. MEETING ADJOURNED AT 2:30 PM

Adopted at a regular meeting on February 12, 2019.

Recorded by Kimberlee Ward, Town Clerk



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Kim Ward

Department: Clerk

Employee Recognition

BACKGROUND:

Mark Meyer will recognize the new Billing Representative Sonja Beatty.

Darrel Johnson will recognize the new Code Enforcement Officer Joe Hutcherson.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Ed Parvin

Department: Executive

Storm Damage Reduction Project Update by Jim Medlock with the Army Corps of Engineers

BACKGROUND:

Jim Medlock, Project Manager with the Wilmington District Army Corps of Engineers will give an update on the Weeks Marine beach nourishment contract.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Brenda Butler

Department: Planning

March Special Events

ATTACHMENTS: [March Special Events](#)



SPECIAL EVENTS

MARCH 2019

MARCH APPROVED EVENTS

- STEP-UP-FOR-SOLDIERS BBQ – Saturday 2nd – At the Lake – 10:00 AM – 5:00 PM
- TENTED TURTLE TROT 5K & 1 MILE RUN – Sunday 3rd - Mike Chappell Park – 10:00 AM – 12:00 PM
- LO TIDE RUN – Saturday 16th – At the Gazebo – 10K starts at 8:00 AM – 5K starts at 8:30 AM
- PUBLIC SAFETY DAY– Saturday 23rd – Fort Fisher – 9:00 AM – 1:00 PM
- TURN THE TIDE– Saturday 30th – On the Beach– 8:00 AM – 12:00 PM

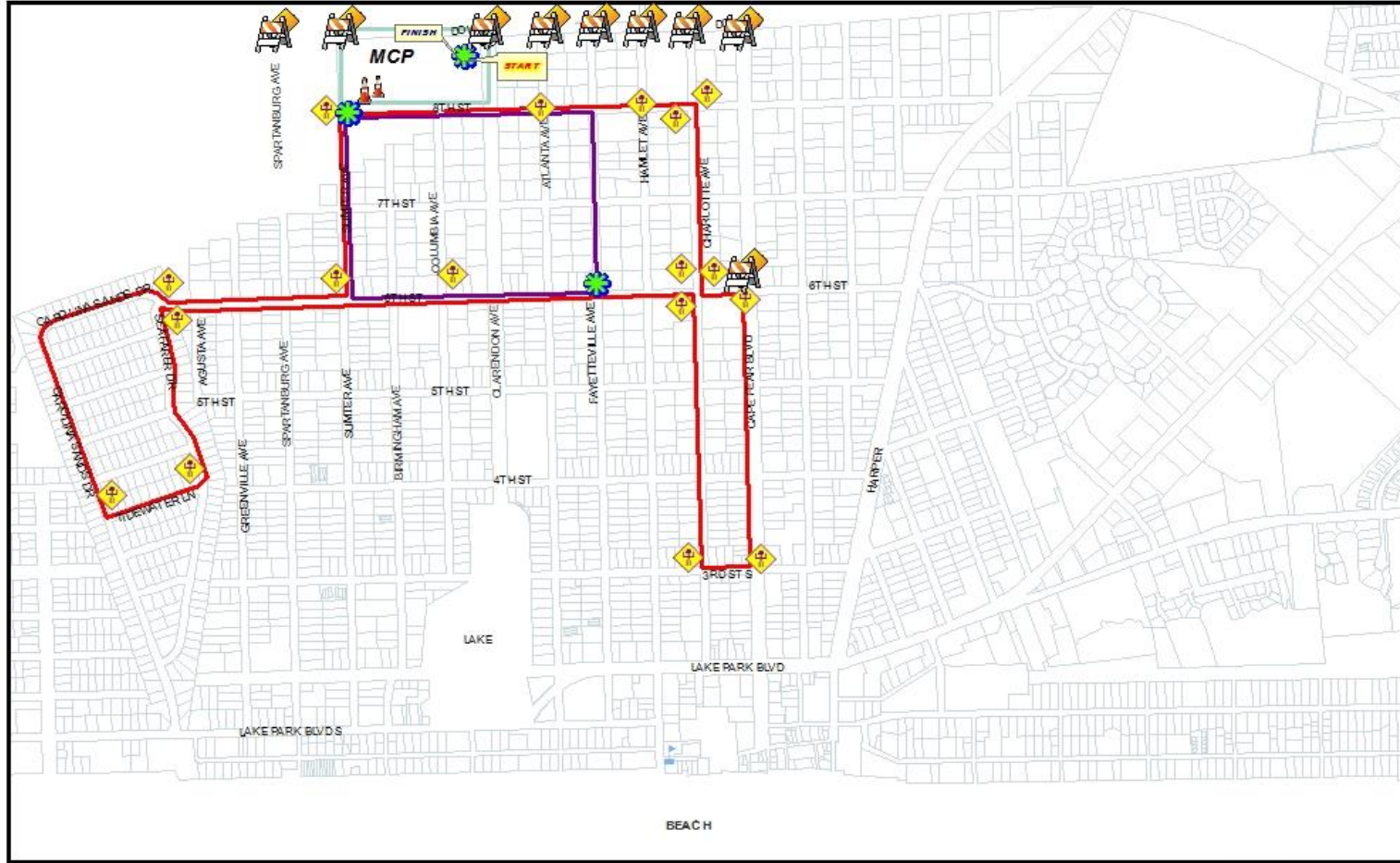


ISLAND MONTESSORI SCHOOL 1 MILE & 5K COLOR RUN



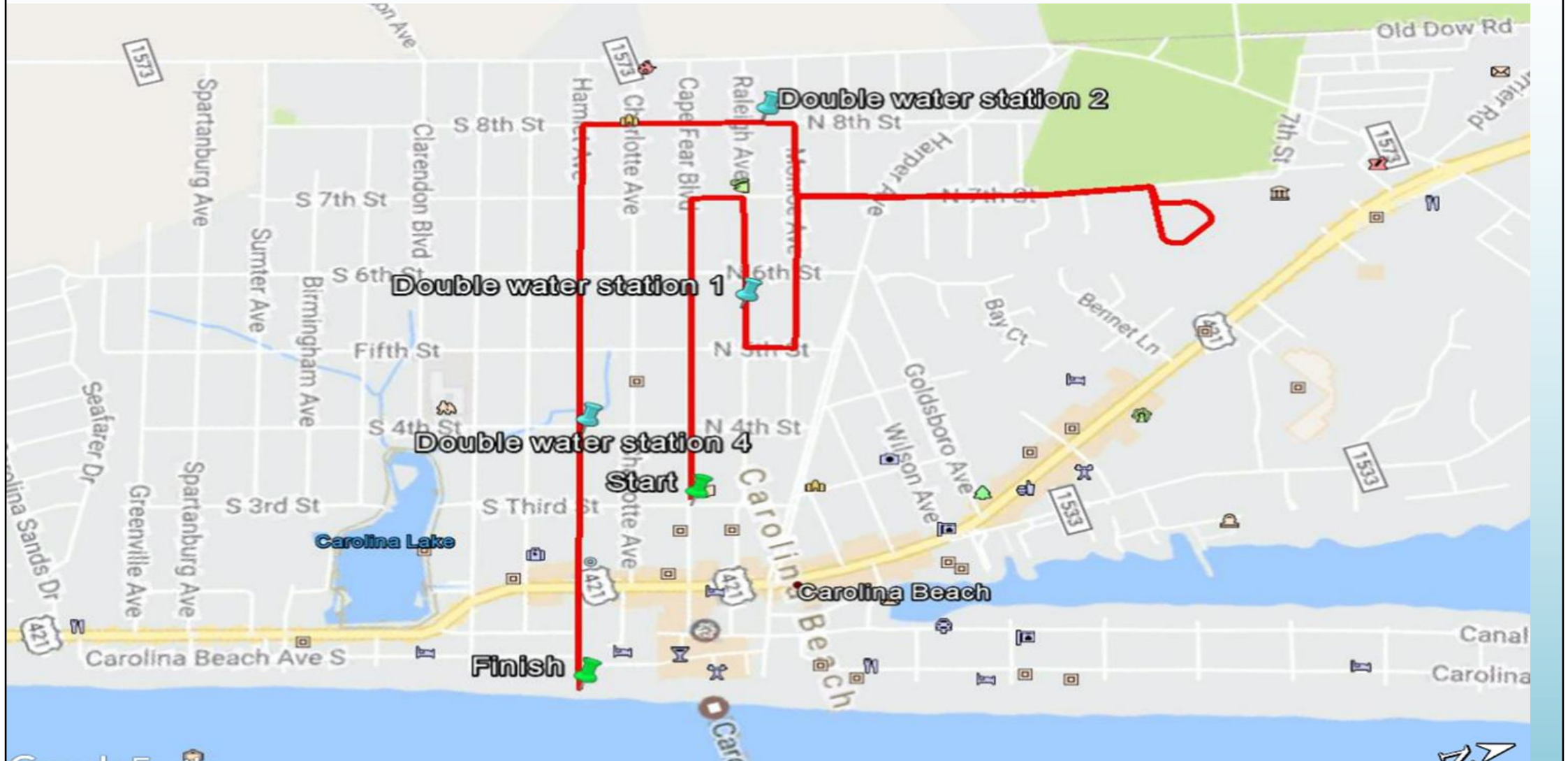
Legend

- 2017 5K
- 3K Color route
- VOLUNTEER & CONES
- COLOR STATIONS

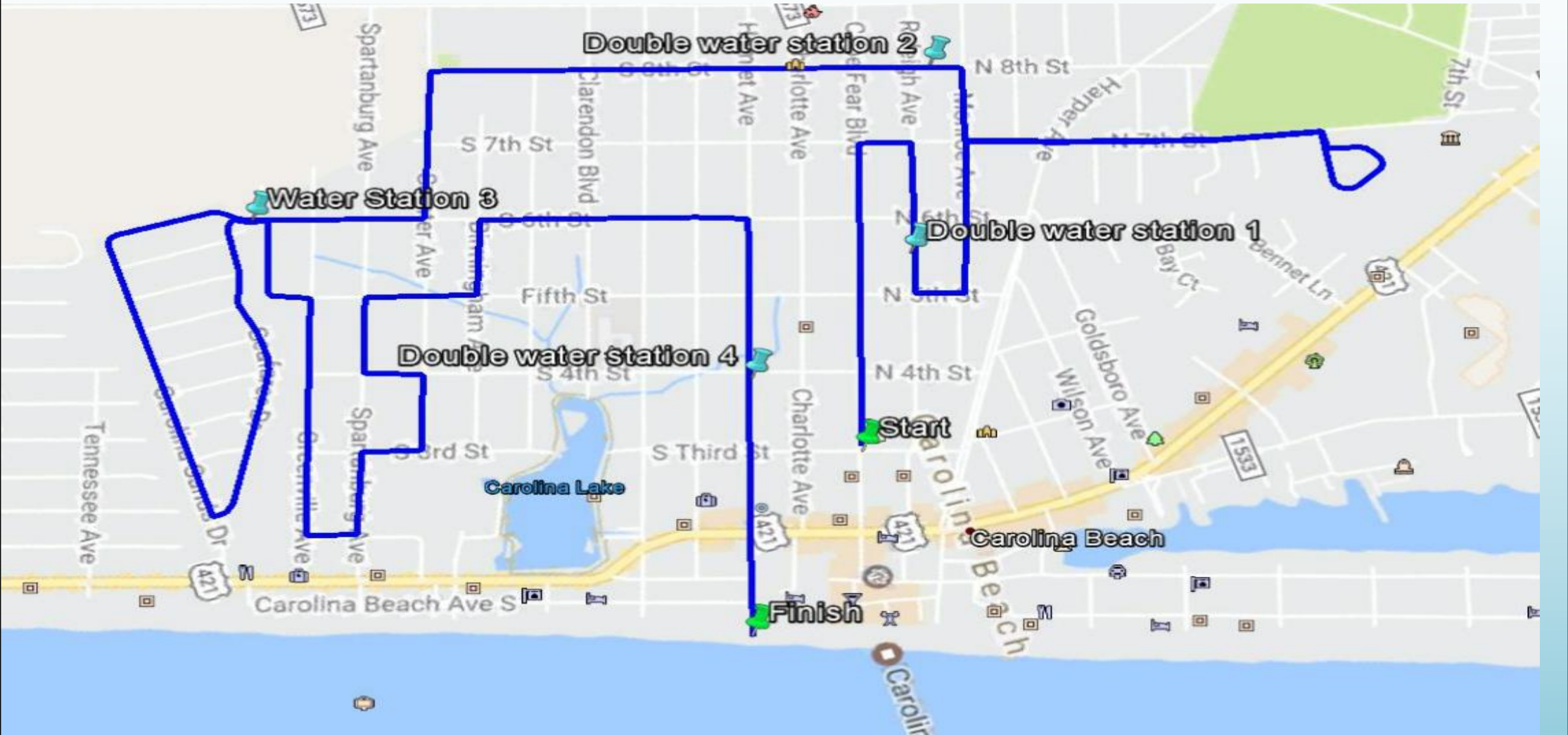


April 2018 Brenda Butler

LO TIDE 5K ROUTE



LO TIDE 10K ROUTE





COFFEE WITH A COP



Bagel Meister- SATURDAY - March 2nd- 0800-1000



QUESTIONS??

CONTACT:

BRENDA BUTLER
COMMUNITY ORGANIZATION OFFICER

910-458-8218
brenda.butler@carolinabeach.org



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019
Prepared By: Ed Parvin
Department: Executive

Manager's Update

BACKGROUND: Ed Parvin will give an update on the current projects.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Kim Ward

Department: Clerk

Public Hearing to Discuss Non-Profit Funding Requests from the Room Occupancy Tax Fund

BACKGROUND:

Greg Reynolds will present the request from the Pleasure Island Chamber of Commerce.

ATTACHMENTS:

[Chamber ROT Request](#)



February 4, 2019

To: Mayor, Mayor Pro-Tem and Town Council of the Town of Carolina Beach
 From: Pleasure Island Chamber of Commerce
 Re: Request for Room Occupancy Tax (ROT) Funds

In order to make our Tourist Season the best and brightest of the Coastal communities, The **Pleasure Island Chamber of Commerce** respectfully submits a request to the **Town of Carolina Beach** to consider providing ROT/Event funds (2nd half of the 2nd 3%) in support of the following activities.

July 1, 2019 thru June 30, 2020

1. **Independence Day Fireworks**
 Celebrate the Independence Day Carolina Beach style on Wednesday, July 3rd where we present the biggest and the best outdoor pyrotechnics show of the season. To continue our tradition, we request **\$12,000.00**. *(No increase)*
2. **Summer Fireworks Extravaganza**
 Every Thursday night during June, July and August, in conjunction with the Boardwalk music event, visitors and local citizens alike head to our CBD beach area for our weekly fireworks extravaganza. Our Thursday nights have become a destination for additional visitors, offer the local population a family evening out and provide a compelling media message. Including the two Fridays of Memorial Day and Labor Day, we are targeting 14 summer dates. We request **\$41,100.00** *(\$2,650 decrease – One less show)*
3. **Outdoor Family Summer Movies**
 The Outdoor Family Summer Movies at the Carolina Beach Lake have become one of our most successful initiatives utilizing ROT funding. Starting at 5:30, visitors and local citizens bring their chairs to the lake to “mark their spot” for a good seat. We are scheduling 15 Sunday night movies beginning Memorial Day weekend and ending Labor Day weekend. We anticipate an exciting line-up of current blockbusters and crowd favorites and again promise a great experience for children of all ages. We request **\$21,950.00** *which includes licensing fees, advertising and movie vendor. (\$1,800 increase – less rainouts in 2018)*
4. **Events Support** (Sponsorship, Advertising, Banners, Infrastructure)
 Every year the Town of Carolina Beach has been generous in sponsoring and supporting the great events that the Pleasure Island Chamber of Commerce brings to the Town. This requests will sponsor the 35th Annual Beach Music Festival and the 26th Annual Seafood Blues & Jazz Festival, along with the 2nd Annual Beach BACON & Beer Festival; 2nd Annual Rock the Beach Festival and the 2nd Annual Casino Night, a semi-formal affair. *Funds requested \$17,500.00 (Same as 2018-2019)*
5. **Wilmington Sharks “Pleasure Island Day** (Date to be Determined)
 In an effort to ‘bridge’ the divide between the Island and the mainland, we again request funding to sponsor a Pleasure Island Night at a Home Wilmington Shark game. This allows the Youth baseball participants to be recognized, the Mayor to throw-out the first pitch, the first responders to be recognized and the Island to be put on the map. We request \$4,000.00 (Same as 2018))

Total Appropriation Request \$ 96,550.00 *(\$850.00 decrease from 2018-2019)*

2019 -- 2020 Fiscal Year

For budget planning purposes, please take into consideration that the Chamber would like to continue all six exciting events for the fiscal year 2019-2020. Thousands of volunteer hours will be provided by the Chamber and/or Business Owners in support of all of our programs. With the Town’s support, we truly consider this WIN-WIN, a model joint effort between the Town and the Businesses on the Island. We hope again that the Town agrees that these programs are a responsible investment of ROT/Marketing fund dollars.

Sincerely,
Directors and Staff of the Pleasure Island Chamber of Commerce

Pleasure Island Chamber of Commerce 2018- 2019 ROT Request to Carolina Beach

Summer Fireworks		Product	License	Advertising	Misc	Total
5/24/19	Friday	\$ 2,500.00	\$ 150.00	\$ 150.00		
5/30/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
6/6/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
6/13/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
6/20/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
6/27/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
7/3/19	Wednesday	\$ 11,850.00	\$ 150.00	\$ 150.00		
7/11/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
7/18/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
7/25/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
8/1/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
8/8/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
8/15/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
8/22/19	Thursday	\$ 2,500.00	\$ 150.00	\$ 150.00		
8/30/19	Friday	\$ 2,500.00	\$ 150.00	\$ 150.00		
Miscellaneous					\$ 1,750.00	
Sub-Totals		\$ 46,850.00	\$ 2,250.00	\$ 2,250.00	\$ 1,750.00	\$ 53,100.00
Outdoor Summer Movies		Movie	Vendor	Advertising	Misc	
5/26/19	Sunday	\$ -	\$ 800.00	\$ 150.00		
6/2/19	Sunday	\$ -	\$ 800.00	\$ 150.00		
6/9/19	Sunday	\$ -	\$ 800.00	\$ 150.00		
6/16/19	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
6/23/19	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
6/30/19	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
7/7/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
7/14/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
7/21/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
7/28/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
8/4/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
8/11/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
8/18/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
8/25/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
9/1/2019	Sunday	\$ 600.00	\$ 800.00	\$ 150.00		
Miscellaneous					\$ 500.00	
Totals		\$ 7,200.00	\$ 12,000.00	\$ 2,250.00	\$ 500.00	\$ 21,950.00

Event Support		Sponsorship	
8/24/2019	Rock The Beach	\$	2,500.00
10/12/2019	Beach Bacon & Beer Festival	\$	2,500.00
11/2/2019	Casino Night	\$	2,500.00
4/11-12/2020	Seafood Blues & Jazz Festival	\$	5,000.00
6/6/2020	Carolina Beach Music Festival	\$	5,000.00
Totals		\$	17,500.00
Wilmington Sharks "Pleasure Island Day" Sponsorship		\$	4,000.00
PICC 2019-2020 ROT Request Total to TOCB		\$	96,550.00

02/02/18			
Pleasure Island Chamber of Commerce Preliminary Annual Budget			
INCOME	Actual 2019	Proposed 2019	%
Advertising - Visitors Guide	\$ -	\$ 35,000	0.00%
Annual Dinner	\$ -	\$ 3,000	0.00%
Beach Bacon & Beer Festival	\$ -	\$ 25,000	0.00%
Beach Music Festival	\$ -	\$ 60,000	0.00%
Casino Night	\$ -	\$ 10,000	0.00%
Chamber Connect Luncheon	\$ -	\$ 800	0.00%
Donations	\$ -	\$ 500	0.00%
Dues Income	\$ -	\$ 60,000	0.00%
Fireworks Donation (CB)	\$ -	\$ 53,100	0.00%
Interest Income	\$ -	\$ 20	0.00%
Movie Series Donation	\$ -	\$ 21,950	0.00%
Other	\$ -	\$ 2,000	0.00%
Postage Income	\$ -	\$ 1,500	0.00%
Rock The Beach Concert	\$ -	\$ 25,000	0.00%
SB&J Income-October	\$ -	\$ 100,000	0.00%
Summer Concerts (KB)	\$ -	\$ 8,800	0.00%
Wilmington Sharks "PI Day"	\$ -	\$ 4,000	0.00%
Wedding Planner	\$ -	\$ 1,200	0.00%
Total Income	\$0	\$411,870	0.00%
EXPENSE			
	Actual 2019	Proposed 2019	%
Annual Dinner	\$ -	\$ 4,000	0.00%
Appreciation Lunch for KB/CB	\$ -	\$ 500	0.00%
Beach Bacon & Beer Festival	\$ -	\$ 18,000	0.00%
Beach Music Festival	\$ -	\$ 20,000	0.00%
Building Fund (from Net Income year end)	\$ -	\$ 2,700	0.00%
Business After Hours	\$ -	\$ 100	0.00%
Chamber Connect Luncheon	\$ -	\$ 1,200	0.00%
Casino Night	\$ -	\$ 6,000	0.00%
Donations / Contributions	\$ -	\$ 5,000	0.00%
Dues & Licensing	\$ -	\$ 1,200	0.00%
Event Insurance	\$ -	\$ 4,600	0.00%
Fireworks	\$ -	\$ 53,100	0.00%
Healthcare	\$ -	\$ 9,000	0.00%
Insurance	\$ -	\$ 1,000	0.00%
Island Day	\$ -	\$ 1,000	0.00%
Marketing	\$ -	\$ 5,000	0.00%
Merchant Deposit Fees	\$ -	\$ 300	0.00%
Movie Series	\$ -	\$ 21,950	0.00%
Non-Chamber Event Support	\$ -	\$ 1,000	0.00%
Office Operations	\$ -	\$ 18,000	0.00%
Payroll	\$ -	\$ 100,000	0.00%
Payroll Taxes	\$ -	\$ 100	0.00%
Professional Fees	\$ -	\$ 3,000	0.00%
Rent	\$ -	\$ 4,000	0.00%
Rock The Beach	\$ -	\$ 18,000	0.00%
SB&J Expenses-October	\$ -	\$ 75,000	0.00%
Storage	\$ -	\$ 2,800	0.00%
Summer Concerts	\$ -	\$ 8,800	0.00%
Travel & Entertainment	\$ -	\$ 400	0.00%
Visitors Guide	\$ -	\$ 20,000	0.00%
Vision & Views Forum	\$ -	\$ 1,000	0.00%
Wedding Planner	\$ -	\$ 220	0.00%
Wilming Sharks "PI Day"	\$ -	\$ 4,000	0.00%
Workshops	\$ -	\$ 900	0.00%
Total Expense	\$0	\$411,870	0.00%
Net Income (Loss) (Building Fund)	\$0	\$0	

12:55 PM
 02/05/19
 Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
 January through December 2018

	Jan - Dec 18
Ordinary Income/Expense	
Income	
Advertising	
Visitor Guide Advertising	24,707.50
Total Advertising	24,707.50
Annual Dinner Income	2,884.44
BEACH BACON AND BEER	
ATM	70.00
Beer Sales	6,550.00
Cash Bank Return	7,000.00
Coke Sales	247.00
Food Vendor Application Fee	1,150.00
Gate Sales	12,861.00
Sponsor	2,750.00
Tshirt Sales	270.00
Total BEACH BACON AND BEER	30,898.00
Beach Music Festival Income	
Advance Tickets	
Island Tackle Advance Ticket Sa	5,375.00
Olde Salty's Advance Tickets	350.00
Silver Dollar Advance Tickets	925.00
Advance Tickets - Other	3,675.00
Total Advance Tickets	10,325.00
Cash Bank Return	4,000.00
Eventbrite (on-line advanced)	28,055.25
Gate Sales	12,330.00
Sponsor	7,500.00
T-Shirts	495.00
VIP Tent Space	5,265.00
Total Beach Music Festival Income	67,970.25
Casino Night	
Cash Bank Return	600.00
Day of Event Sales	3,856.04
Game Table Sponsor	1,000.00
Platinum Sponsor	2,500.00
Casino Night - Other	1,800.00
Total Casino Night	9,756.04
Chamber Connect Luncheon	595.00
Donation	
Business Donation	500.00
PI Beauty Association	100.00
Total Donation	600.00
Dues Income	
Business Dues	59,473.00
Local 501(c) 3 Membership	1,250.00
Total Dues Income	60,723.00
Event Insurance Refund	2,011.97
FIREWORKS INCOME	
Band Endorsed Check	1,200.00

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02/05/19
Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
January through December 2018

	Jan - Dec 18
TCB Donation	
Band	1,850.00
TCB Donation - Other	58,775.00
Total TCB Donation	60,625.00
Total FIREWORKS INCOME	61,825.00
FREE SUMMER CONCERTS DONATION	
KB TDA Funds	8,800.00
Total FREE SUMMER CONCERTS DONATION	8,800.00
License Plates Income	383.53
MOVIES AT THE LAKE	
TCB Donations	21,100.00
Total MOVIES AT THE LAKE	21,100.00
Rock The Beach Festival	
Advance Ticket Sales	520.00
Advanced Online Ticket Sales	6,884.00
Bands	1,700.00
Cash Bank Return	4,000.00
Front Gate Day Of Show	3,720.00
Platinum Sponsor	2,500.00
Tshirts	378.00
Vendor Sales	480.00
VIP Tents	1,480.00
Total Rock The Beach Festival	21,662.00
SB&J Income	
Posters	23.00
SB&J T-Shirts	40.00
Sponsors	
Sponsor Donations	3,750.00
Total Sponsors	3,750.00
Total SB&J Income	3,813.00
Seafood Blues & Jazz Festival	
Chamber Advance Ticket Sales	1,700.00
Total Seafood Blues & Jazz Festival	1,700.00
SEAFOOD BLUES CB TDA DONATION	7,500.00
Summer Concert Series	1,600.00
Uncategorized Income	19,552.22
Wilmington Sharks	4,000.00
Total Income	352,081.95
Gross Profit	352,081.95
Expense	
Annual Dinner	
Brass Plates for Awards	281.14
Catering	2,493.30
Entertainment	250.00
Meeting Expense	100.00
Town Recognition Plaques	338.07
Total Annual Dinner	3,462.51

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Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
January through December 2018

	Jan - Dec 18
BEACH BACON & BEER FESTIVAL	
Advertising	2,999.25
Ale License	75.00
Band	1,200.00
Banners	275.05
Beer Products	1,634.66
CASH BANK	11,000.00
Cash Prizes	1,062.32
Coke Order	238.57
Equipment Purchase	122.42
Food & Beverages -Bacon Island	193.65
Ice	417.30
Misc. Exp[en]ditures	218.98
Security	560.00
Tents, Tables & Chairs	776.71
Trashy People	440.00
Walkie Talkies	180.00
Total BEACH BACON & BEER FESTIVAL	21,393.91
BEACH MUSIC FESTIVAL	
Advertising	3,721.50
Band Tent	76.23
Banners	157.31
Clean Up	784.00
Entertainment	8,787.87
Miscellaneous Supplies	111.13
Photography	300.00
Police Security	997.50
Security	918.25
Signage	203.30
Soft Drinks	30.60
Sound	2,700.00
Tents/Tables/Chairs	437.10
Tickets	216.23
Walkie Talkies	290.00
Total BEACH MUSIC FESTIVAL	19,731.02
Business After Hours 1	38.20
CASINO NIGHT EXPENSE	
Advertising	630.36
Cash Bank	600.00
Food - Venue Costs	1,715.20
Vendor Fees	2,072.50
Total CASINO NIGHT EXPENSE	5,018.06
Chamber Connect	1,170.70
Donation / Contributions	
CB Firefighters Association	1,000.00
CBPD Bike Rodeo	500.00
Life Guard Stand	350.00
Pleasure Island Sports	400.00
Pleasure Island Youth Baseball	400.00
Donation / Contributions - Other	386.20
Total Donation / Contributions	3,036.20
Dues	
Dues Refund	0.00
Dues - Other	40.00
Total Dues	40.00
Event Insurance	4,269.84

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Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
January through December 2018

	Jan - Dec 18
FIREWORKS	
Band	3,216.11
CBFD Stipend	2,000.00
Evernt Staff T-shirts	555.16
Marketing / Promotions	1,623.75
Miscellaneous	
Lnyards	29.72
Miscellaneous - Other	31.47
Total Miscellaneous	61.19
Signage	203.30
Vendor Fees	52,305.00
Walkie-Talkie	251.80
Total FIREWORKS	60,216.31
Healthcare	
Group Healthcare	10,146.25
Total Healthcare	10,146.25
Insurance	
Director's Liability	1,754.00
Total Insurance	1,754.00
INTERN	50.00
MARKETING	
Advertising (summer)	26.72
Banners	47.52
Membership Plaques	163.54
Optimization and Maintenance	636.60
Sponsorship Expenses	560.00
Total MARKETING	1,434.38
Meeting Expense	
Seminars	156.00
Total Meeting Expense	156.00
MOVIES	
Marketing / Promotions	1,473.75
Movie License Fee	5,088.00
Signs	524.30
Vendor Fees	12,000.00
Total MOVIES	19,086.05
Office Operations	
Cable	589.53
Computer	416.23
Copiers	4,245.42
Director Badges	84.70
Directors Shirts	53.50
E-mail & Internet Service	2,094.69
Internship Program	1,511.89
Membership Plaques	51.63
Phones & Long Distance	4,041.64
Postage	1,777.80
Printing	233.62
Ribbon Cuttings	42.80
Supplies - Office	995.96
Office Operations - Other	40.00
Total Office Operations	16,179.41

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Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
January through December 2018

	Jan - Dec 18
Payroll Expenses	
Bonus	500.00
FICA	6,009.47
FUTA	145.74
Medicare	1,405.45
Salary	25,097.72
SUI	88.52
Payroll Expenses - Other	71,838.24
Total Payroll Expenses	105,085.14
Professional Fees	
Accounting	1,453.00
Total Professional Fees	1,453.00
Rent	3,250.00
Rock The Beach	
Advertising	3,444.00
Band Gazebo Expenses	403.13
Bands	8,258.62
CASH BANK	4,000.00
Photograpghy	300.00
Police	997.50
Security	854.88
Signage	267.50
Sound	2,700.00
Tents, Tablers, Chairs	426.40
Trashy People	722.50
Total Rock The Beach	22,374.53
SB&J Expenses	
Advertising	
Dynamic Digital	400.00
Print Media	1,645.00
Advertising - Other	273.75
Total Advertising	2,318.75
Equipment Rental	
Gators	2,382.12
Total Equipment Rental	2,382.12
GIFTS	0.00
Lanyards	19.99
Refund	401.00
SB&J Band	8,250.00
SB&J Entertainment	
Accomodations Band/Entertainer	600.00
Badges	-437.28
Children's Activities	-350.00
Headliner Expense	122.70
SB&J Entertainment - Other	0.00
Total SB&J Entertainment	-64.58
Sponsor Expense	
Framed SBJ Posters	494.10
Total Sponsor Expense	494.10
Walkie Talkie	420.00
Total SB&J Expenses	14,221.38
Storage	3,070.00

12:55 PM
02/05/19
Cash Basis

Pleasure Island Chamber of Commerce
Profit & Loss
January through December 2018

	<u>Jan - Dec 18</u>
Summer Concerts	
Band	6,400.00
Beer	20.32
Ice	10.12
Sound	<u>3,500.00</u>
Total Summer Concerts	9,930.44
Travel & Entertainment	
Meals	76.24
Travel	<u>52.43</u>
Total Travel & Entertainment	128.67
Uncategorized Expenses	300.00
Visitor Guide	
Pre-Press Charges	1,678.74
VG Distribution	1,797.26
Visitor Guide Printing	14,262.55
Visitors Guide Shipping	<u>1,783.79</u>
Total Visitor Guide	19,522.34
Wilmington Sharks Baseball	4,000.00
Workshops	
Food	<u>913.92</u>
Total Workshops	913.92
Total Expense	<u>351,432.26</u>
Net Ordinary Income	<u>649.69</u>
Net Income	<u><u>649.69</u></u>



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Miles Murphy

Department: Planning

Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to create an allowance for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach

BACKGROUND:

In November staff was approached by Mark Bryant of Bryant Real Estate with a request to place a large double-faced sign on their corner lot located at 1230 North Lake Park Boulevard. They were informed that, due to current ordinances, their proposed sign would not be permissible. Given the unique location and size of the lot, Mr. Bryant opted to apply for a Text Amendment in order to create an allowance for a large double-faced sign on large, commercially zoned, corner-lot properties.

Staff met with Mr. Bryant and reviewed the proposed ordinances. Some small changes were made to the proposed language, but overall staff has no objections to the proposed changes. Staff also researched recent sign ordinance changes to ensure that any update would not be entirely inconsistent with more recent changes made to the sign ordinances of Carolina Beach.

ACTION REQUESTED:

- (1) It is recommended that Town Council open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of three forms:

- A Statement of Approval – Town Council, whereas in

accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to allow for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. (If applicable - List any recommended restrictions or requirements)

•A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

**COMMITTEE
RECOMMENDATION:**

Planning and Zoning recommended that the new sign language be adopted as written with no additional restrictions.

Staff recommended that the new sign language be adopted as written with no additional restrictions.

ATTACHMENTS:

- [Proposed Ordinance](#)
- [Corner Sign Text Amendment PPT](#)
- [18T-04 Corner Signs \(Paid\) Receipt](#)
- [ARTICLE VIII. SIGN REGULATIONS](#)

SIGN REGULATIONS



**ORDINANCE NO _____
Amend Chapter 40 Zoning Article VIII, Sec. 40-228 Administration**

Article VIII Sign Regulations, Sec. 40-228

(b) *Number of signs.* Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance, except when a corner lot meets the following criteria:

- (1) the corner lot is located in a commercial zone
 - (2) the lot is larger than 30,000ft²
 - (3) the sign is limited to 10' in height
 - (4) the sign is set back an additional 5' beyond the required 10' setback from all property lines.
- Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.

Adopted this 12th day of February, 2019.

Joseph Benson, Mayor

Attest: _____
Kimberly Ward, Town Clerk



Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to create an allowance for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach

Miles Murphy – Planner
Regular Town Council – February 12, 2019

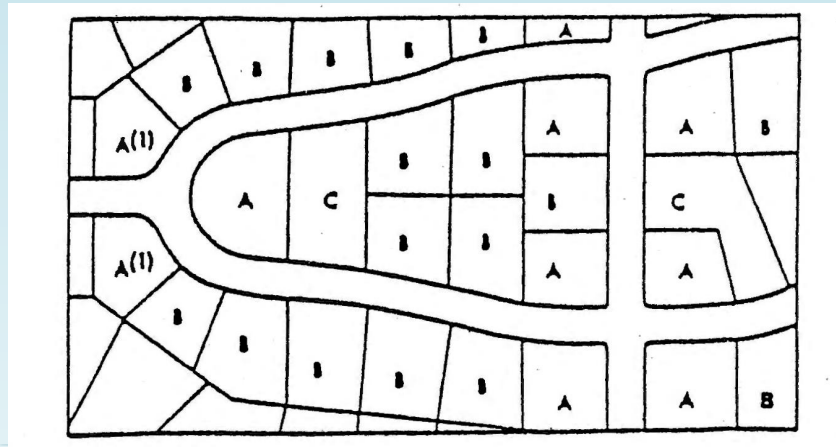
1230 LPBN – Bryant Real Estate



Double Frontage

Lot types . Figure 1 illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots.

A	Corner lot	A lot located at the intersection of and abutting upon two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.
B	Interior Lot	A lot other than a corner lot with only one frontage on a street.
C	Through Lot	A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.



Current Rules

- If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance
- Permanent freestanding signs.
 - a. Maximum size equals one-half a square foot of sign area per one linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Type of Development	Max. Area Per Face
Multi-Family Residential	50
Nonresidential up to 2,500 sq. ft. of building area	50
Nonresidential 2,500 sq. ft. up to 15,000 sq. ft. of building area	64
Nonresidential greater than 15,000 sq. ft. of building area	100

- b. Maximum height of 20 feet in the CBD, NB, MB-1, T-1, MF, and MX zoning districts.
- c. Maximum height of 25 feet in the HB and I-1 zoning districts.
- d. A permanent freestanding sign shall have a minimum setback of ten feet from all property lines.

New Language for Sign Regulations

Article VIII Sign Regulations, Sec. 40-228

(b) *Number of signs.* Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance, except when a corner lot meets the following criteria:

(1) the corner lot is located in a commercial zone

(2) the lot is larger than 30,000ft²

(3) the sign is limited to 10' in height

(4) the sign is set back an additional 5' beyond the required 10' setback from all property lines.

Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.

Amend Chapter 40, Article VIII Sec. 40-228 Administration

- (1) It is recommended that Town Council open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of three forms:

- A Statement of Approval – Town Council, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to allow for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. (If applicable - List any recommended restrictions or requirements)
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

Questions?

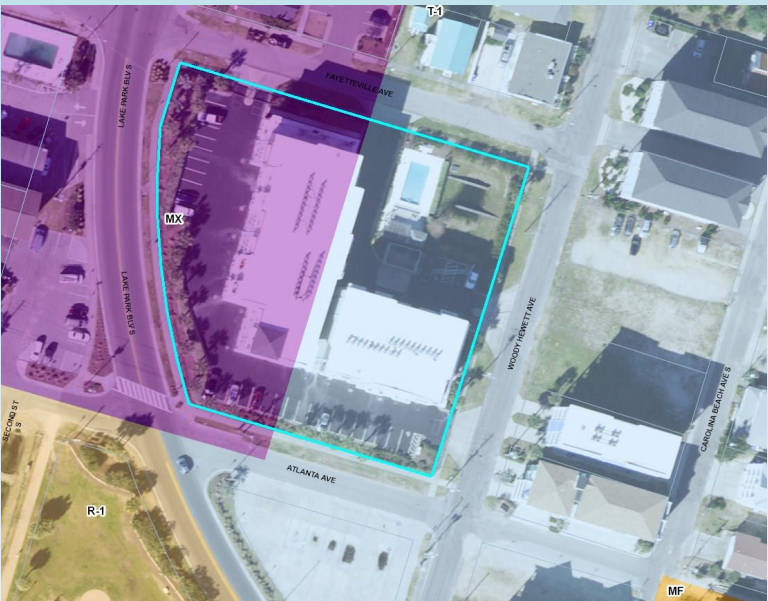
1 Harper



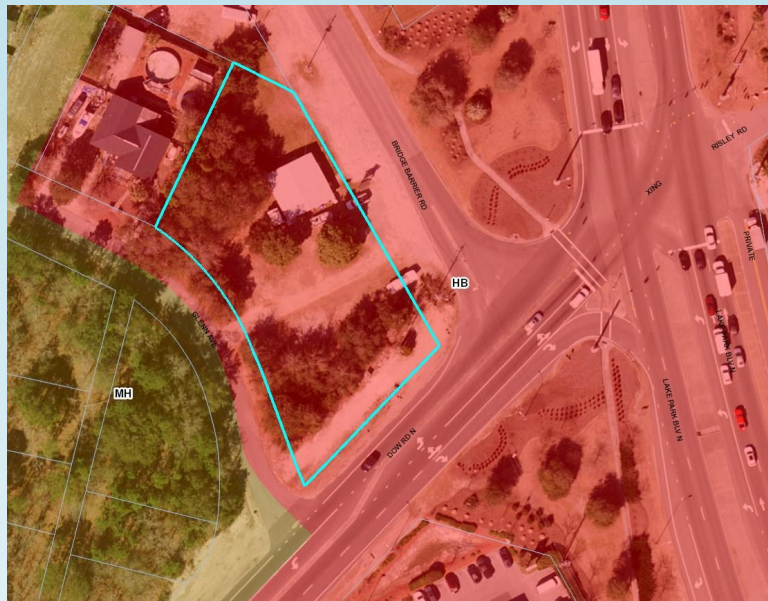
110 Harper



307 LPBS



600 Glenn



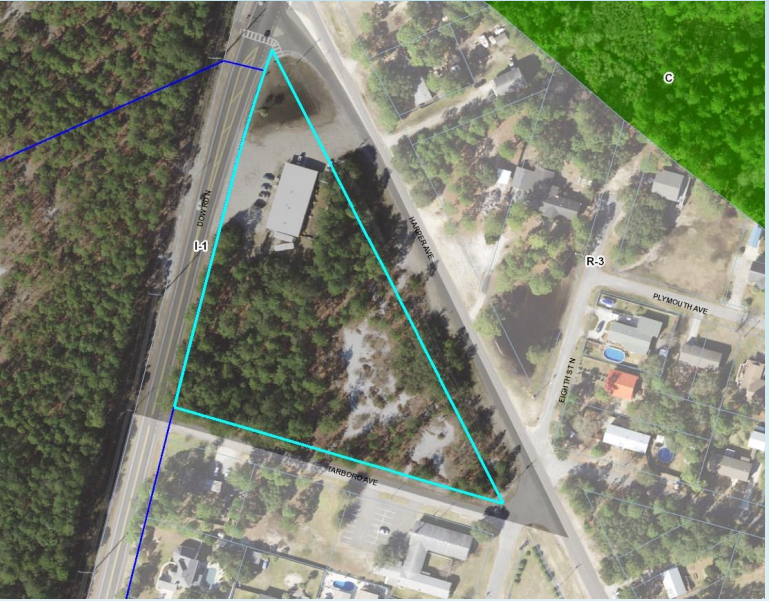
619 Spencer Farlow



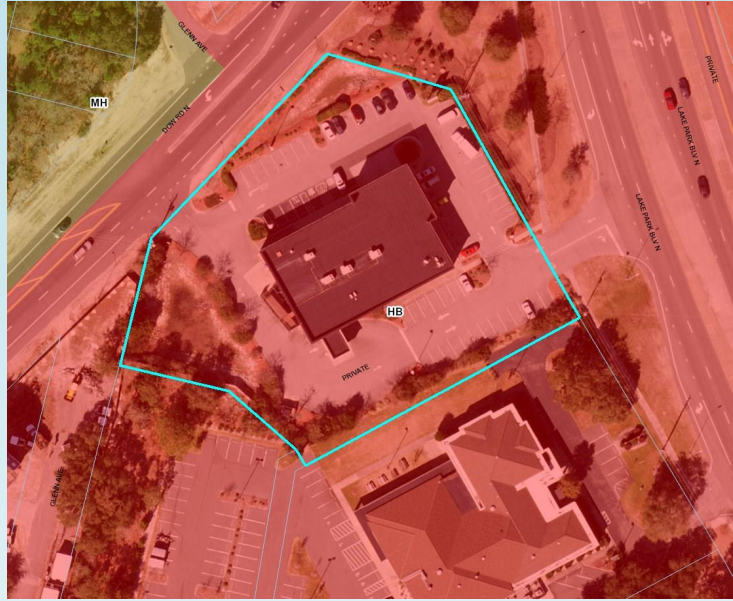
701 LPBN



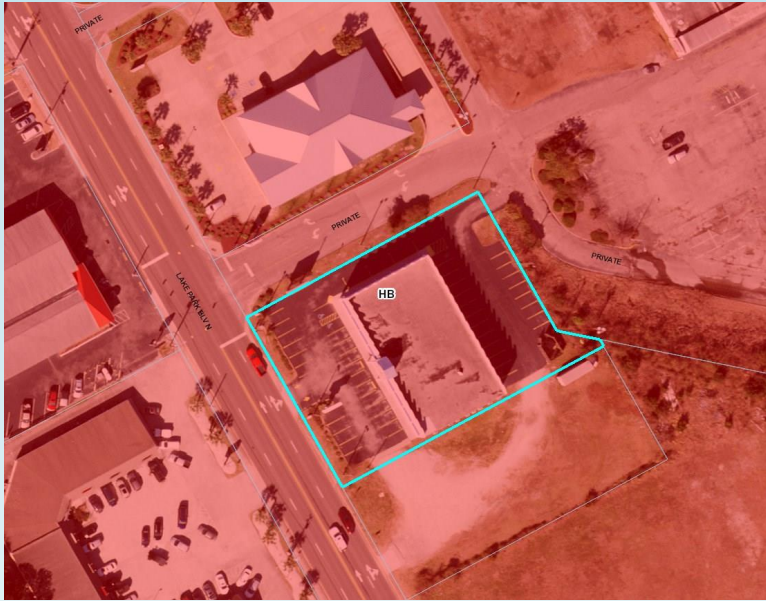
811 Harper



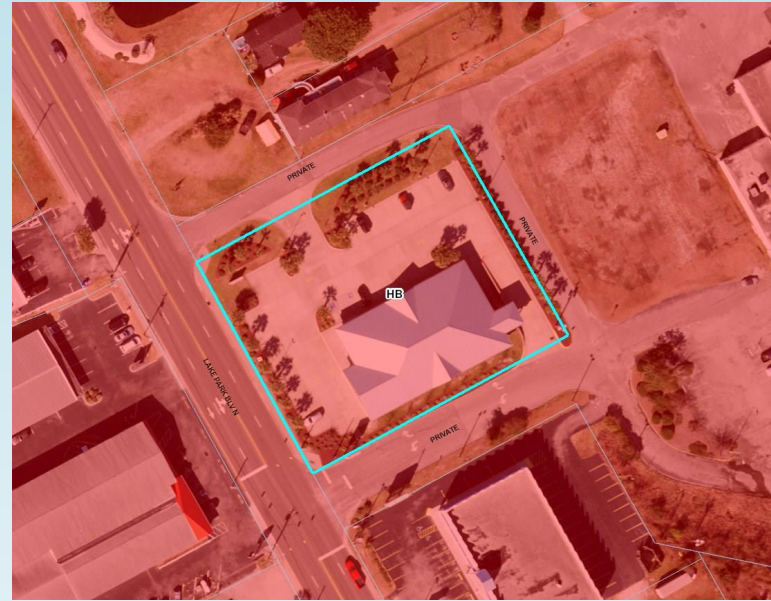
901 Dow



1014 LPBN



1020 LPBN



1101 LPBS



1212 LPBS



1213 LPBS



1300 Bridge Barrier



1300 LPBN



1311 LPBS



1403 LPBS



1608 Bowfin



18T-04

Operator: 62
 Receipt#: 319309
 T H A N K Y O U !

1 PP PLANNING PERMIT \$350.00

Cash: \$0.00
 Check: \$350.00
 Charge: \$0.00
 HomeOrder: \$0.00
 Total Fee: \$350.00
 TOTAL PAID: \$350.00
 Change Due: \$0.00

MARK BRYANT
 TEXT AMENDMENT 18T-04

Date: 1/4/2019
 Time: 4:14 PM

P A Y M E N T

Town of Carolina Beach
 1121 North Lake Park Blvd
 Carolina Beach, NC 28428
 (910)458-2999

PETITION FOR A TEXT AMENDMENT TO THE TOWN CODE OF ORDINANCES
 Petitions shall be submitted and reviewed by the Department of Planning and
 Development, 1121 N. Lake Park Blvd., Carolina Beach, NC 28428 for completeness
 and acceptance. The fee of \$350, payable to the Town of Carolina Beach must
 accompany the petition

Petitioner

Petitioner's Full Name: Mark Bryant Phone #: (910)-352-1372

Street Address:
1230 N. Lake Park Blvd.

City: Carolina Beach State: North Carolina Zip: 28428

Email: mbryant@bryantre.com

Requested Text Amendment

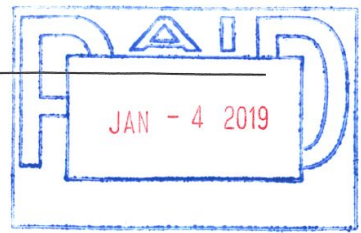
Town Code Section(s) Requested to be Amended:
Sec. 40-228 & Sec. 40-232

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach:

We would like to amend the code to allow a split sign on a corner lot that will still not exceed the total allowable square footage of a double-sided sign.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

Petitioner's Signature: 



ARTICLE VIII. - SIGN REGULATIONS

Sec. 40-227. - Purpose and intent.

- (a) It is the intent of the town council to protect public interest, safety and welfare and, to that end, the purposes of this article are specifically declared to be as follows:
 - (1) To promote economic development while minimizing the negative impacts that signs may have on the visual appearance of the town;
 - (2) To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion, traffic congestion and air pollution;
 - (3) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring on Pleasure Island; and
 - (4) To permit and regulate signs in such a way as to support and compliment land use objectives.
- (b) It is not the purpose or intent of this article to regulate signage displayed for special occasions not associated with a business (i.e., balloons for birthday parties or birth of a baby, etc.).

(Code 1986, app. A, § 11.1; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-228. - Administration.

- (a) *Permit issuance.* The Zoning Administrator or his designated representative shall be the administrator of this article.
- (b) *Number of signs.* Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance.
- (c) *Permit required.* Except as otherwise provided, no sign shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this article and pursuant to issuance of a sign permit.
- (d) *Process for issuance of a sign permit.* The process for issuing a sign permit is as follows:
 - (1) Completed application.
 - (2) A scaled drawing displaying the location of the sign on the associated property, the sign dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto.
 - (3) Payment of the permit fee.
 - (4) All permanent signs shall be designed and constructed to meet the requirements of the state building code. Depending on the type of sign construction, the Building Inspector may require engineered certified plans.
 - (5) Total number of signs existing on site, including the dimensions of each.
- (e) *Signs not requiring a permit.* The following types of signs are exempt from permit requirements:
 - (1) Governmental signs.
 - (2) Window/door signs.
 - (3) Real estate/ off-site real estate signs.

- (4) Political signs.
- (5) Open signs.
- (6) Patriotic and/or decorative flags.
- (7) Any sign required by a government agency (i.e., address number sign).
- (f) *Exceptions.* Any sign that is not designed for view by vehicular traffic may be displayed for decorative, patriotic, or commercial purposes as long as the signage does not violate any of the prohibited sign regulations.
- (g) *Size calculations.* The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.
 - (1) *Sign area.*
 - a. *Attached.* The area of a sign composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be constructed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter.
 - b. *Freestanding.* All surface areas and any lettering or sculptured matter outside the sign surface area.
 - (2) *Sign height.* The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.
 - (3) *Sign face.* Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than 1½ feet from one another.

(Code 1986, app. A, § 11.2; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012)

Sec. 40-229. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means a temporary sign typically consisting of two sign faces attached back-to-back by top hinges.

Address number sign. See chapter 34, article IV.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attached sign means any sign painted on, attached to and erected parallel to the face of, or erected and confined within the limits of, the outside facade of any building and supported by such building facade and which displays an advertising surface. Attached signs may also be located on porch railings and support posts.

Banner sign means a temporary suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper that may or may not be enclosed or partially enclosed on a rigid frame (i.e., feather signs).

Billboard sign means a sign which advertises a business, product, organization, entertainment, event, person, place, or thing and which is located off-premises from the place of the advertised element(s).

Canopy/awning sign means any sign consisting of lettering and/or logos applied to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial banners means banners intended for commercial promotion and/or advertisement.

Commercial flags means flags intended for commercial promotion and/or advertisement.

Construction sign means a temporary sign that identifies on-site construction and future development to occur on the property and typically containing the names of contractors, architects, and lending institutions.

Decorative banners means colored banners only that contain no wording or pictures. These include banners that resemble patriotic flags (i.e., a blue and red banner with white stars).

Decorative flags means colored flags only that contain no wording or pictures.

Directional sign means a permanent sign for public direction or information containing no advertisement or commercial identification of any product or service. Typically, these signs consist of directional arrows, business names or logos, the words "entrance," "exit," "parking," etc.

Flags means flexible materials such as cloth, paper, plastic and typically displayed on a flag pole, or structure. Windssocks are interpreted to represent permitted flagging.

Flashing sign means a sign, which contains or uses, for illustration, any lights or lighting devices, which change color, flashes or alternates, shows movement or motion, or changes the appearance of said sign or part thereof automatically on a time interval of less than 20 seconds. Animated fading from one message to another message is permitted within a maximum fading period of two seconds.

Freestanding sign means a sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structures.

Future development sign means a sign placed on vacant or developed property that advertises a future use that is currently allowed in the zoning district where the sign is located.

Governmental sign means a sign provided and erected by a governmental entity which typically promotes:

- (1) The health and safety of the community;
- (2) Town-sponsored events;
- (3) A public way finding system; and
- (4) Any other town activities as deemed appropriate by the Town Manager.

Human sign means costumes or signs worn, held or carried by individuals for the purpose of attracting attention to a commercial site.

Illegal sign means any sign that was in violation of the zoning ordinance at the time the sign was originally established.

Integral sign means memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

Nonconforming sign means any sign which does not conform to the regulations of this article, but did conform when it was originally permitted.

Nonprofit sign means any sign promoting churches, schools and and/or other noncommercial institutions.

Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-premises parking sign means a sign used to direct vehicular traffic onto the parking premises where it is displayed for a business or service activities at another location, but cannot impede the line of sight for traffic.

Off-site real estate sign means generic signs with display content limited to a directional arrow and/or one descriptive phrase of "open house" and allowed off the premises from where the real estate product is being offered.

Open sign means a sign or flag with a specific designated purpose of stating that a business is open or closed.

Patriotic flags means flags with only the insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes.

Permanent sign means all signs not designated as temporary.

Political sign means signs displaying political candidacy and/or messages as related to an election date and allowed only within a limited timeframe.

Portable sign means a temporary sign attached on support frame without lighting.

Projecting sign means a type of attached signage placed at a right angle to the facade of the associated structure.

Public information sign means a sign provided and erected by a governmental entity or nonprofit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.

Real estate sign means a sign that is used to offer for sale, lease, or rent the property upon which it is placed.

Roof sign means any sign erected or constructed upon the roof of any building and supported solely on the roof of the building.

Sign means any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view.

Snipe sign means any sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole.

Special event sign means a sign advertising a special communitywide event such as community fishing tournaments, schools or civic events, and/or festivals.

Subdivision entrance sign means a sign identifying a development, located on site, and at the major entrance points to such development.

Temporary sign means any sign that advertises or directs attention to a product, event, election, activity, meeting, exhibition or performance of any kind where such sign is not permanently affixed, placed, attached or erected, and may have time limitations.

Tow truck sign. See chapter 16, article VII, wrecker/towing services and impoundment.

Vehicle/trailer sign means any temporary sign mounted on a vehicle, boat, or trailer and used for advertising or promotional purposes.

Window/door sign (interior/exterior) means a sign located within the interior or exterior of the transparent area of any window or door.

Yard sale sign. See sections 14-172 through 14-174.

(Code 1986, app. A, § 11.3; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-230. - Prohibited signs/displays.

The following signs are prohibited within the jurisdictional limits of the town:

- (1) Billboard signs.
- (2) Signs in disrepair, that are unsafe, which no longer can be easily recognized for their intended purpose due to disrepair or fading, or are no longer applicable to the associated property use.
- (3) Strobe lights or any other type of flashing lighting or beacons. Exception: Flashing signs may be permitted in the central business district as long as they are not located adjacent to Lake Park Boulevard. Flashing signs may also be present in any commercial zone as long as they are not designed for vehicular traffic. This exception does not allow for strobe lights.
- (4) Moveable, animated, flashing signs including balloons and human signs.
- (5) Pennant or consecutively linked flagging or similar devices.
- (6) Signs which resemble or are visibly similar to official governmental traffic signs or signals or employ lighting, or employ the words of official signs such as "stop," "caution," "danger," "slow," or "warning."
- (7) Signs located within or protruding in public areas or rights-of-way, unless specifically permitted herein. Any person erecting a sign in a public area shall indemnify and hold harmless the town and its officers, agents, and employees from any claim arising out of the presence of the sign on town property or rights-of-way.
- (8) Signs that make noise.
- (9) Signs displaying or containing obscenities.
- (10) Roof signs.
- (11) Snipe signs.
- (12) Handwritten messages on permanent signs.
- (13) No sign shall block any vision clearance (i.e., a 30 by 30 site triangle at intersections and driveways).
- (14) Any other sign not mentioned by this article.
- (15) Vehicle/trailer signs.

(Code 1986, app. A, § 11.4; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-231. - Sign lighting.

- (a) Interior sign lighting shall be shaded with an opaque sign face surface sufficient to reduce the glare on roadways and surrounding properties.
- (b) Signs utilizing bare bulbs or neon type lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (c) Exterior flood or similar type sign lighting shall be directed on the sign only, minimizing reflective glare off the sign, and not reflect or glare onto roadways or adjacent properties.

(Code 1986, app. A, § 11.5; Ord. No. 10-825, 4-13-2010)

Sec. 40-232. - Allowable signs.

(a) *Permitted signage in all zoning districts.* The following signs shall be permitted in all zoning districts:

- (1) *Construction sign/future development signs.*
 - a. Both types of signs may be allowed as temporary, non-illuminated signs not to exceed 20 square feet in area and five feet in height.
 - b. A construction sign and future development sign shall be removed within 30 days after the issuance of a certificate of compliance.
 - c. A construction sign shall only be allowed with a valid building permit. Where no building permit was required (i.e., painting a house) the construction sign shall be removed within 30 days after the work was completed. A future development sign may be allowed at any time after receiving a sign permit.
- (2) *Governmental signs.* Size, location, and length of time of these signs shall be approved by the Town Manager or his designee.
- (3) *Political candidacy signs.*
 - a. One sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or issue; for a lot or parcel with frontage on a second street, one additional sign for each candidate for office or side of a ballot measure or issue shall be permitted.
 - b. Such signs shall not be located on town property or buildings, except within specified proximity of polling places on election day, under rules established by a county board of elections.
 - c. Such a sign shall be removed within ten days following the date of any election or other event to which it refers, except that signs for successful primary election candidates, eligible for the general election, may remain after the primary election; this time limit shall not apply to a sign which does not refer to an election or other event.
 - d. Such a sign shall not exceed six square feet in area per sign face or five feet in height, except where such sign is erected in place of another type of sign permitted at that location, in which case it may be the same size and subject to the same conditions as such sign. Depending on the size and location of the sign a building permit may be required.
 - e. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly and liable for the removal of such signs.
 - f. The property occupant or, in the case of unoccupied property, the property owner, shall be responsible for violations on a particular property.
 - g. No political sign shall be located in a public right-of-way with the exception of NCDOT rights-of-way in accordance with Session Law 2011-408.
- (4) *Decorative flags or banners.* Decorative flags or banners may be displayed as freestanding or attached subject to the following specifications:
 - a. No more than one per 50 feet of road frontage shall be displayed.
 - b. Size shall be limited to a maximum of 24 square feet and 20 feet in height.
 - c. All decorative flags and/or banners shall remain within the boundaries of the property for which they are permitted.
- (5) *Patriotic flags.*

- a. Patriotic flags displayed shall not be limited in size or number.
 - b. All patriotic flags shall remain within the boundaries of the property for which they are permitted.
- (6) *Real estate and off-site real estate signs.*
- a. These signs shall be located on private property only with written permission of the applicable property owner.
 - b. The maximum size shall be calculated as six square feet for every 50 feet of road frontage, or six square feet per commercial and/or residential unit, whichever is greater. There shall be a maximum size of 36 square feet per development site.
 - c. Maximum sign height is five feet in height measured from the adjacent ground elevation to the uppermost portion of the sign.
 - d. All signs shall be freestanding on their own independent support posts/pole or attached to the building for sale or rent.
 - e. One off-site real estate sign shall only be allowed during open house hours while a real estate representative is on-site.
- (7) *Subdivision entrance signs.* Two attached subdivision entrance signs or one monument or freestanding sign per principal entrance are allowed. Such signs shall designate the subdivision by name or symbol only and under all circumstances they shall be rigidly and securely anchored against movement. Such signs shall not exceed an area of 20 square feet per sign face and an aggregate area of 40 square feet if signs are multiple faced, nor shall they exceed a height of six feet if freestanding. They may be illuminated.

In addition to the allowances under this subsection (a), nonresidential uses that are existing or allowed in residential areas, but do not fall under the category of nonprofit, may also utilize the freestanding sign allowances as defined under subsection (b) of this section.

- (b) *Special allowances for nonprofit signs in all zoning districts.*
- (1) *Freestanding sign.* One sign shall be allowed that is no more than 20 square feet in area; ten feet in height; and is setback at least ten feet from all property lines.
 - (2) *Public information signs.* Permanent locations shall include public or private sites for standing meetings of clubs or property owned by a recognized church or denominational body. All directional or informational signs shall be subject to the following restrictions:
 - a. Signs shall not exceed six square feet in size nor eight feet in height (top of panel).
 - b. Signs shall not be illuminated.
 - c. Sign lettering shall not exceed four inches in height.
 - d. Sign content may include name and address of organization, logo, directional arrow, and meeting times. No commercial business or product shall be advertised.
 - e. These signs may be located off-site under the following provisions:
 - 1. Signs shall only be allowed at major highway intersections and shall not be located in a public right-of-way or block visibility at any intersection.
 - 2. Two public information sign panels (each for a different organization) may be placed on a single location.
 - (3) *Special event signs.*
 - a. The Town Manager and/or town council shall approve the location, number, and length of time the sign may be displayed.

- b. Off-premises special event signs shall be allowed with the written consent of the property owner.
 - c. On-site or off-site special event signs shall be limited to 20 square feet.
 - d. An off-premises special event sign may be issued that has advertisements for local businesses as long as the sign is displayed in exchange for charitable contributions for the purposes of funding nonprofit initiatives (i.e., boardwalk makeover sign with advertisements for sponsors).
- (c) *Permitted signage in all commercial zones.* The following signs shall be permitted in all commercial zones (CBD, NB HB, MB-1, I-1, T-1, MF, and MX zoning districts):
- (1) *Attached signs.*
 - a. Attached signs shall be allowed on all sides of a business. The total allowable building face signage shall not exceed 25 percent of the front building face and may be apportioned among any/all building faces. A building face shall be measured from ground level at the foundation to the roof overhang (or junction of roof and front wall line) and from side to side of building.
 - b. If utilized, projecting signage shall have a clearance of at least ten feet between the adjacent ground level and the lowest portion of the sign. No attached sign shall project more than four feet from the building facade. In the CBD, where buildings are adjacent to a right-of-way a projecting sign shall be allowed to encroach up to two feet.
 - c. Canopy/awning sign shall be considered as attached signs. In no instance shall a canopy/awning sign exceed the canopy awning area.
 - (2) *Construction signs.* Construction signs shall be permitted as described in subsection (a)(1) of this section with size limitations of 40 square feet in area and 15 feet in height.
 - (3) *Directional signs.*
 - a. *On-premises directional signs.*
 - 1. On-premises directional signs shall be limited to four square feet and three feet in height.
 - 2. Directional signs at shopping centers may contain the name of the shopping center but not the names of the individual businesses within the shopping center.
 - 3. For every driveway cut, two directional signs shall be allowed on private property adjacent to the right-of-way.
 - b. *Off-premises parking signs.*
 - 1. The maximum size shall be one foot by two feet.
 - 2. Off-premises parking signs may only delineate the name of the business, logo, and distance the business is from the site of the sign, no other advertisement of products or services is permitted.
 - 3. Off-premises parking signs shall not be lighted.
 - (4) *Permanent freestanding signs.*
 - a. Maximum size equals one-half a square foot of sign area per one linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Type of Development	Max. Area Per Face
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Multi-Family Residential	50
Nonresidential up to 2,500 sq. ft. of building area	50
Nonresidential 2,500 sq. ft. up to 15,000 sq. ft. of building area	64
Nonresidential greater than 15,000 sq. ft. of building area	100

- b. Maximum height of 20 feet in the CBD, NB, MB-1, T-1, MF, and MX zoning districts.
- c. Maximum height of 25 feet in the HB and I-1 zoning districts.
- d. A permanent freestanding sign shall have a minimum setback of ten feet from all property lines.

(5) *Temporary attached and freestanding sign regulations.*

- a. Each business shall be allotted one temporary freestanding or attached sign yearround. Permits for temporary signage shall be issued annually with the following limitations:
 - 1. A-frame signs not exceeding eight square feet per side in area with a maximum height of four feet.
 - 2. Portable signs not exceeding ten square feet and five feet in height.
 - 3. Banner signs not exceeding 24 square feet and 15 feet in height.
 - 4. Commercial flagging shall be limited to 24 square feet and shall have the same height restrictions as permanent freestanding signs.
 - 5. Future development signs shall be limited to 30 square feet and 15 feet in height.
- b. Temporary signs may be placed on public sidewalks in the CBD. No temporary sign shall be placed where the unobstructed space for the passageway of pedestrians is reduced to less than 4½ feet.

(6) *Open signs.* Each business shall be allowed one attached open sign and one open flag. An attached open sign shall not exceed four square feet. Open flags shall not exceed 15 square feet.

(Code 1986, app. A, § 11.6; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 11-866, 5-10-2011; Ord. No. 11-871, 7-12-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-233. - Nonconforming signs, illegal signs, violations and penalties.

All signs shall be subject to article XIV of this chapter, nonconforming situations, and article XV of this chapter, administration, enforcement, and review.

(Code 1986, app. A, § 11.7; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Secs. 40-234—40-259. - Reserved.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Miles Murphy

Department: Planning

Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of breweries and distilleries in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach

BACKGROUND:

In August, two applicants approached the Town of Carolina Beach to inquire about opening a distillery to sell a Carolina Beach themed rum. They chose to apply for a Text Amendment and at the December meeting of Town Council their amendment was adopted. At this meeting, Town Council directed staff to investigate expanding the ordinance to permit the operation of breweries and distilleries in the CBD, HB, and I-1 Zoning, so long as ABC and CB regulations prevent operation as a bar without first applying for a conditional use permit.

Any brewery or distillery would have to follow the guidelines set forth for the operation of a brewery or distillery in **§ 18B-1104** (Attachment 2), **§ 18B-1105** (Attachment 2.1), and **§ 18B-1114.7** (Attachment 2.2), apply for an ABC Commercial Permit (Attachment 2.3), and adhere to any other State, County, or Local restrictions on Distilleries.

COMMITTEE RECOMMENDATION:

Staff recommended that the use of Distillery be added as a by-right use in the CBD and I-1 Zoning Districts as it is in line with the current LUP and Zoning Ordinances of Carolina Beach. Staff recommends placing additional restrictions beyond those already placed upon them by NC G.S. and the ABC, and the Zoning Requirements placed on every development in the CBD and I zoning districts.

Planning and Zoning recommended that the proposed ordinance be adopted as presented.

ATTACHMENTS:

[Proposed Ordinance \(Attachment 4\)](#)
[Chapter 18B NC GS 1104 Brewery \(Attachment 2\)](#)
[Chapter 18B NC GS 1105 Distillery \(Attachment 2.1\)](#)

[Chapter 18B NC GS 1114.7 Tasting \(Attachment 2.2\)](#)
[ABC Commercial Permit Application \(Attachment 2.3\)](#)
[I-1 \(Attachment 2.6\)](#)
[CBD \(Attachment 2.7\)](#)
[Distillery-Brewery Text Amendment PPT](#)

STANDARDS FOR BREWERIES AND DISTILLERIES



ORDINANCE NO. 19-1108

Amend Chapter 40 Zoning Article III, Sec. 40-72 Table of Permitted Uses and Article IX, Sec. 40-261 Development Standards for Particular Uses

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

Breweries.

(2) Standards for breweries:

- a. No outdoor production operation shall be visible from adjacent properties or rights-of-way.
- b. Breweries may provide on premises-consumption of malt-beverage or unfortified wines that are not manufactured on site.
- c. Shall comply with all provisions of the ABC Commission, if applicable. Any brewery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.
- d. Breweries located in the [Central Business \(CBD\) and Highway Business \(HB\)](#) shall be limited to 6,000 square feet of indoor gross floor area.
- ~~e. No outdoor production operation shall be visible from adjacent properties or rights-of-way.~~

Distillery

An establishment which meets the definition of distillery shall be permitted in the [CBD, HB, and I-1](#) zoning districts by right and otherwise must adhere to all State and Local ABC, Building, and Zoning requirements.

- a. [Shall comply with all provisions of the ABC Commission, if applicable. Any distillery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.](#)

Article III, Sec 40-72 Table of Permitted Uses

Sec 40-72. Table of Permissible Uses	
TABLE INSET:	
P = Permitted	C = May be permitted with Conditions
TABLE	

INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Non-Residential Uses														
Distilleries									<u>P</u>		P			<u>P</u>

Sec 40-72. Table of Permissible Uses														
TABLE INSET:														
P = Permitted C = May be permitted with Conditions														
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Manufacturing, Assembly, and Processing														
Breweries									<u>P</u>		P			P

Adopted this 12th day of February, 2019.

_____ Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

§ 18B-1104. Authorization of brewery permit.

- (a) Authorized Acts. – The holder of a brewery permit may:
- (1) Manufacture malt beverages.
 - (2) Purchase malt, hops and other ingredients used in the manufacture of malt beverages.
 - (3) Sell, deliver and ship malt beverages in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that malt beverages may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this State. However, nothing in this subdivision shall prohibit the holder of a brewery permit from selling malt beverages to a nonresident wholesaler, nonresident malt beverage vendor, bottler, or other similar party for resale in this State if the malt beverages are shipped from the brewery to wholesalers licensed under this Chapter.
 - (4) Receive malt beverages manufactured by the permittee in some other state for transshipment to (i) dealers in other states or (ii) wholesalers licensed under this Chapter as authorized by the ABC laws.
 - (5) Furnish or sell marketable malt beverage products, or packages which do not conform to the manufacturer's marketing standards, if State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this State.
 - (6) Give its products to customers, visitors, and employees for consumption on its premises. Nothing in this subdivision shall be construed as excluding customers and visitors at the brewery as part of a paid or complimentary tour of the brewery.
 - (6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to subdivision (8) of this subsection where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b).
 - (7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell at the brewery, and any additional retail location authorized under subdivision (8) of this subsection, any or all of the following:
 - a. The brewery's malt beverages that have been approved by the Commission for sale in North Carolina.
 - b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina.

- c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area.
- (7a) In an area where the sale of malt beverages has not been authorized, a brewery that produces agricultural products, including barley, other grains, hops, or fruit, used by the brewery in the manufacture of malt beverages may sell the malt beverages owned by the brewery and approved by the Commission for sale in North Carolina at the brewery for on- or off-premise consumption upon (i) obtaining the appropriate permit under G.S. 18B-1001 and (ii) receiving approval from the governing body of the city where the brewery is located or, if the brewery is not located in a city, the governing body of the county where the brewery is located. Approval may be granted only pursuant to a resolution of the governing body adopted at a regular meeting. Before adopting a resolution approving the sale of malt beverages under this subdivision, a governing board shall hold a public hearing. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice of the public hearing shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under subdivision (6a) of this subsection, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.
- (b) Sales or Gifts. – A sale or gift under subdivision (5) or (6) of subsection (a) of this section shall not be considered a retail or wholesale sale under the ABC laws.
- (c) Tax Compliance. – By October 1 of each year, the Commission shall confirm that the holder of a brewery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.
- (d) Sales Report Upon Commission Request. – Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:
- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.

- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

(e) Definition. – For purposes of this section, the term "barrels" is as defined in G.S. 81A-9. (1945, c. 903, s. 1; 1947, c. 1098, ss. 2, 3; 1949, c. 974, s. 1; 1957, cc. 1048, 1448; 1963, c. 426, ss. 10, 12; c. 460, s. 1; 1971, c. 872, s. 1; 1973, c. 476, s. 128; 1975, c. 586, s. 1; c. 654, ss. 1, 2; c. 722, s. 1; 1977, c. 70, s. 19; c. 182, s. 1; c. 669, ss. 1, 2; c. 676, ss. 1, 2; c. 911; 1979, c. 348, ss. 2, 3; c. 683, ss. 5, 6, 11, 12; 1981, c. 412, s. 2; 1985, c. 596, s. 2; 1989, c. 800, s. 4; 1991 (Reg. Sess., 1992), c. 920, s. 9; 1993, c. 415, s. 20; 2003-430, s. 1; 2004-203, s. 29; 2011-107, s. 2; 2011-419, s. 1; 2015-98, s. 7; 2017-87, ss. 8, 12-16(a).)

G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.

(d) **Sales Report Upon Commission Request.** – Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:

- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.
- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

(e) **Definition.** – For purposes of this section, the term "barrels" is as defined in G.S. 81A-9. (1945, c. 903, s. 1; 1947, c. 1098, ss. 2, 3; 1949, c. 974, s. 1; 1957, cc. 1048, 1448; 1963, c. 426, ss. 10, 12; c. 460, s. 1; 1971, c. 872, s. 1; 1973, c. 476, s. 128; 1975, c. 586, s. 1; c. 654, ss. 1, 2; c. 722, s. 1; 1977, c. 70, s. 19; c. 182, s. 1; c. 669, ss. 1, 2; c. 676, ss. 1, 2; c. 911; 1979, c. 348, ss. 2, 3; c. 683, ss. 5, 6, 11, 12; 1981, c. 412, s. 2; 1985, c. 596, s. 2; 1989, c. 800, s. 4; 1991 (Reg. Sess., 1992), c. 920, s. 9; 1993, c. 415, s. 20; 2003-430, s. 1; 2004-203, s. 29; 2011-107, s. 2; 2011-419, s. 1; 2015-98, s. 7; 2017-87, ss. 8, 12-16(a).)

§ 18B-1105. Authorization of distillery permit.

- (a) The holder of a distillery permit may do any of the following:
- (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor.
 - (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations.
 - (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.
 - (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises. Sales under this subdivision are allowed only in a county where the establishment of a county or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor

sold under this subdivision shall (i) be listed as a code item for sale in the State, (ii) be sold at the price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle a sticker that bears the words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling requirements set by law. Consumers purchasing spirituous liquor under this subdivision are limited to purchasing, and the selling distillery is limited to selling to each consumer, no more than five bottles of spirituous liquor per 12 month period. The distillery shall use a commonly adopted standard point of sale system to maintain searchable electronic records captured at the point of sale, to include the purchaser's name, drivers license number, and date of birth for at least 12 months from the date of purchase. The Commission shall adopt rules regulating the retail sale of spirituous liquor under this subdivision.

(5) Conduct consumer tastings in accordance with G.S. 18B-1114.7.

(b) Distilleries for Fuel Alcohol. – Any person in possession of a Federal Operating Permit pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition), shall obtain a fuel alcohol permit before manufacturing any alcohol. The permit shall entitle the permittee to perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating Permit shall apply to the State permit.

(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm the holder of a distillery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's distillery permit until the Commission receives notice from the Department of Revenue that the person is in compliance. (1979, 2nd Sess., c. 1329, s. 1; 1981, c. 412, s. 2; 1989, c. 800, s. 5; 2012-201, s. 10; 2015-98, s. 4(a); 2015-262, s. 3(a); 2017-87, ss. 1(a), 16(b).)

§ 18B-1105.1. Authorization of liquor importer/bottler permit.

The holder of a liquor importer/bottler permit may:

- (1) Receive spirituous liquor in closed containers into foreign trade zones at the State Port facilities in Morehead City and Wilmington from ships docked at the State Port facilities for the purpose of bottling, packaging, or labeling.
- (2) Bottle, package, or label in this State spirituous liquor imported or received into a foreign trade zone pursuant to this section.
- (3) Receive spirituous liquor in closed containers into the foreign trade zones at the State Port facilities in Morehead City and Wilmington from ships docked at the State Port facilities for storage, sale, shipment, and transshipment to the State or a local ABC board warehouse or, subject to the laws of other jurisdictions, to private or public agencies or establishments of other states or nations.
- (4) Subject to the record-keeping requirements of G.S. 18B-1115, transport into or out of the foreign trade zones at the State Port facilities in Morehead City and Wilmington, the maximum amount of liquor allowed under federal law, if the transportation is related to the bottling, packaging, labeling, sale, or storage permitted by this section. (1995, c. 404, s. 1.)

§ 18B-1106. Authorization of wine importer permit.

(a) Authorization. – The holder of a wine importer permit may:

- (1) Manufacture malt beverages on the school's campus or the school's contracted or leased property for the purpose of providing instruction and education on the making of malt beverages.
- (2) Possess malt beverages manufactured during the brewing, distillation, and fermentation program for the purpose of conducting malt beverage tasting seminars and classes for students who are 21 years of age or older.
- (3) Sell malt beverages produced during the course to wholesalers or to retailers upon obtaining a malt beverages wholesaler permit under G.S. 18B-1109, except that the permittee may not receive shipments of malt beverages from other producers.
- (4) Sell malt beverages produced during the course, upon obtaining a permit under G.S. 18B-1001(2).

(b) **Limitation.** – Authorization for a brewing, distillation, and fermentation course shall be granted by the Commission only for a community college or college that offers a brewing, distillation, and fermentation program as a part of its curriculum offerings for students of the school. For purposes of this section, the term "brewing, distillation, and fermentation program" includes a fermentation sciences program offered by a community college or college as part of its curriculum offerings for students of the school.

(c) **Malt Beverage Special Event Permit.** – The holder of a brewing, distillation, and fermentation course authorization who obtains a malt beverages wholesaler permit under G.S. 18B-1109 subject to the limitation in subsection (a) of this section may obtain a malt beverage special event permit under G.S. 18B-1114.5 and where the permit is valid may participate in approved events and sell at retail at those events any malt beverages produced incident to the operation of the brewing, distillation, and fermentation program. The holder of a brewing, distillation, and fermentation course authorization may participate in not more than six malt beverage special events within a 12-month period and may sell up to 64 cases of malt beverages, or the equivalent volume of 64 cases of malt beverages, at each event. For purposes of this subsection, a "case of malt beverages" is a package containing not more than 24 12-ounce bottles of malt beverage. Net proceeds from the program's retail sale of malt beverages pursuant to this subsection shall be retained by the school and used for support of the brewing, distillation, and fermentation program.

(d) **Limited Application.** – The holder of a brewing, distillation, and fermentation course authorization shall not be considered a brewery for the purposes of this Chapter or Chapter 105 of the General Statutes. (2014-120, s. 17(a).)

§ 18B-1114.7. Authorization of spirituous liquor special event permit.

(a) **Authorization.** – The holder of a supplier representative permit, brokerage representative permit, or distillery permit issued under G.S. 18B-1105 may obtain a spirituous liquor special event permit allowing the permittee to give free tastings of its spirituous liquors at trade shows, conventions, shopping malls, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission.

(b) **Limitations.** – Any consumer tasting is subject to the following limitations:

- (1) The permit holder or the permit holder's authorized agent shall conduct the consumer tasting and the permit holder shall be solely responsible for any violations of this Chapter occurring in connection with the consumer tasting.

- (2) The spirituous liquor shall be poured only by either (i) the permit holder conducting the consumer tasting or (ii) an employee or authorized agent of the permit holder conducting the consumer tasting who is at least 21 years of age.
- (3) Each consumer shall be limited to one 0.25 ounce tasting sample of any product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 1.0 ounce of spirituous liquor in any calendar day.
- (4) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer who is visibly intoxicated.
- (5) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer under the legal age for consuming spirituous liquor. The person pouring the spirituous liquor shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (6) The permit holder shall not charge a consumer for any tasting sample.
- (7) A venue allowing tastings shall designate a tasting area within the venue that enables the permit holder to ensure that the consumer tasting is being conducted in compliance with this section. Consumers shall only be allowed to consume tasting samples within the designated tasting area.
- (8) A consumer tasting shall not be allowed unless the venue is located in a jurisdiction that has approved the sale of mixed beverages.
- (9) The permit holder may provide point-of-sale advertising materials and advertising specialties to consumers at the consumer tasting.
- (10) The permit holder shall maintain for a period of at least one year a record of each consumer tasting conducted. The record shall include the date of the consumer tasting, the time of the consumer tasting, an identification of the venue at which the consumer tasting was held, an identification of the spirituous liquor that was provided for tasting at the consumer tasting, and the name of any person who poured spirituous liquor at the consumer tasting. The permit holder shall allow the ABC Commission to inspect those records at any time. (2017-87, s. 2(c).)

§ 18B-1115. Commercial transportation.

(a) Permit Required. – Unless a person holds a permit which otherwise allows him to transport more than 80 liters of malt beverages other than draft malt beverages in kegs, 50 liters of unfortified wine, or eight liters of fortified wine or spirituous liquor, or is a retailer authorized to transport alcoholic beverages under G.S. 18B-405, each person transporting alcoholic beverages in excess of those quantities shall have the permit described in this section.

(b) When Transportation Legal. – No person may obtain a permit under this section to transport spirituous liquor unless the transportation is for delivery to a federal reservation over which North Carolina has ceded jurisdiction to the United States, for delivery to an ABC store, or for transport through this State to another state.

(c) Common Carriers. – Railroad companies and other common carriers having regularly established schedules of service in this State may transport alcoholic beverages into, out of, and between points in this State without a permit. Those companies shall keep accurate records of the character, volume and number of containers transported and shall allow the Commission and

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**

Location: 400 EAST TRYON ROAD
RALEIGH NC 27610
(919) 779-0700
abc.nc.gov

MAIL TO ADDRESS ON BACK OF FORM

HOW TO APPLY FOR AN ABC COMMERCIAL PERMIT

I. INSTRUCTIONS

- A. Complete this application in its entirety. It must be signed and notarized.
- B. The correct fee(s) must accompany the application. Payment must be by a certified check, cashier's check or money order and made payable to the North Carolina ABC Commission.
- C. Include one (1) completed fingerprint card for each person participating in the business who is required to submit an application. A required fingerprint-processing fee of \$38.00 per person may be added with the permit fee in a single check.
- D. Include a copy of the lease or rental agreement, or a registered copy of the deed, specifying the applicant(s) as lessee/owner. This document must include the address or property description of the business. The lease/rental agreement must include the effective beginning date of the agreement.
- E. The following additional documents are required:
 1. A completed Inspection/Zoning Compliance Form (Form NC ABC-002).
 2. A detailed diagram of the premises to be covered by the ABC permit.
 3. Prior to the issuance of a permanent ABC permit, a copy of the Federal Basic Permit or Brewers Notice must be submitted.
 4. **Corporations** – Articles of Incorporation.
 5. **LLC's** – Articles of Organization. If manager managed, a copy of the operating agreement must be submitted. If LLC is managed by an outside entity, a management contract must be submitted.
 6. **Wine Grower Applicants** – Wine grower applicants must include a copy of the deed for the qualifying farm, stating the address of the farm and one of the following:
 - a. A survey indicating the areas and acreage used in the production of grapes (the more details the better); or
 - b. An affidavit stating that you are a farm of at least five acres committed to the production of grapes, listing the acreage used for the production of grapes and its function.
 7. **Liquor Importer/Bottler** – A liquor importer/bottler must include a separate sheet of paper describing the operations of the business. Please indicate the location address of any storage facility or bottling plant, if different than the address shown on the permit application, and any associated federal permit numbers.
 8. **Air Carrier** – An air carrier must include a separate sheet of paper indicating the names and location address of the airport(s) where products will be stored and sold.
 9. **Wine Shipper** – Wine shippers must submit a completed "Wine Shipper Brand Listing".
- F. **Change in Ownership** – All permits for an establishment shall automatically expire and shall be surrendered to the Commission if:
 1. Ownership of the establishment changes; or
 2. A change in the membership of the firm, association or partnership owning the establishment, involving the acquisition of twenty-five percent (25%) or greater interest in the firm, association or partnership by someone who did not previously own twenty-five percent (25%) or greater interest; or
 3. Twenty-five percent (25%) or more of the stock of the corporate permittee owning the establishment is acquired by someone who did not previously own twenty-five percent (25%) or more of the stock.
- G. **Change in Location** – An ABC permit cannot be transferred from one location to another. Therefore, if you relocate your business, you must apply for ABC permits at the new location.
- H. **Changes Within Establishment** – (Other than changes in ownership.)

1. LLC Manager Change – Each new manager must complete an application and qualify for ABC permits. No fee is required.
 2. Corporate Officer Change – Each new officer must complete an application and qualify for ABC permits. No fee is required.
- I. **NOTE:** A separate permit must be obtained at each location where business will be conducted.

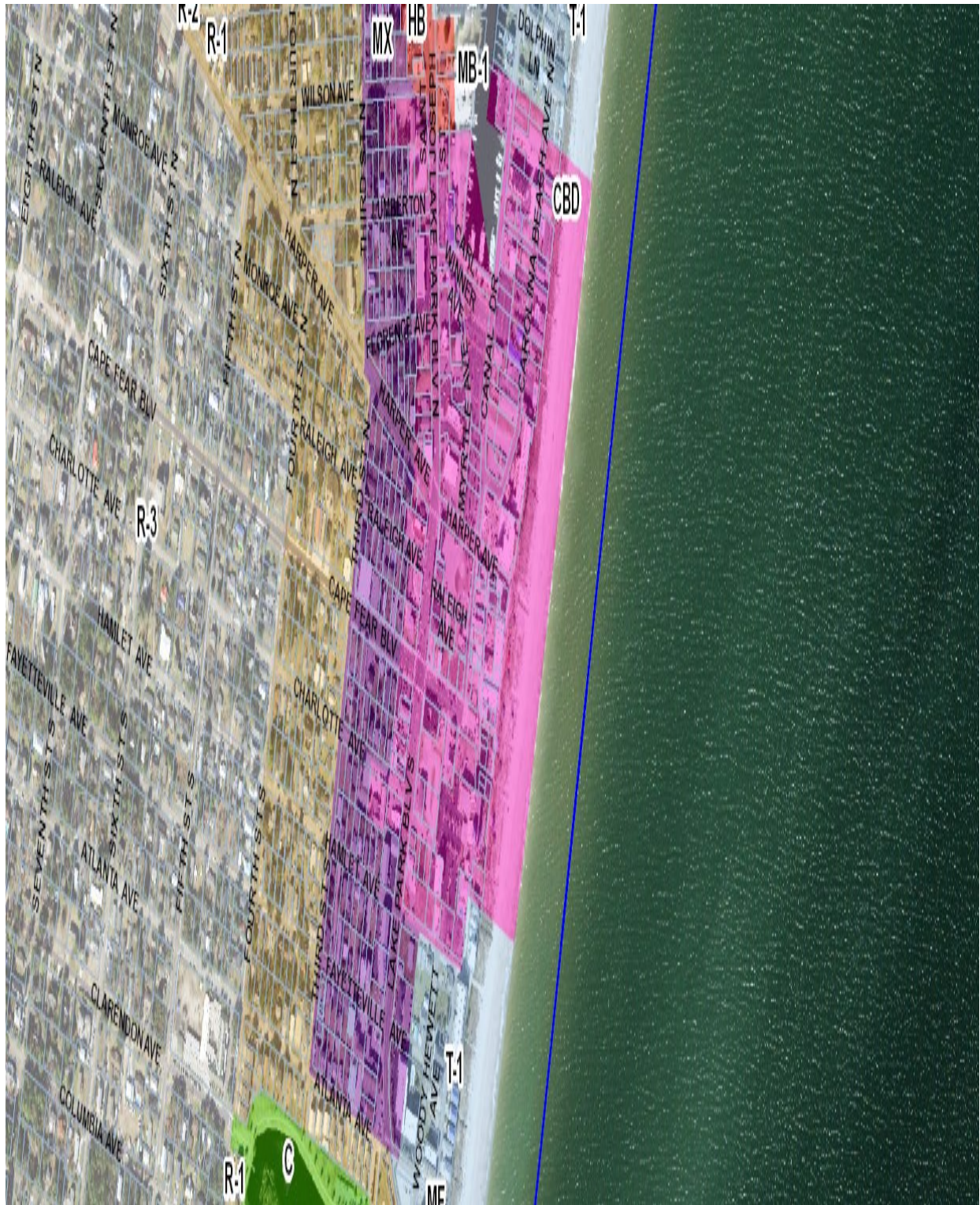
II. WHO MUST FILE

- A. **Individual Operation** – The individual owner of the business is required to file an application.
- B. **General Partnership Operation** – Each partner is required to file a separate application.
- C. **Limited Partnership** – The general partner(s) is required to file an application.
- D. **Corporation** – Each officer, manager and any stockholder owning 25% or more of the stock must file separate applications. (**NOTE:** Articles of Incorporation must be submitted.)
- E. **Limited Liability Company (LLC)** – If member managed, all members owning a 25% or greater interest must file; or, if no one owns a 25% interest, the managing members must file. If manager managed, the person or persons acting as manager on behalf of the LLC must file, in addition to any member who owns a 25% or greater interest in the company. (**NOTE:** Articles of Organization must be submitted.)
- F. If a 25% interest holder in an LLC or a corporate stockholder is another business entity (partnership, corporation, or LLC), a partner, an officer or member of that entity must complete the application on behalf of that business entity.
- G. **Corporations, LLC’s and Limited Partnerships** – Indicate name and address of registered agent and office.
- H. **Non-Residents (Individual or Partnership)** – Each non-resident individual or partner shall file as required above. In addition, a resident manager shall be appointed by the non-resident applicant as attorney-in-fact for the business. This manager shall also complete the required application. A certified copy of an executed power-of-attorney, which shall be registered with the Register of Deeds in the county where the proposed licensed premises is located, shall be submitted with the application.

III. FEES

All application fees must be submitted by a *certified check, cashier’s check, or money order*, and made *payable to the North Carolina ABC Commission*. All fees are deposited with the State Treasurer, and no provisions are made for refunds whether the application is approved, rejected or withdrawn.

TYPES OF PERMITS	FEE REQUIRED
1..... Unfortified Winery	\$300.00
2..... Fortified Winery	\$300.00
3..... Limited Winery	\$300.00
4..... Brewery	\$300.00
5..... Distillery	\$300.00
6..... Fuel Alcohol	\$100.00
7..... Wine Importer	\$300.00
8..... Wine Wholesaler	\$300.00
9..... Malt Beverages Importer	\$300.00
10..... Malt Beverages Wholesaler	\$300.00
11..... Bottler	\$300.00
12..... Winery Special Event	\$200.00
13..... Cider and Vinegar Manufacturer	\$200.00
14..... Wine Producer	\$300.00
15..... Liquor Importer/Bottler	\$500.00
16..... Air Carrier	No fee
17..... Wine Shipper	No fee
18..... Spirituous Liquor Warehouse	No fee
19..... Malt Beverage Special Event.....	\$200.00
20..... Spirituous Liquor Tasting.....	\$100.00
21..... Spirituous Liquor Special Event	\$200.00





Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of breweries and distilleries in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach

Miles Murphy – Planner
Regular Town Council – February 12, 2019

Zoning Map



General Statutes

- **§ 18B-1104. Authorization of brewery permit.**
- **§ 18B-1105. Authorization of distillery permit.**
- **§ 18B-1114.7. Authorization of spirituous liquor special event permit.**

Recent State-Level Decisions

- SB 155 – 2017 “Brunch Bill”
 - § 18B-1105
 - Permit the sale of 5 bottles of spirituous liquor per 12 month period – as opposed to only 1 bottle per 12 month period
- HB 500 – 2017
 - § 18B-1114.7.
 - Permit the sale of branded merchandise

New Language for Distilleries

Sec 40-72. Table of Permissible Uses														
TABLE INSET:	C = May be permitted with Conditions													
P = Permitted														
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	M F	M X	CBD	NB	HB	MB-1	T-1	I-1
Non-Residential Uses														
Distillery									<u>P</u>		P			<u>P</u>

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

Distillery

An establishment which meets the definition of distillery shall be permitted in the CBD, HB, and I-1 zoning districts by right and otherwise must adhere to all State and Local ABC, Building, and Zoning requirements.

(a) Shall comply with all provisions of the ABC Commission, if applicable. Any distillery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use

New Language for Breweries

Sec 40-72. Table of Permissible Uses														
TABLE INSET:	C = May be permitted with Conditions													
P = Permitted														
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	M F	M X	CBD	NB	HB	MB-1	T-1	I- 1
Manufacturing, Assembly, and Processing														
Breweries									P		P			P

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

Breweries.

(2) Standards for breweries:

- a. No outdoor production operation shall be visible from adjacent properties or rights-of-way.
- b. Breweries may provide on premises-consumption of malt-beverage or unfortified wines that are not manufactured on site.
- c. Shall comply with all provisions of the ABC Commission, if applicable. Any brewery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.
- d. Breweries located in the [Central Business \(CBD\)](#) and Highway Business (HB) shall be limited to 6,000 square feet of indoor gross floor area.
- e. ~~No outdoor production operation shall be visible from adjacent properties or rights-of-way.~~

Central Business District (CBD)

- *Purpose.* This district is established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.
- *Intent.* The regulations of this district are intended to encourage the use of land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the town's infrastructure. Developments which would significantly disrupt the historic balance between pedestrians and automobiles within the district, thereby destroying the pedestrian-oriented nature of the area, are specifically discouraged. Large, off-street parking areas are encouraged to locate outside the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.
- **Commercial 1.1** - The Commercial 1.1 area serves as a transition area from the main Town highway business corridor to the traditional Town center which is predominantly a tourism and pedestrian-oriented commerce area.
- **Commercial 2** - The Commercial 2 area serves as the traditional Town center which is predominantly a tourism and pedestrian-oriented commerce area.
 - **C 1.1 and C 2 – Future Use** – Predominant use of Commercial 1.1 will be for tourist and family-oriented retail and services, with other less vehicle-dependent commercial businesses such as offices, restaurant and entertainment
- **Boardwalk** - The Boardwalk is the Town's core traditional entertainment and tourist related retail and restaurant area. Future use direction has been discussed which would encourage more family and tourist oriented services and retail.

Industrial District (I-1)

Purpose. This district is established to provide for warehousing and storage and light industrial activities compatible with a small, tourist oriented, environmentally sensitive, coastal community. Light industries are generally characterized as having small physical plants, lower land requirements and higher worker to land ratios. Such industries typically generate few objectionable impacts in terms of noise, lights, heavy truck traffic, fumes, smoke, dust, odor or other similar characteristics. Furthermore, any negative environmental impacts associated with these industries may generally be mitigated through proper site planning, buffering, and operations management. This district is located in areas that are readily accessible from major thoroughfares, so as to minimize traffic impacts on non industrial areas of the community.

LUP. The desired Future Land Use of the Industrial area includes environmentally low-impact and infrastructure low-impact industrial uses

Amend Chapter 40, Article III, IX, and XVIII

- 1) It is recommended that Town Council open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of three forms:

- A Statement of Approval – Town Council, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of a distillery in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. (If applicable - List any recommended restrictions or requirements)
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

Questions?



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Jeremy Hardison

Department: Planning

Amend Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks, and FY18/19 Budget Fee Schedule

BACKGROUND:

The proposed amendment is to eliminate the requirement to have a primary business location to be eligible for a permit to vend on the beach, provide beach services and to have an Itinerant Merchant. This is in following with the removal of the brick and mortar requirement for food trucks that council eliminated in October. That amendment was a result of a lawsuit filed against the town in August that focused on the brick and mortar business that created “barriers to competition”.

Each area where vending is allowed is separated out into a specific number of permits that are allowed. Below are the current number vending permits allowed and the number of permits that were issued for Freeman Park, municipal beach strand, ocean street ends, and Itinerant merchant.

The selling of items is limited on the beach strand to just food, beverages and sundries. For Freeman Park you are limited to sell food, beverages, camping & fishing equipment, firewood, sundries, and beach apparel. Deliveries of alcoholic beverages are strictly prohibited. The permit process for each existing vendor is to submit a request for permit renewal on or before March 1 of each year. All vending permits shall expire on March 31 of the following year. No vendor shall apply for or obtain more than one of each type of vending permit. Any new vendors shall be issued permits during the period between March 1 and March 3. Vendors shall be considered in the order in which a complete application was accepted by the town. The list of applications wait list shall be kept on file in the planning department.

Below are the proposed changes to the vending ordinance.

- Remove the requirement that you must have a business in the town or to be a resident to vend.
- Keep the number of Freeman Park permits to 6 and combine the allowable number of push carts for Freeman Park and the municipal beach strand to 6.

- The beach street end and itinerant merchant allowance will be eliminated.
- The 1,000 feet distance requirement that you cannot vend from the pier will be removed.

Staff has reached out to the current permit holders and reviewed the proposed changes with them. No one with a current permit would be eliminated. The current permit holders for the beach street ends and itinerant merchant are not renewing their permits.

Beach Services

Currently there are three beach services permits that can be issued. The rental items are limited to beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the town manager or his designee. Each license shall be limited to two ATVs. Items should be for transient delivery only and not displayed for rent or have any advertisement on the beach strand other than the embroidered company information on the rental items. Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.

Along with eliminating the requirement to have a business in the Central Business District staff is proposing to reduce the pickup and drop off times for beach equipment. To limit the impacts of the ATV's from driving up and down the beach during peak beach hours staff is recommending Beach deliveries and pickups utilizing an ATV shall be limited from sunrise to 10:00am and 4:00pm to sunset. This would avoid conflicts with emergency vehicles patrolling the beach and operations vehicles, enhance the quiet and enjoyment of the beach and eliminating the waiting and soliciting of patrons. Customers who wish to have an umbrella or chairs during this time may still request them but would have to be delivered from the allowable storage areas on the beach. Each permit holder is allowed up to three locations on the beach strand to have a post to store merchandise on.

ACTION REQUESTED:

Amend Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks, and FY18/19 Budget Fee Schedule

AMEND CHAPTER 14, ARTICLE II, SECTION 14-2, FOOD TRUCK REGULATIONS.

Actions for consideration:

1. Do nothing and keep the existing regulations.
2. Allow food trucks, but amend the existing regulations.
3. Prohibit food trucks except for special events.

Staff recommends option 2 to amend the regulations that a permit is required and are limited to private non-residential properties and food trucks must meet building, fire and health

department requirements. This provides an efficient code to limit regulations for life and safety aspects and enforcement associated with food trucks.

ATTACHMENTS:

[Sec. 14 itinerant merchant-food truck - vending Sec. 28 Beach Services](#)

[VENDER LIST](#)

[Vending](#)

Vending Beach and Beach Services



ORDINANCE NO. 19-1109 Amend Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks and FY18/19 Budget Fee Schedule

Sec. 14-2. - Vending activities by permit.

~~Sec. 14-22. - Itinerant merchants.~~

~~(a) - Findings and purpose. It is hereby determined that:~~

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

~~(b) - Administration.~~

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

~~(3) Administration procedures under article XI of this chapter shall also apply.~~

~~(c) Permit requirements.~~

~~(1) The approved itinerant merchant permit and any other required local, state, or federal permitting shall be maintained on site at all times.~~

~~(2) The itinerant merchant permit application shall include:~~

~~a. Dates of operation.~~

~~b. Types of goods for sale or lease, and/or any services provided.~~

~~c. Name of property owner, business owner and itinerant merchant.~~

~~d. A scaled drawing showing lot lines, existing buildings or structures, proposed vehicles/trailers and any merchandise display areas, location and size of the public rights-of-way, any on-site parking and proposed ground coverage. No part of the operation shall be located in any required setback, site triangle, or required buffer.~~

~~e. Proof that the property owner or designated agent (lessee) grants permission to locate the itinerant merchant operation on the property.~~

~~f. Show and/or provide proof of access to restroom facilities within 200 feet of the itinerant merchant location.~~

~~g. Copy of the itinerant merchant's contract to handle solid waste.~~

~~h. Copy of vehicle/trailer registration(s).~~

~~(3) Expiration. Itinerant merchant operations shall be limited to 180 consecutive days per calendar year. Each calendar year a new permit shall be required to be submitted and approved prior to conducting itinerant merchant operations.~~

~~(d) Conditions. Applicants shall provide a business plan that addresses all criteria required by this section. The following standards shall apply:~~

~~(1) Location.~~

~~a. No more than one itinerant merchant shall be located on a lot.~~

~~b. Itinerant merchants shall only be located in the CBD following commercial districts: CBD, HB, NB, T-1, MB-1, AND I-1.~~

~~c. Separation requirements. Itinerant merchant vehicles/trailers shall be no less than 100 feet from:~~

~~1. The property line of another lot housing an itinerant merchant.~~

~~2. The property line of another business providing similar services, or sales (i.e., food sales, retail sales, beach items for rental, surf lessons, etc.).~~

~~3.—The zoning boundary of any residentially zoned property.~~

~~d.—All transactions and operations shall occur at the approved itinerant merchant location only. No monetary transactions shall be allowed on public property outside of the approved primary business or itinerant merchant location.~~

~~e.—Prior to obtaining approval, the itinerant merchant shall maintain a primary business location for at least one year in the town. Commercial operations at the itinerant merchant location shall be limited to the same commercial operations as are offered at the primary business.~~

~~(2)—Public safety and nuisance prevention.~~

~~a.—Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the state building code.~~

~~b.—An itinerant merchant shall not operate as a drive-through.~~

~~c.—Any modifications to the lot shall require an amendment to the site plan for review and approval from the town prior to being conducted.~~

~~d.—No exemptions from solid waste collection/disposal service. No merchant or occupant of premises within the town shall be exempt from the collection and disposal service provided by the town or its franchise.~~

~~(3)—Design.~~

~~a.—Registered vehicle/trailer. Itinerant merchants are required to operate out of a readily movable trailer or motorized wheeled vehicle, currently registered with the state division of motor vehicles, designed and equipped for the sales, rentals or services provided by the itinerant merchant.~~

~~b.—Signage.~~

~~1.—Attached signs may be allowed that are permanently attached to the sides of the registered vehicle and/or trailer; and~~

~~2.—One temporary sign may be permitted in accordance with the temporary sign standards in chapter 40, zoning.~~

~~c.—Lot coverage and merchandise display. In no instance shall the lot coverage of all vehicles and trailers utilized be greater than 500 square feet. Lot coverage shall be defined as the total square footage of the vehicles/trailers. Areas designated for on-site services, merchandise display or seating shall be immediately adjacent to the vehicle or trailer utilized for sales. The display area shall not exceed 250 square feet. The display area shall be a defined area that is confined by approved temporary fencing.~~

~~d.—Parking. One parking space per 250 square feet of vehicle/trailer area shall be required on site for patrons of~~

~~the merchant. No part of the commercial operations shall be located within required parking spaces or drive aisles utilized by other businesses on site. Parking waiver allowances from chapter 40, zoning, may be applied.~~

~~(4) — Fee and taxation.~~

~~a. — Itinerant merchants shall comply with all local, county, and state retail sales tax regulations, including food and beverage tax regulations.~~

~~b. — An annual fee shall be required for the issuance or renewal of an itinerant merchant permit. The fee shall be established in the town's annually adopted fee schedule.~~

Sec. 14-20. - Definitions.

~~*Transient vendor vending* means any person who engages in a temporary business the of selling and delivering of goods not within any permanent building or structure designed for the sale of such goods. and who, for this purpose, uses or occupies any building or premises; provided that no person shall be relieved from complying with the provisions of this section merely by conducting a transient business in association with any permanently established merchant.~~

Chapter 28 - WATERCRAFT, BEACHES AND COASTAL PARKS^{LI}

ARTICLE I. - IN GENERAL

Sec. 28-1. - Allowable vending and beach services ~~and soliciting~~ on public property within the town or managed by the town; restrictions.

1. Non-motorized carts

a. A maximum of six permits shall be authorized by the town to sell food, beverages and sundries.

b. Each permit shall allow one non-motorized cart to access the municipal beach strand and/or Freeman Park.

2. Motorized Vehicles (Freeman Park only)

a. No more than six permits shall be authorized by the town to sell fishing equipment, food, beverages, camping equipment, firewood, sundries, and beach apparel, such as hats, t-shirts and sunglasses.

b. Each permit shall allow a maximum of one vending vehicle accessing Freeman Park.

c. All vending vehicles in Freeman Park shall display a valid Freeman Park entry pass.

d. Only standard operational 4x4 vehicles that are legally licensed, insured, properly inspected, have a Freeman

Park permit, and in compliance with state statutes, particularly the operational and safety standards, shall operate under a beach services permit within Freeman Park. No golf carts, gators, motorcycles, ATVs, trailers (including boats and campers) shall be utilized for beach services operations within Freeman Park unless otherwise approved by the town manager or his designee.

3. Regulations for all activities

- a. Deliveries and vending of alcoholic beverages is strictly prohibited.
- b. Hours of operation shall be limited from sunrise to sunset.
- c. Permit holders shall be responsible for depositing trash generated into trash receptacles during all hours of the operation.
- d. No outdoor storage of equipment shall be allowed except as permitted under (d) of this subsection.
- e. All food products or beverages must be permitted by the New Hanover County Health Department or other permitting agencies as applicable. The applicant shall provide a copy of the certificate or the exemption from the county environmental health department and maintain a copy displayed while vending.
- f. Any subsequent ordinance changes to this section that are adopted by town council shall apply to this permit.
- g. All permit holders shall maintain a log of activities stating at a minimum: date, time started, time stopped. This log shall be available for inspection by the department of planning and development on an annual basis upon request for a permit renewal. If operations did not occur on 50 percent or more of the days between June 1 and August 31 then the permit shall automatically require town council review prior to reinstatement.
- h. A copy of the issued permit shall be available at all times while operating.

- i. No permit holder shall operate in a stationary location for more than 30 minutes.
 - j. Absolutely no beach activities, equipment, or business operations are allowed on the beach at any time within 20 feet from the easternmost edge of the dune slope or vegetative line. Depending on conditions, emergency personnel may impose greater setbacks on a case-by-case basis.
4. Regulations for beach services
- a. A maximum of three permits shall be authorized by the town.
 - b. Rental items shall be limited to beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the town manager or his designee.
 - c. Any vehicles and trailers used in connection with beach service shall be similar type all-terrain vehicles (ATV) as is used by the police department, and shall satisfy all OSHA and EPA requirements regarding emissions, noise, and impacts to the beach. Each license shall be limited to two ATVs. Drivers of ATVs shall be properly licensed and trained to operate said vehicles in a manner consistent with established police department standards.
 - d. Access to the beach by an ATV shall be limited to Ocean Blvd., Hamlet Ave., and Starfish Lane.
 - e. Items should be for transient delivery only and not displayed for rent or have any advertisement on the beach strand other than the embroidered company information on the rental items.
 - f. Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.
 - g. Beach deliveries and pickups utilizing an ATV shall be limited from sunrise to 10:00am and 4:00pm to sunset.
 - h. Rental chairs and rental umbrellas may be stored on the ocean beach. The location and the method of storage

shall be approved by the town manager subject to the following standards.

- i.The applicant shall submit a notarized agreement holding the town harmless with regard to any theft, loss, damage or injury as a result of the licensees' operation and storage of material on the beach.
- ii.The storage of product will only be allowed beginning April 1 and ending on September 30 and is subject to other state and federal laws.
- iii.No more than three storage area locations per beach service permit.
- iv.No more than one 4x4 wood post per storage area. The post shall be located at the toe of the dune and outside of the emergency lane.
- v.The town manager may, at any time and for any reason, suspend the right to store material on the public beach. At the direction of the town manager, the chairs and umbrellas shall be removed or moved to another location on the beach strand within 24 hours of verbal or written notice.

~~(a) — Restrictions for specific areas:~~

~~(1) — Freeman Park:~~

- ~~a. — No more than four six permits shall be authorized by the town to sell fishing equipment, food, beverages, camping equipment, firewood, sundries, and beach apparel, such as hats, t-shirts and sunglasses. Each permit shall allow a maximum of two one vehicle accessing Freeman Park at any given time. Deliveries of alcoholic beverages are strictly prohibited.~~
- ~~b. — A maximum of two permits shall be authorized by the town to sell fishing equipment, sundries, and beach apparel, such as hats, t-shirts and sunglasses. Each permit shall allow a maximum of one vehicle accessing Freeman Park at any given time.~~
- ~~c. — A maximum of two permits shall be authorized by the town to sell food, beverages and sundries. Each permit shall allow one non-motorized cart to access Freeman Park. Transporting non-motorized carts shall only occur with vehicles as described in subsection (a)(1)d of this section.~~
- ~~d. — Except as specified in subsection (a)(1)c of this section, only standard operational 4 x 4 vehicles that are legally licensed, insured, properly inspected, have a Freeman~~

~~Park permit, and in compliance with state statutes, particularly the operational and safety standards, shall vend within Freeman Park. No golf carts, gators, motorcycles, ATVs, trailers (including boat and campers) shall be utilized for vending within Freeman Park.~~

~~e. The vending activity shall be owned and operated by a business located within any commercial zoning district (CBD, NB, HB, MB, T-1, and I-1) inside the town or a town property owner.~~

~~(2) Municipal beach strand and Freeman Park~~

~~a. A maximum of five ~~six~~ permits shall be authorized by the town to sell food, beverages and sundries. Each permit shall allow one non-motorized cart to access the municipal beach strand at any given time.~~

~~b. The vending activity shall be operated from a business location in the central business district. The vending activity shall be owned and operated by the owners of the business.~~

~~c. The business shall be opened and operational prior to obtaining a vending permit. No vending application shall be accepted for a proposed business location. The business shall remain opened a minimum of 150 days per calendar year.~~

~~d. The goods and services that are provided as part of the vending activity shall also be available at the business location at a similar cost.~~

~~e. Hours of operation shall be limited from sunrise to sunset.~~

~~(3) Designated leased spaces on Sandpiper Lane, Ocean Boulevard, and Alabama Avenue.~~

~~a. Not more than one permit shall be authorized by the town at each location to sell food, beverages, and sundries. Each permit shall allow one stationary cart to be located at the approved beach side location at the street end.~~

~~b. Hours of operation shall be limited from sunrise to sunset.~~

~~c. Lease agreements shall be for a minimum of four months per calendar year.~~

(e) *Permit issuance.*

(1) All permits shall be reviewed and issued by the department of planning and development. Only complete applications

meeting all the criteria of this section shall be accepted for a vending permit.

- (2) Existing vendors shall submit a request for permit renewal on or before March 1 of each year. All vending permits shall expire on March 31 of the following year.
- (3) Existing vendors shall be required to update their original submittal with any changes that have occurred since their last approval. Upon completion, the vendor shall sign a new one-year vending ~~contract~~ permit with the town.
- (4) No vendor shall apply for or obtain more than one of each type of vending permit (i.e. one motorized and one non-motorized). ~~For example, at a maximum, one applicant may apply for four permits which include:~~
 - ~~a.— Municipal beach strand;~~
 - ~~b.— Designated street end locations for lease;~~
 - ~~c.— Food, beverage, and camping equipment on Freeman Park; and~~
 - ~~d.— Fishing supplies and bait on Freeman Park.~~
- (5) ~~New vendors shall be issued permits during the period between March 1 and March 31 of each calendar year unless a permit is or becomes available during the year.~~

(f) Wait Lists

- (1) Vendors shall be considered in the order in which an application was accepted by the town.
 - (2) The list of applicants shall be kept on file in the Department of Planning and Development.
 - (3) A "new vendor" wait list shall be restarted every first business day of the calendar year.
- (g) *Submittal.* All vendors shall address the following criteria in their vending submittal:
- (1) Full names of the ~~property owner and~~ applicant printed and signed.
 - ~~(2) Business address/property address and parcel identification number (PIN).~~
 - (3) Vendor's address, email, and telephone number.
 - (4) Detailed list of items to be sold.

- (5) Equipment to be utilized in the activity. The applicant shall describe in detail where all materials, vehicles and/or carts will be stored during hours that they are not in use.
- (6) Copy of valid North Carolina driver's license (as applicable).
- (7) Permit fees shall be paid at submittal or as soon as a permit becomes available. Permit fees ~~and costs for leased areas~~ shall be designated in the budget ordinance or by town council.
- (8) Applicants shall acquire and provide a copy of liability insurance naming the Town of Carolina Beach as an additional insured entity for not less than \$1,000,000.00.

(h) Permit Revocation

- 1. A vending permit shall be revoked immediately by the citing town official upon receipt of three violations. A permit may be reinstated after review by town council at the request of the vendor. The vendor shall make available their vending log and a written explanation of the violations.
- 2. All vendors shall maintain compliance with all rules and regulations as described in chapter 14, article II of the Town Code of Ordinances. Any violations of these rules shall automatically render the permit null and void.

~~(d) — Permit to vend. The town shall provide application forms for vending. No vending operations shall begin until the applicant addresses each condition and signs a permit binding them to these conditions:~~

This permit shall allow [name of vendor] to vend [items for sale] at location (Circle applicable area):	
FREEMAN PARK, MUNICIPAL BEACH STRAND, SANDPIPER LANE, OCEAN BLVD, ALABAMA AVE.	
(1)	Applicants shall acquire and provide a copy of liability insurance naming the Town of Carolina Beach as an additional insured entity for not less than \$1,000,000.00.
(2)	Permittee shall not store any inventory, equipment, or park any vehicles used in the vending operation at any residential dwelling in the town.

(3)	Permittee shall not store any inventory or erect any structure overnight on the public beach or on any public property.
(4)	All food products or beverages must be permitted by the New Hanover County Health Department or other permitting agencies as applicable. The applicant shall provide a copy of the certificate or the exemption from the county environmental health department and maintain a copy displayed while vending.
(5)	Vending permits shall be valid for a period of one year at the end of which the permit shall become null and void unless reevaluated and approved by the department of planning and development at the applicant's request.
(6)	Permit revocation:
(a)	A vending permit shall be revoked immediately by the citing town official upon receipt of three violations. A permit may be reinstated after review by town council at the request of the vendor. The vendor shall make available their vending log and a written explanation of the violations.
(b)	If the business closes, the vending permit shall automatically be void/revoked.
(7)	All vending vehicles in Freeman Park shall display a valid Freeman Park entry pass.
(8)	Vendor shall be responsible for depositing trash generated by vended materials in trash receptacles during all hours of the operation.
(9)	Any subsequent ordinance changes to this section that are adopted by town council shall apply to this permit.
(10)	All vendors shall maintain a log of vending activities stating at a minimum: date, person vending, time started, time stopped. This log shall be available for inspection by the department of planning and development on an annual basis upon request for a vending permit renewal. If vending did not occur on 50 percent or more of the days between June 1 and August 31 then the permit shall automatically require town council review prior to reinstatement of the vending permit.
(11)	All vendors shall maintain compliance with all rules and regulations as described in chapter 14, article II of the Town Code of Ordinances. Any violations of these

	rules shall automatically render the permit null and void.
(12)	A copy of the vending permit shall be made conspicuously visible at all times.
(13)	Vendors shall not actively pursue, disturb, or interrupt beachgoers in an aggressive manner in order to sell vending items.
(14)	No vending shall be allowed within 1,000 feet to the north or south of the north end pier.
(15)	All vendors shall be mobile excluding street end locations on Sandpiper, Ocean, and Alabama. No vendor shall operate in a stationary location for more than 30 minutes.

~~Sec. 28-62. Beach services.~~

~~(a) Definition. The term "beach services" shall be defined as the act of renting items on:~~

- ~~(1) The municipal beach strand; or~~
- ~~(2) Freeman Park.~~

~~(b) Permit issued by the town manager or his designee. Applicants shall provide a detailed business plan describing in detail all activities, monies, and other arrangements proposed. Only complete applications meeting all the criteria of this section shall be accepted for a beach service permit. Fees shall be submitted in accordance with the budget ordinance. The following conditions shall apply to all permits:~~

- ~~(1) Existing beach services shall submit a request for permit renewal on or before March 1 of each year. All beach service permits shall expire on March 31 of the following year. New beach services shall be issued permits during the period between March 1 and March 31 of each calendar year unless a permit is or becomes available during the year. Beach services shall be considered in the order in which a complete application was accepted by the town. The list of applications shall be kept on file in the department of planning and development.~~
- ~~(2) A log of beach service activities shall be maintained stating, at a minimum, date, total inventory rented, time started, and time stopped. This log shall be available for inspection by the~~

~~town manager upon request for permit renewal. If beach services did not occur on 50 percent or more of the days between June 1 and August 31 then the permit shall automatically require town review prior to renewal.~~

- ~~(3) Applicants shall acquire and maintain liability insurance naming the town as an additional insured entity for not less than \$1,000,000.00.~~
- ~~(4) Rental chairs and rental umbrellas may be stored on the ocean beach. The location and the method of storage shall be approved by the town manager subject to the following standards:

 - ~~a. The applicant shall submit a notarized agreement holding the town harmless with regard to any theft, loss, damage or injury as a result of the licensees' operation and storage of material on the beach.~~
 - ~~b. The storage of product will only be allowed beginning April 1 and ending on September 30 and is subject to other state and federal laws.~~
 - ~~c. No more than three storage area locations per beach service permit.~~
 - ~~d. No more than one 4x4 wood post per storage area. The post shall be located at the toe of the dune and outside of the emergency lane.~~
 - ~~e. The town manager may, at any time and for any reason, suspend the right to store material on the public beach. At the direction of the town manager, the chairs and umbrellas shall be removed or moved to another location on the beach strand within 24 hours of verbal or written notice.~~~~
- ~~(5) Applicants shall have access to sufficient space in the commercial district for storage of inventory, equipment, and vehicles used in the beach service operation.~~
- ~~(6) Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.~~
- ~~(7) Hours of operation shall be limited from sunrise to sunset.~~
- ~~(8) Permit revocation.

 - ~~a. A permit may be revoked immediately by the town manager or his designee upon receipt of three violations of this article. A permit may be reinstated after review by town council at the request of the applicant. The applicant shall make available their log showing the~~~~

~~beach services provided and a written explanation of the violations.~~

~~b. If the business closes, the beach service permit shall automatically be void/revoked.~~

~~(c) Freeman Park and municipal beach strand regulations. The following regulations are specific to either Freeman Park or the municipal beach strand:~~

~~(1) Rental items. Rental items shall be limited to:~~

~~a. Non-motorized items, such as beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the town manager or his designee; and~~

~~b. Motorized items, such as personal watercraft or other items as approved by the town manager or his designee.~~

~~(2) Freeman Park.~~

~~a. No more than three permits shall be authorized by the town: two for non-motorized items and one for motorized items.~~

~~b. Only standard operational 4x4 vehicles that are legally licensed, insured, properly inspected, have a Freeman Park permit, and in compliance with state statutes, particularly the operational and safety standards, shall operate under a beach services permit within Freeman Park. No golf carts, gators, motorcycles, ATVs, trailers (including boats and campers) shall be utilized for beach services operations within Freeman Park unless otherwise approved by the town manager or his designee.~~

~~c. Non-motorized permit conditions. The business shall be opened and operational prior to obtaining a beach services permit. No beach service permit shall be accepted for proposed business locations.~~

~~d. Motorized permit conditions.~~

~~1. Operations and safety. All personal watercraft shall operate in compliance with article II of this chapter, watercraft safety, and section 28-156, surfing and other water-related activities.~~

~~2. Fueling. No fueling shall be conducted on Freeman Park.~~

~~3. In no instance shall less than 30 feet or more than 50 feet of beach area be reserved to conduct personal watercraft rentals. Markers shall be placed~~

~~perpendicular to the mean high-water line extending both on land and water a minimum of 30 feet and maximum of 50 feet to designate the water area as a "no swim zone" and the land area as an area for training and beaching personal watercraft. All markers shall have state and federal approval.~~

~~4. Users of Freeman Park shall not be requested to relocate if there is not ample space to begin daily rental operations.~~

~~5. Maximum number of personal watercraft for rental and/or lease shall be limited to five units.~~

~~6. Up to 20 square feet of signage may be utilized at the operational site after approval of a sign permit.~~

~~(3) *Municipal beach strand.*~~

~~a. A maximum of three non-motorized permits shall be authorized by the town.~~

~~b. The beach service activity shall be operated from a primary business location in the central business district. The beach service shall be owned and operated by the owners of the business.~~

~~c. The primary business shall have been opened and operational prior to obtaining a beach services permit. No beach services permit shall be accepted for a proposed business location.~~

~~d. The beach service activity shall also be available at the primary business location at all times that rentals are available on the beach.~~

~~e. Any vehicles and trailers used in connection with beach service shall be similar type all-terrain vehicles (ATV) as is used by the police department, and shall satisfy all OSHA and EPA requirements regarding emissions, noise, and impacts to the beach. Each license shall be limited to two ATVs. Drivers of ATVs shall be properly licensed and trained to operate said vehicles in a manner consistent with established police department standards.~~

~~f. Access to the beach by an ATV shall be limited to Ocean Blvd., Hamlet Ave., and Starfish Lane.~~

~~g. Items should be for transient delivery only and not displayed for rent or have any advertisement on the beach strand.~~

<u>Vending Permits</u>	<u>Fee</u>
Beach Services (Annual)	\$100.00 <u>\$200.00</u>
Itinerate Merchant (Annual)	\$100.00
Freeman Park or Municipal Beach Strand (Annual)	\$100.00 <u>\$200.00</u>
Street End (Month)	\$250.00
Ice Cream (Annual)	\$100.00 <u>\$200.00</u>
Sec 14-21 Food Truck (Annual)	\$100.00 <u>\$200.00</u>
Commercial Pedal Vehicle (includes parking pass)	\$200.00

Adopted this 12th day of February, 2019.

_____ Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

Permit Area:

Date Received:

PERMIT ISSUANCE

- (1) All permits shall be reviewed and issued by the Department of Planning and Development. Only complete applications meeting all the criteria of the ordinance shall be accepted for a vending permit.
- (2) Existing vendors shall submit a request for permit renewal on or before March 1st of each year. All vending permits shall expire on February 28th of the following year. If a privilege license is not renewed, the vending permit will automatically expire and be open for others to obtain.
- (3) Existing vendors shall be required to update their original submittal with any changes that have occurred since their last approval. Upon completion the vendor shall sign a new one year vending contract with the Town.

Once a vending permit becomes available, the first applicant on the waiting list shall be given 10 business days to submit a complete application. If a complete application has not been received for processing after 10 business days then the next applicant on the waiting list shall be given the same opportunities to submit a complete application. vendor shall sign a new one year vending contract with the Town.

(4) No vendor shall apply for or obtain more than one (1) of each type of vending permit. For example, at a maximum one applicant may apply for 5 permits which include:

1. Municipal beach strand
2. Designated street end location (Sandpiper, Ocean, or Alabama)
3. Food, Beverage, and Camping Equipment on Freeman Park
4. Fishing Supplies and Bait on Freeman Park
5. Push cart vending at Freeman Park

(5) New vendors shall be issued permits during the period between March 1st and March 31st of each calendar year unless a permit is or becomes available during the year. Vendors shall be considered in the order in which a complete application was accepted by the Town. The list of applications shall be kept on file in the Department of Planning and Development.

No vending operations shall begin until the applicant (1) addresses each condition, (2) signs a permit binding them to these conditions, and (3) received a privilege license from the Town of Carolina Beach

Permit Area:

Date Received:

Yes	No	N/A

(9) Any subsequent ordinance changes to this section that are adopted by Town Council shall apply to this permit.

(10) All vendors shall maintain a log of vending activities stating at a minimum: date, person vending, time started, time stopped. This log shall be available for inspection by the Department of Planning and Development on an annual basis upon request for a vending permit renewal. If vending did not occur on 50% or more of the days between June 1st and August 31st then the permit shall automatically require Town Council review prior to reinstatement of the vending permit.

(11) All vendors shall maintain compliance with all rules and regulations as described in Chapter 8 Article III of this code. Any violations of these rules shall automatically render the permit null and void.

(12) A copy of the vending permit and privilege license shall be made conspicuously visible at all times.

(13) Vendors shall not actively pursue, disturb, or interrupt beachgoers in an aggressive manner in order to sell vending items

(14) No vending shall be allowed within one thousand (1000) feet to the north or south of the north end pier.

(15) All vendors shall be mobile excluding street end locations. No vendor shall operate in a stationary location for more than 30 minutes.

Staff has completed a review of all the criteria for vending. I understand the rules and regulations and agree to maintain compliance with each rule.

applicant's signature

date

staff signature

date

Carolina Beach Vendor Wait List

VENDING LOCATION	Business Name	Owner	Waiting list #	Date Submitted
Municipal Beach Strand				
Food, Beverages, and Sundries			1	
			2	
			3	
			4	
			5	
Freeman Park Using 4 X 4 Vehicle				
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses			1	
			2	
			3	
			4	
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses			1	
			2	
			3	
			4	
Freeman Park Using Push carts				
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses			1	
			2	
Leased Street Ends				
Food, Beverages, and Sundries	Sandpiper Lane			
			1	
			2	
			3	
	Ocean Boulevard			
			1	
			2	
			3	
	Alabama Avenue			
			1	
			2	
			3	



Town of Carolina Beach Vendor Permits			
VENDING LOCATION	Business Name	Owner	Privilege License #
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store can amend privilage licens			
Food, Beverages, and Sundries	*Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	898
	The Island Ice Factory	Marshall Cooper theislandicefactory@atmc.net 910-471-1040	3390
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	1360
	The Island Ice Factory	Marshall Cooper	3390
	Crossfit	Brock Wilson brockwilson@gmail.com 917-573-7824	
	New Orleans Snowballs	Leann Pierce leannpierce@leannpierce.com 910-520-5921	2338
Freeman Park using a 4X4 vehicle (\$100) Sell what you sell in store can amend privilage license			
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360
	The Island Ice Factory	Marshall Cooper	3390
	Brew Thru	John Childers john@brewthru.com (b)910-458-2739 ©706-284-4293	3388
	Dominos	Robert W. Huth (c)910-538-6999 (b)910-458-3334	145
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses	Sandstone Surf and Skate	Robert Little sandstonesurfandskate@yahoo.com 910-200-7269	3728
	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	205
Freeman Park using a Push Cart (\$100) have to sell what you sell in store can ammend privilage license			
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360
	1407 Canal	Mark Roggen coastaldentrepair@yahoo.com 910-616-3050	3762
Leased Street Ends (\$1500) No Brick/Morter Business)			

Food, Beverages, and Sundries	Sandpiper Lane		
	Ocean Boulevard		
	Alabama Avenue	Sheila Nicholson	3684

2011		
Vending License #	Date Issued	Expiration
MBS #1	3/9/2011	2/28/2012
MBS #2	3/9/2011	2/28/2012
MBS #3	3/9/2011	2/28/2012
MBS #4		2/28/2012
MBS #5		2/28/2012
MBS #6		2/28/2012
FP #1	3/9/2011	2/28/2012
FP #2	3/9/2011	2/28/2012
FP #3	3/9/2011	2/28/2012
FP #4	3/9/2011	2/28/2012
FP #5	3/14/2011	2/28/2012
FP #6	3/9/2011	2/28/2012
FPC #1		2/28/2012
FPC #2		2/28/2012

Sandpipe		
Ocean		
Alabama	2011	9/5/2011

Town of Carolina Beach Vendor Permits

COMPLETED 2012

VENDING LOCATION	Business Name	Owner	Privilege License #	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store can amend privilege license						
Food, Beverages, and Sundries	*Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	898	MBS #1	2/10/2012	2/28/2013
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	5531	MBS #2	2/9/2012	2/28/2013
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	1360	MBS #3	1/31/2012	2/28/2013
	The Island Ice Factory	Leonard Ambrose	5531	MBS #5	3/15/2012	2/28/2013
	New Orleans Snowballs	Leann Pierce leannpierce@leannpierce.com 910-520-5921	2338	MBS #4	3/5/2012	2/28/2013
Freeman Park using a 4X4 vehicle (\$100) Sell what you sell in store can amend privilege license						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360	FP #1	1/31/2012	2/28/2013
	The Island Ice Factory	Leonard Ambrose	5531	FP #2	2/9/2012	2/28/2013
	Brew Thru	John Childers john@brewthru.com (b)910-458-2739 ©706-284-4293	3388	FP #3	3/9/2012	2/28/2013
	Dominos	Robert W. Huth (c)910-538-6999 (b)910-458-3334	145	FP #4	1/23/2012	2/28/2013
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses				FP #5		2/28/2013
	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	205	FP #6	2/10/2012	2/28/2013

Freeman Park using a Push Cart (\$100) have to sell what you sell in store can ammend privilage license						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360	FPC #1	1/31/2012	2/28/2013
	1407 Canal	Mark Roggen coastaldentrepair@yahoo.com 910-616-3050	3762	FPC #2	3/6/2012	2/28/2013
Leased Street Ends (\$1500) No Brick/Morter Business)						
Food, Beverages, and Sundries	Sandpiper Lane			Sandpiper		2/28/2013
	Ocean Boulevard			Ocean		2/28/2013
	Alabama Avenue			Alabama		2/28/2013

ICE CREAM TRUCKS

Ice Cream/ Sundries	Mardi Gras Snow Balls	Adrienne DuMont 910-616-7898	4915		5/23/2012	2/28/2013
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Town of Carolina Beach Vendor Permits

COMPLETED 2013

VENDING LOCATION	Business Name	Owner	Privilege License #	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store can amend privilege license						
Food, Beverages, and Sundries	*Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	898	MBS #1	2/5/2013	2/28/2014
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	5531	MBS #2	2/7/2013	2/28/2014
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	1360	MBS #3		2/28/2014
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	5531	MBS #4	8/21/2013	2/28/2014
	Rita's	James Branch 910-616-4388	4663	MBS #5	3/7/2013	2/28/2014
Freeman Park using a 4X4						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360	FP #1		2/28/2014
	The Island Ice Factory	Leonard Ambrose	5531	FP #2	2/7/2013	2/28/2014
	Brew Thru	John Childers john@brewthru.com (b)910-458-2739 ©706-284-4293	3388	FP #3		2/28/2014
	Dominos	Robert W. Huth (c)910-538-6999 (b)910-458-3334	145	FP #4	1/28/2013	2/28/2014
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses				FP #5		2/28/2014

VENDING LOCATION	Business Name	Owner	Privilege License #	Vending License #	Date Issued	Expiration
	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	205	FP #6	2/15/2013	2/28/2014
Freeman Park using a Push						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360	FPC #1		2/28/2014
	1407 Canal	Mark Roggen coastaldentrepair@yahoo.com 910-616-3050	3762	FPC #2		2/28/2014
Leased Street Ends (\$1500)						
Food, Beverages, and Sundries	Sandpiper Lane			Sandpiper		2/28/2014
	Ocean Boulevard			Ocean		2/28/2014
	Alabama Avenue			Alabama		2/28/2014
ICE CREAM TRUCKS						
Ice Cream/ Sundries	MOFROZ	Amand Freeman 970-412-4574			2/16/2013	2/16/2014
	Mr. Swifty	Amand Alatrash 570-807-1701			7/18/2013	7/18/2014

Town of Carolina Beach Vendor Permits

COMPLETED 2014

VENDING LOCATION	Business Name	Owner	Privilege License #	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store can amend privilege license						
Food, Beverages, and Sundries	Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	898	MBS #1	2/17/2014	2/28/2015
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	5531	MBS #2	pd 2/24/14	2/28/2015
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	1360	MBS #3	3/11/2014	2/28/2015
	Hurrican Alley's	David Cole coastcleanllc@yahoo.com 910-471-1040	4894	MBS #4	3/11/2014	2/28/2015
	Rita's	James Branch jamesbranch43@gmail.com 910-616-4388	4663	MBS #5	2/24/2014	2/28/2015
Freeman Park using a 4X4						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	1360	FP #1	3/11/2014	2/28/2015
	The Island Ice Factory	Leonard Ambrose	5531	FP #2	2/24/2014	2/28/2015
	Brew Thru	John Childers john@brewthru.com (b)910-458-2739 ©706-284-4293	3388	FP #3	2/26/2014	3/1/2015
	Dominos	Robert W. Huth (c)910-538-6999 (b)910-458-3334	145	FP #4	3/6/2014	3/2/2015

Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses	Joshuz Images Inc	Joshua McClue 910-538-5412 joshua@canvasgicleeprinting.com		FP #5	6/4/2014	3/3/2015
	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	205	FP #6	2/13/2014	3/4/2015
						3/5/2015
Freeman Park using a Push						
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Island Ice Factory	Leonard Ambrose	5531	FPC #1	3/1/2014	3/7/2015
	Rita's	James Branch jamesbranch43@gmail.com 910-616-4388		FPC#2	8/29/2014	2/28/2015
	1407 Canal AS OF AUG 29, 2014 HAD NOT PICKED UP PERMIT-- REVOKED PERMIT AND REISSUED	Mark Roggen coastaldentrepair@yahoo.com 910-616-3050	3762	FPC #2	3/1/2014	3/8/2015
Leased Street Ends (\$1500)						3/9/2015
Food, Beverages, and Sundries	Sandpiper Lane			Sandpiper		3/10/2015
	Ocean Boulevard			Ocean		3/11/2015
	Alabama Avenue			Alabama		3/12/2015
						3/13/2015
						3/14/2015
						3/15/2015
ICE CREAM TRUCKS						
Ice Cream/ Sundries	Dawn's Icecream	Dawn Miller			4/14/2014	3/16/2015
	Rita's	Jim Branch			6/18/2014	3/17/2015

DATE UPDATED: 2/7/2019
 TIME UPDATED: 6:43 AM

Town of Carolina Beach Vendor Permits			COMPLETED	2015	
VENDING LOCATION	Business Name	Owner	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store					
Food, Beverages, and Sundries	Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	MBS #1	2/6/2015	2/28/2016
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	MBS #2	2/5/2015	2/28/2016
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	MBS #3	5/22/2015	2/28/2016
	Hurrican Alley's	David Cole coastcleanllc@yahoo.com 910-471-1040	MBS #4	5/22/2015	2/28/2016
	Sadies	Jimmy Branch 910-616-4388	MBS #5	4/21/2015	2/28/2016
Freeman Park using a 4X4 vehicle (\$100) Sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	FP #1	5/22/2015	2/28/2016
	The Island Ice Factory	Leonard Ambrose	FP #2	2/5/2015	2/28/2016
	XU Catering	Kenton Jenkons 1703 Canal Dr xucatering@aol.com 919-451-2192	FP #3	3/24/2015	2/28/2016
	Dominos	Robert W. Huth (c)910-538-6999 (b)910-458-3334	FP #4	2/18/2015	2/28/2016
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses	Sadies	Jimmy Branch 910-616-4388	FP #5	4/21/2015	2/28/2016
	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	FP #6	2/27/2015	2/28/2016

DATE UPDATED: 2/7/2019
 TIME UPDATED: 6:43 AM

Freeman Park using a Push Cart (\$100) have to sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	Mark Roggen	615-815-0551	FPC #1		2/28/2016
	SADIES	Jimmy Branch 910-616-4388	FPC#2	4/23/2015	2/28/2016

Leased Street Ends (\$1500) No Brick/Morter Business)					
Food, Beverages, and Sundries	Sandpiper Lane		Sandpiper		2/28/2016
	Beach Treats at CBLLC	Mary Parisi 520-909-2559 parisim105@gmail.com	Ocean	5/5/2015	2/28/2016
	Alabama Avenue		Alabama		2/28/2016

ICE CREAM TRUCKS					
Ice Cream/ Sundries	Dawn's Ice Cream	dawn Miller 910-777-8049		4/21/2015	4/21/2016
					2/28/2016

Town of Carolina Beach Vendor Permits			COMPLETED 2017		
VENDING LOCATION	Business Name	Owner	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store					
Food, Beverages, and Sundries	Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	MBS #1	2/6/2017	2/28/2018
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	MBS #2	2/20/2017	2/28/2018
	The Dive	David Cole coastcleanllc@yahoo.com 910-471-1040	MBS #3	2/24/2017	2/28/2018
	Hurrican Alley's	David Cole coastcleanllc@yahoo.com 910-471-1040	MBS #4	2/24/2017	2/28/2018
	Fudgeboat, Inc	Tracee Hagestrom traceeh@bellsouth.net 617-9793	MBS #5	3/2/2017	2/28/2018
Freeman Park using a 4X4 vehicle (\$100) Sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	The Dive	David Cole	FP #1	2/24/2017	2/28/2018
	The Island Ice Factory	Leonard Ambrose	FP #2	2/20/2017	2/28/2018
	Anthony Lithgow	530-646-8630 alithgow@gmail.com	FP #3	2/20/2017	2/28/2018
	Dominos	Todd ©508-2888 (b)458-3334 4460@pizzaprop.com	FP #4	2/28/2017	2/28/2018
Fishing Equipment, sundries, and beach			FP #5		2/28/2018

apparel such as hats, t-shirts and sunglasses	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	FP #6	2/17/2017	2/28/2018
					2/28/2018
Freeman Park using a Push Cart (\$100) have to sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	Mark Roggen	615-815-0551 coastaldentrepair@yahoo.com	FPC #1		2/28/2018
	Planet Smootie Bruce McCallon	679-4519 mccallon.planetsmoothie@gmail.com	FPC#2	2/6/2017	2/28/2018
Leased Street Ends (\$1500) No Brick/Mortar Business)					
Food, Beverages, and Sundries	John Ogburn	910-444-1128 bluewater.ab@gmail.com	Sandpiper Alabama	2/28/2017	9/1/2017
			Ocean		
ICE CREAM TRUCKS					
Ice Cream/ Sundries					2/28/2018
Ice Cream Golf Cart	Ice Ice Baby	Holly Sago iceicebabycb@gmail.com 538-7075		3/14/2017	2/28/2018
	CC'S Frozen Treats	Garret McCollough garrett-mccollough@hotmail.com 910-284-3382		7/11/2017	2/28/2017

Town of Carolina Beach Vendor Permits			COMPLETED 2018		
VENDING LOCATION	Business Name	Owner	Vending License #	Date Issued	Expiration
Municipal Beach Strand(\$100) (CBD Only) have to sell what you sell in store					
Food, Beverages, and Sundries	Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792	MBS #1	1/18/2018	2/28/2019
	The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524	MBS #2	2/12/2018	2/28/2019
	Frozen Lime	John Murphy carolinashagckub@yahoo.com 910-6202-4025	MBS #3	3/26/2018	2/28/2019
	Hurrican Alley's	David Cole coastcleanllc@yahoo.com 910-471-1040	MBS #4	2/27/2018	2/28/2019
	Fudgeboat, Inc	Tracee Hagestrom traceeh@bellsouth.net 617-9793	MBS #5	1/18/2018	2/28/2019
Freeman Park using a 4X4 vehicle (\$100) Sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses	Hurrican Alley's	David Cole	FP #1	2/27/2018	2/28/2019
	The Island Ice Factory	Leonard Ambrose	FP #2	2/12/2018	2/28/2019
	Planet Smootie Bruce McCallon	679-4519 mccallon.planetsmoothie@gmail.co	FPC#2	2/26/2018	2/28/2019
	Dominos	Todd ©508-2888 (b)458-3334 4460@pizzaprop.com	FP #4	3/1/2018	2/28/2019

VENDING LOCATION	Business Name	Owner	Vending License #	Date Issued	Expiration
			FP #5		2/28/2019
Fishing Equipment, sundries, and beach apparel such as hats, t-shirts and sunglasses	Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049	FP #6	2/8/2018	2/28/2019
Freeman Park using a Push Cart (\$100) have to sell what you sell in store					
Food, beverages, sundries, and beach apparel such as hats, t-shirts and sunglasses			FPC #1		2/28/2019
	Planet Smoothie Bruce McCallon	679-4519 mccallon.planetsmoothie@gmail.com	FPC#2	2/26/2018	2/28/2019
Leased Street Ends (\$1500) No Brick/Mortar Business)					
					2/28/2019
Food, Beverages, and Sundries	Ahnhee Oh	919-588-0063 14411 Oak Springs Way Unit 106 Raleigh NC 27614	Sandpiper Ocean		2/28/2019
	Pelican's Snowballs	Tyler Broughton 919-255-2199 pelicans910events@gmail.com	Alabama	3/16/2018	2/28/2019
ICE CREAM TRUCKS					
Ice Cream/ Sundries					

VENDING LOCATION	Business Name	Owner	Vending License #	Date Issued	Expiration
Ice Cream Golf Cart	Ice Ice Baby	Holly Sago iceicebabycb@gmail.com 538-7075		2/27/2018	2/28/2019
					2/28/2019

Business Name	Owner	Date Issued	Expiration
PUSH CARTS 6 are allowed			
Wheel Fun Rentals Duke Innovative	Duke Hagestrom dukeh@bellsouth.net 910-617-9792		2/28/2019
The Island Ice Factory	Leonard Ambrose blindman532000@yahoo.com ©843-446-3524		2/28/2019
Hurrican Alley's	David Cole coastcleanllc@yahoo.com 910-471-1040		2/28/2019
Fudgeboat, Inc	Tracee Hagestrom traceeh@bellsouth.net 617-9793		2/28/2019
Planet Smootie Bruce McCallon	679-4519 mccallon.planetsmoothie@gmail.com		2/28/2019
Pelican's Snowballs	Tyler Broughton 919-255-2199 pelicans910events@gmail.com		2/28/2019

4x4 FREEMAN PARK			
Hurrican Alley's	David Cole		2/28/2019
The Island Ice Factory			2/28/2019
Planet Smootie Bruce McCallon	679-4519 mccallon.planetsmoothie@gmail.com		2/28/2019
Dominos	Todd ©508-2888		2/28/2019
			2/28/2019
Island Tackle	Wanda Barbour islandtackle@charter.net 910-458-3049		2/28/2019

ICE CREAM TRUCKS

			2/28/2019
			2/28/2019



**Amend Chapter 14 Vending Activities &
Chapter 28. Watercraft, Beaches and
Coastal Parks.
FY18/19 Budget Fee Schedule**

Local News

Carolina Beach officially amends food truck regulations; law firm says it will drop suit

There are still some regulations on food trucks in Carolina Beach but for now they will be able to operate on private property.

By Michael Praats - October 10, 2018



For the first time in a long time food trucks will be free to operate in Carolina Beach. (Port City Daily/Mark Darrough)

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s free with
on.

INSTITUTE for JUSTICE

A & M's Red Food Truck, inc.
814-418-6568
sandmsrt@yahoo.com

GIVE NOW [Search Icon] [Menu Icon]

Victory for Carolina Beach Food Trucks

Town rules out protectionist ordinance

ISSUES CASES ACTIVISM RESEARCH SUPPORT IJ [Facebook] [Twitter] [YouTube] [Instagram]



Carolina Beach overturns ordinance after food truck lawsuit

Food Trucks vs Ice Cream Trucks

Similarities

Must have a permit
\$100.00 permit fee

Food Trucks

- Allowed in all non-residential districts
- 100 feet from the customer entrance of an existing restaurant
- Food trucks shall only operate on private property
- Health department approval and grease must be contained and disposed of in an approved receptacle.

Ice Cream Trucks

- Any one block in any one day shall be limited to 30 minutes.
- Sales are to be conducted during daylight hours only.
- All sales are prohibited
 - public sound front, oceanfront beach, town parking facilities,
 - park areas,
 - school areas.
 - U.S. Highway 421 (North and South Lake Park Boulevard)
 - Carl Winner Avenue.
 - Harper Avenue
 - Cape Fear Boulevard.
 - Dow Road.
 - Ocean Boulevard.
 - Canal Drive.



Existing Vending allowances and permits

Freeman Park – Have to be a property owner and/or a business in town

Number of permits allowed	Number of permits issued
6 - 4X4 vehicles	5
2 – push carts	1

Beach Strand – Have to have a business in the CBD

Number of permits allowed	Number of permits issued
5 - push carts	5

Ocean Street Ends (Sandpiper, Ocean, Alabama) – open to anyone

Number of permits allowed	Number of permits issued
3 – Stationary cart	2

Itinerant Merchant - Maintain a primary business location in the town for one year.

Number of permits allowed	Number of permits issued
Unlimited	1



Items to vend

- Deliveries of alcoholic beverages are strictly prohibited.

Freeman Park.

- Food, beverages, camping & fishing equipment, firewood, sundries, and beach apparel, such as hats, t-shirts and sunglasses.

Beach Strand

- Sell food, beverages and sundries



Permit Process

- Existing vendors shall submit a request for permit renewal on or before March 1 of each year. All vending permits shall expire on March 31 of the following year.
- No vendor shall apply for or obtain more than one of each type of vending permit.
- New vendors shall be issued permits during the period between March 1 and March 31
- Vendors shall be considered in the order in which a complete application was accepted by the town.
- The list of applications wait list shall be kept on file in the department of planning and development.



Proposed Changes

- Remove the condition that you are required to have a business in the town or to be a resident.
- Keep the number of Freeman Park vehicle vendors to 6.
- Combine the allowable number of push carts for Freeman Park and municipal beach strand to 6.
- Eliminate the 3 street end allowance
- Eliminate Itinerant Merchant allowance
- Eliminate distance requirement from the pier



Beach Services

1. A maximum of three permits shall be authorized by the town.
2. Rental items shall be limited to beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the town manager or his designee.
3. Each license shall be limited to two ATVs.
4. Access to the beach by an ATV shall be limited to Ocean Blvd., Hamlet Ave., and Starfish Lane.
5. Items should be for transient delivery only and not displayed for rent or have any advertisement on the beach strand other than the embroidered company information on the rental items.
6. Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.
7. Beach deliveries and pickups utilizing an ATV shall be limited from sunrise to 10:00am and 4:00pm to sunset.
8. Rental chairs and rental umbrellas may be stored on the ocean beach. The location and the method of storage shall be approved by the town manager subject to the following standards.
 - a. The applicant shall submit a notarized agreement holding the town harmless with regard to any theft, loss, damage or injury as a result of the licensees' operation and storage of material on the beach.
 - b. The storage of product will only be allowed beginning April 1 and ending on September 30 and is subject to other state and federal laws.
 - c. No more than three storage area locations per beach service permit.
 - d. No more than one 4x4 wood post per storage area. The post shall be located at the toe of the dune and outside of the emergency lane.



Remove the requirement that you have to have a business establishment in the CBD

Highlight of the changes

- Eliminating the requirement that you have to have a business in the town in order to vend on the beach.
- Eliminating street end vending allowance (Sandpiper, Ocean, Alabama).
- Eliminating Itinerant merchant allowance
- Beach deliveries and pickups utilizing an ATV shall be limited from sunrise to 10:00am and 4:00pm to sunset.
- Increasing the permit fee from \$100 to \$200



Vending Permits

	<u>Fee</u>
Beach Services (Annual)	\$100.00 \$200.00
Itinerant Merchant (Annual)	\$100.00
Freeman Park or Municipal Beach Strand (Annual)	\$100.00 \$200.00
Street End (Month)	\$250.00
Ice Cream (Annual)	\$100.00 \$200.00
Sec 14-21 Food Truck (Annual)	\$100.00 \$200.00
Commercial Pedal Vehicle (includes parking pass)	\$200.00

Amend Chapter 14 Vending Activities & Chapter 28. Watercraft, Beaches and Coastal Parks. FY18/19 Budget Fee Schedule

- 1. Open the hearing for public comment.
- 2. Close public comment.
- 3. Consider the approval or denial of the proposed text amendment and make a motion according to the appropriate statement.
- Denial

History

Allowance and Timeline

- 1986 Ice cream trucks permitted
- 1996 started to issue vending permits on the beach strand, 3 were allowed (renting umbrellas and chairs, ice cream cart and frozen lemonade cart).
- 2006 started issuing vending permits for Freeman Park (vehicles).
- 2007 revised ordinance to limit the number of permits for beach strand (2), freeman park (4), and town limits (5).
- 2009 Beach Services were separated out of vending (2 were allowed on beach strand)
- 2010 Beach Service added to Freeman Park (2 were allowed for renting beach items and 1 renting jet skis)
- 2011 rewrite of the vending ordinance
 - 6 Freeman Park permits - 4 food & beverages, 2 firewood & sundries & 2 push carts.
 - 5 Municipal beach strand permits (carts selling water, sundries, frozen ices)
 - 3 Designated leased areas - public beach accesses (Sandpiper, Ocean, & Alabama
- 2013 allowed vending on private property as an Itinerate Merchant - required to have a business and distance requirements from residence & competing businesses (revised in 2017).
- 2017 Increase

Other types of business operations on public land

- Town requires approved operations on the beach to provide insurance and name the Town as additionally insured (beach services/vending). This is not required for:
 - Paddleboard lessons
 - Surf lessons
 - Cross-fit classes
 - Yoga classes
 - Weddings
 - Pizza delivery





Questions?



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Ed Parvin

Department: Executive

Discussion on the Maintenance of Henniker's Ditch

BACKGROUND:

Council will discuss the maintenance of Henniker's Ditch.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Alan Griffin

Department: Fire

Discussion on Replacement of Lifeguard Stands

ATTACHMENTS: [Lifeguard Stand RFP 2019](#)



Lifeguard Stand Replacement

FIRE - RESCUE

RFP Bid Tabs

Lifeguard Stand RFP Bid Tabs					
Company	Date Submitted	Option A	Option B	Base Bid	Total Bid
National Veteran Contracting	1/31/2019	N/A	N/A	\$47,700.00	\$47,700.00
Charlie M. Lamm, Inc	2/4/2019	N/A	N/A	\$45,000.00	\$45,000.00
T.D. McGhee Co.	2/4/2019	N/A	N/A	\$81,300.00	\$81,300.00
Battletown Builders, LLC	2/4/2019	N/A	N/A	\$76,050.00	\$76,050.00

Recommendation

- Recommend council approval of Charlie M. Lamm, Inc to be awarded bid of \$45,000.00 for construction of 18 lifeguard stands.



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Alan Griffin

Department: Fire

Presentation by Fire Chief Alan Griffin on Increasing Firefighter Staffing

ATTACHMENTS: [Staffing](#)



Fire Department Staffing

FIRE - RESCUE

Background

Requested and approved by council to apply for the AFG grant in May 2018.

- **Budgeted \$52,500.00 for grant match requirements for FY 2018/19.**
- **Grant would have required the following match amounts:**
 - **2018/19 - \$52,500.00**
 - **2019/20 - \$52,500.00**
 - **2020/21 - \$78,000.00**

Current Shift Operations

- **9 full time shift positions.**
 - **3 personnel on (three) 24 hour rotating shifts.**
- **Resident program requires (ten) 12 hour night shifts per month.**
- **Volunteers are required to sign up for (two) 12 hour night shifts per month.**
- **This combination of paid and volunteer staffing provides staffing of 4 personnel on duty 24 hours a day.**

Current Challenges

- **Call volume steadily increasing**
 - 1995 - 76 calls
 - 2017 - 849 calls
 - 2018 - 994 calls
 - 2017 vs 2018 we saw a 145 call increase
- **Volunteer Membership Status**
 - Volunteerism on decline
 - Turn over of current members
 - Response of volunteers

Future of Carolina Beach Fire Department

- **Continue to operate as a combination department.**
- **Aggressive recruitment and retention program.**
- **Continue the Resident Program.**
- **Ask less, get more concept for volunteers.**
- **Ensure our staffing levels will continue to balance the regulatory standards and safety of personnel, while continuing to be fiscally responsible.**

Council Options

Option 1: Create 4 part-time positions utilizing off duty firefighters from other departments.

Option 2: Create 3 full time positions.

Recommendations

- **Create 3 full time positions**
 - **Recruitment starting in April.**
 - **Interviews and job offers by mid May.**
 - **8am - 5pm Orientation in late May.**
 - **Transition to assigned shift in early June.**
- **Budget Impacts**
 - **2018/19 - Minimal to no potential impacts base off current budget forecast.**
 - **2019/20 - \$20-30k based off of grant allocations already budgeted at \$105,000.**
 - **2020/21 - \$62k based off of the grant match already proposed.**
- **Council Action**
 - **Vote from council needed to move forward with the hiring process for three shift firefighters positions following the above hiring schedule timeline.**



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Ed Parvin

Department: Executive

Re-Entry Permit-Ordinance Amendment

- BACKGROUND:** Prior to 2016, the Town required all vehicles licensed by the state and permanently residing within the Town of Carolina to display a decal identifying residents and property/business owners in times of emergencies. In 2016, the decal program was replaced by Town Identification Cards (TICs). Staff changed back to using decals for re-entry permits January 1, 2019. This requires that ordinance 16-1035 be replaced.
- ACTION REQUESTED:** The Town Manager is requesting direction from Council on re-entry policies and adoption of ordinance 19-1105.
- ATTACHMENTS:** [Ordinance 19-1105 Town Decals](#)

Ordinance 19-1105

Town of Carolina Beach
Town Council



ORDINANCE NO. 19-1105
AN ORDINANCE TO AMEND THE TOWN IDENTIFICATION REQUIREMENTS.

Sec. 16-20. - Town Identification Decal

- (a) In times of natural disaster or other emergencies, re-entry to Carolina Beach may be restricted to vehicular traffic driven or occupied by property/business owners and permanent residents. During this time, re-entry shall be limited to state licensed motor or passenger vehicles with a current, permanently affixed town identification decal.
- (b) The town identification decal shall be issued annually for a period commencing on January 1st and terminating on December 31st at a cost pursuant to the Town's annually adopted rate and fee schedule. The cost of the decal will not be prorated, and is non-refundable.
- (c) The town identification decal shall be issued upon presentation of required documentation and payment as specified hereto before. The decal shall be registered and recorded with the Town and include the vehicle owner's name and address, state license plate number, make, model, year, and color of the state licensed motor vehicle the decal number is assigned to.
- (d) Town identification decals purchased after June 1st will incur a penalty fee as set forth in the town's annually adopted rate and fee schedule.
- (e) Persons that do not possess a town identification decal at the time entry restrictions are implemented will be directed to an off-site location where, with proper documentation, temporary re-entry permits will be issued in accordance with the Carolina Beach Emergency Operations Plan.
- (f) Decals issued by the town shall be assigned to the designated state licensed motor or passenger vehicle of the owner acquiring said decal and shall not be transferable to another vehicle belonging to the individual, or to another owner, whether by sale of vehicle or otherwise.

Sec. 16-21. - Authorized Decal Holders

Authorized decal holders may be either property owners, agents, or permanent resident/business owners within the town limits.

- (a) *Property owners.* Individuals, groups or corporations identified by the New Hanover County Tax Department as owning property within the Carolina Beach town may purchase town identification decals at Town Hall.
- (b) *Agents.* Individuals, groups or corporations identified as an "agent" of the property may obtain town identification decals at Town Hall. Agents can be property management companies brokers, or, caretakers of disabled persons.

Town of Carolina Beach
Ordinance No. 19-1105

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Ordinance 19-1105

Town of Carolina Beach
Town Council

(c) *Permanent resident/business owners.* Individuals, groups or corporations identified as a permanent resident/business owner may obtain town identification decals Owners of boats docked at property within the town limits may qualify as a permanent resident/business owner.

Sec. 16-22. - Display of Town Identification Decals

The authorized town identification decal shall be permanently affixed to the inside lower left-hand corner of the front windshield (driver’s side) of the state licensed motor or passenger vehicle.

Sec. 16-23. - Exemptions

During times of emergencies other individuals may be issued approval documentation to enter the town per the Town of Carolina Beach Emergency Operations Plan.

Sec. 16-24. - Tampering with decals

It shall be unlawful for any person to willfully alter, mutilate, counterfeit or otherwise deface any decal issued by the town.

Duly adopted this 12th day of February, 2019.

Joseph Benson, Mayor

Attest: Kimberlee Ward, Town Clerk

Date Approved



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Jerry Haire

Department: Planning

Budget Amendment - Northend Sewer Project

- BACKGROUND:** The budget amendment for \$46,750 from the Utility Fund is requested for additional engineering services to address additional requirements by the Division of Water Infrastructure. The required services include basin assessment, lift station analysis, and force main analysis for the Northend Sewer Project area. Budget Ordinance No. 19-1107 is attached for consideration.
- BUDGET IMPACT:** \$46,750
- ACTION REQUESTED:** Motion to approve Budget Ordinance 19-1107.
- COMMITTEE RECOMMENDATION:** NA
- ATTACHMENTS:** [Budget Ord. No. 19-1107 Northend Sewer addl. svcs. 2-14-19](#)

Ordinance 19-1107

Town of Carolina Beach
Town Council



ORDINANCE NO. 19-1107
AN ORDINANCE TO AMEND THE UTILITY FUND BUDGET CREATING A
BUDGET APPROPRIATION FOR ADDITIONAL ENGINEERING SERVICES FOR THE NORTHEND
SEWER PROJECT

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

SECTION ONE:

That the Fiscal Year 2018-2019 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the Northend Sewer Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
29-002-046	Professional Services	\$ 255,170	\$ 46,750	+ \$301,920
TOTAL			\$ 301,920	

SECTION TWO:

That the Fiscal Year 2017-2018 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Northend Sewer Project by amending the following Utility Fund Budget Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
29-350-000	Transfer from Utility Fund	\$ 255,170	\$ 46,750	+ \$ 301,920
TOTAL:			\$ 301,920	

Town of Carolina Beach
Ordinance No.
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Ordinance 19-1107

Town of Carolina Beach
Town Council

SECTION THREE:

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

Duly adopted this 12th day of February 2019.

Joseph Benson, Mayor

Attest: Kimberlee Ward, Town Clerk

Date Approved



AGENDA ITEM

Meeting: Regular Town Council - 12 Feb 2019

Prepared By: Kim Ward

Department: Clerk

Closed Session to Discuss a Personnel Matter in Accordance to NCGS 143.318-11(a)(6)

ACTION REQUESTED:

Motion to go into closed session to discuss a personnel matter in Accordance to NCGS 143.318-11(a)(6)