

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 13, 2020 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## AGENDA

**CALL TO ORDER WITH INVOCATION BY PASTOR SHAWN BLACKWELDER OF ST. PAUL'S UMC  
FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

### **ADOPT THE AGENDA**

### **CONSENT AGENDA**

1. Budget Amendments/Transfers
2. Approve NCDOT Ordinance No. 1078910 Reducing the Speed Limit on Dow Rd.
3. Set a public hearing date on November 10, 2020 for an 8-Unit Residential CUP located at 202 CBAS (PIN - 3130-54-2234) Applicant: Too Construction Company Inc
4. Set a public hearing date on November 10, 2020 to Consider a Text Amendment to Article III, Table of Permissible Uses Applicant: Town of Carolina Beach
5. Set a public hearing date on November 10, 2020 to Consider a Text Amendment to Chapter 40 – Zoning Applicant: Town of Carolina Beach
6. Set a Public Hearing for November 10, 2020 to Consider a Text Amendment to Article III & XVIII to prohibit Floating Structures in public trust waters. Applicant: Town of Carolina Beach
7. Approval of Meeting Minutes from 8/25/2020 and 9/8/2020

### **SPECIAL PRESENTATIONS**

8. Special Events
9. Manager's Update

### **PUBLIC COMMENT**

*Public Comment allows the public an opportunity to address the Town Council. There is a three minute limit on public comments.*

### **PUBLIC HEARINGS**

- [10.](#) Consider a Conditional Use Permit to approve the operation of day care facilities at 105 Dow Road (PIN - 3130-15-3639) Applicant: Seaside Chapel

#### **ITEMS OF BUSINESS**

- [11.](#) Review request from RGL Development LLC for reimbursement of project costs.
- [12.](#) Committee Appointment

#### **NON-AGENDA ITEMS**

#### **ADJOURNMENT**



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 10/13/2020

**SUBJECT:** Budget Amendments/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.

### **Appropriations:**

Appropriate \$340,000 BB&T loan revenue to account 10-630-074 Beach Maintenance Capital over \$10,000 and 10-580-74 Environmental Capital over \$10,000 for purchase of a Can Machine and Knuckle Boom.

Appropriate \$82,561.10 received from New Hanover County Cares Act Funds to account 10-410-070 Legislative-COVID 19 to cover COVID expenses.

Appropriate \$15,560 to account 30-812-006 Water Medical Insurance from the unappropriated Utility fund balance. The cost inadvertently didn't get budgeted.

### **Transfers:**

Transfer \$427.99 from account 10-580-016 Environmental M&O Equipment to account 10-420-011 Executive Communications to cover cost of replacement cell phone for Public Works Director.

### **ACTION REQUESTED:**

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



500-96-01-30 01598 0 C 001 26 50 004  
BNF TOWN OF CAROLINA BEACH NC  
AGT BB&T GOVERNMENTAL FINANCE  
PROJECT FUND 2020-00032  
1121 LAKE PARK BLVD N  
CAROLINA BEACH NC 28428-4130

# Your account statement

For 08/31/2020

## Contact us



BBT.com



(800) BANK-BBT or  
(800) 226-5228

### Keep your account safe from unauthorized access

You have a lot on your mind these days – from your physical health to financial safety. With so many heightened emotions, it's easy to become the victim of a scam. We're vigilantly protecting your accounts from fraud, but you can help too: choose strong passwords for every account; beware of emails or calls asking for personal information; and secure devices with the latest updates. For more tips, check out [BBT.com/Security](http://BBT.com/Security).

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#### ■ PUBLIC FUND MONEY RATE SAVINGS ██████████

##### Account summary

Your previous balance as of 08/17/2020	\$0.00
Checks	- 0.00
Other withdrawals, debits and service charges	- 0.00
Deposits, credits and interest	+ 340,001.30
Your new balance as of 08/31/2020	= \$340,001.30

##### Interest summary

Interest paid this statement period	\$1.30
2020 interest paid year-to-date	\$1.30
Interest rate	0.01%
Annual percentage yield (APY) earned	0.01%
On 08/18/2020 the interest rate changed from 0.00% to 0.01%	

##### Deposits, credits and interest

DATE	DESCRIPTION	AMOUNT(\$)
08/18	Carolina Beach -00032 D21202 00000000000	340,000.00
08/31	INTEREST PAYMENT	1.30
<b>Total deposits, credits and interest</b>		<b>= \$340,001.30</b>



## Debbie Hall

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**From:** Lotten, Elena <elotten@nhcgov.com>  
**Sent:** Thursday, July 23, 2020 2:37 PM  
**To:** Jennifer Maready; Debbie Hall; Arlen Copenhaver; Melissa Norton; Kathy Dimopoulos  
**Cc:** Wayne, Martha; Kelly, Sheryl; Wurtzbacher, Lisa; Hewett, Teresa  
**Subject:** CARES Funding  
**Attachments:** Copy of template\_CRF\_County\_Plan\_Template.xlsx  
  
**Importance:** High

**Be Advised:** This email originated from outside of the Town of Carolina Beach, NC

Good afternoon,

I would like to express our appreciation to all of you for all the responses we have received regarding the additional funding needs and specific details that we have requested thus far.

The following are some additional items that we need to communicate:

1. NC House Bill 1023 requires each municipalities to prepare and submit a spending plan by **September 1, 2020**. These spending plans must adhere to guidance provided by US Treasury and NCPRO. If a municipality is unable to identify how to spend its full allocation, the balance of the allocation will otherwise be made available back to the County. I have attached a template of the plan that needs to be filled out and send back to the County. Please submit these plans as soon as possible. The following are the contract #'s associated with each municipality:  
**City of Wilmington-02-63-001**  
**Carolina Beach-02-63-002**  
**Kure Beach-02-63-003**  
**Wrightsville Beach-02-63-004**
2. After the County receives the spending plan from you and after receiving the second allocation from the State, the County will disburse the remaining funds. The State has indicated a September 1<sup>st</sup> target date to disburse the second allocation to the County.
3. NC House Bill 1023 requires Counties to allocate a minimum of 25% of their total Coronavirus Relief Funds to their municipalities. New Hanover County plans to allocate **\$2,153,898** to the municipalities, which represents 25% of the total County amount of \$8,615,592.

The County has decided to allocate these funds based on population, which mirrors how the State has allocated these funds to the various Counties.

The following represents each allocation. These amounts are inclusive of any funds already distributed by the County:

CARES Act Funding Allocations - Municipalities

FY20

FY21

Received  
6/15/20

- 19,695 = 82,561.10

	Population	Population % of Total	Allocation by Population
Carolina Beach	6,399	4.75%	102,256.10
Kure Beach	2,102	1.56%	33,589.99
Wrightsville Beach	2,542	1.89%	40,621.19
City of Wilmington	123,744	91.81%	1,977,430.72
Total	134,787		2,153,898.00

- The County is required to submit monthly reports to NCPRO office with expenditures relating to the CARES funding. The County will also be uploading each of the municipalities information as well. The monthly reports that are being uploaded are in a specific format that is requested by the NCPRO office. For future details on the disbursements, please ensure you send the detail payroll registers which include employee name, hours worked, payroll dates and payroll and benefits costs. In response to this detailed monthly report, I may reach out for additional information or clarification.
- Just a reminder, these funds must to be expended by **December 30, 2020**.
- Below are two links to FAQ's regarding how you can use these funds. These websites are continuously updated when new information is available and are great resources to reference:

<https://www.nc.gov/agencies/ncpro>

<https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Again, we thank you for your help throughout this process. If you should have any questions on the above or anything else that might come up, please feel free to reach out. I would be happy to assist.

Elena

Elena Lotten | Internal Auditor  
 County Manager  
 New Hanover County  
 230 Government Center Drive, Suite 165  
 Wilmington, NC 28403  
 (910) 798-7353 p | (910) 798-7806 f  
[www.nhcgov.com](http://www.nhcgov.com)





UF WATER BUDGET (812)

GL Account/Description	FY 2018/2019 APPROVED BUDGET	FY 2018/2019 ACTUAL BUDGET	FY 2019/2020 APPROVED BUDGET	FY 2019/2020 ESTIMATED BUDGET	FY 2020/2021 INITIAL BUDGET	FY 2020/2021 RECOMMENDED BUDGET	FY 2020/2021 APPROVED BUDGET
<b>Personnel &amp; Benefits</b>							
30-812-002. Wages	\$76,461	\$71,657	\$76,087	\$78,369	\$88,504	\$88,504	\$88,504
30-812-003. Overtime Pay	\$26,467	\$11,933	\$9,987	\$9,987	\$10,514	\$10,514	\$10,514
30-812-004. C.O.L.A./Merit	\$3,059	\$1,863	\$2,282	\$0	\$796	\$796	\$796
30-812-005. FICA Taxes	\$8,154	\$8,154	\$6,786	\$6,786	\$7,663	\$7,663	\$7,663
30-812-006. Medical Insurance	\$15,250	\$15,250	\$15,378	\$15,378	\$0	\$0	\$0
30-812-007. Retirement	\$8,261	\$8,261	\$7,939	\$7,939	\$7,653	\$7,653	\$7,653
30-812-009. Workmans Comp	\$3,582	\$3,582	\$2,900	\$2,900	\$2,662	\$2,662	\$2,662
30-812-025. 401K Match Program	\$3,198	\$3,198	\$2,662	\$2,662	\$3,005	\$3,005	\$3,005
30-812-059. Longevity Pay Plan	\$600	\$600	\$350	\$350	\$350	\$350	\$350
<b>P&amp;B Totals</b>	<b>\$145,032</b>	<b>\$124,498</b>	<b>\$124,371</b>	<b>\$124,371</b>	<b>\$121,147</b>	<b>\$121,147</b>	<b>\$121,147</b>
<b>Maintenance &amp; Operations</b>							
30-812-011. Communications	\$4,920	\$4,920	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
30-812-012. Printing & Publishing	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
30-812-013. Electric	\$72,000	\$76,992	\$72,000	\$72,000	\$72,000	\$72,000	\$72,000
30-812-014. Travel & Training	\$3,750	\$3,750	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
30-812-015. Maint. & Repair- Buildings	\$60,000	\$62,660	\$62,000	\$62,000	\$60,000	\$60,000	\$60,000
30-812-016. Maint. & Repair - Equipment	\$60,000	\$55,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
30-812-019. Maint. & Repair - Streets	\$88,000	\$88,000	\$90,000	\$65,000	\$90,000	\$90,000	\$90,000
30-812-020. Maint. & Repair-Infrastructure	\$103,000	\$178,500	\$155,000	\$155,000	\$160,000	\$110,000	\$110,000
30-812-024. Uniforms	\$2,160	\$2,160	\$2,500	\$2,500	\$3,000	\$3,000	\$3,000
30-812-026. Maint. & Repair - Material	\$48,000	\$48,000	\$55,000	\$55,000	\$64,000	\$64,000	\$64,000
30-812-032. Chemical & Lab Fees	\$100,000	\$116,632	\$173,500	\$173,500	\$183,500	\$153,500	\$153,500
30-812-033. Supplies	\$4,000	\$3,206	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
30-812-035. Small Tools & Equipment	\$5,000	\$5,794	\$5,500	\$5,500	\$6,000	\$6,000	\$6,000
30-812-044. Temps	\$0	\$10,500	\$3,000	\$8,000	\$3,000	\$3,000	\$3,000
30-812-045. Contract Services	\$253,400	\$258,891	\$269,400	\$329,613	\$269,500	\$219,500	\$219,500
30-812-046. Professional Services	\$40,000	\$28,009	\$52,000	\$42,000	\$55,000	\$50,000	\$50,000
30-812-049. Postage	\$2,900	\$2,900	\$3,000	\$3,000	\$3,050	\$3,050	\$3,050
30-812-050. Rental of Property	\$30,500	\$30,500	\$30,500	\$30,500	\$30,500	\$30,500	\$30,500
30-812-053. Dues & Subscriptions	\$2,140	\$2,140	\$2,170	\$2,170	\$2,170	\$2,170	\$2,170
30-812-067. Well Upgrades	\$157,500	\$157,500	\$157,500	\$161,200	\$157,000	\$57,000	\$57,000
30-812-078. Permits & Fees	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000
30-812-080. PPE & Safety Equipment	\$5,345	\$5,345	\$5,350	\$5,350	\$5,700	\$5,700	\$5,700
<b>M&amp;O Totals</b>	<b>\$1,048,115</b>	<b>\$1,146,899</b>	<b>\$1,219,920</b>	<b>\$1,253,832</b>	<b>\$1,245,920</b>	<b>\$1,014,920</b>	<b>\$1,014,920</b>
<b>Capital Improvements</b>							
30-812-074. Capital Projects > \$10,000	\$125,700	\$215,818	\$0	\$0	\$0	\$0	\$0
30-812-075. Capital Projects < \$10,000	\$9,000	\$9,000	\$0	\$0	\$0	\$0	\$0
30-812-085. T/F to Capital Project Fund	\$0	\$2,250	\$0	\$0	\$0	\$0	\$0
<b>Capital Totals</b>	<b>\$134,700</b>	<b>\$227,068</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Water Expense Totals</b>	<b>\$1,327,847</b>	<b>\$1,498,465</b>	<b>\$1,344,291</b>	<b>\$1,378,203</b>	<b>\$1,367,067</b>	<b>\$1,136,067</b>	<b>\$1,136,067</b>

**Debbie Hall**

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**From:** Alisa Perry  
**Sent:** Tuesday, August 18, 2020 4:54 PM  
**To:** Debbie Hall  
**Cc:** Brian Stanberry  
**Subject:** Budget Transfer Request

Good afternoon Debbie,

Please make the following budget transfer.

DATE: August 18, 2020

DEPARTMENT: Public Works

DEPARTMENT CODE TRANSFERRED FROM: 10-580-016

DEPARTMENT CODE TRANSFERRED TO: 10-420-011

AMOUNT OF TRANSFER: \$ 427.99

JUSTIFICATION: Brian Stanberry's cell phone became inoperable, so a replacement was ordered. This amount was paid for out of the same executive line that is used for regular service, however the additional cost was not budgeted for in this account.

Thank you,

*Alisa D. Perry*

Administrative Assistant, Operations



(910)-458-0786

[alisa.perry@carolinabeach.org](mailto:alisa.perry@carolinabeach.org)

*Alisa D. Perry*

Administrative Assistant, Operations



(910)-458-0786

[alisa.perry@carolinabeach.org](mailto:alisa.perry@carolinabeach.org)



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 10/13/2020

**SUBJECT:** Approve NCDOT Ordinance No. 1078910 Reducing the Speed Limit on Dow Rd.

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### **BACKGROUND:**

At the September 9, 2020 Town Council meeting, Council approved Resolution No. 20-2231 supporting the reduction of speed on Dow Road from Tarboro Avenue to Ocean Boulevard from 55 mph to 45 mph. NCDOT approved the Resolution and has requested Council approve the Concurring State Ordinance Number 1078910.

### **ACTION REQUESTED:**

Consider approving NCDOT Ordinance Number 1078910 which shall become effective when the NCDOT has passed the concurring ordinance and signs are erected giving notice of the authorized speed limit.

### **RECOMMENDED MOTION:**

Motion to approve NCDOT Ordinance Number 1078910, reducing the speed on Dow Road from 55 mph to 45 mph between Tarboro Avenue and Ocean Boulevard.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

September 24, 2020

Kim Ward  
Town Clerk  
Town of Carolina Beach  
1121 N. Lake Park Boulevard  
Carolina Beach, NC 28428

Dear Ms. Ward,

This letter is in regard to speed limit ordinances on SR 1573 (Dow Road) and SR 1539 (Ocean Boulevard). We received a resolution from the Town to extend the 45mph on Dow Road to Ocean Boulevard and to extend the 35mph speed limit on Ocean Boulevard to Dow Road. Based on the field review and since the Town has documented their intentions to enforce the new speed limits in the supplied resolution, we are in approval of this request.

A portion of this section of SR 1573 (Dow Road) is within the Town of Carolina Beach limits and will require the enactment of the concurring 45mph ordinance #1078910. The ordinance wording for the new concurring 45mph speed zone on SR 1573 is: (Dow Road) between 0.02 mile north of Hamlet Avenue (non-system) and 0.017 mile south of Fayetteville Avenue (non-system).

Please put this matter on a Town Council meeting agenda for adoption of concurring ordinances or resolutions by the Council. We have included the original Certification of Municipal Declaration forms, on watermarked bond paper. When adopted, please complete the form, certify and seal it and return it by mail to my attention at the below address. There can be no changes or corrections made on the certificate.

You may contact me or Bob Hammond, Traffic Engineering Technician, at 910.341.2200 if you have any questions or need additional information.

Sincerely,

Jessi Leonard, PE  
Division Traffic Engineer

JLL/

Attachments

cc: Bruce Oakley – Carolina Beach Town Manager  
File

### Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078910

Division: 3 County: NEW HANOVER

Municipality: CAROLINA BEACH

Type: Municipal Speed Zones

Road: SR 1573

Car: 45 MPH

Truck: 45 MPH

Description: (Dow Road) between 0.02 mile north of Hamlet Avenue (non-system) and 0.017 mile south of Fayetteville Avenue (non-system).

#### Municipal Certification

I, Kimberlee Ward, Clerk of Carolina Beach, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 13th day of October, 2020, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: 98 Page: N/A Ordinance Number: 20-1145

In witness whereof, I have hereunto set my hand and the municipal seal this 13th day of October, 2020.

Kimberlee Ward  
(signature)



#### Department of Transportation Approval

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 13 OCT 2020

**SUBJECT:** Set a public hearing date on November 10, 2020 for an 8-Unit Residential CUP located at 202 CBAS (PIN - 3130-54-2234)

Applicant: Too Construction Company Inc

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## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 13 OCT 2020

**SUBJECT:** Set a public hearing date on November 10, 2020 to Consider a Text Amendment to Article III, Table of Permissible Uses

Applicant: Town of Carolina Beach

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## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 13 OCT 2020

**SUBJECT:** Set a public hearing date on November 10, 2020 to Consider a Text Amendment to Chapter 40 – Zoning

Applicant: Town of Carolina Beach

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## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning & Development Director

**DEPARTMENT:** Planning & Development

**MEETING:** Town Council –10/13/2020

**SUBJECT:** Set a Public Hearing for November 10, 2020 to Consider a Text Amendment to Article III & XVIII to prohibit Floating Structures in public trust waters.  
Applicant: Town of Carolina Beach

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**BACKGROUND:**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 10/13/2020

**SUBJECT:** Approval of Meeting Minutes from 8/25/2020 and 9/8/2020

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**BACKGROUND:**

Attached are the meeting minutes from the August workshop, the September regular meeting.

**ACTION REQUESTED:**

Review and approve under the consent agenda.

# CAROLINA BEACH

Town Council Workshop Minutes  
Tuesday, August 25, 2020 @ 9:00 AM  
Council Chambers  
1121 North Lake Park Boulevard  
Carolina Beach, NC 28428

## ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, August 25, 2020, at 9:00 AM in Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, and Council Member Steve Shuttleworth

ABSENT: Council Member JoDan Garza

ALSO PRESENT: Town Manager Bruce Oakley, Town Clerk Kim Ward, and Town Attorney Noel Fox

## MAYOR PIERCE CALLED THE MEETING TO ORDER

### CLOSED SESSION

Closed Session to Discuss Attorney/Client and Real Estate Matters

**ACTION:** Motion to go into closed session to discuss an attorney/client matter and a real estate matter in accordance to NCGS 143-318.11(a)(3) and (5). The matters 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

The property being discussed is Parcel ID R09013-001-135-000, owned by Lena Adams for the purpose of connectivity.

Motion: Mayor Pierce

Vote: 4-0

Council returned to open session at 10:15 a.m.

**Mayor Pierce made a motion to approve a settlement with the Plaintiffs in 19-CVS-2999 Stier Construction Company, Inc and Bryan Humphrey Design Build, Inc pursuant to a stipulation and release agent and to authorize the Town Manager to execute same. Motion passed 4 to 0.**

## DISCUSSION ITEMS

Bike/Ped Committee Project Requests

Bike/Ped Committee Chairman Mike Hoffer gave a presentation of project requests.

## 2 Bicycle/Pedestrian Projects

- Developed over the course of one year minimum
- Unanimously approved by Bike/Ped Committee
- Reviewed and approved by staff/TRC

### Lake Park Blvd - Bike Lane Extension

Carolina Sands Drive - Lake Ave

44 feet wide

Proposal:

- Remove west side parking (7 spots)
  - Re-stripe to add bike lanes
1. Northernmost parking space on east side
  2. 3 parking spaces on west side (to be removed)
  3. 4 parking spaces on west side (to be removed)
  4. Southernmost parking space on east side

\*\* Per Federal Highway Administration vehicle travel lanes should be designed as follows:

25 mph: 10 feet minimum

30-40 mph: 11 feet minimum

> 45 mph: 12 feet minimum

### Lake Park Blvd - Bike Lane Extension

Lake Ave - Woody Hewett Ave

40 feet-32 feet wide

Proposal:

Re-stripe to add bike lanes (no parking spaces on either side of Lake Park)

1. Northbound bike lane ends at Woody Hewett
2. Southbound bike lane starts at Lake

### Lake Park Blvd - Bike Lane Extension

Cost Estimate

Grinding off 2,200 ft of double yellow stripe (\$2.50/Lf): \$5,500

Grinding off 7 parking space lines (\$2.50 / Lf): \$200

Striping 2,200 ft single white line on both sides of the road (\$0.55 / Lf): \$2,420

Striping 2,200 ft of double yellow line (\$0.55 / Lf): \$1,210

Painting 6 bike lane markers (\$150.00 / Ea): \$900

Total: \$10,230

### Island Greenway System Traffic Improvements

Bike/ped routes should have primacy whenever possible and/or reasonable.

1. Remove stop sign from Greenville Ave to allow for right-of-way (5th St only should stop)
2. Add 3-way stop and crosswalk to Greenville & 4th St

3. Remove stop sign from 4th St to allow for right-of-way (Spartanburg Ave only should stop)
4. Remove stop sign from 4th St to allow for right-of-way (Atlanta Ave only should stop)
5. Remove stop sign from Clarendon Ave to allow for right-of-way (6th Street only should stop)
6. Remove stop sign from 8th Street to allow for right-of way (Atlanta Ave only should stop)

Mayor Pierce said this was a great presentation. She said that anytime the Town removes stop signs it becomes a hot topic, so she would like to defer that to Mr. Oakley to take to the Technical Review Committee (TRC) to get input. Mr. Hoffer said the TRC has seen this, but he's fine with a reassessment. Mayor Pierce said before Council votes, she would like to have staff review and a public hearing. Mr. Oakley said he would take the information before the TRC and come back with a recommendation to Council. Mayor Pierce said she would like to move forward with discussing project 1 with the N.C. Department of Transportation (DOT) to see if the Town can do it. Mr. Oakley said staff will do this right away.

Council Member Barbee said the projects sound good to him, but Council needs staff to ensure they won't create a safety hazard.

Mayor Pro Tem Healy said this was a very thorough presentation and that he feels good about it, but it's important to fully go through the process.

### **Update on the Water Study**

Mr. Parvin said the Town has been working with LKC Engineering and Engineering Services for a while on this study, which addresses water quantity and quality needs for the Town as it progresses toward buildout. The presentation was first made during a May 5 workshop via Zoom, but due to audio difficulties with the virtual platform Council wanted to wait for further discussion until it could be delivered in-person.

Adam Kiker of LKC Engineering gave the presentation, which he said covered some of the same topics from May with some tweaks based on feedback.

What is our "why"?

Water quantity challenge

- Historical data, current situation, and future growth
- Peak daily water supply exceeds the 12-hour pumping rate of the supply wells
- Plan for increasing system capacity as system demand grows

Water quality challenge

- Slow degradation in raw water quality from supply wells
- Other systems have experienced similar trends
- Plan for improved levels of treatment over time

Water quantity challenge

Water system peak day supply exceeds 12-hour pumping rates from supply wells

- Consecutive peak days cause operational challenges
- Current available system supply: 1,956,600 gallons/day

Mr. Kiker presented some statistics from 2012 through July 2020. He said they show that during five of the past eight years, there has been at least one day where the Town's system supply has exceeded the 12-hour pumping rate. Mr. Kiker said if this happens once or twice it's not a problem or an emergency, but the Town needs to avoid those numbers becoming more regular and causing frequent stress on the aquifer.

#### Estimated water system growth

Used the Land Use Plan to track projected peak population

2017 data point for peak water supplied vs. peak population

- 123 gallons per day per capita

Land Use Plan uses a 1.36% growth rate for peak population

- 2050 peak population estimate: 26,464 people
- 123 gallons/day/capita: 3,240,000 gallons per day, peak supply

#### Water quality challenges

Raw water quality slowly degrading

- Total dissolved solids
- Hardness

Develop a plan that manages changes in water quality as system demand grows

- Transition to membrane filtration

#### Other challenges

Land availability creates challenges for new water supply infrastructure

Supply wells require a 100-radius circle

- Equivalent of one acre, square

Site for a new treatment facility

#### Alternatives considered

Water quantity improvements

- Construct more storage to buffer peak days
- Add a third filter at the Alabama WTP to increase supply

Water quality improvements: membrane filtration

- 801 Dow Road site
- Cape Fear WTP site
- MOTSU site near the sewer plant

Bulk water purchase from Cape Fear Public Utility Authority

Mayor Pierce asked for clarification about the 810 Dow Road site. Mr. Kiker said the site is not large enough to accommodate all necessary infrastructure. He moved ahead to a slide showing the reasons it is not a good option.

#### 810 Dow Road site

- Site is too crowded
- Does not meet property line setback requirements
- No room for parking
- Maintenance activities would require road closure
- Process units are separate due to existing telecom utilities

Council Member Shuttleworth said he was confused because in the past, Town staff had made presentations that showed the Town could put a water treatment facility on this site and there was room for everything needed with existing tanks. He said now the presentation was showing components that were never expressed to Council before. Mr. Kiker said the site is not big enough. Mayor Pierce said this was also news to her after the Town had spent \$500,000 on the property. Mark Meyer, Public Utilities Director for the Town, said he doesn't think staff was previously looking as far ahead as they are now. Council Member Shuttleworth said they were looking far ahead in the past and were referencing a 30-year buildout.

Mr. Kiker said the study shows the water plant fits best on the MOTSU site. He said the WTP site can work, but it would be more expensive. Council Member Shuttleworth said Council agrees with this but that the Town isn't able to put anything on the MOTSU site. Mayor Pro Tem Healy asked if there would be enough room on the Dow site if the Town eliminated a building. Mr. Kiker said he doesn't believe the building has a lot of value, but this can be explored further.

#### Phased Approach

##### Phase 1

- Install a third filter at the Alabama WTP site with new wells
- Construct a new 1,000,000-gallon storage tank and pump station on MOTSU near the sewer plant (future membrane plant site)
- Begin the NPDES discharge permit process for Phase 2

Preliminary budget: \$7,714,000

- Increases available supply by approximately 500,000 gallons per day
- Added storage provides a buffer for consecutive peak days in the near term
- Infrastructure will be used in Phase 2

##### Phase 2

- Construct a membrane treatment facility on MOTSU property (near the sewer plant) with one 0.875-mgd treatment skid
- New higher-yield supply wells
- Redirect Cape Fear WTP flow to membrane plant

Preliminary budget: \$14,553,000

- Adds 1,000,000 gallons per day capacity initially
- Plant site sized for 3.5-mgd buildout capacity



- Add membrane trains in the future as needed
- Cape Fear WTP site can be reprogrammed for other Town use

Total for both phases: \$22,267,000

#### Recommended schedule

##### Phase 1

Start design, funding, land acquisition: 2020

Begin construction: 2022

Phase 1 completion: 2023

##### Phase 2

Discharge permit acquisition: 2021-2023

Start design and funding: 2023

Begin construction: 2026

Phase 2 completion: 2027

Council Member Shuttleworth said the Town floated a \$30 million bond for utilities and has raised rates consistently yet still needs to do more just to make payments. He said to complete everything on the above schedule, this would involve more rate increases every year for the next seven to eight years. Mayor Pierce said she doesn't think the Town can do this because it would not be affordable to businesses and residents.

Mayor Pro Tem Healy asked if it would be possible to find the money someplace else instead of raising utility rates. Council Member Shuttleworth said generally government gets money from property taxes, utility rates, and parking fees. Council member Barbee said property tax rates are low, which could be an option. He said at some point the Town has to make this investment, but he is not sure when. Council Member Shuttleworth said the plan is solid, but the big questions are how and when do you pay for it and when do you get to a point where there's no choice? He said these questions need to be posed to the community. Council Member Barbee said the Town has to get people to understand the need. Mr. Kiker said doing Phase 1 would buy some more time.

Regarding the MOTSU site, Mr. Parvin said discussions are ongoing, but everything got put on hold. Mayor Pierce said it would be a good idea to present the study to make the Town's case for using the property because there hasn't been any information that showed the urgency until now. Mr. Parvin said MOTSU is requiring four quarters of good environmental reports from the Town, and the Town is just now in the process of submitting the first quarter.

Council Member Shuttleworth said he had to leave soon for another meeting, but he thought this was a good time to bring up a related non-agenda item. He said he would like to get Town staff to put out an RFP for dredging the lake so Council can get bids to find out what the number is to ship it off the island and see what contractors can come up with in terms of a creative way and place to get rid of the material.

Mr. Kiker said if MOTSU is off the table, it does shift the Town into different options. He said the Cape Fear site can be used and repurposed, and after that the Town is looking at other vacant property, which is scarce.

Mr. Oakley asked Council Member Shuttleworth if he would like the RFP to include dredge and disposal. He said yes.

Council Member Shuttleworth left the meeting at 11:30 a.m.

### **Manager's Update**

Town Manager Bruce Oakley and staff members discussed the following topics:

- Hamlet Bathrooms/Lifeguard Station  
Mr. Parvin said WIMCO has received bids from subcontractors and is putting together the final pricing, and Town staff will meet to review pricing tomorrow. Construction is planned to start in early October and will be completed in spring 2021.

Mayor Pierce asked if the Town is taking out a loan or using room occupancy tax (ROT) funds for the project. She said it might be a good idea to consider ROT funds because that money was not spent over the summer. Mr. Parvin said the staff had talked about using ROT funds, and historically the Town has been able to use them on such a project.

- Hurricane Isaias Expenses  
Mr. Oakley said vegetative debris pickup ends tomorrow, with over 25,000 cubic yards picked up. He said there is a budget amendment for storm-related expenses that adds an additional \$445,000 to the emergency budget of \$25,000 that was approved before the storm. Mr. Oakley said most of that money goes toward vegetative debris pickup, a FEMA-related expense, and that reimbursement will be requested from the State.

**ACTION:** Motion to approve Ordinance #20-1144, an ordinance to amend the General Fund budget creating a budget appropriation for Hurricane Isaias

Motion: Council Member Barbee

Vote: 3-0

- Dow Road Speed Limit  
Mr. Oakley said the DOT is willing to approve speed limit changes if the Town is willing to enforce it. He presented two options: Dow Road all the way to 45 mph and Ocean Boulevard to 25 mph or Dow all the way to 45 mph and Ocean Boulevard to 35 mph. Mr. Oakley said he would prepare a resolution for the next meeting to submit to the DOT for consideration.

Mayor Pro Tem Healy said he would like to see the speed limit even lower some parts of Dow Road. Mayor Pierce said the DOT is likely to approve more uniform changes. Council Member Barbee stressed the importance of enforcement along with the speed limit reduction because people don't always follow signs. Mayor Pierce suggested also using the monitoring stations that read the speed of cars as they pass. She said the Town should ask for permission to do this. Council Member Barbee said the Town needs to try again to get a turn lane for the Carolina Beach State Park.

- Town Marina-Golden LEAF/FEMA Appeal  
Mr. Oakley gave a timeline for the project.

Final design: February 2021  
 Construction drawings/bidding: May 2021  
 Mobilization/kickoff: July 2021

- Shell Building Demo  
 Mr. Oakley said Hurricane Isaias further damaged this building, and the Town would like to start moving forward with removal with Council's consent. Council consensus was to move forward with removal.
- Open Houses at Lake Park  
 Mr. Parvin gave an update on the two open houses held at Carolina Beach Lake Park on August 20.

For the Land Use Plan, the following feedback was noted during the session: Relocate the red dash line for the ped/bike path from 107 South Lake Park Boulevard; remove the red dash line for a specific location for interconnectivity; leave land classification as is to match existing zoning between Carolina Beach Avenue South and South Lake Park Boulevard.

Regarding the habitat enhancement project, Mr. Parvin reviewed the questions and answers that were presented at the session, including information about maintenance that will fall to the Town. Mayor Pierce asked how much this maintenance will cost the Town. Council Member Barbee said a key part of the previous presentation to Council about the project was that it would not cost the Town anything. Mayor Pierce said the cost to run irrigation would be minimal, but hiring a landscape company would not be cheap. Mr. Parvin said there would be some additional costs to the Town, and staff will bring numbers back at a later time.

- Efficiency Study  
 Mr. Oakley said this is in progress with the consultant on site generating some good discussion. He said plans are for Council to see a presentation of the findings at the October meeting.

Mayor Pierce said she would like to see a component for citizen feedback. Mr. Oakley said he will work with the consultant to put a link on the Town website for this.

#### **NON-AGENDA ITEMS**

Mayor Pro Tem Healy gave an update on the mural project. He said current plans call for it to go outside Town Hall behind the ATM and be a smaller size than previously discussed. The project is not part of a Town committee and is fully funded by donations. Mayor Pierce asked Mayor Pro Tem Healy to look into modeling a project she saw in Oak Island in which public bathrooms were painted with murals. She said she'd like to see that done to the white cinderblock building housing the Boardwalk bathrooms by next spring if possible.

Mayor Pro Tem Healy asked about committees. Ms. Ward said one committee has met virtually, so other committees may try that if they wish. Plans are for Council to vote to appoint members in September to all committee seats that expired on June 30. Council Member Barbee said the committees need to consider virtual options. Mayor Pierce said she thinks it is fine for all

committees to start meeting again, but she doesn't think it has to be in-person.

Mayor Pro Tem Healy said he wanted to recommend a project for the Operations Advisory Committee. He said there are streets in dire need of being trimmed back, so it would be good for someone to check intersections to ensure you can see both ways. He specifically mentioned 6th Street and Atlanta Avenue as well as Charlotte Avenue and Dow Road as problem areas.

Mayor Pierce asked if the Town ever budgeted money for the bathroom that was supposed to be built in front of Fork n Cork. Staff said no, that project is not in the budget and is on hold right now. She also asked if there were any plans to widen Goldsboro Avenue because she had heard of someone saying this. Staff said no, the Town is not widening this street.

Council Member Barbee said he wanted to bring up an issue regarding the Hamlet construction. He said when the Town shut down that parking lot due to COVID-19, a lot of residents were upset because they said they buy annual passes so they can park in that lot while at their residences. Council Member Barbee said he isn't sure how to solve this, but he doesn't think the intent of Town parking passes is to subsidize residential parking. He said this should be considered when reviewing parking regulations for 2020-2021.

Mayor Pierce asked how the Town is doing on parking revenue. Mr. Oakley said things are going pretty well after rebounding following the spring shutdowns.

#### **ADJOURNMENT**

Mayor Pierce made a motion to adjourn at 12:15 p.m. Motion passed 3-0.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, September 08, 2020 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC




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## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM. She recognized former Carolina Beach Mayor Bob Lewis in the audience.

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

Council Member JoDan Garza

Council Member Steve Shuttleworth

### ALSO PRESENT

Town Manager Bruce Oakley

Town Clerk Kim Ward

Town Attorney Noel Fox

### INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pierce gave the invocation, followed by the Pledge of Allegiance.

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

### CONSENT AGENDA

1. Set a Public Hearing for October 13, 2020, to consider a Conditional Use Permit for a Day Care Facility located at 105 S. Dow Road. Applicant: Seaside Chapel
2. Set a Public Hearing for October 13, 2020, to Consider a Text Amendment to Article III & XVIII to prohibit Floating Structures in public trust waters. Applicant: Town of Carolina Beach
3. Approval of Meeting Minutes from 7/28, 8/11, and 8/20

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

### SPECIAL PRESENTATIONS

4. WMPO Presentation

Abby Lorenzo, Senior Transportation Planner for the Wilmington Urban Area Metropolitan Planning Organization, presented the highlights of the Cape Fear Moving Forward 2045 Metropolitan Transportation Plan that is scheduled to be adopted at the October WMPO Board meeting

## Cape Fear Moving Forward 2045 Metropolitan Transportation Plan

### Presentation Overview

- About the WMPO and its requirements
- The plan development process
- The final plan
- How to support the plan

### About the Wilmington Urban Area Metropolitan Planning Organization (WMPO)

- Formed in 1978
- Approximately 280,000 in population
- 494 square miles
- 13-member Board includes representative from each member jurisdiction (2 from Wilmington), the Cape Fear Public Transportation Authority, and NCDOT Board of Transportation

### Responsibilities of the WMPO

- Federally required to provide regional transportation planning utilizing a continuing, cooperative, and comprehensive (3Cs) process which serves as the basis of the expenditure of federal transportation funding
- Update and maintain the metropolitan transportation plan every 5 years
- Prepare an annual work plan (UPWP)
- Assist in the prioritization of transportation projects for the development of the STIP/MPO TIP
- Coordinate the activities of the WMPO Board and TCC

### Metropolitan Transportation Plans

#### Federally required to:

- Provide a regional multi-modal transportation needs analysis
- Consider regional demographics and land use
- Public involvement
- 20-year minimum planning horizon
- Fiscally constrained
- Serves as the basis for MPO TIP/STIP

### Plan Development Process

The WMPO's MTP development process began in December 2017 with the appointment of a Citizen Advisory Committee by the Board. A 4-month public involvement and outreach period was held, offering a mapping tool and transportation survey to gather public opinion. The plan development process included work with subject matter experts, analysis of existing conditions and future innovative technologies, and the preparation of a financial forecast.

## New Requirements and Considerations

- FAST Act requirements
  - Additional planning factors
  - Inclusion of Inter-city transit providers and tourism
- Performance-based approach
- Innovative technologies
- Resiliency
- Environmental Justice

## Public Participation

Public outreach phase 1 was held for four months. Two tools were developed to solicit comments and feedback on what citizens of the region wished to see in their transportation system in the future. There were 2,287 public survey responses, 4,554 votes on map comments, and 563 unique public comments on the interactive map.

## Modal Elements Development

Modal subcommittees were comprised of subject matter experts that were tasked with developing modal goals and objectives that laid the groundwork for project scoring criteria and modal policies. Regionally critical project lists were developed from a compilation of project suggestions from public comment, member jurisdictions, and WMPO adopted plans. The combination of scoring criteria and regionally significant project lists allowed for a ranked project list to be developed.

## Financial Forecast Development

While the modal subcommittees developed the modal elements, the development of a financial forecast was ongoing. FHWA required the forecast to be realistic and based on historical funding sources.

## Fiscally Constraining the Plan

- Step 1: Develop comprehensive mode-specific project list.
- Step 2: Reduce list by applying base scenario projected funding.
- Step 3: Increase list by adding alternative funding.

## Alternative Funding Sources

- A funding gap of \$7 billion was identified based on identified regional project needs and forecasted funding
- Alternative funding sources utilized in North Carolina and other parts of the U.S. were researched, including taxes, fees, grants, and bonds
- Alternative funding sources explored by the Board:
  - Quarter-Cent Sales Tax
  - Quarter-Cent Sales Tax for Transit
  - Motor Vehicle License Tax
  - Motor Vehicle License Tax for Transit
  - Vehicle Registration Fee
  - Vehicle Rental Tax
  - Bicycle Registration Fee

- Transportation Bonds
- Tolling
- The Board supported the tolling of Cape Fear Crossing, allowing for the forecasted toll revenues to be utilized for fiscally constraining a portion of the project in the plan

#### TDM Strategies

Other opportunities to address the large gap in future funding verses needs include TDM and TSMO strategies. Transportation Demand Management is the deployment of strategies to reduce congestion by the redistribution of trips over space and time. Strategies recommended and encouraged by the plan include telecommuting, carpool/vanpool, and employer shuttles. The plan identifies 17 strategies, with different timeframes and difficulty to implement.

#### TSMO Strategies

Transportation Systems Management and Operations strategies are strategies to optimize the performance of the existing transportation network. The plan recommends and supports the implementation of 13 strategies.

#### Public Review of the Draft Plan

Staff compiled the numerous developed sections of the plan to produce a draft. The draft plan was released for public review and comment on February 26. Two in-person regional open houses were held in early March in Hampstead and Leland. Due to COVID-19 restrictions, the remaining 3 were canceled and the outreach period was extended until May 15. Three additional virtual open houses were held in early July. Of the comments received, 113 were addressed by staff, and 3 resulted in Board-approved changes to the plan.

#### Final Plan Outcomes

Number of fiscally constrained projects by mode:

- 91 public transportation
- 82 bicycle and pedestrian
- 79 roadway
- 28 aviation
- 10 ferry and water transportation
- 7 freight and freight rail

#### Your Role in Supporting the Plan

- Consider during development review, CIP planning, and local plan development
- Promote WMPO initiatives
- Participate in all efforts to develop the 2050 plan

5. Events - Request for discounted Freeman Park daily passes by the Pleasure Island Surf Fishing Challenge Group

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, presented several events requests.



The Pleasure Island Fall Surf Fishing Challenge will be October 16-18, 2020. Last year, Lanier Parking provided this event with a set number of passes for Friday-Saturday (1:00 PM -1:00 PM) and 50 day passes for Saturday-Sunday (1:00 PM-1:00 PM). Following the event, they returned the unused day passes to Lanier, along with payment for all the passes sold. The Pleasure Island Fall Surf Fishing Challenge group is requesting Council approval for the same number of passes this year at the same discounted rate of 50 percent off. This could previously be done at the Town Manager's discretion, but due to an ordinance change it must now be approved by Council. Event liaison Gary Hurley from Fisherman's Post also spoke briefly.

**ACTION:** Motion to give the Town Manager discretion as he sees fit with a strong emphasis that he continue to do what they have done in the past for the Surf Fishing Tournament

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

6. Events - Request to approve Trash to Treasure Event at CB Lake Park

The Pleasure Island Chamber of Commerce submitted an application for an event featuring a large one-day yard sale on November 7, 2020, at Carolina Beach Lake. The event will be similar to the Carolina Beach Market. Greg Reynolds of the Chamber said a pet-related event was originally planned for this time frame, but after the pandemic the organization began looking for something that would be more compatible with COVID-19 restrictions and guidelines. He said if it works well, it will become an annual event.

**ACTION:** Motion to approve the Pleasure Island Chamber of Commerce Trash to Treasure Event at Carolina Beach Lake

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

7. Events - Island Men Golf Cart Rally and Fundraiser 10/24/20

The Island Men group has submitted a special event application for a Golf Cart Rally and Fundraiser on October 24 that would consist of a parade of decorated golf carts driving through an established route and ultimately being judged by a panel just outside the Boardwalk Gazebo. After the parade, plans call for everyone to disperse into restaurants or retailers for an evening out. Roy Lee Carter and Bob Lewis from Island Men gave a presentation about the group's background, mission, budget, and charitable endeavors as well as an overview of the event.

**ACTION:** Motion to approve the Island Men Golf Cart Rally and Fundraiser on October 24, 2020

Motion made by Council Member Garza

Voting Yea: UNANIMOUS

Mr. Murphy said the Rec Center has opened to members only with capacity limits. Council Member Garza asked if it would be possible to add a computer terminal inside to encourage those who have not yet responded to the Census to do so. Mr. Murphy said there has already been discussion about setting up a tent outside but added that an indoor terminal could also be considered.

## 8. Manager's Update

Mr. Oakley updated Council on current and future projects. He said the efficiency study is wrapping up after the organization handling it had been on site for a couple of weeks. He said a report should be available in the next few weeks.

Mr. Oakley said the search for Police Chief Chris Spivey's replacement would enter the recruitment phase this week, and the next steps would be narrowing down candidates and interviews.

Mayor Pro Tem Healy asked if the efficiency study report will be a public document. Mr. Oakley said yes.

Council Member Barbee asked about lake dredge progress. Mr. Oakley said he has talked to two engineers, and an RFP would be going out soon.

Council Member Barbee said a resident had mentioned to him that the sign for Mike Chappell Park had been damaged. Assistant Town Manager Ed Parvin said he was not aware of this and that staff would look into it.

### **PUBLIC COMMENT**

Council Member Barbee read a letter he received from Chuck and Cindy Dunn, who offered support for proposed speed limit reductions and mentioned the idea of adding "park ahead" signs north and south of Mike Chappell Park on Dow Road.

Mayor Pierce read a letter she received from Valerie and Paul Brockman of 206 Ocean Boulevard, who expressed safety concerns about pedestrians along Ocean Boulevard. They offered support for proposed speed limit reductions and mentioned the need for a sidewalk and bike lane with a crosswalk at Lake Park Boulevard. Mayor Pierce said a multi-use path on Ocean Boulevard is on the Bike/Pedestrian Plan, and the Town is still awaiting NCDOT approval and funding.

### **PUBLIC HEARINGS**

#### 9. Consider adopting the 2020 CAMA Land Use Plan Update (LUP)

**ACTION:** Motion to open the public hearing

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

Planning Director Jeremy Hardison gave a rundown of the process and timeline for coming up with the Land Use Plan update. The most recent step was a public open house on August 20 at Carolina Beach Lake Park. Mr. Hardison said once Council adopts the update, the plan will then go to the N.C. Division of Coastal Management for certification by the Coastal Resources Commission, which could happen within three to four weeks.

**ACTION:** Motion to open public comment

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

No one asked to speak, so Mayor Pierce closed public comment.

**ACTION:** Motion to adopt Resolution 20-2232 to adopt the 2020 CAMA Land Use Plan

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

Council Member Garza asked staff to send a note of thanks to the committee for their long-term commitment to the project.

**ITEMS OF BUSINESS**

## 10. Approve the preliminary plat approval for Hidden Hills Phase II Subdivision

Mr. Hardison presented an overview of the request. The applicant, Ann Freeman, is requesting preliminary plat approval for Hidden Hills Phase II Subdivision located on the west side of St. Joseph Street, east of Portside Village. Hidden Hills Subdivision has an approximate total area of 13 acres. 6.4 acres were approved for 10 lots in 2005. Two of the lots have been combined for a total of 9 lots. Seven of the lots have been developed. Phase II will consist of 6 lots for a total of 15 lots for the subdivision. The lots will be between 23,000-73,000 sq. ft. There is an existing access (Hidden Hills Drive) to the subdivision to St. Joseph Street and with a 42' private right-of-way. The applicant proposes to extend the existing 42' Oak Outlook Way right-of-way 225' to the south. The pavement will match the existing width of 22'. There will be a 40' x 120' hammerhead at the end of Oak Outlook Way for turnaround access. A small portion of the proposed lots is in a flood zone and wetlands, but the structures will be located on high ground and no wetland disturbance will occur. There are two existing fire hydrants to service the subdivision. Water and sewer will be extended to service the lots. An additional light pole will be added and street trees for every 50' of lot frontage. Existing vegetation can be used and is encouraged. Sidewalks were not required for Phase I, and none are being proposed for Phase II. Single-family dwellings are permitted by right in the R-2 zoning district. The minimum lot size is 7,000 square feet, and setbacks for structures in this district are 25 feet from the front, 10 feet off the rear, and 7.5 feet from the side yard, except on corner lots where 12.5 feet will be required. Maximum height for structures is 50 feet for this district. The maximum lot coverage per lot will not exceed 40 percent and is within the allowable density for the R-2 zone.

Planning and Zoning Commission recommended approval of the Hidden Hills phase II preliminary subdivision with staff recommendation.

Planning staff recommends approval of this preliminary plat subject to the following conditions. Final plat may not be submitted for approval until all conditions, revisions, changes, and submissions are made:

1. Approval letter from the Division of Water Quality for Stormwater Control.
2. Approval letter from the Division of Land Quality for Sedimentation and Erosion Control.

3. Street trees shall be installed according to preliminary plat submittal. Existing vegetation can be used for this requirement.
4. The accurate locations and descriptions of all monuments, markers, and control points.
5. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer.
6. Section 12-130 (Planning and Zoning Commission may require the subdivider to construct a concrete sidewalk on one (1) side of all frontage streets and on one (1) or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Planning and Zoning Commission).
7. Lot coverage for any lot located within the subdivision shall not exceed 40 percent maximum lot coverage.
8. Designate on plan location of all open space, recreation area, and stormwater pond and designate ownership.
9. Grading, surfacing, curb, and gutters, sidewalks, street lighting, street trees, sewage disposal facilities, stormwater drainage facilities, and other utilities shall be installed and certified by a surveyor and/or engineer or Performance Guarantee provided prior to recordation of the final plat.
10. Planning and Zoning Commission may recommend a street stubout for Oak Outlook Way extension to the adjacent south parcel.
11. Any wetlands disturbance shall receive Army Corps of Engineer approval.

**ACTION:** Motion to approve the preliminary plat approval for Hidden Hills Phase II subdivision  
 Motion made by Council Member Shuttleworth  
 Voting Yea: UNANIMOUS

11. Adopt a resolution to decrease the speed limit on Dow Rd and Ocean Blvd. Applicant: Town of Carolina Beach

Mr. Parvin presented the details of the proposed speed limit reductions. He said NCDOT has stated they are in favor of the reductions if the Town agrees to enforce them. The resolution calls for the reduction in the speed limit on Dow Road between Tarboro Avenue and Ocean Boulevard from 55 mph to 45 mph and on Ocean Boulevard between Dow Road and Spot Lane from 45 mph to 35 mph.

Mayor Pro Tem Healy said he supports the reductions but does not feel they address the safety issue at the crosswalk at Dow Road and Harper Avenue. Council Member Garza suggested adding speed monitoring stations on each side of the crosswalk. Mayor Pierce asked staff to ask for permission to do that as well as add "crosswalk ahead" signs and "park ahead" signs near Mike Chappell Park.

Council Member Shuttleworth asked if the Town of Kure Beach had given any input to the speed limit reductions. Council Member Barbee said they are aware of the intent, but there was some confusion about the details that had to be straightened out.

Council Member Barbee asked how the public would be informed of the speed limit change. Police Chief Spivey said there would be flags on the new speed limit signs for a month or two, and law

enforcement would be practicing education via warnings during a period of learning from six to eight weeks. Mayor Pierce said the intent is not to create a speed trap or write more tickets.

**ACTION:** Motion to adopt Resolution 20-2231 supporting the reduction of the speed limit on Dow Road between Tarboro Avenue and Ocean Boulevard from 55 mph to 45 mph and on Ocean Boulevard between Dow Road and Spot Lane from 45 mph to 35 mph

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS

## 12. Discussion of Town Mural Design

Mayor Pro Tem Healy said the postcard-type mural would now be 8 by 16, reduced from the previous plan of 16 by 32. He said it will take three weeks to paint, and two builders are doing the installation with maintenance already paid for via private funding. He said 43 residents have signed up to help paint and that he considers it a great community project.

Council Member Barbee asked if there is a rendering of the images that will be on the mural. Mayor Pro Tem Healy said there is not one at this time. Council Member Garza said he has heard that some people are opposed to this, and he wants everyone to be aware that the mural might need to be upgraded every four to five years. Mayor Pro Tem Healy said the mural can be easily taken down at any time if it becomes a problem. Mayor Pierce asked that Mr. Oakley be kept informed of the mural progress so he can see what it looks like as it progresses to ensure the ethnicities of the people portrayed are representative of something that is going on Town property.

Council Member Shuttleworth said he is in favor of murals on private property but is worried that a mural with images of people on public property could pose conflict. He said because of this, he cannot support the project. He said he would be in favor of something that had a text-only message such as "Welcome to Carolina Beach."

Mayor Pierce said she is willing to give the project a shot but wants to emphasize that the mural might need to be moved if it becomes a problem.

**ACTION:** Motion to approve the mural in front of Town Hall

Motion made by Mayor Pro Tem Healy

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, and Council Member Garza

Voting Nay: Council Member Shuttleworth

(Motion passes 4-1)

## 13. Committee Appointments

Council made the following committee appointments via written ballot:

- Bike/Ped – Ricky Niec
- Board of Adjustment – Reappoint Wayne Hartsell and Patrick Boykin
- Freeman Park – Reappoint Alex Torres and new appointment Christina Lopez
- Marketing – Reappoint Brad Bradley and Tom Ulring

- Parks and Rec – Reappoint Duke Hagestrom and Alex Torres and new appointments Danielle Kurtz and Maureen Lewis
- Planning and Zoning – Reappoint Debra LeCompte and Wayne Rouse and new appointments Ethan Crouch and Todd Piper
- Police Advisory – New appointments George Acker, Amanda Amyot, Joe Benson, and Arthur Hughes
- Operations Advisory – Scott Cornelison

All standing committee appointments will serve 3-year terms.

Mr. Oakley said COVID-19 guidelines will now allow committees to meet in person, but they can also continue to meet virtually if they choose.

Mr. Parvin said because the Planning and Zoning Commission meets this week, he would like to keep the current board in place until October so the new members can undergo some training.

Council Member Barbee encouraged those who applied but were not appointed to show up and participate in the committee meetings because they are all very open to public input.

Mayor Pierce asked Ms. Ward to poll committee chairmen to find out whether they want to meet in person or virtually.

#### **NON-AGENDA ITEMS**

Council Member Barbee asked if two golf carts are allowed in one parking spot. Mr. Parvin said some spots are already marked off to contain two golf carts, and others would be fine if one golf cart is not blocking the other without the other's knowledge. Council Member Garza asked staff to be sure Lanier Parking is on the same page so there are no tickets written for this.

Mayor Pro Tem Healy mentioned the possibility of the Town losing wheelchair access mats due to turtle nesting concerns from the N.C. Wildlife Resources Commission. He urged everyone to reach out to State representatives to ask them to allow the mats to continue to provide beach access for handicapped individuals. Council Member Shuttleworth said he also wanted to ask people to reach out and ask that the mats be permitted.

Mayor Pro Tem Healy said he liked Council Member Garza's earlier suggestion to put a Census terminal at the Rec Center. Council Member Shuttleworth said even though he completed the Census for his household months ago, he has had two Census workers show up at his house and received six subsequent cards in the mail.

Mayor Pro Tem Healy said a resident had asked him about whether there were any recent efforts to eliminate plastic bags within the Town. Ms. Fox said this is at a standstill because there is no enabling legislation. Council Member Shuttleworth brought up the Town smoking ban, and Ms. Fox said there is also no enabling legislation for this matter but that once the State grants that then the Town is ready to make that happen. Council Member Garza suggested the Town take steps to get ahead of the game with the plastic bag ban as well. Mayor Pierce asked if New Hanover County had passed a smoking ban

on public property, an issue the County recently discussed. Ms. Fox said no because that issue had to go back to the Board of Health. Mayor Pierce asked if that were to be approved if it would affect the Town, and Ms. Fox said the way it was drafted would affect the Town, which was part of the problem that resulted in it going back to the Board of Health. Mayor Pierce asked staff to keep their eyes on that matter.

Council Member Shuttleworth said the U.S. Army Corps of Engineers has been working on realignment of the Carolina Beach Inlet channel and that nature has set the course for that with movement to the south. He said this is a good thing that will result in easier dredging.

Mayor Pro Tem Healy thanked the Police Department for how they handled a recent hostage situation within the Town. Mayor Pierce thanked Police Chief Spivey for keeping the Town safe.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn at 8:00 PM

Motion made by Mayor Pierce

Voting Yea: UNANIMOUS



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council – 10/13/2020

**SUBJECT:** Special Events

---

**BACKGROUND:**

The movie studio is requesting to film between October 19 – 26, 2020.

**ACTION REQUESTED:**

Consider approving the filming event.





# Special Events

## OCTOBER/NOVEMBER

# FILMING PROPOSAL

Presenter – Kale Murphy

Starz P-Town Productions LLC

Areas Requested : Front of Town Hall, Council Chambers, Rec Center

Proposed Shoot Date: Friday, October 23<sup>rd</sup> 7AM-2AM

Prep: Monday, October 19<sup>th</sup> - Thursday, October 22<sup>nd</sup> 8AM-5:30PM

Wrap: Saturday, October 24<sup>th</sup> – Monday, October 26<sup>th</sup> 8AM-5:30PM

Action Needed: Council Approval

**Town Of Carolina Beach –  
Town Hall and Rec Center**  
1121 N Lake Park Blvd,  
Carolina Beach, NC 28428

-  Desired Filming Location #1 – Front Parking lot of Town Hall
-  Desired Filming location #2 – Town Hall Chambers
-  Desired Filming Location #3 - A room inside the Rec Center
-  We would like to have control of the front parking lot while filming This scene with Officer support.
-  We would like to park our equipment trucks here for filming all three scenes.
-  NO FILM CREW. Town Hall parking only
-  Generator Placement
-  Crew Parking/Base Camp



# Upcoming Events

- Surf Fishing Tournament sponsored by Fisherman’s Post 10/16 through 10/18
- Golf Cart Rally Sponsored by Island Men 10/24
- Trash to Treasure at Carolina Beach Lake Park 11/7



# QUESTIONS?

Tim Murphy

Recreation Programs Superintendent/Community Events Coordinator

[tim.murphy@carolinabeach.org](mailto:tim.murphy@carolinabeach.org)

910.707.2064



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council – October 13, 2020

**SUBJECT:** Manager’s Update

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**BACKGROUND:**

Town Manager Bruce Oakley will update Council on current and future projects.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 13 OCT 2020

**SUBJECT:** Consider a Conditional Use Permit to approve the operation of day care facilities at 105 Dow Road (PIN - 3130-15-3639)

Applicant: Seaside Chapel

### **BACKGROUND:**

The applicant, Seaside Chapel, is requesting a Conditional Use Permit (CUP) to operate day care facilities at their current facility located at 105 Dow Road. The parcel is zoned R-3 which allows day care facilities with a CUP.

The property was originally organized under a 2005 CUP. This controls the current the site plan and associated landscaping. Seaside Chapel is only proposing one improvement on the site; the addition of a fenced playground area. Staff is requiring additional landscaping to be placed on the north side of this proposed addition to enhance landscape buffers to the adjacent neighbors on 8<sup>th</sup> street where the proposed playground area will be located.

**Specific standards.** No *conditional use* shall be granted by *town council* unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - Ingress and egress will remain via Charlotte Avenue
  - The design will accommodate 2-way traffic and sufficient parking, extra is available on other locations on site
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
  - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
  - Trash service will not be changed
- (4) Utilities, with reference to locations, availability, and compatibility;
  - Utilities will not be changed
- (5) Screening and buffering with reference to type, dimensions, and character;

- Additional landscaping is being required on the north side of the proposed fenced playground area
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - Signage is proposed at this time and all signage will have to meet standard zoning requirements for approval
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
  - There is no required yard or open space beyond general zoning standards which are all met in the original 2005 CUP for this property

**General conditions.**

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
  - The density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements
- (2) That the use meets all required conditions and specifications;
  - The proposed CUP meets all required conditions.
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
  - The proposed structure/use will conform with the neighboring properties
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
  - The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around 3.5 units per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited.

**ACTION REQUESTED:**

Staff recommends the approval of the CUP for day care facilities at 105 Dow Road, Seaside Chapel

**RECOMMENDED MOTION:**

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
  - Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;



- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.



Conditional Use Permit  
TOWN OF CAROLINA BEACH, N.C.

TRC - 8/1/20  
Item 10.

RECEIVED  
AUG - 4 2020

Permit Number: 20-004

Each application must be printed or typewritten and have all information answered. **It is required that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another firm, or corporate entity that is the applicant/owner of record.


The Planning Department, Planning and Zoning Commission and/or Town Council reserves the right to require additional information if needed to assure that the use in its proposed location will meet the be developed in accordance with the Code of Ordinances of the Town of Carolina Beach.

Major and minor projects; application fees. The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town's adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either "major" or "minor", depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as "major", while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as "minor".

Major Conditional Use Permit = \$ 800.00  
Minor Conditional Use Permit = \$ 350.00

\*\*Fees are nonrefundable after item has been sent for advertisement\*\*

This permit will be scheduled for the next possible Technical Review Committee.

 <b>2020 Submission Deadlines &amp; Meeting Dates</b>					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 6	Jan 21	Jan 30	Feb 13	Feb 25	Mar 10
Feb 4	Feb 18	Feb 27	Mar 12	Mar 31	Apr 14
Mar 2	Mar 16	Mar 26	Apr 9	April 28	May 12
Apr 6	Apr 20	Apr 30	May 14	May 26	June 9
May 4	May 18	May 28	June 11	June 30	July 14
June 1	June 15	June 25	July 9	July 28	Aug 11
July 6	July 20	July 30	Aug 13	Aug 25	Sept 8
Aug 3	Aug 17	Aug 27	Sept 10	Sept 29	Oct 13
Sept 7	Sept 21	Sept 24	Oct 8	Oct 27	Nov 10
Oct 5	Oct 19	Oct 29	Nov 12	Nov 24	Dec 8
Nov 2	Nov 16	Nov 26	Dec 10	Dec 29	Jan 12, 2021
Dec 7	Dec 21	Dec 30	Jan 14, 2021	FEB '21	FEB '21
Jan 4, 2021	Jan 19, 2021	JAN/FEB 2021	FEB '21	MARCH '21	MARCH '21
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin		
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette		
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette		

**PURPOSE**

Conditional use permits add flexibility to the zoning regulations. Subject to high standards of planning and design, certain property uses may be allowed in certain districts where these uses would not otherwise be acceptable. By means of controls exercised through the conditional use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

Please complete all sections of the application.

### A. Property Information

Address(es): 105 Dow Rd. Carolina Beach, NC 28428

PIN(s): 3130-15-3639.0000

Project Name Seaside Chapel

Size of lot(s): 2.52 acres (250' x 450')

### B. Application for Conditional Use Permit

Application is hereby made for a Conditional Use Permit for use of the property described above as a (please provide a brief description of the use):

Child care Facility - to provide childcare for surrounding  
communities, using current pre-existing buildings on property

### C. Applicant Contact Information

Seaside Chapel  
Company/corporate Name (if applicable):

Dana Vess  
Applicant's Name

100 S. 8<sup>th</sup> St.  
Mailing Address

Carolina Beach NC 28428  
City, State, and Zip Code

(828) 429-8407  
Telephone

dनावess1@yahoo.com  
Email

### D. Owner Contact Information (if different)

Seaside Chapel Independent Church  
Owner's Name

P.O. Box 451  
Mailing Address

Carolina Beach, NC 28428  
City, State, and Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

General conditions. Council, when granting a conditional use permit, shall find that all four of the following factors found in Chapter 40 Article XI exist. In the spaces provided below, indicate the facts and arguments that prove you meet the following conditions:

- 1. Indicate how the proposed CUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

The proposed location is already developed. A portion of an established church will be used. Buildings, parking lot and established traffic patterns in and out of the parking lot already exist and will present no safety or health issues.

- 2. Indicate if the proposed Conditional Use Permit meets all required conditions and specifications or if any waivers are requested:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 3. Indicate how the proposed Conditional Use Permit will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity:

As mentioned above, Seaside Chapel has been established for many years. The church currently occupies an entire city block. It is our goal to provide a service for the community by providing additional resources for an after school program. Due to the current pandemic many parents are in need of a structured program so they may continue to work. We see this as a benefit for the community.

- 4. Indicate that the location and use of the proposed Conditional Use Permit, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the Town of Carolina Beach's Land Use Plan and policies.:

The After school program will occupy a portion of the first floor of Seaside Chapel's Family Life Center. The program is designed to provide care for 25 school age children. It will not interfere with any harmony within the community and will conform to all Town plans and policies

*Specific standards.* No conditional use shall be granted by Town Council unless the following provisions and arrangements where applicable, have been made to the satisfaction of the council.

1. Indicate how the Ingress and egress to the property and proposed structures in reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:

Traffic flow will enter and exit using established driveway & parking lot,  
off Charlotte Ave.

2. Indicate how the off-street parking and loading areas met, and how the economic, noise, glare, or odor of the propose use will affect the adjoining properties.

There is not property adjoining this property. We will be using existing parking area already established for Seaside Chapel. No additional parking needed

3. Indicate how the refuse and service area, will be handled.

Seaside Chapel already has town bins for both trash and recycling.  
Only household items will be used for this program.

4. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the item listed are not applicable to the proposed CUP.

We will not need any additional services. We will use the  
current utilities of Seaside Chapel

5. Indicate how screening and buffering with reference to type, dimensions, and character will be provided or why it is not provided for;

Seaside Chapel already has shrubs and trees that line portions  
of the south side and east side of the property. No additional buffering added

6. Indicate how signs, if any, and the proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Signage will be on the side of the building of the two story building, it will NOT  
be lit, an outside light already covers the parking lot area, therefore no additional needed

7. Indicate the required yards and other open space and preservation of existing trees and other attractive natural features of the land.

The land has been cleared many years ago when the church was  
built. No changes will be made to the property other than a fence added  
to a 50' x 50' portion of a cleared unoccupied corner of the property

**Check the box beside each item verifying that the item has been submitted with this application**

**I. Site Plan Criteria**

For new construction all boxes in this section shall be marked yes by the applicant to be considered a complete application.

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.     |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Engineers scale 1 inch = 40 ft or larger   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Title block or brief description of project including all proposed uses  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | North arrow  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property and zoning boundaries   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The square footage of the site   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Lot coverage (buildings, decks, steps)   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed structures and the setbacks from property lines of all affected structures to remain on-site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Design of driveways and parking  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent right-of-ways labeled with the street name and right of way width   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and/or proposed easements   |

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

- | <u>Yes</u>                          | <u>No</u>                | <u>N/A</u>               |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed utilities  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances)  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all buildings   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of stories and height of all structures  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all structures  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom)   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of natural features and wetlands with existing and proposed topography with a maximum of two foot contour intervals |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of open space  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and parking lot improvements  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Building construction and occupancy type(s) per the building code   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all signs   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated   |

- I have provided a scaled electronic version of each required drawing
- I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

**SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION**

1. Detailed project narrative describing the proposed site and request.
2. Agent form if the applicant is not the property owner
3. Request for site specific development plan shall be submitted in accordance with Chapter 40 Article

**OWNER'S SIGNATURE:** In filing this application for a conditional use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Dana Vess

To act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

*[Handwritten Signature]*  
 Signature

8/2/20  
 Date

Additional Deacon Board:

- Robert G. McLamb - Robert G. McLamb
- Eleanor Magnus - Eleanor Magnus
- Timothy Brian Marlowe - Timothy Brian Marlowe
- Robert Ray James - Robert Ray James

**AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF**

The undersigned owner, Jack Ken Horne (Chairman of Deacons) does hereby appoint Dana Vess to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as applicable to the property described in the attached petition. The owner does hereby covenant and agree with the Town of Carolina Beach that said person has the authority to do the following acts for and on behalf of the owner: (1) To submit a proper petition and the required supplemental materials; (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property. (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition. This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 8/2/20

Appointee's Name, Address & Telephone:

Dana Vess  
100 S. 8th St.  
Carolina Beach NC 28428  
(828) 429-8407

Signature of Owner: Jack Ken Horne Chairman Deacons

Additional Deacon Board:

- Robert G. McLamb - Robert G. McLamb
- Eleanor Magnus - Eleanor Magnus
- Timothy Brian Marlowe - Timothy Brian Marlowe
- Robert Ray James - Robert Ray James



## Seaside Chapel After-School Program Business Plan Overview

Seaside Chapel, located at 105 Dow Rd. Carolina Beach, would like to extend our ministry opportunity to include operating an After School Program for the community. The program outline is as follows:

### WHEN:

- We would be like to begin the program as close to the first day of school as possible.
- Hours of operation 2pm-6pm Monday-Friday for the school calendar. We would also like to provide all-day childcare on days children do not attend school *within* the school calendar year such as teacher workdays, half days, some of Christmas break and Spring Break. Full days will run 8am-6pm
  - The above is our goal hours of operation however during this state of emergency and pandemic our goal is to meet the unmet needs our parents have until we are back to normalcy. We would offer childcare for students during the day who are doing remote learning and afterschool the weeks they attend school. We will still operate with a max of 25 students enrolled although the weeks/hours may be divided (Ex. Week 1, we may have 10 students full days and 15 for afterschool because it falls on their in-class week).

### WHERE:

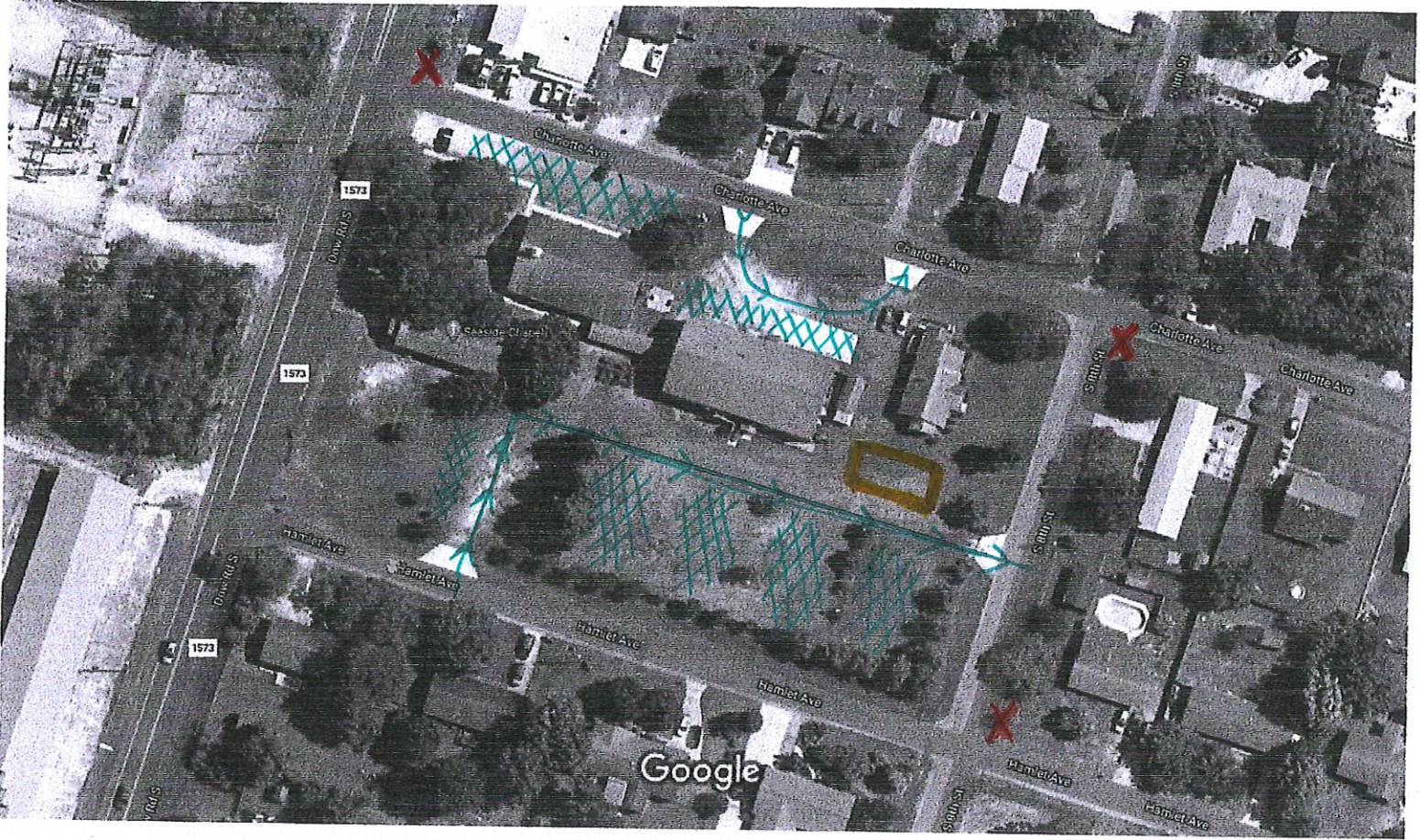
- Use current Family Life Center Building. The afterschool program will only be operating on the first floor of this facility. The program will use the main large room with an approximately 2350 sq. ft., the kitchen area for preparing food/snacks and the women and men's restrooms in the hallway. The Choir Room and Nursery on the first floor will not be used for this program. (It is displayed on the 1<sup>st</sup> level floor plan but again, not intended to be used for this program)
- Fenced play area will be available for outside play (weather permitting). Tentatively the playground will be placed at the south east corner of the property. The fenced area size will be 1900+ sq. ft. in size. This is slightly above the state requirement for size.





### HOW:

There are many details to the operations of the program in accordance to the church but for the quick overview. (More details can be shared if needed)

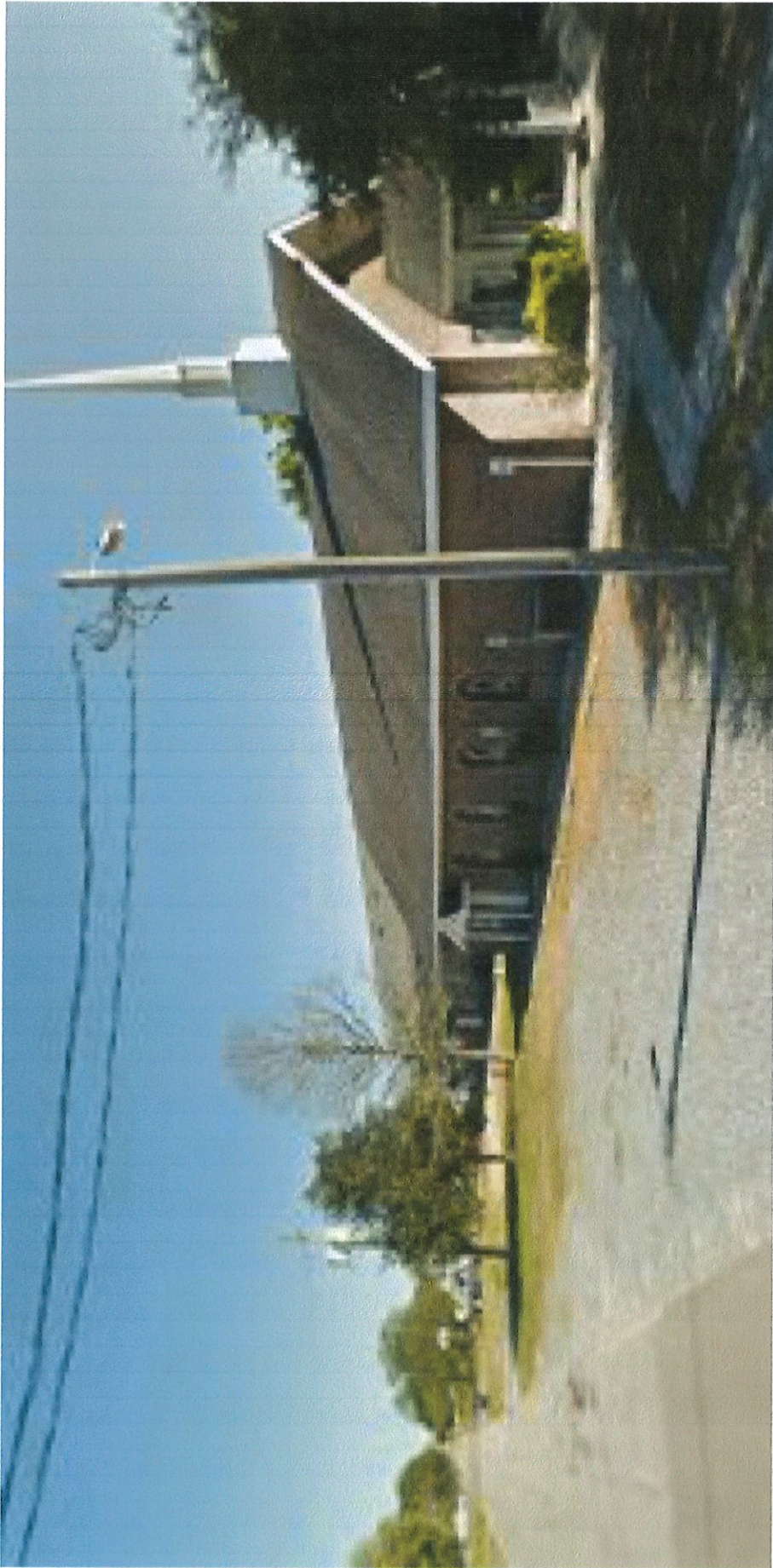
- We will operate our program with an enrollment of 25 students, grades K-5
- Program will operate under a designated Board of Directors
- A program coordinator will be the liaison between the board and the administrator and staff
- Two staff members will be onsite. The state ratio is 1:25 for school age; we will operate at a 2:25 ratio.
- Transportation will be provided from school for the after school day portion
- Parents will drop-off and pick-up on days students are not in school.
- Drop-off and pick-up will be on Charlotte Ave side of the facility (opposite side of any child play area)
- Morning/Afternoon Snack and Lunch will be provided.
- We will operate under all state guidelines and requirements for compliance.





-  Fire Hydrants
-  Traffic Flow
-  Parking Area
-  Fenced Area

Seaside Chapel

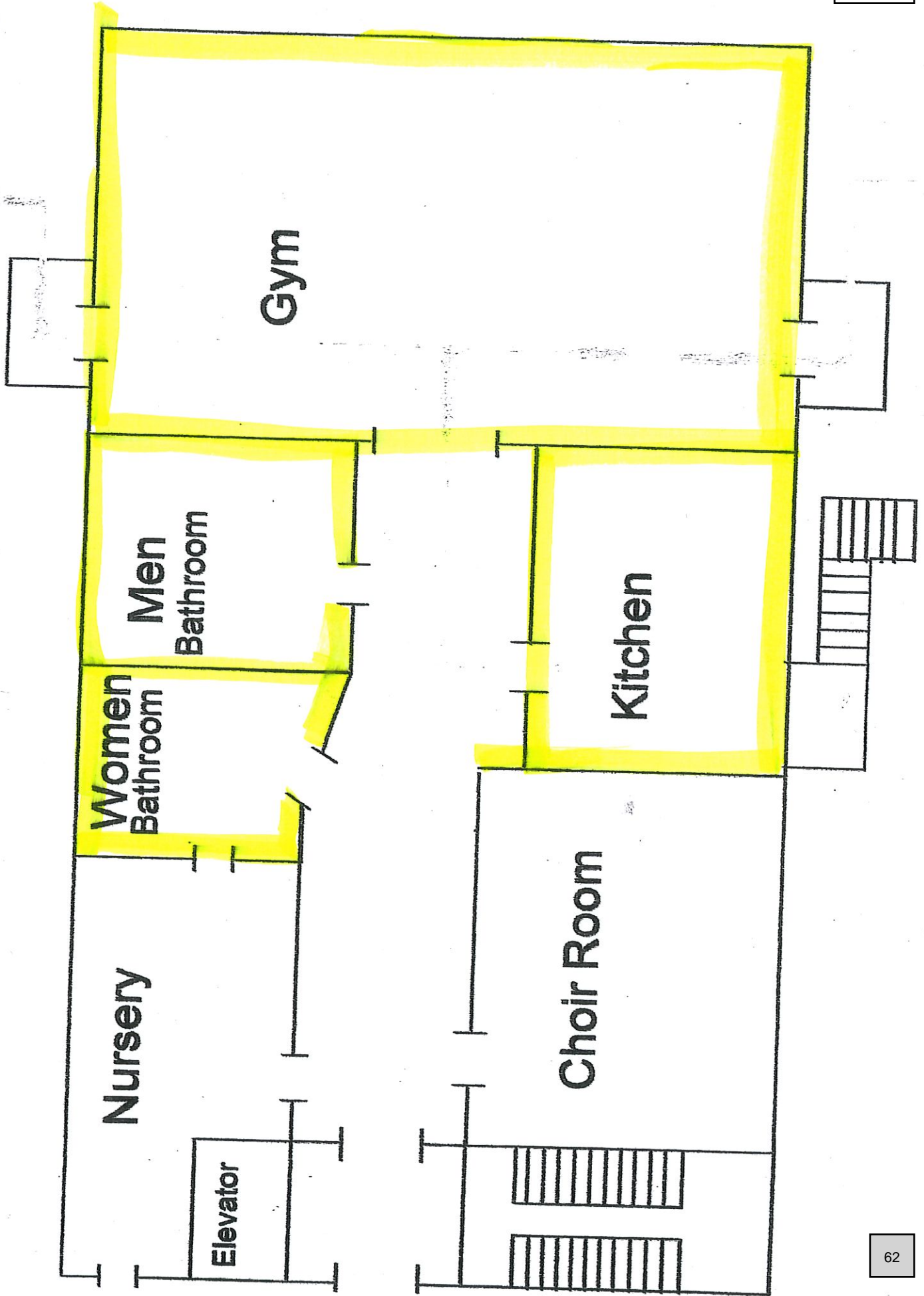


Seaside Chapel Family Life Center



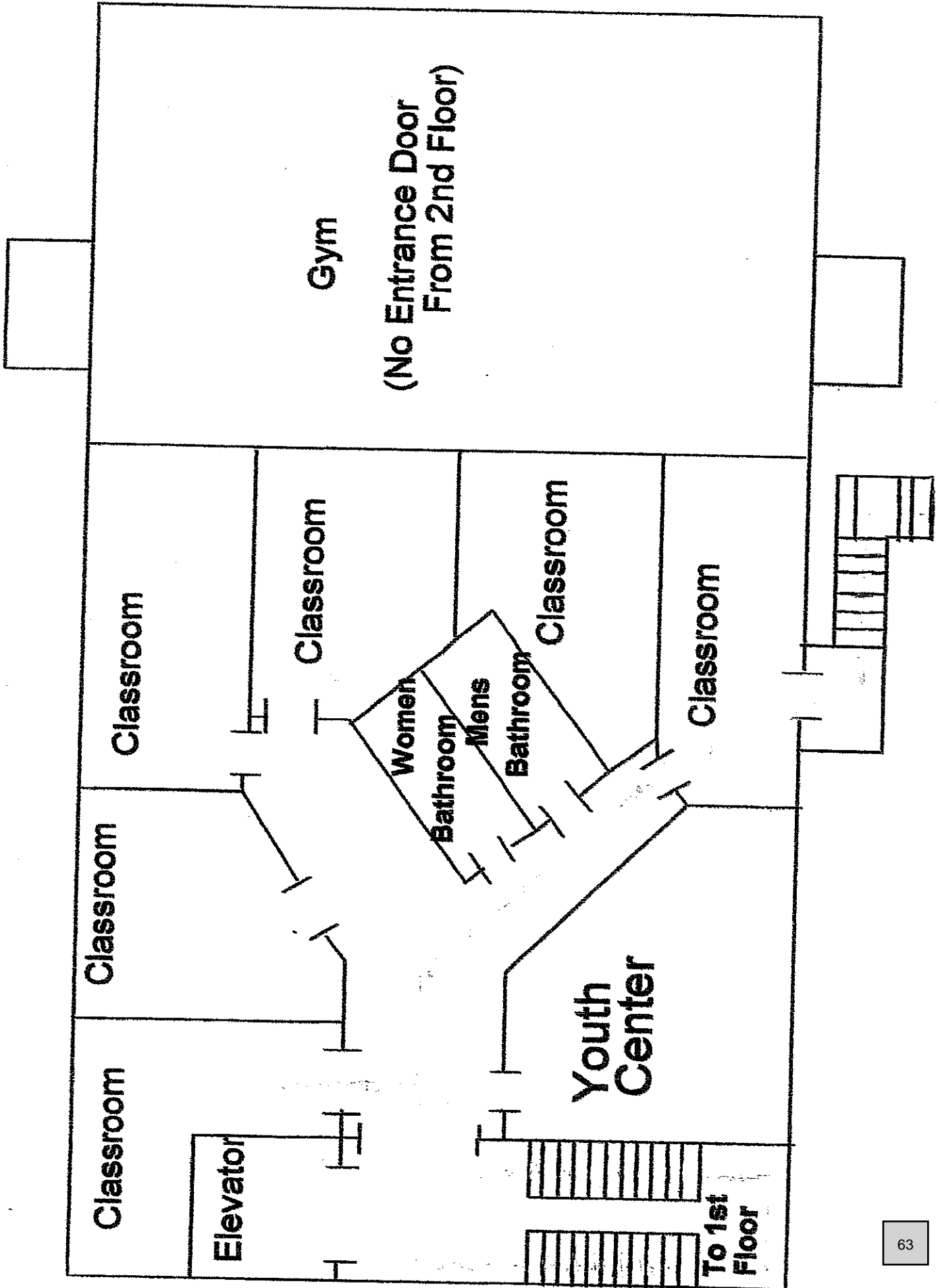
# Seaside Chapel's First Floor

Rooms used for the Afterschool program



# Seaside Chapel's Second Floor

*2nd floor  
(not used for this program)*





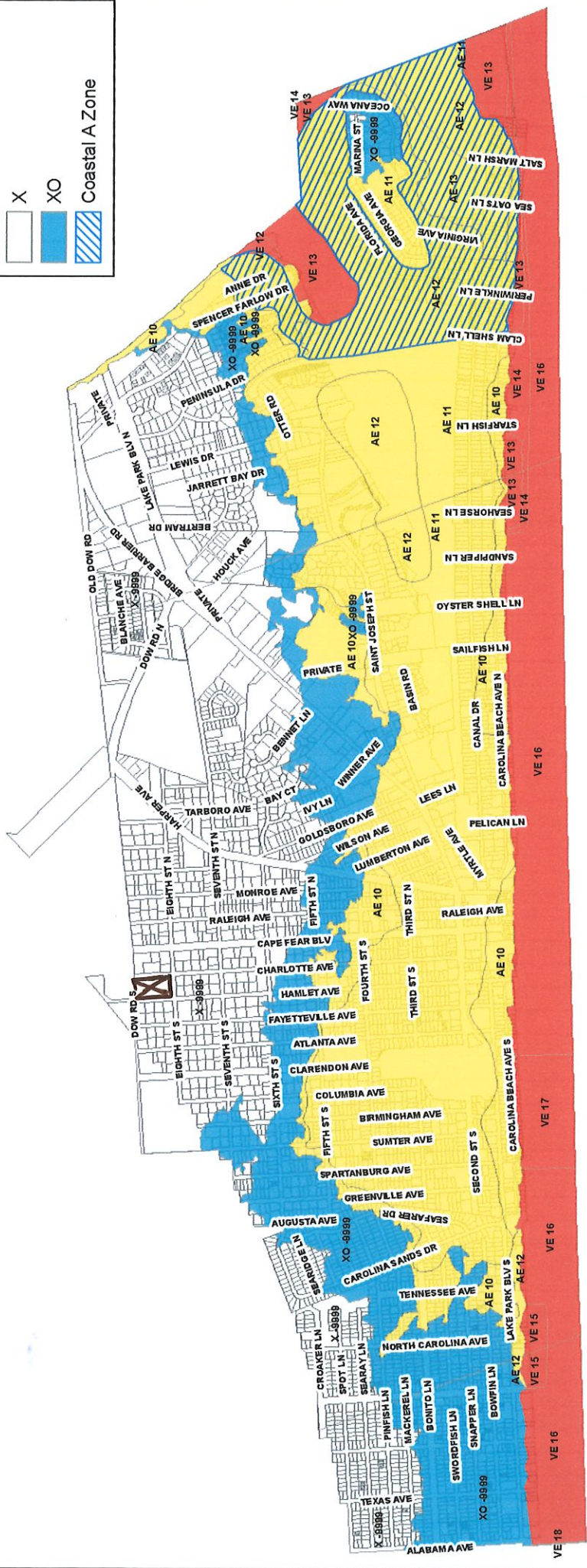
# Effective Flood Map

July 2018

**Legend**  
*Seaside Chapel*

**Flood Zones**

- AE
- VE
- X
- XO
- Coastal A Zone

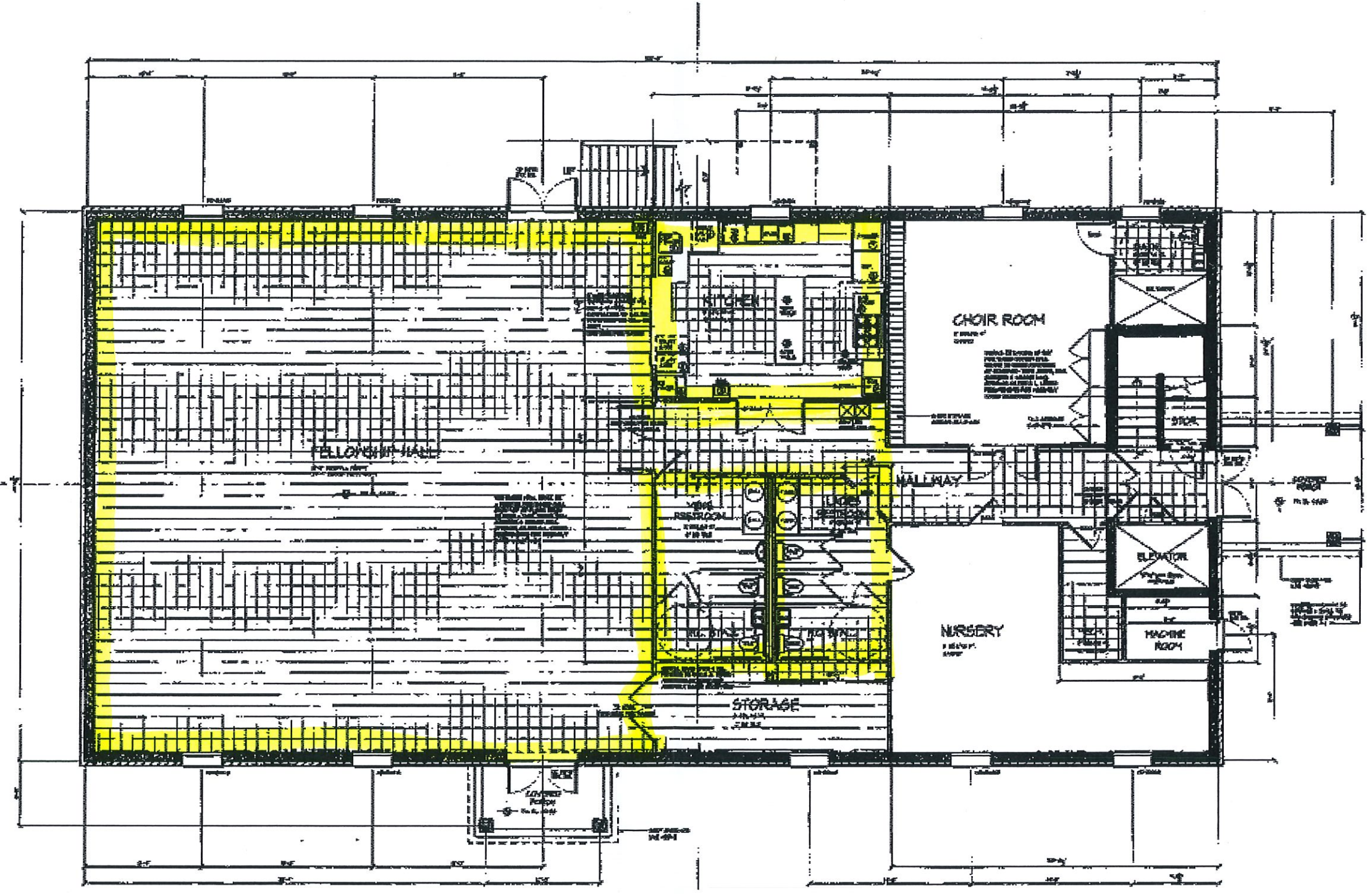


Map by: OMB  
 MFG 08/08/08 (REV) 2018 Effective Flood Map

Item 10.



Spaces/Rooms used for program



NOT TO SCALE - PROJECT AND THIS SHEET - A DIVISION OF THE ARCHITECTURAL RECORDS

1 FIRST LEVEL FLOOR PLAN  
AS

**SEASIDE CHAPEL FAMILY WORSHIP CENTER**  
 105 DOW ROAD  
 CAROLINA BEACH, NORTH CAROLINA

**PINKSTON DRAFTING COMPANY**

DATE JAN. 1, 2008 REVISED

**1**  
**AS**  
**3**

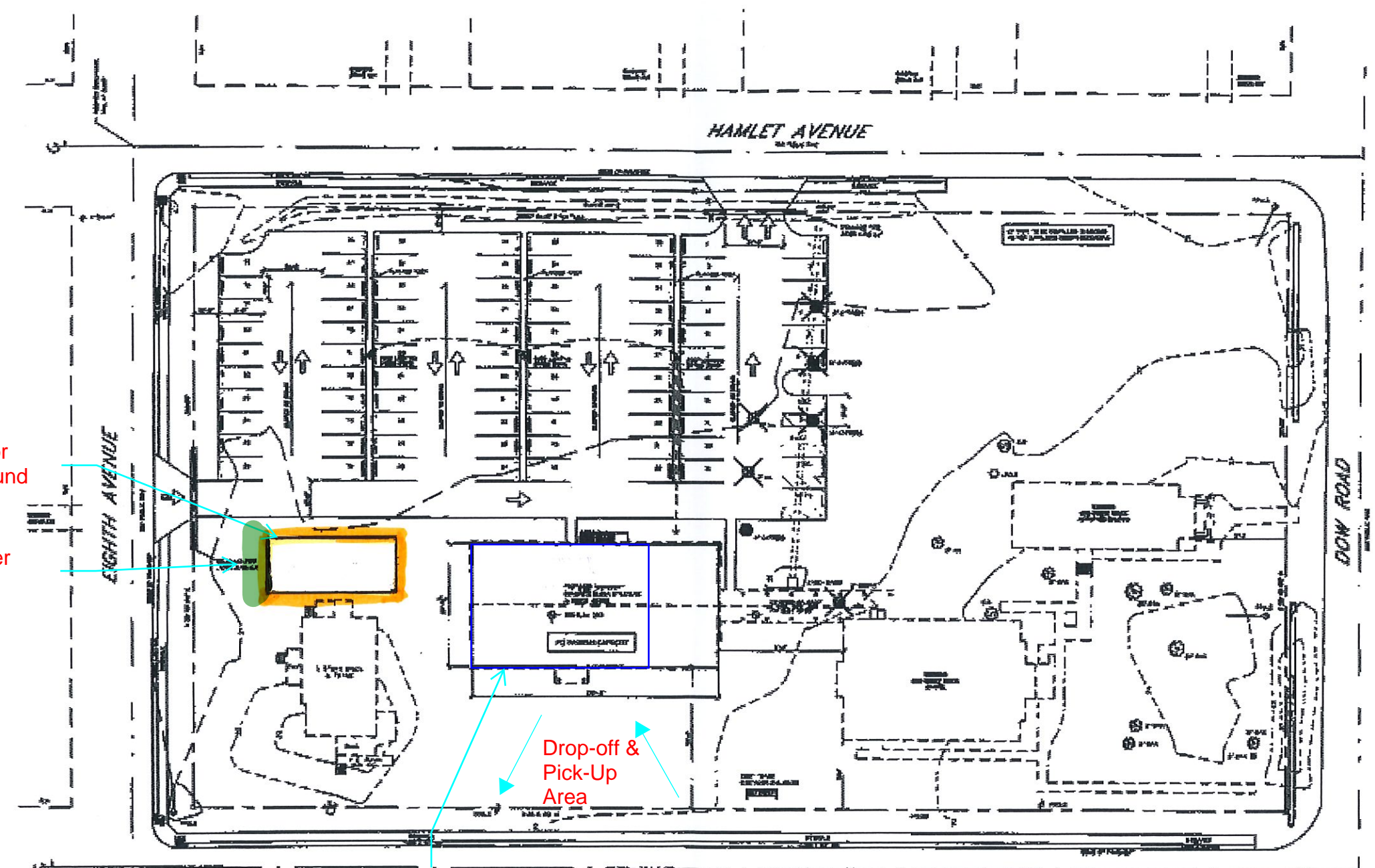
Fenced Playground Area

Area Intended for Fenced Playground

Landscape Buffer Addition

Drop-off & Pick-Up Area

Area Intended for Day Care Activities



**SITE PLAN NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.

FENCED PLAYGROUND	
1" = 10'	10'
1" = 10'	10'
1" = 10'	10'
1" = 10'	10'

Landscape Buffer Addition	
1" = 10'	10'
1" = 10'	10'
1" = 10'	10'
1" = 10'	10'

LEGEND	
—	PROPERTY LINE
—	EXISTING DRIVE
—	EXISTING SIDEWALK
—	EXISTING CURB
—	EXISTING PAVEMENT
—	EXISTING CONCRETE
—	EXISTING BRICK
—	EXISTING ASPHALT
—	EXISTING GRAVEL
—	EXISTING SAND
—	EXISTING DIRT
—	EXISTING VEGETATION
—	EXISTING TREES
—	EXISTING SHRUBS
—	EXISTING HERBACEOUS
—	EXISTING WOODS
—	EXISTING SWAMP
—	EXISTING WATER
—	EXISTING FENCE
—	EXISTING WALL
—	EXISTING ROOF
—	EXISTING FOUNDATION
—	EXISTING STRUCTURE
—	EXISTING UTILITY
—	EXISTING SIGN
—	EXISTING LIGHT
—	EXISTING AIR
—	EXISTING WATER
—	EXISTING GAS
—	EXISTING ELECTRIC
—	EXISTING TELEPHONE
—	EXISTING CABLE
—	EXISTING SATELLITE
—	EXISTING ANTENNA
—	EXISTING TOWER
—	EXISTING MAST
—	EXISTING FLAG
—	EXISTING MONUMENT
—	EXISTING MARKER
—	EXISTING BENCHMARK
—	EXISTING CONTROL
—	EXISTING ADJUSTMENT
—	EXISTING CORRECTION
—	EXISTING RESIDUAL
—	EXISTING UNCORRECTED
—	EXISTING OBSERVED
—	EXISTING CALCULATED
—	EXISTING MEAN
—	EXISTING STANDARD
—	EXISTING DEVIATION
—	EXISTING COEFFICIENT
—	EXISTING CORRELATION
—	EXISTING REGRESSION
—	EXISTING ANALYSIS
—	EXISTING DESIGN
—	EXISTING CONSTRUCTION
—	EXISTING MAINTENANCE
—	EXISTING OPERATION
—	EXISTING DESTRUCTION
—	EXISTING RECONSTRUCTION
—	EXISTING RENOVATION
—	EXISTING RESTORATION
—	EXISTING PRESERVATION
—	EXISTING PROTECTION
—	EXISTING RESTRICTION
—	EXISTING LIMITATION
—	EXISTING CONDITION
—	EXISTING STATE
—	EXISTING POSITION
—	EXISTING LOCATION
—	EXISTING ADDRESS
—	EXISTING ZIP
—	EXISTING CITY
—	EXISTING COUNTY
—	EXISTING STATE
—	EXISTING COUNTRY

LEGEND (cont.)	
—	EXISTING DRIVE
—	EXISTING SIDEWALK
—	EXISTING CURB
—	EXISTING PAVEMENT
—	EXISTING CONCRETE
—	EXISTING BRICK
—	EXISTING ASPHALT
—	EXISTING GRAVEL
—	EXISTING SAND
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—	EXISTING LOCATION
—	EXISTING ADDRESS
—	EXISTING ZIP
—	EXISTING CITY
—	EXISTING COUNTY
—	EXISTING STATE
—	EXISTING COUNTRY

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



1 SITE PLAN  
SCALE: 1" = 10'

SEASIDE CHAPEL FAMILY WORSHIP CENTER  
100 DOW ROAD  
CAROLINA BEACH, NORTH CAROLINA

DATE: JAN. 21, 2005 REVISED

PINKSTON DRAFTING COMPANY

**PDC**

SHEET A1



Conditional Use Permit:  
Day Care  
Seaside Chapel – 105 Dow Road

October 13<sup>th</sup>, 2020  
Miles Murphy – Senior Planner



Fenced  
Playground  
Area

# 105 Dow Road – Seaside Chapel

# Day Cares Permitted in R-3

## ARTICLE III. – Zoning District Regulations

### Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-3
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	C

## Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>5</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) <sup>5</sup>	Max. Density	Max. Height	Max. Lot Coverage
R-3	Single-Family	12,000 ft <sup>2</sup>	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	40 ft.	40%

1 – exists in a 45' height overlay district

# Current Conditions

Item 10.



From 8<sup>th</sup> Street

# Current Conditions

Item 10.



From Hamlet  
(Parking Lot)



Structure for Day Care

# Current Conditions

Item 10.

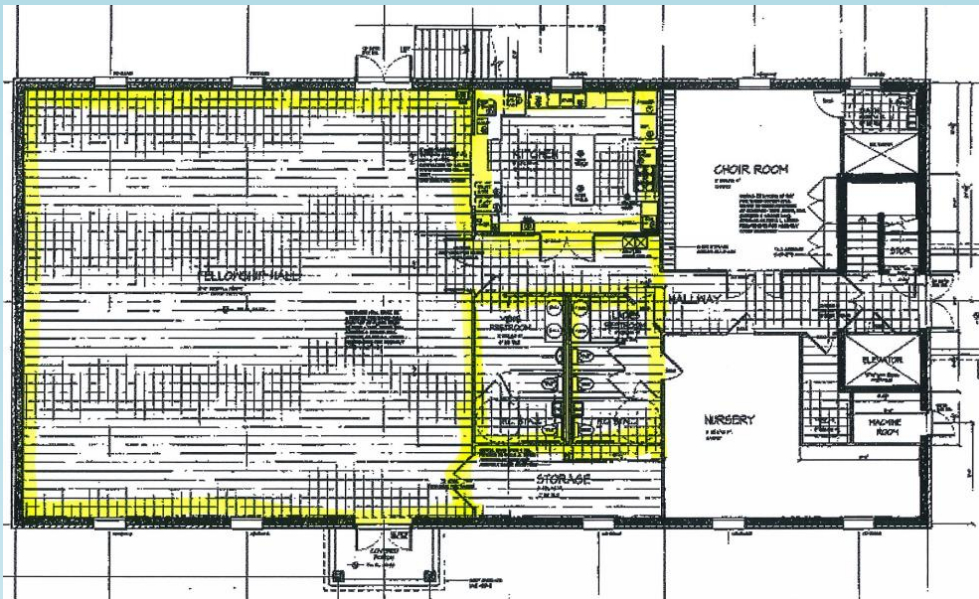


Structure for Day Care



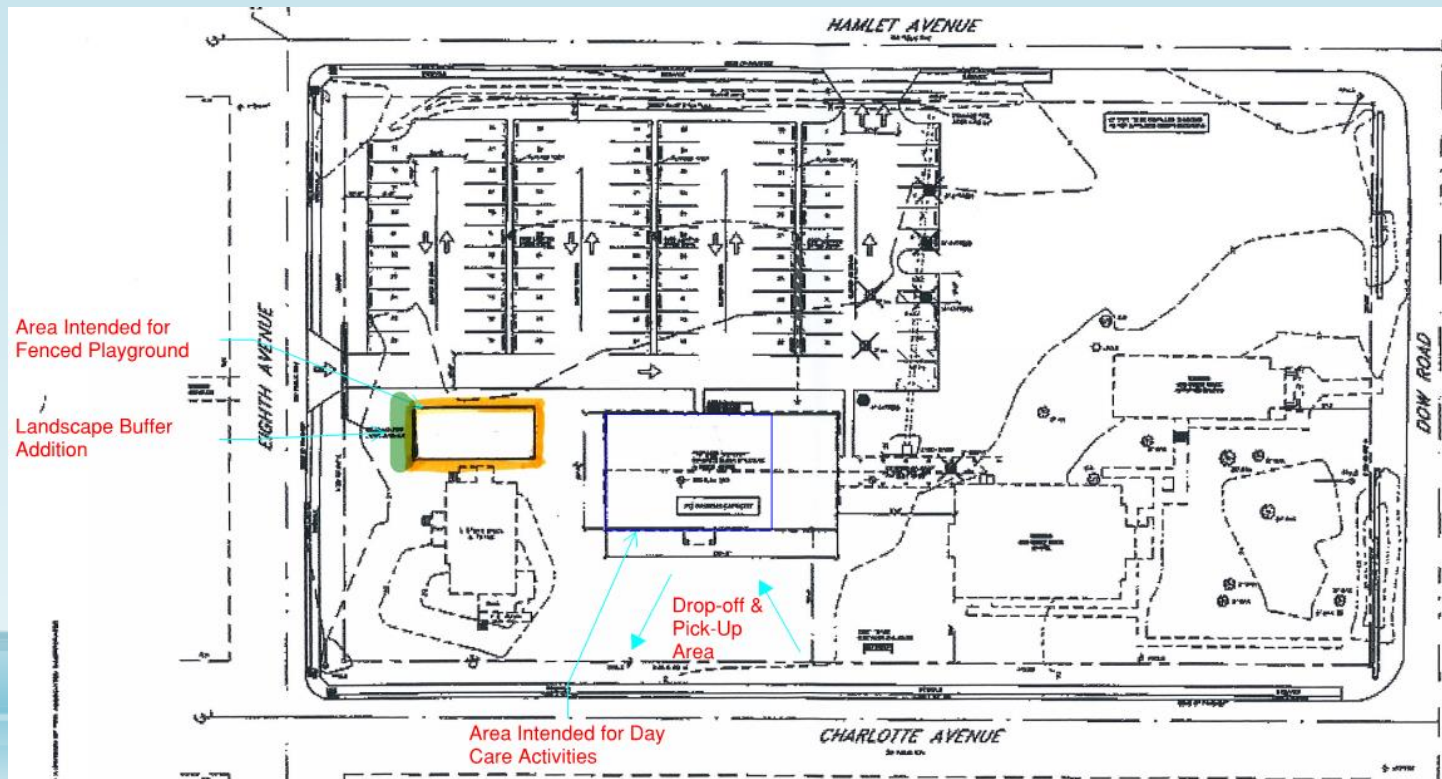
From Charlotte





## Design

- Staff is requiring additional buffering to be placed on the edge of the proposed playground area
  - Original CUP in 2005 controlled the larger property's landscaping, parking, and buffering
- SW did not require the parking lot to be finished beyond its current condition
- Childcare/Day Care ratios and safety requirements are reviewed by agencies outside of the Town
- No additional improvements or requirements from TRC (beyond landscaping mentioned above)



# Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - Ingress and egress (drop-off) will remain via Charlotte Avenue
  - The design will accommodate drop-off/pick-up traffic and sufficient parking; extra is available on other locations on site
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
  - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
  - Trash collection will not be changed
- (4) *Utilities*, with reference to locations, availability, and compatibility;
  - Utilities will not be changed
- (5) Screening and buffering with reference to type, dimensions, and character;
  - A landscape buffer is being required on the 8<sup>th</sup> street side of the proposed fenced playground area
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - Signage will potentially be proposed and all signage will have to meet standard zoning requirements for approval
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
  - There is no substantial change to any required yards or open spaces

# General Conditions.

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

- The density falls within the standard R-3 density requirements and the proposed structures follows the setback requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed structures/use will conform with the neighboring properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

-The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around 3.5 units per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited.

# Staff Recommendation

Staff recommends the approval of the proposed CUP for the operation of day care services at 105 Dow Road, Seaside Chapel

- With the inclusion of landscape buffering on the 8<sup>th</sup> Street side of the proposed fenced playground area

# Motion from Town Council

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), with the requirement of a landscape buffer along the 8<sup>th</sup> street side of the proposed playground area, that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
  - (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
  - (2) That the use meets all required conditions and specifications;
  - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
  - (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay [redacted]  
Mayor Pro Tempore Item 10.

JoDan Garza  
Council Member

Bruce Oakley  
Town Manager

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

### ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

**Project:** Day care facilities at Seaside Chapel

**Location:** 105 Dow Road

**Applicant:** Seaside Chapel

THIS MATTER came before the Town of Carolina Beach (the "Council") for public hearing on October 13<sup>th</sup>, 2020 at the Town of Carolina Beach Town Hall to consider an application submitted by Seaside Chapel Independent Church ("Applicant") for a conditional use permit for property located at 105 Dow Road to operate a day care facility. The Applicant was represented by Ned Barnes. After the opening of the evidentiary hearing, the following individuals were sworn in by the Town Clerk: Miles Murphy, Jeremy Hardison, Ned Barnes, and Dana Vess.

Prior to the presentation of any evidence, an overview of quasi-judicial hearings was presented by the Town Attorney and Council was advised that its decision must be based on substantial, competent, and material evidence presented during the hearing.

Prior to the presentation of evidence, Councilmembers were advised to disclose ex parte communications and fixed opinions or bias. After the disclosure of email correspondence sent to individual Councilmembers, the Applicant's attorney was afforded an opportunity to ask questions of Council regarding the disclosures, but no Councilmembers were requested to be excused.

The verbatim minutes of the standing hearing and video of the CUP hearing are the best evidence of the testimony of the witnesses.

#### FINDINGS OF FACT

Miles Murphy, Senior Planner for the Town of Carolina Beach, presented Council with an overview of the Conditional Use Permit Application filed by Seaside Chapel. Mr. Murphy was subject to questions of Council and cross examination by the Applicant's attorney.

Mr. Murphy testified that:

1. Seaside Chapel Independent Church is the owner of a parcel located at 105 Dow Road in Carolina Beach, NC.
2. The property is zoned R-3.
3. The square footage property is 109,844 square feet/2.52 Acres.
4. Seaside Chapel is proposing to operate a day care facility and add a small playground
5. Day care facilities are allowed in the R-3 zoning district with a CUP.
6. The proposed site plan meets all zoning requirements for a day care located in the R-3 Zoning District
7. The proposed site plan/project meets all of the 7 specific standards and 4 general conditions required for the approval of a Conditional Use Permit (Detailed Below)

8. The proposed project must meet all Federal, State, and Local requirements for day care operations;
9. SW did not require any improvements to parking or other facilities at this time

Item 10.

Ned Barnes testified that:

- 1.

### Specific Standards

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - *Ingress and egress will remain via Charlotte Ave*
  - *The drive aisle design will accommodate drop-off traffic*
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
  - *Parking will be contained on the property*
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
  - *Refuse collection will not change*
- (4) Utilities, with reference to locations, availability, and compatibility;
  - *Utilities will not change*
- (5) Screening and buffering with reference to type, dimensions, and character;
  - *A landscape buffer is being required on the 8<sup>th</sup> street side of the proposed fenced playground area*
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - *Signage will potentially be proposed and will have to meet all standards zoning requirements in the future*
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
  - *There is substantial change to any required yards or open spaces*

**General conditions.** The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
  - *The density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements*
- (2) That the use meets all required conditions and specifications;
  - *The proposed CUP does meet all required conditions and specifications*
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
  - *The proposed structure/use will conform with the neighboring properties.*
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
  - *The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use*

Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited

Item 10.

The project will be in general conformity with the Land Use Plan and in harmony of the area.

After considering the testimony, evidence presented, and arguments of counsel, Council deliberated.

**CONCLUSIONS OF LAW**

It's concluded that the Specific and General Standards are met

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

- 1) Prior to issuance of building permit, all local, state, and federal approval letters, permits, and final site plan shall be submitted to and approved by the Town of Carolina Beach.
- 2) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 3) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 4) The Conditional Use Permit is subject to expire on 10/13/23 if construction of the project has not started.

Councilmember . The Motion passed unanimously.

Ordered this 13<sup>th</sup> day of October, 2020

\_\_\_\_\_  
LeAnn Pierce, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Kimberlee Ward, Town Clerk

\_\_\_\_\_  
Date





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Ed H. Parvin, Assistant Town Manager      **DEPARTMENT:** Executive

**MEETING:** Town Council – October 13, 2020

**SUBJECT:** Review request from RGL Development LLC for reimbursement of project costs.

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### BACKGROUND:

On several occasions staff has met with the developers of the business center located at the corner of Lake Park and Bertram. RGL Development LLC (RGL) have faced unanticipated infrastructure costs associated with water, sewer, and streets (see enclosure 1). RGL believes these circumstances are a result of poor communications by the Town staff, therefore there should be additional costs paid by the Town for the project.

### ANALYSIS:

A conditional use permit was issued for this project on July 11, 2017 (see enclosure 2). During this quasi-judicial hearing it was discussed that public and private water, sewer, stormwater, and road improvements would be required. This is evident and documented on the grant order under conditions:

- 1 all permits must be obtained,
- 2 site plan showing infrastructure improvements was approved
- 9 additional fire hydrants shall be installed
- 10 water and sewer must be upgraded),
- 12 sidewalks provided per plans, and
- 15 required engineered solution to enhance safety of the Bertram and LPB intersection.

These are all standard conditions as developers are required to pay for the costs to extend public utilities to new residential and/or commercial development. The Town could not sustain continued partnerships to expand our infrastructure for new development without significant increases in fees. However, the applicant believes their situation is unique. RGL has met with staff on a number of occasions to request funding from the Town similar to this request before Town Council. The Town staff does not have the authority to fund private development even if it requires expanding public infrastructure. Knowing this we (staff) did not accommodate all the requests from the developer. There were several requests that staff did agree to:

1. The contractor was going to cut and patch the Bertram to accommodate water and sewer lines for their property. Based on concerns with the final product (patched road) we agreed to pay ½ of the costs for the final overlay. This equates to \$7,809.96.
2. The turning radius of Bertram and LPB was discussed during the quasi-judicial hearing and Town Staff did agree to pay for extending Bertram to LPB 314 square yards at a cost of \$4,317.59.

3. Staff provided the required fire hydrant for the project because it was difficult to find the specific type used by the Town. This was at a cost of \$1,700.

#### **ACTION REQUESTED:**

RGL did reach out to Councilmember Shuttleworth and he has requested staff bring this back for review and consideration by Town Council. The request for your consideration includes directing staff to pay for the public infrastructure improvements identified by the developer.

1. The developer was told at TRC, P&Z, and Town Council that it would be their responsibility to pay for the water and sewer extension.
2. WATER LINE: Staff did request that the water lines be looped for water quality and fire protection. This is standard practice for a water system. This was not discussed on April 22, 2019. This meeting did not include utility staff, but did include planning. At that time the project was about to expire and the focus of the discussion was how to get the project extended. Staff worked with RGL to obtain the extension of their permit which was granted on July 9, 2019. During permit review utility staff did tell the applicant that the water line needed to be looped. The design fee for this was listed at **\$360**. RGL is requesting costs incurred for lost time due to having to loop the system at a cost of **\$10,500**.
3. SIDEWALKS: The project must be in compliance with ADA including sidewalks. The slopes of the driveway cuts were initially too steep to meet Fire code and ADA code. The building inspector was in constant comms with RGL. RGL is requesting **\$2,250** due to delays. The plans did not illustrate the slope that would be put in. Due to lack of detail staff informed RGL that it would need to meet ADA requirements. RGL is requesting **\$15,047**.
4. WATER LINE CONNECTION: The contractor was required to field verify as identified on their plan. The Town did have an old as-built from Portside that staff provided, but we also asked that they verify locations/sizes as their engineer also noted on the plans. RGL is requesting **\$8,282**.
5. POOR COMMS: RGL is requesting **\$7,000** due to delays caused by Town Staff. Staff has reviewed correspondence. All phone calls and emails were returned as soon as staff could obtain information and typically same day.
6. Total request from RGL = **\$43,439**.

#### **STAFF RECOMMENDATION:**

Staff does not agree with payment of any of the requested \$43,439.

It is not atypical to ask for additional public improvements as was the case in this CUP. However, staff did agree to payment of ½ of the overlay costs that will have a positive impact on the safety and accessibility of the LPB and Bertram intersection. Staff recommends moving forward with paying Southern Asphalt \$12,127.55 for these road improvements.

No budget amendments are requested at this time. If directed to pay for a portion of or all of the requested costs staff can take money out of this year's budget and come back to Town Council later in the year if funds fall short for other planned infrastructure improvements that were included in the budget.

RGL Development LLC  
 707 St. Joseph Street  
 Carolina Beach, NC 28428

October 1, 2020

Town of Carolina Beach  
 Council Members  
 1121 N Lake Park Blvd  
 Carolina Beach, NC 28428

RE: CB Business Park – 1322 Lake Park Blvd

Council Members,

Thank you for meeting us to discuss the ongoing project at Carolina Beach, CB Business Park, located at 1322 Lake Park Blvd. The purpose of this meeting was to follow up on items discussed during our previous meeting with regard to paving costs associated with the project to include Lake Park Boulevard and Bertram Avenue. We also wanted to discuss the issue concerning the lack of communication and/or miscommunication on the part of the Town of Carolina Beach. This issue, among several others, has cost RGL Development, Inc. a great deal monetarily and timewise.

Another thing to keep in mind, RGL Development Inc., is not a deep-pocketed, out-of-town development company. This company **IS** Beau Long and Terry Greer, two long-time residents of Carolina Beach. They represent locals of the town of Carolina Beach investing in the future of Carolina Beach. They each own businesses within the Town other than RGL Development that also provide service to the locals and provide benefit to the Town of Carolina Beach.

RGL Development contracted with Smithson, Inc. as the general contractor for this project. RGL Development and Smithson requested and executed a meeting with the Town staff and had a cursory review of the approved site plan and proposed building plans on April 22, 2019. This was done to build strong relationships and prepare for the upcoming project by fleshing out any possible issues and/or concerns before the project began. The objective was to ensure that a smooth and productive project between RGL Development, Inc., Smithson, Inc., and the Town of Carolina Beach could be executed and strong relationships would ensue.

During this initial meeting, the following topics were discussed:

- Water and Sewer Taps - The general contractor asked about the protocol for applying for these taps as the general contractor expected the Town to do the water/sewer work. The general contractor was told, "Call us when you're ready but not the day before you need it."

My question on this point is why weren't we told at this time that the water and sewer extension would be the responsibility of the developer?

- Approved Site Plans and Proposed Floor Plans – The previously **approved** site plans and our proposed floor plans along with the elevations were emailed in advance to all the parties involved and the plans were laid out on the table during this meeting.

My first question regarding this is, why did the Town decide at a later date to have the approved plans modified to extend the water to US 421?

Second question: Why wasn't the issue with the sidewalk through the driveways brought up at this time?

## Unexpected Costs We Feel the Town of Carolina Beach is Culpable For

- Water/Sewer design fee to revise and re-design to extend to US 421. This plan was abandoned and never used when the 8" main that the Town wanted RGL to tie into was, in fact, discovered to be an abandoned 4" line.
  - \$360
- Delay in design and re-design approval and permit submittal (capitalized interest)
  - \$10,500
- Water Line Connection- The plans showed us tying onto an existing 6" gate valve on the eastern side of the property. In the field it was determined the information given by the Town was incorrect. This valve was, in fact, 2". ACSC, the water/sewer contractor, coordinated with the Town to cut and remove the 2" valve and install a 6" MJ GV. There was additional time spent locating the valves to isolate the line and notify the homeowners of the water shutdown. On the western side of the property, the plans called for a tapping sleeve and valve to be installed on a 6" line located at the entrance to the project site. Field inspection showed this information regarding the line was incorrect and was actually 4" AND not even an active line. The actual water main was located under N. Lake Park BLVD. ACSC coordinated with Town of Carolina Beach and installed a 6" MJ cap at this location and installed a thrust block. This added additional delays and financial burden.
  - \$8,282
- Crosswalk - Delay in Crosswalk decision based on non-communication from Town staff. Approximately one week to return emails and multiple phone calls.
  - \$2,250
- Crosswalk Driveway Change Order – The Town is no longer accepting the approved plans. These plans were approved when the town rezoned the property. These plans were also reviewed and approved again when the building permits were issued.
  - \$15,047
- Additional interest fees due to delays – These issues have caused several weeks of delays thereby RGL has incurred additional interest fees of well over \$7K.

**Total**

**\$43,439**

We collectively feel the town is financially liable for these additional expenses and delays based on the non-communication and miscommunication throughout the course of the project which started in April of 2019. The Town routinely did not return phone calls and was incredibly slow in returning emails. The Town also communicated misinformation at critical moments in the project and about items of large-scale magnitude to the project budget.

In closing, we would like the Council to respectfully remember RGL Development, Inc., Terry Greer and Beau Long, are not Publix or Food Lion with deep pockets for development. Nor are they outsiders of the community, these are two long-term residents of the Town of Carolina Beach investing in and providing services for the Town of Carolina Beach and their residents. There are 24 units within the CB Business Park. All these units are going to require upfit permits and all of these units are going to contribute to the property taxes for the Town of Carolina Beach. We would like the Town to consider the reimbursement of **\$43,439** from the economic development fund or capital improvement fund. RGL through executing this project has invested well over \$250k into the Town's water and sewer infrastructure, permit fees, and will be contributing as well with future permit fees and property taxes.

Thank you for your consideration.

Respectfully Submitted,

RGL Development, Inc.  
Terry Greer and Beau Long

PROPOSED GRANT ORDER

Dan Wilcox  
Mayor

Steve Shuttleworth  
Council Member

Gary Doetsch  
Council Member



LeAnn Pierce  
Mayor Pro Tem

Tom Bridges  
Council Member

Michael Cramer  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
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ORDER GRANTING A CONDITONAL USE PERMIT # 17-C04

**Applicant:** RGL Development  
**Location:** 1326 N. Lake Park Blvd (PID: 313118.30.5957.000), 1324 N. Lake Park Blvd (PID: 313118.30.5838.000), and 1322 N. Lake Park Blvd (PID: 313118.30.5822.000).  
**RGL Business Center**

The Town Council of the Town of Carolina Beach, having held a public hearing on July 11, 2017 to consider approving a Conditional Use Permit for a Planned Unit Development Business Center and where sworn testimony was heard from the following persons: Assistant Town Manager Ed Parvin, Senior Planner Jeremy Hardison, Applicant Representative Jon Rimer, Applicant's Attorney Andi Van Trigt, Realtor Shane Register, Michelle Connett, Rachel Hatfield, makes the following findings of fact and draws the following conclusions:

1. The property is in the Highway Business (HB) zoning districts.
2. Business Planned Unit Development are permitted under a Conditional Use Permit (CUP) in HB zoning district.
3. The project consist of three buildings totaling 32,160 sq. ft. for office use

**BASED ON THE FOREGOING FINDINGS OF FACT** and competent, substantial and material evidence presented at the hearing, the Town Council makes the following conclusion as required by Article 14 of the Zoning Ordinance of the Town of Carolina Beach:

It is the Town Council's conclusion that the proposed use has satisfactorily addressed the following seven (7) Specific Standards:

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

*Two 40' width drives are proposed off of Bertram Dr. Bertram Dr. is a 50' public road . N. Lake Park Blvd has a raised median in front of Bertram Dr. to prevent left turns and has a deceleration lane north bound turning right onto Bertram Dr. A 5' sidewalk will be provided along N. Lake Park Blvd and Bertram Dr to provide pedestrian access. Fire lanes will be provided and marked on site.*

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

district;

**Parking and loading spaces**

- Office 1 per 300 sq. ft. = 36 spaces
- Warehouse 1 per 5,000 sq. ft. = 5 spaces
- Proposed = 41 spaces
- Provided = 52 spaces

loading will have to occur on site and not be allowed on Bertram Dr.

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

*Dumpster's will be provided on site that will be enclosed.*

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

*Drainage will be captured on site through a stormwater pond detention system. Proposing to add two fire hydrants along Bertram Dr and N. Lake Park Blvd. Water and sewer line will need to be extended to the property along Bertram Dr.*

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

*The proposed plans provide the required Type B 10' setback buffer along the perimeter of the property. Type B buffer will provide for every linear feet or fraction thereof shall contain two canopy trees, or four understory trees and six shrubs. An 8 foot fence is required along the rear of the property adjacent to residential uses.*

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

**Setbacks**

*Proposed and required setbacks for the project are as follows:*

<b>Zoning Setbacks</b>	<i>Front</i>	<i>Rear</i>	<i>East Side</i>	<i>West Side</i>
<i>HB required</i>	30'	15'	10'	12.5'
<i>provided</i>	30'	15'	45.2'	57.5'

*HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 33%.*

**General Conditions:**

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

*The plan meets the ordinance and long range plans and policies. The property to the north is the Pavilion shopping center that was built in 2005 as a 11 unit multiuse facility. The property to the east is zoned single-family Residential which is the portside subdivision that was approved in 1999 for 47 lots. The property to the south across Bertram Dr is zoned Highway Business, but it being utilized as a single-family mobile home constructed in 1978 that does not have access off of Bertram Dr.*

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

*After review by staff the plan has been determined to meet all conditions and specifications.*

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

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

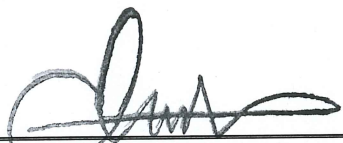
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

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


**THEREFORE**, because the Town Council concludes that all general and specific conditions precedent to issuance of a Conditional Use Permit have been satisfied, **IT IS ORDERED** that the application for the issuance of a Conditional Use Permit by **the Town of Carolina Beach** be **GRANTED**, subject to the following conditions:

1. All permits and approval letters/final inspections required by all Federal, State, and Local Agencies must be submitted to the Town of Carolina Beach Planning Department prior to issuance of a building permit.
2. The site plan corresponding to this approval was designed by Intracoastal Engineering dated 6/13/17. The plan was stamped received by the Town of Carolina Beach on 6/13/17.
3. The Conditional Use Permit was approved on 7/11/2017. The expiration date will be 7/11/2019.
4. Provide a type B landscaping buffer with mature trees and provide for an 8' fence adjacent to residential properties.
5. A combination plat shall be recorded before issuance of a building/zoning permit.
6. No deliveries shall occur on Bertram Dr.
7. Stored materials or equipment shall not attract rodents or mosquitoes nor in any other way (noise, dust, fumes, light, etc.) constitute a nuisance for the public or adjacent properties.
8. No stored materials or equipment shall be visible from the street.
9. Install additional fire hydrants per fire department requirements.
10. Upgrade utilities to provide water & sewer to the units.
11. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
12. Sidewalk required per site plan dated 6/13/17.
13. Provide stub out to adjacent commercial property for future interconnectivity.
14. Provide silt fence around perimeter of the property during construction.
15. Applicant must work with the Town and Department of Transportation on an engineering solution to the intersection of Bertram Dr and Lake Park Blvd N.
16. Work with the New Hanover County School District on the existing bus stop location at the entrance of Bertram Dr. and provide a bus shelter.

Ordered this 11<sup>th</sup> day of July, 2017

  
 \_\_\_\_\_  
 Dan Wilcox, Mayor

7/11/2017  
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 Date

ATTEST:  
  
 Kimberlee Ward, Town Clerk

7/11/2017  
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 Date





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 10/13/2020

**SUBJECT:** Committee Appointment

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**BACKGROUND:**

On September 16, 2020 the Business and Economic Committee had a member resign.

**ACTION REQUESTED:**

Please select one candidate from the ballot to fill the vacant position.



## COMMITTEE BALLOT

On September 16, 2020 the Business and Economic Development Committee had a member resign.

**Please select ONE applicant:**

- George Acker (recently appointed to Police Advisory)
- Michelle Alberda (regular attendee)
- Christopher Bartosik
- Scott Cornelison (recently appointed to Ops Committee)
- Christine Higgins
- Lisa Overby-Dosier
- Kim Losito
- Colin McGrath
- Cathrine Robbins (regular attendee)
- Dorrene Stanley
- LeeAnn Tluchowski

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Council Signature