

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 11, 2022 – 6:30 PM

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



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## AGENDA

**CALL TO ORDER WITH INVOCATION GIVEN BY GAYLE TABOR, PASTOR OF CHURCH AT THE BOARDWALK, FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

### **ADOPT THE AGENDA**

### **CONSENT AGENDA**

1. Set a public hearing for February 8<sup>th</sup>, 2022 for a Text Amendment – to amend Chapter 40 Sec 40-70, 72, & 74 - 1) To increase the density in Neighborhood Business (NB) zoning district, 2) Add multi-family uses to the Neighborhood Business (NB) zoning district, 3) Allow parking areas serving the use to be in a different zoning district. Applicant: Hamby Beach Properties, LLC
2. Set Public Hearing for January 19, 2022 at 3:30 p.m. to Consider Financing and Installation of a New HVAC System at the Municipal Complex.
3. Set Public Hearing for February 8, 2022 to hear from Non-Profits Regarding Funding Requests
4. Eliminate Alternate Position on the Police Advisory Committee
5. Adopt the 2022 Council and Committee Meeting Schedule
6. Change the Regular Council Meeting Time from 6:30pm to 6:00pm
7. Budget Amendments/Transfers
8. Reimbursement Resolution 22-2250 for the Purchase of Freeman Park Property for Tourist Activities
9. Approval of Minutes from November 30, December 7 and 12, 2021

### **SPECIAL PRESENTATIONS**

10. Presentation by the Centennial Committee
11. Mid-Year Financial Update
12. 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**

- [13.](#) Conditional Zoning to consider a multifamily project consisting of 8 townhome units located at 905 Basin Rd in the Marina Business (MB-1) zoning district.  
Applicant: Laurel Companies LLC
- [14.](#) Conditional Zoning to consider a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Dr in the Tourist (T-1) zoning district.  
Applicant: Tank Construction Supplies LLC

## **ITEMS OF BUSINESS**

- [15.](#) NC DOT Easement on Hamlet to accommodate the up-fit of an US 421 stoplight
- [16.](#) Budget Amendment to pay the NCDOT administrative fees for the Island Greenway and Cape Fear Blvd MUP
- [17.](#) Resolution of Support – Turn Lane on Dow Road
- [18.](#) Acceptance of Stormwater Infrastructure in Oceana
- [19.](#) Resolutions for LGC approval of HVAC financing
- [20.](#) Resolutions for Reimbursement for Restroom at Mike Chappell Park
- [21.](#) Budget Ordinance for the American Rescue Plan
- [22.](#) Committee Appointments

## **CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT MATTER**

- [23.](#) Closed Session to Discuss an Attorney/Client Matter and Attorney/Client Privilege

## **ADJOURNMENT**





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison

**DEPARTMENT:** Planning

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Set a public hearing for February 8<sup>th</sup>, 2022 for a Text Amendment – to amend Chapter 40 Sec 40-70, 72, & 74 - 1) To increase the density in Neighborhood Business (NB) zoning district, 2) Add multi-family uses to the Neighborhood Business (NB) zoning district, 3) Allow parking areas serving the use to be in a different zoning district. Applicant: Hamby Beach Properties, LLC

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**BACKGROUND:**

Set public hearing for February 8, 2021.

**ACTION REQUESTED:**

Review meeting dates and times.

**RECOMMENDED MOTION:**

Approve under consent agenda.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Set Public Hearing for January 19, 2022 at 3:30 p.m. to Consider Financing and Installation of a New HVAC System at the Municipal Complex.

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**ACTION REQUESTED:**

Consider setting a public hearing for January 19, 2022.

**RECOMMENDED MOTION:**

Motion to approve under the consent agenda.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Set Public Hearing for 2/8/2022 to Hear from Non-Profits Regarding Funding Requests

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**BACKGROUND:**

Council allows local non-profits to request financial support from the Town's General Fund each year. Representatives from the non-profit organizations are given the opportunity to speak during a public hearing to explain their mission and the need for their request.

**ACTION REQUESTED:**

Set a public hearing date.

**RECOMMENDED MOTION:**

Motion to set a public hearing for February 8, 2022 to hear from the local non-profits regarding funding requests from FY22/23.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Eliminate Alternate Position on the Police Advisory Committee

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**BACKGROUND:**

The Police Advisory Committee currently has 9 regular voting member positions and one alternate. There has been discussion that there is not a need for an alternate position.

**ACTION REQUESTED:**

Eliminate the alternate member position which is currently vacant.

**RECOMMENDED MOTION:**

A motion to adopt the consent agenda will approve the elimination of the alternate position.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Adopt the 2022 Council and Committee Meeting Schedule

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**BACKGROUND:**

The annual committee and Council meeting schedule for 2022 is attached. This includes a change in the meeting time for regular Council meetings from 6:30 p.m. to 6:00 p.m.

**ACTION REQUESTED:**

Review meeting dates and times.

**RECOMMENDED MOTION:**

Motion to approve the 2022 meeting schedule, including the regular Council meeting time change to 6:00 p.m.

**2022 Town of Carolina Beach Standing Committees**  
**Regular Scheduled Meetings**  
**1121 N Lake Park Blvd. Carolina Beach, NC 28428**

EVENT	TIME	PLACE	DAY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>Council and Committee Meetings</b>															
Beautification Committee	6:00 p.m.	Multi-purpose room	1st Wed	5	2	2	6	4	1	6	3	7	5	2	7
Bike/Pedestrian Planning Committee	6:00 p.m.	Multi-purpose room	3rd Mon	24	28	21	18	16	20	18	15	19	17	21	19
Board of Adjustment (as needed)	6:00 p.m.	Council Chambers	3rd Mon	24	28	21	18	16	20	18	15	19	17	21	19
Centennial Committee	6:00 p.m.	Multi-purpose room	3rd Wed	18	16	16	20	18	15	20	17	21	19	16	21
Marketing Advisory Committee	2:30 p.m.	Multi-purpose room	4th Tue	25	N/A	29	26	N/A	N/A	N/A	23	N/A	N/A	N/A	N/A
Operations Advisory	10:00 a.m.	Multi-purpose room	1st Tue	10	1	1	5	3	7	N/A	2	13	4	1	6
Parks and Recreation	7:00 p.m.	Recreation Center	1st Mon	3	7	7	4	2	6	N/A	1	H	3	7	5
Planning & Zoning	6:30 p.m.	Council Chambers	2nd Thu	13	10	10	14	12	9	14	11	8	13	11	8
Police Advisory	7:00 p.m.	Multi-purpose room	1st Mon	3	7	7	4	2	6	N/A	NNO	H	3	7	N/A
Town Council - Regular Meeting	6:00 p.m.	Council Chambers	2nd Tue	11	8	8	12	10	14	12	9	13	11	8	13
Town Council - Workshop	9:00 a.m.	Council Chambers	4th Tue	26	22	22	26	24	28	26	23	27	25	22	N/A
Town Council - Budget Workshop	12:00 p.m.	Carolina Beach Fire Dept	Thursday	27											
Town Council - Budget Workshop	8:00 a.m.	Carolina Beach Fire Dept	Friday	28											
Town Council - Budget Workshop	9:00 a.m.	Carolina Beach Fire Dept	Tuesday					3							
Town Council - Budget Open House	6:00 p.m.	Council Chambers	Tuesday					3							



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Change the Regular Council Meeting Time from 6:30pm to 6:00pm

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**BACKGROUND:**

Council had discussed changing the regular meeting time from 6:30pm to 6:00pm.

**ACTION REQUESTED:**

Consider changing the regular Council meeting time to 6:00pm.

**RECOMMENDED MOTION:**

Motion to change the regular Council meeting time from 6:30pm to 6:00pm.

# Ordinance 22-1164

Town of Carolina Beach  
Town Council



AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-28  
CHANGING THE COUNCIL REGULAR MEETING TIME FROM 6:30 PM TO 6:00 PM

**Sec. 2-28. Meetings; time and place.**

The Town Council shall hold its regular meetings on the second Tuesday of each month at ~~6:30~~ 6:00 p.m. in the Town hall.

(Code 1977, § 2-1011; Code 1986, § 2-17; Ord. No. 06-639, 6-13-2006)

State law reference(s)—Meetings of council, G.S. 160A-71 et seq.

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Lynn Barbee, Mayor

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Attest: Kimberlee Ward, Town Clerk





## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/11/2022

**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 \$19,161.20 from the General Fund fund balance to account 10-620-074 Capital Over \$10,000 Parks & Rec for a 10% down payment on a new restroom at Mike Chappell Park. Funds will be reimbursed from future loan proceeds.

Appropriate \$2,850 donation from Michael McGown Coed Softball tournament to account 10-620-016 M&O Equip Parks & Rec for improvements at Mike Chappell Park.

#### **Transfers:**

Transfer \$4,000 from account 10-440-046 Professional Service Finance; \$3,759.35 from account 30-811-046 Professional Services WWC; and \$4,000 from account 30-812-046 Professional Services Water to account 10-420-011 Executive Communications to install a new phone system at Town Hall.

Transfer \$302 from 10-420-014 Executive Travel, \$595 from 10-491-014 Planning Travel, \$5,213.33 Police Holiday Pay, \$2,888.80 from Fire Holiday Pay; with \$587.90 to account 10-450-005 HR FICA, \$672.58 to account 10-450-007 HR Retirement, \$7,685 to account 10-458-008 HR Premium Pay and \$53.65 to account 10-450-010 HR LEO 401(k) to cover premium pay paid out of the General Fund.

### ACTION REQUESTED:

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

Debbie Hall

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**From:** Eric Jelinski <eric.jelinski@carolinabeach.org>  
**Sent:** Monday, January 3, 2022 1:48 PM  
**To:** Debbie Hall <debbie.hall@carolinabeach.org>  
**Subject:** FW: Green Flush Quotation for Carolina Beach Restroom

Hi Debbie,

I believe I already sent this to you in another email, but the information for the new restroom at Mike Chappell Park is attached. The 10% down payment is \$~~18,191.20~~. If you need anything else from me, please let me know.

19,161.20

Thank you,

**Eric Jelinski**  
Director of Parks and Recreation  
**Town of Carolina Beach**  
1121 North Lake Park Blvd.  
(910) 458-7416  
[www.carolinabeach.org](http://www.carolinabeach.org)



LeAnn Pierce  
Mayor

Steve Shuttleworth  
Council Member

Lynn Barbee  
Council Member



Jay Item 7.  
Mayor Pro Tem

JoDan Garza  
Council Member

Bruce Oakley  
Town Manager

**Town of Carolina Beach**  
1121 N. Lake Park Blvd.  
Carolina Beach, NC 28428  
Tel: (910) 458-2999  
Fax: (910) 458-2997

To: Debbie Hall, Finance Director  
Bruce Oakley, Interim Town Manager

From: Eric Jelinski, Parks and Recreation Director

Date: 11/29/2021

Re: Budget Transfer

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I am requesting the below budget transfer for the FY 21/22 Parks and Recreation Department budget. If you have any questions regarding the below transfers, please let me know.

Account	Amount	Transfer to Account	Reason
General Fund	\$2,850.00	10-620-016	The recently held Michael McGowan Coed Softball tournament raised funds for a park project at Mike Chappell Park. These funds were deposited into the general fund and earmarked for improvements at Mike Chappell Park. The funds will be used for a future park project at Mike Chappell Park this FY.

**From:** Sheila Nicholson  
**Sent:** Monday, December 13, 2021 4:02 PM  
**To:** Debbie Hall  
**Cc:** Bruce Oakley; Mark Meyer  
**Subject:** Budget Transfer Request for Telephone System

To cover the cost of converting to new telephone system, please transfer funds as follows:

- \$3,759.35 from 30-811-046 to 10-420-011
- \$4,000.00 from 30-812-046 to 10-420-011
- \$4,000.00 from 10-440-046 to 10-420-011

If you have any questions, please let me know. Thanks!

*Sheila P. Nicholson*

Executive Assistant to the Town Manager  
Town of Carolina Beach  
[sheila.nicholson@carolinabeach.org](mailto:sheila.nicholson@carolinabeach.org)  
(910)458-2995

**DISCLAIMER:**

E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.

Item 7.

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# Resolution



Town of Carolina Beach  
Town Council

## **RESOLUTION NO. 22-2250**

### **Reimbursement Resolution for the Purchase of Freeman Park Property for Tourist Activities.**

WHEREAS, the Town of Carolina Beach intends to purchase all tracts owned by Freeman Beach, LLC, Carolina Freeman, LLC, B&F Enterprises, LLC and DRDK, LLC located in proximity to Freeman Park ("Properties"); and

WHEREAS, Tourists frequent Freeman Park with, the past three years, the overwhelming majority (in excess of 85%) of visitors to Freeman Park residing outside of the Town of Carolina Beach; and

WHEREAS, with this tourist related capital expenditure, the Town can increase recreational activities for visitors to Freeman Park; and

WHEREAS, the Finance Director has described to the Board the desirability of adopting a resolution to facilitate the Town using Room Occupancy Tax (ROT) funds to pay a portion of the purchase price for property located in Freeman Park, New Hanover County.

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

1. The Town hereby determines the use of ROT funds to facilitate the purchase of the Properties is an expenditure which attract tourists to the town for travel and tourism related activities.
2. The Town hereby requests approval from the New Hanover County Tourism Development Authority for the use of the Town's ROT funds to facilitate the purchase of the Properties.

\_\_\_\_\_  
Lynn Barbee, Mayor

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

\_\_\_\_\_  
Date Approved

Town of Carolina Beach  
Resolution No. 22-2250



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Executive

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Reimbursement Resolution 22-2250 for the Purchase of Freeman Park Property for Tourist Activities

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**BACKGROUND:**

The Town hereby determines the use of ROT funds to facilitate the purchase of the Properties is an expenditure which attracts tourists to the town for travel and tourism related activities.

**ACTION REQUESTED:**

The Town hereby requests approval from the New Hanover County Tourism Development Authority for the use of the Town's ROT funds to facilitate the purchase of the Properties.

**RECOMMENDED MOTION:**

Motion to approve Resolution 22-2250 requesting funds to facilitate the purchase of the properties.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Approval of Minutes from November 30, December 7 and 12, 2021

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**BACKGROUND:**

Attached are the meeting minutes from 11/30/2021, 12/7/2021 and 12/14/2021.

**ACTION REQUESTED:**

Review and consider approving under the consent agenda.



# CAROLINA BEACH

Town Council Workshop

Tuesday, November 30, 2021 - 9:00 AM

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



## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 9:00 AM.

### 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

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

### DISCUSSION ITEMS

1. **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 N. Lake Park Blvd.  
Applicant: JSL CB Properties LLC

**ACTION:** Motion to open a public hearing to hear a Conditional Zoning request to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 North Lake Park Boulevard

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Planning Director Jeremy Hardison presented the details.

Proposal

The Vault, 612 North Lake Park Boulevard (former First Citizens Bank building) – will serve coffee, beer, and wine

Ordinance

When on-premise alcohol is being served and you are not classified as a standard restaurant, then the ordinance defines you as a bar. A bar is allowed through the approval of a Conditional Zoning (CZ) District in the Highway Business (HB) District.

## CZ

CZ allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and the entire community that cannot be pre-determined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property, even though the use itself could. The review process provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

No new bars/taverns shall be permitted within:

- 200 feet of an established church or school
- 200 feet of any residential district

## The Vault

- HB District
  - Businesses in HB serve entire community and beyond
  - Located on major thoroughfares
  - Can be conveniently reached by automobile and avoid sending heavy automobile traffic through smaller streets or residential areas

Mr. Hardison reviewed the site and floor plans for the project. He said there is not a sidewalk in this area, and the ordinance does not require sidewalks for existing buildings unless there is more than 50 percent of improvements to the tax or appraised value.

## CZ Process

- Public meeting Wednesday, September 29
- 6 people attended
- Concerns – potential for loud music
  - 75 decibels (daytime level) 7:00 AM-11:00 PM
    - On Friday and Saturday, the daytime levels shall remain in effect until midnight
  - 65 decibels 11:00 PM-7:00 AM

## Criteria

- When evaluating, Council shall consider the following:
  - Application's consistency to the general policies and objectives of the Town's Coastal Area Management Act (CAMA) Land Use Plan, any other officially adopted plan that is applicable, and the zoning ordinance
  - Potential impacts and/or benefits on the surrounding area and adjoining properties

- Report of results from the public input meeting
- Council may include additional standards such as landscaping, design guidelines, buffers, infrastructure improvements (i.e., water), and pedestrian, street, and right-of-way improvements

#### Land Use Plan

The project is in general conformity with the 2020 Land Use Plan; it supports to sustain a healthy and vibrant locally oriented economy.

Council Member Barbee asked Mr. Hardison to explain why this item is scheduled for a workshop rather than a regular meeting. Mr. Hardison said the December regular meeting is ceremonial and set aside for non-business activity as new Council Members take office, so the applicant asked for this to be heard now instead of being moved to the January meeting.

Mayor Pro Tem Healy asked if this would be considered a dog-friendly establishment. Mr. Hardison said this is up to the owner. Applicant Jeff Hogan, part-owner of applicant JSL CB Properties LLC, said yes, it will be dog-friendly.

Mayor Pierce opened the floor for public comment. No one requested to speak.

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

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mayor Pro Tem Healy said he thinks the proposed business will be good for the community.

**ACTION:** Motion that whereas in accordance with the provisions of the NCGS, the Town Council does hereby find and determine that the adoption of the Conditional Use District to allow for a bar at 612 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding areas listed any conditions associated with the approval

Motion made by Council Member Garza

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

*Motion passed unanimously*

Mayor Pierce thanked Mr. Hogan for again investing in the Town.

2. **Text Amendment:** Consider amending Chapter 40, Article III & Article IX, to address private parking lots that charge for parking  
Applicant: Town of Carolina Beach

**ACTION:** Motion to open a public hearing to consider amending Chapter 40, Article III and Article IX, to address private parking lots that charge for parking

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mr. Hardison presented the details.

#### Central Business District (CBD) Parking 2021 Season

- 7 private parking lots: 595 spaces
- 5 Town-owned lots: 365 spaces
- 3 Town-managed lots: 220 spaces

Mr. Hardison said this was the first year in the CBD that private lots exceeded public lots.

#### Current Regulations

2007: created allowance for private lots to charge (2 options)

#### Temporary Lot

- Can charge Friday week prior to Memorial Day to Sunday week after Labor Day
- Trash receptacles
- Concrete or asphalt aprons
- Signage required

#### Permanent Lot

- Can charge all year long
- Trash receptacles
- Concrete or asphalt aprons
- Signage required – Town decals not accepted
- Landscaping
- Stormwater
- Handicap parking

Mr. Hardison said the Town has only issued permits for temporary lots and no one has applied for a permanent lot.

#### Town Parking Requirements

Town parking lot areas shall be exempt from commercial parking lot requirements.

#### Issues

- Landscaping
- Stormwater
- Handicap parking
- Trash

- Confusion – Town/private
  - Rates
  - Different management
  - Customer service complaints

#### Proposed

The Planning and Zoning Commission recommended to remove temporary parking lots and amend the permanent parking lots with additional standards. To assist those property owners who operated temporary parking lots during 2021, the Town proposes to treat those parking lots as “non-conforming” upon the adoption of the text amendment. Immediate compliance with most of the requirements has been deemed necessary for public health, safety and welfare. A total of 24 months for compliance with the stormwater requirement is being proposed to allow the 22 property owners a reasonable amount of time to recoup any investment and allow other uses for the property to be considered.

Council Member Garza asked if the Town has reached out to private lot owners to let them know changes are coming. Mr. Hardison said yes and that the management company is present.

Mayor Pierce opened the floor for public comment.

Dan McNutt of UPP Global LLC, which operates locally as NC Parking Co., said he wanted to share some information to clear up any misinformation or misconception about the company’s operating strategies and customer service. He said they support and are looking forward to complying with the requirements discussed today and that the company is already practicing some of them, such as trash removal, signage, and handicap parking.

Council Member Garza mentioned complaints about the temporary parking lots’ system not being shut off after Labor Day weekend, causing people to be charged and ticketed beyond the permissible time frame. Mr. McNutt said this was an oversight that was resolved within a few days.

George LeCompte, a Town resident for 19 years and member of the Operations Advisory Committee, said he wanted the management company to consider ensuring drivers can see signage, including rates, from the street so they don’t have to pull into a lot and clog up traffic flow to get the necessary information. He also suggested consistent placement of pay stations, such as always on the right side, so there is a standard that makes it clear which station belongs to a certain parking lot. Mr. LeCompte also recommended color-coded backgrounds on signage to indicate which lots will accept Town parking permits.

Michelle Alberda of 205 Greenville Avenue said she would like to see a map of lots where Town parking permits are accepted in lots where they are not accepted. Council Member Shuttleworth said he would be reluctant to ask for this because the owners of private parking lots would likely not be willing to point people to Town lots. He said the Town could consider putting a general board with that information in some areas. Ms. Alberda also said parking lots need to make it very clear when they are no longer charging because this has been very confusing.

Justin Donaton said he is concerned that too much signage along the main road could be distracting and cause accidents. He said if people pull into a lot and it's not what they are looking for then they can exit, but otherwise it could be a safety issue. Mr. Donaton also asked about the rationale for why Town parking lots are exempt from the requirements, and he wanted to know if this applies only to lots owned by the Town or also to those leased by the Town.

Mr. McNutt said he would like to see the Town create a parking committee to create open lines of communication with the public. He said he would also be open to discussion about making a percentage of spaces open to Town parking permits to create value for local residents.

Mr. LeCompte said he would like to see consideration of private partnership situations where a parking lot may include a long string of bike racks, including e-bikes, to promote better traffic flow across Town.

No one else requested to speak.

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

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Mr. Hardison said the proposed ordinance would strike language about the Town not having to meet requirements for any new parking lots. A discussion followed about whether existing Town lots, which are already considered permanent, would have to meet the stormwater requirement that private lots going from temporary to permanent must eventually meet. Council Member Shuttleworth said this is currently not required, so a new budget process would have to take this into consideration. He said the Town is often exempt from requirements imposed on the private sector. Council Member Garza said Council can change this because it's the right thing to do. Council Member Barbee said he was worried this would set a precedent for other matters, but Council Member Garza said he only intends for this to apply to the parking lot discussion. He asked what the cost would be. Public Works Director Brian Stanberry said it would be in excess of \$30,000 per lot. Town Attorney Noel Fox said the Town would have to draft language, put it in the right spot, and bring the ordinance back before Council to impose the requirements on Town lots.

Mayor Pro Tem Healy said every sign for a parking lot that isn't a Town lot needs to make it clear, and he was in favor of the color-coding idea. He said this is important for the image of the Town.

Mayor Pierce said she liked the idea of a committee to improve communication and clarify issues.

Council Member Barbee said everyone has the same goal of clarifying parking regulations to promote a better product. He said he loved comments about establishing a partnership and feels 90 percent of issues with consumers could be corrected with a committee and better communication.

**ACTION:** Motion that whereas in accordance with the provisions of NCGS, the Council does hereby find and determine that the adoption to eliminate temporary parking lots of Chapter 40, Section 40-72 and Section 40-261, is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Council Member Barbee

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

*Motion passed unanimously*

Council Member Garza recommend the Town look into making its existing permanent lots meet the same requirements as private temporary lots becoming permanent. He said it's not fair to have a loophole and this will show the Town is willing to do its part.

Mayor Pierce encouraged Council Member Barbee and Mayor Pro Tem Healy to discuss this at the Council retreat in January. She said a long discussion on parking with the new Council would be helpful.

### 3. Parking Ordinance

Mayor Pierce opened the floor for public comment.

Steve Stefanovich, Chairman of the Pleasure Island Chamber of Commerce, said he sent an email to Chamber members soliciting input about proposed parking regulations and got numerous responses. He said customer satisfaction was the main topic. Mr. Stefanovich said there were many ideas and feedback proposed, including interest in a business parking committee. He also said most members were in favor of free parking after 7:00 PM instead of 10:00 PM during the peak season.

Michelle Alberda of 205 Greenville Avenue said she would like to see free parking return for the month of October and was interested in a cost-benefit analysis of revenue vs. loss of business for October of this year. She said she agrees with free parking beginning at 7:00 PM but was concerned about a violation ticket increasing from \$50 to \$100. Ms. Alberda also said she had questions about equipment the Town is purchasing and who is paying the 9.75 percent loan.

Mayor Pierce said she had the same question about October and has asked to see those numbers.

Council Member Garza asked George LeCompte, who serves with him on the Operations Advisory Committee, to address Council with some of his ideas.

Mr. LeCompte said he would like to see the Town explore the concept of a multi-modal transportation community, which promotes walking, bicycling, shuttle buses, and other means of getting around in combination with automobiles to alleviate congestion. He also mentioned using Military Ocean Terminal Sunny Point (MOTSU) land by Mike Chappell Park for a 100-space workforce parking lot that would incorporate a shuttle bus to take employees back and forth from their jobs in the CBD for free.

Mayor Pierce said these are great discussions for the Council retreat in January.

Assistant Town Manager Ed Parvin presented recommendations for parking rates and fees for the upcoming season.

#### Residential Passes

- \$40 each
- Documentation: (New Hanover County tax bill, lease copy, or utility bill showing a Town address)
- Limits for consideration
  - None with documentation and vehicles registered in the Town
  - 1 with documentation but vehicle not registered in the Town

#### Parking and Re-entry Passes

- Re-entry: free from 1/1 to 3/31, \$20 after 3/31
- Businesses: No change (all license plate recognition, or LPR)
- Non-resident: \$100/week

Council Member Shuttleworth said Council needs to discuss the issue of losing private lots that it used to control because Town parking permits were being accepted and costing revenue for the lot owner. He said there has been mention of doing tiered parking where a lot would or would not accept Town parking permits. Council Member Shuttleworth said this could entail oceanfront or other prime parking lots not accepting Town parking permits. He also said the Town needs to come up with creative solutions for employee parking. Council Member Shuttleworth said it's important to make parking a business so more revenue can be generated to decrease reliance on property taxes.

Council Member Barbee said the idea of a tiered parking structure needs to be further reviewed.

Council Member Garza asked if LPR will be used for resident passes. Mr. Parvin said yes. Council Member Garza said not everybody wants their license plate scanned and put in the system. Mr. Parvin said the Town is already collecting that information now.

#### Low-speed Vehicles (LSVs) and Golf Carts

##### Resident

- LSV: \$40/LPR
- Golf cart: \$60/sticker

##### Non-resident

- LSV: \$100
- Golf cart: not eligible

Council Member Barbee asked if the reason the golf cart pass is more expensive is because those vehicles are not registered and must use stickers. Mr. Parvin said yes. Council Member Barbee said these vehicles must be treated different for enforcement purposes. Mr. Parvin said the enforcement process would be manual and more administrative on the front and back end.

#### Parking Season



- March 1 to October 31 from 8:00 AM to 8:00 PM
- November 1 to February 28 from 9:00 AM to 5:00 PM

Council Member Garza said Council has been adamant about not adding paid parking in the off-season.

Mayor Pierce said Council has indicated it's not in favor of this at a previous meeting.

Mayor Pro Tem Healy suggested hearing the remainder of the presentation before further discussion about this.

Mayor Pierce said November through February is the slowest time of the year and that the Town should be encouraging people to visit.

Council Member Barbee said once the Town converts all temporary lots to permanent, then private parking lots can operate year-round.

Council Member Shuttleworth said he thinks the Town should charge year-round to keep things simple. He said he doesn't get free parking in November in downtown Wilmington.

Council Member Garza said most business owners do a majority of their business from 7:00 AM to 2:00 PM in the off-season.

Mayor Pro Tem Healy asked how much revenue year-round parking will generate. Mr. Parvin said the Town will net about \$65,000.

#### Rates

##### Vehicles/small trucks

- March 1-October 31: \$25/day or \$5/hour
- November 1-February 28: \$10/day or \$2/hour

##### Buses, limos, and oversize vehicles

- March 1-October 31: \$40/day or \$10/hour
- November 1-February 28: \$20/day or \$5/hour

Council Member Shuttleworth said he would be in favor of keeping the March 1-October 31 rates all year long to maintain consistency. He said the season is expanding all the time.

Mayor Pierce said this is the slowest November she's seen in 3 years and reminded Council that another business owner just asked Council to drop paid parking in October. She said she would have a hard time voting for year-round paid parking.

Council Member Barbee said if the Town is going to compete with private parking lots, then uniformity is important. He said the option that pays the property owner the most money is going to win every time. Council Member Barbee asked why owners of private parking lots would consider dealing with the Town when they could instead charge year-round.

Mayor Pierce said the incentive would be that dealing with the Town would be adding to the Town tax base to keep taxes down.

Mayor Pro Tem Healy said the proposed parking changes would not affect Town residents. Council Member Shuttleworth said it would affect business owners and their employees, many of whom live on the island, but by not doing it the Town could potentially lose some revenue.

Mayor Pierce asked what other beach towns are doing. Mr. Parvin said some beach towns outside of the State charge year-round for parking, but those in the County do not.

Council Member Garza he is against year-round parking fees. Mayor Pierce said she is also.

Council Member Garza said year-round parking fees would change the Town's dynamics, so he doesn't feel good about doing that. He said it affects business owners.

Council Member Shuttleworth said the purpose is for consistency with private lots for competition purposes. He said doing something different would be confusing.

Mayor Pro Tem Healy said charging peak-season rates for parking all year long is brutal. He said he is in favor of the lower rates November through February. Mayor Pro Tem Healy said the reduced rates would not stop him from driving over the bridge.

Mayor Pierce said it might stop others. She asked how the numbers for off-season parking revenue were calculated. Mr. Parvin said it was an estimate reached by working with Pivot Parking.

#### Violations

- Ticket increase from \$50 to \$100
- Non-payment after 5 days: \$50 fine
- Non-payment after 10 days: \$50 fine

Mayor Pro Tem Healy asked if people know what the parking fines are when they park. Mr. Parvin said no, they find out after the fact because fines are not currently listed on signs.

#### Freeman Park

##### Annual permit

- Early bird (\$110): December 1-31 (shall be picked up in person)
- Season pass (\$225): all sales end March 1

##### Daily passes

- April 1-September 30: \$50
- October 1-March 31: \$30

Council Member Garza asked historically how much revenue the Town is making after March 1 on season passes. Mr. Parvin said about \$67,000.

Council Member Barbee said people who don't buy a season pass by March 1 will buy daily passes, so the Town will probably not lose all of that money and could even make more.

Council Member Garza said he is in favor of everything proposed except off-season parking fees.

Mayor Pierce said she is also not in favor of charging for parking year-round. She said it's a bad decision for business owners.

**ACTION:** Motion to approve the rates as presented with the additional requirement that households with vehicles not registered in Carolina Beach would be limited to 1 parking permit

Motion made by Council Member Barbee

Voting Yea: Mayor Pro Tem Healy, Council Member Barbee, Council Member Shuttleworth

Voting Nay: Mayor Pierce, Council Member Garza

*Motion passed 3-2*

Council Member Shuttleworth asked if there would be an opportunity in the future for the new Council to come in and change today's vote. Town Manager Bruce Oakley said yes.

#### 4. Presentation by Pivot Parking

Tina Reid of Pivot Parking gave a presentation on logistics to implement proposed updates.

The paid parking proposed updates timeline included a 30-day assessment that Pivot started in November and is finishing within the next few days, with details presented in December. Pivot plans to set up new platforms and order new systems and signage in January, install the new LPR system with the new enforcement platform in February, and have final signage, testing of platform, and staff training in mid-February so the program can begin on March 1.

For vehicles with license plates, the license plate will become the digital permit; there will be no decals. Registration for parking permits, re-entry passes, CBD employee registration, golf cart registration, and Freeman Park passes will be available online and in person. Golf carts not considered LSVs and Freeman Park will continue to use stickers in 2022, but there is the potential for automation of Freeman Park passes in the future.

The LPR enforcement process consists of cameras constantly scanning plates and alerts going out when there is a plate not registered or not paid in the system so a citation may be issued. Enforcement ambassadors will act as informative ambassadors first and enforcement agents second.

Council Member Shuttleworth asked Ms. Reid to think about how the Town will address situations in the future when Freeman Park has reached maximum occupancy level and must close. He said this has often resulted in traffic backups.

Pivot and the Town will continue to work together over the next 90 days to implement parking updates and be ready for the 2022 season.

Mayor Pro Tem Healy asked if Pivot has looked at increasing the amount of available parking spaces. Ms. Reid said that process has begun following the equipment evaluation.

Mayor Pro Tem Healy asked if Pivot will bring final renderings of signage before Council. Ms. Reid said Council will see mockups and drafts first.

Council Member Shuttleworth gave Ms. Reid some information from the Operations Advisory Committee. He said they were great suggestions and recommended that Pivot meet with the committee.

Council Member Garza said working equipment should be a priority because for the past 4 years the Town has spent close to \$700,000 on it. He suggested that Pivot representatives come to Council workshops to stay informed about any parking issues that arise.

#### 5. Budget Amendment

Mr. Oakley said the Town is seeking to appropriate \$125,000 to account 10-570-046 Parking Professional Services from the General Fund balance to contract with Pivot Parking. He said this would front 2 months of operating costs as well as signage and capital expenses required to continue operating parking for the remaining 8 months.

Mr. Parvin said he wanted to clarify that year-round paid parking would not start until next fall.

**ACTION:** Motion to appropriate \$125,000 to account 10-570-046 Parking Professional Services from the General Fund balance to contract with Pivot Parking

Motion made by Mayor Pierce

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

*Motion passed unanimously*

#### 6. Budget Amendment

Mr. Oakley said the Town is seeking to appropriate \$5,500 to account 10-450-008 HR Premium Pay from the General Fund balance to supplement premium pay being paid out of American Rescue Plan funds.

**ACTION:** Motion to appropriate \$5,500 to account 10-450-008 HR Premium Pay from the General Fund balance to supplement premium pay being paid out by the American Rescue Plan funds

Motion made by Mayor Pierce

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

*Motion passed unanimously*

Finance Director Debbie Hall said Council needs to vote on another ordinance to transfer American Rescue Plan funds from the General Fund to the capital projects fund.

**ACTION:** Motion to create a budget for American Rescue Plan water, sewer, and stormwater projects as presented by staff

Motion made by Mayor Pierce

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

*Motion passed unanimously*

## 7. Award Parking Contract

Mr. Oakley said the proposed contract with Pivot Parking is for 1 year with the potential to be automatically renewed for 2 years if Pivot meets certain requirements and the Town is satisfied. He said there is a \$1,850 management fee with an 8.5 percent incentive management fee for anything over \$3.3 million. Mr. Oakley said there are reporting requirements, and he added that legal counsel and Town staff have reviewed the proposed contract.

**ACTION:** Motion to award the parking contract to Pivot Parking as presented

Motion made by Mayor Pierce

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

*Motion passed unanimously*

## NON-AGENDA ITEMS

### Council Member Garza

- Asked Mayor Pro Tem Healy and Council Member Barbee for their ideas on how the appointment to the open Council seat will be handled. Council Member Barbee said he is in favor of looking at those who previously ran or served. Mayor Pro Tem Healy said he thinks the new Council will vote on the open seat. Both said they want to see the best person in that seat. Council Member Garza said they were being extremely vague. Mayor Pierce added that the process is for sitting Council Members to nominate and vote on whomever they choose at that time. She said she is hopeful they will put somebody in that seat as quickly as possible, ideally at the next regular meeting on December 14.
- Reiterated his idea that the Town needs to upgrade its parking lots to meet the same requirements as private parking lots transitioning from temporary to permanent.
- Suggested the conversation needs to start now with Boardwalk business owners about establishing a Municipal Service District. He said he has brought this up for several months, but no one has been contacted. Mr. Oakley said he is waiting for direction from the new Council at the January workshop because he is not sure if this idea will move forward.
- Recommended bringing back the Freeman Park Committee.
- Asked where the Town is with creating a tree committee. Planning and Zoning Commission Chairman Deb LeCompte said Pleasure Island Habitat is working on this to bring forward to Council.

- Requested an update on the lake. Mr. Oakley said he will go back to the contractor to see what can be done to get the bid in line with the budgeted cost. Council Member Shuttleworth said the Town should meet with all of the bidders to determine the best route for a rebid or clarification.
- Shared that he doesn't think there is a need for a separate parking committee because it ties into the Operations Advisory Committee, but if Council moves forward with this he suggested inviting members of the existing committee as well as Police and Fire representatives to be liaisons.
- Suggested the Town begin discussion about creating a district in the Boardwalk area that allows for open containers of alcohol due to the passage of House Bill 781.
- Suggested having a December workshop this year so new Council Members can be better prepared.
- Expressed appreciation to Town staff and said he has enjoyed his time as his term draws to a close.
- Asked Town staff to use Facebook to update the public all week long about road closures for the Christmas Parade on the evening of December 3.

#### Council Member Barbee

- Asked residents to take notice of the priority Council has placed on efficiency and consistency as they look at the parking changes made today because they will keep taxes lower in the long run.

#### Mayor Pro Tem Healy

- Asked residents to remind themselves how fortunate we are to live in a place full of events while keeping a small-town feel.

#### Council Member Shuttleworth

None

#### Mayor Pierce

- Shared that the Town will be awarded \$1 million in the State budget for a park and hopes the future Council will apply this to Freeman Park.
- Praised State Rep. Charlie Miller for helping the Town with the park funding, securing an additional \$2 million for the lake, obtaining money for Powell Bill funds, and getting a turn lane on Dow Road.
- Asked Mr. Oakley to apply for rollover funds from room occupancy taxes.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Mayor Pierce

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

*Motion passed unanimously*

The meeting adjourned at 11:05 AM.

# CAROLINA BEACH

Town Council Special Meeting

Monday, December 7, 2021 – 11:00 AM

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



## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 3:00 PM

### PRESENT

Mayor LeAnn Pierce

Mayor Pro Tem Jay Healy

Council Member Lynn Barbee

### MEMBERS EXCUSED

Council Member Steve Shuttleworth

Council Member JoDan Garza

### ALSO PRESENT

Town Manager Bruce Oakley

Town Clerk Kim Ward

Assistant Manager Ed Parvin

Town Attorney Noel Fox

### ITEMS OF BUSINESS

**ACTION:** Mayor Pierce made a motion to go into closed session in accordance with NCGS 143.318.11(a)(3). Matters being discussed include 20 CVS 2596 Porter vs Town of Carolina Beach, as well as an attorney/client privilege item. Motion passed 3 to 0.

Mayor Pierce called the meeting back to order at 3:30 PM.

**ACTION:** Mayor Pierce made a motion to approve a settlement with all parties in 20 CVS 2596. Whereby the Town is paid \$80,000 in exchange for dismissals of all claims filed. Motion passed 3 to 0.

**ACTION:** Mayor Pierce made a motion to adjourn at 3:30 PM. Motion passed unanimously.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, December 14, 2021 - 6:30 PM

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



## MINUTES

### CALL TO ORDER WITH INVOCATION GIVEN BY PASTOR SHAWN BLACKWELDER OF ST. PAUL'S UNITED METHODIST CHURCH

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Pastor Shawn Blackwelder of St. Paul's United Methodist Church and Pledge of Allegiance.

#### 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

Assistant Town Manager Ed Parvin

Town Clerk Kim Ward

Town Attorney Noel Fox

Mayor Pierce recognized the following people in the audience: State Rep. Charlie Miller, Chance Lambeth from U.S. Rep. David Rouzer's office, Kure Beach Mayor Craig Bloszinsky, Belville Mayor Mike Allen, former Council Member Sarah Friede, former Mayor and current Council Member-Elect Joe Benson, and former Council Member and Mayor Pro Tem Pat Efird, who is also a recipient of The Order of the Long Leaf Pine.

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Pierce

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

*Motion passed unanimously*

### CONSENT AGENDA

1. Set a public hearing for January 11, 2022, for a Conditional Zoning District to consider a multi-family project consisting of 8 townhome units located at 905 Basin Road in the MB-1 zoning district  
Applicant: Laurel Companies LLC.



2. Set a public hearing for January 11, 2022, for a Conditional Zoning District to consider a multi-family project consisting of 9 townhome units located at 406, 408, 410 Canal Drive in the T-1 zoning district  
Applicant: Tank Construction Supplies LLC
3. Set a public hearing for January 11, 2022, to consider a voluntary annexation for a 20,853-square-foot tract located on 601 Augusta Ave into the Town of Carolina Beach municipal boundaries  
Applicant: Center City Development
4. Approval of meeting minutes from October 26 and November 9, 19, and 22

Council Member Garza said regarding consent agenda item 3, which sets a public hearing to consider a voluntary annexation for 601 Augusta Avenue into the Town's municipal boundaries, he thinks this is a no-brainer and the answer should be no. He said he's not going to be in office when the new Council votes on this, but he wanted to say publicly he is not in favor of it.

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

Motion made by Mayor Pierce

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

*Motion passed unanimously*

**OUTGOING COUNCIL ADJOURNS**

**RECOGNITION OF OUTGOING COUNCIL MEMBERS**

5. Mayor Pierce will recognize outgoing Council Members Steve Shuttleworth and JoDan Garza

State Rep. Charlie Miller presented Council with a check for \$4,150,000 representing items for the Town from the General Assembly. He said this includes \$2 million for the lake, \$900,000 for capital improvements, \$1 million to help with the Freeman Park purchase, and \$250,000 for turn lanes.

Mayor Pierce presented Council Member Garza with a plaque as he prepared to leave office after 4 years. Council Member Garza made closing comments.

Mayor Pierce presented Council Member Shuttleworth with a plaque as he prepared to leave office after 10 years. Council Member Shuttleworth made closing comments.

**RECOGNITION OF MAYOR PIERCE**

6. Mayor-Elect Barbee and Council Members will recognize Mayor Pierce

Council Member Shuttleworth presented Mayor Pierce with a plaque as she prepared to leave office after 8 years. Mayor Pierce made closing comments.

**OATH OF OFFICE FOR MAYOR-ELECT BARBEE ADMINISTERED BY REPRESENTATIVE CHARLIE MILLER**

**OATH OF OFFICE FOR COUNCIL MEMBER-ELECT JOE BENSON ADMINISTERED BY REPRESENTATIVE CHARLIE MILLER**

**OATH OF OFFICE FOR COUNCIL MEMBER-ELECT MIKE HOFFER ADMINISTERED BY REPRESENTATIVE CHARLIE MILLER**

**NEW COUNCIL IS SEATED AT THE DAIS**

**MAYOR BARBEE CALLS THE MEETING TO ORDER**

Mayor Barbee called the meeting back to order at 7:04 PM. New Council Members made comments.

**DISCUSSION ON THE APPOINTMENT TO THE VACANT COUNCIL SEAT**

7. Discussion of Vacant Council Seat

Mayor Barbee said because his previous seat as a Council Member is now open, Council will need to fill it with an appointment.

Town Attorney Noel Fox gave details about the selection process.

Council Member Benson said he wanted to choose from the 3 other candidates who recently ran for Council: Matt Dunn, Vince Losito, and Deb LeCompte. He said it was a no-brainer for him that Ms. LeCompte should fill the seat.

Council Member Hoffer said Ms. LeCompte has the necessary character, qualifications, and passion to serve.

Mayor Pro Tem Healy said the public has spoken when they previously voted for Ms. LeCompte, who was the third-place candidate at that time. He said she has paid her dues by serving on multiple committees and otherwise being highly involved in the community, so she's earned the right.

Mayor Barbee said although he is not an advocate of automatically selecting the third-place candidate, he thinks no one works harder in this Town than Ms. LeCompte. He said she dedicates a tremendous amount of time, which he thinks is the most valuable asset along with good judgment and hard work.

**ACTION:** Motion that Debra LeCompte, if she is willing to accept the position, fill the remaining 2 years of Mayor Barbee's Council Member term

Motion made by Council Member Benson

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer

*Motion passed 4-0*

Rep. Miller administered the oath of office for newly appointed Council Member LeCompte.

**ELECTION OF MAYOR PRO TEM**

8. Election of Mayor Pro Tem

Mayor Barbee said Council chooses this position.

**ACTION:** Motion that Mayor Pro Tem Healy stay in the position as Mayor Pro Tem

Motion made by Council Member Benson

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Mayor Pro Tem Healy said he would be honored and thanked Council.

## **APPOINTMENTS TO TOWN AND OUTSIDE COMMITTEES**

### **9. Committee Appointments**

Mayor Barbee read the following proposed appointments to Town and outside committees:

- Cape Fear Council of Governments: Mayor Barbee
- Carolina/Kure Beach Regional Sewer Authority: Council Member LeCompte/Council Member Benson
- CBP3: Mayor Barbee/Council Member Benson
- Pleasure Island Chamber of Commerce: Mayor Barbee
- Military Ocean Terminal Sunny Point (MOTSU) Liaison: Mayor Pro Tem Healy/Council Member Benson
- North Carolina Beach, Inlet & Waterway Association: Mayor Pro Tem Healy
- New Hanover County Tourism Development Authority: Mayor Barbee
- New Hanover County Transportation Advisory: Mayor Barbee
- Wilmington/New Hanover Port, Waterway & Beach Commission: Mayor Pro Tem Healy/Council Member LeCompte
- Bike/Ped: Council Member Hoffer
- Beautification: Council Member Hoffer
- Centennial: Council Member LeCompte
- Marketing Advisory: Mayor Pro Tem Healy
- Operations Advisory: Mayor Benson
- Parks and Rec: Mayor Pro Tem Healy
- Police Advisory: Council Member LeCompte

**ACTION:** Motion to accept the committee assignments

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

## **EXTENSION OF CONTRACT WITH WARD AND SMITH**

Mr. Oakley said the Town has been under contract with Ward and Smith, in particular former U.S. Rep. Mike McIntyre and The Ferguson Group, for help with legislative efforts in Raleigh and Washington. He said the contract ends at the end of December, so he is requesting that Council extend the contract

through February until the Town can negotiate and decide exactly what the new Council wants from this arrangement.

**ACTION:** Motion to approve the contract extension with Ward and Smith as presented by the Town Manager

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

**PUBLIC COMMENT**

Steve Shuttleworth of 711 Carolina Beach Avenue North offered congratulations to the new Council.

**ADJOURNMENT - RECEPTION FOLLOWING IN THE ATRIUM**

Mayor Barbee adjourned the meeting at 7:22 PM.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 1/11/2021

**SUBJECT:** Presentation by the Centennial Committee

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**BACKGROUND:**

The Centennial Committee will present the centennial logo and recognize the artist.

**ACTION REQUESTED:**

Review and approve the selected logo.

**RECOMMENDED MOTION:**

Motion to approve the Centennial logo as presented.



*Waves of the past carried on the tides of tomorrow*



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Mid-Year Financial Update

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**BACKGROUND:**

Present a brief update to Council on the Town's Budget v Actuals for July 1, 2021 -December 31, 2021.



# Mid-Year Financial Update

July 1 , 2021 through December 31, 2021

JANUARY 11, 2022



# Agenda

- Moody's Rating February 11, 2021
- Revenues through December 31, 2021
- Expenses through December 31, 2021

# Moody's Annual Credit Rating

Moody's reviews the Town's financial data annually as a requirement of Revenue Bond Series 2016. The purpose is to report the financial health of the Town to the Bond market. This data is used by lenders to establish the interest rate to be charged on debt service and is monitored by the Local Government Commission. Once again, the General Fund and Utility Fund were issued Moody's second highest credit rating.

General Fund Rating = Aa1

Utility Fund Rating = Aa3

## Long-term Debt Ratings (maturities of one year or greater)

### INVESTMENT GRADE

- » Aaa – highest rating, representing minimum credit risk
- » Aa1, Aa2, Aa3 – high-grade
- » A1, A2, A3 – upper-medium grade
- » Baa1, Baa2, Baa3 – medium grade

# SALES AND USE TAX

Disp Acct	Budget	YTD	Variance	Prcnt
10-345-000 Sales Tax County	\$910,657.00	\$440,207.46	(\$510,449.54)	43.95%
10-348-000 Sales Tax Statewide	\$774,385.00	\$334,535.32	(\$439,849.68)	43.20%
10-348-002 Sales Tax New .25%	\$236,740.00	\$96,533.63	(\$140,206.37)	40.78%
<b>Totals</b>	<b><u>\$1,921,782.00</u></b>	<b><u>\$871,276.41</u></b>	<b><u>(\$1,090,505.59)</u></b>	
Collections for the Period July 1, 2021 - October 31, 2021				

Collections are up 17.73% over same period in FY20/21

# PROPERTY TAX COLLECTIONS

Disp Acct	Budget	YTD	Variance	Prcnt
10-301-000 Ad Valorem-Current Year	\$6,283,970.00	\$5,239,817.22	(\$1,044,152.78)	83.38%
10-301-001 Ad Valorem-1st Prior Year	\$50,000.00	\$11,852.22	(\$38,147.78)	23.70%
10-301-002 Ad Valorem-Prior Years	\$4,000.00	\$2,980.41	(\$1,019.59)	74.51%
10-317-000 Tax Penalties	\$15,000.00	\$3,435.62	(\$11,564.38)	22.90%
<b>Totals</b>	<b>\$6,352,970.00</b>	<b>\$5,258,085.47</b>	<b>(\$1,094,884.53)</b>	
Collections for Period July 1, 2021 - December 31, 2021				

Ad Valorem – Average collection rate is 98.98%.

# Other General Fund Revenue Sources

Disp Acct	Budget	YTD	Variance	Prcnt	
ABC Tax	\$550,000.00	\$225,108.91	(\$324,891.09)	40.93%	*
Building Permits	\$420,000.00	\$27,822.20	(\$14,177.80)	66.24%	
Building Inspections	\$230,000.00	\$154,994.30	(\$75,005.70)	67.39%	
Parking Lots	\$1,244,588.00	688,457.12	(\$556,130.88)	55.32%	
Parking Meters	\$603,706.00	\$338,148.15	(\$265,557.85)	56.01%	
Powell Bill	\$167,346.00	\$213,420.38	\$46,074.38	127.53%	
<b>Totals</b>	<b>\$3,215,640.00</b>	<b>\$959,493.94</b>	<b>(\$1,189,688.94)</b>		
<b>Collections for Period July 1, 2021 - December 31, 2021</b>					

\* Note: ABC revenue is through 11/30/21

# General Fund Expenses

General Fund	Budget	YTD	Variance	Prcnt
Expenses	\$17,113,222	\$7,829,440	\$-8,845,807	48.00%

General Fund Expenses July 1, 2021 - December 31, 2021

### Budget vs Actual (Summary)

Town of Carolina Beach  
1/4/2022 4:54:05 PM

Page 1 Of 1

Period Ending 12/31/2021

#### 10 General Fund

Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent
<b>Revenues</b>							
	17,113,222	0.00	2,114,224.05	5,421,091.26	10,036,600.87	(7,076,620.91)	59%
Revenues Totals:	17,113,222	0.00	2,114,224.05	5,421,091.26	10,036,600.87	(7,076,620.91)	59%
<b>Expenses</b>							
Non Departmental	257,112	413.00	180,586.75	180,986.75	247,617.79	9,081.21	96%
Debt Service	864,572	0.00	0.00	107,888.01	107,888.01	756,683.99	12%
Legislative	526,721	6,008.02	38,865.95	116,080.83	283,709.41	237,003.07	55%
Executive	1,212,114	155,504.74	98,643.58	227,460.68	722,735.17	333,874.09	72%
Clerk	162,117	776.00	14,086.16	38,670.93	69,934.02	91,406.98	44%
Finance	410,168	660.03	49,568.94	121,789.19	210,660.81	198,847.16	52%
HUMAN RESOURCES	561,220	18,741.46	66,810.31	126,648.58	230,671.30	311,807.24	44%
Planning & Development	685,503	1,787.27	63,716.47	151,684.25	318,856.16	364,859.57	47%
Public Works Administr.	0	0.00	0.00	0.00	0.00	0.00	
Police	3,063,821	48,321.66	283,309.17	720,508.04	1,565,037.84	1,450,461.78	53%
Lifeguards	514,229	5,679.50	7,027.73	27,227.36	322,572.04	185,977.46	64%
Fire	1,689,153	22,225.60	156,488.49	373,260.09	779,800.84	887,126.56	47%
Marina	115,294	0.00	11,432.06	24,670.75	52,699.33	62,594.67	46%
Powell Bill	185,000	62,100.17	5,798.70	20,181.70	28,646.90	94,252.93	49%
G/F Fleet Maintenance	271,250	2,783.07	11,429.70	44,893.68	82,375.25	186,091.68	31%
Parking	481,980	21,777.00	36,889.83	126,508.73	214,437.37	245,765.63	49%
ENVIRONMENTAL	3,724,394	45,482.11	271,804.84	820,799.30	1,541,457.94	2,137,453.95	43%
Parks & Recreation	1,223,149	21,566.80	93,305.61	224,462.15	545,541.59	656,040.61	46%
Beach Maintenance	1,104,425	24,149.17	73,096.09	386,955.57	502,591.65	577,684.18	48%
Boardwalk & Central Bus. District	61,000	0.00	0.00	2,206.25	2,206.25	58,793.75	4%
Expenses Totals:	17,113,222	437,975.60	1,462,860.38	3,842,882.84	7,829,439.67	8,845,806.51	48%
10 General Fund Revenues Over/(Under) Expenses:			651,363.67	1,578,208.42	2,207,161.20		

# Utility Fund Revenue Sources

Utility Revenues	Budget	YTD	Variance	% Change FY20 to FY21
Stormwater Monthly Fees	1,522,107	769,315	(752,792.35)	50.54%
Water Monthly Service	2,288,570	1,203,912	(1,084,658.17)	-52.61%
Sewer Monthly Service	3,903,278	2,030,030	(1,873,248.50)	-52.01%
Water Connection	155,290	151,567	(3,723.00)	-97.60%
Sewer Connection	135,700	105,875	(29,825.00)	-78.02%
Water System Development	237,120	163,260	(73,860.00)	-68.85%
Sewer System Development	260,160	178,620	(81,540.00)	-68.66%
<b>Total</b>	<b>\$8,502,225</b>	<b>\$4,602,578</b>	<b>\$ (3,899,647.02)</b>	

Collections July 1, 2021 – December 31, 2021



# Utility Fund Expenses

Utility Fund	Budget	YTD	Variance	Prcnt
Expenses	\$9,666,637	\$3,219,868	\$-5,820,691	40.00%

**General Fund Expenses July 1, 2021 - December 31, 2021**

### Budget vs Actual (Summary)

Town of Carolina Beach

1/4/2022 4:57:04 PM

Page 1 Of 1

Period Ending 12/31/2021

#### 30 Utilities Fund

Description	Budget	Encumbrance	MTD	QTD	YTD	Variance	Percent
<b>Revenues</b>							
	9,666,637	0.00	670,172.21	2,187,855.57	4,932,774.60	(4,733,862.85)	51%
Revenues Totals:	9,666,637	0.00	670,172.21	2,187,855.57	4,932,774.60	(4,733,862.85)	51%
<b>Expenses</b>							
Debt Service	2,525,699	0.00	495,150.00	497,533.19	497,533.19	2,028,165.81	20%
Beach Maintenance	0	0.00	0.00	0.00	0.00	0.00	
W&S Administrative	1,265,827	746.75	47,750.83	130,086.36	581,326.06	683,754.19	46%
Wastewater Treatment	1,099,971	140,581.23	155,083.92	265,015.01	476,201.21	483,188.56	56%
Wastewater Collection	1,746,913	87,825.32	150,649.19	334,542.65	660,365.78	998,721.90	43%
Water	1,418,860	221,902.62	64,852.21	313,918.93	450,380.68	746,576.65	47%
W&S FLEET MAINT	222,700	29,171.55	11,316.04	40,843.49	84,447.08	109,081.37	51%
Stormwater Drainage	1,386,668	145,850.25	119,895.33	260,536.88	469,614.43	771,202.82	44%
Expenses Totals:	9,666,637	626,077.72	1,044,697.52	1,842,476.51	3,219,868.43	5,820,691.30	40%
30 Utilities Fund Revenues Over/(Under) Expenses:			(374,525.31)	345,379.06	1,712,906.17		

Any Questions ? 

Thank you for your time.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Executive

**MEETING:** Town Council Meeting 1/11/2022

**SUBJECT:** Manager's Update

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**BACKGROUND:**

Town Manager Bruce Oakley will give an update on various projects and events.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – 11 January 2022

**SUBJECT:** Conditional Zoning to consider a multifamily project consisting of 8 townhome units located at 905 Basin Rd in the Marina Business (MB-1) zoning district.  
Applicant: Laurel Companies LLC

### BACKGROUND:

The applicant, Laurel Companies LLC, applied for a Conditional Zoning application for a multifamily project in the Marina Business District. The proposal includes 8 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Marina Business District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, Town Council shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and a file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, Town Council may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on following details:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

### **Proposal:**

The applicant is proposing to redevelop the existing manufactured home park located at 905 Basin Rd with a multifamily project consisting of 8 townhome units. The purpose of the Marina Business (MB-1) district is to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. The district also provides for certain residential and non-water dependent uses.

Maximum lot coverage is 40%, which includes the footprint of the buildings, decks, and steps. The total square footage of the lot is 21,895. The applicant's proposed total lot coverage is 6,680 square feet for a total of 30.51%. The structures will not exceed the 50' height limit. Setbacks in the MB-1 district are 30' (front), and 10' (sides and rear). This lot is considered double frontage, and the applicant shall meet the 30' front setback requirement from both rights-of-way on Basin Rd and St. Joseph St. The applicant is meeting all setback requirements. The applicant is providing the required Type B 10' Landscape Buffer. The applicant is providing

the required 3 parking spaces per unit for a total of 24 parking spaces. The Town recently acquired a grant for a Multi-Use Path on St. Joseph St.

### **Conditional Zoning Process**

As part of the application process a community meeting required. The applicant held the required meeting on October 22, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties. The main concern from the community meeting was stormwater. The following condition was proposed by the applicant:

1. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan because this area supports Mixed Uses of Commercial and Residential.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 8 townhome units located at 905 Basin Road.

Staff recommends approval. P&Z recommend unanimous approval of the project, including the conditions proposed by TRC and proposed by the applicant:

1. Utilities must be installed in accordance with Town requirements.
2. All relevant requirements of the fire code must be met i.e. installation of fire hydrants, sprinklers.
3. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **RECOMMENDED MOTION:**

Approval – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 8 townhome units located at 905 Basin Rd. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial – based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.

1121 N. Lake Park Blvd.  
 Carolina Beach, NC 28428  
[permits@carolinabeach.org](mailto:permits@carolinabeach.org)  
 Phone (910) 458-2999



Permit #

CZ21-04

## TOWN OF CAROLINA BEACH

### Conditional Zoning Application

The Conditional Zoning process for the Town of Carolina Beach may be found in the ordinance (Sec. 40-527).

Prior to the application submission, the applicant must conduct a Public Input Meeting. The following are the public meeting requirements:

- The applicant must mail notice of said meeting to all property owners within 500 feet of the perimeter of the project bounds no less than 10 days prior to the meeting.
- The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
  - o A copy of the letter announcing the meeting
  - o A list of property owners contacted
  - o An attendance roster from the meeting
  - o A summary of the issues discussed
  - o The results and any changes related to the proposal based on meeting discussions

Each application submitted to staff must be legible, contain the public scoping meeting required information, and provide all other required materials to be accepted as a completed application. Supplemental application materials may include, but not be limited to, site plans, building designs, engineered drawings, stormwater designs, landscaping plans, project narratives, Federal and/or State permits/permissions, and Traffic Impact Analyses. **It is strongly suggested that the applicant set up a meeting with Planning Staff prior to the submission deadline, to ensure the application is complete.**

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

**Application fees.** The owner or owners, or their duly authorized agent, of the property included in the application for Conditional Zoning shall submit a complete application and supplemental information to the Planning Department. 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 Zoning 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".

<b>Major Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 800.00</b>
<b>Minor Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 350.00</b>

This permit will be scheduled for the next possible Technical Review Committee, provided the public scoping meeting has taken place and the application is otherwise complete.



Please complete all sections of the application.

**A. Property Information**

Address(es): 905 Basin Road

PIN(s): \_\_\_\_\_

Project Name Basin Road Townhomes

Size of lot(s): \_\_\_\_\_

**B. Application for Conditional Zoning**

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):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Applicant Contact Information**

Laurel Companies LLC  
 Company/corporate Name (if applicable):

Tim Barker  
 Applicant's Name

101 Seaview Rd  
 Mailing Address

Wilmington, NC 28409  
 City, State, and Zip Code

910-632-3765  
 Telephone

tim@laurelcompanies.com  
 Email

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

Bonnie Bird  
 Owner's Name

405 Marina St.  
 Mailing Address

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

843-270-7977  
 Telephone

bonnie@bbirdnc.com  
 Email



**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.

**Yes No N/A**

- ☒ ☐ ☐ The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- ☐ ☐ ☐ An appropriate scaled plan
- ☐ ☐ ☐ Title block or brief description of project including all proposed uses
- ☐ ☐ ☐ Date
- ☐ ☐ ☐ North arrow
- ☐ ☐ ☐ Property and zoning boundaries
- ☐ ☐ ☐ The square footage of the site
- ☐ ☐ ☐ Lot coverage (buildings, decks, steps)
- ☐ ☐ ☐ Location of all existing and proposed *structures* and the setbacks from property lines of all affected structures to remain on-site
- ☐ ☐ ☐ Design of driveways and parking
- ☐ ☐ ☐ Adjacent right-of-ways labeled with the street name and right of way width
- ☐ ☐ ☒ 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:

**Yes No N/A**

- ☐ ☐ ☒ Location and design of refuse facilities
- ☐ ☐ ☒ Approximate locations and sizes of all existing and proposed *utilities*
- ☐ ☐ ☒ Existing and/or proposed fire hydrants (showing distances)
- ☒ ☐ ☐ Adjacent properties with owners' information and approximate location of structures
- ☒ ☐ ☐ Distances between all *buildings*
- ☒ ☐ ☐ Number of *stories* and height of all *structures*
- ☒ ☐ ☐ Locations of all entrances and exits to all *structures*
- ☒ ☐ ☐ Calculate the *gross floor area* with each room labeled (i.e. kitchen, bedroom, bathroom)
- ☐ ☐ ☒ Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
- ☒ ☐ ☐ Location of flood zones and finished floor elevations
- ☐ ☐ ☐ CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
- ☐ ☐ ☒ Delineation of *natural features* and wetlands with existing and proposed topography with a maximum of two-foot contour intervals
- ☒ ☐ ☐ Proposed landscaping including percentages of *open space*
- ☒ ☐ ☐ Stormwater management systems
- ☒ ☐ ☐ Cross-sectional details of all streets, roads, ditches, and *parking lot* improvements
- ☒ ☐ ☐ *Building* construction and occupancy type(s) per the building code
- ☐ ☐ ☒ Location of fire department connection(s) for standpipes
- ☒ ☐ ☐ Turning radii, turnarounds, access grades, height of overhead obstructions
- ☐ ☐ ☒ Dimensions and locations of all *signs*
- ☒ ☐ ☐ A vicinity map drawn with north indicated

- ☐ I have provided two hard-copies and one scaled electronic version of each required drawing
- ☒ I 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 vesting plan shall be submitted in accordance with Chapter 40 Article XIII

**OWNER'S SIGNATURE:** In filing this application for a conditional zoning, 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.

Tamara Ford

Signature

8/18/2021

Date

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

The undersigned owner, Bonnie Bond, does hereby appoint Tim Barker 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; and/or c) 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 conditional zoning, to accept conditions or recommendations made for the conditional zoning 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: 8-30-21

Appointee's Name, Address & Telephone:

Tim Barker  
101 Seaweed Rd  
Wilmington, NC 28409

Signature of Owner: Bonnie Bond

SITE INFORMATION

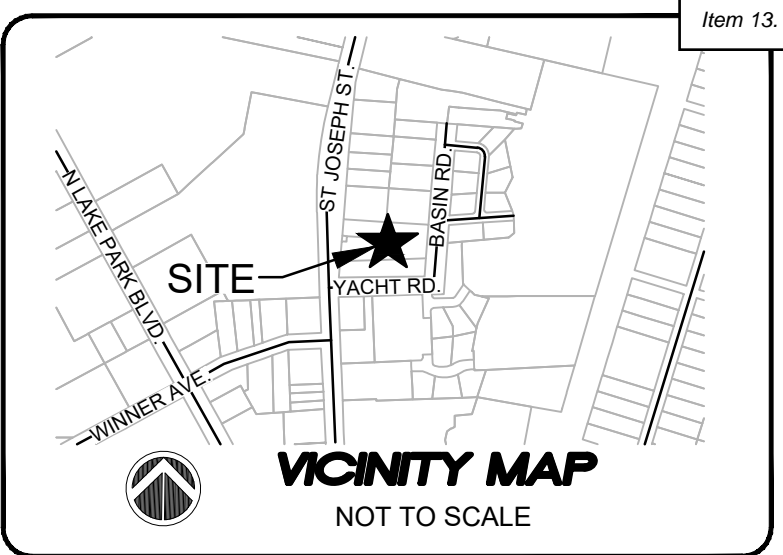
1. OWNER: DENNIS D. EDWARDS; MARCEDES EDWARDS
2. APPLICANT: LAUREL COMPANIES, LLC
3. PHYSICAL ADDRESS:  
905 BASIN RD.  
CAROLINA BEACH, NC 28428
4. MAILING ADDRESS:  
101 SEAVIEW RD.  
WILMINGTON, NC 28409
5. PARCEL ID: R08818-003-005-000
6. AREA OF LOT: 21,895 SF (0.5 AC)
7. CURRENT USE:  
  
MANUFACTURED HOME PARK

8. PROPOSED USE:  
  
MULTIFAMILY RESIDENTIAL
9. ZONING: MB-1-MARINA
10. SETBACKS:  
FRONT YARD: 30'  
SIDE YARD: 10'  
REAR YARD: 10'  
CORNER: 12.5'
11. DEED BOOK: 6419  
PAGE NUMBER: 1220
12. PROPOSED BUILT UPON AREA (BUA):  
  
BUILDINGS = 6,680 SF  
  
DRIVEWAYS = 3,250 SF  
  
TOTAL PROPOSED BUA = 9,980 SF  
  
STRUCTURES LOT COVERAGE = 31%

IMPERVIOUS LOT COVERAGE = 45%

13. PARKING  
  
EACH UNIT PROVIDES 3 PARKING SPACES: 2 UNDERNEATH THE STRUCTURE (OPEN CARPORT) AND 1 ON THE DRIVEWAY.
16. LANDSCAPING  
  
TYPE B BUFFER REQUIRED: TWO CANOPY TREES OR FOUR UNDERSTORY TREES, AND SIX SHRUBS FOR EVERY 50 LINEAR FEET WITHIN THE BUFFER YARD.
- FOR A PERIMETER OF ROUGHLY 750 LINEAR FEET AT LEAST 30 CANOPY TREES OR 60 UNDERSTORY TREES, AND 90 SHRUBS SHALL BE PROVIDED.
17. TOPOGRAPHY  
  
THE SITE IS RELATIVELY FLAT WITH ELEVATIONS RANGING FROM 8-12'.

18. TRASH  
  
TRASH AND RECYCLING ROLL-OUT CARTS WILL BE USED FOR EACH UNIT AND WILL BE COLLECTED BY THE TOWN OF CAROLINA BEACH.
19. UTILITIES  
  
WATER AND SEWER SERVICE TO BE PROVIDED BY THE TOWN OF CAROLINA BEACH.
20. STORMWATER  
  
A STATE STORMWATER PERMIT IS NOT REQUIRED AS TOTAL IMPERVIOUS AREA FOR THE PROJECT IS BELOW 10,000 SF. A STORMWATER DRAINAGE PLAN THAT IS COMPLIANT WITH THE TOWN OF CAROLINA BEACH ORDINANCE SHALL BE SUBMITTED.
20. FIRE  
  
FIRST 75' OF SHARED DRIVEWAY TO BE RATED 7,500 PSI FOR FIRE TRUCK.



LEGEND

SHRUB	
CANOPY TREE	
EXISTING STORM CATCH BASIN	
EXISTING WATER	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING SEWER	
EXISTING SEWER MANHOLE	
EXISTING POWER POLE	
ADJOINER	

ISSUED FOR  
REGULATORY REVIEW

B	ISSUED FOR REGULATORY REVIEW	MKM
		11/24/21
A	ISSUED FOR REGULATORY REVIEW	MKM
		11/01/21
REV. #	DESCRIPTION	REV. BY
		DATE
REVISIONS		

**CAPE FEAR  
ENGINEERING**

151 Poole Rd., Suite 100; Belville, NC, 28451  
TEL (910) 383-1044; FAX (910) 383-1045  
www.capefearengineering.com  
N.C. LICENSE # C-1621

PROJECT NUMBER:	205-72
SCALE:	AS NOTED
DATE:	11/24/2021

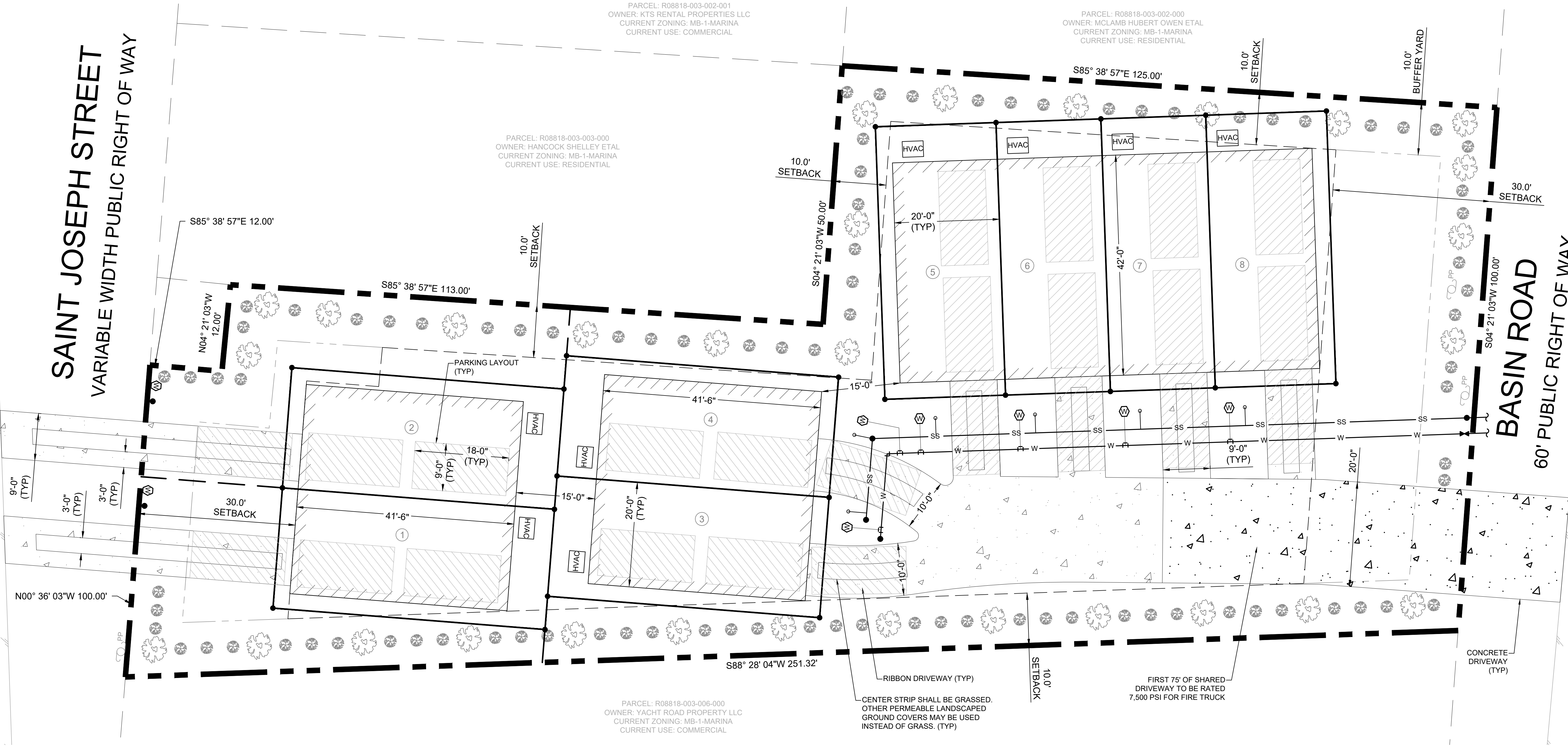
LAUREL COMPANIES, LLC  
BASIN PARK TOWNHOMES  
905 BASIN ROAD  
CAROLINA BEACH, NC

SITE PLAN  
CONDITIONAL USE PERMIT

PROJECT NUMBER 205-72	SHEET NUMBER CS100
--------------------------	-----------------------

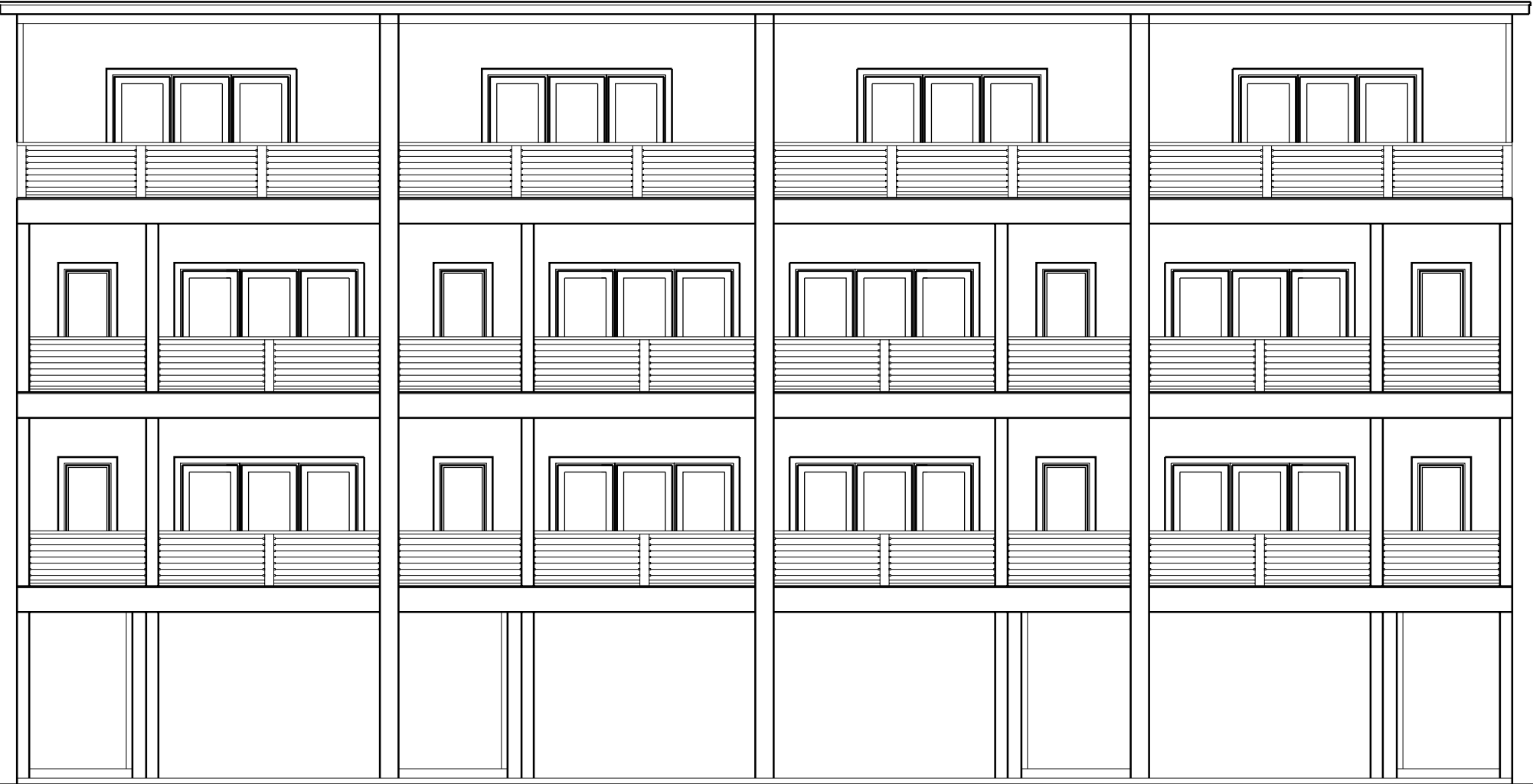
SAINT JOSEPH STREET  
VARIABLE WIDTH PUBLIC RIGHT OF WAY

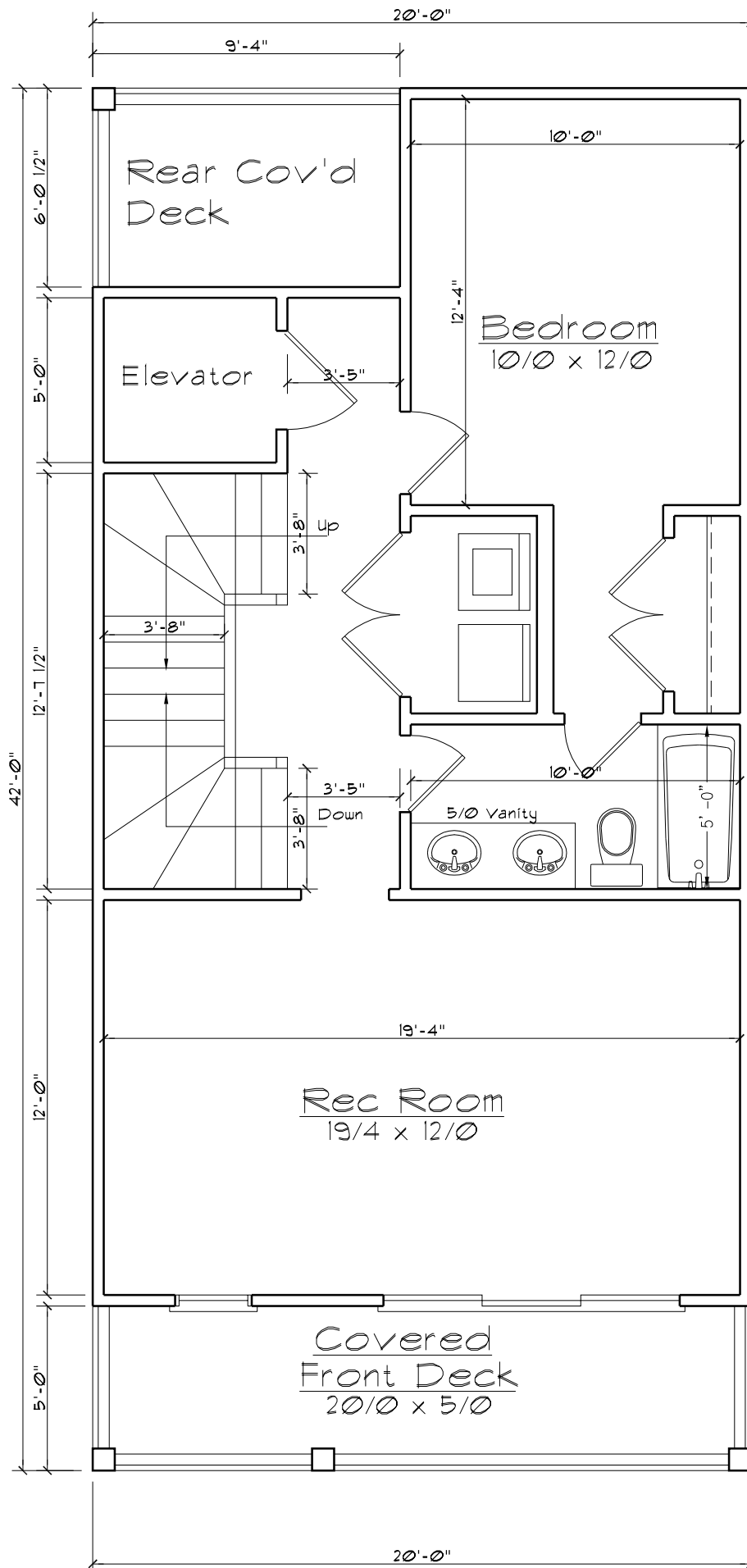
BASIN ROAD  
60' PUBLIC RIGHT OF WAY



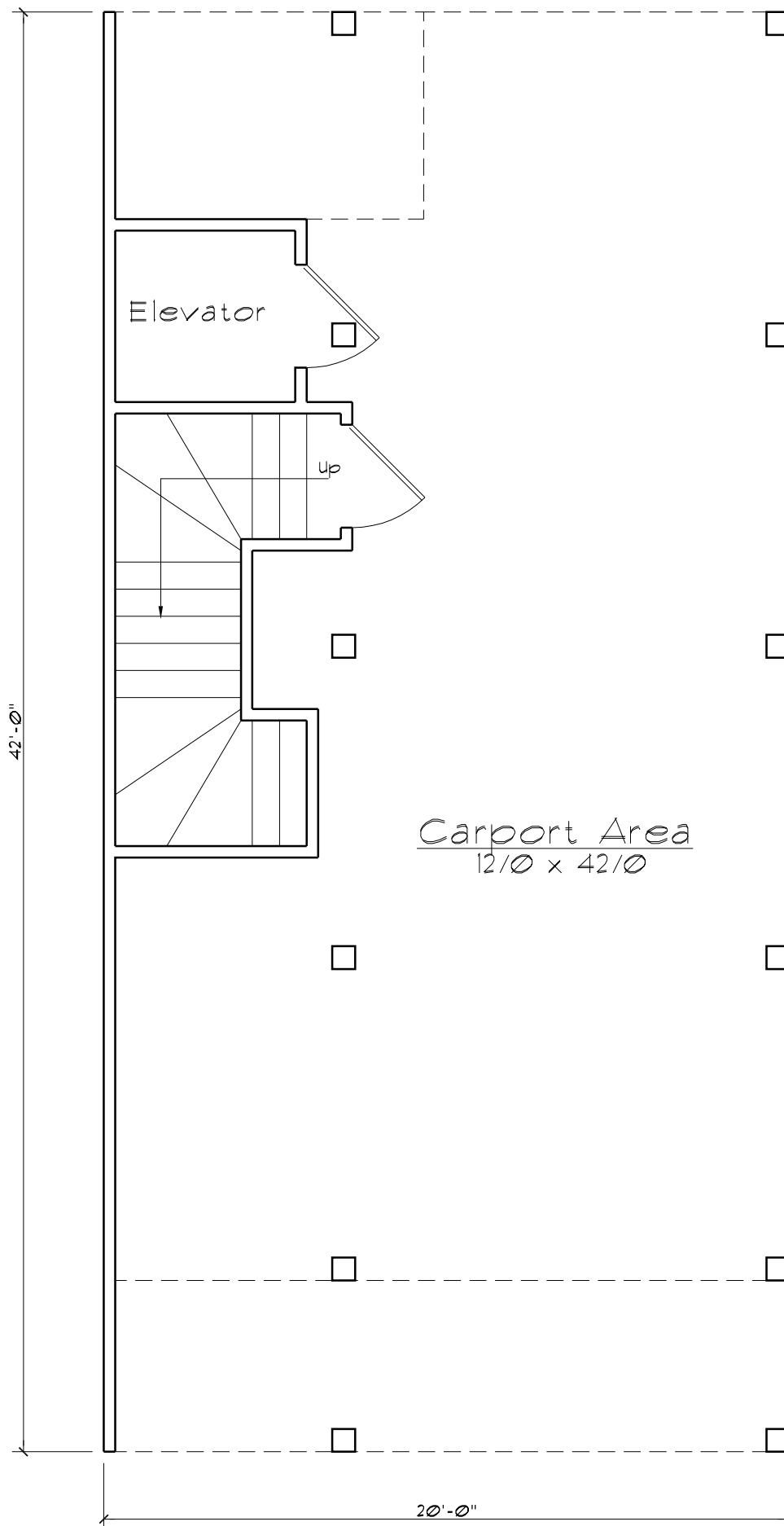
EXISTING CONDITION NOTES:

1. EXISTING CONDITIONS SHOWN IN THIS DRAWING ARE BASED ON AERIAL VIEW FROM GOOGLE EARTH. EXISTING CONDITIONS ARE NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.
2. THE SITE IS LOCATED IN ZONE "AE" ACCORDING TO FLOOD INSURANCE RATE MAP FOR CAROLINA BEACH, N.C. COMMUNITY-PANEL NUMBER 37203138000K DATED AUGUST 28, 2018. THE DESIGNATION OF ZONE "AE" IS FOR AREAS DETERMINED TO BE WITHIN THE 1.0% ANNUAL CHANCE FLOODPLAIN. THE BASE FLOOD ELEVATION IS 11 FEET.



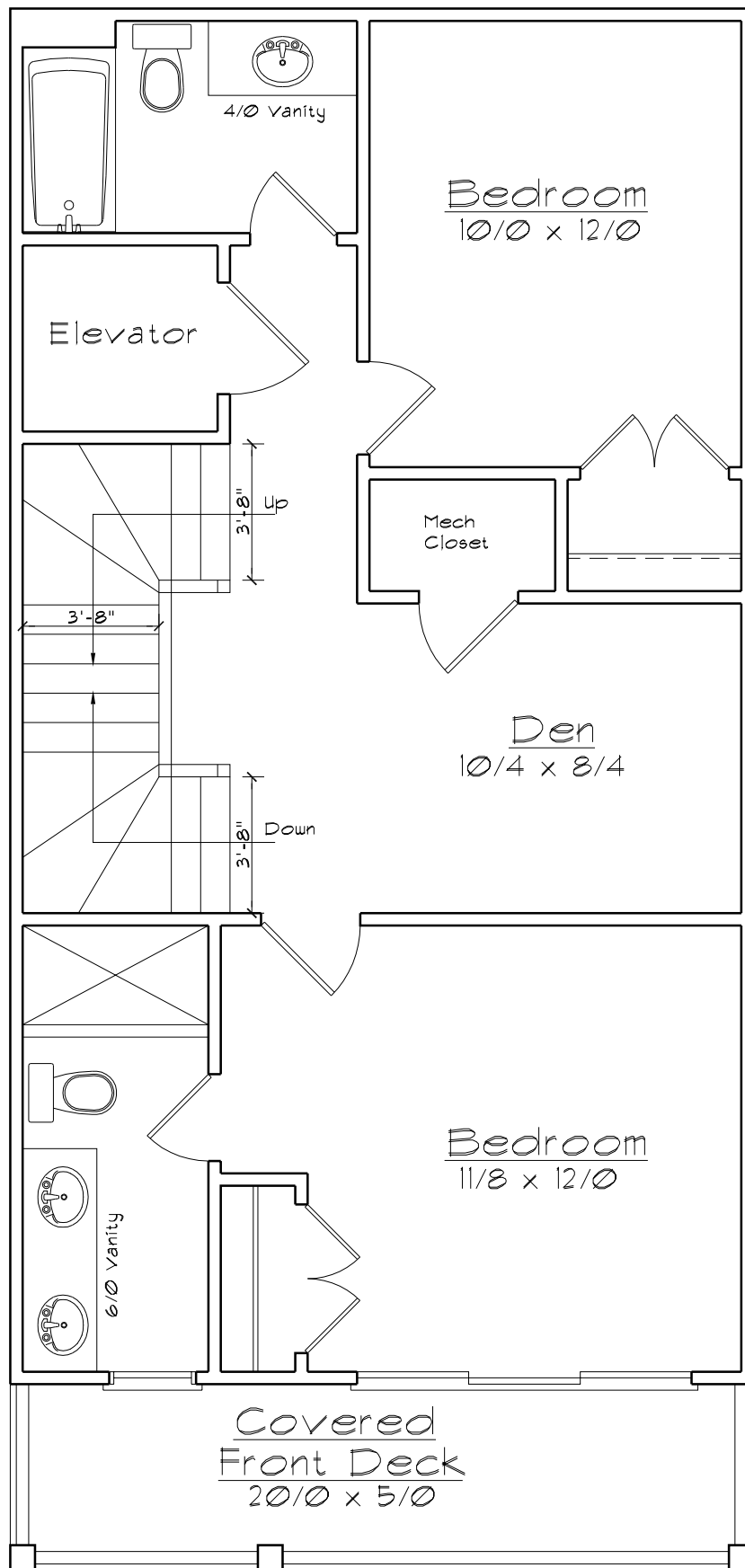


Preliminary 1st Floor Plan  
684 Heated Square Feet

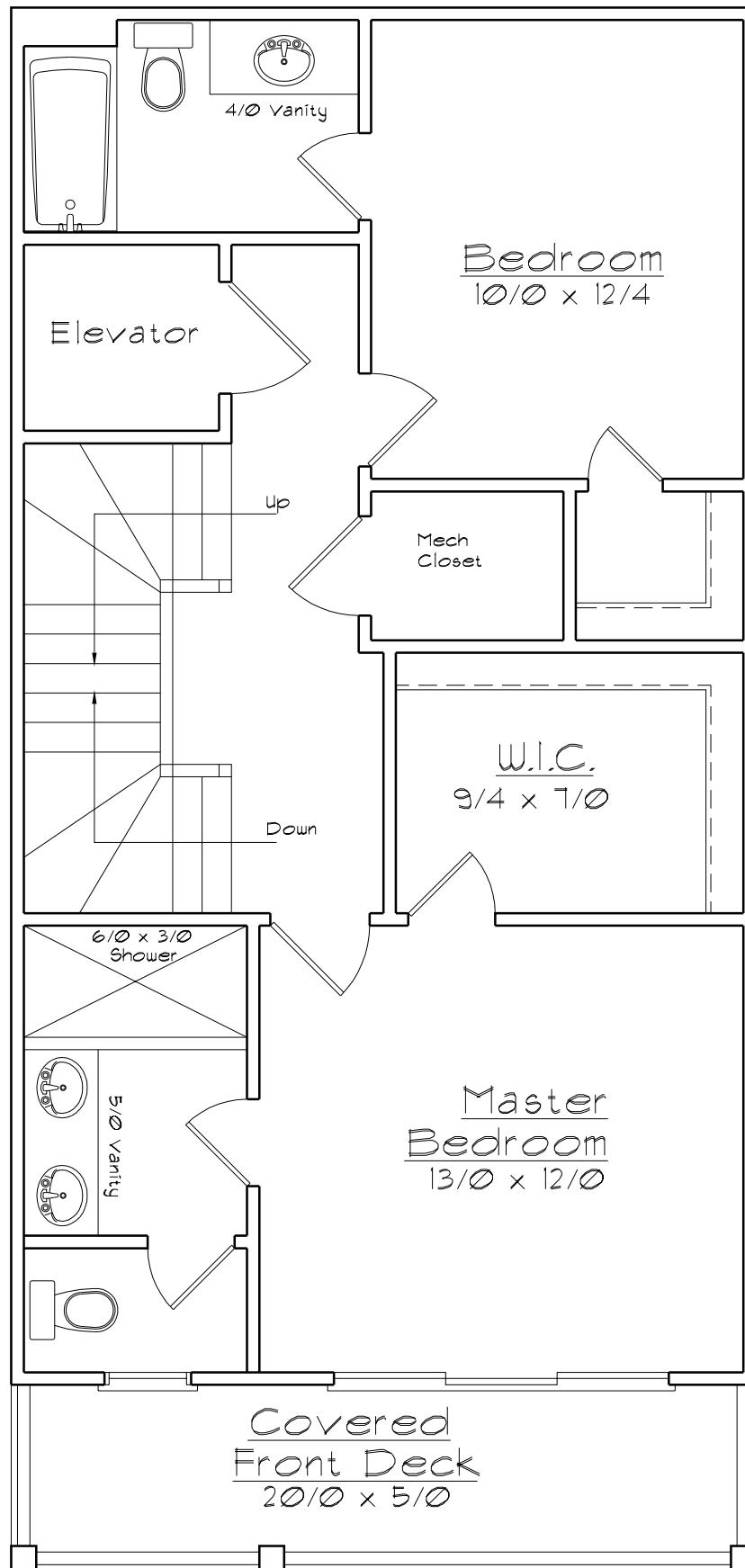


Preliminary Ground Floor Plan

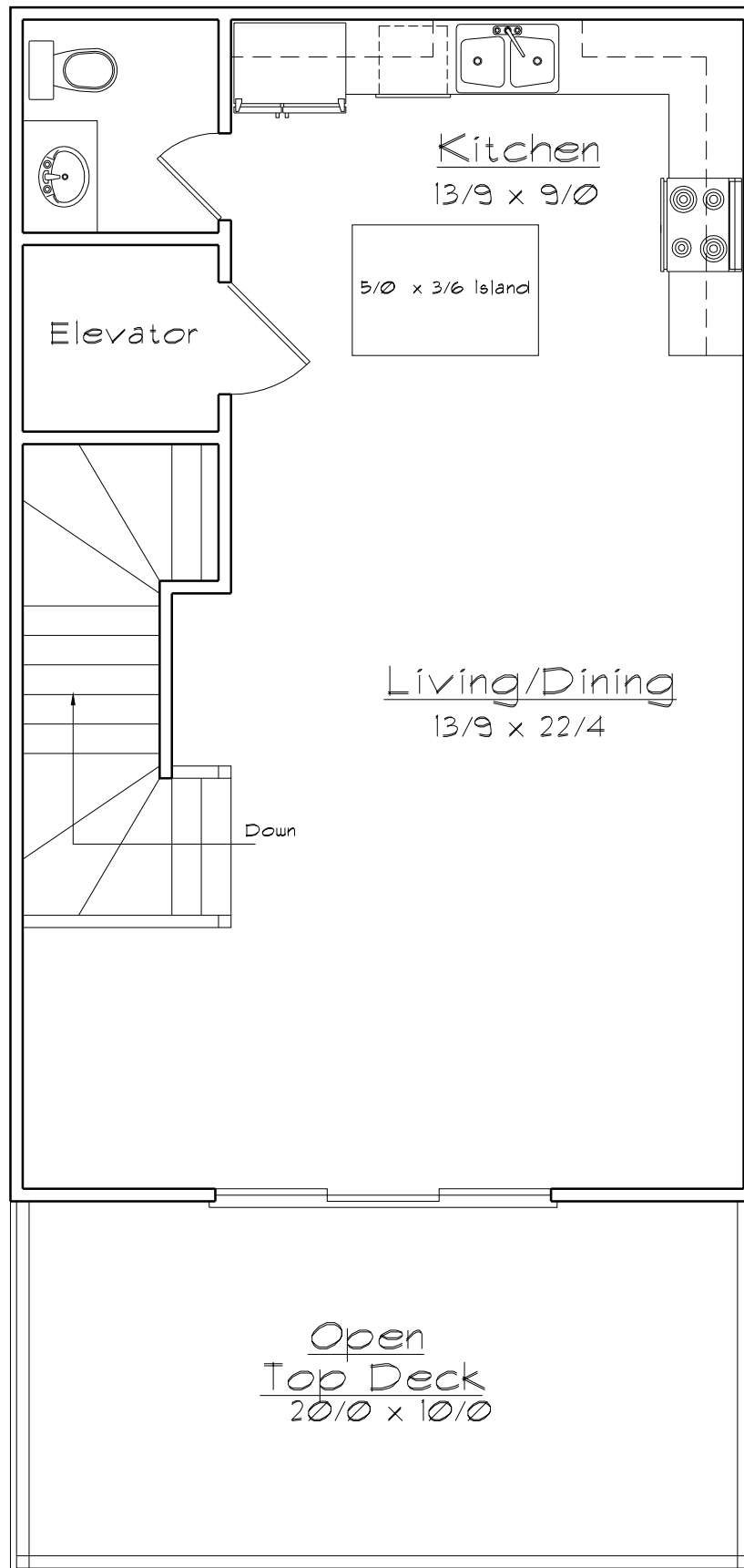




Preliminary 2nd Floor Plan (Option)  
 740 Heated Square Feet



Preliminary 2nd Floor Plan  
740 Heated Square Feet



Preliminary 3rd Floor Plan  
640 Heated Square Feet

October 12, 2021

Dear Neighbors,

Please be informed that a meeting has been scheduled to review the Basin Road project. We are planning to build an eight-unit townhome at this location.

This date is scheduled to have a public meeting to discuss our plans with all property owners within the 500 feet of the project's perimeter.

### **Meeting Information**

Time 10:00 AM

Date: October 22, 2021

Location: 905 Basin Road, Carolina Beach, NC

Description: 8 Unit Townhome Community

We have attached a proposed site plan for our project for your review. We look forward to meeting with all property owners on Friday, October 22, 2021.

Please feel free to provide your suggestions or any questions that you may have during this meeting.

Best regards,

Laurel Companies LLC

Item 13.

Name	Letter Mailed	Print Name	Sign Name	Date Present
Michael H Womble	10/12/2021			
Kimberly & Michael Tenever	10/12/2021			
Larry & Sonja Powell	10/12/2021	Sonja & Larry Powell	Sonja Powell	10/22/21
Keith & Melanie Steuer	10/12/2021			
Atshin Atousa Safavi	10/12/2021			
Longs Rental Investment LLC	10/12/2021			
Daniel & Kimberly Stiff	10/12/2021	Dan & Kim Stiff	Kim Stiff	10/22/21
Warren & Amy Takacs	10/12/2021		Sf.	10/22/21
Susan Scandura Rev Trust	10/12/2021			
Quality Home Repair & Maintenance Inc.	10/12/2021			
Gregory & Cynthia Moore	10/12/2021			
Winner Ave LLC	10/12/2021			
Barry & Carolyn Morlock	10/12/2021			
David & Nichole Weimer	10/12/2021			
Town of Carolina Beach	10/12/2021			
Warren Passmore HRS	10/12/2021			
Michael & Christina Puritis	10/12/2021			
Gabby LLC	10/12/2021			
Sound View UOA Inc.	10/12/2021			
Kathie A Winseck	10/12/2021			
Nathaniel & Darlene W llos	10/12/2021			
David C Winner Jr.	10/12/2021			
Herbert Jerry & Rebecca J Byrd	10/12/2021			
Yacht Road Property LLC	10/12/2021	Tom Scudero	Tom Scudero	10/22/21



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Anthony & Jennifer Stiff	10/12/2021			
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Earl Clyde Kelly	10/12/2021			
Steve & Martha Harlan	10/12/2021			
Jonathan & Wendy Richardson	10/12/2021			
Dennis & Debbie Triplett	10/12/2021			
Brian & Jammie Benthem	10/12/2021			
Hubert Owen McLamb ETAL	10/12/2021			
Federal Point Yacht Club	10/12/2021			
Shelley Hancock ETAL	10/12/2021			
KTS Rental Properties LLC	10/12/2021	TOM SILVER		10-22-21
Hubert & Margaret McLamb	10/12/2021	Richard Lee		10-22-21
CBBY LLC	10/12/2021			
Eleanor N McCandless	10/12/2021			
CBBY LLC	10/12/2021			



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Michael H Womble	3631 Wind Scok Ct	Eastover	NC	28312
Kimberly & Michael Tenoever	101 Hopetown Rd	Carolina Beach	NC	28428
Larry & Sonja Powell	PO Box 628	Carolina Beach	NC	28428
Keith & Melanie Steuer	1215 Briers Creek Dr	Alpharetta	GA	30004
Afshin Atousa Safavi	9 Buell Creek Dr	Englewood	CO	80113
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Winner Ave LLC	917 Basin Rd	Carolina Beach	NC	28428
Barry & Carolyn Morlock	1502 Zurich Pl	New Bern	NC	28562
David & Nichole Weimer	105 Rum Cay Rd	Carolina Beach	NC	28428
Town of Carolina Beach	1121 Lake Park Blvd	Carolina Beach	NC	28428
Warren Passmore HRS	110 Winner Ave	Carolina Beach	NC	28428
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Anthony & Jennifer Stiff	902 Grand Bahama Dr	Carolina Beach	NC	28428
MCCL Investments LLC	2060 Azalea Ridge Rd	Hendersonville	NC	28739
Earl Clyde Kelly	PO Box 84	Semora	NC	27343
Steve & Martha Harlan	PO Box 1354	Carolina Beach	NC	28428
Jonathan & Wendy Richardson	905 Grand Bahama Dr	Carolina Beach	NC	28428
Dennis & Debbie Triplett	906 Grand Bahama Dr	Carolina Beach	NC	28428
Brian & Jammie Benthem	908 Grand Bahama Dr	Carolina Beach	NC	28428
Hubert Owen McLamb ETAL	902 Wall St N	Benson	NC	27504
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Shelley Hancock ETAL	16718 Five Point Rd	Locust	NC	28097
KTS Rental Properties LLC	8108 Needle Grass Way	Wilmington	NC	28412
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CBBY LLC	701 Lake Park Blvd N	Carolina Beach	NC	28428
Eleanor N McCandless	1911 Knollwood Dr	Wilmington	NC	28403
CBBY LLC	917 Basin Rd	Carolina Beach	NC	28428



# Basin Park Townhomes

Residential Units - 8

Lot Sqft - 21,826

Unit dimensions - 18ft x 42ft

Driveway coverage sqft - 3,190

Building coverage sqft - 6,048

Total coverage sqft - 9,244

Lot coverage percentage - 42%

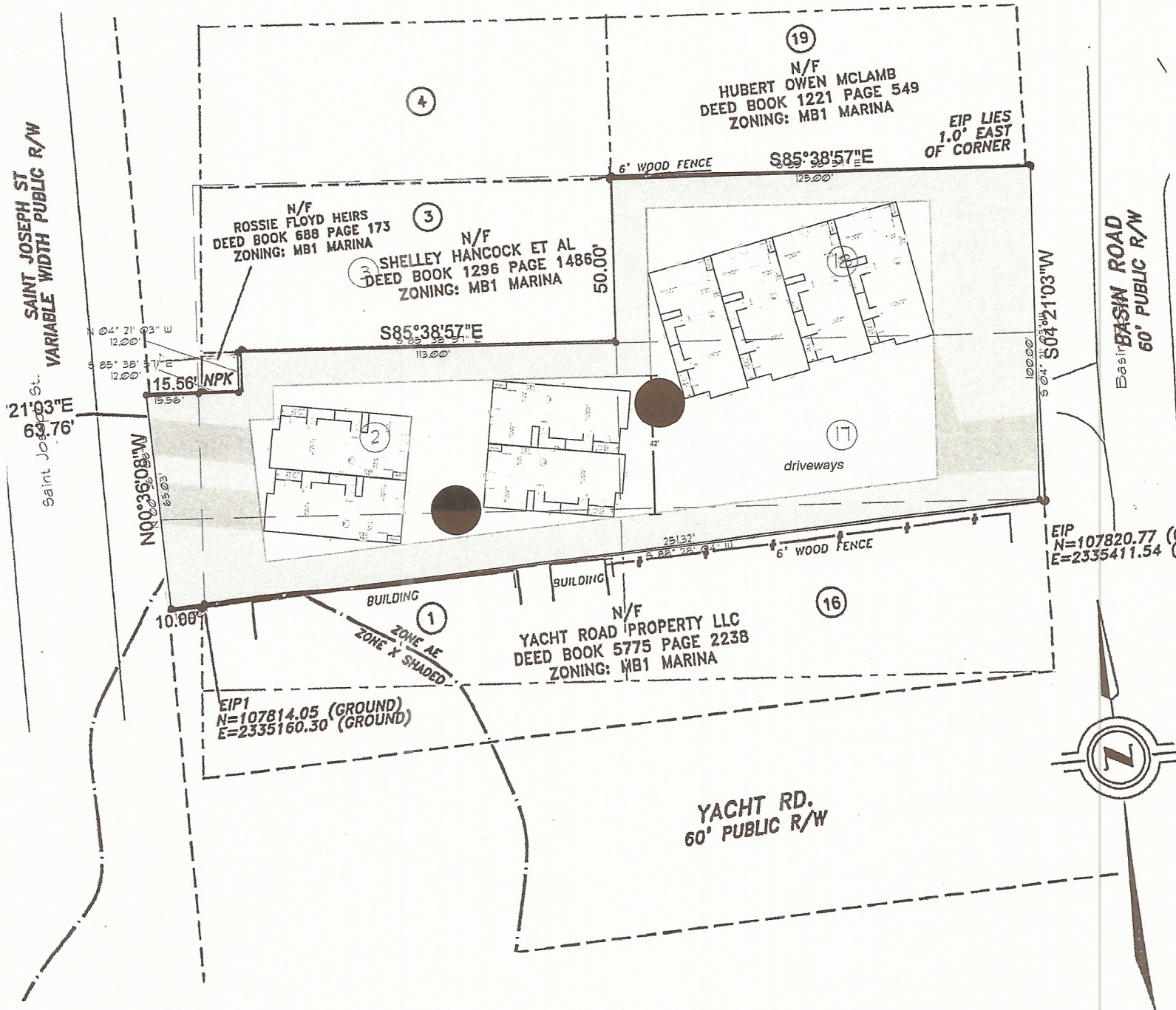
## Legend



15 ft building separation



project setback





Sonja & Larry Powell

Email

Sonja@SUPLAB.com

Dan, Kim Stiff

dstiff@lpdinc.com

Steve Campbell

cmac@pyclub.com



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Sonja & Larry Powell

Email

Sonja@SUPLAB.com

Dan, Kim Stiff

dstiff@lpdinc.com

Steve Campbell

cmcc@pyclub.com

**Gloria Abbotts**

---

**From:** Tim Barker <tim@laurelcompanies.com>  
**Sent:** Monday, October 25, 2021 9:07 AM  
**To:** Gloria Abbotts; Jeremy Hardison  
**Cc:** Robbie Barnes; Tina Trout; Ned Barnes  
**Subject:** 905 Basin Road CUP  
**Attachments:** Basin Rd Meeting Info.pdf

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

Gloria and Jeremy,

We had our public meeting last Friday at 10 AM. Attached is the attendance list. The attendees liked the project and were concerned about an ongoing storm water problem on the street.

Please let me know if you have any questions.

Thanks,

--

*Tim Barker*

**Laurel Homes**

101 North Seaview Road

Wilmington, NC 28409

(M) 910-632-3765

[www.laurelcompanies.com](http://www.laurelcompanies.com)

## Conditional Zoning District



ORDINANCE NO. \_\_\_\_\_

**Ordinance Amending the Official Zoning Map of the Town to Rezone Property Containing 21,895 square feet of Land Located at 905 Basin Road, in The Marina Business District (MB-1) to Conditional Zoning (CZ) Multifamily Dwellings for 8 townhome units**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS §§ 160D-102, 160D-108(d), 160D-603, and 160D-702 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS § 160D-601 and Article XVII, of the Carolina Beach Land Development Code.

**THEREFORE, BE IT ORDAINED:**

**SECTION 1:** The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing the hereinafter described tract of land from the present MB-1, Marina Business and putting it in the Multifamily Dwellings Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 905 Basin Road

905 Basin Road

LOTS 17/18 PT LOTS 1/2/16 BLK A BASIN VIEW CB

PARID: R08818-003-005-000

As more specifically described on Deed Recorded in Book 6419, Page 1220 of the New Hanover County Register of Deeds.

**SECTION 2:** The following rules, regulations, and conditions shall apply to the property described in this ordinance

1. The use and development of the subject properties shall be in substantial accordance with the site plan submitted and approved which was prepared by Cape Fear Engineering dated 11/24/21.
2. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the Town of Carolina Beach Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below.
3. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
4. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
5. The use and development of the subject property shall be in substantial accordance with the site plan as submitted and approved.
6. The proposed use shall be limited to 8 residential units.
7. A stormwater plan must be submitted and approved prior to issuance of a building permit. The stormwater system must meet the Town Stormwater Ordinance for containment of all stormwater on site.
8. Drainage plan must be submitted and approved prior to issuance of a building permit.
9. All structures shall be limited to 50' in height. Prior to the issuance of a certificate of occupancy, certification by an engineer or architect must be submitted and approved by the Town.
10. Final project must be designed to provide the required 24 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
11. Utilities must be installed in accordance with Town requirements.
12. The final project must be constructed to meet the fire code.
13. A Final site plan must include cross-section of paving detail and indicate on the site plan all areas to be paved.
14. A Type B buffer shall be provided and delineated along the perimeter of the property.
15. An as-built and certification shall be provided that all improvements, including but not limited to zoning, paving, drainage, stormwater, landscaping shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
16. Prior to the issuance of a building permit a plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.



17. Prior to the issuance of a building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire.
18. Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until 1/11/24.

**SECTION 3:** The Town Clerk and the Planning Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Planning Division, to conform with this ordinance.

**SECTION 4:** That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in ARTICLE XV of the Land Development Code.

**SECTION 5:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 6:** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 7:** That this ordinance shall be effective upon its adoption by Town Council, and the Town's receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Adopted this 11<sup>th</sup> day of January 2022.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property owner Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Lynn Barbee, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – 11 January 2022

**SUBJECT:** Conditional Zoning to consider a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Dr in the Tourist (T-1) zoning district.  
Applicant: Tank Construction Supplies LLC

### BACKGROUND:

The applicant, Tank Construction Supplies LLC, applied for a Conditional Zoning application for a multifamily project in the Tourist District. The proposal includes 9 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Tourist District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, Town Council shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and a file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, Town Council may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on following details:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

**Proposal:**

The applicant is proposing to construct a multifamily structure consisting of 9 townhome units located on the vacant properties at 406, 408, 410 Canal Drive. The purpose of the Tourist (T-1) district is to provide land for the Town's tourist industry, and as a complimentary district to the Central Business District. The primary land uses intended for this zoning district are moderate-to high-density residential development, as well as hotels, motels, and restaurants.

Maximum lot coverage is 40%, which includes the footprint of the building, decks, and steps. The applicant's proposed total lot coverage equals 6,800 square feet to meet 40% lot coverage. The structures will not exceed the 50' height limit. Setbacks in the T-1 district are 20' (front), 10' (rear), 7.5' (sides). The applicant is meeting all minimum setback requirements. The applicant is providing the required 3 parking spaces per unit for a total of 27 parking spaces. The applicant is providing the required Type B 10' Landscape buffer. Maximum density in the T-1 district for

Single/Multi-family is 29 units/acre. The combined square footage of the 3 properties is 17,000 square feet, equaling a maximum of 12 units. The applicant is proposing 9 townhome units.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on October 29, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties. The main concern from the community meeting was stormwater. The following condition was proposed by the applicant:

1. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan for higher density residential/light commercial in this area.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive.

Staff recommends approval. P&Z recommend unanimous approval of the project, including the conditions proposed by TRC and proposed by the applicant:

1. Utilities must be installed in accordance with Town requirements.
2. All relevant requirements of the fire code must be met i.e. installation of fire hydrants, sprinklers.
3. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **RECOMMENDED MOTION:**

Approval – whereas in accordance with the provisions of the NCGS, Town Council does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial – based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.

*Item 14.*



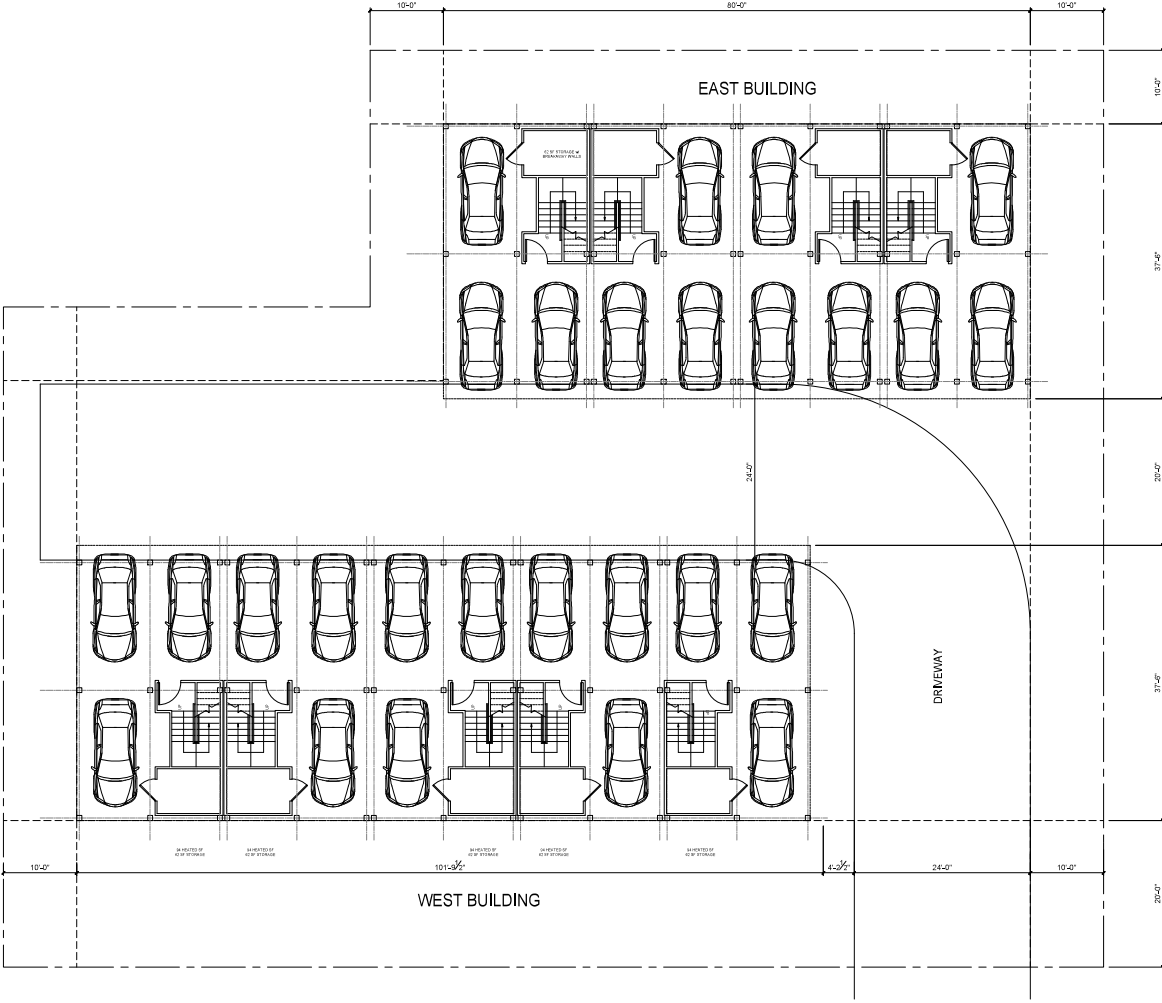
CANAL DRIVE CONDOS  
406 CANAL DRIVE  
CAROLINA BEACH, NC

© 2023 MARK LOUDERMILK ARCHITECTS, PLLC		
	DATE	ISSUE
MARK	DATE	DESCRIPTION
PROJECT NO:		211106
CAD DWG FILE:		211106_CONCEPTPLANS.DWG
DRAWN BY:		
CHK'D BY:		LML
CONCEPT SITE PLAN		

A100

88

**Received**  
11/1/2021 11:41am



AI CONCEPT SITE PLAN  
Scale: 1/8" = 1'-0"

1121 N. Lake Park Blvd.  
 Carolina Beach, NC 28428  
[permits@carolinabeach.org](mailto:permits@carolinabeach.org)  
 Phone (910) 458-2999



Permit # \_\_\_\_\_

## TOWN OF CAROLINA BEACH

### Conditional Zoning Application

The Conditional Zoning process for the Town of Carolina Beach may be found in the ordinance (Sec. 40-527).

Prior to the application submission, the applicant must conduct a Public Input Meeting. The following are the public meeting requirements:

- The applicant must mail notice of said meeting to all property owners within 500 feet of the perimeter of the project bounds no less than 10 days prior to the meeting.
- The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
  - o A copy of the letter announcing the meeting
  - o A list of property owners contacted
  - o An attendance roster from the meeting
  - o A summary of the issues discussed
  - o The results and any changes related to the proposal based on meeting discussions

Each application submitted to staff must be legible, contain the public scoping meeting required information, and provide all other required materials to be accepted as a completed application. Supplemental application materials may include, but not be limited to, site plans, building designs, engineered drawings, stormwater designs, landscaping plans, project narratives, Federal and/or State permits/permissions, and Traffic Impact Analyses. **It is strongly suggested that the applicant set up a meeting with Planning Staff prior to the submission deadline, to ensure the application is complete.**

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

**Application fees.** The owner or owners, or their duly authorized agent, of the property included in the application for Conditional Zoning shall submit a complete application and supplemental information to the Planning Department. 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 Zoning 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".

<b>Major Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 800.00</b>
<b>Minor Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 350.00</b>

This permit will be scheduled for the next possible Technical Review Committee, provided the public scoping meeting has taken place and the application is otherwise complete.



## 2021 Submission Deadlines & Meeting Dates

Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 4	Jan 19	Jan 28	Feb 11	Feb 23	Mar 9
Feb 1	Feb 16	Feb 25	Mar 11	Mar 30	Apr 13
Mar 1	Mar 15	Mar 25	Apr 8	April 27	May 11
Apr 5	Apr 19	Apr 29	May 13	May 25	June 8
May 3	May 17	May 27	June 10	June 29	July 13
June 7	June 21	June 24	July 8	July 27	Aug 10
July 6	July 19	July 29	Aug 12	Aug 31	Sept 14
Aug 2	Aug 16	Aug 26	Sept 9	Sept 28	Oct 12
Sept 7	Sept 20	Sept 30	Oct 14	Oct 26	Nov 9
Oct 4	Oct 18	Oct 28	Nov 10	Nov 30	Dec 14
Nov 1	Nov 15	Nov 24	Dec 9		
Dec 6	Dec 20				
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	2	1	All submissions are public information and will be shared with appropriate Federal, Local, and State agencies, news outlets, stakeholders, and citizens upon necessity or request		
P&Z	2	1			
Town Council	2	1			

### PURPOSE

Conditional zoning allows flexibility with regard to the zoning regulations. Subject to high standards of planning and design, certain uses may be allowed in certain districts or on properties provided they can be developed to minimize any adverse effects they might have on surrounding properties. Conditional Zoning allows for public and governing board input to help any proposed project meet its goals while also contributing to the positive development of Carolina Beach.





**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.

**Yes No N/A**

- ☒ ☐ ☐ The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- ☒ ☐ ☐ An appropriate scaled plan
- ☒ ☐ ☐ Title block or brief description of project including all proposed uses
- ☒ ☐ ☐ Date
- ☒ ☐ ☐ North arrow
- ☒ ☐ ☐ Property and zoning boundaries
- ☒ ☐ ☐ The square footage of the site
- ☒ ☐ ☐ Lot coverage (buildings, decks, steps)
- ☒ ☐ ☐ Location of all existing and proposed *structures* and the setbacks from property lines of all affected structures to remain on-site
- ☒ ☐ ☐ Design of driveways and parking
- ☒ ☐ ☐ Adjacent right-of-ways labeled with the street name and right of way width
- ☒ ☐ ☐ 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:

**Yes No N/A**

- ☐ ☐ ☒ Location and design of refuse facilities
- ☐ ☐ ☒ Approximate locations and sizes of all existing and proposed *utilities*
- ☐ ☐ ☒ Existing and/or proposed fire hydrants (showing distances)
- ☒ ☐ ☐ Adjacent properties with owners' information and approximate location of structures
- ☒ ☐ ☐ Distances between all *buildings*
- ☒ ☐ ☐ Number of *stories* and height of all *structures*
- ☒ ☐ ☐ Locations of all entrances and exits to all *structures*
- ☒ ☐ ☐ Calculate the *gross floor area* with each room labeled (i.e. kitchen, bedroom, bathroom)
- ☐ ☐ ☒ Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
- ☒ ☐ ☐ Location of flood zones and finished floor elevations
- ☐ ☐ ☒ CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
- ☐ ☐ ☐ Delineation of *natural features* and wetlands with existing and proposed topography with a maximum of two-foot contour intervals
- ☐ ☐ ☒ Proposed landscaping including percentages of *open space*
- ☐ ☐ ☒ Stormwater management systems
- ☐ ☐ ☒ Cross-sectional details of all streets, roads, ditches, and *parking lot* improvements
- ☒ ☐ ☐ *Building* construction and occupancy type(s) per the building code
- ☐ ☐ ☒ Location of fire department connection(s) for standpipes
- ☐ ☐ ☒ Turning radii, turnarounds, access grades, height of overhead obstructions
- ☐ ☐ ☒ Dimensions and locations of all *signs*
- ☒ ☐ ☐ A vicinity map drawn with north indicated
- ☒ I have provided two hard-copies and one scaled electronic version of each required drawing
- ☒ I 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 vesting plan shall be submitted in accordance with Chapter 40 Article XIII

**OWNER'S SIGNATURE:** In filing this application for a conditional zoning, 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.

---

**Signature****Date**

11/01/21

Please complete all sections of the application.

**A. Property Information**Address(es): 406, 408, 410 CANAL DRIVEPIN(s): R08818-015-004-000; R08818-015-003-000; R08818-015-003-001Project Name CANAL DRIVE CONDOMINIUMSSize of lot(s): 17,000 sqft Total (3) lots**B. Application for Conditional Zoning**

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):

MULTI FAMILY CONDOMINIUM (9) UNITS, FRAMED 3 STORY,  
PARKING BELOW STRUCTURE**C. Applicant Contact Information**Tank Construction Supplies LLC  
Company/corporate Name (if applicable):Tracy Pettigrew  
Applicant's Name3109 S. Rocklund Ct  
Mailing AddressWilmington NC 28409  
City, State, and Zip Code217-390-2562  
TelephoneInfo@tankconstructionsupplies.com  
Email**D. Owner Contact Information (if different)**\_\_\_\_\_  
Owner's Name\_\_\_\_\_  
Mailing Address\_\_\_\_\_  
City, State, and Zip Code\_\_\_\_\_  
Telephone\_\_\_\_\_  
Email

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

The undersigned owner, TRACEY PETHGREW, does hereby appoint SLOTT BAGGIE & WESCOTT BUTLER 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; and/or c) 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 conditional zoning, to accept conditions or recommendations made for the conditional zoning 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: 11-1-2021

Appointee's Name, Address & Telephone:

SLOTT BAGGIE & WESCOTT BUTLER

P.O. Box 1028

CAROLINA BEACH, NC 28428

910-367-0066 & 910-599-5789

Signature of Owner: 

October 21, 2021

Subject: **406-410 Canal Dr / Proposed Condominium Development**

RE: SCHEDULED PROPERTY OWNERS MEETING

To whom it concerns,

The owners of the subject property and proposed development have scheduled a meeting. The meeting will be held at the subject property, October 30, 2021 at 9:30AM.

Please see attached primary Site Plan of the proposed condominium development. The proposed condominium development will be a 3 story, 9-unit framed structure with parking below each unit. For further information email (Lsbaggie@pldcpa.com).

Kind regards,

October 21, 2021

Subject: **406-410 Canal Dr / Proposed Condominium Development**

**RE: LIST OF PROPERTY OWNERS CONTACTED**

HUTAFF RICHARD R ROTH IRA; 318 CANAL DR., CAROLINA BEACH, NC 28428  
400 CANAL DRIVE UNIT OWNERS ASSN INC.; 400 CANAL DR., CAROLINA BEACH, NC 28428  
DOLPHIN LANE HOLDINGS LLC; 401 CAROLINA BEACH AVE N., CAROLINA BEACH, NC 28428  
JAVA NORTH LLC; 403 CAROLINA BEACH AVE N., CAROLINA BEACH, NC 28428  
WEEKS JOSEPH; 402 CANAL DR., CAROLINA BEACH, NC 28428  
LEE JUDY BREWER; 404 CANAL DR., CAROLINA BEACH, NC 28428  
GIBBS SUSAN HARRIS ETAL; 405 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BEACH HOUSE PARTNERS LLC; 407 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ERS INVESTMENTS LLC; 413 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
HOLLAND E FREDERICK ETAL; 412 CANAL DR. CAROLINA BEACH, NC 28428  
LEE ZELMA B CHARLES R TRUSTEES; 414 CANAL DR. CAROLINA BEACH, NC 28428  
RUPNARAIN ROSANA; 415 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 416 CANAL DR. CAROLINA BEACH, NC 28428  
GF 2017 LLC; 417 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 418 CANAL DR. CAROLINA BEACH, NC 28428  
BOARD PATRICK S JANICE; 419 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
HSH REAL ESTATE LLC; 500 CANAL DR. CAROLINA BEACH, NC 28428  
MAGNOLIA PLACE HOA; 115 SCALLOP LN. CAROLINA BEACH, NC 28428  
HARBOR WATCH HOA INC; 501 CANAL DR. CAROLINA BEACH, NC 28428  
MCCUISTON GEORGE W.; 419 CANAL DR. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 417 CANAL DR. CAROLINA BEACH, NC 28428  
LEE ZELMA B CHARLES R TRUSTEES; 415 CANAL DR. CAROLINA BEACH, NC 28428  
HOLLAND JOANNE; 413 CANAL DR. CAROLINA BEACH, NC 28428

BRUFFEY ALLISON W TRUSTEE; 411 CANAL DR. CAROLINA BEACH, NC 28428

LATITUDE 34 HOA INC; 409 CANAL DR. CAROLINA BEACH, NC 28428

BRIGHT LESLIE S SR DARLENE J.; 407 CANAL DR. CAROLINA BEACH, NC 28428

PRETTER PHILIP C LESLIE A.; 405 CANAL DR. CAROLINA BEACH, NC 28428

ANDREWS DOUGLAS CHERYL; 403 CANAL DR. CAROLINA BEACH, NC 28428

KING MICHAEL R SUE H; 401 CANAL DR. CAROLINA BEACH, NC 28428

HUTTAFF RICHARD R ROTH IRA ETAL; 321 CANAL DR. CAROLINA BEACH, NC 28428

WHEELER SMITH KAREN A DAVID; 319 CANAL DR. CAROLINA BEACH, NC 28428

BORDEAUX JOY LEE L WILLIAM T; 317 CANAL DR. CAROLINA BEACH, NC 28428

NOELLE HOLDINGS LLC ETAL; 313 CANAL DR. CAROLINA BEACH, NC 28428

JAVA NORTH LLC; 5 DOLPHIN LN. CAROLINA BEACH, NC 28428

JAVA NORTH LLC; 319 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

BORDEAUX JOY LEE LEWIS WILLIAM T; 317 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

SHERRY TRAVIS M ETAL; 315 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

BORDEAUX JOY L WILLIAM T ETAL; 314 CANAL DR. CAROLINA BEACH, NC 28428

REITZEL JEFFREY B.; 312 CANAL DR. CAROLINA BEACH, NC 28428

CBP3 INC.; 309 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

BEACH HOUSE PARTNERS LLC; 410 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

WEBSTER CLIFFORD W JR.; 406 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

BURNETT COTTAGE LLC; 404 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

JAVA NORTH LLC; 400 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

BEACH HOUSE PARTNERS LLC; 412 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

WINDS @ CAROLINA BEACH VI HOA; 418 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

HUBBARD JOHN W HELEN E; 500 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

**October 30, 2021**

**Subject: Attendance roster from the meeting / 406-410 Canal Dr / Proposed Condominium**

HOLLAND, LINDA; 413 CANAL DR. CAROLINA BEACH, NC 28428

HOLLAND, FRED; 413 CANAL DR. CAROLINA BEACH, NC 28428

KING, SUE H; 401 CANAL DR. CAROLINA BEACH, NC 28428

WESCOTT BUTLER, BUILDER

L. SCOTT BAGGIE, SURVEYOR

TRACEY PETTIGREW, OWNER / DEVELOPER

ADAM SHANKS, OWNER / DEVELOPER

**er: Summary and minutes of comments and discussion**

Meeting commenced at 9:30am Oct. 29, 2021 at project site (408 Canal Drive).

The attendees were interested in our proposed storm water remediations. Developer explained the desire to keep runoff to a minimum by employing several under ground storm water systems for roof and driveway surfaces. As little as possible would be shed into the road system.

The attendees question the typical facia of the proposed condominiums. Plans were presented and that and other features were discussed and explained.

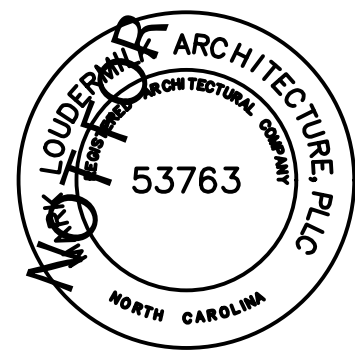
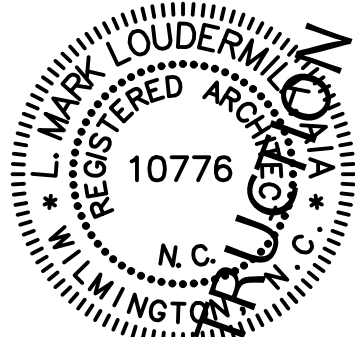
The attendees question the typical size of units and the layout.

Meeting adjourned at 10:15am.

**Subject: Changes to the proposed development from meeting**

No changes or amendments were made to plans or development proposal from the discussions at the meeting.

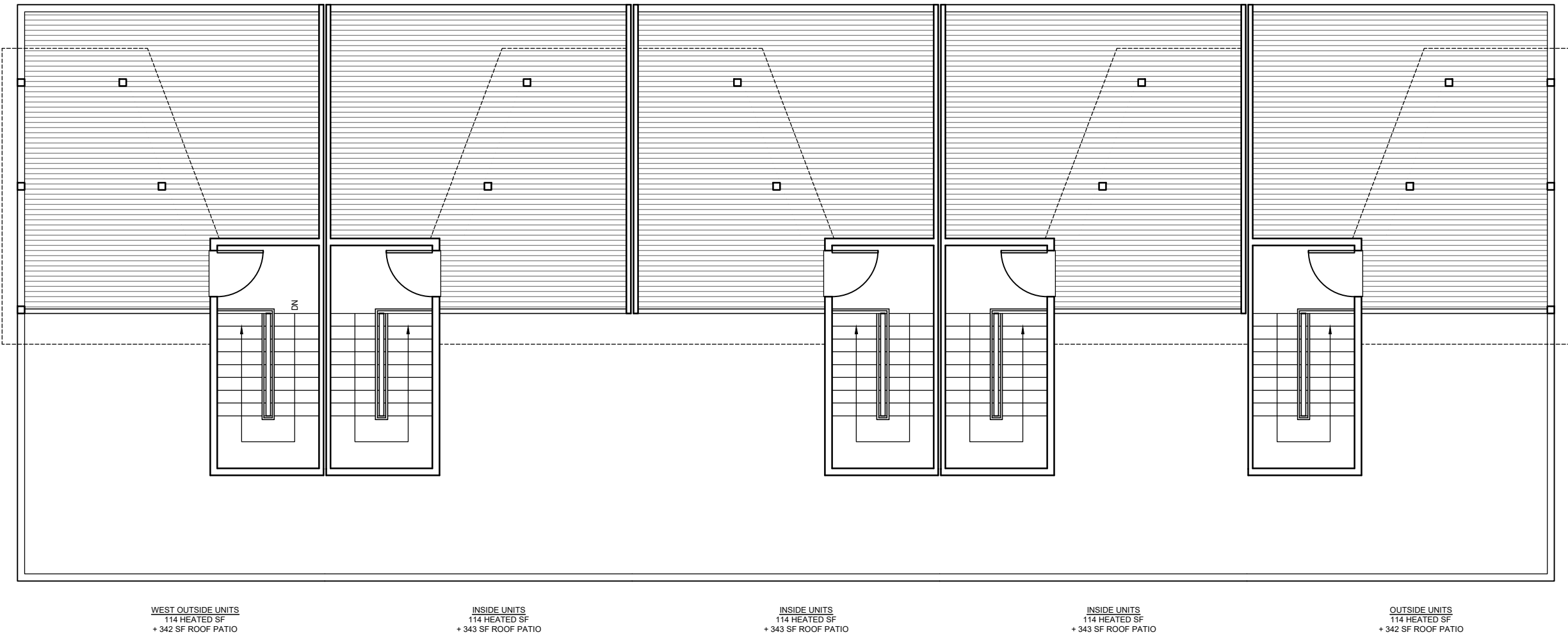




CANAL DRIVE CONDOS

406 CANAL DRIVE  
CAROLINA BEACH, NC

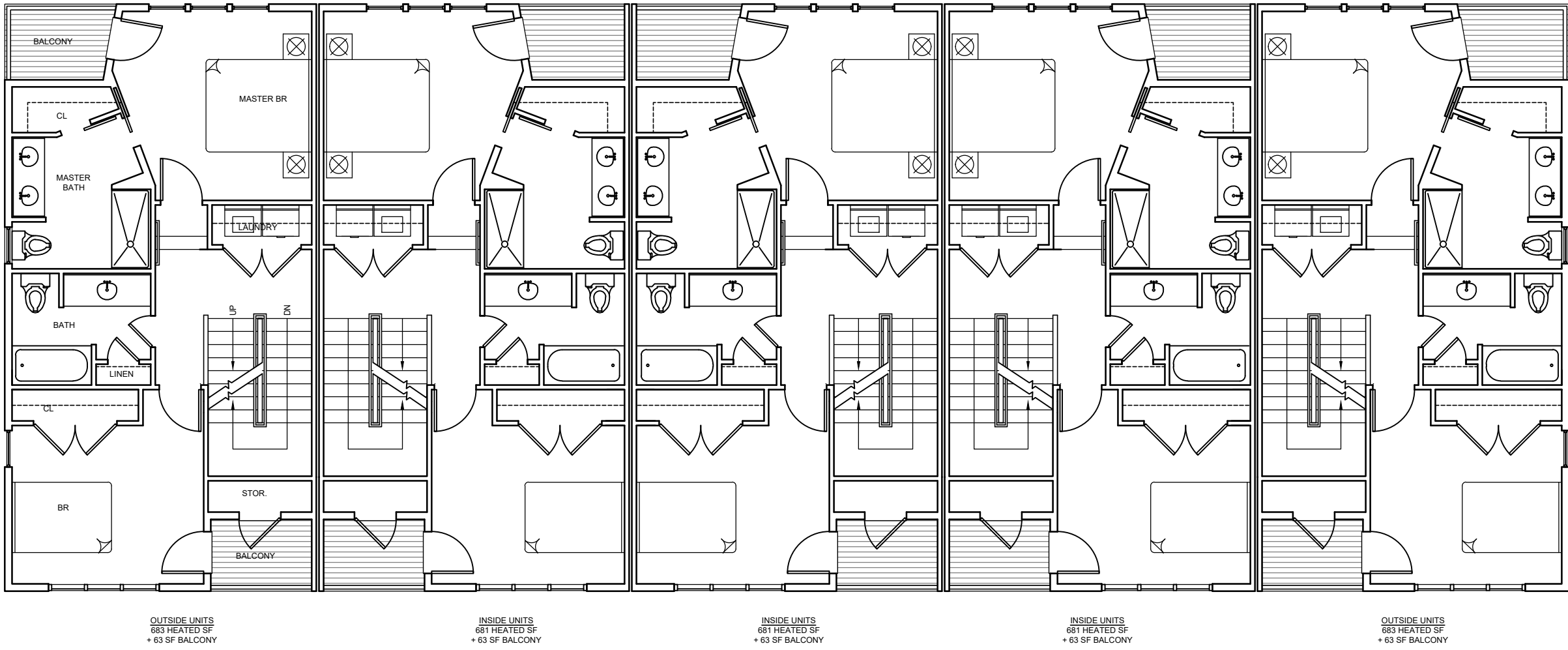
© 2021 MARK LOUDERMILK ARCHITECTS, PLLC		
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MARK	DATE	DESCRIPTION
PROJECT NO: 21106		
CAD DWG FILE: 21106_CONCEPTPLANS.DWG		
DRAWN BY:		
CHK'D BY: LML		
WEST BUILDING CONCEPT FLOOR PLANS		
A101		



C1

ROOF PATIO PLAN

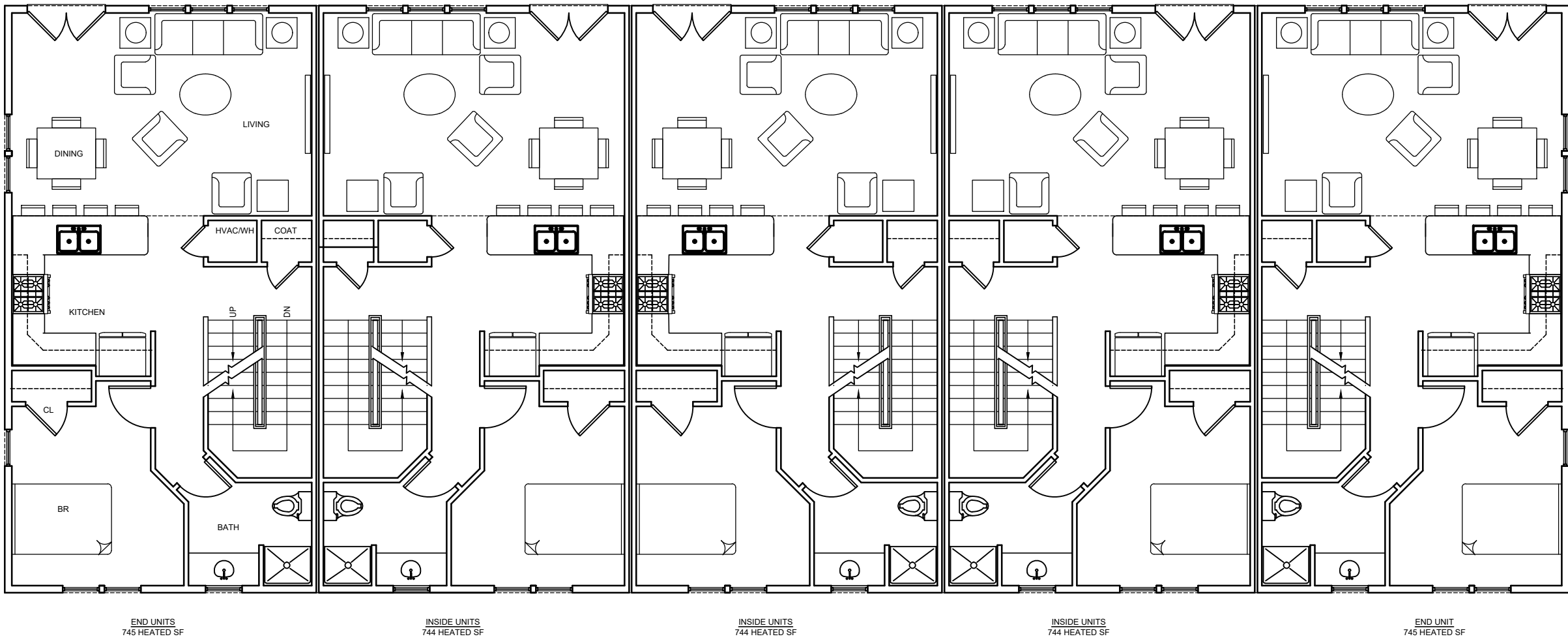
Scale: 1/8" = 1'-0"



B1

UPPER LEVEL FLOOR PLAN

Scale: 1/8" = 1'-0"



A1

MAIN LEVEL FLOOR PLAN

Scale: 1/8" = 1'-0"

D

C

B

A

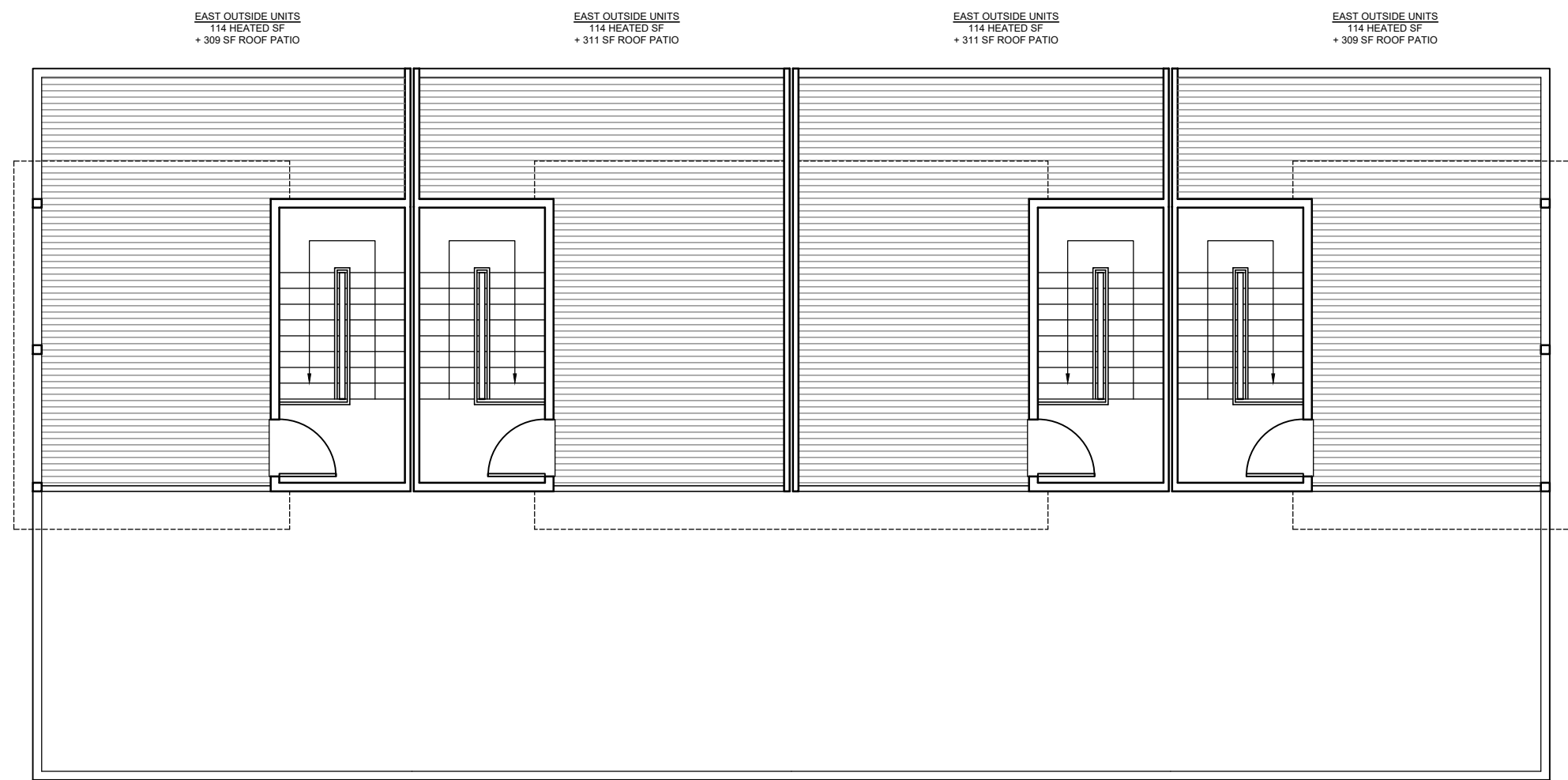
5

4

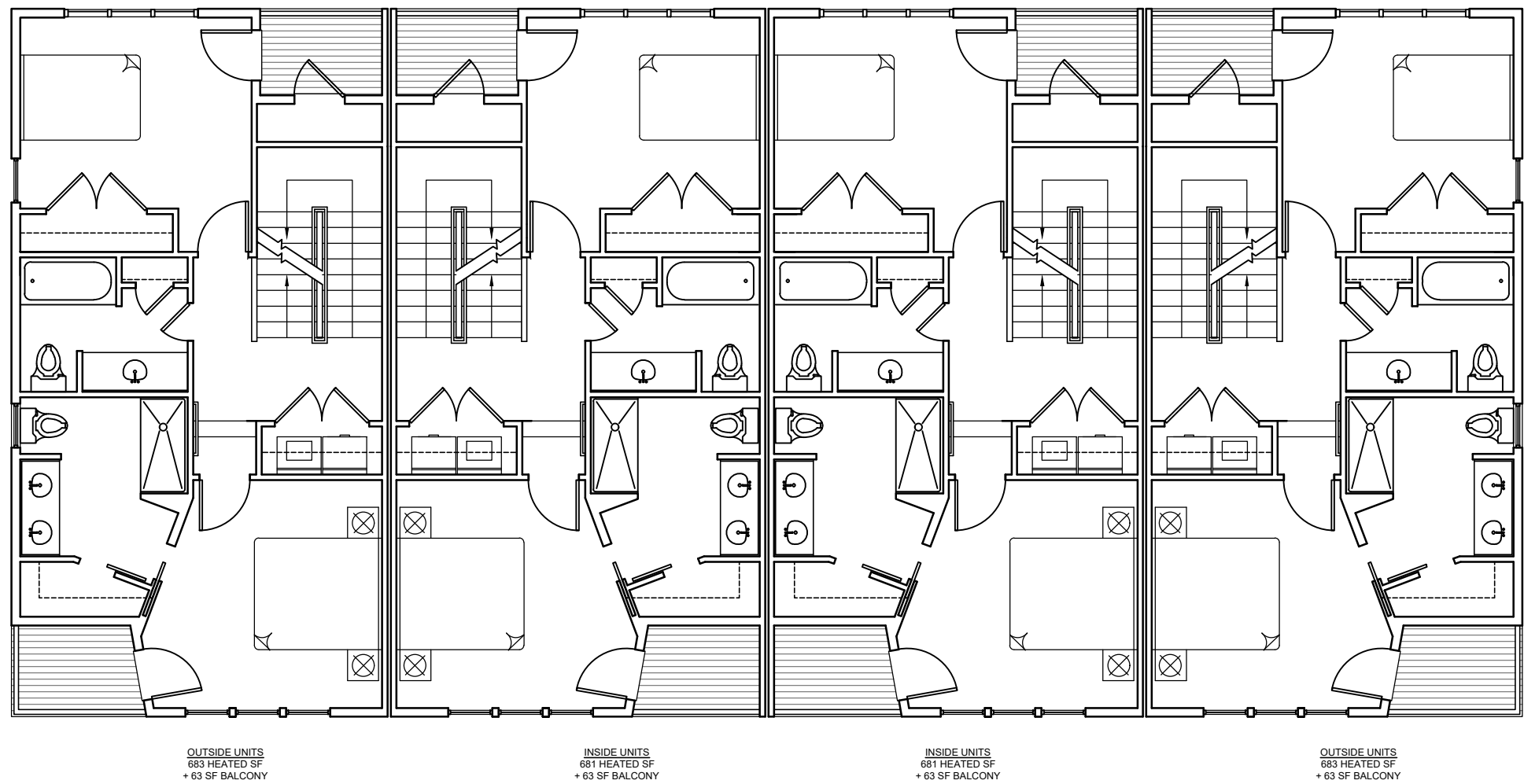
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2

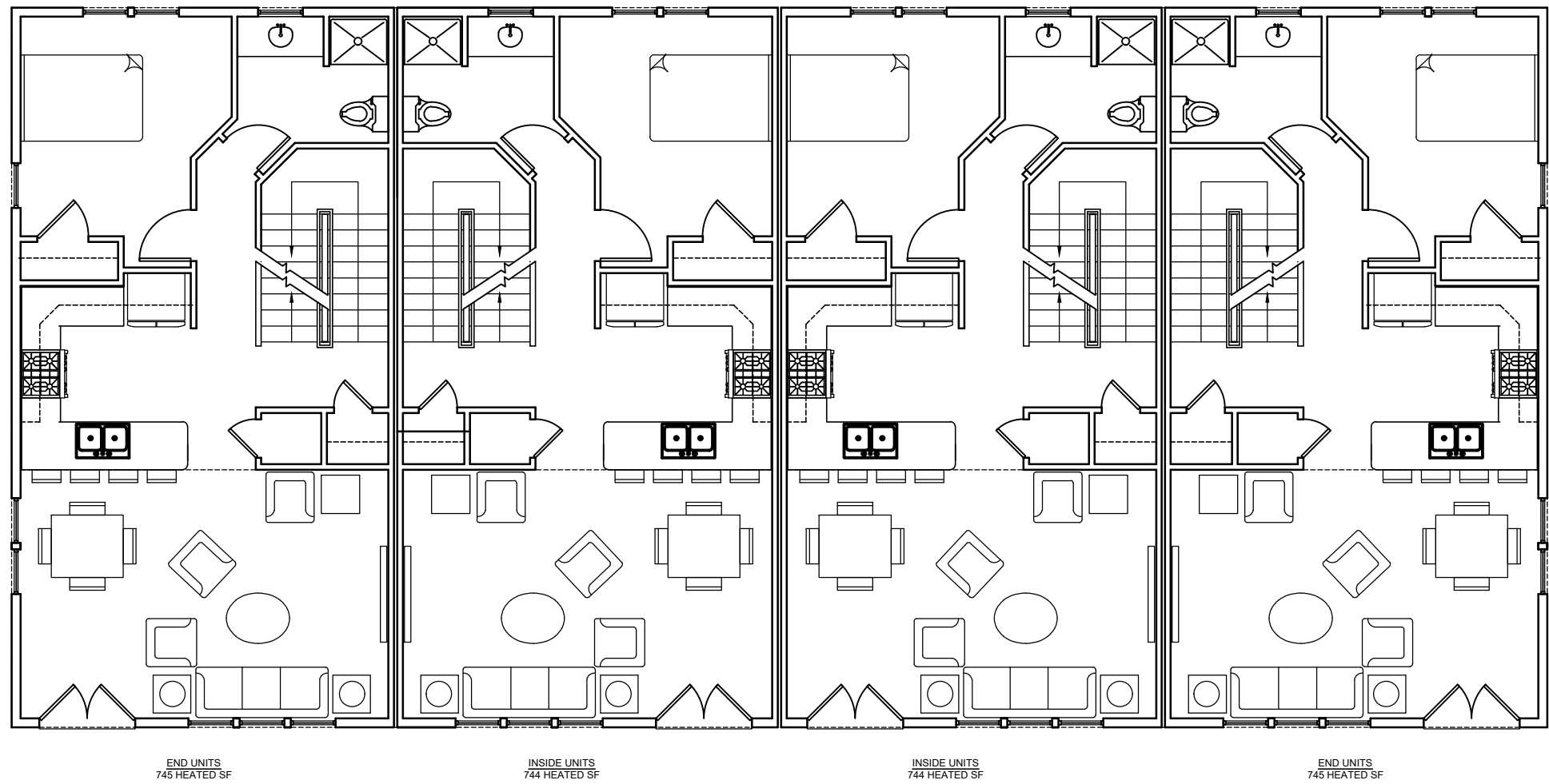
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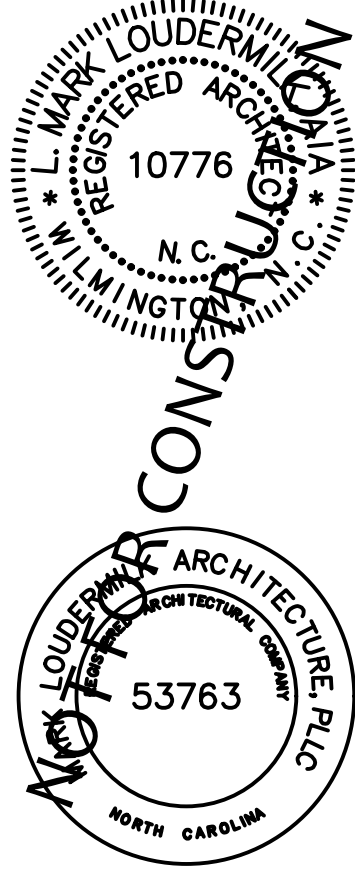
CI ROOF PATIO PLAN  
Scale: 1/8" = 1'-0"



BI UPPER LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"



AI MAIN LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"



CANAL DRIVE CONDOS  
406 CANAL DRIVE  
CAROLINA BEACH, NC

© 2021 MARK LOUDERMILK ARCHITECTS, PLLC		
	00.00.00	ISSUE
MARK	DATE	DESCRIPTION
PROJECT NO:	21106	
CAD DWG FILE:	21106_CONCEPTPLANS.DWG	
DRAWN BY:		
CHK'D BY:	LML	
EAST BUILDING CONCEPT FLOOR PLANS		
A102		

WEST BUILDING						
END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	745					
UPPER LEVEL	683		63			
ROOF PATIO LEVEL	114		342		#units	West Building SF
TOTAL	1,636	62	405	2,103	2	4,206
INSIDE UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	744					
UPPER LEVEL	681		63			
ROOF PATIO LEVEL	114		343			
TOTAL	1,633	62	406	2,101	3	6,303
						10,509
EAST BUILDING						
END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	745					
UPPER LEVEL	683		63			
ROOF PATIO LEVEL	114		309		#units	West Building SF
TOTAL	1,636	62	372	2,070	2	4,140
INSIDE UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	744					
UPPER LEVEL	681		63			
ROOF PATIO LEVEL	114		311			
TOTAL	1,633	62	374	2,069	2	4,138
						8,278
TOTAL LIVABLE SF						18,787



D

C

B

A

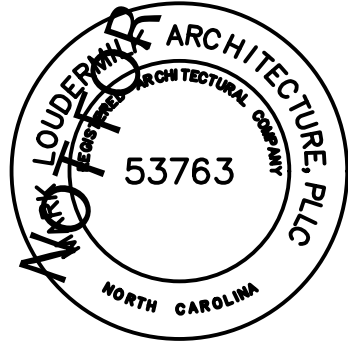
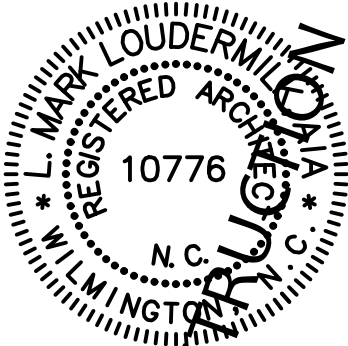
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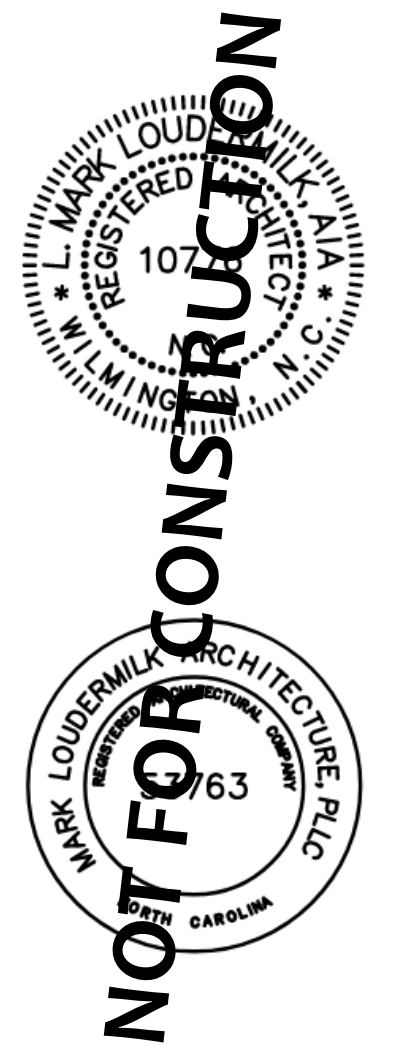
CANAL DRIVE CONDOS  
406 CANAL DRIVE  
CAROLINA BEACH, NC

© 2021 MARK LOUDERMILK ARCHITECTS, PLLC		
	00.00.00	ISSUE
MARK	DATE	DESCRIPTION
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CAD DWG FILE: 21106_CONCEPTPLANS.DWG		
DRAWN BY:		
CHK'D BY: LML		

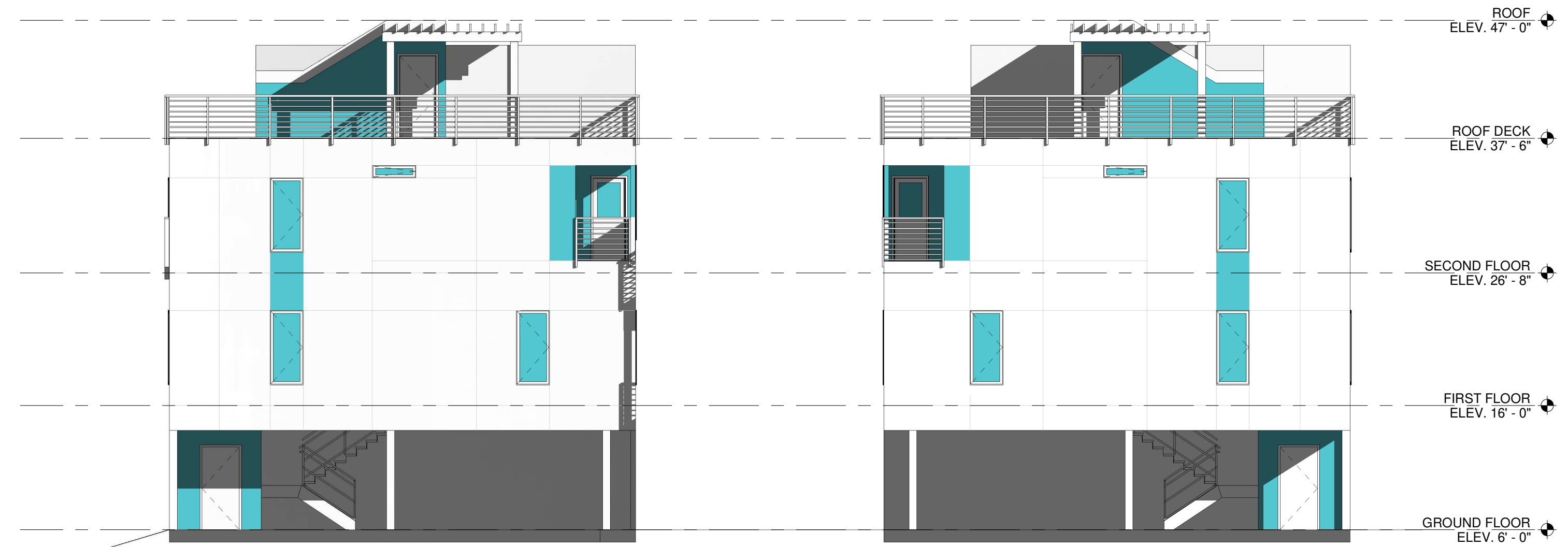
PERSPECTIVE VIEW

A104





Enter address here



**1 EAST ELEVATION** SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION

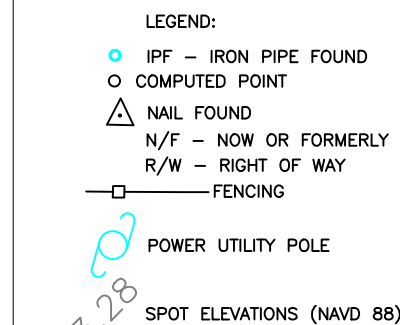
Mark	Date	Description
<b>PROJECT NO:</b>		<b>21106</b>
<b>DATE:</b>	<b>12/g/21</b>	
<b>SCALE:</b>	<b>1/8" = 1'-0"</b>	
<b>DRAWN BY:</b>	<b>PMH</b>	
<b>PROJ MGR:</b>	<b>LML</b>	

## EXTERIOR ELEVATIONS

A201

I, L. Scott Baggie, do certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 12TH day of SEPTEMBER., A.D. 2021.

A circular professional seal for a North Carolina Land Surveyor. The outer ring of the seal contains the text "NORTH CAROLINA" at the top and "LAND SURVEYOR" at the bottom, separated by small dots. Inside this ring, the word "PROFESSION" is written in a smaller arc. In the center of the seal, the number "L-3450" is printed above the name "L. SCOTT BAGGIE". A handwritten signature in dark ink is written across the seal, starting from the left and extending towards the right, partially obscuring the central text and the right side of the seal.



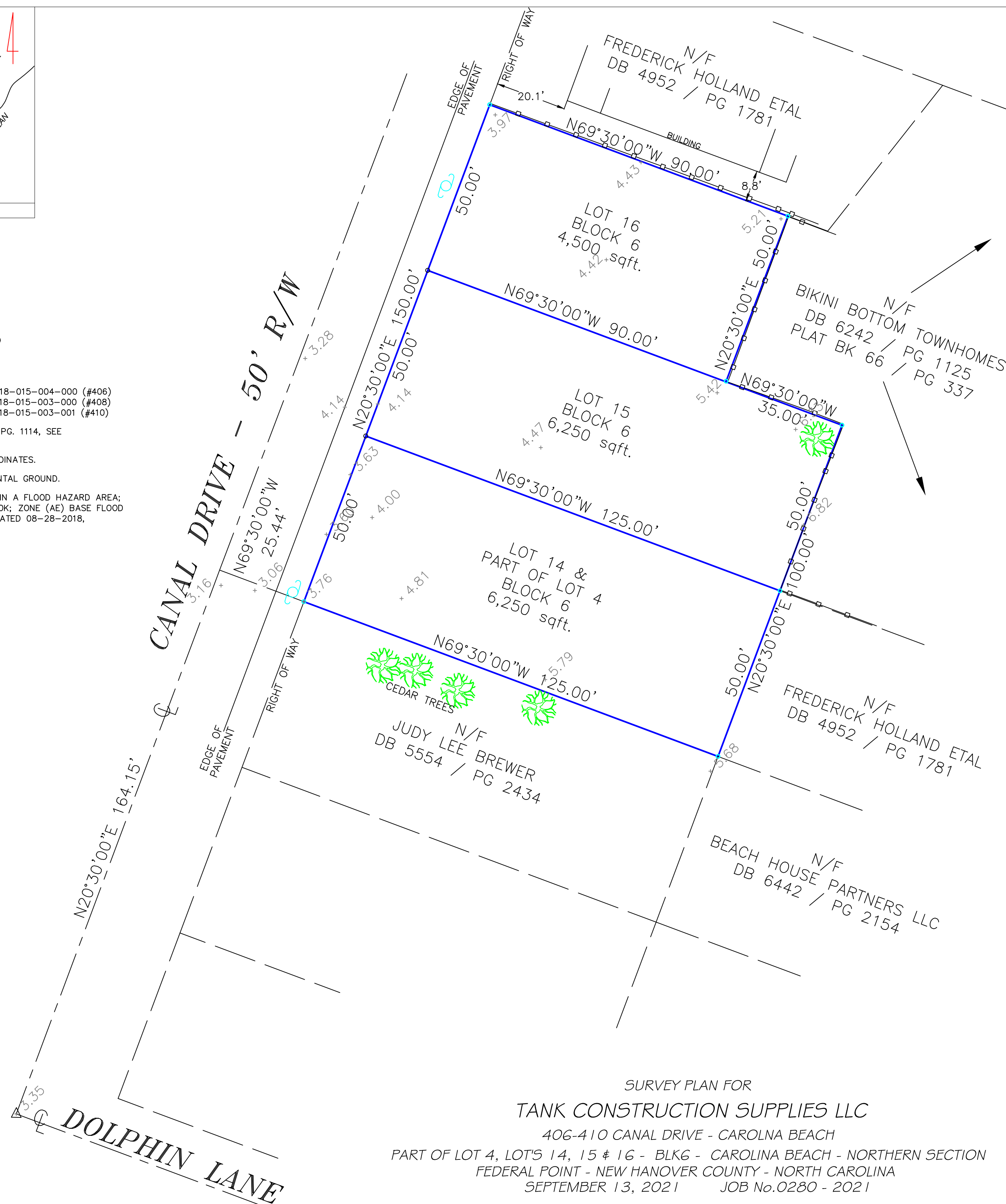
TAX PARCELS ID# PID: R08818-015-004-000 (#406)  
PID: R08818-015-003-000 (#408)  
PID: R08818-015-003-001 (#410)

DEED REFERENCE, DB. 5836 PG. 1114, SEE  
MAP BOOK 3 PAGE 67.

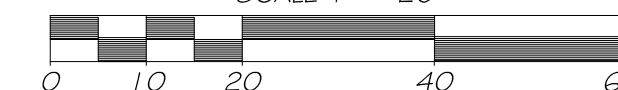
AREA CALCULATED BY COORDINATES.

ALL DISTANCES ARE HORIZONTAL GROUND.

PARCELS ARE LOCATED WITHIN A FLOOD HAZARD AREA;  
PER FEMA FIRM #3720313000K; ZONE (AE) BASE FLOOD  
ELEVATION 11' (NAVD 88); DATED 08-28-2018,



SCALE 1" = 20'



*Progressive Land  
Development Consultants, PLLC*  
A VETERANS OWNED SMALL BUSINESS  
P.O. BOX 1028, CAROLINA BEACH NC 28428  
910-367-0066 - Lsbaggie@pldcpa.com / F-0874  
LAND SURVEY PLANNING & CIVIL

## Conditional Zoning District



ORDINANCE NO. \_\_\_\_\_

**Ordinance Amending the Official Zoning Map of the Town to Rezone Property Containing 17,000 square feet of Land Located at 406, 408, & 410 Canal Drive, in The Tourist District (T-1) to Conditional Zoning (CZ) Multifamily Dwellings for 9 townhome units**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS §§ 160D-102, 160D-108(d), 160D-603, and 160D-702 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS § 160D-601 and Article XVII, of the Carolina Beach Land Development Code.

**THEREFORE, BE IT ORDAINED:**

**SECTION 1:** The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing the hereinafter described tract of land from the present T-1, Tourist District and putting it in the Multifamily Dwellings Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 406, 408, & 410 Canal Drive

406 Canal

PT LT 14 BLK 6 CAROLINA BEACH CB

PARID: R08818-015-004-000

As more specifically described on Deed Recorded in Book 5836, Page 1114 of the New Hanover County Register of Deeds.

408 Canal

6 15 CAR BCH

PARID: R08818-015-003-000

As more specifically described on Deed Recorded in Book 5836, Page 1114 of the New Hanover County Register of Deeds.

410 Canal

LT 16 BLK 6 CAR BCH

PARID: R08818-015-003-001

As more specifically described on Deed Recorded in Book 5836, Page 1114 of the New Hanover County Register of Deeds.

**SECTION 2:** The following rules, regulations, and conditions shall apply to the property described in this ordinance

1. The use and development of the subject properties shall be in substantial accordance with the site plan submitted and approved which was prepared by Mark Loudermilk dated 11/1/21.
2. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the Town of Carolina Beach Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below.
3. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
4. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
5. The use and development of the subject property shall be in substantial accordance with the site plan as submitted and approved.
6. The proposed use shall be limited to 9 residential units.
7. A stormwater plan must be submitted and approved prior to issuance of a building permit. The stormwater system must meet the Town Stormwater Ordinance for containment of all stormwater on site.
8. Drainage plan must be submitted and approved prior to issuance of a building permit.
9. Prior to issuance of a building permit lots must be combined to one parcel.



10. All structures shall be limited to 50' in height. Prior to the issuance of a certificate of occupancy, certification by an engineer or architect must be submitted and approved by the Town.
11. Final project must be designed to provide the required 27 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
12. Utilities must be installed in accordance with Town requirements.
13. The final project must be constructed to meet the fire code.
14. A Final site plan must include cross-section of paving detail and indicate on the site plan all areas to be paved.
15. A Type B buffer shall be provided and delineated along the perimeter of the property.
16. An as-built and certification shall be provided that all improvements, including but not limited to zoning, paving, drainage, stormwater, landscaping shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
17. Prior to the issuance of a building permit a plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
18. Prior to the issuance of a building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire.
19. Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until 1/11/24.

**SECTION 3:** The Town Clerk and the Planning Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Planning Division, to conform with this ordinance.

**SECTION 4:** That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in ARTICLE XV of the Land Development Code.

**SECTION 5:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 6:** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 7:** That this ordinance shall be effective upon its adoption by Town Council, and the Town's receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Adopted this 11<sup>th</sup> day of January 2022.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property owner Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Lynn Barbee, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Ed H. Parvin, Assistant Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council – January 11, 2022

**SUBJECT:** NC DOT Easement on Hamlet to accommodate the up-fit of an US 421 stoplight

### **BACKGROUND:**

Town Council has worked hard to obtain approval and funding from DOT to install a stoplight at Hamlet and Lake Park Blvd (U.S. 421). DOT has moved forward with the survey work, but will need a utility easement in the Town's right of way on the east and west side of Lake Park Blvd. The easement will fully encompass the Town's 50-foot right of way running 60' east and west on each side of Lake Park Blvd (see attached map and easement language). NC DOT is looking to have the right of way phase wrapped up in March as the project is scheduled to LET in April.

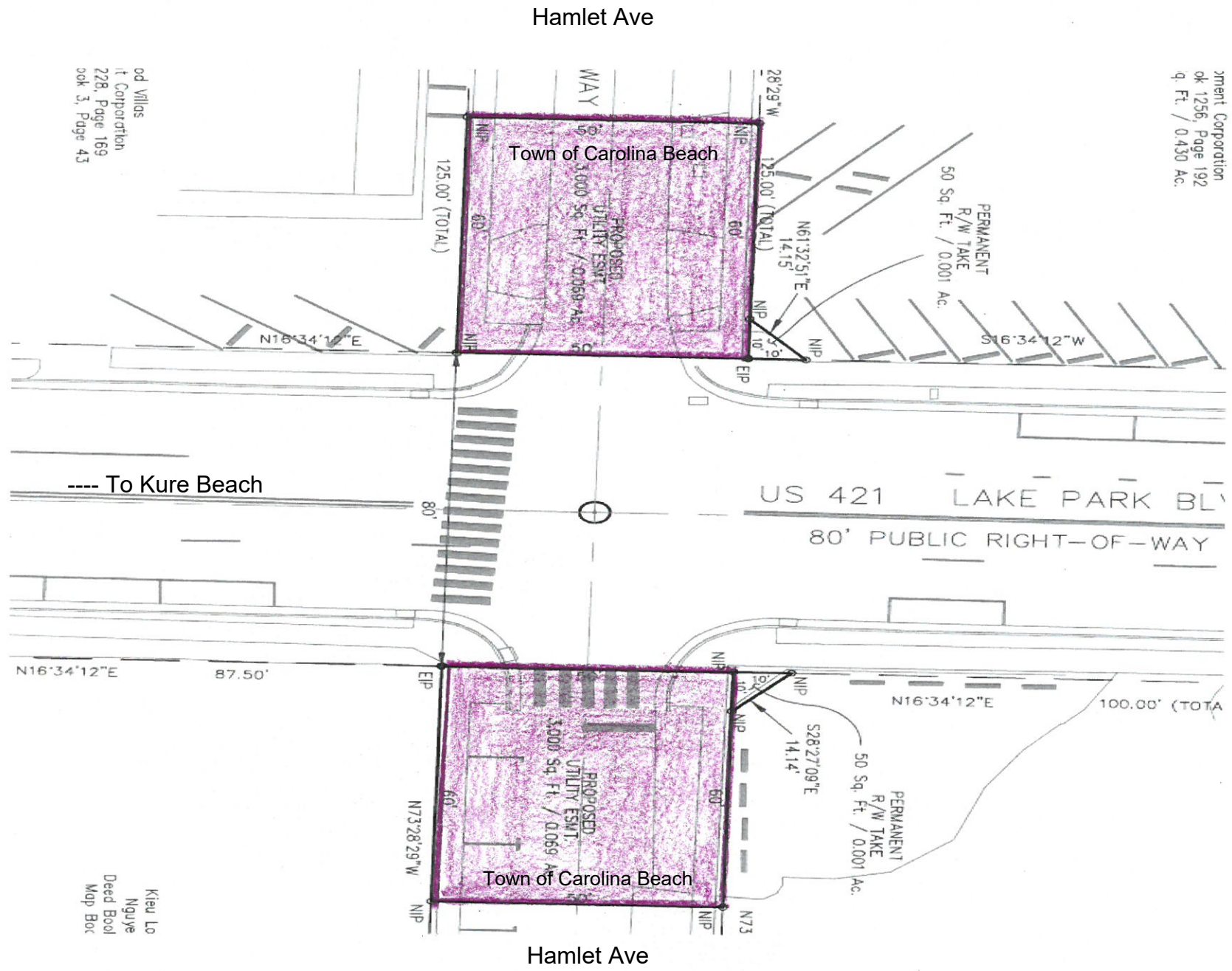
### **ACTION REQUESTED:**

Staff respectfully request Town Council move forward with the approval of the easement

### **RECOMMENDED MOTION:**

Approval – Approve the utility easement as described and move forward with having it recorded at the New Hanover County Register of Deeds.

Denial – A statement of why the Town Council wishes to deny the easement that includes direction for Town Staff and NCDOT.



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ook 3, Page 43

Kieu Lo  
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Deed Book  
Map Box

Revenue Stamps \$ \_\_\_\_\_

PERMANENT UTILITY EASEMENT

THIS INSTRUMENT DRAWN BY Ben Sox CHECKED BY \_\_\_\_\_

RETURN TO: Division R/W Agent, NCDOT- Eric Ray  
5501 Barbados Blvd.  
Castle Hayne NC 28429

NORTH CAROLINA	TIP/PARCEL NUMBER:	<u>U-6233 001</u>
COUNTY OF <u>New Hanover</u>	WBS ELEMENT:	<u>48929.2.1</u>
TAX PARCEL <u>NA</u>	ROUTE:	<u>US 421 and Hamlet Ave.</u>

THIS EASEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
by and between Town of Carolina Beach  
1121 N. Lake Park Blvd  
Carolina Beach NC 28428

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the property of GRANTORS,

AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,

NOW, THEREFORE, in consideration of said benefits, and further consideration of \$ 1.00  
and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns, from any and all claims for damages by reason of the construction and maintenance of said utility facility across and through the lands of GRANTORS, and GRANTORS hereby give, grant, bargain, sell and convey unto the DEPARTMENT, its successors, and assigns, an easement for the construction and maintenance of a utility facility across and through the property of GRANTORS located in Carolina Beach Township, New Hanover County, and being more fully described in a Plat recorded in Book 2, Page 1, New Hanover County Registry, said easement being described as follows:

**Area 1:** Commencing at an existing iron pin referenced as EIP-1 and having observed localized coordinates of Northing 104,504.19 Easting 2,334,704.83; running thence with the southern right-of-way line of Hamlet Avenue (50' Right-of-Way)S 73-28-29 E 65.00' to set iron pin at the southwest most corner of said 0.069 acre Utility Easement and Place of Beginning; running thence continuing with the northern right-of-way line of Hamlet Avenue S 73-28-29 E 60.00' to a set iron pin at the southwest most intersection corner of Hamlet Avenue & Lake Park Boulevard (US 421) said point also being the southeast most corner of said 0.069 Acre Tract; running thence leaving the southern right-of-way line of said Hamlet Avenue with the said western right-of-way of said Lake Park Boulevard (80' Right-of-Way) N 16-34-12 E 50.00 feet to an existing iron pin at the northwest most intersection corner of Hamlet Avenue & Lake Park Boulevard (US 421) said point also being the northeast most corner of said 0.069 Acre Tract; running thence leaving the western right-of-way line of said Lake Park Boulevard with the said northern right-of-way of said Hamlet Avenue N 73-28-29 W 60.00 feet to a new iron pin said point being the northwest most corner of said 0.069 acre tract; running thence leaving the said northern right-of-way of said Hamlet Avenue S 16-34-12 W 50.00 feet to the Place of Beginning.

COUNTY: New Hanover WBS ELEMENT: 48929.2.1 TIP/PARCEL NO.: U-6233 001

**Area 2:** Commencing at an existing iron pin referenced as EIP-1 and having observed localized coordinates of Northing 104,504.19 Easting 2,334,704.83; running thence with the southern right-of-way line of Hamlet Avenue (50' Right-of-Way) S 73-28-29 E 205.00' to an existing iron pin at the southeast most intersection corner of Hamlet Avenue & Lake Park Boulevard (US 421) said point also being southwest most corner of said 0.069 acre Utility Easement and Place of Beginning; running thence leaving the northern right-of-way line of Hamlet Avenue with the eastern right-of-way line of Lake Park Boulevard (US 421) (80' Right-of-Way) N 16-34-12 E 50.00' to set iron pin at the northeast most intersection corner of Hamlet Avenue & Lake Park Boulevard (US 421) said point also being the northwest most corner of said 0.069 Acre Tract; running thence leaving the eastern right-of-way line of said Lake Park Boulevard with the northern right-of-way of said Hamlet Avenue S 73-28-29 E 60.00' to set iron pin at the northeast most corner of said 0.069 acre tract; running thence leaving the said northern right-of-way of said Hamlet Avenue S 16-34-12 W 50.00 feet to a set iron pin at the southeast most corner of said 0.069 acre tract at the southern right-of-way of said hamlet Avenue; running thence with the said southern right-of-way of said Hamlet Avenue N 73-28-29 W 60.00 feet to the Place of Beginning

The final right of way plans showing the above described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.

This easement is subject to the following provisions only:

NA

There are no conditions to this EASEMENT not expressed herein.

To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

The Grantors acknowledge that the project plans for Project # U-6233 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # U-6233, New Hanover County; and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated \_\_\_\_\_, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its Town CLERK, by order of the Carolina Beach Town COUNCIL, this the day and year first above written

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

**COUNTY:** New Hanover    **WBS ELEMENT:** 48929.2.1    **TIP/PARCEL NO.:** U-6233 001

# Town of Carolina Beach

(CORPORATE SEAL)

**BY:** \_\_\_\_\_  
Lynn Barbee, Mayor Town of Carolina Beach

ATTEST: \_\_\_\_\_  
Kim Ward, Clerk of the Town of Carolina Beach

ACCEPTED FOR THE DEPARTMENT OF  
TRANSPORTATION BY:

<b>(Official Seal)</b>	North Carolina, _____ County
	I, _____, a Notary Public for
	_____ County, North Carolina, certify that
	_____ personally came before
	me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Carolina Beach</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Carolina Beach sealed with its corporate seal, and attested by _____ as its TOWN CLERK.
	Witness my hand and official seal this the _____ day of _____, 20 ____.
	_____ Notary Public
	My commission expires: 



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Ed H. Parvin, Assistant Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council – January 11, 2022

**SUBJECT:** Budget Amendment to pay the NCDOT administrative fees for the Island Greenway and Cape Fear Blvd MUP

### **BACKGROUND:**

In August 2020 the Town unexpectedly received “close-out” invoices totally \$92,394 from NCDOT for administrative and Construction Inspections (CI) costs for the Island Greenway project. Project construction ended in March 2019, and final reimbursements were received in full as requested in March 2020. At no time during the 7 year project was there any communication from/with DOT that the Town was not being billed monthly for these services in accordance with the DOT provided Programs Management Handbook, and materials presented during WMPO grant workshops.

Over the past 1.5 years we have been working with WMPO and DOT staff concerning the invoices. We advised all that the charges were a complete surprise, and there had been no communication that there would be close-out charges. The Town had closed the project out and there was no money left in the budget. We also advised all it was the Town’s intent to dispute these charges for the following reasons:

1. Agreement executed in 2013 – prior to the EBS system; never received any account statements; was told occasionally throughout the project whether DOT staff were charging the project or not.
2. The Local Programs Management Handbook provided by DOT – states specifically that “The Department will deduct the LGA’s share of construction related costs from the reimbursement requests; also told this during start-up workshops by MPO.
3. Several rounds of reimbursements – no withholds for any – including the final reimbursement.
4. There were no budget status reports received from DOT throughout the course of the project. The only billing info. I received was after my inquiries described in 5 below.
5. Inquiries/emails with DOT reps. Ron Vancleef and Lydia McKeel gave estimates of CI charges to the grant, and advised that Fed. Hwy. had been reimbursing the local office.



6. Final call/project end email March 2019 asking if there were any outstanding costs, etc. – no response.
7. Invoices received August, 2020 - 17 mos. after project completion in March 2019.

After working with NCDOT and the Wilmington MPO we were able to reduce the costs from \$92,394 down to \$28,934.24. These projects are closed out so a budget amendment would be required to allocate these funds.

**ACTION REQUESTED:**

Staff recommends a budget amendment be approved to pay the remaining costs.

Island Greenway invoices:

1. \$22,687.89
2. \$142.48
3. \$354.38
4. \$1,530.86

Cape Fear Blvd.

1. \$305.37
2. \$3,913.26

TOTAL: \$28,934.24

**RECOMMENDED MOTION:**

Approval – Approve the budget amendment that will appropriate \$28,934.24 to account 10-630-074.

Denial – A statement of why the Town Council wishes to deny the budget amendment that includes direction for Town Staff and NCDOT.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

Invoice

Bill To:	Order Information:
TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH, NC 28428	BP Number 1000178637 Customer Number 91719 Invoice Number: 4000030178 Sales Order Number: 2000050704 Payment Terms Net due 60 days Billing Date: 09/09/2021 Due Date: 11/08/2021

**Remit To:**  
North Carolina Department of Transportation  
Fiscal Section - Accounts Receivable Unit  
1514 Mail Service Center  
Raleigh, North Carolina 27699-1514

**Contact Person:** Kay Lee  
**Phone:** +1 (919) 707-4323  
**Fax:** +1 (919) 715-8718  
**Email:** klee@ncdot.gov

Invoice Details

Item	Description	Quantity	Unit Price	Amount
0010	LOCALLY ADMINISTERED PROEECT - FEDERAL, U-5534L EXECUTED 05.20.2014 WITH THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY CONSISTING OF THE CONSTRUCTION OF A 10-FOOT WIDE MULTI-USE PATH FROM GREENVILLE AVENUE TO ALABAMA AVENUE. NCDOT SHALL PARTICIPATE UP TO A MAXIMUM AMOUNT OF \$445,188. THE TOWN OF CAROLINA BEACH SHALL PROVIDE A LOCAL MATCH OF \$111,297, AND ALL COSTS THAT EXCEED THE TOTAL ESTIMATED COST OF \$556,485. ALL WORK PERFORMED BY NCDOT, INCLUDING, BUT NOT LIMITED TO, REVIEWS, INSPECTIONS, AND PROJECT OVERSIGHT, SHALL REDUCE THE MAXIMUM AWARD AMOUNT OF \$445,188 AVAILABLE TO THE TOWN OF CAROLINA BEACH.  PER ATTACHED LGA COST SHARE SPREADSHEET AND ITEMIZATION OF BILLABLE MUNICIPAL PARTICIPATION COSTS RECEIVED FROM MARTA MATTHEWS, LOCAL PROGRAMS MANAGER, CONSTRUCTION AGREEMENT COSTS DUE AND PAYABLE TO NCDOT TOTAL \$22,687.89.	1	\$22,687.89	\$22,687.89
Total Amount Due				\$22,687.89

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25- 3-508, a \$35.00 fee may be imposed for a check on which payment has been refused.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

Invoice

<b>Bill To:</b> TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH NC 28428	<b>Order Information</b> Customer Number: 91719 Invoice Number: 90744804 Purchase Order #: 006738-001_8505_0001 Purchase Order Date: 05/20/2014 Sales Order Number: 666009 Payment Terms: Net due 60 days Billing Date: 07/17/2020 Due Date: 09/15/2020
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**Remit To:**

North Carolina Department of Transportation  
Fiscal Section - Accounts Receivable Unit  
1514 Mail Service Center  
Raleigh, North Carolina 27699-1514

Contact Person: Kay Lee  
Phone: 919-707-4323  
Fax: 919-715-8718  
Internet: klee@ncdot.gov

Page 1 of 1

Invoice Details

Item	Description	Quantity	Unit Price	Amount
0010	Municipal Participation Reimbursement  LOCALLY ADMINISTERED PROEECT - FEDERAL, U-5534L, EXECUTED 05.20.2014 WITH THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY CONSISTING OF THE CONSTRUCTION OF A 10-FOOT WIDE MULTI-USE PATH FROM GREENVILLE AVENUE TO ALABAMA AVENUE. NCDOT SHALL PARTICIPATE UP TO A MAXIMUM AMOUNT OF \$445,188. THE TOWN OF CAROLINA BEACH SHALL PROVIDE A LOCAL MATCH OF \$111,297, AND ALL COSTS THAT EXCEED THE TOTAL ESTIMATED COST OF \$556,485. ALL WORK PERFORMED BY NCDOT, INCLUDING, BUT NOT LIMITED TO, REVIEWS, INSPECTIONS, AND PROJECT OVERSIGHT, SHALL REDUCE THE MAXIMUM AWARD AMOUNT OF \$445,188 AVAILABLE TO THE TOWN OF CAROLINA BEACH.  PER ATTACHED LGA COST SHARE SPREADSHEET IMEMIZATION OF BILLABLE MUNICIPAL PARTICIPATION OF COSTS RECEIVED FROM RON VAN CLEEF, DIVISION PROJECT ENGINEER WITH NCDOT'S DIVISION 3, THE PRELIMINARY ENGINEERING AGREEMENT COSTS NOW DUE AND PAYABLE TO NCDOT TOTAL \$142.48.	1 EA	142.48	142.48
	<b>Total Amount Due</b>			\$ 142.48

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25- 3-506, a \$35.00 fee may be imposed for a check on which payment has been refused.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

Invoice

<b>Bill To:</b>  TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH NC 28428	<b>Order Information</b>  Customer Number: 91719 Invoice Number: 90744806 Purchase Order #: 006739-001_8507_0001 Purchase Order Date: 09/09/2013 Sales Order Number: 666011 Payment Terms: Net due 60 days Billing Date: 07/17/2020 Due Date: 09/15/2020
<b>Remit To:</b> North Carolina Department of Transportation Fiscal Section - Accounts Receivable Unit 1514 Mail Service Center Raleigh, North Carolina 27699-1514	Contact Person: Kay Lee Phone: 919-707-4323 Fax: 919-715-8718 Internet: klee@ncdot.gov

Page 1 of 1

Invoice Details

Item	Description	Quantity	Unit Price	Amount
0010	Municipal Participation Reimbursement  LOCALLY ADMINISTERED PROJECT AND SUPPLEMENTAL- FEDERAL, U-5534E, EXECUTED 09.09.2013 WITH THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY CONSISTING OF THE DESIGN AND CONSTRUCTION OF A MULTI-USE PATH THAT BEGINS AT MIKE CHAPPELL PARK ALONG THE EXISTING CLEARED FIRE PATH AND TERMINATES AT GREENVILLE AVENUE, AND THE HARPER AVENUE BIKE LANES WILL CONSIST OF A BICYCLE BOULEVARD ON EXISTING PAVEMENT ON EACH SIDE OF HARPER AVENUE FROM DOW ROAD TO LAKE PARK BOULEVARD. NCDOT SHALL PARTICIPATE UP TO A MAXIMUM AMOUNT OF \$251,462. THE TOWN OF CAROLINA BEACH SHALL PROVIDE A LOCAL MATCH OF 20%, AND ALL COSTS THAT EXCEED THE TOTAL ESTIMATED COST. ALL WORK PERFORMED BY NCDOT, INCLUDING, BUT NOT LIMITED TO, REVIEWS, INSPECTIONS, AND PROJECT OVERSITE, SHALL REDUCE THE MAXIMUM AWARD AMOUNT OF \$251,462.  PER ATTACHED LGA COST SHARE SPREADSHEET AND ITEMIZATION OF BILLABLE MUNICIPAL PARTICIPATION COSTS RECEIVED FROM RON VAN CLEEF, DIVISION PROJECT ENGINEER WITH NCDOT'S DIVISION 3, THE PRELIMINARY ENGINEERING AGREEMENT COSTS NOW DUE AND PAYABLE TO NCDOT TOTAL \$354.38.	1 EA	354.38	354.38
Total Amount Due				\$ 354.38

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25- 3-506, a \$35.00 fee may be imposed for a check on which payment has been refused.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

Invoice

<b>Bill To:</b> TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH NC 28428	<b>Order Information</b> Customer Number: 91719 Invoice Number: 90744807 Purchase Order #: 006739-002_8508_0001 Purchase Order Date: 09/09/2013 Sales Order Number: 666012 Payment Terms: Net due 60 days Billing Date: 07/17/2020 Due Date: 09/15/2020
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**Remit To:**

North Carolina Department of Transportation  
Fiscal Section - Accounts Receivable Unit  
1514 Mail Service Center  
Raleigh, North Carolina 27699-1514

Contact Person: Kay Lee  
Phone: 919-707-4323  
Fax: 919-715-8718  
Internet: klee@ncdot.gov

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Invoice Details

Item	Description	Quantity	Unit Price	Amount
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Total Amount Due				\$ 1,530.86

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25- 3-506, a \$35.00 fee may be imposed for a check on which payment has been refused.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ÉRIC BOYETTE  
SECRETARY

Invoice

<b>Bill To:</b>  TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH NC 28428	<b>Order Information</b>  Customer Number: 91719 Invoice Number: 90753620 Purchase Order #: 006838-001_8649_0001 Purchase Order Date: 06/07/2018 Sales Order Number: 672204 Payment Terms: Net due 60 days Billing Date: 12/17/2020 Due Date: 02/15/2021
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**Remit To:**

North Carolina Department of Transportation  
Fiscal Section - Accounts Receivable Unit  
1514 Mail Service Center  
Raleigh, North Carolina 27699-1514

Contact Person: Kay Lee  
Phone: 919-707-4323  
Fax: 919-715-8718  
Internet: klee@ncdot.gov

Page 1 of 1

Invoice Details

Item	Description	Quantity	Unit Price	Amount
0010	Municipal Participation Reimbursement  LOCALLY ADMINISTERED PROJECT - FEDERAL AND SUPPLEMENTAL, U-55340, EXECUTED 06.07.2018 WITH THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY CONSISTING OF THE CONSTRUCTION OF A MULTI-USE PATH ON THE SOUTH SIDE OF CAPE FEAR BLVD. FROM THIRD STREET TO DOW ROAD. NCDOT SHALL PARTICIPATE UP TO A MAXIMUM AMOUNT OF \$504,905. THE TOWN OF CAROLINA BEACH SHALL PROVIDE A LOCAL MATCH OF \$126,226 AND ALL COSTS THAT EXCEED THE TOTAL ESTIMATED COSTS OF \$631,131.  PER ATTACHED 12.16.2020 LGA SPREADSHEET AND ITEMIZATION OF BILLABLE MUNICIPAL PARTICIPATION COSTS RECEIVED FROM RON VAN CLEEF, PROJECT ENGINEER WITH NCDOT DIVISION 3, PRELIMINARY ENGINEERING AGREEMENT COSTS NOW DUE AND PAYABLE TO NCDOT TOTAL \$305.37.	1 EA	305.37	305.37
Total Amount Due				\$ 305.37

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25- 3-506, a \$35.00 fee may be imposed for a check on which payment has been refused.





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

Invoice

Bill To:	Order Information
TOWN OF CAROLINA BEACH 1121 NORTH LAKE PARK BLVD CAROLINA BEACH NC 28428	Customer Number: 91719 Invoice Number: 90753622 Purchase Order #: 006838-002_8650_0001 Purchase Order Date: 06/07/2018 Sales Order Number: 672206 Payment Terms: Net due 60 days Billing Date: 12/17/2020 Due Date: 02/15/2021

Remit To:

North Carolina Department of Transportation  
Fiscal Section - Accounts Receivable Unit  
1514 Mail Service Center  
Raleigh, North Carolina 27699-1514

Contact Person: Kay Lee  
Phone: 919-707-4323  
Fax: 919-715-8718  
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Invoice Details

Item	Description	Quantity	Unit Price	Amount
0010	Municipal Participation Reimbursement  LOCALLY ADMINISTERED PROJECT - FEDERAL AND SUPPLEMENTAL, U-55340, EXECUTED 06.07.2018 WITH THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY CONSISTING OF THE CONSTRUCTION OF A MULTI-USE PATH ON THE SOUTH SIDE OF CAPE FEAR BLVD. FROM THIRD STREET TO DOW ROAD. NCDOT SHALL PARTICIPATE UP TO A MAXIMUM AMOUNT OF \$504,905. THE TOWN OF CAROLINA BEACH SHALL PROVIDE A LOCAL MATCH OF \$126,226 AND ALL COSTS THAT EXCEED THE TOTAL ESTIMATED COSTS OF \$631,131.  PER ATTACHED 12.16.2020 LGA SPREADSHEET AND ITEMIZATION OF BILLABLE MUNICIPAL PARTICIPATION COSTS RECEIVED FROM RON VAN CLEEF, PROJECT ENGINEER WITH NCDOT DIVISION 3, CONSTRUCTION AGREEMENT COSTS NOW DUE AND PAYABLE TO NCDOT TOTAL \$3,913.26.	1 EA	3,913.26	3,913.26
Total Amount Due				\$ 3,913.26

Please return the attached copy of this invoice to ensure proper credit for your payment. Remittances should be made payable to N.C. Department of Transportation. According to State Cash Management G.S.25-3-506, a \$35.00 fee may be imposed for a check on which payment has been refused.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley

**DEPARTMENT:** Executive

**MEETING:** Town Council – 1/11/2021

**SUBJECT:** Resolution of Support – Turn Lanes on Dow Road

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**ACTION REQUESTED:**

Consider approving Resolution 22-2245 supporting the addition of a turn lane on Dow Road into State Park Road.

# Resolution



Town of Carolina Beach  
Town Council

**RESOLUTION NO. 22-2245**

**Resolution Supporting a Left Turn Lane on Dow Road into State Park Road**

*WHEREAS*, the Town of Carolina Beach hereby supports the addition of a left turn lane on Dow Road onto State Park Road in Carolina Beach.

*AND WHEREAS*, the Town Council, believes that this turn lane is for the best interest and safety of the residents and travelers in the Town of Carolina Beach.

*AND WHEREAS*, the Carolina Beach Police Department will assist in enforcing the proper use of the turn lane into State Park Road.

*THEREFORE, BE IT RESOLVED:*

*THAT*, the Town of Carolina Beach Town Council hereby supports the left turn lane off Dow Road onto State Park Road in Carolina Beach.

---

Albert L. Barbee, Mayor

---

Attest: Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Executive

**MEETING:** Town Council – 1/11/2021

**SUBJECT:** Acceptance of Stormwater Infrastructure in Oceana

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**BACKGROUND:**

The water and sewer infrastructure, located within the Oceana subdivision, was adopted by the Town of Carolina Beach Council in 2018. Since that time, the HOA and Town staff have been working together to make the Town's adoption of the stormwater infrastructure possible. The Oceana HOA hired an independent contractor to camera and assess the system. This report was followed by a list of recommended repairs. The Oceana HOA provided this report to the Town and sought approval for the necessary repairs along with the proposed methods. Once in agreement, the HOA hired a utility contractor to perform the needed repairs and these repairs were inspected by Town staff.

**ACTION REQUESTED:**

At this time, the stormwater infrastructure in the Oceana HOA is in satisfactory condition. Based on the due diligence Oceana has put forth in this effort, it is the recommendation of Town staff to adopt the Oceana stormwater infrastructure, which will provide future clarity on all utility maintenance in the subdivision.

**RECOMMENDED MOTION:**

Motion to accept the water and sanitary sewer system and infrastructure at Oceana upon the receipt of the recording of a plat dedication and easement, satisfactory to the Town Attorney.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Resolutions for LGC approval of HVAC financing

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**BACKGROUND:**

Council approved debt service in the FY21/22 budget for replacement of the HVAC at the Municipal Complex at 1121 N Lake Park Blvd. Since replacement of the heating and cooling system is considered improvements to real property, the Town must submit an application to the Local Government Commission (LGC) for approval.

**ACTION REQUESTED:**

Approve the following:

Resolution Number 22-2246 – Reimbursement Resolution

Resolution Number 22-2247 – Resolution of Necessary Findings

Resolution Approving Financing Terms (to be added January 7, 2022)



**RESOLUTION NO. 22-2247**

**RESOLUTION OF NECESSARY FINDINGS**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR  
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH  
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Carolina Beach, North Carolina desires to purchase and install a new Heating and Cooling System (HVAC) at the Municipal Complex (the "Project") to better serve town employees and the citizens of the Town of Carolina Beach; and

WHEREAS, The Town of Carolina Beach desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Carolina Beach, North Carolina, meeting in regular session on the 11<sup>th</sup> day of January, 2022, make the following findings of fact:

1. The proposed contract is necessary or expedient to improve health and public safety by providing better air filtration, adequate climate control and energy efficiency.
2. The proposed contract is preferable to a bond issue for the same purpose because general obligation bond authorization could not be obtained in a timely manner and would not permit the alternative financing structures and repayment provisions available in the proposed negotiated installment contract financing.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because we have proposals in hand which detail the project costs.
4. The Town of Carolina Beach's debt management procedures and policies are sound because we have annual audits prepared and are reviewed by the Local Government Commission. Our past audit reports indicate that the Town's debt management and contract obligation payment policies have been carried out in strict compliance with the law.
5. The Town of Carolina Beach is not in default in any of its debt service obligations.
7. The attorney for the Town of Carolina Beach has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.





NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the Town of Carolina Beach in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The motion to adopt this resolution was made by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

This is to certify that this is a true and accurate copy of Resolution No. \_\_\_\_\_ Adopted by the Town of Carolina Beach on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date



**Resolution No. 22-2246**

**Reimbursement Resolution for HVAC system at Municipal Complex**

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

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

1. The Town hereby determines to purchase and install ("Expenditures") a HVAC system ("Project").
2. The purchase of the Project is to be financed. The insurer intends to finance the costs of the purchase and installation of the Project with the proceeds of debt to be issued by the Issuer (The "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$687,953.
3. Funds have been advanced or may be advanced from the General Fund for the purchase of the Project and these costs are intended to be reimbursed from the financing proceeds.
4. The adoption of this resolution is intended as a declaration of this unit's official intent to reimburse Project expenditures from financing proceeds.

Date: \_\_\_\_\_

Mayor: \_\_\_\_\_

Albert Barbee, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Finance

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Resolutions for Reimbursement for Restroom at Mike Chappell Park

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**BACKGROUND:**

Council approved debt service in the FY21/22 budget for a new restroom at Mike Chappell Park. The Town plans to submit an application for approval of financing terms to the Local Government Commission (LGC) in the next couple of months. A Reimbursement Resolution needs to be in place so any funds spent on the project prior to LGC approval may be reimbursed out of loan proceeds.

**ACTION REQUESTED:**

Approve the following:

Resolution Number 22-2248 – Reimbursement Resolution for restroom at Mike Chappell Park.



**Resolution No. 22-2248**

**Reimbursement Resolution for Restroom at Mike Chappell Park**

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

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

1. The Town hereby determines to construct ("Expenditures") a Restroom("Project").
2. The purchase of the Project is to be financed. The insurer intends to finance the costs of the purchase and installation of the Project with the proceeds of debt to be issued by the Issuer (The "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes. The currently expected maximum amount of bonds or other obligations to be issued or contracted for this project is \$250,000.
3. Funds have been advanced or may be advanced from the General Fund for the purchase of the Project and these costs are intended to be reimbursed from the financing proceeds.
4. The adoption of this resolution is intended as a declaration of this unit's official intent to reimburse Project expenditures from financing proceeds.

Date: \_\_\_\_\_

Mayor: \_\_\_\_\_

Albert Barbee, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Executive

**MEETING:** Town Council 1/11/2021

**SUBJECT:** Budget Ordinance for the American Rescue Plan

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**BACKGROUND:**

This Budget Ordinance increases the Project Fund 35 by \$28,505.65 for Premium Pay, Retirement, Taxes and Law 401(K).

**ACTION REQUESTED:**

Review the attached budget ordinance.

**RECOMMENDED MOTION:**

Motion to approve Ordinance 22-1165 which increases the Project Fund 35 by \$28,505.65 for Premium Pay, Retirement, Taxes and Law 401(K).

**ORDINANCE NO. 22-1165**  
**A GRANT ORDINANCE TO CREATE A BUDGET FOR THE**  
**AMERICAN RESCUE PLAN WATER, SEWER & STORMWATER PROJECTS**

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

**SECTION ONE:**

That the Fiscal Year 2021-2022 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with the American Rescue Plan Utility Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
35-601-074	Florida Ave	\$250,000	\$250,000.00	+\$ .00
35-602-074	Spartanburg Ave	\$ 130,000	\$ 130,000.00	+\$ .00
35-603-074	Maryland Ave/Virginia Ave	\$ 100,000	\$ 100,000.00	+\$ .00
35-604-074	Basin Road	\$ 90,000	\$ 90,000.00	+\$ .00
35-605-074	Eastern Hamlet	\$ 80,000	\$ 80,000.00	+\$ .00
35-606-074	Seventh Street	\$ 75,000	\$ 75,000.00	+\$ .00
35-607-074	Sumter Ave/Seventh St	\$ 74,000	\$ 74,000.00	+\$ .00
35-608-074	Greenville Ave	\$ 70,000	\$ 70,000.00	+\$ .00
35-600-005	FICA Tax	\$ .00	\$ 9,565.49	+\$ 9,565.49
35-600-007	Retirement	\$ .00	\$ 13,877.36	+\$ 13,877.36
35-600-010	(401) Law Enforcement	\$ .00	\$ 1,503.80	+\$ 1,503.80
35-600-009	Premium Pay	\$ 121,480	\$125,039.00	+\$ 3,559.00
<b>TOTAL</b>		<b>\$ 990,480</b>	<b>\$1,018,985.65</b>	<b>\$ 28,505.65</b>

**SECTION TWO:**

That the Fiscal Year 2021-2022 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the American Rescue Plan by amending the following Utility Fund Grant Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
35-396-000	Transfer ARP Grant Funds From General Fund	\$ 990,480	\$1,018,985.65	+ \$ 28,505.65
<b>TOTAL:</b>			<b>\$1,018,985.65</b>	

**SECTION THREE:**

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

Duly adopted this 11 day of January 11,2022

\_\_\_\_\_  
Albert Barbee, Mayor

ATTEST:

\_\_\_\_\_  
Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 1/11/2022

**SUBJECT:** Committee Appointments

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**BACKGROUND:**

The Planning and Zoning Commission has one vacant seat (Deb LeCompte) with a term expiring 6/30/2023.

The Police Advisory Committee has two vacant seats (Joe Benson 2023 and Deb LeCompte 2022).

The Board of Adjustment has one vacant seat (Amanda Nestor) with a term expiring 2024.

The Beautification Committee has one vacant seat (Jeanette Morales).

The Bike/Ped Committee has one vacant seat (Mike Hoffer).

The Operations Committee has one vacant seat (Cornelison).

**ACTION REQUESTED:**

Select applicants to fill the unexpired terms.



## COMMITTEE BALLOT

Beautification Committee: Two Vacancies (Martin, Morales)

**Please select TWO:**

- ☐ Christina Bumgarner
- ☐ Christopher Bartosik
- ☐ Hope Combs
- ☐ Rachel Nadeau

Bike/Ped Committee: One Vacancy (Hoffer)

**Please select ONE:**

- ☐ Bill Stoll
- ☐ Daniel Kempf
- ☐ Jerry Davis
- ☐ John Dismukes
- ☐ John Marshall
- ☐ Laura Mandato
- ☐ Mike Maume
- ☐ Pamela Grillini
- ☐ Rodney Kidd
- ☐ Scott Cornelison (serves on Ops Committee)
- ☐ Scott Pate (serves on Beautification Committee)
- ☐ Shane Kennan

Board of Adjustment: One Vacancy (Nestor)

**Please select ONE:**

- ☐ Christopher Bartosik
- ☐ Dan Adams
- ☐ Dorrene Stanley
- ☐ Scott Cornelison (serves on Ops)
- ☐ Tim Howard (serves on MAC)

Planning and Zoning: One Vacancy (LeCompte)

**Please select ONE:**

- ☐ Aaron Smith
- ☐ Bill Stoll
- ☐ David Gadalla
- ☐ Dorrene Stanley
- ☐ Eric Lachance (recently appointed to Parks and Rec)
- ☐ George Acker (serves on Police Advisory)
- ☐ JoDan Garza
- ☐ Lynn Conto (serves on Police Advisory)
- ☐ Michael Hannan
- ☐ Paul Levy (also serves on BOA and Ops)
- ☐ Quinn Marlow
- ☐ Steven Wright

Police Advisory Committee: Two Vacancies (Benson, LeCompte) Drop Alternate

**Please select THREE:**

- ☐ Bill Skinner (serves on Ops)
- ☐ George LeCompte (serves on Ops)
- ☐ Christina Lopez
- ☐ Christopher Bartosik
- ☐ Dan Adams
- ☐ David Cole (serves on Ops)
- ☐ Dorrene Stanley
- ☐ Fred Grady
- ☐ Hope Combs
- ☐ John Dismukes
- ☐ Matthew Shuttleworth
- ☐ Michael Hannan
- ☐ Paul Levy (serves on BOA and Ops)
- ☐ Peter Green
- ☐ Scott Cornelison (serves on Ops)
- ☐ Shannon Spell
- ☐ Stephen Graybush
- ☐ Steven Wright
- ☐ Tiffany Bryan (serves on Ops)
- ☐ Tim Howard (serves on MAC)

Operations Advisory Committee: One Vacancy (Cornelison)

**Please select ONE:**

- ☐ Aaron Smith
- ☐ Bill Stoll
- ☐ Christopher Bartosik
- ☐ Dorrene Stanley
- ☐ JoDan Garza
- ☐ Matthew Shuttleworth
- ☐ Michael Hannan
- ☐ Stephen Hannan
- ☐ Steven Wright

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Council Signature



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Clerk

**MEETING:** Council Meeting 1/11/2022

**SUBJECT:** Closed Session to Discuss an Attorney/Client Matter and Attorney/Client Privilege

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**RECOMMENDED MOTION:**

Motion to go into closed session to discuss an attorney client matter and attorney/client privilege in accordance with NCGS 143-318.11(a)(3).

Matters being discussed include:

18 CVS 3151, 52, 53, and 54

Town of Carolina Beach vs. Carolina Freeman LLC

Town of Carolina Beach vs. B&F Enterprises LLC

Town of Carolina Beach vs. DRDK LLC

Town of Carolina Beach vs. Freeman Beach LLC