

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, February 09, 2021 – 6:30 PM

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



AGENDA

CALL TO ORDER WITH INVOCATION GIVEN BY DR. JEFF BURNS, FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

1. Budget Amendments/Transfers
2. Set Public Hearing for March 9, 2021 to Receive Funding Requests from Non-Profit Organizations from the General Fund
3. Set a Public Hearing for March 9, 2021 to consider a rezoning request by Winner Enterprise of CB, LLC to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1).

Applicant: Winner Enterprise of CB, LLC
4. Approve Contract for Auditing Service for period ending 6/30/21
5. ROT Reimbursement Request for \$196,997.96
6. Approval of Meeting Minutes

SPECIAL PRESENTATIONS

7. Events Update by Tim Murphy
8. 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

9. Consider a Modification to the Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-

55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839)
Applicant: Carolina Beach Land Holdings LLC

[10.](#) Public Hearing to Receive Requests from Non-Profit Organizations for Room Occupancy Tax Funds

[11.](#) Consider adopting the Southeastern NC Regional Hazard Mitigation Plan

ITEMS OF BUSINESS

[12.](#) NCDEQ Stormwater Audit Update

[13.](#) Easement at 402 Oceana

NON-AGENDA ITEMS

CLOSED SESSION

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 2/9/2020

SUBJECT: Budget Amendments/Transfers

BACKGROUND:

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

Appropriations:

Appropriate \$46,725.86 from the General fund fund balance to account 10-410-066 Hurricane Isaias to cover the final cost of repairs. This expense is FEMA and insurance reimbursable.

Transfers:

Transfer \$12,000 from account 10-410-070 COVID-19 to account 10-410-064 Hurricane Florence to cover the cost of Rostan Solutions assistance with the Marina Project. This expense is FEMA reimbursable.

Transfer \$4,487 from account 10-630-033 Beach Maintenance Supplies to account 10-630-081 Beach Maintenance Inlet Dredging to cover additional cost of the project.

Transfer \$15,000 from account 10-620-066 P&R Athletic Program and \$10,850 from account 10-620-082 P&R Festivals & Events to account 10-620-074 P&R Capital over \$10,000 to resurface the tennis courts at Mike Chappell Park.

Transfer \$800 from account 10-410-014 Legislative Travel & Training to account 10-410-033 Legislative Supplies to cover shortage in account.

Transfer \$5,000 from account 10-510-021 Police M&R Tires to account 10-510-017 Police M&R Vehicles to cover additional repairs to police fleet vehicles.

ACTION REQUESTED:

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

Debbie Hall

To: Bruce Oakley
Cc: Ed Parvin
Subject: Budget Amendment and Transfer

Bruce,

We need additional funds for Hurricane Florence and Hurricane Isaias. I recommend the following to cover the shortfall in these accounts:

Transfer \$12,000 from 10-410-070 COVID-19 to 10-410-064 Hurricane Florence to cover Rostan Solutions assistance with the Marina Project (FEMA reimbursable).

Appropriate \$46,725.86 from the General Fund fund balance to 10-410-066 Hurricane Isaias (FEMA reimbursements and insurance should cover this appropriation).

Regards,

Debbie Hall, Finance Director

Town of Carolina Beach
1121 N Lake Park Blvd
Carolina Beach NC 28428
(910) 458-5495
(910) 458-2997 Fax
debbie.hall@carolinabeach.org

Notice: Email correspondence to and from this address is subject to NC Public Records Law and is considered public information.

Debbie Hall

From: Sheila Nicholson
Sent: Wednesday, January 27, 2021 3:01 PM
To: Debbie Hall
Cc: Brian Stanberry
Subject: Budget transfer request for Inlet Dredging Fees

Debbie,
Please transfer \$4,487 from 10-630-033 to 10-630-081 to make up the difference in cost for the Inlet Dredge project 2021 (total cost \$39,487; only \$35K budgeted based on estimates from NHC).

If you have any questions, please let me know.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
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.

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay [Item 1]
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, Town Manager

From: Eric Jelinski, Parks and Recreation Director

Date: 1/20/2021

Re: Budget Transfer Request – Tennis Court Resurfacing

During the FY 20/21 budget process the Parks and Recreation Dept. requested \$25,000 to resurface the tennis courts at Mike Chappell Park. However, due to the unknown of Covid and a lean budget year, funds were not allocated for this project. Unfortunately, due to Covid the Parks and Recreation Dept. was not able to offer many of our typical programs, such as summer camp and youth basketball. Since we did not run those programs, we do have extra funds in the athletics and special events line item. We are requesting the below transfer to move forward with the much-needed resurfacing of the tennis courts at Mike Chappell Park.

The resurfacing project will include two (2) coats of Nova Surface, sand filled acrylic, to the entire court surface as a filler coat. The finish will be (2) coats of Nova Combination Surface. In addition, all cracks and holes will be repaired by installed Fortress polyester fabric to the entire playing surface. This fabric will help the longevity of the court surface. This fabric helps prevent cracks and pitting of the asphalt.

Account	Amount	Transfer to Account	Reason
General Fund - 10-620-066	\$15,000	10-620-074	Please see the reasoning above and the pictures below.
General Fund – 10-620-082	\$10,850	10-620-074	



Debbie Hall

From: Kim Ward
Sent: Monday, January 25, 2021 10:46 AM
To: Debbie Hall
Cc: Linsey Manning
Subject: Budget Transfer Request

Debbie,

I would like to request a balance transfer to the following account to cover the current overage and anticipated future charges:

Transfer amount - \$800 to account number 10-410-033 (Legislative Supplies) from 10-410-014 (Legislative Travel and Training)

I apologize for the overage and the inconvenience.

Thank you,

Kim Ward
Town Clerk
Town of Carolina Beach
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Phone 910-458-2992



Debbie Hall

From: Dex Shorter
Sent: Thursday, January 28, 2021 2:33 PM
To: Debbie Hall
Cc: Bruce Oakley; Vic Ward
Subject: Budget Transfer Request

Hi Debbie,

Per Chief Ward, the Police Department is requesting the transfer of \$5,000 from line item 10-510-021 to line item 10-510-017 for additional repairs to police fleet vehicles.

\$5,000

From 10-510-021 Maintenance & Repair – Tires
To 10-510-017 Maintenance & Repair – Vehicles

Respectfully submitted,

Dex Shorter

Administrative Assistant – Police Department
Town of Carolina Beach
dex.shorter@carolinabeach.org
910-458-2540



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Town Clerk

MEETING: Town Council – 2/9/2020

SUBJECT: Set Public Hearing for March 9, 2021 to Receive Funding Requests from Non-Profit Organizations from the General Fund

BACKGROUND:

Each year, Council receives funding requests from local non-profits. Council will receive requests for funding out of the General Fund at the February meeting and General Fund requests at the March meeting.

ACTION REQUESTED:

Consider approving the request to hold a public hearing at the March 9, 2021 Council meeting.

RECOMMENDED MOTION:

Request will be granted under an approved consent agenda motion.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy – Senior Planner

DEPARTMENT: Planning

MEETING: Town Council – February 9, 2021

SUBJECT: Set a Public Hearing for March 9, 2021 to consider a rezoning request by Winner Enterprise of CB, LLC to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1).

Applicant: Winner Enterprise of CB, LLC

BACKGROUND:

ACTION REQUESTED:

Approve the consent agenda item.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 2/9/2021

SUBJECT: Approve Contract for Auditing Service for period ending 6/30/21

BACKGROUND:

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

Fee for Audit Services for period ending June 30, 2021:

- Audit Services -----\$26,000
- Writing Financial Statements -----\$ 3,000
- Each Single Audit (Federal or State) -----\$ 2,000

ACTION REQUESTD:

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

ATTACHMENTS:

Audit Engagement Letter FY21
Audit Contract FY21

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

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

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

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
-----	--------------------------------	-----------------------------------

Must be within four months of FYE

hereby agree as follows:

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

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

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

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

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

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

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

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

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

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

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

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

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

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

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

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

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

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

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

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

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

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

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

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

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

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and Governmental Auditing Standards, 2018 Revision. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: [X] Auditor [] Governmental Unit [] Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: Debbie Hall Title and Unit / Company: Finance Director Email Address: debbie.hall@carolinabeach.org

OR Not Applicable [] (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Table with 2 columns: Fee Description, Amount. Rows include Primary Government Unit (The Town of Carolina Beach), Audit Fee (\$26,000), Fee per Major Program (\$2,000), Writing Financial Statements (\$3,000), All Other Non-Attest Services (\$), 75% Cap for Interim Invoice Approval (\$21,750.00).

DPCU FEES (if applicable)

Table with 2 columns: Fee Description, Amount. Rows include Discretely Presented Component Unit (N/A), Audit Fee (\$), Fee per Major Program (\$), Writing Financial Statements (\$), All Other Non-Attest Services (\$), 75% Cap for Interim Invoice Approval (\$).

SIGNATURE PAGE

AUDIT FIRM

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

GOVERNMENTAL UNIT

Governmental Unit* The Town of Carolina Beach	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* LeAnn Pierce	Signature*
Date	Email Address leann.pierce@carolinabeach.org

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

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

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

CONTRACT TO AUDIT ACCOUNTS

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

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

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

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

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

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

PRINT



Bernard Robinson & Company, L.L.P.

January 19, 2021

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

We are pleased to confirm our understanding of the services we are to provide Town of Carolina Beach, North Carolina for the year ending June 30, 2021. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Town of Carolina Beach, North Carolina as of and for the year ending June 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Carolina Beach, North Carolina's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town of Carolina Beach, North Carolina's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by accounting principles generally accepted in the United States of America and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Local Government Employees' Retirement System
3. Law Enforcement Officers' Special Separation Allowance
4. Other Post-Employment Benefits

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

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

brccpa.com

Town of Carolina Beach, North Carolina
January 19, 2021
Page 2

1. Combining Balance Sheet – Nonmajor Governmental Funds
2. Combining Statement of Revenues, Expenditures and Changes in Fund Balance– Nonmajor Governmental Funds
3. Schedule of Revenue, Expenditures and Changes in Fund Balance – Budget and Actual:
 - General Fund
 - Grant Fund
 - Island Greenway Improvement Fund
 - Marina Project Fund
 - Cape Fear Multi-Use Path Project Fund
 - Hamlet Bathroom/Ocean Rescue Fund
 - Clarendon Ave MUP Fund
 - Utility Fund
 - Water Project
 - Stormwater Improvement
 - AIA Wastewater Project
 - Northend Project
4. Schedule of Ad Valorem Taxes Receivable
5. Analysis of Current Year Levy

Audit Objectives

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

Town of Carolina Beach, North Carolina
January 19, 2021
Page 3

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the Government's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Government's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that Town of Carolina Beach, North Carolina is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Government or to acts by management or employees acting on behalf of the Government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

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

Town of Carolina Beach, North Carolina
January 19, 2021
Page 4

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

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the Government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

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

Audit Procedures—Compliance

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

Other Services

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

Town of Carolina Beach, North Carolina
January 19, 2021
Page 5

Management Responsibilities

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

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

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

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

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

Town of Carolina Beach, North Carolina
January 19, 2021
Page 6

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

You agree to assume all management responsibilities relating to the financial statements and related notes, and supplementary information, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes, supplementary information, performing of cash basis to accrual basis accounting adjustments, and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them. Our audit of the financial statements does not relieve management or those charged with governance of your responsibilities.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on the Organization's website, management understands that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

If applicable, the use of any portal set up by Bernard Robinson & Company, L.L.P. is designed for the secure exchange of information, rather than the storage of information. Management is responsible for providing its own data backup for business continuity and disaster recovery, and our copies of any information maintained by Bernard Robinson & Company, L.L.P. are not to be used for these purposes. Any information uploaded to the portal will be deleted after 270 days.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

Town of Carolina Beach, North Carolina
January 19, 2021
Page 7

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If, for whatever reason, your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

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

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

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

Victor Blackburn is the engagement partner and is responsible for supervising the engagement and signing the report, or authorizing another individual to sign it. Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

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

Town of Carolina Beach, North Carolina
January 19, 2021
Page 8

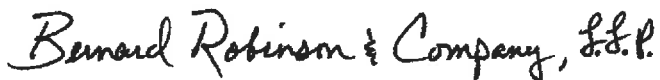
We estimate our fees for these services will not exceed \$29,000. However, for each major program that a single audit is required, there will be an additional \$2,000 per program. Our fees are based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, word processing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of personnel assigned. Our fees are based on anticipated cooperation from the Organization's personnel, timely completion of all requested items, and the assumption that unexpected circumstances will not be encountered during the engagement. If circumstances occur and additional time is necessary to complete the audit, we will discuss this with management promptly to arrive at a new estimate before we incur the additional costs. The time related to any additional services we are required to perform in order to complete the audit will be billed separately. Our invoices for these fees will be rendered throughout the engagement as work progresses and are payable on presentation. All costs relating to collection of these fees will also be the responsibility of Town of Carolina Beach, North Carolina including, but not limited to, attorney fees and collection agency fees. Invoiced fees outstanding past 60 days will be subject to a 1½% monthly finance charge.

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

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services, will continue to be governed by the terms of this engagement letter.

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

Sincerely,



BERNARD ROBINSON & COMPANY, L.L.P.

RESPONSE:

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

Management signature/Title: _____

Governance signature/Title: _____



AGENDA ITEM COVERSHEET

PREPARED BY: Sheila Nicholson

DEPARTMENT: Executive

MEETING: Town Council – 02/09/2021

SUBJECT: ROT Reimbursement Request for \$196,997.96

BACKGROUND:

FY 15/16 ROT budget amount was \$ 533,062; the Town was reimbursed \$ 284,418
 FY 16/17 ROT budget amount was \$ 839,302; the Town was reimbursed \$ 668,741
 FY 17/18 ROT budget amount was \$ 789,781; the Town was reimbursed \$ 509,502
 FY 18/19 ROT budget amount was \$1,252,329; the Town was reimbursed \$ 590,485
 FY 19/20 ROT budget amount was \$1,169,215; the Town was reimbursed \$408,554

The original amount of ROT funds allocated for Carolina Beach FY 20/21 is \$507,681. In October 2020, the TDA board approved a reimbursement to the town of \$141,079.94, leaving a balance available of \$366,601.06. The TDA Board also approved a carryover of funds from the 19/20 BY in the amount of \$777,649, leaving a balance available of \$1,144,250.06.

A request for Lifeguard expenses was approved at the 11/2020 Council meeting leaving the balance available of \$760,877.47.

The current ROT reimbursement request amount is \$196,997.96 for donations made to the Pleasure Island Chamber of Commerce for budget years 18/19 (\$103,225) and 19/20 (\$96,550).

- Please note that a total of \$96,550 was donated to the PICC for the 19/20 budget year and due to COVID-19, most events were cancelled in 2020. Only \$93,772.96 in receipts were turned in for reimbursement leaving a balance of \$ 2,777.04 unspent.
- I used additional receipts from the 18/19 BY that went over the original budget amount to account for most of the balance of 19/20 BY. If approved and paid by TDA, the remaining unspent balance of PICC donation will be \$ 2,777.04.

If approved and paid by TDA, the remaining balance of the fund will be \$563,980.51

ACTION REQUESTED:

The Town Manager recommends Council approval of the ROT reimbursement request for the January 2020 TDA Board Meeting



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 2/9/2021

SUBJECT: Approval of Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from 1/12/2021 and 1/26/2021.

ACTION REQUESTED:

Review and approve under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 12, 2021 - 6:30 PM

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



MINUTES

CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Mayor Pierce 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 Attorney Noel Fox

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. Budget Amendments/Transfers
2. Approval of Emergency Sick Leave Policy
3. Set Public Hearing for February 9, 2021 to Receive Requests from Non-Profit Organizations for Room Occupancy Tax Funds
4. Approval of Meeting Minutes

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

SPECIAL PRESENTATIONS

5. Presentation – Scooter Rental Company (Bird)

Bird is a micromobility company that operates shared electric scooters. Bird operates with the user installing the Bird app, on which it displays all the scooters available (tracked by GPS) nearby. Before starting a trip, the user supplies payment information. The user then scans the QR code on the scooter, beginning the trip.

Planning Director Jeremy Hardison introduced Chris Stockwell of Bird, who joined the meeting via video conference and gave a presentation to Council. Mr. Stockwell said Bird had done an analysis of cities that would be a good market, and Carolina Beach was on that list. He said Bird is a shared scooter program with the mission of getting people out of cars to reduce congestion, improve air quality, and improve overall quality of life.

Mr. Stockwell gave details about how scooter rentals work, what the scooters look like, transportation benefits, the company's approach, a timeline for implementation, company innovations, and testimonials from communities where Bird is currently in use. Bird uses localized operations, working with a local entrepreneur to manage the fleet in exchange for that person earning money on each ride. Mr. Stockwell said 56 percent of rides connect to a local business, and Bird partners with local businesses to promote their services to riders.

Mayor Pro Tem Healy asked about the cost to the consumer. Mr. Stockwell said it is \$1 to unlock a scooter plus a per-minute fee that ranges from 25 to 39 cents. Mayor Pro Tem Healy asked how scooters get back to where the ride originates. Mr. Stockwell said the scooter could remain in the second location until someone rides it back, or if the scooter winds up in a low-demand area the fleet manager would rebalance the fleet and bring it back to a higher-demand area.

Council Member Garza asked Mr. Stockwell if he had been to Carolina Beach or looked at a traffic study or pedestrian and bike flow in the area. Mr. Stockwell, who is based in Pennsylvania, said he has been to coastal areas of the state, including Wilmington, but had not ever visited Carolina Beach. He said the scooters are complementary to and ride along with traffic. Council Member Garza asked if Bird is looking for someone to franchise the operation. Mr. Stockwell said Bird typically starts with about 50 scooters in an area and would look to find a fleet manager. Council Member Garza asked about accident statistics. Mr. Stockwell said the numbers are low and that he can send statistics to Council. He said a study found the accident rate is no different than for bicycles.

Council Member Barbee asked who is responsible if a scooter hits a car. Mr. Stockwell said the scooter rider is ultimately responsible but Bird holds the general liability overall and can indemnify any municipality upon request. He said there is protection for fleet managers, and all riders agree to terms and conditions prior to taking their first ride. Mr. Stockwell said this is a conversation Bird would handle between the rider and the car owner.

Mayor Pierce thanked Mr. Stockwell for the presentation and said Council will take the information under advisement and get back to Bird.

6. Manager's Update

Mr. Oakley updated Council on current and future projects. He said Parks & Recreation wanted to invite Council to a ribbon cutting for Joseph Ryder Lewis Jr. Civil War Park on February 11 at 2:00 PM.

Mr. Oakley also gave details about the status of the wheelchair access beach mat provided by Ocean Cure during summer months. The Division of Coastal Management previously denied a variance for the mat, which will be appealed to the Coastal Resources Commission on February 17. Council Member Shuttleworth asked what the Town is doing to offer letters of support. Mr. Oakley said there has been an outpouring of support, and the Town is seeking to get as much as possible in writing. Mayor Pierce said she can draft a letter of support to send. Council Member Shuttleworth asked if the two large hotels on the Boardwalk and the Pleasure Island Sea Turtle Project were in favor of the beach mat. Mr. Parvin said there are 20 letters of support that will be attached to the application, including from the two hotels and the sea turtle group.

Regarding the lake dredge issue, Mr. Oakley said the Town looked at doing a design build but that administrative costs for this were excessive. He said the Town is preparing a request for proposals for the dredging and disposal of spoils, which should be going out soon.

Mr. Oakley reminded Council of the budget retreat on January 26 at 9:00 AM at the Fire Department. He said there would be a brief review of the static line issue with the Coastal Resources Commission, followed by the retreat.

Council Member Barbee asked about the postponement of the Hamlet bathroom and shower rebuild due to bids coming back high. He said he has concerns that if the Town keeps sliding the project back, the costs will keep going up. Council Member Barbee asked if staff has reason to believe the costs will go down or whether this is wishful thinking. Mr. Oakley said anecdotally staff is hearing that the price of lumber is going down, so the Town is hoping to hold off and bid again later. Council Member Barbee said he would like Council to discuss this matter at the budget retreat, including a contingency plan if fall comes and the prices haven't dropped. Mr. Oakley said he will put this in the presentation for the retreat.

PUBLIC COMMENT

Lisa Overby Dosier of 807 Kenneth Avenue passed out materials to Council and spoke about her desire to add a refrigerator to supplement the two small food pantries on the island. She said this would be for produce and other perishables, not necessarily for cooked dishes. She said she was seeking feedback from Council about location, power, structure, and costs so organizers can develop a better plan. She said there is already interest in donations of signs, carpentry, and the appliance itself. Mayor Pierce asked if she would be willing to come back to make a presentation as an upcoming agenda item, and she said yes.

ITEMS OF BUSINESS

7. Budget Amendment

Mr. Parvin presented information about a parking-related budget amendment request.

Improving Parking in 2021

Continuing issues with the old paystations

- Dying Batteries – We would have to go and change batteries on a couple of paystations every other day.
- Failing Printers – A few machines, including Freeman Park, had printers that would stop working and need to be switched out.
- Not Communicating with Reporting System – There were software issues as well as issues with the controller in one machine that were keeping us from being able to report properly until they were fixed.
- Card Reader Issues – Maintenance was consistently having to clean and work on card readers.

Benefits of new machines

- Low maintenance – Other than a paper jam every now and then and regular paper changing and cleaning, the new machines we got last year required much less attention.
- Fewer collections – With the machine at Freeman Park being the only one that will accept cash, the amount of time spent collecting and counting money will decrease.
- Compatible with LPR system software – Enforcing is more efficient when the LPR can scan license plates and tell the ambassador if the person paid with the new paystations.
- Easier reporting – Last year with the purchase of the first 10 Parkeon machines, it became more difficult as office staff had to run 2 different reports for paystation collections.

New parking paystation locations

1. Freeman Park – cash and card options
2. North Pier Lot – card only (same as it has been for 2 years)
3. Canal Lot – card only
4. Weeks Lot – card only
5. Surfside East Lot – 2nd card-only machine (already has 1 card-only machine)
6. Palms Lot – 2nd card-only machine (already has 1 card-only machine)
7. Mack Lot – card only
8. Hamlet Lot – card only
9. Tennessee Lot – card only (same as it has been for 2 years)
10. Ocean Lot – card only

Budget amendments for parking

Purchase of new Parkeon paystations: \$55,200

Cost for installation of new paystations: \$5,000

Wheel locks for vehicle immobilization: \$1,705.30

Total cost: \$61,905.30

Mr. Oakley asked if the improvements enabled by this budget amendment would offset the price at all. Mr. Parvin said some paystations have not been working, plus Parkeon is a better product that uses the latest technology. He said the Town is trying to limit meters and educate the public so people are comfortable with text and phone payment options, which use no infrastructure other than signs.

Mayor Pierce said it needs to be clear on all lots whether Town decals are accepted.

Council Member Barbee said this is a maintenance item and seems like a reasonable request.

Council Member Garza asked for a line item for future maintenance so there's a small savings account when needs arise. Mayor Pro Tem Healy said this is a good idea.

ACTION: Motion to approve the budget amendment for the parking meters for \$61,905.30

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

8. NCLM 2021 Legislative Goals

Mr. Oakley asked Council to review and consider casting a vote to support the North Carolina League of Municipalities 2021 legislative goals. He said Mayor Pierce is the delegate to the organization but relies on Council to share input.

Among the legislative goal statements recommended by the organization's Board of Directors are:

- Grant local governments the authority to build broadband infrastructure in order to partner with private providers and provide additional funding to help close the digital divide.
- Secure federal and state aid directly to municipalities to offset all lost revenues due to the COVID-19 pandemic.
- Expand incentives and funding for local economic development.
- Revitalize vacant and abandoned properties with enhanced legal tools and funding.
- Create a permanent and adequate funding stream for local infrastructure needs.
- Provide funding to keep aging water and sewer system financially solvent today and viable for the future.
- Ensure state funding for any new state-mandated benefits for municipal employees.
- Allow a short grace period for online posting of local emergency declarations while allowing them to take effect immediately.
- Increase public safety grant funding and expand allowable uses.
- Reduce pressure on property taxpayers by expanding locally controlled options for revenue generation.

Council Member Shuttleworth asked Mr. Oakley for his thoughts. Mr. Oakley said he thinks securing federal and state aid is important. Council Member Shuttleworth said any kind of funding with a low interest rate would help to reduce the burden on taxpayers.

Mayor Pierce asked Council to share their thoughts before the upcoming meeting.

NON-AGENDA ITEMS

Council Member Barbee said 2025 will be the Town's centennial, and he thinks it is important to celebrate that. He proposed asking the Town's Business and Economic Development Committee to

develop a framework for celebration possibilities. Among his ideas was leaving a legacy item, such as raising money to complete the playground at the lake or building a new bandstand. Council Member Barbee said he wanted to see if Council supports this. Council Member Garza, Mayor Pierce, and Mayor Pro Tem Healy said they were in favor of moving forward with a request to the committee to explore options.

Council Member Garza said he had no items to bring up until the upcoming workshop. He wished everyone a happy new year.

Mayor Pro Tem Healy said although dogs are not allowed on the Boardwalk, there is only one sign stating this rule. He said he would like to have a conversation in the future about changing the rule so dogs are allowed on the Boardwalk.

Mayor Pro Tem Healy brought up COVID-19, stating that the pandemic seems to be at a peak. He said he didn't realize the Town had 266 cases along with 50 in Kure Beach. He expressed hope that things would improve after a couple of weeks but said it's imperative for everyone to continue following masking and social distancing guidelines, something he feels might be lacking, especially in the downtown area.

Mayor Pro Tem Healy said he is glad to see demolition of older buildings in the Central Business District but wanted to know if there are any regulations regarding cleaning up the lots after demolition is over. Council Member Shuttleworth and Council Member Garza also expressed interest in knowing whether there is a policy for this. Mr. Parvin said the owners of the lots are responsible for the cleanup, and if this doesn't happen in a timely fashion then Town staff talks to them and gives them a time frame for completing the task. Council Member Shuttleworth asked if there is an expectation to groom the lots to a certain standard. Mr. Hardison said they must be cleaned up of all debris, graded, and stabilized. Council Member Shuttleworth said it is important to accelerate this process in the Central Business District because of its prominent location for both residents and visitors.

CLOSED SESSION

9. Closed Session to Discuss an Attorney/Client Matter

ACTION: Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3). Matters being discussed are:

18 CVS 3155 Town of Carolina Beach vs. Winnie Futch Heirs

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC

18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC

18 CVS 3152 Town of Carolina Beach vs. B&F Enterprises LLC

20 CVS 2596 Porter vs. Town of Carolina Beach et al

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 Pierce called the meeting back to order and said Council took no action during closed session.

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 8:15 PM.

CAROLINA BEACH

Town Council Budget Workshop

Tuesday, January 26, 2021 – 9:00 AM

Carolina Beach Fire Station 9 South Dow Road 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 (Zoom)

Council Member Lynn Barbee

Council Member Council Member Garza Garza (Zoom)

Council Member Steve Shuttleworth

ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

All Town Department Heads

At the request of Town Council, the Town Attorney was available and attended periodically through Zoom.

Council met at the Carolina Beach Fire Station at 9:00 a.m.

The fire department staff provided breakfast for all attendees.

Ken Richards with the Division of Coastal Management introduced District Planner Mike Christenbury.

Mr. Christenbury discussed potential rule amendments on how to measure oceanfront setbacks. Specifically, discussing rule amendments with Development Line, Static Line Exception Rule and Grandfathering.

The next CRC meeting is February 18, 2021.

Council asked Jeremy Hardison to continue monitoring these recommendations and respond accordingly.

Council Member Shuttleworth asked Mr. Hardison to send the list of CRC members to Council.

Chief Griffin requested a budget amendment in the amount of \$8,500 for a temporary lifeguard substation for the 2021 season. There will still be port-o-johns and conex boxes on the Hamlet lot. The temporary showers built by the Operations Department will remain on site as well.

Council Member Shuttleworth made a motion to approve \$8,500 for the budget transfer from the general fund to the ocean rescue fund. Staff will request a Room Occupancy Tax reimbursement. Motion passed unanimously.

Bruce Oakley opened the budget discussion and explained how the format of the meeting would go.

Mr. Oakley said the Town fared well financially, despite the pandemic. The ABC tax doubled from last year.

Ed Parvin led the budget discussion.

Global for Life (solid waste) is increasing their rates by 3.8% next year. This is in the current contract. The Town has 3 more years in this contract.

Council asked staff to investigate whether GFL is recycling the materials that are in the recycle bins or if it is being combined with the regular solid waste at the landfill. If it is not being recycled, Council would like to consider eliminating recycling.

Council Member Barbee would like to see the Town separate the water bill from the solid waste bill because residents get confused and think the total bill is all water expense.

Council Member Garza would like to have a meeting with GFL and have them explain the recycling program.

Mr. Parvin mentioned having other vendors sell Freeman Park passes. Businesses have offered to sell them just to get the foot traffic in their establishment with no cost to the Town.

Council Member Barbee would like to do away with the decals. He would like everything to be electronic. He suggested comparing Freeman Park to the south end to make sure we are offering amenities that justify the higher price.

Council Member Shuttleworth asked if staff had reached out to local contractors for the lake dredge project. Mr. Oakley said the advertisement is out and on the website.

Council Member Garza asked if staff was staying in contact with MOTSU.

Mr. Oakley said Mike McIntyre speaks with them on a weekly basis.

Mr. Parvin mentioned that Jerry Haire is retiring January 31st and staff wants to fill the position with a project manager.

Mayor Pierce feels staff is trying to create a new position with too many roles. All Council Members agreed and wanted the position to have a specialty.

Council Member Barbee would like to have this position focus on grant writing and if another person is needed for the other duties listed, hire someone specifically for those roles.

Mayor Pierce said she would like to see resolution on paving streets. She stated that is the number 1 topic the public wants to focus on.

Council Member Barbee asked to be educated on what is an acceptable standard for street maintenance. He feels that the criteria for the problem is not being heightened. Residents building \$700,000 homes, expect the streets to be maintained. He feels the same for other maintenance items such as the bridges at the lake. He wants the Town to be more proactive instead of reactive.

MPT Healy said that people are paying more for property on the Island and expect more.

Council Member Barbee asked if they were going to discuss COLA and merit.

Mr. Oakley said that topic will come up later in the budget season.

Mayor Pierce asked about the time clocks and if the department heads could review and make corrections in the system.

Mr. Oakley explained the timecard process and that department heads will have the ability to review and make corrections.

Mayor Pierce mentioned that she visited a beach that had one white trash can at each street side beach access and that eliminated the need for a can machine.

Council Member Garza suggested adding street end can pick up to the GFL contract.

Mr. Stanberry said that he has explored that, and it was very expensive because they would have to be out there 7 days a week.

Council Member Shuttleworth said that many communities do not have trash cans on the beach at all.

Council Member Garza said that it's all about educating the public. It may take a year or two, but he feels that it would eventually work out for the best to remove the cans.

Council Member Shuttleworth suggested only putting cans out in a four-block area around the boardwalk. That would save wear and tear on the can machine.

MPT Healy said that a beach he visited did not have any trash cans and the beach was pristine.

Parks and Recreation Director Eric Jelinski presented the capital requests from his department. Some of the projects being requested must be approved by MOTSU.

Council was supportive of adding restrooms to Mike Chappell Park.

Council Member Shuttleworth asked if staff would get the vendor that quoted the park restroom project to provide a quote for the boardwalk restrooms. Mr. Oakley said they are looing into that.

Council Member Barbee mentioned that he is pushing a playground as the Town centennial project. He suggested that Mr. Jelinski meet with Maureen Lewis about a location and design if they move forward with that project.

Council Member Garza suggested looking into ROT funds for park projects.

Council Member Shuttleworth asked about summer activities at the Rec Center. Mr. Jelinski said they are planning to have them, but they are unsure if it will happen. The money from the current budget year is still in the budget because they were unable to have the activities due to COVID.

Council Member Shuttleworth wants to give the Manager the discretion on how to reappropriate those funds.

Council Member Garza mentioned that there are no parks south of the Lake. He suggested looking for an area to put one.

Mr. Parvin moved on to present other capital projects.

Council agreed they would like to take the Clarendon Avenue project off the list.

Council Member Garza expressed interest in supporting the HVAC unit in Town Hall. He mentioned that it has been put off for several years. He reminded Council that the Town Hall building was paid for by FEMA funding and the Town should maintain it.

Council Member Barbee said that he supported bike/ped projects. He stated that these projects are a community interest as well.

Chief Griffin said that the replacement of Engine 21 is critical. It has been put off for two years and will cause the debt service to stack up if it is not budgeted soon. He said there is a 12-16-month turnaround from the time a truck is ordered to delivery. This truck will replace the Hummer and the F-350 dually.

Council Member Barbee said that he wants to even out the big expenditures, so they do not all come at once.

Mr. Parvin reviewed the parking budget.

Three of the Council Members were in favor of having parking enforcement year-round.

Council discussed the option of eliminating paid private parking. There was no consensus on that issue.

Council agreed not to raise daily parking rates or non-resident parking decals.

Council was interested in allowing other vendors to sell Freeman Park passes.

Council agreed not to raise Freeman Park fees.

Mayor Pierce asked Reef Parking to separate Freeman Park expenses from parking expenses.

Bryant from Reef Parking said they send that report out every month.

Council Member Shuttleworth requested Mrs. Hall to create a simple spreadsheet for Council to see the true cost.

Council Member Barbee asked if the Town could get rid of decals and go to a license plate recognition option.

Bryant replied that the technology is out there, but it is expensive.

Mr. Parvin moved to discuss the harbor and marina budget.

Council discussed a post made by resident Maureen Lewis that the Town is losing \$1.8 million at the marina. Staff and Council agreed that statement was false and should not have been made by a committee member.

Mr. Parvin proposed that marina slip rentals be \$11 per foot with a minimum of a \$440.00. Council was in favor.

Council was in favor of increasing mooring balls and increasing the cost to \$25 per night.

Council was in favor of creating more transient slips but not reduce the number of contract slips.

Mr. Parvin reported that with GFL increasing their rates by 3.8%, the Town can choose to pass along the cost or have no change. Council agreed to mirror the increase and pass it along to the customer.

Council Member Garza was concerned that Council was making a lot of increases that affect the residents.

Mr. Parvin conducted a Poll Everywhere questionnaire with Council Members during the meeting. The following information was received from that survey:

Council was interested in putting a picnic area/photo area on the property where the shell building was located at 3 Carolina Beach Avenue South.

Council Member Garza asked if the Town could allow open container consumption at the boardwalk.

Chief Ward said he would have to research State law. (NCGS 18-B300)

Council was interested in exploring a Municipal Service District.

Council was interested in doing fund raising and completing phase 1 of the Ryder Lewis Park Project.

Council was in favor of fundraising for the Lake Park Playground Project. Council Member Shuttleworth wanted to make sure the lake dredge was complete before starting that project.

Council was in favor of planting native plants around the lake.

Council supported replacing the current restroom at Mike Chappell Park.

Council discussed the issue of homes that are occupied by many unrelated individuals. MPT Healy would like to get the Town attorney involved in this matter.

Council was generally interested in changing the storm water rate from \$15.50 to \$16.50 but Council Member Barbee said that he would like to have further discussion on storm water rates.

Mr. Parvin mentioned that the water/sewer connection fees have not increased since 2013.

Mr. Parvin moved into the discussion of committees.

The efficiency study reported that the Town had too many committees. Their recommendation was to reduce the number of committees and consolidate the ones that overlap.

Council Member Shuttleworth said that he wanted to hear from the committees on what their mission is and the projects they have coming up.

Council asked staff to review the committees and bring back recommendations on where they can consolidate and what committees could possibly change to volunteer groups.

Mr. Parvin asked Council to list out some of their goals for FY21/22. The following items were mentioned:

Mayor Pierce mentioned that a tax increase would need to be discussed at some point. Council will need to decide if they want to stay revenue neutral or propose an increase with the re-evaluation numbers coming out this year.

Council Member Barbee said that if you communicate the issues with the residents, they are more likely to understand and support the need for a tax increase.

Council Member Shuttleworth said that he supports a tax for open space, but it would have to educate the public on the purpose of it.

Council Member Shuttleworth asked about tax breaks for the elderly and those on fixed incomes. Mr. Oakley mentioned the Homestead Act but reminded Council that the Town cannot by law reduce water and sewer rates.

Council discussed some of the undeveloped areas of town and what could possibly move onto those properties.

Council Member Barbee said that he is concerned about Carolina Beach losing its character.

Council Member Healy said that he is in favor of exploring an open space tax.

Mayor Pierce made a motion to adjourn at 5:15 p.m. Motion passed unanimously.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council – 2/9/2021

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on upcoming events.

ACTION REQUESTED:

No action requested.



Special Events

FEBRUARY/MARCH



STEVE HAYDU LO TIDE RUN

MARCH 13TH 2021



2021 Lo Tide Run Changes

Begin and end at Lake Park

1. Limit crossings (pre-race, in race) of US421.
2. Maximize use of CB Greenway for both showing-off this awesome trail, and for limiting road impact with a longer schedule of running.
3. Create separation between starting area and finish.
4. Connect pathways to local bars and restaurants for maximum commercial impact.
5. Signage to remind people of Covid protocols.

The 5k runs a counterclockwise path west out Clarendon Ave., South through 8th to a turnaround on Greenway, Then North Greenway to Greenville Ave., Greenville Ave to 4th St., And back into the lake via Clarendon Ave.

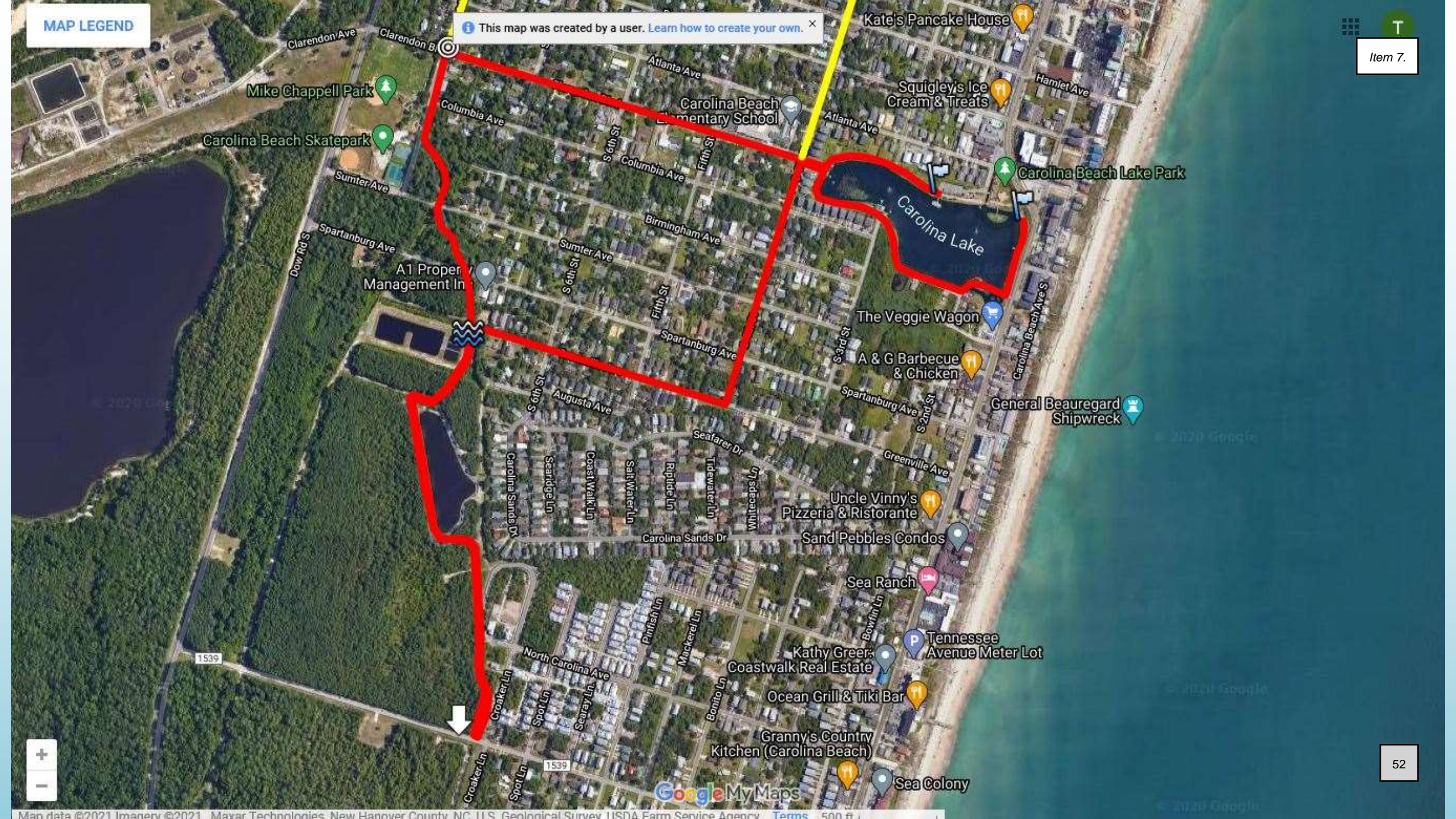
The 10k follows the same 5k course but turns right on 4th St. Then the course runs and out in back along Harper Ave. and 8th St. Then rejoins the 5k course where it departed at Clarendon Ave.

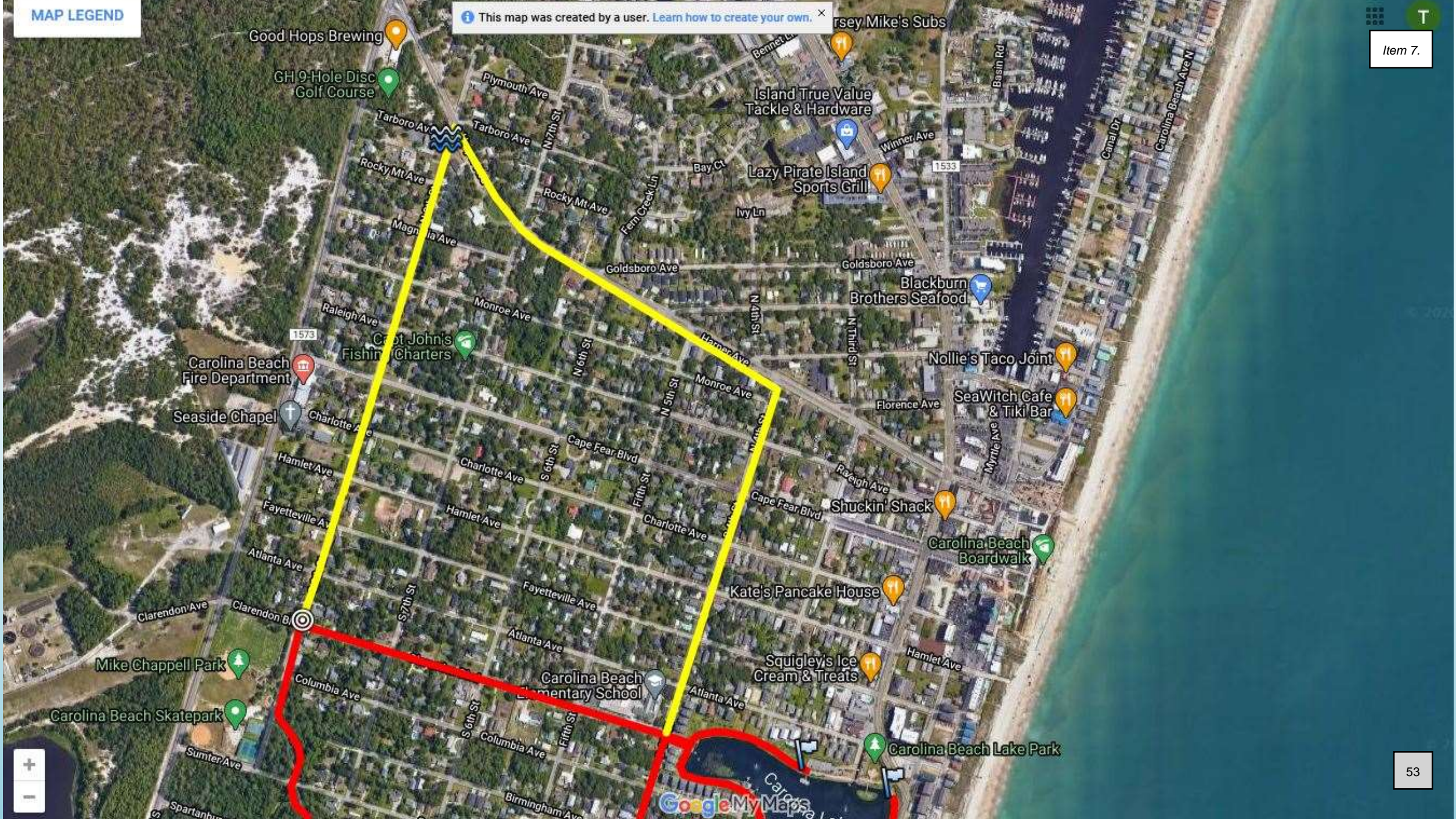


Lo Tide Run

March 13, 2021







Parks and Recreation Updates

- Gymnastics Programs
- Valentine's Day Card Kits

QUESTIONS?

Tim Murphy

Recreation Programs Superintendent/Community Events Coordinator

tim.murphy@carolinabeach.org

910.707.2064



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council – February 9, 2021

SUBJECT: Manager’s Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Town Council – 12 JAN 2021

SUBJECT: Consider a Modification to the Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839) Applicant: Carolina Beach Land Holdings LLC

BACKGROUND:

Carolina Beach Land Holdings LLC plans to utilize multiple lots they own in the Boardwalk area to bring the amusement rides and vendors back to CB. The lots being utilized are the following:

- 8 Cape Fear Blvd. PIN 3130-55-5014
- 5 Carolina Beach Avenue South PIN 3130-54-5877
- 7 Carolina Beach Avenue South PIN 3130-54-5870
- 9 Carolina Beach Avenue South PIN 5150-54-5778
- 9 Cape Fear Boulevard PIN 5150-54-4836
- 1 Carolina Beach Avenue South PIN 5150-54-5992
- 3 Boardwalk PIN 5150-54-6839
- 101 Cape Fear Blvd. PIN 5150-54-2980

101 Cape Fear is currently under different ownership, but CB Land Holdings is in the process of purchasing the property and has secured permission from the owner to utilize their land as part of this CUP application. A demo permit is being issued for the removal of the current structure on 101 Cape Fear as a precursor to this use and/or future development.

There are no setback, buffering, parking, or lot coverage requirements for the CBD for this type of development

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

- Ingress and egress will established via Cape Fear, Canal, Carolina Beach Avenue South, and Boardwalk right-of-ways

- Utilities and fire will meet with regarding ride and vending locations for access.

- No structures will impede Town RoWs

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

- No parking requirement in CBD

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

- Trash will be deposited in the adjacent Town dumpster on Canal.

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

- Work with utilities to place utility-dependent amusements in areas where utilities are easily accessible.

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

- No buffering or screening is required

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- No signage is proposed at this time and will have to meet all standards zoning requirements in the future

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

- No lot coverage, setbacks, nor open space requirements in the CBD for this type of development

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

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

- The density falls within the standard CBD density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed use is consistent with the character of the CBD.

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

- Downtown Business Area - This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.

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

ACTION REQUESTED:

Staff recommends the approval of the proposed CUP with the requirements that:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
 - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways
- No sleeping quarters will be maintained on site

Planning and Zoning recommended approval of the CUP 7-0 with staff recommendations. They strongly suggested that the Applicant and future Amusement Vendors consider not placing concessions adjacent to local CB businesses which are selling similar items, but did not place a condition related to concession location.

RECOMMENDED MOTION:

Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide the following:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
 - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways

- No sleeping quarters will be maintained on site

and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

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

**Boardwalk Amusement Rides
Conditional Use Permit Revision Application
r.1 Re-Submission for 12-10-20 P & Z**

2020 CUP Original Submission -November 1, 2020
(Extension Application January 15, 2010)
(Original Grant Order April 14, 2009 - Note: Original Applicant – Mergerle’s Magic & Hildebrand Rides

Applicant: **Carolina Beach Land Holdings LLC**
Attn: Matthew Murphy
1202 North Lake Park Boulevard
Carolina Beach, NC 28428
(910) 458-5605
matt@secofconstruction.com

Land Owner: **Carolina Beach Land Holdings LLC**
Attn: Matthew Murphy
1202 North Lake Park Boulevard
Carolina Beach, NC 28428
(910) 458-5605
matt@secofconstruction.com

Architect: **Reynolds/Architecture**
Attn: Greg Reynolds
709 Canal Drive, A2
Carolina Beach, NC 28428
(910) 458-0082
Greg.Reynolds.Architecture@gmail.com

Project: **Carolina Beach Boardwalk Rides**

Previous Conditional Use Permit

102 Cape Fear (includes 108 Cape Fear) Condo/Business Development	
PIN 3130-55-2160	13,024 sf
100 Canal Drive	
PIN 3130-55-4065	4,389 sf
8 Cape Fear Blvd.	
PIN 3130-55-5014	5,897 sf
5 Carolina Beach Avenue South	
PIN 3130-54-5877	2,762 sf
7 Carolina Beach Avenue South	
PIN 3130-54-5870	1,368 sf
9 Carolina Beach Avenue South	
PIN 5150-54-5778	1,231 sf
9 Cape Fear Boulevard	
PIN 5150-54-4836	18,757 sf

Proposed Expansion of Conditional Use Permit

1 Carolina Beach Avenue South	
PIN 5150-54-5992	1,789 sf
3 Carolina Beach Avenue South	
PIN 5150-54-5980	1,616 sf

Conditional Use Permit r.1 Revision Application

Carolina Beach Land Holdings

December 2, 2020

3 Boardwalk	
PIN 5150-54-6839	5,725 sf
101 Cape Fear Blvd.	
PIN 5150-54-2980	14,725 sf
Previous Conditional Use Permit	47,428 sf
<u>Abandoned 102/108 Cape Fear</u>	<u>(13,024 sf)</u>
	34,404 sf
Proposed Expansion	23,855 sf
Removed 3 CB Ave. South	(1,616 sf)
Total Revised CUP	56,643 sf (1.30 acres)

Please note the following conditions:

1. 102 and 108 Cape Fear Blvd. was part of the original Conditional Use Permit, but has been developed as a Condo/Business Development and will not be counted in the area tabulations.
- ~~2. 3 Carolina Beach Avenue South (Old Shell Building) is owned by the Town of Carolina Beach. Applicant will secure "Authority For Appointment of Person to Act On My Behalf".~~
3. 101 Cape Fear Boulevard (Old Sterling Mall Building) is owned by Roger E. & Brenda S. Johnson. Applicant will secure "Authority For Appointment of Person to Act On My Behalf".

With the 2009-2019 success of the first decade+ of amusements, arcades, rides and games at the historic boardwalk of Carolina Beach, the Applicant and Land Owner, is requesting an extension and an expansion of the original conditional use permit originally issued on April 14, 2009, modified in July of 2009 and January 15, 2010. The Conditional Use Permit has brought a family-oriented carnival consisting of a series of large mechanical rides, Kid's rides, fun houses and food stands to the historic Carolina Beach Boardwalk since May of 2009. The applicant is requesting an extension of five years 2021 through 2026. The facilities will remain in place for a period of not to exceed six months per year (The Season) and would reserve the right to return in succeeding years with a similar operation.

The applicant will employ the services of a fully licensed Amusement Operator and inspected by the North Carolina Department of Labor, specifically the Elevator & Amusement Devise Bureau under the Amusement Devise Safety Act and its pertinent administrative rules. The intent of the Act is that amusement devices shall be designed, constructed, assembled (or disassembled), maintained and operated so as to prevent injuries. Inspectors shall inspect each amusement devise at each location to determine if the devise has been soundly constructed and properly erected; modified to comply with any changes in safety requirements prescribed by the manufacturer; and has a log of previous inspections over the past twelve months. In addition, before the ride is open to the public each day, the foreman of each ride goes through every part with a safety checklist to make sure everything is in place.

The Applicant/Tenant will provide liability insurance specifically for its operation of no less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation of such devise acceptable to the North Carolina Department of Insurance.

Conditional Use Permit r.1 Revision Application

Carolina Beach Land Holdings

December 2, 2020

Item 9.

Attached is a Site Survey (12-2-20) indicating graphically the affected properties as well as adjacent properties. The Applicant requests an annual meeting with Planning Staff to review the number, layout and types of rides, concessions and reserves the right to re-arrange/substitute entities based on unforeseen circumstances throughout the Season *with administrative approval from the Planning Director* (such as availability, topography, etc.). The Applicant requests that all required parking be waived in this instance due to the following criteria:

1. The surrounding Hotel/Motel accommodations already provide adequate parking which will encourage traffic flow of pedestrian, bicycles and taxis.
2. Local residents typically walk or are dropped off at the Boardwalk during the Season.
3. Majority of the Carnival riders buy all-day passes which will overwhelmingly reduce parking needs in the CBD and encourage patronage of all businesses.
4. The majority of the users of these facilities will also visit the surrounding businesses, as well as the beach strand and will have typically already used a designated parking space. Providing additional spaces would be redundant.
5. As in most successful Ocean Resort towns, parking is located at the perimeters (i.e. rental location, residence, Town-owned lots) and pedestrian/alternative modes of transportation are encouraged. The degree of difficulty to parking is inversely proportionate to the amount of time and money the tourist will spend in the CBD.

Hours of Operation will remain unchanged and will be 10:00 AM until 11:00 PM Sunday through Thursday. The Facility will remain open an additional hour until midnight on Friday and Saturday. If additional hours of operation are anticipated for special occasions, the Town Manager will be approached for a Special Use Permit.

Each ride, ticket booth and food stand requires a minimum of one employee to operate, thus it is anticipated a minimum of eighteen employees will be on site at any given time. Based on crowd capacity, up to thirty employees may be utilized. A manager will be on duty at all times and be in contact with the Ticket Booth to handle all situations. The Applicant anticipates local employment opportunities during the season to operate non-technical positions within this operation. Criminal background checks shall be performed on all full-time amusement ride operators per the original CUP.

The Applicant will provide up to four temporary port-o-let toilet units (three standard and one accessible) which will allow a capacity of 230 (2 male at 75 and 2 female at 40).

The Applicant has previously invested in excess of \$10,000.00 for temporary power for use with this proposal. If for some reason power is not adequate, generators can be provided, however it is the desire of the Applicant to use permanent on-site power distribution, unless noted otherwise.

Applicant is again requesting that off-street loading requirements be waived based on its location in the CBD. The following conditions are anticipated:

- Loading area is anticipated to be on Raleigh Avenue, similar to the entire Boardwalk area.
- Loading will typically take place prior to 10:00 AM
- The largest truck anticipated will be the food delivery trucks typically seen serving the Boardwalk area.

Conditional Use Permit r.1 Revision Application

Carolina Beach Land Holdings

December 2, 2020

- The loading period for the vendors should be less than 15 minutes. Most of the vendors anticipated already serve the Boardwalk area.

Refuse collection and recycling will be provided throughout all sites and be collected on a daily basis. In addition, a dumpster will again be provided on the west side of Parcel Two

No temporary living facilities shall be located on site.

Applicant agrees to strictly abide by the Town Of Carolina Beach Noise Control Ordinance (Sections 10-4 through 10-10). The Applicant will be available for a weekly meeting to discuss adjoining property Owners concerns as deemed necessary by the Town Manager. It has always been the intent of the Applicant to be a good neighbor in this endeavor.

Additional Notes from 11-16-20 TRC Meeting

1. Future communications will be key to success:
 - a. Annual Site Visit prior to placement of rides with complete understanding of locations of all rides, concessions, ticket booths and work trailers.
 - b. Request for utilities must be in coordination with TOCB Operations based on existing location of utilities.
 - c. Layout will not infringe on any established TOCB Right-Of-Ways
2. Layout will not impede access for CBFD to tall rides with emergency lane accesses to be open at all times.
3. TOCB Planning and Zoning to meet on 12-10-20 to review this Conditional Use Permit. Owner is required to have an Attorney to represent their interests.



Please complete all sections of the application.

A. Property Information

Address(es): SEE ATTACHED SITE PLAN AND NARRATIVE

PIN(s): _____

Project Name BOARDWALK Amusement Rides

Size of lot(s): 58,259 SF (1.34 acres)

B. Application for Conditional Use Permit

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

CONTINUATION OF BOARDWALK AMUSEMENT RIDES

C. Applicant Contact Information

CAROLINA BEACH LAZO HOLDINGS LLC
Company/corporate Name (if applicable):

MATTHEW MURPHY
Applicant's Name

1202 N. LAKE PARK BLVD
Mailing Address

CAROLINA BEACH, NC 28428
City, State, and Zip Code

910-458-5605
Telephone

matt@secofconstruction.com
Email

D. Owner Contact Information (if different)

Owner's Name _____

Mailing Address _____

City, State, and Zip Code _____

Telephone _____

Email _____

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

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

ALL RIDES WILL BE INSPECTED BY THE DEPARTMENT OF LABOR TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC

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

YES

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

CONCERNS WITH NOISE, TRASH CONTROL, TYPE AND LOCATION AND GENERAL IMPACT TO NEIGHBORS HAVE BEEN AND WILL CONTINUE TO BE ADDRESSED AND RESOLVED

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

ORIGINAL ELEVEN YEARS AND PROPOSED FIVE YEAR PERMIT ARE IN COMPLIANCE WITH THE GENERAL REQUIREMENTS OF THE CURRENT LAND USE PLAN.

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

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

PEDESTRIAN FLOW WILL BE CONTROLLED WITH BARRIERS AT PUBLIC
STREET INTERACTIONS

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

PARKING IS REQUESTED TO BE WAIVED. TYPICALLY EMPLOYEES ARE
DROPPED OFF OR ARE LOCALS WHO ARE SIMILAR TO YOUR TYPICAL EMPLOYEES

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

MUNICIPAL REFUSE FACILITIES AT CANAL AND RALEIGH WILL BE
UTILIZED

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

OWNER HAS INSTALLED ADEQUATE POWER AND ADDITIONAL GENERATORS
IF REQUIRED

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

TEMPORARY NATURE OF RIDES REQUEST A WAIVER FOR LANDSCAPE
BUFFERED

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

TYPICAL SIGNAGE AND LIGHTING ARE INTEGRATED WITH THE
PACKAGED RIDES

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

CURRENT LOTS HAVE NO VEGETATION

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

I. Site Plan Criteria

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

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

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

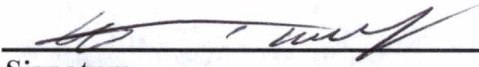
- | <u>Yes</u> | <u>No</u> | <u>N/A</u> | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and design of refuse facilities |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

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

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

OWNER'S SIGNATURE: In filing this application for a conditional use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate GREG REYNOLDS
To act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.


Signature

11/2/2020
Date



Consider a Modification to the Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties

January 12, 2021



History

- 2009 Amusement CUP approved for one year then review the performance of the amusements
- 2010 Amusement CUP approved for two year then review the performance of the amusements
- 2011 Council stated that no future re-review of the previous year's activities is required in future years. Staff should review for future years, their location and estimated impacts the amusements may have on adjacent property owners.
- 2020 Amusements are modifying the footprint to incorporate three additional lots.



Location: CB Boardwalk

Applicant: Carolina Beach Land Holdings LLC

Outdoor Amusements permitted by CUP in CBD

ARTICLE III. – Zoning District Regulations

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Nonresidential Uses														
Outdoor amusements, carnival and rides									C		C			

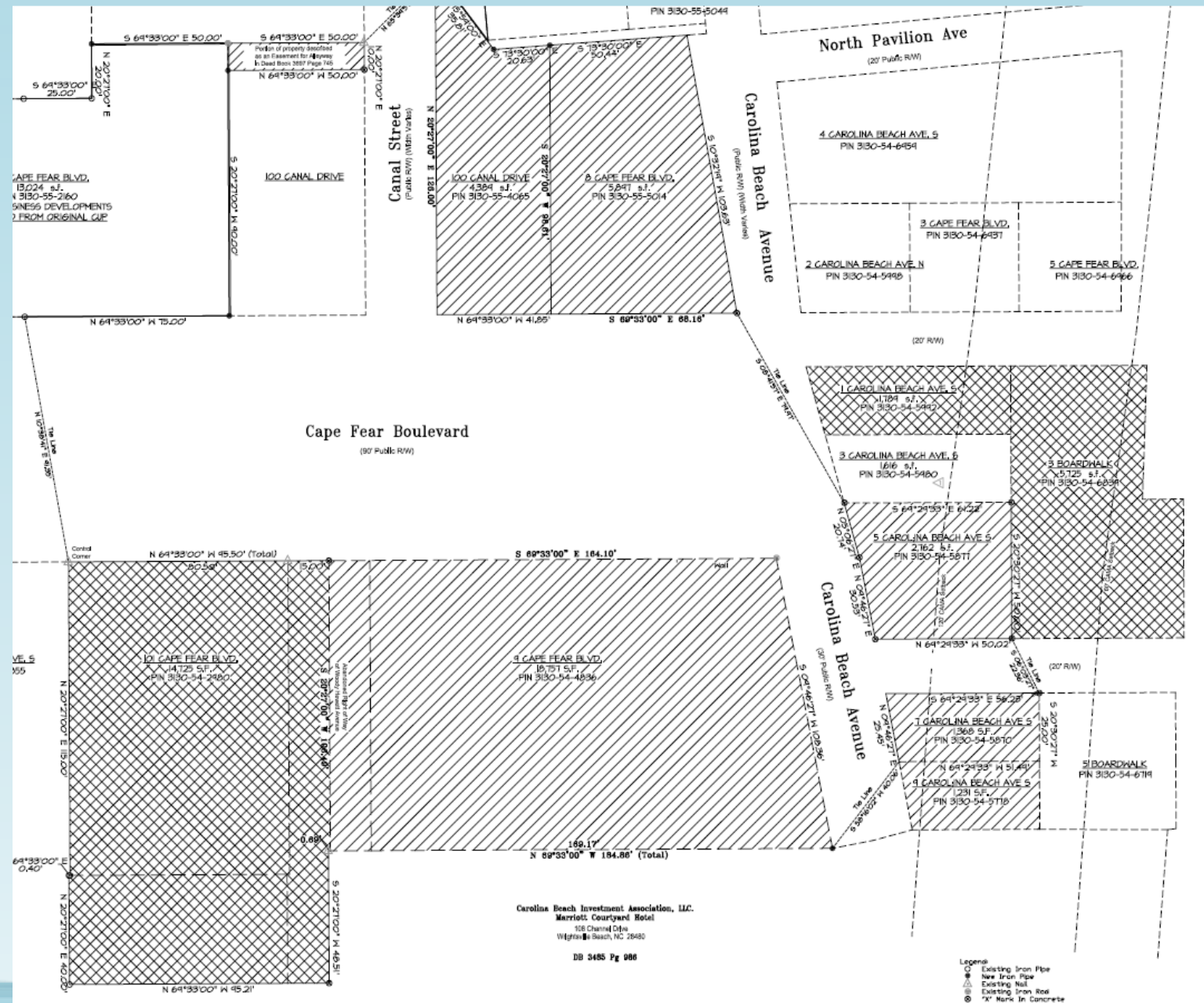
Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None

Design Detail Item 9.

- Future communications will be key to success:
 - Annual Site Visit prior to placement of rides with complete understanding of locations of all rides, concessions, ticket booths and work trailers.
 - Request for utilities must be in coordination with TOCB Operations based on existing location of utilities.
 - Layout will not infringe on any established TOCB Right-Of-Ways
- Layout will not impede CBFD access to tall rides and an emergency lane must be open at all times.

Measurements	
Total Area	56,643ft ²



Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will established via Cape Fear, Canal, Carolina Beach Avenue South, and Boardwalk right-of-ways
 - Utilities and fire will meet with regarding ride and vending locations for access.
 - No structures will impede Town RoWs
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - No parking requirement in CBD
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be deposited in the adjacent Town dumpster on Canal
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Work with utilities to place utility-dependent amusements in areas where utilities are easily accessible.
- (5) Screening and buffering with reference to type, dimensions, and character;
 - No buffering or screening is required due to temporary nature and design of project
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage beyond those which are part of the rides and concessions is proposed at this time and any signage will have to meet all standards zoning
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - No lot coverage, setbacks, nor open space requirements in the CBD for this type of development

General conditions.

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

- The project meets CBD zone requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed use is consistent with the character of the CBD

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

- Downtown Business Area - This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.

Staff Recommendation

Staff recommends the approval of the proposed CUP with the requirements that:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
 - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways
- No sleeping quarters will be maintained on site

P&Z Recommendation

- Planning and Zoning recommended approval (with staff conditions) of the CUP 7-0.
- They strongly suggested that the Applicant and future Amusement Vendor consider not placing concessions adjacent to local CB businesses which are selling similar items, but did not place a condition related to concession location.

Motion from Town Council

Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
 - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways
- No sleeping quarters will be maintained on site

and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

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

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

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

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



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Town Clerk

MEETING: Town Council – 2/9/2021

SUBJECT: Public Hearing to Receive Requests from Non-Profit Organizations for Room Occupancy Tax Funds

BACKGROUND:

Each year, Council receives funding requests from local non-profits. Council will receive requests for Room Occupancy Tax funds at the February meeting and General Fund requests at the March meeting.

ACTION REQUESTED:

Council will hear presentations for room occupancy tax funding requests. No action is needed at this time. Council will discuss the requests at a budget workshop.



ART for wALL

January 27, 2021

Dear Mayor Pierce, Council, and Town Staff-

To continue the pace of work begun in Spring 2020, the Carolina Beach Mural Project (CBMP), a non-profit organization that supports and funds Public Art in Carolina Beach, is respectfully requesting \$10,000 in 2021 ROT (Room Occupancy Tax) funding to support Public Art in Carolina Beach.

The mission of CBMP is to celebrate and share the eclectic history and the cultural wealth of our island, inspire our beach community, welcome and engage visitors, and help CBMP become a destination for ART for Everyone. In less than one year, the non-profit organization has been successful in achieving this mission, attracting both local and regional media which increases the visibility and tourism of Carolina Beach. CBMP murals are currently being used by the Wilmington and Beaches Convention and Visitors Bureau in their marketing campaign, featured in Wilma Magazine and Our State is interested in writing an article about CB murals. Spectrum News showcased our "Surf & See" mural with a 3-minute feature in October 2020 and planning to run another segment in Spring showcasing the 2021 murals.

Throughout the world, Mural programs are being used as economic development initiatives, with the goal of increasing tourism by making commercial retail sectors more attractive destinations for visitors, as well as local residents. Liz Whitmore, the Historic Preservation Planner for the City of Sanford, NC notes *"There's an economic tie. People are coming from all over to see our murals. And as we know, when people come to town to see the murals, they will most likely stay to eat and shop. It's good for our local businesses"*.

Forbes Magazine writes *"Strategically placed art—on the side of a business, under a bridge, on the exterior walls of a community center—not only helps with the beautification of a neighborhood, but also, it can be a return of investment for commerce."* Forbes states that businesses located near murals can see up to a 50% increase in business due to visibility art gives an area. *

COVID did not stop the Carolina Beach Mural Project from fundraising and making murals happen. In 2020, we raised over \$13,000 which funded 3 murals (1 still to be installed in front of Town Hall). Our funding comes from sponsors, private donations, selling mural merchandise, fundraisers, and grants. Murals cost between \$4,000 to \$15,000 each (depending on size, artist and theme).

Our goal for 2021 is to fund 4 murals that will celebrate the Beach Music Festival, the magic of the CB Boardwalk in Summer, the Venus Flytrap (subject still tentative) and CB's rich Marine Life or Sport Fishing (subject still tentative). We have even bigger plans for 2022 & 2023.

While the organization is working hard on fundraising, the infusion of \$10,000 from ROT monies would enable us to increase our budget and attract even more talented North Carolina artists to this program, accelerating the number and/or quality of murals we can install this year throughout CB.

We know the media buzz has positively impacted our community and visitors. **Art is tied to tourism and it increases dollars spent in the community.** I have included just a sampling of how the first murals have been received on social media and some links to the press that highlight Public Art in

Carolina Beach. Murals are reviving our downtown business district during shoulder and off- season. And the CB Mural Project has just begun.

Total Appropriation of ROT Funding requested \$ 10,000.

Respectfully,
Maureen Lewis
Founder & President Carolina Beach Mural Project
<https://carolinabeachmurals.org/>

Budget for 2021 (Attached)
2020 P&L (Attached)

<https://www.wilmamag.com/the-paint-town/>

<https://www.whqr.org/post/around-town-rhonda-bellamy-carolina-beach-mural-project?#stream/0>

<https://spectrumlocalnews.com/nc/charlotte/news/2020/11/02/bringing-blank-walls-to-life-with-public-art?>

Heidi Elizabeth~ They are gorgeous and such an important addition to our town. ❤️

Teresa Maino ~ WTG!! Thank you for bringing to life the importance of art in our community! You rock!!

Leane Bergeron ~ Absolutely beautiful!!!

Coco Lussier Daigle ~ How fortunate are we that we get to see that work of art every single day?! Feeling blessed that this is our town ~ where art is coming to our walls!

Kristen Dunn ~ Looks so good and I love the history lesson that goes along with it.

Sherri Swardell Vizcarra ~ Gorgeous! Can't wait to visit Wilmington again someday and check out that mural in person when we are NC residents!

Forbes article- <https://www.forbes.com/sites/wendyaltschuler/2020/03/23/americas-mural-magic-how-street-art-can-transform-communities-and-help-businesses/?sh=34873d8f1739>

The Carolina Beach Mural Project is proud to be working under the Island Arts Culture Alliance umbrella. The IACA is a non-profit organization working to ensure that Carolina Beach and Kure Beach have a vibrant, vital arts environment. EIN 83-2501436.

The CBMP Board of Directors have filed paperwork for their own 501 (c) (3) recognition and status is pending due to COVID backlog. EIN 85-0683181



Carolina Beach Mural Project

Item 10.

STATEMENT OF FINANCIAL POSITION

As of December 31, 2020

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
BOA Op Acct	1,996.65
Total Bank Accounts	\$1,996.65
Accounts Receivable	
Accounts Receivable (A/R)	0.00
Total Accounts Receivable	\$0.00
Total Current Assets	\$1,996.65
TOTAL ASSETS	\$1,996.65
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Other Current Liabilities	977.25
Total Other Current Liabilities	\$977.25
Total Current Liabilities	\$977.25
Total Liabilities	\$977.25
Equity	
Opening Balance Equity	0.00
Retained Earnings	
Net Revenue	1,019.40
Total Equity	\$1,019.40
TOTAL LIABILITIES AND EQUITY	\$1,996.65

Carolina Beach Mural Project

Item 10.

STATEMENT OF ACTIVITY

January - December 2020

	TOTAL
Revenue	
FundraiserEvents	3,500.00
Grants	1,000.00
Merchandise Sales	3,000.00
Non-Profit Income Donations	6,100.00
Sponsorships	1,000.00
Unapplied Cash Payment Income	0.00
Total Revenue	\$14,600.00
GROSS PROFIT	\$14,600.00
Expenditures	
Artist Fees	9,272.03
Bank Charges & Fees	98.37
Legal & Professional Services	3,179.02
Office Supplies & Software	1,031.18
Total Expenditures	\$13,580.60
NET OPERATING REVENUE	\$1,019.40
NET REVENUE	\$1,019.40

Carolina Beach Mural Project Proposed January 202				
INCOME			2021	
		ACTUAL 2021	Projected REVENUE	% to TTL
TTL			\$ 39,750.00	
Monetary Donations			\$ 3,000.00	7.5%
Sponsorships			\$ 5,000.00	12.6%
Grants			\$ 13,000.00	32.7%
Fundraiser Events				
	Meet the Artist		\$ 3,000.00	7.5%
	Hi 5 CB		\$ -	
	Unveil Events		\$ 2,750.00	6.9%
	Raffle		\$ 2,000.00	5.0%
Merchandise Sales				
	Apparel		\$ 4,500.00	11.3%
	Giclee's		\$ 2,500.00	6.3%
In-Kind Donations			\$ 3,000.00	7.5%
Memberships			\$ 1,000.00	2.5%
		ACTUAL 2021	Projected EXPENSES	% to TTL
EXPENSES				
TTL			\$ 39,750.00	
Wall Prep				
	Mural 4 (SeaWitch)		\$ 50.00	0.1%
	Mural 5 (Hurricane Alley's)		\$ 200.00	0.5%
	Mural 6 (Kate's)		\$ 50.00	0.1%
	Mural 7 (Savannah Inn)		\$ 100.00	0.3%
Materials				
	Mural 4 (SeaWitch)		\$ 100.00	0.3%
	Mural 5 (Hurricane Alley's)		\$ 200.00	0.5%
	Mural 6 (Kate's)		\$ 100.00	0.3%
	Mural 7 (Savannah Inn)		\$ 100.00	0.3%
Artist				
	Mural 4 (SeaWitch)		\$ 4,500.00	11.3%
	Mural 5 (Hurricane Alley's)		\$ 15,000.00	37.7%
	Mural 6 (Kate's)		\$ 3,500.00	8.8%
	Mural 7 (Savannah Inn)		\$ 5,500.00	13.8%
Equipment (lift, lights)				
	Mural 4 (SeaWitch)		\$ 100.00	0.3%
	Mural 5 (Hurricane Alley's)		\$ 600.00	1.5%
	Mural 6 (Kate's)		\$ 50.00	0.1%
	Mural 7 (Savannah Inn)		\$ 50.00	0.1%

Fundraisers (food, rentals)			\$ 650.00	1.6%
Merchandise to Resell			\$ 3,000.00	7.5%
Marketing Materials			\$ 250.00	0.6%
Legal/ Tax Prep			\$ 1,000.00	2.5%
Website/ URL/ Online Selling			\$ 350.00	0.9%
PayPal Fees			\$ 200.00	0.5%
Other			\$ 1,000.00	2.5%
Insurance			\$ 500.00	1.3%
Reserve			\$ 2,500.00	6.3%
Bank Charges & Fees			\$ 100.00	0.3%

21 Budget	
Actual 2020	
	% to TTL
\$ 14,600.00	
\$ 5,100.00	34.9%
\$ 1,000.00	6.8%
\$ 1,000.00	6.8%
\$ 1,000.00	6.8%
\$ 2,000.00	13.7%
\$ -	0.0%
\$ 500.00	3.4%
\$ 1,700.00	11.6%
\$ 1,300.00	8.9%
\$ 1,000.00	6.8%
\$ -	0.0%
ACTUAL 2020	
\$ 13,580.60	
\$ 9,272.03	

\$ 3,179.02	
\$ 1,031.18	
\$ 98.37	

Carolina Beach Mural Project Proposed January 2022 Budget

2022

Projected REVENUE

TTL	\$	48,500.00
Monetary Donations	\$	5,000.00
Sponsorships	\$	6,000.00
Grants*	\$	20,000.00
Fundraiser Events	\$	5,000.00
Merchandise Sales (apparel, giclees)	\$	8,000.00
In-Kind Donations	\$	2,500.00
Memberships	\$	2,000.00

2022

Estimated EXPENSES

TTL	\$	48,500.00
Wall Prep		
Mural 8	\$	50.00
Mural 9	\$	200.00
Mural 10	\$	50.00
Mural 11	\$	100.00
Materials		
Mural 8	\$	100.00
Mural 9	\$	200.00
Mural 10	\$	100.00
Mural 11	\$	100.00
Artist		
Mural 8	\$	6,000.00
Mural 9	\$	15,000.00
Mural 10	\$	6,000.00
Mural 11	\$	6,000.00
Equipment (lift, lights)		
Mural 8	\$	100.00
Mural 9	\$	600.00
Mural 10	\$	50.00
Mural 11	\$	50.00
Fundraisers (food, rentals)	\$	650.00
Merchandise to Resell	\$	6,000.00
Marketing Materials	\$	250.00
Legal/ Tax Prep	\$	1,000.00
Website/ URL/ Online Selling	\$	250.00
PayPal Fees	\$	400.00
Other	\$	1,000.00

Insurance	\$	1,000.00
Reserve	\$	3,000.00
Bank Charges & Fees	\$	250.00



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Town Council – 09 FEB 2021

SUBJECT: Consider adopting the Southeastern NC Regional Hazard Mitigation Plan

BACKGROUND:

Over the last year and a half, Planning Staff has been working with Nathan Slaughter (a Hazard Mitigation Manager), NC Emergency Management, and FEMA to update the Southeastern NC Regional Hazard Mitigation Plan. The plan is under review by FEMA with anticipation of being approved shortly. NCEM requests that legislatures go ahead and adopt the plan as minor to no changes are expected from the review.

The document is almost 1000 pages in length and will not be attached to the agenda. The full plan can be found by following this link: https://espassociates-my.sharepoint.com/:b:/p/nslaughter/Eb6xjZrZxaFGuz5AnyRsWaMBmq0fk0fKvJsnEnhZ4S3I_Q?e=b8m9qz

ACTION REQUESTED:

Approve the Southeastern NC Regional Hazard Mitigation Plan

RECOMMENDED MOTION:

Recommend adopt attached resolution – SE NC Regional Hazard Mitigation Plan

RESOLUTION
ADOPTING SOUTHEASTERN NC REGIONAL
HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within Town of Carolina Beach are subject to the effects of natural hazards that pose threats to lives and cause damage to property; and

WHEREAS, the Town of Carolina Beach desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2000, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop a Hazard Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

WHEREAS, the Town of Carolina Beach has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Town of Carolina Beach Town Council to fulfill this obligation in order that the Town of Carolina Beach will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town of Carolina Beach;

NOW, THEREFORE, be it resolved that the Town of Carolina Beach Town Council hereby:

1. Adopts the Southeastern NC Regional Hazard Mitigation Plan.
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

3. Appoints the Town Manager or a designated Town Official to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town of Carolina Beach Town Council for consideration.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the 9th day of February, 2021.

Name, Chair
Town of Carolina Beach Town Council

Attest:

Name, Clerk
Town of Carolina Beach

Certified by: _____ (SEAL)

Date: _____



AGENDA ITEM COVERSHEET

PREPARED BY: Brian Stanberry, Public Works Director **DEPARTMENT:** Public Works

MEETING: Town Council – 02/09/2021

SUBJECT: NCDEQ Stormwater Audit Update

BACKGROUND:

The NCDEQ recently completed an audit of the Town's Stormwater program, for the first time in 10 years. As a follow up to this activity, the NCDEQ requires an approval of this resolution by the Town Council. The resolution indicates the Town's support for an NPDES compliant Stormwater program.

ACTION REQUESTED:

Review and approve Resolution 21-2233.

RECOMMENDED MOTION:

Motion to approve Resolution 21-2233 supporting the development and implementation of a compliant NPDES MS4 Stormwater Program.

Resolution No.: 21-2233

Date Adopted: February 9th, 2021

RESOLUTION AFFIRMING THE TOWN OF CAROLINA BEACH COUNCIL'S SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the Town of Carolina Beach's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000394 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Carolina Beach and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the Town of Carolina Beach its third NPDES MS4 Permit for discharge of stormwater on February 27, 2017; and

WHEREAS, the Town of Carolina Beach was issued Notice of Violation number NOV-2020-PC-0546 on January 4th, 2021 for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

WHEREAS, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than May 4th, 2021 for review and approval; and

WHEREAS, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000394 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than March 5th, 2021; and

WHEREAS, the Town of Carolina Beach acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the Town of Carolina Beach acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2020-PC-0546; and

Town Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program

WHEREAS, the Town of Carolina Beach acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Carolina Beach hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

LeAnn Pierce, Mayor

Bruce Oakley, Town Manager

Brian Stanberry, Stormwater Program
Administrator

Kim Ward, Town Clerk

ADOPTED BY the Town Council of the Town of Carolina Beach, North Carolina the 9th day of February, 2021 and signed in authentication thereof the 9th day of February, 2021.



AGENDA ITEM COVERSHEET

PREPARED BY: Ed H. Parvin

DEPARTMENT: Executive

MEETING: Town Council – 08FEB2021

SUBJECT: Easement at 402 Oceana

BACKGROUND:

The intent of this request is to withdraw the 10' utility easements, depicted on exhibits A and B, to the extent that they burden Lot 2 of Oceana which is owned by Ms. Struckell and Mrs. Maney; and to grant a utility easement to the Town of Carolina Beach, as depicted on exhibit B and further described in exhibit C.

The Town has reviewed the existing utility easement. There are no utilities beyond the Sanitary Sewer Manhole. There are no anticipated needs to have public utilities beyond the sanitary sewer manhole. The Town would request to have clear and unobstructed access to the manhole. For this reason it is recommended that the easement remain only on this portion of Lot 2.

ACTION REQUESTED:

Declaration of Withdrawal of Easement and Deed of Easement between Elisabeth Struckell, Kathryn Maney (and spouse), Oceana Owners Association and the Town of Carolina Beach.

RECOMMENDED MOTION:

Approval of the declaration of withdrawal of easement and deed of easement for Lot 2 of Oceana as shown on Map Book 33 Page 336 and 337. This approval shall be subject to the map and metes and bounds description being expanded to show a minimum of two (2) feet on the east side of the sanitary sewer manhole being included as a part of the easement area.

Prepared by & Return to: Ned M. Barnes
1009 N. Lake Park Blvd., Suite C-2
Carolina Beach, NC 28428

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**DECLARATION OF WITHDRAWAL OF
EASEMENT AND DEED OF EASEMENT**

PID: RO8807-005-004-000
EXCISE TAX: NTC

THIS DECLARATION OF WITHDRAWAL OF EASEMENT AND DEED OF EASEMENT, entered into this ____ day January of 2021 by and between Elisabeth M. Struckell and Kathryn C. Maney, *add address* (hereinafter “Struckell and Maney”); Oceana Owners Association, Inc. a North Carolina nonprofit corporation, 1628 Doctors Circle Wilmington, NC 28401 (hereinafter “Oceana”) and The Town of Carolina Beach, a North Carolina municipal corporation (hereinafter “Town of Carolina Beach”).

WITNESSETH

A. Withdrawal of Easement

THAT, WHEREAS, Struckell and Maney are the owners of the real property known as Lot 2, of Oceana (hereinafter “Lot 2”), said real property being more commonly known as 402 Oceana Way, Carolina Beach, NC 28428, as shown on Map Book 33, at Pages 336 and 337 in the New Hanover County Registry. Said real property being acquired by Struckell and Maney in Deed Book 4129, at Page 735 in the New Hanover County Registry; and

WHEREAS, Lot 2 is burdened by two (2) separate ten foot (10’) Utility Easements (hereinafter “Utility Easements”), said easements being depicted on a Map entitled, “Utility Easement for Oceana” dated March 2, 1994 and being recorded in Map Book 33, at Page 337 of the New Hanover County Registry, said Map being attached hereto and incorporated herein by reference as Exhibit “A”, the same also being shown on Map Book 33, at Page 347, New Hanover County Registry; and

WHEREAS, Oceana is the purported grantee of said Utility Easements burdening Lot 2, by virtue of that Deed of Easement recorded in Book 5971, at Page 890 in the New Hanover County Registry, or alternatively, by dedication of easement depicted on Map Book 33, and Page 337 of the New Hanover County Registry; and

WHEREAS, the Town of Carolina Beach is also a purported grantee of said Utility Easements by dedication of easement depicted on Map Book 33, and Page 337 of the New Hanover County Registry

WHEREAS, since the date of their creation, said Utility Easements have not been used for the purposes of installing, maintaining or operating any water, sanitary sewer, or storm sewer lines utilities of any nature or kind; and

WHEREAS, by entering into this Declaration of Withdrawal of Easement it is the intent of Struckell and Maney, Oceana, and the Town of Carolina Beach to terminate, withdraw and abandon said Utility Easements, as shown on Exhibit "B" entitled "Exhibit for Abandonment of Easements and Dedication of Easement for Kathryn C. Maney and Elisabeth M. Struckell" which is attached hereto and incorporated herein by reference, such that Struckell and Maney, their heirs, successors and assigns, and successors in title shall own Lot 2 free and clear of any interest in, or right to use said Utility Easements by Oceana, their heirs, successors and assigns and successors in title; and

WHEREAS, Oceana and the Town of Carolina Beach join in this Declaration of Withdrawal of Easement for the purpose of terminating, withdrawing, and abandoning any right and interest, if any, they may have in and to the Utility Easements, but make no representations or warranties of any kind with respect to their rights in and to said Utility Easements and further make no warranties, express or implied as to title to the easement interest referenced herein; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned does hereby file and cause to be recorded in the Office of the Register of Deeds of New Hanover County, this Declaration, hereby terminating, withdrawing and abandoning the above referenced Easements.

B. Deed of Utility Easement

This DEED OF EASEMENT created the day and year first above written and entered into between Elisabeth M. Struckell and Kathryn C. Maney, *add address* (hereinafter "Grantor") and The Town of Carolina Beach a North Carolina municipal corporation (hereinafter "Grantee").

For and in consideration of the sum of Ten Dollars (10.00) and other valuable consideration paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor has bargained, sold and conveyed and by these presents does hereby grant, bargain, sell, and convey unto Grantee, its successors and assigns the right privilege and easement, over, through under and

upon the lands and premises hereinafter described for the purpose of constructing, installing, inspecting, maintaining, repairing, removing, extending, improving, preserving and/or operating certain private utilities, including, but not limited to sanitary sewer lines, water lines, pipes, valves, and other related facilities and appurtenances, said premises being a certain parcel or tract of land located in the Town of Carolina Beach, New Hanover County, North Carolina, and more particularly described as:

BEING ALL of Lot 2 of Oceana as shown on the map or plat thereof recorded in Map Book 33 at Pages 336 and 337, in the New Hanover County Registry, reference to which is hereby made for a more particular description.

Said Easement Area being more particularly described in the Legal Description for 10' Utility Easement attached hereto and incorporated herein by reference as Exhibit "C", the same Easement Area being depicted on Exhibit "B".

The above described is that property conveyed to Grantor by deed recorded in Deed Book 4129, Page 735, of the New Hanover County Registry.

TO HAVE AND TO HOLD said Utility Easement to GRANTEE, its successors and assigns, forever. This Easement hereby granted is appurtenant and runs with the Property now owned by the GRANTOR.

The GRANTEE shall at all times have the right to keep the Easement Area clear of all buildings and structures, debris, trees, shrubs, bushes, stumps, roots, undergrowth, or other vegetation as will in its reasonable judgment interfere with the purposes of this Easement. The GRANTOR expressly promises and agrees not to construct or allow to be constructed on the Easement Area, any building, structure, or other improvement, and further promises not to plant or allow to be planted any trees, shrubs, bushes, undergrowth or vegetation, or to otherwise permit encroachment or interference with GRANTEE's rights hereunder. GRANTEE shall have no right to store equipment or vehicles within the Easement Area. GRANTEE shall use its best efforts to restore the Easement Area to its previous condition within seven days of the completion of work in the Easement Area. GRANTOR and GRANTEE agree that GRANTEE shall have the right, but not the obligation, to authorize additional improvements to the Easement Area, such authorization to be evidenced by a writing signed by the GRANTOR and GRANTEE.

The GRANTEE further covenants that it shall release, indemnify, and forever discharge for itself, its successors and assigns GRANTOR, their heirs, successors, and assigns from any and all claims, actions, causes of action, demands, rights, damages, and compensations whatsoever, or other liability, including attorneys fees, occasioned by negligence, or otherwise which the undersigned GRANTEE or any of its officers, agents, contractors or employees may now have or which may hereafter accrue as a result of constructing, installing, inspecting, maintaining, repairing, removing, extending, improving, preserving and/or operating certain private utilities upon the easement area contemplated herein.

The GRANTOR reserves the right to grant easements to other parties within the easement areas as shown on Exhibit "B" which is attached hereto and incorporated herein by

reference so long as such easements do not interfere with the GRANTEE'S use of the easement areas and the rights granted herein.

Said GRANTOR covenants and warrants that it is lawfully seized and possessed of the property described above; and that is has good right and lawful authority to convey said Easement for the purposes herein expressed; and that said GRANTOR for its successors and assigns covenant that it will warrant and defend said easement against any and all claims and demands whatsoever.

IN WITNESS WHEREOF, the undersigned parties have hereunto set their hands and seals to this Declaration of Withdrawal of Easement, this the ____ day of January, 2021.

Oceana Owners Association, Inc. a North Carolina nonprofit corporation

_____(SEAL)
By: _____, President

The Town of Carolina Beach, a North Carolina municipal corporation

_____(SEAL)
By: _____

_____(SEAL)
KATHRYN C. MANEY

_____(SEAL)
ELISABETH M. STRUCKELL

[The rest of this page is intentionally left blank]

STATE OF _____
COUNTY OF _____

I, _____ a Notary Public in and for the said County and State do hereby certify that _____ personally appeared before me this day and acknowledged that he is the **President of Oceana Owners Association Inc., a North Carolina nonprofit corporation**, and that he as President, being authorized to do so, executed the foregoing instrument on behalf of the nonprofit corporation.

WITNESS, my hand and official stamp or seal this ____ day of January, 2021.

Notary Public

[SEAL]

My Commission Expires: _____

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal, the day and year first above written.

Grantor:

_____ (SEAL)
KATHRYN C. MANEY

_____ (SEAL)
ELISABETH M. STRUCKELL

Spouses....

Grantee:

**The Town of Carolina Beach, a North
Carolina municipal corporation**

_____ (SEAL)
By:

(add notary)

STATE OF _____
COUNTY OF _____

I, _____ a Notary Public in and for the said County and State do hereby certify that **KATHRYN C. MANEY** and _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS, my hand and official stamp or seal this ____ day of January, 2021.

Notary Public

[SEAL]

My Commission Expires: _____

STATE OF _____
COUNTY OF _____

I, _____ a Notary Public in and for the said County and State do hereby certify that **ELISABETH M. STRUCKELL** and _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS, my hand and official stamp or seal this ____ day of January, 2021.

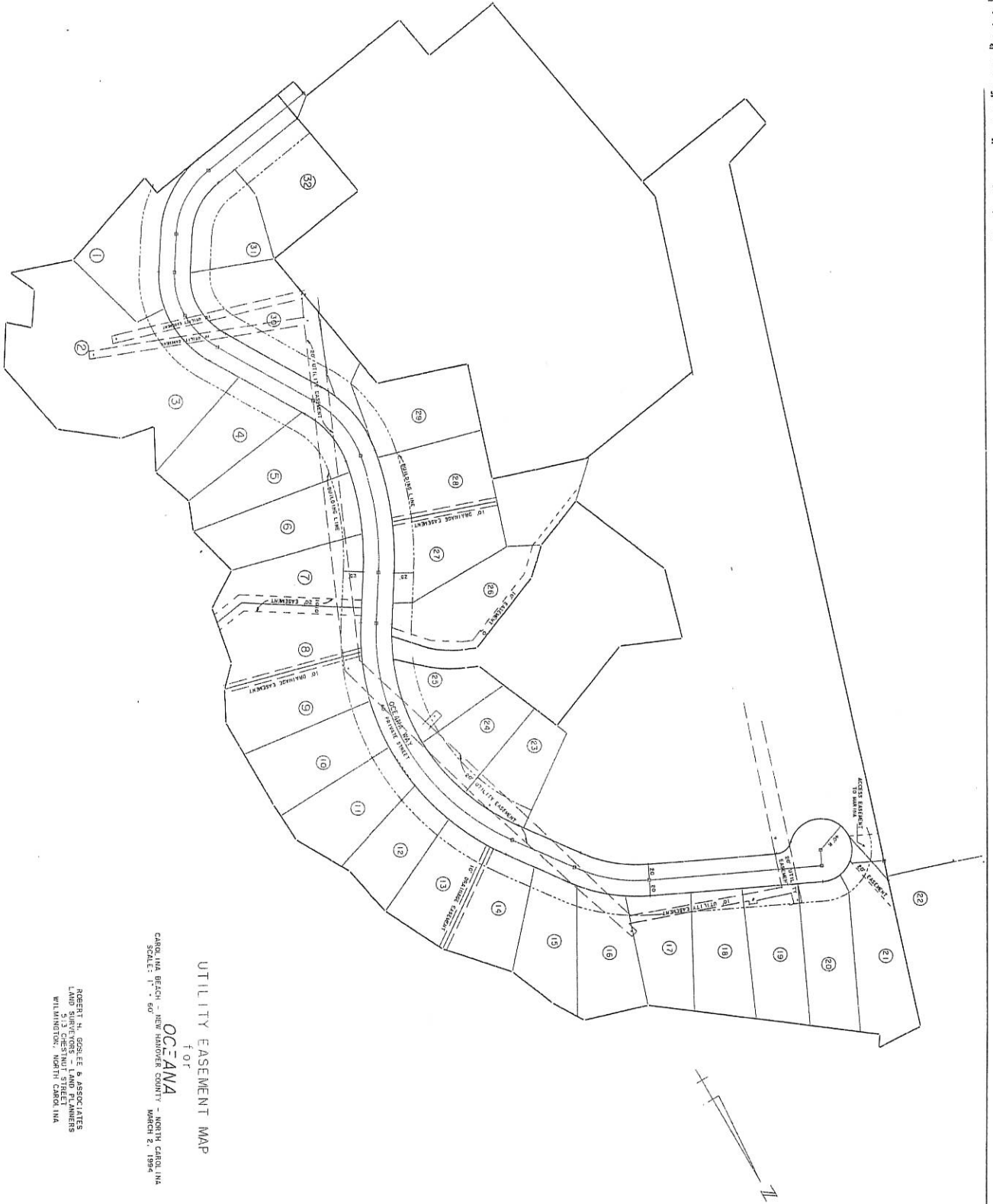
Notary Public

[SEAL]

My Commission Expires: _____

337

Exhibit "A"



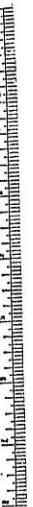
UTILITY EASEMENT MAP

FOR

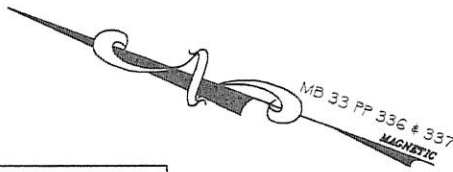
OCEANA
CAROLINA BEACH - NEW HARBOR COUNTY - NORTH CAROLINA
SCALE: 1" = 60'

ROBERT H. GOSLEE & ASSOCIATES
LAND SURVEYORS, ENGINEERS AND EASEMENTERS
WILMINGTON, NORTH CAROLINA

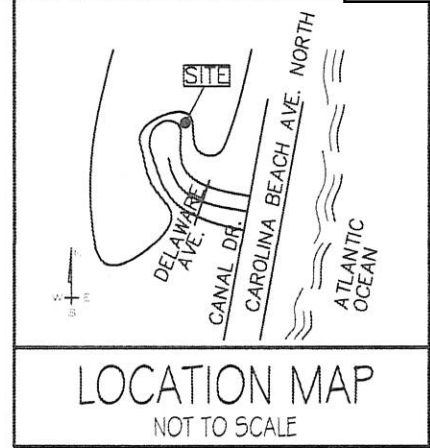
Map Book 33 Page 337



"THIS MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEW FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS."



LINE/CURVE TABLE			
LINE	LENGTH	BEARING	RADIUS
L1 (CHORD-TIE)	30.33	S10°35'23"E	131.78
L2	8.93	S72°24'54"E	N/A
L3	10.00	S17°35'06"W	N/A
L4	5.46	N72°24'54"W	N/A
L5 (CHORD)	1.92'	N00°23'16"E	121.28
L6 (CHORD)	8.66	N01°56'57"W	131.78



- LEGEND**
- = EXISTING IRON PIPE
 - ⊙ = CENTERLINE
 - = CONCRETE MONUMENT
 - = EXISTING IRON ROD
 - △ = COMPUTED POINT
 - ⊕ = SANITARY SEWER MANHOLE

SURVEY REFERENCE
 MAP BOOK 33 PAGES 336-337
 DEED BOOK 4129 PAGE 735
 DEED BOOK 1755 PAGE 613

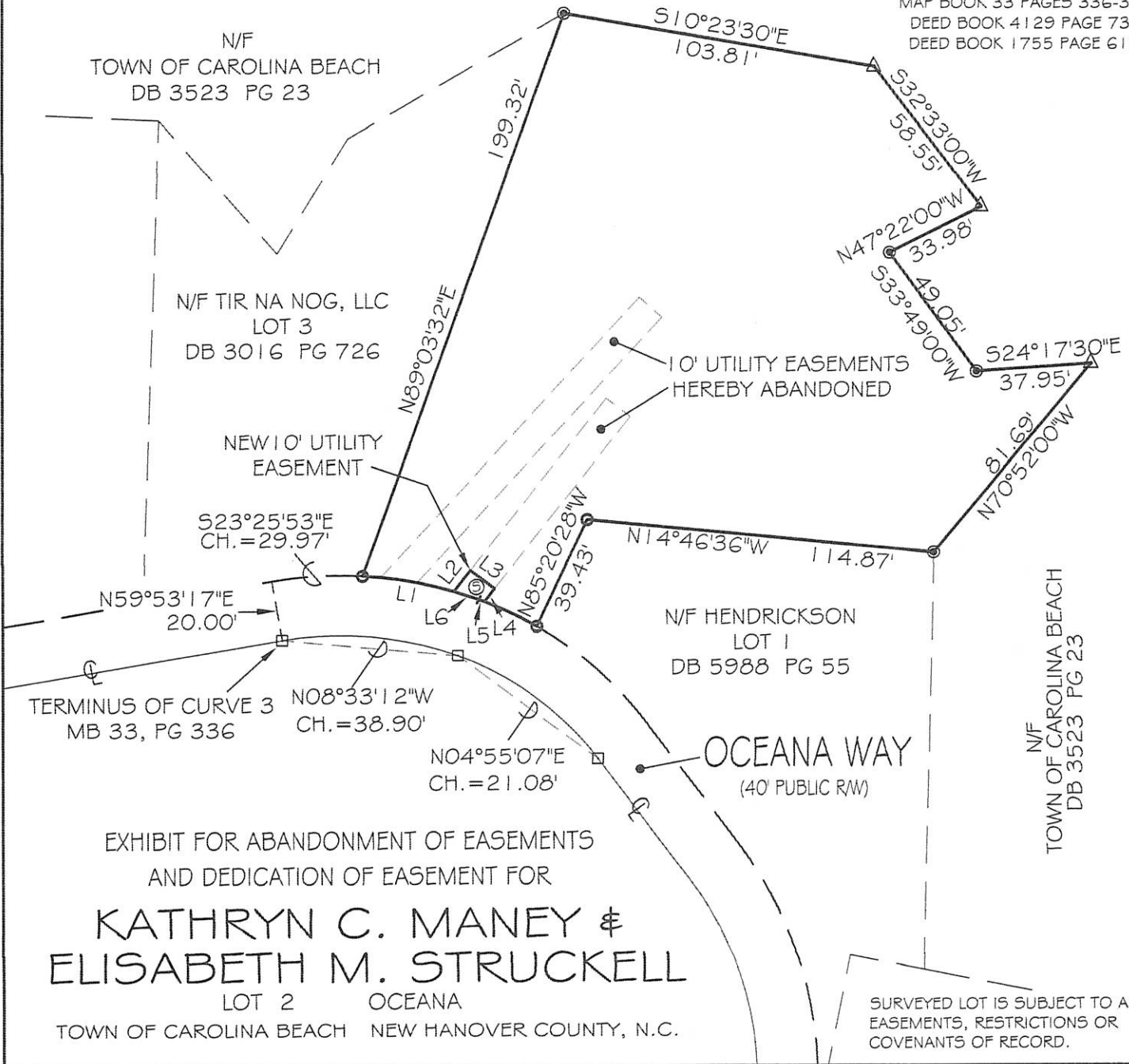
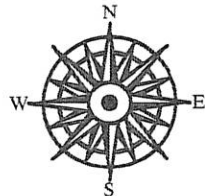
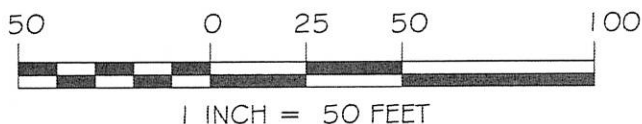


EXHIBIT FOR ABANDONMENT OF EASEMENTS
 AND DEDICATION OF EASEMENT FOR
**KATHRYN C. MANEY &
 ELISABETH M. STRUCKELL**
 LOT 2 OCEANA
 TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.

S:\LAND PROJECTS\OCEANA SECTION 1 LOT 2\dwg\402 OCEANA WAY BOUNDARY.dwg

JANUARY 7, 2021



PATRICK C. BRISTOW
 LAND SURVEYING, PC
 181 SOUND VIEW DRIVE
 WILMINGTON, NC 28409
 PHONE : (910) 471-9998
 E-MAIL : pat@bristowsurveying.com
 FIRM LICENSURE NO. C-3071

Patrick C. Bristow Land Surveying, PC
 4113-A Oleander Drive
 Wilmington, NC 28403

Description for 10 foot wide utility easement

A tract of land located in the town of Carolina Beach, New Hanover County, North Carolina being a portion of that property located at 402 Oceana Way, Carolina Beach, North Carolina, said property being designated as New Hanover County Parcel ID Number R08807-005-004-000 and being described in a deed to Elisabeth M. Struckell and Kathryn C. Maney recorded in deed book 4129, page 735 of the New Hanover County register of deeds office, the herein above referenced portion of said tract being more particularly described as follows: beginning at a point in the eastern right of way line of Oceana Way, said point being located North 59 degrees 53 minutes 17 seconds East 20.00 feet, South 23 degrees 25 minutes 53 seconds East, a chord distance of 29.27 feet and South 10 degrees 35 minutes 23 seconds East, a chord distance of 30.33 feet from a concrete monument marking the northern terminus of Curve 3 as shown on a map of "Oceana" recorded in map book 33, pages 336 and 337 of the New Hanover County register of deeds office, thence from the beginning point South 72 degrees 24 minutes 54 seconds East 8.93 feet, thence South 17 degrees 35 minutes 06 seconds West 10.00 feet, thence North 72 degrees 24 minutes 54 seconds West 5.46 feet to a point in the eastern right of way line of Oceana Way, thence with said right of way line following a curve to the left or northwest, said curve having a radius of 121.28 feet to a point of compound curve located North 00 degrees 23 minutes 16 seconds East, a chord distance of 1.92 feet from the preceding point, thence following another curve to the left or northwest, said curve having a radius of 131.78 feet to a point located North 01 degrees 56 minutes 57 seconds West, a chord distance of 8.66 feet from the preceding point, the point of beginning, the above described easement containing 71 square feet and encompassing an existing sanitary sewer manhole lying in or on the above referenced parcel, just east of the right of way of Oceana Way.



Patrick C. Bristow

01/07/2021