



# CAROLINA BEACH

## TOWN COUNCIL MEETING MINUTES • JULY 11, 2017

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**Council Chambers**
**Regular Meeting**
**6:30 PM**


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

### 1. CALL MEETING TO ORDER WITH INVOCATION BY REVEREND MOLLY PAINTER FOLLOWED BY THE PLEDGE OF ALLEGIANCE

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

### 2. ADOPT THE AGENDA

**Mayor Wilcox made a motion to adopt the agenda. Motion carried unanimously.**

### 3. SPECIAL PRESENTATIONS

#### a. Employee Recognition

*(Requested by Kim Ward, Town Clerk)*

Ed Parvin recognized Code Enforcement Officer Mark Hewitt for 10 years of service.

#### b. July and August Special Events presented by Brenda Butler

*(Requested by Brenda Butler, Planning & Development)*

Brenda Butler reviewed the events scheduled for July and August.

#### c. Project Update by Gil DuBois

*(Requested by Gil DuBois, Operations)*

Operations Director Gil DuBois gave an update on the following projects:

The Freeman Park ambassador booth was delivered today.

There are two kiosks being delivered to the boardwalk this Friday.

Phase B is slowly moving forward. They are currently working at Raleigh and 3rd Street.

The Lake Dredge Project is moving along. They have another excavator in transit. There will be four excavators and 10 trucks running daily. There has been approximately 10,000 cubic yards of material removed. They are currently working

on the west side of the lake and should be out of there within the next 14 days and completely out by Christmas.

St. Joseph Street has been closed off and put a sedimentation box in to improve water quality. That project should be complete within two weeks, weather permitting.

The Ocean Heights development has 48 new home sites going in. A lot of work will be going on there.

d. Manager's Update

*(Requested by Kim Ward, Town Clerk)*

Town Manager Michael Cramer gave an update on topics coming up on the July and August workshops.

Mr. Cramer demonstrated the new financial transparency center on the Town's website where citizens can view the Town budget through the ClearGov program.

#### 4. OLD BUSINESS

a. Stormwater Management Ordinance Adjustment

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

Assistant Town Manager Ed Parvin reviewed the proposed stormwater ordinance changes.

Mayor Wilcox mentioned that he is concerned about the quality of the stormwater infiltration systems.

Mr. Cramer responded that there are state requirements that the Town would be able to utilize.

Council Member Shuttleworth would like to see the ordinance differentiate commercial property versus residential BMP's.

Mr. Cramer replied that this only addresses anything that has a state mandated pond or infiltration system associated with it.

Council Member Shuttleworth wants staff to come up with some sort of language that requires a homeowner, moving forward, to have an inspection every three or five years and report it to the Town.

Mr. Cramer said that could be brought back later on to add to the ordinance.

Council Member Doetsch said that he feels strongly about getting that in place as soon as possible.

Mr. Parvin said that the next section of the Code lays out the regulations on how you can conduct inspections on private property.

**Council Member Doetsch made a motion to approve Ordinance 17-1054 updating the stormwater management ordinance with the associated changes that were presented in red. Motion carried unanimously.**

b. AIA Grant Authorization - Budget Ordinance 17-1059 and Resolution 17-2162

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

At the April 25th council meeting, Council authorized two resolutions of support regarding an application for grant funding from the N.C. Division of Water Infrastructure - Asset Inventory and Assessment (AIA) Grant Program. Funding would be used to hire a consultant to work with Town and Cityworks staff in a water and sewer system asset inventory, condition analysis and preventative maintenance program. If funded the project would significantly enhance the Town's developing Cityworks program and GIS database in more efficient management of water and sewer infrastructure. Separate grant applications must be submitted for the water system and wastewater system. The maximum grant award for each is \$150,000, with an 80/20 grant/town match required as shown below.

The scope of work includes detailed asset inventory development and validation to leverage the Town's investment in its Centralized Maintenance Management System (CMMS) ability to access and maintain that information. A risk-based criticality analysis of the system will be performed to assist in determining where to focus data collection, including condition assessment, activities within the Water/Wastewater system. The risk-based analysis will streamline the ability to develop condition assessment strategies, a modified preventative maintenance (PM) program, and begin asset-level detail renewal and replacement modeling. Resources for the development of the program are limited, and similar to most medium- and small-utilities, there are limited resources during implementation that can keep the program sustainable. Therefore, the asset inventory, condition and preventative maintenance program must be developed with a solid technical foundation, while at the same time it must be practical and optimized from the beginning. The scope of the assessment to be performed on the wastewater and water system included: (1) the ability to estimate the overall reliability of the existing system, (2) a criticality assessment of the major subsystems (pump stations, wells, etc.) within this system, (3) a criticality assessment of the key components of major pump stations/wells, (4) the application of criticality scores to the major assets within the system that guide condition assessment techniques and (5) guidelines for revision of the current preventative maintenance (PM) program for upload into Cityworks.

In October 2016, the Town received an official award letter for the Wastewater grant for \$150,000. The Town recently received an official award letter for the Water grant for \$150,000. In order to accept the grant the Town will need to match the grant with \$30,000 from the Utility Fund Balance.

**Council Member Doetsch made a motion to approve Budget Ordinance 17-1059 and Resolution 17-2162 accepting a grant from the NC Division of Water Infrastructure. Motion carried unanimously.**

## 5. PUBLIC DISCUSSION

Don Licata from Harbor Point wanted to mention several topics. He stated that he feels golf carts are a hazard and is glad that Council will be discussing this next month. He mentioned that the speed limit is not being enforced on Spencer Farlow, Access Road, or St. Joseph Street. He would like the Town to consider putting in a bike lane on these streets. He stated that there are no town docks available in the height of the summer season. He would like the Town to consider making Carolina Beach a destination for transients. He is in favor of Tom's Marine and Carolina Beach Boat Yard putting in the dry storage racks.

Jess Yates, D51 Pleasure Island Yacht Club - supports home building and business building without the bureaucracy. He also supports having dry dock storage.

Captain Charles Schoonmaker said he would like to speak in favor of Tom's Marine and the Carolina Beach Boat Yard. Please consider allowing dry stack storage.

**6. PUBLIC HEARINGS**

- a. Conditional Use Permit for a Business Planned Unit Development Center for an office complex consisting of three 10,800 sq. ft. buildings located at 1322, 1324, & 1326 N. Lake Park Blvd Applicant: RGL Development

*(Requested by Jeremy Hardison, Planning and Zoning)*

The following were sworn in by the Town Clerk:

Shane Register, Realtor

Michelle Connett, Neighboring property owner

George Connett, Neighboring property owner

Jon Rimer, Applicant

Andi Van Trigt, Applicant's Attorney

Rachel Hatfield, Neighboring property owner

Senior Planner Jeremy Hardison reviewed the proposed business plans for a business planned unit development located on three lots at the corner of North Lake Park Boulevard and Bertram Drive. It is in the Highway Business District designed for commercial uses. The property is 2.26 acres. The land behind the property is zoned residential. In 1999, it was approved for a 47 plot subdivision (Port Side). The property to the north is the Pavilion which is an 11 unit multi-use complex that was approved in 2005.

The proposed site plan consists of 3 buildings totaling 32,160 square feet for office use. The idea is for contractors and offices with a store front and roll up doors in the rear. There is an existing billboard on the site that will remain. The buildings will be one story, twenty feet in height. The applicant must meet the seven specific standards.

NCDOT's policy restricts access off of Lake Park Boulevard or any DOT right of way when there is an alternate access. In this situation, the alternate access would be off of Bertram Drive. DOT will not permit a driveway cut off of Lake Park Boulevard. There is currently a deceleration lane going into Bertram Drive.

The Town encourages interconnectivity within adjacent commercial sites. The Pavilion was not willing to grant access for interconnectivity.

The Town's pedestrian and bike plan calls for sidewalks on Lake Park Boulevard on the east side of the street. The applicant will install those as well a 5 foot sidewalk along Bertram Drive.

The applicant is meeting the required parking spaces. 41 spaces is the requirement but they will have 52 spaces. No deliveries will be taking place on Bertram Drive.

Any outdoor lighting will have to be positioned so the point source is not directly shining toward the adjacent properties.

There will be two refuse areas. P&Z requested the containers be placed away from the residential lots. The applicant has accommodated this request.

They are proposing a stormwater onsite infiltration basin which would be a dry pond with a block wall system. It would be 15 foot wide and 5 foot deep.

The applicant would have to extend the water and sewer lines to service his property. The Fire Chief is requiring that the applicant will have to install two additional fire hydrants. There are currently three in the vicinity.

The applicant is providing a 10 foot, type B landscape around the perimeter of the property. During the Planning & Zoning hearing, they heard several requests for an 8 foot fence along the residential properties. The applicant agreed to provide that buffer.

The project meets the setback requires as well as lot coverage. The Land Use Plan designates this area as commercial and it is designated as a Highway Business Corridor. Offices and services are desired uses in this location.

P&Z recommended approved of the plan with a condition of an 8 foot fence along the residential properties as well as to relocate the dumpsters away from the residential properties.

Approval or denial of this project must be related to the special standards and the four general conditions.

Council Member Shuttleworth asked why the Town did not ask DOT for a turn lane coming out of Bertram Drive so you could have some stacking. He also mentioned that he is concerned about the stormwater on this site. There is 30,000 square feet of structure and the parking. There is a 15 foot wide infiltration with no outfall.

Mr. Hardison said they would also have to meet the State's requirements. The engineer felt this was an appropriate amount for this site.

Mayor Wilcox mentioned that the applicant is only required to meet the specific standards at this point in the process.

Council Member Shuttleworth said that he is concerned about there not being connectivity.

Mr. Hardison said there is no teeth in the current ordinance for connectivity so the Town cannot require the business to the north provide connectivity.

Mayor Wilcox opened the public hearing.

The applicant's attorney Andi Van Trigt reviewed the primary reasons why the Conditional Use Permit should be granted based on the specific conditions. She identified specific points that relate to each condition.

Applicant Jon Rimer RGL Development addressed some of the questions and concerns Council had.

Mr. Rimer said he tried to get access off of Lake Park Boulevard. His preference was to have his entrance off of Lake Park Boulevard, not Bertram Drive.

The first thing he did on this project is get a soils test. The engineer drew the plans according to what the soils tests said so that it could be submitted to the state. They looked at putting the stormwater underground and putting parking on top of it but you can't get to it to dig it out.

He feels that this would be a low impact business compared to another type of business that could have gone in this location.

Council Member Shuttleworth said he is concerned about the amount of traffic in the

morning and the kids that wait in that area for the bus. He is also concerned about the stormwater.

Mr. Rimer said he is going off of the engineer's recommendations based on the soils testing. They have also discussed putting in a sheltered area for the students waiting on the bus.

Real Estate Broker Shane Register represented the seller of this property. He gave his professional opinion on how this project could affect property values. He said that it can significantly affect home values but that's not 100%. The primary concern should be traffic and safety. He encourages all parties to work together for successful commercial development. There are other uses that could have been used on this property that were less attractive and not a good fit for Carolina Beach.

Michelle Connett 1321 Cabo Court in Port Side feels that this is good project but it needs to be tweaked a little. She spoke for the residents (who were also in attendance) of the Port Side Community stating that their goal was to protect the value and safety of their investment. Their main concerns were: the entrance into Bertram Drive is very narrow and blinding, there is a school bus stop at the intersection where this project is proposed, noise, lighting, delivery trucks unloading on Bertram, drainage, etc.

Omar Kharbat, manager of the Pavilion next door to this property. He did not consider allowing connectivity to his property because he is concerned about the tenants and visitors parking in his parking lot. He does not feel there is adequate parking for the proposed project.

Joel Carpenter, Port Side resident - Will this property be owned by the developer or will it be sold to individuals? He is also concerned about the traffic in the morning and the evening.

Rachel Hatfield, 1604 Bertram Drive - Wanted to speak about trees, bugs and kids. She mentioned the Land Use Plan and wanted to remind Council and residents to reference this Plan to ensure consistency and the development and maintenance of the community. She is requesting mature trees and shrubbery in the type B buffer requirements. She also expressed her concern regarding stormwater and asked that the developer consider an underground stormwater detention system. Her final request was to consider the ingress and egress into the property off of Bertram Drive. She asked that the developer and Town consider either widening the turning radius into Bertram Drive or providing connectivity into the Pavilion parking lot.

Greg Galloway, 400 Jarrett Bay Drive - Asked Council to take a birds-eye view of the island and not just look at individual projects. He is concerned about connectivity to the overall area. He suggested painting lines on Bertram Drive to show clear separation of the lanes.

Anne Terry, 402 Mainship Court said that she is concerned about traffic and that she wishes the footprint of the project was not so large.

Andi Van Trigt reminded Council that Bertram Drive and North Lake Park Boulevard are public roads and there should be a cooperative effort on both parties to ensure safety.

Mayor Wilcox asked Ms. Trigt if her client would be willing to work with the Town on softening the acute turn into Bertram Drive.

Ms. Trigt consulted her client and agreed to work with the Town.

Council Member Bridges suggested restricting the entrance to the first entrance until the road gets fixed.

Council Member Doetsch said he would like to meet with NCDOT again to discuss an entrance off of Lake Park Boulevard.

Council Member Shuttleworth said that he understands why NCDOT does not want to grant access. You can have too many accesses off of main thoroughfares that it becomes dangerous. There is already a three lane turn lane going into this area. He mentioned that he would like to require in the CUP a lighting plan that would not disturb the neighbors, a requirement to work with Town staff and NCDOT for a solution to the intersection of Bertram and Lake Park, and in addition to the 8 foot fence, he would like them to look at putting mature trees in the type B buffer. He also asked that they revisit the stormwater plan. He is discouraged that the folks at the Pavilion are claiming that they are a Class A office and they will not grant access because of the type of product it was. He would like for them to reconsider.

Mayor Wilcox clarified what the Town can request in a Conditional Use Permit. If the applicant meets the requirements, then the project deserves approval. Some of the requests that have been mentioned cannot be required under the CUP.

MPT Pierce said that she is concerned about large trucks making deliveries. How will they get the large trucks into the complex?

Mr. Rimer replied that they planned for that and there is enough room to get a truck in and out of the complex.

Mayor Wilcox asked Mr. Rimer to address the ownership question that was asked by Joel Carpenter.

Mr. Rimer said that RGL currently owns the complex but they can sell off individual units or the whole complex.

Attorney Fox clarified that you are voting on the seven specific standards and the four general conditions. If you impose a condition that has a demand, it has to be reasonably related in proportion to the impact of the development.

**Council Member Shuttleworth made a motion to approve the Conditional Use Permit #17-C04 for the seven specific standards, four general conditions including the fourteen conditions that staff added, as well as the additional conditions that Council imposed tonight to have the applicant work with the Town of Carolina Beach and NCDOT for a solution to Bertram and North Lake Park Boulevard, include mature trees in the setback along that abuts the residential property, and add a bus shelter at the intersection of Bertram Drive and North Lake Park Boulevard all being consistent with the Land Use Plan. Motion carried unanimously.**

- b. Conditional Use Permit: For a CUP Modification to Carolina Beach Marina & Boat Yard located at 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street Applicant: David Pierce

*(Requested by Jeremy Hardison, Planning and Zoning)*

The following were sworn in by the Town Clerk:

Applicant David Pierce  
Applicant's Attorney Ned Barnes  
Tom Scuorzo  
Robert Schoonmaker  
Dennis Barbour  
Ed Parvin  
Jeremy Hardison  
Lynn Halterman

Jeremy Hardison presented the request for the Conditional Use Permit to allow dry dock storage at the Carolina Beach Marina and Boat Yard located on Basin Road and St. Joseph Street. Applicant is requesting to begin Phase II of his project by adding a new office, dry stack storage, workshop, boat storage, and maintenance/sales areas.

Mayor Wilcox opened the public hearing.

Ned Barnes reviewed the conditions and explained the benefit of having this facility as it is being proposed.

David Pierce 917 Basin Road said that he had a soil sample tested and the water table was high. He also had a stormwater engineer create an engineer's plan. He anticipates paying the fee to the Town versus installing his own stormwater collection system.

Council Member Shuttleworth asked Mr. Pierce what he could do to provide better esthetics to the abutting residents.

Mr. Pierce said he got approval from Ms. Mona Black to erect a fence between his and her property. The residents on the other side are never there and he has not received a complaint from them.

Council Member Bridges said that based on the pictures, the property looks unkempt and hopes it doesn't become a bigger unkempt mess.

Mr. Pierce said that he cannot do anything because he needed a CUP which is why he is here.

Hubert McLamb owns property next to this property and is having some stormwater issues. He would like to have an easement from Mr. Pierce's property to his to have stormwater work conducted.

Mr. Pierce said he is working with Mr. McLamb.

Dennis Barbour said there is a shortage of boat storage. The state funded the purchase of water access because they knew there was a shortage of public access to public waters. Boat dealers cannot keep the supply up with the demand. He supports this project.

Robert Schoonmaker spoke in support of more boating access and dry stack storage.

Lynn Halterman, 1200 St Joseph Street complimented David Pierce and his staff at Carolina Beach Boat Yard for their efforts and supports the project.



Tom Scurzo from Tom's Marine spoke in favor of the project and asked if he would have to come back to council for a CUP to connect to Carolina Beach Boat Yard.

Ms. Fox replied that yes, he would have to come back for a CUP.

Mr. Pierce said that he is not trying push his boundaries out as far as he can but just trying to make it feasible.

Mayor Wilcox closed the public hearing.

**Council Member Doetsch made a motion to approve the Conditional Permit Use Modifications including the seven specific standards and the four general conditions and forego the landscaping buffer to all adjoining properties except for the existing one next to Federal Point. It will also include a waiver of the utility pole and he can install a 6 foot fences versus the 8 foot fence.**

Council Member Bridges questioned why Council required RGL Developers to have an 8 foot fence and are only requiring Carolina Beach Marina to only have a 6 foot fence.

Mayor Wilcox stated that Council did not require RGL Developers to have an 8 foot fence, they volunteered.

Council Member Shuttleworth said that P&Z recommended that RGL have an 8 foot fence and Council approved it.

Ms. Fox said she understands Council Member Bridges concern and she also wanted to make a modification to item #1 which is that all the permits should be applied for within 30 days and it does not say that in the grant order.

Mr. Hardison said that he has corrected that on the final copy of the grant order.

**Motion carried unanimously.**

## **7. CONSENT AGENDA**

**Mayor Wilcox made a motion to approve the consent agenda which includes:**

Set public hearing date for August 8, 2017 to consider a text amendment to Chapter 40, Article III to allow for Automobile Repair Garages by right in the Neighborhood Business Zoning District.

Budget amendments and transfers as presented by the Finance Director.

Adopt Resolution 17-2163 requiring local government to prepare a Local Water Supply Plan according to North Carolina General Statute 143-355 (I). This plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested in accordance with the statute and sound planning practice.

Council meeting minutes from June 13, 2017 and June 27, 2017.

**Motion carried unanimously.**

## **8. NEW BUSINESS**

- a. MOTSU Study Results and Clean Up Process

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

Beginning in May 2014, the Town of Carolina Beach has been working with MOTSU, North Carolina Division of Waste Management and the Clark Group to sample and define any potential environmental issues and remediation steps required for the old Fleet Maintenance and Operation facility on MOTSU Property. Over that time the Clark Group has been able to narrow down the issues and the areas of concern down to 4 small areas. In order to get to this stage the Town has invested approximately \$217,000 toward this effort. Following our most recent yearlong study of the ground and groundwater, the Clark Group has proposed a remediation and monitoring plan for the area that we anticipate will get us to a conclusion of this process. The Clark Group has proposed a remediation and monitoring contract that is a "not to exceed contract" for \$186,264 and covers soil, groundwater and monitoring well analysis.

**Mayor Wilcox made a motion to approve Budget Amendment Ordinance 17-1060 in the amount of +\$186,264.00 for professional services provided by The Clark Group. Motion carried unanimously.**

b. Citation Ordinance Change

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

Mr. Cramer mentioned that the Town issues several different types of civil citations and the Town ordinances contain language that suggests that the Town can follow criminal proceedings if the violations are not corrected. This language requires that the revenue generated from the civil citations must be remitted to the school system. Many of these civil citations would never be transferred to a criminal proceeding due to the high cost to the Town. Town staff including the Town Attorney, have reviewed other community's civil citation ordinances and determined that with minor adjustments the Town could waive the potential for criminal action and retain the revenue associated to the non-criminal civil citations.

**Mayor Wilcox made a motion to approve Ordinance 17-1058 removing the option to have a criminal process for certain code violations. Motion carried unanimously.**

c. **Brunch Bill**

Attorney Noel Fox introduced Senate Bill 155, commonly called the "Brunch Bill" that went into law on June 30, 2017. This bill authorizes cities and counties to allow alcohol sales at restaurants beginning at 10:00 a.m. on Sundays.

**Mayor Wilcox made a motion to approve Ordinance 17-1061 allowing the sale of alcoholic beverages before noon on Sundays at licensed premises. Motion carried unanimously.**

9. **NON-AGENDA**

MPT Pierce asked if there was an ordinance for people leaving beach equipment on the beach over night.

Mr. Cramer said that there was and they would be discussing this issue at the next workshop.

MPT Pierce asked the manager to consider implementing the adopt-a-beach program.

10. **ADJOURNMENT**

**Mayor Wilcox made a motion to adjourn at 11:40 p.m. Motion carried unanimously.**

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Kimberlee Ward, Town Clerk

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Date Approved