



Wrightsville Beach Board of Alderme Regular Meetin

5:30 p.m. THURSDAY, SEPTEMBER 8, 201
Wrightsville Beach Town Hall Council Chamber
321 Causeway Drive, Wrightsville Beach, N

AGENDA (ALL ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION)

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Public Comments

Notes on Comment Period: Each speaker is asked to limit comments to **3-5 minutes**. Citizens should sign up at Town Hall by 5:00 p.m. the day of the meeting. The Board is interested in hearing your concerns, but speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town officials or staff and may be scheduled for a future agenda.

5. Consent Agenda

Notes on Consent Agenda: All items on the Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

- a. [Approval of Minutes June 8, 2016, Regular and Closed Session Minutes of July 20, 2016, and Regular and Closed Session Minutes of August 11, 2016.](#)
- b. [Approval of special event permits as follows:](#)
 1. WB Elementary School Fall Festival (*500 participants*)
Request to Close Coral Drive
Friday, October 28, 2016 (*3:30 pm – 6:30 pm*) (*event 4:15 – 6:15 pm*)
Location: Coral Drive
- c. [Acknowledge previously approved special events for October .](#)
- d. [Adoption of Resolution No. \(2016\) 1996 declaring the Week of September 17-23, 2016 a Constitution Week in Wrightsville Beach.](#)
- e. [Acceptance of donation of bench from Peter Gillman-Bryan in memory of Todd Fulda on the beach strand in the area of Wrightsville Dunes. Mr. Gillman-Bryan plans to construct the bench, including memorial inscription, and Town staff will oversee the project and install the bench.](#)
- f. [Approval of revised 2016 Board of Adjustment Meeting Schedule to cancel the September 22nd meeting.](#)

- g. Approval of revised 2016 Parks and Recreation Advisory Committee Meeting Schedule to cancel the September 12th meeting.
- h. Approval of revised 2016 Water and Sewer Future Needs Ad Hoc Committee to set a meeting for September 19th at 5:30 p.m.

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- i. Set public hearing for Thursday, October 13, 2016 at 5:30 p.m., or as soon thereafter as possible to consider a text amendment application to Chapter 155 to add Section 155.6.6 Overlay District to allow for the creation of a Mixed-Use Zoning Overlay District for properties located within certain portion of the C-2 Commercial District bounded to the north by Seagull Street, to the south by East Salisbury Street, to the west by North Lumina Avenue, and to the east by the beach strand/Atlantic Ocean. Mixed-use developments located in the C-2 District and falling within the Mixed-Use Zoning Overlay District would be subject to a 50-foot height limitation rather than the Town's 40-foot height limitation that is currently in effect for all zoning districts.

REQUESTED ACTION: Motion to APPROVE Consent Agenda.



**Wrightsville Beach Board of Aldermen
Regular Meeting**

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Wrightsville Beach Town Hall Council Chamber
321 Causeway Drive, Wrightsville Beach, NC

AGENDA (ALL ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION)

6. PUBLIC HEARINGS

- a. Public hearing for consideration of an amendment to the existing Conditional Use Permit for Robert's Grocery, 32 North Lumina Avenue, to modify the required number of reserved parking spaces in Robert's commercial public parking lot (27 North Lumina Avenue) from five spaces to nine spaces.

REQUESTED ACTION: Approve Amendment to Conditional Use Permit for 32 North Lumina Avenue.

- b. Public hearing for consideration of a Conditional Use Permit application for 32 North Lumina Avenue to operate a standard restaurant by the name of Charlie Grainger's in the portion of the building formerly occupied by Rita's Ice.

REQUESTED ACTION: Approve Conditional Use Permit for 32 North Lumina Avenue to operate standard restaurant by the name of Charlie Grainger's.

7. REGULAR AGENDA

- a. Discussion and update regarding a trial program to determine the effectiveness of using a Unmanned Aerial Vehicle (UAV) for Emergency Response.

REQUESTED ACTION: Direction to Staff.

- b. Discussion and Direction on moving forward with the Design of Street-side Parking at the end of North Lumina Avenue.

REQUESTED ACTION: 1) Determine if the Board wishes to continue to pursue this project; and 2) Determine if the Board wants to begin the engineering phase of the project or hold a public hearing on the matter.

- c. Review of Final Design to Add Additional Parking on Old Causeway Drive and seeking quotes for construction.

REQUESTED ACTION: Direction to Staff on whether to seek bids on the project or not at this time.

- d. Update on the Progress of Evaluating the Town's Old Landfill Site.

REQUESTED ACTION: 1) Adopt Resolution No. (2016) 1995 exempting the Town from the RFQ process for surveying and engineering work associated with the final phase of the Old Landfill Environment Assessment Project; and 2) Adopt Budget Ordinance No. (2016) 435-B to amend the current Town budget to show an \$11,000 expenditure and reimbursement for the project for any future wetland work or survey work.

- e. Discussion of Creating a Steering Committee for the CAMA Land Use Plan Update.

REQUESTED ACTION: Discuss the Planning Board's recommendation for the Land Use Committee makeup.

8. OTHER ITEMS AND REPORTS

- a. Mayor
- b. Board of Aldermen
- c. Town Attorney
- d. Town Manager
- e. Town Clerk

9. CLOSED SESSION FOR ADVICE FROM THE TOWN ATTORNEY PURSUANT TO G.S. 143.318.11

CITIZENS WITH DISABILITIES REQUIRING SPECIAL NEEDS TO ACCESS THE SERVICES OR PUBLIC MEETINGS OF WRIGHTSVILLE BEACH GOVERNMENT SHOULD CONTACT THE TOWN MANAGER'S OFFICE FIVE DAYS PRIOR TO THE MEETING BY CALLING (910) 256-7900.

MINUTES
BOARD OF ALDERMEN
JUNE 8, 2016

Mayor Blair called the meeting to order at 5:31 p.m. in Council Chambers of Town Hall.

Attendance: Mayor William J. Blair III, Mayor Pro Tem Darryl Mills, Alderman Elizabeth King, Alderman Henry E. Miller III, and Alderman Lisa Weeks; together with Town Attorney John C. Wessell III, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance

Invocation by Rev. Pat Rabun, Little Chapel on the Boardwalk

PUBLIC COMMENTS: SUE BULLUCK: OLD CAUSEWAY DRIVE PARKING ISSUES.

Ms. Sue Bulluck said, "The Chamber has received several calls from residents and business folks in the Old Causeway area and in the housing area behind the post office. The request to you is for the Town Manager or the Planning Board to give some clarity to what's happening with the parking with the old Middle of the Island. It came to the Planning Board last night and was postponed until July. The issue of that parking and the issue of the planning for diagonal parking or changes in parking for the area are getting confused in that there are a couple of repercussions; more people are using that area and the businesses are becoming more prosperous and that's good and the Chamber supports that. At the same time, there are some issues that appear to be popping up in terms of enforcement of both parking and other issues based on conditional use permits. The Chamber has supported those folks looking for conditional use permits to serve food and beverage and alcohol; we still support that. But we're here to ask you to take a look for a way to more uniformly apply enforcement based on the conditional use permits that you've already issued so as we move to the future, we can say to businesses there is uniformity of enforcement and what you negotiate for, you will be held to. I am encouraging the businesses in that area to get together and attempt to decide some of these issues on their own. But some of these issues aren't their own and only Mr. Wessell can get in the middle of some of them and the Board and enforcement can get in the middle of others. So, we would ask you to take a look at those conditional use permits and those issues as they come to you in the next week or two."

CONSENT AGENDA APPROVED UNANIMOUSLY WITH REMOVAL OF QUINTILES WB MARATHON BY MOTION OF MAYOR PRO TEM MILLS AND SECOND BY ALDERMAN WEEKS.

- a. Approved regular meeting minutes of March 10, 2016 and budget work session minutes of March 23, 2016.
- b. Approved special event permits as follows:
 - 1) Maui Ola Foundation Surf Experience Day (50 participants)
Thursday, August 18, 2016 (9:00 am – 1:00 pm)
Location: Oceanic Street
 - 2) WB Wahine Classic Surf Competition/Surf Dreams Foundation (<200 per day)
Saturday & Sunday, August 20-21, 2016 (8:00 am – 8:00 pm) (6:00 am setup)
Location: Access 37 - 38
 - 3) Surfers Healing (300 participants throughout each day; includes volunteers)
Monday & Tuesday, August 22-23, 2016 (9:00 am – 3:00 pm) (7:00 am setup)
Location: Between Birmingham & Stone Street

- 4) Walk for American Foundation for Suicide Prevention (500 participants)
Sunday, November 6, 2016 (10:00 am – 5:00 pm) (walk at 12:30)
Location: WB Park and Loop
 - 5) Wrightsville United Methodist Church Picnic (275 participants)
Sunday, September 18, 2016 (3:30 – 6:30 pm)
Location: WB Park Shelters and Event Stage
- c. Acknowledged previously approved special events for July.
 - d. Acknowledged departmental quarterly reports covering the months of January, February and March, 2016 for the Fire Department, Police Department, Ocean Rescue, Information Technology and General Administration.
 - e. Adopted Resolution No. (2016) 1986 adopting the 2016 Hurricane Operations Plan.
 - f. Adopted Budget Ordinance No. (2016) 433-B for end of year cleanup items.
 - g. Approved Revised 2016 Wrightsville Beach Marketing Advisory Committee Meeting Schedule to change the June meeting from June 14th to June 21st.
 - h. Approved revised 2016 Board of Adjustment Meeting Schedule to cancel the June 23rd meeting.

SPECIAL EVENT PERMIT FOR QUINTILES WRIGHTSVILLE BEACH MARATHON (3,000-3,500 PARTICIPANTS), SATURDAY, MARCH 25, 2017 (5:00 – 11:00 AM), WB PARK AND LOOP.

Alderman King stated that she had pulled this item from the Consent Agenda to make sure the event wasn't occurring on the weekend of Easter, the Azalea Festival or Palm Sunday. Program Supervisor Katie Ryan explained that the event was moved from Sunday to Saturday because of complaints received last year. Alderman King then made the motion to approve the Special Event Permit for the Quintiles Wrightsville Beach Marathon on Saturday, March 25, 2017. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

PUBLIC HEARING TO RECEIVE INPUT ON THE FY-2016-2017 BUDGET; TO CONSIDER ADOPTION OF ORDINANCE NO. (2016) 1761 AMENDING WATER AND SEWER RATES AND CHARGES; AND TO CONSIDER ADOPTION OF BUDGET ORDINANCE NO. (2016) 434-B ADOPTING THE PROPOSED FY-2016-2017 BUDGET AND SETTING THE TAX RATE FOR THE TOWN.

Mr. Owens introduced Mr. Zach Steffey, Town Planner, to give a presentation on the proposed FY-2016-17 Budget. Mr. Steffey gave a Power Point Presentation covering different elements of the proposed Budget including the following highlights: ►General Fund Budget proposed at \$10,580,410; ►Water and Sewer Budget proposed at \$2,983,290; ►\$2.1 million in reserves for Water and Sewer; ►Tax Rate is proposed to stay at \$.133 per \$100 of valuation with a total assessed valuation of \$2,491,940,000; ►Budget set aside \$500,000 for future coastal storm damage reduction projects; ►\$6.5 million Undesignated Fund Balance; and ►\$2.08 million (approximately) for future capital items. Mr. Steffey said the proposed budget also included an increase in fees to water and sewer accounts (needed to complete critical capital improvements) plus 10% penalty on all accounts not paid in 30 days.

Mayor Blair opened the public hearing at 5:48 p.m.

Ms. Sue Bulluck said, “A good job from all.”

Miss Nancy Faye Craig, 111 Seaside Lane, said, “I attended all of the budget planning sessions and I heard, when we were looking at the water and sewer increase, that we need all of the money for the infrastructure, and I agree; but my concern was, I heard two or three different plans for raising the money and it was always a fee that I don’t have any control over, personally; it was the maintenance fees. And I never heard anybody suggest that we raise the rate of the water, and, of course, the sewer would go along with that. So, next year, think about that because some of us have been here a long time before things were very expensive. We retired and have only one income; it makes a difference of things I can control. Every time I bring my water bill in to pay it, she teases me that I’m probably one of the lowest ones on the beach – and this is true because I try to conserve all I can. But I don’t have any control over this – call it a tax increase or not – \$20 every two months is going to be expensive for me. The same thing happened with the parking hangtags and the stickers; I could control not buying a hangtag because I don’t need one for my bicycle, but I can’t control having to buy the little sticker – and that was a 200% increase and that’s a lot. So, for next year’s planning, please think about that.”

Mr. Harold King, 10 Island Drive, said, “You did a good job with the budget and you did a good job explaining it. It looked to me like we got a good bit of money from sales tax and my question would be, have we considered what this proposal where they’re going to redistribute the sales tax money; what that’s going to do to us, when that might come onboard, when will we start having to work with that, and what do we need to be doing in the meantime, hopefully, to maybe change somebody’s thinking on that. It didn’t sound too good to me. Other than that, great job.” Mayor Blair said that failed the first time and this is another version of the same thing. He said it won’t go away but we have a big group that fights it.

With no further input from the public, the hearing was closed at 5:52 p.m.

Mr. Owens stated that staff would like for the Board to: 1) consider adopting Budget Ordinance No. (2016) 434-B and the proposed 2016-17 budget in its entirety; 2) consider adopting Ordinance No. (2016) 1761 to amend the water and sewer rates and provide for a 10% late penalty on accounts that are thirty days overdue; and 3) consider approving the Authorized Permanent Positions Listing by Pay Range for 2016-17. Alderman Miller made the motion to adopt Ordinance No. (2016) 1761 to amend the water rates and charges as presented. The motion was seconded by Mayor Pro Tem Mills and unanimously approved. Alderman Miller made the motion to adopt Budget Ordinance No. (2016) 434-B and the budget in its entirety as proposed. The motion was seconded by Mayor Pro Tem Mills and unanimously approved. Alderman Miller then made the motion to approve the Authorized Permanent Positions by Pay Range for FY2016-17. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

PUBLIC HEARING CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR 216/218 CAUSEWAY DRIVE TO OPERATE A COMMERCIAL PARKING LOT CONSISTING OF 13 SPACES FOR USE BY THE CUSTOMERS OF POE’S TAVERN.

Planning and Parks Director Tony Wilson stated that the applicant requested that this item be opened and continued to the July 14th meeting at 5:30 p.m. to allow more time to look at other options. Mr. Owens noted that if the July meeting date changes, it would be continued to the new date. There was Board consensus to open the public hearing and continue it to the July meeting at 5:30 p.m. in Council Chambers of Town Hall.

DISCUSSION AND CONSIDERATION OF THE FY2016-2017 MARKETING BUDGET AS RECOMMENDED BY THE WRIGHTSVILLE BEACH MARKETING ADVISORY COMMITTEE.

Mr. Owens stated that the Wrightsville Beach Marketing Advisory Committee had been working on their marketing strategy for next year and they were seeking Board approval of their FY2016-17 marketing budget of \$506,157 in order to proceed with what they hope to get accomplished. Alderman Weeks said she thought the main thing was that they moved their strategy to more of a 10,000-foot level to raise awareness about Wrightsville Beach in general. She then made the motion to approve the 2016-17 Marketing Budget in the amount of \$506,157. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

CONSIDERATION OF REQUEST FROM THE DEVELOPERS OF SPARTINA, LOCATED ON ALLEN'S LANE, FOR A DRAINAGE EASEMENT ACROSS THE TOWN'S PROPERTY (WELL 11).

Mr. Owens said, "Well #11, which is Water Treatment Center #2 on Allen's Lane – there's currently an easement across the property that basically came about from the Wrightsville Manor Project. There was an existing ditch that was already running across the property that they improved. There has been a lot of development in that area; it has been done by different people at different times so we're kind of pinched in between all of these different developments and that's why it keeps coming to the Board piecemeal. And there are some things maybe that Wilmington missed in their review process. Now, we're trying to decide the best way to move forward for all of the developments. Basically, the Spartina Development is asking for some kind of drainage easement or to be able to move water across the property. The well site is at a low point; the road has been built up significantly higher and paved, so there's water coming off of that as well as the overflow. They do trap water on their own site per Wilmington Code but there is overflow when we have substantial rains." Mr. Owens then gave a Power Point Presentation to show some of the issues on the property. He said, "They're asking for an easement. The options that I see are, 1) to deny any kind of request and ask that they replace that easement across their property or transfer that water across to Spartina property; 2) to take out the vegetation and pipe all the way to the back of the property and remove the fence inward (that's a cleaner option that keeps our site dryer; we'd have to work with the State Division of Water Quality folks to make sure that is okay); or 3) to come out with a pipe and dissipate with rocks and then let it flow naturally. They've agreed to do some swaling and fix that back part and to regrade the area to make a better transition. If the Board is open to considering an easement, I recommend the following: 1) that the easement area be surveyed and shown on a plan submitted to the Town by the applicant; 2) that the applicant request that an engineer show the drainage area on the plan (current and future development) and provide storm water calculations proving (with the Town's concurrence and possible independent review) that the new drainage easement will not impact the Town's facilities; 3) that the applicant or the City of Wilmington provide the Town with a formal

easement agreement for the Town's review and approval; and 4) that the City of Wilmington also approve the plan and easement. If it's internal to the fence, Wilmington will not accept that easement, that we can tell, basically because they can't get in there to maintain it. If we move the fence, their standard easement is usually twenty feet; they may accept a ten-foot easement but that's still up in the air."

Mayor Blair asked if it would be smart to hire our engineer to assess the volume of water to make sure whatever we do will not exacerbate the problem. He expressed the need to make sure the Town is protected from increased flooding or whatever else could happen. Mr. Wessell said, "The concern I see here, in part, is the potential for increased water flow across this property. If not managed properly, it's going to eventually affect the value and usability of that property. And there's more development that could happen, too."

Mayor Blair said, "Why don't we talk to Spartina about the Town hiring somebody to make the assessments necessary to make those easements because I'm not qualified to do it." Mr. Wessell said, "I don't really think Spartina wants an easement; they want us to give an easement to the City of Wilmington. They just want the water to go on our property rather than their property." Mr. Owens said, "I think the cleanest thing to do would be to pipe that back towards the back part of the property. I don't know what happens when you get back there – there are other easements that have to happen; there are property rights back there, too – Lumina Station. They don't want this vegetative buffer to go away but it is what it is."

Mayor Blair said, "Let's draw up a scope of work for somebody to come in here and make the assessments as related to all of these items and make that proposal to whoever is asking for this that they would be agreeable to reimburse the Town for these costs." Mr. Owens said there was still the function of whether the State would allow it because we have a well on that sight, too. He said if the State will allow it, we would need to exempt ourselves from the General Statutes that require an RFQ for engineering services. Mr. Wessell noted that the cost would have to be under \$50,000 in order to waive the RFQ process. Alderman Weeks expressed the need for the scope of work to include the other potential development, too. Mr. Owens said it should be whatever is related to Spartina's development. Mayor Blair asked that it also include future runoff. Alderman Miller made the motion to exempt this engineering process from the required RFP process because we anticipate the engineering expenses will be less than \$50,000. The motion was seconded by Mayor Pro Tem Mills and unanimously approved. Mr. Owens noted that if Spartina agrees to this, we would have to have an agreement with them that they would pay. Mayor Pro Tem Mills said they could pay their attorney to present that to the Board.

CONSIDERATION OF THE UNIFIED MITIGATION HAZARD ASSISTANCE GRANT PROGRAM. (RESOLUTION NO. (2016) 1985)

Mr. Wilson said, "We have another opportunity to apply for an elevation grant. In 2014, the Board approved applying for an elevation grant for twelve properties; it was approved but unfunded so we didn't do anything then. In 2015, we applied and the Board approved a grant opportunity for ten properties. FEMA reviewed the application and approved two properties; they are still going through the review phase. This year, we did apply for twelve properties; that's been narrowed down to three. So, it's not uncommon for individuals to fall out; if they drop their flood insurance, they get

disqualified. We have already sent a letter of interest from the Town and we sent inquiries to the twelve property owners. Staff is asking the Board to consider Resolution No. (2016) 1985 for the elevation grants. Alderman King made the motion to adopt Resolution No. (2016) 1985. The motion was seconded by Alderman Weeks and unanimously approved.

CONSIDERATION AND APPROVAL OF SEPI ENGINEERING FOR ENGINEERING AND SURVEYING WORK ASSOCIATED WITH THE CORAL DRIVE SIDEWALK PROJECT AND TO ALLOW STAFF TO NEGOTIATE A SCOPE OF WORK AND FEE FOR THE PROJECT.

Mr. Zach Steffey, Town Planner, said, “The Board provided direction to Town Staff to move forward with the solicitation of preliminary engineering and design services for the Coral Drive Sidewalk Project. The Town released a Request for Letters of Interest on March 24, 2016 and the Town received seven Letters of Interest from NCDOT pre-qualified firms. From those seven firms, three were selected for phone interviews. Phone interviews were conducted on May 19, 2016 with Ramey Kemp and Associates, Davenport and SEPI. We assembled a panel that asked each firm a set of pre-determined questions and each firm was ranked based on their responses. The unanimous recommendation of the panel was that the Town move forward with drafting a contract with SEPI. This recommendation is contingent upon the receipt of confirmation from the NCDOT that the firm meets the necessary specifications, standards and criteria. Staff recommends that the Board authorize the Town Manager and myself to move forward with drafting a contract and scope of work for preliminary engineering services from SEPI Engineering and Construction. We will bring this matter back to the Board once the contractual agreement and scope of work has been drafted and reviewed by the Town Attorney and once permission has been granted from the NCDOT to proceed.”

Mr. Owens said the goal would be to, hopefully, begin construction in late spring of next year. Alderman Weeks made the motion to move forward with working on a contract and scope of work with SEPI Engineering and Construction. The motion was seconded by Alderman Miller and unanimously approved.

CONSIDERATION OF FILING AN AMICUS BRIEF WITH THE NC SUPREME COURT TO SUPPORT EMERALD ISLE IN A CASE THAT COULD HAVE SIGNIFICANT IMPACTS ON ACCESS TO OCEAN BEACHES IN NORTH CAROLINA.

Mr. Owens said, “The Town of Emerald Isle is requesting that all coastal communities and coastal counties pledge \$2,000, or an amount that the entity is comfortable with, to hire an attorney to file an Amicus Brief that supports the Town of Emerald Isle’s position in Nies Vs. Town of Emerald Isle. Basically, the NC Supreme Court has granted discretionary review of the case. If the NC Supreme Court rules in favor of the Nies, the implication of the ruling could mean that the dry sand part of the beach is no longer public. For the most part, the beach in Wrightsville Beach is public and property lines currently do not run down to the Mean High Water. Despite this, beachfront conditions could change in the future and a bad outcome at NC Supreme Court could have huge implications on tourism. If potential visitors are convinced that “all” beaches in North Carolina are essentially private, it is likely that that potential visitor will take their business elsewhere. The Town is being asked to participate at \$2,000 or some other amount at the Board’s discretion. If there is high participation, it

is likely that a portion of the \$2,000 could be returned to the Town. Due to the quick turn-around, only two beach communities in the Outer Banks have formally participated to date.

Mr. Wessell said, "Earlier this year, the North Carolina Court of Appeals gave a decision that basically upheld the public's right to use the dry sand beach in North Carolina. This is the first time the appellate courts of North Carolina have ever ruled on this issue. I think it's been assumed by the State and a lot of people that the public has a right to cross the dry sand beach which is basically the beach below the first line of stable vegetation or possibly where the debris line forms. The decision was in favor of the public's right of passage across this portion of the beach. It was a big deal for the beach communities because had the decision been the other way, it would mean that people that owned beachfront property where their ownership runs down to the Mean High Water could exclude the public to all portions of the dry sand beach above Mean High Water. The North Carolina Supreme Court has agreed to review this decision and what we are being asked to do is to contribute \$2,000 to help pay for the legal expenses for an attorney to prepare an Amicus Brief and then we'll sign it along with a number of other towns and it will be filed in support of the position that Emerald Isle has taken. Basically, it would be to ask the Supreme Court to affirm the decision of the North Carolina Court of Appeals. It doesn't get us involved in the lawsuit; we sign as a party to the Brief but that's the extent of our involvement. The Brief would be to support a finding by the North Carolina Supreme Court that the public has the right of passage across the dry sand beach. There is discussion about hiring an attorney out of Raleigh with a lot of experience litigating coastal issues. The lawyer that represented Emerald Isle, Brian Eades, has provided me with the names of the communities that have agreed to contribute." Following a brief discussion regarding the New Hanover County beaches, Mr. Wessell said, "This may not be on its face as significant for Wrightsville Beach as it would be to some of the other beaches because the Town or the State owns the bulk of the beachfront property here. But there are areas where it would apply. In my opinion, if this decision was to reverse the Court of Appeals and decide in favor of the property owners, it could have a significant adverse impact potentially on the tourism business in eastern North Carolina because the public's right to use the beach would be severely restricted in some places."

Alderman Weeks said she thought it was the fundamental right thing to do. She then made the motion to approve \$2,000 to put towards the effort. Mayor Blair said he agreed conceptually with what they were doing. He said, "I think, because we have some exposure, that we should be in the fight even though it is less intrusive than some of the other places." Mr. Wessell said, "What concerns me more than anything is the potential for future change in the law and if this is the way it was, you may find yourselves in a situation you don't want to be in." Mr. Owens stated that he thought tourism would be huge. Mayor Blair noted that this could be a lead-in to some of the storm damage reduction stuff we're working on with the other beaches. Mr. Wessell said he had seen some emails that indicated that some of the other states where this had come up may not be willing to fund the beach if the public has no right to go out there. Mr. Wessell then stated that he would like to add to Alderman Weeks' motion that the Town can be a party to the Brief. Alderman Weeks amended her motion to say, "Motion to approve \$2,000 to put towards the effort and that the Town can be a party to the Brief." The amended motion was seconded by Mayor Blair and unanimously approved.

CONSIDERATION OF THE PURCHASE OF A BRUSH CHIPPER BY THE PUBLIC WORKS DEPARTMENT; RADIOS BY THE FIRE DEPARTMENT; AND A PERSONAL WATERCRAFT (JET SKI) BY OCEAN RESCUE FROM THE FY2015-16 BUDGET. BUDGET ORDINANCE NO. (2016) 432-B.

Mr. Owens stated that the Public Works Department and the Fire Department were requesting to purchase several items using current funds.

Public Works Department Request for a Brush Chipper

Public Works Director Bill Squires said, "We currently pick up yard debris with our loader and a dump truck or sometimes it is loaded by hand onto a dump truck. These methods are both unsafe and inefficient. By purchasing a brush chipper, our process would be made more efficient and cost effective and the chipper would be shared with the Parks Maintenance Department. In October of this year, the landfill will begin charging \$11 per ton for brush and yard debris, but chips will still be accepted at no charge. With a brush chipper, we can reduce ten loads of debris to two loads of reusable chips. Included in the 2015/16 Sanitation Budget is a line item for "upgrade transfer station" at a cost of \$37,000. This project is no longer viable for our current operation; therefore, I am requesting a reallocation of those funds to purchase a brush chipper at a cost of \$36,760. This new method would allow us to eliminate the use of the loader, significantly reduce the number of trips to the landfill, reduce our man hours, reduce fuel costs, and avoid the \$11 per ton fee for a savings of around \$10,000 per year."

Mayor Blair said he was not usually in favor of doing a supplemental budget adjustment but if there was a \$10,000 savings, he thought it made sense. Mayor Pro Tem Mills noted that we would be pulling off the 'upgrade transfer station' and we had already been putting money away for a brush chipper in the Parks Maintenance Department. He said he did not like to do things not vetted through the budget process but he could support this because it was different. Alderman King expressed the need to make sure all things come through the budget process. She said since this would be coming out of the FY2015-16 budget, it would be a wash and she could support it. Alderman Weeks said she thought it was physically dangerous to do it the way they do it now, so she could support it. Alderman Miller agreed with all of the Board's comments. Alderman Weeks then made the motion to allow staff to move forward with the purchase of a brush chipper and to allow the Town Attorney to draft a contract if needed. The motion was seconded by Mayor Blair and unanimously approved.

Fire Department Request for an Additional Jet Ski and 4 Handheld Radios

Fire Chief Glen Rogers said Ocean Rescue has a lot of resources for the beach strand but he was concerned about protection of the sound side of the island and he sees that as a weakness he would like strengthen up. He said maintaining a craft ready at Johnnie Mercers Pier at all times is paramount with a second craft able to cover the sound and ICW. He stated that dual craft would also provide needed backup for those 100 water rescue days and for potential breakdowns and maintenance. Chief Rogers said the requested purchase of a jet ski was for an emergency replacement for the GARC (the second craft that Ocean Rescue has had in their inventory for the past two years) that has a compromised integral fuel tank. He said funding would be through unexpended Insurance and Bonding lines in the Fire and Ocean Rescue budgets.

Mayor Pro Tem Mills expressed concern with doing a supplemental budget amendment for a backup item. Chief Rogers explained that it was more of a second craft in the inventory to be put into use on busy days. He said it could be stationed at the pier so they can get in the water quickly and go in either direction. Mr. Owens then gave a brief review of the history of the GARC that had been donated to the Town. He said before the GARC went down, the intent was to ask for a jet ski, not this coming up year but the following year, so it wasn't in the budget this year. When asked about funding, Mr. Owens said it could either be absorbed through current expenditures in this year's budget or through the TDA. Mayor Pro Tem Mills asked how there could be that much unexpended insurance. Mr. Owens explained that we normally project 10% for an increase because we don't know what the renewal quote will be and it came in at 6% this past year. He noted that there were also some lapsed salaries from Chief Smith and one other firefighter not being here for the majority of the year.

Mayor Blair referenced the concerns for safety in the water on the Intracoastal side and said we have a police boat that is used for that. Chief Rogers said they had discussed that and had concerns with the response time with having to get the trailer going and getting it to the ramp and then getting to the access point when a jet ski could go straight there. Police Chief House said the problem was that by the time we get somebody down to Public Works and get the boat started and get out of the lollipop, it could take thirty minutes. Mayor Blair noted that the GARC had been out of commission for awhile. Mayor Pro Tem Mills stated that he was not inclined for the Town to do this but we could pursue funding with the TDA. Mayor Blair said he had concerns with using TDA funds but if there was no Board support for taking it out of the General Fund, he and Mr. Owens could go to the TDA and explore the possibility of TDA funding and then bring that information back to the Board.

Chief Rogers stated that the request for four portable radios was something that came about through different incidents that happened, especially during the recent fire at King's. He said one of the volunteer firefighters was on the scene about four minutes before the truck and could have given a report that would have helped the operation. He referenced the "man down" button on the radios and said right now, with our radios not being associated to an individual, they could push the button and we don't really know who we are looking for. Chief Rogers stated that he thought he could take some funds from different accounts and make something happen now. He noted that he came onboard towards the end of one budget year and he didn't have much input in the next one so it was difficult to bring these things about in the proper process.

Mayor Blair stated that there was a line item for radios and pagers in the budget. He said he felt this would be a nice thing to have but he didn't see this as a necessary thing to do a supplemental. He expressed concern with the expensive radios that go out of date every two years that we can't get fixed or replaced. Mayor Blair suggested that Chief Rogers analyze it and do something a little more comprehensive for the Board to look at. Mayor Pro Tem Mills agreed and said "This whole supplemental budget thing is bothersome to me. We've got 27 radios now and we've got them in the budget; so, I think we're good." Following a brief discussion regarding the fact that this was just a change in vision and whether it would be possible to apply for grant money to overhaul the radios instead of doing it piecemeal, Mayor Blair made the motion to take no action on radios at this time. The motion was seconded by Alderman King and unanimously approved.

Mr. Owens expressed the need to do a little accounting clean-up by adopting an amended version of Budget Ordinance No. (2016) 432-B with a \$37,000 credit from contracted services to a \$37,000 equipment debit that would allow us to purchase the brush chipper. Alderman Weeks made the motion to adopt Budget Ordinance No. (2016) 432-B as amended. The motion was seconded by Alderman Miller and unanimously approved.

UPDATE ON NEW INCLUSIVE PLAYGROUND AND INVITATION TO ATTEND THE RIBBON CUTTING ON THURSDAY, JUNE 16, 2016 AT 5:00 P.M.

Program Supervisor Katie Ryan said, "The playground is just about done. We started in mid-April and the weather cooperated so well they moved along through the process rather quickly and then the delay was waiting for the wheelchair swing that's coming from Australia. That arrived today. They will finish installation tomorrow. The Ribbon Cutting is scheduled for Thursday, June 16th at 5:00 p.m. and we hope everyone will attend. Trillium will be here with some prizes and the first Sounds of Summer Concert will start at 6:30 p.m."

MAYOR BLAIR: REPORTS AND COMMENTS.

- Congratulations to Tony Wilson and Zach Steffey for getting the \$15,000 grant for the CAMA Land Use Plan Update.
- Wrightsville Beach was voted 22nd Best Small Beach in the Carolinas.
- The Town Manager and I met with the Rouzer/Burr bunch concerning all of the stuff we're working on for beach nourishment. We don't have anything specific to report but it was a very fruitful meeting.

MAYOR PRO TEM MILLS: REPORTS AND COMMENTS.

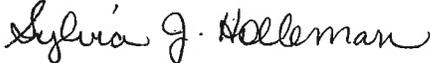
- Port, Waterway and Beach Commission Report: All of the various steps and processes are proceeding for the County to have a permit in place in case we need to seek alternate funding for beach nourishment.
- Rescheduling of July Board of Aldermen meeting. Alderman Miller made the motion to move the July meeting to Wednesday, July 20th at 5:30 p.m. in Council Chambers of Town Hall. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

MR. OWENS: REPORTS AND COMMENTS.

- Modeling and Assessment: We received four RFQs for our modeling and assessment. Staff will take them to the Water and Sewer Future Needs Ad Hoc Committee to review and make a selection.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:11 P.M.

Respectfully submitted,


Sylvia J. Holleman
Town Clerk

MINUTES
BOARD OF ALDERMEN
JULY 20, 2016

Mayor Blair called the meeting to order at 5:30 p.m. in Council Chambers of Town Hall.

Attendance: Mayor William J. Blair III, Mayor Pro Tem Darryl Mills, and Alderman Elizabeth King; together with Town Attorney John C. Wessell III, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Absent: Alderman Henry E. Miller III due to a scheduling conflict, and Alderman Lisa Weeks due to a family illness.

Pledge of Allegiance

Invocation: The Lord's Prayer

PUBLIC COMMENT: MR. DARREN MEYER – PLASTIC POLLUTION; AND MR. LAWRENCE LACHAT – PARKING IN THE 600 BLOCK OF SOUTH LUMINA AVENUE.

Mr. Darren Meyer, UNCW Surfrider Foundation President, stated that as a resident of Wrightsville Beach and a concerned citizen of the planet, he would like to bring the Board's attention to the issue of SUPBs (Single Use Plastic Bags) that account for 90% of the floating debris in our oceans today. He said in 2011, a program regarding the reduction of plastic bags was suggested to the Town and supported by the Board. He said he would like to see what needed to be done to show the leaders of the community that citizens want to implement some sort of initiative to reduce the use of plastic bags and he felt it was imperative that the issue of plastic pollution be faced together as a community.

Mr. Lawrence Lachat, resident of South Lumina Avenue, stated that he thought the Town implemented an unfair policy on March 1st concerning residential parking passes in the 600 block of South Lumina Avenue. He said the Lumina News had said the purpose of the parking pass was to help their commercial neighbors but there are no commercial properties on that block and nobody parks in that area to go to the Oceanic or the Surf Shop. Mr. Lachat stated that he also thought it was unfair to use Sunset Street and Lula Street as the dividing lines because the commercial properties were closer to Lula. He also noted that all of the parking spaces on Nathan Street were closer to the Oceanic and the Surf Shop. He said he felt someone just thought that was the easiest way to write an ordinance but he felt it would be better to use the beach access just south of Lumina Townhouses; then it would not be such a great inconvenience for residents in the 600 block of South Lumina.

CONSENT AGENDA APPROVED WITH A 3-0 VOTE BY MOTION OF MAYOR PRO TEM MILLS AND SECOND BY MAYOR BLAIR WITH REMOVAL OF RESOLUTION NO. (2016) 1987 APPROVING AN AMENDMENT TO THE TOWN'S LICENSE AND SERVICES AGREEMENT WITH TYLER TECHNOLOGIES.

- a. Approved Budget Workshop minutes of April 12, 2016 and Regular and Closed Session minutes of April 14, 2016.
- b. Approved special event permits as follows:
 - 1) Scott Wedding (20 participants)
Tuesday, July 26, 2016 (6:00 – 6:30 am)
Location: Beach Strand at Holiday Inn Resort

- 2) Surf to Sound Challenge (*180 participants*)
Saturday, November 5, 2016 (*7:00 am – 4:00 pm*) (*race begins at 8:45 am*)
Location: Beach Strand and Sound Side at Blockade Runner
 - 3) Jingle Bell Run (*400 participants*)
Saturday, December 10, 2016 (*6:00 am – 12:00 pm*) (*race begins at 9:00 am*)
Location: WB Museum, the John Nesbitt Loop, and North Channel Drive
 - 4) Carolina Cup 2017 (*1,500 participants*)
Saturday, April 22, 2017 (*7:00 am – 4:00 pm*) (*race begins at 9:30 am*)
Location: Beach Strand and Sound Side at Blockade Runner
- c. Acknowledged previously approved special events for August.
 - d. Accepted donation of bench from Wrightsville Beach resident Todd Robinson to be built to the Town's specifications and installed at public beach access #41.
 - e. Approved revised 2016 Board of Adjustment Meeting Schedule to cancel the July 28th meeting.

CONSIDERATION OF RESOLUTION NO. (2016) 1987 TO APPROVE AN AMENDMENT TO THE LICENSE AND SERVICES AGREEMENT WITH TYLER TECHNOLOGIES BY ADDING PLANNING SOFTWARE.

Mayor Pro Tem Mills stated that he had pulled this item from the Consent Agenda because it was to amend an existing agreement and he felt it should be stated more publicly why we were doing that. Mr. Owens explained that this would allow us to add Planning software to our agreement with Tyler Technologies. He said the cost would change a little but it would make the Planning software more compatible with the software we have. Mayor Pro Tem Mills then made the motion to adopt Resolution No. (2016) 1987 approving an amendment to the License and Services Agreement with Tyler Technologies. The motion was seconded by Alderman King and approved with a 3-0 vote.

PRESENTATION OF POLICE OFFICER OF THE YEAR AWARD.

Police Chief Daniel House presented the 2016 Police Officer of the Year Award to Corporal Gunner Matthews. He reviewed background information for Corporal Matthews and said he was a loyal employee and an asset to the department and he had been selected by his fellow officers for this distinguished award. The Board congratulated Corporal Matthews and thanked him for his service.

DONATION OF FOUNTAINS AND WATER BOTTLE FILLING STATIONS BY THE WRIGHTSVILLE BEACH FOUNDATION.

Mrs. Linda Brown, member of the Wrightsville Beach Foundation, stated that the Foundation had been approved months ago to complete a visual upgrade on two fountains and to install a water bottle filling station on each. She said the first fountain was complete at the Harbor Way Gardens with the next one to begin on the Tennis Court water fountain. She noted that the response had been amazing so far. Mrs. Brown said the Foundation was now seeking permission to replace the following fountains as they can raise the funds; 1) the basketball court fountain; 2) the Salisbury Street fountain; and 3) the fountain near the gazebo.

Mrs. Brown stated that the Foundation assumes the costs for this but the Town furnishes the plumbing and employees to help with installation. She said they would like permission to continue with this project. Mayor Blair expressed the need for the Foundation to work with the Town with the fountains that would be located on the multiuse path. Mrs. Brown said she would discuss that with the Foundation members. There was Board consensus (3-0) to give permission to continue the project.

MID-SUMMER PARKING UPDATE OF THE TOWN'S PARKING PROGRAM AND RECENT IMPLEMENTATION OF CHANGES TO THE PROGRAM.

Parking Manager Bryant Sykes gave a midseason recap of the Town's Parking Program with comparisons to the 2014-15 season. He said meter revenue usually peaks in the summer and drops off in the fall and he felt we were right on track this year (over 6.06% from last year). He noted that we were also up 12% in violation collections. When asked about residential passes, he said we have sold over 2,600 passes this year (it usually hovers around 2,500 each year). Mr. Sykes then reviewed the expense comparison and said there was less than a 1% variance – so we were right on track with expenses as well. He said gross revenue from Old Causeway Drive jumped quite a bit from last year; we began enforcement after July 4th last year plus Poe's is now open. He referenced the Park parking lot and the Town Hall parking lot and said since the vast majority of people were using those areas as designed, Lanier was writing very few citations. Mr. Sykes said the pay-by-phone service has increased every year and that net revenue had grown exponentially since last year.

Mayor Blair asked Mr. Sykes if he would check some of the year-end numbers for just the parking and not gross revenue with Mrs. Walters because he had seen a stiff increase in expenses beyond the budget (around \$62,000) in some of the numbers he had gotten from her. Mr. Sykes said he would check with her and try to figure it out. The Board thanked him for his presentation.

CONTINUED PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR 216/218 CAUSEWAY DRIVE TO OPERATE A COMMERCIAL PARKING LOT CONSISTING OF 13 SPACES FOR USE BY THE CUSTOMERS OF POE'S TAVERN. (CONTINUED FROM JUNE 8, 2016.)

Planning and Parks Director Tony Wilson stated that this item had been withdrawn by the applicant. Mr. Wessell explained that there was no need to open and close the hearing if the applicant had withdrawn the request. He said Mr. Wilson had announced it and the minutes would reflect that.

DISCUSSION AND DIRECTION ON ACCEPTING THE LAND USE PLANNING GRANT AND REQUEST TO SEND OUT AN RFP FOR PLANNING SERVICES.

Mr. Wilson said, "The Town has been awarded a North Carolina Department of Environmental Quality Grant in the amount of \$15,000. The Town's matching contributions for planning and management projects shall be at least 25 percent of the project cost. At least half of the local contribution must be cash match; the remainder may be in-kind match. This grant will provide part of the funding required to update the Town's 2005 CAMA Land Use Plan. The total estimated cost of the project is \$45,000, with the Town's share being comprised of \$30,000 in matching cash funds. The Planning Department previously budgeted \$20,000 for the Land Use Plan Update. Staff recommends using \$5,000 from the Fire Hydrant Survey and \$5,000 from the Pier

Head Line Survey to satisfy the matching cash requirement. Staff is recommending adoption of Resolution No. (2016) 1988 accepting the grant.” Mr. Owens noted that since we don’t know the true costs, this could come back to the Board later for a budget adjustment. Mayor Pro Tem Mills made the motion to adopt Resolution No. (2016) 1988. The motion was seconded by Alderman King and approved with a vote of 3-0.

CONSIDERATION OF STAFF REQUEST TO OUTSOURCE THE PRINTING AND MAILING OF UTILITY BILLS.

Finance Officer Erica Walters said, “We are in the middle of our financial software conversion and we will be switching our water bills to full size letter bills instead of postcards. The cost of a machine to help with the printing and mailing of the new letter format is very high. We found a company, Professional Mail Services, Inc., that could print and mail them for us much cheaper than we could do it in-house. They gave us an approximate cost of \$7,880 per year. We are asking you for guidance to move forward with the Master Services Agreement with Professional Mail Services, Inc. after review and approval by the Town Attorney.” When asked if the postage would be roughly the same, Mrs. Walters said it would be less because this company could get better rates by presorting. Mayor Blair asked when we would start mailing out the new water bills. Mrs. Walters said it would be with the October billing. Mayor Pro Tem Mills asked if we had spoken with anyone that has used this company. Mrs. Walters said she had spoken with someone from a town that uses this company as well as Tyler Technologies and they were very happy with both of them. A brief discussion developed regarding how information would be transmitted to the company and the time savings for the staff. Mayor Pro Tem Mills asked if there were any confidentiality issues with doing this. Mr. Wessell said he would look into that. Mayor Pro Tem Mills then made the motion to authorize Mrs. Walters to move forward subject to Mr. Wessell confirming that we will not have any confidentiality issues and upon his review and approval of the agreement. The motion was seconded by Alderman King and approved with a vote of 3-0.

DISCUSSION AND DIRECTION ON MOVING FORWARD WITH NEGOTIATING A SCOPE OF WORK, COST AND CONTRACT FOR THE TOWN’S WATER MODELING, ASSET INVENTORY AND ASSESSMENT STUDY, AND TEN-YEAR CAPITAL IMPROVEMENT PLAN FOR THE TOWN’S WATER AND SEWER SYSTEM.

Mr. Owens said, “The Board authorized staff to move forward with an RFP for a Water Modeling and Utility System Assessment Project to include a ten-year Capital Improvement Plan. The Town sent out an RFP and received four proposals from the following firms: 1) AECOM; 2) Highfill Infrastructure Engineering, P.C.; 3) McKim & Creed Engineers, Surveyors, and Planners; and 4) SEPI Engineering. Town staff and the Water & Sewer Ad Hoc Committee reviewed the proposals and ultimately chose McKim & Creed with Highfill being the backup selection. I am recommending that the Board consider authorizing me to meet with McKim & Creed and negotiate a scope of work and draft contract. These items will be brought back to the Board in August or September for final approval.” Following a brief discussion regarding the need to do the project in phases, Mayor Blair made the motion to give staff authority to go forward with McKim & Creed and let Mr. Wessell review the contract. The motion was seconded by Mayor Pro Tem Mills and approved with a vote of 3-0.

MAYOR BLAIR: REPORTS AND COMMENTS.

- Today, we received traffic numbers from the NCDOT since July 4th because we wanted to see how many cars are coming across the bridge. We averaged 25,000 per day (one day had 48,000). Mr. Owens said he would meet with the MPO to convert the data.

MAYOR PRO TEM MILLS: REPORTS AND COMMENTS.

- Port, Waterway and Beach Commission is continuing to work with the County and the State relative to a parallel permitting process for beach nourishment. We currently get beach nourishment through a federal arrangement that may dry up. The County has engaged some professional lobbyists to work in DC and Raleigh and it appears some good headway is being made, especially in Raleigh, to have a constant source of money from the State – something generated on a regular basis and designated for beach re-nourishment. Part of that should be part of this year's budget where some studies are being done through the County Tax Office to locate property owners that live in other parts of the State to encourage them to lobby their legislators for Bills that come before the General Assembly. That effort is underway.

MR. OWENS: REPORTS AND COMMENTS

- It's time for Wrightsville Beach to host the quarterly beach towns' breakfast. Please review possible dates in September such as September 8th or 16th and let the Town Manager know which date would be best. Mayor Blair asked Mr. Owens to send that information to the Board via email so they could check their calendars.

REQUEST FOR CLOSED SESSION FOR ADVICE FROM THE TOWN ATTORNEY AND DISCUSSION OF A PERSONNEL MATTER PURSUANT TO G.S. 143.318.11.

Mayor Pro Tem Mills made the motion to go into Closed Session at 6:14 p.m. for advice from the Town Attorney and discussion of a personnel matter pursuant to G.S. 143.318.11. The motion was seconded by Mayor Blair and approved with a vote of 3-0.

MEETING RECONVENED.

Mayor Blair reconvened the meeting at 6:32 p.m. and asked the record to reflect that the Closed Session had been held for the reasons so stated with no action taken. He noted that Alderman Miller had arrived at the end of the Closed Session.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:32 P.M.

Respectfully submitted,



Sylvia J. Holleman
Town Clerk

MINUTES
BOARD OF ALDERMEN
AUGUST 11, 2016

Mayor Blair called the meeting to order at 5:30 p.m. in Council Chambers of Town Hall.

Attendance: Mayor William J. Blair III, Mayor Pro Tem Darryl Mills, Alderman Elizabeth King, and Alderman Lisa Weeks; together with Town Attorney John C. Wessell III, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Absent: Alderman Henry E. Miller III due to a scheduling conflict.

Pledge of Allegiance

Invocation by Rev. Pat Rabun, Little Chapel on the Boardwalk

PUBLIC COMMENTS: MISS NANCY FAYE CRAIG – TURTLE NEST EXCAVATION.

Miss Nancy Faye Craig, 111 Seaside Lane, invited everyone to a turtle nest excavation that night or the next night at 7:45 p.m. at Access 35 (Bridger Street). She said this would be the eighth one of the year.

CONSENT AGENDA APPROVED (4-0) SUBJECT TO REVIEW AND APPROVAL BY THE TOWN ATTORNEY OF THE CONTRACT WITH RICOH, USA FOR A PLOTTER/SCANNER BY MOTION OF MAYOR PRO TEM MILLS AND SECOND BY ALDERMAN KING.

- a. Approved minutes of April 19, 2016 Budget Work Session, May 5, 2016 Budget Work Session, May 12, 2016 Continued Budget Work Session, and May 12, 2016 Regular Meeting.
- b. Approved special event permits as follows:
 1. YMCA Triathlon (*1,700 participants*) (*600 athletes*)
Friday, September 16, 2016 (*12:00 pm Transition area setup begins*)
Saturday, September 17, 2016 (*7:00 – 10:30 am*) (*4:00 am setup*)
Location: Swim from Blockade Runner to Sea Path to WB Park transition area for bike and run portions of the race
 2. NC Holiday Flotilla Day in the Park (*1,500 participants*)
Saturday, November 26, 2016 (*7:00 am – 5:00 pm*) (*event 10:00 am – 4:00 pm*)
Location: Wrightsville Beach Park / Municipal Complex

NC Holiday Flotilla Boat Parade and Fireworks Display (*20,000 participants*)
Saturday, November 26, 2016 (*6:00 pm – 9:00 pm*)
Boats: Banks Channel, Motts Channel, Intracoastal Waterway
Spectators: Waynick Boulevard, Causeway Drive, etc.
 3. Lonergan Wedding (*70 participants*)
Saturday, April 1, 2017 (*7:00 am – 11:00 am*)
Location: Wrightsville Beach Park Event Stage
 4. Grace Baptist Church Easter Sunrise Service (*<200 participants*)
Sunday, April 16, 2017 (*5:30 am – 7:30 am*)
Beach Access 8 north of Holiday Inn Resort
 5. Grey Liston Memorial Pier to Pier Open Water Swim Race (*150 participants*)
Saturday, May 20, 2017 (*9:00 am – 1:00 pm*) (*7L00 am setup*)
Location: Registration at WB Park; swim race is between piers with the start location and direction to be determined by the current on race day

- c. Acknowledged previously approved special events for September.
- d. Acknowledged departmental quarterly reports covering the months of April, May and June, 2016.
- e. Approved revised 2016 Board of Adjustment Meeting Schedule to cancel the August 25th meeting.
- f. Adopted Resolution No. (2016) 1989 approving a 60-month lease agreement with Ricoh USA, Inc. for a Ricoh Plotter-Scanner, Model No. MPCW2200SP, to be used in the Planning and Inspections Department as identified in the approved FY16-17 Budget. The annual cost will be \$1,479.36.

Mayor Pro Tem Mills asked if the Town Attorney had reviewed this agreement. Mr. Wessell said he had requested some changes but had not received the amended contract as yet. He said if the Board was amenable to the general terms of that, he would ask Board members to approve this subject to his review of the final form of the contract.

- g. Set public hearing for Thursday, September 8, 2016 at 5:30 p.m., or as soon thereafter as possible, for consideration of an amendment to the existing Conditional Use Permit for 27 North Lumina Avenue (Roberts Grocery) to modify the required number of reserved parking spaces in Roberts' commercial public parking lot from five spaces to nine spaces.
- h. Set public hearing for Thursday, September 8, 2016 at 5:30 p.m., or as soon thereafter as possible, for consideration of a Conditional Use Permit application for 32 North Lumina Avenue to operate a standard restaurant by the name of Charlie Grainger's in the portion of the building formerly occupied by Rita's Ice.

PRESENTATION BY MEMBERS OF THE NEW HANOVER COUNTY ALCOHOL AND BEVERAGE CONTROL BOARD REGARDING THE TOWN'S ABC DISTRIBUTION.

Mrs. Zeke Partin, Vice Chair of the New Hanover County ABC Board, introduced Marnina Queen, Chief Executive Officer; Bob Martenis, ABC Board Chair; and Board members Bill Kopp and Ron Woodruff; Charles Hill, Operations Manager; Carol Martin, Finance Officer; and Joe Jewell with the New Hanover County Sheriff's Department. She said, "Our Board takes great pride in our ability to achieve our goals and we provide the highest level of customer service. We want to contribute the net profits to our local beneficiaries and Wrightsville Beach is one. We are excited to give back one of the largest profit distributions since we started in 1939. The total profit distribution for Wrightsville Beach this fiscal year is \$349,602 dollars. We have a fourth quarter check for \$109,838; and then another check for \$49,350 which is an additional profit that we voted on in June to distribute to all of our beneficiaries. In New Hanover County, we have eight retail stores and two liquor-by-the drink warehouses and we're third in the state for total revenues." Mayor Blair thanked the ABC Board members and said, "The store for Wrightsville Beach is important, so whatever we can do to help you make it better, just call on us. We appreciate everything you do for us."

PRESENTATION BY BIG SKY DESIGN REGARDING DESIGN IMPROVEMENTS TO THE TOWN HALL COUNCIL CHAMBERS.

Mr. Owens stated that Big Sky Designs had been hired to renovate the Town Hall Council Chambers. He said the timeline was to hopefully get everything done before January 1st.

Ms. Jennifer Kraner, Big Sky Design’s President and Principal Interior Designer and Ms. Ayla Schares, Interior Designer, presented the proposed concept of keeping the current space but turning it into a more professional suite. The proposal included commercial grade floating LBT over the existing flooring for a wood plan look; replacing the existing carpet on the dais with a commercial grade flooring; raising the ceiling up and coming in with new light fixtures; covering the cinderblock walls with sheetrock; adding a chair rail with a soft white below the chair rail and soft blue on top; adding full wood laminate on front of the dais with a lighter laminate for the top surface; and replacing the audience chairs as well as the Board’s chairs.

Mr. Owens noted that this would also include audio visual upgrades with two LED monitors on each side; improved acoustics; and cleaning up the area behind the dais; and keeping the current podium. He said we should be within the budget unless the chairs make it go a little over. Mr. Owens stated that we would bid this out to several contractors and hopefully get the bids back in the next thirty days. Alderman Weeks asked if the small step up to the dais would be eliminated. Mr. Owens said it would get scaled back with a little bit of a lip around the edge with the flooring coming up to the dais.

DISCUSSION AND DIRECTION REGARDING APPROVAL OF A CONTRACT WITH MCKIM AND CREED TO MOVE FORWARD ON THE TOWN’S WATER SYSTEM MODELING, UTILITY SYSTEM INVENTORY ASSESSMENT AND TEN-YEAR UTILITY SYSTEM CAPITAL IMPROVEMENT PLAN.

Mr. Owens stated that the Town recently sent out an RFQ for a Water System Modeling, Utility System Inventory Assessment, and Ten-Year Utility System Capital Improvement Plan. He said we received four responses and the Board had directed staff to negotiate with McKim and Creed as the selected firm regarding the cost of the project and a draft contract. He said Mr. Tony Boahn, Vice President and Regional Manager with McKim and Creed, was present to describe the scope of work and deliverables and to get feedback from the Board. He then reviewed the following critical components of the project:

| | |
|---|------------------|
| Task 1: Hydraulic Modeling and Partnership Options Evaluation | \$105,900 |
| Task 2: System-Wide Condition Assessment | 53,700 |
| Task 3: Asset Value Determination | 23,350 |
| Task 4: Preliminary Engineering Report | 15,000 |
| Task 5: Sub-Consultant Allowance | 10,000 |
| TOTAL | \$207,950 |

Mr. Boahn said, “These items make up the bulk of our scope: First and foremost is the water system hydraulic model. Basically, we’re going to create a computerized model of your system by using information you have, GIS information, record drawings, and working with your staff. The second part of that is to calibrate that model; meaning that we want not only a graphical representation, but we want it to mimic and approximate how the system operates. This becomes the cornerstone of everything we do. We will be doing some field testing with that, some fire flow testing, and we have some pressure monitors that we’re going to put out in the system to gather how this system operates and calibrate the model to fit that. We will use an off-the-shelf software for the hydraulic modeling, but we’ve developed a tool internally that we use to help graphically show what’s going on in the system without printing out

twenty pages of spreadsheets.” Mr. Boahn gave an overhead presentation using Craven County’s model to show how the model works. He then reviewed the following five Partnership Options and the Estimated Timeline:

| PARTNERSHIP OPTIONS | |
|---------------------|---|
| Option 1 | The Town would purchase water from CFPUA May 1 to September 30 to supplement well production during the summer peak season. |
| Option 2 | The Town would purchase all water from CFPUA |
| Option 3 | The Town would purchase water from CFPUA during off-season months and store the water in an Aquifer Storage & Recovery (ASR) System to be withdrawn during the peak summer season. |
| Option 4 | CFPUA acquires operation of the Town’s water distribution system. |
| Option 5 | CFPUA integrates the Town’s mainland distribution system and customers into the CFPUA system. Mainland tanks, wells and transmission mains, etc. would remain dedicated to provide supply to island demands only. |

| ESTIMATED TIMELINE | |
|---|------------------------------------|
| Task (Tasks will be tracking concurrently) | Estimated Cumulative Calendar Days |
| Initial Activities | 32 |
| Complete Hydraulic Model | 75 |
| Complete Partnership Option Evaluations | 125 |
| Complete Condition Assessment | 125 |
| Prepare Preliminary Engineering Report | 155 |

Mr. Boahn said, “Ultimately, our deliverables here are a Preliminary Engineering Report (PER) and a Ten-Year Capital Improvements Plan. The PER will be a summation of all of these things that will address all of our findings and what we went through to get there and, ultimately, providing any sort of recommendations that we have for you; whether it’s replacing pipe, the partnership option that makes the most sense; and a cost estimate schedule – all of those things will be involved in that. And dovetailing with that would be a Ten-Year Capital Improvements Plan. We anticipate that we’ll identify some things that need to be addressed in the system; we’ll look at those over a ten-year plan and identify by fiscal year the cost of what will be spent in each fiscal-year for each project and it kind of gives you a snapshot over ten years of understanding when and what you have to spend over that time.” Following a brief review of the Project Team, Mr. Boahn said, “We have GMA onboard as technical advisors. GMA actually completed an evaluation of some of your water systems last year and we thought it would be good to have them onboard. We want to mine their information so we have them onboard under the contract allowance to be used on an “as needed” basis.”

Mr. Owens noted that the upcoming valve assessment would be helpful to them as well. Mr. Boahn said that would help with connectivity and understanding how the system operates.

When asked if this would be run through the Water and Sewer Future Needs Ad Hoc Committee, Mr. Owens said, "That's something this Board will have to decide. What I'm recommending is that we send the presentation to the Committee and let them look at the scope of work and if they want to make any changes, bring that back to the Board." Mayor Blair suggested having joint meetings with the Board of Alderman and the Committee. Mr. Owens said we could decide at the very end if we wanted to have a joint meeting or an individual meeting. He said, "Basically, what I'm asking you to do tonight is to consider approving the scope of work and lump sum price of \$207,950 by adopting Resolution No. (2016) 1993; we've reviewed the contract – just give the Attorney one more chance at reviewing that contract and we'll execute that as soon as possible and then move forward with the study." Alderman Weeks said, "So moved; long overdue." The motion was seconded by Mayor Blair and approved with a 4-0 vote.

DISCUSSION AND DIRECTION REGARDING REQUESTING THAT NCDOT AND THE WILMINGTON MPO REVIEW FUTURE SOLUTIONS FOR REPLACEMENT OF THE BRIDGE ENTERING WRIGHTSVILLE BEACH AND IMPROVEMENTS TO RELIEVE TRAFFIC BACKUPS.

Mr. Owens said, "This is an item that Alderman Miller asked to be placed on the agenda. Basically, it is to take a feasibility look at the bridge; in twenty or thirty years, you can expect some kind of repair and/or replacement; this would begin that process, knowing how long it takes to get in the pipeline for funding. We could also look at some short-term strategies to alleviate traffic concerns now and the general, overall summer traffic. If you want to do this, we'll share this resolution with the MPO as well as the Department of Transportation. I will send a letter and attach the resolution." Following a brief discussion regarding concerns that traffic will only get worse, Alderman Weeks made the motion to adopt Resolution No. (2016) 1992. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

DISCUSSION AND DIRECTION REGARDING IMPLEMENTATION OF A CONTRACT WITH UTILITY SERVICE COMPANY, INC. FOR A VALVE EXERCISING, VALVE ASSESSMENT, AND HYDRANT FLOW TESTING PROGRAM.

Mr. Owens said, "This project will hopefully get our valves and hydrants back in shape and assess everything within our system and still leave some funding to fix some of the things they come up with. We've had several breaks recently and we couldn't get the water to shut off because these valves aren't working effectively. The Board set aside \$100,000 to install valves; staff feels this is a more economical and more thorough approach because you will have all of your valves and hydrants identified and mapped; the current condition of the valves and hydrants documented, and exercising all of the valves to see if they will work again. There are 222 hydrants and valves; they will do a single flow testing – eventually we will have the Fire Department do some fire flow testing. There are 539 main line and isolation water valves in the system; we will have a map and condition assessment of all of that. This report would dovetail on what McKim and Creed will be doing and hopefully verify and justify their numbers in the model. Based on the scope of work, the cost is \$47,088. The Project will provide a safer working environment for employees, less cost for repairs, limit damage to property and infrastructure near the repairs, and provide less interruption of service to customers. This exercising program is something we may be able to take over in the future when we are fully staffed or this company can come back in three-year increments to do it as well."

Mr. Owens said, “If the Board wants to do this, I would ask that you adopt Resolution No. (2016) 1994 and allow the Town Attorney to review any kind of contract that they come up with; there’s a draft scope of work in your packet which is what they use as their contract. We probably need something a little more than that. I would like to move forward with this; we have \$100,000 in the budget for this and we’ll use the remaining for any repairs that we have to do.” Mayor Pro Tem Mills made the motion to adopt Resolution No. (2016) 1994. Mayor Blair asked if he could add to that motion that we not eliminate the CIP line item for the balance and leave it in the CIP. Mayor Pro Tem Mills amended his motion to reflect Mayor Blair’s addition. The amended motion was seconded by Alderman Weeks and approved with a 4-0 vote.

DISCUSSION AND DIRECTION REGARDING A WAIVER FROM THE NCGS QUALIFICATION-BASED SELECTION PROCESS TO SURVEY AND CREATE AN EASEMENT FOR A SECTION OF WATER STREET. (RESOLUTION NO. (2016) 1991)

Planning and Parks Director Tony Wilson said, “The right of way for the area around 100 Water Street (Culp Family lots) between lots 1S, 2S, 1R, 2R and the four lots immediately to the south was closed by action of the Board of Aldermen on April 13, 1972. In the street closing order, the Town retained an easement for the installation and maintenance of public utilities over the former street right of way. As a result of the street closing, the ownership of the former street right of way was vested in the adjacent property owners to the center of the former right of way subject to the 25-foot easement. Staff recommends adoption of Resolution No. (2016) 1991 to exempt the Town from the requirements of NCGS 143-64.31 for surveying work needed for the utility easement at 100 Water Street. Since there is not a formal easement recorded for the utility easement, consider allowing the Town Attorney to draft an easement and bring it back to the Board at a later date.” Mr. Owens said this was similar to what we did on Sprunt Street; we’re just making sure we have an easement on file that details what it is. Mr. Wessell said he thought this would clarify the easement for the future.

Mr. David Culp, 100 Water Street, said, “Going back to when Dr. Bear had it closed, there was a document made but the streets were dirt then. We just want to be sure that we are where we’re supposed to be. We’re probably going to take the house down. My sister and I are splitting the property and we’re both going to be building something, we’re just trying to clean everything up before.” Mr. Wessell said it would be to everyone’s advantage to do this. Mr. Owens expressed the need to coordinate with the Town so we can pay for our share. Mayor Pro Tem Mills made the motion to adopt Resolution No. (2016) 1991. The motion was seconded by Alderman King and approved with a 4-0 vote.

WAIVER FROM THE NCGS QUALIFICATION-BASED SELECTION PROCESS TO OBTAIN PRELIMINARY DESIGN DRAWINGS FOR THE WRIGHTSVILLE BEACH PARK RESTROOM FACILITY. (RESOLUTION NO. (2016) 1990)

Mr. Owens said, “The Town recently constructed a new all-inclusive playground facility thanks to a \$300,000 grant from Trillium. Staff would like to pursue other grants in the future to upgrade the exterior and interior of the restroom facilities. The goal would be to increase the number of toilets, remodel the interior and exterior, make the facility handicap accessible, and create more covered outdoor space by making improvements to the existing structure. This project will also complement a future multi-use trail that is in the preliminary design phase. Staff would like to hire Mr. Chip Hemingway of BMH Architects to do preliminary plans and cost estimates for upgrades to the Park restrooms.

Mr. Hemingway designed the lifeguard stand for the Town and recently did some preliminary design to allow for us to apply for a grant to construct a bathroom near the Trolley Stop. It is estimated that the cost will not exceed \$2,500 and funds will be absorbed in this year's budget." Alderman Weeks asked about the possibility of changing the existing brown roof to a tin roof during the project. Mayor Pro Tem Mills made the motion to adopt Resolution No. (2016) 1990 exempting the hiring of an architect to create preliminary design drawings to renovate the restrooms at the Wrightsville Beach Park from the requirements of NCGS 143-64.31. The motion was seconded by Alderman Weeks and approved with a 4-0 vote.

DISCUSSION OF POTENTIAL NEED TO BEGIN THE PROCESS OF DESIGNING A DUPLICATE NEI SEWER LINE ACROSS THE INTRACOASTAL WATERWAY.

Mr. Owens said, "Going through this process with the Bailey pier, we had SEPI Engineering look at what could go wrong and we're still trying to resolve some of the things. That pipe was installed in the mid-eighties. Regardless of what happens, I think we need to go through an RFQ process at some point. All we're doing at that point is getting qualifications to do an assessment of what's there and come back with some fresh ideas of how to gain redundancy for the NEI. It will be an expensive, long process; it has to go through the State Property Office, etc." Mayor Blair said this would serve a good purpose to start the process because we need to look at this. He said it also may help us determine our easement over there. Mr. Wessell said it appears that we don't have to have an easement. Ms. Sue Bulluck, speaking for the hotels, said, "We've got three items of water and sewer coming. We have deferred this long enough. We appreciate you guys stepping forward but this island has to look at the future. The sooner we get started, the better off we will be." Public Works Director Bill Squires said, "I think the first step would be the assessment of what is there to get an idea of what shape its in." Mr. Owens said, "We need direction to go out with an RFQ. If you want me to just put it out there and get solicitation back, then I can bring that back to you and we can decide to move forward with a scope and a contract-type thing like we did with the last project we talked about." There was Board consensus to do that.

STEERING COMMITTEE FOR THE CAMA LAND USE PLAN UPDATE.

Mr. Wilson said, "It's time to update our CAMA Land Use Plan; the last time it was updated was 2005 and it was a two-year process. We do have the money available to start this process. The last time, we created a committee of twelve members; there were Planning Board members, Board of Aldermen, and citizens from the north end, south end, central and Harbor Island. I gave you a couple of options – whether we want the Planning Board to be that committee or whether the Board of Aldermen would like to ask for applications for this committee. Time is very important; we have to finish this by July of next year." Following a brief discussion, Mr. Owens said, "The easiest thing, because they're established, would be to use your Planning Board as a Steering Committee because we're in such a time crunch. If you wanted to appoint three or four people to it from random areas of the beach, you could amend what you have with your Planning Board and create a separate committee." Mr. Wessell said the committee would be treated as a separate board and their meetings would be advertised as we would any other subcommittee of the Board. Following a review of the Planning Board roster, it was noted that most of the beach would be represented except the north end. Mayor Blair suggested asking Chairman Dull to canvas the Planning Board members to see who would be willing to stay on the steering committee beyond their appointed terms." When asked if this could be done by email, Mr. Wessell said he thought it could be done by email and approved by consensus.

SET DATE FOR THE BEACH TOWNS BREAKFAST.

Following a brief discussion regarding possible dates in September, there was Board consensus to set the date for Friday, September 23, 2016 at 8:00 a.m. at a location to be determined. Mr. Owens asked everyone to email agenda items to him. Mr. Wessell noted that he would not be able to attend that meeting but he would send discussion items to Mr. Owens.

MAYOR BLAIR: REPORTS AND COMMENTS.

- Mayor Blair reported that he had attended the Trump rally this week.

ALDERMAN WEEKS: REPORTS AND COMMENTS.

- Alderman Weeks said it would be helpful to do a mailing to residents to let them know the new water billing process and how to sign up for an E-Bill with an automatic draft; and they could provide a phone number or email address in case they are delinquent. Mr. Owens said the late fee was not implemented this time and a pamphlet would be mailed to our customers showing all of the options. He said we would eventually have a new water bill format with more space for information and the ability to highlight the due date. Alderman Weeks expressed the need to post something on the Town's website as well. Mr. Owens said staff was checking into the possibility of being able to send out second notices by email; but we would not be able to call them by phone.

MAYOR PRO TEM MILLS: REPORTS AND COMMENTS.

- Mayor Pro Tem Mills said he may not be present at the September 8th meeting as that was the due date of his first grandchild.

MR. OWENS: REPORTS AND COMMENTS.

- Mr. Owens said he would attend a meeting with the Corps of Engineers on August 18th to get an update and he would report back to the Board after that meeting.

REQUEST FOR CLOSED SESSION FOR ADVICE FROM THE TOWN ATTORNEY PURSUANT TO G.S. 143.318.11.

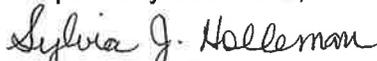
Mayor Pro Tem Mills made the motion to go into Closed Session at 6:40 p.m. for advice from the Town Attorney pursuant to G.S. 143.318.11. The motion was seconded by Alderman King and approved with a 4-0 vote.

MEETING RECONVENED.

Mayor Blair reconvened the meeting at 7:15 p.m. and asked the record to reflect that the Closed Session had been held for the reason so stated with no action taken.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:15 P.M.

Respectfully submitted,



Sylvia J. Holleman
Town Clerk

**TOWN OF WRIGHTSVILLE BEACH
PARKS & RECREATION**

1 BOB SAWYER DRIVE • P. O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480
(910) 256-7925 • FAX (910) 256-7926 • www.towb.org

MEMORANDUM

To: Mayor Blair and Board of Aldermen
From: Katie Ryan, Recreation Program Supervisor *Katie*
Subject: Special Event Permit Application – WB Elementary School Fall Festival
Date: September 2, 2016

Attached for your consideration is the following special event permit application requiring Board of Aldermen approval:

- 1) **WB Elementary School Fall Festival - Request to close Coral Drive
Friday, October 28, 2016, 3:30 – 6:30 p.m. (Event 4:15 – 6:15)**
Estimated number of participants: ~500
Location: Coral Drive

Amy Ford has submitted a special event permit application on behalf of the Wrightsville Beach Elementary School PTA to close Coral Drive for the annual Fall Festival fundraising event allowing access only to Coral Drive residents and event volunteers. Police assistance is necessary for the street closure and traffic control. All festival activities will be held on school grounds from 4:15 to 6:15 pm on Friday, October 28, 2016.

RECOMMENDED ACTION: Approve special event permit application for road closure as presented.

TOWN OF WRIGHTSMILE BEACH NC
SPECIAL EVENT PERMIT APPLICATION

Wrightsville Beach Parks & Recreation Department
P. O. Box 626, Wrightsville Beach, NC 28400
(910) 255-7925

Applications requiring Board of Aldermen approval must be submitted 60 days prior to the event.
A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH EVENT DATE.
PLEASE TYPE OR PRINT LEGIBLY AND INCLUDE THE APPROPRIATE FEE WITH APPLICATION

FOR OFFICE USE ONLY

New Event

Recurring Event

Fee Per Day:

| Participants | Fee |
|---------------|------------|
| 1 - 25 | \$125.00 |
| 26 - 100 | \$175.00 |
| 101 - 199 | \$225.00 |
| 200 - 499 | \$350.00 |
| 500 - 999 | \$450.00 |
| 1,000 - 1,999 | \$600.00 |
| 2,000 - 3,000 | \$700.00 |
| 3,001 - 4,000 | \$800.00 |
| 4,001 + | \$1,000.00 |

PD only
Paid:

Events requiring a complete road closure must pay a fee of \$0.50 per race finisher due within 14 days of event.

Non-profit organization?
Yes No

Tax Exempt ID:

Time between 8 am & 10 pm? yes

Number of Hours: 3

Rain date necessary?
Yes No

Park Facility Reserved?
Yes No Not Required

Facility reserved & fee:

Portable toilets needed?
Yes No Not Required

Number of trash carts needed
X \$25.00 per cart
Amount due -

Health Department permit obtained?
Yes No Not Required

- Description of event: School Fall festival
Road closure - Coral Drive
- Event Date: Oct 28, 2016 Time: 4:15 am/pm to 6:15 am/pm
(Events must occur between 8:00 a.m. and 10:00 p.m.) PD 3:30-6:30pm
- Estimated number of participants (including spectators): 500
- Location: Wrightsville Beach Elementary
220 Coral Dr.
- Individual making request: Amy Ford
Complete Mailing Address: 2333 Ocean Point Dr. Wilmington, NC
Phone Number: 6785713125 E-mail: amylynn.ford@28405
yahoo.com
- Individual who will be on site and in charge of activity: Amy Ford
Complete Mailing address: see above
Phone Number: _____ E-mail: _____
- Sponsoring organization/corporation (if applicable): WBS-PTA
Contact: _____
Complete Mailing Address: 220 Coral Dr. Wrightsville Beach, NC 28480
Phone Number: _____ E-mail: _____
- Briefly describe provisions for the following:
Toilet facilities: School
Trash disposal: School dumpster
(Plastic and aluminum must be recycled. Use of styrofoam and glass is prohibited.)
Parking: Onsite + WB Baptist + WB Methodist
Electrical power needs: onsite
Water needs: none
- Will food be served? yes if yes, has permit from Health Dept. been obtained?
Describe types of containers, cooking equipment, etc. to be used:
Moes will provide their already cooked food, vendors to make cotton candy + popcorn, pizza already made brought in

FOR OFFICE USE ONLY

Site plan included?

Yes No Not Required

Permit(s) needed for vehicle on the beach? Yes No

Number needed:

Vehicle permit issued to:

Vendors requested?

Yes No

Full road closure required?

Yes No
Coral Drive

Police support required?

Yes No Not Required

PD Comments:

Fire Dept. support required?

Yes No Not Required

FD Comments:

Ocean Rescue support required?

Yes No Not Required

OR Comments:

EMS support required?

Yes No Not Required

Certificate of Insurance obtained?

Yes No Not Required

10. Will there be any music, PA system, or loud activities (if any, briefly describe)?

yes. DJ

If yes, provide information specifying location and direction of noise-emitting devices along with proposed noise level, frequency, and duration on tennis courts

11. Will any banners, tents, stages, chairs, nets, decorations, etc., be used at this activity? Yes

If so, what company is providing the equipment? We will decorate ourselves

Describe equipment in detail and provide a sketched plan.

12. Will there be sales of any types of souvenirs, t-shirts, food, drinks or other products on public property? Yes

If so, describe in detail: we sell our school t-shirts & hats

13. Is police assistance necessary? Yes Are you requesting the closing of any streets? Yes

If so, please specify: close Coral Dr

*Events requiring a complete road closure must pay a fee of \$0.50 per race finisher. Amount will be submitted with a statement attesting to the number of finishers. Payment is due within fourteen (14) days of the event.

Organizers of runs and other race events are responsible for providing traffic and/or crowd control which shall be handled by the Wightsville Beach Police Department. Organizers of waterborne activities are responsible for providing adequate water safety resources to assure the safety of participants. Depending on the nature of the event, the Special Events Coordinator, Town Manager, or the Board of Aldermen may require police assistance with traffic/crowd control, additional Ocean Rescue support, and/or Emergency Medical Services support. Additional fees for these services may be incurred.

I understand that if my event requires a complete road closure, I am responsible for paying an additional fee of \$0.50 per race finisher. Payment is due within fourteen (14) days of the event.

I hereby certify that I am the authorized and responsible representative of the applying group and that I am at least 18 years of age. I understand that if any information is found not to be accurate, additional fees and/or fines may be assessed and/or my permit may be revoked.

I agree to comply with all town ordinances, rules, regulations, and other applicable laws.

I agree to save and keep the Town free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of the special event.

I agree to, upon request of the Special Events Coordinator, Town Manager, and/or the Board of Aldermen, to provide proof of general liability insurance listing the Town as an additionally insured with limits no less than 1 (one) million dollars.

I understand that if the event is cancelled, I will receive a refund of my application fee less a \$15 administrative fee.

See attached memo for additional stipulations.

Signature:

Amy Ford

Date:

8-31-16

This application is hereby approved, this the

day of

20

Special Events Coordinator, Town of Wightsville Beach, North Carolina

APPROVED SPECIAL EVENTS October 2016

Distribution List:

Glen Rogers, WBFD
 Dave Baker, Ocean Rescue
 Robert Pugh, WBFD
 Daniel House, WBPD
 Diana Zeunen, WBPD
 Jason Bishop, WBPD
 Greg Gowin, WBPD
 Joe Newberry, WBPD
 Jimmy Rich, WBPD

Jordan Smith, WBPD
 Tim Owens, Town Manager
 William Squires, Public Works
 Bill Bailey, Public Works
 David Clodfelter, Public Works
 Tony Wilson, Planning & Parks
 Katie Ryan, Parks and Recreation
 Shannon Slocum, Park Ranger
 Evan Morigerato, Parks Maintenance

Sylvia Holleman, Town Clerk
 Wrightsville Beach Museum
 Bryant Sykes, Lanier Parking
 Matt Amor, Lanier Parking
 Tiffany Rice, General Admin
 Board of Aldermen
 Ted Wilgis, NC Coastal Federation
 WB Marketing Advisory Committee

**FOR PARKING PURPOSES: Highlighted Events are reservations/events in WB Park.
 Bold print indicates event is pending approval**

| EVENT DATE | TIME | NUMBER OF PARTICIPANTS | ACTIVITY | NAME | LOCATION | Vehicle on Beach and Parking Permit |
|------------|--------------------|------------------------|------------------------------|------------------------|--|-------------------------------------|
| Sat 10/1 | 8:30 am - 11:30 am | 80 | Wedding | Dalsing | Beach strand at Shell Island Resort | |
| Sat 10/1 | 11:00 am - 1:00 pm | 300 | Bark in the Park | WBP&R | WB Park @ Town Hall | |
| Sat 10/1 | 12:30 pm - 3:30 pm | 25 | Wedding | Kaylor | Beach strand at access 2 | |
| Sun 10/2 | 11:00 am - 2:00 pm | 20 | Child's Birthday Party | Costa | WB Park Picnic Shelter 1 | |
| Sun 10/2 | 1:00 pm - 3:00 pm | 300 | Bark in the Park (Rain Date) | WBP&R | WB Park @ Town Hall | |
| Wed 10/5 | 7:30 - 8:00 am | 100 | Walk/Bike to School Day | WBPR & PD with WBES | WB Park with PD escort to WB Elementary School | |
| Fri 10/7 | 3:30 pm - 7:30 pm | 15 | Wedding | Lombardi | Beach strand at Shell Island Resort | |
| Fri 10/7 | 4:00 pm - 6:00 pm | 50 | Wedding | Edwards | Beach strand at access 36 | * |
| Fri 10/7 | 4:00 pm - 7:00 pm | 50 | Wedding | Garris | Live Oak Park | |
| Sat 10/8 | 6:00 am - 11:00 am | 150 | Son Run 5k | WUM Church | WB Park and Loop | |
| Sat 10/8 | 4:00 pm - 7:00 pm | 70 | Wedding | Peterson | Beach strand at access 36 | |
| Sun 10/9 | 1:00 pm - 4:00 pm | 100 | Wedding | Tanas | Beach strand at Holiday Inn Resort | * |
| Sun 10/9 | 3:00 pm - 6:00 pm | 50 | Wedding | Borer | Beach strand at Shell Island Resort | |
| Tues 10/11 | 9:00 am - 12:00 pm | 50 | Flu Shots | WBPR & NHC Health Dept | Recreation Center After School Room | |

APPROVED SPECIAL EVENTS
October 2016

| | | | | | | |
|----------------|---|------|---|-----------|---|---|
| Sat 10/15 | 9:00 am - 9:00 pm (Walk at 4:00) | <200 | Walk for Crohn's & Colitis | Fligor | WB Park, Loop, & Fran Russ Recreation Center (small room) | |
| Sat 10/15 | 2:00 pm - 4:00 pm | 25 | Wedding | Ledbetter | Beach strand at access 43 | * |
| Sun 10/16 | 10:00 am - 12:00 pm | 60 | Wedding | Cox | Beach strand at Holiday Inn Resort | |
| Sun 10/16 | 1:00 pm - 4:00 pm | 40 | Wedding | Lakey | Beach strand at access 2 | |
| Tue 10/18 | 9:00 am - 5:00 pm | 50 | Setup for Ironman Event | Toffolon | WB Park | |
| Tue 10/18 | 3:00 pm - 7:30 pm | 20 | Wedding | Gurley | Beach strand at Shell Island Resort | |
| Wed 10/19 | 9:00 am - 5:00 pm | 50 | Setup for Ironman Event | Toffolon | WB Park | |
| Thurs 10/20 | 9:00 am - 5:00 pm | 50 | Setup for Ironman Event | Toffolon | WB Park | |
| Fri 10/21 | 9:00 am - 7:00 pm | 3500 | Bike Check-In | Toffolon | WB Park | |
| Sat 10/22 | 7:15 am - 11:00 am | 3500 | PPD Ironman NC | Toffolon | WB Park | 3 |
| Thurs 10/27 | 5:00 - 7:00 pm | 150 | Performance Club Kids Theatre in the Park | WBP&R | WB Park Event Stage | |
| Fri 10/28 | 4:15 - 6:15 pm (Close Coral 3:45 pm) | 150 | WBES Fall Festival | WBES | Coral Drive Road Closure with WBPD support (event on school property) | |
| Sat 10/29 | 8:00 am - 12:00 pm | 100 | McGregor 5k | Grody | Beach strand at JM Pier | |
| Sat 10/29 | 2:00 pm - 6:00 pm | 23 | Wedding | Lutz | Beach strand at access 44 | |

* indicates vehicle on beach permit issued to L&L Tent Rentals,
Beach Side Occasions, ETC. Party Rentals or Sweet Water Bamboo

RESOLUTION NO. (2016) 1996

Board of Aldermen
Town of Wrightsville Beach
Date: September 8, 2016



**A RESOLUTION OF THE BOARD OF ALDERMEN OF
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA
DECLARING THE WEEK OF SEPTEMBER 17-23, 2016 AS
CONSTITUTION WEEK IN WRIGHTSVILLE BEACH**

WHEREAS, September 17, 2016 marks the two hundred twenty-ninth anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Wrightsville Beach does hereby declare the week of September 17-23, 2016 as Constitution Week in Wrightsville Beach.

BE IT FURTHER RESOLVED that the Board of Aldermen of the Town of Wrightsville Beach does hereby ask all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed t us through this guardian of our liberties, remembering that lost rights may never be regained.

This Resolution adopted this 8th day of September, 2016.

William J. Blair III, Mayor

ATTEST:

(SEAL)

Sylvia J. Holleman, Town Clerk

**TOWN OF WRIGHTSVILLE BEACH
PARKS & RECREATION**

1 BOB SAWYER DRIVE • P. O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480
(910) 256-7925 • FAX (910) 256-7926 • www.towb.org

MEMORANDUM

To: Mayor Blair and Board of Aldermen

From: Katie Ryan, Recreation Program Supervisor *Katie*

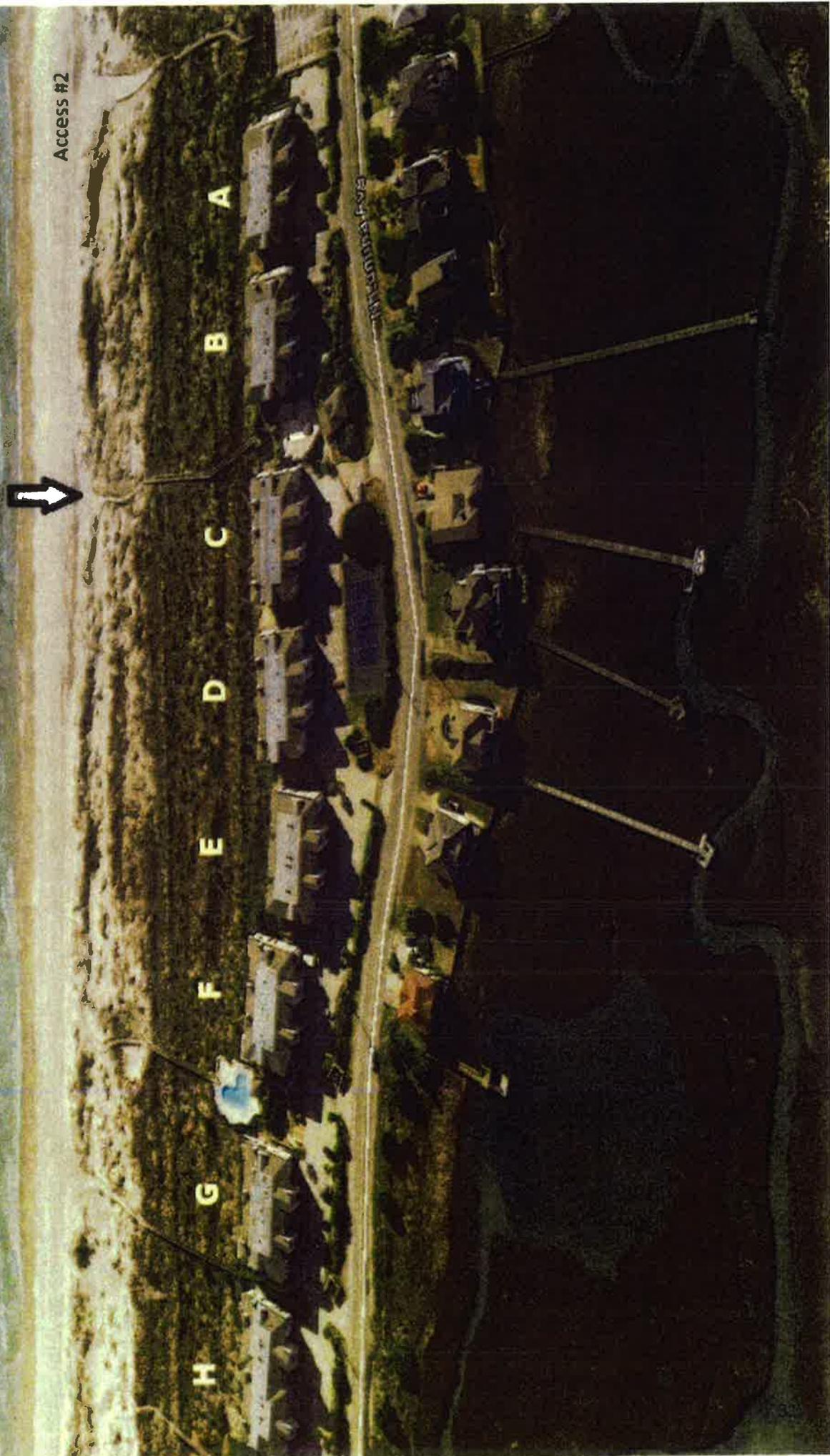
Subject: Memorial Bench Donation

Date: September 2, 2016

Peter Gillman-Bryan would like to donate a bench in memory of Todd Fulda on the beach strand in the area of Wrightsville Dunes. A copy of the site location is attached. Mr. Gillman-Bryan plans to construct the bench including a memorial inscription. Town staff would oversee the project and install the bench.

REQUESTED ACTION: Accept Mr. Gillman-Bryan's memorial bench donation.

Memory of Tom, whose spirit's home is the sea"





TOWN OF WRIGHTSVILLE BEACH
PLANNING AND INSPECTIONS • 321 CAUSEWAY DRIVE • P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480 • 910-256-7937

Planning and Inspections

MEMORANDUM

To: Mayor Blair and Members of the Board of Aldermen
From: Tony Wilson, Planning and Parks Director *TW*
Re: **Consent Agenda: Cancellation of the September 22, 2016 Board of Adjustment Meeting**
Date: August 29, 2016
Cc: Tim Owens, Town Manager

Staff respectfully requests that the following meeting be cancelled due to lack of agenda items:

- To cancel the September 22, 2016 Board of Adjustment meeting at 5:00 p.m.

Requested Action

Cancel the September 22, 2016 Board of Adjustment meeting.





Town of
Wrightsville Beach

321 Causeway Drive – P. O. Box 626
Wrightsville Beach, North Carolina 28480

PUBLIC NOTICE

2016 Board of Adjustment Meeting Schedule

The public will take notice that the regular meeting schedule for the Wrightsville Beach Board of Adjustment for 2016 will be as follows; and that this is a true copy of the schedule kept on file in the office of the Town Clerk, as required by G.S. 143-318.12:

~~Thursday, January 28, 2016 – Cancelled~~
~~Thursday, February 25, 2016 – Cancelled~~
~~Thursday, March 24, 2016 – Cancelled~~
~~Thursday, April 28, 2016 – Cancelled~~
~~Thursday, May 26, 2016 – Cancelled~~
~~Thursday, June 23, 2016 – Cancelled~~
~~Thursday, July 28, 2016 – Cancelled~~
~~Thursday, August 25, 2016 – Cancelled~~
Thursday, September 22, 2016 – Cancelled
Thursday, October 27, 2016
Thursday, November 17, 2016
Thursday, December 15, 2016

All meetings will commence at 5:00 p.m., unless otherwise noted above, in Council Chambers of Town Hall, 321 Causeway Drive, Wrightsville Beach, North Carolina.

Sylvia Holleman
Town Clerk

09/08/16



Town of
Wrightsville Beach

321 Causeway Drive – P. O. Box 626
Wrightsville Beach, North Carolina 28480

PUBLIC NOTICE

2016 Parks and Recreation Advisory Committee Meeting Schedule

The public will take notice that the regular meeting schedule for the Wrightsville Beach Parks and Recreation Advisory Committee for 2016 will be as follows; and that this is a true copy of the schedule kept on file in the office of the Town Clerk, as required by G.S. 143-318.12:

Monday, January 4, 2016
Monday, February 1, 2016
Monday, March 7, 2016
Monday, April 4, 2016
~~Monday, May 2, 2016 – Cancelled~~
Monday, June 6, 2016
~~Monday, July 11, 2016 – Cancelled~~
Monday, August 1, 2016
~~Monday, September 12, 2016 – Cancelled~~
Monday, October 3, 2016
Monday, November 7, 2016
Monday, December 5, 2016

All meetings will commence at **4:00 p.m.**, unless otherwise noted above, in the Conference Room of Town Hall, 321 Causeway Drive, Wrightsville Beach, North Carolina.

Sylvia Holleman
Town Clerk

09/08/16



Town of
Wrightsville Beach

321 Causeway Drive – P. O. Box 626
Wrightsville Beach, North Carolina 28480

PUBLIC NOTICE

2016 Water & Sewer Future Needs Ad Hoc Committee Meeting Schedule

The public will take notice that the meeting schedule for the Wrightsville Beach Water & Sewer Future Needs Ad Hoc Committee for 2016 will be as follows; and that this is a true copy of the schedule kept on file in the office of the Town Clerk, as required by G.S. 143-318.12:

Tuesday, January 19, 2016

Tuesday, June 28, 2016

Monday, September 19, 2016

All meetings will commence at **5:30 p.m.**, unless otherwise noted above, in the Town Hall Conference Room, 321 Causeway Drive, Wrightsville Beach, North Carolina.

Sylvia Holleman
Town Clerk

09/08/16



TOWN OF WRIGHTSVILLE BEACH

PLANNING AND INSPECTIONS • 321 CAUSEWAY DRIVE • P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480 • 910-256-7937

Planning and Inspections

MEMORANDUM

To: Mayor Blair and Members of the Board of Aldermen
From: Tony Wilson, Director of Planning and Parks *TW*
Re: **Consent Agenda: To Set a Public Hearing**
Date: August 30, 2016
Cc: Tim Owens, Town Manager

Staff respectfully requests to set the following public hearing to be heard at the Thursday, October 13, 2016 **Board of Aldermen** meeting at 5:30 p.m.

- To set a public hearing for Thursday, October 13, 2016, or as soon thereafter as possible to consider a Text Amendment application to Chapter 155 to add Section 155.6.6 Over Lay Districts to allow for the creation of a Mixed-Use Zoning Overlay District for properties located within a certain portion of the C-2 Commercial District bounded to the North by Seagull Street to the South by East Salisbury Street to the West by North Lumina Avenue and to the East by the beach strand/Atlantic Ocean. Mixed-use developments located in the C-2 District and falling within the Mixed-use Zoning Overlay District would be subject to a 50-foot height limitation rather than the Town's 40-foot height limitation that is currently in effect for all zoning districts.





TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

August 29, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tony Wilson, Director of Planning and Parks *TW*
Re: Consideration of an amendment to the existing Conditional Use Permit for 32 North Lumina Avenue (Robert's Grocery Commercial Public Parking Lot)
Cc: Tim Owens, Town Manager

Background:

On July 21, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 32 North Lumina Avenue from Mr. Blair Goodrich, authorized agent for the property owner(s), Jerry Allen Lachman and Allan Middleton. The applicant(s) have requested a modification to the existing Conditional Use Permit (CUP) that was granted on November 12, 2009. The original CUP for 32 North Lumina authorized the use of the parking lot as a commercial public parking lot with a total of 28 parking spaces. The original CUP required that two spaces be set aside for customers of Robert's Grocery and that three spaces be set aside for Rita's Italian Ice (5 reserved spaces). This left 23 undesignated spaces for commercial public parking.



Discussion:

A CUP application for Charlie Grainger's was received by the Planning and Inspections Department on June 27, 2016. After reviewing the CUP application, town staff determined that Charlie Grainger's would not be eligible for a parking exception as adequate parking was available directly across the street from the proposed location of the establishment. In order for the Board to consider the CUP application for Charlie Grainger's, the existing CUP for the commercial public parking lot must be modified to reflect the anticipated increase in parking requirements that would occur if the Charlie Grainger's CUP application is approved by the Board of Aldermen.

The Town of Wrightsville Beach's Code of Ordinances specifies the off-street parking requirements by use in Section 155.9.1 Off-Street Parking Requirements. If approved, Charlie Grainger's would be considered a standard restaurant meaning that the business would be



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

required to provide: one parking space for each four persons as stated on the maximum posted occupancy placard plus one additional parking space for each two employees on the largest shift.

Charlie Grainger's: 7 spaces required

- 17 customers/4 = 4.25 rounds up to 5 spaces
- 3 employees/2= 1.5 rounds up to 2 spaces

Robert's Grocery: 2 spaces required and currently provided

- 2 parking spaces required

Based on this information nine parking spaces will need to be reserved within Robert's parking lot if the CUP for Charlie Grainger's is approved. If the CUP is not approved then the parking requirements currently in place for Robert's will remain in effect.

Departmental Review:

- **Police Department:**
No Comment
- **Fire Department:**
No Comment
- **Public Works Department:**
No Comment

CAMA Land Use Plan Statement of Consistency:

The proposed development appears to be consistent with Policy 9.1.A.5: Commercial Development: The Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. Examples include appropriately scaled and designed grocery stores, drug stores, sit down restaurants etc.



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

Findings:

The Planning Board recommendation for this project is based on findings in consideration of the general requirements. The requirements and findings are stipulated below. 155.4.5.4 (E)

(E) The Board of Aldermen shall issue a conditional use permit if it has evaluated an application through a quasi-judicial process and determined that:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- (5) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
- (8) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
- (9) The proposed use shall be consistent with recommendations and policy statements as described in the adopted land use plan.



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

Staff Recommendation:

Planning Staff supports the applicant's request to modify their existing CUP to accommodate the anticipated increase in parking requirements if the CUP application is approved for Charlie Grainger's.

Public Notice:

Public notice of this meeting ran on August 26, 2016 in Wilmington Star News and September 1, 2016 in the Lumina News. A sign providing notice of this meeting was posted on-site and adjacent property owner's letters were sent out on August 26, 2016

Planning Board Recommendation:

At the August 2, 2016 Planning Board Meeting, the Planning Board voted unanimously to forward recommendation to the Board of Aldermen for the Conditional Use Permit to modify the required number of reserved spaces in Robert's commercial public parking lot from five spaces to nine spaces with the conditions listed below:

1. The addition of two quality trashcans/trash pickup by the Town with private and public cooperation.
2. Signage for the seven spaces for Charlie Grainger's parking spaces and two spaces for Robert's.
3. Parking spaces that are reserved for these two businesses shall be made available exclusively for customers of these establishments and shall not be made available to non-customers while these establishments are in operation.
4. Staff recommends that all existing conditions remain in effect for the existing CUP

Requested Action: Staff recommends that the Board of Aldermen approve the conditional use permit for 32 North Lumina Avenue.

Attachments:

1. Conditional Use Permit Application
2. Map denoting reserved spaces
3. Current CUP for 32 North Lumina Avenue

CONDITIONAL USE PERMIT APPLICATION (CUP 05-01)

Town of Wrightsville Beach, North Carolina

Purpose of Conditional Use *There are certain land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land uses and the public need for the particular use in the particular location*(§155.4.5). The project you are proposing requires a Conditional Use Permit. The permit is issued only after the application is reviewed by town staff, the Planning Board and the Board of Aldermen and the public by public notice and public hearing.

Applicants must fill out this application entirely and also gather information and material referenced in this application. **The non-refundable fee for this application is \$400.00.** The following guidelines are provided to aid the applicant in preparing a proper application as referenced in Section 155.4.5 as amended, of the Town's Zoning Ordinance.

1. The applicant must prepare and submit **10 hard copies and one electronic copy** of this application and accompanying materials to the Planning and Inspections Director (Town Hall, P. O. Box 626, 321 Causeway Drive, Wrightsville Beach, NC 28480) thirty (30) days prior to the next regular Planning Board meeting. The Planning Board meets the FIRST TUESDAY of each month except November when they meet the second Tuesday.
2. Failure to submit the complete packet of materials will result in return of the application. The application must meet minimum Town Requirements for all local ordinances (zoning, flood, building, etc.). Amended submittals may be held until the next Planning Board meeting if returned less than ten (10) days prior to the current Planning Board meeting.
3. Upon receipt of a valid and complete application, the Planning and Inspections Director will submit the application to department heads for review and also include the application in the next available Planning Board packet.
4. A representative of the proposed project must be present during the Planning Board meeting.
5. No conditional use shall be recommended to the Aldermen by the Planning Board unless the Board shall find in the affirmative of the Zoning Ordinance standards §155.4.5.4(E) (See page 5 of this application.)
6. After review and recommendation by the Planning Board, the Board of Aldermen shall hold a public hearing on the Conditional Use Permit. The Board of Aldermen at the advertised public hearing will consider recommendations from the Planning Board and staff. The Board of Aldermen will also hear objections to or approval of the Conditional Use Permit application from members of the public. The Board of Aldermen will then grant or deny the permit.

APPLICANT INFORMATION

Property Owner Jerry Allen Lachman & Allan Middleton

Owner Mailing Address P.O. Box 768
Wrightsville Beach, NC 28480

Telephone Number (W) 910-256-2641 (H) 910-616-6799 (FAX) 910-256-9097

Representative/Agent for Owner _____
(ATTACH AUTHORITY FOR APPOINTMENT OF AGENT)

Agent Address _____

Telephone Number (W) _____ (H) _____ (FAX) _____

PROJECT INFORMATION

Address: 32 N. Lumina Ave. Parking
Wrightsville Beach, NC 28480

Legal Address : _____
(Book and Page as recorded at the New Hanover County Registrar of Deeds Office)

PROPOSED PROJECT

Describe project and use: Amend existing CUP on existing parking lot to include additional

designated spaces for a new Charlie Graingers. This increase would be from 5 spaces originally designated for Rita's

Ice to 7 spaces for Charlie Graingers.

Proposed Construction Date Sept. 2016

Estimated Completion Date Sept. 2016

State Primary Street Frontage (name) North Lumina

ZONING INFORMATION

Zoning District of Site C-1 Does this project require rezoning? No

Proposed Use Existing Parking

DIMENSIONAL INFORMATION

Lot Dimensions 100'x100' Total Lot Square Footage 10,000 SF

State Setbacks of ALL Structures:

N/A

Dimensions of Principal and Accessory Buildings

N/A

Elevation of ALL Structures

N/A

Total Square Footage of Principal Structure

N/A

Total Square Footage of Accessory Structures

N/A

PARKING AND TRAFFIC MANAGEMENT

Parking Spaces On Site (TOTAL) 28 (Handicapped) _____ (Standard) *****

Parking Space Dimension and Isle Separation _____

Describe Provisions for Ingress and Egress of Site

North Lumina Entrance

Sweeny Street exit

SIGNAGE

Describe (fully) All Proposed Signs for this Project (Dimensions, Heights, Construction Materials and Location MUST be Provided):

Existing

INFORMATION FOR DEPARTMENTAL REVIEW

FIRE PROTECTION

Fire Protection - Construction Classification N/A

Describe (fully) Fire Protection Provisions Provided in the Project:

Fire Flow Requirements _____

POLICE REQUIREMENTS

Describe Any Special or Unusual Police Protection Requirements:

N/A

STORMWATER

Describe any connections to Town drainage systems N/A

WATER REQUIREMENTS

Maximum Estimated Water Demand GPD N/A

Calculations _____

Water Main Size Available at Site _____

SEWER REQUIREMENTS

Maximum Estimated Sewage Disposal GPD N/A

Calculations _____

SOLID WASTE REQUIREMENTS

Maximum Solid Waste Disposal (cubic yards) Per Day N/A; Calculations _____

Size and Location of Dumpster Pad _____

LANDSCAPING

Describe (fully) All Existing and Proposed Landscaping and Buffering:

Existing

Describe (fully) All Provisions to Minimize Effects to the Environment and Surrounding Property:

None

OTHER ATTACHMENTS REQUIRED WITH APPLICATION

CONFORMANCE WITH CONDITIONAL USE PERMIT STANDARDS (§155.4.5.4 (E))

Please attach a statement in writing accompanied by adequate evidence if needed, that the proposed conditional use will conform to each of the following standards as established in the ordinance:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. Existing parking lot - nothing changing

- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood. Will not affect

- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Will not affect

- (d) That the exterior architectural appeal and functional plan or any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. no exterior

(e) That adequate utilities, access roads, parking, drainage and necessary facilities have been or are being provided. Yes

(f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Existing

(g) That the conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. Yes

(h) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now. If any recommendations are found in conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

Existing

(i) That the proposed use be consistent with the recommendations and policy statements as described in the adopted Land Use Plan. Existing

SITE PLAN INFORMATION

A site plan of the proposed project prepared by a professional engineer, registered land surveyor or architect drawn to a scale of not less than one inch equals thirty feet (1"=30'). The site plan shall be based on the latest tax map information. The site plan must contain the following information. ***WE SUGGEST YOU BRING A DRAFT SITE PLAN TO PLANNING AND INSPECTIONS FOR REVIEW PRIOR TO PRINTING THE FINAL COPIES FOR DISTRIBUTION!***

- (1) A key map of the site with reference to surrounding areas and existing street locations.

- (2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- (3) Lot line dimensions.
- (4) Location of all structures, streets, entrances and exits on the site and on contiguous property and property directly across the street.
- (5) Location of all existing and proposed structures, including their outside dimensions and elevations.
- (6) Building setback, side line, and rear yard distances.
- (7) All existing physical features including streams, water courses, dunes, existing trees greater than one (1) inch in diameter measured six (6) feet above ground level, and significant soil conditions.
- (8) Topography showing existing and proposed contours at two (2) foot intervals. All reference bench marks shall be clearly designated.
- (9) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
- (10) Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross sections, design details, and dimensions.
- (11) Location and design of existing and proposed storm water systems, sanitary waste disposal systems, water mains and appurtenances and methods of refuse disposal and storage.
- (12) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees and dimensions, approximate time of planting, and maintenance plans.
- (13) Lighting details indicating type of standards, location, radius of light, and intensity in foot candles.
- (14) Location, dimensions, and details of signs.
- (15) North arrow.
- (16) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and public parking as exists within the Town now.
- (17) A rendering or drawing of the proposed building shall be provided showing all

sides of the proposed structure.

NOTICE TO ADJOINING PROPERTY OWNERS

The Town of Wrightsville Beach will notify adjoining property owners of presentation of this application to the Planning Board and Board of Aldermen. Adjoining property is all property contiguous and across the street from the subject property. **Please submit with your application two sets of plain letter sized envelopes, stamped (not metered), unsealed and addressed to the adjacent property owners as shown on the New Hanover County tax listing and bearing the return address of the Town of Wrightsville Beach.** Attach a list of the adjoining property owners to this application.

FEE

The processing fee for a Conditional Use Permit application is \$400. A check payable to the Town of Wrightsville Beach must accompany this application.

SIGNATURE

This signature accompanies the application, fee, statement of standards and site plan which comprise the Conditional Use Permit Application to the Town of Wrightsville Beach.

****I understand that the fee for this application is non-refundable.**** AM (Initial)

****I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.**** AM (Initial)

Alton Middle
Owner's Signature

7/21/16
Date

Representative/Agent

Date

Date of Submission to Town

Amendments to the original application have been initialed and dated where they appear. This application supercedes the original application as signed and dated above.

Owner's Signature

Date

Representative/Agent

Date

Date of Re-Submission to Town

Town of Wrightsville Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, _____, does hereby appoint _____ as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of _____ and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

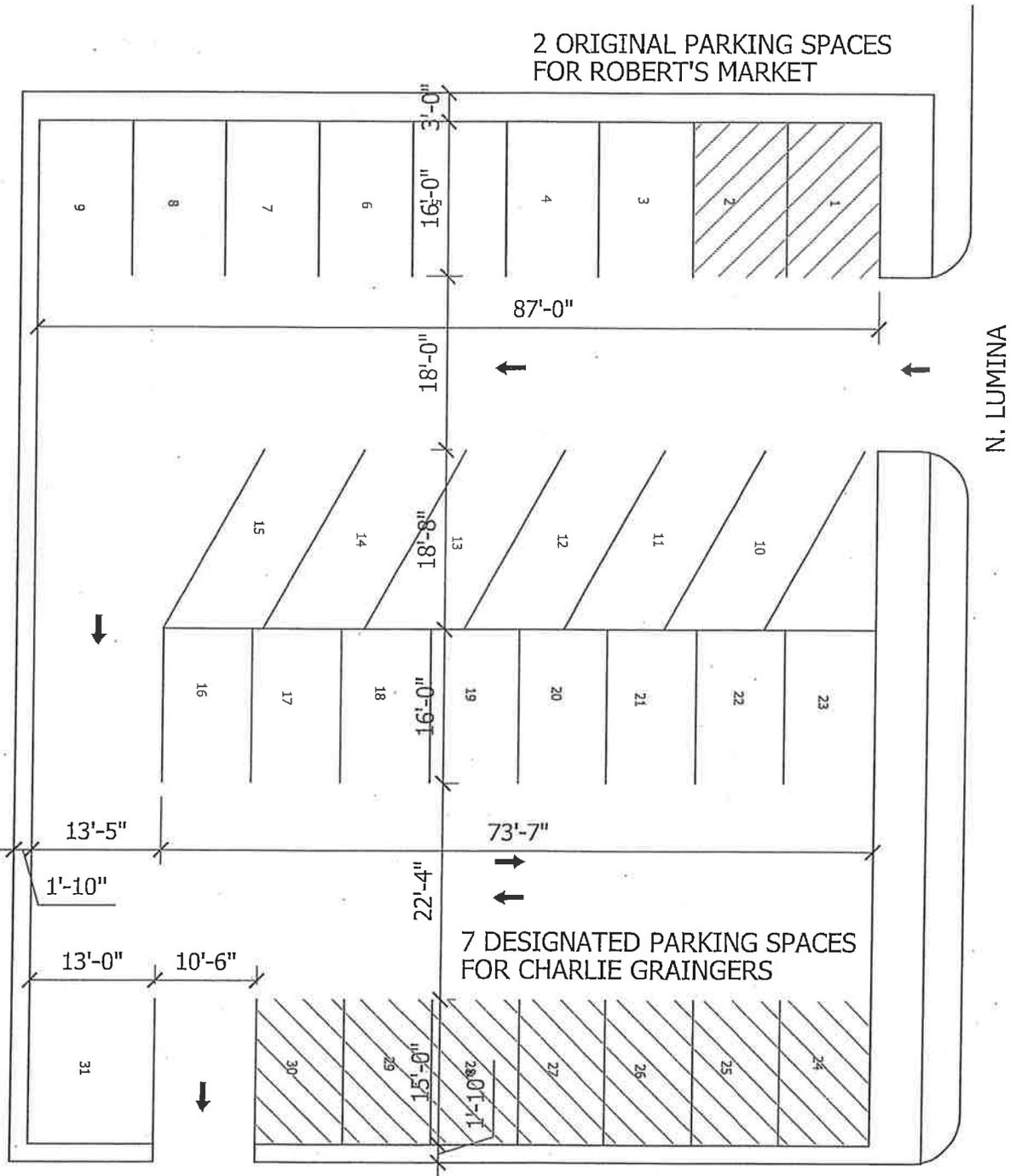
This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: _____

Agent's Name, Address & Telephone:

* Owner

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.



SWEENEY AVE.

ROBERT'S MARKET PARKING - 1/16"

TOWN OF WRIGHTSVILLE BEACH
ORDER AMENDING A PREVIOUSLY ISSUED CONDITIONAL USE PERMIT
ALLOWING ROBERT'S MARKET TO OPERATE A PUBLIC PARKING LOT
ON PROPERTY LOCATED AT 32 N. LUMINA AVENUE,
WRIGHTSVILLE BEACH, NORTH CAROLINA

The Board of Aldermen of the Town of Wrightsville Beach, held a public hearing on November 12, 2009 to consider the request submitted by Jerry Allen Lachman and Allan Middleton for an amendment to a previously issued Conditional Use Permit allowing Robert's Market to operate a public parking lot on property located at 32 N. Lumina Avenue, Wrightsville Beach, NC. Having heard all the evidence and arguments presented at the hearing, the Board of Aldermen makes the following Findings of Fact and draws the following Conclusions:

1. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the first general requirement listed in the Ordinance; namely, that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

Findings of Fact to support this Conclusion:

- A. On July 16, 2009 the Town granted a conditional use permit allowing the vacant lot at 32 N. Lumina Avenue to be used as a public parking lot. That permit determined that of the available 28 spaces located on the parking lot, 2 would be restricted for use by customers of Robert's Market and 26 spaces would be available for public parking.
- B. The owners of Robert's Market intend to permit an additional use within Roberts Market consisting of a Rita's Ice operated by Branch Ice, Inc. This use is permitted and does not require a conditional use permit. However, there is required parking that accompanies this use and that required parking will be located in the parking lot located at 32 N. Lumina Avenue. The requirement for the additional parking for this use within Robert's Market creates the need for this amendment to the previously issued conditional use permit.
- C. The addition of Rita's Ice within Robert's Market creates the need for an additional 3 off-street parking spaces. Therefore, the parking spaces that must be restricted for use of customers in the Robert's Market facility must increase from 2 to 5.
- D. The required parking is calculated as follows: Rita's Ice will require 1 parking space for each 4 persons as stated on the maximum posted occupancy placard plus 1 additional parking space for each 2 employees on the largest shift. The maximum posted occupancy placard permits 13 persons requiring 3 parking spaces and 2 employees require 1 parking space for a total of 4 parking spaces. The existing Port City Java located in Robert's Market requires one parking space for a total of five parking spaces.

- E. Rita's Ice will have its own entrance from N. Lumina Avenue but will be operated exclusively within the Robert's Market building.

2. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the second general requirement listed in the Ordinance; namely, that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraph are incorporated herein by reference.
- B. The proposed use will generate limited additional traffic which can be handled by the available parking as described in paragraph 1 above.
- C. The additional requirement for extra spaces in the parking lot will not affect the use of the lot nor the manner in which it relates to the surrounding properties.

3. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the third general requirement listed in the ordinance; namely, that the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. The requirement for additional dedicated spaces in the public parking lot will not affect development in the surrounding area.

4. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the fourth general requirement listed in the ordinance; namely, that the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. There will be no change to the parking lot and the addition of extra dedicated parking should have no impact on the surrounding neighborhood.

5. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the fifth general requirement listed in the ordinance; namely, that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. The construction of the parking lot will not be changed in any manner to accommodate these additional dedicated parking spaces.

6. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the sixth general requirement listed in the ordinance; namely, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. Ingress and egress to the parking lot will remain as it is currently configured.

7. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the seventh general requirement listed in the ordinance; namely, that the conditional use shall in all other respects conform to all the applicable regulations of the district in which it is located.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. The proposed use must comply with all applicable regulations.

8. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the eighth general requirement listed in the ordinance; namely, that public access shall be provided in accordance with the recommendations of the Town Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. Public access is not an issue with this permit. Available parking will be slightly diminished as a result of the issuance of this permit because of the requirement for additional dedicated parking spaces.

9. It is the Board of Aldermen's Conclusion that the proposed use does satisfy the ninth general requirement listed in the ordinance; namely, that the proposed use shall be consistent with recommendation and policy statements as described in the adopted land use plan.

Findings of Fact to support this Conclusion:

- A. The Findings of Fact set forth in the preceding paragraphs are incorporated herein by reference.
- B. The proposed use is consistent with the existing CAMA Land Use Plan for the Town.

Therefore, because the Board of Aldermen concludes that all general and specific conditions precedent to the issuance of a Conditional Use Permit have been satisfied, IT IS ORDERED that the application for the issuance of a Conditional Use Permit be granted, subject to the following conditions:

a. That applicant shall fully comply with all of the specific requirements stated in the ordinance for the proposed use, as well as any additional conditions stated below.

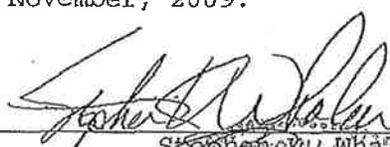
b. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this Permit is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

c. That the project shall be developed in accordance with the plan as submitted and approved.

d. That this Conditional Use Permit shall comply with all other supplemental regulations and requirements imposed by the Zoning Ordinance or any other applicable federal, state or local law, ordinance or regulations. In the event of a conflict, the more stringent requirement or higher standard shall apply.

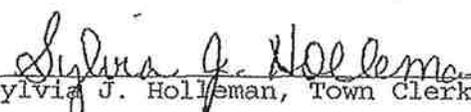
e. Other conditions: The property shall provide and maintain signage marking the restricted spaces for Rita's Ice.

Ordered this 12th day of November, 2009.

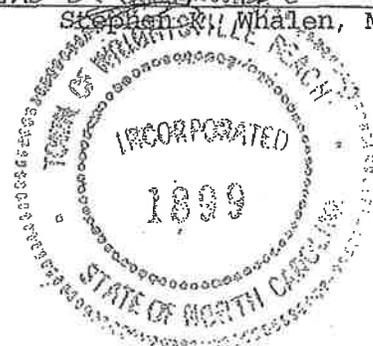


Stephen W. Whalen, Mayor

ATTEST:



Sylvia J. Holliman, Town Clerk



The signatures of the applicant and property owner below indicate that the applicant and property owner have received this Conditional Use Permit together with all attachments. Any violations of the stated conditions will render this Permit null and void. To be valid, this permit must be signed below by the applicant and owner and returned to the Town Clerk's Office within thirty (30) days of the date of approval as indicated below. This Permit will expire six (6) months from the date expiration begins as indicated below if within that six-month period a building permit has not been granted. The building permit will expire if construction is not commenced within six (6) months from the date of issuance of the building permit.

November 12, 2009
Date of Approval

May 12, 2010
Date of Expiration Begins

[Signature]
APPLICANT
114 OLD CAMP RD
WILMINGTON, NC 28409
Address

[Signature]
OWNER
32 N. LYNNA AVE
Address

February 24, 2010
Date signed by
Applicant and Owner

Note: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of New Hanover County in accordance with the provisions of N.C.G.S. § 160A-388(e). See § 155.106 of the Wrightsville Beach Town Code.



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

August 31, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tony Wilson, Director of Planning and Parks *TW*
Re: Consideration of a Conditional Use Permit application for 32 North Lumina Avenue (former location of Rita's Italian Ice)
Cc: Tim Owens, Town Manager

Background:

On June 27, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 32 North Lumina Avenue. Mr. Blair Goodrich has been appointed as the authorized agent for the property owner(s), Jerry Allen Lachman and Allan Middleton. Mr. Goodrich has also been appointed as the authorized agent for Charlie Grainger's (the CUP applicant). The applicants have applied for a CUP to operate a Charlie Grainger's franchise location within the existing building at 32 North Lumina Avenue which is located in the C-1 Commercial Zoning District. Restaurants are considered a conditional use in the C-1 Commercial Zoning District.



The plans submitted by the applicant indicate that 350 sq ft of space that is currently utilized by Robert's Grocery would be converted for use by Charlie Grainger's. This would create an approximately 990 sq ft space for the proposed restaurant. The applicant indicates that the restaurant will be open for lunch and dinner and that the restaurant will close by 10:00 PM. The applicant also indicates that the restaurant will not serve alcohol.

Discussion:

After reviewing the CUP application, town staff determined that Charlie Grainger's would not be eligible for a parking exception as adequate parking was available directly across the street from the proposed location of the restaurant. The Town of Wrightsville Beach's Code of Ordinances specifies the off-street parking requirements by use in Section 155.9.1 Off-Street Parking Requirements. Charlie Grainger's is considered a standard restaurant meaning that the business would be required to provide: one parking space for each four persons as stated on the maximum



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
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posted occupancy placard plus one additional parking space for each two employees on the largest shift.

Parking Requirements:

Charlie Grainger's: 7 spaces required

- 17 customers/4 = 4.25 rounds up to 5 spaces
- 3 employees/2 = 1.5 rounds up to 2 spaces

Robert's Grocery: 2 spaces required and currently provided

- 2 parking spaces required

So long as the nine parking spaces are reserved within Robert's parking lot through the amendment of Robert's existing CUP, then the parking requirements for Charlie Grainger's will be satisfied.

Departmental Review:

- **Police Department:**
No Comment
- **Fire Department:**
No Comment
- **Public Works Department:**
No Comment

CAMA Land Use Plan Statement of Consistency:

The proposed development appears to be consistent with Policy 9.1.A.5: Commercial Development: The Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. Examples include appropriately scaled and designed grocery stores, drug stores, sit down restaurants etc.



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

Findings:

The Planning Board recommendation for this project is based on findings in consideration of the general requirements. The requirements and findings are stipulated below.

155.4.5.4 (E) The Board of Aldermen shall issue a conditional use permit if it has evaluated an application through a quasi-judicial process and determined that:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- (5) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
- (8) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
- (9) The proposed use shall be consistent with recommendations and policy statements as described in the adopted land use plan.

(F) *Conditions and Guarantees.* Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Aldermen may require, conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which conditional uses are granted,



TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

the Board of Aldermen shall require evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being and will be complied with.

Staff Recommendation:

Planning Staff supports the applicant's request for a CUP to operate Charlie Grainger's at 32 North Lumina Avenue. Staff recommends that the following conditions be considered for the CUP:

1. If the property owner receives two or more citations for noise violations within a twelve-month period, the Conditional Use Permit shall be subjected to review and possible revocation.
2. The applicant must comply with all Town Codes and Ordinances.
3. The applicant must obtain all necessary state and local permits.
4. The applicant must comply with the orders and directives of the New Hanover County Fire Marshall.
5. The applicant must comply with all provisions of the FEMA 50% Rule.
6. Hours of operation should be limited to a closing time of 10:00 PM as requested by the applicant.
7. All deliveries should be scheduled at times that will minimize impacts to the normal flow of pedestrian and vehicular traffic.
8. In the event that the required parking is no longer available within Robert's parking lot, the applicant shall be required to either seek a parking exception or to provide parking at an alternate location.
9. The applicant and property owner shall be required to maintain the area in-front of and alongside the building in a manner that is free of obstructions and that does not inhibit or disrupt the regular flow of pedestrian or vehicular traffic.
10. No outdoor seating shall be permitted.

Public Notice:

Public notice of this meeting ran on August 26, 2016 in the Wilmington Star News and September 1, 2016 in the Lumina News. A sign providing notice of this meeting was posted on-site and adjacent property owners letters were sent out on August 26, 2016.

Planning Board Recommendation:

At the August 2, 2016 Planning Board Meeting Members voted unanimously to forward a



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

favorable recommendation to the Board of Aldermen for the Conditional Use Permit for Charlie Grainger's Restaurant to be located at 32 North Lumina Avenue with conditions listed below:

1. Applicant and Owner must sign an affidavit stating they will not serve alcohol.
2. The Town has been asked to improve the location of "no parking" signage on Birmingham Street.

Requested Action:

Staff recommends that the Board of Aldermen approve the conditional use permit for 32 North Lumina Avenue.

Attachments:

1. Conditional Use Permit Application
2. Map denoting reserved spaces



June 27, 2016

Board of Alderman
Town of Wrightsville Beach
Wrightsville Beach, NC 28480

Re: Charlie Graingers – Robert's Market 32 N. Lumina Ave.

Dear Sirs:

We are petitioning to add an approximately 990 S.F. Charlie Graingers franchise into part of the Robert's Market space. It will have 17 fixed seats, and 3 employees at peak hours of operation.

This is an existing building with an existing approved use. Rita's Ice left and Charlie Graingers, another approved use, will be added to the existing space plus 280 SF.

At the moment, parking spaces are assigned to Charlie Graingers in the lot associated with Robert's. We understand, based on occupancy from the Fire Marshall, we will have to have more. This has been discussed and agreed upon between Charlie Graingers and Robert's.

We also understand that certain building and zoning codes will have to be followed. We have discussed these with the Wrightsville Beach Inspections and Zoning, and find nothing that cannot be accomplished.

The hours of operation will be limited to lunch and dinner.

All equipment is on wheels. In case of a hurricane, all equipment will be removed.

Charlie Graingers is a family establishment. No alcohol will be served. We believe this is the right location to draw people into the town center. And, at the same time, add a little improvement to the façade with the addition of the new awning and paint.

Thank you for your time on this matter. We hope you find Charlie Graingers to be a great addition to your town. We definitely believe it will.

Respectfully;

A handwritten signature in black ink, appearing to read "H. Blair Goodrich".

H. Blair Goodrich
Principal
Goodrich Architecture, P.A.

APPLICANT INFORMATION

Property Owner (Charlie Carungers) (BUILDING)
Enterprise Zone, LLC 32 NORTH LUMINA, LLC

Owner Mailing Address 1408 Eastwood Road Suite 230
Charlie Car. → Wilmington, NC 28405
BUILDING → P.O. Box 708 Wrightsville Bch, NC 28480

Telephone Number (W) 910. 740. 9600 (H) (FAX)

Representative/Agent for Owner Blair Goodrich
(ATTACH AUTHORITY FOR APPOINTMENT OF AGENT)

Agent Address Goodrich Architecture, P.A.
3142 Wrightsville Ave
Wilmington NC 28403

Telephone Number (W) 910. 343. 1065 (H) (FAX) 910. 343. 1067

PROJECT INFORMATION

Address: 32 N. LUMINA AVE
WRIGHTSVILLE BEACH, NC 28480

Legal Address :
(Book and Page as recorded at the New Hanover County Registrar of Deeds Office)

PROPOSED PROJECT

Describe project and use: Expanding the former Rita's

Ice space from 700 sf to approx 1000 sf (300-400 sf from existing Robert's Grocery) for a new hot dog establishment

Proposed Construction Date Sept. 2016

Estimated Completion Date Dec. 2016

State Primary Street Frontage (name) North Lumina

ZONING INFORMATION

Zoning District of Site C-1 Does this project require rezoning? NO

Proposed Use Small Restaurant

DIMENSIONAL INFORMATION

Lot Dimensions Existing Total Lot Square Footage Existing

State Setbacks of ALL Structures: Existing Structure

Dimensions of Principal and Accessory Buildings

Entire Building 5122 SF

1000 ± SF

Elevation of ALL Structures 6.0'

Total Square Footage of Principal Structure 5122 SF

Total Square Footage of Accessory Structures 0

PARKING AND TRAFFIC MANAGEMENT

Parking Spaces On Site (TOTAL) 31 (Handicapped) 1 (Standard) 30

Parking Space Dimension and Isle Separation 9x16 1/2' one way & 22' two way

Describe Provisions for Ingress and Egress of Site (1) entrance, no exit from N Lumina
(1) exit no entrance from Channel Drive

SIGNAGE

Describe (fully) All Proposed Signs for this Project (Dimensions, Heights, Construction Materials and Location MUST be Provided):

Canvas Awning w/ Charlie Carvings (Logo) (2' x 4' Logo)
Small Science Sign - See Sketch

INFORMATION FOR DEPARTMENTAL REVIEW

FIRE PROTECTION

Fire Protection - Construction Classification

11B

Describe (fully) Fire Protection Provisions Provided in the Project:

All walls will be non-combustible or concrete block

Fire Flow Requirements

POLICE REQUIREMENTS

Describe Any Special or Unusual Police Protection Requirements:

None. closing time will be by 10:00 pm

STORMWATER

Describe any connections to Town drainage systems

Existing Building. Not going out of existing walls

WATER REQUIREMENTS

Maximum Estimated Water Demand GPD

200 gals.

Calculations

NCAC title 15A 21.0114. 20 gals per seat - (10) seats provided restaurant. single service.

Water Main Size Available at Site

1" meter

SEWER REQUIREMENTS

Maximum Estimated Sewage Disposal GPD

200 gals

Calculations

NCAC title 15A 21.0114

SOLID WASTE REQUIREMENTS

Maximum Solid Waste Disposal (cubic yards) Per Day

5

; Calculations Est.

Size and Location of Dumpster Pad

8'x8' @ rear of building

LANDSCAPING

Describe (fully) All Existing and Proposed Landscaping and Buffering:

Existing

Describe (fully) All Provisions to Minimize Effects to the Environment and Surrounding Property:

Existing

OTHER ATTACHMENTS REQUIRED WITH APPLICATION

CONFORMANCE WITH CONDITIONAL USE PERMIT STANDARDS (§155.4.5.4 (E))

Please attach a statement in writing accompanied by adequate evidence if needed, that the proposed conditional use will conform to each of the following standards as established in the ordinance:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. Of Building Not changing footprint
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood. Not affected
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Not affected
- (d) That the exterior architectural appeal and functional plan or any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. Adding new awning to increase look

(e) That adequate utilities, access roads, parking, drainage and necessary facilities have been or are being provided. Space provided at existing parking lot from Teber's grocery per fire Marshall's occupancy count

(f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Farmer's lot's use flow to be the same as

(g) That the conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. Yes. it does conform

(h) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now. If any recommendations are found in conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. Yes. provided

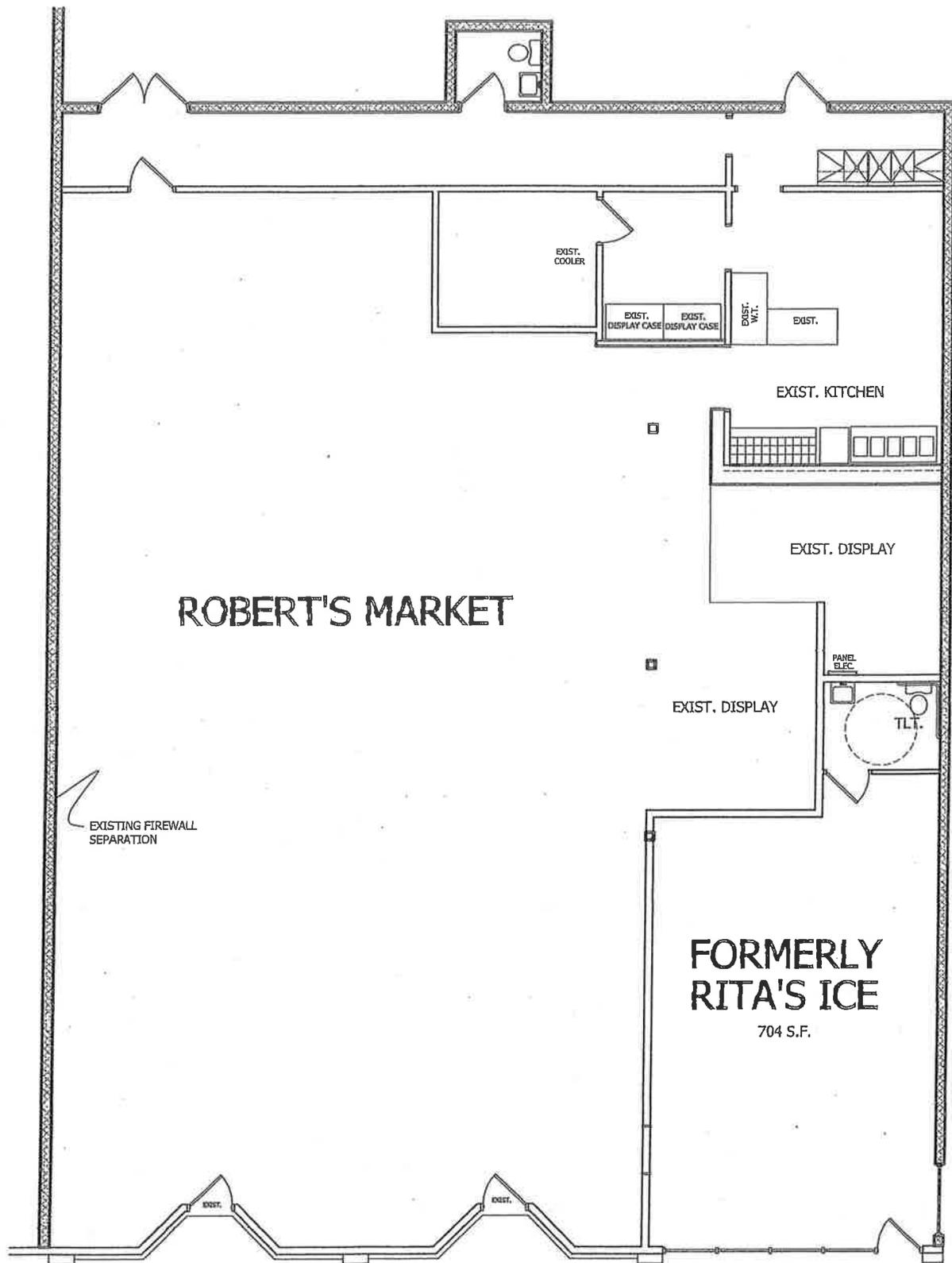
(i) That the proposed use be consistent with the recommendations and policy statements as described in the adopted Land Use Plan. Yes

SITE PLAN INFORMATION

A site plan of the proposed project prepared by a professional engineer, registered land surveyor or architect drawn to a scale of not less than one inch equals thirty feet (1"=30'). The site plan shall be based on the latest tax map information. The site plan must contain the following information. **WE SUGGEST YOU BRING A DRAFT SITE PLAN TO PLANNING AND INSPECTIONS FOR REVIEW PRIOR TO PRINTING THE FINAL COPIES FOR DISTRIBUTION!**

(1) A key map of the site with reference to surrounding areas and existing street locations.





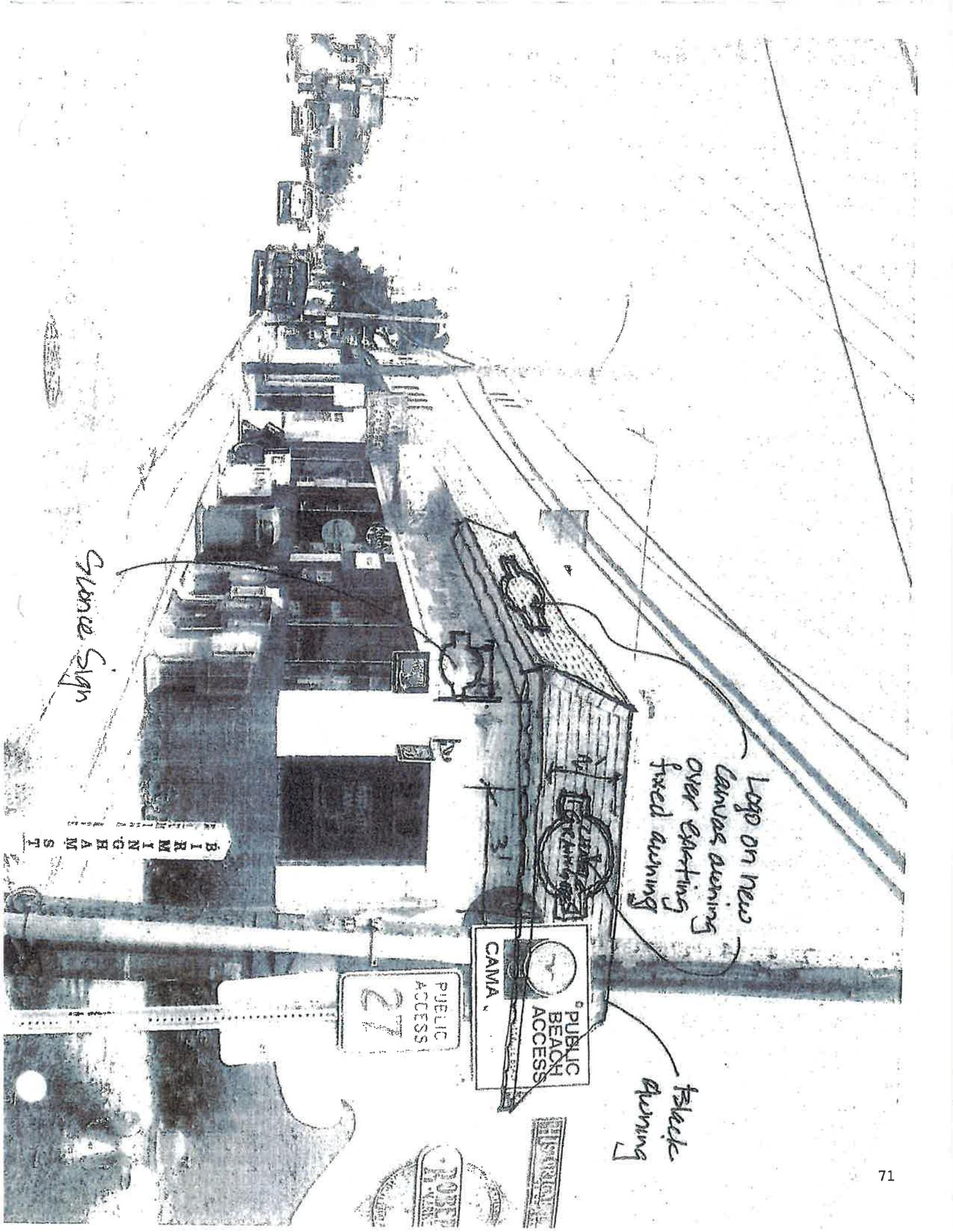
ROBERT'S MARKET

FORMERLY RITA'S ICE

704 S.F.

EXISTING FIREWALL SEPARATION

EXISTING FLOOR PLAN - 3/32"
 992 S.F. 7/18/16



Stone Sign

Logo on new Canvas covering over existing fixed awning

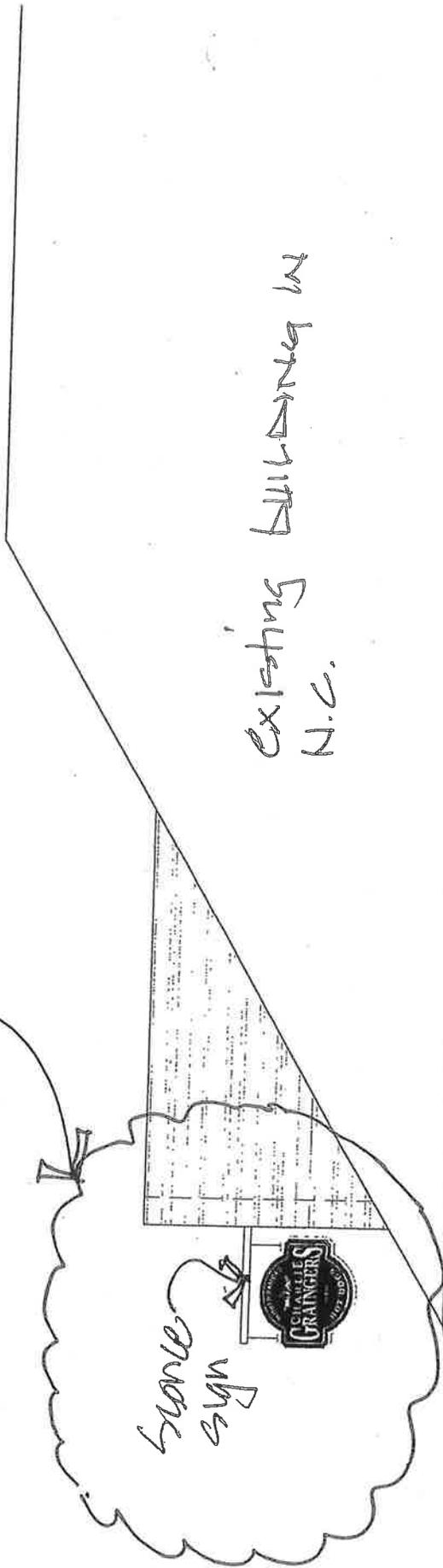
Black awning

BIRMINGHAM ST

CAMA
PUBLIC BEACH ACCESS

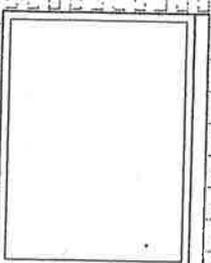
27
PUBLIC ACCESS

Proposed sign for
Visual only



Existing buildings in
N.C.

same
sign



- ~~(1)~~ A key map of the site with reference to surrounding areas and existing street locations
- (2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- (3) Lot line dimensions. floor plan
- ~~(4)~~ Location of all structures, streets, entrances and exits on the site and on contiguous property and property directly across the street.
- ~~(5)~~ Location of all existing and proposed structures, including their outside dimensions and elevations.
- ~~(6)~~ Building setback, side line, and rear yard distances.
- ~~(7)~~ All existing physical features including streams, water courses, dunes, existing trees greater than one (1) inch in diameter measured six (6) feet above ground level, and significant soil conditions.
- ~~(8)~~ Topography showing existing and proposed contours at two (2) foot intervals. All reference bench marks shall be clearly designated.
- (9) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii. Existing
- ~~(10)~~ Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross sections, design details, and dimensions.
- ~~(11)~~ Location and design of existing and proposed storm water systems, sanitary waste disposal systems, water mains and appurtenances and methods of refuse disposal and storage.
- ~~(12)~~ Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees and dimensions, approximate time of planting, and maintenance plans.
- ~~(13)~~ Lighting details indicating type of standards, location, radius of light, and intensity in foot candles. Inside only
- ~~(14)~~ Location, dimensions, and details of signs.
- ~~(15)~~ North arrow.
- ~~(16)~~ Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and public parking as exists within the Town now.
- ~~(17)~~ A rendering or drawing of the proposed building shall be provided showing all

Town of Wrightsville Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, 32 North Lumina, LLC, does hereby appoint Blair Goodrich as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of 32 N. LUMINA and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

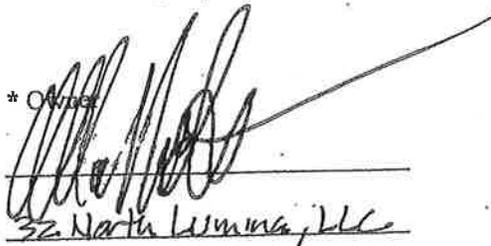
This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 7/19/16

Agent's Name, Address & Telephone:

Blair Goodrich - Goodrich Architects
3142 Wrightsville Ave.
Wilmington, NC 28403
910-343-1065

* Owner


32 North Lumina, LLC

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

Town of Wrightsville Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, Enterprise Zone, LLC, does hereby appoint Blair Goodrich as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of 32 N. LUMINA AVE and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 6/25/16

* Owner


Enterprise Zone, LLC

Agent's Name, Address & Telephone:

Blair Goodrich - Goodrich Architectures
3142 Wrightsville Ave.
Wilmington, NC 28403
910-343-1065

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

William Blair, III
Mayor

Elizabeth King
Alderman

Lisa Weeks
Alderman



Darryl Mills
Mayor Pro Tem

Hank Miller
Alderman

Tim Owens
Town Manager

TOWN OF WRIGHTSVILLE BEACH

Post Office Box 626
321 Causeway Drive
Wrightsville Beach, North Carolina 28480
(910)239-1700
FAX (910)256-7910

September 8, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tim Owens, Town Manager
Re: Presentation Regarding a Trial Program to Determine the Effectiveness of Using a UAV (Unmanned Aerial Vehicle) for Emergency Response

Agenda Item

Attached is a memorandum from Fire Chief Glen Rogers. The Town has the opportunity to have an Unmanned Aerial Vehicle (UAV) for its use for a year. The UAV will or could be used in any number of Fire or Ocean Rescue activities. Given that FAA regulations on the flight of these activities have loosened for Emergency services, this is likely a tool that will be used by a lot of agencies in the future for many activities such as:

- Location of missing swimmers, hikers, kayakers, boats, boaters, etc.
- Location of missing children or adults
- Welfare check and resource assessment on individuals that need assistance
- Initial response prior to receiving helicopter assistance
- Resource Assessment for Fires
- Damage Assessment

UAVs can be equipped with one-way voice communication, thermal imaging and delivery capabilities (like dropping a flotation device to a swimmer) and probably many other helpful items. There is no cost for the use of the UAV during the research period (with the exception of training hours for staff) and the Town can decide if it wants to invest in the technology at a later date.

If there are any questions or concerns about the program, please let us know.

Action Items

1. Discuss the item and ask questions
2. No action necessary unless there is further direction



Wrightsville Beach Fire Department

PO Box 626 Wrightsville Beach, NC 28480

Phone 910-256-7920

Fax 910-256-7924

www.towb.org

To: Mr. Owens, Town Manager

Fr: Chief Rogers, Fire Chief

Date: August 31, 2016

The Wrightsville Beach Fire Department and Wrightsville Beach Ocean Rescue are seeking to enter a partnership with DJI International, a manufacturer of Unmanned Aerial Vehicles to research the utilization of UAV's for fire and life safety. DJI will be providing a Phantom 3 Advanced UAV to be used to evaluate the effectiveness of UAVs in assisting operations for ocean rescues, fires, storm damage assessment and search and rescue operations.

Firefighter/Paramedic/Lifeguard Sam Proffitt will lead the evaluation as a research project in coordination with the Pennsylvania State University College of Medicine. The outcome of the project and the evaluation will be a professional peer reviewed publication.

The UAV will be provided free of charge. A release of liability has been promulgated. The recent changes in FAA UAV regulations permit the use of these craft for government use in this manner. All personnel will be trained through an FAA approved procedure. Training will be conducted during the off season. The UAV will only be deployed during actual incidents and special events. The project is scheduled to conclude by September 30, 2017

William Blair, III
Mayor

Elizabeth King
Alderman

Lisa Weeks
Alderman



Darryl Mills
Mayor Pro Tem

Hank Miller
Alderman

Tim Owens
Town Manager

TOWN OF WRIGHTSVILLE BEACH

Post Office Box 626
321 Causeway Drive
Wrightsville Beach, North Carolina 28480
(910)239-1700
FAX (910)256-7910

September 8, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tim Owens, Town Manager
Re: Direction on Moving Forward with the Design of Streetside Parking at the end of North Lumina Avenue

Agenda Item

At a prior Board meeting, the Town decided to move forward on determining the feasibility of pursuing the construction of on-street parking at the very north end of North Lumina Drive. The Town and SEPI engineering had a stake holders meeting with the permitting agencies that would regulate this project. It appears that there is a path forward which would allow the Town to install approximately 50 spaces in the area.

After review of the project, there are several other items that need to be considered. They are:

1. Does the Town want to hold a public hearing to receive input on the project?
2. The current zoning in the area would have to be amended. The amendment would be to allow for grading and clearing in the P1 (conservation district) for a public parking area. Another amendment would be to allow for a public parking area to be constructed in the P1 (conservation district) and in the G1 (Public and Semi-Public District).
3. The project will have to be designed and permitted.
4. The Town will have to request that the State transfer the existing North Lumina ROW over to the Town from Access #2 northward.

Attached is a draft design. In looking at other design options, I would want to explore having angled parking as well. I believe that the angled parking would be easier to pull

into and back out of which would reduce the amount of waiting time for cars pulling into the cul-de-sac.

Positive Elements of the Project

1. The Town is in need of additional parking. This parking can be completed without purchasing land and essentially replaces parking that was in the area. The cost of the project is low compared to a standalone lot.
2. The area can be served by an existing restroom facility at access #2.
3. The area should be very popular given its proximity to the inlet and revenue generated should pay for the cost in relatively short order.
4. This may reduce the stacking that already occurs at access #2 on a regular basis.

Potential Negative Elements of the Project

1. The project is located in the inlet hazard area. If the inlet maintenance is ever abandoned (which is unlikely), the parking area could be compromised by a migrating inlet.
2. Visitors tend to wait for people to leave a space as witnessed on Salisbury Street. During high use periods, stacked cars could impact the entrance and exit onto the Shell Island Property.
3. The unobstructed view of the inlet, marsh and dunes would be impacted during a good portion of the year.
4. Land north of the Shell Island resort is within the County. With the exception of the dog ordinance, County ordinances are different than Town ordinances.

Summary

Based on all of the work done to date, it does appear that adding parking to the end of North Lumina Avenue is feasible. I do not currently have a cost estimate to construct this project but, as previously stated, I believe it will pay for itself within 1 to 2 years in meter revenue. The parking area will be a popular area if constructed and the Town is definitely in need of additional parking. Given the proximity of the parking to residential properties, the Board may want to consider holding a public hearing for input and feedback on the project before it determines if the Town is to move forward with the project. The Board can set the public hearing for October and staff can directly mail property owners in the general vicinity of the project notice of the hearing.

Action Items

1. Discuss the item and determine if the Board wishes to continue to pursue this project.
2. Determine if the Board wants to begin the engineering phase of the project or hold a public hearing on the matter.

TOWN OF WRIGHTSVILLE BEACH ACCESS #1 PARKING EXHIBIT

DRAWN BY: E. SEIDEL
 CHECKED BY: G. THOMPSON
 DATE: 04/18/2016
 SHEET: 1

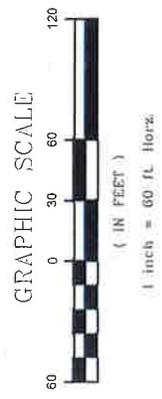
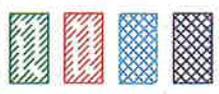


RALEIGH, NORTH CAROLINA 27601
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 CHARLOTTE, NORTH CAROLINA 28202
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 WILMINGTON, NORTH CAROLINA 28403
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 info@sepiengineering.com



TOTAL EXISTING IMPERVIOUS
 27,802 SQ. FT. (0.638 AC.)
 TOTAL ADDITIONAL IMPERVIOUS
 9,812 SQ. FT. (0.225 AC.)

EXISTING IMPERVIOUS WITHIN INLET HAZARD AEC
 11,456 SQ. FT. (0.263 AC.)
 EXISTING IMPERVIOUS OUTSIDE INLET HAZARD AEC
 16,346 SQ. FT. (0.375 AC.)
 PROPOSED ADDITIONAL IMPERVIOUS WITHIN INLET HAZARD AEC
 8,126 SQ. FT. (0.186 AC.)
 PROPOSED ADDITIONAL IMPERVIOUS OUTSIDE INLET HAZARD AEC
 1,686 SQ. FT. (0.039 AC.)



NOTE:
 SURVEY DATA PROVIDED BY NCDOT. THIS
 DRAWING IS SCHEMATIC ONLY. FUTURE LAYOUT
 TO BE DETERMINED.

155.6.5.10 P-1 Conservation Zone.

- (A) Within the conservation zone, designated as P-1 on the official zoning map, no lot or parcel of land may be developed for any purpose except commercial piers (where the P-1 Zone adjoins a zone permitting a marina), private piers (where the P-1 Zone adjoins a residential zone) and ocean-related business activities as permitted in Chapter 92 of this code. There shall be no clearing, disturbance, removal, burning, destruction, harming, cutting, or mowing of trees, shrubs, or other natural vegetation in the P-1 Zone, except for: maintenance necessary for public health, safety, or general welfare; clearing as is necessary to remove damage caused by hurricane, flood, storm, fire, insects, or infectious organisms; or clearing in conjunction with development of a pier permitted by this section.
- (B) The UDO Administrator or his or her designee, in consultation with applicable state and local agencies, will determine when maintenance is necessary for the public health, safety, and general welfare. Any property owner dissatisfied with the decision of the UDO Administrator or his or her designee may appeal such decision to the Town Manager by delivering written notice of appeal to the Town Manager within ten days of the decision of the UDO Administrator or his or her designee. The decision of the Town Manager in this manner is final.

155.6.5.11 S-1 Shore Zone. Within the shore zone, as indicated on the zoning map, which in the main is built up land constructed by the state, the federal government, and the town, no lot or parcel of land shall be used for any purpose whatsoever except in accordance with the following:

- (A) No structure shall be built or no land or parcel of land in this zone shall be used for any purpose whatsoever unless application has been made to and permission granted by the town in accordance with the terms, conditions, and specifications as the Board of Aldermen may prescribe.
- (B) Permission shall not be granted by the Board of Aldermen for the use of any land or parcel of land for the construction of any type building or structure except piers, municipally owned or operated parks, recreation areas, or other municipal uses; except that those commercial enterprises which were in existence on the original passage of this Ordinance, and which have been used continuously as commercial enterprises since that time may continue the same commercial use. There shall be no change to any other commercial use, nor any expansion of any commercial use existing at that time.
- (C) Gazebos (shelters which are open on all sides) shall be permitted subject to plan approval by the Board of Aldermen where land ownership is established.
- (D) Fences shall be limited to three feet in height. No fence shall extend beyond the established bulkhead line or mean high water mark. Fence height shall be measured from grade at any given point along the span of the fence.
- (E) No vehicular parking is permitted on any lot or parcel of land in this zone, provided, that this restriction shall not apply to property owned by the town, the state, the United states government or any agency of such entities.

Section 155.6.3 Primary Zoning Districts.

For the purposes of this Ordinance, the Town of Wrightsville Beach, North Carolina is hereby divided into the following primary zoning districts:

- (A) *R-1 Residential District.* The R-1 district is established as a district in which the principal use of the land is for single-family residences. The regulations of this district are intended to protect existing residential areas with minimum lot sizes of 8,000 square feet and to encourage, in selected portions of the planning area, the subdivision of undeveloped property into lots with a minimum of 8,000 square feet.
- (B) *R-2 Residential District.* The R-2 district is established as a district in which the principal use of land is for medium-density residential uses. The regulations of this district are intended to protect existing residential areas with a minimum lot size of 8,000 square feet for the first single-family residential dwelling or duplex and an additional minimum lot area of 4,356 square feet per residential dwelling in excess of two. The minimum required lot area for a duplex on a nonconforming lot in the R-2 District shall be 4,000 square feet.
- (C) *Private Club District.* The PC district is established to accommodate private clubs.
- (D) *Commercial District I.* The C-1 district is established to embrace the existing and growing commercial, tourist, and short-term residential uses. Maximum density for hotels and motels shall be 48 units per acre.
- (E) *Commercial District II.* The C-2 district is established to embrace the existing and growing commercial, tourist, and short-term residential uses. Maximum density for hotels and motels shall be 48 units per acre.
- (F) *Commercial District III.* The C-3 district is established to permit those specialized uses which will fulfill the special needs of daily commuters and periodic short-term visitors. Maximum density for hotels and motels shall be 48 units per acre.
- (G) *Commercial District IV.* The C-4 district is established to accommodate a growing volume of short-term hotel-motel visitors. Maximum density for hotels and motels shall be 48 units per acre.
- (H) *Commercial District V.* The C-5 district is established to permit light to medium neighborhood commercial use. Maximum density for hotels and motels shall be 36 units per acre.
- (I) *Public and Semipublic District.* The G-1 district includes property owned by a local, state, or federal agency.
- (J) *Shore Zone.* The S-1 district contains built up land constructed by the state, the federal government, and the town. No lot or parcel of land shall be used for any purpose whatsoever except in accordance with subsection 6.5.11.
- (K) *Conservation Zone.* The P-1 district is established as a district in which no lot or parcel of land may be developed for any purpose except commercial piers (where the P-1 zone adjoins a zone

permitting a marina), private piers (where the P-1 zone adjoins a residential district), and ocean-related business activities as permitted in Chapter 92 of the Code of Ordinances.

For a detailed table of specified permitted/conditional uses in the above listed zoning districts, see Section 6.4.

Section 155.6.4 Table of Permitted/Conditional Uses.

| P - Permitted Use | | PS - Permitted Use with Supplemental Regulations | | | | | | | | | | |
|---|--------------------------|--|----|----|----|----|----|----|----|----|-----|--------------------------|
| C - Conditional Use | | CS - Conditional Use with Supplemental Regulations | | | | | | | | | | |
| Uses | Primary Zoning Districts | | | | | | | | | | | Supplemental Regulations |
| | R1 | R2 | C1 | C2 | C3 | C4 | C5 | G1 | PC | P1 | S1* | |
| ABC package and retail | | | P | P | P | | C | | | | | |
| Accessory buildings | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | | 155.7.2 |
| Accessory structures | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | | 155.7.2 |
| Accessory uses | P | P | P | P | P | P | P | P | P | P | | |
| Accounting agencies | | | P | P | P | | P | | | | | |
| Activities operated exclusively for pleasure, recreation, social, athletic, educational, research or research-related purposes by a private business entity | | | | | | | | PS | | | | 155.7.3 |
| Adult care home | | | | | PS | | | | | | | 155.7.4 |
| Antique and gift shop | | | P | P | P | | P | | | | | |
| Art supply and retail | | | P | P | P | | P | | | | | |
| Assembly halls, gymnasiums and other similar structures | | | | | | | | PS | | | | |
| Assisted living residence | | | | | P | | | | | | | |
| Attorney's offices | | | P | P | P | | P | | | | | |
| Automatic teller machines | | | P | P | P | | P | | | | | |
| Automobile parking operated in conjunction with permitted uses | | P | | | | | | | | | | |
| Auto service station | | | | | CS | | C | | | | | 155.7.6 |
| Bakery | | | P | P | P | | P | | | | | |
| Barber and beauty shop | | | P | P | P | | P | | | | | |
| Boat rental facility renting four or fewer boats | | | | | P | | | | | | | |
| Boat rental facility renting more than four boats | | | | | C | | | | | | | |

| Uses | Primary Zoning Districts | | | | | | | | | | | Supplemental Regulations |
|--|--------------------------|----|----|----|----|----|----|----|----|----|-----|--------------------------|
| | R1 | R2 | C1 | C2 | C3 | C4 | C5 | G1 | PC | P1 | S1* | |
| Boat sales/service | | | | | C | | P | | | | | |
| Book and stationery store | | | P | P | P | | P | | | | | |
| Car wash | | | | | | | PS | | | | | 155.7.7 |
| Child care center | | | | | | | PS | | | | | 155.7.8 |
| Chiropractic office | | | P | P | P | | P | | | | | |
| Churches | C | C | | | C | | C | C | | | | |
| Clothing store | | | P | P | P | | P | | | | | |
| Coffee shop, no food prepared on site | | | PS | PS | PS | | PS | | | | | 155.7.20 |
| Coffee shop, with outside seating | | | C | C | C | | C | | | | | |
| Commercial marina | | | | | CS | | | | | | | 155.7.6 |
| Commercial parking lot not associated with another use | | | C | C | C | C | | | | | | |
| Commercial piers as permitted in Section 6.5.10 | | | | | | | | | | P | | |
| Computer sales and repair | | | P | P | P | | P | | | | | |
| Convenience stores | | | | | C | | | | | | | |
| Dairy bar/ice cream manufactured for retail sale on the premises | | | P | P | P | | | | | | | |
| Department/variety store | | | P | P | P | | | | | | | |
| Detached garages | CS | CS | | | | | | | | | | 155.7.9 |
| Drug store | | | P | P | P | | P | | | | | |
| Dry cleaning pick up stations | | | P | P | P | | C | | | | | |
| Dry cleaning pick up in shopping center | | | | | | | P | | | | | |
| Dry dock/boat works/marine railways | | | | | CS | | | | | | | |
| Exercise and physical fitness centers | | | P | P | P | | P | | | | | |
| Family care home | PS | PS | | | | | | | | | | 155.7.4 |

| Uses | Primary Zoning Districts | | | | | | | | | | | Supplemental Regulations |
|---|--------------------------|----|----|----|----|----|----|----|----|----|-----|--------------------------|
| | R1 | R2 | C1 | C2 | C3 | C4 | C5 | G1 | PC | P1 | S1* | |
| Family child care home | C | | | | | | | | | | | |
| Fences and walls | PS | PS | PS | PS | PS | PS | PS | PS | PS | | | 155.7.10 |
| Finance/loan company | | | | | | | P | | | | | |
| Financial institutions/banks | | | PS | PS | PS | | PS | | | | | |
| Floating homes | | | | | CS | | | | | | | 155.7.6, 155.7.12 |
| Florist, retail | | | P | P | P | | P | | | | | |
| Food store, retail; grocery, delicatessen, meat and fish, but excluding the killing and dressing of flesh or fowl | | | C | C | C | | C | | | | | |
| Food store, specialty in shopping center | | | | | | | P | | | | | |
| Furniture store | | | | | | | P | | | | | |
| Government buildings | | | | | | | | P | | | | |
| Grocery | | | C | C | C | | C | | | | | |
| Grounds/facility for open air games and sports (nonprofit) | C | C | | | | | | P | | | | |
| Health club | | | P | | | | P | | | | | |
| Home appliance dealers | | | | | | | P | | | | | |
| Home occupation | PS | PS | PS | PS | PS | PS | | | | | | |
| Hotel/motel | | | C | | | C | C | | | | | |
| Ice cream sales, not mobile | | | P | P | P | | P | | | | | |
| Insurance office | | | P | P | P | | P | | | | | |
| Jewelry and watch sales | | | P | P | P | | P | | | | | |
| Launderette service, where individual family-sized laundry equipment is rented for use by the customer | | | P | P | C | | | | | | | |
| Launderette service in shopping center | | | | | | | P | | | | | |
| Laundry pick up | | | P | P | P | | C | | | | | |

| Uses | Primary Zoning Districts | | | | | | | | | | | Supplemental Regulations |
|---|--------------------------|----|----|----|----|----|----|----|----|----|-----|--------------------------|
| | R1 | R2 | C1 | C2 | C3 | C4 | C5 | G1 | PC | P1 | S1* | |
| Libraries, museums, and art galleries | | | | | | | | P | | | | |
| Light construction/marina | | | | | CS | | | | | | | 155.7.6 |
| Marina/boatominium | | | | | CS | | | | | | | |
| Meeting and events center | | | | | C | | | | | | | |
| Meeting rooms | | | | | | | C | | | | | |
| Mixed use commercial-residential | | | CS | CS | CS | | | | | | | 155.7.6 |
| Multi-unit assisted housing with services | | | | | PS | | | | | | | 155.7.4 |
| Nursing home | | | | | CS | | | | | | | 155.7.14 |
| Ocean-related business activities | | | | | | | | | | PS | | 155.7.15 |
| Office, house, barracks, storage shed, pier, boat house or ramp, garage, or any and all other types of buildings or houses or usages which shall be needed or necessary in the performance or discharge of the governmental activity for which the area is used | | | | | | | | P | | | | |
| Offices, professional businesses or public agencies | | | P | P | P | | P | | | | | |
| Open air market | | | | C | C | | C | C | | | | |
| Opticians | | | P | P | P | | P | | | | | |
| Police, fire, rescue, civil defense station | C | C | P | P | P | P | | P | | | | |
| Private club | | | | | | | | | CS | | | 155.7.16 |
| Public buildings | | | | | | | C | P | | | | |
| Public utility distribution lines, transformer stations, water tanks and towers, telephone exchange, but no service or storage yards | C | C | P | P | P | | C | P | | | | |
| Real estate offices | | | P | P | P | | P | | | | | |
| Residence, single-family | PS | PS | | | | | | | | | | 155.7.17 |
| Residence, duplex | | PS | | | | | | | | | | 155.7.17 |

| Uses | Primary Zoning Districts | | | | | | | | | | | Supplemental Regulations |
|--|--------------------------|----|----|----|----|----|----|----|----|----|-----|--------------------------|
| | R1 | R2 | C1 | C2 | C3 | C4 | C5 | G1 | PC | P1 | S1* | |
| Residence, multi-family | | | | | CS | | | | | | | 155.7.6 |
| Residential child-care facility | | | | | CS | | | | | | | 155.7.4 |
| Restaurant, carry-out | | | C | | | | C | | | | | |
| Restaurant, fast-food | | | | | C | | C | | | | | |
| Restaurant, standard | | | C | C | C | C | C | | | | | |
| Retail stores similar to those otherwise named on the list | | | P | P | P | | P | | | | | |
| School, public | | | | | | | | P | | | | |
| Schools, limited public classroom leases ** | P | | | | | | | P | | | | |
| Seafood process, wholesale | | | | | CS | | | | | | | 155.7.6 |
| Shopping center | | | | | CS | | C | | | | | 155.7.6 |
| Sporting goods | | | P | P | P | | P | | | | | |
| Taxicab stands | | | | | P | | P | | | | | |
| Telecommunication towers | | | | | CS | CS | CS | CS | | | | 155.7.18 |
| Temporary storage containers | PS | PS | PS | PS | PS | PS | PS | PS | PS | | | 155.7.19 |
| Theaters housed in a permanent indoor structure | | | C | | | | C | | | | | |
| Therapeutic foster home | | | | | PS | | | | | | | 155.7.4 |
| Tourist or guest homes, including bed and breakfast | | | C | C | C | C | | | | | | |
| Travel agencies | | | P | P | P | | P | | | | | |
| Vessel for hire carrying six or fewer passengers | | | | | P | | | | | | | |
| Vessel for hire carrying seven or more passengers | | | | | C | | | | | | | |
| Veterinarian clinics, no outside kennels or animal use areas | | | | | | | C | | | | | |
| * Refer to Section 155.6.5.11 | | | | | | | | | | | | |
| ** Automatically terminates at midnight, June 30, 2019 without additional action by the Board or Aldermen. | | | | | | | | | | | | |

(Ord. 1695, passed 11-8-12; Am. Ord. 1705, passed 4-11-13; Am. Ord. 1725, passed 3-19-14; Am. Ord. 1739, passed 3-12-15; Am. Ord. 1742, passed 4-8-15; Am. Ord. 1758, passed 4-14-16)

William Blair, III
Mayor

Elizabeth King
Alderman

Lisa Weeks
Alderman



Darryl Mills
Mayor Pro Tem

Hank Miller
Alderman

Tim Owens
Town Manager

TOWN OF WRIGHTSVILLE BEACH

Post Office Box 626
321 Causeway Drive
Wrightsville Beach, North Carolina 28480
(910)239-1700
FAX (910)256-7910

September 8, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tim Owens, Town Manager
Re: Review Final Design to Add Additional Parking on Old Causeway Drive
and Seek Quotes for Construction

Agenda Item

Attached is the final design of angled parking on Old Causeway Drive. The project is ready for construction. The project will have 27 standard angled spaces and 12 compact angled spaces. The current parallel parking configuration consists of 15 spaces. This is a net increase of 24 parking spaces.

The final design does not include a sidewalk which currently extends from Keel Street to the access street that goes under the bridge. In order to install another sidewalk, the Town would have to seek an encroachment agreement with NCDOT and install retaining wall in areas where there are steeper slopes. This is likely not feasible and not necessary.

Summary

As stated in a prior Board meeting, we would look at this project in steps. The next step is to determine if the Board wishes to move forward in constructing the project. At this point, I recommend that the Board consider allowing staff to seek at least 3 informal bids for the project. Those bids along with any remaining engineering expenditures can be returned to the Board for a final decision to move forward on the construction with the hope of completing the project prior to the next summer.

Action Items

1. Discuss the item and ask questions
2. Give staff direction on whether to seek bids on the project or not at this time.

William Blair, III
Mayor

Elizabeth King
Alderman

Lisa Weeks
Alderman



Darryl Mills
Mayor Pro Tem

Hank Miller
Alderman

Tim Owens
Town Manager

TOWN OF WRIGHTSVILLE BEACH

Post Office Box 626
321 Causeway Drive
Wrightsville Beach, North Carolina 28480
(910)239-1700
FAX (910)256-7910

September 8, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tim Owens, Town Manager
Re: Update on Progress of Evaluating the Town's Old Landfill Site

Agenda Item

The Town has completed 2 studies to date to evaluate the Town's Old Landfill Site located off of Sir Tyler Drive in Wilmington. To date, the evaluations do not appear to show any significant levels of contamination. Following the 2 studies, the State requested that the Town complete the following items:

- Physical confirmation (via soil borings) of the boundary of the waste disposal area.
- Collection of waste characterization samples including analysis for asbestos.
- Collection of soil samples below the waste for analysis.
- Estimate of volume of waste present at the site.
- Evaluation of the site for wetlands by a wetlands specialist.
- Laboratory analysis of background soil samples for metals, ammonia, nitrate and sulfate.
- Review available published documentation to determine the naturally occurring concentrations that are commonly found in the region of the inorganics identified in the soil.

This has been a very slow and cumbersome process to date on many fronts. After consulting with Catlin Engineers, we believed that it was important to determine the extent of wetlands on the site prior to completing the other items above. The wetland determination would ultimately determine if the property could be used for future development. Attached is a copy of the wetland determination as completed by Land Management Inc. The determination was that the site contains limited wetlands and they

are isolated to one corner of the property. The next step is to hire a surveyor to complete a survey that can be approved by the Corps of Engineers.

Also, we have contacted Catlin Engineering to begin a scope of work for the remaining work which must be approved by the State before moving forward.

Summary

This has been a very slow process but it would appear that we are getting close to the end of the study portion. Out of the study, we anticipate the following outcome:

1. Can the site be excavated and capped?
2. Can the material stay in place and be capped?
3. Will there be any land use restrictions?
4. Will the above work be done by the Town or a new owner?
5. Will the above work be done State which could impact the time frame and may require Land Use restrictions?

In short, I am asking that the Board consider approving the attached budget amendment Ordinance No. (2016)435-B in the amount of \$11,000 for the wetland delineation and surveying of the wetlands. I anticipate that we will receive all of the funds back from the State for this portion of the project. I am also requesting that the Board approve Resolution No. (2016)1995 exempting the Town from any survey work under \$50,000 and any Engineering work under \$50,000 associated with the remainder of this project.

Action Items

1. Discuss the item and ask questions
2. Adopt Resolution (2016)1995 exempting the Town from the RFQ process for surveying and engineering work associated with the final phase of the Old Landfill Environmental Assessment Project.
3. Adopt Ordinance No. (2016) 435-B to amend the current Town budget to show an \$11,000 expenditure and reimbursement for the project for any future wetland work or survey work.

RESOLUTION NO. (2016) 1995

Board of Aldermen
Town of Wrightsville Beach, North Carolina
Date: September 8, 2016



A RESOLUTION OF THE BOARD OF ALDERMEN OF
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA
EXEMPTING THE TESTING OF
910 OLD MCCUMBER STATION ROAD (OLD LANDFILL SITE)
FROM N.C.G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the Town proposes to enter into a contract for additional monitoring and testing of an old town-owned landfill and survey work from another firm at 910 Old McCumber Station Road; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for services for the above-described project is less than \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Wrightsville Beach, North Carolina as follows:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This Resolution adopted this 8th day of September, 2016.

William J. Blair III, MAYOR

ATTEST:

Sylvia J. Holleman, Town Clerk

TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA
ORDINANCE NO. (2016) 435-B
FISCAL YEAR 2016/2017

BE IT ORDAINED by the Board of Aldermen of the Town of Wrightsville Beach, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2017:

Section I. To amend the General Fund (Fund 10) for unanticipated/unbudgeted expenses during FY 2017. The Town's General Fund (Fund 10) accounts are to be amended as follows:

| <u>Account No.</u> | | <u>Debit</u> | <u>Credit</u> |
|--------------------|----------------------|--------------|---------------|
| 10-3859 | Miscellaneous Grants | | 11,000 |
| 10-4245-1900 | Contracted Services | 11,000 | |

Section II. Copies of this Budget Ordinance No. (2016) 435-B shall be furnished to the Town Clerk, the Budget Officer and the Finance Officer, and shall be available for public inspection and audit.

Adopted this 8th day of September, 2016.

WILLIAM J. BLAIR, III
Mayor

ATTEST:

SYLVIA J. HOLLEMAN
Town Clerk

Seal

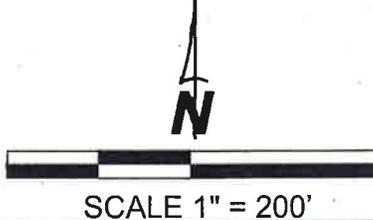


-  Uplands ~5.1 ac or 99%
-  Flagged wetlands ~ 0.1 ac or 1%
-  Perennial stream ~ 517 linear feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, ICF, Swirestop, and the GIS User Community

NOTE: This is not a survey. All boundaries and distances are considered approximate. This represents a preliminary sketch prepared from field notes. A survey of delineated areas is recommended prior to specific site planning. Numbers represent approximate flag locations. This delineation was field verified by the USACE on 7/26/16.

L:\wetlands\2016\01-16-190\maps\uplandwetlandsketch.cdr
 Map Source: 2014 GIS World Imagery Aerial Photography



Old MacCumber Station Rd
 New Hanover County, NC

June 2016
 LMG # 01-16-190



LMG
 LAND MANAGEMENT GROUP INC.
 Environmental Consultants

www.lmggroup.net
 3805 Wrightsville Avenue
 Wilmington, NC 28403
 Phone: 910.452.0001 Fax: 910.452.0060

**POST USACE Meeting -
 Wetland Verification Map**

102



TOWN OF WRIGHTSVILLE BEACH
PLANNING AND INSPECTIONS • 321 CAUSEWAY DRIVE • P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480 • 910-256-7937

Planning and Inspections

September 1, 2016

MEMORANDUM

To: Mayor Blair and Board Members
From: Tony Wilson, Director of Planning and Parks *TW*
Re: Discussion of Creating a Steering Committee For the CAMA Land Use Plan Update
Cc: Tim Owens, Town Manager

Background:

At the August 11, 2016 Board of Aldermen Meeting, members discussed the makeup of the committee for the CAMA Land Use Plan. After the discussion, the Board gave direction to staff to discuss the committee make up at the September 6, 2016 Planning Board Meeting and bring back a recommendation to the Board of Aldermen. The 2005 committee consisted of 12 members, Board of Aldermen Members, three Planning Board Members, as well as five representatives from various backgrounds and various geographic locations in the Town.

Requested Action:

Discuss the Planning Board's recommendation for the Land Use Committee makeup.

