



***AGENDA***  
**REGULAR MEETING OF THE  
CAROLINA BEACH TOWN COUNCIL**  
**Municipal Administration Building**  
**1121 N. Lake Park Blvd.**  
**Carolina Beach, NC 28428**

***Tuesday, September 8, 2009***

***6:30 P.M.***

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***ESTIMATED  
TIMES***

***ITEMS OF BUSINESS***

6:30 p.m.	ITEM #1	Call to Order
6:35 p.m.	ITEM #2	Invocation
6:40 p.m.	ITEM #3	Pledge of Allegiance
6:45 p.m.	ITEM #4	Adopt the Agenda

***SPECIAL PRESENTATIONS***

6:50 p.m.	ITEM #5	Request by Jeri Graham to Hold Hope for the Warriors 9-11 Hope Ride on September 11, 2009 in Carolina Beach
6:55 p.m.	ITEM #6	Request by Michael Paul with Hot Wax Surf Shop to Hold the Hot Wax Challenge at the Hamlet Beach Access on November 7-8, 2009
7:00 p.m.	ITEM #7	Request by Eddie Hargrove to Hold the Pleasure Island Surf Fishing Tournament on October 16-17 & 18, 2009 in Carolina Beach

***ESTIMATED  
TIMES***

***SPECIAL PRESENTATIONS CON'T***

7:05 p.m.      ITEM #8      Carolina Beach Committee Report (**This time is allotted for chairman and/or representative from various town committees to present topics of interest, updates, etc. Due to the number of items of business that must be conducted this evening we respectfully request that you limit your comments to 5 minutes per person.**)

***PUBLIC DISCUSSION***

7:20 p.m.      ITEM #9      Public Discussion (**Citizens who have signed in prior to the meeting will be called to the podium to speak. Due to the number of items of business that must be conducted this evening we respectfully request that you limit your comments to 5 minutes per person.**)

***CONSENT AGENDA***

***(See agenda packet for detailed items.)***

7:35 p.m.      ITEM #10(a)      Approval of the Minutes:

Special Meeting	July 28, 2009
Regular Meeting	August 11, 2009
Special Meeting	August 25, 2009

*Recommendation: Approve minutes as presented.*

- (b) Consider Amending the Code of Ordinances to Regulate Activities at the Proposed Day Docks being Constructed at the Carolina Beach Town Marina

*Recommendation: Set a public hearing date for October 13, 2009 at 7:30 p.m. or soon thereafter.*

- (c) Request to Consider Amending Article 3.8-1 Table of Permitted Uses. The Last Resort of Carolina Beach, Inc. is Requesting Carolina Beach Add an Allowance for Open Air Commercial Platforms in Highway Business (HB). [The use is currently only allowed in the Central Business District (CBD).]

*Recommendation: Set a public hearing date for October 13, 2009 at 7:30 p.m. or soon thereafter.*

**ESTIMATED  
TIMES**

**CONSENT AGENDA CON'T**

- (d) Request for a Conditional Use Permit to Consider Approval of a 5 Year “Vested Right” Site Specific Development Plan for a Proposed Fairfield Inn, Located at the following Addresses:

1 Cape Fear Blvd. (PIN #313015-54-4836-000)  
5 Cape Fear Blvd. (PIN #3130-15-545877-000)  
8 Cape Fear Blvd. (PIN #313015-55-5014-000)  
45 Cape Fear Blvd. (PIN #313011-55-4065-000)  
1 Carolina Beach Avenue S (PIN #313015-54-5992-000)  
7 Carolina Beach Avenue S (PIN #313015-54-5870-000)  
9 Carolina Beach Avenue S (PIN 313015-54-5778-000)  
102 Cape Fear Blvd. (PIN 313011-55-3038-000)

*Recommendation: Set a public hearing date for October 13, 2009 at 7:30 p.m. or soon thereafter.*

- (e) Request to Consider Amending Section 12.2 of the Zoning Ordinance to Address the Types, Standards, and Definitions of Eating and/or Drinking Establishments in Carolina Beach; and Article 19 and 21 to Address Remedies for Violations Associated with: Eating and/or Drinking Establishments as Well as All Other Land Uses in Carolina Beach

*Recommendation: Set a public hearing date for October 13, 2009 at 7:30 p.m. or soon thereafter.*

- (f) Request to Hold a Public Hearing Regarding the Town’s Repair and Replacement of Sewer Lift Station #1, Transactions and any Finance Contracts in Connection with the Same, Pursuant to the Town’s Authority Provided by NCGS 160A-4, -11. -12, and – 20; Article I of the Town Charter, Town Code Section 16; and Any Other Applicable Provision of Law

*Recommendation: Recess tonight’s meeting to September 15, 2009 at 7:30 p.m. or soon thereafter to hold the public hearing.*

**ESTIMATED  
TIMES**

**CONSENT AGENDA CON'T**

- (g) Request to Hold a Public Hearing Regarding the Purchase by the Town of Property Identified as New Hanover County Parcel ID #R08818-016-011-000 or Known more Commonly as 309 Carolina Beach Avenue North and Transactions and any Finance Contracts in Connection with the Same, Pursuant to the Town's Authority Provided by NCGS 143-318.11 And 106A-4, -11. -12; Article I of the Town Charter; and Any Other Applicable Provision of Law

*Recommendation: Recess tonight's meeting to September 15, 2009 at 7:30 p.m. or soon thereafter to hold the public hearing.*

**OLD BUSINESS**

- 7:40 p.m.      ITEM #11      ***Tabled from 8/25*** – Discussion Regarding Potential Purchase of 1710 Carolina Beach Avenue North
- 7:50 p.m.      ITEM #12      ***Tabled from 8/25*** - Update on Construction of Dingy Dock at the End of Sandpiper Lane and Canal Drive, and Transient Area at the Municipal Marina

**PUBLIC HEARINGS**

- 8:00 p.m.      ITEM #13      Consider Amending the Town Code, Chapter 9 Motor Vehicles and Traffic; Article VII Wrecker/Towing Services & Impoundment
- 9:00 p.m.      ITEM #14      Consider Amending the Zoning Ordinance, Article 3 Zoning District Regulations; Section 3.9(5)a Dimensional Standards for the Various Zoning Districts to Clarify and Allow HVAC Units to Encroach into Setbacks a Minimum of Four (4) Feet Without Regard to Whether they are Elevated or on the Ground

***ESTIMATED  
TIMES***

***PUBLIC HEARINGS CON'T***

- 9:10 p.m.      ITEM #15      Consider Amending the Zoning Ordinance; Article IV Overlay Districts and Other Special Districts; Inspection Department to Require Foundation Surveys only when Proposed Development is within Two (2) Feet of a Setback Line and to Codify the Current Requirement for “As Built Surveys”
- 9:20 p.m.      ITEM #16      Consider Amending the Zoning Ordinance to Add Section 1.8(c) – Definitions in Italics which will Alert the Reader that Italicized Words have Special Meaning as Defined in the Zoning Ordinance
- 9:30 p.m.      ITEM #17      Consider Amending Article 11 Sign and Handbill Regulations to Clarify that Banner Signs Shall be Permitted for (2) Two Consecutive Weeks but No Longer than Four (4) Weeks Per Year as a Temporary Sign by Permit

***NEW BUSINESS***

- 9:40 p.m.      ITEM #18      Review all Upcoming Town Council Meeting Dates and Consider Setting a Workshop Date at 9:00 a.m. on Nov 10, 2009 at the Carolina Beach Fire Department to Discuss:
- Possible expansion of fire department
  - Current lifeguard program & discuss any changes that the Council would like to consider
  - Update from Lanier Parking & seek direction from the Council on items that they would like to see implemented for next season
- 9:45 p.m.      ITEM #19      Discussion and Outline of Dates Associated with the Closing of Property Located at 309 Carolina Beach Avenue North and Adoption of Reimbursement Resolution, and Discussion and Outline of Dates Associated with the Bidding and Financing of Lift Station No.1
- 9:50 p.m.      ITEM #20      Discussion Regarding Amending the Current Contract with Waste Industries for 5+ Years and Set a Public Hearing at the October 13, 2009 Town Council Meeting to Adjust Solid Waste Rates Based on the Amended Contract with Waste Industries

***ESTIMATED  
TIMES***

***NEW BUSINESS CON'T***

- 10:00 p.m.    ITEM #21    Discussion and Direction Regarding the Purchase of Replenishers for the Newly Installed Luke Parking Machines
- 10:10 p.m.    ITEM #22    Set a Ribbon Cutting Date for the New Lake Park Entryway Project

***NON-AGENDA ITEMS***

- 10:15 p.m.    ITEM #23    Non-Agenda Items:
- Town Council  
Town Manager and/or Department Heads  
Town Clerk  
Finance Officer  
Town Attorney
- 10:30 p.m.    ITEM #24    Request for Closed Session to Discuss Real Estate and Attorney/Client Matters in Compliance with NCGS 143-318.11(a) 3 and 5

***RECESS***

- 10:45 p.m.    ITEM #25    Recess Meeting to September 15, 2009 at 7:30 P.M.