

**TOWN OF OCEAN ISLE BEACH
THREE WEST THIRD STREET
OCEAN ISLE BEACH, NC 28469**

**BOARD OF COMMISSIONERS MEETING
February 10, 2015 8:45 AM
PUBLIC HEARING
MINUTES**

MEMBERS PRESENT:

Mayor Pro Tem Dean Walters	Commissioner D.B Grantham
Commissioner Bob Williams	Commissioner Betty Williamson
Daisy Ivey, Town Administrator	Larry Sellers, Assistant Town Administrator
Sue Stuhr, Town Clerk	Michael Isenberg, Town Attorney

MEMBERS ABSENT:

Mayor Debbie Smith
Commissioner R. Wayne Rowell

OTHERS PRESENT:

14 Property Owners/Guests

CALLED TO ORDER:

Mayor Pro Tem Walters called the public hearing to order and stated the purpose of the hearing was to solicit public comment with regards to modification to the Town's zoning ordinance as follows:

That Section 10-125 Fencing be amended to read as follows:

- (a) Fencing must have at least 50 percent open construction and will be limited to split rail, lattice, picket and noncorrosive aluminum types. Maximum height allowed will be four feet from ground level to the highest point of the fencing. The following types of fencing are prohibited: above-ground electric fences, chain-link fencing and metallic-type fencing. Replacement or repair of any existing fence must comply with these requirements. A building permit will be required prior to installation of fencing.
- (b) Owners of residential structures who construct in-ground or above-ground pools can completely enclose the pool structure with a fence provided that said fence be designed to collapse or breakaway. Above and in-ground pool fencing shall meet a five-foot maximum height limitation and shall utilize the split rail, lattice, picket, shadow box or a closed design fence. The definition of a pool is any structure intended for swimming or recreational bathing that could contain 24 inches of water. This depth includes both in-ground and above-ground pools, hot tubs and spas.
- (c) Commercially zoned lots which also contain commercial uses may install solid or open construction fencing up to a height of five feet measured from ground level to the highest point of the fencing, subject, however, to the following requirements:
 - (1) Fences shall not extend closer than ten feet to the front property line.
 - (2) In no case shall fencing be allowed across a front property boundary or to completely enclose a property.

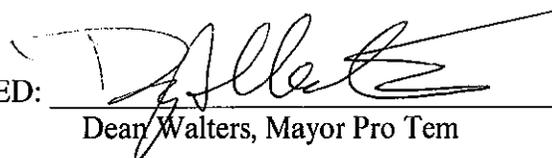
Multi-family structures do not constitute a commercial use for the purpose of this ordinance, however, hotels and motels shall.

- (d) No fence shall impede the visual locating of 911 emergency street addresses.
- (e) No fence shall block access from doors or windows. Fences must have a clearance of at least two feet from building walls, except where fences project to or from a building wall.
- (f) Fences shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.
- (g) The finished side of the fence shall face off site.
- (h) Pedestrian connections through fences that connect to adjoining neighborhoods or other uses are encouraged.
- (i) Government facilities (i.e. water towers, sewer treatment facilities, storage yards, etc.) are exempt from these requirements.

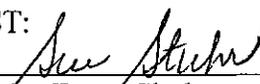
Mayor Pro Tem Walters stated any interested persons were invited to provide comment.

Being no comment was heard; Mayor Pro Tem Walters declared the public hearing closed.

DATED: February 10, 2015

SIGNED: 
Dean Walters, Mayor Pro Tem



ATTEST: 
Sue Stuhr, Town Clerk

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Commissioner Bob Williams	Commissioner Betty Williamson
Daisy Ivey, Town Administrator	Larry Sellers, Assistant Town Administrator
Sue Stuhr, Town Clerk	Michael Isenberg, Town Attorney

ABSENT:

Mayor Debbie Smith
Commissioner R. Wayne Rowell

OTHERS PRESENT:

Approximately 18 Property Owners/Guests

MEETING CALLED TO ORDER

Mayor Pro Tem Walters called the regular meeting to order with everyone repeating the Lord's Prayer and pledging allegiance to the flag.

ADOPTION OF CONSENT AGENDA

Mayor Pro Tem Walters stated the consent agenda included approval of minutes of the January 13, 2015 Board of Commissioners meeting, approval of authorization directing tax collector to advertise F/Y 2014 tax liens on real property, approval of Budget Adjustments Nos. 6 and 7 and approval of summary notification for disposal of inoperable and unserviceable Town inventory. Upon a motion by Commissioner Williamson with a second by Commissioner Grantham, the Board vote was unanimous in approval of the consent agenda as presented.

ADOPTION OF AGENDA

Mayor Pro Tem Walters stated the next item of business was adoption of the meeting agenda. Commissioner Grantham made a motion to approve the meeting agenda with an amendment to include Board discussion regarding change orders for the Raeford Street Beach Access Project as New Business # 5. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Pro Tem Walters presented a service award to Wendy Barbee recognizing her 15 years of dedicated service as the Town's Tax Collector and Customer Services Supervisor.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey reviewed details of the financial dashboard indicating an increase in cash and investments over the same period prior year for the month of January 2015. Mrs. Ivey advised building permit revenues stand at a collection rate of 75.53% compared to 64.99% for same month prior year. Mrs. Ivey reported on F/Y

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2014 property taxes indicating current year outstanding taxes in the amount of \$320,917, for a collection rate of 89.73%. Mrs. Ivey also reported F/Y 2013 has \$96,372 in property taxes outstanding as of January 2015, at a current collection rate of 96.97%. For the tax year 2012, \$898 remained outstanding at a collection rate of 99.97%. Mrs. Ivey advised BEMC has begun the streetlight project, noting lighting updates had been completed in the areas of Richmond and East First Street and their expectations to complete the project by March. Mrs. Ivey provided an update on the status of the Starboard/Asheville Street stormwater project coordinated with the Town and property owners. Mrs. Ivey stated the engineering study is anticipated to be available by the end of February, permitting completed during the March timeframe and construction of the project to begin by the first of May. Mrs. Ivey reported the final draft EIS for the Terminal Groin Project has been submitted and released by the Corps to the public. Mrs. Ivey stated the notice of availability was issued by the Corps on January 23 and noted the 45 day public commenting period will be open through March 16. Mrs. Ivey advised the Corps has scheduled a public hearing on March 3, 2015 at Union Elementary School at 6:00 pm to allow comment regarding the Terminal Groin Project and urged property owners to attend. Mayor Pro Tem Walters reiterated the importance of local property owner attending the upcoming public hearing to present their views regarding the project. Mrs. Ivey also reported the draft report of the Town's 30 Year Beach Management Plan has been submitted by Coastal Planning and Engineering. Mrs. Ivey indicated meetings will be scheduled with CPE engineers to allow review and discussion of the draft beach management plan presented. Mrs. Ivey reported Accommodations collections for the month of December 2014 were in the amount of \$10,916, a reduction over same month prior year collections. Mrs. Ivey advised of the upcoming CRC meeting scheduled February 17 - 18 in Atlantic Beach. Mayor Pro Tem Walter expressed his appreciation of the recent completion of the "News Breaker" newsletter, calendar and property owner decal mailing, which is completed in-house by Town staff. Mrs. Ivey confirmed the newsletter mailing was a well coordinated effort, noting the contributions of the department heads in providing news articles and also expressing her appreciation to Sue Stuhr for her part in the design and production of the Newsletter.

2. Police Department – Chief Bellamy provided a report on police activity for the month of January. Chief Bellamy advised two arrests had been made in connection with recent breaking and entering crimes and noted the majority of the stolen property had been recovered.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of January including details of seasonal landscape maintenance and projects in progress for each utility department. Mr. Sellers provided an update on project to rehab the E-1 Main Pump Station's wet well and piping located at 1 Laurinburg Street indicating staff monitored the project through completion. Mr. Seller also advised the BEMC underground power upgrades project remained in progress, and noted that sewer department personnel was monitoring pump stations during periodic power outages.

4. Fire Department – Chief Yoho summarized an activity report for the month of January indicating the Department responded to a total of 40 calls for service, 13 of which were in the town limits and 27 in the County, which reflects a slight reduction over prior year same month statistics. Chief Yoho reported 350 hours of training and 24 fire inspections were performed during the month.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside advised a litter sweep in conjunction with the Adopt –A – Highway program was recently completed by Town Staff. Mr. Whiteside reported the Ocean Isle Fish Co. is expected to open soon in the former Giggling Mackerel location and also noted the new Subway Restaurant is nearly ready to open for business.
6. Building Inspections – Mr. Cook provided a report from the Building & Inspections Department indicating that permits were issued for 2 new single family (SF) residential homes in the city and 1 residence in the ETJ for a total of 84 permits issued during the month of January, with a total construction value of \$1,963,542.

COMMENTS

Mayor Pro Tem Walters stated that this time had been set aside to allow our citizens to speak in regard to issues relating to agenda items. Mayor Pro Tem Walters stated that due to time constraints, each speaker should limit their comments to three minutes. Comments were heard as follows:

Deb Boyce, Ocean Isle Sea Turtle Protection Org. – Mrs. Boyce asked for information regarding the plans for the Town streetlight updates, indicating the optimal design would focus the light downward to limit issues relating to the sea turtle nesting habitat. Mrs. Ivey confirmed the updated lighting would be the new LED style which directs the light downward.

Robbie Smith, 142 E. First Street - Mr. Smith asked how the Town was addressing the recent increase in breaking and entering crimes and also asked if the Town was taking steps to install security cameras on the bridge in the near future. Police Chief Bellamy responded stating the Police Department has implemented routine house security checks and also numerous random license checkpoints to assist in monitoring traffic activity on the Island. Chief Bellamy indicated the Police Department is currently pursuing information regarding purchase options for a security camera system for the Town.

OLD BUSINESS

1. Discussion regarding amendments to the Town's Ordinance Section 10-125 Fencing was the first item of business. Mayor Pro Tem Walters noted a public hearing was held prior to the meeting to allow comments regarding the proposed changes to amend Town's Ordinance Section 10-125 Fencing to read as follows:
 - (a) Fencing must have at least 50 percent open construction and will be limited to split rail, lattice, picket and noncorrosive aluminum types. Maximum height allowed will be four feet from ground level to the highest point of the fencing. The following types of fencing are prohibited: above-ground electric fences, chain-link fencing and metallic-type fencing.

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Multi-family structures do not constitute a commercial use for the purpose of this Ordinance, however, hotels and motels shall.

(d) No fence shall impede the visual locating of 911 emergency street addresses.

(e) No fence shall block access from doors or windows. Fences must have a clearance of at least two feet from building walls, except where fences project to or from a building wall.

(f) Fences shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.

(g) The finished side of the fence shall face off site.

(h) Pedestrian connections through fences that connect to adjoining neighborhoods or other uses are encouraged.

(j) Government facilities (i.e. water towers, sewer treatment facilities, storage yards, etc.) are exempt from these requirements.

Following discussion of the proposed changes to the Town's ordinance regulating fencing, upon a motion by Commissioner Grantham and second by Commissioner Williams, the Board voted unanimously to approve Resolution No. 2015-01 adopting the changes to the Town Ordinance Section 10-125 Fencing. A copy of the resolution is incorporated by reference and hereby made a part of these minutes.

NEW BUSINESS

1. The first item of business was discussion regarding requests for approval of group activities as follows:

- a. Paws-Ability - Request to conduct 5th Annual Poker Run on October 10, 2015:
Board members reviewed a request submitted by Paws-Ability for approval to conduct the 5th Annual Poker Run fundraiser on October 10, 2015. Mrs. Ivey advised the group activity application had been completed and no issues had been noted by

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staff. Mrs. Ivey stated permission to use the Town's property adjacent to the Museum for the event and also waiver of the activity fee due to the non-profit status of the organization was requested. Commissioner Williams made a motion to approve the request to conduct the 5th Annual Poker Run on October 10, allow permission for the use of the Town's property contingent upon evidence of liability insurance and also waive the group activity fee for the non-profit event. Upon a second to the motion by Commissioner Williamson, the Board vote was unanimous in approval.

b. Ocean Isle Museum Foundation – Civil War Living History, July 17-19, 2015:

Board members reviewed a request from the Museum of Coastal Carolina for approval of group activity request to conduct a Civil War Living History at Ocean Isle Beach July 17 – 19, 2015. Staff noted concerns regarding the dates of the request and also the fact some of the planned activities, including camping, open flame, and discharge of firearms, would be in violation of the Town's ordinance. Commissioner Williamson expressed concerns regarding the timeframe of the request, noting it has been the Board's policy to restrict group activity events during the busy summer month of June, July and August. Following this discussion, Commissioner Williams made a motion to deny the request by the Museum of Coastal Carolina to conduct a Civil War Living History on July 17-19, 2015. Upon second to the motion by Commissioner Williamson, the Board vote was unanimous to deny the request.

c. Brunswick County Chamber of Commerce - Oyster Festival Road Race:

A request for approval to conduct the annual Oyster Festival Road Race 1 Mile, 5K and 10K on Sunday, October 18, 2015 7:00 am to 9:00 am was the next item of discussion. Mrs. Ivey advised the group activity application had been completed and no issues had been noted by staff. Following review of the request, Commissioner Williams made a motion to approve the request to conduct the Oyster Festival Road Race on October 18 as presented. Upon a second to the motion by Commissioner Grantham, the Board voted unanimously in approval.

- 2. Discussion regarding award of contract for the installation of sewer taps along East Third Street was the next item of New Business. Board members reviewed two bids received for the project to install alongside sewer taps, lateral crossings and house connections along East Third Street. Mr. Sellers recommended award of contract to low bidder Hickman Utilities. Mrs. Ivey stated funds for this project were allocated in the F/Y 2014-15 Budget. Following discussion and review of a draft agreement, Commissioner Grantham made a motion to enter into a contract agreement with Hickman Utilities for the project to install alongside sewer taps, lateral crossings and house connections along East Third Street at a cost of \$11,130 as presented. Upon a second by Commissioner Williamson, the Board vote was unanimous in approval.**
- 3. Mayor Pro Tem Walters stated discussion regarding a request by Cottage Building Company for release of guarantee for the alleyway improvements in Waterway Cove Phase II was the next item of business. Mr. Whiteside reviewed details of the request from Cottage Building Company for refund of their cash guarantee following the completion of the alleyway improvements in**

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Phase II of the Waterway Cove project. Mr. Whiteside confirmed Paramounte Engineering, Inc. had provided engineering certification stating the alleys were constructed per the specifications and were verified through construction observation and a field as-built survey. Following review of the documentation provided, upon a motion by Commissioner Grantham and second by Commissioner Williams, the Board voted unanimously to approve the refund of cash guarantee in the amount of \$52,344 as requested.

4. Mayor Pro Tem Walters stated discussion regarding a request for zoning of a newly platted parcel located at 6700 Appletree Street SW (Parcel #243OH001) was the next item of business. Mr. Whiteside summarized a request from DCS Ltd for the zoning of Parcel #243OH001, which is currently not zoned, to the designation of C-3 Commercial Highway District. Mr. Whiteside provided a copy of the zoning application documents and an adjacent area zoning map for review. Mr. Whiteside advised this request would need to be referred to the Planning Board for recommendation. Following review of the findings for the DCS Ltd. zoning request, upon a motion by Commissioner Williamson and second by Commissioner Williams, the Board voted unanimously to refer the request to the Planning Board for recommendation.
5. Discussion regarding approval of change orders no. 1 and 2 for Raeford Street Beach Access Project was the final item of New Business. Mr. Whiteside provided details of Change Order No. 1 due to the need to relocate six (6) posts that would encroach on a neighboring property. Board members were advised a survey conducted on February 3, 2015 revealed an existing iron survey marker was placed in the wrong location. Staff advised the additional cost incurred to relocate the posts would be \$210. A second change order was requested by staff due to the nature of the dune growth since the original plans for the beach access replacement were drawn. Staff recommended raising the walkway boards from 7.5" to 15" higher than proposed and to add approximately 15' in length to the walkway to help keep it clear of sand that would build up over the walkboards. Staff advised the additional cost for these improvements would be \$2875. Following this discussion, upon a motion by Commissioner Grantham and second by Commissioner Williamson, the Board voted unanimously to approve Change Order No. 1 at an increased cost of \$210 and No. 2 in the amount of \$2875 for the Raeford Street Beach Access Project as presented.

EXECUTIVE SESSION

The Board recessed to Executive Session upon approval of a motion of Commissioner Williamson with a second by Commissioner Grantham. The vote was unanimous. Mayor Pro Tem Walters stated an Executive Session was necessary in order to approve the minutes of the January 13, 2015 Executive Session as per G.S. 143-318.11(1) and consult with the Town Attorney regarding pending legal issues as per G.S. 143-318.11(3).

The Board returned to regular session upon approval of a motion by Commissioner Williamson with a second by Commissioner Williams. Mayor Pro Tem Walters reported during executive session the Board approved the minutes of the January 13, 2015 Executive Session upon a motion of Commissioner Williams and second by Commissioner Williamson. The vote was unanimous.

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Mayor Pro Tem Walters stated during executive session the Board also consulted with the Town Attorney regarding pending legal issues.

RECESS TO RECONVENE

Being no additional business was heard; Commissioner Williams made a motion to recess to reconvene for a budget workshop on February 26, 2015 at 9:00 am at the Ocean Isle Inn. Upon a second by Commissioner Williamson, the vote was unanimous in approval.

DATED: February 10, 2015

SIGNED: 
Dean Walters, Mayor Pro Tem

ATTEST: 
Sue Stuhr, Town Clerk

