

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

BOARD OF COMMISSIONERS MEETING

March 10, 2015

MINUTES

MEMBERS PRESENT:

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

OTHERS PRESENT:

Approximately 13 Property Owners/Guests

MEETING CALLED TO ORDER

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

ADOPTION OF CONSENT AGENDA

Mayor Smith stated the consent agenda included approval of minutes of the February 9 Open Forum, February 10 Public Hearing and Board of Commissioners meeting and the addition of an amendment to include Board approval of the Town's local support and commitment for Aviation Projects in the Draft 2015-2025 State Transportation Improvement Program (STIP). Upon a motion by Mayor Pro Tem Walters with a second by Commissioner Rowell, the Board vote was unanimous in approval of the consent agenda with the amendment as presented.

ADOPTION OF AGENDA

Mayor Smith stated the next item of business was adoption of the meeting agenda. Commissioner Grantham made a motion to approve the meeting agenda with the following amendments: remove discussion regarding bids for the project to paint the exterior of Town Hall and the Police Department, delete request from Cottage Builders for modification of Preliminary Land Use Plan for Waterway Cove that was withdrawn by requestor, add to New Business Board discussion regarding proposed legislation - Building Design and Aesthetic Controls (HB36/SB25) and Justice for Rural Citizens Act - ETJ (HB51) and also to recess to reconvene for a public workshop to provide information regarding the draft EIS for the Terminal Groin project on April 4 at 9:00am. Upon a second by Commissioner Williamson, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith provided information regarding the NCDOT Old Georgetown Road R-3432 Extension Project indicating NCDOT has advised these roads will be closed to traffic at the OGTR/Ocean Isle Beach Road Intersection from March 18–April 16, 2015 to accommodate the next construction phase of the roundabout project.

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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 February 2015. Mrs. Ivey reported on F/Y 2014 property taxes indicating current year outstanding taxes in the amount of \$285,142, for a collection rate of 90.88%. Mrs. Ivey also reported F/Y 2013 has \$97,671 in property taxes outstanding as of February 2015, at a current collection rate of 96.93%. For the tax year 2012, \$903 remained outstanding at a collection rate of 99.97%. Mrs. Ivey reported accommodations collections for the month of January 2015 showed a 107% increase in VRBO collections and 19.7% increase in accommodations over same month prior year collections. Mrs. Ivey advised the Concrete Canal Dredging Project was complete and final surveys were in progress. Mrs. Ivey provided an update on the status of the Starboard/Asheville Street stormwater project coordinated with the Town and property owners indicating property owner funds for the project were expected to be collected by early April and the application for a Minor CAMA permit was in process for the project to proceed. Mrs. Ivey also provided an update on the public hearing held by the Corps on March 3 at Union Elementary School to allow comment regarding the draft EIS for the Terminal Groin Project. Mayor Pro Tem Walters noted the public hearing had good attendance and Ocean Isle Beach property owners were well represented. Mrs. Ivey also advised the draft report of the Town's 30 Year Beach Management Plan prepared by Coastal Planning and Engineering was expected to be submitted to the Board soon.
2. Police Department – Chief Bellamy provided a report on police activity for the month of February indicating a decrease in property crime over same time frame prior year. Chief Bellamy also provided an update on the security camera project indicating a preliminary site survey had been completed by BEMC and a site survey by the camera installers engineering firm would be performed.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of February including details of seasonal landscape maintenance and status of projects in progress for each utility department. Mr. Sellers 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 February indicating the Department responded to a total of 58 calls for service, 15 of which were in the town limits, which reflects a slight increase over prior year same month statistics. Chief Yoho reported 390 hours of training and 30 fire inspections were performed during the month.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside advised the Raeford Beach Access was now complete and the Beaufort Street Access project was currently in progress. Mr. Whiteside also indicated the Driftwood Beach Access project was anticipated to be completed by Easter. The new business report included the upcoming openings of the Ocean Isle Fish Co. in the former Giggling Mackerel location, Classy But Sassy Gifts and Mister Cutz, both located on Beach Drive.

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6. Building Inspections – Mr. Dycus provided a report from the Building & Inspections Department indicating that permits were issued for 5 new single family (SF) residential homes in the town and 1 residence in the ETJ for a total of 76 permits issued during the month of February, with a total construction value of \$3,251,631.

COMMENTS

Mayor Smith stated that this time had been set aside to allow our citizens to speak in regard to issues relating to agenda items. Mayor Smith stated that due to time constraints, each speaker should limit their comments to three minutes. No comments were heard.

OLD BUSINESS

1. Review of a recommendation from the Planning Board regarding the request for zoning designation of newly platted parcel located at 6700 Appletree Street SW (Parcel #243OH001) was the first item of business. Board members considered a recommendation from the Planning Board to designate the zoning of Parcel #243OH001 as C-3 Commercial Highway District. Mayor Pro Tem Walters questioned if the adjacent housing development would be allowed to construct a fence or barrier that would prevent traffic entering from this property. Mr. Whiteside confirmed the property owners association would be able place a landscape barrier or fencing if they chose. Following this discussion, Mayor Pro Tem Walters made a motion to schedule a public hearing to allow comment regarding the proposed designation of Parcel #243OH001 on April 14, 2015 at 9:00am. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.

NEW BUSINESS

1. The first item of business was discussion regarding requests for approval of group activities as follows:
 - a. Ocean Isle Property Owners Association (OIPOA) request for approval of the following group activities for 2015:
 - Concerts on the Coast – Fridays, May 22 – September 4 6:30pm–8:00pm
 - Independence Day Parade – July 3, 10:00 am – Noon
 - Sand Sculpture Contest – August 29, 9:30am–2:00pm
 - Trash Bash - September 26, 8:00am – 1:00pm
 - Super Saturday - November 28, Parade at 2:00pm, Tree Lighting at 5:00 pm followed by Visit with Santa at 5:30 pm

Board members were provided a checklist with details of each the activities requested .Mrs. Ivey advised group activity applications for each of the events had been completed, evidence of liability insurance provided and verbal permission for use of Museum of Coastal Carolina property had been received pending the written document. Mrs. Ivey stated permission to use the Town's property adjacent to the Museum for the events 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 OIPOA events as presented, to allow use of Town's property adjacent to the Museum and also to waive the group activity fee as requested. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.

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b. Request to Conduct 2015 Fishing Tournaments at Ocean Isle Fishing Center:

- Jolly Mon Classic – June 16-21
- Fall Brawl – October 8-11

Board members considered a request from Brant McMullan for approval of a request to conduct the Jolly Mon (June 16-21) and Fall Brawl (October 8-11) Fishing Tournaments. Commissioner Williamson noted the alternate dates (June 23-28) requested for the Jolly Mon Classic would conflict with the check-in weekend prior the July 4 holiday, which would be one of the busiest Saturdays of the summer. Commissioner Williamson noted it has been the Board's policy to restrict group activity events during the busiest summer months of June, July and August. Board members held discussion with Mr. McMullan to determine if there was a mutually acceptable alternate date. Mr. McMullan indicated the dates for the Jolly Mon Classic, which was a family-oriented event, were selected to be June 16-21 to coincide with the end of school year schedules along with the optimal fishing season. For this reason it would not be possible to alter the original tournament date requested and limited feasible alternate dates for the tournament. Board members discussed the fact that any alternate dates on weekends that would follow, would not be acceptable due to the escalating tourist traffic. Following this discussion, Commissioner Williamson made a motion to approve the request to conduct the Jolly Mon on June 16-21 but deny the requested alternate date of June 23-28. The motion also included approval of the Fall Brawl on October 8-11 with an alternate date of October 22-26 as requested and to allow use of the Town's vacant property on Causeway Drive as parking area for both of the fishing tournaments, contingent upon evidence of liability insurance. Upon a second to the motion by Commissioner Rowell, the Board voted unanimously in approval.

c. YMCA Girls on the Run (GOTR) and STRIDE 5K Benefit Run – April 25, 2015

Board members reviewed a checklist with details of the requested 5K benefit along with a route map for the event. Mrs. Ivey advised staff had reviewed the group activity application with no issues noted. The request included permission for use of the Town's leased property on Causeway Drive as a parking area for the event and to utilize the Community Center for registration of the event. Mrs. Ivey advised evidence of liability insurance had been provided and waiver of the group activity application fee due to the non-profit status of the sponsor organization was also requested. Mayor Smith questioned if the race route would impact both first and second street traffic during the entire event. The Board considered if there would be a need to monitor traffic in this area and it was suggested the Police Department coordinate with the organizers of the event to limit use of one lane of traffic for the participants. Upon a motion by Commissioner Grantham and second by Commissioner Williams, the Board voted unanimously to approve the request to conduct the 5K Run on April 25, 2015, waiver of the group activity fee due to nonprofit status and also to allow permission for use of Town's leased property as a parking area.

d. Ocean Isle Beach Sea Turtle Protection Organization (OISTPO) Events to be held at the Community Center:

- South Brunswick Sea Turtle Festival on July 8, 2015
- Turtle Talk - Educational Sea Turtle Program at the Community Center - Tuesday Evenings 7:00 – 8:30pm, May 27 - Aug. 26, 2015

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Mrs. Ivey advised staff had reviewed the group activity application for these annual OISTPO events with no issues noted. Mrs. Ivey noted waiver of the group activity application fee due to the non-profit status of the sponsor organization was requested. Commissioner Williamson made a motion to approve the events as requested and allow waiver of the group activity fee due to nonprofit status. Upon a second by Commissioner Rowell, the Board voted unanimously in approval.

e. Group Activity Requests from Museum of Coastal Carolina:

- Family Day – April 4, 2015, 10:00am – 2:00pm
Family fun event with outdoor craft, games & food
- Wine Fest 2014 – April 25, 2015, 6:00pm - 9:30 pm
Fundraiser event including live music, silent auction, food and wine

Board members reviewed the group activity checklist for the events to be held at the Museum of Coastal Carolina. The request included permission for use of the Town's property on Causeway Drive as a parking area for the event. Mrs. Ivey noted evidence of liability insurance had been provided and confirmed that all alcoholic beverages served at the event would be consumed inside the Museum building only. Waiver of the group activity application fee due to the non-profit status of the sponsor organization was also requested. Upon a motion by Commissioner Rowell and second by Commissioner Williamson, the Board voted unanimously to approve the request to conduct the events at the Museum of Coastal Carolina as requested, allow waiver of the group activity fee and also to allow permission for use of Town's property as a parking area.

2. Mayor Smith stated appointment to fill expiring terms on Advisory Boards was the next item of New Business:

a. Vacancy on Planning Board – Expiring Term March 2015

Mrs. Ivey advised Mrs. Carol Grantham has indicated her interest in continuing to serve as a member of the Planning Board. Mayor Pro Tem Walters made a motion to reappoint Mrs. Grantham to serve an additional three (3) year term on the Planning Board. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.

b. Vacancy on the Board of Adjustment - Expiring Term March 2015

Mrs. Ivey stated a letter of interest in continuing to serve in this capacity had been received from Mrs. Ward. Commissioner Rowell made a motion to reappoint Mrs. Ward to serve an additional three (3) year term as an alternate member on the Board of Adjustment. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.

3. Mayor Smith stated the next item of New Business was discussion regarding proposed modification to Town Ordinance Section 26-10 Burning within the Town Limits. Planning and Fire Department staff presented suggested amendments intended to clarify the Town's regulations in regard to the use of fire pits on the Island. Board members reviewed the proposed changes that would prohibit open burning, portable outdoor fireplaces, bonfires, and recreational fire within town limits except for fixed gas fueled outdoor fireplaces that would require a mechanical permit prior to installation. Staff advised establishing regulations with specific rules for burning within the Town would assist Police and Fire Departments personnel

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with enforcement issues that have been experienced in the past due to the lack of regulation of fire pits. Mayor Pro Tem Walters related his support of regulating the use of fire pits, however he suggested an ordinance that would specify the type of fire pit that would be allowed and establish regulations for safe use that would allow property owners that currently own fire pits to continue to enjoy their use. Board members discussed the need for further definition of the regulations and also acknowledged that many property owner enjoy the social experience of having a fire pit in their back yard. Following this discussion, the Board was in consensus to direct staff to further consider amendments to the Town ordinance that would address safety concerns and also define the appropriate use of approved fire pits for consideration at an upcoming Board meeting.

4. Mayor Smith stated discussion regarding the following proposed legislation was the next item of New Business:

a. Sale of Spirituous Liquor at Non-State Controlled Stores – SB24/HB107:

Board members reviewed information provided regarding proposed state legislation that would allow for the sale of spirituous liquor at non state controlled stores and discussed concerns raised that it may open the door to further expansion of private spirituous liquor sales throughout North Carolina. Board members considered a draft resolution expressing the Town's opposition to the proposed legislation. Upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board voted unanimously to adopt the resolution expressing opposition to the proposed legislation and directed staff to forward copies to the Town's legislative representatives.

b. Zoning/Building Design and Aesthetic Controls – HB36/SB25:

Board members considered information provided by the Planning Department regarding proposed state legislation that would prohibit cities and towns from requiring design and esthetic controls on any structure subject to the NC Residential Code for one and two family dwellings. Mr. Whiteside summarized information regarding the benefits of the local municipality maintaining design controls including protection of property values, public safety concerns such as traffic, parking and wastewater collection for homes and potential negative consequences related to the conversion of single family homes into multiple occupancy. The Board of Commissioners were in consensus of the importance of individual municipalities maintaining the ability to determine the future development of their own community at the local level. Discussion followed addressing the concern that municipalities retain the ability to impact the quality of life, protect citizens' investments in their homes and preserve the character within their community through reasonable regulation of design standards. Following review of a draft resolution expressing the Town's opposition of the proposed legislation, a motion was made by Commissioner Rowell to adopt a resolution in opposition of HB 36/SB 25 Zoning/Design and Aesthetic Control and forward a copy to the Town's legislative delegation. Upon a second by Commissioner Williamson, the vote was unanimous in approval.

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- c. Justice for Rural Citizens (ETJ) – HB51:
Information regarding proposed legislation that would remove all ETJ areas as of January 1, 2016 was considered by the Commissioners. Mr. Whiteside provided background on legislation under consideration by the Legislature that would remove extraterritorial jurisdiction authority that has existed in North Carolina since 1949. Mr. Whiteside presented concerns of the impact of such legislation including the fact the areas in counties develop much differently that those along the urban edge of a municipality, possible impact to developments including cost imposed on developers and the benefit of having an ETJ that establishes aesthetics that are often the same as those within the municipality. Board discussion followed regarding the fact that extra territorial jurisdiction provides local officials the ability to protect property values by ensuring the development at the edge of cities is compatible with development within the Town and helps promote the quality of life for the municipality. A motion was made by Commissioner Williamson to adopt a resolution in opposition of the Justice for Rural Citizens Act and transmit copies to the members of the general assembly to express the Town's opposition to this proposed legislation. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.

EXECUTIVE SESSION

The Board recessed to Executive Session upon approval of a motion by Commissioner Williamson with a second by Commissioner Rowell. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of the February 10, 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 Rowell. Mayor Smith reported during executive session the Board approved the minutes of the February 10, 2015 executive session upon a motion of Commissioner Grantham and second by Commissioner Williamson. The vote was unanimous. Mayor Smith 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 on Saturday April 4, 2015 at 9:00 am for a Public Workshop to provide information regarding the Draft EIS for the Terminal Groin Project. Upon a second by Commissioner Williamson, the vote was unanimous in approval.

DATED: March 10, 2015

SIGNED: Debbie S. Smith
Debbie S. Smith, Mayor

ATTEST: Sue Stuhr
Sue Stuhr, Town Clerk

