

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

**BOARD OF COMMISSIONERS MEETING
April 14, 2015 9:00 AM
PUBLIC HEARING
MINUTES**

MEMBERS PRESENT:

Mayor Debbie Smith	Mayor Pro Tem Dean Walters
Commissioner D.B Grantham	Commissioner R. Wayne Rowell
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:

OTHERS PRESENT:

13 Property Owners/Guests

CALLED TO ORDER:

Mayor Smith called the public hearing to order and stated the purpose of the hearing was to solicit public comment with regards to the designation of zoning criteria for property located at 6700 Appletree Street SW, Ocean Isle Beach, NC, specifically Parcel ID 243OH001, as C-3 (Commercial Highway District).

Comments were heard as follows:

John Hobgood, 1749 Maplewood Court, POA President – Mr. Hobgood related a number of concerns expressed by the adjacent property owners including the Town's requirements for fencing or a landscape screening buffer, if the area would be allowed to be used for outdoor storage and also potential access from this parcel to the adjacent residential neighborhood.

Mr. Whiteside confirmed the property owners association would be able place a landscape barrier or fencing if they chose; however, the Town's zoning ordinance does not impose a requirement for the new business owner to construct a fence.

Tom Hill, (Maplewood Court) Property Owner – Mr. Hill spoke questioning what restrictions of use and any limitation the Town may impose for the property at 1600 Appletree Lane if it were to be designated to C-3.

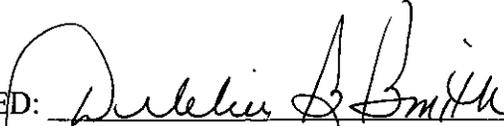
Mayor Smith advised the Town's ordinance designates permitted commercial uses for property located in the C-3 Commercial Highway District and any restrictions defined in the current zoning ordinance would be applicable to the parcel.

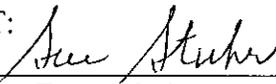
Jimmy Sasser, Jimmy's Marine – Mr. Sasser indicated his business intends to use the property as an area for boat repair and also advised of his plans to install a fence enclosing the property.

Being no further comment was heard; Mayor Smith declared the public hearing closed.

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DATED: April 14, 2015

SIGNED: 
Debbie Smith, Mayor

ATTEST: 
Sue Stuhr, Town Clerk



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OTHERS PRESENT:

Approximately 13 Property Owners/Guests
Tom Jarrett and Brad Rosov, Coastal Planning and Engineering of NC, Inc.
Michael Norton, Compass Pointe Engineering, PA

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 26 Budget Workshop, March 10 Board of Commissioners Meeting and April 4 Public Workshop. The consent agenda also included, an amendment to the Overall Project List for the Bicycle and Pedestrian Plan and acceptance of memorandum of Site Agreement Termination and Release from Sprint Nextel for the East End Water Tank Lease. Upon a motion by Commissioner Williamson with a second by Commissioner Rowell, the Board vote was unanimous in approval of the consent agenda as presented.

ADOPTION OF AGENDA

Mayor Smith stated the next item of business was adoption of the meeting agenda. Commissioner Rowell made a motion to approve the meeting agenda with one amendment to move the discussion regarding the Driftwood Beach Access Project to be held following Executive Session. Upon a second by Commissioner Grantham, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith advised of the upcoming Brunswick Beaches Consortium meeting that will be held at Town Hall on Thursday, April 16. Mayor Smith also provided an update on the Workshop regarding the Terminal Groin Project scheduled on Saturday, April 4 at Town Hall. Mayor Smith advised more than 50 property owners attended the workshop that was held to provide property owners with information and address questions regarding the EIS for the Terminal Groin project.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey reviewed details of the financial dashboard indicating an increase in general fund cash investments over the same period prior year for the month of March 2015. Mrs. Ivey reported on F/Y 2014 property taxes indicating current year outstanding taxes in the amount of \$254, 302, for a collection rate of 91.87%. Mrs. Ivey also reported F/Y 2013 has \$82,458 in property taxes outstanding as of March 2015, at a current collection rate of 97.41%. For the tax year 2012, \$909 remained outstanding at a collection rate of 99.97%. Mrs. Ivey reported accommodations collections for the month of February 2015 showed a decrease in VRBO collections and a 12% increase in accommodations over same month prior year collections. Mrs. Ivey stated she wanted to commend the Police Department following receipt of a letter from a property owner advising of a recent incident in which she was in her home without a vehicle. A Police Officer knocked on the door to determine if there was a problem. The property owner praised the police department for being so observant and confirming her security. Mrs. Ivey provided an update from NCDOT regarding the proposed roundabout project indicating plans are expected to be available within a week and meetings with adjacent property owners will be scheduled. Mrs. Ivey advised the Town was implementing the new on-call procedures for the water department to facilitate a quick response time to water related issues or emergencies that occur outside of regular business hours. Mrs. Ivey noted the Town is hosting the upcoming “Coffee with a Cop” scheduled at 8:00 am on April 20 at the Drift Coffee Shop. Mrs. Ivey advised she will be attending the upcoming CRC meeting that will be held at the Town of Manteo. Mrs. Ivey also provided an update on the County CIP meeting attended on April 8 with Mayor Smith and Commissioner Grantham, indicating their disappointment in the lack of priority given to the completion of the OIB Park project.
2. Police Department – Chief Bellamy provided a report on police activity for the month of March indicating the department experienced a relatively quiet spring break and decrease in property crime over same time frame prior year. Chief Bellamy also provided an update on the progress of the security camera project.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of March including details of seasonal landscape maintenance, and status of the numerous projects in progress for each utility department.
4. Fire Department – Chief Yoho summarized an activity report for the month of March indicating the Department responded to a total of 52 calls for service, which reflects a slight decrease over prior year same month statistics. Chief Yoho reported 550 hours of training and 26 fire inspections were performed during the month.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside reported Brunswick County has adopted a noise ordinance that should be beneficial in controlling local noise issues. Mr. Whiteside advised Staff has recently competed another pickup in conjunction with the Adopt-a-Highway Program. Mr. Whiteside also provided an update on beach access projects currently in progress including trash surrounds and foot showers.

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6. Building Inspections – Mr. Whiteside reported on activity in the Building & Inspections Department indicating that permits were issued for 2 new single family (SF) residential homes in the Town and 1 residence in the ETJ for a total of 126 permits issued during the month of March, with a total construction value of \$ 1, 875,577.

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. Comments were heard as follows:

David Martin, 248 East First Street – Mr. Martin questioned if the Board would come back in session to discuss the pending Driftwood Beach Access Project. Mayor Smith confirmed the Board would reconvene to open session to discuss access project following executive session.

OLD BUSINESS

1. Mayor Smith stated the first item of business was discussion regarding designation of zoning for the newly platted parcel located at 6700 Appletree Street SW (Parcel #243OH001). Mayor Smith stated a public hearing was held prior to the Board meeting to receive comment regarding this matter. Following a brief discussion of the fact a site plan indicating any intended improvements would be required to be provided by the new owners to confirm compliance with the Town's zoning ordinance, Mayor Pro Tem Walters made a motion to adopt a resolution to zone Parcel #243OH001 to the designation of C-3 Commercial Highway District. Upon a second to the motion by Commissioner Williams, the Board vote was unanimous in approval.
2. Discussion regarding amendment to the Town's Ordinance Section 26-10 – Burning within the Town Limits was the next item of Old Business. Following Board discussion at the March Board meeting, staff was directed to consider amendments to address safety concerns and also define the appropriate use of approved fire pits for consideration. Staff presented proposed modifications to the Town's ordinance regulating portable outdoor fireplaces/pits within the Town limits that Section 16-10 to read as follows:
 - (a) *The burning of any material on the beach or on a street, road, lane or public ground is prohibited, subject to provisions of this section. No person shall kindle or maintain any recreational fire, bonfire, or shall knowingly furnish the material for any such fire, or authorize any such fire to be kindled or maintained,*
 - (b) *No person shall operate any type of portable outdoor fireplace/pit, hibachi or charcoal grill or maintain any type of open fire on any outside porch, patio or landing above ground level. Electric and gas grills shall be permitted only if they are permanently attached to the landing and not covered by any type of roof or awning. Gas fueled outdoor fireplaces three (3) feet in diameter or less with a flame height less than two (2) feet, permanently affixed to the ground, and separated from structures and combustible materials by ten (10) feet shall be permitted. Open burning, bonfires, and recreational fires shall be prohibited within town limits unless contained within a device specifically manufactured for such purposes (ex. Fire pits,*

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chimeneas, etc.) which shall be placed no closer than fifteen (15) feet to any structure or natural and/or manmade combustible material. No fire located in a portable outdoor fireplace/pit shall be left unattended.

- (c) All fixed gas fueled outdoor fireplaces shall require a mechanical permit from the Town's Inspections Department prior to installation.*
- (d) Anyone violating this section shall be cited by the chief of police or one of his deputies and shall be guilty of an infraction. The offender shall pay a civil penalty of \$35.00 into the office of the town clerk within 72 hours following receipt of the citation. If such penalty is not paid, in accordance with G.S. 160A-175, violations of any provision of this section shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction in accordance with section 1-6.*

Board members considered the proposed changes that would clarify the Town's regulations in regard to burning within the Town limits and allow the use of a device specifically manufactured for such purposes (ex. Fire pits, chimeneas, etc.) which shall be placed no closer than fifteen (15) feet to any structure or natural and/or manmade combustible material. Following this discussion, Commissioner Rowell made a motion to approve a resolution adopting the changes to the Town's Ordinance Section 16-10 – Burning within the town limits as presented. Upon second to the motion by Commissioner Williamson, the Board vote was unanimous in approval.

NEW BUSINESS

1. Mayor Smith stated the first item of New Business was a presentation of the Ocean Isle Beach 30 Year Beach Management Plan by Coastal Planning and Engineering of North Carolina, Inc. (CPE). CPE provided a presentation reviewing important details of the final draft of the Town's 30 Year Beach Management Plan. Following the detailed presentation, the Board was in consensus of the importance of having accurate information to monitor the entire length of the island and document changes in order to make plans to protect the beach strand along with the necessary permitting to take appropriate steps to mitigate future damage that may occur. A copy of the Ocean Isle Beach 30-Year Beach Management Plan is hereby attached and included by reference. Following further Board discussion, Commissioner Grantham made a motion to accept the Ocean Isle Beach 30-Year Beach Management Plan and proceed with the permitting process which would include the General Permit 291 for the federal project. Upon a second by Commissioner Rowell, the Board voted unanimously in approval.
2. The next item of New Business was to consider a request from Fisherman's Post for approval to conduct the Ocean Isle Inshore Challenge on May 29-30, 2015. Board members were provided a checklist with details of the fishing tournament. Mrs. Ivey confirmed the group activity application has been completed, fee paid, written permission for use of the Ocean Isle Fishing Center for the event had been provided and noted an alternate date of May 31 was indicated. Commissioner Grantham made a motion to approve the request to conduct the Ocean Isle Inshore Challenge as presented. Upon a second to the motion by Commissioner Williams, the Board vote was unanimous in approval.

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3. Mayor Smith stated appointment to fill a vacancy for a member on the Planning Board for a term expiring April 2015 was the next item of New Business. Board members were advised Mr. Kauffman had indicated his interest in continuing to serve as a member of the Planning Board. Mayor Pro Tem Walters made a motion to reappoint Mr. Kaufman to serve an additional three (3) year term on the Planning Board. Upon a second by Commissioner Williamson, the Board vote was unanimous in approval.
4. Mayor Smith stated the next item of New Business was discussion regarding award of contracts and project agreements:
 - a. Turtle Nest Monitoring Period May 1, 2015 through November 15, 2015:

Board members reviewed the contract and scope of work for monitoring of Sea Turtle nesting for award to Ocean Isle Sea Turtle Protection Organization for the period of May 1, 2015 through November 15, 2015. Mrs. Ivey advised the contract with Jim and Deb Boyce, island coordinators of the program remained at the rate of \$750 per month as in past years. Upon a motion by Commissioner Williamson and second by Commissioners Rowell, the Board voted unanimously in approval of the contract for services as presented.
 - b. Project to Paint Exterior of Town Hall and the Police Department:

Bids received for the project to paint the exterior of Town Hall and the Police Department were provided for review by Board members. Staff recommended award of contract for the project to low bidder Coastal Paint Management. Following review of the contract details, Commissioner Rowell made a motion to authorize the Town to enter into an agreement for the project with Coastal Paint Management in an amount not to exceed \$17,640. Following a second by Commissioner Williams, the vote was unanimous in approval.
 - c. Project to Install Sidewalk on East Third Street and Repair Areas of Town Sidewalks
Board members considered bids received for the project to perform installation of new sidewalks and repair numerous areas of municipal sidewalks. Mr. Sellers recommended award of contract to low bidder D&F Paint and Drywall in the amount of \$17,905. Mrs. Ivey advised this project was a budgeted item and funds are available. Mr. Sellers confirmed he has used the subcontractor performing the work in the past and has been pleased with their work. Mayor Pro Tem Walters made a motion to authorize the Town to enter into an agreement with D&F Paint and Drywall for the project. Upon a second by Commissioner Williams, the Board voted unanimously in approval.
 - d. *(Discussion regarding Driftwood Beach Access Project - See discussion following Executive Session)*
 - e. State Aid to Airport Grant Agreement for the Funding of Non-Primary Entitlement (NPE) Grant Project 36237.60.10.2 – Stormwater Pollution Prevention Plan Update:

Board members considered approval of support of a State Aid to Airport Grant

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Agreement for funding of the project to update the Stormwater Pollution Prevention Plan (SPPP) for the Odell Williamson Municipal Airport. The total project cost was estimated to be \$2640 of which 90% would be funded by the grant and 10% (\$274) would be the funding commitment of the Town. Commissioner Williamson made a motion to approve a resolution authorizing the Town to enter into the NPE grant project agreement as presented. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.

- f. Emergency Flood Overflow Piping Project for Starboard By the Sea Community:**
Board members considered bids received for the project to install emergency flow overflow piping to serve as outlets for the two easternmost ponds within Starboard by the Sea Community to prevent excessive flooding during significant rain events. Michael Norton, Compass Pointe Engineering, PA reviewed details of the proposed project and recommended the Town award the contract to construct emergency overflow piping for Starboard by the Sea to the qualified low bidder Hickman Utilities in the amount of \$15,540, with the stipulation that the notice to proceed be issued upon receipt of the CAMA permit for the project. Mr. Norton provided information regarding some issues recently raised by CAMA that were impacting the permitting process and may require additional state and federal review of the project and also involve costs for further engineering services with estimated cost increases of 10% to 20% for the project. Board members discussed concerns regarding potential delays to the project and the importance of its completion prior to the tourist season. Following further Board discussion and review of construction details for the project, Commissioner Grantham made a motion to authorize the Town to enter into a contract agreement with Hickman Utilities in an amount of \$15,540 for the project to construct Emergency Flood Overflow Piping for Starboard by the Sea and also authorize staff to proceed with the necessary change orders for modifications to the project as needed to facilitate the permitting process. Upon a second to the motion by Commissioner Rowell, the Board voted unanimously in approval.
- g. Contract Agreement for Cleaning of Community Center:**
Staff recommended approval of an annual contract with Rosetta Kinlaw to provide cleaning services for the Community Center at the same terms as prior years at a rate of \$225 per week for daily cleaning, \$150 for a 3 day weekend and \$45 for a single cleaning on request. Upon a motion by Commissioner Grantham and second by Commissioner Rowell, the Board voted unanimously to approve entry into an agreement for cleaning services for the Community Center with Mrs. Kinlaw for an additional year.
- h. Project to Resurface and Repair Areas of the Town's Streets:**
Board member reviewed bids received for the project to resurface areas of the Town Streets and perform repairs in multiple areas. Mr. Sellers recommended award of contract to low bidder Highland Paving in the amount of \$92,265. Mr. Sellers provided details of the project areas would include resurfacing of Driftwood Drive, West Second Street between Driftwood and Beaufort Street and also include street repair or patch of 13 areas of the Town's streets. Mrs. Ivey advised the project would be funded with Powell Bill

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Funds and would require an internal budget adjustment due to the fact the project was in excess of the budget estimate. Mrs. Ivey also indicated the project would be scheduled for completion prior to Memorial Day; however, the contract would also include a clause to allow an extension through June 15, with Staff approval, in the event of inclement weather delays. Following this discussion, Commissioner Rowell made a motion to authorize entry into an agreement with Highland Paving in an amount not to exceed \$92,265. Upon a second to the motion by Commissioner Williamson, the Board vote was unanimous in approval.

5. The next item of business was discussion regarding Amendment to the Town's Zoning Ordinance Article XI Section 66-406 Application of Interpretation of Power regarding Appeals to the Board of Adjustment. Board members reviewed information from the Planning Department recommending an amendment to the Town's Ordinance regarding appeals to the Board of Adjustment in order to modify the language to better conform to State Statutes. Following review and discussion of the suggested changes to replace the existing wording "zoning administrator" to align with language used in the State Statutes, Mayor Pro Tem Walters made a motion to forward this issue to the Planning Board for a recommendation and also schedule a public hearing on May 12, 2015 at 9:00am to allow comment regarding the proposed changes to the Town's zoning ordinance. Upon a second to the motion by Commissioner Williamson, the Board voted unanimously in approval.

6. Mayor Smith stated discussion regarding proposed legislation in House Bill 255/Senate Bill 324 relating to building code regulation reform was the next item of business. Board members reviewed information provided regarding proposed state legislation with provisions targeting building inspectors that would potentially limit the ability of local governments to protect public safety for residential structures. Board members considered a draft resolution detailing the impacts of the proposed legislation including:
 - Eliminating the ability for municipalities to require submission of plans for residential structures prior to construction
 - Raising the threshold from \$5,000 to \$15,000 for which no permit is needed to construct, install, repair, replace or alter any single-family residence or farm building (with some exceptions)
 - Mandating that all fees collected as part of a building inspection program be spent in support of the activities of the inspection department only
 - Requiring building inspectors to create actual punch lists for residential contractors
 - Defining a standard of conduct for building inspectors with vague, open-ended terms

Following discussion regarding the potential consequences of such legislation, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board voted unanimously to adopt the resolution in opposition to the proposed legislation and directed staff to forward copies to the Town's legislative representatives.

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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 March 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 Grantham with a second by Commissioner Williamson. Mayor Smith reported during executive session the Board approved the minutes of the March 10, 2015 executive session upon a motion of Commissioner Walters 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.

Mayor Smith stated the final item of business was discussion regarding award for contract for the Driftwood Beach Access Replacement Project:

- 4d. Board members reviewed bids received for the project to replace the Driftwood Beach Access. Board members were in consensus to modify the beach access construction plans to eliminate the gazebo from the project as originally planned due to objections raised by an adjacent property owner. Staff recommended award of contract to low bidder Steve Harden in the amount of \$40,470 for the project to construct a handicap beach access and shower station in accordance with the plans drawn by Cape Fear Engineering for the project. Mrs. Ivey advised it will be necessary to do an internal budget adjustment to accommodate the increased cost over the original budgeted amount of \$30,000. Mayor Pro Tem Walters made a motion for the Town to enter into a contract with Steve Harden for the project to replace the Driftwood Street beach access to Steve Harden, Inc. in an amount not to exceed \$40,470. Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.

RECESS TO RECONVENE

Being no additional business was heard; Mayor Pro Tem Walters made a motion to recess to reconvene at Town Hall on April 17, 2015 at 9:00 am for a Budget Workshop. Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.

DATED: April 14, 2015

SIGNED: _____

Debbie S. Smith, Mayor



ATTEST: _____

Sue Stuhr, Town Clerk