

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

BOARD OF COMMISSIONERS MEETING

May 12, 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 22 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 April 13 Open Forum, April 14 Public Hearing and Board of Commissioners Meeting and April 17, 2015 Budget Workshop. The consent agenda also included adoption of amendments to Municipal Records Retention Disposition Schedule Standard 4 Budget, Fiscal & Payroll Records and Schedule Standard 12 Personnel Records and approval of Budget Adjustment #12 for line item adjustment to correct fiscal year 2013-14 contribution to erosion fund. Upon a motion by Commissioner Rowell with a second by Commissioner Grantham, 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 Grantham made a motion to approve the meeting agenda with one amendment to amend Executive Session to include discussion regarding personnel matters as per G.S. 143-318 (6). Upon a second by Commissioner Williamson, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith presented a service award to James St. George, III, recognizing his 10 years of dedicated service to the Town in the Street Department. Angela E. King was also presented a service award in recognition of her 15 years of dedicated service to the Police Department. Mayor Smith recognized Larry Sellers for his accomplishments and dedication following his 25 years of service to the Town as Public Utilities Director and Assistant Town Administrator. Justin Whiteside was also recognized by Mayor Smith for his successful graduation from the 2014-15 Municipal and County Administration Course of the School of Government, University of North Carolina at Chapel Hill.

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Mayor Smith reported Governor McCrory issued a proclamation declaring the week of May 2 – 10, 2015 as Travel and Tourism Week and provided details of the Governor's recognition of the significant economic benefits this industry provided for the state by generating 21.3 billion in direct visitor spending in 2014. Mayor Smith noted the travel and tourism industry is the largest private sector employer in North Carolina, providing tax revenues of 3.2 billion for federal, state and local governments.

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 April 2015. Mrs. Ivey reported on F/Y 2014 property taxes indicating current year outstanding taxes in the amount of \$243,685 for a collection rate of 92.21%. Mrs. Ivey also reported F/Y 2013 has \$73,188 in property taxes outstanding as of April 2015, at a current collection rate of 97.70%. For the tax year 2012, \$914 remained outstanding at a collection rate of 99.97%. Mrs. Ivey reported accommodations collections for the month of March 2015 showed an increase in VRBO collections of 16% and an increase of 2.9% in accommodations over same month prior year collections. Mrs. Ivey presented the Town's informational brochure which was now updated for summer 2015 and stated it would be distributed to local property management companies at the upcoming Town and Realtor meeting on May 14. Mrs. Ivey provided an update on the terminal groin project advising that the necessary easement documents had been prepared to be sent to the affected property owners. Mrs. Ivey reported that the Fish and Wildlife Commission has requested a 60 day extension of the consultation period with the expectation the opinion would be provided by August 9. Mrs. Ivey noted the Engineers have indicated the project should remain on schedule for a 2016-17 fall/winter construction window. Mrs. Ivey advised of an upcoming meeting on May 15 regarding the island camera project in order to review and finalize details as necessary for the project to proceed. Mrs. Ivey stated the revised shallow draft permit application has now been submitted. Mrs. Ivey also advised the BEMC lighting project was now completed. Mayor Pro Tem Walters commented on the aftermath of Tropical Storm Ana that had arrived over the weekend and commended staff on their efficiency in assisting with the cleanup of significant trash and debris. Mrs. Ivey expressed appreciation to the Police and Fire Departments for their efforts related to the house fire on West 4th Street on Sunday, May 10. Mayor Smith reiterated the Town's appreciation to staff for all their extra efforts over the weekend. Mayor Smith also credited the Town's Storm Reduction Project for limiting the potential damage to the East end during the storm.
2. Police Department – Chief Bellamy provided a report on police activity for the month of April indicating the department experienced a decrease in property crime over same time frame prior year. Chief Bellamy recognized Officers Brown and Buell for their efforts in spotting and assisting with the house fire that occurred on Sunday, May 10. Chief Bellamy reviewed details of the status of the department's in-service training. Chief Bellamy also advised that Officer Buell has now accepted a full time position with the department.

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3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of April including details of seasonal landscape maintenance, preparations for the summer tourist season 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 April indicating the Department responded to a total of 37 calls for service, which reflects a 35% decrease over prior year same month statistics. Chief Yoho reported 400 hours of training and 30 fire inspections were performed during the month. Chief Yoho commented the official cause of the house fire May 10 at 456 East Fourth Street had not been determined and an investigation by the SBI was pending.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside stated the draft updated regional hazard mitigation plan is making progress and advised of the upcoming meeting at Town Hall on Thursday, May 14 at 3:00 pm to allow public participation and comment regarding this update. Mr. Whiteside advised of an upcoming public hearing scheduled at Oak Island by the Division of Coastal Management regarding eliminating the high hazard area (V-zone). Mr. Whiteside advised the changes would be concurrent with the existing state building code. Mr. Whiteside also provided an update on recent state legislation including the building reform bill which has passed the House with revisions to allow municipalities to review building plans, SB25 regarding zoning aesthetics controls that prevents limitation of the number of rooms that has passed the Senate and also details of a planned study by FEMA regarding regulatory reform of flood insurance requirements as it relates to flood elevation and flood insurance rates.
6. Building Inspections – Mr. Dycus reported on activity in the Building & Inspections Department indicating that permits were issued for 3 new single family (SF) residential homes in the ETJ for a total of 133 permits issued during the month of March, with a total construction value of \$ 1, 320,772.

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:

Robbie Smith, 142 E. First Street – Mr. Smith asked for information regarding the status of the bridge camera project. Chief Bellamy advised a meeting with the contractor was scheduled in the upcoming week to finalize details necessary for the project to proceed.

OLD BUSINESS

Mayor Smith stated the first item of business was discussion regarding amendment to the Town's Zoning Ordinance Article XI Sections 66-406 through 408 regarding appeals to the Board of Adjustment. Board members considered a recommendation from the Planning Board for amendments to the Town's Ordinance regarding appeals to the Board of Adjustment in order to modify the current wording to align more closely with the language used in State Statues. Mayor

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Smith stated a public hearing was held prior to the Board meeting to receive comment regarding modification of Sections 66-406 through 66-408 to read as follows:

Section 66-406 Application of interpretation power

(a) An appeal from an order, requirement, decision or determination of the administrative official charged with enforcement of the ordinance shall be decided by the board of adjustment based upon its findings of fact and to achieve the intent of this chapter. In exercising this power, the board shall act in a prudent manner so that the purposes of this chapter shall be served. The effect of the decision shall not be to vary the terms of this chapter nor add to the list of permitted uses in the districts.

(b) An appeal for an interpretation of a decision, file determination or directive of the administrative official charged with enforcement of the ordinance must be within 30 days after the decision, determination or directive was made by official and record of that action filed in the town offices.

Section 66-407. - Appeal stays further proceedings

An appeal to the board of adjustment from a decision or determination of the administrative official charged with enforcement of the ordinance stays all proceedings in furtherance of the decision or determination appealed from, except as provided in section 66-408.

Sec. 66-408. - Exceptions to stay of action.

An appeal to the board of adjustment of a determination or decision of the administrative official charged with enforcement of the ordinance shall not stay further proceedings in furtherance of the decision or determination appealed from if the official certifies either:

- (1) That in the opinion of the official, a stay would cause imminent peril to life and/or property; or
- (2) That the situation appealed from is transitory in nature, and therefore an appeal would seriously interfere with enforcement of this chapter.

In each instance, the administrative official charged with enforcement of the ordinance shall place in the certificate facts to support the conclusion.

Following Board consideration of the proposed changes, Commissioner Grantham made a motion to approve an ordinance adopting the modifications to the Sections 66-406 through 66-408 as presented. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.

NEW BUSINESS

1. Mayor Smith stated the first item of New Business was discussion regarding appointment to fill two vacancies on the Recreation Advisory Board for terms expiring May 2015. Board members were advised Ms. Hughes and Mr. Walters had indicated their interest in continuing to serve in this capacity. Upon a motion by Commissioner Rowell and second by Mayor Pro

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The following provides a review of the major components of the proposed F/Y 2015-16 Budget:

General Fund	\$ 5,130,843
Canal Dredging	\$ 359,932
Beach Renourishment	\$ 1,825,266
Water Fund	\$ 1,483,825
Sewer Fund	\$ 1,312,684
Accommodation Fund	\$ 2,293,388
Airport Funds	\$ 189,516
Total	\$ 12,595,454

Mrs. Ivey stated the Town continues to improve its financial standing by reducing operational costs, conservative financial forecasting and setting high expectations within each Town Department. Mrs. Ivey advised in order to balance this year's budget, it was necessary to increase the proposed revenue neutral tax rate by an additional 2 cents. The proposed tax rate of .1875 per \$100 valuation will produce approximately \$2,751,250 in tax revenue. Mrs. Ivey informed the Board the increase was necessary in order to account for proposed continued costs associated with condemnation and financing of the park property located on Causeway Drive, as well as continuing to provide for core service delivery and planning for projects to maintain and prepare for the future of Ocean Isle Beach. Mrs. Ivey also advised, as a part of this budget process, staff is presenting a proposed Capital Improvement Plan, a five year plan identifying the Town's Capital improvement needs, for review and approval by the Board. Mrs. Ivey stated no fee increases for water and sewer usage were recommended in the proposed budget; however, in the event Brunswick County unexpectedly increased the wholesale rate to the Town for purchase of water, it may be necessary to revisit this fee schedule.

Following discussion of the proposed budget, upon a motion by Commissioner Rowell and second by Commissioner Grantham, the Board voted unanimously to schedule a public hearing regarding the Fiscal Year 2015-16 Proposed Budget at 9:00 am on June 9, 2015.

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 April 14, 2015 Executive Session as per G.S. 143-318.11(1), consult with the Town Attorney regarding pending legal issues as per G.S. 143-318.11(3) and discuss personnel matters as per G.S. 143-318.11(6).

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 April 14, 2015 Executive Session upon a motion of Commissioner Walters and second by Commissioner Grantham. The vote was unanimous. Mayor Smith stated

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during executive session the Board also consulted with the Town Attorney regarding pending legal issues and discussed personnel issues.

ADJOURN

Being no additional business was heard; Mayor Pro Tem Walters made a motion to adjourn. Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.

DATED: _____

SIGNED: _____
Debbie S. Smith, Mayor

ATTEST:

Sue Stuhr, Town Clerk