

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

**BOARD OF COMMISSIONERS MEETING
July 8, 2014 8:45 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	Elva Jess, Town Attorney

OTHERS PRESENT:

8 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 proposed modifications to the Town's Zoning Ordinance Section 66-45 R-1 Single Family Residential District as follows:

1. To amend Section 66-45 (1) Permitted Uses (to include commercial parking) and (3) Lots (to indicate minimum lot area requirement for commercial parking.)
2. To add new Sections 66-45 (13) Commercial Parking and (14) Density as follows:
 - (13) *Commercial parking.* Commercial parking located within the R-1 Zoning District shall only be permitted if the parking is directly adjacent to a commercially zoned lot where a commercial business is being operated. For the purposes of this section, directly adjacent shall mean either the parcel abuts directly to the commercial zoning district or is separated from the commercial zoning district by a street or street right-of-way.
 - a. If the property proposed to be used as parking space is not owned by the adjacent business owner, the owner must submit a lease between him and the lessor in a form that can be properly recorded, said lease terms shall be reviewed and approved by the Town prior to recordation.
 - b. Commercial parking located in the R-1 Zoning District shall not be used to meet the minimum number of spaces required for parking as set out in Chapter 66, Article IV for newly constructed businesses. Parking shall only be used for expansion or overflow purposes for existing businesses or commercial accommodations.
 - c. All parking must meet the minimum requirements set out in Section 66-135 and 66-136. However, commercial parking on residential lots shall be exempt from the paving requirement in Section 66-135(d)(5). If an impervious material is used an engineered stormwater drainage plan must be submitted prior to approval.
 - d. The 5 foot minimum setback shall be used as a vegetative screening from adjacent residential properties. A landscaping plan must be submitted to the Town for approval

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prior to any improvements being installed on the property. All landscaping shall be maintained for the duration of the parking lease.

- (14) *Density*. The density limitation within this district shall be six units per acre.
(*Re-numbering of section only*)

Mayor Smith stated any interested persons were invited to provide public comment. A copy of the draft resolution was available for review.

Cherri Cheek, 27 Craven Street – Mrs. Cheek asked which parcels would be affected by these proposed changes.

Mr. Whiteside provided photos of the areas and advised the parcels affected would be any parcels that abut the commercial district. The areas affected would include parcels abutting the commercial district located in the Causeway area, on East First Street near The Winds Resort, on West First Street in the area of the Ocean Isle Inn and Islander Inn, and also on the west end past Beaufort Street.

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

DATED:

July 8, 2014

SIGNED:

Debbie Smith
Debbie Smith, Mayor

ATTEST:

Sue Stuhr
Sue Stuhr, Town Clerk



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JULY 8, 2014
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MEMBERS PRESENT:

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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	Elva Jess, Town Attorney

OTHERS PRESENT:

Approximately 16 Property Owners and 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 the June, 2014 meeting minutes including the June 10 Board meeting and June 25 Public Hearing and Board meeting. Upon a motion by Commissioner Williamson and second by Commissioner Rowell, the Board voted unanimously to approve 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 as presented. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.

MAYORS REPORT

Mayor Smith presented a service award to Benjamin Faw, expressing the Town's appreciation of his five years of dedicated service in the Fire Department.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey reported on F/Y 2013 tax collection indicating \$149,592 in property taxes was outstanding as of June 2014, at a current collection rate of 95.29%. Mrs. Ivey advised this lower than expected collection rate was a result of property owners that had made arrangements for a payment plan to pay their taxes and defaulted on the payment agreement. Mrs. Ivey reported on the results of the recent wastewater treatment collection system inspection, relating the inspector's comments indicating the Town was very proactive in their efforts and also noting the wet water wells were the cleanest he had seen. Mrs. Ivey provided an update on the Camp OIB program advising the new family activities held each Wednesday including a scavenger hunt and beach Olympics day have been very well attended and enjoyed by the guests. Mrs. Ivey reviewed the July 3 fireworks display indicating this successful event received many

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positive comments from the Town's guests and residents. Mrs. Ivey expressed the Town's appreciation to the OIPOA for their support in the organization of the fireworks display. Mrs. Ivey advised of an upcoming meeting with NCDOT for discussion of a proposed roundabout to be installed at the Ocean Beach Drive/179 intersection. Mrs. Ivey also welcomed new Town employees as follows: Josh Lilly and Jeremy Meares as engineers in the Fire Department, Ryan Wilson and Tony Skumanick, Public Works Specialists in the Street Department and Wanda Jones as Records Specialist in the Police Department. Mrs. Ivey advised of the upcoming advertisement for a Police officer to fill the opening left by Richard Heycock, now in his new position as Police Investigator. Mrs. Ivey also reported Bobby Hardy has assumed responsibilities as the new Utility Maintenance Supervisor in the Sewer Department, Jimmy Yates is now a Captain in the Fire Department, Spencer Thornton is the new Public Utilities Works Supervisor and Jimmy St. George is Public Works Foreman.

2. Police Department – Chief Goodwin provided a report on police activity for the month of June, indicting a busy month as the summer season began. Chief Goodwin reported the Fireworks celebration went well without any major issues. Chief Goodwin also expressed his appreciation of the assistance of Mrs. Wanda Jones in her new position at the Police Department.
3. Water/Sewer/Street – Mr. Sellers reported during the month of June, the Water Department activities included meter readings, rechecks, installation of a water meter, stormwater work on Craven Street and locates for utilities. Mr. Sellers summarized work activity by the Street Department including Causeway maintenance, repair of irrigation, and mowing at the airport. The Sewer Department activities during the month included cleaning of floats and lift stations, locates for sewer connects and installation of pump at the E-1 lift station. Mr. Sellers reported the Town received a favorable report on the condition of the sewer system during the recently completed NCDENR annual sewer collections inspection. Mr. Sellers also advised the new East end water tank project remained on schedule to be in service mid to late July.
4. Fire Department – Chief Yoho summarized an activity report for the month of June indicating the Department responded to a total of 75 calls of which 42 were in the city. Chief Yoho advised five Fire Department personnel completed 430 hours of training and also reported 20 fire inspections were performed during the month.
5. Planning/CAMA - Mr. Whiteside provided information on recent business activity, reporting the new Loaders Island Grill is open for business. Mr. Whiteside advised the new beach access on Lumberton Street has been completed. Mr. Whiteside also noted a Bicycle and Pedestrian Planning public workshop is scheduled at 5:00 pm on July 29 at Town Hall.
6. Building Inspections – Mr. Cook reported the Building & Inspections Department issued permits for 1 new single family (SF) residential home in the ETJ for a total of 162 permits issued during the month of June with a total construction value of \$ 985,743.

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 comment was heard.

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OLD BUSINESS

1. Discussion Regarding Proposed Amendments to Section 66-45 R-1 Single Family Residential District Regarding Commercial Parking was the first item of Old Business. Board members considered proposed changes to the Town's Zoning Ordinance regarding commercial parking areas within the R-1 Zoning District. A public hearing was held prior to the Board meeting to allow comment regarding the proposed changes as follows:
 1. To amend Section 66-45 (1) Permitted Uses (to include commercial parking) and (3) Lots (to indicate minimum lot area requirement for commercial parking.)
 2. To add new Sections 66-45 (13) Commercial Parking and (14) Density as follows:
 - (13) *Commercial parking.* Commercial parking located within the R-1 Zoning District shall only be permitted if the parking is directly adjacent to a commercially zoned lot where a commercial business is being operated. For the purposes of this section, directly adjacent shall mean either the parcel abuts directly to the commercial zoning district or is separated from the commercial zoning district by a street or street right-of-way.
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 - d. The 5 foot minimum setback shall be used as a vegetative screening from adjacent residential properties. A landscaping plan must be submitted to the Town for approval prior to any improvements being installed on the property. All landscaping shall be maintained for the duration of the parking lease.
 - (14) *Density.* The density limitation within this district shall be six units per acre.
(Re-numbering of section only)

Board members reviewed a map displaying the parcels that could be affected by these amendments. Following Board discussion of the proposed amendments, Mayor Pro Tem Walters made a motion to adopt a resolution to modify the Town's ordinance with these changes as presented. Upon a second to the motion by Commissioner Rowell, the Board voted unanimous in approval.

 2. Mayor Smith stated the next item of Old Business was a follow-up discussion regarding the "Freedom and Fireworks" event held on June 29, 2014 and possible plans to organize a fireworks display once again in 2015. Board members held discussion regarding the

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success of this first firework display, noting the amount of positive feedback received and were in consensus to consider organizing another event in 2015. Following discussion of the fact the 4th of July will fall on a Saturday in 2015, the Board considered alternate dates of Friday, July 3rd or Sunday, July 5th as possible dates for a fireworks celebration. After further discussion, Commissioner Rowell made a motion for the Town to contact the Williamson's to confirm their approval for the use of the Pier once again and proceed with plans to organize a fireworks display on July 3, 2015 with an alternate rain date of July 5. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.

NEW BUSINESS

1. Mayor Smith stated the first item of New Business was discussion regarding a request from the Brunswick County Chamber of Commerce for approval to conduct the Oyster Festival Road Race at Ocean Isle Beach on October 19, 2014. Board members considered the request to conduct a road race that would include a 1 Mile Fun Run, 5K and 10K Race at Ocean Isle Beach on October 19, 2014. Mrs. Ivey advised staff reviewed the group activity application and recommended approval pending receipt of written letters of permission approval from property owners and evidence of liability insurance. Mrs. Ivey stated the activity request included use of the Community Center on October 17 as a location for the road race packet pick up, use of the Town Hall parking area and also waiver of the group activity fee due to the non-profit status of the organization. Upon a motion by Commissioner Williamson and second by Commissioner Grantham, the Board voted unanimously to approve the request to conduct the Oyster Festival Road Race on October 19, waiver of the group activity fee and to allow permission for use of Town's property for parking and the use of Community Center on October 17 as requested. The Board's approval was contingent upon receipt of written approval from property owners and evidence of liability insurance.
2. Discussion regarding approval of the order of tax collection that directs the Town's tax collector to proceed with the processing, billing and collection of taxes for fiscal year 2014-15 as required by General Statutes was the next item of business. Upon a motion by Commissioner Grantham and second by Commissioner Rowell, the Board vote was unanimous to approve the order of taxation as presented.
3. The next item of business was of approval of a resolution to authorize entry into an agreement with the Ocean Isle Beach ABC Board for lease of the ABC Store located on 59 Causeway Drive. Following discussion with the Town Attorney to confirm the language necessary for the transition of the agreement following the completion and relocation of the ABC Store to The Landing Shopping Center, Commissioner Grantham made a motion to approve entry into a lease for F/Y July 1, 2014 – June 30 under the same terms and rate of \$3000 per month as prior years. The motion authorized Mayor Smith to execute the lease agreement documents with the updated language that included the pending relocation as provided by the Town Attorney. Upon a second by Commissioner Williams, the Board vote was unanimous in approval.
4. The next item of New Business was discussion regarding appointments for a member to serve on the Planning Board to fill a vacancy for a term expiring July 2014. Board members discussed the appointment to fill the vacancy on the Planning Board for the expiring term of

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Becky Noble. Board members reviewed information indicating Mrs. Noble's interest in continuing to serve on this Board. Upon motion by Commissioner Rowell and second by Commissioner Williamson, the Board voted unanimously to appoint Mrs. Noble to serve an additional three year term as a member of the Planning Board. The Board vote was unanimous in approval.

5. Mayor Smith stated the next item of New Business was discussion regarding approval of resolution requesting Brunswick County allow the Town to exercise extra-territorial jurisdiction over Parcel Nos. 2290000101 and 2290000104. Board members reviewed a resolution requesting Brunswick County allow the Town to extend its jurisdiction to include two parcels adjacent to the existing northeastern limits of the existing ETJ. Mr. Whiteside summarized the necessary process for approval from Brunswick County noting it will be necessary to schedule a public hearing to allow comment regarding the proposed ETJ expansion. Following a motion by Commissioner Grantham and second to that motion by Commissioner Williamson, the Board vote was unanimous to approve the resolution as presented and also schedule a public hearing at 8:45am on August 12, 2014 prior to the Board of Commissioners meeting to allow comment regarding this matter.
6. Discussion regarding utility billing aged balances prior to June 30, 2009 was the next item of business. Mrs. Ivey advised per the recommendation of the Town's auditors, the utility billing department has prepared a list of aged balances that are five years or older for consideration to be written off by the Town. Mrs. Ivey reviewed information provided by Staff regarding the current deposit requirements for restaurants which are high water use customers and currently pay a deposit of \$250. Due to the fact these water bills at times are in excess of \$ 500, Staff also recommended an increase in their meter deposit to a minimum of \$500. Board members considered the aged balance report listing of accounts identified as meeting one or more of the criteria as uncollectible debt, a total in the amount of \$10,589.76. Following discussion of the expired statute of limitation for these debts and the fact staff had exhausted all feasible methods of collection, Commissioner Williamson made a motion to write off the aged balances as presented and also increase the required water meter deposit for restaurants to \$500 as recommended. Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.
7. The next item of New Business was to consider a request for Preliminary Plat Modification for Waterway Cove, Phase 2. Board members considered a request submitted by the builders of Waterway Cove for modification to the already recorded plat for Phase 2. Mr. Whiteside summarized the request for modifications that would affect lots 16 through 40. The new plans would remove open space/park area to accommodate installation of an alley to allow these lots to be rear loaded. Maps of both the existing plat and the proposed changes that would result in an overall reduction in density of by 57 lots, were reviewed by the Board. Representatives of Cottage Builders and Paramount Engineering provided details regarding proposed changes that the developers felt would contribute to the overall appeal of the community and were intended to be consistent with the remainder of the project. Mr. Whiteside advised the stormwater plan would also need to be modified and approved. Following this discussion, Mayor Pro Tem Walter stated he was impressed by the developer's plans for this project and made a motion to refer the request for preliminary plat modification

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to the Planning Board for recommendation. Upon a second by Commissioner Grantham, the Board voted unanimously in agreement.

- 8. Discussion regarding a proposed agreement for lease of a newly constructed billboard located on Ocean Isle Beach Road was the final item of New Business. Board members considered a proposed agreement with McMullan Properties Management for a new billboard located on Ocean Isle Beach Road near the DAV building. Several Board members expressed opinions indicating the Town may be better served to research an alternate location on an interstate or freeway that may provide higher profile marketing exposure even though the cost may be higher. The general feeling was that the Town's money may be better spent in a different location to attract new visitors instead of marketing to the ones already here. Following this discussion, it was the consensus of the Board not to enter into the agreement as proposed and to suggest the Town continue to seek other possible locations for a promotional billboard.

EXECUTIVE SESSION

The Board recessed to Executive Session upon a motion of Commissioner Rowell with a second by Commissioner Williamson. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of the June 10 and 25, 2014 Executive Session meetings as per G. S. 143-318.11 (1), consultation with Town Attorney regarding pending legal issues as per G.S. 143-318.11(3) and discussion to establish or instruct staff or agent concerning the negotiation of the price and terms of a contract for acquisition of real property described as Runway Protection Zone, Parcel Nos. 2430001801, 2430001802 and 2430001803, 243002701 and a portion of 24300027 and 24300028 as per G.S. 143-318.11 (5).

The Board returned to regular session upon a motion of Mayor Pro Tem Walters with a second by Commissioner Williamson. Mayor Smith reported during executive session the Board approved the minutes of the June 10 and June 25, 2014 meetings upon a motion of Mayor Pro Tem 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 and held discussion regarding the negotiation of the price and terms of a contract for acquisition of real property described as Runway Protection Zone, Parcel Nos. 2430001801, 2430001802 and 2430001803, 243002701 and a portion of 24300027 and 24300028.

ADJOURN

Being no additional business was heard, Commissioner Rowell made a motion to adjourn. Upon a second by Commissioner Williams, the vote was unanimous.

DATED: July 8, 2014

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

ATTEST: Sue Stuhr
Sue Stuhr, Town Clerk

