

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

BOARD OF COMMISSIONERS MEETING

July 14, 2015

MINUTES

MEMBERS PRESENT:

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

OTHERS PRESENT:

Approximately 23 Property Owners/Guests
Brian Slattery, Brunswick Beacon

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 the following:

1. Approval of Minutes - June 9, 2015 Public Hearing and Board of Commissioners Meeting.
2. Approval of Entry into State Aid to Airports Block Grant Agreement for funding of Non Primary Entitlement (NPE) Grant Project 36237.60.10.3 for the runway pipe replacement project at Odell Williamson Municipal Airport.
3. Approval of Budget Adjustment #17 to include additional grant money and correct billing error from Brunswick County Utilities and final adjusting budget entries for F/Y 2014-15.
4. Approval of Order of Tax Collection F/Y 2015-16 directing the tax collector to proceed with the processing, billing and collection of taxes for fiscal year 2015-16 as required by General Statutes .

Upon a motion by Commissioner Grantham 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 Walters made a motion to approve the meeting agenda with changes to delete discussion regarding possible lease of property located adjacent to Town Hall and add a discussion regarding a Senate Budget Provision that would have an impact on the municipal authority regarding Special Tax Districts. Upon a second to the motion by Commissioner Grantham, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith provided details regarding the recent radio station 106.3 promotion "Salute to Hometown" that featured Ocean Isle Beach. The feature included interviews with Mayor Smith, the Museum of Coastal Carolina and Brunswick County TDA. Mayor Smith noted she will be presenting the Terminal Groin Project presentation at the July 29 Coastal Barrier Island Realtor's Workshop that is offered by the Board of Realtors to fulfill continuing education requirements. The Mayor also advised the upcoming CRC meeting will include discussion regarding sandbags and suggested that island residents contact her to voice any of their concerns related to sandbags as soon as possible.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey reviewed details of the financial dashboard indicating an increase in general fund cash and investments over the same period prior year for the month of June 2015. Mrs. Ivey reported on F/Y 2014 property taxes indicating current year outstanding taxes in the amount of \$217,211.27 for a collection rate of 93.05%. Mrs. Ivey also reported F/Y 2013 has \$48,006 in property taxes outstanding as of June 30, 2015, at a current collection rate of 98.49%. For the tax year 2012, \$521 remained outstanding at a collection rate of 99.98%. Mrs. Ivey reported accommodations collections for the month of May 2015 showed an increase in VRBO collections of 19.6% and an increase of 8.59% in accommodations over same month prior year collections. Mrs. Ivey provided an update on the Town's request for extension of waterlines on Watts Road indicating the County has approved the request but requested the Town assume a 33% cost share for additional design and construction cost, at estimated amount of \$21,450 to the Town. Mrs. Ivey advised a letter was sent in response requesting the County assume the entire cost of the waterline extension project based on the fact the Town is allocating the property for this training facility that will be an asset to all Fire Departments in southeastern Brunswick County and help reduce ISO ratings. Mrs. Ivey advised the County Commissioners will be reconsidering the funding of this project at the upcoming meeting. Mrs. Ivey stated the July 3 fireworks display was once again a wonderful success and expressed appreciation to the OIPOA as a co-sponsor in funding the event. Mrs. Ivey applauded the Fire and Police Departments for their hard work and contributions to the safety and success of the fireworks display and also recognized the Williamson family for use of the Pier. Mrs. Ivey reported the beach survey project is scheduled to commence the week of August 10 or 17 depending on weather conditions. Mrs. Ivey also reported on the status of the airport pipe replacement project indicating the Town is working with the engineers and DOA in anticipation of the project being scheduled to begin after Labor Day. Mrs. Ivey indicated the update to the Police Department policies was near completion. Mrs. Ivey noted regional beach access signs will soon be in place at the Community Center and Ferry Landing Park. Mrs. Ivey advised the filing period for the Board of Elections closes on July 17 at noon. Mrs. Ivey updated the Board regarding the Town's successful summer advertising campaign providing results of the "Meme Match" game through the first week of July that has produced 7941 entries, 3129 clicks and 66,212 page views. Mrs. Ivey also provided an update on the Terminal Groin Project advising staff is working on the application package which includes financial assurances and easements. Mrs. Ivey stated

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it has been necessary to include additional modeling at a cost of \$15,822 to help alleviate concerns regarding Alternative #4 channel realignment.

2. Police Department – Chief Bellamy introduced Captain Ricky King, welcoming him to the Department. Chief Bellamy provided a report on police activity for the month of June indicating the department experienced an overall decrease in calls over same timeframe prior year. Chief Bellamy advised, however, investigations and arrests had increased due to a recent issue with numerous thefts of Yeti brand coolers.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of June including details of seasonal landscape maintenance, necessary projects and inspections during the summer tourist season.
4. Fire Department – Chief Yoho summarized an activity report for the month of June indicating the Department responded to a total of 75 calls for service, reflecting a slight decrease over prior year same month statistics. Chief Yoho reported 21 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 Crab Shack is now open for business on the Causeway. Mr. Whiteside provided information regarding the County's Code Red informational services and encouraged residents to sign up for this emergency notification service. Mr. Whiteside also advised the aesthetics bill, which removes the ability of municipalities to limit the number or type of rooms for residential structures, has now become law.
6. Building Inspections – Mr. Dycus reported on activity in the Building & Inspections Department indicating that permits were issued for 3 new single family (SF) residences in the Town and 4 residential homes in the ETJ for a total of 191 permits issued during the month of June, with a total construction value of \$ 2,801,443.

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. Discussion regarding an update to the Town's group activity application form and fee structure was the first item of business. Following an initial discussion regarding proposed updates to the Town's group activity application form at the June Board meeting, staff provided an updated draft for consideration. Mrs. Ivey summarized the proposed changes intended to streamline the application process and confirm the application was complete with necessary documents prior to submittal of the request to the Board of Commissioners. Recommended updates included defining the requirement that all requested documentation and permissions must be included with submittal of the application to the Planning Department at least 30 days prior to the Board meeting for consideration on the agenda and also changes to the fee structure based on anticipated attendance for the event. The proposed fee schedule would range from \$250 for an event with 200 participants to \$2500 for an event with over 4000 attending with the intention to allow the Town to recoup staff cost, utilities

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and other expenses incurred during the events. Mrs. Ivey noted the application indicates activities may be limited mid-June through August due to the impacts of activities and the Town's preference for group activities to be scheduled at alternate times of the year rather than the busy summer timeframe. Following discussion of the proposed updates, Commissioner Grantham made a motion to approve the changes to the group activity application as presented. Upon a second to the motion by Commissioner Williams, the Board voted unanimously in approval.

NEW BUSINESS

- 1.** Mayor Smith stated the first item of New Business was discussion regarding approval of contracts and agreements as follows:
 - a.** Discussion Regarding Service Agreement Contract with Coastal Planning and Engineering of NC for Environmental Documentation, Permitting Preparation and Project Management in Conjunction with 30 Year Beach Management Plan: Board members reviewed the scope of work and cost proposal to provide environmental documentation and permit application services for the Town's island wide shoreline protection program prepared by CPE. Mrs. Ivey stated the Town Attorney has suggested some changes to the service agreement in conjunction with this contract and advised CPE is reviewing these changes. Mrs. Ivey suggested the Town's approval of this agreement be contingent upon CPE's acceptance of the requested changes. Following discussion, Mayor Pro Tem Walters made a motion to approve the contract contingent upon satisfactory acceptance of the Town Attorney's revisions by CPE. A second to the motion was made by Commissioner Rowell and the Board voted unanimously in approval.
 - b.** Approval of Agreement with Supplier of Gas and Diesel Fuel for Town Fueling Station: Board members reviewed a draft contract for services to supply gas and diesel fuel for the Town's fueling station. Mrs. Ivey advised the Town's current supplier, Nash Oil has been acquired by Colonial Fuel and Oil within the past year and the Town has received their offer to extend the same terms and conditions as prior year's agreement. Mrs. Ivey noted no other bids to provide fueling services for the Town had been received. Upon a motion of Mayor Pro Tem Walters and second by Commissioner Williamson, the Board vote was unanimous in approval.
 - c.** Approval authorizing entry into the Town's annual lease agreement with the ABC Board for the ABC Store located at 1505 Ocean Isle Beach Road was the next item of consideration. Upon a motion by Commissioner Rowell and second by Commissioner Williams, the Board voted to approve the lease agreement with the ABC Board for an additional year under the same terms and conditions as prior year at the rate of \$3000 per month.

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2. Discussion & Appointment to fill expiring terms for members serving on the Board of Adjustment was the next item of New Business. Board members considered appointments to fill expiring terms of Todd Robertson and David Martin as members of the Board of Adjustment. Mayor Pro Tem Walters made a motion to appoint Mr. Robertson and Mr. Martin for an additional 3 year term. Following a second to the motion by Commissioner Williams, Board vote was unanimous in approval.
3. Mayor Smith stated the next item of New Business was discussion regarding the Town's Ordinance Section 38-34 Placing Obstructions on the Beach. Mrs. Ivey reviewed information regarding a new type of shade structure called a "Cool Cabana" that utilizes a single pole, square umbrella design and fabric sandbags anchors that secure to the sand. Staff stated this type of cabana is being requested for use by beach visitors. Pictures of the "Cool Cabana" were considered and Board discussion following regarding the use of this type of shade structure on the beach. Staff noted the "Cool Cabana" structure has only a central pole and may technically be considered an umbrella under the current definition in the ordinance. Staff indicated their recommendation that ordinance be clarified to avoid confusion due to the fact these types of shade structures appear to be a cabana. Staff also suggested that the use of baby pop-up tents be defined as an approved use on the beach. Following review of the information provided, the Board was in agreement of the potential issue and the need to clarify the definition of umbrella and also to define baby pop-up tents as allowable for use. Commissioner Rowell made a motion for staff to confer with the Town Attorney to draft the language to update the Town's Ordinance Section Sections 38-34 thru 38-35 regarding the definition of umbrellas and allowance for baby popup tents as discussed. Commissioner Williamson provided a second to the motion and the Board vote was unanimous in approval.
4. Discussion regarding approval of a minor sketch plan for development of property owned by Virginia Williamson and OIB Holdings, Inc. was the next item of business. Board members reviewed a recommendation from the Planning Board for approval of Minor Sketch Plan prepared by G-3 Engineering on behalf of NMBAL, LLC, prospective buyer of property located on the east end of the island. The Planning Department provided documents from Virginia Williamson and OIB Holdings, LLC authorizing the prospective buyer, NMBAL, LLC to submit plans for approval by the Town to subdivide 13.87 acres of the total 66.7 acres for development. Mr. Whiteside reviewed the proposed sketch plan advising a few modifications had been recommended by the Planning Board including relocation of the entrance gate back to the property line of the development, increasing the radius of the cul-de-sac to 50' to conform with the Town's requirements, relocation of the community dock and modification to allow a 5 foot pedestrian path on one side of the street. Board members also discussed a recommendation from the Planning Department to require installation of sidewalks on both sides of the street. The developer indicated their preference to include a pedestrian lane on only one side. Following further discussion of the increasing importance of sidewalks in the community, upon a motion by Commissioner Williams and second by Commissioner Grantham, the Board voted unanimously in approval of a sketch plan with the modifications indicated and included a sidewalk on one side of the street and pedestrian path the other.

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5. Mayor Smith stated discussion regarding amendments to the Town Ordinance to align with recent changes to State Statutes that eliminate municipal authority to collect privilege license taxes was the next item of business. Board members consider approval of a resolution to modify Article II Privilege License Taxes Section 14-32-14-46 to reflect the changes to State Statutes effective July 1, 2015. Upon a motion by Commissioner Rowell and a second by Commissioner Grantham, the Board vote was unanimous in approval of the resolution to update the Town's ordinance as presented.
6. Discussion regarding support of a resolution in opposition to a NC Assembly proposal to remove the historical 1879 New Inlet Dam was the next item of New Business. Board members considered a request from the Town of Bald Head for support of their opposition to legislation that would allow removal of the historical New Inlet Dam. Following Board discussion of the information provided, Commissioner Williams made a motion to approve a resolution in opposition to the removal of the New Inlet Dam. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval.
7. Mayor Smith stated the final item of New Business was discussion regarding a Senate Budget Provision that would have an impact on the municipal authority regarding Special Tax Districts. Mayor Smith advised this provision would eliminate the Town's authority to utilize special tax districts for funding of canal dredging or beach preservation projects.

Following discussion, Mayor Pro Tem Walters made a motion to support a resolution in opposition to the proposed Senate budget provision that would impact the Town's authority to utilize a special tax district. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in support of the resolution as presented and directed staff to forward a copy to the Town's legislative delegate requesting their support on this important issue.

EXECUTIVE SESSION

The Board recessed to Executive Session upon approval of a motion by Commissioner Rowell with a second by Mayor Pro Tem Walters. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of the June 9, 2015 Executive Session as per G.S. 143-318.11(1) and consult with the Town Attorney regarding pending legal issues (Jackson Hill Aviation) 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 June 9, 2015 Executive Session upon a motion of Commissioner Grantham and second by Commissioner Rowell. The vote was unanimous. Mayor Smith stated during executive session the Board also consulted with the Town Attorney regarding pending legal issues involving Jackson Hill Aviation.

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ADJOURN

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

DATED:

July 14, 2015

SIGNED:

Debbie S. Smith
Debbie S. Smith, Mayor



ATTEST:

Sue Stuhr
.Sue Stuhr, Town Clerk