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

BOARD OF COMMISSIONERS MEETING
August 11, 2015
MINUTES

MEMBERS PRESENT:

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

OTHERS PRESENT:

Approximately 14 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 approval of the minutes of the July 14, 2015 Board of Commissioners meeting. Upon a motion by Commissioner Williamson and 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. Mayor Pro Tem Walters made a motion to approve the meeting agenda with changes to move New Business discussion regarding a request from the Ocean Isle Museum Foundation, Inc. as the first order of New Business and also add a discussion regarding personnel issues to Executive Session as per G.S.143.318.11(6). Upon a second to the motion by Commissioner Rowell, The Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith provided information received at a recent meeting with legislators in Raleigh regarding proposed changes to distribution of sales tax. Mayor Smith stated the changes from the original proposal were reviewed and noted it would have minimal impact locally.

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 July 2015. Mrs. Ivey reported on F/Y 2014 property taxes indicating current

year outstanding taxes in the amount of $208,888 for a collection rate of 93.42%. Mrs. Ivey also reported F/Y 2013 has $48,321 in property taxes outstanding as of June 30, 2015, at a current collection rate of 98.47%. For the tax year 2012, $524.73 remained outstanding at a collection rate of 99.98%. Mrs. Ivey reported accommodations collections for the month of June 2015 showed an increase in VRBO collections of 15.15% and an overall increase of 8.16% in accommodations over same month prior year collections. Mrs. Ivey also reported on the status of the airport pipe replacement project indicating bids had been opened on August 8 and noting the bids ranged from the low bid by JP Russ in the amount of $263,449 to a high bid of $448,839. Mrs. Ivey provided an update regarding the Town's summer advertising campaign providing results of the "Meme Match" game through the first week of August that has produced 8812 entries, 3685 clicks through to property websites, shown on 308,571 Facebook ads and email blasts to 14,600 subscribers. Mrs. Ivey updated the Board regarding the Terminal Groin Project advising the additional modeling in regard to option # 4 had been completed with results that environmentally and financially did not rank as high as the preferred alternative. Mrs. Ivey advised of application delays related to approval of financial assurances, comments from DCM and receipt of easements. Mrs. Ivey stated after the application is deemed complete, a 150 day review period will follow prior to permit issuance in order to facilitate an estimated 2016-17 construction timeframe. Mrs. Ivey provided information regarding an upcoming County Flood mapping meeting scheduled on August 18. Mrs. Ivey also updated the Board in regard to the status of the interview process to fill the Fire Department opening and the expectation the positions will be filled within the coming week. Mrs. Ivey also related information received from NCDOT Construction Engineer Chad Kimes indicating the roundabout plans are currently 65% compete and advising the next step will be field inspection review, which Town officials will be invited to attend. As a final update, Mrs. Ivey provided details regarding the Sales Tax Reallocation Plan unveiled as a Senate compromise which would split local tax district 50-50 between population and point of sale. According to the NCLM, this change would redirect sales tax money away from urban and tourism counties toward rural communities.

2. Police Department – Chief Bellamy provided a report for the month of July indicating the department experienced a slight increase in police activity. Chief Bellamy advised traffic warning tickets increased and traffic accidents decreased 13% over same month prior year statistics.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of activities of the Water, Sewer and Street Departments during the month of July including details of seasonal landscape maintenance, necessary projects and inspections during the busy summer months.
4. Fire Department – Chief Yoho summarized an activity report for the month of July indicating the Department responded to a total of 108 calls for service, reflecting a slight decrease over prior year same month statistics. Chief Yoho reported 16 fire inspections were performed during the month.
5. Planning/Zoning – Mr. Whiteside provided a report on behalf of the Planning Department. Mr. Whiteside reported the opening of new businesses including Pete's

Sweets on the Causeway and a new florist shop that is expected to open at Pineapple Plaza. Mr. Whiteside noted the upcoming County meeting regarding flood maps and advised following completion of modeling by the State, the maps will be forwarded to FEMA for final approval.

6. Building Inspections – Mr. Dycus reported on activity in the Building & Inspections Department indicating that permits were issued for 2 new single family (SF) residences in the Town and 5 residential homes in the ETJ for a total of 115 permits issued during the month of July, with a total construction value of $2,431,275. An increase over the same month prior year.

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.

Toni Titone, 480 East Third Street – Ms. Titone questioned if there would be a public hearing regarding the proposed development on the East end of the island. Mayor Smith advised the Board approves proposed plans for a new development based on compliance with the Town's zoning regulations and noted a public hearing is not part of the process for plat approval.

NEW BUSINESS

1. Discussion to consider a request by the Ocean Isle Museum Foundation, Inc. for an easement to encroach on Town property to allow installation of an additional exit on the second floor of the Museum was the first item of New Business. Mrs. Ivey reviewed details of the request for an easement for a 2.5 foot by 20 foot section located in the northwest corner of the property, known as Tax Parcel 257DI01301, in order to construct, install and maintain a metal stairway to be used as a second exit from the second floor. Following a brief discussion, Mayor Pro Tem Walters made a motion to grant the easement to the Ocean Isle Museum Foundation, Inc. as presented. Upon a second by Commissioner Rowell, the Board voted unanimously in approval.

2. Mayor Smith stated the next item of New Business was discussion regarding acceptance of a deed of dedication of the streets, water and sewer lines located within the Summer Place subdivision. Mrs. Ivey summarized the request by the Summer Place Property Owner's Association noting staff has confirmed the existing streets meet NCDOT minimum standards and NCDENR has issued a permit to the association for maintenance of the storm water plan. Mrs. Ivey advised the Town has been providing maintenance of the water and sewer lines and the Town will now formally accept these utilities along with the streets. Following review of the documentation provided, upon a motion by Mayor Pro Tem Walters and second by Commissioner Grantham, the Board voted unanimously to accept the deed of dedication of the streets, water and sewer lines as presented.

3. Review of a recommendation from the Planning Board regarding proposed updates to Town's Zoning Ordinance to align with State Statutes was the next item of Business. Board members considered proposed modifications to sections of the Town's zoning ordinance in

order to implement changes to align with newly enacted General Statutes. Following review of the proposed amendments, upon a motion by Mayor Pro Tem Walters and second by Commissioner Williamson, the Board voted unanimously to schedule a public hearing on September 8, 2015 at 8:45 am to allow comments regarding the proposed modifications.

4. Mayor Smith stated discussion regarding scheduling of a public hearing and formal vote to join the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan was the next item of business. Mr. Whiteside reviewed details and benefits to the Town joining this plan. After a brief discussion, upon a motion of Commissioner Williamson with a second by Commissioner Rowell, the Board voted unanimously to conduct a public hearing on September 8, 2015 beginning at 8:45 AM regarding the Town joining the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan.

5. Discussion regarding indemnity language in the proposed NCDOT (DOA) agreement with the Town for safety/maintenance projects was the next item of New Business. Mrs. Ivey reviewed concerns the Town Attorney has raised regarding the indemnity language that is part of the NCDOT agreement for safety/maintenance projects for the Odell Williamson Municipal Airport. Mrs. Ivey advised the engineer indicated several Towns have also had issue with the indemnity clause, however NCDOT is unwilling to revise the language in the documents. Attorney Mike Isenberg elaborated his concerns that language would require the Town to indemnify the quality of work for DOA projects that the Town would have no control over. Board discussion followed regarding the risk involved in accepting these terms for projects that are fully funded by NCDOT. Commissioner Grantham made a suggestion the Town contact other municipalities that have also encountered this issue regarding the indemnity clause to gather feedback and possibly garner support for revision of the language. The Board was in consensus to direct Mrs. Ivey to proceed to contact other municipalities regarding the indemnity language in the agreement as suggested.

6. Mayor Smith stated the discussion regarding a resolution to seek engineering proposals for design and permitting of proposed multi-use path along West First Street was the next item of business. Mrs. Ivey advised the Board that staff is recommending adoption of a resolution to exempt the Town from the Mini Brooks Act relating to the hiring of an engineer for the project. Attorney Mike Isenberg confirmed this process allows the Town to exempt itself from the qualifications only requirement for selection of an engineering firm, such as allowing the Town to use a local engineer of choice or to base the decision on fees for projects with an estimated cost of $50K or less. Mrs. Ivey suggested the Town proceed to request bids to seek qualified candidates for the design and engineering plans for the bicycle and pedestrian plan project. Upon a motion by Commissioner Rowell and second by Commissioner Grantham, the Board vote was unanimous to approve the resolution as presented and to direct staff to proceed with obtaining the most qualified engineer to proceed with this project.

7. Discussion regarding the Town's participation in Brunswick County Greenway and Blueway Plan project was the final item of New Business Mr. Whiteside summarized a

request from the Brunswick County Planning Department for the Town to participate in the Greenway and Blueway Plan. Mr. Whiteside advised Brunswick County is making a grant application to the NC Wildlife Commission anticipating to receive $7000 in funding through the Partners for Green Growth Program. Brunswick County municipalities are invited to participate in the project for the mapping of County and municipal areas to provide details regarding locations of parks, multi-purpose pathways and also kayaking access areas. The County is requesting each municipality provide a $500 share in the cost of the production of the laminated maps which will be made available for residents and guests. The Town would receive 1000 maps for distribution in their locality and additional copies would be available in various locations throughout Brunswick County. Following discussion of details of the project, Commissioner Grantham made a motion to adopt a resolution in support of the Town's participation in the plan and commitment to funding in the amount of $500 for the project. Upon a second to the motion by Commissioner Williamson, 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 Williams. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of the July 11, 2015 Executive Session as per G.S. 143-318.11(1), consult with the Town Attorney regarding pending legal issues (Jackson Hill Aviation) as per G.S. 143-318.11(3) and consider 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 Grantham. Mayor Smith reported during executive session the Board approved the minutes of the July 14, 2015 Executive Session 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 involving Jackson Hill Aviation and also voted to accept the resignation of Sue Stuhr as Town Clerk for Ocean Isle Beach.

ADJOURN

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

DATED: 8/11/2015

SIGNED: Debbie S. Smith, Mayor

TOWN OF OCEAN ISLE BEACH SEAL NORTH CAROLINA

ATTEST:

Daisy Ivey, Town Administrator