

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

**BOARD OF COMMISSIONERS  
PUBLIC HEARING  
September 8, 2015  
MINUTES**

**MEMBERS PRESENT:**

Mayor Debbie Smith  
Commissioner Betty Williamson  
Commissioner D. B. Grantham  
Daisy Ivey, Town Administrator

Commissioner Bob Williams  
Commissioner Wayne Rowell  
Michael Isenberg, Town Atty  
Larry Sellers, Asst. Town Adm.

**OTHERS PRESENT:**

Approximately 35 Property Owners and Guests  
Brian Slattery, Brunswick Beacon

**HEARING CALLED TO ORDER**

Mayor Smith called the hearing to order and stated the purpose of the hearing was to hear public comment in regards to the following:

- Town's intent to participate in the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan
- Resolution adopted July 29, 2015 for the closing of streets
- Modifications to the Town's zoning ordinance Section 66-45 thru 66-52, 66-638 thru 66-639, 66-133, 10-32 thru 10-34, 10-36 thru 10-38, 10-72, 10-74 thru 10-75, 10-111, 10-116 and 10-119 thru 10-124

**OVERVIEW OF HEARING**

Mayor Smith stated the first item of discussion was in regards to the Town's intent to participate in the Brunswick County Multi-Jurisdictional Mitigation Plan. Mayor Smith stated the Town was required to prepare a Hazard Mitigation Plan and it is a redundant effort due to the fact the County prepares one also. Therefore, it was the intent of the Town to work with the County to prepare one master plan. No comment was heard regarding this matter.

The second item of discussion was in regards to a Resolution adopted by the Board of Commissioners on July 29, 2015 for the closing of the following streets:

- (1) That portion of Fayetteville Street lying between the northern line of Lot 1, Block 13, extended across said street and the northern line of Seventh Street;
- (2) That portion of Whiteville Street lying between the southern line of Fourth Street and its' northern terminus;
- (3) That portion of Kinston Street lying between the southern line of Lot 19, Block 23A, extended across said street, and the northern line of Sixth Street;
- (4) That portion of Fourth Street lying between the eastern line of Fayetteville Street and the western line of Whiteville Street;

**Public Hearing Minutes (Cont.)**

**September 8, 2015**

**Page 2.**

- (5) That portion of Fifth Street lying east of Asheville (Columbia) Street;
- (6) That portion of Sixth Street lying east of Asheville (Columbia) Street;
- (7) That portion of Seventh Street lying east of the eastern line of Lot 1, Maritime Place

Mayor Smith stated these streets were originally platted on a recorded plat for Ocean Isle Beach but have never been developed and do not exist. Mayor Smith stated the owners of this property were wishing to sell the property and the developers wanted to develop it in a different fashion. Mayor Smith reiterated some of these streets were actually platted through wetlands and could probably not be built at this time.

Mrs. Deborah Desandre – 455 East Fourth Street – Mrs. Desandre questioned if the developer plans to build for some reason there is a tremendous amount of flooding on East Third and Fourth Street and ask if this property be built at a higher level and if so what happens to the runoff to protect their property? Mayor Smith stated whoever develops the property will be required to have a storm water plan that will design to not contribute to additional flooding.

Mr. Ray Gillis – 12 Asheville Street – ask if there was an advantage to the Town doing this. Mayor Smith stated she did not see a disadvantage to the Town for doing this and that it would allow the developer to develop the property as they see fit. Mayor Smith reiterated that some of these streets were platted through wetlands and she did not believe they could be built there anyway. Mr. Gillis stated it had been said that this would be developed as a gated community and questioned if that was correct. Mayor Smith stated this would up to the developer and it could be a gated community or open to the general public. Mr. Gillis ask if it was a gated community was the Town still responsible for the utilities behind the gates. Mayor Smith stated the Town would be responsible for water and sewer but not for the streets. Mayor Smith reiterated the developer would be responsible for installing the utilities to meet Town specifications and then dedicate same to the Town. Mr. Gillis stated then the Town would maintain them. Mayor Smith stated the Town would be responsible for maintaining water and sewer and the developers would be responsible for the private streets. Commissioner Rowell reminded Mr. Gillis the infrastructure would have to meet Town standards before they were accepted.

Ladane Williamson – 11 Causeway Drive – stated as far as the advantages to the Town, this development would add to the tax base of the Town and one of these streets currently runs through the area where the terminal groin is to be located. Mrs. Williamson ask if the Town had changed the numerical designation of the Streets in the official order and Mayor Smith stated this had already been done and was included in the agenda packet for today's meeting.

**Public Hearing Minutes (Cont.)**  
**September 8, 2015**  
**Page 3.**

The final item for discussion was regarding proposed modifications to the Town's Zoning Ordinance to align with current General Statutes as follows:

- (1) Amendments to Sections 66-45 thru 66-52 to eliminate sections which limit the number of bedrooms per lot.
- (2) Amendments to Sections 66-638 and 66-639 to incorporate statutes that no longer allow a municipality to regulate building design elements in one or two family dwellings. This amendment will eliminate the residential appearance standards section of the Town's Ordinance.
- (3) Modification to Section 66-133 to eliminate the regulation limiting the number of bedrooms and include an amendment to base the number of parking spaces required on the size of the structure.
- (4) Modifications to Chapter 10 Building and Inspection Regulations to update Sections 10-32 thru 10-34, 10-36 thru 10-38, 10-72, 10-74 thru 10-75, 10-111, 10-116 and 10-119 thru 10-124 in order to bring the ordinance in line with current General Statutes and eliminate some outdated requirements.

Mayor Smith stated this was a change that would bring the Town's zoning ordinance in compliance with newly enacted legislation which takes away authority of municipalities to regulate certain things such as number of rooms and appearance standards in one and two-family dwelling units. Mayor Smith stated the Town could still regulate square footage, setbacks and heights. Mayor Smith stated therefore, the Town was proposing to change their ordinance and the parking requirements in order to help maintain size regulations for residential homes.

Mr. Jack Milton – 199 West Fourth Street - Mr. Milton read a statement and expressed concerns as to why this public hearing was being held if it was already a done deal. Mr. Milton stated he hoped the elected officials would continue to do everything in their power to fight for and maintain our single family home beach atmosphere. Mr. Milton stated when the Town and property owners work together to stop cabanas, oceanfront beach clubs and rooftop large decks, we won and tourist still continued to come to OIB. Mr. Milton requested that the Board not allow OIB to turn into a community with huge 12-20 bedroom party houses. Mr. Milton ask if a party house would be allowed on a 50X100 ft. lot and could the Town restrict the square footage in a house by the size of the lot. Mr. Milton stated he did not understand how the number of parking spaces would restrict the number of bedrooms.

Mayor Smith stated the Town had emphatically objected to the law change by passing resolutions, sending emails and personally speaking with legislators. Mayor Smith stated the Town has to adjust the ordinance to comply with state law while at the same time using the tools we can to control this matter. Mayor Smith reiterated the size of a dwelling is based on the size of the lot which controls how large the dwelling can be.

**Public Hearing Minutes (Cont.)**  
**September 8, 2015**  
**Page 4.**

Mr. Milton stated with this there would not be any restrictions on the number of bedrooms and Mayor Smith stated by law we could no longer restrict the number of rooms, the use of these rooms nor the outside appearance.

Mr. Ray Gillis thanked the Town Administrator for supplying him with additional information regarding this matter and stated he did contact the sponsor of the bill only to find out this law was pushed forward by the builders association. Mr. Gillis stated he also spoke with Representative Frank Iler who voted yes for this amendment and that he assured him that he was told everything could be controlled by square footage. Mr. Gillis stated he understood the parking requirements but maybe it was time to lower the percentage of the footprint of the lot allowed to be built upon.

Mr. David Martin – 248 East First Street – Thanked the Board for looking forward and reminded the Board that people had owned these lots for years and he did not feel the Town should infringe on their property rights.

Mayor Smith stated the atmosphere at Ocean Isle Beach is very important to the Board and she did not feel the Board wanted large party houses and the issues they bring and that the Board would continue to do everything in their power to maintain this type of atmosphere. Mayor Smith reiterated she felt these changes would continue to do just that but if not, the Board would continue to search for ways to do so.

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

DATED: 9/8/15

SIGNED: Debbie Smith  
Debbie Smith, Mayor



ATTEST: Daisy Ivey  
Daisy Ivey, Town Administrator

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

**BOARD OF COMMISSIONERS MEETING  
SEPTEMBER 8, 2015  
MINUTES**

**MEMBERS PRESENT:**

Mayor Debbie Smith	Commissioner Wayne Rowell
Commissioner Betty Williamson	Commissioner Bob Williams
Commissioner D.B. Grantham	Larry Sellers, Asst. Town Adm.
Daisy Ivey, Town Administrator	Mike Isenberg, Town Attorney

**OTHERS PRESENT:**

Approximately 35 Property Owners and Guest  
Brian Slattery, Brunswick Beacon

**MEETING CALLED TO ORDER**

Mayor Smith called the meeting to order with everyone repeating the Lord's Prayer and pledging allegiance to the flag.

**CONSENT AGENDA**

The consent agenda items included approval of minutes of July 29 and August 11, 2015 Board of Commissioners meetings and Approval of Budget Adjustment #1 F/Y 2015-16. The consent agenda was unanimously approved upon a motion of Commissioner Williamson with a second by Commissioner Rowell.

**ADOPTION OF AGENDA**

The agenda was approved upon a motion of Commissioner Grantham with a second by Commissioner Williams. The vote was unanimous.

**REPORTS BY MAYOR**

Mayor Smith shared that a meeting of the Brunswick Shoreline Protection Association was held recently and included conversation with the County regarding the hiring of a Shoreline Protection Officer to assist the Municipalities and County with coordinating permits for coastal projects, keeping up with law changes that affect the coast and finding funding sources. Mayor Smith stated it was difficult to understand all the moving parts associated with these types of projects and if this could happen it would be a feather in the cap of Brunswick County.

**DEPARTMENTAL REPORTS**

1. Administration – Mrs. Ivey presented the financial dashboard indicating an increase in cash and investments over the same period last year. Local option sales tax also showed a slight increase and Building and Contractor Revenue is at 23.06% compared to 26.64 at this same point last year. Mrs. Ivey also reported that accommodation tax reports a 3.47% increase over last July and VRBO's at an increase of 20.15%. Taxes collected for 2015 are .07%, 2014 at 93.76% with \$195,082 outstanding and 2013 at 98.47% with \$48,634.70 owed. Mrs. Ivey

**Board of Commissioners Meeting (Cont.)**

**September 8, 2015**

**Page 2.**

stated during the past few weeks, the engineers had been working on a response to comments regarding the Draft EIS. The engineers have met with the Corps and it appears the Corps has accepted the responses given, but the Town is still waiting on final approval of the financial assurances by the State of NC and notification of completion of application by the Corps. Mrs. Ivey also reported NCDOT has indicated that 65% of the plans for the roundabout have now been completed and a review of these plans with the Town and property owners should take place within the next four weeks. Mrs. Ivey also stated a recent meeting with the Corps of Engineers revealed that new processes would be implemented in regards to Beach Renourishment Projects. Cost re-certifications are now required every two years and economic benefit updates every five years. Mrs. Ivey stated the original authorized cost for the Town was \$112,368,000 and the updated cost with inflation now indicates \$150,285,000. Mrs. Ivey also reported the new official population for the town according to the latest census is 597.

2. Police Department – Chief Bellamy indicated a 6% increase in calls for service over the same period last year. Chief Bellamy also stated that three fox had recently been trapped and relocated from the island to assist with the complaints regarding these animals. Chief Bellamy also reported that Officers Brown and Hatley had completed Field Officer Training and the police department conducted 224 hours of training last month.
3. Water, Sewer and Streets – Mr. Sellers reported routine maintenance work occurred in the water, sewer and street departments and flushing of hydrants was being performed due to changeover of water by the County.
4. Fire Department – Chief Yoho reported during the month of August, 22 fire inspections were performed and over 270 hours of training was completed. Chief Yoho also stated during the month of August, the Department responded to 79 calls for service or an increase over last year of 33%. Chief Yoho also updated the Board in regards to the recent fires as a result of a storm causing a direct lightning strike on Craven Street and indirect strike on East First Street. Commissioner Grantham stated both of these property owners had spoken with him and expressed their appreciation for the outstanding response by both the fire and police departments.
5. Planning and Zoning – Mr. Justin Whiteside stated that McKimm and Creed recently completed the 2015 Annual Beach Monitoring Surveys and these profiles remained the same as the previous year. Mr. Whiteside stated last year according to these surveys there was a large shoal off of the east end which was no longer there however there was a large shoal this year on the west end.
6. Building Inspections – Mr. Whiteside presented the report and stated ten more permits were issued this year over last August with two new homes in the Town and six in the ETA for a construction valuation of \$2,942,506.20.

**COMMENTS**

No public comment was heard regarding any agenda item.

**OLD BUSINESS**

1. The first item of old business was a discussion regarding Planning Board recommendation for a request from Russ & Gore, Inc. for a minor subdivision sketch plan approval. Mr. Whiteside stated this was a simple minor subdivision with no open space or R-O-W dedication. Mr. Whiteside stated this tract contained approximately 15 acres and the developers wish to subdivide out a 1.75 acre tract. Mr. Whiteside stated for full disclosure the Planning Board had questioned what the tract would be used for since this was in a residential area however, that is a separate issue from what is being requested. Mr. Whiteside stated this request did meet the Town's ordinances and the Planning Board had also recommended approval. Upon a motion of Commissioner Williamson with a second by Commissioner Grantham, the Board voted unanimously to approve this request.
2. The next item of Old Business was a discussion and adoption of a resolution with regards to the Town's intent to participate in the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan. Mayor Smith stated this was one of the issues discussed during the public hearing held prior to today's meeting regarding the Town joining the County's plan. Mrs. Ivey stated since the Town's current plan did not expire until November 2015, the resolution has been prepared to reflect joining as of that date. Mr. Whiteside stated it was anticipated the regional multi-jurisdictional plan would be completed in March 2016 and this was a bridge to cover the Town until that time. Mayor Smith stated the regional plan covered Brunswick, New Hanover and Pender counties. Upon a motion of Commissioner Rowell with a second by Commissioner Williams, the Board voted to adopt the resolution as presented. The vote was unanimous.
3. Mayor Smith stated the next item of old business was the discussion and adoption of order to close streets as shown in the public hearing notice that was held prior to today's meeting. Mrs. Ivey stated as was mentioned during the public hearing, the resolution had been drafted to reflect that numbered street names are spelled out and not listed numerically. The Board voted unanimously to approve this order upon a motion of Commissioner Rowell with a second by Commissioner Williams.
4. The final item of Old Business was the discussion and adoption of a resolution to modify the Town's ordinance to align with newly enacted General Statutes. Mayor Smith stated this issue was also discussed during the public hearing held prior to the meeting. Commissioner Grantham stated he reluctantly made the motion to approve these changes. Mr. Whiteside stated the zoning changes could become effective immediately however the Building regulations would need to show an effective date of October 1. Commissioner Williams stated he was going to have to vote for these changes to stay in compliance with State laws, however he was totally against this and did not think the State should be doing what they were doing. Commissioner Williamson stated it had always been the goal of the Town to maintain the family atmosphere and she felt the Board would continue to do that in order to keep Ocean Isle the finest beach on the east coast. Commissioner Rowell stated he agree with that statement and he did not like party houses but he also believed in property rights and that people should be able to build what they desire. Mike Isenberg stated staff had done a great job in changing the Town's ordinance in that we are only repealing what we

are no longer allowed to do. Mr. Isenberg stated the law still states a Town can regulate the size of the house. Commissioner Rowell seconded the motion and the vote was unanimous.

**NEW BUSINESS**

Mayor Smith stated the next item for discussion was a group activity request for the 2016 OIB Bridge Run for Food. Mrs. Ivey stated the South Brunswick Interchurch Council is requesting approval of the 2016 OIB Bridge Run for Food to be held on January 9, 2016 from 6:30 AM to 1:30 PM. After a brief discussion, this request was approved upon a motion of Commissioner Grantham with a second by Commissioner Rowell. The vote was unanimous.

**EXECUTIVE SESSION**

The Board recessed to executive session upon a motion of Commissioner Williamson, seconded by Commissioner Rowell, in order to approve the minutes of the August, 2015 Executive Session per GS 143-318.11(1) and to consult with the Town Attorney regarding pending legal issues (Jackson/Hill Aviation) as per GS 143-318.11(3)e. The vote was unanimous. The Board returned to regular session upon a motion of Commissioner Williams with a second by Commissioner Rowell. Mayor Smith stated during executive session the Board adopted the minutes of the August 11, 2015 Executive Session upon a motion of Commissioner Williamson with a second by Commissioner Grantham. Mayor Smith stated the Board also discussed a legal matter with the Town Attorney involving Jackson/Hill Aviation.

**ADJOURN**

Being no additional business was heard, the meeting was adjourned upon a motion of Commissioner Rowell with a second by Commissioner Williamson. The vote was unanimous.

DATED: 9/8/15

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



ATTEST: Daisy Ivey  
Daisy Ivey, Town Administrator