

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

**BOARD OF COMMISSIONERS MEETING
SEPTEMBER 9, 2014
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:

Approximately 52 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 the August 12, 2014 Public Hearing and Board meeting, amendment to the minutes of March 11, 2014 Board meeting consent agenda to correctly state "approval of Budget Adjustments 1,2,3 and 4", approval of renewal of Police Mutual Assistance Agreements with Town of Sunset Beach, Town of Shallotte, Town of Holden Beach, Brunswick County Sheriff's Department and also approval of proclamation declaring the week of September 17-23, 2014 as Constitution Week. Upon a motion by Commissioner Rowell and second by Commissioner Williamson, 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. Mayor Pro Tem Walters made a motion to approve the meeting agenda with an amendment to include a discussion regarding approval of NCDOT traffic agreement for installation of pedestrian crosswalk and applicable signs at Driftwood and West First Street under New Business. Upon a second by Commissioner Rowell, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith expressed the Town's appreciation to Board of Adjustment member Mr. Jack Milton recognizing his 9 years of service to the Town. Mayor Smith also recognized Mr. Terry Stephens for his 6 years of dedicated service as an ETA member for the Planning Board. Mayor Smith acknowledged Recreation Advisory Board member Mrs. Darlene Patterson for her dedication and commitment to the Camp OIB program at the Community Center for the past 9 years. Detective Richard Heycock was recognized for his five years of dedicated service to the Police Department. Mayor Smith also expressed the Town's appreciation to Ms. Elva Jess recognizing her years of service and dedication as Town Attorney since 1982. Ms. Jess was

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 2 of 8

presented a crystal light house proclaiming her to be the Town's "Beacon" on legal issues. Mayor Smith administered the Oath of Office to Chief of Police Ken Bellamy, congratulating him on this achievement. Mayor Smith invited all present to attend a reception in honor of Chief Bellamy immediately following the Board meeting.

Mayor Smith provided an update on the results of the Town marketing campaign indicating continuing positive results and a response rate higher than the industry averages. Mayor Smith also provided an update on the newly released preliminary flood maps. Mayor Smith stated she would be attending a meeting with the State Mapping Department on September 16, regarding the new flood maps and information which could possibly reduce insurance rates for coastal communities. Mayor Smith advised of the upcoming Town and Realtor Meeting on Sept 24 at which the Town would provide information updates regarding current projects and discussion of issues important to the local business community. Mayor Smith reported on the September 4 Grand Opening and Ribbon Cutting of the new ABC Store and expressed the Board's support of the ABC Store as the business transitions to the new location at The Landing Shopping Center. Mayor Smith provided details of a recent meeting with Representative Bill Schuster, Chairman of House Transportation and Infrastructure Committee, that provides oversight to the Corps of Engineers and the FEMA recovery operations. Mayor Smith also advised of her plans to attend the upcoming Town Hall Day in Wilmington on September 22, which will include discussion with Insurance Commissioner Wayne Goodwin regarding proposed insurance rates.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey provided a copy of the financial dashboard for the month of August 2014 for review by Board members. Mrs. Ivey reported on F/Y 2013 tax collection indicating \$137,000 in property taxes was outstanding as of July 2014, at a current collection rate of 95.65%. Mrs. Ivey also reported 2012 taxes were at a 99.97% collection rate with \$870 outstanding. Mrs. Ivey advised F/Y 2014 tax bills have been mailed. Mrs. Ivey stated accommodation taxes for the month of July increased 5.17% and VRBOs showed an increase of 12% over same month prior year. Mrs. Ivey reported on the status of the EIS for the Terminal Groin Project indicating the Corp has finalized review of various chapters of the draft EIS and that engineers were working to respond to these comments. Mrs. Ivey stated the draft EIS should be released in early October and advertisement for bids is anticipated for June 2015. Mrs. Ivey provided an update on the status of the 30 Year Beach Management Plan, advising the project execution plan has been prepared and a draft assessment of shoreline and volume changes along the island is expected within two months. Mrs. Ivey noted the plan will include information regarding determination of minimal volume requirements and development of environmental documentation and permitting. Mrs. Ivey provided an update on the 2014-15 Concrete Canal Dredging Project advising bids have been advertised and the award of bid was anticipated on September 15 following a September 11 bid opening. Mrs. Ivey expressed the Town's appreciation to the Williamson family for their permission allowing use of their property as a temporary laydown for the project. Mrs. Ivey advised the dredging project was anticipated to proceed by mid November with an expected completion date in March 2015. Mrs. Ivey reported the Town's offer to purchase the RPZ area for the Odell Williamson Airport had been accepted. Mrs. Ivey

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 3 of 8

also advised BEMC and the Town were in the process of considering options for an update of street lighting on Island.

2. Police Department – Chief Bellamy provided a report on police activity for the month of August, indicting a busy end of summer season as expected. Chief Bellamy advised the department is working to fill current vacancies and also transitioning as he assumes his position as Police Chief. Chief Bellamy advised the Police Department will be working to complete in-service training in the Fall.
3. Water/Sewer/Street – Mr. Sellers reported during the month of August the Water Department activities included installation of water taps and drop-in meters, meter box maintenance, work on outfall pipe and locates for other utilities. Mr. Sellers summarized work activity by the Street Department including Causeway maintenance, trash pickup on the beach strand, repair of irrigation, spraying of weeds, fertilization of plants, installation of sand fence and mowing at the airport. The Sewer Department activities during the month included installation of 6” tap, locates for other utilities, cleaning of floats and stations, locates for sewer connects, replacement of pumps and checks of generators. Mr. Sellers stated the Public Utilities Department is also working on compliance with NCDOT sign reflectivity requirements.
4. Fire Department – Assistant Chief Rash summarized an activity report for the month of August indicating the Department responded to a total of 108 calls for service, of which 88 calls were performed in the city, a cumulative year to date total of 598 calls. Assistant Chief Rash advised 3 firefighters obtained Technical Water Rescue Certification and 370 hours of training was performed during the month. Assistant Chief Rash also reported 32 fire inspections were conducted. Commissioner Rowell expressed his appreciation to the Fire Department for their recent assistance during the flooding experienced on the West end of the Island.
5. Planning/Zoning – Mr. Dycus provided a report on behalf of the Planning Department advising the Town recently completed a Adopt-a-Highway pick-up on August 21 and expressed appreciation to both the Police and Fire Department for their assistance with safety during the trash pickup. Mr. Dycus advised John Kirst has returned as a part-time employee in the Maintenance Department. Mr. Dycus also provided copies of the preliminary flood maps for review.
6. Building Inspections – Mr. Cook provided a report from Building & Inspections Department indicating that permits were issued for 3 new single family (SF) residential homes in the city and 4 homes in the ETJ for a total of 102 permits issued during the month of August, with a total construction value of \$2,827,357.

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.

OLD BUSINESS

1. Discussion regarding a proposed highway safety improvement project at intersection of Second Street and Causeway Drive was the first item of business. Mrs. Ivey advised following the discussion of safety issues during the August meeting, staff has conferred with NCDOT to further explore this safety issue to determine the best possible options for the traffic pattern in this

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 4 of 8

area and also to research funding available for such a project. Mrs. Ivey advised the Town has been informed there are no NCDOT funds available at this time to fund this project at the estimated cost of \$ 21,000. Board members discussed the proposed project which would eliminate the left turns both onto and from Causeway Drive at the East Second Street intersection. Noting this traffic problem was generally not a year round issue, Commissioner Walters suggested more study of the project and also indicated, that since this is a problem experienced on Saturdays during the summer season, it may be wise to give consideration to possible temporary measures. Commissioner Grantham was in agreement that seasonal measures could possibly be effective in facilitating traffic flow by eliminating the left turn from Causeway onto East Second Street and indicated his primary safety concern was the issue caused by traffic attempting a left turn from East Second Street onto Causeway Drive. Commissioner Williamson was in agreement of the fact traffic attempting a left turn from East Second Street onto Causeway was definitely a significant concern and suggested consideration of the best options for safety improvements in this area. Commissioner Rowell expressed his agreement of the safety issue involved in making a left turn from East Second Street and also suggested the possible installation of temporary removable posts to eliminate left turns from Causeway Drive onto Second Street on a seasonal basis. Mayor Smith commented it may be wise to continue to study this area to determine the most effective solution to these safety concerns. Following this discussion, the Board was in consensus to continue to further study the safety concern and possible elimination of the left turn from East Second Street and also directed Chief Bellamy to research possible temporary measures to assist with seasonal traffic issues.

NEW BUSINESS

1. Mayor Smith stated the first item of New Business was a presentation by the Business Alliance for a Sound Economy (BASE), regarding New EPA Rules on Regulation of Waters of the United States. Mr. Cameron Moore, BASE, presented a slide show with detailed information regarding new EPA regulations and the potential concerns to local governments, landowners and communities including the following points:

- The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers have proposed a rule to define "Waters of the U.S." that could significantly increase the cost and regulatory requirements for local governments and ultimately the costs for local residents and businesses; and
- The proposed rule and budget history for EPA and the Corps do not provide additional federal revenue nor anticipate assistance in the future to help meet the cost of this rule; and
- Opposition to legislation to expand Federal jurisdiction under the Clean Water Act unless the associated costs are born solely and entirely by the Federal government and its agencies and not levied as an unfunded mandate on the public and private sectors; and
- Much of the anticipated cost of this rule would be financed from municipal resources, and thus divert resources from other essential public services,

Following this presentation, a resolution addressing concerns in the presentation was considered by the Board. The resolution recommended that EPA and the Corps of Engineers suspend consideration of the Waters of the U.S. rule until local governments and other stakeholders are engaged in drafting a rule that addresses to the satisfaction of local governments and other

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 5 of 8

stakeholders the full economic impact for all sections of the Clean Water Act beyond Section 404 (e.g. Sections 301, 311, 401, 402); incorporates the conclusions of the Science Advisory Board; and addresses the concerns of other federal agencies with water management and regulatory responsibilities affected by such a rule and that the rule include the following provisions that are priority concerns for local governments:

- Separate municipal storm sewers will continue to be regulated and permitted under Section 402 of the Clean Water Act, and shall not be considered, either in their entirety or any individual feature thereof, Waters of the U.S.; and
- Green infrastructure developed to improve water quality or achieve multiple public benefits shall be encouraged and given priority consideration that does not impose additional financial and regulatory burdens of permittees and shall not be considered Waters of the United States; and
- Water delivery, reuse, and reclamation systems and facilities shall not be considered waters of the U.S.: and
- Ditches, streams and other drainage features that protect and ensure the operation of public infrastructure shall not be considered waters of the U.S.; and
- Wastewater treatment systems and all associated infrastructure shall not be considered waters of the U.S.; and
- Any proposal to regulate waters within a floodplain, riparian, or any other general area must include a specific definition, including the specific boundaries, of the floodplain, riparian, or other area subject to the rule; and
- The rule must include sufficient clarity and specificity to better inform regulators and permittees and to minimize the potential for litigation; and
- That failure to address any one or all of these concerns shall be considered an unfunded mandate and the costs of such mandate be fully and entirely born by the Federal government.

Following discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board voted unanimously in approval of Resolution No. 2014-18 Resolution to Ensure that Municipal Concerns are Addressed in the Clean Water Act Regulations, including the Definition of “Waters of the U.S. “

2. Mayor Smith stated the next item of New Business was review of recommendations from the Planning Board as follows:
 - a. Board members considered a recommendation for the zoning of Parcel Nos. 2290000101 and 2290000104 to be changed from CO-CLD (Commercial Low Density) to C-3 (Commercial Highway District) pending the County’s approval of the Town’s request for expansion of ETJ to include these parcels. Following review and discussion of the recommendation, upon a motion by Commissioner Grantham and second by Commissioner Rowell, the Board voted unanimously to approve the zoning of these parcels to be changed to C-3 following the County’s approval of the Town’s request for expansion of the ETJ.
 - b. The Board considered a recommendation from the Planning Board regarding approval of a minor subdivision sketch plan to abandon an existing private right of way and create a new parcel as requested by DCS, LTD. Mrs. Ivey reviewed details of a request from George “Tripp” Sloane (DCS Ltd.) for approval of a minor sketch plan to

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 6 of 8

abandon an existing private right of way (ROW) and create a new parcel as recommended for approval by the Planning Board. The proposed parcel meets the minimum lots requirements of the Town and no new roads or ROW's would need to be installed or dedicated. Access would be from the existing 30' service road adjacent to Roberto's that leads to Apple Tree Street SW. Prior to recordation of the plat, the existing ROW would need to be abandoned. Following review of the recommendation, upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board vote was unanimous in approval of the minor subdivision sketch plan as presented.

3. Discussion regarding approval of request for group activity was the next item of New Business.

- a.** Board members considered a request from CrossFit OIB to conduct Amazing Grace 2014, a fundraising benefit supporting Mammograms in Action, Inc. on October 15, 2014 from 4:00pm to 7:00pm on Town property located at the corner of Causeway Drive and Rick Street. Staff advised the group activity application had been completed and recommended approval contingent upon execution of a liability release to the Town as recommended by the Town Attorney. Following discussion, upon a motion by Mayor Pro Tem Walters and second by Commissioner Williamson, the Board voted unanimously to approve the request contingent upon execution of an indemnity agreement and also waive the group activity fee due to the nonprofit status of the event's beneficiary organization.

- b.** Board members considered a request from South Brunswick Interchurch Council for approval to conduct the 11th Annual Ocean Isle Beach Bridge Run for Food Half Marathon & 5K Run/Walk on January 10, 2015. Staff advised the group activity application had been completed with necessary documentation including the route maps and written permission from the Williamson's for use of their property adjacent to Town Hall. Chief Bellamy indicated the fact the bridge would remain open to traffic during the event had been confirmed with the event organizer. Upon a motion by Commissioner Grantham and second by Commissioner Williams, the Board vote was unanimous in approval of the request and also waiver of the group activity fee due to the non-profit status of the sponsor organization.

4. Mayor Smith stated review of responses to the Town's RFP and selection of a qualified candidate to provide legal services to the Town was the next item of New Business. Board members reviewed qualifications provided by the law firms of Michael Isenberg, Isenberg and Thompson, Attorneys at Law, Edwin L. West III, Brooks and Pierce and also JK Somers, Law Offices of James Kelly Somers, PLLC. Following discussion of the valuable service provided by Ms. Elva Jess of Jess, Isenberg and Thompson for many years and citing the experience of Michael Isenberg, upon a motion by Mayor Pro Tem Walters and second by Commissioner Grantham, the Board voted unanimously to authorize entry into an agreement for legal services with Isenberg and Thompson, Attorneys at Law.

5. The next item of New Business was discussion regarding approval of amendments to Town Ordinance Chapter 6 Animals to include additional regulations in conjunction with the Town's entry into an interlocal agreement with Brunswick County for animal control services. Board

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 7 of 8

members reviewed the necessary amendments to incorporate sections of the Brunswick County Animal Control Ordinance into the Town Ordinance that will facilitate Brunswick County authority to provide animal services to the Town of Ocean Isle Beach for the handling of animals that are considered a nuisance in the Town Ordinance. Following discussion, upon a motion by Commissioner Rowell and second by Commissioner Williams, the Board voted unanimously in approval of Resolution No. 2014-19 to adopt these changes to Chapter 6 Animals as presented.

6. Discussion regarding a request from the Ocean Isle ABC Board for approval to partner with Brunswick County in the Sold Out NC Alcohol Abstinence Education Program was the next item of business. Mrs. Ivey summarized the request by the Ocean Isle Beach ABC Board for the Town, as appointing authority, to give approval to the ABC Board to partner in the Sold Out NC Alcohol Abstinence Education Program. Mayor Pro Tem expressed his support of a student alcohol abstinence program in Brunswick County as an important and worthy cause for the youth in our community. Commissioner Grantham made a motion to approve participation by the Ocean Isle Beach ABC Board in the program. Upon a second by Commissioner Rowell, the vote was unanimous in approval.

7. Mayor Smith indicated discussion regarding approval of a NCDOT Traffic Agreement for the installation of a pedestrian crosswalk and applicable signs at Driftwood and West First Street was the next item of New Business. Mrs. Ivey advised approval of an agreement with NCDOT to install the crosswalk and related signs was necessary for the project to proceed and indicated the \$1300 cost of the project would be funded utilizing funds in the 2014-15 Budget. Upon a motion by Commissioner Rowell and second by Commissioner Williamson, the Board voted unanimously to authorize entry into the Traffic – DOT Construction Agreement, WBS Element 36249.3386 as presented.

EXECUTIVE SESSION

The Board recessed to Executive Session upon a motion of Commissioner Williamson 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 August 12, 2014 Executive Session meetings as per G. S. 143-318.11 (1) and consultation with Town Attorney regarding pending legal issues as per G.S. 143-318.11(3).

The Board returned to regular session upon a motion of Commissioner Williamson with a second by Commissioner Rowell. Mayor Smith reported during Executive Session the Board approved the minutes of the August 12, 2014 meeting upon a motion of Commissioner Rowell and second by Commissioner Williams. The vote was unanimous. Mayor Smith stated during executive session the Board also consulted with the Town Attorney regarding pending legal issues.

NEW BUSINESS (CONTINUED)

8. Mayor Smith stated it was necessary for the Board to conduct a discussion regarding approval of a resolution regarding the Town intent's to purchase, through condemnation, the vacant parcel located at the corner of Causeway Drive and East Second Street described as Parcel # 257DI009 and declare the Town's official intent to finance the project with the proceeds of bank financing or other suitable form of debt to be issued by the Town. This item of New Business was added to the agenda upon a motion by Commissioner Williamson and second by Commissioner Rowell; the Board vote was unanimous in approval. Board discussion was held regarding the Town's

Board of Commissioners Meeting

Minutes

September 9, 2014

Page 8 of 8

commitment to undertake the project and to incur the related and necessary expenditures to finance the project with a maximum principal amount of borrowing to finance the project of \$ 1,600,000. Following this discussion, upon a motion by Commissioner Williamson and second by Commissioner Rowell, the Board voted unanimous to approve a resolution stating the Town's intent to proceed with this project and declaring the Town's official intent to reimburse under Treasury Regulations Section 1.150-2.

ADJOURN

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

DATED: September 9, 2014

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



ATTEST: Sue Stuhr
Sue Stuhr, Town Clerk