

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

**BOARD OF COMMISSIONERS MEETING
NOVEMBER 10, 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	Michael Isenberg, Town Attorney

OTHERS PRESENT:

Approximately 25 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 minutes of the September 25 and October 14, 2014 Board of Commissioners meetings, approval of a change order to include an increased cost of \$2685.64 for 2014-15 Concrete Canals Maintenance Dredging Project and also approval of a travel policy for the Ocean Isle Beach ABC Board. 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 Williams made a motion to approve the meeting agenda as presented. Upon a second by Commissioner Williamson, the Board vote was unanimous in approval.

MAYOR'S REPORT

Mayor Smith provided an update on a Coastal Resources Commission meeting held in Wilmington. Mayor Smith noted Governor McCrory was in attendance at the meeting which addressed issues including flood insurance, dredging and other coastal matters. Mayor Smith advised the Governor indicated he was open to working with residents of coastal areas regarding their concerns. Following this report, Mayor Smith asked all Veterans in attendance to come forward as she issued a proclamation commemorating Veteran's Day 2014 and commending their service to the Country, stating as follows:

"The Mayor and Board of Commissioners of the Town of Ocean Isle Beach, in keeping with the time honored tradition of recognizing and honoring our veterans, do hereby call upon the citizenry

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of Ocean Isle Beach to participate in services and to observe the eleventh hour of the eleventh day of the eleventh month with expressions of gratitude to all veterans known to them and to further extend this gratitude to the families of deceased veterans and to solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us re-consecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.”

A copy of the Veteran’s Day Proclamation in its entirety is hereby attached and included by reference.

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey provided a copy of the financial dashboard for the month of October 2014 for review by Board members. Mrs. Ivey reported on F/Y 2014 property taxes indicating a current year collection rate of 21.30%. Mrs. Ivey reported F/Y 2013 has \$121,000 in property taxes outstanding as of September 2014, at a current collection rate of 96.17%. Mrs. Ivey stated accommodation taxes for the month of September 2014 increased 17.26% over same month prior year. Mrs. Ivey advised the Town has been notified by the Division of Aviation regarding receiving high scores during the DOA strategic transportation investment prioritization process which will allocate grant funds for purchase of Runway 24 Runway Protection Zone. Mrs. Ivey noted this process is expected to be completed during fiscal year 2016-2017. Mrs. Ivey also provided information received during a recent meeting with NCDOT regarding the proposed project to construct a roundabout at the intersection of Highway 179 and Causeway Drive. Mrs. Ivey reported NCDOT is working on preparing conceptual design plans, planning meetings with adjacent property owners and will be scheduling public hearings to allow input regarding the project. Mrs. Ivey reported she and Mayor Smith attended a pre-application meeting with CAMA regarding the permit process for the Shallow Draft Inlet Project and details of a long term agreement between the Corps and the Division of Water Quality for maintenance dredging. Mrs. Ivey advised individual permits are expected to be received by April 2015. Mrs. Ivey stated the Concrete Canal dredging project has begun, noting dredging is currently completed in Canals 17 and 13 and advising property owners to be alert to the dredging schedule and take necessary steps to remove boats appropriately. Mrs. Ivey also provided an update on a quarterly update meeting regarding a MOA for the federally authorized dredging of the navigable channel. Federal funding is provided on the basis of a 50% match. Mrs. Ivey advised these monies are funded from a federal authorized tax collecting 1/6th of 1% of excise tax for motor fuel. Mayor Smith noted 6 million dollars has been raised in the first year from proceeds of this tax. Mrs. Ivey advised maps of “before” and “after” pictures of the Beach Renourishment project were now available for review. Mrs. Ivey noted she and the Mayor will be attending the upcoming NCBIWA meeting on November 17-18 in Wrightsville Beach. Mrs. Ivey reminded those present of an Open Forum meeting scheduled for this evening and also the fact Town Hall would be closed for Veterans Day on November 11. Mrs. Ivey also reminded the Board of the upcoming Town Board and Employee Thanksgiving luncheon scheduled on November 20 and that Town Offices will be closed November 27-28 for the Thanksgiving holiday.

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2. Police Department – Chief Bellamy provided a report on police activity for the month of October, indicating a relatively quiet month as expected. Chief Bellamy advised the department is continuing to work with Mr. Jarvis on the assessment project. Chief Bellamy also stated Officer Liles has completed his instructor certification course.
3. Water/Sewer/Street – Mr. Sellers provided a summary report of the activities of the Water, Sewer and Street Departments during the month of October including details of seasonal landscape maintenance and projects in progress for each utility department. Mr. Seller also provided an update on the East End Water Tank Project indicating the new tank was being filled and the project remains on schedule for completion mid-December.
4. Fire Department – Assistant Chief Rash summarized an activity report for the month of October indicating the Department responded to a total of 65 calls for service, a year to total of 721. Assistant Chief Rash reported 290 hours of training and 37 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 new Subway Restaurant is renovating the interior of the building scheduled to open soon at 113 Causeway Drive.
6. Building Inspections – Mr. Whiteside provided a report from the 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 103 permits issued during the month of October, with a total construction value of \$3,275,715.

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.

OLD BUSINESS

1. Board discussion regarding Starboard Lagoon Area/Asheville Street flooding issues was the first item of Old Business. Mrs. Ivey presented updated information following discussions with representatives of Starboard by the Sea and Asheville Street regarding issues with periodic flooding. Mrs. Ivey advised in the opinion of the engineers, option 1 with an estimated cost of \$53,000 would serve as the best alternative to alleviate the flooding and due to the fact the outlet would pass through earthen areas, would reduce the necessary repairs. Board members considered a cooperative project with a 3-way funding split between Starboard by the Sea, Asheville Street property owners and the Town for the needed repairs. Mrs. Ivey suggested approval of an amount up to 1/3 of the estimated cost and to include the stipulation the project would not proceed until all funds had been collected from the parties involved. Upon a motion by Mayor Pro Tem Walters and second by Commissioner Rowell, the Board voted unanimously in approval of Town funding up to 1/3 of the estimated cost for such a project in an amount up to \$17,700 and to require payment in full by all parties prior to starting the project.
2. Mayor Smith stated discussion regarding approval and adoption of the Ocean Isle Beach Bicycle and Pedestrian Plan was the next item of business. Mr. Whiteside advised an official letter of approval from NCDOT was in the mailing process to the Town but had not yet been received.

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Mr. Whiteside recommended the Board adopt the plan contingent upon receipt of this letter. Upon a motion by Commissioner Rowell and second by Commissioner Williams, the vote was unanimous to adopt the Ocean Isle Beach Bicycle and Pedestrian Plan as presented and contingent upon receipt of the formal letter of approval from NCDOT.

NEW BUSINESS

Mayor Smith stated the first item of New Business was presentation of the Town's financial statement for the fiscal year ending June 30, 2014 by Greg Thompson, Thompson, Price, Scott, Adams & Company. Mr. Thompson provided a copy of the Town of Ocean Isle Beach financial statement for F/Y ended June 30, 2014. Mr. Thompson reviewed a slide presentation with audit results and details regarding required communications as part of the audit process. Mr. Adams indicated the Town received an unqualified opinion, which is the highest opinion available. Following the presentation, Mr. Adams commended the Town Administrator and staff for their diligence in handling the Town's finances during the fiscal year.

2. The next item of New Business was discussion regarding a request from Sharky's Restaurant for approval to conduct the 2014 Ocean Isle Beach Flotilla at Sharky's Restaurant on November 29, 2014. Mrs. Ivey noted the group activity application included a request to employ two off duty police officers to assist with crowd control and security during the event. Mrs. Ivey advised, in response to this request, staff had contacted the Town's insurance carrier for a recommendation relating to any potential liability issues that may be associated with the employment of off-duty police officers. The response from NC League of Municipalities indicated it would be prudent for the Town to adopt a formal policy regarding secondary or off duty employment by police officers that would limit the Town's exposure to possible workers compensation liability issues that could be triggered should the off duty officer be injured while attempting to act with police powers during the off-duty employment. Mrs. Ivey stated this policy should also define internal policy regarding specific regulations and limitations for the employee and outline supervisor and administrative responsibilities in regard to secondary employment. Following this discussion, it was the Board's recommendation to direct staff to develop and implement a formal administrative policy regarding secondary or off-duty employment for police officers. Commissioner Rowell made a motion to approve the request by Sharky's to conduct the Ocean Isle Beach Flotilla on November 29 and also to waive the group activity fee due to the nonprofit status of the benefitting organization, Brunswick Family Assistance, as requested. Upon a second to the motion by Commissioner Williamson, the Board vote was unanimous in approval.

3. Consideration and discussion regarding a recommendation from Planning Board regarding proposed text amendment to Section 66-45(3)(d) was the next item of New Business. Board members reviewed a recommendation from the Planning Board to approve a proposed text amendment to Section 66-45 (3)(d) regarding lots within residential subdivisions that when platted or modified (prior to 2005) were only 47 feet in width. Mr. Whiteside advised the proposed amendment would be a minor modification to allow lots platted prior to 2005 which are less than 5,000 square feet in area to be developed and noted this change would affect multiple lots on the island, some which were platted as early as 1968 and others in 1976. Following discussion, upon a motion by Mayor Pro Tem Walter followed by a second to the motion by Commissioner Rowell, the

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Board voted unanimously to schedule a public hearing to allow comment regarding the proposed amendment to the Town's zoning ordinance on December 9, 2014 at 8:45 am.

4. Mayor Smith stated discussion regarding approval of contracts and project agreements was the next item of New Business.

a. Annual Contract for Ocean Isle Beach Town Billboard

Following review of the renewal agreement with Lamar for the Town's billboard display located on I-40, upon a motion by Commissioner Williamson and second by Commissioner Rowell, the Board voted unanimously to authorize the Mayor to enter into an annual contract agreement with Lamar in the amount \$8060 per year paid in 13 installments of \$620 as presented.

b. Approval of Contract Agreement with Pyrotechnico for Professional Fireworks Display

Board members discussed details regarding approval of a contract agreement with Pyrotechnico for a firework exhibition to be scheduled on July 3, 2015 and allow for a July 5, 2015 rain date. Mrs. Ivey confirmed the OIPOA has formally approved 50% funding in an amount up to \$9000 for the joint venture with the Town. Mrs. Ivey advised written permission has been received from the Williamson family to conduct the fireworks from the Pier. Mrs. Ivey also pointed out several considerations regarding the proposed contract, noting Section 6 & 7 indicates in the event the display was postponed and rescheduled due to weather, the contract would require an additional 25% cost to be re-scheduled on the alternate date due to contractor expenses involved in the change of date. Mrs. Ivey advised a 75% cancellation fee would be charged if the contract was cancelled entirely. Mrs. Ivey also advised clause 3, which states a 25% fee will be charged in the event the contractor cancels the display has been changed, at the Town's request, to indicate if the contractor cancels the event the contract becomes null and void. Attorney Isenberg directed the Board's attention to language in the contract agreement that should be considered including potential liability due to the fact the Town is assuming responsibility for crowd control and security. Mr. Isenberg noted although mutual indemnity is in place for the event, there would be potential indemnity by the Town in the event the Town's security did not perform adequate crowd control responsibilities. Following this discussion, Mayor Pro Tem Walters made a motion to approve the contract at the cost of \$18,000, as discussed including the change to terms of contractor cancellation in clause 3. Upon a second to the motion by Commissioner Rowell, the Board vote was unanimous in approval of the motion.

5. Mayor Smith stated the next item of business was discussion regarding participation in a Regional Hazard Mitigation Plan that would include municipalities in Brunswick, New Hanover and Pender County. Mr. Whiteside advised Brunswick County is requesting all County municipalities participate in a regional hazard mitigation plan that will be eligible for Federal grant funding. Mr. Whiteside noted participation in a regional plan will allow municipalities to remain eligible for federal funding through grants and reimbursement after a disaster and each jurisdiction will have its own risk assessments and corresponding mitigation actions. Staff advised the total cost of the project is estimated to be \$93,333, with federal grant funding to cover \$70,000 of the cost and participating municipalities to split the remaining cost of \$23,333. Following discussion of the benefits and cost savings participation in the plan would provide, upon a motion by Commissioner

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Rowell and second to the motion by Mayor Pro Tem Walters, the Board voted unanimously to approve participation in a Regional Hazard Mitigation Plan for Brunswick, New Hanover and Pender Counties as presented.

6. The final item of New Business was discussion regarding adoption of a personal donation and memorial policy for the Town of Ocean Isle Beach. Mrs. Ivey advised Staff has prepared a draft policy to provide standards for the type of donation, establish guidelines and procedures for the installation and care of donated improvements, either as a result of monetary or physical property donation. The policy will allow staff to provide the donor with information regarding the process for making a donation and set expectations of the Town's role. Potential donors that request ideas for a donation to the Town will be able to review sample items that have been selected by the Town as esthetically appealing and also will limit maintenance issues related to a coastal environment. Following discussion and review of the proposed donation and memorial policy, Commissioner Rowell made a motion to approve the Personal Donation and Memorial Policy for the Town of Ocean Isle Beach as presented. Upon a second by Mayor Pro Tem Walters the vote was unanimous in approval.

EXECUTIVE SESSION

The Board recessed to Executive Session upon approval of a motion of Commissioner Williamson with a second by Commissioner Grantham. The vote was unanimous. Mayor Smith stated an Executive Session was necessary in order to approve the minutes of October 10, 2014 Executive Session as per G.S. 143-318.11(1) and consult with the Town Attorney regarding pending legal issues as per G.S. 143-318.11(3).

The Board returned to regular session upon approval of motion by Commissioner Williams with a second by Commissioner Rowell. Mayor Smith reported during Executive Session the Board approved the minutes of the October 10, 2014 meeting upon a motion of Commissioner Williamson 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.

ADJOURN

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

DATED: November 10, 2014

SIGNED: 
Debbie S. Smith, Mayor

ATTEST: 
Sue Stuhr, Town Clerk

