

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

**BOARD OF COMMISSIONERS
PUBLIC HEARING
November 10, 2015
MINUTES**

MEMBERS PRESENT:

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

Mayor Pro Tem Dean Walters
Commissioner Bob Williams
Commissioner Wayne Rowell
Mike Isenberg, Town Attorney
Casey Reeves, Town Clerk

OTHERS PRESENT:

Approximately 25 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 comments in regards to a proposed modifications to the Town's Zoning Ordinance 66-442 and how the Public and Town will address such comments in the future according to State Law.

OVERVIEW OF HEARING

Mayor Smith deferred further explanation to Planning Director, Justin Whiteside who stated that the proposed amendment:

- Was mandated by G.S. 160A-338
- Required that public comments regarding any proposed amendment, modification, or repeal to a zoning ordinance be delivered to the Board of Commissioners by the Clerk in a manner consistent with General Statute guidelines.
- Town Attorney, Mike Isenberg, elaborated that the change was favorable to the Town.

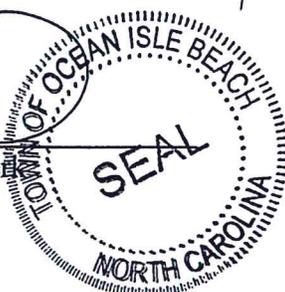
Being no further comment was heard, Mayor Smith declared the hearing closed.

DATED: December 8, 2015

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

(SEAL)

ATTEST: Casey Reeves
Casey Reeves, Town Clerk



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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 included approval of minutes of October 13, 2015 Board of Commissioners meeting. The consent agenda was unanimously approved upon a motion of Commissioner Rowell with a second by Commissioner Williams.

ADOPTION OF AGENDA

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

REPORTS BY MAYOR

Mayor Smith reminded those present that the following day was Veteran's Day and encouraged everyone to remember all of our Veterans that have served us past and present. Mayor Smith introduced new Town Clerk, Casey E. Reeves and administered the Oath of Office. Mayor Smith recognized and honored Larry D. Sellers on his retirement from the position of Public Utilities Director/Assistant Town Administrator after 25 years of dedicated service to the Town of Ocean Isle Beach and wished him continued success in his life pursuits.

Mayor Smith also provided an update on the new proposed roundabout (intersection of Causeway Drive and HWY 179/Beach Drive) project. Mayor Smith stated that she and other members of Town Staff met on November 9 with DOT traffic & construction engineers who indicated they have surveyed all the utilities and according to their reports, everything is better than they thought it might be. NCDOT indicated a possible contract date of summer 2016 with a construction start date after Labor Day.

Board of Commissioners Meeting (Cont.)

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Mayor Smith stated that she had sent correspondence via email to members of our legislature on November 9 reminding them that we are in need of additional funding for this important project. Mayor Smith was pleased to report that the DOT does not plan to have the intersection closed for the majority of the construction process, thus allowing traffic to flow as smoothly as possible.

Mayor Smith reported the CRC (Coastal Resources Commission) has their scheduled meeting next week in Atlantic Beach. The meeting agenda will again include Rules and Regulations regarding sandbags. Mayor Smith indicated the process for rule changes takes approximately 9 months.

Mayor Smith also stated Coastal Federation and Southern Environmental Law Center filed a complaint against the CRC for deeming our permit for the Terminal Groin project complete which started a time clock that CRC has to follow for public hearing and comment. The Coastal Federation filed a complaint that application could not be deemed complete until the Environmental Impact Statement was finalized. Mayor Smith stated that she has encouraged the Corps. to move forward and that she plans to meet with them next week to try and expedite this process. She noted that the Mayor of both Holden Beach and Figure Eight Island are also concerned with this issue. Mayor Smith also noted that the Coastal Federation did not protest Bald Head Island's application process. Her closing comment was that she feels we will prevail but she also anticipates delay.

Town Administrator, Daisy Ivey, commented that the engineers indicated we were still in good shape and on target as we anticipated and they are hoping to get the EIS finalized within the next 2-3 months. Mayor Smith added that permits are needed by late next summer so that we can advertise for bids and be ready for construction when the environmental window opens (Nov 16, 2016 – late March 2017).

DEPARTMENTAL REPORTS

1. Administration – Mrs. Ivey extended her congratulations to the Mayor and Commissioners Williamson, Williams, and Walters on their re-election. Mrs. Ivey presented the financial dashboard indicating an increase in cash and investments over the same period last year. All funds showed an increase. Mrs. Ivey indicated that regarding taxes for 2015 - we are at a collection rate of 21.19% and currently there is approximately \$1,945.00 outstanding for 2012-14 taxes. Mrs. Ivey also commented that the Town showed an increase in overall Accommodation and VRBO taxes for the month of September.

Mrs. Ivey also addressed an issue regarding mobile vendors on the beach and noted that their license are due December 1st. Further detail included that the first 5 vendors to obtain license would be allowed on the strand and each vendor is allotted no more than 3 carts. Staff does not recommend increasing the total amount of carts allowed, but requested consideration by the Board to allow the reassignment of unused carts from one vendor to another, not to exceed a total of 15 carts on the beach at any time. After a brief discussion by the Board it was the consensus of the Board to allow for the reassignment of carts from one vendor to another, not to exceed a total of 15 carts.

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Regarding our 30-year beach management plan Mrs. Ivey stated that engineers are moving along with the required environmental documentation. Mrs. Ivey also stated engineers are recommending that we not pursue the Corp General Permit 291 and remove it from our contract because National Marine Fisheries is back logged with work and it is now taking a long time to approve such permits. Mrs. Ivey reiterated the SDI-5 will allow for the placement of a limited amount of material within the footprint of our Coastal Storm Damage Reduction Project. In regards to this project, we are on a target date of March 2016 for issuance of Biological Opinion and have also requested formal consult with U.S. Fish and Wildlife.

Mrs. Ivey reported NCDOT announced plans for a repaving project from February 2016 through November 2016 to include SR-1184/4-mile Road (section from Hwy 17 to the roundabout) Sunset Beach on Hwy 179 to the Shallotte City limits. Commissioner Rowell inquired when the lighting project for the new roundabout might begin and Mrs. Ivey replied that plans were to begin lighting installation January 2016. Mayor Smith elaborated that the NCDOT has shared the lighting plan for all roundabouts with the Town and that each of the new roundabouts were scheduled to have ample lighting installed.

Mrs. Ivey also stated NCDOT and the Division of Aviation held a joint meeting with the Town to review the STIP and how it affects our airport. Reports show the economic output of our airport is \$2,170,000.00 and the population within a 30-mile radius of the airport at 55,558 people.

Mayor Smith added that she, Commissioner Rowell, and Town Administrator Ivey, attended a Chamber sponsored meeting the prior week with NC/SC officials to extend/connect HWY 31 from SC to NC. Both states had many high-ranking officials present and are on board with pursuing the idea. NC and SC have started the process by committing the funds to begin the Environmental Impact Study. Mayor Smith stated it will take at least 18 years before the massive project would near completion.

2. Police Department – Captain Ricky King stated the department was up 28.4% in total calls over this time last year. All mandated training has been completed and arrest numbers remain the same over this time last year.
3. Water, Sewer and Streets – Mr. Sellers reported that the Water, Sewer and Street Departments continued to help with storm related issues which included keeping water off the streets and also routine maintenance items.
Mr. Sellers reported that information from the Airport rain gauge showed 88 inches of rain to date this year. On average we receive 52-55 inches per year.
4. Fire Department – Chief Yoho reported during the month of October the Department completed 375 hours of training and one volunteer completed Technical Rescuer Certification raining. Chief Yoho also stated 49 inspections were performed and the department responded to 54 calls, which was a 17% decrease over the same period last year. Overall for the year the department has responded to 697 calls for service

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which is a 3% decrease in the first ten months of 2015. Chief Yoho also recognized Mr. Andrew Reger of 53 Craven Street, whose home was struck by lightning recently, for his generous donation of night vision/infrared/ heat sensitive device for water rescue and for possible use by the police department (approx. \$3,100 value)

5. Planning and Zoning – Mr. Justin Whiteside stated that in addition to the NCDOT paving report earlier in the meeting, paving is also slated to occur on HWY 17 between Hwy 904 and the SC state line. Regarding the recent heavy-rain event in our area, Mr. Whiteside stated that FEMA and State Representatives conducted a damage assessment to determine if we would qualify as a “Disaster Area” and we are still awaiting outcome.
6. Building Inspections – Mr. Dycus reported permits for three new single-family homes had been permitted in the Town, with five in the ETJ and a total of 82 permits with a construction valuation of \$3,496,401. Mr. Dycus also stated several plans had been submitted for new single family homes permits for November.

Mayor Smith made an additional comment recognizing the restoration of a local historical landmark – Gause’s Tomb. She will continue to update the Board and the Public regarding the progress of this restoration.

COMMENTS

In reference to Agenda Item New Business #3 – *Discussion regarding adoption of ordinance relating to feeding of feral cats:*

Janie Withers – 41 Scotland Street – Mrs. Withers (Pawsability Representative) stated that the feeding of feral cats on the island is an important monitoring process and directly related to controlling the number of feral cats on the island. Mrs. Withers stated she did not think this item should be on the agenda without more substantiated material by professionals to base it on.

David Martin – 248 East First Street – Mr. Martin’s opinion is that we need to look carefully and obtain more information before we pass any ordinances regarding the feeding of feral cats. He elaborated that, to his knowledge, the spread of Leptospirosis is primarily attributed to rodents, not cats (feral or pets). He pointed out that the feeding of feral cats in public access areas and the potential spreading of Leptospirosis bacteria on the island are two completely separate issues and should be addressed as such.

Margaret Taylor – 391 East Second Street – Mrs. Taylor agreed with the comments of Withers and Martin and concurred that the Town needs more fact-based information before making any decisions on this issue.

Janie Withers – 41 Scotland Street – Stated that there was not a single litter of kittens born on the island in 2015 (according to her monitoring process of feral cat feeding stations).

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Todd Robertson – 241 West Second Street - Mr. Robertson commented that every year we have more drop-offs of kittens/cats that are not vaccinated or spayed/neutered. The feeding stations allow the feral cat program to monitor this issue, identify the new drop-offs, trap them, and have them vaccinated/spayed/neutered – preventing further breeding of cats on the island. Mr. Robertson reiterated without the feeding stations this would not be a possibility.

Being no further comment was heard, Mayor Smith declared the Public Comments Section closed.

OLD BUSINESS

1. Mayor Smith stated the first item of old business was discussion and adoption of Resolution to modify the Town's Zoning Ordinance Section 66-442 - Procedure for Amendment regarding citizen's comments. Justin Whiteside, Planning Director, recommended the deletion of the sub-heading (a) under section 11 of Ordinance 66-442 to make it easier to read. Mrs. Ivey reiterated that these changes would bring the ordinance in line and consistent with recent Statute changes. Commissioner Rowell commented that we have no choice but to accept the Resolution to modify the Ordinance due to State Law. This request was unanimously approved upon a motion of Commissioner Rowell with a second by Commissioner Williams.
2. The next item for discussion and approval was the Execution of Contract with East Coast Pyrotechnics, Inc. for Annual Fireworks Show. Mrs. Ivey reported that we were unable to obtain our desired date of July 3 for our annual fireworks show with the company we used in 2014 due to staffing issues they were experiencing. Mrs. Ivey stated bids were received from other firms and the Town was working with East Coast Pyrotechnics to secure a show date on July 3, with a rain date of July 6. After a review of initial proposed contract by Town Attorney Mike Isenberg, several modifications were suggested including a modification to the provision regarding the 15% additional charge if show was performed on an alternate date. Mrs. Ivey stated confirmation was received stating as long as we have an alternate date in place, or if East Coast Pyrotechnic chooses to change the date upon their sole discretion, the Town will not incur the additional 15% charge for rescheduling. An additional modification was made regarding the 50% deposit due. Mrs. Ivey explained that even though we had the same provision in our contract last year, East Coast is altering the required payment time of the deposit, deferring payment until April of 2016. Mrs. Ivey stated contract is still contingent upon the Town receiving permission for use of pier by the Williamson family. Mayor Smith commented that the POA has agreed to share in the cost of the production. Mrs. Ivey expanded that the cost of the show is less expensive this year (2015 = \$18,000 and 2016 = \$14,000). Upon a motion of Commissioner Rowell, with a second by Commissioner Williams, the Board voted unanimously to approve this event contingent on items noted above.
3. Mayor Smith stated the final item of old business was discussion regarding Indemnity Language in the NCDOT (Division of Aviation) Agreement with the Town for

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Safety/Maintenance Projects. Mrs. Ivey shared information that the Attorney General's Office agreed to make some, but not all, of the Town's requested changes. After further inquiry to the A.G.'s office by the Town, it was understood that no additional changes to wording would be made regarding the Town's accepted liability regarding hired contractors performance. Staff recommended that the Board move forward with the contract despite the possible liability issue due to the monetary benefit the Town will receive upon acceptance of this agreement. After a brief discussion, the Board voted to accept the agreement upon a motion of Commissioner Grantham and second by Commissioner Williamson. The vote was unanimous.

NEW BUSINESS

1. The first item of new business was discussion and approval of Request for Group Activity – 2015 OIB Flotilla on November 28, 2015. Mrs. Ivey explained that permission has been received from the OIB Fishing Center for parking. Sharky's Restaurant will be hosting the event and all proceeds will go directly to Brunswick Family Assistance. Mr. Griffin has requested that the permitting fee be waived due to the non-profit status of this event. After review and discussion the Board voted unanimously to waive the permit fee and approve the event. This motion was made by Mayor Pro Tem Walters with a second by Commissioner Rowell.
2. Mayor Smith stated the next item was discussion regarding Consulting Agreement with Vickers Consulting Services Inc. for Grant Writing. The Town received news that we were not chosen to be the recipient. In order to exponentially increase the Town's chances for receiving the grant for a new truck next year, Mrs. Ivey reported that the fire department had researched grant writing consultant options and has been negotiating a possible agreement with Vickers Consulting Services for a fee of \$600. Mrs. Ivey reported Vickers has a 70% success rate in securing grants for their clients and the \$600 fee seems worthwhile considering the possibility of receiving a grant worth close to \$1,000,000. Mrs. Ivey stated staff has requested Vickers to modify part of their contract regarding item 15 (which required us to follow Texas State Law in the event something went awry). After negotiations, Vickers agreed to make this modification to the contract. Upon a motion of Commissioner Rowell with a second by Commissioner Williams, the Board voted unanimously to approve this contract as recommended and submitted by staff.
3. Mayor Smith stated that the next item of new business was discussion regarding adoption of ordinance relating to feeding of feral cats. Mayor Pro Tem Walters opened the discussion by commenting that sometimes we have issues on the agenda that we may not have enough fact-based information at the time of the meeting to enable us to move forward with an informed decision. The main points made by Commissioner Walters were: (1) Leptospirosis is a reasonable concern, but not transmitted by cats (feral or domesticated) to the best of our available knowledge. (2) The Feral Cat program is important to control the breeding of cats on the island. (3)

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Feeding stations are an important part of the monitoring process to prevent additional breeding and that we should continue to monitor them, even in the public areas of concern. (4) Making an ordinance prohibiting these stations in public areas at this time would be a mistake. (5) The Board needs more professional opinions before a ruling can be made. Mayor Smith requested that Pawsability/Feral Cat Monitoring Program provide a spreadsheet that gives the exact locations of all known feeding stations on the island at this time. Commissioner Grantham requested information on how many feral cats are being monitored on the island at this time. Commissioner Grantham noted that he does not support the feeding of cats on public property but does support the program on private property. Mrs. Ivey noted that this issue did not make it on to the agenda based on one complaint, but that the feral cat issue has been in the top 5 recurring complaints to the Town over the past 25 years. Commissioner Williams stated that he was originally in support of the Ordinance at the start of the meeting, and is impressed with what Paws-ability does for the program on the island. Commissioner Williams asked Paws-ability what possible compromise the Town and the Paws-ability Organization could come to. Commissioner Williams suggested we table the situation for now until we have more substantiated information and time to find a compromise. It was also established that the *Leptospirosis* issue and the *Feeding of feral cats in the public areas* issue are two different topics that should be addressed at two separate times. Mayor Pro Tem Walters made a motion to table the issue for now with a second from Commissioner Grantham. The Board voted unanimously to table the issue until further notice. Mayor Smith elaborated that the Town is grateful for the hard work that Paws-ability and the Feral Cat Program contributes to the well-being of the Island and also mentioned that this issue did not appear on the agenda due to one complaint and that this has been an ongoing issue.

4. The final item of New Business was the Discussion regarding modification to Section 38-33(b)(4) regarding beach bulldozing projects. The State of North Carolina authorized an emergency program for beach bulldozing after the recent rain and storm events that happened in areas north of Ocean Isle Beach (i.e. Surf City, Topsail Beach). The Ocean Isle Beach Ordinance regarding beach bulldozing still puts limits on beach bulldozing despite the State authorization. The current law gives the Ocean Isle Board of Commissioners the ability to grant a waiver after a natural disaster. However staff recommended the Town require site specific parameters, (ie. *conditional use permit guidelines*), for these waivers by the Board. Staff felt this would ensure the waivers are in keeping with CAMA regulations and provide specific details instead of being a "blanket" type waiver. Upon a motion of Mayor Pro Tem Walters with a second by Commissioner Grantham, the Board voted unanimously to approve this resolution as recommended and submitted by staff.

EXECUTIVE SESSION

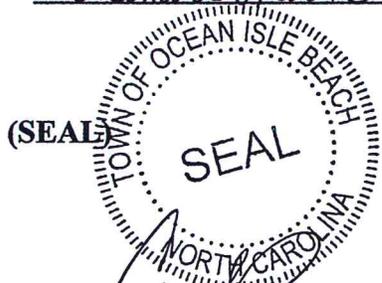
The Board recessed to executive session upon a motion of Commissioner Walters, seconded by Commissioner Williamson, in order to approve the minutes of the October 13, 2015 Executive Session per GS 143-318.11(a)(1) to consult with the Town Attorney regarding pending legal issues (Jackson/Hill Aviation) as per GS 143-318.11(a)(3)e and to discuss update on Condemnation Mediation per GS 143.318.11 (6). 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 unanimously adopted the minutes of the October 13, 2015 Executive Session upon a motion of Mayor Pro Tem Walters with a second by Commissioner Rowell. Mayor Smith stated the Board also discussed a legal matter with Town Attorneys involving Jackson/Hill Aviation as well as the condemnation proceedings.

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: December 8, 2015

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



ATTEST: Casey E. Reeves
Casey E. Reeves, Town Clerk