

MINUTES
BOARD OF ALDERMEN
MARCH 10, 2016

Mayor Blair called the meeting to order at 5:30 p.m. in Council Chambers of Town Hall.

Attendance: Mayor William J. Blair III, Mayor Pro Tem Darryl Mills, Alderman Elizabeth King, Alderman Henry E. Miller III, and Alderman Lisa Weeks; together with Town Attorney John C. Wessell III, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance

Invocation by Rev. Doug Lain, Wrightsville United Methodist Church

PUBLIC COMMENTS: REVEREND DOUG LAIN AND MIKE EDMONDS – CHURCH PARKING LOTS.

Reverend Doug Lain, Wrightsville United Methodist Church, referenced the item on the agenda regarding church parking for donations in the summer and expressed concern with that being restricted. He said he did not feel the churches were competing with the Town for funds by asking for donations because they only do it three times each year when all the parking spaces are full: 1) Memorial Day Weekend, 2) Fourth of July, and 3) Labor Day Weekend. He said he thought having more parking during those peak times made it more attractive for people to come to Wrightsville Beach. Reverend Lain stated that the money collected from donations were used for youth missions. He said they were planning two trips this summer; rural Appalachia for the middle school and a native Indian reservation for the high school. He expressed concern with restricting their youth and said he hoped the Board would not restrict the churches for those three weekends.

Mr. Mike Edmonds, 601 North Channel Drive, said he would like to speak for Wrightsville Baptist Church as the Vice-Chairman of Deacons and the Co-Chair of the Missions Committee. He agreed with Reverend Lain and said, "We do not intend to compete with the Town; we take exception to that. Everyone that lives here knows every spot is full by 10:00 a.m. on those holidays. We do not actively seek donations for parking; if folks do not care to help with our Mission funds, we do not turn them away – and it's the same with the other churches. If we were not there, those areas would be chaos on those weekends. Our church has committed \$8,000 to sponsor a camp in Moldova; we have a designated fund for these donations and we use it strictly for missions. Last year, we had all the Town staff over for lunch and we pressure washed some of the businesses. When it comes time to discuss that item, please give the churches consideration."

CONSENT AGENDA APPROVED UNANIMOUSLY BY MOTION OF MAYOR PRO TEM MILLS AND SECOND BY ALDERMAN MILLER.

- a. Approved Closed Session Minutes of December 10, 2015 and Board Retreat Minutes of January 12, 2016.
- b. Approved special event permits as follows:
 1. Community Sunrise Service – WB Churches (1,500 participants)
Sunday, March 27, 2016 (6:00 – 8:30 am)
Location: Beach strand at public access #19 (Oxford Street)

2. First Presbyterian Church Easter Sunrise Worship Service (200 participants)
Sunday, March 27, 2016 (6:45-7:45 am)
Location: Beach Strand at public access #34 (Taylor Street)
 3. Pine Valley Church of Christ – Easter Sunrise Service (30 participants)
Sunday, March 27, 2016 (6:45-7:30 am)
Location: Beach Strand at public access #43 (Jack Parker Blvd.)
 4. Wrightsville United Methodist Church Son Run 5k (150 participants)
Saturday, October 8, 2016 (8:00 am Kids Run, 8:30 am Adult Run) (Setup 5 am)
Location: Wrightsville Beach Park, John Nesbitt Loop and N. Channel Drive
- c. Acknowledged previously approved special events for April.
 - d. Adopted Resolution No. (2016) 1971 to adopt an updated Local Water Supply Plan.
 - e. Adopted Budget Ordinance No. (2016) 431-B to add additional sewer main on Bahama Drive.
 - f. Adopted Budget Ordinance No. (2016) 430-B for Boardroom renovations.
 - g. Approved revised 2016 Board of Adjustment Meeting Schedule to cancel the March 24th meeting.
 - h. Set public hearing for Thursday, April 14, 2016 at 5:30 p.m., or as soon thereafter as possible, for consideration of a text amendment to Section 155.6.4 Table of Permitted Uses of the Code of Ordinances to amend Boat Rental Facility as a permitted use in the Commercial III Zoning District.

PUBLIC HEARING TO RECEIVE INPUT INTO THE FY16/17 BUDGET PROCESS AND TO SCHEDULE UPCOMING BUDGET WORKSHOPS.

Mr. Owens explained that each year, at the beginning of the budget process, a public hearing is held to receive input from the public.

Mayor Blair opened the public hearing at 5:37 p.m. There being no one wishing to speak on the subject, the public hearing was closed at 5:37 p.m.

Mr. Owens stated that the Board would hold another public hearing when the draft budget is done. He also expressed the need to set budget workshop dates. Following a brief discussion there was Board consensus to schedule the workshops at 4:00 p.m. on March 23rd, April 5th, April 12th, April 19th and May 5th.

CONSIDERATION OF RESOLUTION NO. (2016) 1972 TO ADOPT THE SOUTHEASTERN NC REGIONAL HAZARD MITIGATION PLAN.

Mr. Wilson stated that the Town is required by FEMA to update our Hazard Mitigation Plan every five years. He said the Board of Aldermen voted to be part of the Southeastern North Carolina Hazard Mitigation Plan and that saved over \$15,000. He reported that the final public meeting had been held at Carolina Beach in February and all of the participating jurisdictions have to pass this resolution. Mr. Wilson stated that Resolution No. (2016) 1972 would adopt this Hazard Mitigation Plan Update. Mayor Pro Tem Mills made the motion to adopt Resolution No. (2016) 1972. The motion was seconded by Alderman Weeks and unanimously approved.

CONSIDERATION OF RESOLUTION NO. (2016) 1970 APPROVING AN INTERLOCAL AGREEMENT WITH THE NEW HANOVER COUNTY SHERIFF'S OFFICE FOR DOCKING SPACE AT THE TOWN'S JOINT USE MUNICIPAL PIER.

Chief House explained that several years ago, Wilmington and Wrightsville Beach went in together to build a joint-use pier. He said Wilmington has decided to retire their vessel and that has left a space open. He stated that the Sheriff's Office approached us and asked if they could dock their vessel there. Chief House said Mr. Wessell talked to the City of Wilmington and they did not have a problem with it and the Sheriff's Office said they could get that space back if they needed it. He said if the Board did not have an issue with it, he would like for them to approve the request.

Mr. Wessell said, "This has not been approved by the County Commissioners yet. If we need to make minor, non-substantive adjustments, you could approve this and let the Town Manager approve those." Mayor Blair asked if there was a hold harmless in the agreement and Mr. Wessell said there was. Mayor Pro Tem Mills asked if we should put language under the "Obligation to Repair" provision, such as modifying language like "prompt repair" or something other than just "repair" which gives them an open end to take whatever time they want? Mr. Wessell replied, "I have no problem with that; that's certainly an appropriate suggestion. We took that language out of the agreement with the City because the City basically paid for doing that pier. We said 'you build it and we'll fix it if it breaks after that.' But I can certainly amend that." Alderman Weeks asked if we could add that they need to take the vessel out of the water with an impending storm. Mr. Wessell said that could be added. Mayor Pro Tem Mills made the motion to approve Resolution No. (2016) 1970; to authorize the Town Manager and the Town Attorney to make the changes that he and Alderman Weeks had proposed and to make any other non-substantive changes that may be necessary. The motion was seconded by Alderman Weeks and unanimously approved.

DISCUSSION AND DIRECTION ON THE HIRING OF A LANDSCAPE ARCHITECT AND OTHER PROFESSIONALS TO BEGIN THE PLANNING AND DESIGN PROCESS FOR A MULTIUSE PATH BETWEEN SALISBURY STREET AND CAUSEWAY DRIVE ON TOWN HALL PROPERTY; SET DATE FOR SPECIAL PUBLIC MEETING TO PRESENT THE PARTF GRANT PROJECT; AND DISCUSSION OF A FUTURE GRANT APPLICATION PROCESS.

Mr. Owens said, "We want to move forward with a landscape architect to do some preplanning and cost estimates for the multi-use path that's going to run along the marsh line. We will also need to hire an environmental consultant to come in and flag wetlands as well as do some survey work in order to get to the process where we can actually have an engineer site plan. And Ms. Ryan would like to schedule an open house on April 18th at 6:00 p.m. in Town Hall. What I'm asking you to consider is, 1) adopt Budget Ordinance No. (2016) 429-B in the amount of \$11,500 to begin the project; 2) hire Scott Stewart to do the work on the project and I'll move forward with the environmental work and survey work. There is a draft contract in your packet; I'm asking that you approve that, too, with amendments that may be needed following review; and 3) authorize Ms. Ryan to hold an open house to receive input on a future NCPARTF grant and on elements of the multi-use path being considered." A brief discussion followed regarding the need to get all encroachments and easement agreements with the NCDOT in place before proceeding.

Mr. Wessell said he had not seen a plan so he did not know how close we would be to NCDOT and Shore Acres' property, so we may need an agreement from both of them. Mr. Owens said we wouldn't know for sure until we survey.

Alderman Weeks made the motion to adopt Budget Ordinance No. (2016) 429-B in the amount of \$11,500, to hold the April 18th open house meeting, to hire Scott Stewart as the Landscape Architect, and to allow the Town Manager to execute a contract with the Town Attorney's review. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

DISCUSSION AND DIRECTION ON MOVING FORWARD WITH MODELING OF THE TOWN'S WATER SYSTEM AND INTERCONNECTION WITH CAPE FEAR PUBLIC UTILITY AUTHORITY.

Mr. Owens said, "This is one of two processes I think we need to go through to figure out what we need to do long term: one is the modeling of the system to determine what happens when you turn the valve and the water comes this way both from a pressure standpoint and a chemical standpoint. I think the modeling part of it with just the pressures and trying to see what happens with all of that probably would have been under \$50,000; but we added a chemical component to it; water makeup, what happens when you mix waters with certain types of pipes, I think that's driving up the cost a little. We went out with an RFP to three different firms and only one responded back because only one had the capabilities to do it in-house and their price was \$125,000. What that means is if we want to move forward, we'll have to go through an RFQ process and select the most qualified firm and then we can start negotiating the price. You don't get the price up front but you know who the firm is and if they've done something like this before. The second phase that would tie into this would be a system assessment where we would go in and look at our full system and try to determine where the weaknesses and strengths are and the values of property and that type of thing. That's not in this RFP."

Mayor Blair asked, "If we were not considering the Cape Fear Public Utility Authority as an option, would we be doing the modeling anyway?" Mr. Owens replied, "I think you have to because we're going to need another water source potentially whether we're purchasing water from Cape Fear or whatever it might be. We can't make any more wells. If we did RO (reverse osmosis), we'd probably still have to model the system because that plan has implications on the system. So, I would say yes." Mayor Blair said, "We have a valve on the bridge so there's water that could be cut on right now without any modeling?" Mr. Owens replied, "We tested it this past year but the water didn't come this way. It connects in with our Well #11 and connects under the Intracoastal Waterway into the Town." Mayor Blair asked why we haven't done this before and Mr. Owens said, "They did model it, according to Tunstall, they modeled the hydraulics of it about ten years ago when they put the interconnection in. You might be able to build on to it but it wouldn't be applicable to today."

Mayor Blair asked if there was any benefit in rolling the RFP and the evaluation and the modeling out as one contract. Mr. Owens said we could do that and do it in stages. Mayor Blair said he would be in favor of doing them all in one. Mr. Owens said it would also expedite all the things that we have to do so we don't have to go through that process again.

Following a brief discussion regarding creation of an RFP specific to that umbrella, Mayor Blair asked if this would affect our budget process. Mr. Owens stated that it would probably have to come out of this year's budget. He said he would craft the RFP with Mr. Wessell's help and give a copy to the Board before it goes out.

DISCUSSION AND DIRECTION REGARDING LOCAL CHURCHES CHARGING OR TAKING DONATIONS FOR PUBLIC BEACH PARKING AND REGARDING CONSIDERATION OF AN ORDINANCE FOR EVENTS ON COMMERCIAL PROPERTY.

Mr. Owens stated that the Board had discussed this item at the last meeting when they talked about parking. He said the Board could either have the Town Attorney draft an ordinance and bring it back to the Board and have a public hearing in April, or they could vet it through the Planning Board and bring it back in May.

There was Board consensus that there was no need to send it to the Planning Board. Mr. Wessell stated that it would depend on what the Board wants to do. He said the current ordinance was part of the conditional use process and that it would have to go through the zoning ordinance. He said it may be possible to write an ordinance to go with the parking subject to conditions. Alderman Weeks referenced the businesses with conditional use permits that had conditions imposed and said she thought some of the criteria that the Board required on those was relevant here.

Mayor Blair stated that he didn't have a problem with the three holiday weekends but he felt it should be permitted so the Town Manager could keep up with it. Mr. Wessell noted that if problems were to develop, it would be easier for the Town to deal with them through a conditional use permit. He said, "If the Town wants to permit this, it really has to do it in this fashion or, otherwise, it really can't enforce everybody on the beach using their parking lot as a public lot." Mayor Blair asked if it would be appropriate for the Board to discuss the conditions that were imposed on the businesses and come up with some things and give those to Mr. Wessell and let him craft something. Mr. Wessell said he thought that would be appropriate. When asked what he thought, he replied, "I think when issues develop, it's easier to regulate or deal with issues with a conditional use permit because this Town has some authority to address them that it may not have in straight, permitted use situations. It involves a bit more activity on the church's part to confirm it, but once they get it, it's done. The ordinance could say that the churches could take donations on those certain holidays; they could then do it on all of those holidays, some of those holidays, or none of those holidays." Mr. Owens said, "It wouldn't be in place by Memorial Day because they wouldn't be able to get through the conditional use process and ordinance process in time." Mayor Pro Tem Mills stated that we could start the process, let Memorial Day be as it has been, and start it in June.

Mayor Blair said, "The only thing that I would ask is for some consideration that the time by which the churches start holding out their donation signs, that it be a little later in the day and not say the beach is full at nine o'clock in the morning. That's where all the complaints came from last year. It needs to be a standard time so the parking people know what's going on. We could say 11:00 a.m. and make it standard." Mr. Wessell expressed the need to know what conditions the Board would like included in the ordinance. Mr. Owens sounded like the Board was saying summer holidays; 11:00 a.m. to 6:00 p.m. would be the timeframe; and probably something about signage.

Alderman Weeks said, “We say the commercial lots can’t charge less than what our daily rate is but they’re just taking donations; they’re not setting a rate. I don’t want to dictate what they collect. That’s the difference between the two scenarios.”

Mr. Wessell asked about the commercial lots’ condition of requiring an attendant on site. There was consensus to include that condition since the churches would have to have someone there taking donations. Mr. Wessell referenced the conditions regarding trashcans and “no tailgating” and the Board agreed to keep both of those in.

Mayor Blair stated that another problem last year was the fact that some of the churches roped off their lots during the week to keep people out while some of the other churches didn’t. He asked if that was an issue. Mr. Mike Edmonds stated that the Baptist Church has three AA meetings during the week and other activities but they never rope it off except for funerals.

Mayor Blair said some people were concerned with random people parking in the church lots and not giving donations. Rev. Patrick Rabun, Little Chapel on the Boardwalk, said, “During the week, we let them. But not on the weekend.”

Alderman Weeks stated that that some of the neighbors had expressed concern with some of the activities going on in the parking lots like tailgating with no attendants during the week. Mr. Edmonds said, “Year before last, we had neighbors on Coral Drive that complained but we really improved our trash policing since then.” Mr. Wessell noted that the proposed ordinance would only speak to three weekends.

Mayor Blair expressed the need to put it back on the churches to monitor all of that weekly activity because if it becomes a nuisance or a problem, the Town would have to deal with it. Alderman Weeks said she thought Little Chapel roped their parking lot off. Rev. Rabun said, “We do, especially if we have events on the weekend. We started roping off on Friday nights because we’ve got folks coming in there that were causing some problems.” Mayor Blair said the Catholic Church also ropes their lot off.

When asked for a summary of the conditions thus far, Mr. Wessell said, “As I understand it, what you are proposing is that we prepare an ordinance that would permit parking at the churches on the three major holiday weekends if the church secures a conditional use permit from the Town. And the conditions applicable to the conditional use permit would include: 1) they can’t start parking cars before 11:00 a.m. and it does not matter when they stop; 2) it’s only available on July Fourth, and Friday, Saturday and Sunday on Memorial Day Weekend and Labor Day Weekend; 3) we’re not going to have any restrictions on the donation amount; 4) they will have to have an attendant on site; 5) they will have to have trashcans sufficient to accommodate the trash; 6) and no tailgating.” When Mr. Owens asked about signage, Mr. Wessell suggested saying that they could put up temporary, removable signs to let people know where to park.

Alderman Weeks questioned the 11:00 a.m. start time because she felt on those holidays, Town parking was full by 9:00 a.m. Mayor Blair said he felt 11:00 a.m. was reasonable because he didn’t think the beach was full at 10:30 a.m. on those days. He noted that if it turns out to be a problem, the Board can look at it again.

Mr. Wessell stated that he would craft the ordinance and then send it to the Planning Board; then it would come to the Board of Aldermen.

A brief discussion developed regarding the amount of the one-time fee to be charged for the conditional use permit. Mr. Wessell said he thought it would be unwise to waive the fee and each church would have to apply individually for a conditional use permit. When asked if there was any way around having to pay the fee, Mr. Wessell said, "I think not in this circumstance."

Mayor Blair said, "Why don't we go ahead and craft the ordinance with the basics that we have and let's figure out if there is a way to help them with the cost of the permit." The pastors agreed that they were okay with the one-time cost.

Dr. Powell, 10 Crane Street, stated that he had a theoretical question about the Board's dictation of the hours. He said, "The adage that there is supposed to be a separation of church and state; what does the Town of Wrightsville Beach have the right to do – to dictate to the churches about what hours?" Mr. Wessell replied, "I would say that the Town has the right to do it because the Town is regulating parking within the Town, and the ability of the Town to regulate parking, in my view, is the same for the church as it is for anybody. It is essentially a commercial activity that they want to carry on, they may call it donations but I view it as a commercial activity and I think it's subject to regulation."

Mayor Blair said, "If the pastors are okay with the one-time conditional use fee, we will move forward on crafting that ordinance for the Planning Board and then back to us in May."

DISCUSSION AND DIRECTION REGARDING CONSIDERATION OF AN ORDINANCE FOR EVENTS ON COMMERCIAL PROPERTY.

Mr. Owens stated that there were a number of private business establishments in the Town that have private events that are open to the public. He said these events can sometimes create large crowds, noise, parking impacts, traffic impacts and can create situations whereby the Town should probably be aware of. He expressed the possible need for an ordinance to create a permit process where permits could be issued for a nominal fee and conditions could be placed on the events regarding the number of events, whether food trucks are allowed, whether bands are allowed, etc. Mr. Owens said the main intent of a permit process would be to keep track of these types of functions and to raise the awareness of Police, Fire and Public Works that the event would be occurring. He noted that it would only apply to commercial property.

When asked if this would apply to clubs, Mr. Wessell explained that they have a separate zoning district. He said it was probably alright if they bring a food truck and do it as part of the club activity and give out food to the members but they could not sell to the public.

Alderman Weeks stated that she had a fundamental issue with this because it would be on private property. She said as a courtesy, like for the Taste of Wrightsville Beach, the Town is contacted and there is a partnership there. But not dictating on private property. She said she felt we already had ordinances with controls in place.

Mayor Blair asked if any of these activities would conflict with conditions imposed on businesses through a conditional use permit. Mr. Owens said there was nothing in their conditions that would say they couldn't do that. He said he could see this becoming a common occurrence and he just wanted to bring it to the Board's attention. Mayor Blair said this was new to the Board and he would recommend that they take more time to review it and let staff bring it back at a later date. Alderman Weeks asked if the Town Manager could make a list of events that would potentially be applicable to this. Mayor Blair asked staff to put this on the next agenda.

CONSIDERATION OF REQUEST TO APPLY FOR A CAMA PLANNING GRANT TO UPDATE THE TOWN'S CAMA LAND USE PLAN.

Mr. Wilson said, "We have an opportunity to apply for a CAMA Land Use Plan Grant. This is available for our twenty-county coastal area. The last time our CAMA Land Use Plan was updated was in 2005. The funding source is a matching contribution; it must be at least 25% of the total project. The maximum request is \$15,000. In our CIP Fund, we have approximately \$20,000 and, hopefully, we'll request another \$5,000 to that. The complete plan may cost between \$40,000 and \$45,000 once we do it. I think this is a good opportunity to possibly get \$15,000 if the Board gives us direction to apply for it. April 1st is the deadline to apply." The Board, by consensus, gave direction to move forward with applying for the grant.

DISCUSSION AND DIRECTION ON LIFEGUARD STAND SPONSORSHIP PROGRAM.

Mr. Owens said, "This program was started in 2006-07. When we went out through a process and asked someone to design our lifeguard stands, we took donations to cover the cost of it and in return you got a plaque on the back of the stand. I've already got some interest – probably about three so far. I think we need to have the Town Attorney create some kind of guidance. I'm looking at \$2,500 or \$3,000 and then have maybe a five-year lifespan language in a document where people can sign saying they understand the terms of it and that it is not forever. The next time we replace stands, we will do it again. We're replacing eight stands this year and hope to do another six stands next year. The stands that we're replacing this year include: 1) stand #1 just south of the Shell Island Resort; 2) stand #2 which is at the L-shaped lot; 3) stand #3 which is right beside the Holiday Inn; 4) stand #4 which is Mallard Street; 5) stand #5 which is at Shearwater; 6) stand #8 which is at Stone Street; 7) stand #12 which is at the Oceanic; and 8) stand #13 which is at Wright and Corbett Streets."

Alderman Miller asked if we would sell two spots on one sign. Mr. Owens replied, "We'll sell one spot. I suppose, if somebody wanted to split it, that we could do something like that, too. The stands are about \$3,700 apiece (we bid that out this year) and the signs are roughly \$300 or so. Whatever we do, we need to spell it out in some type of contract so everybody knows what the terms are." Mayor Blair asked if the sponsorships would be payable to some form of tax deductible entity. Mr. Wessell said it would be a donation to the Town but he didn't know if a donation to the Town is tax deductible. When asked if it had gone through the Volunteer Firefighter's Association the last time, Mr. Owens said the last time we did it, it was all through the Town. Alderman Weeks stated that the Volunteer Firefighter's Association was a 501c and that would be a good way for them to raise money. A brief discussion developed regarding deductibility and the need to get the program going before the stands go up.

Alderman Miller stated that he did not want the Town to be obligated if a storm takes a stand out. Alderman Weeks suggested charging \$5,000 per stand and run it through the Volunteer Firefighter's Association, then they could keep \$1,000 for each stand and pay the Town the balance to cover the cost of the signs and the stands. Mayor Blair asked staff to bring back a program showing cost and deductibility for the Board's review in April.

MAYOR BLAIR: REPORTS AND COMMENTS.

- Mayor Blair stated that he was interested in sponsoring a stand on his end of the beach if staff could come up with a good program.
- TDA: Pots of money are being looked at that deal with beach re-nourishment and marketing. We are all trying to make sure that we don't lose what we have.

ALDERMAN WEEKS: REPORTS AND COMMENTS.

- The Marketing Committee met this week; the agency was brainstorming on the possibility of doing a share with the other three beach communities on a Wilmington and Area Beaches strategy on marketing the brand. There was a discussion about everyone contributing a portion of their marketing dollars into this fund to market the region. It will be all or none. The Marketing Committee would like to meet with the Board at some point – maybe in the fall.

ALDERMAN MILLER: REPORTS AND COMMENTS.

- The MPO elected new officers: Commissioner Gary Doetsch of Carolina Beach is the new chairman and Frank Williams of Brunswick County is vice chair.
- The sidewalks look good. Thanks to whoever cleaned them.

MAYOR PRO TEM MILLS: REPORTS AND COMMENTS.

- Will be meeting with the Ports and Waterway to figure out how to re-nourish our beaches with no federal money. Also met with Congressman Rouzer but nothing solid to report because nothing is settled.

ALDERMAN KING: REPORTS AND COMMENTS.

- When Former Mayor Avery Roberts passed away in January, the family requested that no flowers be sent. In lieu of flowers, the Board donated a brick in Harbor Way Gardens in memory of Mayor Roberts.

MR. OWENS: REPORTS AND COMMENTS.

- Employee Health Fair will be held tomorrow from 8:30 am to 1:30 pm.
- We have a vacancy on the Historic Landmark Commission. One of the recently appointed members had conflicts and could not accept the appointment.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:45 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk