

MINUTES
BOARD OF ALDERMEN
FEBRUARY 10, 2022

Mayor Mills called the meeting to order at 5:30 p.m. in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, North Carolina.

Attendance: Mayor Darryl Mills, Mayor Pro Tem Hank Miller, Alderman Ken Dull, Alderman Jeff DeGroot, and Alderman Zeke Partin (remotely); together with Town Attorney Brian E. Edes, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance.

Invocation by Pastor John Earl, Little Chapel on the Boardwalk.

ALDERMAN PARTIN ATTENDING REMOTELY.

Mayor Pro Tem Miller made the motion to allow Alderman Partin to join remotely by phone and to participate and vote on any matters that come before the Board. The motion was seconded by Alderman DeGroot and approved with a 4-0 vote. Mr. Edes said, "The new statute requires any vote that Alderman Partin takes has to be by a roll call."

REMOVAL OF ITEM FROM CONSENT AGENDA.

Mayor Mills made the motion to suspend the rules temporarily to remove an item from the Consent Agenda. He explained that there was a lot of confusion with regard to an item on the Consent Agenda to adopt Ordinance No. (2022) 1837 to revise Section 74.39 of the Town Code to add a new subsection to Designation of Parking Meter Zones. The new subsection would read, "All other areas that are metered and/or where signage is installed designating the area as metered parking." Mayor Mills then made the motion to continue that to a later date and to refer it back to staff and the Town Attorney to insure that it is accomplishing what the intention was – the intention was to bring all of our parking into compliance. He said, "The intention is not, was not, and never has been to create additional parking." The motion was seconded by Mayor Pro Tem Miller and unanimously approved. Mayor Pro Tem Miller clarified that this was to bring the item back on the regular agenda, not the consent agenda, so that it can be explained.

PUBLIC COMMENTS: MS. TAYLOR HAMMEKE (PROPOSAL TO BAN PLASTIC BAGS); MS. SUE BULLUCK (WB MARKETING COMMITTEE REPORT AND NCDOT BRIDGE WORK); MS. ELENA CAZEALT (NO WAKE ZONE IN BANKS CHANNEL); MR. NICOLAS MONTOYA (CAROLINA CUP).

Ms. Taylor Hammeke said, "I'm back after a few weeks. Last time, I presented a proposal to eliminate plastic bags here in Wrightsville Beach. The reasons that I proposed eliminating plastic bags from businesses on Wrightsville Beach were, the impact to the environment (greenhouse gasses are emitted into the environment when plastic is produced); the impact to wildlife (there were fourteen sea turtle nests on Wrightsville Beach in 2021 alone, so there is potential for plastic to look like jellyfish, which they eat); and plastic never decomposes (it breaks apart and becomes micro plastic which fish eat then we eat those fish and then the plastic is in our stomachs. One final reminder, Ellen MacAuthor Foundation shared that by 2050, more plastic will be in the ocean than fish. So, I wanted to revisit here to ask what other information the Council would need to put in place a ban on plastic bags in the businesses here at Wrightsville Beach. And I did want a caveat that I did notice that some of the restaurants have plastic bags for food to go so I would imagine that would also be encompassed in this proposal as well. A follow-up to that is, what would need to be done to make a change like this in Wrightsville Beach? I am going to the Wilmington City Council next Tuesday, the fifteenth. I was informed that sometimes Wrightsville Beach will take ordinances that Wilmington puts into place. But I wanted to see what actions would need to be taken for this."

Mayor Mills said, “Staff would have to study it and come back to the Board with a recommendation and it would probably go through the Planning Board; they would analyze it. As far as Wilmington, as I’m sure you know, we are totally separate municipalities so we can act, not necessarily in accordance with each other. Sometimes one will follow the other. Even if we end up going in the same direction, the ordinances may differ in some respects, so it’s hard to answer your question more specifically.” Ms. Hammeke said, “So, would a public person go to the Planning Board to present to them?” Mayor Mills replied, “You can meet with Town staff – the Town Manager or Planning Director and ask for an item to be put on the Planning Board’s agenda. But you start with staff.” Alderman DeGroot said, “I own South End Surf Shop. If you want to stop by tomorrow or Saturday, I can maybe clarify some directions since it is like a broad topic here. We use compostable bags. There are some organizations and some nonprofits that I’m affiliated with and also, Atlantic Packaging here in town has a new nonprofit called A New Earth Project, you can look that up on Instagram. They’re trying to combat the same issue that you are. So, if you stop by, I can give you a bunch of information and you can kind of run with it at that point.” Mr. Owens said he was also available if she wanted to give him a call.

Ms. Sue Bulluck, speaking for the Chamber and Tourism “MAC Committee” on which she sits as a committee member, said, “I’ve got three things from the businesses. First is, we’re very pleased that even with COVID and pent up interests and restrictions, etc., the residents and our whole Town ought to be very proud of the lodging industry because their 6% has brought in over \$2.5 million in revenue to our Town for promotion and capital expenditures like the lifeguards and the Flotilla. We want those tourists back – whoever those tourists were that came this past twelve months. We’d like their same kind back again and to that effort, we have proposed through the Town, through Tim, an application to the TDA for a research project to be used with Mark Imperial from the University and the Hospitality Group. It would be a seven-month study – three hundred samples each month that would identify and profile who our real visitors are. That 6% represents over \$40 million of spending here, so it’s incumbent upon us to do that research. I have also put in an application with the Town and with the Chamber for \$12,000 which would be used to staff with interns from Cape Fear and the University; people who would do face-to-face interviews and literally be in the Visitors Center during the summer for that six months that are in-season. So, we would be interviewing not only the tourists coming in from outside from our hotels and restaurants, but also capturing those folks who are driving in and use the beach as a daytime activity. All of this would be combined and be reported back to you and to TDA and be used for better planning for the next cycle. And I’m here tonight because we have all of the events on the schedule and those events play into bringing people new to the community and tourists and its relationship to the D.O.T. bridge preservation project. I spoke to it last month and I spoke to Tim and I will be asking him again and Hank to sit down with me because I’ve looked at the contract; I’ve talked to some of the guys doing the work. I want to go back to Chad Kimes from D.O.T. Region. We did a great job in the contract outlining those event times where the lanes ought to be all open; we did not address in the contract any peak season. And since the contract runs through November of next year, that will be a huge problem for residents and businesses alike during the season. So, I want to join with you and address that contract with Chad and whatever we can do to lessen that blow for summer traffic problems.” Mr. Owens said, “We do have an in-person meeting next week. We’re going to meet with D.O.T. and we’re going to try to find solutions, potentially.” Ms. Bulluck said, “I would ask the Board if I could join you in it. I will sit in and keep my mouth shut.” Mr. Owens said, “We will have another meeting after that but we need to meet with them first.” Mayor Pro Tem Miller noted that the MPO did not have anything to do with it. He said the contract is with the State of North Carolina. Ms. Bulluck said, “I understand but that contract left out that piece.” Mayor Pro Tem Miller said, “On behalf of the Town, I have spoken to Chad myself just this week and it might be in the Town’s best interest to handle it through some other channels. But I just wanted to be clear that the MPO does not have anything to do with the bridge which is why we weren’t included in the contract discussions on the MPO.”

Ms. Bulluck said, “That’s one of the things that I would like to discuss with D.O.T. because I believe you and me as business folks in the community should at least have been talked to about what was going to happen. The thing is, from the public, we can actually be supportive of some of the changes that you would like as a Town because I am sure the police nor any of us want to see traffic snarled this summer.” Mayor Pro Tem Miller said, “I don’t either but what I don’t want to do is have the Town people believe that just by talking to the local D.O.T. Director, that something is going to change on a contract that has been let.” Ms. Bulluck said, “But, you will remember when we had this similar problem with the bridge repair and community action with you did help.” Mayor Pro Tem Miller said, “That happened in the governor’s office. I was there and it wouldn’t have happened without the governor.” Ms. Bulluck said, “That may be where we have to go again.”

Ms. Elena Cazeault, 204 Waynick Blvd., said, “I want to speak today to ask how we can turn Banks Channel into a No Wake Zone. I know the subject has been brought up many years ago and I did start first by speaking with the Coast Guard and they told me to come here first. My husband and I both grew up boating and on the water. I’m originally from Florida and he’s from Cape Cod. He’s also a licensed captain. We have never lived or travelled anywhere where boats with three plus engines, or any boat for that matter, can go full speed in the area where sailboats are moored. Everywhere in the world, these areas are No Wake Zones. Maybe twenty years ago, this area may have been without moored boats, but now, not only do we have the moored boats and sometimes up to twenty-five, we have hundreds if not thousands of more people in our waterways all going full speed to a No Wake bridge that most folks can’t even fit under. I see many drivers going full speed in this area, especially teenagers heading to the public dock. Boats coming to and from Banks Channel have to go extremely close to these docks because there’s not room in the middle because of all the moored boats. That in turn is extremely dangerous and causes massive wakes to the docks. We personally lost our boat two years ago. We were out of town and there was so much boat traffic and so much wake that the waves kept coming over the boat and the bilge pump couldn’t keep up. Sea Tow was called but it was too late; the engine was under water and was a total loss. Fast forward two years, now there are more sailboats in the middle, which by the way, is not monitored enough. We see these boats stay for days, even weeks, without moving which means their sewage is not being properly disposed of and most likely being dumped into Banks Channel where people swim on a daily basis. However, this is an entirely different subject but an important one. The bottom line is there’s too much wake and not enough width of water in Banks Channel and it’s very dangerous. I would like to see what we need to do to incorporate a No Wake Zone between the two strips of land from Carolina Yacht Club area on Waynick and Harbor Island to the bridge. Thank you for your time.”

Mr. Nicolas Montoya, General Manager of the Blockade Runner, said, “My comments are regarding the Carolina Cup. I want to thank you all and previous administrations and Town staff for allowing us to have this event for now ten years, running. We have the Paddle Club as well that is in charge of putting on the race and seeing that there’s a lot of good things about this event, and has been for many years, but it is by no means perfect but we’ve grown and learned from it every year and we’ll continue to do so as we move forward. It’s an event that has provided Wrightsville Beach to be known worldwide to top athletes, both male and female, in the sport that’s grown. So, we’re very proud to have this event as we are of many of the things that we do at the Blockade Runner. We appreciate your support and we appreciate your consideration to let us move forward with the commitment to do better as we always do.”

CONSENT AGENDA APPROVED UNANIMOUSLY WITH REMOVAL OF ORDINANCE NO. (2022) 1837 TO AMEND SECTION 74.39 DESIGNATION OF PARKING METER ZONES BY MOTION OF ALDERMAN DULL AND SECOND BY ALDERMAN DEGROOTE.

- a. Approved Minutes of January 13, 2022 Board of Aldermen meeting.
- b. Approved special event permits as follows:
 1. US Open Fat Tire Bike Beach Championships (150-199 participants)
Saturday, March 19, 2022, 8:00 am – 8:00 pm (*Event 1:00 – 5:00 pm*)
Location: Beach Strand at Blockade Runner
*** Recurring Event
 2. Church of the Servant Easter Sunrise Service (~50 participants)
Sunday, April 17, 2022 (6:00 – 7:00 am)(*setup at 4:45 am*)
Location: Beach Access 4 (L-shaped Parking Lot)
*** Recurring Event
 3. WB Baptist Church Easter Worship and Lunch (~300 participants)
Sunday, April 17, 2022 (8:00 am – 2:00 pm) (*service, lunch 9:00 am – 1:00 pm*)
Location: Wrightsville Beach Park Event Stage, Shelters, Softball Field
*** New Event
 4. Carolina Pro-Am SUP Surf Contest (~300 participants per day)
Saturday and Sunday, April 23-24, 2022 (7am-4pm)
Scaffolding up Friday, April 22, 2022, 1:00 pm
Location: South Side of Oceanic Pier (Beach Access 38)
*** Recurring Event
 5. Worrell 1000 Sailing Event (~80 participants)(15 to 20 boats)
Tuesday and Wednesday, May 17 and 18, 2022 (Noon to 10:30 am)
Location: Beach strand at Blockade Runner Resort
*** Recurring Event
 6. UNCW Beach Blast (4,000+ participants)
Tuesday, August 23, 2022 (7am-4pm) (event is 11am-3pm)
Location: Oceanic Pier beach access 36-38
*** Recurring Event
 7. WBLA Longboard Pro-Am Surf Contest (100-199 participants)
Saturday, October 8, 2022 (7am-6pm)
Scaffolding up October 7, 2022 1:00 pm
Rain date (flat surf) Sunday, October 9, 2022
Location: Oceanic Street to Birmingham Street
Alternate location if necessary: Access 4 (L-shaped parking lot)
*** Recurring Event
 8. Walk to End Alzheimer's (~800 participants)
Saturday, November 5, 2022 (6:30am-1pm) (walk 9:00 – 11:30am)
Setup begins Friday, November 4, 2022 12:00 pm
Location: WB Park Event Stage and the John Nesbitt Loop
*** Recurring Event
- c. Acknowledged previously approved special events for March.
- d. Acknowledged departmental quarterly reports covering the months of October, November and December, 2021. (With the exception of General Administration)
- e. Accepted two Commemorative Bench donations: 1) \$1,023.42 donation from the Wrightsville Beach Foundation for a bench to be placed adjacent to the playground at the Harbor Way Gardens as a memorial for Dr. Joe Miller; and 2) \$1,023.42 donation from Richard Malfa for a bench to be placed at the playground in the area of the Harbor Way Gardens in memory of Sandra Malfa.

- f. Approved request from the Azalea Festival Committee to hold the Harbor Way Gardens tours April 8-10, 2022; and consideration of request from the Harbor Island Garden Club to showcase the gardens May 7-8, 2022 (Mother's Day weekend).
- g. Adopted Resolution No. (2022) 2260 to approve a contract for auditing services with Martin Starnes & Associates, CPAs, P.A. for the period beginning July 1, 2021 and ending June 30, 2022.
- h. Approved revised 2022 Board of Adjustment Meeting Schedule to cancel the February 24th meeting.

PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO EXHIBIT A, DEFINITIONS "MIXED USE COMMERCIAL RESIDENTIAL AND SECTION 155.9.1.5, REQUIRED OFF-STREET PARKING REQUIREMENTS PER TABLE.

Director of Planning and Parks Tony Wilson gave the following overview: "This text amendment, if approved, applies to C-1 Zoning District which is our downtown area. On November 5, 2021, the Planning and Inspections Department received a text amendment application from Mr. Samuel Franck, authorized agent for 1 Stone Street Partners, LLC for a text amendment to Section 155.9.1.5 Off-Street Parking Requirements, from the Land Use Table and Section A-3, the Definition of Mixed Use Commercial Residential. On page 136, you see the proposed change to the ordinance is in blue. I'll start at the third paragraph: 'Each residential unit permitted in a mixed use development located outside the C-1 District shall have a minimum of 1500 square feet of heated space.' So, that's being left in there outside the C-1. The bottom half of that paragraph is what's new: 'Each residential unit permitted in a mixed use development located in the C-1 District shall have a minimum of 500 square feet of heated space and shall comply all other provisions of this ordinance and an average size of all such residential units on a lot shall not be less than 675 square feet.' On page 137, we see the proposed changes to the ordinance, again reads in blue, this is for parking – and this is completely new: Residential and Mixed Use Commercial Residential – you'll see in blue that there is going to be parking required if this is approved. So, if they've got one toilet they have one parking space. So, parking will be tied to this text amendment. Staff analysis: the proposed text amendment, if it is adopted, would apply to the commercial properties in the C-1 District only. The C-1 District extends from Columbia Street south to Lattimer Street. The traditional downtown areas include a variety of commercial uses. You have grocery stores, restaurants, bars, parking lots, coffee shops, and approximately twenty-five parcels in that area. The amendment would reduce the square footage requirement from 1500 square feet to 500 with an average of 675 in that district. But all others would have the 1500 square foot requirement. And then parking is going to be required. Although this text amendment would apply to the C-1, most of the existing structures do not have the required parking. So, if you don't have the required parking, this text amendment would not apply to the mixed use development. And then you've got some businesses that are considered nonconforming; it would not apply to them either because that would be an expansion for this text amendment. Departmental review: We sent it out to the Police Department. You'll see that's an attachment; I'll go to Chief Squires' comments at the end there. The Fire Department has concerns with a possible increase in the population density, which in turn, the Fire Department would need more resources and personnel to be able to respond to emergencies. Other than this, they don't see any issues with the text amendment. Public Works had no comments. Parks and Recreation comments were about limited parking in the area. This went to our Planning Board on December 17th. At that meeting, a lot of these things were discussed; room size, parking and some other things. So, you'll see, at that meeting, they had five or six questions they wanted staff to look at. The first one would be, would the residential units be able to receive

parking permits. The Town Manager responded to that: 'If the units are individually owned, they get two parking passes per unit. If the units are owned by one entity, they only get two parking passes.' And we answered the question about how many other properties this would apply to in the C-1. Then we didn't have Fire Chief comments at that time; we do now. And the list of the ownerships of the properties in the C-1 District – we did provide that. At our January 4th Planning Board meeting where we opened and continued from December, we had some of the same questions. So, we got those questions answered for the Planning Board. During that discussion, the Planning Board really did have some questions about the size of the units. They were concerned about going from 1500 square feet to 500 square feet. So, during that discussion with them and the attorney for this text amendment, they came up with an average of 675 per unit there. At that Planning Board meeting, the members voted unanimously to forward a favorable recommendation to the Board of Aldermen for the text amendment to 155.9.1.5 with the changes along with the statement of consistency. This is consistent with our current CAMA Land Use Plan. This was advertised in the Star News for two consecutive weeks. Staff's recommendation is that the Board of Aldermen consider the request for the text amendment submitted by One Stone Street Partners, Ordinance No. (2022) 1836. When we talk about mixed use, previous boards did approve two projects that never got off the ground; they died in 2005 or 2006. But, it was one of the things that the Board heard from residents early on, twenty years ago, that some of the property owners wanted mixed use in certain areas. They thought that would help their businesses to survive. At one time, the Town did support that, back in the charrette process and things like that."

Mr. Owens said, "After looking at this again, it looks like the parking requirements would be town-wide as opposed to just in the C-1 District. So, if you wanted to just limit it to the C-1 District, we would probably need to add some language to that description. It should say residential and mixed use commercial residential in the C-1 Zoning District. If the Board wants to keep it only in C-1, then it probably needs to be amended, otherwise, it would be all zoning districts."

Mayor Pro Tem Miller said, "What was the thinking behind the average?" Mr. Wilson replied, "The Planning Board, I think, was concerned about going from 1500 to 500. And then the Planning Board started looking at the tenant sketches of the sizes of the apartments. They had some numbers on the proposal they were trying to do like 560, 800 feet and it came up to an average of 675. That's where we got that number from." Mayor Pro Tem Miller said, "And I see how that fits in this building. I'm just thinking how does that fit in another building? Theoretically you could have four 500 square-foot units and a 2,000 square-foot unit." Mr. Wilson said, "And when we started looking, that was one of the questions from the Planning Board – how many other properties is this going to apply to? We started looking at some; some of them you would either have to totally rebuild and a lot of it is not going to apply – a lot of them don't have parking; like Wings for example." Mayor Pro Tem Miller said, "I'm thinking about a rebuild." Mr. Wilson replied, "A rebuild, it could happen but remember, eventually it may be a special use permit also. So, there's a two-step process."

Mr. Sam Franck, representing the applicant, said, "It sounds like we're talking about Item 1 and Item 2 on the agenda at the same time based on the way that Mr. Wilson presented it. I just want to make sure and I'm going to proceed accordingly. The two text amendments were well explained by Mr. Wilson with the note from Mr. Owens about the parking being applicable only in C-1. It's consistent with the applicant's intent so if you wish to adapt that language to be abundantly clear about that, of course we're onboard with it. With me this evening are Joel Tomaselli, Ross Tomaselli and Luke Waddell, all members of the entity that

I represent, 1 Stone Partners, LLC. First and foremost and most importantly, these text amendments are consistent with your Comp Plan. That's well explained and described in the Staff Report. So, there's no need for me to belabor it further. This has been well discussed by the Planning Board. We met with the Planning Board twice over the course of two months. They were engaging and valuable discussions on both events and vetted through a lot of the fundamental concerns that Mr. Wilson described. The result of that is that the Planning Board recommended unanimously that you approve these text amendments. Concluding ultimately they're consistent with your Land Use Plan. The C-1 is a relatively small zoning district, you all are very familiar with that. What you might not know yet is there are many residential units in the C-1 today that are between 500 and 800 square feet. The image on the screen shows you where the C-1 District is located in the Town. Included is that you have 1 South Lumina, Summer Sands, the Shore Breaker and the Sun Center residents over Hallelu. All of which include primarily units that are in the size range that I just described and the size range that's being proposed here in connection with the text amendment. We didn't initially include that average; we just initially proposed an amendment to the minimum. The average that's being proposed is fine with us. That's something that the Planning Board thought was important. I understand the philosophy behind it and the applicant is absolutely comfortable with it. Note that any mixed use in the C-1 must come before you; the specific design on any mixed use project must be proposed to both the Planning Board and to you as a conditional zoning improvement. Nothing about the text amendments that are proposed here endorses or approves any specific project. And your control over an opportunity to consider any specific project remains exactly as it is in the Code. On-street parking in the C-1, as you might imagine, is by design. It being a commercial district, the proposed change to the text for parking is deliberately very subtle. And it's only applicable to the scenario where a residential unit has one toilet as opposed to two. That arrangement where off-street parking is dictated by the number of toilets is what was baked into the Code already. We just worked with what was already there. It previously said, if you have one to two toilets, you must have two parking spaces. The only change here is just to acknowledge that if you only have one toilet, one parking space is sufficient. This is, of course, as most text amendments that come from citizens are motivated with a particular project in mind. But I'm deliberately focusing our conversation on the merits of the text amendment itself. That said, we are here and interested to answer any questions you may have. If I might reserve the opportunity to come back again at the conclusion of the public hearing just in case there's anything raised by other citizens that we can respond to."

Mr. Edes said, "I do have one question for Mr. Franck. Since this, if passed, would be applicable to the entirety of the C-1, would the applicant consent to raising the minimum limit in the average?" Mr. Franck replied, "Yes. So, as our plans got more specific in how they evolved over the course of the last three months, we have more room to operate than is dictated by the specific numbers that are proposed here. If it's important to you to see those numbers adjusted, I'm ready to talk about what they could be adjusted to and still be workable for us."

Mayor Mills opened the public hearing at 6:04 p.m.

Mr. Mike Edmonds, 601 North Channel Drive, said, "When I left the house, I was opposed to this change in view of the 500 feet. After listening to this gentleman and giving it further consideration, I would encourage the Board to consider this change in the parking with the one bathroom scenario and the 675 square-foot average. I'm glad the average evolved. It made sense to me. I had 500 feet of heartburn but that has dissipated since I got here and

common sense seems to be prevailing. That's a tight area but I believe that mixed use would improve some of those properties. Some of those properties are hurting. If we had mixed use where you had some residential mixed in with the business – I'm not a fan of the businesses leaving; I'm a fan of the properties being improved upon and renovated. And I think this is a good method of reaching that goal. I appreciate it."

Mr. Edes said, "May I follow up on my last question? Just for the Board's consideration and since it's your client's application, what square footage minimum and average would your client be comfortable with?" Mr. Franck replied, "For our sake, this is not speaking about what else exists in the C-1 today, but for our sake as the applicant, a minimum as high as 625 and an average as high as 700 is acceptable to us. If you have concerns about the numbers and you would like to see this."

With no further public input, the public hearing was closed at 6:11 p.m.

Mayor Mills said, "Mr. Owens, is it your position that if these units are sold separately as opposed to being owned by the developer, that each unit owner is going to be entitled to two parking permits?" Mr. Owens replied, "The way our Code is currently written, yes sir."

Alderman Partin said she did not hear the Mayor's question and asked if he could repeat it. He said he asked Tim Owens that if the ownership of the units went into individuals – individually owned as opposed to being owned all of them by the developer, would each unit be entitled to two parking passes. The answer was yes. Alderman Partin said, "There is no place for designated parking – correct? That's all our parking is that correct?" Mayor Mills replied, "There is some parking." Mr. Franck said, "So, this application is solely about an amendment to the text; it's not about a specific project." Mayor Mills said, "Correct." Mr. Franck said, "So, I need to be careful in the manner in which I respond to your question. I understand the regulations with regard to parking, the same as Mr. Owens has described them. The project and concept that motivates this text amendment is not intended to be a condominium. The project, in concept, that motivates this text amendment includes some on-site parking and, of course, is prepared to comply what we've proposed in the text amendment to satisfy those requirements. Does that answer your question?" Alderman Partin replied, "I guess so. For example, if a couple owned the property and they needed two parking spaces, one possibly might be having to buy a Wrightsville Beach parking pass and try to find a spot, correct?" Mayor Mills said, "The only way I know to get a parking pass."

Mayor Pro Tem Miller said, "If we pass this amendment as it's written changing the square footage, and if they propose this project, they will meet the parking requirements so our ordinance states, basically." Mr. Franck said, "And this text amendment, of course, has no impact on your regulation of issuance of parking passes." Mayor Pro Tem Miller said, "I understand. It has nothing to do with parking passes."

Alderman Dull said, "I'm not an architect, I'm just speaking for myself. I think if we're going to encourage units where people are going to want to stay in there for longer than a day or two, but it's more like a weekly rental and even longer in the off-season, I don't know what that looks like but it would need to have like a full kitchen. There needs to be enough square footage. That's why I say I'm not an architect but you need to have enough square footage you can get somebody in there and be able to live there comfortably for a week and be able to cook a meal and hang their clothes and wash their dishes. I think the one parking space per one toilet makes perfect sense. I have a question for Brian; two things. One, if we move forward on this and they come back with an SUP, will it go to the Planning Board first

or will it come to us as a quasi-judicial?” Mr. Edes replied, “Yes. The mixed use component of this.” Alderman Dull said, “Their specific proposal.” Mr. Edes said, “It comes here first for the conceptual plan to get feedback. It goes to the Planning Board and then it comes from the Planning Board back here for the final.” Alderman Dull said, “Is that ever a quasi-judicial?” Mr. Edes replied, “The very last step in that process would be quasi-judicial.”

Mayor Pro Tem Miller said, “Can I add to your question? That specific question – they’re bringing it back for the specific project. What are they going to ask us to do and what are we going to be able to require them to do?” Mr. Edes replied, “The criteria that’s laid out in the ordinance, you can append reasonable conditions related to the criteria they have to meet. So, there will be some opportunity to address the specific concerns based on the site plan but, if passed, this particular text amendment is applicable to all C-1, not just this site.”

Alderman Dull said, “I think what’s important is we’re all here to try to do something that makes sense and what we don’t want to do is do something that the Town doesn’t like and do something that doesn’t paint the developer into a corner. That answers my question.”

Mayor Mills said, “I think we would be remiss if we don’t verbalize the Chief’s concerns. Chief Squires mentioned the probability/possibility of noise complaints added to the congestion down there with parking and traffic, and of course, light pollution for anybody who, if they are standing there, if this is anything other than a one-night-at-a-time deal, these would be additional calls to and drains on our police force. In addition, Tony kind of glossed over the Fire Chief’s comment of it requiring more resources from the Fire Department. Not saying that’s the final component of the decision but we need to be aware of these and take it into consideration. And I personally have a serious issue with parking passes/hanging tags being that available. And I recognize that they are available now to a lot of folks but adding to that is not something that I’m in favor of. We had people in here earlier who were prepared to go to war with us over the whole paid parking issue. We’re just adding fuel to that fire if we go down this street.”

Alderman DeGroot said, “I agree with Ken that it makes sense for the amendment with the parking spaces and toilets – that makes perfect sense. In the same discussion, I lean heavily on advisory boards and also other things located in the district and what it looks like. I think the C-1 District needs quite a bit of improvement. Yes it’s mainly commercial at the moment down there and as Attorney Franck said, there are multiple properties in the C-1 that fit in their averages but they’re willing to give up and hopefully make it a little bit better space for a tenant that’s in that. I definitely understand what the Chief of Police and Fire Chief said concerning using more resources and what it could entail having a residential unit or multiple residential units in a C-1 so close to businesses. But as a business owner and entrepreneur and someone who has taken an old building and put money into it and tried to improve it, I lean more on the applicant’s side in trying to get something done. I am concerned about the issue with hang tags. I think that can be addressed at some point or through some channel but I would like to see our C-1 District improved. I try to look at it from a different aspect that maybe adding residential may calm down some of the issues that we have in C-1 because there are more people living there or staying there that could address a situation far quicker. Personally, I support the text amendment and to see what this special use permit would look like. I think it still gives us control as stated before on applying certain conditions to control it.”

Alderman Partin said, “In reading through all this, my first concern was with density. While I’m concerned about that, I would really like to see that area improved. But, if you go with smaller units, if you’re going to rent those, it’s like adding people in. In think if you left it

as larger units, you would see more full-time rentals or even purchases to live there full time versus daily or monthly or weekly or whatever rental which incurs issues that the Chief has brought up. I'm not sure at this point how I'm leaning. I really want to see that area improved. But, again, we have the opportunity to not approve whatever is coming back to us. So, we're safe in that respect." Mayor Pro Tem Miller said, "I would add, for those of us that have been around a long time, we've always been concerned about losing our commercial downtown and I think this might be a way to invigorate – and I compliment you guys for saving an old building and trying to think outside the box. I also compliment you for offering some more square footage. I do agree with Mr. Edmonds, I think the large square footage at least would help from a conceptual basis. I, too, am concerned about the parking. Again, this is a conceptual change but they do have off-site parking and we're not addressing on-street parking tonight but obviously we need to. I think we need to give it a shot and see what happens with C-1. Maybe keep the businesses and add some residences; but we'll see."

Mr. Edes said, "A point of clarification before any motion is made. I think it's pretty clear the applicant acknowledged that the parking requirements were intended to be limited to C-1. So, I think that needs to be clear in any motion to approve, if there is one. And the applicant has agreed to increasing the minimum square footage to 625 square feet and the average to 700 and the motion should be clear as to whether it's going to be as presented or with those increased square footages." Mr. Franck said, "I agree that you got our position accurately. Thank you."

Alderman Dull said there were two parts to this. He referenced Part B and asked someone to explain how that affects what we're talking about here. Mr. Owens replied, "If you look at the parking requirements now as they're written, that would apply to every zone." Alderman Dull said, "I'd like to go ahead and make a motion – as presented with the change to 625 square-foot minimum and 700 square-foot average and that's going to be our starting point to see what they come up with. Then, I'm good with the parking requirement with the one parking place per one toilet for C-1 only. That would be my motion along with the statement of consistency." The motion was seconded by Mayor Pro Tem Miller. The roll call vote was as follows: Alderman Partin voted to approve; Alderman Dull voted to approve; Mayor Mills voted not to approve; Mayor Pro Tem Miller voted to approve; and Alderman DeGroote voted to approve. Mayor Mills said, "The vote is four to one in favor; motion carries."

Mr. Franck said, "Something that might be helpful and thank you all, I appreciate your consideration of this. The residential in the mixed use context is a very discreet and specific thing under your Code. If you were inclined to address your regulations about hang tags to address residential units that are part of a mixed use project specifically, you've got the room to do that. I just wanted to respond to the concern that came up in the public hearing by mentioning that." Mayor Mills said, "I'm just bringing attention to it."

PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO CHAPTER 155 OF THE TOWN CODE AS MANDATED BY CHAPTER 160-D OF THE NORTH CAROLINA GENERAL STATUTES.

Mr. Wilson gave the following overview: "This is 160-D, the mandatory amendments that's in front of you tonight. The goal tonight is just to hear this; we're not going to take a vote on it tonight. We're actually going to continue this to our March 10th meeting for consideration. But 160-D is already in effect now even though we haven't adopted it. It's just been minor changes to it. Robert has put this on our website for the public to view and for the Board to view also. It's just some minor amendments; we used to call some things conditional use permits; now we can call them special use permits and things like that. So, the discussion of

this has been going on for about six years. The Town Attorney has been involved in this also and we hired a consultant, WithersRavenel, to help us with this. The first part took place in July of 2019. The number of mandatory changes to the State Planning Use and Development Related General Statutes. Again, these are already in effect. And Part 2 took effect in July of 2021 and the associated changes must be adopted by the Town of Wrightsville Beach. 160-D contains only those changes that are mandatory and already in effect. In other words, there are no major changes – just some language changes and strikeouts. This did go to the Planning Board at our January 4th meeting. The members did have copies of 160-D and they did review it and at that meeting, they voted unanimously to forward a favorable recommendation to the Board of Aldermen for adoption. This has been advertised and it's on our website. We're asking tonight just to continue the public hearing to the March 10, 2022 Board of Aldermen meeting." Mr. Edes said, "It's already the law. If our ordinance is inconsistent with 160-D, 160-D prevails. The General Assembly took all the county development regulations and the local unit of government development regulations (ours were in 160-A) and they created the new 160-D and cleaned up some stuff based on some case law rulings. All towns are required to bring their Code of Ordinances to be consistent with 160-D and if they're not, 160-D trumps it anyway." When asked why this was on the agenda just to continue it to next month, Mr. Wilson replied, "We weren't real sure on advertisement and things like that so we wanted to double check with WithersRavenel. That's why we put it on tonight's agenda for the public to hear and give thirty more days. We were concerned about having a clean copy and things like that. So, we're working those out and it will be back March 10th." Mayor Mills made the motion to open and continue the public hearing to March 10th. The motion was seconded by Mayor Pro Tem Miller and unanimously approved.

CONSIDERATION OF ONE FULL-TERM APPOINTMENT TO THE PLANNING BOARD WITH NEW TERM TO EXPIRE JANUARY 2024.

Using ballots, the Board made the following appointment to the Planning Board with term to expire January 2024.

PLANNING BOARD APPOINTMENT	
APPLICANT	VOTE
David Culp	
Susan Collins	Mayor Mills, MPT Miller, Alderman Dull, Alderman DeGroot and Alderman Partin

CONSIDERATION OF ONE APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION WITH THE NEW TERM TO EXPIRE JANUARY 2024.

Using ballots, the Board made the following appointment to the Historic Landmark Commission with term to expire January 2024.

HISTORIC LANDMARK COMMISSION APPOINTMENT	
APPLICANT	VOTE
Neal Braggi	Mayor Mills, MPT Miller, Alderman Dull, Alderman DeGroot and Alderman Partin

DIRECTION ON NCPARTF GRANT, PICKLEBALL TENNIS COURT FINAL CONFIGURATION IF THE TOWN RECEIVES THE GRANT, AND BUDGET ORDINANCE NO. (2022) 557-B TO SET ASIDE CAPITAL FUNDS FOR THE PROJECT IN THE AMOUNT OF \$400,000.

Recreation Program Supervisor Katie Ryan gave the following overview: “At the January 13th meeting, the Board directed staff to continue with the Parks and Recreation Trust Fund Grant Application to fund five dedicated pickleball courts and lighting for both the tennis and pickleball courts. So, we continued to follow the tabs on the application. One of those was a public meeting on January 26th. We had that meeting and twenty-six people attended virtually and thirty-five were at Town Hall. There was huge support for proceeding with the application. But there was a little concern about what the final product would be in various discussions and meetings. So, I just needed to get confirmation on that so that I could proceed with the application. Between the Pickleball Group and the Tennis Group, they felt that leaving three tennis courts unlined to be dedicated to tennis and leaving the four pickleball courts that will be dedicated courts on one of the tennis courts that we have now (it will come with a resurfacing), leave those and then add the five dedicated courts. So, basically the Pickleball Group would wind up with nine courts and the Tennis Group would have their three tennis courts with no lines for pickleball; strictly for tennis.” Mayor Mills confirmed that both groups were in agreement. Ms. Ryan said they were in agreement. Alderman Dull asked where the tennis instructor would give her lessons. Ms. Ryan said, “We’d have to find out when the league tennis is going to be played and when their matches would be. We would reserve the courts for the lessons. She gives lessons for us on Mondays and Fridays.” Following a brief discussion, Mr. Owens said, “The other part of this is the budget adjustment if we do want to put it in the CIP. Basically Budget Ordinance No. (2022) 557-B would be taking \$400,000 and putting it into a CIP to match the \$400,000. If they raise money, that goes down obviously.” When asked if there was any indication that the commitment to raise the money was still in place, Ms. Ryan replied, “Yes.” Alderman Dull made the motion to adopt Budget Ordinance No. (2022) 557-B. The motion was seconded by Alderman Partin and unanimously approved.

DIRECTION ON PURCHASING AN ATV FOR OCEAN RESCUE AND FUND TWO ADDITIONAL ROVING LIFEGUARDS TO ADD ADDITIONAL LIFEGUARD PRESENCE NEAR THE INLET. BUDGET ORDINANCE NO. (2022) 552-B IN THE AMOUNT OF \$30,000.

Interim Fire Chief Chinn gave the following overview: “I’d like to bring this to your attention. I know you’ve all been out to the beach to see what kind of shape it’s in. Without getting the funding to do the beach improvements this year, we’re faced with some issues. There’s no real lane for us to travel in this year with the high tide coming in. We’ve been out on the beach and looked at many options to try to make this better. We’re just at a loss. Some of the vehicle access points are inaccessible right now due to the washout. The biggest thing we’re looking at is the beach erosion. There’s a three-to-four foot berm that we’ve got to climb to get the vehicles off the beach. (Shows overhead pictures) This shows the two beach accesses that we use, Raleigh Street and Mallard Street. Raleigh is worse than Mallard. The numbers in green is where we’ve had most of our major injuries. We’ve had a last three year average of fifty-three. It’s gone up as high as eighty during the summer. They’re all right in that area where there is no beach access. The only way we can get people off right now is to hand carry them which is really labor intensive. Some of the minor injuries do require transport off the beach and medical facilities. If you look at the south end, the other issue there is the inlet where a lot of people are getting out there. We’ve had signs made this year to try to deter folks from being down there. But that second lifeguard, we want to make that a double stand down there at stand 13 and then use the other ATV as a roving vehicle to go down and try to deter people from getting on that area and getting in trouble. So, the second lifeguard would

go to that point along with the roving folks to keep people out of that inlet. This is what we're looking to purchase. The advantage of it is that it can be staffed with two lifeguards. So, the areas in the middle where we can't put stands because of washout; we'll probably lose a few stands this year that won't be staffed. So, we can put two lifeguards in this for patrol purposes. We have an insert that goes into the back and will allow us to carry patients. They're all-wheel drive; they have balloon tires; they're a little more efficient and easier to get around in crowds. It's going to give the ability to carry a little more equipment on the ATVs as well. The cost for the vehicle and the skid unit along with the two additional lifeguards would run about \$30,000. This is what we've come up with as our best ability to provide good care this year." Mayor Mills said, "There's no question that we need this. The south end is increasingly a problem with swimming where they shouldn't." Alderman Partin expressed the need for signage on the south end and verified that the \$30,000 would cover two lifeguards and not just one. Interim Chief Chinn said, "We just purchased four or five signs that will be put out this year. And the \$30,000 will cover two lifeguards." Mr. Owens noted that the budget adjustment was coming from the General Fund but if it is okay with the Board, we would submit this for ROT reimbursement. Ms. Bulluck said she thought that was appropriate. Mayor Mills said, "We will be applying to TDA for that. He then made the motion to adopt Budget Ordinance No. (2022) 552-B in the amount of \$30,000. The motion was seconded by Alderman DeGroot and unanimously approved.

CONSIDERATION OF SPECIAL EVENT PERMIT FOR THE TURKEY TROT 2022.

Recreation Program Supervisor Katie Ryan gave the following overview: "Before you is the special event permit application for the Cape Fear Habitat for Humanity's Turkey Trot that's held on Thanksgiving Day. It started in 2005 with less than 200 people back at the event stage. It has grown to almost 3,000 participants as of this year. In 2017, the Turkey Trot packet pickup had grown so that they didn't have the space at the retail locations they were at so they asked to come here and have it the day before Thanksgiving. So, they're here on Wednesdays for packet pickup and then the Turkey Trot is on Thanksgiving Day. The continued growth of this event makes it more and more difficult to manage considering we also have two Town-sponsored activities that weekend as well. We have the Friday night tree lighting ceremony and the Flotilla that weekend. I come in on Friday for the tree lighting ceremony and often find a lot of trash left behind and a lot of the decorations that we have out for that event are damaged or displaced. We express our concerns every year but there's such a changeover in their staff and their volunteers. In fact, I have dealt with seven different race directors in the last nine years. Then, this year, the race director changed the time of the start from eight thirty to eight o'clock without my knowledge and it was permitted for eight thirty. Fortunately, the police was in place and ready for everyone in the event. Immediately after that event, we got together with the Turkey Trot folks and the Police Department – Jason Bishop and I – and talked to them about how big it's getting and if they thought of maybe another venue, it might be a good time because they're getting so big. Since I got this ready for the agenda, I've spoken with Go Time, who does the timing, and does a lot of race events. He was saying there were definitely some other venues that could accommodate this size event. I also spoke with the Executive Director today of Habitat and she asked if we would consider it for this year for 2022 while they continue to look for another place. It's just getting more and more difficult to manage." Mr. Owens said, "We talked with the person that manages this thing and we feel like some of the things we could put in place will help with some of the things we've had problems with in the past. So, I think we can do it again this year. I know it's a great event and raised a lot of money. I think we'll have some stuff in place to make it a little smoother this year."

Mayor Mills said, “I don’t think there’s any question that it’s a great event. There’s a lot of support for it locally and off the beach. I’d hate to see it go away but if we can’t manage it; if it’s getting of such size that we can’t manage it. It sounds like to me that some steps could be taken to bring it a little more under control and manage it a little better. Not suggesting you’re not doing your job; it sounds like they’re not doing their job.” Ms. Ryan said, “Well, we’ve asked them and they said they could maybe move packet pickup back there and get them to hire some parking attendants.” Mr. Owens said, “And we’ll definitely sit down with the race director and make sure we’re all on the same page.” Alderman Partin suggested charging more for the big events to cover the cost of hiring extra people to help with the event. Alderman DeGroote agreed with Alderman Partin and said, “I think all events have hiccups or get to a point where they are just too big and you’ve got to kind of wrangle them in and control them. I would hate to lose any more events for Wrightsville Beach. We’ve already lost a bunch. We lost the Wahine Event on our end and that used to be an annual event. It’s dwindling down and we don’t have many events in that time period. And with COVID, some people kept their permits up; some people didn’t and events went away. I think they’re already looking at options for moving it some place. I’d like to be able to keep the event here and I think putting out something as Zeke said, some type of deposit to hire the appropriate people to handle the concerns and get it done and continue that verbiage and that language with them that these are the things that can’t happen for us to continue having the event down here. But everybody that I know who lives on the Island and owns property, they’re out there on Thanksgiving morning. Everybody loves it in Wrightsville Beach. I got about twenty calls today about the Turkey Trot. As a municipality, I think we have the resources to control any event since we handle the traffic and Fourth of July crowds and everything else that we handle on the Island on a daily basis. But this is a big event for a lot of constituents and property owners and people who don’t live here year round but visit during the holiday season. I know it’s a big boost for my business and I can only imagine it’s a big boost for the other businesses. It does happen in the morning and then everybody’s gone and has their Thanksgiving. So, personally, I hate that they’re even looking for other venues. I think we should work with them to solidify that since this event started in Wrightsville Beach, it stays in Wrightsville Beach.”

Mayor Pro Tem Miller said, “If I may add to that, we see these things here when we approve them. I really don’t care as much since it’s a nonprofit about a deposit, but at the end of the day, whatever agreement or whatever we put in place, I’d like to see it on here and hear that they hadn’t adhered to it and not have to read about it in the newspaper. I think you’ve got a good plan; we’ve talked about it. Sit down with them and let us at least have a copy of what you agreed to so when we hear from residents that they want to have the Turkey Trot and the Turkey Trot broke the lights or did whatever else, we at least know they did it. The other thing I would say, if it gets too big for Wrightsville Beach, it needs to be their decision.” Alderman Partin said, “I believe you can charge a deposit to a nonprofit.” Mayor Pro Tem Miller said, “You can. I understand. My point is, we already have conditions in place.” Alderman Partin said, “We just need to make them adhere to them.” Mr. Owens said “My plan is to sit down with them and set some guidelines and tell them that we will tell them “no” next year if they don’t adhere to the guidelines.” Alderman Dull said, “All special events ought to be consistent. Looking at the fee schedule; \$600 for 2000 people isn’t a lot of money for us to charge, no matter what it is. We want Habitat to make as much money as they can, it’s part of the fabric of our beach now, but when somebody from our Town has to go out and clean up their mess, then that’s a problem and it becomes our burden. So, I’d like to look at the fee schedule just in general.” Alderman DeGroote said, “I’ve had events before here and there; you always stay behind and you clean up. Do they not do that?” Ms. Ryan replied, “Well, no. And it’s not like everything. I could show up and ask them to put their recycle material away

and the trashcans can't be overflowing on Friday to get ready for the tree lighting ceremony on Friday." Mayor Pro Tem Miller said, "You need to have a 'day of' contact on this sheet and a 'day after' contact." Ms. Ryan said, "I think the other thing, too, is their growth. They keep growing bigger every year." Alderman Dull suggested putting a cap on the event. Mr. Owens said, "I think we'll manage it this year and we'll set some expectations and hold them to it." Alderman DeGroote said, "I think it's special to the Town of Wrightsville Beach. Everybody gets out on the beach; they walk around the Loop; they see the water and stuff. I'm just saying that because Wrightsville Beach is an awesome place and that's part of the draw and why it's so big. I guarantee you that if you had it around the track at Hoggard, it wouldn't be as big as it is. And now it raises much money for a good cause." Mayor Mills asked if staff had the direction they needed. Mr. Owens and Ms. Ryan said they did.

CONSIDERATION OF SPECIAL EVENT PERMIT FOR THE CAROLINA CUP 2022.

Mr. Owens said, "Basically, we've talked to this event coordinator, too. Some of the concerns we had were mainly the life safety type stuff was not up to par. Even though we talked about it, three or four years ago, we sat down with these guys again and said we need a better effort for life safety. We're going to sit down with them and make sure we've got a good plan. So, we're okay with hosting this event particularly since it's coming up really soon, if the Board is okay with that." Mayor Pro Tem Miller said, "I will add to what I said before. If there is some sort of special agreements that we come to and they agree to, it would be better that somebody doesn't come in here and say this is what they said or this is what they didn't say. If it's attached to this piece of paper – put it in writing." Mr. Owens said, "Again, this is another good event and we like to host events, so we'll make it work." Mayor Pro Tem Miller made the motion to approve both special events with a caveat that we get copied on the rules and regulations. The motion was seconded by Alderman Dull and unanimously approved.

CONSIDERATION OF REQUEST FOR KAYAK RACK AND DECKING AT 619 WAYNICK BOULEVARD.

Mr. Wilson gave the following overview: "This application for a kayak rack and decking will be in the S-1 Zoning District. That goes from Wynn Plaza to the south to Sunset. That's all S-1 on the right hand side. On May 23, 2021, we received the application for permission to construct a kayak rack and decking in the S-1 Shore Zone. Permission from the Board is required by Code before any structure can be erected in S-1 other than piers and docks. The Schloss Boatowners Association agent Karen Dunn has submitted a packet of information for the Board to consider. On Page 218, you see the ordinance that I do apply here. Under A, it talks about structures and then permission to build those structures. Anybody who builds a kayak rack in the S-1 is supposed to come to the Board for permission. So, Karen is here tonight to ask permission for that kayak rack and some decking. Some of the things that staff may be concerned about is, what's the height going to be of that rack and the width of it; how many racks; and things like that would be a concern. If you go up and down the S-1 Zone, you see there's already a lot of stuff going on out there. There's a lot of kayak racks and boats; you name it and it's out there."

Alderman Dull said, "Is this not something that we have an ordinance for or is this something the Planning Board ought to be working on before it comes to us? Shouldn't it go staff, Planning Board?" Mr. Wilson replied, "The way this is written, we feel like it just goes to the Board of Aldermen." Mr. Owens said, "It says the Board of Aldermen can approve but if you wanted to send this back to the Planning Board." Alderman Dull said, "I think that's where I'm going with that. When the ordinance was written, there was no such thing as an ocean

kayak or paddleboard. Now you've got them everywhere. Is there anything in our ordinance that addresses how you store them, stack them, screen them? It's all about, not only for the beach as a whole, but for your next door neighbors. I'm not against it, I have paddleboard storage under my house. To me, it seems like we would have something and that process would go staff, Planning Board and then come to us with all of the corners kind of painted in so we could understand. So, we're not sitting here tonight trying to make broad decisions. I want her to have her rack but what does that do to the long term picture of everything up and down Waynick Boulevard or any other place that's not under somebody's house?"

Mayor Mills said, "Mr. Edes, do you see any issue with our sending it to the Planning Board?" Mr. Edes replied, "Not at all." Mayor Mills said, "Where is Karen; you understand I'm not taking issue with your application per se; it's the concept of you've got this proposal for an activity that in theory could be occurring all over the beach, particularly Waynick Boulevard. The issue is how are we going to manage it; are we going to manage it: And the structure we have here, in theory, is the Planning Board would take first crack at it after staff sees it and submits it to the Planning Board. Then it comes to us – for most things. Apparently, this in the eyes of staff can be addressed by us tonight immediately. What we're saying is we're not sure that's the best way to go for the beach. Again, no reflection on your particular application." Mayor Pro Tem Miller said, "Brian, let's assume that it went to the Planning Board and it came back and we approved something similar to what she's got designed here and the already existing – and they're not grandfathered because they've never been approved – so, what happens to her ten neighbors or fifteen people on the beach that have them?" Mr. Edes replied, "That's a Code enforcement issue." Mayor Mills said, "Just so we're all clear, they've made an application. If the Planning Board says you need to do a, b, c, d, e, f and g; if it's not contained in their application already, are they ahead of the game or are they going to have to amend or change their plan to meet whatever the Planning Board says to us – if it were to agree. It may not agree with what the Planning Board sends to us." Mr. Edes replied, "They would only be required to do what the Board of Aldermen conditions any approval on. And from an equitable standpoint, you certainly don't want to punish people that try to follow the Code." Alderman Dull said, "It's a little bit like when we came up with a standard for the access steps that people put on the street ends. We came up with a design. I think that's something that would be appropriate for the Planning Board to figure out so we'd have a standard." Mr. Owens said, "I think we certainly can inventory what is out there and then ask the Planning Board to come up with a standard with the staff's help." Mr. Edes said, "And at that point, we'd be moving towards a text amendment."

Mayor Mills said, "Regret any inconvenience that does to you guys." Ms. Dunn said, "So, may I introduce myself and speak towards this? We've been working on this for quite a while. My name is Karen Dunn, 622 Waynick Boulevard, Unit 102. I am a property owner and a representative of an association of seven members of the Schloss Estate Boat Docking Facility located along Banks Channel at 619 Waynick Boulevard. This association was created and recorded with the New Hanover County Register of Deeds September 21, 1981. We have two members of this association that have owned that property since 1981. We have since obtained new members. I've been an owner since 1990. This is a picture of the property. There are seven boatslips. Many of those own kayaks or paddleboards and in some cases, we have to travel with them. We're not getting any younger and the boards are getting lighter but it would be very convenient to have a rack where each property owner could keep a SUP or a kayak. This is the site plan that you have in your packet. This was done by a surveyor for some improvements we had on the docks some time ago. This is the location near Lula and Waynick Boulevard where that star is. And the reason why we're coming before

you is, like you've all said, we made this application based exactly on what your ordinance is asking. And so, if you look at the last paragraph, 'No structure shall be built or no land or parcel of land in this zone shall be used for any purpose whatsoever unless application has been made to and permission granted by the Town in accordance with the terms and conditions and specifications as the Board of Aldermen may prescribe.' So, after talking to Tony and Robert for many, many months, and Tim may have been in on some of the conversations as well, we found that the ordinance ties our hands on this and it comes to you folks. We were told by Planning staff that the racks would have to be outside of the 7.5 foot side setback, which we've done in this placement. And then the CAMA Minor Permit says that we can have up to 200 square feet of wood slatted deck. So, what we have proposed is 8x24 and being slatted, that allows it to be pervious. The racks are also proposed not to be in the AEC or Area of Environmental Concern. So, we've taken into consideration all of the Town's requirements with setbacks and CAMA as well. So, these are some examples of what I would consider a low profile kayak rack that allows for maintenance underneath it. The height of those is probably – it's on private property so I couldn't get out there and measure it. They're between six and seven feet tall – the posts are 8x8 and most of them used probably an inch and a half galvanized tubing and about 18 to 20 inches apart from one another. What we're proposing is to build two racks – where those blue squares are located and the posts are about 6 feet apart and that would accommodate a 12 foot SUP or a 14 foot kayak. These are some that exist right now on Waynick Boulevard. And then the decking, we would propose something similar to this. That is also located along Waynick Boulevard. I went out to try to see a good visualization for you; that's an 8x24 foot tarp and that's the location it would be on that property. Then the 7.5 foot side setback – those buckets represent where the posts would be. You can see I've approximated the 30 foot AEC setback from the mean high water mark. I've spoken to CAMA about this. They feel that the structures themselves and the decking meet CAMA's standards. And then, I have all the other property owners' names and addresses in your packet. Then, we would submit to the Town on your approval, the CAMA permit. That is also going to require us to notify our adjoining property owners, just as any other Minor CAMA permit does. So, I think your concerns that I heard about the neighbors and everything, we would have to present them basically the same packet and they have a right to either reject it or they could certainly give us their approval as well. I understand your concern about this language in your ordinance and I think it absolutely needs to be changed because you would spend a lot more time at night meetings for reviews like this and it's really something that maybe even the staff should be allowed to approve. That's just another discussion for you all to have."

Mayor Mills said, "I guess the question is are we going to act on this or are we going to send it to the Planning Board. It would appear from her presentation that, looking at her last bullet point, if we approve, she then can proceed with her CAMA Minor Permit application which then goes through the Planning Board. Is that right?" Mr. Owens replied, "The permit does not. It is submitted directly to staff and is processed. They are notified and they can appeal."

Alderman Dull said, "I like what she's got planned for the most part. I just think this is a bigger issue than this one dock." Alderman DeGroot said, "I don't think this is a big deal at all. I think the majority of us definitely want you to have storage space. You had an excellent presentation; better than most people with bigger issues. So, I commend you on that. But since there are so many existing ones out there, I like Ken's idea. You don't have to do any work; you've done the work. It would just go to staff and the Planning Board; they would set the conditions to make sure and look at all the existing ones to see the ones that are compliant

and noncompliant and then it would come to us for approval.” Alderman Dull said, “I’m just beating this around; once we come up with a standard, once it goes through staff, Planning Board and us and gets approved as a standard, then you don’t ever have to look at it again. Somebody can either do it by right or not.” Mayor Pro Tem Miller said, “Thank you. That’s exactly what I was thinking. I like the idea about it being approved at the staff level but I think, for this time, if we send it to the Planning Board and bring it back to us for approval, then we never see it again.”

Ms. Dunn said, “These standards that you would want to have for kayak racks, would it apply across the board. Would you develop the design of them or basically the placement and setbacks? Which pretty much, you already have that. It’s in your ordinance now and what I showed you is pretty much what your ordinance says.” Mayor Pro Tem Miller replied, “Placement, setbacks, height, number, and anything else we’re not thinking of that the Planning Board may come up with.” Ms. Dunn said, “I will also say that we started this process in March of last year. It’s almost March again. We’ve been talking about it at the staff level. We would love to have something out there for the season which starts in April. I agree with everything you’re saying about coming up with standards. I would submit to you now that we have done everything the ordinance at this point asks of us to do and we still have to go forward with submitting the CAMA permit which I also had in your packet. So you see all of that other information we have to submit. We have to speak to our neighbors; send out certified letters. Nobody has done that, to my knowledge, at this point. And your concerns about the neighbors, I think the neighbors will certainly be taken care of. I just would ask at this time that you please give us permission, let us move forward and then deal with it internally with your Planning Board. I think the design of it is very low profile. We have seven property owners, we’re asking for eight slots on the racks.” Alderman Dull said, “We’re not worried about you but I think it’s a bigger issue than we thought. I’ll just step out there and say maybe we could approve something for you with the understanding that you’re at risk that if we come back with something that’s a different design and if you don’t fit in the box that staff, Planning Board and we decide on, you might have to come back and modify what you’ve put in.” Mr. Edes said, “Tony, can they apply for a CAMA Minor without the Town’s approval?” Mr. Wilson replied, “At some point in time, they have to have Town approval. I don’t think CAMA would issue it until the Town had approved something.” Mr. Edes said, “But they can condition something on the Town’s approval, right?” Mr. Wilson replied, “Right.” Mr. Edes said, “My point is, so you don’t lose time, perhaps you could apply for the CAMA Minor – if you’ve got to send it back to the Planning Board, that’s going to take at least thirty days on a CAMA Minor with the notice and everything, right?” Mr. Wilson replied, “Well, it could be issued within twenty-five days of the completed application. So it could be issued as quickly as ten or fifteen days.” Mr. Edes said, “But you don’t even have an application in, right?” Mr. Wilson replied, “We haven’t accepted it. It’s complete so the clock hasn’t started ticking. But I still think this is going to take some time at the Planning Board level as far as discussion and things like that.” Mr. Edes said, “I’m just saying if you wanted to accommodate the applicant’s concern about time, if it’s a dual track, you might lose at most ten or fifteen days as opposed to thirty or sixty days. And at least the Planning Board can have one crack at it.” Mayor Pro Tem Miller said, “What I hear Alderman Dull saying is we want to accommodate as much as we can without giving up the process that we’ve been discussing.” Mr. Edes said, “I’m just saying, if Tony will process, as the LPO, the CAMA Minor and if you’re inclined to issue it, it would be contingent upon Board of Aldermen approval as a condition which I’ve seen that happen in CAMA Minors and Majors for that matter. You can make a permit approval conditioned upon the local governing board’s approval. And you’re going down the track at the same time and you’re not losing as much time; that’s a possible win-win.”

Alderman DeGroot said, “Can the Planning Board see it and we expedite this and this be on our next month’s meeting since we’ve already looked at it and discussed it?” Mayor Pro Tem Miller said, “Assuming they approve it.” Alderman DeGroot said, “Exactly. I’m just trying not to delay her.” Mr. Wilson said, “It’s going to come to the Planning Board cold.” Alderman Dull said, “It’s unfortunate, I just think we have to develop a standard.” Mayor Mills said, “I think we’re all in agreement there.” Mayor Pro Tem Miller said, “Well, how about this, it doesn’t sound like it’s going to get approved tonight as submitted. It sounds like we want to expedite it but we want to send it to the Planning Board.” Mr. Edes said, I think there’s a way we can do it where they can go simultaneously down the required tracks if the Minor is issued, it can be issued contingent upon Wrightsville Beach approval. You’re not losing as much time and we’ll work with the Planning staff to get something back to you next month. You have to go through the CAMA Minor process anyway.” Ms. Dunn said, “Right, so start that out with what we have presented and, as you said, I think we’ll roll the dice at this point, if you change from whatever these designs are moving forward. And are we allowed to submit the notifications to the neighboring properties at this point?” Mr. Edes replied, “I would take that up with Mr. Wilson in his capacity as the Local Permitting Officer. Because that’s technically a state function, not a Town function.”

DISCUSSION AND DIRECTION ON HIRING A CONTRACTOR TO CLEAN PUBLIC BEACH ACCESS AND WRIGHTSVILLE BEACH PARK RESTROOMS AND ADOPTION OF BUDGET ORDINANCE NO. (2022) 558-B IN THE AMOUNT OF \$80,000.

Mr. Owens said, “Because of staff shortages, we’re looking at potentially outsourcing cleaning of bathrooms and potentially some of these buildings, too. That’s not included in the proposal at this point. We’ve got different people cleaning different buildings so we’d consolidate that and just one person cleans. Buck (Squires) talked to three or four vendors; there’s only one that made a proposal. The price they threw out is still negotiable at this point, it would be \$13,000 per month to clean six of our bathrooms around Town three times a day. We still have to purchase the paper products and they stock. They would be on call if we needed them and they would provide the cleaning solutions. It’s very similar cost as to what we would do the service as versus what they would do the service as. We’d ask the Town Attorney to review the contract, once we got a contract. There is an escalator in there; we would talk about that and try to negotiate that as well. We’re trying to think outside the box to get the job done.”

Public Works Director Bill Squires gave the following overview: “The Town of Wrightsville Beach provides public restrooms at six locations for beach goers and visitors. These facilities are open year round from 7:00 a.m. to 9:00 p.m., seven days a week. Public Works employees clean and stock these facilities multiple times per day as needed. During the summer season and on busy weekends and holidays, it may require cleaning and restocking up to five times a day – or more at times. With spring and summer fast approaching, we fear that we will not be able to meet these requirements due to staffing levels and recruitment issues that affect all departments at Public Works. We have contacted three separate commercial janitorial companies to provide quotes to perform this service and received proposals back from only one. That one is ServiceMaster Janitorial Solutions. They propose to provide the service for \$13,000 per month. This is a highly qualified company that has a staff of forty-five employees and currently provides similar services to other public venues such as the Battleship North Carolina and the Fort Fisher Aquarium. We also discussed providing janitorial services for all Town offices and we’ll bring this option back to you at a later date.”

Mayor Mills said, “How many times have we been cleaning – he said three times a day.” Mr. Squires replied, “I think the three times you see in their proposal is just a place holder. They don’t know. Sometimes it’s five times a day; depends on how busy the beach is, what kind of crowd we have.” Mayor Mills said, “I get what we were doing. My question is are they locked into three times a day because that could be a real issue.” Mr. Squires replied, “At this point, we’re still in negotiation. I can tell you a little bit about their commitment; they’re going to have one of their vehicles left here. They are providing all of the cleaning products. We will provide paper products and they will stock it. It’s a learning process for them, too. They do similar venues but I don’t know if they’ve been exposed to what we have here.”

Mr. Edes said, “If it’s the direction of the Board, we could build in some contractual clauses that would escalate based on whatever objective indicators.” Mr. Squires said, “I think we may be able to get some better value out of it if we do let them clean the rest of Town buildings. Some of the things that are going to be different, too, currently we have two staff members that come in at six thirty in the morning to open the restrooms. The Police Department closes them at night at nine o’clock. Between three thirty and nine o’clock in the evening, there’s no coverage. They don’t get cleaned; they don’t get stocked. So, at nine o’clock, you’re locking that door and you don’t know what’s behind that door. So, at six thirty in the morning, they come open it, clean it, which is the deepest clean of the day. With this company providing the service, they’re going to close the bathrooms at night and they’re going to clean them at night. So, when they open in the morning, they’re ready to go. Their proposal is to work from ten to ten. So, our staff, someone would unlock the doors in the morning; the bathrooms are clean and ready to; and the first visit would be at ten o’clock when they come on the Island. A little different than what we’re doing but I think it works better.”

Alderman DeGroot said, “It sounds good. I would just try to leverage them as many times as we can use them throughout the day. I’m okay with it.” Alderman Partin said, “I’m good with it, too. I like the idea that they would actually close the bathrooms and ensure they’re clean.” Alderman Dull asked if we could apply for TDA money. Mr. Owens replied, “We do anyway. What I’m asking you to do is to consider Budget Ordinance No. (2022) 558-B in the amount of \$80,000 which should cover the first part of the season and may include some of these buildings if we decide to go that route, too; and allow the Town Attorney to help draft the contract language with this company.” Mayor Pro Tem Miller made the motion to adopt Budget Ordinance No. (2022) 558-B in the amount of \$80,000. The motion was seconded by Alderman DeGroot and unanimously approved.

Mayor Mills recessed the meeting at 7:38 p.m. and reconvened at 7:43 p.m.

CONSIDER MOVING FORWARD WITH THE CONSTRUCTION OF A PARKING LOT ADJACENT TO TOWN HALL AND THE RENOVATION OF THE WRIGHTSVILLE BEACH PARK PARKING LOT. CONSIDER ADOPTING BUDGET ORDINANCE NO. (2022) 554-B IN THE AMOUNT OF \$450,000 FOR THE PROJECTS.

Mr. Owens gave the following overview: “We’ve been talking about putting in a new parking lot and renovating the old one. I sent this out for bids to four or five companies; only one responded. Both of these, the cost is around \$400,000, maybe a little less. The renovation that we’re proposing at the Park, I’d like do that at some point; put some money away for it; it adds parking spaces; some by the island and some over by the tennis courts. But I feel like the timing is not good for that project now because it’s going to have to close down for two or three months and we have a lot of activities back there. The other project is

right outside this door and ties into the Fran Russ Center; provides additional overflow parking for the Park. It's a little more closely located than the overflow parking by the old fire station. If we did build this one, it would make it a little easier to build the other one when the time comes to do that because people would potentially park here and walk back to the Park. This is around \$370,000. We started looking at the bids today and I need to get the engineer to go through it with me; there's some things that we can probably weed out of that that they proposed. So, I think that cost can come down some. If you want to do this project, there is a budget adjustment in your packet for \$450,000. We propose using revenue from our parking revenue. We would work with the Town Attorney to come up with the construction document. The other thing we have to do is get bid bonds and that kind of stuff. That wasn't proposed in the original bid either."

Mayor Pro Tem Miller said, "Does it make any sense, now that we've torn down that building, to put parking in that space there?" Mr. Owens replied, "Well, this would mainly be for the Fran Russ Center." Mayor Pro Tem Miller said, "If I was going to design this thing, I'd come in and make these angled. We can use all the parking we can get." Mr. Owens said, "I can propose that to the engineer but we could definitely put this type of parking all the way down and wherever it makes sense. Do you want to do these four or five over here, too, as a bid alternate?" There was Board consensus to do that. Mr. Owens said, "And then max out here. I don't know how that comes in play with storm water and this retention pond, but we can certainly ask the question while we are doing it. If you wanted to do that, you would adopt Budget Ordinance No. (2022) 554-B to take parking revenue and use it to put back into a parking lot and then allow me to work with the Town Attorney and the engineer to modify potentially what's up there as well as come up with a contract and move forward with construction." Mayor Pro Tem Miller said, "Unless you have any discussion, I'll move that." The motion was seconded by Alderman Dull and unanimously approved. A brief discussion followed regarding the number of spaces that would be added which should total about fifty.

DIRECTION ON APPROVING THE USE OF UP TO 150 MILLION GALLONS OF WATER FROM CFPUA AND ADOPTION OF BUDGET ORDINANCE NO. (2022) 551-B.

Mr. Owens said, "I thought we would be a little further along and be able to talk about this but we're still in negotiations with Cape Fear Public Utility Authority. I think they're okay with 150 million gallons; we just don't know that number yet; how much they're going to sell us water for. They're looking at their bulk rate. Hopefully we can take care of this in March." Mayor Mills said the Board would take that up when it's ready.

CONSIDER ALLOWING STAFF TO MOVE FORWARD ON PLANNED STORMWATER PROJECTS AT ARRINDALE AND ON EAST ASHEVILLE STREET AND ADOPT BUDGET ORDINANCE NO. (2022) 553-B IN THE AMOUNT OF \$200,000.

Mr. Owens said, "We had four areas that we were looking at that were priorities. We finally got all the engineering done on these last two. We focused on North Channel and over on Channel Avenue. We are ready to move forward and bid this out. I'm a little concerned about the summertime but I think we can probably make do and get it done maybe even before summer. In order to do that, we need to move fast. That's why we're asking for Budget Ordinance No. (2022) 553-B and allow us to work with the Town Attorney for any kind of construction documents. We'll get the bid out informally and try to get it done before summertime." Alderman Dull made the motion to adopt Budget Ordinance No. (2022) 553-B in the amount of \$200,000. The motion was seconded by Mayor Mills and unanimously approved.

DIRECTION ON CAPITAL PURCHASES BY PIVOT PARKING AND CONSIDER BUDGET ORDINANCE NO. (2022) 555-B IN THE AMOUNT OF \$70,000 FOR THE PURCHASES.

Mr. Owens said, “Each year, Pivot gives us a list of things they think they can do to make them do their job better. We’re getting ready to start the new parking season. Some of the things they came up with include a new LPR camera as well as another golf cart. That’s what is requested here for \$70,000. We’d be using parking revenue to put back into the parking program if you adopt the budget amendment.” Mayor Mills said he had talked at length with Pivot Parking about this and he thought these were reasonable requests and necessary for them to continue doing the job they’re doing for us. It should enhance our revenue. Alderman Dull made the motion to adopt Budget Ordinance No. (2022) 555-B in the amount of \$70,000. The motion was seconded by Mayor Mills and unanimously approved.

DIRECTION ON USING SCIF FUNDING ALONG WITH ARPA FUNDING TO IMPROVE THE TOWN’S WATER SYSTEM AND CONSIDER ADOPTING BUDGET ORDINANCE NO. (2022) 556-B IN THE AMOUNT OF \$250,000.

Mr. Owens said, “We received an email the other day that said we potentially had SCIF funding. We don’t know where it came from. It was basically a General Assembly driven thing. There was no process and nobody contacted us. Some people got \$250,000; some people got \$20 million. We got \$250,000; that seemed to be the norm for communities; Kure Beach got the same thing. We’re asking to put this in a separate account so we can track it; that’s what the state requires. The budget adjustment would be (2022). 556-B for \$250,000. We would use this to supplement the ARPA money for the water projects if that’s the wish of the Board.” Mayor Mills made the motion to adopt Budget Ordinance No. (2022) 556-B in the amount of \$250,000. The motion was seconded by Mayor Pro Tem Miller and unanimously approved.

DISCUSSION REGARDING THE FY22/23 BUDGET CALENDAR AND SET A BUDGET INPUT MEETING PUBLIC HEARING FOR MARCH 10, 2022

Mr. Owens said, “Basically, what I’d like is for department heads to present to the Board on March 9th; start at eight thirty that morning. I will also send out a doodle poll to have a placeholder for two or three meetings after that to get through the budget process.” There was Board consensus to set a budget meeting for Wednesday, March 9th at 8:30 a.m. Mr. Owens said he would also like to schedule a public hearing for the March 10th Board meeting to receive input on the budget. The Board so agreed.

ALDERMAN DULL: OTHER ITEMS AND REPORTS.

- We had a TDA meeting about three weeks ago. We applied for half a million dollars back from the TDA. It was a banner year for TDA funds (\$2.7 million). We want to make sure it gets put to use how Wrightsville Beach would like to see it.

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- Requested that the Flotilla and the Garden Club give presentations to the Board in March because both organizations contribute a lot to the recognition of our Town.
- The Committee on Asset Renaming met twice and we have a resolution to present to the Board in March.

ALDERMAN DEGROOTE: OTHER ITEMS AND REPORTS.

- There was a Marketing Committee meeting. Ms. Bulluck gave the update earlier.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- The MPO does not have anything to do with the bridge but Ms. Bulluck and I will get with the D.O.T. The MPO has a meeting in two weeks.

MAYOR MILLS: OTHER ITEMS AND REPORTS.

- Ports Waterway announced funding authorization. I would caution you to understand the process. We still don't have all our regulatory approvals for an alternate borrow site.

MR. EDES: OTHER ITEMS AND REPORTS.

- Senate Bill 473 is now the law of the state. It has to do with contracts with nonprofits. There's a mandatory recusal from voting if any public official is a director, officer, or on the governing board of a nonprofit. We need to keep that in mind going forward. You have to disclose that and step down from the dais and recuse yourself from it.

POLICE CHIEF SQUIRES: OTHER ITEMS AND REPORTS.

- We are an accredited agency through CALEA. We are at the end of a four-year accreditation cycle which means that we're going to be receiving an assessment for our efforts. Because of the Pandemic, that assessment will be virtual. Part of the assessment is a period of public comment. I will leave you all with a sheet that describes the days in March when public comment will be facilitated. You can comment by writing a letter, by a phone call, by email or by attending a virtual Town Hall meeting. It will be posted on our social media in the near future. One of the elements is we have to make public notice at a Board meeting.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:10 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk