

MINUTES  
BOARD OF ALDERMEN  
MARCH 14, 2019

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

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

Pledge of Allegiance

Invocation by Pastor Pat Rabun, Little Chapel on the Boardwalk

**PUBLIC COMMENTS: SUE BULLUCK SPEAKING FOR THE CHAMBER.**

Ms. Sue Bulluck, speaking for the Chamber, thanked Mayor Pro Tem Mills for attending the February Chamber meeting. She said, "Harper Peterson and Ted Davis were also there. We're doing the same thing in March for Women in Government with Pat Kusek and Julia Boseman. We're asking Alderman King to attend as our female leader. If not, someone else can attend. At the Ports Waterway meeting, we will be discussing COBRA – our need for sand replenishment source. The Chamber has agreed to work with Layton Bedsole and our lobbyist to reach out to people in other states. The Visitors Center is not ready for occupancy. The CVB has decided independently that we are not operating this summer and I will rectify that. Our five people were told they were not needed because they hired all the people they needed off of Craigslist. I'm not sure what is going on."

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

- a. Approved Minutes for: Special Meeting of September 27, 2018; Special and Closed Session Meetings of October 1, 2018; and Regular and Closed Session Meetings of October 9, 2018.
- b. Approved special event permits as follows:
  1. Church of the Servant Easter Sunrise Service (*100 participants*)  
Sunday, April 21, 2019 (5:30 – 8:30 am)(*service 6:30 – 7:45 am*)  
Location: Beach Access 4 (L-shaped Lot)  
\*\*\* Recurring Event
  2. WB Churches' Community Sunrise Service (*1,000-1,500 participants*)  
Sunday, April 21, 2019 (6:15 – 8:15 am)  
Location: Beach Access 19  
\*\*\* Recurring Event
  3. First Presbyterian Church Easter Sunrise Service (*175 participants*)  
Sunday, April 21, 2019 (6:30-7:15 am)  
Location: Beach Access 34  
\*\*\* Recurring Event
  4. North Pointe Church 18<sup>th</sup> Annual Easter Celebration (*200-300 participants*)  
Sunday, April 21, 2019 (6:00-8:00 am)(*service 7:00-7:45 am*)  
Location: Beach Access 37 (south side of Crystal Pier)  
\*\*\* Recurring Event

- c. Acknowledged previously approved special events for April.
- d. Adopted Budget Ordinance No. (2018) 501-B for the following: 1) \$5,231 for an Insurance Claim for a damaged antenna; 2) \$2,000 for a grant to purchase a UAV for the Fire Department; and \$10,700 for the WB Specialty Plates.
- e. Set public hearing for the Board of Adjustment on Thursday, March 28, 2019 at 5:00 p.m., or as soon thereafter as possible, for consideration of an appeal application (dated February 6, 2019) for 100 West Salisbury Street of the interpretation of the Zoning Ordinance.

**PRESENTATION BY TOM ANDERSON TO THE POLICE DEPARTMENT FOR SUCCESSFUL COMPLETION OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES LAW ENFORCEMENT RISK REVIEW PROGRAM.**

Mr. Tom Anderson, NCLM Risk Control Director, presented a plaque to Police Chief Dan House for the Police Department's successful completion of the North Carolina League of Municipalities Law Enforcement Risk Review Program and for adhering to recognized industry standards related to risk reduction. He also recognized Sergeant Joe Graziano for his hard work in this process. Chief House accepted the plaque on behalf of the Police Department and said this program is similar to CALEA. The Board thanked Chief House and the Police Department for their hard work.

**CONTINUED PUBLIC HEARING FOR CONSIDERATION OF A TEXT AMENDMENT TO SECTION 155.7.21 PRIVATE ACCESS EASEMENT CONCERNING LENGTH OF PRIVATE ACCESS EASEMENTS. (CONTINUED FROM AUGUST 9, SEPTEMBER 11, OCTOBER 9, NOVEMBER 8, DECEMBER 13, 2018, JANUARY 7 AND FEBRUARY 14, 2019).**

Mr. Wessell stated that this item had been withdrawn.

**PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO SECTION 155.8.12 FOR COMMERCIAL STRUCTURES IN THE C-3 COMMERCIAL DISTRICT.**

Planning and Parks Director Tony Wilson said Staff was requesting to open and continue this public hearing to the April meeting. Alderman Miller made the motion to open the public hearing and continue it to Thursday, April 11, 2019 at 5:30 p.m., or as soon thereafter as possible, in Council Chambers of Town Hall. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR 19 EAST SALISBURY STREET (ATLANTIC VIEW).**

Mayor Blair administered the oath to those wishing to address the subject.

Mr. Wilson said, "The petitioner, Paramounte Engineering, representing the property owner 19 East Salisbury Street, LLC, is requesting an amendment to the conditional use permit (CUP) to allow for the construction of an additional driveway off Seagull Street for Building 8, the enclosure of 70 square feet of deck area on Building 26 for retail use, and a sidewalk connection from Seagull Street to Salisbury Street, running through the Atlantic View development. The original conditional use permit was approved by the Board of Aldermen on November 9, 2017. This CUP showed a one-way driveway entrance and a one-way driveway exit, both on Seagull Street. The site plan also showed lower level commercial space in Building 26 with an open deck facing Salisbury Street and the ocean. At the February 5<sup>th</sup> Planning Board meeting, the Planning Board discussed the

amendment to the CUP and voted unanimously to forward a favorable recommendation to the Board of Aldermen for the three proposed amendments to the CUP with consideration of the following comments: 1) Replace bike rack rings that were removed during construction; and 2) Maintain the same conditions required from the original CUP. The proposed CUP amendments appear to be consistent with Policy 9.1.A.7 and Policy 9.1.A.11 of the CAMA Land Use Plan. There were no comments from the Police Department, the Fire Department or the Public Works Department. Planning Staff recommends that the Board of Aldermen approve the amendment to the CUP for 19 East Salisbury Street.”

Mayor Pro Tem Mills asked who owned the bike racks. Ms. Ryan said, “It was ours.” Mr. Wilson said, “We need to make sure we get that back up.”

Attorney Jeff Keeter said he was available to answer questions. He said, “Alice Engebretson with Paramounte Engineering will make our presentation. It will be quasi-judicial and I ask the Board to consider the evidence.”

Ms. Engebretson said, “We prepared these plans. During construction, the developer (Mr. Logan) found a couple of things that were not working: 1) Building 8, the developer became concerned that the unit is limited to only small car access and proposes an amendment to the site plan to provide a driveway entrance from Seagull to accommodate larger vehicles. That takes out one parallel parking space and leaves us at a net of 17 spaces instead of 18. 2) The developer is requesting an amendment to the site plan to build a sidewalk inside the Atlantic View project to connect the paved driveway to the paved sidewalk at the edge of the property. The developer approved the grant of easement to the Shark Bar and Kitchen for use of the existing paved sidewalk, so all rights of use are currently secure and remain unchanged from the original CUP approval. 3) The developer enclosed part of the entry deck leading to the commercial space, Unit 26A in Building 26 (formerly Building K) not realizing that it was counter to the approved CUP. The site plans approved during the CUP all referred to the building footprint. That footprint remains unchanged. The only alteration is that an area on the first habitable level of the structure to be used as retail space identified a large deck/porch outside the enclosed area. The developer has now enclosed approximately 70 square feet of that deck for use by the retail tenant. The total footprint area remains the same, so all parking calculations remain the same. Access to the retail space, to Johnnie Mercer’s Pier and to the other portions of the building remain unchanged. No additional roof or impervious surface was added to accommodate the enclosure.”

Mayor Blair opened the public hearing at 5:45 p.m. Hearing no public input, he closed the public hearing at 5:46 p.m.

Alderman Dull said the sidewalk was already there and there was no way to park your car at Building 8. He said it was a “No Brainer”. Mayor Blair said the changes looked appropriate to him for what they were trying to do. Mayor Pro Tem Mills said he thought it was pretty straight forward and he didn’t see any issues. Alderman Miller made the motion to approve the three CUP amendments. The motion was seconded by Mayor Pro Tem Mills.

Mr. Wessell said, “With the conditions to add the bike rack back and the same conditions as the original CUP.” Alderman Mills and Mayor Pro Tem Mills amended their motion and second to include the conditions Mr. Wessell had referenced. The vote was taken and the motion was unanimously approved.

**BUDGET UPDATE AND PUBLIC HEARING TO RECEIVE INPUT IN THE FY2019/2020 BUDGET PROCESS.**

Mr. Owens said, “We’ve been through most of this today at the budget meeting.” Mayor Blair opened the public hearing at 5:50 p.m. Mr. Harold King, 10 Island Drive, said he thought the Board and Staff were doing a good job. Mayor Blair closed the public hearing at 5:51 p.m. Mr. Owens said the next two budget meetings were scheduled for April 11<sup>th</sup> and April 30<sup>th</sup>.

**CONSIDERATION OF RESOLUTION NO. (2019) 2140 APPROVING RULES AND POLICIES GOVERNING SPECIAL EVENTS AND SPECIAL EVENT PERMIT APPLICATION INSTRUCTIONS FOR THE TOWN OF WRIGHTSVILLE BEACH.**

Ms. Ryan said Resolution No. (2019) 2140 was to approve rules, policies and instructions for special event permit applications and would include the timeframe for not allowing any new events. She said applications that would have significant impact would appear on the agenda regardless of when the event occurs. Following a brief discussion regarding the need to make the rules as clear as possible and to bring everything with a road closure to the Board, Alderman Miller made the motion to adopt Resolution No. (2019) 2140 as presented. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**APPROVE LOWEST RESPONSIBLE BIDDER FOR WATER AND SEWER REHAB WORK FOR EAST AND WEST SALISBURY; ADOPT RESOLUTION NO. (2019) 2141 APPROVING A CONTRACT TO MOVE FORWARD WITH CONSTRUCTION; AND APPROVE BUDGET ORDINANCE NO. (2019) 502-B TO FUND THE PROJECT.**

Mr. Owens said, “This prepares the infrastructure for the project on Salisbury Street. We took some of the money that has not been used for the aerator projects that we cannot do this year. The remaining funds will come from the Water and Sewer Fund. We’re asking the Board to adopt Resolution No. (2019) 2141 approving a contract with Atlantic Construction following review by Mr. Wessell. (Bids Received: Atlantic Construction and Development, Inc. \$551,571.50; Carolina Civilworks \$575,469.00; and BridgePoint Civil, LLC \$1,084,695.00. Atlantic Construction was the lowest responsible bidder without the paving element; we’re not sure we want to go back with asphalt since we will have to tear it up a few months later.) We will do a Notice to Proceed on April 1 with completion by August 6. It will be almost done by the end of June.” Following a brief discussion regarding the bid bond and performance bond, Mr. Owens said he would get clarification on all of that. Alderman Dull then made the motion to adopt Resolution No. (2019) 2141 approving a contract with Atlantic Construction following review by the Town Attorney and adoption of Budget Ordinance No. 502-B to fund the project. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**DISCUSSION AND DIRECTION ON HIRING A PUBLIC ADJUSTER**

Mr. Owens said, “I was contacted by a public adjuster that inquired about assisting the Town with loss claims associated with Hurricane Florence. The public adjuster reviews damaged properties and insurance settlement claims. Their payment is 20% of any new money received as a result of an increased settlement. I think we have done all we can do. A draft contract is included in the agenda packet.” There was consensus by the Board to hire the public adjuster. Mr. Owens said he would move forward with execution of the contract.

## **DISCUSSION AND DIRECTION ON APPLYING FOR A NCPARTF GRANT TO ASSIST IN FUNDING THE SALISBURY OCEAN ACCESS PARK IMPROVEMENTS.**

Mr. Owens said, “The Town has the opportunity to apply for a NCPARTF Grant that will be due on May 1<sup>st</sup>. The Town was unsuccessful last year. We took the park element out but it is still worth applying. We are also trying to apply for another CAMA grant as well.” Mayor Pro Tem Mills asked if we could get this organized in time. Mr. Owens said he would reorganize the current grant and resubmit. There was consensus by the Board to move forward with that.

### **ALDERMAN MILLER: REPORTS AND COMMENTS**

- The Bike Committee met; nothing to report.
- The MPO met. Some of our projects have moved up on the ranked list, especially the bridge.

### **MAYOR PRO TEM MILLS: REPORTS AND COMMENTS**

- Ports Waterway met: Sue Bulluck gave you that information. I was not able to attend but I talked with Layton.

### **MAYOR PRO TEM MILLS: REPORTS AND COMMENTS**

- Mayor Pro Tem Mills: “The project that we are undertaking on Salisbury Street is huge in scope. We have our staff busy with all sorts of projects. I wonder if it would be appropriate to have an ad hoc committee to help make sure that money is spent timely and wisely. My suggestion is to have a committee to make sure this is done right. I would also suggest that the Board should be represented. The Mayor was the driving force.” Mayor Blair: “So, two Board members, a Planning Board person and a Parks and Rec Person?” Mayor Pro Tem Mills replied, “Yes.” Mayor Blair said, “I think it’s not a bad idea. It needs to be a group that can meet on short notice to help manage the process.” Mr. Owens said, “We need to figure out meeting times and who these folks will be.” Mayor Pro Tem Mills said, “This project will carry over the election. We need continuity.” Alderman Miller said, “I think Mayor Pro Tem Mills should be on the committee.” Mr. Wessell said they did not need to advertise. Mayor Blair said, “Do we need a mission?” Mr. Wessell said, “You need a statement of what the committee can do.” Mayor Pro Tem Mills said, “I will come up with the list and the statement.”

### **MR. OWENS: REPORTS AND COMMENTS**

- The Board talked about the access control for the Public Safety Building at the budget meeting earlier that afternoon. Finance Director Erica Walters said \$8,000 would come from the designated fund balance for that project. Mayor Blair expressed the need to do the whole building at the same time. Alderman Dull made the motion to adopt Budget Ordinance No. (2019) 503-B and the associated contract subject to Mr. Wessell's review. The motion was seconded by Alderman Miller and unanimously approved.
- The Board also talked about selling surplus parking meters for \$5,300 that are no good to the Town. The Board has to take formal action. Alderman Miller made the motion to adopt Resolution No. (2019) 2142 contingent upon Mr. Wessell's review and approval. The motion was seconded by Mayor Blair and unanimously approved.

**REQUEST FOR CLOSED SESSION FOR ADVICE FROM THE TOWN ATTORNEY REGARDING PENDING LITIGATION AND LEGAL MATTERS AS WELL AS A PERSONNEL MATTER PURSUANT TO G.S. 143.318.11.**

Mr. Wessell expressed the need for a Closed Session to discuss several legal matters and a personnel matter. Mayor Pro Tem Mills made the motion at 6:10 p.m. to go into Closed Session for advice from the Town Attorney and for a personnel matter pursuant to G.S. 143.318.11. The motion was seconded by Alderman Miller and unanimously approved.

**MEETING RECONVENED.**

Mayor Blair reconvened the Regular Meeting at 6:56 p.m. and asked the record to reflect that the Closed Session had been held for the reasons so stated with no action taken.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:56 P.M.

Respectfully submitted,

Sylvia J. Holleman  
Town Clerk