

MINUTES
BOARD OF ALDERMEN
APRIL 8, 2021

Mayor Mills called the meeting to order at 5:33 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 Jeff DeGroot, Alderman Ken Dull, and Alderman Zeke Partin; together with Town Attorney Brian E. Edes, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance

Invocation by Planning and Parks Director Tony Wilson

PUBLIC COMMENTS: MIKE EDMONDS – PARKING AND STORM WATER ISSUES.

Mr. Mike Edmonds, 601 North Channel Drive, said he would like to know what is going on with the wastewater study conducted by Withers-Ravenel especially where it concerns North Channel Drive and Coral Drive. He said, "Those areas look very badly. I understand that you're doing something over on Channel Avenue right now. But, when you get ready to set your budget in the next couple of months, I expect from the monies collected from the Town over the last several years - \$60 per property per year - that we're going to be able to get some help down on that part of Harbor Island and I look forward to it, especially doing something around the French drain that the Town installed in the five hundred block of North Channel Drive. Second of all, I want to talk about parking. This time of year, the parking has been crazy. I'm Chair of the Grounds at Wrightsville Beach Baptist Church and we're quite challenged. We're getting ready to do major signage. You give people a little bit of a privilege and they turn it into their right to do as they choose. But, I want to talk a little bit about Pivot. In the past, we've have had some selective traffic enforcement and I'd like to let you know as a citizen living on a narrow street (North Channel Drive), as most streets that Shore Acres Development put in, most of these streets are narrow; North Channel Drive in particular. Contractors are double parking and folks are parking on the sidewalks where people walking have to get out in the street. We have an ordinance on the books of the Town where you're not supposed to block sidewalks and we're choosing to ignore that. It's getting to be a dangerous situation. We did have some speed bumps installed on North Channel. That's slowing people down a little bit at the speed bumps but then they'll speed back up to the next speed bump. If we could talk to these folks living down through there about parking on the sidewalk, it would be very helpful from a safety point of view. Then, when you get into the landscape trucks and trailers, they choose to double-park in the middle of the street sometimes. It's getting ridiculous. In the past, I've seen both Lanier Parking and our police officers go right by these guys that are double parked and they'll ask them to get out of the street or park where they don't impede the flow of traffic. I'd like to see more enforcement action taking place. Another thing that I have brought to the Town Manager's attention and others that would listen to me, the credit card fees charged to residents for when they go to get their hangtags and their re-entry decal - not a tax decal but a re-entry decal. For years we've been doing it with credit cards and now, all of a sudden, we're having to pay credit card fees. I don't know if that was okayed by the Board; I don't know if it's oversight; I don't know if y'all paid any attention to it or not, but that's just the cost of them doing business. Most of the people that are having to pay fees because you're using Pay by Phone and all this other stuff, there's not a credit card fee even if you use a credit card to park. But if you go and buy a tag or a re-entry decal, you have to pay a credit card fee. I'd like for y'all to think about that next year and look into that; that's not quite right. I think they can make money without charging our citizens that extra fee. Five dollars is not the point for two hangtags and two decals, it's the point of the fee and never having to have done that in

the past. Now, to the re-entry decals – I know former Mayors David Cignotti and Bill Blair always said that these are re-entry decals. If I pay my ad valorem tax or pay my wife's ad valorem tax because she owns that property on North Channel Drive – I get to the point of where I have to pay fifteen dollars until April 30th and then thirty dollars after April 30th for a tax decal, that just flies in the face of what's right. Why does that tax go up a hundred percent anyway? So, I'd like for y'all to think about that going forward as well. I also know that y'all are thinking about changing the ordinance for South Channel Drive Park. I don't see any sense in changing the ordinance. Once again, selective enforcement. Since parking has come into play March 1st – even before then, a normal citizen or visitor or anybody that wants to go to that park has not been able to park down there because of contractors double parking their trucks. So, on the south part of that Park, there will be two trucks in those parking spaces; two on the other. A Town citizen or visitor couldn't possibly go down there and park. Yet, our hard working police officers and probably Pivot Parking, if they were to take one of their golf carts down there, they'd ride right by, even though it's clearly signed on both sides – Parking for South Channel Drive Park Only. You won't see one human being in that Park but you'll see plenty of contractor vehicles. So, I'd like to see that enforced, too. I appreciate y'all and I appreciate everything that you're doing. It's a great town to live in and we need to work together for the common good."

CONSENT AGENDA APPROVED UNANIMOUSLY BY MOTION OF ALDERMAN PARTIN AND SECOND BY ALDERMAN DEGROOTE.

- a. Approved Regular and Budget Workshop Minutes of March 11, 2021.
- b. Acknowledged previously approved special events for May.
- c. Adopted Resolution No. (2021) 2232 declaring May 2021 as Building Safety Month in Wrightsville Beach.
- d. Adopted Resolution No. (2021) 2233 proclaiming the week of May 2-8, 2021 as Municipal Clerks Week in the Town of Wrightsville Beach.
- e. Adopted Resolution No. (2021) 2234 proclaiming May 22-28, 2021 as Safe Boating Week in Wrightsville Beach.
- f. Adopted Resolution No. (2021) 2235 proclaiming May 16-22, 2021 as Public Works Week in Wrightsville Beach.
- g. Approved revised 2021 Board of Adjustment Meeting Schedule to cancel the April 22nd meeting.
- h. Set a public hearing for Thursday, May 27, 2021 at 5:00 p.m., or as soon thereafter as possible, for the Board of Adjustment to consider a request from Bevy Mart LLC, located at 520 Causeway Drive, for a variance to Section 155.6.5.5 C-3 Conditional Use Zoning District Development Standards.

PUBLIC HEARING FOR CONSIDERATION OF A ZONING TEXT AMENDMENT TO SECTIONS 155.7.15(E) AND 155.7.15(G) ALLOWING FOR THE RENTAL OF RECREATIONAL BEACH EQUIPMENT.

Planning and Parks Director Tony Wilson gave the following overview: "On February 5, 2021, the Planning and Inspections Department received a text amendment application from Mr. James Todd. He is the authorized agent for Cape Fear Beach Rentals, LLC. This text amendment was to Chapter 155.7.15(E) and also

Chapter 155.7.15(G). The petitioner has requested that this chapter of ocean-related business activities be amended to allow for other beach businesses who have acquired an annual permit in accordance with the section to be allowed to rent beach equipment. The current ordinance allows for beach equipment rentals of chairs and umbrellas by hotels and private clubs located immediately adjacent to the beach front. The proposed text amendment would allow for other businesses other than hotels and private clubs located immediately adjacent to the beach front to rent equipment to the public. Under departmental review, there were no comments from the Police Department. The Fire Department's comments are the same as they were last time. Chief Rogers has some issues with blocking the emergency lane. Dave Baker said he was okay with it as long as they do not block the emergency lane. Shannon's comments were the same. Planning Staff comments; the original ordinance was written for existing hotels and motels on the beach front to rent only chairs and umbrellas to their guests. Staff is concerned that this text amendment would open up problems with multiple vendors renting various equipment to the public along the entire beach front. This text amendment to 155.7.15(E) and (G)) went to the Planning Board at their March meeting. This text amendment was denied 7-0 at that meeting. At that meeting, Mr. James Todd was not able to attend. I think there were some misunderstandings of the time limits, so he was not there. We did proceed with this text amendment and it was denied 7-0. After you review Ordinance No. (2021) 1827, a decision has to be made on that. Then we have two others I'd like to review for this."

Mayor Pro Tem Miller clarified that the Board was going to review the text amendment that the Planning Board turned down and then staff was going to present two new text amendments. Mr. Wilson said the next two were a little bit different. Mayor Mills asked if the two new text amendments had been reviewed by the Planning Board. Mr. Wilson replied, "Staff's recommended ordinance – the Planning Board – after they discussed and denied this one, they started talking about the other one and they just tabled it. They said maybe they would reach out to the Board of Aldermen for more guidance. The second ordinance here – there was an amendment to the original that the Planning Board did not see but the applicant requested this to move forward." When asked who amended the ordinance, Mr. Wilson said it was amended by attorney James Todd and staff moved it forward to the Board of Aldermen.

Mayor Mills said, "I hear what you're saying but I want it known by everyone that this is not how I wish to proceed on a matter like this. I'm going to do what the pleasure of the Board is, but to come up here with multiple choice – if not this then this – we're not going to do it that way. Again, if the Board wants to move forward on any one of these options, that's fine. I'm just letting it be known for the record that I am not in favor of that approach. Now, on my agenda, it says 'recommended options'. I'm hearing no recommendation; I'm just hearing options." Mr. Wilson replied, "Right. Mr. James Todd is here tonight if you have any questions." Mayor Mills said, "Mr. Edes, procedurally, if there is an inclination – one of these options is to send it back to the Planning Board for review. Why would we want to sit here through a public hearing if we're going to send it back to the Planning Board?" Mr. Edes replied, "I don't recommend that you do. If you're going to send it back to the Planning Board, I'd like the applicant's input. One option you could have is to open the hearing and immediately recess it so we don't have to re-advertise it. Send it back to the Planning

Board, then come back next month to hear it after the Planning Board sees it.” Mayor Mills said, “And what we would send back to the Planning Board is this proposed amended amendment?” Mr. Edes replied, “Yes, sir.” He then asked Mr. Todd if he had a problem opening and recessing the public hearing until May. Mr. Todd replied, “I do not.” When Mayor Mills said the Board was not to that point yet, Mr. Edes said, “I would like for him to acknowledge that that’s okay with him if you proceed and go that route – on the record so the minutes reflect that.” Mr. Sam Franck with Ward and Smith P.A., replied, “What Mr. Edes suggests procedurally is fine with us. As a practical matter, there’s some urgency for us to get this matter in front of you. We also completely respect that you need to consider something that the Planning Board has reviewed. The proposal that the Planning Board tabled, as I understand it, was prepared by staff and included several conditions. The revision that my colleague James Todd submitted after Planning Board review is very similar to that. What needs to happen here is a dialogue between the applicant and staff to work through those conditions so that the Planning Board can consider the text amendment with conditions that have been approved by both the applicant and staff – and that you all need to subsequently consider that. If there is a mechanism that makes it possible for you to consider such a proposal at your meeting in May, that is exactly what we would ask you to do and what Mr. Edes has proposed procedurally would achieve that and, therefore, we’re in favor of that.”

Alderman Dull said, “I feel like what we need to discuss is the final text amendment as it would be presented to us and after it has been vetted out by the Planning Board.” Alderman Partin said, “I agree with that. It’s confusing about which is which.” Alderman DeGroot said, “I agree with Alderman Dull.” Mayor Pro Tem Miller said, “There’s no reason to repeat what’s been said.” Mayor Mills said, “I want them to know they’re getting a full and fair hearing. I’m not trying to short circuit anybody.”

Mayor Mills opened the public hearing at 5:55 p.m. Alderman Dull made the motion to recess the public hearing, with the applicant’s consent, to the next meeting on May 13, 2021 at 5:30 p.m., or as soon thereafter as possible, in Council Chambers of Town Hall. The motion was seconded by Mayor Mills and unanimously approved.

REVIEW AND DISCUSSION OF 1) MOVING FORWARD WITH SAWYER, SHERWOOD AND ASSOCIATES ARCHITECTS FOR PLANS AND BID DOCUMENTS FOR RENOVATION OF THE FRAN RUSS CENTER FOR OFFICE SPACE; 2) FOR RENOVATION OF THE PARKS MAINTENANCE BREAK ROOM FOR OFFICE SPACE; 3) FOR REPAIR OF THE FORMER PARKS AND RECREATION OFFICE FOR STORAGE; 4) ADOPTION OF RESOLUTION NO. (2021) 2236 APPROVING THE CONTRACT; AND 5) ADOPTION OF BUDGET ORDINANCE NO. (2021) 539-B TO FUND THE PROJECT.

Mr. Owens said, “Basically, this is a project to move forward on some of our buildings over here that were banged up. It is to consider a contract with John Sawyer’s firm to look at the Fran Russ Center, putting two individuals over there; and putting a permanent Parks and Recreation Office; take this building over here that’s out of commission and make one side un-climatized storage and the other side record storage; and at the tennis courts, there’s a breakroom back there; make that one office for Parks and Recreation Maintenance for the supervisor plus, a small breakroom there. I’m recommending to move forward with Resolution No. (2021) 2236

approving the contract with Sawyer, Sherwood and Associates in the amount of \$20,000. The Attorney will look at this contract and we will also probably get some appraisals to look at the valuation of all three of those buildings.”

Alderman Dull said, “So, this does not include the fees for the architecture of this building?” Mr. Owens replied, “Not yet. I have a proposal for that and there’s some other things that I need to work through. I hope to have that back to you next month; if not, the following month.”

Mr. Edes said, “The Resolution as written reads ‘enter into the contract attached as Exhibit A’ which doesn’t give room for final negotiations. So, we might want to make it clear in the motion that it is subject to the Town Attorney’s final approval.” Mr. Owens said, “Basically what we’re doing with that, it’s sort of a placeholder because we don’t have a final yet. After you approve the final contract, it will be attached to the Resolution.” Mr. Edes replied, “As long as we’re on the same page.” Mayor Mills said, “When we get to that part, I think the appropriate thing to do would be to make a motion and make it conditioned upon reaching a final agreement.”

Mr. Owens said, “There’s also a Capital Project Ordinance No. (2021) 539-B.

Alderman Partin asked if the Board would get the opportunity to look at the plans. Mr. Owens replied, “Absolutely.” Alderman Partin said, “I was in the area the other day and Kris was saying y’all had discussed putting two permanent offices in there. If you do that, and you put Katie or Kris in the back office, there’s no light. Are you going to put windows in?” Mr. Owens replied, “We talked about that the other day. They will come up with a proposed floor plan for all three of these. I will ask him to come back and talk to the Board and present them. Then, if you like the proposal or if you want to see something different or whatever, we’ll have the opportunity to see plans and make changes.” Alderman Partin said, “I’m just anxious to see some windows in that area. Also, they need a bigger window because they’re supposed to be looking at all of their park space. So, they need to be able to see. I think that’s important.”

Mayor Mills made the motion to adopt Resolution No. (2021) 2236 as proposed but conditioned upon if we can find agreement on the terms of the contract; and to adopt Project Ordinance No. (2021) 539-B as proposed. The motion was seconded by Alderman Partin and unanimously approved.

DISCUSSION AND DIRECTION ON MOVING FORWARD WITH THE CHANGING OUT OF APPROXIMATELY 900 WATER METERS AND CONVERTING THE SYSTEM FROM UNITS TO GALLONS

Mr. Owens said, “We’ve been talking about this pretty hard for probably two to three years. There’s about nine hundred meters that need to be changed out and then everything at some point will be converted over seamlessly (we hope) to gallons so everybody can understand what they’re using as opposed to having to bring out a calculator to figure that out. We will also convert everything over to touch-read. We would like to move forward with this. There was a Capital Project set up for Lift Station Four. We ended up coding that to our regular budget so there’s money there for this project – a total of about \$450,000. The quote on this was \$284,000. I’d like to move forward with the project not to exceed \$300,000. This organization has worked with

Tyler so they've done conversions before in different places. We would ask that the Town Attorney review the final contract." Following a brief discussion regarding the fact that it was not a local contractor, Mayor Mills asked if this would complete the conversion. Mr. Owens replied, "Yes. We have about three thousand meters out there that are touch-read technology."

Alderman Partin said, "When we convert from these units to gallons, is it going to create an increase in water bills?" Mr. Owens replied, "It shouldn't. It will be calibrated based on what we charge now – only if you decide to go up on water bills. There will be a little bit of public notification and education." Alderman Dull made the motion to approve with review of the final contract by the Town Attorney. The motion was seconded by Mayor Pro Tem Miller and unanimously approved.

DISCUSSION AND DIRECTION ON REGULATING OFF-STREET PARKING AT SOUTH CHANNEL DRIVE PARK BY APPROVING ORDINANCE NO. (2021) 1826.

Mr. Owens said, "There have been some concerns with the four spaces at the South Channel Drive Park being used by residents and contractors. There's a sign that says 'For Park Patrons Only'. What we're proposing to do is run it very similar to what we do in the Park and Town Hall parking area. There are a couple of exceptions in that the South Channel Drive Park will now be able to use tax decals – you can't use the tax decal over here. Basically, we would allow two continuous hours of parking when you're using that permit or tax decal. And over here, if you're using your parking permit, there is no time limitation on the amount of time."

Mayor Pro Tem Miller said, "I think you said the tax decal, which is the sticker, doesn't work over here." Mr. Owens replied, "It does not." Mayor Pro Tem Miller said, "It works in South Harbor Island and North Harbor Island except for the Park?" Mr. Owens replied, "Yes." Mayor Pro Tem Miller said, "If you have a hangtag, you can park over here; there's no problem with sticking the two-hour piece of paper there" Mr. Owens replied, "Yes." Mayor Pro Tem Miller said, "Same thing with the hangtag on South Harbor Island and North Channel?" Mr. Owens said, "At the park, you just get two hours – period." Mayor Pro Tem Miller said, "You said 'period'. Does the decal get them to park?" Mr. Owens replied, "Yes." Mayor Pro Tem Miller said, "So the decal or the hangtag allows it in the park? I've been there seven years and there are people that use it that don't live there. They'll be able to park there too; you don't have to have a hangtag?" Mr. Owens replied, "No." Mayor Pro Tem Miller said, "So the hangtag really doesn't matter?" Mr. Owens replied, "Right." Mayor Pro Tem Miller said, "So anybody can park there?" Mr. Owens replied, "Yes." Mayor Pro Tem Miller said, "If they are a contractor in the park, number one, make sure you give them a ticket, even if they have a contractor's pass, if they're at the park?" Mr. Owens replied, "We don't allow contractor passes." Mayor Pro Tem Miller asked Mike Edmonds if the problem was people that live in the proximity spending too much time in those parking spots." Mr. Edmonds said the park was full of contractors. Mayor Pro Tem Miller said, "The houses are going to get built and we're going to go back to what we had – and what we had was people who live in proximity parking there 24/7. The other residents deserve the opportunity to use it. What really happens is people come and they go – use their paddleboards and everything else. But two hours is enough time. The fishing people come and they're sitting in the park. They're the only people sitting in the park. The problem is putting your car there and leaving it two days. What we said to the

neighbors is that we're going to try this. Your enforcement issue to me is a different issue than this. This I think we ought to try for one year this season and see how it goes." Mr. Owens said we would put up proper signage as well. Mayor Pro Tem Miller said, "You get two hours in the park. It does not matter if you have a hangtag or decal or not."

Following a brief discussion regarding where you can park with a hangtag, Alderman Dull made the motion to adopt Ordinance No. (2021) 1826. The motion was seconded by Mayor Pro Tem Miller and unanimously approved. Mayor Mills said, "We'll see how this works. The whole thing boils down to enforcement." Mr. Owens said, "What we've got to do is be consistent and make people get contractor passes."

DISCUSS AND CONSIDER THE APPROVAL OF THE REPLACEMENT OF SOUND-SIDE BEACH ACCESS STEPS ON WEST FAYETTEVILLE STREET.

Mr. Owens said, "I was approached by a resident on West Fayetteville Street. The steps down there are not safe. We blocked those off. They would like to proceed with replacing those. I told them that we would do routine maintenance but if they are deteriorated or gone because of a hurricane, then it would be a Board decision whether or not to replace them. The cost is estimated at about \$4,000. We would oversee all of the construction and make sure they are built to our specifications. We've done these before." Mayor Mills asked if there was anything different about this request. Mr. Owens replied, "No, sir. The quote we got was with one of the guys that just did the Oxford steps and these would be built similar to those on Oxford." Alderman Dull said, "I thought we came up with a prototype and improving the prototype to make sure that the specs that we're using to build these steps are consistent. So, as long as it meets that threshold, I'm fine with it." Mr. Owens said, "There are a couple of little things we might try here. On the steps there's a product – a wooden-type material that would be better and allow water to flow through. We'll probably do that on this one. There's less chance for the tide to mess it up." Mayor Pro Tem Miller made the motion to approve the request. The motion was seconded by Alderman DeGroote and unanimously approved.

ALDERMAN DEGROOTE: OTHER ITEMS AND REPORTS.

- Marketing Committee Update: Wrightsville Beach ROT is currently 14.6% for FY2021 through January. The Spring Marketing Campaign launched in February. Given the current research, people are most comfortable visiting beaches during COVID. There is a new Tourism Website. If anybody is interested, there's a tourism webinar to be held in May – probably during the National Tourism Week which is May 3-7.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- Report from the Bicycle Committee (Mayor Pro Tem Miller, Former Mayor Bill Blair and Former Mayor David Cignotti) should be ready by June

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- Alderman Partin did not participate in the virtual call with the Cape Fear Council of Governments to discuss the American Rescue Plan.

Mr. Owens said, “There is still a lot of uncertainty how it can be spent and what you can spend it on. We will probably get half of it in a month and another half down the road. We’ve got until 2024 to spend it.”

ALDERMAN DULL: OTHER ITEMS AND REPORTS.

- TDA had a meeting last week. The Town’s request for reimbursement money was approved. We’re a little ahead of schedule on TDA funds.
- Kim Little just got married. I pointed out to her that our old LOGO is on the new website that just came out. I explained that that is not our LOGO any more. I would also ask the Town Manager to remind them when he gets a chance.

MAYOR MILLS: OTHER ITEMS AND REPORTS.

- Ports, Waterway and Beach Commission will meet next week.
- I had a conversation with our Congressman and he gave me some encouraging news but nothing to take to the bank relative to funding. He believes significant progress has been made to get us back on the program but there’s nothing official on file about that.

MR. OWENS: OTHER ITEMS AND REPORTS.

- The bathrooms and the boardwalk at the Trolley Stop are being completed. They’re a little behind schedule. We stressed to them that they need to catch up. May 17th was the target date for them to finish. Alderman Dull asked if we could, once they get the major stuff done, move that barrier so we could get our parking back. Mr. Owens replied, “We may get two or three spaces.” Mayor Pro Tem Miller asked if there was a possibility of reopening the bathrooms we had before. Mr. Owens replied, “No. Those have been demo’d.” I’ve looked at other options but they’re expensive.
- The other projects we’re working on is Myrtle Court; we’re progressing on that. Channel and Sweeney is nearing completion. Now we’re focusing on engineering and those types of things and bidding those out. Keel bulkhead is nearing completion as well. Coral Drive – we’re waiting on the state to give us the green light on funding, then we can bid that out and move forward on that.
- Fire Department Lieutenant Mike Garner (retired) passed away on April 6th. There will be a ceremony tomorrow at 11:00 a.m. in front of the Public Safety Building.
- Street End at South Live Oak: No update yet. They were asked to give us a couple of weeks’ notice so we can do the riprap.

CLOSED SESSION FOR ATTORNEY-CLIENT PRIVILEGED DISCUSSION PURSUANT TO G.S. 143.318.11.

Mr. Edes requested a brief Closed Session pursuant to G.S. 143.318.11 to consult with the Town Attorney and preserve the attorney/client privilege with regard to pending litigation with Shell Island HOA v. the Town of Wrightsville Beach and W.B. Watermen LLC v. the Town of Wrightsville Beach.

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Mayor Pro Tem Miller made the motion to go into Closed Session at 6:19 p.m. pursuant to G.S. 143.318-11 for the reasons stated by Mr. Edes. The motion was seconded by Alderman Partin and unanimously approved.

MEETING RECONVENED.

Mayor Mills reconvened the Regular Meeting at 6:44 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 6:45 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk