

MINUTES
BOARD OF ALDERMEN
MAY 9, 2019

Mayor Blair called the meeting to order at 6:00 p.m. in the Town Hall Council Chambers.

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

Absent: Alderman Ken Dull and Town Attorney John C. Wessell III due to scheduling conflicts.

Pledge of Allegiance

Invocation by Associate Pastor Christina Turner, Wrightsville United Methodist Church.

PUBLIC COMMENTS: TYLER GEORGE, SUNSCREEN PROJECT; SKIPPER FUNDERBURG, SURFING HISTORY; AND TOM CONLEY, CONSTRUCTION OF A DUPLEX.

Mr. Tyler George asked to speak about a Sunscreen Project Proposal. He expressed concern with the number of people affected by skin cancer and said there was something we as a community could do to combat it. He said, "I was an Eagle Scout; graduated from New Hanover High School; went to college and was named lifeguard of the year. I want to bring to your attention a major health concern – the most commonly diagnosed cancer in the US. It is preventable but people lack a general awareness of exposure. UV rays are reflected and intensified by sand and water. We need constant reminders and easy access to sun protection. In 2014, the EPA required warnings. We know sun exposure causes skin cancer. I am proposing a partnership with a local dermatologist and Bright Guard dispensers. I would like to place these around Wrightsville Beach. Their success is proven in states across the US. The dispenser has a thoughtful design and is flexible for any environment with battery powered pumps and refillable pouches. I propose to partner with local stakeholders to pay for it. Polka Dot Mama and the Wilmington Dermatology Center have expressed interest in providing free sunscreen to the public. I want to generate buy-in from stakeholders. The project will require research and everyone's input. With further discussion, I'm confident Wrightsville Beach can be a leader." Mayor Blair thanked Mr. George for his presentation and suggested that he bring this material to the Town Manager and let him figure out the best way.

Mr. Skipper Funderburg spoke about the surfing history at Wrightsville Beach and our history with the whale oil industry. He said it was his hope that these things could be included in a tourism book at some point. He also noted that the State had previously given the Town a marker to designate the Town's place in America's surfing history.

Mr. Tom Conley, 716 South Lumina Avenue, said, "I have an existing house at 716 South Lumina Avenue. I was given verbal approval to build a duplex. I am requesting that the Board let me build the first structure. I sent a letter last August saying I'm not going to sue the Town. I thought I had approval. Their concern was having two structures on the lot at the same time. I put another letter together today with the timeline. I also sent an email to a couple of people on the Board." Mayor Blair said, "We can't really answer your question." Mr. Owens said, "The Board has to approve it first. We can put it on an upcoming agenda if the Board would like. Our concern would be having two structures on the lot at the same time." Mayor Blair suggested taking his request to Mr. Wessell to see if it can be done by code. Mr. Owens replied, "We have. We will talk about it." Mayor Blair said this was not the forum. Mayor Pro Tem Mills explained that the Board could not take action at this time. Mr. Conley said, "I have it all laid out. No problem."

REQUEST TO AMEND THE CONSENT AGENDA.

Mr. Owens requested to amend the Consent Agenda by adding an item to set a public hearing for the Board of Adjustment for 72 Pelican Drive for consideration of the interpretation of the Zoning Ordinance. Mayor Pro Tem Mills made the motion to add an Item F to the Consent Agenda to set a public hearing for the Board of Adjustment on June 27, 2019 at 5:00 p.m. for consideration of an appeal of the interpretation of the Zoning Ordinance for 72 Pelican Drive. The motion was seconded by Alderman Miller and approved with a 4-0 vote.

AMENDED CONSENT AGENDA APPROVED WITH A 4-0 VOTE BY MOTION OF MAYOR BLAIR AND SECOND BY ALDERMAN MILLER.

- a. Acknowledged previously approved special events for June.
- b. Acknowledged departmental quarterly reports covering the months of January, February and March, 2019 with the exception of the General Administration Department.
- c. Adopted Resolution No. (2019) 2153 approving the official depositories for the Town and those that can sign on behalf of the Town for financial transactions.
- d. Adopted Budget Ordinance No. (2019) 507-B to recognize the following donations in the Parks and Recreation Department: 1) \$990 for Harbor Way Garden Swing; 2) \$1,000 to help fund the Easter Egg Hunt; and 3) \$253 for Pickleball Supplies.
- e. Approved revised 2019 Board of Adjustment Meeting Schedule to cancel the May 23rd meeting.
- f. Set public hearing for Thursday, June 27, 2019 at 5:00 p.m., or as soon thereafter as possible, for consideration by the Board of Adjustment of an appeal of the interpretation of the Zoning Ordinance for 72 Pelican Drive.

PUBLIC HEARING FOR CONSIDERATION OF A TEXT AMENDMENT TO SECTION 155.8.9 EXPANSION OR ENLARGEMENT SINGLE FAMILY/DUPLEX SUBMITTED BY MR. JERRY OATES FOR A HOUSE AT THE WATER STREET ELEVATION PROJECT.

Planning and Parks Director Tony Wilson gave the following overview: “The Town applied for and received elevation grants to elevate three properties. Two of the properties chose to withdraw from the program and the property located at 9 Water Street accepted the 100% grant to elevate. On March 27, 2019, the Planning and Inspections Department received a Text Amendment Application from Jerry and Cindy Oates for a text amendment to Chapter 155.8.9 Expansion or Enlargement for Single Family and Duplex Structures to allow an existing single family or duplex structure to be elevated to meet the regulatory flood height and in the same footprint with additions. The structure at 9 Water Street was built in 1947. The site consists of a 900 square-foot, one-story cottage with 378 square feet of deck area. The property is approximately 3,000 square feet (60' x 50'). The existing structure is nonconforming to the front and side setbacks and to the Flood Requirements. It is elevated out of flood now. It will be elevated with additions in the same footprint with new steps on the Water Street side for egress and parking will be provided under the elevated structure. The proposal will meet height and Floor Area Ratio (FAR). The maximum building area is 2,100 square feet for the structure and 525 square feet of deck area. There are properties in the Town that have situations that would be applicable to this text amendment. This text amendment would apply only to properties in the R-1 and R-2 Zoning Districts that elevate an existing structure to meet current flood requirements. The structure must be located on a

‘through lot’ that is no greater than 5,000 square feet in area. Such expansion or enlargement must bring the single-family residence or duplex into full compliance with Regulatory Flood Protection Elevation Requirements. Such expansion or enlargement shall be permitted only where the resulting separation between adjacent structures is no less than ten feet. Once the structure is expanded or enlarged, it must comply with the FAR as set forth in Section 155.7.17. The extent of any building setback nonconformities shall not be increased, subject to the following exception: one new staircase required for access to the elevated single-family residence or duplex may be constructed within and encroach into any applicable setback provided the new staircase is located no closer than the property line. The steps will be no closer than five feet to the property line on Water Street. This text amendment is consistent with CAMA Land Use Plan Policies 9.1.A.7 and 9.1.A.11. The Planning Board voted 7-0 to forward a favorable recommendation to the Board of Aldermen with the associated Statement of Consistency. They wanted the Fire Chief to review. He did and he is okay with it. They wanted to know what other lots it would apply to. It could apply to some lots in the Greensboro Street area. They had some question about the same footprint. It will not be increased on the north side with steps. Staff recommends approval of Ordinance No. (2019) 1786 and the Statement of Consistency.”

Attorney Matt Nichols, representing the applicants, said, “9 Water Street is a through lot. The previous property built in the late 40s was ground level and small. (He showed pictures of the property from different views to show the extent of work that had been done and the extent of the elevation of the structure.) I took these pictures today to give you an idea of what is happening. The house was raised to comply with elevation requirements.” Mr. Nichols showed the current proposed plan and said, “It will stay within the same footprint – except for the steps required to get to the other floor and that will be five feet from the property line. The footprint is essentially the same as it was. It would comply with all Floor Area Ratio requirements and height requirements and would not extend any more into the setbacks than it already did. I included the floor plan to show what is happening. The second floor will be added. I emphasize the limited and narrow scope of this request – only through lots and specific requirements. Only to single family or duplex residences. It has to be on a through lot no greater than 5,000 square feet in area. The property has to be brought up to full compliance with flood regulations. It is beneficial to the Town for the Town’s flood rating. It will still maintain the ten-foot requirement between buildings. It will not increase any setback requirements with the exception of the stairs. I think there are a number of benefits to this. The key one is enhancing and promoting the goals of the Town’s flood prevention ordinance. This is very narrow in scope.”

Mayor Blair opened the public hearing at 6:30 p.m.

Mr. John Beachley, builder for the Oates, said, “I’ve been involved in FEMA and Holland Consulting with three different towns with elevation projects. Every time they approve homes to be elevated, a lot of times folks drop out of the program. It is a benefit to the Town to have these out of the flood zone. It increases the Town’s flood rating. We took a crowd from the flood conference down to see the project. I want to speak in favor of allowing them to maximize the use of their property and encourage others to do the same in the future. I am looking at three more to elevate with private money.”

Hearing no further input from the public, Mayor Blair closed hearing at 6:38 p.m.

When Alderman King asked about the steps and the footprint, Mr. Owens replied, “We are adding another floor in the same footprint. There are no old steps. The footprint for the house will not be expanded. The steps will only be five feet from the property line.”

Mayor Blair said, “This Board has taken the approach of encouraging folks to take advantage of this program. It does benefit the Town with fewer claims and a better rating. I think it is a project worth merit. It is kind of unique and very well done. Just trying to be consistent with the way we have done other houses to be within the footprint.” Mayor Pro Tem Mills said, “I agree 100%. It is a huge improvement. We need more of these.” Alderman Miller said, “I’m trying to think of other places – Lagoon, Greensboro and this one.” Mayor Pro Tem Mills said, “Seagull in theory.” Alderman King said, “There is enough criteria to restrict.” Alderman Miller said, “I only see good coming from this with no unintended consequences.” He then made the motion to adopt Ordinance No. (2019) 1786 with the Statement of Consistency to amend Section 155.8.9 Expansion or Enlargement; Single Family/Duplex. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

PUBLIC HEARING ON THE INTENT TO CLOSE A PORTION OF THE OLD TIDE WATER POWER COMPANY RIGHT OF WAY AND A PORTION OF SOUTH LUMINA AVENUE LOCATED WEST AND SOUTH OF WINGS IN WRIGHTSVILLE BEACH.

Mr. Owens said, “Staff would like to continue this public hearing to the June meeting when the Town Attorney will be present. The road closure is in preparation of constructing restrooms in the downtown area.” Alderman Miller made the motion to continue the public hearing to Wednesday, June 5, 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 approved with a 4-0 vote.

APPROVAL OF CAROLINA CIVIL WORKS AS THE LOWEST MOST RESPONSIBLE BIDDER; CONSIDERATION OF ADOPTING RESOLUTION NO. (2019) 2155 APPROVING A CONTRACT WITH CAROLINA CIVIL WORKS FOR IMPROVEMENTS TO LIFT STATION 4; AND CONSIDERATION OF ADOPTING BUDGET ORDINANCE NO. (2019) 508-B TO AMEND THE FY2018/19 BUDGET TO ACCOUNT FOR THE PROJECT.

Mr. Owens said, “The Town recently received bids to make improvements to Lift Station #4 (bid tabulations listed below). Carolina Civil Works was lowest responsible bidder at \$440,605. In the FY18/19 Budget, the Town set aside \$350,000 for the project. The Budget will need to be amended to \$450,000. The additional \$100,000 will come from the Water and Sewer Reserve Account. The Budget Amendment will be a project ordinance so that the project can cross budget years. I’m asking the Board to adopt a Resolution approving a contract with Carolina Civil Works with execution of the contract to occur following review by the Town Attorney. I’m also asking the Board to adopt a Project Ordinance in the amount of \$450,000 for the construction of LS4.”

A. C. Schultes of Carolina, Inc.	Carolina Civil Works Inc.	State Utility Contractors, Inc.	Water and Waste Systems Construction, Inc.
\$460,424	\$440,605	\$658,780	\$493,000

Mayor Blair made the motion to adopt Resolution No. (2019) 2155 approving a contract with Carolina Civil Works for construction work done to LS4 following review by the Town Attorney. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote. Mayor Blair then made the motion to adopt Budget Ordinance No. (2019) 508-B (Project Ordinance) in the amount of \$450,000 for the construction of LS4 improvements. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

ORDINANCE NO. (2019) 1785 TO AMEND CHAPTER 90 AND CHAPTER 92 OF THE CODE OF ORDINANCES TO ADDRESS ABANDONED VESSELS.

Mr. Owens said, “The Town is monitoring vessels in the waterways around the Town. Staff created a pamphlet regarding regulations related to vessels in the waters surrounding the Town. They will also install two signs at Wynn Plaza detailing the NDZ and anchorage regulations. The proposed ordinance sets out procedures and processes to tow abandoned boats and ultimately dispose of them. In the event we have a boat that is an issue, Staff could bring the item to the Board to determine if the Town wanted to accept the financial responsibility and any liability with removing the boat from the waters surrounding the Town.” Mayor Blair asked how we were doing with the tracking. Mr. Owens replied, “We are going out weekly and monitoring. There are a couple out there. I told them to let me know in week three so we could act. We are handing out flyers as well.” Mayor Pro Tem Mills said, “If the issue is that they are out there over 30 days, what is the significance of 180 days?” Alderman King said, “They could come twice a year.” Mayor Pro Tem Mills said, “I want it to be as tight as possible. Is this what Mr. Wessell recommended?” Mr. Owens replied, “That 180-day timeframe was already in there. It is part of the abandoned vehicle ordinance.” Alderman King made the motion to adopt Ordinance No. (2019) 1785 to amend Chapters 90 and 92 of the Code of Ordinances to address abandoned vessels. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

CONSIDERATION OF APPROVING MOVING FORWARD WITH THE REPLACEMENT OF A STORM WATER PIPE LOCATED BETWEEN CYPRESS COURT AND MYRTLE COURT; CONSIDERATION OF ADOPTING RESOLUTION NO. (2019) 2156.

Mr. Owens said, “We have received some concerns from residents on Cypress Court regarding the Town’s drainage system in the street. The Town received several quotes with the lowest responsible bidder being Honeycutt Construction Services in the amount of \$16,500. The estimated total cost of the project will be \$26,500, which includes \$10,000 additional for materials related to work the Town will do. This project was not budgeted in the current budget year. The contractor will only be completing the work within the right of way. We will use existing funds so no budget amendment will be needed. We also want to take care of a pipe under Jasmine. Public Works will do the work.” Mayor Pro Tem Mills made the motion to adopt Resolution No. (2019) 2156 approving a contract with Honeycutt Construction Services to complete drainage work within the Cypress Court right-of-way. The motion was seconded by Alderman Miller and approved with a 4-0 vote.

RESOLUTION NO. (2019) 2157 TO EXEMPT THE TOWN FROM NCGS 143-64.31 FOR SURVEYING AND ENGINEERING WORK ASSOCIATED WITH EAST ASHEVILLE AND NORTH CHANNEL STORMWATER RETENTION SITE.

Mr. Owens said, “At the Retreat and at a recent budget meeting, the Board discussed the need to improve the storm water retention areas for East Salisbury and North Channel. Public Works tried to clean out the catch basin but it did not improve. This type of improvement will likely need the assistance of a design professional and surveying. The proposed Resolution would exempt the Town from NCGS 143-64.31 that requires the Town to follow through with an RFQ process for engineering and surveying.” Mayor Pro Tem Mills made the motion to adopt Resolution No. (2019) 2157 to exempt the Town from NCGS 143-64.31 for surveying and engineering work associated with East Asheville and North Channel Stormwater Retention Site. The motion was seconded by Alderman Miller and approved with a 4-0 vote.

RESOLUTION NO. (2019) 2158 TO EXEMPT THE TOWN FROM NCGS 143-64.31 FOR SURVEYING FOR FLOOD ELEVATION CERTIFICATES FOR TOWN BUILDINGS.

Mr. Owens said, “The Town has fifteen flood insurance policies with premiums averaging around \$61,163 for FY18/19. Given the new flood changes and based on discussions with our agent, I believe there may be some cost savings associated with the Town’s policies if we get elevation certificates and submit them to the carrier. The proposed Resolution would exempt the Town from having to go through the RFQ process. We have some money in the Planning budget to do this type of work. It will save at least \$5,000 a year.” Alderman Miller made the motion to adopt Resolution No. (2019) 2158 to exempt the Town from NCGS 143-64.31 for surveying for flood elevation certificates for Town buildings. The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

INTRODUCTION OF NEW FINANCE OFFICER MELISSA NORTON.

Mr. Owens introduced Melissa Norton as the Town’s new Finance Officer. The Board welcomed Mrs. Norton to the Town.

UPDATE ON FY19/20 BUDGET PROCESS AND SET PUBLIC HEARING DATE FOR THE FY2019/20 BUDGET.

Mayor Blair asked Mr. Owens if he could send the Board his rendition of how he came to the numbers in the budget so they could review them. Mr. Owens said, “You will receive the draft budget by May 24th. Health insurance is left to be determined. We may have to meet before the June meeting.” Mayor Blair said, “As a consideration on the budget process, the Salisbury Park \$300,000 contribution – to keep it level, I would like to do that in two budgets – \$150,000 this year and \$150,000 next year.” Mr. Owens replied, “We already have \$300,000 set aside in the budget.” Mayor Blair said, “Only County money is not square.” Mr. Owens said, “It: will be a reimbursement process. We are also applying for an STPDA grant and that may change the timeline. The grant application has to be in by July 7th. It will be on the June agenda (\$700,000).” Following a brief discussion regarding the need to set a public hearing, Mayor Blair made the motion to set the public hearing for the FY2019/20 Budget for Wednesday, June 5, 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 approved with a 4-0 vote.

REQUEST TO MOVE PLANNING BOARD MEETINGS TO 5:30 P.M.

Mr. Owens said the Planning Board would like to move their meetings to 5:30 p.m. Alderman Miller said, “So moved.” The motion was seconded by Mayor Pro Tem Mills and approved with a 4-0 vote.

MAYOR BLAIR: OTHER ITEMS AND REPORTS

- We had the first meeting today of the Salisbury Street Ocean Access Park Ad Hoc Committee. Paramounte was there and we reviewed the project and the organized scope. Any additions, deletions or changes will be discussed by the Committee and come back to the Board. Alderman Dull is the Chairman.
- We had an interesting group at the Holiday Inn with the National Floodplain folks. I hope they keep coming back.

ALDERMAN MILLER: OTHER ITEMS AND REPORTS

- MPO meeting. Everybody was talking about where the new bridge will go over the river.

MAYOR PRO TEM MILLS: OTHER ITEMS AND REPORTS

- Last weekend, I got a number of calls from folks trying to give us money but meters were not functioning on Jack Parker. I called Scott Diggs and he immediately got someone down there and the issue was resolved. Very responsive. Some other indications were that enforcement from Lanier needs to be pushed a little.
- Ports Waterway met yesterday. No action taken but a lot of information given to us. They focused on Carolina Beach and Kure Beach. Our situation is that we want sand out of the COBRA area at a reduced cost. There are some issues there. Representatives were there from Senator Tillis' and Congressman Rouzer's offices. It is an ongoing struggle with no simple answer. I will keep you posted.

MR. OWENS: OTHER ITEMS AND REPORTS

- NCDOT did a bridge study. There will be a public hearing from 4-7 p.m. on May 23rd to roll out their recommendations. I have some concerns with some of the designs – like a roundabout at the base of the bridge. The draft plan is on their website. Alderman Miller expressed the need to get that information out. Mr. Owens said the meeting would be in the Fran Russ Recreation Center and they would be sending out mailers.

Alderman Miller said there had been a lot of discussion about the HAWK light. He said it would help if Terry Lane (Lumina News) could get the word out for people to look both ways if they are in the road. Mr. Owens said, "We will do a PR type thing and get the Chief on the different outlets."

MS. HOLLEMAN: OTHER ITEMS AND REPORTS

- Congratulations to Planning and Parks Director Tony Wilson on the upcoming wedding of his daughter Allie to Glenn Hartzog.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:05 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk