

MINUTES  
BOARD OF ALDERMEN  
JULY 10, 2019

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

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 Rev. Pat Rabun, Little Chapel on the Boardwalk

**PUBLIC COMMENTS: SUE BULLUCK – URGING PEOPLE TO RESPOND TO THE CORPS’ VALIDATION REPORT.**

Ms. Sue Bulluck, speaking for the Chamber as a follow up to the April 26<sup>th</sup> meeting with the Corps, said, “We have a deadline for comment on the feasibility and economic viability of our long-term federal contract for beach reconstruction. The deadline for comment is the 26<sup>th</sup> of July. The Chamber is putting together a letter of support from the business folks. Some of our businesses are writing independent letters. I’ve met with Layton Bedsole and Dennis Barber and talked to the county because we have a joint strategy in which we need to take part with your blessing or from you as the Town. On the transportation and water committees on the congressional level, we have no representation from North Carolina. All of the members are from states afar. Today, our Representative Rouser gave great testimony in terms of getting some seeds in for both Wrightsville Beach and Carolina Beach into the next WARTA writing. However, our comment period allows us the opportunity to reach out to property owners from other states who have property in New Hanover County and more specifically, in Wrightsville Beach, who are also voters in other states and clients and members of those other states’ representatives who are on the committee. So, we are requesting a printout, or ask you to request a printout, it needs to probably live with the Town, pulling all of our property owners who are outside of North Carolina. I don’t care if North Carolina is included but I’m really after those outside of North Carolina. We then match those by district to those sitting on the committees and congressional committees and we reach out to those people to ask them to mention to their representatives and to their senators to support this. It’s a mechanism by which constituents speak to their elected officials. So, the message not only comes from the governmental agencies and towns requesting it, but in this 18-month cycle, having comments and support from constituents is going to be important. So, I would like to ask for your support in working with Tim getting that list. It won’t probably help in this round; our records will be timely for this round of comment. But, this is a big one because these comments are what is going to guide the congressional committees in transportation and water as to whether they renew – first of all whether they up our 902 cap so that we get full money in 2022, but more importantly, whether they expand and extend our contract to 2036. We all need to be looking toward that date and getting this renewed. That’s our pitch from the Chamber. We’re little but we hope to have more clout than just our numbers.” Mayor Blair thanked Ms. Bulluck for her comments and asked Mr. Owens if he would work with her to get the list of property owners who reside outside of North Carolina.

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

- a. Approved Special Meeting Minutes of November 8, 2018, Special Meeting Minutes of November 27, 2018, Parking Workshop Minutes of December 13, 2018, Regular and Closed Session Minutes of December 13, 2018, and Special Meeting Minutes of December 18, 2018.

- b. Approved special event permits as follows:
  1. Sunrise Wedding - Shellhaas (*25 participants*)  
Thursday, August 1, 2019 (*6:00 – 7:00 am*)  
Location: Beach Access #1 (*North Side of Shell Island Resort*)
  2. Surfers Healing (Surfing Experience for individuals with Autism)  
Monday-Tuesday, August 19-20, 2019 (*6:30 am – 4:30 p.m.*)  
Location: Between Birmingham and Stone Streets  
Participants: approximately 800 on day 1 and 300 on day 2  
\*\*\* Recurring Event
  3. ESA-SNC Surf Competition (approximately 100 participants)  
Saturday, October 5, 2019 (*8:00 am – 6:00 p.m.*)  
Location: Between Access 38 and 39 (South Side of Oceanic Pier)  
\*\*\* Recurring Event
- c. Acknowledged previously approved special events for August.
- d. Adopted Resolution No. (2019) 2163 adopting the 2019 Hurricane Operations Plan.
- e. Approved the disposal of Town vehicles and equipment using GovDeals.
- f. Approved revised 2019 Board of Adjustment Meeting Schedule to cancel the July 25<sup>th</sup> meeting.

**CONSIDERATION OF SPECIAL EVENT PERMIT APPLICATION FOR THE WRIGHTSVILLE BEACH MARATHON ON SATURDAY, MARCH 21, 2020.**

Recreation Program Supervisor Katie Ryan said, “This is a special event permit application from Tom Clifford for the Wrightsville Beach Marathon. The 2020 race will be the eleventh year. This year, they would like to change their route, which actually they would like to start either on East Salisbury Street or West Salisbury Street and the Johnnie Mercer’s Pier area, depending on what construction might be underway with the Salisbury Street Project. It will have less impact in 2020 than it has in previous years because we would be shutting down Salisbury Street only from about 6:30 a.m. and then we would open that up after the runners got through North Lumina. Then they would go off the island and wouldn’t return, whereas in the past, they would return. So, it would be about an hour-and-a-half impact on traffic.” Alderman Miller asked where the event normally starts. Ms. Ryan replied, “It normally starts in the park and then they go down Salisbury Street and around. They’ll still go around this way but we had to shorten it because of the construction downtown. It’s such a long course and they have all kinds of obstacles that they run into in Wilmington.” Alderman Miller said, “The only reason you’re bringing it to us is because he’s changing the starting place but nothing else?” Ms. Ryan replied, “Changing locations, the numbers, and it’s a road closure.” Mr. Owens said, “We are going to be in construction shortly on East Salisbury.” Alderman Miller said, “I don’t have a problem with you bringing it but I want to make sure they’re not changing the dates – it’s all the same except for the starting course?” Ms. Ryan replied, “Just the course, yes.” Either way, they would be going through that construction area.” Mr. Owens said, “We just don’t know how far along they’re going to be on East Salisbury and whether or not it should be on West Salisbury.” Alderman Miller asked if both sides would be torn up. Mr. Owens replied, “Not if we get the STP-DA grant because we would have to do the west side later.” Mayor Blair said, “I think we need to be smart about this because this is a big event but I wouldn’t be willing to slow up the Salisbury Street Project. Our window for construction is not very big.” Alderman Dull said, “Where is the construction they are trying to avoid?” Alderman Miller replied, “Downtown in Wilmington.”

Ms. Ryan said, “Their course has changed considerably this time.” Alderman Dull said, “I just don’t understand why they can’t do something else right here on the beach that would still work so when they cross the bridge, they could still get their 26.2 miles or whatever.” Ms. Ryan said, “They would have to make up the difference similar to if they started maybe at Stone Street, or whatever. They would have to adjust that somewhere else.” Mayor Blair said, “I just know that if we’re under construction, we surely wouldn’t want to do all of that because I don’t know how you would do all of that. You’re on the committee so you’ll know where we are. I would make it all contingent on where we are with construction.” Ms. Ryan noted that they were also trying to highlight Wrightsville Beach so they would love to start out on the beach strand. Alderman Dull suggested going down to Shell Island. Mayor Blair said, “Just let Tom know that we’re not opposed other than Salisbury Street is barred. Put that contingency in there.” Ms. Ryan said, “He knows about the construction.” Alderman Dull made the motion to approve the event with Mr. Clifford knowing that we might be under construction.” The motion was seconded by Alderman Miller and unanimously approved.

**RESOLUTION NO. (2019) 2169 ADOPTING COMMEMORATIVE BENCH PROGRAM GUIDELINES.**

Mr. Owens said, “A couple of years ago, we stopped doing these commemorative benches mainly because they were getting covered up and some of them were starting to deteriorate and nobody was really maintaining them. We’ve had some requests to do additional commemorative benches. Before you are two design options. We want them to be uniform in color with an inscription. Option One would allow the donor to purchase the bench and we would install it. We would make no assurances that it is always going to be there. Option Two would be for the Town to take on the program and continue to maintain them and keep them out there. We think it will cost about five hundred dollars a bench and we would probably need about twenty-five to thirty of those. I talked to CAMA today and they are going to allow these benches sort of in the context of sand fencing. Also, Katie came up with a donor agreement that spells out the terms and a list of locations showing the ones that are available. If we choose Option One, they would come to the Board and you would approve them. They would go out and build them to our specs and we would install them.” Mayor Pro Tem Mills asked if any TDA money was available for this. Mayor Blair said that might be something we could look at. Alderman Dull noted that we had some holdover money. Mayor Blair said he would look into it with the TDA because there were a lot of older ladies that walk out there and just sit on the benches and not go on the sand. Alderman Dull expressed concern with putting a street name on them because people would steal those. He said, “I’d like to make a motion to go with Option Two and that we will explore where we will find the money to do it.” Mayor Pro Tem Mills said, “I will amend your motion, if you don’t mind, to include the option of people if they want to donate, that we would allow it. I don’t want this to become an ongoing beach expense year after year.” A brief discussion developed regarding the number of benches, the need for uniform bench and sign designs, and the possibility of getting TDA money and being reimbursed. Alderman Dull said, “My motion is Option Two; that the Town would put them all in and maintain them; as long as the funds are available; and whatever we think one bench costs, if somebody wants to pay that amount of money to put a plaque that is consistent on all benches that would mount on the back of a bench, they could pay us for that and that money would go into the maintenance and upkeep of current benches and replacements.” Mr. Owens asked if the Board wanted to limit the number of years where it is solely for those folks.

Alderman Miller expressed the need to do like we did with the lifeguard stands. Mr. Owens said the lifeguard stands were for five years. Alderman Miller said then they would get the first option to renew. Alderman Dull amended his motion to say the benches would be for five years and the program would not be for commercial signs. The motion was seconded by Alderman Miller and unanimously approved.

**RESOLUTION NO. (2019) 2168 ACCEPTING \$5,000 NCLM SAFETY GRANT FOR INSTALLATION OF A SECURITY CAMERA FOR PUBLIC WORKS WATER AND SEWER.**

Mr. Owens said, “We have a grant allocated to us and we would like to install some additional cameras with that grant. The project also gets us in a position to better serve the north end if we ever chose to put cameras at any of those accesses up there. This would be a camera on Elevated Tank #1 and Well #2.” Information Technology Manager Raquel Ivins said, “The main idea is to put the infrastructure on the north end that faces north for the public facilities that are down there.” Mr. Owens said, “This is a \$5,000 grant and we have to match the grant. The total remaining will come out of the Public Works budget of \$10,646.” Mayor Blair made the motion to adopt Resolution No. (2019) 2168. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**RESOLUTION NO. (2019) 2164 APPROVING A TRAFFIC REVIEW AND INSPECTION AGREEMENT WITH THE NC DEPARTMENT OF TRANSPORTATION FOR SIGNAL PLAN AND EQUIPMENT MODIFICATIONS AT US 74 (SALISBURY STREET) AND US 74/SR1452 (LUMINA AVENUE).**

Mr. Owens said, “We have to work with the NCDOT to do a signal plan. This would not pay for the new sensors and the changing of the light. We’d have to pay for that with the streetscape project. This gets us engineering. This is part of our overall project.” Alderman Miller made the motion to adopt Resolution No. (2019) 2164. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**RESOLUTION NO. (2019) 2165 APPROVING A SPECIAL CONSTRUCTION AGREEMENT WITH AT&T TO REMOVE ALL COPPER AND FIBER AERIAL FACILITIES FROM NORTH LUMINA AVENUE TO THE END OF EAST SALISBURY STREET FOR THE EAST SALISBURY STREET BEAUTIFICATION PROJECT.**

Mr. Owens said, “This is for AT&T to go underground. John Wessell will review the contract. We asked for a couple of changes today to add the finance officer’s certification and the E-Verify.” Mayor Pro Tem Mills made the motion to adopt Resolution No. (2019) 2165 subject to Mr. Wessell’s review. The motion was seconded by Alderman Miller and unanimously approved.

**RESOLUTION NO. (2019) 2166 APPROVING A CONSTRUCTION AGREEMENT WITH DUKE ENERGY PROGRESS FOR OVERHEAD/UNDERGROUND CONVERSION ON EAST SALISBURY STREET FROM NORTH LUMINA AVENUE TO JOHNNIE MERCER’S PIER FOR THE EAST SALISBURY STREET BEAUTIFICATION PROJECT.**

Mr. Owens said, “We got a quote to do east and west and it was \$875,000. To do the east side is \$101,227.82 and that does include the guidewires. We’re not going underground utilities. It will look a lot nicer without the guidewires.” Alderman Miller said, “So, the east side is going to be buried. The west side on the south side is not.” Mr. Owens said, “It will remain the same except for those guidewires.” Alderman Dull said, “Is this because of the high powered lines coming over the bridge right there?” He asked if we could get more decorative than just using creosote poles.”

Mr. Owens said there were probably options with concrete poles and he would ask that question. Mayor Blair made the motion to adopt Resolution No. (2019) 2166. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**RESOLUTION NO. (2019) 2167 DECLARING THE BOARD'S INTENT TO CLOSE A PORTION OF SOUTH LUMINA AVENUE IMMEDIATELY SOUTH OF THE CAROLINA YACHT CLUB.**

Mr. Owens said, "We have been working on this for quite some time. There is a process to go through in the General Statutes to close a roadway. We would retain an easement across that property in case we ever want to open South Lumina Avenue." Mr. Wessell said, "Jonathan Washburn is here representing the Carolina Yacht Club if you have any questions for him. This is, in my view, a good deal for the Yacht Club and it's a good deal for the Town, too. Not only do they get the street closed, they're trying to regulate access into their parking lot. We are restructuring the easements across their property to try to make more sense of this. We've spent a lot of time going through this. Assuming you approve this resolution, when you consider it in August, we will take time to go through this easement in depth so you'll understand what it says. I think it is a good arrangement for both parties. The only property owner who would arguably be directly affected would be Elizabeth (King). It is worth considering. All you are doing tonight is saying you are considering closing the street and you will hold a public hearing in August. At that time, you can adopt an Order closing the street if you choose to do so." Alderman Miller made the motion to adopt Resolution No. (2019) 2167. The motion was seconded by Alderman Dull and unanimously approved.

**RESOLUTION NO. (2019) 2170 AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS 910 OLD MACCUMBER STATION ROAD (PARCEL NO. R05100-003-001-002) BY UPSET BID PROCESS IN ACCORDANCE WITH NCGS 160A-129.**

Mr. Owens said, "This is the landfill property that we own across the bridge. The state will soon be cleaning this property up for the Town. We've had an offer of \$1,050,000. They submitted the bid deposit of 5%, which was \$52,500 and they will submit another \$52,500 after an agreement is signed if they are the high bidder. There is a process we have to go through to sell property and that is the upset bid process. If they back out, then the deposit is money that the Town gets to keep. If we back out, we will return that amount." Mr. Wessell said, "With the upset bid process, you go on until you get a high bidder. We talked about this contract at the last meeting and there were a number of issues in there that I had concerns about. They have removed virtually all of those things that I had concerns about. There were some representations they asked us to make regarding the status of the property. We are not making any representations. The only thing we're saying is that we have knowledge of the contamination that we know of through the various reports that have been given to us. Beyond that, we don't know of any other contamination. We're not aware of any lawsuits that have been filed against us. The only action we've got is the action that the state has – they really haven't taken any action but they've indicated to us that there are issues with the property. Beyond that, there is not a lot that we are representing other than we own the property." Mr. Owens reviewed the advertising requirements in the upset bid process. Mr. Wessell said, "You run the advertisement in the newspaper. Then anybody has ten days in which to file an upset bid. It is important to understand that you are not approving a contract tonight. We are not going to consider a contract until we have a high bidder. Once we have a high bidder, if it's the same group, we may very well adopt this that they've proposed. And you retain throughout this process the

ability to back out of this thing at any time and for any reason. You can't keep the money in that circumstance. All you're saying tonight is that you're going to consider a sale of this property, and we have an offer, and we're going to put that offer out there to see if anybody raises it. If somebody raises it, then we'll consider talking to that person." Alderman Dull made the motion to adopt Resolution No. (2019) 2170. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

#### **UPDATE ON THE TOWN RECEIVING WATER FROM CFPUA.**

Public Works Director Bill Squires said, "We recently entered into an agreement with CFPUA to purchase water under a short-term mutual aid bulk water rate that was negotiated by this Board. To do that, we had to make some alterations to our existing system. They have been completed and operational tasking is completed. We actually began buying water from them on June 15<sup>th</sup>. We have monitored the water quality and chemistry and have not noticed any significant difference. I'll remind you that it is not an open spigot. Right now, we are basically using about 20% of our total water with CFPUA water. That replaces what we would have used from Well 11 if it were in operation. We have not received any calls of taste or odor issues." Mayor Blair said, "Do you expect, over a 60-to-90-day period, any material change to the water if we test however you would test the quality?" Mr. Squires replied, "No. It is here; it is mixed in our water. Their water chemistry is not that much different than ours. It's a little softer, but not a lot. I will keep you informed as we go along."

#### **DISCUSSION AND DIRECTION ON PROPOSALS SUBMITTED FOR THE POSITION OF TOWN ATTORNEY.**

Mr. Owens said, "We need to know what the process is going to be going forward. We've got six applicants." Mayor Pro Tem Mills said, "I would suggest we narrow it down to two or three to come in and interview so Mr. Wessell can mentor them to some degree before he's gone." Mr. Wessell said, "I can stay as long as you need me. I'm not going anywhere. What Mayor Pro Tem Mills is suggesting is what I went through when I retired from Leland. The process seemed to work. I think it's a good suggestion and a workable solution if you can pick out at least three that you would consider talking to." Following a brief discussion regarding the candidates, there was Board consensus to ask attorneys Brian Edes, Matt Nichols and Steve Coggins to come in for interviews. Mr. Wessell expressed the need to set a special meeting for the purpose of speaking to the applicants." Mayor Blair asked Mr. Owens to send the Board members a doodle poll survey with different dates to choose from. Mr. Wessell said, "You could meet with the applicants separately." Mr. Owens said he would send out the survey.

#### **ALDERMAN DULL: OTHER ITEMS AND REPORTS**

- Wrightsville Beach License Plate Update: Something got derailed in the Senate Bill. Mr. Owens said he would try to find out what happened, whether it was a bill drafting issue or something else. He said he spoke with someone in Ted Davis's office and he thought Davis and Iler were trying to get us back in.

#### **ALDERMAN MILLER: OTHER ITEMS AND REPORTS**

- Nothing to report. The MPO met in closed session.

#### **MAYOR BLAIR: OTHER ITEMS AND REPORTS**

- TDA meeting. Wrightsville Beach showed an increase in ROT funds last month, which is encouraging based on the fact that we've been off for about five months.

**MAYOR PRO TEM MILLS: OTHER ITEMS AND REPORTS**

- Thanks to Sue Bulluck for her earlier comments. The Town needs to get on this.
- Good job to our guys for their work over July 4<sup>th</sup>.

**ALDERMAN KING: OTHER ITEMS AND REPORTS**

- Thanks for a great job with boats anchoring in Banks Channel. Mr. Owens noted that it was the Police Department going out and the Town also put some signage up at Wynn Plaza that helped.

**MR. WESSELL: OTHER ITEMS AND REPORTS**

- We had asked for an amendment to our 1939 Property Line Bill, which has passed both the House and the Senate. It has been ratified and is waiting for signature by the Governor. When it is signed, it will be in effect. It will make our ability to do things on the beachfront a little simpler.
- Request for Closed Session to talk about the case that we filed against the ABC Commission in connection with the permit that was issued for Red Dogs.

**REQUEST FOR CLOSED SESSION FOR CONSULTATION WITH THE TOWN ATTORNEY REGARDING PENDING LITIGATION PURSUANT TO G.S. 143.318.11.**

Alderman Miller made the motion at 6:20 p.m. to go into Closed Session for Consultation with the Town Attorney regarding pending litigation pursuant to G.S. 143.318.11. The motion was seconded by Mayor Pro Tem Mills and unanimously approved.

**MEETING RECONVENED.**

Mayor Blair reconvened the Regular Meeting at 6:33 p.m. and asked the record to reflect that the Closed Session had been held for the reason so stated with no action taken.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:34 P.M.

Respectfully submitted,

Sylvia J. Holleman  
Town Clerk