

MINUTES
BOARD OF ALDERMEN
OCTOBER 20, 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 DeGroote, and Alderman Zeke Partin; together with Town Attorney Brian E. Edes, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Absent: Alderman Ken Dull, due to a family emergency.

Pledge of Allegiance

Invocation by Associate Pastor Julia Crone, Wrightsville United Methodist Church.

PUBLIC COMMENTS: RICK CROWDER, HENRY FONVIELLE, ARGIE VASSILAROS, TOM CONLEY, AND WILL HEAD.

Mr. Rick Crowder, 212 Waynick Boulevard, said, "I'm here today to make a formal request to reduce the speed on Waynick Boulevard from 35 to 25. Over the next few minutes, I will explain to you very specifically why I think it is so important to do this for the future of our beach. First, there are 226 paid parking spaces on Waynick Boulevard and they're all on the west side. Secondly, because of this situation, every car that's parked on Waynick Boulevard has the driver and the people behind the driver opening their doors into a lane of traffic eighteen inches away. It's really scary. Next, the beach guests that we have that park in these parking places and bring their families and beach equipment and are forced to walk, after they have probably stepped out between cars, which is also blind and dangerous, to cross four lanes of 35 miles per hour cars and then make their way over to the beach. When they return from the beach to their parked cars, they have to navigate the same four-lane crossing safely to get back to their cars. Next, everyone on my side of the street, where my house is on the east side or the other side of Waynick, the homeowners, their guests, their children, their grandchildren, the Blockade Runner guests, the Yacht Club members, etc. Everybody that lives on that side of the street also has to try to cross these four lanes of traffic going to and coming back from the Banks Channel side where they may have property or use the other side of the street. This is extremely dangerous trying to get across the street. Next reason, I want you to think about this, there are only, I believe, three 35 mph roads in Wrightsville Beach. Two of those are entryways: Causeway Drive and Salisbury Street. Now we have Waynick. Waynick, without a doubt, is the most congested and pedestrian dangerous. Think about that. People cross up here and Salisbury but 226 of them plus all of the owners try to cross Waynick. Because of our neighborhood concern, I recently met with Chad Kimies from NCDOT for about an hour on my third-floor Waynick deck. He saw the situation we're talking about and supported our need for a 25 mile an hour change. But, unlike most people think, he informed me that it was up to the Town first to petition NCDOT, not the other way around. Everybody always says that Waynick is NCDOT – true. But we have to petition them to get it changed. And that's why I'm here today. Next, a very nice byproduct of a proposed speed reduction would be less noise. I think less noise has been on the agenda in all kinds of ways and the Chief works on it and everything. We're trying to get reduced tire noise and muffler noise. All of that would go down obviously with the reduced speed. And all of the neighborhoods would benefit from that change. Another point that you probably don't think about but I see it every day is visualized pedestrians of all ages and bicyclists use Waynick Boulevard. There's four lanes of traffic but there's nowhere for them to be so they are in a lane of traffic. Finally, the only

negative I see to this proposal that can possibly be used is increased travel time. People will say it's going to take me too long to get up Waynick. Well, we checked that. If you went from the curve to Wings on Waynick, the difference is less than one minute. It seems slow and particularly this time of year, but it's extremely important. Those are my points. In summary, this situation would be easy to leave as is but maybe it's the time to be courageous and make this timely change. Our beaches get too busy – let's be proactive instead of waiting for a tragedy to happen and then be reactive. Wouldn't it be a shame to say if we'd just put in one more minute, that family might not have been hit due to a negligent driver, a speeding driver, or someone who wasn't paying attention. I would hope that you will give this strong and positive consideration. I think the benefits will far outweigh that one minute. Waynick Boulevard is the only road on the beach proper, parallel to the beach, that is not already 15-25 mph. Think about it. North Lumina Avenue all the way to Shell Island is 25. It's two lanes and parking only on the other side. It's just a matter of time. Thanks for your time. I appreciate it and I hope we can get something done."

Mr. Henry Fonvielle said, "I spoke once before last August on the text amendment. I'm here to talk about 15 Augusta Street. I have a petition here with me signed by over 200 people that are in opposition to that construction. It reads, 'This house under construction at 15 Augusta Street encroaches almost twenty feet (the heated portion of the house) into the sixty-foot Static Exception Line setback. We implore the Town of Wrightsville Beach and the Coastal Resources Commission to take action, preserve the coastal integrity and beauty for everyone before it is too late for many generations to come.' And we ask for action. Attorney Grady Richardson sent you a letter over forty-five days ago about this issue. As of today, we've not had any response from anybody; not even a 'we received' or 'thank you – you're wrong.' I'd love for somebody to tell me I'm wrong. I'm proud to say my mother was one of the first female lawyers in the State of North Carolina and New Hanover County. I was taught to stand up and that's what I'm doing today. There've been hundreds of pages of documents on this already. It's hard to go through them all. This is an unprecedented time with construction. I know everyone is busy and you probably need more staff. But this is an important issue for our environment and local community and the visitors to Wrightsville Beach. If you walk out on Augusta Street, you immediately look up and go 'Wow! That is a huge massive structure that's clearly out of proportion and out of alignment with everything else. Additionally, if you get an exception, you're allowed to have covered decks, where if you don't get an exception, like Mr. Tim Rouse who built just in 2019, he couldn't have a roof over his deck. An appeal to the Division of Coastal Management asserted that the Town local permit officer determined the setback based on the average line of development and indicates that the evidence is unclear as to whether the Town local permit officer appropriately determined that the configuration of the lot precluded application of the landward most adjacent structure. The landward most adjacent structure is my house. Furthermore, there's an argument as to whether or not I'm adjacent or not. Yet, the definition from the Town of Wrightsville Beach is that I am an adjacent structure even though I'm on the other side of the street. So the whole argument about me being notified seems ridiculous. So, I'm asking you to act on behalf of an owner who believes in righting a wrong at Wrightsville Beach. Please take action. Just one more point, there's another house going up; there are two houses to the north of me that are over the 60-foot setback. There was another CAMA permit this summer to the south of me. The Town local permit officer also approved a CAMA permit on that lot south of me that would have allowed them to build a heated structure approximately ten feet in front of my house. Luckily, the Department of Coastal Management got involved with the proper oversight and asked if they would surrender that permit, which the builder did. In that conclusion, DCM said an exception was not needed. The one that we are talking about today, the Town local permit officer acted without supervision from DCM and the Town. Those facts are undisputable.

I've been told straight to my face. So, I would appreciate, as would everyone from Wrightsville Beach, to get an answer. Not for me, not for just the Augusta community, but for everybody on Wrightsville Beach. We want to see responsible government. Thank you for helping to preserve what we believe in."

Ms. Argie Vassilaros, 406 North Lumina Avenue, said, "I'm going to piggyback on what Henry said. We have been long-term residents at 406 North Lumina. There would be no need for me to appear here today if Wrightsville Beach followed the rules and regulations set forth in the Code of Ordinances, the Coastal Barrier Resource Act (CBRA), CAMA, etc. These articles are in black and white to avoid what is unfolding here today. The exceptions given have been so egregious, we are here to adjust them. As a long-term homeowner, I am very aware of ordinances. It took me two years to get the bench replaced on Augusta at our expense. While waiting for you to finalize simple action, two residents passed away and did not enjoy their last year sitting on the bench watching the tide roll in. I have brought code violations to your attention via the official website and the best response to date was "We need more than one complaint for us to take action." Well officials, today you have been presented with over two hundred signatures to address this complaint. I have been living in a war zone for the past three years with the development going on between Raleigh and Augusta Streets. You approve building permits without considering ongoing noise pollution being created six days a week; sometimes seven; probably unbeknownst to some of you. This exception is a "gift" from Wrightsville that no other resident has been granted or realized was possible (Code of Ordinance Chapter 59.1). I am a retired federal law enforcement officer, sand dune protection addresses everything imaginable about sand dunes and yes, there are updates I'm sure the Town Managers are aware, decisions affecting CDR such as 6a, 6g; the Biden Administration made July of this year complicating beach re-nourishment and its interpretation. Effective immediately, federally funded actions and projects will no longer be eligible for consideration. Rouzer said this is not only delaying re-nourishment, but making it that much more costly as well. Please do not disturb the dunes. We all know that from kids – don't go up there and pick sea oats; don't go up there – STAY OFF THE DUNES! We were all raised to hear that. Wrightsville Beach Town Management has brought unity to Augusta. The Old Guard has spoken. Filed away in black and white with limited exceptions are any future projects brought forth to the city. While I have your attention, we, the people of Augusta, want our access to the sound cleaned. It is very dangerous with broken steps and concrete edges that create trip hazards. The sound access is a beautiful option for the public and our community. I have resubmitted this request via official channels again. Thank you so much for your consideration."

Attorney Elizabeth Timmermans said, "I'm going to give my time to my client, Mr. Tom Conley." Mr. Edes said that would be the Mayor's decision whether to allow one person to have more than the allotted three to five minutes. Mayor Mills said he would give Mr. Conley five minutes because that's what we've always done.

Mr. Tom Conley said, "I currently live at 715 South Lumina Avenue. My brother Tim Conley owns half of 15 Augusta Street. He is out of town today. He is currently a permanent resident of Wrightsville Beach living at 727 South Lumina Avenue. Mr. Fonvielle just asked the Town and the Coastal Resources Commission to take action in this petition. The CRC already took action and denied it. The permit at issue is a CAMA or a State permit and the State already issued a decision on this. However, I will address a few of the other comments that have been made from the past few weeks and months. 18 Augusta Street is a rental property called the Fonvielle house by Intracoastal Realty so that's what I'm going to refer to that as and I'll refer to 15 Augusta Street as my house. The Fonvielle rental house

did a renovation in 2009 increasing the square footage according to New Hanover County records. The six-bedroom, six-bath house has an elevator and it's right at 97.7% of the maximum buildable square footage. The exact same CAMA permit was filled out for 15 and 18 Augusta Street. One of the biggest points that's made with them is that Mr. Fonvielle wasn't notified by us about the construction. At the same time, Mr. Fonvielle's CAMA permit shows that the Fonvielle House never notified 15 Augusta Street during their previous renovation. The Fonvielle rental house also sits at least five feet, probably closer....and it also sits about five to ten feet over the north side setback. It's one thing to sit here and tell someone they cannot do something; it's a whole different conversation when you have done the exact same thing and now are telling everyone 'It's okay for me but not for you.' The old structure at 15 Augusta Street actually sat on the property line on the south side and was nonconforming for numerous reasons....and it was unbuildable or unfixable. The new structure is conforming. It sits more than 15 feet farther back from the street than the old one sat. The new structure is also almost 17 feet back from the ocean side lot and about 23½ feet back from the westward side of the lot. The actual structure is easily 30% smaller than the previous structure that was there. As far as being blocked, that's been a bone of contention, that the view is being blocked from 18 Augusta Street. If you look at the two houses that are north on the ocean proper; 17 Augusta Street and 20 Asheville Street would be the next two houses from me to the Augusta Street house. We used the setback line that the Town has been using for over twenty years. It's what we also used and those two houses are – one of them is about 16 feet in front of the home we're building and the next one is substantially in front of the one we're building. My point is, those views were already blocked before 15 Augusta Street was built. As far as the permits and application go, we applied for 15 Augusta Street. We did everything the Town and the State asked of us. Since then, we've hired three different surveyors and they're fine. What we have done is correct. And they all agreed this is properly done. The CAMA permit and the building permit were both approved. The Town has been applying for and has been granted the Static Line Exception by the State. Nothing out of the ordinary was done here by us. A precedent was clearly set over the past give or take twenty years. The same thing has been done by the majority of the oceanfront properties. I won't comment on the pending litigation filed against us other than to say the relief requested has already been denied once and we're confident that decision will be upheld again. Anyway, we are being unfairly portrayed by the Port City Journal and the Star News. The truth of it is my brother and I have built one single family home on 17 Augusta Street; and 15 Augusta Street is the second single family that we've ever been a part of or built.... Now people are saying we're playing by a different set of rules. I honestly take offense to this as my name and reputation continue to be dragged through the mud and it couldn't be further from the truth. Thank you for your time." Mayor Mills asked if Ms. Timmermans felt the need to add anything to that. She declined.

Mr. Will Head said, "I've grown up here. My mother has had a place at the beach for forty years. When I go down to Carolina Beach, I get the feeling that everything is cramped and closed in. When I had the pleasure of being over on Henry and Lee's front porch, I started feeling the same thing when I look at this cottage – this building – that's out blocking their view to the north end. I understand that there could have been a survey that was submitted maybe to CAMA and Raleigh and they made a ruling on inaccurate data. I think that if you went over there and stood on his porch, you could see that this house is encroaching too far out towards the dunes. And I think that somebody needs to take responsibility. It seems like people are trying to dump it off on Raleigh. But we live here and maybe we need to figure out how to take responsibility and make things right. So, I'm standing here in support of Henry and Lee. Thank you."

CONSENT AGENDA APPROVED WITH A 4-0 VOTE BY MOTION OF ALDERMAN PARTIN AND SECOND BY ALDERMAN DEGROOTE.

- a. Approved Regular Minutes of August 12, 2021 and Regular and Closed Session Minutes of September 9, 2021.
- b. Approved special event permits as follows:
 1. Lambda Phi Chapter of Pi Kappa Alpha Fire Truck Pull (*approx. 185 participants*)
Saturday, November 13, 2021 (*12:00 – 4:30 pm*) (*1:00 event activities*)
Location: Public Safety Building Parking Lot
*** Recurring Event
 2. Wrightsville Plunge for Communities in Schools (*approx. 500 participants*)
Saturday, January 1, 2022 (*10:30 am – 2:00 pm*)(*Plunge at 12:00 pm*)
Location: Beach Strand south side of Oceanic Pier (*Access 37-38*)
*** Recurring Event
- c. Approved amendment to the previously approved special event permit for the Carolina Cup on November 6 and 7, 2021 to add another stand up paddleboard race to their series of events. The added event would occur on Sunday, November 7th and would take competitors from the beach strand at the Blockade Runner to a buoy and back
- d. Approved special event permit for Wrightsville United Methodist Church's Pentecost in the Park on Sunday, June 5, 2022 from 9:30 to 10:30 a.m. This requires Board approval as the number of expected participants exceeds 200.
- e. Acknowledged previously approved special events for November.
- f. Approved revised 2021 Board of Aldermen Meeting Schedule to change the December meeting date from Thursday, December 9th to Wednesday, December 8th.
- g. Approved revised 2021 Marketing Committee Meeting Schedule to add a meeting on the first Wednesday of November and December at 10:30 a.m.
- h. Approved revised 2021 Board of Adjustment Meeting Schedule to cancel the October 28, 2021 meeting.
- i. Set a public hearing for Wednesday, November 10, 2021, at 5:30 p.m., or as soon thereafter as possible, to consider a Text Amendment to Section 155.9.6 (E)(2)(c) to amend the Driveway Ordinance.
- j. Set a public hearing for Wednesday, November 10, 2021, at 5:30 p.m., or as soon thereafter as possible, to consider a Text Amendment to Section 155.6 Zoning Districts; Article 155.7 Supplemental Regulations; and Exhibit A Definitions.

PRESENTATION OF LIFE SAVING AWARDS IN THE POLICE DEPARTMENT

Mr. Owens stated that this item would be rescheduled to the November meeting when all of the parties could attend.

PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO SECTION 155.6.5.7 TO ADD A NEW PART (J) SMALL LOT EXCEPTION FOR THE C-5 COMMERCIAL DISTRICT. ORDINANCE NO. (2021) 1832 ADOPTED.

Robert O’Quinn, Planner I, gave the following overview: “On June 30, 2021, the Planning and Inspections Department received a text amendment application from Ms. Faison Sutton, authorized agent for Kevin Walker, Manager of KW-RC LLC. The text amendment is to Chapter 155.6.5.7. The petitioner requests the C-5 Commercial District be amended to allow for accessory structures, decks and patios and to have the setback of 15 feet from the front instead of 30, and 10 feet on the rear instead of 20. At the August 3, 2021 Planning Board meeting, the text amendment was discussed and continued until September 7th. The Planning Board did have concerns about the original proposal. After direction from the Planning Board, Ms. Sutton resubmitted the amended proposal; and after a brief discussion about vegetative islands in the parking lot, the Planning Board voted for a favorable recommendation to the Board of Aldermen. The proposed text amendment – if you go down to Subsection J, Small C-5 Lot Exception – for purposes of this section, a “Small C-5 Lot” shall mean a parcel, tract or lot that: (1) is located in the C-5 Commercial District, which we all know is across the bridge; (2) is adjacent to both Wrightsville Avenue and one additional publicly maintained street; (3) has a total size of no more than 21,000 square feet; and (4) contains one or more existing buildings. Point 1 is the Small C-5 Lot: the following requirements shall be modified as set forth below: (a) Front minimum setback set forth in 155.6.5.7(E) shall be 15 feet, but only with regard to accessory structures, decks and patios. So, a primary structure would still have the 30-foot setback but we will allow a 15-foot setback if someone were to add some sort of patio or outdoor seating. And in a C-5 District, everything with outdoor seating requires a Special Use Permit anyway. (b) Side yard setbacks shall be the lesser of 10 feet or the distance between the existing buildings and the side property line, except where the side property line or portion thereof is immediately adjacent to a residential district, in which case the side yard setback shall be 20 feet. There are all sorts of buffer and open space requirements that separate not only a commercial district from commercial use, but it also has a front street yard buffer requirement because it would be on Wrightsville Avenue and a buffer on the rear because there is a residential district behind it that actually belongs to the City of Wilmington. Moving down to (d), the minimum number of trees and shrubs in a street yard required in Section 155.9.17.1 shall be 2 shade trees and 4 intermediate shrubs. (e) The landscaped area required in Section 155.9.17.4 may be located on either the perimeter or the interior of the parking facility, or any combination of the two. Meaning that when you build up the parking lot, you’ll have a parking island with some shrubs and possibly trees on the interior of the lot as opposed to being required directly on the streetscape. (f) The minimum width for a Type B1 Bufferyard, which is in our ordinance, shall be 10 feet and the B2 Bufferyard will be moved down to 7.5 feet. And these small lots, according to this text amendment proposal, the requirement for landscaped islands set out in Section 155.9.17 would be exempt. So, they wouldn’t be required to add the parking island. And they also would not be required to have any Type A Bufferyard Screening in the section. The staff analysis: if the proposed text amendment is adopted, it would apply to only three properties located on Wrightsville Avenue with a total lot size of no more than 21,000 square feet and contains one existing building. The setback reduction is for accessory structures, decks and patios. When applying the existing setbacks, it is difficult for business owners to comply with the parking standards, landscape requirements and buffer requirements for these small lots in the

C-5 District. These factors make it difficult for redevelopment to occur. And, the ordinance was adopted primarily for larger parcels such as the Galleria. There are no vacant lots in the C-5 currently that this would apply to and staff believes that future redevelopment of C-5 lots should keep in mind the existing structures that are there. As far as departmental review, we got no comments back from the Police Department, Fire Department or Public Works. As far as the CAMA Land Use Plan's Statement of Consistency, we believe the proposed text amendment appears consistent with Section 5(4), the Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. This text amendment was advertised for the Board of Aldermen on October 6th and October 12th. Staff recommends that the Board of Aldermen pass the text amendment to 155.6.5.7 for the Commercial C-5 Districts. The three parcels referred to earlier that this would apply to, currently that's 7006 Wrightsville Avenue, which is the old Polar Pack; 7037 Wrightsville Avenue, which is now Wheelz Pizza (used to be Pino's); and 7041 Wrightsville Avenue, which is currently Aquatic Safaris. Those are the only three properties in the Town of Wrightsville Beach that are on Wrightsville Avenue and are also adjacent to another publicly maintained road."

Mayor Mills opened the public hearing at 6:20 p.m.

Ms. Faison Sutton, authorized agent, said, "I'm Faison Sutton, attorney with Murchison, Taylor & Gibson. Thank you Robert for that good summary. I don't have a lot to add and I am willing to answer questions. Just as a background, I represent Kevin Walker, who is a long-time Wrightsville Beach property owner and resident. One of the properties he owns is the Polar Pack site that Robert mentioned, although this text amendment would apply to more than just that site. He bought that property and has goals of redeveloping it into something that's going to look a lot better and serve the residents a lot better than what it is now, which is an abandoned, vacant old gas station. He has been talking with possible tenants but the requirements in that C-5 District are really difficult, if not impossible, for a smaller site like this to satisfy. So, we were trying to come up with ways to modify those restrictions while also protecting the interests of the properties and that's what we came up with – a text amendment to slightly modify those restrictions to enable a good, viable tenant such as a coffee shop, café or bakery. It would be small like a restaurant that would serve year round."

With no further input from the public, the hearing was closed at 6:23 p.m.

Alderman DeGroote said, "I think it looks good. Anything we can do to help in the redevelopment and change that eyesore, I'm in support of." Alderman Partin agreed with the need to improve the current eyesore because it is in the entryway to Wrightsville Beach. Mayor Mills said, "The Planning Board addressed, I think, what our concerns would have been." He noted that this would only affect three properties all of which are west of the drawbridge. Mayor Pro Tem Miller made the motion to adopt Ordinance No. (2021) 1832 for a small lot exception in the C-5 Commercial District along with the Statement of Consistency. The motion was seconded by Alderman DeGroote and approved with a 4-0 vote.

CONSIDERATION OF SIGNING A CAMA WAIVER FOR AN ENCROACHMENT INTO THE 15-FOOT RIPARIAN CORRIDOR SETBACK OF WEST TAYLOR STREET END FOR 326 WAYNICK BLVD. AND CONSIDER AN EXCEPTION FROM TOWN CODE, SECTION 150.12.

Mr. Owens said, “There are two facets of this. One, if you approve this, we need to sign as the adjacent riparian owner and say we don’t object to the proposal. And two, given we have Section 150.12 and a portion of it says that any development of a pier needs to be outside of 15 feet from the riparian corridor line extended. From what I understand, this pier was damaged during Hurricane Isaias and basically rendered useless. It is my understanding that the pier was built somewhere around 1955, decades before the DCM regulations and any kind of notification process. The owner wishes to phase the development. My understanding is they’re going to basically use the first part of the pier, renovate it somewhat – whatever they need to make it stable. You see the pier is missing towards the end in the pictures. But they need to replace pilings and replace decking; they’ll do that. There was a deck out there, extend the deck and rework the floating dock. It’s going to be in the same footprint. There may be a need for pilings and new decking and those types of things but it’s in the same footprint. The boat traffic and all of that will be outside of the Town’s Taylor Street riparian corridor. So, there will be no infringement or encroachment into that corridor. There’s no encroachment with the dock as well. At this point, it’s set off from the right of way but just not 15 feet.”

Mr. Cam McNeely said, “I’m Cam McNeely. I’m co-owner of the property in question. I brought my Uncle Ben May, he’s from Charlottesville and I drove from Morganton. We just want to put the pier back exactly as it was – the same footprint; no bigger; no longer; especially no wider considering how close it is to the property line. The only difference is we’ll just make it stronger. And that’s all we wish to do. The pier has been there for generations. My grandfather, his father first bought the property in 1940 from J. D. Taylor. And this has been in our family ever since. His family, children, grandchildren, great grandchildren, great-great grandchildren have enjoyed this property. None of us are residents but we rotate and use it. 326 Waynick is the empty lot. You’re probably familiar with it. We’ve been paying taxes on it for eighty years. But we would just like the consideration to grant the waiver so we can rebuild the pier just as it is.” When Alderman Partin asked if it had never been damaged until recently, Mr. McNeely replied, “It’s been damaged by other storms. Fran got it and we rebuilt it. And maybe Donna got it and it was rebuilt. And nor’easters did damage to it as well.”

Mr. Owens said, “There are two parts to this: 1) the property at 326 Waynick receives an exception from Town Code Section 150.12; and 2) that you authorize me to sign the adjacent riparian owner form stating we are not objecting.” Mayor Pro Tem Miller said, “If we approve this and they decide to build something different – that’s in violation of the permit and the ordinance and everything else, right?” Mr. Owens replied, “That’s something you could make as a condition.” Mr. Edes said, “That’s my recommendation.” Mayor Pro Tem Miller said, “I’m all for giving them an exception to put back what was there because that’s what the intention is. But we’ve got this situation all over the beach and people want us to waive our riparian rights and we have not been fast to do that in the past.” Alderman Partin referenced the previous damage and said, “It must not have been in compliance when it was rebuilt before.” Mr. Owens replied, “You can do a certain amount of maintenance per year and the Division of Coastal Management is pretty liberal with the amount you can do after damage.” Mr. Edes said, “It can’t exceed 50%. Over 50% is considered new construction.” Mr. Owens said, they have a more liberal interpretation than we do. So, we just thought we needed to do this to be sure. It helps the property owner going forward, too, to have that approval.”

Mr. Edes said, “The motion would be to approve the waiver on the condition it doesn’t exceed its existing footprint, size dimensions, etc.” Mayor Pro Tem Miller said he would make that motion. The motion was seconded by Mayor Mills and approved with a 4-0 vote.

PRESENTATION OF A RECLASSIFICATION AND RETENTION PLAN BY PUBLIC WORKS DIRECTOR BILL SQUIRES.

Public Works Director Bill Squires gave the following overview: “Typically, I would bring a request of this nature to your attention during our annual budget preparation. And I’m currently working on a second part of this that will be brought to your next budget cycle. In this case, we have an opportunity to take a first step in addressing an ongoing issue of recruitment and retention and offer a more competitive starting wage with a net zero cost to our current budget. That can be achieved through reorganization and reallocation of funds, following the resignation of our Maintenance and Operations Superintendent. The spreadsheet provided in your packet shows the proposed changes. It also gives you a look at the current and future challenges ahead at Public Works. You’ll notice that there are currently five vacant positions that affect every department at Public Works. This is 25% of our total staff. We’ve been operating at this level or below for the last several years. Next, if you look at the years of service for employees, you’ll see the importance of retention. Fifteen employees have less than one year of service with the Town. This is 58% of our staff. You’ll also notice five employees are at or near retirement eligibility, which would leave only five of twenty-six Public Works employees with more than one year of service. It’s become very difficult to recruit new employees to fill vacant positions and to retain current employees. We currently have zero applications for the five open positions. Our goal is always to hire the most qualified applicant but unfortunately, for the last few years, we’ve been forced to lower our standards which has resulted in a less-than-qualified staff and added pressure on senior employees. This practice is not sustainable and ultimately reduces the quality of services provided for our residents and guests. I would like for you to consider this proposal and I’m happy to answer any questions you may have.”

Alderman Partin said, “You showed the budget reallocation, so I guess my question is are you needing to refill the positions that you were going to use to get this increase or are they just extra positions that you’re not going to need?” Mr. Squires replied, “Let me give you a little back history, maybe it will make more sense. In the past, we separated sanitation and facilities maintenance. They were two separate departments and had a supervisor for each one. When our supervisor for facilities maintenance retired, Mr. Bailey, I combined those two departments and had one person over everything and saved some money that way. In doing that, we also promoted two employees to be foremen; one for sanitation and one for facilities to give that superintendent a little help. So, now that he’s left us, we decided to go back to what we used to have. So, those two fellows that were foremen, are going to go up to supervisors.” Alderman Partin said, “But you won’t have a foreman, right?” Mr. Squires replied, “We will have two supervisors but no superintendent.” Alderman Partin said, “Why did you think that was not a workable solution – the supervisor over the two departments? It seems like that would be a good way to address it.” Mr. Squires replied, “Well, his comment to me at his exit interview was that it was too much for one person to handle. I thought by promoting two people to foremen, that would take some of the load off of him but apparently not.”

Alderman Partin: said, “So, I guess the answer then was that you like that concept that you’re going back to – you prefer that concept and it works better for you.” Mr. Squires said, “I kind of go with whatever works at the time. We don’t have a lot of options with trying to fill positions. These two supervisory positions are from within. It’s a different role to hire like that from outside. I like to promote from within. The total save you see – it’s going to be more than that because of the five vacant positions.”

Mayor Pro Tem Miller said, “It’s almost November. My question is – things are slowing down a little bit. Why wouldn’t we wait until budget time for that reason and don’t we have some stuff that might kick in, depending on how we do halfway through the year?” Mr. Squires replied, “We do but let me remind you of something that just happened recently. There were a couple of days when the sanitation route didn’t get picked up because we didn’t have enough employees. We’re still right on that edge. If you get two people calling in sick, you’re going to lose services. There’s just no way we can do it. One of our sanitation drivers who was a five-year employee and one of our best employees recently left to go to work for a private trash hauler making five dollars more an hour than what we could offer him. So, it’s important to do it as soon as we can because we need to raise that starting salary so we can recruit people. Now is the time to recruit them and train them so by the time summer comes, they’re up to speed.

Mayor Mills said, “Point well taken. I’m not sure giving somebody a raise is going to keep them from calling in sick.” Mr. Squires said, “No, but it’s going to help on the recruitment end.” Mayor Mills said, “The other concern is that we’ve got other departments and this is starting to become a little shuffle shell game here. I know we helped out the Police Department two or three years ago but that was an extraordinary situation. I’m not suggesting that what you’re facing is not also extraordinary. We’ve got to be careful. We’re almost creating a secondary budgetary process here if we’re not careful.” Mr. Squires said, “I typically wouldn’t have brought this to you now but this is a zero net cost to the budget.” Mayor Mills said, “I understand but if each department is coming in with another plan and another plan, the spring budget process starts to become a little superfluous. We’ve got to keep the big picture in mind. We will consider it. We’re not going to take action tonight on it.”

DISCUSSION AND DIRECTION ON THE DATES AND GUIDELINES FOR THE FLOTILLA DOOR-TO-DOCK SPECIAL EVENT.

Mr. Owens gave the following overview: “We approved the Door-to-Dock special event on March 11th but the approval didn’t have time limitations or didn’t define what the times were. It’s typically a two-day event. Last year, we made sure it was a two-day event in the application approval. This time, we did not specify the number of days. The Flotilla Committee wants the Board to consider extending the number of days for the Door-to-Dock. There are a couple of other items you could consider: is it just for the parade route, or is it all around Town – anybody that has a dock on the water? If you wanted to extend the time, what would those times look like as far as dates go? Also, do you want to consider if there’s a time limitation for those lights and when those lights get turned off? As far as our holiday decoration lights onshore, we do have a time limitation from Thanksgiving to January 15th – just for your knowledge. It doesn’t mean it has to transfer over to a dock.” Mayor Pro Tem Miller said, “What did they ask for?” Alderman Partin replied, “Since they got approval, they really haven’t asked for anything. What I would like to see is instead of them having to come forward every year

and ask for something, that we just put it in the Code. My suggestion is that we allow the lights on the docks – no matter if you're in the parade route or not because I saw lights all over. I'd like to see them from the first Monday before Thanksgiving through the first Friday in January and then allow the lights to stay on until 10:00 p.m."

Mayor Pro Tem Miller said, "I think that's a great idea but I don't know if we want to change the ordinance without a public hearing. So, if we're going to do something, let's do this tonight and then talk about ordinances later." Mr. Edes noted that the Board would have to have a public hearing as per N.C.G.S. 160-D. Mayor Pro Tem Miller said, "I think her suggestion on the dates is great; I'm not as crazy about ten o'clock as I am nine o'clock but we can talk about that. And I also think it needs to be everybody; you don't need to be in the contest. The Flotilla is over at eight and the fireworks and everything else." Alderman Partin said she was okay with nine o'clock."

Mr. Owens said, "This is all part of the special event permit; it's an exception to the current ordinance that we have. But there are no lumen standards. There are some in the ordinance for other things but not as far as this goes." Mayor Pro Tem Miller said, "There's a lot of angst with pier lights." Mr. Edes said, "It could be a hazard with navigation, too." Mayor Pro Tem Miller said, "I think we ought to let everybody that wants to put up holiday decorations."

Alderman DeGroot said, "I think Alderman Partin had some appropriate times and dates that I support. And I do agree with Hank that – let's sit down and get this right and at an appropriate time so we don't have to visit it again." Mayor Mills said, "If something is going to happen for this year, we've got to make a decision pretty much now. I guess we could do it in November but it would be cutting it close." Mayor Pro Tem Miller said, "The only thing else I would say, just to be fair, is maybe the Saturday before Thanksgiving so people could do it on the weekends; and the Saturday after the first of January." Alderman Partin said she was good with that. Mayor Pro Tem Miller said, "If you want a recommendation since you're on the Flotilla Committee, I would say the Saturday before Thanksgiving and the first Saturday after the first of January, if it's not on the first; so it would be the eighth, I guess. Then I would suggest that the lights have to be off by nine o'clock." Alderman Partin said, "I agree with that and then we'll see what kind of comments we get."

Mayor Mills asked what kind of official action was needed for this. He said he thought everyone was agreeing with that general recommendation. Mr. Edes replied, "Until we change the ordinance, I'd like to have the flexibility in the permit, or whatever document we're issuing allowing this, to put some minimum standards in there. Without any standards, theoretically you could put ten spotlights out there. If you just defer to staff on that, we'll work at something customary." Mr. Owens said, "Reasonable and not a hazard to navigation. We would add it to that permit" Mayor Pro Tem Miller said, "I would make a motion to do whatever staff thinks needs to be done and allow the attorney to make sure some sort of conformity for the first year and we'll get it right next year." Mr. Edes agreed and said, "Some sort of enforcement mechanism. We're going to have to have a little more objective standards but we'll figure that out. But since I was asked the question, I would like to have some sort of enforcement vehicle in the event something is obnoxious or offensive, that the Police Department has sufficient objective criteria to let them know they are in violation." Mr. Owens said, "As far as getting the word out, do you want the Town to do something or would you rather the Flotilla do it?"

Mayor Pro Tem Miller said, “Let the event do it.” Alderman Partin said, “It’s not related entirely to the Flotilla.” Mayor Pro Tem Miller said, “I understand and we’ll get that right when we change the ordinance. But I’m saying for this year, we wouldn’t have done it if the Flotilla hadn’t asked.” Alderman Partin said, “But they asked for an exception; they haven’t asked for us to put this as a permanent fix.” Mr. Edes said, “I think we can accommodate what the Board is looking for and then staff can come back down the road with a proposed text amendment to the ordinance.” Mr. Owen said, “I think the motion would be the Saturday before Thanksgiving through the Saturday after January 1st. And all lights must be off by 9:00 p.m. and staff will be looking at some kind of standards as far as being able to enforce things that are offensive and a hazard to navigation. And we’ll amend the permit to do so.” Mayor Pro Tem Miller made that motion. The motion was seconded by Mayor Mills and approved with a 4-0 vote. Mr. Owens said, “I will talk with Linda Brown and then we’ll put together something so they can push that out. We’ll use our avenues, too, as far as pushing that out for this year because this is an exception, otherwise we couldn’t do it under our ordinance.”

CONSIDERATION OF RESOLUTION NO. (2021) 2251 TO EXEMPT THE TOWN FROM NCGS 143-64.31 FOR SURVEYING, ARCHITECTURAL AND ENGINEERING WORK FOR THE CONSTRUCTION OF A PUBLIC WORKS GARAGE.

Following a brief discussion regarding specific input that Alderman Dull wanted to present on this agenda item and the next agenda item as well, and the possibility of polling the Board as an alternative to voting to exempt, the Board members agreed to reschedule this item and the next item to November 10th when Alderman Dull would be present to give his input from an engineer’s viewpoint. Mayor Mills said he thought the Town would be better served if Alderman Dull was there to participate.

CONSIDERATION OF RESOLUTION NO. (2021) 2252 TO EXEMPT THE TOWN FROM NCGS 143-64.31 FOR ENGINEERING TO CREATE SEVERAL STANDARD PAVING DETAILS TO ASSIST WITH BIDDING FOR ROAD MAINTENANCE PROJECTS.

As per discussion with the preceding agenda item, this agenda item was rescheduled to the November 10, 2021 Board of Aldermen meeting when Alderman Dull would be present to participate.

DISCUSSION AND DIRECTION ON THE PARKS AND RECREATION OFFICE BUILDING DAMAGED BY HURRICANE FLORENCE.

Mr. Owens said, “Basically we’ve been trying to figure out what we want to do with a building that’s been banged up since Florence. We finally got to a point where we decided that we could fix the roof and dry it in and then consider doing the other later. But you’ve still got the fifty percent rule. We had four bids that came in. Only one of them made the bid – met the requirements. It was \$51,461.61, which is a lot of money just to dry the building and put the roof on and get prepared to come in and do some kind of open concept office building or storage or what have you. Again, your threshold for the value of that building and the amount of construction that you have to put into it is above the flood regulations to stay under fifty percent.” When asked what our threshold is, Mr. Owens replied, “I’m still trying to get that answer from the County but I think you would be fine if you wanted to do that. But there are a lot of other priorities other than putting \$51,000 into a building. That’s a Board decision. Also, we talked about renovating the Fran Russ Center to accommodate two Parks and Recreation

Employees who've been in the building displaced since Florence. So, to make them a permanent area. And then also, renovate the Parks Maintenance Office by the tennis courts. It's in disrepair. The object there would be to have an office for the supervisor over Parks Maintenance and then an area that the employees can come in to get out of the heat and the cold and have a break room. Those two draft site plans are in here. Then we would be asking you to move forward on those and I'll bring the quotes back to the Board."

Mayor Pro Tem Miller said, "All we're doing is approving what some of us feel like we've talked about several times and we're not going to talk about it anymore, right?" Mr. Owens replied, "Well, we are. Whatever you want to do about the building; either move forward with the fix on the roof or tear it down. That's a Board decision. And then the other thing is, get a firm quote, as far as an architectural process to renovate that building or renovate the office building back by the tennis courts." Mayor Pro Tem Miller said, "I will make that motion." Alderman Partin said, "If you tear that little building down over there, could we consider putting up another building that's two stories?" Mr. Owens replied, "If you're above base flood and you have ADA accessibility, and those types of things." Mayor Pro Tem Miller said, "If we tear it down, we can do whatever we want to as long as we meet codes and everything else. So, I'll go back to making my motion to tear it down; do the Fran Russ Center and put Evan in the tennis building." Mr. Owens said, "And we'll bring the quotes back to you." Mayor Pro Tem Miller said, "Something else we've talked about is the parking lot out here. Can I add that to my motion?" Mr. Owens replied, "I don't think you need to; it's ready to be bid. We're prepared to bid it. It was all tied in to the Fran Russ Center and over there; now you wouldn't be tied in over there." Mayor Pro Tem Miller said, "He's talking about the tennis lot." Mr. Owens said, "We have plans to resurface that and expand that parking, too. We basically put money away this year to work towards that." Mayor Pro Tem Miller said, "We're going to deal with that when we get the money put together, correct?" Mr. Owens replied, "Yes." Mayor Pro Tem Miller said, "That's what I'd like to do." The motion was then seconded by Alderman Partin and approved with a 4-0 vote. Mayor Mills said, "Hopefully, that building will be demolished."

MAYOR MILLS: OTHER ITEMS AND REPORTS.

- Beach nourishment: We are not getting funding because we have been getting our sand from Banks Channel and the interpretation by Department of Interior's lawyers is that we can't use Banks Channel. Now the Corps will have to do a study and go offshore and it's going to greatly add to the expense.
- Tim will send out a doodle pool for consideration of retreat dates. Also, be thinking about topics and share them with Mr. Owens.
- Carolina Beach needs everyone's response regarding your attendance at the Beach Towns Breakfast on November 22nd at 8:30 a.m. at the Marriott.

ALDERMAN DEGROOTE: OTHER ITEMS AND REPORTS.

- Met with Sue Bulluck and Bill Baggett. Sue has been spearheading the Marketing Committee and getting everyone onboard. They've been meeting once a month and they looked at the unified plan that has been adopted since COVID and how we may go forward with that or focus on our options to best market Wrightsville Beach. Will bring more information as it progresses.

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- Participated in a virtual meeting with the Cape Fear Council of Governments (CFCOG) on October 11th. They talked a lot about a consensus in our coastal counties. There was only a 50% response and they're a little concerned with how that might affect the sales tax redistribution. Population doesn't affect the Powell Bill funds too much and shouldn't have any impact on that. New Hanover County only grew 11.4% while other cities like Charlotte and Raleigh grew a lot and they're getting another representative. The CFCOG is having a live annual meeting on March 31st but I will be out of town and unable to attend.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- Will be out of town on November 22nd and unable to attend the Beach Towns Breakfast.
- The MPO will meet next week.
- We had a couple of meetings with UNCW, with Katie and Tim, on some Parks and Recreation stuff that might be in the future.

MR. OWENS: OTHER ITEMS AND REPORTS.

- Coral Drive is nearing an end. We are going to repave and mill the area around the school and where you come into Coral Drive. The rest of it is going to be restriped at some point; we don't have any funds for that. We are pretty much on budget; just a little over. We did enclose a lot of the ditches that weren't going to be enclosed.
- The two bathroom facilities still have punch lists but they're accessible and usable at this point.

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

Mr. Edes said, "We have a Closed Session; I need to bring the Board up to speed on a few pending items." Alderman Partin made the motion to go into Closed Session at 6:55 p.m. pursuant to G.S. 143.318-11(a) to consult with the Town Attorney and preserve the attorney/client privilege. The motion was seconded by Mayor Mills and approved with a 4-0 vote.

MEETING RECONVENED.

Mayor Mills reconvened the Regular Meeting at 7:19 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 7:20 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk