

MINUTES
BOARD OF ALDERMEN
FEBRUARY 13, 2020

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

Attendance: Mayor Darryl Mills, Mayor Pro Tem Hank Miller, Alderman Jeff DeGroote, Alderman Ken Dull, and Alderman Zeke Partin; together with Town Attorney Brian Edes, Town Manager Timothy W. Owens and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance

Invocation: The Lord's Prayer

PUBLIC COMMENTS: SKIPPER FUNDERBURG – NONPROFIT INFORMATION; MS. SUE BULLUCK SPEAKING FOR THE CHAMBER OF COMMERCE.

Mr. Skipper Funderburg delivered paperwork to the Clerk and said, "I am here to say that it's my civic duty to provide this nonprofit information to you. Thank you." The Board thanked Mr. Funderburg for the information.

Ms. Sue Bulluck said, "I'm with the Chamber with an ongoing but small membership and a board that needs to be restructured. I spoke the other day at the Marketing meeting and want to bring you up to date from where we see things on the beach. We will talk about them with you later in terms of specifics. I've been working with folks in Washington, the County and others in other states with regard to our beach nourishment issues. I report to you the good thing is, we have options. The bad thing is that the CBRA issue that we thought we had settled is not off the table yet. The CBRA issue is whether or not we can use sand from the same borrow site that we've used in the past or whether we'll be forced offshore. If we're forced offshore, the cost will double if not triple in terms of each cycle. We will not know how that happens until the end of February. Looking at that in conjunction with the ad valorem tax, the County claims that the room occupancy tax is a State tax but it belongs to the County. We at the beaches believe that it belongs as our local contribution. We're facing changes in the next six months to a year with the election so that we are now going to be represented in the Legislature by two different House members. The City of Wilmington has one view and I am urging us to get together more with the beaches and develop a beach versus inland view of not only the issue of beach nourishment and how we pay for it, traffic and how we get access to our island over the next two years because that will be another issue that will exacerbate room occupancy tax. The third issue is tourism development. Our vision is not the same necessarily as the regional vision. We, Carolina Beach and Kure Beach have the beaches and the issues related to them. Those bring costs and those costs are not necessarily always recognized by people on the mainland. So, I'm here to ask for your help. I'm here to ask Mayor Pro Tem Miller whose on Transportation who works with Alderman DeGroote in terms of marketing; and with Alderman Dull in terms of the Ports and Waterway because they're all tied together. The good thing is we have options. The bad thing is that we're not necessarily in control of those options. So, we'd like to work with you, stay on top of it and continue to have some dialogue in a separate way on those."

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

- a. Approved Minutes of Special Meeting on November 7, 2019.
- b. Approved special event permits as follows:

- 1) UNCW Pi Kappa Alpha Fraternity Firetruck Pull (*185 participants*)
Saturday, March 21, 2020, (5:30 – 8:30 am) (*event 6:30-7:45 am*)
Location: Parking lot at the Fire Department
*** Recurring Event
- 2) North Pointe Community Church Celebration (*300 participants*)
Sunday April 12, 2020, (6:00 – 8:30 am) (*event 7:00 – 7:45 am*)
Location: Beach strand on the south side of Crystal Pier
*** Recurring Event
- 3) Church of the Servant Easter Sunrise Service (*100 participants*)
Sunday April 12, 2020, (5:30 – 7:45 am) (*event 6:30 – 7:45 am*)
Location: Beach strand at Access 4 (*L-shaped parking lot on north end*)
*** Recurring Event
- 4) WBLA Carolina Pro Am SUP Surf Contest
(*Participants: 100-200 day 1; 200-400 days 2 and 3*)
Friday through Saturday April 17-19, 2020 (8:00 am – 7:00 pm)
Scaffolding up Thursday, April 16, 2020, 8:00 am
Location: Beach strand south of Crystal Pier – Beach accesses 37-38
*** Recurring Event
- 5) Carolina Cup 2020 (SUP races) (*1,000-2,000 participants/volunteers/spectators*)
Saturday, April 25, 2020 (6:00 am – 6:00 pm)(*event 7:30 am – 3:00 pm*)
Location: Beach strand at Blockade Runner
*** Recurring Event
- 6) UNCW Beach Blast (*approximately 4,000 participants*)
Tuesday, August 18, 2020 (7:00 am – 4:00 pm)(*event 11:00 am – 3:00 pm*)
Location: Beach strand north and south of Crystal Pier
*** Recurring Event
- 7) O'Neill/Sweetwater Pro AM Surf Contest and Music & Art Festival in the Park
Surf Contest: 400-600 participants Friday and Sunday, 600-1,000 Saturday
Surf Contest: Friday-Sunday, August 21 – 23, 2020 (8am – 6pm)
Scaffolding: set up on Thursday, August 20 at 10am; Daily prep at 6am
Location: Between Charlotte and Oceanic
*** Recurring Event

Music & Art Festival (200-400 participants)
Saturday, August 22, 2020 (4pm – 10pm) (Set up begins at 1pm)
Location: Wrightsville Beach Park
*** Recurring Event
- 8) AFSP Walk for Suicide Prevention (*approximately 700 participants*)
Sunday, November 1, 2020 (10:00 am – 4:30 pm)
(*Registration 12:30 pm, Walk 2:30 pm*)
Location: In front of Town Hall and the Loop
*** Recurring Event
- 9) Walk to End Alzheimer's (*approximately 800 participants*)
Saturday, November 7, 2020, (6:30 am – 1:00 pm)
(*Registration 9:00 am, Walk 10:30 am*)
(*Setup begins Friday, November 6, 2020 at 12:00 Noon*)
Location: Wrightsville Beach Park Event Stage and the Loop
*** Recurring Event

- c. Acknowledged previously approved special events for March.
- d. Acknowledged departmental quarterly reports covering the months of October, November and December, 2019.
- e. Adopted Resolution No. (2020) 2188 to approve a contract for auditing services with Martin Starnes & Associates, CPAs, P.A. for the period beginning July 1, 2019 and ending June 30, 2020.
- f. Adopted Resolution No. (2020) 2191 to amend the Town's Travel & Training Policy.
- g. Adopted Resolution No. (2020) 2192 to amend the Town's Personnel Policy.
- h. Adopted Resolution No. (2020) 2193 adopting the 2020-2030 Parks, Recreation and Open Space Master Plan.
- i. Approved Commemorative Bench Sponsorship requests from Kris Stevens (Beach Access #4 at the L-shaped lot); William Hunter Newbold (Beach Access #5 at South Ridge Lane); Christa Dean (Beach Access #25 at Atlanta Street); Ginger Tipton (Beach Access #31 at Chadbourn Street); James Brewer (Beach Access #34 at Taylor Street); Jason Turpin (Beach Access #35 at Bridgers Street); Lisa Hysko (Beach Access #36 at Oceanic Pier); and Susan Schumacher (Beach Access #43 at Jack Parker Blvd.)
- j. Set a public hearing for the Board of Adjustment on Thursday, February 27, 2020 at 5:00 p.m., or as soon thereafter as possible, to consider a request from the Hanover Seaside Club for a variance to the side yard setbacks on the north side of the structure for the property located at 605 South Lumina Avenue.

CONTINUED PUBLIC HEARING FOR CONSIDERATION OF ORDINANCE NO. (2020) 1791 APPROVING A TEXT AMENDMENT TO SECTION 155 EXHIBIT A TO AMEND THE DEFINITION OF LOT FRONTAGE.

Mr. Wilson gave the following overview: This did go to the Board of Aldermen at the last meeting. At that meeting, Planning Staff was tasked to look at the properties from Stone Street to Mallard Street and we did that and we'll go over some of those findings. This text amendment would apply to the R-1 and R-2 Zoning Districts. We received this application on August 6, 2019 from Attorney J. C. Hearne; for a text amendment to Chapter 155 to amend the Lot Frontage definition. On page 174, you have our current definition. The proposed text amendment would allow the front of the lot to be taken from the side opposite the lot line facing the ocean. At our last public meeting of the Board of Aldermen, there were some citizens here and we heard some concerns about line of sight. So, Staff was given direction to look at those properties, make a finding, come back to the Board, take it to the Planning Board and come back again. So, we did that. It went back to the Planning Board in January. Here's our definition of lot frontage. This is where it's going to be changed: The front of the lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on through lots, all sides of parallel or approximately parallel streets shall be considered frontages. For landlocked waterfront lots, the side of the lot abutting the water shall be considered the rear lot line and the side opposite this rear lot line shall be considered the front of the lot line. And here's the definition of

a street, it talks about any public right of way. The next slide is Augusta Street. Again, this text amendment applies to all of the properties in R-1 and R-2 Districts, but we're going to use Augusta Street as an example. The Conleys are here, they are the owners of the properties. We're going to look at the street. This is the east end of the street prior to the demolition of the house. This house on the corner at 15 was in the setbacks – probably over the setback lines and the house on the interior had a five-foot access and was not meeting any of the setbacks. The next slide, the property to the right is considered 18 Augusta Street. I think we have some of the surveys on those properties there for that oceanfront structure. As far as the lot frontage, this text amendment only applies to the corner lots on oceanfront properties. Our current ordinance requires that the setback be taken here, fifteen feet from Augusta Street extended. They've got to have an access easement here which is going to be a minimum of ten feet here; seven-and-a-half feet here. These structures from Stone Street to Mallard Street are restricted by the Static Line Exception Rule – that's a CAMA rule. We approximately did this as fifty feet as far as the length of the house. The proposed text amendment would say we take our fifteen-foot setback from the access easement here; seven-and-a-half; seven-and-a-half here; the Static Line stays the same. So, the building footprint here changes from thirty-and-a-half feet to thirty-eight feet here. I think the applicants will say, no matter what, they're going to be able to get their Floor Area Ratios. This structure here is going to be okay as far as the numbers. The buildings we looked at here – approximately thirty-five structures in that Analysis, we found that in between Stone Street and Mallard Street, 79% are nonconforming and 21% are conforming to the setback requirements on those structures. The average mean was approximately 10.4 feet from that side line of those properties there. Here's our chart. Some of these numbers are from surveyors and some from plot plans. Robert and I from the Planning Department had to go out there and measure some. So, these numbers are not spot on but they're close as far as being accurate. I sent an email out yesterday. We did apply this ordinance on the way it reads to a structure. That structure was able to build around 2,200 square feet instead of 3,500 square feet. But these lots, if you do the Floor Area Ratio, new structures can be around 3,700 square feet and 900-some square feet for the decks. They will be able to get three stories here. Some of the structures can only go two stories. The reason why they can go three stories, if you've been out to this site, it is a lower site – three or four feet more in ground. So, that's why they can get their Floor Area Ratio here. I'll go over the text amendment here. Ordinance No. (2020) 1791, what's been changed is the last paragraph of that. It says, For those lots located in the R-1 or R-2 Residential District, and which are located on the oceanfront and are used for the sole means of access to the immediately adjacent oceanfront in landlocked lots zoned R-1 and R-2 Residential District, the side of the lot facing the ocean shall be considered the rear lot line and the side opposite shall be considered the front lot line. So, that's the main difference in this text amendment." Mr. Wilson reviewed an overhead drawing to compare the current ordinance with the proposed text amendment. He said, "At the Planning Board meeting, we did review this again. We talked about line of sight. We started discussing lines of sight and then we started thinking, there's nothing in our ordinance that says that you have to have a line of sight that we could find. We found that maybe through a deed, that's the only way. A deed restriction as far as any type of line of sight. So, it went back to the Planning Board again. They voted unanimously again to forward this to the Board of Aldermen for consideration."

Mayor Mills opened the public hearing at 5:46 p.m.

Mr. Tom Conley, 716 South Lumina Avenue, said, “First, let me thank the Town and the Board for taking the time to meet with us again. My brother, Tim, is actually going to go over the presentation we submitted. I would just like to recap the other meetings and let everyone know what our vision is for 15 Augusta Street. Before I get into our vision scape on this property, I want to make certain that any and all questions are answered this evening. We have already been to one Alderman meeting and two Planning Board meetings. The Planning Board is in place for a reason and I would tend to believe that the unanimous vote on two separate occasions should carry a lot of weight. Vice Chairman Culp said, ‘You’re losing so much buildable area that’s not necessary and this makes so much more sense.’ Again, this was follow-up to a unanimous vote. It was reviewed in much further detail and they asked a lot more questions at the January 7th Planning Board meeting. Vice Chairman Culp again said, ‘I haven’t changed my mind from the last meeting. I think that it is still a correct move.’ After all the members agreed, Chairman Smith said, ‘I agree with everybody else. I think this needs to be seven-and-a-half feet for the good of the whole. All these homes will come back one by one so we might as well do this in one swoop and make it right because they could still plant trees that would block the views. We initially started this process in June and have been through several meetings and had multiple meetings postponed or pushed off. That said, we’re hoping for a decision tonight so we can move forward. We have no problem with anyone from the audience, the Town or the Board challenging anything we say. I only ask if there are any nonfactual or incorrect statements made after we give our presentation, that we have a chance to correct them as we go through this meeting. I bring this up because there were several statements made at the last meeting that were not factual. I recall three statements being made: 1) This is just a developer trying to work around the system; 2) They are trying to build a much larger house than a normal homeowner can build; and 3) The line of sight is going to be much worse than it currently is. All these statements were incorrect and I didn’t feel like we were given a chance to refute these statements at the last meeting. Our hope is that we are not perceived as some big developer trying to come into Wrightsville Beach and change the rules. We are as far from that as you can imagine. We are your neighbors and are very proud to call Wrightsville Beach our home. Over the past decade, we had made several drastic improvements to several of our properties throughout the Island. I wish I had taken more pictures of what was there at 15 and 17 Augusta Street but I knew we were tearing them down so I figured it didn’t matter. These two houses were neglected for decades. Both houses, especially 15 Augusta, were in dire need of major repairs. Repairs that would have far exceeded the cost of tearing down and rebuilding. 15 Augusta, like 17, was riddled with asbestos and infested with flies. Although 15 Augusta Street may have looked decent from the exterior, the interior walls were so badly eaten up by termites, I’m actually shocked that it was still standing. As far as our vision goes, not knowing the size or the width of the structure we can build makes it very difficult to create or even show design concepts. So let me try to paint a picture verbally. There are hundreds of similar examples of what we’re here trying to accomplish. Basically, we’re taking a dilapidated house that is breaking at the seams and building a beautiful, high-end custom home. One example that I could point to is the home that the Cohens used to own. They recently sold it for just over five million dollars. They had a property that they tore down and rebuilt and they

drastically improved the property values for everyone. We feel that this is exactly what we are going to do and have invested a lot of time and money behind this project. I'm not a huge fan of discussing financials, but seeing most of the people here are also homeowners and without design concepts, I think this will help with my picture. 15 Augusta Street cost us \$1.74 million. We will have well over a million dollars in construction costs, putting the total investment for 15 Augusta Street well above three million dollars. Don't get me wrong, we're not only doing this to help improve the neighborhood, as it is an investment for us as well. We feel like we're showing everyone the financial risk we are willing to take. I say this because 17 Augusta Street was for sale a long time before we purchased it. Anyone else could have easily purchased both of these lots just like we did. We are the ones that put our money down and decided to make the necessary improvements. Our plan is to build 15 and 17 Augusta Street as spec homes and resell them. These will both be high-end houses that we believe everyone will be proud of having as a neighbor. We cannot guarantee who will eventually reside at 15 Augusta Street, but more than likely, someone willing to spend this kind of money will keep their home in great shape and will also be a solid neighbor."

Mr. Tim Conley, 727 South Lumina Avenue, said, "For the most part, this lot is fifty-three feet wide. Most of the lots are 50x100'. It would be a huge impact to the ones that are fifty because you're talking about a twenty-seven-and-a-half-foot-wide house being able to be built. A lot of these lots are either parallel or perpendicular at the end and some of them are double lots. This is the lot on Augusta Street and the one next to it we also own there – 15 and 17 Augusta Street. The one up here is 20 Greensboro Street. You've got parallel, Greensboro Street perpendicular, Augusta is parallel. So when you have a fifteen-foot setback from a parallel one, you're losing a tremendous amount of buildable footprint. And also, you're going to have a house that doesn't look that great in conjunction with the neighborhood. With the double lots like the one here on Asheville Street, they can build up to a seventy-foot to a seventy-five foot house because they've got fifteen off the street and seven-and-a-half in the back and they still have a 100x100' lot. What we're talking about here are those thirty-five lots but a lot of these parallel ones – fifteen feet, they could still build a thirty-five-foot wide house and a normal looking house, it's just going to be on a side rather than towards the ocean. Over 90% of the existing lots with construction like this have the setback like we're asking for. If they're destroyed, you're talking about losing a tremendous amount of the footprint. The seven-and-a-half-foot setback in the back doesn't provide enough access for the landlocked lots next to them for a fire truck. So you're going to have to go at least ten feet from the back of the house. There's also a significant hardship on the financial value of a twenty-seven-and-a-half-foot wide house versus a thirty-five-foot wide house. In this instance, we also believe that the side closest to the street on Augusta Street – Augusta Street is short – if you'll look where it's paved, we're almost probably a hundred feet away from the nearest public parking. The lifeguard parking is on the right. We believe the back of the house is actually closest – the west side of the house is actually closest to it. Augusta Street clearly does not run to the end of the lot. If you had to pave all the way to the end of this lot, you'd be going through the public beach access. We have a ton of examples. Would the Town be willing to pave all the way to the end of Augusta Street? I highly doubt CAMA would allow that. The prior house was also nonconforming. It was actually directly on the lot line. So, even a seven-and-a-half-foot setback on the side,

you're improving what the prior structure was. We've torn both houses down but there's a seven-and-a-half-foot improvement there already. So, we feel that's an advantage right away. Once again, there's nothing in the Town ordinances protecting the line of sight. This is an example of Tony's slide with the 79%. If you look at the ones in blue or in green, those are double lots; they're perpendicular lots. If you look up, that's 20 Greensboro Street. And then you've got Fayetteville Street – they've got lots running sideways or facing the ocean. This text amendment only pertains to the ones that are parallel to the street. Only one out of twenty are actually conforming – that are actually fifty-foot wide by a hundred-foot lots that are parallel to the street. And the average setback is just over seven feet for all of those combined. These are some aerial pictures of what we're talking about. This actually could pertain to over forty-five lots. Our text amendment is only for parallel lots; the lots on the end, not the middle lots. Once again, the middle lots already have the exact same setbacks we're requesting here. At 15 Augusta Street, the setback is different than 17 Augusta Street. 17 Augusta Street has the fifteen-foot setback on the west side of the lot. It's seven-and-a-half on both sides. So, in order to build two houses that kind of match each other, that's pretty much what we're requesting. Here's aerial footage of what we're talking about. We're trying to get the access in the back like over 90% of all the other existing properties in similar situations have for the beach. Here's a couple more streets that this have been impacted. Some are running perpendicular and some are running parallel. These are some of the sound front lots. I think this is important to note, because of what we're talking about, it could potentially impact these lots in the future. We identified twenty-six streets that meet the criteria. These are examples of some recent new constructions. This is 513 South Lumina Avenue – recently sold for over four million dollars. It's on the corner of Sprunt Street and South Lumina. It's got landlocked lots inside of it. And you can see this is off of New Hanover County public records. Here's 98 Water Street. This is Short Street that runs along Water Street. The new 98 Water does not touch Water Street at all. It's only on the side of Short Street. This house was built in 2017. If they had lost seven-and-a-half feet, they would have had to have a fifteen-foot setback off of Short Street – theoretically. Luckily they made the right decision and did the fifteen-feet off the back. This is what we are talking about here. If the lot is parallel to the street, the fifteen-foot setback should be on the side. Here's East Augusta Street. We'll move directly to the lots in question just to go over any questions anybody has. Here's an aerial view of the lots. Once again you'll see that there's a double lot on Asheville and a couple of them up here. These are the parallel streets. The red area is the parking for the lifeguards. You can see it's even farther than the lot next to it. If you'll look on top, it says public beach access. You see where the street ends. There's an argument to be made that this side of the lot – the west side – is closer than the southeast side. So the setback should be in the back. Here's 19 East Asheville – they both come in from the back. So, if you were truly to look at it from a technical perspective, I would say the west side of the lot is the closest to the street and should have the setback regardless. A lot of these streets are different when you see them from an aerial view. How this all started, there's only two properties that have the setbacks that are current of all the ones oceanfront. Starting on Columbia Street; Columbia Street actually goes all the way to the end of the property line and they actually access that property from the front of the lot. Here's an actual survey; this shows the deck was actually right on the property line. Please note that Augusta Street is actually fifty-foot wide. When you see them in these pictures, you really have to understand that a lot of what looks like private property is actually

part of that fifty-foot wide Augusta Street. When you look at it this way, just to give you a perspective, all of these lots are exactly the same size and they would be fifty feet on the back. This is a fifty-foot lot behind us. This is the length of Augusta Street. This shows where that fifty-feet starts on the prior house. We saw from the survey that that's right on the lot line. We already know because we've got the survey on this one and its seven-and-a-half feet off the property line; the next door neighbor on this side. That's exactly what we're asking for here; to have seven-and-a-half feet on the side of the property, not fifteen cutting significantly into the value of the property as well as the building specs. This lot shows the end of our lot line and that's basically a hundred feet between the two of them. Just to give you an idea of how wide these streets are, even though probably only about thirty-five feet are paved, the Town owns fifty feet there. This is a view from Augusta Street just to show you how close the house is; probably fifteen feet off the roads. Here's a couple more. This one has to be right on the property line on North Lumina Avenue. This is probably the only conforming house on Augusta Street. There's only six properties on the street. This is 10 Mallard Street. This is a seven-and-a-half-foot setback. This lot is 175 feet. This property on the right, the lot is 170x25' – they're duplexes. So, it's a 50x175' for two properties. If they had to rebuild, the owner of this unit would be stuck with a nine-foot wide condo. This is from the County public records to show you what it looks like to the lots. It would be a huge hardship. Another reason I'm saying that is Tom and I both own 14-B Mallard, which this property would be impacted from it as well. If we ever come up Crane Street and knock that house in or our neighbors decided they wanted to rebuild and come off Crane Street, we would be faced with this issue as well. Here's a view of 14 Mallard and here's 12 Crane Street (off of Tony's diligent work), that's just over seven-and-a-half feet for 12 Crane Street. Here's Sandpiper Street and 12 and 15 Heron Street. Tom and I also own 12 Heron Street and it would be impacted by this amendment. Here's 14 and 15 Shearwater Street; 18 and 19 Oxford Street; 17 and 18 East Fayetteville Street. You're talking about moving at least seven-and-a-half feet into these properties. I didn't do due diligence on all of the streets but most of them are fifty feet wide. Where you see telephone poles, that's actually on public land. Here's Asheville Street. This is a double lot on the left. They're not fifteen feet off per Tony's and Robert's work. This is 18 East Asheville. Tom and I also own this property. This is 9.8 feet off the line; it would be half way into the garage on the right with what you're talking if we had to rebuild. So, this is a pretty important issue for us along with a number of other residents on the Island that I think would be massively impacted if they had to build to this code for the oceanfront lots. We feel a precedent has already been set with over 95% of the properties not meeting this fifteen-foot setback. There's only two; there's a new one on Raleigh Street that does meet it and then the one on Columbia Street. Here's 15 and 16 East Raleigh. This one does not meet it but there's a new one on the left that does and it's only twenty-seven-and-a-half feet wide, which to meet it, it hurts everybody's property values. These are the most expensive lots on the Island. I truly believe the Town's intention for these lots when they reconfigured them was not to have the setbacks on the side. Here's 14 and 15 East Charlotte Street. I didn't do a survey on East Charlotte Street but I'm sure that little beach cottage is similar to the one we took down in terms of being very close to the property line. Here's East Atlanta Street and 16 and 17 Columbia Street. These are condos. The one is conforming on the left. On the right, they'd lose half the condo. Here's Bridger Street and South Lumina. Here's an East Sprunt Street property that I showed earlier that sold for over four million dollars and they use East Sprunt as a guideline

for this. That property would be at least seven-and-a-half feet thinner on the right-hand side. Here's 98 Water Street again. It shows you Short Street. It shows a lot that's actually for sale behind it. That's how big that lot is in the back. And 98 Water Street doesn't touch Water Street at all; it only touches Short Street. Once again, we really feel a precedent has been set on the Island. It should be on the back side of the house for the fifteen-foot setback. Here's some of the Intracoastal properties. Our text amendment only pertains to the oceanfront lots that are parallel to the street, not the ones that are perpendicular. Here's 2 and 5 Bay Street; 25 and 30 West Oxford Street; 5 and 12 West Asheville Street; and, 9 Corbett Street. You can see where the fence is and you can see the fire hydrant. My guess is that's the property they had to move fifteen feet off of Corbett Street. There would be a significant hardship for both of these properties. Here's an example of properties that are currently on the market that could be significantly impacted. Here's 2 Sunset Avenue. This is a duplex on Sunset. It's just over forty-six-foot-wide lot by a hundred-and-thirty-seven feet. Currently both units are just over \$3.3 million. It's on the market right now. If that was torn down and had to be rebuilt, they would be stuck with a fifteen-foot setback and seven-and-a-half on the other side. You're talking about a twenty-four-foot wide house for that lot. It would impact both of the property values significantly. Here's 7 and 8 West Atlanta Street. The one on the left hand side is currently for sale. It's a fifty-foot by a hundred-and-eighteen-foot lot. One half of it is on the market. He wants \$1.35 million. Once again, if you had to come off West Atlanta Street for the setback, that would be very problematic and a hardship for this property as well. Here's 16 and 18 Southridge Lane. I don't know how you'd look at this one as far as where the setback should be. Once again, as we're requesting, we'd like to have the west side of the property. Here's 18 Southridge Lane; it's for sale for almost \$3.7 million. In closing, we once again feel like the precedent has been set. Over 95% of these properties on the Island in similar situations as ours already have the setbacks as we're requesting. There's a legitimate argument for Augusta Street that the street ends prior to where the lot starts or at the point where the lot starts where the closest setback to the street would be on the left side regardless. We feel like the western side of the street is closer than the southeastern side in that case. Once again, we're not asking to build any larger than the footprint – 70% footprint. We're not asking to build any taller. If we don't get approved for this amendment, we can make something work on that property but it's not in the best interest, we feel, to the Town. We think this is going to come up again and again as some of the beach properties get redone and it's going to significantly devalue a lot of the lots. If we were to try to sell one of our properties, when you start selling four and five million dollar houses on the beach, you've got to believe it helps everybody else. We're here to answer any questions."

Ms. Sue Bulluck said, "Did you look at any commercial properties in your evaluation for nonconforming and conforming because the Chamber did a study about 2016 and this island is nonconforming. The only reason we would begin to attempt to conform was its connection in terms of insurance rates and uniformity of building. I agree this is a problem."

Mr. Stan Judd, 12-B Mallard Street, said, "I smile at the redefinition of an oceanfront lot that is an ocean-front lot. That's what it's been sold for for years. It's not an ocean-back lot and to come back and look at the value associated with that. The question that I have is – you need to make the front be affiliated with the public right of

way. Is not the beach, in fact, a public right-of-way? Second, listening to this redefinition of your sidelines, I look at it as a sleeping disaster. The problem with a sleeping disaster is no one is going to know about it until the disaster hits. When the disaster hits, you will have this many people coming in and saying they can't build their house that they lost because you have a new ordinance that is going to move them back. In our situation on Mallard Street, the two end townhouses could not be built. I know there is no way that I would trade positions with any of you if you are sitting here and trying to deal with that problem when it arises."

Mr. Ronnie Hunt said, "I've been thirty years selling real estate at Wrightsville Beach so I hope to simplify this a little bit. I was here in 2007 when Columbia Street blew up and this fifteen-foot thing started. I don't know that there's anybody here that knows more about this than me and Tony because we talked about it ad nauseam over the years. I want to offer a brief history and just give you my realtor concerns. Tony says there's 79% of those homes that are nonconforming based on the new use of the fifteen feet. It's actually a little more than that but some of them are conforming. You ought to ask yourself why 80%-90% of those homes are now nonconforming. It goes back from John Nesbitt, to Bill Manley, to Tony Wilson; it covers the sixties, the seventies, the eighties, the nineties, until 2007. Every one of those oceanfront properties were treated fairly and the same as any other fifty-foot wide lot. That's all been covered. The history was Terry Turner and other builders were always able to kind of pick the front; and the front and the back were always going to be on the fifty-foot section and the seven-and-a-half feet was always going to be on the eighty to the hundred foot line because that made sense. In 2007, the Board changed on Columbia Street. The code did read that the front was where you had access but the Town had never treated those lots that way. And here we are thirteen years later still debating on it. It's the classic example of why text amendments exist. It's because there's no one definition you're going to put in a box, especially as Sue mentioned; on a Town like Wrightsville Beach where everything is nonconforming, you're not going to get one definition that fits every single property. In this case, this text amendment would treat these lots more fairly with other lots up and down the street. Not to mention that particular oceanfront lots between Stone Street and Mallard Street are the most restricted lots. Tony mentioned the Static Line, the 1939 Line. On these particular corner lots, they'd have to offer an easement to the landlocked lot. I don't think anyone mentioned but the old pink house that's part of this Augusta Street had no access. So, this is going to be solving one issue there. So, realtor concerns are all these homes you saw on the Power Point, from a realtor's standpoint, are nonconforming structures. They were perfectly permitted from the Town. Now with fifteen-foot setbacks and every one of those houses will be nonconforming structures. And they will keep coming in here because any time they want to add square footage, add a deck, somebody buys it and wants to tear it down and rebuild, they find out they can only do it with a twenty-seven-and-a-half foot house. It's going to be a concern and they're going to be right back here in front of you. Most realtors are unaware and most of the owners are unaware that their house is nonconforming. I heard line of sight but I haven't found anything in the ordinances or General Statutes being incumbent on one lot owner to provide a view for another. In closing, I think it's a step in the right direction."

Mr. Scott Sullivan, owner of Sullivan Design Company, said, “I’ve designed probably over a hundred and twenty-five homes in Wrightsville Beach. I am working with the Conleys in developing the property for 15 and 17 Augusta Street. I just wanted to say that a twenty-seven-and-a-half-foot house on a fifty-foot lot is a very difficult house to design in an efficient manner. It places a hardship on the property owner.”

Ms. Bulluck said, “We’re in favor of this text amendment. We are an evolving beach. We are never going to put this back in the correct position of absolute conforming properties. The history of this beach won’t allow us to do this. The only thing you guys can end up doing is doing the best for your timeframe on the Board. If we were to end up with a massive knock down and we attempted to enforce rebuilds under our current ordinances, we would be in court forever. While it impacts our insurance and other issues, I think we’re stuck with the path that we’ve set upon for the last forty years. So, I urge you to take this and equitably solve that oceanfront issue.”

Hearing no other requests to speak, the public hearing was closed at 6:24 p.m.

Alderman DeGroot said, “This is the second time I’ve seen this. It was on the Planning Board in an advisory position when we saw this. The appropriate questions were answered and we had unanimous approval on it. It then came back to the Board of Aldermen since Zeke and I were elected. It once again went back to the Planning Board with two new people and there was unanimous approval as well. I approved it and since I’m an elected official, I want to stay consistent with my vote. There have been quite a few people in favor of this. Nobody has opposed this. As an elected official, I will pretty much a hundred percent go with the community and people that come up and support items like this. I think it’s a huge issue. Like Sue said, if we don’t do something to correct this now, I think we’re going to be in this meeting or possibly in court many more times. So, I am favorable with the Conleys in this text amendment and I’m consistent on what I previously voted on.”

Mayor Mills addressed Town Attorney Edes and said, “Looking at the proposed ordinance, where in there does it state that it is limited to what has been represented to us as ‘corner lot ocean front’.” He then addressed Mr. Wilson and said, “While they’re doing that, why the setbacks came into being as they are because if the 2007 ordinance created all of this nonconformity.....?” Alderman Partin said her question was why we decided to go with fifteen feet in 2007. Alderman Dull asked what it was before that.

Mr. Edes said, “It doesn’t read exactly the way you’re asking. Tim is going to explain.” Mr. Owens read the proposed text amendment as follows: “The front of a lot shall be construed to be the portion nearest the street for the purpose of determining yard requirements on through lots, all sides of a lot abutting parallel or approximately parallel streets shall be considered frontages. For landlocked waterfront lots (which they have one of those), the side of the lot abutting the water shall be considered the rear lot line (so it would be seven-and-a-half) and the side opposite this rear lot line (which is the west side) shall be considered the front lot line (that’s fifteen feet). Here’s where it’s limited in scope, I think. For those lots located in the R1 or R2 Residential Zoning District and which are 1) located on the ocean front; and 2) are used as a sole

means of access to an immediately adjacent oceanfront landlocked lot zoned R-1 or R-2 Residential. So, if you've got lots that are east and west facing, then the corner lots would have that option to change the access to the west side. He showed two hundred-foot lots and I think in that situation, the fifteen would still continue to come off the roadway or the right of way or whatever you want to call it." Mayor Mills said, "Are you saying the access is not all the way through?" Mr. Owens replied, "What I'm saying is the only time this would apply, the way I'm reading it, is if there was a landlocked parcel adjacent to it." Mayor Mills said, "If you've got four – here's a corner and here's a corner and I'm passing this corner to get to this house, this lot falls into that same category." Mr. Owens replied, "And it already did. That was part of the ordinance already." Mayor Mills said, "So we don't have an internal inconsistency is what I'm after." Mr. Owens replied, "No. There's an external inconsistency." Mayor Mills said, "I get what you're saying, I just want our Town Attorney to make sure our ordinance reflects what they're saying." Mr. Edes said, "I agree with the Town Manager, the proposed ordinance reflects exactly what he's saying (with regard to the 'landlocked lot adjacent')." Mayor Mills asked Mr. Edes to make sure because this is a big issue. Mr. Owens said, "The biggest one is 'are used as the sole means of access to an immediately adjacent oceanfront landlocked lot.'"

Alderman Dull questioned whether the lots on Henderson and Greenville Streets would be affected. Mr. Owens replied, "All the ones they showed you elsewhere, with this definition, whether it was on Coburn Street or those streets, it may not help that situation because this limits the scope to access to an adjacent property." Alderman Partin said, "You're trying to get that fifteen feet in the back in order for somebody to have access – correct? Landlocked?" Mr. Owens replied, "I think that was part of their discussion (we can't have the seven-and-a-half and then go to fifteen and be able to get a car from Point A to the internal lot.) I think a lot of those they showed probably wouldn't apply. Some of them they showed didn't apply at all because there are Town alleys in front of them and stuff like that. I think this is narrow in scope and that wouldn't apply to a lot of those." Alderman Partin asked if Staff had come up with why this changed. Mr. Owens replied, "Interpretation changed over the years and it came out on Columbia Street."

Mr. Wilson said, "Since my name was mentioned and my fingerprints are on a lot of things here, there's a lot of nonconforming structures in the Town of Wrightsville Beach including commercial structures where they have a hundred units that are nonconforming. Some of these houses were built prior to zoning ordinances. I believe the definition of street changed over the years from the seventies and eighties. I think that's the thing, the interpretation prior to me and then with me, let me say I don't think this applies at all to any of the Southridge properties. Let's say this right here, if this is an access-way and if the definition read differently, this could be considered the front right here. And I think that's what happened on a lot of these. If you look at the definition of street in 2006, it was different than it is today. I think interpretation was we and others considered this to be a street right here. There are some things in the ordinances that talk about the owner, the front of the lot can be the address. So, I think that's some of the things that prior Staff looked at and made those decisions in the seventies and eighties. The ordinance for street was different; the interpretation definitely was different. Especially between the Sandpiper streets. They have access-ways. Today's definition talks about a public street but did it say it could be in an alley;

did it say it could be something else and that's the interpretation that was taken, I think, from Staff. Nothing has changed since 2006. The definition is the same. We've applied it to the Raleigh Street lot. Some of these waterfront lots, they're correct, it comes in there. On this house right here, the interpretation may have been that easement right there was considered the street. That's how we got to this point."

Alderman Partin said, "It could also be that people looked at the garage side as the back side and water side as the front side." Mr. Wilson said, "I haven't looked at this house to make a decision. I think a lot of the stuff that Mr. Conley said was accurate. I have some questions with some of them but most of it was accurate. They said we came up with around 80%; they're at 90%. So we feel like those structures were nonconforming and I think interpretation of where the street was is the reasoning behind that." Alderman Dull asked how long the code has been like it is. Mr. Wilson replied, "We changed it again in 2012. And I think we changed the definition of street – it was like that prior to 2012 and it is the same today. So it was like that in 2006 when the attorney pointed out to us on Columbia that we were not enforcing our ordinance the way it reads. So it was like that in 2006. It may have changed in 1998 again. So, some of these things were changed and then how the Staff looked at it to say we've done it like this; that's the wrong thing to say – just like we did on Columbia Street. You have different interpretations from your directors, your town managers and your town attorneys."

Alderman Partin said, "I kind of support what Jeff (DeGroote) said that we've looked at it and then the Planning Board. I do think its way clearer with everybody's explanations tonight than I was on the Planning Board. There was nobody against it. I believe I'll vote for it."

Alderman Dull said, "I'm all about everybody building as big a house as they can build so we can add more tax base to this Town. What I don't like is broad brush text amendments. With broad-brush text amendments, you don't know what you've done until later. So, I hate text amendments. We're trying to put band aids on shotgun wounds. So, I personally think text amendments are bad policy. I think we need to find ways to find consistency through this whole town and what we're doing. Part of what we need to address is nonconforming structures. You can count conforming structures easier than you can count the nonconforming structures. I think there's something that needs to be addressed. After I saw Mr. Conley's presentation, the only thing I could think was we have more questions now than we had before we walked in the room. I'm not saying what they want to do is a bad thing. And this whole street thing like – the definition of street. There just seems to me like there's a lot of questions that we need to figure out that's bigger than one property on Augusta Street. What I don't want to happen is somebody's house burns down or gets blown down by a storm and they can't build it back. That's a bad policy also. So, what we don't want is hardship for people in a natural disaster. I can't sit here tonight and go through a hundred things why I think its bad policy to do a broad-brush text amendment because I think it can negatively affect other property values. I don't know what that is but I think we have to make sure before we make policy changes that we have combed it out completely."

Alderman Partin said, "I think what you're saying is, obviously, the people who came before us had problems and they continued to do text amendments and put band aids on things."

Alderman Dull replied, “That doesn’t mean that we have to make bad decisions because other people did it. That was part of the history here. Shouldn’t we have fixed this thirty years ago? Those waterfront lots are worth a lot of money. You want to make good decisions. Putting a band aid on a shotgun wound – that’s going to be fine for the Conleys and what they’re trying to get done but is that the right way to go about this? That’s kind of where I am. After I saw all those side streets and heard everybody talk about devaluing their property because they couldn’t build back, I mean, there’s just a lot more questions to be answered than I think we had when we walked in the door. I don’t like to beat a dead horse either but I think that we need to do something that’s a little more comprehensive than trying to fix one little thing at a time and that’s kind of what Tony’s been dealing with. So, if that’s what y’all want to do – put a patch on it, I won’t stand in the way but I don’t think that’s good policy.”

Mayor Pro Tem Miller said, “I’ve been struggling with what Ken said and I’ve said all along since I got on this Board that I didn’t want to keep passing text amendments to fix problems. Sue’s been telling us since day one that we have bigger issues to fix. We need to go back somehow (the Planning Board is a good place) to fix it. I feel for these people. I get it. I agree with Mr. Sullivan. I’d hate to have to design a house. I’m afraid that we’re going to be fixing this for a long time until we try to fix the bigger issue. I also have more questions than I do answers, not about this particular piece of property, but the Mallard Street is an accident waiting to happen. I’m not sure that this fixes the street definitions; I mean he confused me more with what he said tonight than I’ve been confused since I got here. I think we really need to look at fixing something bigger. I don’t know how we’d fix his issue and fix ours too because we might have some unintended consequences. I think it applies just to the perpendicular lots but I’m not sure.”

Alderman Dull said, “Not to beat up on the Conley’s; they negotiated their deal based on the rules as they are and I’m not saying that I don’t want to help them but then again I don’t want to delay anything, but if we could fix as much as we could fix, that’s better than taking one thing at a time. An ad hoc committee – I don’t want to stick it in committee and let it die, but if we could put something we have like a short timeframe on that Tony could roll up his sleeves with and get some of these Planning Board members to really try to drill into this instead of trying to nitpick this one piece. It sounds like to me, after looking at the slide show, we’ve got crap all over the beach. Either send it back to Planning Board – I think these are the kinds of questions they should have been back to the Planning Board with instead of us having to deal with it tonight. I think we need to pull this thing aside and go to an ad hoc and give them sixty days to come back to us and then let’s get it done.”

Mr. Tom Conley said, “What we’re proposing actually fixes the majority of the issue. It’s not going to fix everything; nothing is going to fix everything on the Island but there are people that built several houses all over and they were conforming and nobody knows that they’re now nonconforming, which is a much larger issue. What we’re presenting to the Board is going to fix the majority of this. We have gone through this process; we’ve been to three meetings; we’ve spent a ton of time and money and patience to get an answer. However, this is not the answer; we’re never going to come up with the silver bullet answer to fix all of this; but if this fixes the vast majority of these twenty to forty-eight lots that we’re talking about, isn’t that a better solution than what is out there right now?”

Mr. Tim Conley said, “I just want to reiterate that we followed the advice of Tony Wilson and Tim Owens with proper procedures and processes. We started this last May. This has been almost a year. We filed this in August then we were delayed multiple times because of hurricanes and other things. We were actually on the agenda for the last meeting and were removed from the agenda. We were told that somebody wants to prepare or send us down a different path. Here we are and we were hoping for a resolution tonight. We feel like we had an attorney prepare this; we didn’t feel like it was going to be too confrontational to bring our attorney back in. I’ve had property here for almost twenty years. Tom and I own a number of properties together as well. This is something that we feel like is going to be good for a lot of people. This lot is fifty-three feet. If it was fifty feet, I’d be crushed. We bought this particular property for sale by owner and we didn’t use a realtor. This property was on the property line and we had no idea how to move this thing fifteen feet back. Obviously, we didn’t do proper due diligence before we purchased the property. Once again, we paid \$1.74 million. This is going to be a three million plus dollar property. To put this off for even sixty days is a huge hardship for us; we know what bankers charge in interest. We hope you can make a decision and we appreciate all of the support from the Town as well.”

Alderman Degroote said, “After everything that’s been said, I do believe this does fix the majority of these properties. Is there some way so this isn’t going to be delayed again, to approve this and then go back and look at the properties that it did not affect and try to address those issues in a separate text amendment? I know text amendments are like putting band aids on it, but I’m just thinking of the proposer here going through this process with us and us not ever coming up with a clear and concise decision. I don’t know if that’s an option, but I wanted to throw it out there.” Mayor Mills said, “I think the way it’s worded, it would have a much larger impact than just on them unless the Town Attorney tells me otherwise.” Mr. Edes said, “Tim and I have been continuing to talk about it. You have to meet points one and two. It would have to be a corner lot, ocean front, that’s used as the sole means of access to an adjacent oceanfront lot. I personally did not count them as we were going through the Power Point but I will tell you that it will affect every one of the lots that fit that definition; whether that’s two lots or two hundred lots.”

Mayor Mills said, “This clearly impacts the Beach in a large scale fashion. I’ve made my living representing contractors and builders and I’m very sensitive to what you’re dealing with here. The Planning Board has approved it. I’m not comfortable that they explored it as deeply as I would have preferred but I’m not going to second guess them because I wasn’t there. I think Alderman Dull has raised an important issue as well relative to – is this the way to approach this? And I know from the Conleys’ point of view, it is so they can get a decision and go on down the road. It’s a tough one because we are a town of nonconforming. How do we want to address that? The question is – is this the way to do it or not. I’m not sure I’m comfortable that this is the way to do it although it may be.”

Alderman DeGroote made the motion to approve the text amendment as is with the associated consistency statement. The motion was seconded by Alderman Partin and the vote was recorded as ayes by Alderman DeGroote and Alderman Partin and nays by Mayor Mills, Mayor Pro Tem Miller and Alderman Dull. (Motion failed.)

Alderman Dull said he would like to make an alternate motion. He said, “Again, we’ve got to try to do a better job, and I’ll point to myself because I’ve been involved in these things. Just trying to be consistent on how we’re getting this stuff done. Unfortunately, the Conleys are in the middle. My alternate motion is that we need to look at this, at least this issue about lot frontages and what streets are considered to be streets. I think we’ve got to figure this out as quickly as possible. So, my alternate motion is also that we have, and I hate ad hoc committees, but put a sixty-day expiration on it and have it back on our agenda for the April meeting.”

Mayor Mills asked if they needed a motion for that. Mr. Owens replied, “I think you can do that and I think you need to give us some direction on what that ad hoc committee looks like. Whether you assign people tonight or take applications or it’s just the Planning Board in general. The Planning Board and staff can handle it probably.” Alderman Dull said, “I think Tony, you and the Planning Board and I’ll participate. I’m interested in keeping this moving as well. I think there are a lot of other people that have property values at stake here and we’ve got to make sure we get it right.” The alternate motion was seconded by Mayor Pro Tem Miller and the vote was recorded as ayes by Mayor Mills, Mayor Pro Tem Miller and Alderman Dull and nays by Alderman DeGroot and Alderman Partin.

PUBLIC HEARING FOR CONSIDERATION OF A TEXT AMENDMENT TO SECTIONS 155.6 ZONING DISTRICT / ARTICLE 155.7 SUPPLEMENTAL REGULATIONS; 155.6.4 TABLE OF PERMITTED / CONDITIONAL USES; AND A NEW SECTION 155.7.27 TEMPORARY RESIDENTIAL CONNECTOR STRUCTURE IN THE R-1 RESIDENTIAL DISTRICT.

Mayor Mills stated that the applicant did not wish to be heard at this meeting. He then made the motion to open the public hearing and continue it to March 12, 2020 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 Miller and unanimously approved.

SPECIAL EVENT PERMIT APPLICATION FOR TURKEY TROT 2020.

Program Supervisor Katie Ryan said, “This is a special event permit application from Cape Fear Habitat for Humanity for the annual Thanksgiving Day Turkey Trot. This event is a 5K that brings a really large crowd and it’s growing by 100-200 participants each year. This year, the Police Department asked about the possibility of putting a cap on it for the number of participants. They suggested maybe no more than 3,500 and that would include spectators and volunteers.” When asked how we would count the participants, Ms. Ryan said, “After the event, we collect fifty cents per participant.” When asked about the spectators, she said everybody generally participates. Mayor Mills said he understood the cap, he just wasn’t sure how we could determine that. Alderman Partin made the motion to approve the special event request with the requirement to cap it at 3,500. The motion was seconded by Mayor Pro Tem Miller and unanimously approved.

CONSIDERATION OF REQUEST FROM B&D INVESTMENT FOR A PIER EXEMPTION AT 502 NORTH CHANNEL DRIVE.

Mr. Owens stated that this item had been withdrawn for the evening by the applicant and it would be back on the March agenda.

REQUEST TO THE WILMINGTON MPO FOR ADDITIONAL STP-DA FUNDS FOR THE CORAL DRIVE SIDEWALK PROJECT BY ADOPTING RESOLUTION NO. (2020) 2189.

Mr. Owens said, “Our grant was \$292,000 and the match was \$54,000 from the Town. The engineer’s estimate is \$277,000. D.O.T. has to look at it all the time. The engineers are charging a premium. We’re looking at \$100,000 for engineering for a \$277,000 project. Normally you’re looking at 10% for a project like this. I think we’ll be about \$100,000-\$115,000 short. I’m asking for the Board to consider Resolution No. (2020) 2189. We’re requesting \$175,000 just in case the bids come in higher than anticipated so we don’t have to go back and do this again. If we get \$175,000, it would be another \$35,000 match.” When asked if it would be ready for school to open, Mr. Owens replied, “No. It could have if it had not gotten frozen.” Alderman Dull said, “So you’re basically asking for us to kick in another \$35,000?” Mr. Owens replied, “Potentially. It’s based on bids.” Following a brief discussion regarding whether we can actually complete this project, Mayor Pro Tem Miller made the motion to adopt Resolution No. (2020) 2189. The motion was seconded by Alderman Dull and unanimously approved.

INTERLOCAL AGREEMENT WITH NEW HANOVER COUNTY FOR THE INSTALLATION OF A GENERATOR TRANSFER SWITCH AT THE NORTHEAST LIBRARY LOCATION FOR THE PURPOSES OF USING THE LOCATION FOR FUTURE EMERGENCY OPERATIONS CENTER BY ADOPTING RESOLUTION NO. (2020) 2190 AND ADOPTION OF BUDGET ORDINANCE NO. (2020) 516-B.

Mr. Owens said, “Resolution No. (2020) 2190 is to approve an Interlocal Agreement with New Hanover County for the installation of a generator transfer switch at the Northeast Library location to use for a future Emergency Operations Center, and to adopt Budget Ordinance No. (2020) 516-B with money to come from our reserve fund. In the course of two hurricanes, we’ve set our EOC up at the First Citizens Bank. It’s been great other than the size of it. Upstairs is a small room and we’re in there using our computers. The police are downstairs sleeping on the floor in the bank and the vault is right there. It’s just a weird setup. Its close proximity to the hotel but it’s really not ideal for what we have to do (bathrooms, places to cook, places to sleep, places to meet, etc). We do use the Northeast Library location to store our equipment that comes off the Island; and we use it for after-action-type stuff. To this point, the County has let us use it free of charge. They may need a generator switch at some point. We talked about splitting the cost. The total cost will be around \$34,000. I’m asking for a budget of \$40,000. There’s plenty of room for a lot of different things and it’s a great location. It’s a good grid there for the power to come back on. The County has a standing generator contract with somebody to bid it out. They are willing to put that in motion: bring that in, hook it up, have it ready prior to the storm in coordination with us. We could have a storm blow by and not get authorized FEMA-wise and then we could potentially be held responsible for the cost. Right now, we’re sort of on a year-to-year-type of thing and they could say they need that space for their needs. This thing kind of builds in something where after year one, it’s a certain percentage where we get money back. After year five, it’s sort of a wash. I think it’s a win for us. It’s a great opportunity for us. There’s a hotel right behind it. I think our folks are going out and getting rate quotes to make sure we’ve got that covered as well.”

Mayor Mills asked if the Town Attorney had looked at the agreement. Mr. Edes replied, “Yes, sir. It’s in the agenda packet. I’ve got two quick observations. Section one vests the sole discretion in the County Manager as to which rooms he will assign for our use. There’s no limited amount guaranteed in there. I presume they would act in good faith but I wanted to bring it to the Board’s attention that he could assign one small room to us.” Mayor Mills said, “That’s the way it read to me. I was a little concerned, and I’m not sure if I were the lawyer involved, how we would go about getting the County to agree to some sort of minimal. They may then consider minimal is sufficient and all of a sudden, that’s all we’ve got is that little closet that’s now our meeting room.” Mr. Edes said, “I would want to qualify his or her discretion to be in good faith and reasonable. And we could insert those; that shouldn’t be a problem. Then secondly, it looks like there’s a typo in Subsection 3 – where they refer to Section 4 Terms. That should be Section 5.” Mr. Owens asked if Mr. Edes would mind reaching out to the County Attorney with that. Mr. Edes said he would be happy to.

Following a brief discussion regarding whether the power would be turned off for the part of the building that we did not use, Mr. Owens said, “They looked at it and said it would be more expensive to split it. Mr. Edes said, “Along the lines of interfacing with the County Attorney, if Tim’s got a certain area in mind, perhaps we could get that in here. And I offer the same thing on the back side to the extent reasonably possibly, we’ll get this. In that way, we’re acting in good faith.” Mayor Mills agreed. He then made the motion to adopt Resolution No. (2020) 2190 to enter into an Interlocal Agreement with New Hanover County to install a generator transfer switch at the Northeast Library for the purposes of using the facility for an EOC, and to adopt Budget Ordinance No. (2020) 516-B in the amount of \$20,000 to pay for the installation of a generator transfer switch with the funds coming from the General Fund-Fund Balance. The motion was seconded by Alderman Partin and unanimously approved.

DISCUSSION AND DIRECTION ON THE REPAIR AND/OR REPLACEMENT OF FLOORING IN THE PUBLIC SAFETY BUILDING.

Mr. Owens said, “We’ve taken care of the metal roof part of it. We did have a few leaks and they’re back here looking to see what those issues were. The contractor has not started with the flashing yet. We’re hopefully going to get \$37,000 from FEMA mainly for the internal stuff. The same contractor is going to do the outside flashing. We’re going to get him to go in and fix the sheetrock, mainly in the Fire-Intern area and then some in the Police Department, and then paint all of that. Now we just have flooring. A lot of it is wear and tear but some of it is definitely leaks. We had several scenarios. There’s VCT throughout a lot of these hallways. Some of it is pretty worn and probably hasn’t been maintained and polished like it should. Carpet is now in all the rooms where the interns are. The first option would be to replace every area in blue with low maintenance vinyl. What you see is carpet tiles everywhere there is dark blue. The quote was a little under \$40,000 to do this whole thing. I’m looking for a budget of \$45,000 just in case. The second option would be to let the VCT that’s there stay and replace the green that will now be blue VCT to try to match what’s in the hallways. The breakroom is on the left and two offices on the right that need to be replaced. All the carpet in the back is torn out now. This scenario is probably around \$25,000. If you decide to go this route, I would ask for \$30,000. I think option one is

the best. Maintenance alone would pay for itself over its lifetime. The actual cost of option one is \$38,377. We have three bids. We would use the same guys that did the stuff in here.” Alderman Partin asked why we wouldn’t put the same thing everywhere, Mr. Owens replied, “Mainly because one is living space and its cold. The other is the training room and the acoustics in that area plus there’s a lot of chairs scooting around in that area. Again, I think we’re going to get \$39,000(ish) to fix the internal stuff. That won’t pay for all this flooring or sheetrock or paint.” Alderman Dull said, “I think it’s better to get as much done as you can if you can afford it and get it over with. I would go with the first option. I feel like we can afford to do that. I guess that’s a motion.” The motion was seconded by Alderman Partin and unanimously approved.

CONSIDERATION OF ONE APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION WITH THE NEW TERM TO EXPIRE JANUARY 2022.

Mr. Wilson said, “We have one position to fill and two applications to consider. John Moore has reapplied and Lisa Beller has applied. Following a brief discussion regarding the applicants, Mayor Mills made the motion to reappoint John Moore. The motion was seconded by Mayor Pro Tem Miller and unanimously approved.

ALDERMAN DEGROOTE: OTHER ITEMS AND REPORTS.

- I sat with Ms. Bulluck at the Marketing Committee meeting. She covered a lot of that earlier. It will be interesting to see what their game plan is. The CVB moving forward with us, I think there are a lot of issues. We did address the school calendar issue.

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- Attended first Flotilla Meeting. They want to request more money. I told them to put it in writing to Tim. They’re getting ready to start the budget.

ALDERMAN DULL: OTHER ITEMS AND REPORTS.

- Ms. Bulluck covered the Ports Waterway stuff. We got three million dollars to finish the study for the Town trying to get fifty more years.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- Draft of the Cape Fear Moving Forward 2045 Plan will be released on February 26th; we will be going back out for more public comment. We hope to approve the plan in the fall.

MR. EDES: OTHER ITEMS AND REPORTS.

- Regarding the rewrite of NCGS Section 160-D, we want to have that ready for the Board to review in October or November.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:30 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk