

MINUTES
BOARD OF ALDERMEN
MAY 14, 2020

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

Attendance: Mayor Darryl Mills, Mayor Pro Tem Hank Miller, Alderman Jeff DeGroot, 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 by Planning and Parks Director Tony Wilson

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

- a. Approved Regular and Parking Workshop Minutes of November 14, 2019.
- b. Approved special event permits as follows:
 - 1) WMPO River to Sea Bike Ride (*approximately 400 people*)
Saturday, September 26, 2020 (8:00 – 9:30 am)
Location: Wrightsville Beach Park
*** Recurring Event (*To rescheduled from May 2, 2020*)
 - 2) Carolina Pro Am SUP Surf Contest (*100-200 day 1; 200-400 days 2 & 3*)
Friday-Sunday, October 30-31 and November 1, 2020 (8:00am – 7:00pm)
Scaffolding up Thursday, October 29, 2020 (8:00 am)
Location: Beach Strand south of Crystal Pier (Accesses 37-38)
*** Recurring Event (*To reschedule from April 17-19, 2020*)
 - 3) Carolina Cup 2020 SUP Races (*approx. 1,000-2,000 people*)
Saturday, November 7, 2020 (6:00am – 6:00pm)(*event 7:30am – 3:00pm*)
Location: Beach Strand at Blockade Runner
*** Recurring Event (*To reschedule from April 25, 2020*)
- c. Acknowledged previously approved special events for June.
- d. Adopted Resolution No. (2020) 2199 declaring May 2020 as Building Safety Month in Wrightsville Beach.
- e. Adopted Resolution No. (2020) 2200 proclaiming May 16-22, 2020 as Safe Boating Week in Wrightsville Beach.
- f. Adopted Resolution No. (2020) 2201 proclaiming May 17-23, 2020 as Public Works Week in Wrightsville Beach.
- g. Adopted Resolution No. (2020) 2202 proclaiming May 10-16, 2020 as Police Week and Friday, May 15, 2020 as Peace Officers Memorial Day in Wrightsville Beach.
- h. Accepted donation of fire gear dryer from Volunteer Firefighters Association.
- i. Approved revised 2020 Board of Adjustment Meeting Schedule to cancel the May 28th meeting.

PUBLIC HEARING FOR CONSIDERATION OF TEXT AMENDMENTS TO ADD SECTION 155.7.28 MARINA RESTAURANT IN THE C-3 COMMERCIAL DISTRICT; TO AMEND SECTION 155.6.4 TABLE OF PERMITTED/CONDITIONAL USES; TO ADD A NEW DEFINITION FOR MARINA RESTAURANT IN SECTION A.3; TO AMEND THE EXISTING DEFINITION OF FLOATING HOME IN SECTION A-3; AND TO AMEND SECTION 155.9.1.5 OFF-STREET PARKING STANDARDS FOR MARINAS.

Mr. Owens said staff was requesting to open the public hearing and continue it to the next meeting. Mayor Mills opened the public hearing at 5:35 p.m. Alderman Partin made the motion to continue the public hearing to June 11, 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.

PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR A PRIVATE FLOATING RESTAURANT WITHIN WRIGHTSVILLE YACHT CLUB, INC.'S EXISTING MARINA TO SERVE AS AN AMENITY FOR MEMBERS OF WRIGHTSVILLE YACHT CLUB AND THEIR GUESTS.

Mr. Owens said staff was also requesting to open this public hearing and continue it to the next meeting. Mayor Mills opened the public hearing at 5:38 p.m. Alderman Partin made the motion to continue the public hearing to June 11, 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.

DISCUSSION AND DIRECTION ON EXTENDING THE PIER HEAD LINE AT 110-111 SEAPATH ESTATES.

Mayor Mills said this item had been requested to be pulled from the agenda tonight, so there would be no presentation or action on that tonight.

CONSIDERATION OF ADOPTION OF BUDGET ORDINANCE NO. 2020) 524-B IN THE AMOUNT OF \$20,000 TO COMPLETE THE REMAINING OAK TREE TRIMMING ON SALISBURY STREET.

Mr. Owens said, “We had some R.O.T. funds to do the initial work but we never got quotes to do from the road heading out of where the old fire station was all the way down to the Salisbury Bridge. I think they have done a good job. We would like to continue that and the cost for that will be around \$19,000 (Budget Ordinance No. (2020) 524-B for \$20,000 for Joshua Tree Service to complete all the tree trimmings). Alderman Dull made the motion to adopt Budget Ordinance No. (2020) 524-B. The motion was seconded by Alderman Partin and unanimously approved.

CONSIDERATION OF THE PURCHASE OF PORTABLE RADIOS FOR THE POLICE DEPARTMENT USING GRANT FUNDS AND CIP FUNDS BY ADOPTING BUDGET ORDINANCE NO. (2020) 523-B.

Mr. Owens said, “We are asking the Board to adopt Budget Ordinance No. (2020) 523-B in the amount of \$100,000. \$35,000 comes from a police grant to purchase radios; the other \$65,000 will come from money we put aside in the CIP. This will allow us to purchase 22 fully functional radios.” Interim Police Chief Ralph Evangelous said, “The Wilmington Police Department as well as the Sheriff’s Department are all encrypted so we can’t talk to one another unless we go through dispatch. In Florence, dispatch went down. The other agencies went to VIPER, which is the State system which we have access to,

but the radios aren't programmed to do that. So the new radios will give us access to VIPER, separate radio system, and the ability to talk directly with the other agencies. This model is a good radio with a three-year warranty." When asked about service life, Chief Evangelous said, "I think you would get ten years out of them." Following a brief discussion regarding delivery date and the fact that this was a reimbursement grant, Mayor Pro Tem Miller made the motion to adopt Budget Ordinance No. (2020) 523-B. The motion was seconded by Alderman Dull and unanimously approved.

APPROVAL OF SPECIAL EVENT PERMITS REQUIRING ROAD CLOSURES AND ACTIVITIES THAT BEGIN PRIOR TO 8:00 A.M. AS FOLLOWS:

- 1) YMCA Triathlon (*approximately 1,000 people*)
Saturday, September 19, 2020 (7:00 – 10:30 am)(4:00am setup)
Setup begins Friday, September 18, 2020
Adult Race: Swim Blockade Runner to Sea Path, run to WB Park transition area for bike course across drawbridge, return to park to transition to run Loop 5k course.
Youth Race: Swim out and back course from Sea Path dock, Bike shortened distance across drawbridge, Run shortened Loop course.
Location: Wrightsville Beach Park
*** Recurring Event
- 2) Wrightsville Beach Museum Jingle Bell Run 5k (*approximately 450*)
Saturday, December 12, 2020 (7:00am – 12:00 noon)(run starts at 9:00 am)
Location: Wrightsville Beach Museum, Salisbury Street, Loop, N. Channel, Coral
*** Recurring Event
- 3) Wrightsville Beach Marathon (*approximately 3,000-3,200 people*)
Saturday, February 27, 2021 (4:00am – 8:00am)(7:00am race start)
Location: Salisbury Street, N. Lumina, Causeway over drawbridge
*** Recurring Event

Program Supervisor Katie Ryan said, "These permits are being brought to you because setup times are before 8:00 a.m. and they require street closures. There's nothing new that hasn't been presented to you before. The triathlon changed last year because of Dorian. They didn't have the new swim so they will go back to that. The Wrightsville Beach Marathon didn't get to have their event this year. They want to start at Mercers Pier." Mayor Pro Tem Miller made the motion to approve the special event permits. The motion was seconded by Alderman Partin and unanimously approved.

CONSIDERATION OF BUDGET ORDINANCE NO. (2020) 522-B (\$32,000) THAT REPRESENTS REVENUES AND EXPENSES ASSOCIATED WITH THE PURCHASE OF A TRUCK WITHIN THE PLANNING DEPARTMENT FOR THE PARK RANGER.

Mr. Owens said, "This is a formality. We had the money in the budget to do it, we just never transferred that from the CIP over to the regular budget. That's what this does with Budget Ordinance No. (2020) 522-B. This was all CIP money set aside to pay for the entire truck purchase." Following a brief discussion regarding the fact that there were no revenues involved, Alderman Partin made the motion to adopt Budget Ordinance No. (2020) 522-B. The motion was seconded by Mayor Mills and unanimously approved.

SET FY20/21 BUDGET PUBLIC HEARING FOR JUNE 11, 2020.

Mr. Owens said staff was requesting to set the FY20/21 budget public hearing for June 11, 2020. Following a brief discussion, Mayor Pro Tem Miller made the motion to set the budget public hearing for June 11, 2020 at 5:30 p.m. in Council Chambers of Town Hall. The motion was seconded by Alderman Dull and unanimously approved.

MAYOR MILLS: EXPRESSION OF PERSONAL APPRECIATION.

Mayor Mills said, “I want to express my personal appreciation and gratitude to each one of you. What we’ve been through is unprecedented and there is no playbook. I think everybody has tried to give it their honest best shot at how to deal with it. We may not have agreed on each and every item but I hope that everybody understands we can talk honestly and frankly and keep it at a professional level. We want to continue that going forward. It’s been difficult on everybody. So, thanks to everybody.”

ALDERMAN DEGROOTE: OTHER ITEMS AND REPORTS.

- Marketing Committee: “We had a call with Shawn the other day – basically what the CVB wants to do is go to more of a consolidated format with reopening our area. Some agree with it and some people disagree with it. From my understanding, the amount of money we have is not going to be effective so it looks like we’ll be going to a more consolidated format for reopening for possibly the entire fiscal year.” Mayor Mills said, “I was in on that call and there’s not enough money to go at it separately to make any sort of impact. So, the bigger bang for the buck appears to be in a consolidated effort with the other beaches, City of Wilmington and the area as a whole.” Alderman Partin noted that this would not prohibit any of the Town’s hotels from advertising on their own.

MAYOR PRO TEM MILLER: OTHER ITEMS AND REPORTS.

- The MPO did not meet this month. They have upcoming legal issues that need to be addressed. Mr. Edes said there would be a coordinated effort.
- Thanks to Mayor Mills for his leadership during the pandemic.

MAYOR MILLS: OTHER ITEMS AND REPORTS.

- The TDA has not had a formal meeting but they have been getting bad news on R.O.T. revenue.

ALDERMAN DULL: OTHER ITEMS AND REPORTS.

- Ports and Waterways: Mason’s Inlet Project is done; I think it was successful.
- Salisbury Street Park Project is coming along nicely. We’ve pretty much checked all of the boxes on the decisions. Following a brief discussion regarding the status of the work, Mr. Owens said we would have a ribbon cutting at some point.
- Thanks to Mayor Mills and staff for good communication through the pandemic.

ALDERMAN PARTIN: OTHER ITEMS AND REPORTS.

- Flotilla hasn’t met again. Tim and I spoke with Linda Brown this afternoon and she asked that we not relay what they talked about yet.

MR. OWENS: OTHER ITEMS AND REPORTS.

- If it is okay with the Board, Mr. Owens will talk to Kim Hufham and tell her we want to go with the consolidated plan for a year.

MS. HOLLEMAN: OTHER ITEMS AND REPORTS.

- Ms. Holleman acknowledged with sadness the passing of longtime resident and owner of the Causeway Café David Monaghan on April 29, 2020.

MR. EDES: OTHER ITEMS AND REPORTS.

- On May 4, 2020, the General Assembly passed Session Law 2020-3 and that has three significant components for the Town. The first one is an Act that gives immunity to essential businesses for negligence claims brought against the business if an employee or customer contracts COVID-19. A local government is considered an essential business so we would be covered. If you're grossly negligent, then you're not immune. Secondly, they enacted a whole series of Statutes that deal with virtual meetings during a declared state of emergency. Lastly, there's a whole series in the Statute that are all COVID-19 related but I want to focus on the ones I want to bring to your attention. You may recall we talked about G.S.160-D – the new chapter that's going to unify all of the land use regulations. The original mandatory roll-out date was January 1, 2021; it's now August 1, 2021.
- The School of Government just launched a series of video conferencing and they're all COVID-19 related. I signed up for them; the first one was on May 8th that has to do with remote planning and zoning hearings. The second one is tomorrow on G.S. 160-D Update. The third one is on May 22nd for permits and inspections. The scope is online permitting, inspections at a distance, and permit extensions. The last one is Friday, June 5th and the subtitle is, "Adjusting to New Normal – Professional Responsibilities – Practical Flexibilities and Ethical Dilemmas." Mr. Wilson noted that he and Planner Robert O'Quinn had signed up for some of the webinars as well.
- There seems to be an impression that a local town can be less strict than an Executive Order; that is not true – the reverse of that is true. In fact, it states in the Executive Order that with baseline restrictions, local cities and towns can have more restrictive restrictions. In my legal opinion, if the Town were to amend a state of emergency that contravenes a restriction in the Governor's Order, the Town itself and any officials and employees associated with that Act would be in violation of the Order and commit a Class 2 Misdemeanor.

Mayor Mills said, "Let's take that to a practical level. If Governor Cooper extends to whatever date his social distancing protocols, no more than ten people six feet apart, etc., and we decide to open up the beach, how would we enforce that or not enforce it and not run afoul of the Governor?" Mr. Edes replied, "That's a fine line. Not having the ability to enforce is not the same as passing a more liberal state of emergency. We have the resources we have and if we have enforcement issues, I will reach out to my contact in the Governor's office and seek some additional law enforcement." Mayor Mills said, "We wouldn't pass anything that basically said we're not going to honor the Governor's Order, but if we were to say you can go sunbathe at Wrightsville Beach but you must follow the Governor's social distancing protocols – when that beach opens up, there's going to be thousands. There's no way they can be on top of every single one and keep them apart." Mayor Pro Tem Miller noted that the Governor has the ability to close the beach if he wants to.

Mr. Edes said, “He has the ability to essentially take over if it’s not being dealt with down here. If it over-runs our Police Department, he can call in law enforcement from other jurisdictions.” Mayor Pro Tem Miller asked if we had the responsibility to go out there and make sure people are doing what they’re supposed to be doing. Mr. Edes replied, “Literally, the Executive Order says it shall be enforced by local law enforcement. We have to make an effort; not an unreasonable effort – not one that puts people in harm’s way. If we continue to educate and recommend – a lot of times, just police presence going by will get people to comply. I want to commend the Board for your hard work during this and I’m proud of the Town for what you’re doing.” A brief discussion followed regarding the need to let the local restaurants know that the Town cannot go against the Governor’s Executive Order. Alderman DeGroote noted that some of the restaurant and bar owners were asking the Mayor to send a letter to the Governor regarding relaxing the Phase because it was a state-level thing. Mr. Edes said, “As a lawyer, I want people to know that this Town cannot lawfully ignore the Order. I will point out, too, that we were the first beach in New Hanover County to open up for exercise.” Mayor Mills said, “I got a couple of phone calls with Merrie Jo Alcock in the Governor’s office – she very pleasantly and nicely said the Governor will not do anything special for us. They hear our plea and know that we have a difficult situation but they’re not promising or agreeing to do anything differently.”

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:15 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk