

MINUTES  
BOARD OF ALDERMEN  
JANUARY 26, 2006

The meeting was called to order at 7:00 p.m. by Mayor Robert A. O'Quinn.

Attendance: Mayor Robert A. O'Quinn, Mayor Pro Tem Edward J. Miastkowski, Aldermen Catherine O. Brunjes, David Cignotti and Stephen K. Whalen; together with Town Attorney John C. Wessell, III, Town Manager Robert F. Simpson, and Town Clerk Sylvia J. Holleman.

Pledge of Allegiance.

Invocation: The Lord's Prayer.

**PUBLIC COMMENTS: MR. WAYNE BLAND – SET RECORD STRAIGHT; MR. RONNIE HUNT – END-OF-STREET WATERFRONT LOTS.**

Mr. Wayne Bland, 11 Seagull Street, stated that he was glad to say that we had reached the end of the old era. He said this was a new beginning and despite a slight "train wreck" on the way, it was a good-looking group and he was hoping for the best.

Mr. Ronnie Hunt of Hardee, Hunt and Williams stated that, after the last meeting, he had felt the insinuation had been that they had not done due diligence. He said that they had spent a lot of time getting answers they thought were the correct answers because they were in line with information he had received over the last seventeen years of doing business with the Town. He stated that there were about a hundred families living in nonconforming structures that were affected by that vote. Mr. Hunt said that it was his opinion as a realtor that those values would be affected. He expressed concern that a lot of those owners had no idea they were buying nonconforming structures and when they have to rebuild under the recent interpretation, they will have to battle it out. He noted that there were a lot of restrictions on those waterfront properties that did not impact other lots, particularly the interior landlocked lots between Columbia Street and Oxford Street because they would also have to get easements. Mr. Hunt encouraged the Board to keep their minds open. He expressed concern that, in the long-term picture, we had not fixed everything. He stated that he wanted to offer his time, in any capacity, to talk about it to this Board or the Planning Board because he thought the decision would have other implications and would involve a lot more than fifty.

**CONSENT AGENDA APPROVED UNANIMOUSLY WITH REMOVAL OF REQUEST TO APPROVE ORDINANCE NO. (2006) 1490 BY MOTION OF ALDERMAN WHALEN AND SECOND BY ALDERMAN BRUNJES.**

- a. Approved minutes of January 7<sup>th</sup> and 12<sup>th</sup>, 2006.
- b. Approved revised position listing to reflect reclassification of Police Department positions. (No change in the number of positions.)
- c. Approved audit contract with Hardison and Chamberlain, CPAs for Fiscal Year 2005-2006.

- d. Approved Resolution No. (2006) 1501 urging continued federal support of America's beaches.
- e. Set public hearing for Thursday, February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, for consideration of a variance request from Section 155.190-199 Ocean Front Development Standards to retain a non-permitted deck connected to a beach walkover at 805 South Lumina Avenue as requested by property owner Robert Moulton.
- f. Set public hearing for Thursday, February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, for consideration of a variance request from Section 155.009 Non-Conforming Uses Setbacks to retain a non-permitted deck connected to a beach walkover at 805 South Lumina Avenue.
- g. Set public hearing for Thursday, February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, for consideration of a variance request from Section 155.047 Commercial District IV Setbacks to permit construction of small scale accessory storage units within the 20-foot side-yard setback at the Islander located at 1704 North Lumina Avenue.
- h. Set public hearing for Thursday, February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, for consideration of a text amendment to Section 97.02 Noises Declared Unreasonably Loud and Disturbing, to change hours of construction activity to 8:00 a.m. to 6:00 p.m. year round.
- i. Approved Resolution No. (2006) 1503 expressing appreciation to Larry Mahl for his service on the Planning Board.
- j. Approved Ordinance No. (2006) 1492 to change the number of members on the Recreation Advisory Committee to seven.

**APPROVAL OF ORDINANCE NO. (2006) 1490 TO REMOVE THE SUNSET CLAUSE FROM THE SURFING REGULATIONS.**

Alderman Cignotti stated that he had removed this item from the Consent Agenda for discussion of the sunset clause and surfing regulations. He said that he had received letters and phone calls about this mostly regarding enforcement. He reviewed statistics from the 2005 season and noted that there were 1,200 verbal warnings given but only two citations had been written. Alderman Cignotti stated that he did not agree with everything but he did agree that enforcement was crucial. He said that he thought it would benefit surfers to enforce the rules and we have to get it organized so it will go well. He stated that we need stricter enforcement this summer and he would like to discuss it again in September or October to see how enforcement went.

Alderman Brunjes noted that we would have a beach patrol officer this summer that would make a difference.

Alderman Cignotti stated that if the Board was open to that, he would like to remove the sunset clause. He then made the motion to go back to the Consent Agenda and remove the sunset clause.

Alderman Whalen stated that he had gotten the same calls. He stated that at the recent retreat, the whole Board had stressed enforcement and he thought they all felt the same way. He said it did not matter if they remove it for one year, or two, or five; if there is a problem, the Board can address it. He then seconded the motion and it was unanimously approved. (*Motion passed 5/0.*)

**PRESENTATION OF RESOLUTION OF APPRECIATION TO LARRY MAHL.**

Town Manager Robert F. Simpson read Resolution No. (2006) 1503 expressing appreciation to Planning Board Chairman Larry Mahl.

Mayor O'Quinn then presented the Resolution to Chairman Mahl with sincere thanks from the Board of Aldermen for his dedicated service.

Chairman Mahl thanked the Board and said he had enjoyed his time on the Planning Board.

**PUBLIC HEARING FOR CONSIDERATION OF AMENDMENTS TO THE TOWN CODE TO ESTABLISH A BOARD OF ADJUSTMENT AND FOR CONSIDERATION OF APPOINTMENT OF MEMBERS TO THE BOARD OF ADJUSTMENT. ORDINANCE NO. (2006) 1491.**

Mayor O'Quinn opened the public hearing at 7:14 p.m. and stated that the Board of Aldermen currently serves as the Board of Adjustment. He said that it was unique but the Board thought it was appropriate. He stated that the Town had asked for a Local Bill to establish a Board of Adjustment, under the guidance of a prior Board, and that Bill was passed and it was now time to address the issue. He asked if the Board members wanted the Board of Aldermen to serve as the Board of Adjustment?

Mr. Bill Sisson, 822 Schloss Street, stated that boards of adjustment are quasi-judicial and people have to be sworn in and the only appeal is to Superior Court. He said that in other towns, boards of adjustment have not traditionally been the Board of Aldermen because they wanted politics removed from the decisions. He stated that there was no limit to the number of members as long as there was an odd number. Mr. Sisson said that he would urge the Board, if they wanted the Board of Aldermen to serve, that they think of expanding the Board of Adjustment from five to seven members so non-political people could weigh in the decision.

When asked if there would be a separate meeting if the Board of Aldermen sits as the Board of Adjustment, Mayor O'Quinn stated that there was a high probability that it would be a separate meeting.

Ms. Sue Bulluck, representing the Holiday Inn Sunspree, stated that it was their position that, as elected officials in such a small community, the Board of Aldermen should sit as the Board of Adjustment because they become accountable to the people. She suggested that the range of skills could be broadened by adding people, but they would like to see the Board of Aldermen sit as the Board of Adjustment.

With no further public input, the hearing was closed at 7:17 p.m.

Alderman Whalen stated that he felt a responsibility to be on the Board of Adjustment because he had been elected by the people to represent them. He said that he did not think people realize the power a Board of Adjustment would have; almost more than the Board of Aldermen. He pointed out that the Board of Adjustment could approve a 70-foot building and the Board of Aldermen would have no say because it would go to the courts. Alderman Whalen suggested as a compromise, that it could start with the Board of Aldermen and then two alternates could be added to comply with the ordinance. He said this would allow time to receive applications from citizens wishing to be a part of that board.

Alderman Cignotti stated that he had been struggling with this and he knew some people had difficulty taking on the role of Board of Adjustment because they might not get voted back in. He said that he had concerns with adding two seats with two people who were not elected and their votes could determine a decision but they would not be accountable. He stated that an easier way would be to have a five-person board that would remain the Board of Adjustment and, in two years, we could add two seats to the Board of Aldermen and then you would have two other elected officials to fill the five seats and all would be held accountable.

Alderman Whalen expressed concern with the method of determining which two people would be the two odd people out. He said that the Board would have to make a decision before the next election.

Alderman Cignotti stated that he thought the Board of Aldermen should keep their role as the Board of Adjustment and decide down the road about two more Aldermen.

Mr. Wessell explained that the primary reason for providing for alternates was to insure that there would always be enough members present to reach a super majority. He stated that now, if we only have four Board members present, we let the applicant decide whether to continue the hearing or not.

Alderman Brunjes stated that she first thought an alternate was good but she had since changed her mind. She explained that she was elected to do this job and an alternate would have to be trained.

Mayor O'Quinn pointed out that the State Statutes say you must have alternates.

Mayor Pro Tem Miastkowski stated that, to his knowledge, he was the only Board member that had received training for the Board of Adjustment.

Following a brief discussion regarding the fact that most of the Board members received some Board of Adjustment training at the recent retreat, Mr. Wessell stated that Ms. Davis had a set of "David Owens" tapes that the Board members could listen to.

Mayor O'Quinn stated that he felt the Board of Aldermen should serve as the Board of Adjustment, therefore, he made the motion to adopt Ordinance No. (2006) 1491 that would create a Board of Adjustment and at the same time, that we appoint five members of the Board of Aldermen to serve as follows:

1. Two three-year terms: Alderman Brunjes and Alderman Cignotti
2. Two two-year terms: Alderman Whalen and Mayor O'Quinn
3. One one-year term: Mayor Pro Tem Miastkowski

Mayor Pro Tem Miastkowski stated that he would like to see an alternate night for the meetings to keep the Board of Aldermen meetings from being so long.

Mayor O'Quinn also moved to appoint two alternates – a first alternate and a second alternate.

The motion was seconded by Alderman Brunjes and the vote was recorded as ayes by Mayor O'Quinn, Mayor Pro Tem Miastkowski, Alderman Brunjes and Alderman Whalen, and nay by Alderman Cignotti. (*Motion passed 4/1.*)

**PUBLIC HEARING FOR CONSIDERATION OF HISTORIC LANDMARK DESIGNATION FOR THE STRUCTURE AND LAND ASSOCIATED WITH THE WILMINGTON LIGHT INFANTRY BEACH CLUB LOCATED AT 10 CHANNEL AVENUE AS REQUESTED BY TRUSTEES OF THE WILMINGTON LIGHT INFANTRY CLUB. ORDINANCE NO. (2006) 1494.**

Mayor O'Quinn opened the public hearing at 7:30 p.m.

Ms. Melinda Powell, staff liaison to the Historic Landmark Commission, stated that this was a request for local historic landmark designation for the Wilmington Light Infantry Beach Club located at 10 Channel Avenue.

Ms. Powell said that both the Planning Board and the Historic Landmark Commission had voted unanimously to recommend approval of the request. She stated that the current ad valorem taxes for the structure and the land were: Town of Wrightsville Beach \$936.22 and New Hanover County \$4,451.93; and if historically designated, the taxes would be \$468.11 for the Town and \$2,225.96 for the County. She then reviewed the general requirements to qualify for Historical Significance and Integrity and provided the following information:

1. Regarding the requirements for historical significance for the Wilmington Light Infantry Beach Club located at 10 Channel Avenue:
  - a. **Is associated with the life of a significant historical club:** The Wilmington Light Infantry Club was founded in May of 1919. The Beach Club was erected 17 years later. The activities of the Wilmington Light Infantry Club extend over a period of 150 years and include patrolling the coastline of the Town for German U-boat activity during World War II.
  - b. **Is significant to the history of the area:** The property acts as a reminder of the type of development that occurred after the fire of 1934 and as such, as a reminder of the fire itself, which destroyed over one hundred cottages and the Oceanic Hotel. (There was nothing on the lot before the fire.)
2. Regarding the requirements for historical integrity:
  - a. **Integrity of design:** The Wilmington Light Infantry Club retains the modest scale and simple traditional form popular after the fire of 1934. The building is a modest two-story beach cottage on pilings.
  - b. **Integrity of materials:** The exterior construction is frame and asbestos shingle, consistent with many of the beach cottages built after the fire of 1934.
  - c. **Integrity of association:** Association with the Wilmington Light Infantry Club and their activities.

Ms. Powell reviewed the favorable comments from the State and the applicable sections of the CAMA Land Use Plan. She then gave the following conclusion:

**Conclusion:** Based upon the Land Use Plan policies, the Historic Landmark Commission's recommendation, the State's letter of recommendation, and the Planning Board's recommendation, staff requests that the Board of Aldermen approve local historic landmark designation of the Wilmington Light Infantry Beach Club located at 10 Channel Avenue.

Mr. Wesley Hunter, Club Trustee, thanked the Board for considering their request for historic landmark designation and for maintaining properties for history. He gave a brief review of the history of the Wilmington Light Infantry Beach Club and the men who served in the Wilmington Light Infantry. He then reviewed the changes that they had made to the structure and stated that the structure had successfully weathered storms for seventy years. Mr. Hunter said that the Wilmington Light Infantry was community conscious and historic designation would properly recognize the historic contributions of its members; provide some assurance that the property would retain its charm and uniqueness; and, provide protection from demolition and renovation. He stated that this structure may arguably be the most historic structure on this beach and the tax incentive would allow them to maintain improvements to the structure.

Mayor O'Quinn referenced the war for southern independence and property at Fort Caswell that had been seized by the WLI. When he asked if they had given that property back, Mr. Hunter said they were ordered to turn it back over.

Mr. Charles English, Chairman of the House Committee of the WLI, stated that he had joined the WLI in 1940. He briefly reviewed his military history and stated that it was men like him that saved our country and he thought we should do this favor. When asked about his age, he said that he was 86 years old.

Mr. Bill Creasy, 6 Channel Avenue, stated that he was not a member but his friend Charles English had wanted him to speak about the Club. He said that he lived two doors down and had been a neighbor for seventy years. He stated that this was the best bunch of people he had ever seen. Mr. Creasy said that the WLI building was historic and he thought it would behoove the Board to grant the designation.

Mayor O'Quinn noted that there was another tie to the history of Wrightsville Beach in that our first mayor and his brother were both members of the WLI.

With no further public input, the hearing was closed at 7:46 p.m.

Following a brief discussion, Alderman Whalen made the motion to approve historic landmark designation for the structure and land associated with the Wilmington Light Infantry Beach Club located at 10 Channel Avenue (Ordinance No. 2006 1494). The motion was seconded by Mayor O'Quinn and unanimously approved. (*Motion passed 5/0.*)

**PUBLIC HEARING FOR CONSIDERATION OF HISTORIC LANDMARK DESIGNATION FOR THE STRUCTURE AND LAND ASSOCIATED WITH THE KINGOFF FALLS COTTAGE, 4 EAST ATLANTA STREET. ORDINANCE NO. (2006) 1493.**

Mayor O'Quinn opened the public hearing at 7:48 p.m.

Ms. Powell stated that this was a request for local historic landmark designation of the Kingoff-Falls Cottage, erected in 1934 and located at 4 East Atlanta Street, as submitted by Beth Keane who was acting for the property owners Nancy and Roland Falls. She said that both the Planning Board and Historic Landmark Commission had voted unanimously to provide a favorable recommendation. She stated that the current ad valorem taxes for the structure and the land were: Town of Wrightsville Beach \$654.29 and New Hanover County \$3,111.31; and if historically designated, the taxes would be \$327.15 for the Town and \$1,555.65 for the County. Ms. Powell then reviewed the general requirements to qualify for Historical Significance and Integrity and provided the following information:

1. Regarding the requirements for historical significance for the Kingoff-Falls Cottage located at 4 East Atlanta Street:
  - a. **Is associated with the life of a significant historical figure:** The property was built for Ben and Belle Kingoff, important contributors to the business and social community of Wilmington. The family opened Kingoff's Jewelry Store, which is still in business today.
  - b. **Is significant to the history of the area:** The property is one of the few relatively intact surviving examples of pre-World War II vacation cottages on Wrightsville Beach.
2. Regarding the requirements for historical integrity.
  - a. **Integrity of design:** The property is representative of the architecture of the early to mid twentieth century. The property is an elevated two-story frame cottage with a deep porch and a front-gable roof.
  - b. **Integrity of association:** This is due to the association with the Kingoffs of Kingoff's Jewelry Store.

Ms. Powell reviewed the favorable comments from the State and the applicable sections of the CAMA Land Use Plan. She then gave the following conclusion:

**Conclusion:** Based upon the Land Use Plan policies, the Historic Landmark Commission's recommendation, the State's letter of recommendation, and the Planning Board's recommendation, staff requests that the Board of Aldermen approve local historic landmark designation of the Kingoff-Falls Cottage located at 4 East Atlanta Street.



With no further public input, the hearing was closed at 7:50 p.m.

Mayor Pro Tem Miastkowski stated that he had been conducting research at the Tax Administrator's office and the numbers were insignificant now, but would become very significant. He said that the last time Ms. Keane was here, she referenced the historic area in the County but we were the only one in the County with a tax break. He noted that people get a plaque in the historic district in Wilmington, but no tax break. Mayor Pro Tem Miastkowski reviewed current assessed values and pointed out that those numbers would double in two years. He stated that there were twenty houses on Harbor Island that could get the designation. He said that he did not have a problem with what we are doing; he had a problem with fifty years down the road. Mayor Pro Tem Miastkowski stated that he would like for designations to become time specific rather than the current fifty-year requirement because every year, more people would qualify with fifty-year-old structures. He expressed concern that the taxpayers would have to make up the difference.

Ms. Pat Bradford stated that the fifty-year requirement was only one of the requirements. She said that a structure would also have to have historic significance and would have to maintain integrity of design.

Mayor Pro Tem Miastkowski stated that they would only have to meet one requirement and that would allow master craftsmen to have their properties designated.

Ms. Bradford noted that people do not automatically get the tax deferral; they have to apply. She stated that homeowners must pay back taxes for three years if their property is torn down or altered.

Alderman Whalen stated that he had received many questions about preserving cottages on the beach during the campaign. He said that with all the levels that people have to go through for approval before it reaches the Board of Aldermen, if they have approval of those bodies, he felt strongly inclined to approve it. He referenced the concerns about property taxes and stated that the taxes on the larger houses that were being built would more than offset the revenues that we would lose by the cottages that were being preserved.

Mayor Pro Tem Miastkowski noted that the land was where the money is; not the buildings.

Alderman Whalen stated that he was inclined to encourage people to come in for designation if it would preserve some of the history of Wrightsville Beach.

Alderman Cignotti stated that giving tax breaks still did not guarantee that houses would be here a long time.

Alderman Cignotti said that we had two historic homes that we saved around the corner and we could put two or three more homes over there to lease out and those would likely be here in ten-to-fifteen years. He suggested that this might be a worthwhile project for the Wrightsville Beach Association because it would be money well spent.

Alderman Brunjes stated that this house was built in 1934 and that makes it historical to her.

Mayor O'Quinn stated that when we start out as a community to preserve structures, he thought it would be better to preserve them in place. He said that he felt it would be more attractive than the "zoo" that was being created behind the Municipal Complex.

Alderman Brunjes made the motion to approve the historic landmark designation for the structure and land associated with the Kingoff-Falls Cottage located at 4 East Atlanta Street. The motion was seconded by Alderman Whalen and unanimously approved. (*Motion passed 5/0.*)

**PUBLIC HEARING FOR CONSIDERATION OF AMENDMENT TO THE  
CONDITIONAL USE PERMIT OF THE WRIGHTSVILLE GRILLE, 6766  
WRIGHTSVILLE AVENUE, TO INCREASE SEATING FROM 96 TO 149 SEATS.**

Mayor O'Quinn opened the public hearing at 8:04 p.m.

Planning and Parks Director Tracie Davis stated that she was submitting the staff memo for the record. She said that as originally permitted on March 31, 2005, the Wrightsville Grille contained 91 seats and encompassed suites J-L of the Galleria Mall. She said that the conditional use permit had been amended on June 23, 2005 to include suite M, five additional seats, an office and a beer cooler. Ms. Davis stated that the Smith Family Restaurant Group was requesting an amendment to their existing conditional use permit to increase the permitted seating from 96 to 149. She said that the proposed 149-seat arrangement provides ample room for customer ingress and egress and adequate buffers between tables while fully utilizing available space. She stated that the proposed seating plan meets or exceeds all requirements of the New Hanover County Fire Marshal and provides for adequate parking. Ms. Davis said that there were no comments from other departments and the Planning Board had given a favorable recommendation. She then gave the following conclusion:

**Conclusion:** The requested modifications are consistent with the Land Use Plan and the Town Zoning Ordinance. The applicant shall be bound by all conditions of the Conditional Use Permit issued June 23, 2005. Provided the applicant meets all local, state and federal requirements, including the conditions enumerated in the June 23, 2005 Conditional Use Permit, staff provides a favorable recommendation to the Board of Aldermen.

With no further public input, the hearing was closed at 8:08 p.m.

Following a brief discussion regarding parking, Health Department requirements and the fact that there would have to be compliance with all of the previous conditions, Alderman Whalen made the motion to approve the amendment to the Conditional Use Permit consistent with the requirements set forth by staff. The motion was seconded by Mayor O'Quinn and unanimously approved. *(Motion passed 5/0.)*

**PUBLIC HEARING FOR CONSIDERATION OF AMENDMENT TO THE CONDITIONAL USE PERMIT OF THE BLOCKADE RUNNER LOCATED AT 275 WAYNICK BOULEVARD TO ALLOW CONSTRUCTION OF AN ACCESSORY SINGLE-STORY PARKING DECK IN THE EXISTING ASPHALT PARKING LOT.**

Mayor O'Quinn opened the public hearing at 8:09 p.m. At the applicant's request, he then made the motion to continue the public hearing to February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, in Council Chambers. The motion was seconded by Alderman Brunjes and unanimously approved. *(Motion passed 5/0.)*

**PUBLIC HEARING FOR CONSIDERATION OF A VARIANCE FROM SECTION 155.047 COMMERCIAL DISTRICT IV SETBACKS, FOR THE BLOCKADE RUNNER LOCATED AT 275 WAYNICK BOULEVARD.**

Mayor O'Quinn opened the public hearing at 8:09 p.m. At the applicant's request, he then made the motion to continue the public hearing to February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, in Council Chambers. The motion was seconded by Alderman Brunjes and unanimously approved. *(Motion passed 5/0.)*

**PUBLIC HEARING FOR CONSIDERATION OF A VARIANCE FROM SECTION 155.060 OFF-STREET PARKING FOR THE BLOCKADE RUNNER LOCATED AT 275 WAYNICK BOULEVARD.**

Mayor O'Quinn opened the public hearing at 8:09 p.m. At the applicant's request, he then made the motion to continue the public hearing to February 9, 2006, at 7:00 p.m., or as soon thereafter as possible, in Council Chambers. The motion was seconded by Alderman Brunjes and unanimously approved. *(Motion passed 5/0.)*

**DEPARTMENTAL PRESENTATION FOR THE FIRE DEPARTMENT.**

Fire Chief Frank Smith distributed copies of his presentation to the Board. He noted that the scope of his presentation would not include Ocean Rescue because a separate presentation would be made next month. He then reviewed the following information:

1. Fire Department's Mission: To enhance the quality of life in Wrightsville Beach through: fire prevention; fire suppression; emergency medical services; and, protection from dangerous conditions created by man or nature.
2. 2005 Incident Summary: 168 fire alarms; 362 emergency medical calls; 4 significant structure fires; total fire loss \$250,000; no significant fire injuries; and no fire deaths.
3. Wrightsville Beach Fire Department Staffing: 12 full-time career staff (3 shifts); 28 volunteer members (including interns); and, no administrative support staff.
4. Years of Service: Career Firefighters – service ranges from less than one year to twenty-two years. Volunteer Firefighters – service ranges from less than one year to four years.
5. Why Do We Need So Many Firefighters: We need “24/7” coverage; we need a minimum of twelve firefighters for a basic room and contents fire; in 2005, our average response was ten firefighters per alarm; fire staffing provides “almost free” EMS service.
6. What Do We Do Between Calls: Plan, teach and participate in training classes; inspect and maintain equipment; pre-fire plans for eighty-four commercial occupancies; fire prevention/public safety education; inspect 233 fire hydrants twice per year; draft and maintain the hurricane plan; records, reports and correspondence.
7. A Vital Issue to Address: Wrightsville Beach has an enormous fire potential and it continues to grow; one and two-family homes are exempt from NC Fire Code so proactive local ordinances are essential; the Wrightsville Beach Fire Department joins NFPA and USFA in advocating residential sprinkler systems for new construction.
8. Other Key Issues: Fire Station – evaluate options and develop a plan; aging fire apparatus – must stick to the CIP replacement plan; 25-year service life; aerial pumper due in FY2007-08 (\$525K); pumper due in FY2012 (\$350K).

Following a brief discussion regarding the range of ages of the firefighters, the Board thanked Chief Smith for a good report.

**APPROVAL OF NEXTEL LEASE AGREEMENT FOR PLACEMENT OF CELLULAR TELEPHONE EQUIPMENT AND AUTHORIZING ADVERTISEMENT OF UPSET BIDS. (RESOLUTION NO. (2006) 1502.)**

Mr. Simpson explained that due to the length of the proposed agreement, the Town would have go through the Upset Bid Process.

Mr. Simpson said that the proposed agreement would be for three antennas at \$433 each per month. He then reviewed the details of the proposed agreement including the thirty-year term and the annual incremental increase in monthly rate.

Mr. Wessell explained that the Board could lease municipal property for up to ten years, but if the lease is for longer than ten years, you have to treat it as a sale of property and publish a notice for ten days for other people to provide upset bids.

A brief discussion developed regarding rate comparisons to other companies and the reasons why the monthly payments would have to go into the water and sewer fund.

Mr. Wessell noted that a statement limiting the number of antennas to no more than three antennas was omitted from the agreement and if the Board approves, he would request that they approve with that change.

Alderman Cignotti questioned whether the Town could change the agreement before the end of the thirty years if we so desired?

Mr. Wessell stated that under the proposed contract, we could not change it. When asked if this was a standard contract, he said that he could not say that it was standard but it was comparable to the Town's other contracts.

Alderman Whalen expressed concern that thirty years was a long time and asked if we could do it for fifteen years? He said that he was inclined to ask them to go for fifteen years.

Mr. Wessell stated that he felt they would accept it for fifteen years if the Board approved fifteen years.

Mayor Pro Tem Miastkowski asked what would happen if the tower gets damaged? He was told that we were not obligated to put the tower back.

Mr. Wessell noted that there were "outs" in the agreement for Nextel but none for the Town.

Mayor O'Quinn asked if they could get out for obsolescence and was told that the agreement did not cover that.

Alderman Cignotti asked if we could say we wanted to look at it again in ten years? He said that he did not want to get twenty years down the line and wish we could change.

Mr. Simpson stated that he thought they would accept the agreement for fifteen years because they would not have to erect a tower.

Mr. Vukelich stated that they were anxious to get started. He noted that the Islander was also starting this and we could lose our opportunities.

Dr. Thaddeus Coin, 903 Schloss Street, asked if this would limit us for something else?

Mr. Simpson stated that we had ample space on the tower but he had no problem asking them to change the proposed agreement.

Alderman Brunjes stated that she agreed with Alderman Whalen that thirty years was a long time. She asked if we could do thirty and regroup at the end of fifteen years?

Alderman Whalen asked if it would be the same thing to go for fifteen years? He then made the motion that we accept the contract as written with the exception that we reduce the term to fifteen years instead of thirty years and limit the antennas to three – everything else the same. The motion was seconded by Alderman Brunjes and unanimously approved. (*Motion passed 5/0.*)

Mr. Simpson noted an administrative error in the proposed contract regarding the spelling of “Georgia” and said the Clerk would correct that.

**APPOINTMENT OF REPRESENTATIVE TO THE KEEP AMERICA BEAUTIFUL COMMITTEE.**

Mayor O’Quinn asked Alderman Cignotti if he would like to serve on this committee with a caveat that if he wanted to change in a year, he could?

Alderman Cignotti stated that if the Board would like for him to and it was worthwhile, he would be glad to serve.

Mayor O’Quinn made the motion to appoint Alderman Cignotti as the Town’s representative to the Keep America Beautiful Committee. The motion was seconded by Alderman Brunjes and unanimously approved. (*Motion passed 5/0.*)

**APPOINTMENTS TO FILL EXPIRED TERMS ON THE PLANNING BOARD.**

Mayor O’Quinn read the names and qualifications of the applicants. He stated that there were three slots open on the Planning Board and six people had applied. He explained that the Board would use ballots to select three people and anybody receiving three votes would be on the Planning Board. Mayor O’Quinn said that they could go another round of ballots if need be to fill the three slots.

The Board then marked their ballots and submitted them to Mr. Simpson who tallied the votes and submitted that information to the Mayor.

Mayor O'Quinn stated that a copy of the signed ballots would be available for public review following the meeting. The results were then read and recorded as follows:

PLANNING BOARD APPOINTMENTS (Three)	
APPLICANT	VOTES
William Baggett	Mayor O'Quinn Mayor Pro Tem Miastkowski Alderman Brunjes Alderman Cignotti Alderman Whalen
William Blair	Mayor O'Quinn Mayor Pro Tem Miastkowski Alderman Brunjes Alderman Cignotti Alderman Whalen
Lori Rosbrugh	Mayor O'Quinn Alderman Brunjes
Dr. Walter DeVries	Alderman Whalen
Brent G. Futch	Mayor Pro Tem Miastkowski
Debra Shulse	Alderman Cignotti
Write-In	

Mayor O'Quinn stated that Mr. Baggett and Mr. Blair had both received three votes and were both reappointed to the Planning Board. He then made a motion to appoint the only remaining applicant with more than one vote, Mrs. Lori Rosbrugh, to the Planning Board. The motion was seconded by Alderman Brunjes and unanimously approved.

**MAYOR O'QUINN: APPOINTMENT OF TDA REPRESENTATIVE – MARKETING COMMITTEE UPDATE – RECAP OF EVENTS – UPCOMING EVENTS.**

Mayor O'Quinn stated that it had been a busy first month in office. He then reviewed the following information:

1. Met with the TDA. Our representative is customarily the Mayor but I have made the decision to designate Alderman Brunjes to serve in that capacity and she has agreed to do so.

2. Wrightsville Beach Marketing Committee: Legislation gives the Board of Aldermen the authority to designate a marketing committee. Traditionally, the mayor has served with other interests.  
  
Mayor O'Quinn made the motion that we dissolve the present committee, with our thanks for their service, and designate Alderman Whalen to serve in his stead on that committee and open up six slots for applications – leave open to the February 23<sup>rd</sup> meeting. He urged those people who had served to reapply as well as others.  
  
The motion was seconded by Alderman Brunjes and unanimously approved. (*Motion passed 5/0.*)
3. Attended breakfast with other mayors. (Carolina Beach picked up the tab.)
4. Had lunch with Julia Boseman, Alderman Brunjes and Mr. Simpson. This was a good and productive event. (The Town picked up the tab.)
5. Going to Washington, DC on February 27<sup>th</sup> and 28<sup>th</sup> with Mr. Simpson. Will furnish report afterwards.
6. Attended Epiphany Celebration with Alderman Brunjes and Alderman Whalen. That was a fun event.
7. Attended Coast Guard "Change of Watch" Ceremony and thanked them on behalf of the Town for their service to the community and boating safety.

**MAYOR PRO TEM MIASTKOWSKI: BEACH COMMUNITIES BOARD.**

Mayor Pro Tem Miastkowski stated that he thought it would behoove us to contact the other beach communities.

Mayor O'Quinn stated that Ms. Holleman was currently working on that for sometime in March.

**ALDERMAN BRUNJES: TROLLEY STOP GRANT – DATE CHANGE FOR SECOND MEETING IN FEBRUARY.**

Alderman Brunjes referenced the Trolley Stop grant and asked if that was a total grant?

Ms. Davis stated that it was a \$64,000 grant with a \$12,200 match provided by the TDA. She said that was just the design and it might exceed that when we put it out on bid. She noted that staff felt it was an important BMP (Best Management Practice) for stormwater runoff. Ms. Davis stated that it would be put out for bid and an artist would do the wall.



Alderman Brunjes stated that she thought the sketch was beautiful and we would have to work to keep it that way because this was a high vandalism area. She noted the new bathrooms that were vandalized several times last year.

Ms. Davis suggested the purchase of security cameras with Police Department funds.

Alderman Brunjes stated that she would like to request moving the February 23<sup>rd</sup> meeting to the 22<sup>nd</sup>. Following a brief discussion, Mayor O'Quinn made the motion to change the February 23<sup>rd</sup> meeting date to February 22<sup>nd</sup> at 7:00 p.m. The motion was seconded by Alderman Whalen and unanimously approved. (*Motion passed 5/0.*)

**ALDERMAN WHALEN: HOMEBUILDERS ASSOCIATION ANNUAL MEETING – EPIPHANY CELEBRATION – END-OF-STREET NOTIFICATIONS – COUNTY COMMISSIONERS MEETING.**

Alderman Whalen stated that he had met a fellow Alderman from Kure Beach at the Homebuilders Association's Annual Meeting. He said that Kure Beach was in the midst of approving their first mixed use project and he would receive a copy of the plans that he would share with everyone. He noted that they were conservative like we are and he thought we could look at that and learn lessons from it.

Alderman Whalen stated that the Epiphany Celebration was a wonderful event and he really enjoyed it.

Alderman Whalen then referred to the "end-of-street" issue and asked if it would be prudent to notify all of the property owners that their properties were nonconforming so they would be aware in the future.

Alderman Whalen stated that he had also attended the County Commissioners Meeting and the beach renourishment was all right but he had concerns about the bond referendum. He then read a letter that he had sent to County Commission Vice Chairman Bill Caster expressing concern about the distribution of the bond revenues and the lack of communication between the County and the Town of Wrightsville Beach, one of the highest-used recreational areas in New Hanover County. Alderman Whalen expressed concern that we had not been asked if we had any needs, such as an amphitheater, the loop or the Fran Russ facility. He stated that it was disturbing to look at how the money would be distributed. He said that they have single facilities that would get more than the three beaches combined. Alderman Whalen stated that we would be paying about \$180,000 a year for the next twenty years and, when the assessment comes around, it would be more. He said that it did not feel right.

Mr. Simpson stated that the Town had received notice of the bond referendum at 4:13 p.m. by fax on the day of the last Board meeting. He then read the letter received from Mr. Dave Weaver. He said that he had responded to that letter on Friday that we were interested, tell us more. Mr. Simpson noted that we had not been provided any specific information at their meeting and no Aldermen had received this individually. He said that the response had come to Ms. Davis and not to Board members.

Ms. Davis stated that Program Supervisor Kelly Strickland had been invited to talk about master planning but there was no planning for Wrightsville Beach in that. She said that it had never been brought to her attention that there was a bond referendum. She stated that she received the information from Mark Boyer in her capacity as Public Information Officer.

Alderman Whalen stated that he would be willing to say that 75% of the people using the Fran Russ Center and the Loop do not live here.

Ms. Davis stated that she had substantial data that we could take to the City of Wilmington and the County to show the number of City and County residents that use our facilities. She noted that the bond referendum was the green space bond renamed.

Alderman Cignotti questioned whether we had spoken with the other beach communities because he felt they probably had the same concerns. Mayor O'Quinn said that he had noted the same issues with Kure and Carolina Beaches.

Alderman Whalen stated that if we provide 7.5%, it seems logical that we would receive 7.5% of the \$35.5 million.

Mr. Simpson stated that this would require a signature and a vote on the Board's behalf. He said that the County Manager had said there would have to be some kind of agreement. He stated that this was \$200,000 that we could spend and be reimbursed by the County.

Following a brief discussion regarding concerns that this was an attempt to buy our allegiance when the vote comes up, Alderman Brunjes expressed the need to be diplomatic and work as a team in dealing with the County. She noted that the Board members planned to attend all of the County meetings in the future.

**MR. SIMPSON: TDA MEETING – APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES – JOINT WORKSHOP WITH PLANNING BOARD.**

Mr. Simpson reported on the following items:

1. He would accompany Alderman Brunjes to the TDA meeting on January 31<sup>st</sup>.

2. He had distributed a list of boards and committees needing liaisons from the Town. The Board can review and let him know later if they wished to serve.
3. The Board needs to set a date for a joint workshop with the Planning Board to discuss primarily mixed use. There was consensus by the Board to set a joint meeting for February 13<sup>th</sup> at 6:00 p.m.
4. Staff needs direction regarding the shore zone parking issue and whether to proceed with an amendment to the Town's parking pass ordinance.

Following a brief discussion regarding the need for a mechanism to get more passes to park in metered spaces, fuel dripping in the shore zone from cars parking there, and the impact this would have on parking meter revenues, the Board gave direction for staff to prepare a presentation for the Board so they could better understand the issue.

5. Staff is looking at fees and charges and will present a proposal in February.
6. Special thanks to Park Ranger Shannon Slocum for removing the bird wing from the bridge.

**MS. SUE BULLUCK: WRIGHTSVILLE BEACH MARKETING COMMITTEE.**

Ms. Bulluck expressed appreciation and thanks to the members who served on the TDA Marketing Committee. She said that committee had three permanent members that sit on the big TDA and she had questions about the new committee makeup. Mayor O'Quinn stated that he had read the legislation and he respectfully disagreed with her interpretation and they could discuss it.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,  
THE MEETING WAS ADJOURNED AT 9:45 P.M.

Respectfully submitted,

Sylvia J. Holleman  
Town Clerk