

BOARD OF ALDERMEN MINUTES

OCTOBER 9, 2024, 5:30PM

TOWN HALL COUNCIL CHAMBERS, 321 CAUSEWAY DRIVE, WRIGHTSVILLE BEACH

The meeting was called to order at 5:30pm by Mayor Mills. After the Pledge of Allegiance, the invocation was provided by Mayor Mills. The following were present:

Board of Aldermen

F. Darryl Mills, Mayor
Hank Miller, Mayor Pro-tem (via Zoom)
Jeff DeGroote, Alderman
Ken Dull, Alderman
Vivian (Zeke) Partin, Alderman

Staff

Haynes Brigman, Town Manager
Lance G. Heater, Town Clerk
Brian Murray, Finance Officer
Robert O'Quinn, Town Planner
Matt Holland, Acting Fire Chief
Jason Bishop, Acting Police Chief

Upon motion by Partin, seconded by DeGroote and carried unanimously, the Board approved the remote participation of Miller.

PUBLIC COMMENTS

Jon Martell, stating that he was a physician and retired Chief Medical Officer of a small rural hospital, cited data that indicated New Hanover Medical Center had substandard quality of care. Martell stated that he was working with New Hanover County toward adoption of a resolution that would request the hospital provide a comprehensive report on the issue to the NHC Board of Commissioners.

Neil Braggi, 4. West Henderson St., provided the Board with information regarding his efforts, with the assistance of volunteers, in harvesting sea oats for the purpose of germination and replanting in order to assist in the preservation of dunes. Braggi recognized the assistance of Evan Moreigerato in this endeavor. Braggi asked the Board to 1) recognize the effort; 2) include the status of the dunes as an important topic in budget discussions; and 3) acknowledge by letter the efforts of volunteer organizations.

CONSENT AGENDA

Upon motion by Partin, seconded by Mills and carried unanimously, the Consent Agenda was approved. It consisted of 1) approval of the minutes of the 9-12-24 regular meeting; 2) acknowledgement of previously approved special events for November; 3) approval of a lease agreement with the North Carolina Holiday Flotilla; and 4) approval of Budget Ordinance (2024) 637-B funding salary and benefit costs for the new Town Manager.

PRESENTATION – *None.*

PUBLIC HEARING

The Board considered conducting a public hearing and adoption of Ordinance (2024) 1862 removing the requirement in the Town's UDO for the Planning Board to review Special Use Permit applications. Robert O'Quinn, Town Planner, stated that the advisory role of the Planning Board is focused on policy guidance and recommendations rather than fact-finding and legal determinations. O'Quinn noted that reviewing SUPs requires making decisions based on legal criteria and evidence presented during hearings, which goes beyond the advisory capacity of the Planning Board.

O'Quinn stated that Chapter 160D of the NCGS emphasizes the need for clear distinctions between different governmental functions: legislative (making and amending laws), quasi-judicial (applying laws to specific cases), and advisory (giving recommendations). Allowing the Planning Board to take on quasi-judicial duties such as reviewing SUPs undermines this separation, potentially leading to procedural confusion or conflicts of interest. O'Quinn said that if an advisory board reviews an SUP application and makes recommendations or decisions without following proper quasi-judicial procedures, it could lead to legal challenges in that any evidence-based decision must follow strict due process requirements, including witness testimony, cross-examination, and findings of fact, which are not typically within the scope of an advisory board. With the proposed Ordinance, Special Use Permit applications would solely be reviewed by the Technical Review Committee prior to being considered by the Board of Aldermen. O'Quinn stated that the Planning Board had voted during their September meeting to recommend approval of the Ordinance by a vote of 4-1.

Dull stated that many technical review committees included members of planning boards and suggested that the addition of planning board members to the TRC would assist in gathering public input for such proposals.

The Mayor declared the public hearing open at 5:51pm. Neil Briggi, PB member, stated that the Planning Board had no option but to approve the modification due to NCGS 160D and suggested that the Board of Aldermen consider the adoption of conditional zoning as an alternative to the Special Use Permit process. Leigh Ann Joyner, 204 S. Lumina and PB member, also spoke in favor of the conditional zoning alternative. There being no other persons present who wished to comment, the Mayor declared the public hearing closed at 5:56pm.

It was the consensus of the Board that the staff and Planning Board investigate the conditional zoning alternative and to not take action on the proposed Ordinance until that investigation is completed.

OTHER ITEMS AND REPORTS

- A. **Town Clerk Heater:** nothing to report.
- B. **Alderman DeGroote:** recognized Brigman's first meeting and congratulated him on his appointment.
- C. **Alderman Partin:** noted 1) the TDA was conducting a resident survey for the purpose of developing a 10-year tourism plan; 2) attended the 3rd annual lobster roast conducted by the TDA; and 3) noted the Veterans' Day observance event scheduled for 11/8.
- D. **Alderman Dull:** expressed concern regarding beach erosion following recent storm events.
- E. **Mayor Pro Tem Miller:** stated that the Town was fortunate to have had a beach nourishment project this year without which the erosion would be more of an issue.
- F. **Mayor Mills:** stated that the Army Corps of Engineers was aware of the erosion issue and had been assessing the condition of the beach.
- G. **Town Manager Brigman:** noting that this was his 3rd day on the job, stated that he was looking forward to getting out in the community and working with the Board, residents and staff.

There being no further business, the meeting was adjourned at 6:08pm.

Respectfully submitted,

Lance G. Heater, Town Clerk