

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
January 12, 2016 – 6 P.M.
OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Councilors Sheila M Bell, Charlie K. Blalock, Loman Scott and Jeff Winecoff, Town Manager Tim Holloman, Town Attorney Brian Edes and Town Clerk Lisa P. Stites, CMC.

Mayor Cin Brochure called the meeting to order at 6:00 p.m. Council Member Charlie Blalock gave the invocation and led the Pledge of Allegiance to the flag.

PUBLIC HEARING I: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to Sec. 18-223, "Steps to be taken in a conditional use application other than unified tract developments," to adjust the Conditional Use Permit quasi-judicial application process (to require the quasi-judicial process only for the Town Council meetings).

There were no speakers. **Mayor Pro Tempore Medlin made motion to close the Public Hearing at 6:02 p.m. Councilor Blalock seconded and the motion carried unanimously.**

PUBLIC HEARING I ACTION: **Mayor Pro Tempore Medlin made a motion to approve the proposed amendment to Sec 18-223 "Steps to be taken in a conditional use application other than unified tract developments," to adjust the Conditional Use Permit quasi-judicial application process and to require the quasi-judicial process only for Town Council meetings. Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING II: Mayor Brochure explained that the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to Sec. 18-117 footnote (g)(2) and 18-118 footnote (g)(2) Area height table; residential and nonresidential districts, to adjust the setback exemptions and variance process for new elevators, mobility and cargo lifts on existing residential structures.

There were no speakers. **Councilor Bell made a motion to close the Public Hearing at 6:04 p.m. Councilor Winecoff seconded and the motion passed unanimously.**

PUBLIC HEARING II ACTION: Councilor Bell asked if elevators, cargo lifts, etc. were already allowed in the front and rear yard setbacks. Planning and Zoning Administrator Jake Vares confirmed that and explained that this would require requests for elevators etc., in the side yard setback to go to the Board of Adjustment. Mr. Vares also explained that part of the ordinance was also contrary to state law and needed to be corrected. As the ordinance is written now, it says it is allowed in the setback and that it needs a variance, which does not make sense. The text amendment would mean that elevators, etc. would still be allowed in the front and rear setbacks, but not the side. **Mayor Pro Tempore Medlin made a motion to approve the proposed text amendment to Section 18-117. – Area and height table; residential districts- footnote (g)(2) and Section 18-118. – Area and height table; nonresidential districts - footnote (g)(2). Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING III: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed language to amend Sec. 18-32 of the Code of Ordinances to add a definition of Outdoor Sales and Displays and to amend Sec. 18-226 to clarify the standards and conditions for Outdoor Sales and Displays.

Mr. Vares explained the purpose of the proposed amendment. He said that tents had been set up in shared parking lots that were taking up spaces set aside for customers. He said that outdoor displays were allowed as a Conditional Use but there is no definition for the term; the proposal adds a definition for outdoor sales and displays. Mayor Pro Tempore Medlin asked if he owned a business and wanted to have a tent sale in the parking lot, would he have to get a Conditional Use Permit; Mr. Holloman said if it would be using parking spaces, he would. Councilor Bell asked about the VFW or someone having a fundraiser or something similar. Mr. Vares said those would be handled by separate permits from the Town. Mayor Pro Tempore Medlin said that the proposal would prevent a business from having a tent sale July 4th weekend and he thinks this may be too restrictive.

Fred Workman, owner of Oak Island Sub Shop: Mr. Workman said that his issue was that a neighboring business had let someone set up a tent adjacent to his parking lot and their customers used his parking, when he doesn't have enough parking as it is. He asked if there were rules for parking, etc. for businesses set up in tents. He said that he is allowed only one sign and the business in the tent could have an abundance of signs. He said that most of the businesses in town fight for parking. He said it seemed these temporary businesses seemed to have more rights than the permanent business owners.

Councilor Bell asked if the issue was with a business that kept a tent up year round. Development Services Director Steve Edwards said there had been a specific complaint, and when he researched the topic, he found this would be a way to handle it, by adding this definition. What is proposed is not any more restrictive; it just adds a definition. Parking is a big issue on the island. Some of the tents being put up were up to 400 square feet, but they are only supposed to be temporary structures; after 180 days they must meet building code standards regardless of size. Mayor Pro Tempore Medlin said that he would rather see a different permitting process than Conditional Use. Mr. Edwards said a permit with standards could be used.

Councilor Bell made a motion to close the Public Hearing at 6:21 p.m. Charlie Blalock seconded and consensus was to close the hearing.

PUBLIC HEARING III ACTION: Council consensus was for staff to bring back a revised proposal to the February meeting.

COUNCIL REPORTS (MAYOR AND COUNCIL): There were no reports.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Presentation of Possible Development of Old Campground Property: Jim Bradshaw, retired Economic Development Director for Brunswick County, here representing Halpern Enterprises of Atlanta. The site is located between 50th and 52nd Street, across from the BBQ House. The site could accommodate 60 houses in the present zoning. Mr. Bradshaw showed a proposed site plan that includes a 30,000 square-foot grocery store and 7,000 square feet in other retail space. The site plan would go through the Planning Board and Town Council for approval before any construction could begin; landscaping plans, buffers, etc. would be presented as part of that process. The site would have to be raised eight feet. Mr. Bradshaw said it would be a \$14.6 million investment, not including additional interior improvements. He said they anticipate \$20 million in annual sales. There would be 100 new permanent jobs and 96 construction jobs. The shopping center would generate more than \$200,000 in property taxes over five years; another \$200,000 to the Town in sales tax revenue over five years is also projected. Mr. Bradshaw said that specialty food stores were already allowed in the Town's CR zone and he hoped Council would allow grocery stores as well. Councilor Blalock asked if this was the standard type store. Charles Worthen said it was a new prototype for the company; it would have a hot bar, salad bar, floral department, coffee shop, deli, room for eating prepared food, etc. The company also hires from

within the community to run the store. The plan is to use a design that has a beach feel. Mayor Pro Tempore Medlin asked what typically goes into the additional retail space. Mr. Worthen said that typically 50 percent of that space ends up being restaurants and they do very well; likely they would have outdoor seating, etc. Councilor Winecoff said there was a Committee reviewing a draft Comprehensive Plan and asked if the developers would be willing to comply with any new standards that come out of that process; Mr. Worthen said they would.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Winecoff added New Business 3, Amend the Committee Charge of the Beach and Inlet Committee to Add a Council Member to the Committee. Councilor Winecoff made a motion to approve the agenda as amended. Mayor Pro Tempore Medlin seconded and the motion passed unanimously.

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Dara Royal, 216 NE 47th Street, written comments provided as follows: During the October 13, 2015, and November 10, 2015, public hearings on the proposed rezoning request on tonight's council agenda as Old Business #1, I respectfully encouraged council to deny the request to rezone any portion zoned Open Space. I continue to do so now. Although I have diligently searched for, listened to and read over various proposed alternatives, there is not an option that would preserve the spirit, purpose and intent or the letter of our zoning ordinance and land use plan. Land identified as Uplands on a USACE 404 Wetland Delineation Map is solely an indication that the land is not 404 wetlands – it is not an indication by itself that the land is suitable for development. 18-114 states in part: The purpose of this OS open space district is to preserve and protect the areas of environmental concern as identified by 15 NCAC 7H.0200. It appears that more than 97% of the portion of the parcel zoned Open Space is contained in one or more of the following CAMA Areas of Environmental Concern designated in 15A NCAC 07H.0200: estuarine waters, coastal wetlands, public trust waters and estuarine shorelines. The estuarine shoreline AEC extends 75 feet from normal high water. The estuarine shoreline AEC extends over nearly all of the land identified as Uplands on the USACE 404 Wetland Delineation Map for this parcel. There appear to be 5 isolated, non-contiguous spots ranging in size from 200 to 1200 square feet that are not in the estuarine shoreline AEC, the sum total of which is less than the equivalent of the minimum square footage requirement for one lot. I encourage council to adopt the statement from the planning board which reads in part: “the upland areas in this parcel are not suitable for R-6A development” and “the rezoning is unreasonable and not in the public interest” because it is inconsistent with the CAMA Land Use Plan “Policy 2.A.9.a.: ‘The Town will maintain the zoning of open space areas, such as marshes and other environmentally sensitive lands, and expand where possible.’” During the December 8, 2015, public hearing on the proposed text amendment on tonight's council agenda as Old Business #3, I requested that council not approve these amendments as presented, and I continue to do so now. However, I believe there is an option that would preserve the spirit, purpose and intent of our zoning ordinance and land use plan. I respectfully request that council consider approving a text amendment to 18-116 Table of Uses to allow shopping centers as a conditional use in the Commercial Recreation (CR) zoning district. This action does not require another public hearing because it is more restrictive than the proposed text amendment. This option provides an opportunity to consider a type of commercial development not previously contemplated for a unique location in the CR district that could accommodate changing market conditions and growing community needs regarding retail trade for both seasonal and year-round populations. This option would not fundamentally change the character and purpose of the entire CR district by adding a list of individual permitted uses that serves to encourage the type of strip commercial development that the land use plan seeks to discourage. In the conditional use permitting process, council would have the ability to consider approving specific uses for a shopping center that might not be permitted as stand-alone uses in a given commercial district, but could be appropriate in the context of a shopping center at a site-specific location within the district. If the ability to do so needs clarification, a

subsequent amendment could be brought forward to that effect prior to or in tandem with a pending CUP application.

Betty Hupp, 7916 East Yacht Drive: Ms. Hupp said that the Purser property on Yacht Drive had been zoned open space since 2006 and she believed Mr. Purser knew that when he purchased the property. Ms. Hupp said she attended the meeting on the Easy Yacht Drive property for which a rezoning was requested. She said she saw water on the property in a very low spot that went almost to Yacht Drive. She said it looked like a tidal creek. Building in a tidal creek is stupid because the water that was in the creek is going to go somewhere else, such as adjacent property. She said that the Town must protect developed properties from misuse of lowlands and that the property should remain open space.

Donna Brewer, 5908 E. Yacht Drive: Ms. Brewer said that she is one of several dozen homeowners who signed a petition opposing the developer's request residential use in the neighborhood by rezoning sensitive open space on the adjacent peninsula. She said the current zoning already allowed the developer to build a number of homes along East Yacht Drive, which is consistent with the neighborhood. One of the homes, Lot 14, is proposed to be built on an isolated parcel almost completely surrounded by coastal wetlands, which will require a bridge to access it. She said the plan for the major subdivision went against the Town's commitment to preserve coastal wetlands and open space. The legal description is Open Space, containing sensitive wetland habitats and restricting development has been register for several years and likely was well-known to the developer when he purchased the property 14 months ago. As building increases on the island, she said it is more important than ever to maintain the integrity of our existing land use plans, ordinances and environmental protections. Town land use plans are currently being updated, and it was important that these plans be taken seriously. She urged Council to deny the rezoning request.

Kelley Germaine, 6610 Kings Lynn Drive: Ms. Germaine said that she believed everyone was familiar with the fact that the Town had initiated the process to draft a Comprehensive Plan. She reviewed the process thus far. She said that feedback from surveys and public meetings overwhelmingly supported preserving the beach, the tree canopy and the neighborhood feel of the Town. To do that, we need retail development. Since the land stopped being used for a campground, Ms. Germaine said she had envisioned it being used for a pedestrian-friendly, small-town walking area that would be the family-oriented, tree-friendly environment that we all love. She said they do not want to see 55 homes in that location. She also spoke highly of the Publix chain, which is rumored to be interested in building on the old campground property. Ms. Germaine asked Council to approve the text amendment and passed out a drawing of what a Publix can look like.

Carol Painter, 306 Ocean Drive: Ms. Painter is a member of the Beach & Inlet Committee. She said that the Beach & Inlet Committee supports hiring a consultant to help build support for beach nourishment. The Committee recommended the consultant split the project in two and complete the first two tasks now. The Committee had a lively discussion about how long the process should take. The consultant's goal was to have everything completed by June. Some of the Committee members felt that was too aggressive a schedule. If Municipal Service Districts were established, it must be done a year before the Town can levy taxes through the districts. A contract with the tasks split into two has been provided, though she would like to see the contract include a provision that a recommendation on establishing the Municipal Service Districts be provided to Council before the FY 2017-18 budget is adopted.

Malcolm Morrison, 119 SW 21st Street: Mr. Morrison said he enjoyed the presentation on the old campground. He said it looked like it would be a nice facility. Mr. Morrison asked about the amount of fill and expressed concerns about stormwater runoff. He also cited concerns about traffic. Mr. Morrison said he hoped there would be more specimen trees on the site instead of pines. He also suggested

converting the ditch near Heron Park into something usable and asset for the Town, such as a bike path or walking path.

Jean Suther, 110 SE 29th Street, written comments provided as follows (and partially read into the record by the Town Clerk): For 21 years I have lived on this island. Having attended the council meeting Tuesday evening, September 8th, 2015 I felt I could no longer contain myself and left the meeting early. At the conclusion of our new town Public Works Director's presentation, I decided it would be best for me to remove myself from the premises rather than cause a ruckus and be escorted out. It appears to me that our Mayor and Council are more consumed with the proper procedure process than they are in accomplishing anything of substance. I have been through numerous Mayors, Councils, Police and Fire Chiefs, Building Inspectors, Public Works Directors, Town Managers, rule changes, ordinances – etc... in the 21 years I have been here. I have also been through many hurricanes here on Oak Island. The one and only consistency I have EVER noted in this time frame is the practice of NOT enforcing any and all Town rules. Once again, the subject of tree debris removal was broached and of course, the answer was to stick it once again to those of us who have paid MORE than their fair share for services here on Oak Island. No enforcement of rules in place for debris have ever been enforced. Landscapers have run amuck here, charge ridiculous prices to bring trees down and leave them in the town right of way. My home sits on two lots – I also own an empty lot behind me abutting those same two. I have paid for the undergrounding of electrical services, this useless and cost prohibitive sewer system, the new Town Hall/Police Station, two new fire stations and most recently the moving of sand on our ocean front (in my opinion the BIGGEST waste of my money yet!). A windy gusty day could bring down limbs, leaves and debris that could easily fill my two car garage, let alone a rainy, windy, gusty day – which could produce either nothing or double the amount to fill two of my two car garages. A hurricane does even MORE damage, but we always continued to play by the rules: separating leaves from limbs – only to have the debris scraped to the center of our street and picked up combined in one heaping mess... We have no more control over what Mother Nature delivers in the debris arena than WE have over what she does with the sand on our beach. This town likes to brag about “being green” – who do you think keeps it “green” ? – that would be those of us who cherish trees and natural vegetation, along with a lot of blood, sweat and sometimes tears we do what we can to keep our own properties ‘presentable’ and livable. Would it serve you better for us to remove all trees and thereby reduce the debris? (keep in mind tho, you wouldn't be able to brag about being ‘green’ any more). I wouldn't mind a break from the raking and hauling to the curb - these live oaks are aging, dirty, nasty and beautiful. Those of us who maintain them on our properties are also aging, often dirty from the cleanup, sometimes nasty with the exertion of it all - but always beautiful on the inside! A little (actually a LOT) of the meticulous manicuring of the Rec Center domain (of which I am in hearing distance – it being on 30th Street - I am often hearing how overly frequently those grounds are worked on. I'm assuming the same amount of time and energy is spent on the Town Hall/Police station grounds as they are always pristine. How many man-hours and overtime could be eliminated if that endless manicuring were curbed and applied where it is actually needed to control not only the rats and snakes but the feral cats that reside in overgrown right of way areas, along with the mosquitoes and bugs that thrive in the tall grasses. The right of way on our street (29th) and Paula Circle at BEST only gets mowed once – the most recent time only one mower width! – for weeks and sometimes months at a time, until someone calls to complain about the neglect of the Town. The STOP sign at the southern intersection is constantly covered with greenery and is totally obsolete as a result. I would appreciate having someone/anyone answer the following questions/suggestions... 1. When will you realize that this island would not exist without your taxpaying residents? If you would treat “OUR” money, aka tax revenues, as your own – wouldn't you spend it much more wisely??? 2. When (not if) this sewer system fails, how are you going to keep the water running to our homes when there is nowhere for it to go? We have been blessed with the fact that a major hurricane has not hit since it's installation – has anyone told everyone else that if there is nowhere for the water to go – we will ALL have to be forced from our homes for an undetermined amount of time due to no flowing of water? -

Kind of shocking since we are surrounded by it... and pay monthly through the nose for it. 3. How much do the mega-mansions permitted here pay for trash pickup? Is there a set fee for the street address, or is there a charge in place for the number of sets of trash carts delivered and utilized for that property? 4. Why oh why was the \$5.00 fee for an animal control tag deleted? If nothing else we could have put those funds into our 'rainy day' fund or buy poop bags for all of the beach accesses... Or was the 'fear' of people NOT registering their dogs what prompted the charge exemption? Another one of those pesky "non-enforceable" problems...5. Why is the cost of living here so prohibitive that we can't allow our police, fire and town employees to live here? That SHOULD be a requirement for ALL Town employees - it used to be. If the cost of living is too high here to allow that natural function to occur – a red flag should be clearly visible to those in power – fix it so that we can be more or less self-contained with resident police and fire members to protect us at all times. There are plenty of us that live here that could perform the functions of a job at Town Hall – including myself, and are subjected to "the position has been filled" letters – and filled by people who don't live here. 6. Quit hiring 'consultants' to get the expertise that we have probably in house on this island. We have a wealth of knowledge, experience and training right here at home. Put out a call for what we need and I'm sure you'll be overrun with resident volunteer experts on hand - only for the asking. One gem I am personally aware of and in awe of is Dr. Rosanne Fortner (Google her sometime). If her training, experience, expertise, knowledge and credentials are good enough to be appointed to a Presidential committee - then they should be more than sufficient for the powers that be here on Oak Island. Don't ignore, or dismiss her guidance for any reason whatsoever. She has been most generous with her time and talent for that past 10 years, but is often met with opposition or just plain ignorance when anything is pertaining to our ocean - including the redundancy of pushing sand! It doesn't work - we are NOT in control of our living, breathing, MOVING ocean - Mother Nature is, and no matter how much \$\$\$\$\$\$\$\$\$\$\$\$ we throw at it, it won't work!!! Why can't you take that at face value??? 7. The council was too timid to implement a toll on each of our two bridges or to implement paid parking on our fair shores. However, they weren't too timid to tell the resident hosts (aka taxpayers) that THEY would have to (once again) cough up \$5.00 to be able to park in a designated space on our own beachfront. The revenue collected from the tolls could provide us with some much needed monetary help. If they (the tourons that you are so intent on pleasing) don't like it - let them take their business somewhere else... We have been 'hosting' people that often don't have any regard for our rules, regulations, oceanfront, or anything else that we have to offer. They come - USE - ABUSE and LEAVE us with the mess and damage to repair, replace and do it all over again - year after year after year!!! 8. When will Oak Island get its name changed (again)? We are no longer an island - since we've acquired additional ground anchoring us to the mainland on each end of the two bridges. We don't need the additional responsibilities associated with that boondoggle. Does the extra cost really warrant such a brainless move? Spreading our already overworked services and maintenance equipment thinner with the expansion of our boundaries doesn't make sense. Our next challenge I'm sure will be the 'growth' along the Middleton to 211 corridor. The condition it is in now is perfect - UNTOUCHED!!! What a wonderful way to arrive on Oak Island, but through a wonderfully natural 6 mile trek! Please don't try to "fix" "enhance" "grow" or turn it into another one of your fear mongering tactics to bring 'income' - that if we don't generate income along that corridor we will be doomed. For too many years that has been the excuse - and no one winds up paying as much as those of us who have been consistent, loyal tax, assessment and utility paying town residents. 9. Time Warner Cable no longer has an exclusive strong hold on the island for TV transmission - how about getting those of us with satellite reception access to the town channel? Don't bother hiring a consultant to find out if it would be possible/viable or how many of us prescribe to satellite companies - there are only two available, I'm sure a call to them to ascertain how many subscribers have a 28465 zip code could quickly and efficiently answer the question. 10. What function do our water towers perform now? Are they necessary for anything other than holding up antennae for various entities? Are we charging everyone enough for that purpose? Why wasn't the last company that painted the tower behind the Rec Center instructed to clean up the walkways and handrails on the nature trail when they were splattered with that lovely blue paint that they used. Do we

not have anyone to inspect a jobsite when the work is completed and before payment is made? 11. Is it not concerning and/or embarrassing to anyone in power that our Police station is only open during the same limited hours that our Town Hall functions? In my 62 years I've never lived in a place where you weren't able to go to a Police station 24/7. Our 911 calls are now contracted out from a site off the island - our animal control functions have also been farmed out. What will be next? Perhaps if we looked into farming out our governing body we the people would have a better shot at pooling our tax dollars with those of the county and get a bigger, better bang for our bucks! Nothing that you could say would convince me that we are as well protected with our officers if they are dispatched from a central location - since a portion of our county tax dollars are for police protection aren't we paying double? Maybe we should look into doing away with our officers all together... Nothing can beat the comfort of knowing that they are "HERE" to protect us - as they should be with the tax dollars we provide to Oak Island for such service. 12. It's time to selectively appoint/accept or allow members on our various commissions, boards and most importantly our Town Council. NO ONE with ties to building, renting, selling or in any capacity that could potentially sway their votes and decisions based on how it might line their pockets should be accepted. Their input would and could be valuable in a volunteer non-voting or rule setting capacity. It is a direct conflict of interest for anyone in the above mentioned categories to be deemed acceptable to serve. 13. Is anyone monitoring what the completion of St. James' own fitness center will do to the minimal income we receive from their utilizing our Rec Center? Has anyone gone to talk with them about perhaps offering a reciprocal agreement for US to utilize their new facility - of course, with the same low fees for classes and no membership dues necessary. In other words, the same overly generous neighborly access that we have always afforded them. Or will we be forced once again to make some more detrimental cutbacks to the staff and services provided here at our facility with the loss of that income? And once St James completes their latest invasion onto our territory for the 'evacuation' access onto Middleton - currently planned to allow right turns only - will we have a costly fine in place for those who WILL take a left onto Middleton to arrive at their beach club here on our island in a quicker manner while managing to avoid Long Beach Road and the eyesore that it is? Keep in mind that we don't need or want another congested, eyesore of a 'business' route to be the entranceway to the island from our newest bridge corridor! Will we implement that fine aggressively i.e.; no exceptions or exclusions possible?... In closing - It is well beyond the time that we learn to preserve, protect and promote Oak Island for what it is. Stop reacting to what you think we need or don't need. Stop allowing the progress and growth of this island to be dictated by self-serving, self-promoting individuals who have their own personal best interests in mind. Stop disregarding citizen input when they make their voices clear as to what they want or don't want here on their island. Stop catering to people who don't contribute in a meaningful monetary way to our world. Stop telling us how much money they bring when they come - the fear mongering you do doesn't wash anymore. Don't again ever spend the accommodations tax on moving sand (for ANY reason) - those funds belong to us! and should be used for wiser purposes. If tourists cared about this place as much as a lot of us do they would kick in in order to be able to have this corner of our world for many years to come. Start acting like Oak Island is the beautiful oasis that it is and should continue to be if we treat her with kindness and respect. Check out Pawley's Island sometime and see what real rules, regulations and expectations for guests can accomplish. Pawley's Island is very exclusive, well maintained and governed. WE own this island and WE should be proud of that fact. WE should no longer continue to cater to people who use and abuse it and expect the welcome mat to be out for their next trip! Nothing we have done in the name of progress has caused them to expect anything different. We have learned time and again - progress CAN be a good thing - up to a point. However, a lot of "progressions" we have made can't be undone and we unfortunately will suffer those ramifications for generations to come. Take pride in our home place and let us become not only an exclusive family vacation destination but maintain the lifestyle that many of us moved here permanently for - not a door mat for any and all who come and rent a place for a week or so, have the time of their lives - make memories to last a lifetime and leave without having contributed anything towards the cost and upkeep that we taxpayers continuously provide. I understand this message is long and appreciate if you have read it thus far.

However, 21 years is a long time to sit and watch what has been happening to our island. I'll be wrapping up my 2nd year as a volunteer with the Beach Ambassador Program this week. I take pride in doing this, but only committed to volunteering once I learned that we would be backed up by the Town of Oak Island. I have been vocal with residents that approach me on the beach as to what the program is all about and I'm not afraid to tell people (both residents & visitors) that this is the FIRST time in 20 years that I'm aware of that the rules were put in place for a good reason - no glass, no holes left open, no tents, etc...and that the TOWN is willing to step up and help with enforcement. I do believe a few other ambassadors were added as a result. Bottom line - let's get our acts together and begin to PROTECT AND PRESERVE what we have before it's too late! With a new cast of characters ready to step up into some thankless positions here on this Island at voting time in November I hope this info will be shared with them. And I hope that they will come with the same pride that a lot of us have to struggle to continue to be able to call Oak Island our HOME. I thank you for your time and welcome any questions or comments and look forward to answers to my 13 points above. I can be reached at [phone number provided] or at my home located at 110 SE 29th Street.

Fred Workman, 117 SW 22nd Street: Mr. Workman said he is very familiar with Publix. He said he knows growth is important but all the small businesses are what gives the town flavor. Getting a Food Lion was a big change and we managed it well. He said he heard the worked "upscale" mentioned during the discussion of Publix. He said that Oak Island is for everyone, including blue collar. He said that he knows plenty of people who like the development that we have. He said he knows of towns in Florida that are trying to keep chain stores out to keep their small-town atmosphere. He also said he will not be able to compete with Publix, and there are other small businesses that sell food that will be hurt as well. He said Oak Island was a wonderful place as it is. Mr. Workman also said that everyone knew that the ditch there was not really just a ditch; he wondered what connection it had to the canal.

Steve Foster, 6634 Kings Lynn Drive: Mr. Foster said that there are a lot of dilapidated areas on the island, such as the commercial area at 58th Street. The property for the proposed development has been neglected for years and has typically had grass several feet high. Mr. Foster said that we need a project like this. He said that he thought this would help the tax base, the Town's appearance, and provide services to the Town.

Lynn McDowell, 6407 Tortoise Shell Court: Ms. McDowell is also a member of the CPAC Committee, She said they have heard overwhelmingly from residents that they want to keep the tree canopy and open space, which she said speaks to the rezoning request. She urged Council to maintain the Open Space. Ms. McDowell said that the Town does need to encourage retail development, but on the mainland. She said that she has heard no one say they wanted large commercial development on the island. Ms. McDowell also said she didn't see how a grocery store fit into a Commercial Recreation zone.

Barbara Driggers, owner of Maters and Taters: Ms. Driggers said that the Town relies on the summer visitors. Those visitors come here because it is not Myrtle Beach. She asked how another grocery store would affect the existing businesses on the island. She said the visitors come here because of what we are now, not what we are going to be or want to be. She said she thinks we have what we need on the island.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. December 8, 2015 (Public Hearing & Regular Meeting)
 - b. December 15, 2015 (Special Meeting)
2. Appointment to the Oak Island Fireman's Relief Fund Board

3. Approval of Release Request (sewer assessment principle balance of \$2,940.00 and accrued interest of \$525.33 for parcel number 235ND00116)

Councilor Scott made a motion to approve the Consent Agenda. Councilor Blalock seconded and the motion passed unanimously.

II. COMMITTEE REPORTS

1. Oak Island Environmental Advisory Board – Jane Kulesza and Toni Marie Clifton: co-chairmen. Ms. Kulesza said this Board was created by combining several boards with an environmental focus. There are currently eight members on the Board, and there are three working groups under the Board – public education, Tree City USA and water quality. The purpose of the Tree City USA working group is to help the Town maintain its Tree City USA status, which is an annual recertification process. There is an annual Mayoral Proclamation and an annual Arbor Day celebration which is a tree seedling giveaway. A certain percentage of the budget also goes to tree care and plantings. The group also participates in other activities such as the creation of the Town’s Arboretum, educational programs, employee training, etc. Oak Island is a “Sterling Tree City,” since the Town has received the growth award for more than 10 years. The Tree City group is expanding the Arboretum at the corner of Oak Island Drive and Middleton Ave. There will be parking spaces, a trail and a small kiosk. Trees in the Arboretum are labeled and are there to help educate citizens about salt-tolerant trees. Ms. Kulesza also spoke about the expertise of the members of the working group; the group also often partners with the Oak Island Beautification Club. Essentially, the group provide Public Works with an occasional helping hand. The group is also working with the Cooperative Extension to set up a pest management program for employee education. Ms. Clifton is also a member of the public education and outreach working group of the Board. She spoke of the Smart Yard Program, which focuses on how homeowners can help mitigate stormwater runoff. The group also worked with the Coastal Federation on projects to control stormwater runoff by using swales. The group is also sponsoring a class for smart landscaping for coastal North Carolina. The Board also sponsors a marsh cleanup twice a year. This spring, the Board will begin participating in the Adopt-A-Highway program. The working group also help declutter the signage at the beach accesses. Last year, the Town applied for a grant to help people convert septic tanks to cisterns. The objective of the estuarine water quality working group is to improve water quality to provide a healthy environment for all forms of aquatic recreational activity. The group hopes to pinpoint the sources of pollutants and establish and implement a mitigation plan.

Council took a brief recess at 7:27 p.m.

2. Oak Island Emergency Services Advisory Board – Reece Simmons (removed from agenda)

III. ADMINISTRATIVE REPORTS

1. Town Manager
 - a. Department Reports: These reports are attached and are hereby made a part of these Minutes.

IV. OLD BUSINESS

1. Consideration of a request to rezone a parcel on the northern side of E. Yacht Drive between NE 61st and 62nd Street from OS (Open Space) to R-6A (higher density residential): Mr. Vares explained that the parcel currently has two zoning classifications – R6A along Yacht Drive and Open Space north of that. A map has been provided that shows the area the applicant is requesting to be rezoned. In 2006, Town Council at that time made a zoning map correction. Mr. Vares said things to consider included the impact on the neighborhood, traffic, environmental sensitivity, impact on the infrastructure and harmony with the neighborhood. The decision should be based on the suitability of land for all potential uses within that zoning district. All the public notifications and letters to adjacent property owners have been

issued. **Mayor Pro Tempore Medlin made a motion to approve the rezoning request as presented and to adopt the associated statement of consistency. Councilor Blalock seconded the motion.** Councilor Winecoff said that he recused himself from the vote last month because he used the same real estate company that represents the property in question. He also said that a large number of people turned out for the comprehensive plan meetings and filled out surveys and Council needed to listen to what they had to say. Mr. Edes confirmed that Mr. Winecoff had previously been recused. Councilor Scott said that he had struggled with this decision. He said he still couldn't get past the provision in the CAMA Land Use Plan (LUP) that said the Town would maintain open space. Mayor Pro Tempore Medlin said that the LUP also described and defined Open Space as land that is unsuitable for development. He said that Open Space was intended to be for wetlands; the Corps has determined that there is a considerable amount of uplands that is suitable for development on this property. Councilor Blalock asked if there had been another example of open space being rezoned; Mr. Vares said that he had been researching years of zoning changes and that he had not come across one. **Voting on the motion was initially tied with Mayor Pro Tempore Medlin and Councilor Blalock in favor and Councilors Bell and Scott opposed. Mayor Cin Brochure cast a vote in favor and the motion then passed 3-2.**

2. Consideration of Application for Major Subdivision – (Lucas Cove): Mr. Vares said that staff had been working with the developer to make sure the preliminary plat meets all of the Town's land development codes. Town Council's role is to determine if the plan does in fact meet the Town's codes; if it does Council should approve it and vice versa. Several issues have been resolved, such as the required public access to the water. The plan now includes a sidewalk and timber bridges to the Intracoastal Waterway that will be accessible to the public. He said there was one outstanding issue on the plat, regarding the minimum lot depth of 110 feet in the middle of the lot. There are three lots (1, 3, and 13) that fail to meet that requirement. Elizabeth Nelson with Cape Fear Engineering addressed the depth of Lots 1 and 3 (Lot 13 does have 110 feet at the middle). She said that the other two lots have 110 feet but not at the midpoint. Considering the width of the lots, she said that these two lots are actually larger than the Town's requirements. The lots could be changed to be flag lots to meet the depth requirement, but it would not look as good as the current plan. Mr. Purser said that shrinking Lot 1 in width to make it 110 feet at midpoint; it would change the overall size of the lot. Regarding Lot 3, he said the Town's LUP allows for reduced lot sizes for lots against a wetland area. Mr. Holloman noted that the LUP is a guideline, not the ordinance itself. **Councilor Bell made a motion to table the preliminary plat until next month so that Mr. Purser can deal with his minimum lot sizes, or his minimum depth. Councilor Scott seconded. The motion passed 4-0 with Mayor Pro Tempore Medlin and Councilors Bell, Blalock and Scott in favor.** Councilor Winecoff did not vote as he remained recused in the matter.

3. Consideration of Proposed Amendment to Section 18 of the Code of Ordinances to include a definition of grocery stores and to add grocery stores, spas and health facilities, sporting goods, shopping center, pharmacy and proprietary stores, and garden center and florists as permitted uses in the CR (Commercial Recreation) zone in the table of uses (Sec. 18-116): **Councilor Medlin made a motion to approve the text amendment as presented, adding a definition of grocery store in Sec. 18-32 Definitions, and including grocery stores, garden center and florist, sporting goods and shopping centers, spas, health facilities and pharmacies as permitted use in 18-116 Table of Uses and to approve the associated statement of consistency.** Councilor Bell said she would second the motion if Mayor Pro Tempore Medlin would change it to be a conditional use instead of permitted; Mayor Pro Tempore Medlin did not amend his motion. **Councilor Scott seconded the motion for the purposes of discussion.** Mr. Edes expressed his concern that allowing the uses as conditional uses had not been advertised. The process would have to start over at the Planning Board level with "conditional use" instead of "permitted use." A conditional use is more restrictive of property rights, and he would advise giving the public the opportunity to speak to that issue. The Town Clerk agreed with Mr. Edes. The Planning Board could discuss it at its meeting this month and it could come back to Council in February.

Mr. Holloman said if the text amendment were approved, staff did not see any potential detrimental uses in other existing CR zones. Mayor Pro Tempore Medlin reread the motion. Councilor Winecoff said that food specialty stores were permitted in the CR zone and asked if the grocery store planned fit that description. Mr. Vares said it did not; small Asian food markets or tiendas would fit that description. **The motion passed unanimously.**

V. NEW BUSINESS

1. Discussion of Use of Town Facilities: **Councilor Bell made a motion to direct staff to draft a policy and procedure for use of Town buildings, specifically the fire stations, and any of the buildings that are used for housing, things of that nature. Councilor Bell amended the motion to direct staff to draft a policy and procedure for use of the use of the fire stations for use other than what they are designed to be used for by the fire department. Mayor Pro Tempore Medlin seconded and the motion passed unanimously.**

2. Consideration of Consultant's Proposal for Beach Nourishment Funding Methods: Councilor Bell asked if the Town was to the point of needing to hire a consultant. **Mayor Pro Tempore Medlin made a motion to approve the proposal in the packet. The motion died for a lack of second.** Councilor Blalock said he wanted more information before making a decision. Beach & Inlet Committee Chairman Steve Foster explained that beach nourishment would likely cost more than \$40 million over multiple years. Mr. Foster spoke about why the Committee thinks a consultant would be helpful. Everyone wants beach nourishment but no one wants to pay for it. Coming up with a way to fairly distribute the costs is a big part of the project. The last time the Town had to fund beach nourishment, it was just a mess. The consultant would help identify sources of revenue and help educate the public. The Committee recommends splitting the proposed tasks and moving forward with two of them now. Mr. Foster said that he would recommend doing the whole proposal at once though. Mr. Holloman also recommended approving the contract as originally proposed; the entire contract price is \$88,500. Mr. Foster said that the Town would have to come up with some fair way of paying for nourishment, though it would be paid for over a number of years. He said there would probably need to be municipal service districts; the Town could not start charging a tax through those until a year after establishing them, however. He said time was of the essence to be able to start collecting beach nourishment funding. Mr. Edes said that implementing municipal service districts can be an involved process. He said from what he is seen, the biggest thing is getting the money, and this group does have a good reputation. Mayor Pro Tempore Medlin said that approving this contract would not mean that the Town would not work with the County and State on funding. He said the Town has been talking for years about doing nourishment and it was time to do something. Mr. Foster said that the Town kept project management in-house for the sewer project, and that we all knew how that turned out; the Town does not want to go down the road again. Councilor Scott agreed that the Town had to start somewhere and that it has been put off; it is inevitable and the Town needs to start taking care of its beach. **Councilor Scott made a motion to approve the proposal in the packet.** Councilor Blalock asked if the Town had a beach nourishment plan. Mr. Foster said the Town was working with engineering firm Moffatt & Nichol on a plan for how to go about doing it. The plan would include the beach, inlet and Davis Canal. That will be the plan for what to do, but it won't address how it would be funded. **Mayor Pro Tempore Medlin seconded the motion.** Councilor Winecoff said that he thought the price tag was too high, because travel costs, etc. would be added to the cost. He said that the Town's taxpayers should not have to pay for beach nourishment themselves. The people in this Town can't afford it. He said until the Town gets a firm commitment from the County, we are wasting time and money because taxpayers can't afford a 15-cent tax. Mayor Pro Tempore Medlin agreed that it would take a cooperative effort between the municipalities, the County and the State, but that this starts the Town's part so we have something to take to the table when asking the County and State for money. Mr. Foster added that this contract would be funded by accommodations taxes.

Councilor Scott and Medlin voted in favor. Councilors Bell and Winecoff opposed. Councilor Blalock did not vote. Mr. Edes explained that a lack of vote one way or the other in this case would count as a vote in favor. **Council Blalock’s abstention is counted as a vote in favor and the motion passed 3-2.**

3. Consideration of Proposal to Amend the Committee Charge to for the Beach and Inlet Committee to Add a Council Member to the Committee: **Councilor Winecoff made a motion to amend the Committee charge and to appoint Councilor Bell to the Committee. Councilor Scott seconded and the motion passed unanimously.**

VI. Closed Session: **Councilor Bell made a motion to go into Closed Session at 8:39 p.m. to discuss Specific Personnel pursuant to N.C.G.S. 143-318.11(a)(6). Councilor Scott seconded and the motion passed unanimously.**

Council returned to open session at 8:59 p.m. Mayor Brochure noted that no action had been taken in Closed Session.

Councilor Medlin made a motion to adjourn at 8:59 p.m., Councilor Bell seconded and the motion carried unanimously.

Cin Brochure, Mayor

ATTESTED: _____
Lisa P. Stites, CMC
Town Clerk

Clerk's Statement: Minutes are in compliance with the open meetings laws. The purpose of minutes per the open meetings laws is to provide a record of the actions taken by a Council or a Board and evidence that the actions were taken according to proper procedures. All actions of the Council are recorded in the official minutes. Not all portions of Town of Oak Island meetings are recorded verbatim in the official minutes, with general discussion items, reports, presentations, and public comments being paraphrased or summarized in many instances. Public comments in writing should be submitted to the clerk via hard copy, electronic mail, or other means so as to ensure an exact verbatim account. The Town of Oak Island provides full coverage of meetings on Government Channel 8 so that the Citizens and the Public may view and listen to the meetings in their entirety.