

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

Present: Mayor Cin Brochure, Mayor Pro Tem Jim Medlin, Council members Sheila Bell, Charlie Blalock, Loman Scott and Jeff Winecoff, Interim co-Manager/Town Clerk Lisa P. Stites, CMC, Town Attorney Brian Edes and Administrative Support Specialist Debbie Lasek.

Mayor Cin Brochure called the meeting to order at 6 p.m. Councilor Loman Scott gave the invocation and led the Pledge of Allegiance.

PUBLIC HEARING I: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to Sec. 14-121. – Definitions and Sec. 14-125. - Use and development coverage; to define the Town oceanfront development line and to adopt regulations that all oceanfront parcels shall not build principal structures seaward of the Oak Island, and Coastal Resource Commission adopted, development line (the proposed line has been slightly changed).

Dara Royal, 216 NE 47th Street, written comments provided as follows: During previous Public Hearings on the proposed development line, I encouraged Council to significantly scale back the proposal on the table for an 85 foot development line. Let's consider the area from 26th Place East to SE 58th Street which coincides with the main dune structure in the Sea Turtle Project built in 2001. The area contains 165 platted lots in 11 blocks with 12 public accesses and a total length of 8,800 linear feet. A total of 109 houses have been built in the area. The last of these houses was built in 1985. During the next 15 years, 31 of these 109 houses were removed due to erosion. Seventy-eight houses remain on 80 lots – thanks to the Sea Turtle Project. The Cabana is located on 5 lots. 80 lots in the area are vacant. Fifty-four of the 78 houses that remain were built prior to any CAMA oceanfront setback standards which were first established in 1979. The proposed development line in this area does not represent an average line of construction. In fact, it appears to be seaward of all but perhaps one existing structure. The line is significantly seaward of the 24 existing structures built since 1979 with an average building depth of 28 feet. And the line is seaward of the 2000 MHW line east of the Cabana. In the 2012 aerial photography, the main dune structure appears to be intact, but we all know that's not the case today. Two sections were bulldozed this spring where the dune is completely eroded. Fifty to 100% of the original 20-foot wide dune crest is eroded in the remainder of the project area. All this damage to the dune structure occurred in just four short years. And the area will continue to erode to pre-Sea Turtle Project conditions. The only erosion response activities available to protect roads and buildings are beach bulldozing and temporary sandbags. These two activities rob sand from the public recreational beach. For a perched beach like ours – a relatively thin veneer of sand on top of peat marsh deposits – the public recreational beach is seriously degraded as a result. And the rocks will be uncovered more often and will complicate bulldozing and sandbag operations. The fewer the number of structures and the farther landward the structures are located, the longer the public recreational beach is maintained and enjoyed. Isn't that why people come here? Or would Council rather revive the vacation rental market that developed prior to Hurricane Floyd for fishing off the decks of oceanfront houses? If so, then create a new zoning district – the Pier House District – and require that the decks be built to casting standards. In any event, beach nourishment is not an option because the Town does not have permits for sand to nourish the beach. In fact, Council has yet to engage Moffitt & Nichol to begin the multi-year process necessary to obtain those permits. And there is no guarantee that permits will ever be obtained for sand in sufficient quantities to sustain development along any area of our shoreline. I strongly encourage Council to go back to the drawing board before moving forward with a development line proposal. Besides, what's the rush? Actually, retaining the static

vegetation line along the entire shoreline may not be the worst option for the time being – all things considered.

Councilor Scott made a motion to close the Public Hearing. Councilor Bell seconded, and the motion passed unanimously.

Steve Edwards, Director of Development Services, explained the change to the proposed line. There was a section of the beach where no development line was added; after second review, the Division of Coastal Management recommended closing the gap for consistency. The static vegetation line (SVL) would not be affected by a development line, as the 60 foot line would intersect about 6 homes. This area has irregular lots, some up to 800 feet deep. This adjustment ensures there are no changes on any of the properties. Councilor Bell clarified that these houses would have been closer to the ocean than with the development line, and Mr. Edwards explained that they want it to run the entire length of the SVL, and that this area is from 58th to 79th street. Answering a question from Mayor Pro Tempore Medlin, Mr. Edwards said the 85-foot new development line is more seaward than the SVL. Mr. Edwards said there are multiple non-conforming properties now with the SVL, and using the development line will release many of these. There are roughly 599 homes involved, and if the line were 55 feet instead of 85 feet, 523 would be non-conforming. They could not put the development line at the most seaward home to make all the homes compliant. He believes, with the 85-foot line, fewer than 200 would be non-conforming. The vegetation line still counts, as homes need to be 60 feet back from that line of stable vegetation. Not everyone can build at the 85-foot development line. There was further discussion regarding the different lines on the map. Councilor Blalock also had Mr. Edwards clarify that site visits would still be required. Councilor Bell said there was no way development would be any further seaward than 60 feet from the natural vegetation line. Both Councilors Winecoff and Scott expressed concern in potentially putting a house closer to the ocean without a nourishment project planned. Councilor Bell asked about the front property line setback; Mr. Edwards said it is 15 feet. Mr. Edwards explained that with some lots one can build up to 45 feet deep with porches and decks and that other areas can only do 30 feet; it depends on the building envelope available for building on that particular lot. Mayor Pro Tempore Medlin expressed concern about “one shoe fitting all” with the straight development line, and doesn’t think it works on paper for him and that he wants to fill any potential loopholes. Councilor Blalock said he was also not comfortable with it, and would like to be shown on the beach what Mr. Edwards is talking about. Mr. Edwards said he thought all these concerns were addressed at the June 3 workshop. Mr. Edwards also said DCM wanted them to create a line that was consistent with construction on the beach, and that this would provide the point of the most seaward point of the home; setbacks of 60 feet must still be met from the stable, natural vegetation. This would provide a uniform line down the beach, consistent with existing homes. The current SVL was derived after a large-scale beach renourishment and the second line was implemented five years later. There are areas where vegetation is still close to that first line. Mr. Edwards again explained that this amendment is for a gap section, sent back by DCM staff.

PUBLIC HEARING I ACTION: Mayor Pro Tempore Medlin made a motion to approve the proposed amendment to Sec. 14-121. – Definitions and Sec. 14-125. - Use and development coverage; to define the Town oceanfront development line and to adopt regulations that all oceanfront parcels shall not build principal structures seaward of the Oak Island, and Coastal Resource Commission adopted, development line (the proposed line has been slightly changed), and added that the Planning Board had recommended approval. Councilor Bell seconded. The motion passed with Mayor Pro Tempore Medlin and Councilors Bell, Blalock and Scott in favor and Councilor Winecoff opposed.

PUBLIC HEARING II: Mayor Brochure said the purpose of the Public Hearing was to receive citizens’ comments on proposed amendments to Sec. 18-665 (b) Exemptions, 18-669 Standards for residential

development, 18-663 (3) Stormwater management system concept plan, Sec. 32-72 Definitions, and Sec. 32-77 No clearing without permit.

There were no speakers. **Mayor Pro Tempore Medlin made a motion to close the hearing. Councilor Bell seconded, and the motion passed unanimously.**

Mayor Pro Tempore Medlin said that the State is coming out with new stormwater regulations effective tomorrow and the Town has filled the new part-time stormwater position. He would recommend tabling this amendment until staff has had time to review the new regulations.

PUBLIC HEARING II ACTION: Mayor Pro Tempore Medlin made a motion to table the proposed amendment until staff has had time to review the new State regulations. Councilor Bell 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 amendments to Sec. 18-374 Definitions; interpretation and construction and Sec. 18-412 Procedure for Review of minor subdivisions.

There were no speakers. **Councilor Winecoff made a motion to close the Public Hearing. Councilor Bell seconded, and the motion passed unanimously.**

Planning and Zoning Coordinator Jake Vares gave a brief summary of this text amendment, and explained it was for clarification and definition purposes. This has been reviewed by the Planning Board and is recommended for approval. The change occurs in 18-374, and was recommended by the Public Works Director. Mayor Pro Tempore Medlin asked Mr. Vares about how the permitting for a subdivision could proceed. Mr. Vares explained that the Town does not want to be put in a situation where a minor subdivision is approved and permitted and then cannot provide adequate infrastructure for further subdividing of lots.

PUBLIC HEARING III ACTION: Councilor Bell made a motion to approve the proposed amendments to Sec. 18-374 Definitions; interpretation and construction and Sec. 18-412 Procedure for Review of minor subdivisions. Mayor Pro Tempore Medlin seconded, and the motion passed unanimously.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS (none)

ADJUSTMENT/APPROVAL OF THE AGENDA: Councilor Winecoff removed #3 Authorization for staff to request a study from the NCDOT regarding possible speed limit changes on Beach Drive and also added an application from George Tatum for the Oak Island Emergency Services Board. Ms. Stites noted that this was to fill an expired term. **Councilor Winecoff made a motion to approve the Agenda as amended. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

John Bach, 108 SE 38th Street: Mr. Bach said he is a volunteer citizen member with the CPAC; this process of crafting the Plan provided citizen input and leadership when thinking of the future of their community and their Island. He urged Council to give the CPAC plan deliberate consideration and to conduct a vigorous and transparent discussion of issues and opportunities raised in this report. The number one issue is managed growth. This is both a challenge and an opportunity. Many things are possible, but only with careful planning, foresight and decisive leadership. He would encourage further

involvement of community discussions of the issues in the Plan, coupled with the Unified Development Ordinance. He then thanked the Council for all that they do.

Miles Varner, no address given: Mr. Varner said he has discussed road safety on side roads with many public officials in addition to beach road speeds. There are different requirements; the beach road decision requires the opinion of the State and its approval. His concern is with the other half of the proposal for safety reasons, based on observations of things going wrong on side streets. At the moment, there is a lot of confusion regarding speed limits on the side streets; it is 25 miles per hour on side streets in the Yaupon area but is 35 miles per hour on other side streets. He came here three years ago, and his concerns led him to the Police department where he was told about the differing speed limits. He said it should be 25, not 35, on all side streets.

Bettie Thorne, 2501 E. Beach Drive: Ms. Thorne said she does not want to see 35 mph year round on Beach Drive. However, tonight she is here to talk about Beach Vitex, and will follow up with an email regarding the history of this noxious plant. There has been a ten year-long plan to treat and fight it, but that program stopped several years ago for some reason. She brought several lengths of the plant to show the Council. It destroys rather than stabilizes the dunes, and crowds out the sea oats. If not contained, this plant will continue to spread across the sand and march like Sherman to the sea. This problem is fixable and treatable if they restart the containment program. Mayor Pro Tempore Medlin said he was startled to see this, and would like to see a survey to determine if they need to take action. Ms. Stites said that she believes there is an ordinance regarding this issue and suggested revamping the program. Mayor Brochure asked if a consensus was needed; Ms. Stites said that one was not needed and that she would handle it. Mr. Edes added that there is scientific evidence that the vitex plant destroys rather than saves the dunes. Ms. Thorne added that she has passed out a handout with additional information.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Winecoff thanked all of the staff for the success of Beach Day in spite of a rainy start and said they all needed to hear what a great job they did. He also commended the CPAC committee for their work and recommending proceeding and pushing the Plan through. Councilor Blalock clarified the main goal of the speed limit agenda item was that side street limits should be 25 miles per hour on the side streets due to citizen traffic, and that Beach Drive is a battle that has been fought for a long time. Mayor Pro Tempore Medlin said he thought the speed limit on all side streets was 25 mph, and he is in favor of it. He also mentioned Jimmy and Mary Price, whose grandson Mark was in a motorcycle accident and has a severed spine; he encouraged everyone to attend a fundraiser at Southport Baptist Church. Mayor Brochure said that there would be a meeting on August 4th at 10:00 a.m. regarding beach nourishment and general revenues, and encouraged all to attend. Additionally, she announced that there would be a fundraiser/concert for the Sea Biscuit Wildlife Shelter on August 9th.

REGULAR MEETING:

I. CONSENT AGENDA:

1. Approval of Minutes
 - a. June 3, 2016 (Special Meeting)
2. Authorization for staff to pursue grant funding for a handicapped-accessible boardwalk and fishing pier within Veterans Park
3. Authorization for staff to request a study from the NCDOT regarding possible speed limit changes on Beach Drive

Mayor Pro Tempore Medlin made a motion to approve the Consent Agenda as amended. Councilor Scott seconded and the motion passed unanimously.

II. Items Removed from Consent Agenda: Authorization for staff to request a study from the NCDOT regarding possible speed limit changes on Beach Drive: **Councilor Winecoff made a motion to change all side street speed limits to 25 miles per hour.** Mr. Vares said this action is slightly more complicated than that; it would require public notification for two weeks straight, public decoration of acceptance, adoption of a resolution, purchase of DOT approved signage and a signage placement map provided to the DOT approval. **Councilor Winecoff amended the motion to include directing Staff to begin the process required to change all the side street speed limits to 25 miles per hour. Councilor Bell seconded and the motion passed unanimously.**

Regarding the traffic counter, Councilor Winecoff said that the Town has an opportunity to do a Traffic Counter Study for free. Ms. Stites said it could be conducted on both bridges, and would require directing staff to proceed. Mayor Pro Tempore Medlin questioned how this process would begin. Mr. Vares explained that DOT would not do this, but that the Council of Government has a counter that the Town can use; he said that he can figure out the operation of the equipment. They can do one bridge at a time, and that this would need to be done as soon as possible during tourist season on a weekend. Mayor Pro Tempore Medlin questioned the Town's responsibility, and Mr. Vares ensured he would lock it up.

III. COMMITTEE APPOINTMENTS

1. Emergency Services Advisory Board: **Council unanimously appointed George Tatum to fill an unexpired term ending in June 2018.**

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Ms. Stites echoed Mayor Pro Tempore Medlin's comments for Beach Day, and also especially thanked the "under-loved" Public Works staff, Police and Fire Departments. She reminded everyone that fireworks are illegal per NC state law, and 18 citations were issued on July 4th. Police also spent time with a veteran suffering from PTSD from fireworks in his neighborhood. She reminded everyone to be aware of golf cart usage and rules, and noted that the Police enforced these rules. She reported that the Town is working on logistics regarding the collection of sewer assessments for properties made buildable by the new development line.

- a. Department Reports are included as an attachment and are hereby made a part of these Minutes.

2. Town Attorney: Mr. Edes reported that Topsail Beach is has voted to start a volunteer beach program, modeled after Oak Island's Beach Ambassador program. Also, the Emerald Isle lawsuit has resulted in 18 of the 21 coastal municipal governments signing on so far, and they have formal commitments from three of the six coastal counties.

V. OLD BUSINESS (None)

VI. NEW BUSINESS

1. Authorization for Holland Consulting to Present the Comprehensive Land Use Plan to the Appropriate State Agencies for Review: Dale Holland of Holland Consulting thanked the Council members for their time. He said he is very pleased with this draft of the Comprehensive Plan because it is truly a document produced by the Town. He commended the tremendous support and dedicated input from the CPAC members. He especially thanked Kelley Germaine, the chairman, for her strong and steady leadership. Public input was at the core of this plan. The entire draft document is available on the website. The survey yielded 1,921 responses, 834 from permanent, full time residents. As a result of this, there are two compelling tasks for the Town: managing growth and creating economic stability in a fiscally responsible manner. There are extensive recommendations in the plan regarding the UDO currently being produced by the Planning Board. The next step in this 14-month process is submission to

state agencies for review. This will also result in updating the Town's CAMA certification as well after submission. Following review for CAMA Land Use Plan consistency, the Comprehensive Plan will then be submitted to a huge number of state agencies for review and comment. The Staff, the Committee and he strongly recommend that the Council approve this review. Several agencies, such as Fish and Wildlife, have already been involved. These reviews serve to ensure that there are no inconsistencies with State regulations. He has provided copies of the Executive Summary of the Plan, and can answer any questions; he once again applauded the Committee and the support and enthusiasm of Town Staff. Ms. Stites also complimented the Committee members on their participation and enthusiasm in getting the plan out to the public. **Councilor Winecoff made a motion for Holland Consulting to Present the Comprehensive Land Use Plan to the Appropriate State Agencies for Review. Councilor Blalock seconded and the motion passed unanimously.**

VII. ADJOURN

Mayor Pro Tempore Medlin made a motion to adjourn the Meeting at 7:15 p.m. Councilor Blalock seconded and the motion passed 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.