

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
March 14, 2017 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Loman Scott, Council members Sheila M. Bell, Charlie K. Blalock, Jim Medlin and Jeff Winecoff, Town Manager David Kelly and Assistant Town Manager/Town Clerk Lisa P. Stites, CMC. Town Attorney Brian Edes was not able to be present.

Mayor Brochure called the meeting to order at 6 p.m. Council member Blalock gave the invocation and led the Pledge of Allegiance.

PUBLIC HEARING 1: Mayor Brochure explained that the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 32-40.1 (b) and (d) – Hazardous Tree Removal. **There were no comments. Councilor Medlin made a motion to close the Public Hearing. Councilor Winecoff seconded and the motion passed unanimously.**

PUBLIC HEARING 1 ACTION: Planning and Zoning Coordinator Jake Vares explained that the amendment would give people in violation more days to comply than the current ordinance allows. **Mayor Pro Tempore Scott made a motion to adopt the amendments to Sec. 32-40.1 (b) and (d) as presented and to adopt the associated plan consistency statement. Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING 2: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-290 Definitions (lighting). There were no comments. **Councilor Winecoff made a motion to close the Public Hearing. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING 2 ACTION: Mr. Vares said that the amendment would set a quantitative measurement for lighting, which would remove discretion when determining a violation. The Planning Board gave a unanimous recommendation in favor. **Councilor Medlin made a motion to adopt the amendments to Sec. 18-290 as presented. Mayor Pro Tempore Scott seconded and the motion passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

Andrew Carter with DEC Associates – Potential finding for beach Nourishment: Mr. Carter gave a presentation on the methods for funding beach nourishment; a copy of the presentation is attached and is hereby made a part of these Minutes. Answering a question from Councilor Medlin, Mr. Carter said that taxes can be pledged as assets for the special obligation bonds. Mr. Carter said that a combination of borrowed money and tax revenue is usually a good option for funding beach nourishment.

ADJUSTMENT/APPROVAL OF THE AGENDA

1. Councilor Medlin added Discussion of Beach Nourishment Funding as New Business 7. Councilor Winecoff removed New Business 6 - Consideration of Amendments to Secs. 26.1 and 28.9 – Right-of-Way Standards. Councilor Bell added four items to the Consent Agenda: 8. Approval of Contract with Highland Paving, 9. Memorandum of Understanding with Brunswick County for Pier Inspection, 10. Resolution for Authorized Signatures on ABC Permits and 11. Authorization to Apply for a Tennis Grant. Councilor Winecoff removed Item 2, Approval of Contract for Grant – NC Public Beach and Coastal Waterfront Access Program – Veterans Park Handicapped Fishing Access, from the Consent

Agenda. Councilor Medlin made a motion to approve the Agenda as amended. Councilor Blalock seconded and the motion passed unanimously.

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Barron Young, Ocean Isle Beach: Mr. Young spoke about the two Resolutions he had proposed to Council. The first regards land the Young family would like to donate for the Town's future use. The second is regarding a Resolution opposing a planned interchange at the intersection of N.C. 211 and Midway Road/Middleton Boulevard. He said the interchange would be a waste of taxpayer money and would take valuable property from commercial use. He also said the controlled access for the bridge road had been broken for St. James several times.

Gretchen Peoples, 182 North Shore Drive, Boiling Spring Lakes; Ms. Peoples said she and her family plan to move back to Oak Island soon. She also supported the Resolutions proposed by the Young family. She said that the land donation sounded like a great gift for the Town. Regarding the interchange, Ms. Peoples said that she remembered the discussions about where to put the second bridge, and the discussions about how the additional access would benefit the island. She said the interchange would take 400 acres of developable land within the Town of Oak Island and funnel traffic away from it. She said it would slow commercial development in that area. The interchange would also make it more difficult for anyone to access a development near that intersection and would serve to benefit St. James and not Oak Island.

Carol Painter, 106 Ocean Drive: Ms. Painter commended Council for previously approving the contract with Moffatt & Nichol for long-term beach nourishment. Tonight begins the discussion for how to pay for it. The Beach & Inlet Committee would provide a recommendation at Council's meeting next month. Ms. Painter mentioned the FEMA emergency dune restoration project. If we fill in the gaps of that project, it will cost \$1.5 million. There is also the possibility of extending the Wilmington Harbor Dredging project sand placement this fall for \$4 million. The Moffatt & Nichol contract is \$3 million. The balance in the sand tax fund is approximately \$3 million. The Town has asked for a half-cent tax on prepared meals; she said she did a "back of the envelope calculation" and estimated that the prepared meals tax could generate about \$500,000/year. Council has declined to look further at paid parking. She said that the bottom line was that additional funds were needed and that we couldn't wait to start.

Kelley Germaine, 6610 Kings Lynn Drive, written comments provided as follows: New business 5 right-of-way standards -- I have a query and comment regarding this "consideration"... This amendment does not address a repetitive problem that a number of beachfront properties experience... A few years ago we put up 5 poles in our front yard right of way to prevent mowing companies, and sometimes contractors, from parking there while working on other neighboring properties. We put these up because when they removed their trucks and trailers from our land, we were left with deep crevices and divots in our front. We continually repaired the land until we placed the single poles toward the edge of the right-of-way. In April 2016 we received a certified letter from the Town regarding (and I quote) "notice of violation ... Town of Oak Island's conditions declared public nuisances." We were given 16 days to remove the 5 poles or pay a \$50 per day violation fee. Of course we removed them... even though there were multiple other properties on our street that had and still have more flagrant violations, too. So, our question is... what are homeowners supposed to do when these damages to our right-of-way property occur? If we see them, call someone and hope that we get a timely response? What about if the owner is not home? Also "sec. 28-10 parking prohibitions" needs to be amended since it says "vehicular parking or obstruction on public right of way shall remain no longer than 72 hours..." In a previous Town Council meeting we were told that state roads do not allow more than 24 hours of parking on the right-of-way. Beach Drive and Kings Lynn are state roads and this needs to be addressed as well as rectified regarding damage to property by vehicular parking!

Catrina Purser, 5001 O’Quinn Boulevard, here for the Beach Preservation Society: Ms. Purser spoke about the upcoming Wine Tasting event on April 22 at Island Way Restaurant. Tickets are still available.

Rosanne Fortner, 113 Paula Circle: Ms. Fortner said the Phragmites was an island-wide problem, not just a 64th Street problem. She said she would like to see it all eradicated, but that it would be a long-term effort to get rid of it. She said the plant has some ecological value in controlling erosion in fast-moving waters, but it also reduces habitat diversity by crowding in and reducing the amount of space available for other native plants. It reproduces in so many different ways, that the ideas of mulch and mowing and aerial spraying should give us great pause. Mr. Fortner explained how Phragmites grows and reproduces. If Council approves taking action in this one area, she said it should consider who else might ask for the same treatment; she said she would because it is moving toward her dock. The Town ought to be responsible for the public areas and homeowners have their own responsibility to deal with it.

Steve Foster, 6634 Kings Lynn Drive: Mr. Foster expressed support for funding long-term beach nourishment. He said this was the elephant sitting in the room. He said it was highly unlikely the County, State or Federal governments would give the Town money, and if they do it is not likely it would be enough. Mr. Foster reviewed some of the potential consequences for not doing beach nourishment, such as loss of structures, the cost of cleanup for collapsed houses, lost tourism, loss of accommodations tax revenue, and loss of property values for the entire town. Mr. Foster said this was not a luxury for the Town but an absolute necessity. He also said that Council was charged with public safety and the protection of property and the time to act was now.

Barry Golub, written comments provided as follows: I have spoken at previous meetings about the importance of maintaining the beach. I was glad to see that the Town Council acted in accordance with its duties to all OKI property owners and hired Moffat & Nichols to find sand, obtain permits, and other actions necessary to the project. Now it seems we are at a crossroad on the issue of paying for it. Many town residents have been talking about getting someone else to pay for it, whether it be the state, the county, or the federal government. But it is time to come to grips with reality – the bulk of the costs associated with beach re-nourishment must be borne by the town and its residents. If we plan for and fund the engineered beach and re-nourishment project and then somehow obtain funds from other sources, all the better. But let’s not continue to keep our head in the sand, or in the clouds, and hope that someone else will take care of this – it is up to us. Look at every other beach town in the surrounding area and you will see that they have plans in effect to pay for beach re-nourishment. I don’t have to remind everyone that the town operates predominantly from tax revenue and income derived from people attracted to the beach. We thus need to protect this resource, at all costs. I am thus in favor of the Beach & Inlet Committee’s recommendation for funding, as well as in favor of a town-wide tax and additional taxing based on municipal districts. It is critical that we get something done this year, and not waste another year talking about doing something rather than making it happen. The beach situation is not getting any better and thus the funding issues need to be addressed now. Please remember that this Council represents 14,000 owners and needs to save and protect the town and its residents – all of its residents.

COUNCIL REPORTS (MAYOR AND COUNCIL)

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. October 5, 2016 (Special Meeting)
 - b. February 16, 2017 (Public Hearings & Regular Meeting)

- ~~2. Approval of Contract for Grant – NC Public Beach and Coastal Waterfront Access Program – Veterans Park Handicapped Fishing Access (removed from Consent Agenda)~~
3. Approval to Amendment to Waste Industries Contract
4. Approval of a Resolution – Designation of Applicant’s Agent for the State of North Carolina and FEMA
5. Authorization to Advertise for 2016 Delinquent Tax Liens
6. Authorize Staff to Apply for Grant through the Parks and Recreation Trust Fund Grant
7. Approval of Budget Ordinance Amendment to Appropriate Funds for the A-frame evaluation
8. Approval of Contract with Highland Paving
9. Memorandum of Understanding with Brunswick County for Pier Inspection
10. Resolution for Authorized Signatures on ABC Permits
11. Authorization to Apply for a Tennis Grant

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

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Approval of Contract for Grant – NC Public Beach and Coastal Waterfront Access Program – Veterans Park Handicapped Fishing Access: Councilor Winecoff said he wanted the Town to only be applying for grants that do not require matching funds since the Town had to be saving money for beach nourishment. Councilor Medlin asked about the other grant money available for this project. Parks and Recreation Director Rebecca Squires said that we had just received a letter about receiving the other grant. This grant requires a \$16,000 cash match and an \$11,000 in-kind match. Mayor Pro Tempore Scott said that a \$27,000 investment would bring \$82,000 in grant money for this project. **Mayor Pro Tempore Scott made a motion to approve the Department of Environmental Quality Grant Contract as presented. Councilor Bell seconded and the motion passed 3-2 with Mayor Pro Tempore Scott and Council members Bell and Blalock in favor and Councilors Medlin and Winecoff opposed.**

III. COMMITTEE APPOINTMENTS

1. Community Center Advisory Board (one term ending October 2019): **Council unanimously re-appointed Denise Pacula.**

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said staff continued to work with FEMA. We do have a project for the dune repairs for \$2.7 million. Moffatt & Nichol held an informational meeting on the dune project for property owners last night. The Town has received the CAMA permit for the project and will be seeking easements. The project will be re-advertised for bids as well. Staff also continues to work with FEMA for reimbursement for debris removal, emergency services, beach accesses and gravel replacement. Staff is also working on the budget. There have been 95 new home permit applications so far this year.
 - a. Department Reports are attached and are hereby made a part of these Minutes.

V. OLD BUSINESS (none)

VI. NEW BUSINESS

1. Consideration of a Resolution Supporting Sustainable Statewide Shoreline Funding: Ms. Stites said that there was an update to the NC Beach and Inlet Management Plan (BIMP) and possibly some renewed interest in funding beach nourishment statewide. This Resolution would encourage that effort. Other municipalities will also consider adopting a similar Resolution. **Councilor Medlin made a motion to adopt the Resolution Supporting Sustainable Shoreline as Presented. Councilor Bell seconded the motion and it passed unanimously.**

2. Consideration of a Resolution Urging Action on the FEMA Flood Map Process: **Councilor Bell made a motion to adopt the Resolution Urging Action on the FEMA Flood Map Process as presented. Councilor Winecoff seconded the motion and it passed unanimously.**

3. Consideration of Request to Remediate Phragmites Issue at 64th Street Pond: Development Services Director Steve Edwards explained the history of work done at the pond. Beavers were damming up the culvert. The culvert was changed out, though the invert was kept at the same level. The beavers stopped blocking it, but eventually, homeowners complained that the Town lowered the level of the pond. Mr. Kelly said the Town had applied for a permit and then the hurricane came last year; there have been stormwater issues east of the location so the dams were not installed. Councilor Medlin asked why that work had not been done. Mr. Kelly said that it would cause more water to build up east of the pond, which already experience drainage problems. Councilor Blalock said that his problem with it is that it is on private property and that if we do it for one, we'd have to do it for all. Councilor Medlin said that it would be an ongoing process and that he didn't think cutting them was the best solution. Mayor Pro Tempore Scott asked if it was private property, why did the Town do work there at all. Mr. Kelly explained that was done by a previous administration; when work was done to combat the Phragmites, some homeowners complained and didn't want the work done. Mayor Pro Tempore Scott asked why the Town did work on the culvert. Mr. Kelly said it was done to keep it from getting blocked; that culvert is in the right-of-way. Council allowed Steve Foster to speak to the subject. Mr. Foster said that the area is on private property, but that he believed when there is a drainage or other issue, the Town can get easements. He thinks work was done last time because there was enough pressure to do so. He also said there could be grant funding available for Phragmites eradication. Mayor Scott asked if there could be a consensus to have the homeowners pay for half. Councilor Medlin said that before spending money, he would want reassurance that it would be effective long term. Councilor Medlin asked for Gene Kudgus to provide a report at the April meeting. **Councilor Bell made a motion to table the issue until further information is obtained. Councilor Blalock seconded the motion and it passed unanimously.**

4. Consideration of Resolution Opposing the Proposed Interchange at N.C. Hwy 211 and Midway Road: Councilor Winecoff said that the Town Attorney noted that all that is needed is a consensus to direct him to negotiate with the Young family. Councilor Bell asked why the Town needed to negotiate with them if they were going to donate property and asked if there would be conditions; Councilor Medlin said that was something we wouldn't know until it was discussed with them.

5. Resolution of the Town of Oak Island Opposing the Proposed Interchange at NC Hwy. 211 and Midway Road: Ms. Stites noted suggested changes Mr. Edes had recommended: changing "is committed to" to "supports" in the first Whereas and changing the fifth paragraph to read "...the Town Council has not been provided with any official traffic studies or other official objective information." **Councilor Medlin made a motion to adopt the Resolution as amended. Councilor Scott seconded and the motion carried unanimously.**

6. Consideration of Amendments to Secs. 26.1 and 28.9 – Right-of-Way Standards: This item was removed from the agenda.

7. Discussion of Beach Nourishment Funding: Councilor Medlin said it is time to decide how the project is going to be funded. He suggested hiring DEC Associates to work on the financial planning. Mr. Carter reviewed the process for implementing a Municipal Service District (MSD) and spoke about the City of Charlotte's use of a MSD. He said that there were many ways to slice the pie and it would just be a matter of looking at all the options. Councilor Medlin said funding beach nourishment would probably be paid for through a variety of funding methods. Councilor Winecoff suggested having a workshop with Mr. Carter and the Beach & Inlet Committee.

Councilor Bell made a motion to go into Closed Session at 7:18 p.m. to discuss Land Acquisition and Specific Personnel pursuant to N.C.G.S. 143-318.11(a)(5) and (6). Councilor Medlin seconded and the motion passed unanimously.

Council returned to open session at 7:50 p.m. Mayor Brochure noted that no action was taken in Closed Session.

A joint meeting with the Beach & Inlet Committee, with Mr. Carter, will tentatively be scheduled for March 23rd at 10 a.m.

Councilor Bell made a motion to adjourn at 7:51 p.m. Councilor Winecoff seconded and the motion passed unanimously.

Cin Brochure, Mayor

ATTESTED: _____
Lisa P. Stites, CMC
Assistant Manager/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.