

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
May 9, 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, Town Attorney Brian Edes and Assistant Manager/Town Clerk Lisa P. Stites, CMC.

Mayor Pro Tempore Loman Scott gave the invocation and led the Pledge of Allegiance to the flag.

Mr. Edes spoke about the process for quasi-judicial hearings. For all three hearings, Mr. Edes reminded the Council members to base decisions on what they heard in the hearing tonight. He asked them if they had any contact with staff or the applicant, made a site visit or had any financial interest in the applications or if there was anything that would make them unable to be impartial; none indicated they had.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a request for a Conditional Use Permit for an assisted living community in the Pine Forest development. The Town Clerk administered the oath to Town Planner Jake Vares and Dan Weeks, the applicant's representative.

Mr. Vares said that he had reviewed the application, along with the Planning Board. The site plan is in compliance. Proper notifications were issued. Council would need to adopt a Findings of Fact statement along with the motion to approve. This is the beginning phase of the Pine Forest Development Plan. The memo and attachments included in the memo were accepted as Exhibit 1.

Mr. Weeks said the location of this proposed facility is approximately 2,000 feet off N.C. 211, behind the Novant building. There are four pieces to this campus, including nursing care, assisted living and independent living. What they tried to do is preserve as many existing conditions as possible. They are hoping to start later this year with the skilled nursing facility. He said he thought this was something needed in the area. Councilor Winecoff asked if there was not a certificate available, would they start with the independent living area instead. Mr. Weeks said that they would likely have to come back before Council for additional approvals. He said he thought that Meridian would be able to transfer a certificate of need to this facility.

Councilor Bell made a motion to close the Public Hearing at 6:11 p.m. Councilor Blalock seconded and the motion passed unanimously.

PUBLIC HEARING 1 ACTION: Mayor Pro Tempore Scott made a motion to approve the Conditional Use Permit. Councilor Medlin seconded the motion (Parcel #20300017). Mayor Pro Tempore Scott amended the motion to include the Findings of Fact as presented in the agenda packet. Councilor Medlin seconded amending the motion. The amended motion passed unanimously.

PUBLIC HEARING 2: The purpose of the Public Hearing was to receive citizens' comments on a request for a Conditional Use Permit for Outdoor Display and sales. Mr. Edes asked if there was any reason any of the Council members could not be impartial; none indicated any reason. Ms. Stites swore in all those who wished to speak during the hearing.

Mr. Vares said the property is on the corner of SE 50th Street and East Oak Island Drive. A Conditional Use Permit is necessary for this use in this zone. Proper notifications were issued. The Planning Board recommended approval with conditions, which are listed in the agenda memo. There has been one amendment to the application; a small sliver of land is now joined with the parcel and included in the application.

Councilor Medlin asked about the Planning Board recommendation for obtaining an independent water source. Mr. Vares said there is no principal structure on the site. If a principal structure is built, then bathroom facilities would be required. Councilor Medlin said he thought there should be some sort of bathroom facilities for employees working there, even if it were a port-a-john. The agenda memo and attachments were accepted as Exhibit A.

John Coble, applicant, said that there is a port-a-john on site. Councilor Medlin asked if he would have a problem making this a condition of this permit. Mr. Coble said he would not have a problem with that. He said they plan on obtaining their own water source but they need the Conditional Use Permit first.

Council Bell asked why they would not tie into the Town's water system. Mr. Coble said that the only thing they use the water for is irrigation.

Councilor Winecoff made a motion to close the Public Hearing at 6:23 p.m. Councilor Medlin seconded the motion and it passed unanimously.

PUBLIC HEARING 2 ACTION: Councilor Medlin made a motion to approve the Conditional Use Permit, the Findings of Fact as presented, with the following conditions: that they meet the Planning Board recommendations and that they have a port-a-john on the site at all times. Mayor Pro Tempore Scott seconded the motion and it passed unanimously.

PUBLIC HEARING 3: The purpose of the Public Hearing was to receive citizens' comments on a request for a Conditional Use Permit for a golf cart rental and repair business. Mr. Edes reminded the Council that this was also a quasi-judicial hearing. The Town Clerk administered the oath to Mr. Vares and the applicant.

Mr. Vares spoke about the Conditional Use Permit request. He said the proper notifications had been done. There were photos included in the agenda packet, along with the agenda memo.

Councilor Winecoff asked about the storage limitations. Mr. Vares said that the vehicles had to be stored on the inside of the building.

Answering a question from Councilor Medlin, Mr. Vares said he believed the applicant was not planning to add additional lighting. Councilor Bell asked about handicapped parking. Mr. Vares said that all the parking for a business was not allowed to be in the right-of-way, but that some could be.

Vernon Marley, the applicant, said that substantial repairs would be done at his other workshop and brought back to the island. This site would be used for basic service, sales and rentals. Councilor Medlin asked how used batteries would be disposed of. Mr. Marley said that he has a process in place for disposing of them.

Mr. Edes confirmed that the agenda memo and attachments were accepted as Exhibit A.

Councilor Winecoff made a motion to close the Public Hearing at 6:32 p.m. Councilor Blalock seconded the motion and it passed unanimously.

PUBLIC HEARING 3 ACTION: Councilor Medlin made a motion to approve the Conditional Use Permit for a golf cart rentals and repair business at 4901 E. Oak Island Drive and the associated Findings of Fact as presented. Councilor Blalock seconded and the motion passed unanimously.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Proclamation – Safe Boating Week: Council Member Medlin read the Proclamation.
2. Proclamation -- Arbor Day: Mayor Pro Tempore Scott read the Proclamation.
3. Presentation – Recognition of Oak Island Police Officers: Sgt. Frankie Cooke was recognized as Officer of the Year. Sgt. Cooke was in class and unable to attend the meeting; Sgt. Githens was present on Sgt. Cooke’s behalf. Officers Brandon Bullock and David Everette were recognized for acts of heroism in rescuing a woman trapped in a house fire.
4. Presentation – Royal Starfish Beach Preservationist of the Year: The Town’s Public Works Superintendent, George Napier, was recognized for all the work he has done in response to the recent storm and for all the support he has shown for the Beach Ambassador Program. Mr. Napier said he was honored and humbled to receive this award. He said there are so many people who help to keep our beach safe and friendly and that they are truly deserving of the award. He also gave credit to Town Manager David Kelly, who was Public Services Director following Hurricane Matthew and who he said orchestrated the clean-up efforts following the storm.
5. Presentation – Future commercial development access issues at intersection of N.C. 211 and Midway Road/Middleton Boulevard: Rynal Stephenson gave a presentation, a copy of which is attached and is hereby made a part of these Minutes. Councilor Medlin said that he couldn’t believe NCDOT was considering spending that money on the interchange when they have already said that it wasn’t necessary. That money would be better spent on four-laning N.C. 211 all the way to U.S. 17. Councilor Blalock said that he also didn’t understand why NDCOT would spend money on this. Councilor Medlin said this property was of vital importance to the Town in terms of economic development. Mayor Brochure said that we waited a long time for this commercial corridor and it was a lack of cooperation that could ruin it. Councilor Winecoff said that this interchange would be a waste of taxpayers’ money. Council consensus is for staff to draft a letter from the Town to NCDOT.

Council took a brief recess at 7:16 p.m.

6. Presentation of FY 2017-18 Budget: Mr. Kelly gave a brief presentation, a copy of which is attached and is hereby made a part of these Minutes.

ADJUSTMENT/APPROVAL OF THE AGENDA: Mayor Brochure noted there was an application from Mary Ann Brewer for the Parks and Recreation Advisory Board to be added to the agenda. **Councilor Winecoff made a motion to approve the agenda as amended. Councilor Blalock seconded the motion and it passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Billie LeTendre 132 NE 11th Street: Ms. LeTendre thanked everyone for making the Wine Tasting a huge success and encouraged everyone to be a member of the Beach preservation Society. Ms. LeTendre also mentioned programs and events coming up this summer.

Doris Beam, owns property on SE 1st Street: Ms. Beam said she is close neighbors with the Town’s sewer pumping station. Her family has had this property for 43 years. She said they paid the assessments and get monthly minimum usage bills. She said the stench is at times unbearable. She said they have been told many times that it would be fixed. She said that it seems like they’re being told that just to make them go

away. She said enough is enough and they need some help. She said it is not just once in a while but some days, it is most of the day. She said Council owed it to the taxpayers in that area. If it can't be fixed, her recommendation is to shut it down. She said the Town needed to do right by the residents there. Ms. Beam pleaded with Council to fix the pumping station before spending money on something else. Ms. Beam asked Council members to come down there and see it for themselves.

Answering a question from Mayor Pro Tempore Scott, Mr. Kelly said two engineers had looked at the problem and that the Town had spent between \$30,000 and \$60,000 on it so far. There is someone coming to meet with Brunswick County about a similar problem; we will talk to that person as well. That station is a raw sewage collection point and that causes the odor problem. We have tried different kinds of chemicals and odor control mechanisms. He said that we will continue to address it however we can.

Rick Jennings, 106 SE 1st Street: Mr. Jennings said that he also wanted to speak about the odor problem near the Middleton station. He said that they had a party the other night but they had to go inside. They can't even use their house the way it was intended to be used. He asked for the Town to help and to solve the problem.

Councilor Medlin said this had been an ongoing problem for several years now. He said that he knew we had tried different methods but there just had to be a way to solve the problem. He suggested doing an RFP to see what companies can offer to do. Mayor Pro Tempore Scott agrees and said that as we were able to put a man on the moon, he hoped a solution could be found for this situation.

COUNCIL REPORTS (MAYOR AND COUNCIL) - none

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. April 18, 2017 (Public Hearings & Regular Meeting)
 - b. April 19, 2017 (Special Meeting)
2. Approval of Budget Ordinance Amendments
 - a. Appropriate additional funds received for sewer taps
 - b. Appropriate funds from Capital Reserves for the purchase replacement screen for the SWRF Plant and Contra-shear at the Wastewater plant
 - c. To appropriate funds for converting two pickle ball courts and resurfacing 4 tennis ball courts
3. Approval of Resolution Declaring Property Surplus and Authorizing its Disposition
4. Approval of Water Superintendent Job Description and Pay Grade

Councilor Winecoff made a motion to approve the Consent Agenda as presented. Councilor Bell seconded the motion and it passed unanimously.

II. COMMITTEE APPOINTMENTS

1. Beach Preservation Trust Fund Advisory Board (one unexpired term ending in Sept. 2018): **Council unanimously appointed Duane Murphy. Applicant Rosalie Farley was not appointed.**
2. Parks & Recreation Advisory Board (three terms ending March 2020): **Council unanimously re-appointed Mary Ann Brewer. With votes from Mayor Pro Tempore Scott and Councilors Bell, Medlin and Winecoff, Bob Germaine was re-appointed.**

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that we continue to work with FEMA on the Pier and we have a meeting with them next week. We are due to receive an estimated \$525,000 for the small projects and \$2.6 million for the dune project. We are working with engineers on the redesign for the Pier.
 - a. Department Reports: Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: Mr. Edes said that the Nies vs. Emerald Isle has been petitioned to the U.S. Supreme Court.

IV. OLD BUSINESS

1. Consideration of Contract with Moffatt & Nichol: **Councilor Bell made a motion to table this until after the presentation from Johnny Martin. Councilor Blalock seconded the motion and it passed unanimously.**

- V. Councilor Bell made a motion to go into Closed Session at 7:41 to Consult with the Town Attorney on Pending and Potential Litigation pursuant to N.C.G.S. 143-318.11(a)(3).

Council returned to open session at 9:08 p.m. Mayor Brochure said that no action had been taken in Closed Session.

Councilor Bell made a motion to adjourn. Councilor Medlin 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.