

MINUTES
OAK ISLAND TOWN COUNCIL
REGULAR MEETING
DECEMBER 12, 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, Dara F. Royal and Jeff Winecoff, Town Manager David Kelly, Town Attorney Brian Edes and Assistant Manager/Town Clerk Lisa P. Stites, CMC.

Councilor Royal gave the invocation and led the Pledge of Allegiance to the flag.

PUBLIC HEARING 1: The purpose of the public hearing is to receive citizens' comments on a proposed amendment to Section. 18-82 - Specific regulations – (h) Fences (3).

Jerri Taylor, 122 SE 58th St., written comments submitted as follows: I would like to support the proposed amendment to allow 6 foot fences in the rear side yards on corner lots. I feel that the current practice of disallowing a 6 foot privacy fence in this area is unfair, not as esthetically appealing, but more importantly, is a safety and privacy issue. This is especially true for lots that border public parking areas where many people are coming and going at all hours of the day or night. Prying eyes can more easily see over and someone can even physically go over a 4 foot fence more easily to access a property. If someone has a pool, children's play area or pets, a 4 foot fence is not as secure and does not afford the privacy as a 6 foot fence. Conversely, a shorter fence may not keep a pet or child within the confines of the yard as securely as a taller one. And finally, fencing that is shorter on one side than it is on the other two sides is not visually appealing and is disjointed and unbalanced in appearance. It seems that restricting the fence height in the backyard penalizes the owner of a corner lot since it does not block any views and is not a safety issue for street traffic.

Councilor Bell made a motion to close the Public Hearing at 6:02 p.m. Councilor Royal seconded and the motion passed unanimously.

PUBLIC HEARING 1 ACTION: Councilor Winecoff made a motion to table action on the proposed amendments pending discussion of the draft UDO (Unified Development Ordinance). Councilor Bell seconded the motion and it passed unanimously.

PUBLIC HEARING 2: The purpose of the public hearing is to receive citizens' comments on proposed amendments to Sec. 14-121 Definitions, 14-126 Compliance, 14-129 (h) and (i) Access Provisions, 14-130 (1) Decks, walkways, and stairs; construction standards and development, 14-145 Non-conformities, 14-146 (a) Designation of Enforcement Officials, and 14-147 Undue restriction.

There were no comments. Councilor Royal made a motion to close the Public Hearing at 6:03 p.m. Councilor Blalock seconded and the motion passed unanimously.

PUBLIC HEARING 2 ACTION: Councilor Winecoff made a motion to approve the amendments to Sec. 14-121 Definitions, 14-126 Compliance, 14-129 (h) and (i) Access Provisions, 14-130 (1) Decks, walkways, and stairs; construction standards and development, 14-145 Non-conformities, 14-146 (a) Designation of Enforcement Officials, and 14-147 Undue restriction with an additional amendment to the definition as follows: "...100 feet in length, and are greater than 40 feet or equal to the road front property line," Councilor Bell seconded for the purposes of discussion. Planning and Zoning Administrator Jake Vares said that the ordinance would add some specificity to the ordinances. Secondary dunes, if they meet the general pattern and continuity as the primary dune, will be

regulated the same as frontal dunes, whether manmade or natural. Councilor Royal asked how the added language would affect Sec. 14-147 as presented in the packet. Mr. Vares said it would apply in places where there is a secondary dune equal to or greater than 40 feet from the road front property line; she asked if the “greater than 40 feet or equal to the road front property line” amendment needs be included in this section as well. Councilor Royal also asked that 145, 146 and 147 be renumbered to be included in Article III. That was accepted as an amendment to the original motion. **The amended motion passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Recognition – former Council member and Mayor Pro Tempore Jim Medlin: Mayor Pro Tempore Scott read the Resolution and Council presented it to Mr. Medlin.
2. Presentation of Resolution in Memoriam – Remembering the Late May Moore: Councilor Royal read the Resolution and it was presented to the Moore family.
3. Recognition of Council member Dara Royal: On behalf of the entire Council, Councilor Bell thanked Councilor Royal for filling a short-term vacancy on Council, saying her knowledge and experience, as always, was invaluable.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Royal moved New Business 4, Resolution in Memoriam – Remembering the Late May Moore, to Consent Agenda 9. Councilor Bell made a motion to approve the Agenda as amended. Councilor Royal seconded the motion and it carried unanimously.

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Rosanne Fortner, chairman of the Beach Preservation Trust Fund Advisory Board: Ms. Fortner said an adopt-an-access parent is needed for the 13th West access. She also encouraged end-of-year donations to the Beach preservation Society and purchase of BPS gear. In January, there are 2 meetings – the regular meeting and a workshop later in the month at the Water Rescue building.

Helen Cashwell, 3407 E. Yacht Drive: Regarding the proposed Town Charter amendments, Ms. Cashwell said that she understands that with all of the electronic communications available, the Manager is available somewhat. With all of the traffic there can be in our area, anyone can understand it could be a problem. Ms. Cashwell said that if the Town Manager really wanted to serve the citizens, that Manager should be willing to meet citizens at a restaurant or wherever in town. Ms. Cashwell said that the Manager does not live in the Town of Oak Island but is due to move here per the terms of his contract. She said that she found this appalling and egregious. She asked Council to consider leaving the requirement that a Manager live in the Town that he manages.

Betty Hupp, 7916 E. Yacht Drive: Ms. Hupp thanked Council members for the pamphlet from Development Services in the November utilities bill. There is a question in the pamphlet as to whether citizens were ready for a flood. Ms. Hupp read from the pamphlet regarding flood plain regulations. Ms. Hupp said that Council and everyone needed to know that after 873 truckloads of dirt, each one holding 13 tons, or a total of 11,249 tons of dirt, filled in a tidal creek, wetlands and green space, there was still water over the pilings with the recent large moon. She asked if Council was planning to act responsibly only after the last lot on Oak Island had been denuded.

Cynthia Hamrick, 305 NE 43rd Street: Ms. Hamrick said that she thinks more people than just herself believe in the work Mary Ellen Rogers is doing at the Sea Biscuit Wildlife Shelter. She said Ms. Rogers started the preserve in 2007. Many know her as the “bird lady,” and this year, she received more than 500 birds and animals. The work relies on donations and Ms. Rogers supplements with her own income. Ms. Hamrick said that she thought it was time for us to step up to the plate to try to help her support the work

she does. Supporting a paid position for Ms. Rogers would help sustain the works she does. She asked for 100 people pledge to give \$20/month as that would provide a salary for Ms. Rogers so she wouldn't have to work to support the shelter. If people can't pledge a monthly amount, she said she has left donation buckets at area businesses.

Mayor Brochure said she also believes in the work Ms. Rogers does and said she would make the first \$20/month pledge.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Winecoff wished everyone a Merry Christmas and wished them safe travels. He said we hear so much about tragedy and negativity in the news, but that for him, living on Oak Island was like being in a paradise. He said he thinks for the next year, we need to have a positive approach and do our best to work for the people in Town.

Councilor Blalock also expressed holiday wishes and said that we have enough talent and skills in the town to make everything work.

Mayor Pro Tempore Scott echoed the sentiments from Councilors Winecoff and Blalock.

Councilor Bell also echoed the holiday wishes and thanked staff for the beautiful tree lighting event and all the other programs they put on this time of year.

Councilor Royal also wished everyone a Merry Christmas and Happy New Year. She also thanked Council for granting her the privilege of being able to serve the Town of Oak Island in a unique capacity since September. She said it has been a genuine pleasure working with each of them. She also said they would face significant challenges in the coming year, and the way they meet those challenges will have an impact on our community for many years to come, so no pressure.

Mayor Brochure also expressed holiday wishes and agreed that there will be a lot to handle in the coming year.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. November 14, 2017 (Public Hearings & Regular Meeting)
 - b. November 20, 2017 (Special Meeting)
2. Approval of Request to Donate Parcels
3. Approval Budget Ordinance Amendment Appropriating Fund Balance for Purchase of Land
4. Authorization for Staff to Issue RFP for Farmers Market Management
5. Adoption of a Resolution to Request Land Donation from NCDOT
6. Approval of Easements for Storage Area During Pier Construction
7. Adoption of Capital Project Ordinance for Oak Island Pier Project
8. Adoption of Resolution of Appreciation
9. Adoption of Resolution in Memoriam – Remembering the Late May Moore

Councilor Royal made a motion to approve the Consent Agenda as amended. Councilor Bell seconded and the motion passed unanimously.

II. COMMITTEE APPOINTMENTS

1. ABC Board (one term ending Dec. 2020):

- a. Jeffrey Flaum
- b. Martyn Hawkins
- c. Jack Moore
- d. Willie Williams

With votes from Councilors Bell, Blalock and Royal, Willie Williams was appointed to the seat. Mayor Pro Tempore Loman Scott and Councilor Winecoff voted for applicant Jack Moore.

2. Beach preservation Trust Fund Advisory Board (one term ending Sept. 2020)
 - a. Cheryl Cook
 - b. Gerry Hardee

Council unanimously appointed Gerry Hardee.

3. Cape Fear Regional Jetport Commission (one term ending Dec. 2021)
 - a. Frances Kuka
 - b. Thomas Paul

Council unanimously re-appointed Thomas Paul.

4. Community Center Advisory Board (two terms ending Oct. 2020)
 - a. Eileen Kitsch
 - b. Eileen Ramsdale

Council unanimously re-appointed both applicants.

III. ADMINISTRATIVE REPORTS

1. Town Manager: The bid opening was last week for the Wilmington Harbor Project; there were no bids received. The Corps is reviewing the bid process and talking to the dredge companies to see if they can still get a project in before turtle season. Work on the FEMA Emergency Dune sand project continues. The Pier project should have some work starting in the next two weeks (putting up construction fencing and working on the handicapped accessible ramp). The meter replacement project is getting started. A volunteer program will be launched early next year. ATMC continues work on the fiber installation project.
 - a. Department Reports are included as an attachment and are hereby made a part of these Minutes.

IV. OLD BUSINESS

1. Discussion of Proposed Amendments to Town Charter and Consideration of Action to Direct Staff to Begin the Process for Amending the Charter: **Councilor Royal made a motion to adopt the Resolution of Intent as presented, to direct staff to schedule a Public Hearing as outlined in the Resolution of Intent and to advertise the Public Hearing, and to direct staff to contact Rep. Iler's office to begin the process for adopting the proposed Charter amendments which must be approved by the General Assembly. Councilor Bell seconded the motion and it passed unanimously.**

V. NEW BUSINESS

1. Installation of Newly-elected Officials: **District Court Judge Jason Disbrow administered oaths of office to Mayor Cin Brochure, Council member John Bach and Council member Loman Scott.**
2. Selection of a Mayor Pro Tempore: **Councilor Bell nominated Loman Scott. Councilor Winecoff seconded the nomination and all voted in favor.**
3. Approval of 2018 Town Council Meeting Schedule: Councilor Bell said the December date needed to be fixed to the 11th. Councilor Winecoff noted that three of the meetings were Town Hall meetings and he asked to make the Town Hall meeting be held in October instead of November. **Councilor Winecoff made a motion to approve the list of meetings for 2018 as amended. Councilor Bach seconded and the motion passed unanimously.**

VI. CLOSED SESSION: Councilor Bell made a motion to go into Closed Session at 7 p.m. to Consult with the Town Attorney on Pending Litigation and to Discuss Specific Personnel pursuant to N.C.G.S. 143-318.11(a)(3) and (6). Councilor Bach seconded the motion and it passed unanimously.

Council returned to open session at 8:03 p.m. Mayor Brochure noted that no action had been taken in Closed Session. Councilor Bell made a motion to adjourn. Councilor Blalock 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.