

MINUTES
OAK ISLAND TOWN COUNCIL
REGULAR MEETING (TOWN HALL MEETING)
March 13, 2018 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Loman Scott, Council members John W. Bach, Sheila M. Bell, Charlie K. Blalock and Jeff Winecoff, Town Manager David Kelly, Assistant Manager/Town Clerk Lisa P. Stites, and Town Attorney Brian Edes.

Mayor Brochure called the meeting to order at 6 p.m. Councilor Blalock gave the invocation and led the Pledge of Allegiance to the flag of the United States of America.

- I. Approval of Agenda: Councilor Bell added committee applications from Eddie Grooms for the Emergency Services Advisory Board and Art Seifert for the Parks and Recreation Advisory Board and a discussion of potential litigation to the Closed Session. **Councilor Bell made a motion to approve the agenda as amended. Councilor Blalock seconded the motion and it passed unanimously.**
- II. Town Hall Meeting (this section includes Public Comments): Mr. Kelly explained the format for the meeting.
 - a. Water meter replacement project: Rob Watson with Ferguson Waterworks gave a presentation on the project to install electronic water meters on the bulk of the island. A copy of the presentation is attached and is hereby made a part of these Minutes.

Rich Montgomery, 16th Place East: Mr. Montgomery asked if the old data would be incorporated. Mr. Watson said that said that data would be recorded hourly. Historic data will be stored as well.

Bob Maura 119 West Beach: Mr. Maura asked if every meter would have the shut-off valves. Mr. Watson said that it was optional and it would be up to the Town to decide where to install them. Homeowners will be able to request one. Mr. Maura asked if homeowners would be able to turn the water off; Mr. Watson explained why there was a risk in allowing that, such as if someone leaves a faucet on when the water to the house is turned off and then the water is turned on remotely. Homeowners will still need to contact the Town to turn the water off. Answering a question from Mayor Brochure, Mr. Watson said that homeowners can ask for alerts for excessive usage.

Betty Hupp, 7916 E. Yacht Drive: Ms. Hupp asked how she could get notifications if she does not have a computer. Mr. Watson said that she would be able to check her meter herself.

Councilor Winecoff asked what the lifespan of the meter was. Mr. Watson said that the meter technology has been out for 8-10 years. The valves are warranted for 2,000 turns.

Councilor Bach asked how reliable the system is. Mr. Watson said that a system installed in Chesterfield County 10 years ago, and the meters are still reading. Oak Island would have a guarantee of a 98.5% read rate. Mr. Watson said that if it can't give an accurate reading, it will give a no communication message. By changing the meters, it will increase the accuracy of the readings, as mechanical meters do slow down over time. Mr. Watson said that a 30-year-old meter is probably not reading accurately; some bills may increase as more accurate readings are being transmitted.

Lynn McDowell, 6407 Tortoiseshell Court: Ms. McDowell asked what powers the data transmission. Mr. Watson said there was a 20-year warranty on the batteries.

- b. Beach projects – Johnny Martin with Moffatt & Nichol: Mr. Martin gave a presentation on the several beach projects the Town is working on – the FEMA Emergency Dune Restoration Project, the Wilmington Harbor Project, the Turtle Habitat Restoration Project, the Lockwood Folly Inlet and the Master Plan. A copy of the presentation is attached and is hereby made a part of these Minutes.

Leon Hicks, 4024 Barnes Bluff: Mr. Hicks asked how the price would line up with the idea of having an engineered beach, would it be \$8 million/year? Mr. Martin said that the \$8 million mentioned was for the Turtle Habitat Project, a FEMA reimbursement project, and would only use minimal Town funds. As far as the Master Plan, all the smaller projects being pursued could help reduce the size of the overall project and help the Town get closer to an engineered-beach level. The idea is to get something the Town can afford and what could meet the requirements for an engineered beach.

Bettie Thorne, 2501 E. Beach Drive: Ms. Thorne said that she had heard from Dara Royal that there was more than enough sand in the Yellow Banks for the Turtle Project. Ms. Thorne asked what protections would be put in place to keep people off the dunes. Mr. Martin said that while the Yellow Banks would be investigated, the Town should try to get as much from the Wilmington Harbor Project as possible first. Mr. Martin said posts and ropes were put where they could be placed, though they know that a storm could take some of those. Mr. Kelly said another 80 “Keep Off the Dunes” signs had been purchased and more would be ordered as well.

Bill Millard 110 SE 10 St. Mr. Millard asked what percentage of the dune we could lose if we had another Matthew-level event this year. Mr. Martin said that it would take out a lot of the dune. He said that towns that have an engineered beach can be eligible for total replacement; the other way to get FEMA funds are for a stop-gap measure, and that’s what this dune project was. Mr. Martin said that what we saw after Hurricane Matthew was that while we lost dune, a lot of that sand stayed on the berm.

Diane Pinsker 5524 E. Beach: Ms. Pinsker said that on the other side of the crest of the dune, there is a drop off. The ropes that are there are ropes to nowhere. She asked how are people expected to access the beach, and the Town will keep people from using accesses they shouldn’t. Mr. Martin said that storms, high tides, etc. would work the dune down so it is not such a drop off. The Town did have to lower the front of the dunes last year, and that may have to happen again.

Councilor Bach asked about the Master Plan, saying that the Town was in a precarious situation with the dunes. He asked about a timeline for the Master Plan, to get the studies done, etc. Mr. Martin said that the Wilmington Harbor Project and the Turtle Project would hopefully add a substantial berm to the beach. It would take roughly a year for all the testing, locating, etc. for the Master Plan. The permit process would likely take another year or so. The Lockwood Folly Inlet Management Plan might have to be kept separate. Councilor Bach asked if the costs quoted for doing the engineering for long term still held true; Mr. Martin said it did, and that once they got the initial engineering done, their costs would go down considerably.

Roy Joyner, 102 SE 19th St.: Mr. Joyner asked about piggybacking on the Wilmington Harbor project. Mr. Martin said that the Town does not have a permit to do its own dredging there, so would have to work with the Corps.

Bob Maura, 119 West Beach Dr.: Mr. Maura said that his property was deleted from the dune project and that he never got any notification about that. He asked if the properties that were left out would still be getting vegetation. Mr. Martin apologized for the property not being included, but again said that the decisions were based on the FEMA guidelines. Mr. Martin said that vegetation would be placed on the top and backside in the areas only where dunes were placed. Mr. Maura suggested that the Town purchase a dredge to have it available. He also said that he was happy to see there was talk again about having an engineered beach; he encouraged Council to look at the big picture, spend the money, and asked if there was political pressure they could put on our other elected officials. Mr. Maura thanked Council for the money that has been spent on the beach so far.

Audrey Porterfield 301 NE 39th Street; Ms. Porterfield asked if it was counterproductive to spend money on the Wilmington Harbor Project and the Turtle Project if we were trying to build on the beach and people were just going to walk over the dunes. Mr. Martin said that the dune project was a way for the Town to use federal funds to get some protection for the beach. He said what you want is a good-size berm out front of a dune. The berm can protect against erosion, and the dune helps during storm events. Councilor Bell said that North Carolina was a property rights state and that if people had a CAMA permit, there wasn't much you could do to prevent them from building. Ms. Porterfield asked about the lots that were rendered non-buildable after Hurricane Floyd.

Bettie Thorne, 2501 E. Beach Dr.: Ms. Thorne asked about horizontal fences; she thought that was supposed to be part of the project. She asked if she could put fence out there herself for keeping people off her property. Steve Edwards, Development Services Director, said that she could get a permit for that.

Leon Hicks 4024 Barnes Bluff: Mr. Hicks asked if the Master Plan mentioned was for a recreational beach and if there was a disconnect between that and what was needed for an engineered beach. Mr. Martin said that the discussion last year concerned the cost of an engineered beach. He said that the Town would still get the figures for an engineered beach and ultimately, it will be a cost versus risk decision; and in the meantime, maybe these other projects would help the Town get there. Location of the sand would also affect the cost of the Master Plan project. A FEMA-engineered beach is designed to certain standards. The goal would be ultimately to try to get to an engineered beach so that there is a possibility of being reimbursed for lost material following a storm.

Bill Gates, 113 NE 7th Street: Mr. Gates said that the beach just placed was already falling. He asked what the Town's liability was if someone fell off the crest of the dune. Mr. Martin said that the Town did have to taper the dune last year; it will likely have to be done again. As to why it didn't last longer, Mr. Martin said that there isn't a berm there anymore and the mean high water mark is at the toe of the dune. He explained that a healthier beach would have a dune and a berm.

Warren Vassar, Minnesota Drive: Mr. Vassar asked why Oak Island doesn't already have a plan. Mr. Martin said that in the early 2000s, the Wilmington Harbor was deepened, the Turtle Project was done, and there was roughly 4 million cubic yards placed between the two projects. He said his understanding was that the beach was actually in worse shape then. When a lot of oceanfront homes were built, it was when the setbacks were 30 times the erosion rate, so what's happening in North Carolina as a whole, the erosion is interacting with structures put in place 30 plus years ago. Councilor Winecoff said that in years past, accommodations taxes were being used for a lot of things and not being saved for the beach; four years ago, they decided that accommodations taxes need to go toward the beach only. The 2-cent tax also goes to the beach. Mayor Brochure said they are also seeking a prepared meals tax which would go toward the beach fund.

Josh Sears, 2801 W. Oak Island Drive: Mr. Sears asked about the undertow right off the beach and asked if the Master Plan would take care of that. Mr. Martin said we could not get a permit to pull sand up from that close offshore.

Ken Rogers, 6901 E. Beach Drive: Mr. Rogers said that the beach is public trust land and that the Town could not tax to pay for the beach project because it the State's responsibility. He also said he knows the beach and that there were only 2 blocks on the island where he would consider buying a house. He said that the coast had been mutilated for 30-40 years and that's why we are in the position we are in today.

Regarding the question of the Town's liability, Mr. Edes said that it would depend on where geographically the accident would happen. If it happens beneath mean high water line, that property is owned by the State. The area between high water line and the dune is technically private property though the public has the right to access it. The next question would be what caused the accident in the first place. Mr. Edes said that no one wants anyone to get hurt. The purpose of the emergency dune project was to maximize on the federal government's reimbursement. If someone gets hurt on the dune, that is absolutely private property. It would depend on the circumstances. He said the alternative would be to do nothing and not even get what little protection the emergency dune gives. Mr. Kelly was asked to review the beach and take any action necessary.

Councilor Winecoff thanked everyone for coming to this and encouraged them to let Council or staff know ideas for future topics.

After a brief recess, Mayor Brochure called the meeting back to order.

Public Comments:

Rosanne Fortner, here for Beach Preservation Society: Ms. Fortner spoke about the upcoming Wine Tasting, a fundraiser for the Beach Preservation Society. She said there would be a new Beach Ambassador vehicle on the beach this year. March 22 is United Nations World Water Day, which for us, is a day for counting our blessings for the quality of water we have.

Kelley Germaine, 6610 Kings Lynn Drive: Ms. Germaine said that she understood the term limits and limiting service to one of the ABC Board, Board of Adjustment and the Planning Board, but not the Parks and Recreation Advisory Board. She said that sometimes it is difficult to find enough knowledgeable people to serve as volunteers on these boards. She said that if there is someone Council did not want to serve on a board, they could just not vote for that person.

Brandi Kearns, 109 SW 28th Street: Ms. Kearns said that she had lived here before and moved back. She said that it has gown, and that there is a traffic problem. She said that the 25 mph speed limit signs were treated more like suggestions than actually being followed. She said that they have experienced loss of a pet. She asked for more enforcement, speed humps, or something, for people speeding and trying to get around school busses.

Malia Mearns, 102 West Island Drive: Ms. Mearns agreed that there was a speeding problem in the area. Mr. Kelly said that the Town had been divided into 6 zones and that officers would be spending more time in specific zones.

Howard Mullendore, 1805 East Oak Island Drive: Mr. Mullendore said that his concern is the speed limit of 45 mph. He said that makes no sense whatsoever as this is a residential area. He suggested changing the speed limit to 35 mph overall on the main roads. He said that part of it was changed a few years ago

for a small section of Oak Island Drive. Also, golf carts are not allowed on roads with a speed limit of 45 mph, it would be nice to be able to take the golf cart.

Bob Maura, 119 West Beach Drive: Mr. Maura said that after Hurricane Matthew, the fees for pushing sand were waived, and he is asking that be done again. He said that he was glad to see the action taken to use accommodations tax for the beach. After Hurricane Floyd, he said assessments were done based on proximity to the ocean and then everyone participated. Mr. Maura suggested creating a Go Fund Me page to help raise funds for the beach as well.

Leon Hicks, 4024 Barnes Bluff: Mr. Hicks asked if the meeting with the South Harbour POA was still on for this Friday; Mr. Edes said it was. Mr. Hicks said that South Harbour had made many offers of services to help the golf course so that the Town would sign a 5-year agreement. He asked what the status was. Mayor Brochure said the motion was still on the table and that it would be discussed during the budget process.

Joyce Griffin, 116 NE 16th Street: Ms. Griffin thanked Council for having this open Town Hall format. She said that she was concerned about the beach, but that her concern was more environmental overall. She said that she moved here 10 years ago. She loves the island but she has grave concerns that the island is being denuded and may become a wasteland with clear cut lots and bulging houses and a few non-native palm trees. She said that she is concerned about the lack of environment, aesthetics and ethics for the next generations of Oak Island. She said that Southport seems to be taking a proactive stance, and that maybe Oak Island could do that.

Councilor Winecoff said that the Council meeting Thursday would be a chance to hear realtors and contractors, etc. regarding the tree ordinances and stormwater regulations.

George Bryant, 5183 Minnesota Drive: Mr. Bryant said that he understood that the motion regarding the golf course was tabled, but that there were 600 property owners for whom the golf course is a quality of life issue and he hoped that the issue would be resolved quickly.

Lynn McDowell, 6407 Tortoiseshell Drive: Ms. McDowell said that it was difficult to see the Town being developed in a way to benefit the one-week visitors. She said that the homes being built on the beachfront seem to be larger homes that are being used as rentals. She said that she understands property rights, but that if anyone has ideas about how to foster this as a town instead of a one-week destination, that would be great.

Diane Pinsker, 5524 E. Beach Drive: Ms. Pinsker said that she remembers seeing a lot of empty lots when she moved here and that they weren't buildable but now they are. She said that it seems that something is out of order – how can houses be built before beach nourishment is done. She said that she had considered buying some lots on the beach. As a representative of the State CAMA LPO program, Mr. Edwards said that a lot did change. Mr. Edwards explained how the Development Line was implemented and why. Development still has to meet the setback of 60 feet from the first line of stable vegetation. Ms. Pinsker reiterated her point that she believed that the beach should have been nourished before being allowed to build.

Robert Cohan, Concord, NC: Mr. Cohan and his son are building a home at 506 Ocean Drive. He said that he hoped that residents, elected officials and builders could get along. There are so many rules and regulations for construction, and he trusts the Town to enforce them. He asked the Town to consider repealing the appendix that is requiring a sprinkler in the house he is building.

III. CONSENT AGENDA

1. Approval of Minutes
 - a. February 13, 2018 (Regular Meeting)

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

IV. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Approval of Amending the 2018 Town Council Meeting Schedule to Change the date of the regular April meeting: Council agreed to move the April meeting from the 10th to the 9th. **Councilor Bell made a motion to approve the amended 2018 Town Council meeting schedule. Councilor Bach seconded and the motion passed unanimously.**

V. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said the Oak Island Pier project is underway. Dismantling the Pier will begin later this week. There will be an opportunity for purchasing planks, benches, etc. We are still looking for volunteers; so far we have 14. We are looking for people to help with parking enforcement, Beach Ambassadors, etc. Mr. Kelly thanked the Citizens Academy participants and the staff; it will be held next February as well.
 - a. Department Reports: The Department Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: no report

VI. OLD BUSINESS

1. Consideration of Policy for Advisory Boards and Committees: Councilor Winecoff said that if someone is sitting on more than the major boards, there is not a good public perception. Councilor Winecoff said that there was a time when a husband was on the Planning Board and his wife was on the Board of Adjustment. Mr. Edes said that was not a legal conflict of interest. Councilor Bell said that Council has the control to appoint people to boards. Mayor Brochure said that there was nothing in what was presented that would have stopped the situation Councilor Winecoff mentioned. Councilor Winecoff said that it was a matter of integrity. Councilor Bell disagreed and said it was backdoor politics and that people were upset with who was appointed to a particular board. Councilor Blalock said he had a problem with calling something a “major board” and that all the boards should be treated equally. Councilor Bell said she still didn’t understand why that couldn’t be controlled on a Council level. Councilor Bach said that he thought it was about setting ethical standards. He said 8 years seemed like enough and that he would actually support term limits for Council as well. Mayor Pro Tempore Scott asked how it would affect people serving on more than one board now; a policy enacted now would be effective with new appointments. Mayor Pro Tempore Scott said he wasn’t sure about term limits as that sometimes there aren’t enough volunteers. **Councilor Winecoff made a motion to not allow anyone to serve on more than one board at one time, Mayor Pro Tempore Scott seconded and the motion passed 3-2 with Mayor Pro Tempore Scott and Councilors Bach and Winecoff in favor and Councilors Bell and Blalock opposed. Councilor Bach made a motion to adopt a standard that no one can serve more than two consecutive terms plus an unexpired term. Councilor Winecoff seconded the motion for the purposes of discussion. The motion failed 2-3 with Councilors Bach and Winecoff in favor and Mayor Pro Tempore Scott and Councilors Bell and Blalock opposed.**

VII. COMMITTEE APPOINTMENTS (out of order as committee appointments were to be held in abeyance pending consideration of a Policy for Advisory Boards and Committees)

1. Emergency Services Advisory Board (one unexpired term ending June 2019)

- a. Peter Grendze
- b. Eddie Grooms
2. Board of Adjustment (two terms ending March 2021)
 - a. Bob Ludwig
 - b. Reece Simmons
3. Parks and Recreation Advisory Board
 - a. Art Seifert

Mr. Edes said that he thought the applicants should be made aware of the new policy since it wasn't in place when they applied. Councilor Bach asked Mr. Edes if the motion Councilor Winecoff made last month was held in abeyance because if it had been adopted than it would have applied to the appointments and was he changing his mind about that? Mr. Edes agreed that the policy would affect appointments going forward, so it would be applicable to these. Mr. Edes said that when this policy was initially brought up, staff didn't have the information as to whether the applicants were serving on more than one board. Ms. Stites said that these applications were not on the agenda last month when the policy was first brought up.

Councilor Bell made a motion to table the Committee appointments until the April 9 meeting. Councilor Blalock seconded and the motion passed unanimously. Mr. Edes clarified that current board members will continue to serve out their terms and will have to consider on which board they would like to serve when reapplying for additional terms.

VIII. CLOSED SESSION: Councilor Bell made a motion at 8:47 p.m. to consult with the Town Attorney on Potential and Pending Litigation and to discuss Land Acquisition pursuant to N.C.G.S. 143-318.11(a)(3) and (5). Councilor Blalock seconded the motion and it passed unanimously.

Council returned to open session at 9:27 p.m. Mr. Edes said that it needed to be added that there was a discussion of specific personnel during closed session pursuant to N.C.G.S. 143-318.11(a)(6).

Councilor Bach made a motion to adjourn. Councilor Bell 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.