

MINUTES
OAK ISLAND TOWN COUNCIL
SPECIAL MEETING – TREE AND VEGETATION
ORDINANCES AND STORMWATER WORKSHOP
MARCH 15, 2018 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Loman Scott, Council members John W. Bach, Charlie K. Blalock and Jeff Winecoff, Town Manager David Kelly, Assistant Manager/Town Clerk Lisa P. Stites, Stormwater Administrator Gene Kudgus, Planning and Zoning Administrator Jake Vares and Development Services Director Steve Edwards. Council member Sheila M. Bell was sick and unable to attend; she was excused from the meeting.

Mayor Brochure called the meeting to order at 6 p.m. Ms. Stites read the guidelines for the Special Meeting. Mayor Brochure welcomed everyone and thanked them for their attendance. She also reminded Council that this meeting was for the Public and asked them to hold their questions for staff until a later time.

Gene Kudgus, Stormwater Administrator for the Town, gave a presentation on the importance of controlling stormwater runoff. He also explained the State regulations the Town must enforce as part of the State stormwater permit. A copy of the presentation is attached and is hereby made a part of these Minutes. Sediment is actually the number one contaminant, followed by nutrients used for landscaping. Animal waste also contaminates our waters. There are 127 stormwater discharge locations in town, 167 drop inlets, 13.3 miles of pipe and 19.7 miles of storm drainage ditches. Mr. Kudgus explained the six components of the Town's stormwater permit. In 2 years as the Town's stormwater administrator, Mr. Kudgus said that he has reviewed 643 plans for stormwater retention for new home construction. He also spoke about what citizens can do themselves to control stormwater runoff.

Jake Vares, Town Planning and Zoning Coordinator, gave a presentation on the Town's tree and vegetation ordinance. A copy of the presentation is attached and is hereby made a part of these Minutes. Mr. Vares shared a timeline for how the Town had pursued amendments to the tree and vegetation ordinance since he joined staff in 2015. He also explained that the Town's process for updating this ordinance requires a review by the Tree City USA Advisory Board (part of the Oak Island Environmental Advisory Board). Mr. Vares spoke about the benefit of trees. He also spoke about two other jurisdictions' ordinance. Mr. Vares also explained the permitting process Town staff uses. Considering the small lot sizes, the size of the structures, maybe with an accessory structure, the stormwater regulations and complying with the tree ordinances can call for some creative engineering. He said he has had numerous reports of lots being "clear cut," but that very few of those turn out to be truly clear cut. Balancing private property rights and protecting the environment is tough, he said. His personal opinion is that we have struck a good balance.

Bill Easley, 3485 Airport Road: Mr. Easley is a builder. He said that if you look at the tree ordinances and the stormwater requirements, they run counter to each other. When you are installing stormwater pits, you have to disturb the soil, which affects trees. Installation of the stormwater facilities takes up virtually the same amount of soil as the septic tanks did. He said he does not know of a single builder who just cuts trees down helter skelter. Mr. Easley asked Council to do due diligence and see what the real world effects are of changes they consider. He also asked staff to look more at the actual conditions when making requirements, such as requiring silt fencing on a beachfront lot where the soil will not flow. One size does not fit all.

Curtis Skipper, 3848 Spring Tide Drive: Mr. Skipper has been a builder in the area for 36 years. He said it is like a boxing match, only it is the homeowner who is losing by losing trees. He said he has been through tree ordinance revisions many times. Mr. Skipper said that no builder wants to send trees to the

landfill, because that costs money. The Town has to enforce the State stormwater regulations but he said that the person to talk to in Wilmington about the regulations won't even answer the phone. Mr. Skipper said that he agreed one size does not fit all, and that Oak Island should not have the same stormwater regulations as Charlotte. There has to be a happy medium somewhere. He could bring in a soil scientist to determine exactly what each particular lot needs for stormwater retention, but that would cost between \$3,000 and \$5,000 per lot to do that. He said there needs to be conversation with the State about the stormwater regulations. He said he has seen the faces of people when they see trees being cut down, and they always ask why the builders are doing that and the answer is because they have to.

Lynn Gullede, 126 SW 5th Street: Ms. Gullede is in the real estate business. She said she also wants to save trees, but she sees the struggles in building a house and meeting all the setback requirements, parking, etc. She said there is no easy answer, but she would also encourage having a discussion with the State.

Leon Hicks, 4024 Barnes Bluff: Mr. Hicks said that it seems that none of this applies to the mainland and that everything being discussed applies to the island. Mr. Hicks asked what the plan is to promote more trees in Oak Island. He said there needs to be a master plan for the number of trees we want to have on the island. He wondered how many trees are enough. There was a lot of opportunity for the Town to plant trees (rights-of-way, etc.), and the Town could calculate a number for trees that are desired. He said it is great to try to protect what we have but we need a plan for the future; he suggested the Town again hire an arborist.

Mr. Edwards said that the tree and vegetation ordinance does apply to the mainland as well.

Mike Pratt, 308 NE 58th Street: Mr. Pratt said that he has been remodeling a house, and he complimented the Development Services staff. Regarding the stormwater regulations, Mr. Pratt said that the Town needed to push harder with the State. He said it was refreshing to see that the builders have some common sense.

Scott Buff, 109 SE 36th Street, owner of Buff Builders: Mr. Buff said that with everything that's required to put in the ground, we're killing trees that have been here for 75 years. He also said that there is not room to plant the trees back either. He said that contrary to what people think, builders do not want to cut the trees down; a house looks more natural with trees around it. He said that with installing electric, stormwater, etc., they have to dig up a lot of the property. He also agreed that one size does not fit all. Mayor Brochure said that all of Council has seen what Mr. Buff is referring to, and she encouraged the public to do that as well so they can see how the ordinances do not work together. Answering a question from Mayor Pro Tempore Scott, Mr. Buff said that the stormwater pits are a "disaster" if dug up.

Jane Henderson, 136 NW 5th Street: Ms. Henderson offered a small solution. The Oak Island Beautification Club and Environmental Advisory Committee are having a giveaway of native plants on March 24.

Betty Hupp, 7916 E. Yacht Drive: Ms. Hupp said that the builders were building too big a house on too small a lot, filling wetlands and not preserving wetlands. She said her house is 1,200 square feet and she does very well in that.

Mike Monday, 2804 E. Oak Island Drive: Mr. Monday asked if there was an ordinance as to how soon before building a lot can be cleared. He said that a lot near him was clearcut, with maybe 6 trees remaining. He said it has been a mud pit for 9 months. Mr. Edwards said that there are not restrictions for how long before construction a lot may be prepped; they still have to abide by the current ordinance.

Bill Millard, 110 SE 10th Street: Mr. Millard said that he is a geologist and said that more needs to be done about the peanut and materials being inserted for the stormwater pits. Those materials will be still exist in the ground long after we are gone.

Joyce Griffin, 116 NE 16th Street: Ms. Griffin said that she thinks people are not abiding by the ordinances as they used to. Ms. Griffin said trees provide shade and help retain water and that if we don't have them, we won't be Oak Island anymore. Ms. Griffin asked if perk tests were still done on Oak Island; Mr. Skipper said that they were not because septic tanks were no longer used on the island. Ms. Griffin said that we do not inherit from our grandparents, we borrow from our grandchildren, and the question is what do we want to leave them.

Mr. Skipper said it was not the Town's recommendation as to what goes into the ground for the stormwater pits; it comes from a stormwater engineer. Regarding wetlands, Mr. Skipper said that there were federal laws regarding 404 wetlands and you could go to jail for backfilling wetlands. He said wetlands are required to be marked and that CAMA officers do inspect; if a wetland has been covered, there will be repercussions. He said there is an exchange program that allows wetlands filling to be mitigated. He also spoke about the stormwater apparatus being used.

Erik Nathan, 330 NE 51st: Mr. Nathan said he has sympathy for the contractors, but the Town has the power to mandate that trees be replanted. Trees are the natural way that we preserve the land. He said the Town should come up with a master plan to replace all the trees that have been lost.

Todd Tank, 303 McGlamery Street, owner of Seacrest Homes: Mr. Tank said that a couple things seem very evident. The 1.5 inches of runoff that's required to be maintained is excessive and that should be changed. He said he does not favor the product being used for stormwater pits. He said that it breaks his heart to have to cut trees down to dig out for the stormwater. He endorsed a different method for retaining stormwater (chambers). Trees and landscaping help sell houses, so builders would prefer to keep the trees.

Stan Shelton, 5511 E. Pelican Drive: Mr. Shelton said that many of the lots in his area were previously marshland and it is flat. What he observes is that lots are filled, and that in the process of doing that, it alters the drainage pattern for the adjacent patterns. He asked what the requirement to mitigate that redirection of stormwater is. Mr. Kudgus said that if a lot is going to be filled more than a foot, there has to be an engineered plan for retaining the stormwater; the stormwater cannot be redirected to another lot. Mr. Shelton said that his observation is that is not what is happening. Mr. Shelton also asked the Town to do some proactive planting.

Councilor Winecoff questioned the ordinance allowing fill; Mr. Edwards explained the wording of the most recent amendment, which allows fill to one foot above the road or the adjacent property and said staff would be glad to revisit the fill ordinance.

There were no additional speakers. Mayor Brochure thanked everyone for attending.

Mayor Pro Tempore Scott made a motion to adjourn at 7:30 p.m. 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.