

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
April 9, 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, CMC and Town Attorney Brian Edes.

Due to technical difficulties, Mayor Brochure called the meeting to order at 6:08 p.m. Mayor Pro Tempore Loman Scott gave the invocation and led the Pledge of Allegiance to the flag of the United States of America.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the public hearing was to receive citizens' comments on the proposed adoption of the new flood maps (via Resolution) and associated text amendments to Oak Island's flood damage prevention ordinance for compliance with the minimum criteria of the National Flood Insurance Program (NFIP).

Worthy K. Keener Jr., 124 SE 63rd Street, written comments provided as follows: The new flood maps should not promote or be used as a basis for the construction of new dwellings in any beachfront areas where beach front restoration has not first taken place. New construction should not be on any land parcel that infringes the existence or growth of Secondary Dunes. Logic: If a beachfront area has experienced erosion and restoration is needed and has not yet occurred, then why allow someone to build and disrupt the restoration process in addition to obstructing the natural formation of secondary Dunes.

Councilor Blalock made a motion to close the Public Hearing at 6:10 p.m. Councilor Bell seconded the motion and it passed unanimously.

PUBLIC HEARING 1 ACTION: **Councilor Winecoff made a motion to adopt the Resolution to adopt the preliminary flood maps released on August 29th, 2014 with the effective date to be August 28, 2018, and the amendments to Oak Island's flood damage prevention ordinance as proposed, and to adopt the associated plan consistency statement. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING 2: Mayor Brochure said that the purpose of the public hearing was to hear citizens' comments on the preliminary plat for Phase 1 of the Pine Forest development.

Mark Brambell, with Pine Forest Plantation., was present to represent the applicants. Councilor Bach asked staff if the current tree ordinance would be applicable; Planning and Zoning Administrator Jake Vares said that was correct. Councilor Bach also asked about the smaller setbacks; Mr. Vares said that was part of approving it as a Planned Unit Development (PUD). Councilor Bach asked Mr. Brambell asked if there would be restrictive covenants that would incentivize planting. Mr. Brambell said that minimum landscaping criteria would be part of the plans. **Councilor Winecoff made a motion to close the Public Hearing at 6:13 p.m. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING 2 ACTION: **Councilor Bell made a motion to approve the Pine Forest Plantation preliminary plat. Councilor Blalock seconded and the motion carried unanimously.**

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

Terry and Jerri Taylor, 122 SE 58th Street, written comments provided as follows: We are writing a follow up correspondence in support of modifying the fence height requirements on corner lots to allow 6 ft. high privacy fences on all three sides. We understand the logic of not allowing taller fences in front yards constituting a "compound" appearance or blocking the view from a turn lane. However, we are merely suggesting the change be allowed along the backyard areas where we feel that people should have the right to maintain the privacy and security of their own property. The current rule of disallowing a 6 ft. 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 here many people are coming and going at all hours of the day and night. Prying eyes can more easily see over a 4ft. fence and someone can even physically go over one more easily to access a property. If someone has a pool, children's play area or pets, a 4 ft. fence is not as secure and does not afford the same privacy as a 6 ft. fence. We have witnessed this many times at a particular corner lot where we have seen people peer over the 4ft. side to check out their backyard and pool area. Conversely, a shorter fence may not keep a pet or child within the confines of the yard as securely. There is also the extra cost of the taller fence on two sides which is a waste if one has to put in a shorter fence on the third side. And it defies logic to put in a 6ft. fence along the back and one side of a yard for privacy and security only to have to put in a shorter fence on the third and most accessible side. Why spend extra money on a 6ft. fence on two sides for privacy and security, when all someone would have to do is walk around to the 4 ft. fence side to more easily access the yard? The only way to remedy this, as the rule is now written, would be to be add an additional row of taller shrubbery alongside the shorter fence as a living wall. But this would constitute a burden for the property owner in that there would be significant extra costs for the additional plants and there would be constant maintenance to keep them alive and their growth in check. Also, the corner lots are often more narrow than others to begin with and adding an extra layer of border shrubs could shrink the usable area in the yard even more. And finally, fencing that is shorter on one side than it is on the other two sides is visually unappealing and looks disjointed and unbalanced in appearance. We understand that this may not seem very important to the majority of people since the majority do not live on a corner lot. But restricting the fence height on the street side of the backyard area actually penalizes the owners of corner lots since a taller fence would not block any views and is not in any way a safety issue for street traffic. We ask that you put yourselves in the shoes of the property owner of a corner lot and amend Section 18-82 (h) to allow for a more equitable interpretation.

Councilor Winecoff made motion to close the Public Hearing. Councilor Bach asked about the Planning Board's unanimous vote to recommend the amendment be denied. Mr. Vares explained that the Planning Board was concerned about a 6-foot fence being in a front yard following a future subdivision. Councilor Bach asked how many lots this could happen to; Mr. Vares said there are not very many, only one or two in the last two years. **Councilor Winecoff restated his motion to close the Public Hearing at 6:17 p.m. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING 3 ACTION: Councilor Bell made a motion to approve the text amendment with the associated plan consistency statement. Councilor Blalock seconded and the motion passed 4-1 with Mayor Pro Tempore Scott and Council members Bell, Blalock and Winecoff in favor and Councilor Bach opposed.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Proclamation – Arbor Day 2018: Councilor Winecoff read the Proclamation.
2. Resolution in Memoriam – Aubrey Hickman: Mayor Pro Tempore Scott read the Resolution and presented it to the Hickman family.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Bell asked to move committee appointments to after New Business 1, Consideration of Recommendation from Emergency Services Advisory Board to Dissolve the Board. **Councilor Blalock made a motion to approve the agenda as amended. Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Aaron Largent, 4100 Marsh Grove Lane: Mr. Largent said that as a member of the Par 3 committee he has seen the condition of the course improve and the marketing of the course improve. He said that has been accomplished with very little advertising money, signing up for free services, etc. Mr. Largent said that they have seen increased web traffic. Mr. Largent also thanked Jim Cross for his work and encouraged everyone to visit the golf course. He said he hoped Council would continue to support the golf course.

John Falk, 164 NW 2nd Street: Mr. Falk said he was previously Chairman of the golf course committee. He read the mission statement provided by the Par 3 committee four years ago. He also read the summary of the business plan. Mr. Falk also thanked Jim Cross for his work and the South Harbour residents for their efforts on the golf course as well.

Mary Ann Brewer 3524 E. Pelican Drive: Ms. Brewer said she wanted to give kudos to whomever planted the sea oats so quickly. She also said that she knew there were some beaches that had permanent walkways over the dunes. She said she knew we couldn't do that everywhere, but suggested that could be done at a few of the more popular accesses. It might also make it easier for some people to access the beach. She said she had also heard a suggestion about using sandbags at the emergency accesses when they are scraped flat.

Rosanne Fortner, here for the Beach Preservation Trust Fund Advisory Board: Ms. Fortner said that the tickets for the wine tasting were sold out in March; there is a waiting list for tickets. Ms. Fortner said there would be 5 vacancies on the Board coming up in September, and only 2 current members will be reapplying. She encouraged people to get involved. Next week the Society will be participating with Earth Day events.

Ed Drzewiecki, 128 NW 19th Street: Regarding the proposed land exchange, Mr. Drzewiecki said he questioned the due diligence for the value of the lots being considered for exchange. He said the lots vary in size and asked how the same value could arbitrarily be placed on lots of different size. He said the value of the lots seemed low to him, especially on the beachfront. He said it should be reconsidered.

Betty Hupp, 7916 E. Yacht Drive: Ms. Hupp said that 801 Ocean Drive is an event location and it has no place to park. She said that the property should be revalued. She said that it seemed to her that 3 lots plus some cash is a large value for what we're getting. Ms. Hupp said that Mr. Burnett is a smart man and that he must have laughed all the way to the bank when he gave the Town the Par 3 golf course. She said she thought this Council was smarter and asked if they would stop thinking of real estate developers and start thinking of the citizens who helped them get elected.

Leon Hicks, 4024 Barnes Bluff: Mr. Hicks said that it appeared that the golf course was now nearing the breakeven point. He also said that there were several ideas offered to help the financial picture as well. He thanked Council for working with them and the South Harbour Master Property Owners Association as well. He said the golf course is an asset and we should continue to maintain it as such.

George Small, no address given: Mr. Small said that it was important to look beyond whether recreational facilities were making money. Value can be found in more than money. Baseball and soccer fields serve an element of the community, though not everyone. There are other recreational facilities, such as the pickle ball courts and the Par 3, which are available for people of all age groups. Whether it makes money or costs some money, it is still a valuable amenity.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said she wanted to know when the Town got into the real estate business. She said this land exchange was the prime example of how bad things can go wrong if the right emphasis is not placed on activities. She asked why the lots weren't advertised for sale. She also asked what the plan would be for 801 Ocean Drive. She said citizens were entitled to know the details and how it was supposed to improve Oak Island. She said Ed Burnett is a builder and he continues to laugh all the way to the bank as he continues to deal with the novices that run our Town. If the Town uses it for parking for the Pier, it will be a very expensive parking. She said that how the proposals for the restaurant and the Pier were handled show just how bad business people they all are. She said that she remembers all of them running on a concern with transparency in government actions and the rule of law. She asked Council to reconsider this proposal and withhold approval until such time as it can be honestly justified for all of the citizens and the betterment of Oak Island.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach complimented and thanking citizens for attending the Town Hall meetings, particularly the one on the tree ordinances. He said that at the next Council meeting, he intended to offer two agenda items – a Resolution to send to the NC Department of Environmental Quality to review the stormwater regulations for coastal communities, and specifically, to visit Oak Island and look at the difficulties we encounter. He said he will also offer an amendment to the current tree ordinance to double the number of trees required and create a financially-driven incentive plan to replant. He said that there are things that we can do, though they might be difficult and costly; we can continue to fight for our tree canopy. He also said that we need to look to expand tree protection as development continues on the mainland.

Councilor Bell said that she was thrilled about the Par 3 golf course. She said it meant her motion was not made in vain; it got the POAs, the citizens and the Town working together for the good of the golf course.

Councilor Blalock said that he attended the Par 3 Advisory Board meeting and was pleased at how positive it was. He also said the informational meeting with NCDOT went very well.

Councilor Winecoff said that 5 years ago, this Town was close to bankruptcy and this Council and previous Council brought it back to life. One reason for that was that the Council members use a business perspective. They look at every possible way to generate revenue. He said they look at the future, not the past. This building will give us options, generating money for the Town for beach nourishment and pier maintenance, so the taxpayers aren't burdened. He said the goal was to run the Town as a business. He said that houses being built on these lots would generate tax revenue. He said the land exchange was the best deal for the Town; the Town has nothing invested in the lots since they were donated and now this will be an investment for the taxpayers. The Pier is also already paid for.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. March 13, 2018 (Regular Meeting)
 - b. March 15, 2018 (Special Meeting)
2. Approval of Budget Ordinance Amendment (Appropriate funds donated for purchase and installation of a fountain at the Par 3 Golf Course)

3. Approval of Amendment to the Records Retention Schedule
4. Approval of Easement – ATMC
5. Approval of Amendment to Sec. 16-3-Adoption. (Fire-flow calculation area)

Councilor Bach made a motion to approve the Consent Agenda. Councilor Bell seconded and the motion passed unanimously.

II. COMMITTEE APPOINTMENTS

1. Emergency Services Advisory Board (one unexpired term ending June 2019): deferred until following New Business 1.
 - a. Eddie Grooms
 - b. Peter Grendze
2. Board of Adjustment: **Council unanimously re-appointed Bob Ludwig and Reece Simmons to terms ending in March of 2021.**
3. Environmental Advisory Committee: **Council unanimously appointed Michael Pratt to a term ending June of 2019.**
4. Parks and Recreation Advisory Board: **Council unanimously re-appointed Art Seifert to a term ending in March of 2021.**

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said the Wilmington Harbor Project should be moving forward; two bids were received. That project will go from McGlamery Street to East 58th Street. The project should begin May 1. Work continues on the Pier, with 26 pilings installed. There are 8 more pilings to be installed to get us to the water line. We have asked for a CAMA permit amendment to widen the handicapped ramp. We have also asked for an extension to be able to work after the start of turtle season as there wouldn't be equipment on the beach once they get past the water line.
2. Town Attorney: no report

IV. OLD BUSINESS (none)

V. NEW BUSINESS

1. Consideration of Recommendation from Emergency Services Advisory Board to Dissolve the Board: Mayor Pro Tempore Scott said that this was discussed with the Board and that this was the advisory board's suggestion. **Mayor Pro Tempore Scott made a motion to dissolve the Emergency Services Advisory Board. Councilor Bell seconded the motion.** Councilor Blalock thanked the members for their service and he suggested they still get together periodically. **The motion passed unanimously.**
2. Consideration of a Resolution Authorizing Exchange of Property: **Councilor Bell made a motion to adopt the Resolution Authorizing Exchange of Property, to accept the items for donation to the Town as presented, and also to require that any taxes, liens, promissory notes, etc. be paid by ELB Family LP.** Mr. Edes said that the Town would take the property free and clear or it would not close on the transaction. **Councilor Blalock seconded the motion.** Councilor Bach said that there needs to be a clear and detailed business plan that would allow us to develop the Pier complex; he is confident that we can build such a plan. He said that he thinks this exchange is worth the risk. **The motion passed unanimously.**
3. Consideration of Adopting a Resolution in Memoriam – Aubrey Hickman: **Mayor Pro Tempore Scott made a motion to adopt the Resolution in Memoriam – Remembering the Late Aubrey Hickman. Councilor Bach seconded the motion and it passed unanimously.**

VI. CLOSED SESSION: **Councilor Bell made a motion to go into Closed Session at 7:03 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 Winecoff seconded and the motion passed unanimously.**

VII. ADJOURN

Council returned to open session at 8:03 p.m. Mr. Edes noted that Specific Personnel was not discussed, although land acquisition was discussed pursuant to N.C.G.S. 143-318.11(a)(5). Mr. Edes noted that no action was taken in Closed Session.

Councilor Bell made a motion to adjourn, Councilor Blalock seconded the motion and it 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.