

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
June 12, 2018 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Brochure, Mayor Pro Tempore 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, MMC and Town Attorney Brian Edes.

Mayor Cin Brochure called the meeting to order at 6 p.m. Mayor Pro Tempore Scott gave the invocation and led the Pledge of Allegiance.

PUBLIC HEARING I: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-118 AD Airport District. There were no comments. **Councilor Winecoff made a motion to close the Public Hearing at 6:02 p.m. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING I ACTION: **Councilor Winecoff made a motion to approve the amendments to Sec. 18-113(g) and (h) as presented. Councilor Bell seconded the motion and it passed unanimously.** Ms. Stites later clarified with Council that it was the staff recommendation that was adopted.

PUBLIC HEARING II: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-82(h) Fences. There were no public comments. **Councilor Winecoff made a motion to close the Public Hearing. Councilor Bach seconded the motion. Councilor Winecoff withdrew the motion.**

Penny Tyndall, 4252 Long Beach Road: Ms. Tyndall said that she believes that under #7 in the relevant ordinance, the fence was allowed to be 6 feet. She said that they did replace an existing fence. They replaced it with a privacy fence because they live across from the Moose Lodge on Long Beach Road. Their property is in a commercial district.

Councilor Bell made a motion to close the Public Hearing at 6:05 p.m. Councilor Blalock seconded the motion and it passed unanimously.

Planning and Zoning Coordinator Jake Vares said that the proposed text amendment was citizen-initiated. He said the Planning Board recommended denial, citing fencing concerns with the ability to see, traffic, etc. Councilor Winecoff asked if the limit was 4-feet in the front yard for residential properties; Mr. Vares said it was.

PUBLIC HEARING II ACTION: **Mayor Pro Tempore Scott made a motion to deny the proposed amendment, Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING III: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-82(k) Specific Regulations, regarding accessory structures. There were no comments. **Councilor Bell made a motion to close the Public Hearing at 6:08 p.m. Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING III ACTION: Councilor Bell asked Mr. Vares to clarify how many accessory structures are allowed on a lot; he said the limit was two. Councilor Bell said that the proposed amendment would allow additional accessory structures for more than one lot. Mr. Vares said originally,

the requested text amendment was for parcels with a minimum of ½ acre. The Planning Board recommended allowing the change for parcels with more than ¾ an acre, and included a limit of four accessory structures. Mr. Vares said that the applicant had decided to move forward with the Planning Board's recommendation. Councilor Winecoff asked about the discussion regarding limiting the proximity of accessory structures to each other. Mr. Edwards said that they had discussed allowing two accessory structures next to each other, but that any additional had to be separated. He said Council could add language to the proposed amendment to address that. **Councilor Bach made a motion to send this back to the Planning Board for further consideration. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING IV: Mayor Brochure said the purpose of the Public Hearing was to hear citizens' comments on the proposed FY 2018-19 budget.

George Bryant, 5183 Minnesota Drive: Mr. Bryant said that he serves as President of the South Harbour Master Property Owners Association. Mr. Bryant said that at most of the Council meetings, at least someone makes positive comments about the South Harbour golf course. He said that the residents and management of South Harbour feel that having a well-maintained golf course is important and that it helps enhance property values. Closing the Pro Shop and going to an open-play system raises concerns about quality of life, property values and possibly vandalism. He also said that an open-play system would be of no financial benefit to the Town. Mr. Bryant said they would suggest doing a detailed financial analysis before a decision is made. He said there have been several meetings with staff and he thinks they were productive. Mr. Bryant said that the POA bylaws prohibit participation in supporting the golf course financially. They were able to offer some assistance, however. The POA has agreed to waive rent and utilities for the Pro Shop and will mow the length of Vanessa Drive. They will also continue to help promote the golf course. He said they had many volunteers who are willing to help. They have 12 volunteers who are willing to run the Pro Shop. Mr. Bryant also thanked staff for their cooperation. He encouraged Council to approve the golf course budget and asked for Councilor Bell to withdraw her motion.

Warren Vassar, 5229 Minnesota Drive: Mr. Vassar said that he also wanted to speak in favor of the golf course. He said that there has been a little more scrutiny on the financial operations and management and a little more marketing. He said he thinks that has made a difference. Approving the motion would cut off the revenue source and would deprive people from knowing this asset.

Councilor Winecoff made a motion to close the Public Hearing at 6:21 p.m. Mayor Pro Tempore Scott seconded and the motion passed unanimously.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Bell moved New Business 3 to New Business 1. The other New Business items were moved to 2 and 3. **Councilor Blalock made a motion to approve the agenda as amended, Councilor Bell seconded and it passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Richard Crow, here for property owner for 6906 West Beach Drive: Mr. Crow urged Council to remove the parking bumpers and reinstall the No Parking signs on 69th Place West. He said it was a safety issue and that one time, a fire truck had to back all the way down the road before being able to turn around. Mr. Crow said his client has gone to great expense to design a home for the lot. He said the addition of parking was unexpected and that there was no time for the public to comment. Mr. Crow said the addition of parking there would diminish the property of his client and others in the neighborhood. Mr. Crow said that the road already suffers from flooding and damage is a concern.

Steve Foster, 6634 Kings Lynn Drive: Mr. Foster said he was appalled and angered to see that 69th Place West was again under assault by the Town. He said that the Town was on a campaign to destroy the neighborhood. He said there are now 3 parking lots in the Kings Lynn area, more than any other neighborhood in town. He said that this was a typical knee-jerk reaction by the board and a misguided manager. He said that the policy of unlimited parking lots would not be forgotten next year at election time. Mr. Foster said that in 2014, it was determined that the number of the people that live in the service area for beach recreation was found to be between 45,000 and 50,000 daytrippers in Brunswick County -- give them a free day at the beach and they will come, at the taxpayers' expense. He said the board appears obtuse to the suffering caused by non-taxpaying daytrippers. He said the Town has no obligation to continue to cause pain for our residents. He said daytrippers use police and fire services, leave their trash and don't pay for it. He said the Town had more parking spaces than any other beach town in the state and asked if that wasn't enough. Mr. Foster said if the board would cater to their constituents instead of daytrippers, and charge a fair price for daytrippers to come, then it would alleviate the problem. He said the problem was enforcement, not more parking. He asked Council to remove the unfair parking spaces and to institute a paid parking system as soon as possible.

Arthur Anastopalous, 6910 West Beach Drive: Mr. Anastopalous said that he wanted to speak about a concern that affects his house more directly. He asked where people would go to access the beach once they park on 69th Place West. There is a narrow path there, but it is on an easement on his property. According to the deed for his property, the only people who can use that path live on Kings Lynn Drive. He said he hoped that the Town would direct people to the public access. He said that people already turn on their faucets, leave trash, etc. They had an attempted break in, and he is concerned with people walking by the property. He said he did not want to get into arguments trying to keep people off his property.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach said that he was concerned that we didn't have a systematic way to look at traffic problems as a whole. He also said that the question of public safety and private property rights are intertwined. He said that he thinks paid parking is something that is inevitable and necessary. Without that, we'll continue to deal with that on an ad hoc basis and that would not be effective. He said we need a system.

Councilor Blalock said he wanted to compliment the work of police officer Hearn. He said that at a traffic accident recently, she was very kind to the elderly gentleman involved.

Councilor Winecoff said that he and Mayor Winecoff and Town Manager David Kelly had another productive trip to Raleigh, seeking funding for beach nourishment. He also said he appreciated the South Harbour residents for working with the Town on the golf course issue. He said he was upset about the management company's email threatening the Town. Councilor Winecoff said that he had researched the parking issue at the west end, and he said there had been a petition filed years ago with pages and pages of signatures of people looking for more parking at that end of town. He said he tries to look at the whole picture. He said he agreed with Councilor Bach that we needed to look at the parking issues.

Mayor Brochure encouraged everyone to look at the staff reports included in the agenda packet so they could see what the staff is doing; she said they would see a very active, dedicated staff.

REGULAR MEETING:

- I. CONSENT AGENDA
 1. Approval of Minutes

- a. May 1, 2018 (Special Meeting, and reconvened meeting of May 11, 2018)
 - b. May 8, 2018 (Public Hearing and Regular Meeting)
 2. Approval of Change Orders for Oak Island Pier Project
 3. Budget Ordinance Amendment – To pay the remaining balance of the loan from Accommodations Tax to the Wastewater Fund
 4. Adoption of Resolution – Authorization to Adjust Accounts of Less Than Five Dollars
- Councilor Bach made a motion to approve the Consent Agenda. Councilor Blalock seconded and the motion passed unanimously.**

II. COMMITTEE APPOINTMENTS

1. Cape Fear Regional Jetport (one term ending June 2022): **Council unanimously re-appointed Bob Lloyd.**
2. Environmental Advisory Board (three terms ending June 2021): **Council unanimously re-appointed Lee Butzin and Randy Ollice.**

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly gave an update on the Wilmington Harbor Project. The July meeting will be a Town Hall meeting, with water/sewer rates and an update on the beach project scheduled as topics. There is a draft Unified Development Ordinance workshop scheduled for June 15.
 - a. Department Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: no report

IV. OLD BUSINESS

1. Consideration of Pending Motion Regarding the Par 3 at South Harbour: Councilor Bell said she wanted to compliment the POA, the residents and the Town. Communication had been an issue, and she said that she thought since she made the motion, all sides came together and accomplished great things. **Councilor Bell withdrew her motion regarding the golf course.**
2. Consideration of Amendments to Sec. 8-41 Fire prevention code and Sec. 16-3 Adoption: Mayor Brochure read from the agenda memo. **Councilor Bach made a motion to amend Sec. 8-41 and Sec. 16.3 as presented. Councilor Blalock seconded the motion and it passed unanimously.**

V. NEW BUSINESS

1. Consideration of Adoption of the Strategic Plan Report: Councilor Bach said that in January, one of the goals Council set at its annual retreat was to create a Strategic Plan. He said the goals are challenges as we move forward. Councilor Bach reviewed the goals included in the proposed plan, a copy of which is attached and is hereby made a part of these Minutes. **Councilor Bach made a motion that Council adopt the Strategic Plan Report and to direct staff to prepare the necessary steps required to achieve these priorities by January 2021. These would include, but not be limited to, the items listed above, recreational beach, infrastructure, and economic. Mayor Pro Tempore Scott seconded the motion.** Councilor Winecoff said that he supported everything except for hiring the economic development officer. He said he cannot see someone trying to start something up on N.C. 211 until the work on it is finished. Councilor Bach said that the bridge closure would cause disruption, but the long-term need is to find sustainable rateables that will allow us to have a tax base that will permit the Town to grow consistent with the Land Use Plan and with our vision strategically. Councilor Bach said that he thought the half position for the Pier Complex ought to be a full position. He said that if we wait for people to approach us, we won't have the kind of economic growth we need. Councilor Blalock asked about the half position; Mr. Kelly said it was a half-year position for an events coordinator/Pier manager. Councilor Bach said that an economic developer would help with the Pier Complex and existing businesses as well. Mr. Kelly said the position he was speaking of would fall in salary grade 21. Councilor Bach said considering the scale of the investment, it would be worth it to have an economic

development director. Mayor Brochure asked if the mainland development plans were already approved. Mr. Vares said that the large tracts on the mainland do already have a site plan or something already submitted to the Town. Mayor Pro Tempore Scott said that the complex we're building will be magnificent, and there is a lot of money tied up in it; he would like to see it succeed. He said that they could start out an economic development director on a 12- or 18-month basis and see how it goes. Councilor Blalock asked whether there might be volunteers to assist with economic development; Mr. Vares said it would be worth looking into. **The motion failed, with Mayor Pro Tempore Scott and Councilor Bach in favor, and Councilors Bell, Blalock and Winecoff opposed.**

Council took a brief recess from 7 p.m. to 7:11 p.m.

Councilor Winecoff asked to go back to the Strategic Plan item. **Councilor Winecoff made a motion to adopt the Strategic Plan with the economic development officer provision removed. Mayor Pro Tempore Scott seconded the motion.** Councilor Bell said that would mean moving forward with these items; she asked what happens when each item is studied and then they decide not to move forward with a particular item. Councilor Winecoff said that then they wouldn't do that particular item. Councilor Bach said that plans can be altered and that it would be better to have a plan than no direction at all. He said they had talked for three years and the consensus is for a recreational beach. He said they had talked about ordinance enforcement and we had already committed more than \$1 million on the Pier project. But he said that the plan could be changed. He also said that they need to take another look at paid parking. Councilor Bell said that we have a Comprehensive Land Use Plan, an ordinance, etc. and she didn't see the need to adopt a strategic plan. Mayor Brochure asked Mr. Edes if the plan could be amended once adopted; Mr. Edes said it could. Implementing the strategic plan would require Council action on the individual items, he said. **The motion passed 4-1 with Mayor Pro Tempore Scott and Councilors Bach, Blalock, and Winecoff in favor and Councilor Bell opposed.**

2. Consideration of Approving the proposed FY 2018-19 Budget, Adopting the proposed FY 2018-19 Budget Ordinance (including setting the ad valorem tax rate), Adopting the FY 2018-19 Fee Schedule (including the Sewer District Fee and utility rates) and Adopting the Pay Classification Scale: Councilor Bach asked Finance Director David Hatten if the proposed recipients (outside agencies) met the requirements for receiving funds; Mr. Hatten said they did. Regarding employee salaries, Councilor Bach said that we are slightly above mean, which is where he thought we should be. He said that even at the upper management levels, we are just above the mean. He said it shows that we have a policy of trying to draw people to the Town while limiting costs. Councilor Bach asked if the positions in the Police and Fire Departments had been filled; Human Resource Officer Debbie Lasek reviewed the positions which were still open. Councilor Bach said that he had comments about the salaries which are not founded, based on the data. He said that we need to be slightly higher than the mean, otherwise we will not attract the caliber of employees we need. Councilor Winecoff said he had concerns about the Senior Center, with all of the rumors going around. Mr. Edes said he did not know if there was an investigation, but that if there were, those records would not be public. Mr. Hatten said they send the request annually and a budget every year. Mr. Hatten said he wouldn't be comfortable pulling funding based on a rumor. Mr. Edes said he wouldn't suggest pulling support based on a rumor. Council and staff had additional discussion regarding the logistics of groups asking for and receiving funding. Mr. Edes said Council could earmark funding toward a certain item; Council could request a formal presentation regarding the funding request. Mayor Brochure said if they do that for one, they should do it for all. She asked if Council could have the Finance Director review such a presentation. **Mayor Pro Tempore Scott made a motion approve outside agency funding for FY 2018-2019 with the final approval by Mr. Hatten. Councilor Bell seconded the motion and it passed unanimously.** Councilor Bach said that their failure to raise the sand tax from 2 cents would haunt us and he would prefer us to take a concrete step forward. **Councilor Bach made a motion to approve the FY 2018-19 Budget and to adopt the FY 2018-19 Budget Ordinance,**

which includes an ad valorem tax rate of 34 cents per \$100 of evaluation, with 5 cents of that to be transferred to the sand fund, to approve the FY 2018-19 Fee Schedule, including the Sewer District Fee and utility rates, and to adopt the Pay Classification Scale. Mayor Pro Tempore Scott seconded the motion. The motion failed with Mayor Pro Tempore Scott and Councilor Bach in favor, and Councilors Bell, Blalock and Winecoff opposed. Councilor Bell made a motion to approve the FY 2018-19 Budget and to adopt the FY 2018-19 Budget Ordinance, which includes an ad valorem tax rate of 31 cents per \$100 of evaluation, with 2 cents of that to be transferred to the sand fund, to approve the FY 2018-19 Fee Schedule, including the Sewer District Fee and utility rates, and to adopt the Pay Classification Scale. Councilor Winecoff seconded the motion and it passed unanimously.

3. Consideration of Directing Staff to Prepare an Amendment to Chapter 32 Vegetation: Councilor Bach said that this text amendment would require anyone developing more than 25 acres on the mainland submit a forestry plan for approval. **Councilor Bach made a motion to direct staff to prepare an ordinance amendment to Chapter 32 – Vegetation to mandate that before a major subdivision (on the mainland, with a minimum of 25 acres) is approved, a forestry plan must be submitted to the Town Planner, the Tree City USA board (part of the Environmental Advisory Committee) and the N.C. Green Growth group (or an equivalent state agency) for review and approval Councilor Winecoff seconded the motion.** Councilor Bell asked if the Tree City USA committee would have authority for approval. Councilor Bach said that the Tree City board would review it. Mr. Vares suggested wording the amendment to state that the board would review and make a recommendation; Council consensus was in favor. **The motion passed unanimously.**

VI. **CLOSED SESSION: Councilor Bach made a motion to go into Closed Session at 7:41 p.m. to Consult with the Town Attorney on Pending Litigation and Land Acquisition pursuant to N.C.G.S. 143-318.11(a)(3) and (5). Councilor Winecoff seconded the motion and it passed unanimously.**

Council returned to open session at 8:42 p.m. Mayor Brochure noted that no action was 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, MMC
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.