

MINUTES
OAK ISLAND TOWN COUNCIL – SPECIAL MEETING
JUNE 29, 2018 – 9 A.M.
OAK ISLAND TOWN HALL – COUNCIL CHAMBERS

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, Town Attorney Brian Edes and Assistant Town Manager/Town Clerk Lisa P. Stites, MMC.

Mayor Brochure called the meeting to order at 9:01 a.m. Mayor Brochure announced that the order of the agenda would be changed.

AT&T Encroachment Agreement: Mr. Kelly said that there were still a couple of sentences that needed to be amended. This will be on Council's agenda for the July regular meeting. Councilor Bach asked if there would be a surety bond; Mr. Kelly said they would request one. Mr. Kelly said they wanted to do the work within 3-5 months.

Discussion of Paid Parking: Councilor Bach said that he thought the conditions on the island would support paid parking, or visitor-supported parking. He said it was necessary and inevitable. He said that he believes it should be installed island-wide on the beachfront and next couple of rows. Councilor Bach said that it would ensure public safety, preserve property rights, create a revenue stream for the beach and reduce the burden on the taxpayers. He said that he reviewed the proposals submitted in 2016. He said that two of the proposals did not address enforcement, which would tax our police force. He thought the SP+ and Lanier proposals were meritorious. The SP+ proposal estimated we would generate slightly less than \$500,000, but with their costs, we would only net slightly more than \$100,000. Lanier's costs were lower, however, and the Town could net \$200,000. He suggested rebidding the process. He said that he thought that the assumptions included in the proposals were ultra conservative and he offered specific examples, such as the daily rate for parking and the number of citations issued. Councilor Winecoff said that he and Mr. Kelly had recently met with the Corps of Engineers on various projects. The Sea Turtle Habitat Project (a FEMA project) will start in the winter of 2019 and the Master Plan in 2020. He said that it would take money to do these projects and that they want to take off as much as they can from the Town's taxpayers. He agreed that they should pursue paid parking, select a vendor by October and have something in place by next spring. Answering a question from Mayor Brochure, Councilor Winecoff said that he and Mr. Kelly reviewed the paid parking system in Emerald Isle, which does not allow parking on the right-of-way. Councilor Blalock said that he wasn't on Council when this was considered last, and that he had a lot of misinformation about what was discussed. He said that he like the proposal from Lanier. He also said that the money collected from parking should be earmarked for the beach. Mayor Pro Tempore Scott said that he was also in favor of paid parking as long as the money was dedicated toward beach nourishment. Councilor Bell said that previously, she opposed paid parking, but that as they have looked at right-of-way issues, etc. she agreed that it was time to look at it again. Mayor Brochure said that paid parking would also help control the parking in the beach areas. Councilor Winecoff said that right-of-way parking would have to be eliminated. He said contractors could get parking passes for particular construction sites as part of the permit process. He also suggested allowing residents with parking decals to park in the right-of-way in front of their homes and putting up signs that parking is in designated spaces only. Councilor Bach said there would have to be clear enforcement guidelines, and that he liked Councilor Winecoff proposed timeline. Councilor Bell said that another concern is that people who want to appeal a ticket will come straight to Town Hall or to the Police Department, when we were already inundated with people in the summer months. Councilor Bach said that the previous proposals included arbitration, etc.

Councilor Winecoff made a motion to move forward with proposals for paid parking. Councilor Bach said that the RFP needed to be revised. **Councilor Bach made a motion to direct staff to bring**

back an RFP. Councilor Winecoff seconded and the motion passed unanimously. Ms. Stites clarified that Councilor Winecoff's previous motion had been withdrawn.

Right-of-way issues: Planning and Zoning Coordinator Jake Vares gave an overview of the issues, including the sight triangle for corners, right-of-way (ROW) allowances, etc. A copy of the agenda memo is attached and is hereby made a part of these Minutes. Councilor Bell said that nothing should be in the ROW and that she agreed with giving people time to move things but that nothing should be "grandfathered." Councilor Winecoff said that we have let them do it. Councilor Bell asked if things were grandfathered in, how that would be enforced; half the people would be allowed to have it and half wouldn't. She asked how that would be explained. Councilor Winecoff said that we couldn't tell people who have had items in the ROW for 20 years that now they need to move them at their expense. Councilor Winecoff said that if they set a line at 7 feet, very few people would have to remove items, rather than setting it at 10 feet. Councilor Bach said that he understood Councilor Bell's comments, but that he thought it was patently unfair to do retroactive enforcement. He said that any obstructions that deal with safety and denial of public access should be addressed. Mayor Brochure said that even if people were allowed to do things in the past, there needs to be a hard rule if we want it enforced. Councilor Bach asked if there was a communications strategy. Mr. Vares said that his plan would be to publicize the changes on the Town's website, email system, social media, and every means available. Councilor Winecoff suggested that by January 1, we no longer allow parking in the ROW, with the caveat that contractors would be able to get permits to park in the ROW during construction.

Councilor Winecoff made a motion to adopt the 7-foot setback with language to allow 3 feet on either side of the driveway for beautification, plants, with a 4-foot maximum. Ms. Stites noted that Council's Rules of Procedure require ordinance amendments be reduced to writing before adoption. Mr. Edes said he would recommend directing staff to prepare the ordinance amendments with the revision discussed today. Consensus was to direct staff to bring back the ordinance with the changes noted here and a communications plan.

UDO: Mayor Brochure asked Mr. Vares to explain that short-term rentals are not specifically addressed in the draft UDO. That was included in a previous version, and he has corrected the version that is on the website.

Mr. Vares gave an overview of what was included in Article 10. He said that the section on signs was very different from the current ordinance so it would be compliant with state regulations.

Page 10-37: Councilor Bell said that this was different from our current ordinance.

Regarding the feather signs, Mr. Vares suggested changing the height limit to 12 feet, as that's how it seems they are generally made; consensus was to make the change.

Mr. Vares suggested in 10.26.5.3, crossing out "Development Services Building." Mr. Vares suggested changing it to "a town building."

10.24.25.7: Mr. Vares reviewed the regulations in this section.

Mr. Vares also explained the subdivision regulations; the UDO includes a much more thorough checklist. Council also had a discussion about garage apartments, in what zones they would be allowed, and whether one could be built before the house was built on the property. Council also discussed specific uses on the Table of Uses.

Council took a brief recess at 10:12 a.m.

Pier Complex: Mr. Kelly reviewed the work being done at the Pierhouse and when it should be completed (by the beginning of August). Councilor Bach said that the information provided was helpful, but that he

has asked for a business plan. Councilor Bach also said that he is opposed to putting in an arcade, that children have all of the games they want on devices, and that it goes against our idea of outsourcing. He said that he would prefer to have lease out the restaurant at the Pier and also lease the 801 Ocean property for a restaurant. Councilor Bell said that she would prefer the Town to have more of a revenue stream from the 801 Ocean property as an events center. Consensus was to treat the businesses separately -- 801 Ocean and the Pierhouse/restaurant. Regarding a monthly lease amount for the restaurant, Mr. Edes recommended that as Council negotiates the lease/contract, it should be done in a Closed Session. Councilor Bach asked insurance and maintenance responsibilities. Mr. Kelly said the Town would carry insurance for the structures, but the lessee would need to have insurance for the business. Mr. Edes said that terms for maintenance responsibilities would be something to discuss as contract negotiations in Closed Session. Regarding what kind of restaurant to seek, Councilor Bell asked how that could be conveyed in an RFP. Mr. Kelly said that there was not a consensus after the last proposals were received. Answering a question from Councilor Bach, Mr. Edes said that we could require an operational structure to be provided with the proposals. Mr. Edes said that it seemed Mr. Kelly was looking for Council direction to help shape the RFP. Councilor Blalock said that what he envisioned was an old-time arcade with a family atmosphere, not an upscale restaurant; there is nobody else that has that. Councilor Bell agreed. Councilor Bach disagreed and said that there should be two different types of restaurants at the Pier and in 801. He said he would prefer retail space in the Pierhouse rather than an arcade. Consensus was to have the Town operate the Pierhouse. Regarding charging people to walk on the Pier, Mr. Kelly said he checked with other Piers that do charge, and they can bring in \$20,000-\$30,000/season in revenue; it would be free for residents. Consensus is to sell packaged beer at the Pierhouse. Consensus was to not allow shark fishing. Mr. Kelly said that he would be getting some numbers to review from a potential vendor for arcade games. Whatever Council chooses to put in that space at the Pierhouse, repairs have been made to the building. Councilor Bach said this could be prime retail space. Councilor Winecoff said what is being created at the Pierhouse is the tackle shop, the restaurant and a third area, all to generate revenue. Councilor Bell said that she couldn't see putting in another ice cream shop. Councilor Bach said he wants to see numbers and what could be done with the retail space. Councilor Winecoff said that he wanted to move forward with an events center for 801 Ocean so that it can begin generating revenue as soon as possible. Councilor Bach suggested that Mr. Kelly speak with someone with business expertise to get numbers on running an events center, expenses, etc.

Councilor Blalock made a motion to go into Closed Session at 11 a.m. to Consult with the Town Attorney on Pending Litigation and to discuss land acquisition pursuant to N.C.G.S. 143-318.11(a)(3) and (5). Councilor Bach seconded the motion and it passed unanimously.

Council returned to open session at 11:40 a.m. Mayor Brochure noted that there was no action in Closed Session.

Councilor Bell made a motion to adjourn. Mayor Pro Tempore Scott seconded the motion and it 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.