

MINUTES
PROPOSED AGENDA
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
AUGUST 14, 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, Assistant Manager/Town Clerk Lisa P. Stites, MMC, and Town Attorney Brian Edes.

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

PUBLIC HEARING I: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to the Town's development line. (Local ordinance Section 14-121. - Definitions; and Section 14-125. - Use and development coverage - establish and define the town ocean front development line which represents the allowable location of oceanfront development. The proposed line stipulates no structures shall be built seaward of the proposed Oak Island development line except as allowed under CAMA regulations. The modification to the development line location is only on a small easternmost portion of the Town's oceanfront boundary).

There were no public comments. **Councilor Bell made a motion to close the Public Hearing at 6:03 p.m. Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING I ACTION: **Councilor Bell made a motion to approve the development line alteration, to adopt the associated plan consistency statement and to direct staff to present the request for an amended Development Line to the Coastal Resources Commission. Councilor Winecoff seconded the motion and it passed unanimously.**

PUBLIC HEARING II: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a request for a text amendment to amend the zoning ordinance text in Sec. 18-82 (k) Specific Regulations for accessory structures; to allow more than two accessory structures for properties greater than three quarters an acre in size, with a maximum of four accessory structures.

There were no public comments. **Councilor Winecoff made a motion to close the Public Hearing at 6:04 p.m. Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING II ACTION: Councilor Bell said this would apply to properties greater than 3/4 acre; Planning and Zoning Director Jake Vares confirmed that.

Mayor Pro Tempore Scott made a motion to approve the proposed text amendment to Sec. 18-82 (k) as presented and to adopt the associated plan consistency statement. Councilor Winecoff seconded the motion and it passed unanimously.

PUBLIC HEARING III: The purpose of the Public Hearing was to receive citizens' comments on a request for a text amendment to amend the text in Sec. 8-78. - Application for permit, in the Oak Island Code of Ordinances, to mandate that development on property within an HOA/POA include documentation in the development permit application that compliance and permission is obtained from

the HOA/POA board. This item was removed from the agenda as the Town Attorney wanted to research the matter further.

PUBLIC HEARING IV: Mayor Brochure said the purpose of the Public Hearing was to hear citizens' comments on a request for a text amendment to amend the text in Section 18-453 - Major Subdivision Tree Plan to require new major subdivisions on the mainland that are greater than 25 acres and more than 12 lots have a forestry plan submitted to the UDO Administrator before construction plans are approved.

There were no comments. **Councilor Winecoff made a motion to close the Public Hearing at 6:06 p.m. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING IV ACTION: **Councilor Winecoff made a motion to approve the proposed text amendment to Sec. 18-453 as presented and to adopt the associated plan consistency statement. Councilor Bell seconded the motion and it passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

Johnny Martin with Moffatt & Nichol made a presentation on the Town's various beach projects. Mr. Martin first spoke about the U.S. Army Corps of Engineers' recent Wilmington Harbor Project, which included placement in the Town sand on Oak Island from the eastern town limit to SE 58th. He said he believes more than 400,000 CY of sand was placed, though he'll have final numbers soon. Mr. Martin also spoke about an upcoming dredging of the Lockwood Folly Inlet with sand being placed offshore of Oak Island near a hot spot of erosion on the west end. Mr. Martin said that the Town has been in discussions with Holden Beach and Brunswick County regarding sharing sand from dredging projects. Mr. Martin said the hope was that placing sand in a hole offshore there, it will help control the waves eroding the shoreline. The total cost would be approximately \$636,000, with the Town's share being approximately \$95,000. The State and Brunswick County would share in the cost of this project. Mayor Pro Tempore Scott asked who would be sharing sand in projects going forward. Mr. Martin said that Town and Holden Beach; he said that historically, sand has gone to Holden Beach. Discussions have begun, but he said it would take a while to go through. Mayor Brochure said that the Town had been working toward an agreement with Holden Beach for some time. Councilor Bach asked how precise we could be that the sand placed in the hole would help the hot spot erosion. Mr. Martin said that since this has showed up, he has had surveyors doing more profiles in that area. He explained that waves break over shoals, and that this spot allows more energy to flow into it, which is contributing to the erosion. Putting sand there will help, though he cannot say to what level. He said that this plan has merit, just to see what effect it will have, and to have it as something in our toolbox. Councilor Bach asked if this would be something that would need to be done every three years or so until a more permanent fix was found; Mr. Martin said that it was possible it would need it every six or 12 months. Mr. Martin also spoke about work being done on the planned Sea Turtle Habitat Restoration Project (a FEMA project). Mr. Martin said this project would go from 58th east to 19th east, or maybe the pier. This area of the island currently has very little protection. Information has been sent to contractors to begin the geotechnical work; project construction is planned for the last four months of the project window (winter of 2019/2020). The project must be completed by May 2020. Answering a question from Councilor Bach, Mr. Martin said that his projections for how long the project would take were conservative. A copy of the presentation is attached and is hereby made a part of these Minutes.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Winecoff removed Old Business 1, Consideration of Proposed Amendments to Sec. 26-1 Construction or other improvements within street rights-of-way and Sec. 28-9 Parking or obstructing sidewalks and public right-of-way. Ms. Stites removed the discussion of land acquisition and the discussion of specific personnel from the Closed Session. Ms. Stites also noted that she would correct a

typo on page 3 of the June 29, 2018 Minutes. **Councilor Bell made a motion to approve the Agenda as amended. Councilor Bach seconded and the motion passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Karen Fullerton, 142 NW 13th Street: Ms. Fullerton said that she was here to introduce everyone to a fundraising event she is planning for The Sergei Foundation. Ms. Fullerton explained her background. The Foundation is a non-profit that helps lower-income families pay for emergency veterinarian care. She said she is planning a fundraising event for November 10 and is looking for general support for the event.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said that this was about the good, the bad and the ugly side of the Lucas Cove Development. Ms. Cashwell said that the good is that it is finally coming to an end. The ugly part is the way that this development has reached this point, with “intimidation, attempted bribery and threats.” The bad is that the citizens of Oak Island have lost and are losing such a terrific part of their town, including endangered wildlife species and the trees that were mindlessly taken down and destroyed. The second thing lost is the access the public has lost. She asked people to pay attention to actions of Council and committees before it is too late.

Rosanne Fortner, here for the Beach Preservation Trust Fund Advisory Board: Ms. Fortner spoke of the beach Preservations Society’s activities this summer. There are new kiosk panels at the cabana that display the beach rules. There have been seven “Flash Sweeps,” 5-minute beach sweeps, this summer; they have collected more than 15 lbs. of trash so far. She encouraged everyone to participate in one of the Flash Sweeps scheduled. Ms. Fortner said the September 6 meeting of the Trust Fund Advisory Board would focus on a member survey and discussion of new ideas for fundraising. There will be vacancies on the Advisory Board in September and Ms. Fortner encouraged people to apply. The International Coastal Cleanup is September 15. The volunteer potluck will be on October 23.

Pete Key, 5007 E. Yacht Drive, here for Coldwell Banker Sea Coast Advantage and Wilkinson ERA Real Estate: Mr. Key said there was some friction between the real estate firms and the Town regarding the signs ordinance. He said he was asking for the rules to be simplify the rules. He said that signs were being collected from agents who were not really sure where to put the signs. He read from the ordinance. Mr. Key asked for a change to the ordinance to state that real estate/temporary signs could be a certain number of feet from the road. Mr. Key also asked Council to allow agents to pick up the signs and waive the \$25 return fee.

Bill Millard, 110 SE 10th Street: Mr. Millard said he has spoken several time in support of cycling in town. He suggested asking NCDOT to add bike lanes when Oak Island Drive is repaved. He said that would get bicycle riders off the sidewalks and off the streets.

Lynn Gulledge, 126 SW 5th Street: Ms. Gulledge also spoke about the issue with real estate signs. She asked Council to put more specific regulations in place. She said that the agents wanted to follow the rules. She suggested including a specific distance in the ordinance as well.

Barbara Edwards, 62nd Street: Ms. Edwards said that she had some questions about utilities and the Sewer District Fee. She said that she was speaking to someone at the Town about her questions and that the person hung up on her. She asked for an explanation about money already paid so far this year. Councilor Winecoff said that the Town operates on a fiscal year, from July to June. He also said he was going to discuss it in his Council Report.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Winecoff said that he has already asked the Town Manager to talk to NCDOT about installing bike lanes when the repaving is done on Oak Island Drive; he doesn't know if they will listen, but at least we are asking. Regarding the sewer charges, Councilor Winecoff said that when he came on Council, the sewer funds were in such bad shape, financial advisors suggested raising fees almost 12% each year for 3 years and 3% every year thereafter until the debt was paid off. Refinancing the bonds have saved us quite a bit of money. The Sewer District Fee (SDF) was actually reduced this year for everyone. Now the SDF goes on the tax bill, but monthly prepayments can still be accepted toward the SDF. He also said that people could add that money to their escrow account. Mr. Edes said that the Town couldn't be involved in that - it would be between the taxpayer and their lenders. Councilor Winecoff also encouraged everyone to attend the October Council meeting, which would be the next Town Hall style meeting.

Councilor Blalock also said that Council members were available, but that he would not respond to anyone who was disrespectful to other citizens, Council, or anyone else.

Councilor Bach said that he had suggested to staff that a FAQ be prepared regarding the change in billing the SDF. He said the timeline was tight and that we didn't get enough information out to citizens. Councilor Bach also said he remained concerned about having a business plan for the Pier Complex. He also said that Council should have a full discussion of all the options for funding beach nourishment.

Mayor Brochure thanked Ms. Fullerton for bringing forth the information about the fundraiser she is planning for November; she gave Ms. Fullerton her blessing and said she hoped it would bring visitors during the off-season.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. June 29, 2018 (Special Meeting)
 - b. July 10, 2018 (Regular Meeting)
2. Approval of Final Plat for Lucas Cove
3. Approval of Change Orders #3 and #4 for the Pier Project
4. Approval of Budget Ordinance Amendments
 - a. For the purpose of rolling forward prior year Federal and State Drug Seizure funds for the Town's Police Department
 - b. To appropriate funds budgeted but not expended in FY 2017-18
 - c. To appropriate funds budgeted but not expended (water meter project) in FY 2017-18
5. Approval of Resolution for USDOT BUILD Trails Grant Resolution
6. Approval of Action to Direct Staff to Have an Easement Prepared for the Sea Biscuit Wildlife Shelter
7. Approval of Contract with Oak Island Water Rescue

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

II. COMMITTEE APPOINTMENTS

1. Board of Adjustment (one unexpired term ending March 2021): **With one vote from Councilor Winecoff, Martyn Hawkins was not appointed, and Council did not make an appointment to this Board.**
2. Community Center Advisory Board (one unexpired term ending Oct. 2019): **Council unanimously appointed Karen West.**

3. Environmental Advisory Committee (one term ending June 2021): **Council unanimously appointed Lindsey Winstead.**
4. Par 3 Golf Course Advisory Board (one unexpired term ending Jan. 2020 for an Oak Island resident outside of South Harbour): **Council unanimously appointed Danie Corcoran**
5. Planning Board (two terms ending August 2021)
 - a. Cathy Bowes
 - b. Martyn Hawkins
 - c. Lynn McDowell**Council unanimously appointed Lynn McDowell and re-appointed Cathy Bowes.**

III. ADMINISTRATIVE REPORTS

1. Town Manager: Ms. Stites gave a report provided by Town Manager David Kelly. We have received notice from FEMA that both the Pier and sea turtle sand projects have been granted extensions to project completion dates. Pier update -- interior work is nearing its final stages. Flooring is going down, some floor repairs were needed and have been addressed. The ADA ramp is boarded and handrails should start next week. Pier handrails will also start soon, so that phase one can be completed. There were discussions with Mayor and Councilman Winecoff, and the RFPs will not go out until kitchen area has been cleaned and rearranged, which should be by end of month. We know that is later than planned but that area has a few repairs as well before we open up for site visits and proposals. Mayor Brochure is assisting staff on 801 Ocean Drive information which should be in front of Council soon. Veterans Park -- pilings should soon be going in for picnic shelter, and flag poles are next.
 - a. Department Reports: Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: The Town has closed on the 604 Ocean Drive property.

Councilor Bach asked Mr. Vares for clarification on the upsurge of complaints about trash in the right-of-way. Mr. Vares described the process for code enforcement and said that there were always more such cases in the summer months.

IV. OLD BUSINESS

1. Consideration of Proposed Amendments to Sec. 26-1 Construction or other improvements within street right-of-way and Sec. 28-9 Parking on or obstructing sidewalks and public right-of-way: This item was removed from the agenda.

V. NEW BUSINESS

1. Consideration of Participation in Dredging the Lockwood Folly Inlet: Councilor Bach said that in view of Mr. Martin's response, his position on this matter is conditional based on establishing a long-term solution. Mayor Pro Tempore Scott agreed. Mayor Brochure said there was a meeting later this month with all parties involved. **Councilor Bell made a motion to authorize contributing \$95,000 and participate with Brunswick County in the planned USACE dredging project for the Lockwood Folly Inlet. Councilor Blalock seconded, and the motion passed unanimously.**
2. Consideration of Scope of Work for FEMA Sea Turtle Habitat Restoration Project: **Councilor Winecoff motion to approve to approve the scope of work for Moffatt & Nichol for the FEMA Sea Turtle Habitat Restoration Project (planning, field investigations, permitting, preliminary and final designs and construction observation services) as presented.** Councilor Bach asked what the Town's liability of this was; Ms. Stites that part of this work would be used for the long-term beach nourishment project. Councilor Bach said that he wanted to defer action until the specific amount was known and again asked what the Town's liability would be. Ms. Stites said that the Town's liability was for the entire amount as there was no guarantee that FEMA would reimburse any of it. Councilor Bach said he wanted to include a "not to exceed" clause. **Councilor Winecoff**

withdrew his motion. Councilor Bach made a motion to approve the scope of work with Moffatt & Nichol as presented with a not to exceed amount. Mayor Pro Tempore Scott seconded and the motion passed unanimously. Mr. Edes clarified that the motion included directing him to work on amending the contract.

VI. CLOSED SESSION: **Councilor Bell made a motion to go into Closed Session at 7:15 p.m. to Consult with the Town Attorney on Pending Litigation pursuant to N.C.G.S. 143-318.11(a)(3) Councilor Blalock seconded and the motion passed unanimously.**

Council returned to open session at 7:43 p.m. Mayor Brochure reported that no action had been taken in Closed Session.

Councilor Bell made a motion to adjourn at 7:43 p.m. Councilor Bach 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.