

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARING & REGULAR MEETING
OCTOBER 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, and Assistant Manager/Town Clerk Lisa P. Stites, MMC. Town Attorney Brian Edes arrived shortly after the meeting began. (Note: The Public Hearing and Regular meeting scheduled for September 11, 2018, were cancelled due to Hurricane Florence).

Mayor Cin Brochure called the meeting to order at 6 p.m. She thanked everyone for attending, especially after the catastrophic event we have gone through in our state, county and town. She also welcomed N.C. Rep. Frank Iler. Councilor Charlie Blalock gave the invocation and led the Pledge of Allegiance to the flag.

PUBLIC HEARING I: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on the proposed Unified Development Ordinance, which combines the planning and zoning ordinances into a single ordinance, and the amended zoning map. There were no comments.

Councilor Blalock 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 Bell said that the definition of fill dirt had been inadvertently left out; she read the definition from the current ordinance: Fill, lot. The amount of fill added to a lot will be no greater than one foot above the crown of the road or even with the highest adjacent lot, whichever is greater, and will not be greater than is necessary to meet the health department requirements for an improvement permit. Fill greater than one foot will have an engineered fill plan for stabilization and stormwater retention. Lots requiring fill greater than one foot for the purposes of elevating above flood for letters of map amendments through filling, leveling a lot with drastic elevations or for the purpose of commercial stormwater designs may do so in accordance with sections 18-655 and 18-666. Building height shall be measured from the average finished grade of the four corners of the structure.

Ms. Stites asked Council to defer action until the Town Attorney arrived at the meeting in a few minutes.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. End-of-season Beach Ambassadors Report: This presentation will be rescheduled.
2. Proclamation – Fire Prevention Week: Mayor Pro Tempore Scott read the Proclamation.

ADJUSTMENT/APPROVAL OF THE AGENDA Councilor Winecoff removed Old Business 2, 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, and New Business 1, Consideration of Proposed Amendments to Sec. 28-10 Parking Prohibitions and Sec. 28-10.1. - Public parking on town right-of-way, and said he'd like Council to set up a Special Meeting on Friday, November 16 at 9 a.m. to discuss paid parking and these other issues. Council Winecoff also added a Budget Ordinance Amendment - To appropriate funds from Capital Reserves to complete the water meter installation project to the Consent Agenda (3b); Councilor Bach asked to remove that item from the Consent Agenda. Councilor Winecoff also added a Closed Session for discussion of Specific Personnel. Councilor Winecoff added New Business (to become New Business 1), Discussion of Stop Signs for

Yacht Drive during the bridge closure. **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

Gary Peterson, 1 White Lane: Mr. Peterson complimented Town Council and the Mayor and especially Town staff, for the work done to restore services after the storm. He spoke about employees whom he knew were working a lot of hours. He said the Council and the employees responded exceptionally. As President of the Senior Center, he invited the Mayor and Town Council to the group's monthly covered dish dinners.

Karen Fullerton, 142 NW 13th Street: Ms. Fullerton said she and some of her neighbors were here to speak about six properties affected by the lack of stormwater work done in their neighborhood. She said that no one else on the island who is not in a flood zone was experiencing the same level of flooding as they were. Ms. Fullerton spoke about her problems getting the Town to deal with stormwater issues on her property. She said that neighbors had gone to the Town previously for help. She said she has installed two sump pumps and it is not working as it is not normal flooding. Ms. Fullerton said she was being told that the problems there were homeowners' problems and that they were being asked to pump hundreds of thousands of gallons every time it rains. She said that she has pumped more than 200,000 gallons to try to save her home. She said that current building codes allow properties to be filled one foot above adjoining properties which exacerbates the flooding. She said that the problem on her property is affected by utility easements given in the 1960s. She said that the Town cannot claim it is private property as it is an easement for utilities. She said that they are asking the Town to propose solutions for which they pay taxes. Ms. Fullerton said the problem had been exacerbated over the years by the easements and building permits.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said that in 1999, Hurricane Floyd caused flooding in town, specifically on NE 38th Street/Holly. She said that was the last time the Town had paid attention to the flooding on that street. She said that this year, four, not three, houses were flooded and ruined due to flooding. Ms. Cashwell said she lived on NE 38th at that time, and that a friend had parked a vehicle in the right-of-way in front of her house and that the vehicle fell into a sinkhole. Ms. Cashwell said that hot spots of flooding have existed since that hurricane, and they continue to exist. Ms. Cashwell said that in February, her gardener fell into a sink hole in the right-of-way in front of her house and that it hadn't been fixed yet. She said that allowing houses to be built higher than other properties has resulted in "massive flooding." Ms. Cashwell said that Council continues to buy property with no immediate use and lets the infrastructure rot. She said that it had been three or four years since Powell Bill funds had been spent on roads. Ms. Cashwell said that more rain is coming and asked Council how they would handle that. Ms. Cashwell said that as Council members, they deserved an "F" for their ability to provide for the citizens of this town who they so willingly tax for foolish expenditures.

Rosanne Fortner, 113 Paula Circle, here for the Beach Preservation Society Trust Fund Advisory Board: Ms. Fortner said that the Society hoped Council would fill the open positions on the Beach Preservation Society Trust Fund Advisory Board. Ms. Fortner also spoke about the rescheduled Beach Clean Up and said the focus had changed to cleaning up debris instead of logging trash collecting. There will be another clean up event scheduled in the spring. Ms. Fortner also mentioned the new Beach Preservation book the group prepared – a copy is available at Town Hall.

Vance Whicker, 525 W. Beach Dr. property owner: Mr. Whicker said his concern is what seems to be a lack of planning from Town Council and the vision for the future. He said there are issues with stormwater, beach nourishment, which seems to be haphazard, and there needs to be a better plan. Mr. Whicker said that if they hadn't done their own dune work, they would have had water under the house.

He also said that the trash cans should have been put back after the storm for the hundreds of people on the beach. Mr. Whicker also said that there are a lot of “No Parking” signs on the sides of the roads at the west end, which is not fair for people who don’t have a house at the beach.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach echoed praise for the Town staff and for Brunswick County for their efforts to mitigate effects from the storm. He also complimented the generosity of citizens who helped each other. He said that we should do an after-action report, specifically focusing on infrastructure.

Councilor Bell also thanked Town staff for their work. She said that the sign of a good leader is when one can get employees to do what needs to be done. She said that the Town Manager brought an air mattress to Town Hall and that he didn’t leave for 8 days. There were employees working during the storm, and as soon as they could after the storm.

Mayor Pro Tempore Scott also praised Town staff and said their work was appreciated.

Councilor Blalock said he was very proud to be part of this team, and was proud of how the Town Manager and Town staff performed. He also said he appreciated the positive feedback he’d received.

Councilor Winecoff said that staff did an extraordinary job, with all the hours they worked. He also complimented all the volunteers; that’s what community means to him. He said that there should be a protocol so that staff can take action without waiting for Council input during a storm.

Mayor Brochure also thanked the Manager and staff. She said that all of the Council members were kept involved the entire time. She also spoke about all of the love she has seen with citizens helping each other here and in other towns. Mayor Brochure said that she couldn’t think if a decision that should have been made differently. She said citizens were protected and back into town as quickly as possible, and they came home to a lot better situation than a lot of people in other areas.

PUBLIC HEARING I ACTION: Council returned to this item as Mr. Edes had arrived to the meeting. **Councilor Bach made a motion to adopt the proposed Unified Development Ordinance as amended, the amended zoning map and the associated plan consistency statement. Councilor Bell seconded the motion and it passed unanimously.**

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. August 14, 2018 (Public Hearings & Regular Meeting)
2. Approval of Resolution Supporting Donation of Land at the 211/Midway Interchange from the North Carolina Department of Transportation to the Town of Oak Island for Public Uses and Emergency Services
3. Approval of Budget Ordinance Amendments
 - a. To transfer funds from Wastewater to Water for the purchase of a pick-up truck
 - b. ~~To appropriate funds from Capital Reserves to complete the water meter installation project:~~ removed from the Consent Agenda
4. Approval of Change Orders for the Oak Island Pier project
5. Approval of Amendment to Minutes of May 9, 2017 Council meeting

Councilor Winecoff made a motion to approve the Consent Agenda as amended, Councilor Bell seconded and the motion passed unanimously.

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

3a. To transfer funds to complete installation of the water meters: Councilor Bach asked what caused the increased price. Mr. Kelly said that with the construction boom over the last two years, there are approximately 300 meters that were not included in the initial calculations. The software conversion also cost more than anticipated. **Councilor Bach made a motion to approve the Budget Ordinance Amendment as presented.** He also said that at the completion of the project, there will be some credits and other adjustments made. This adjustment represents less than 1 percent of the total contract price. **Councilor Winecoff seconded the motion and it passed unanimously.**

III. COMMITTEE APPOINTMENTS

1. Beach Preservation Trust Fund Advisory Board (4 terms ending Sept. 2021): **Council unanimously appointed Cheryl Cook, Rosanne Fortner, Mollie Lloyd (Mary) and Janet Murphy.**
2. Board of Adjustment (one unexpired term ending March 2021): **Council unanimously appointed Paula Chambers.**

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly thanked the elected officials for their work during the storm. He also said he appreciated all the work of staff, and said that cleanup work is ongoing. Staff has been in touch with FEMA. Moffatt & Nichol did pre- and post-storm surveys of the beach, that information has been given to FEMA and we will be asking for more than \$12 million for restoration of the previous sand projects (including the Sea Turtle Habitat Restoration Project, approved after Hurricane Matthew, which is \$8.2 million-project currently in the planning phase). Phase II of the Pier project will resume next month and hopefully be completed by May. There was some storm damage at the 801 Ocean Dr. property and the Pierhouse, and repairs are underway. Public Works and stormwater staff are working on a list of storm cleanup work. The debris contractor started today. For the air conditioners installation work at the remaining vac stations, prices came in as they did for Phase I, and that project can move forward. Mayor Brochure noted that the Sea Turtle Habitat Project had been in the works for some time, and that it had been discussed at several meetings.
 - a. Department Reports are attached and are hereby incorporated as part of these Minutes.
2. Town Attorney: Mr. Edes did not have a report.

V. OLD BUSINESS

1. Discussion of Pier Complex: Councilor Winecoff said that they had discussed this several times. He said he thought they should get proposals from a management company, and also get proposals from individual vendors for the various aspects of the complex so they can compare. **Councilor Winecoff made a motion to issue an RFP.** Mr. Kelly clarified that it would be one RFP, with the option to bid on running the entire complex or individual aspects of it. Councilor Bach said that there is a strategic plan and that Council has identified the critical issues, beginning with beach nourishment. He said that there is a plan for beach nourishment, though it is not moving as quickly as some would like. There is an environmental protection mandate, and they did pass tree ordinance amendments. Regarding the Pier complex, he said there was a clear interest in sustaining an economic base. He said that we do have a direction but that these are complicated and challenging issues. He said that he believed we needed professional expertise to manage the venue; he thinks the Town should be the landlord and collect a check. He said that he does not support the Town running anything on the Pier. **Councilor Winecoff amended his motion to issue RFP for management for**

the entire complex and for individuals to lease out individual sections. Councilor Bell seconded the motion and it passed unanimously.

- a. Consideration of Proposal to Hire a Management Company: There was no separate action taken on this matter, but Councilor Bach said that he believes more information is always better and that more data is useful. Mayor Brochure said this process would have to move quickly to be open in time for the next season, and noted that every month the businesses were not open was lost revenue.
2. 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 deferred to a Special Meeting to be scheduled for November 16 at 9 a.m.

VI. NEW BUSINESS

Consideration of Proposed Amendments to Sec. 28-10 Parking Prohibitions and Sec. 28-10.1. - Public parking on town right-of-way: This item was deferred to a Special Meeting to be scheduled for November 16 at 9 a.m.

1. Consideration of Adding Stop Signs on Yacht Drive: Councilor Winecoff said that during the most recent meeting with NCDOT regarding the upcoming temporary closure of the G.V. Barbee Bridge, the possibility of installing stop signs on Yacht Drive was mentioned. Councilor Bell said that with the additional traffic that will be on oak Island Drive, we'll need to be able to use Yacht Drive and Holly Drive to be able to not add to the traffic on Oak Island Drive. Councilor Winecoff said that it was the speed that would be a problem on Yacht Drive. Councilor Bell said she was concerned that the signs would just have to be removed if it was found that they weren't working as intended. Mayor Brochure said that it would be temporary while the bridge was closed. Answering a question from Mayor Pro Tempore Scott, Councilor Winecoff said the signs would only be installed at 6 intersections, every 10-12 blocks on East Yacht Drive between 58th and 1st. Mayor Brochure said the speed limit is 35 mph on Yacht Drive, but that people were driving 50 mph. Councilor Bell said she was okay with it being temporary and that after 6 months, the signs would be removed; she said there were still so many people who still worked who use Yacht Drive to stay out of the traffic in the summertime. Councilor Bach asked if someone with a traffic analysis background had looked at this; Councilor Winecoff said that it had been discussed with NCDOT staff. Mayor Pro Tempore Scott asked if the school system had responded to the Town's question about moving bus stops to Yacht Drive instead of Oak Island Drive. Mr. Kelly said he knew that seven buses had been added to the routes, but that was the most recent information from the school system. **Councilor Winecoff made a motion to install the stop signs on East Yacht Drive as discussed. Councilor Bell seconded the motion and it passed unanimously.**

2. Consideration of Proposed Amendments to Sec. 18-254 – Prohibited Signs: Town Planning and Zoning Administrator Jake Vares said that this proposed amendment regarded an ordinance staff had been enforcing. The amendment is based on a directive from Council to make the regulations more specific; he can send the information to the realtors. Following a discussion on signs in general and general regulation of signs, consensus was to ask Mr. Edes to review the section on signs included in the new UDO. **Councilor Winecoff made a motion to adopt the amendment to Sec. 18-254 as presented. Councilor Bell seconded the motion and it passed unanimously.** (Councilor Bach abstained, which counted as a vote in favor). The amendment will be incorporated into and appropriately numbered in the UDO.

Councilor Winecoff made a motion to go into Closed Session at 7:03 p.m. to discuss specific personnel pursuant to N.C.G.S. 143-318.11(a)(6). Councilor Bell seconded the motion and it passed unanimously.

Council returned to open session at 7:43 p.m. Mayor Brochure noted that no action had been taken in Closed Session. Mr. Edes noted that Council also discussed pending litigation, pursuant to N.C.G.S. 143-318.11(a)(3), during Closed Session.

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