

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
July 9, 2019 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Winecoff, Council members John W. Bach, Sheila M. Bell, Charlie K. Blalock, and Loman Scott, Town Manager David Kelly, and Town Clerk Lisa P. Stites, MMC. Town Attorney Brian Edes arrived at 6:17 p.m.

Mayor Brochure called the meeting to order at 6 p.m. She explained the format for the meeting, saying that Council would consider taking action on the Salty Dog Park following the Presentation. Councilor Loman Scott gave the invocation and led the Pledge of Allegiance to the flag of the United States of America.

PUBLIC HEARING I: The purpose of the Public Hearing was to receive citizens' comments on a text amendment to modify the text in the Unified Development Ordinance Article 10, Part IV – Signage Regulations; to regulate signage standards for the airport. There were no comments.

PUBLIC HEARING I ACTION: Ms. Stites explained that staff recommends removing this from the agenda until the Town Attorney can make sure that any proposed regulations do not conflict with 1st Amendment rights. This item was removed from the agenda.

PUBLIC HEARING II: The purpose of the Public Hearing was to receive citizens' comments on a text amendment to modify the text in the Oak Island Code of Ordinances; Nuisance Ordinance Sections 4-1, 4-6, 4-15 and the fee schedule; to permit hens and to outline which other livestock type animals are permitted or not permitted in Oak Island.

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

PUBLIC HEARING II ACTION:

Planning and Zoning Administrator Jake Vares gave a staff summary, saying that a few months ago, Council directed staff to prepare a draft ordinance regulating fowl within town limits. Mr. Vares said the draft ordinance addresses lot size, care for hens, etc. Mr. Vares said that he had put this together based on his research, but that there could be other options and this could be considered a starting place. He said that Council also directed staff to prepare draft ordinances to address other animals as well. Mr. Vares said that there were two options provided for Council to consider – one for livestock, etc. and another to allow fowl. Councilor Bell asked if the UDO does not address chickens, does that mean they are not allowed now. Mr. Vares said that was correct, in the same way that the UDO does not address giraffes. Councilor Bell said her assumption was that since they weren't included, they would be allowed. Mr. Vares said that in any case, it was a good idea to have it clearly spelled out as to what was allowed.

Councilor Scott made a motion to allow chickens with a maximum number of 5 chickens. Mayor Pro Tempore Winecoff seconded for the purpose of discussion. Mayor Pro Tempore Winecoff said that he was a little mixed on this. One concern was having too many chickens in a small area. He said that he can't see much difference between pet chickens and pet dogs. Councilor Scott said that he didn't think everyone in town was going to run out and get chickens, but a few violators would be brought into compliance. Councilor Bach asked Mr. Vares about the two recommendations, if adopting one did not exclude the other. Mr. Vares said that one option would address the other animals, and the other option would also address chickens. Councilor Bach said that Option 1 would prohibit chickens. Councilor Bach

said that Councilor Scott's motion was a third option. Councilor Bach also said, with all due respect to the people asking for this, that permitting chickens was inconsistent with the kind of vision most citizens have for our town and it sets a slippery slope for other potential exceptions to come forward on a petitioner's basis, so he remained opposed to allowing chickens. He said he supported Option 1. Answering a question from Mayor Pro Tempore Winecoff about something said earlier, Mr. Vares said that if Council chose to adopt Option 1, there were no further amendments needed to it. Ms. Stites said that everything in Option 1 was in Option 2 as well, with the exception of the removal of the word "fowl." She said that Option 2 would allow chickens, but also incorporate the other changes staff recommended as well. She asked Councilor Scott if his motion was to adopt Option 2 on pages 6-11 in the agenda packet but changing the maximum number of chickens allowed to five. **Councilor Scott restated his motion, to adopt Option 2 with changing the maximum number of chickens to five. Mayor Pro Tempore Winecoff seconded to allow for a vote.** Councilor Bell asked if current staff could regulate this. Mr. Vares said that it would be more work, but that he has never been one to shy away from more work. Mr. Vares said that he agreed that not everyone would run out and buy chickens. He said that he was sure there would be violations, but that staff would address those. Mayor Pro Tempore Winecoff asked Mr. Vares if he knew how many people had animals that they were not supposed to have; Mr. Vares said he was sure there were cases that he was not aware of. Councilor Blalock asked if a chicken qualified as a service animal. Mr. Vares said there might be allowances for certain animals certified as service animals. **The motion failed 1-4, with Councilor Scott in favor and Mayor Pro Tempore Winecoff and Council members Bach, Bell and Blalock opposed. Mayor Pro Tempore Winecoff made a motion to adopt the ordinance amendments in Option 1 (4.1 Definitions and 4.6).** Councilor Bach asked if this action would be adopting part of Option 2. Ms. Stites said that the language in Option 1 was also included in Option 2, but Option 1 also added chickens to the list of animals not allowed, and that staff recommended it be adopted since it addressed hooved animals and exotic animals. **Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING III: The purpose of the Public Hearing was to receive citizens' comments on a text amendment to modify the text in the Oak Island Code of Ordinances; Section 18-669. - Standards for limited single and two-family residential development and Section 18-663. - Applications for approval, and Article 8 – Zoning District & Development Standards; to limit the permissible impervious surface percentage for new residential development to 45 percent.

Kevin Tittle, 134 NE 3rd Street: Mr. Tittle said that this seemed like a knee-jerk reaction to last year's storm and the flooding. He said that the new houses would have to be smaller and that older homes wouldn't have to retain stormwater like the new houses. He said that there would be restrictions on new houses, but not the same restrictions on the existing homes that don't have gutters and underwater storage that the new houses have to have. He also said that he knew of several houses on the island, including Council members' houses, which were over 50 percent coverage. He said that stricter regulations would be imposed on anything new but that the existing problems would not be addressed. Mr. Tittle said he did not think it was fair to make anyone who wanted to build go smaller than what was already here.

Councilor Bell made a motion to close the Public Hearing at 6:20 p.m. Councilor Blalock seconded the motion and it passed unanimously.

PUBLIC HEARING III ACTION:

Councilor Bach said that he thought the target number was a little high. He said it was a good start, but the data provided suggested that most homes were using less than 45 percent coverage. He also referenced the discussion at last month's meeting regarding rebuilding versus new building. Councilor Bach suggested modifying the language on page 15, last sentence of the first paragraph, to read "Stormwater controls shall be required for all redevelopment going forward." Mayor Brochure asked if he

wanted to make that in the form of a motion. **Councilor Bach said he did, and Councilor Bell seconded it.** Ms. Stites clarified that was to adopt the ordinance amendments as proposed (18-6559(b), 18-669, 18-663(3), 8.1.5, 8.2.6, 8.3.6, 8.4.6, 8.5.6, 8.6.5 and 8.9.8); Councilor Bell said that was correct. Ms. Stites also noted that the sentence suggested to be amended was in the memo, not the ordinance amendments to be adopted. **The motion passed unanimously.**

I. PRESENTATIONS AND PROCLAMATIONS

Mayor Brochure asked for approval of the agenda before the Presentation, and to move New Business 1 to right after the Presentation. **Councilor Bell made a motion to approve the agenda as amended. Councilor Blalock seconded the motion and it passed unanimously.**

Appreciation of Service of Salty Dog Park Volunteers: Councilor Scott and Parks and Recreation Advisory Board Chairman Dennis Maneri presented Paul and Denise Beyer, founders of the Salty Dog Park, with a plaque and thanked them for their service to the community. Councilor Scott said that it was an honor to have Paula and Denise Beyer present tonight. He said that about 10 years ago, they started the Salty Dog Park. He reviewed pictures of the Park. He said that a lot of work had been put into the Park and that it was a very nice facility. Councilor Scott said that the volunteer service had deceased, and that the Beyers couldn't handle it on their own. Denise Beyer thanked Council, and also thanked their core group of volunteers that worked with on fundraisers and the sweat equity it took to get the Park started and maintain it. She said that this just started with an idea to do something nice for the community and to see it come to fruition and have this recognition is more than they ever imagined. Mr. Maneri said that they have volunteers and businesses pledging to help the Town maintain the park. He suggested calling on the volunteers two or three times a year to help with periodic clean ups and have the Town take over regular maintenance of the area. There is \$3,000 to turn over to the Town for maintaining the Park, which should cover maintenance for the next three years. He said that the question had been asked about relying solely on volunteers; Mr. Maneri said that over time, volunteer service does dwindle. Councilor Scott thanked Council for allowing time for the presentation.

Consideration of Ongoing Maintenance of the Salty Dog Park: **Councilor Scott made a motion to have the Town take over the maintenance of the Salty Dog Park. Councilor Bell seconded the motion and it passed unanimously.**

II. APPROVAL OF AGENDA (approved prior to the Presentation)

III. TOWN HALL MEETING (this section includes Public Comments)

Rosanne Fortner, 113 Paula Circle, said there would be a Flash Sweep of the beach at 5th Place West at 9 a.m. Ms. Fortner said that she is blessed to live on Davis Canal and that usually it is peaceful. This week, there has been a power boat speeding in the canal, even towing a water skier one day. She asked that Davis Canal be posted as a No Wake zone. Ms. Fortner said that Davis Canal needed to be protected better. She asked that signs be purchased, and that homeowners along the canal would be glad to post them on their docks. Mr. Kelly was asked to look into whether the Town can do that.

Ed Drzewiecki, 128 NW 19th Street, said that paid parking is going to be an issue again. He said that with the amount of money that beach nourishment will cost, he was concerned that residents would have to pay for parking too. He asked Council to start the thought process quickly.

Don Hicks, 114 NE 71st Street, said that he spoke last month about the access at 71st Street. Mr. Hicks said that it was still difficult to get out to the beach there. Mayor Pro Tempore Winecoff said he agreed with Mr. Hicks and that something needed to be done there. Mr. Kelly said that CAMA had given permission to knock down dunes before, but that also, we could possibly install a walkway. Councilor Bell said that Town staff could meet with our CAMA representative to find out what the Town can do within the law.

Rodney Hicks, 116 NE 71st Street, said that this was a very densely populated section of beach and that they need good access. He said that at the St. James Beach Club, they have a walkway that goes out to the dune. Mr. Hicks said that they have to climb to get out to the beach. Mr. Hicks said that all they were asking for was reasonable access through the dune.

Bruce Ivey, 114 SW 8th Street, said that he was dismayed to see an increased number of the realtor signs that now are permanent and close to the road instead of beach house names on the houses. He said that there are more and more of them. He said that to preserve this piece of heaven, it needs to look like a beach community, not a business full of signs. Mr. Vares said that he would look into it and report back to Council.

Hayden Duke, 2609 E. Pelican Drive, said that the Mayor's posts on Facebook and the Town's website were very helpful during Hurricane Florence. He said that they appreciated all the work Town staff and elected officials did a good job getting people back as quickly as they did.

Cheryl Cook, 4803 E. Yacht Drive, thanked Council for keeping the access at the boat ramp on Yacht Drive. She said that there are still problems though, with boats blocking the road, speeders, people walking, bicycle riders. She asked that something be done, because during boating season, it is dangerous. She also said that she can't get a space in the boat trailer parking area because cars are parked there without a trailer.

Jamie Wishart, 329 NE 49th Street, asked if there was something that could be done with Templeton Park, the dog park there. She said there are two gates but there is no inner section to keep dogs from running out when someone else is entering, and that park is right on the main road. She said there are people willing to donate to purchase additional gates. Mr. Kelly said that he would have Public Works look into options.

Bettie Thorne, 2501 E. Beach Drive: Ms. Thorne said she does not know how she can find out when she can return to the island and who she can bring back with her, because there was some confusion about that last year. She said she doesn't know what the criteria are going to be for making a decision about when the bridges will be open again, how those who evacuate will be notified that the bridges are open. Mayor Brochure said that there was information constantly being updated and that Facebook was active. Councilor Bell said that she herself had much back-and-forth communication with Ms. Thorne that day, so she did know when the bridges were open. Ms. Thorne said she did and that she was on her way back with her significant other who maintains an address in South Carolina; she said that she was told that she could not bring him back with her because he did not have an Oak Island driver's license. Councilor Bell said that was correct. Ms. Thorne said that she complained about that, and then the next day, people could bring back anyone they wanted to. Mayor Brochure said that staff was reviewing the procedures and that

information would be posted on the Town's website. She said that the policy about who can come onto the island was a policy put in place long before this Council was in office and that the decision about when to open the bridges changes as conditions change; there is no set timeframe in which the Town can say it is okay to return after a hurricane. She said that every hurricane is different, and that this one hit the County. Ms. Thorne said that people are now saying that they won't leave because they can't get back on the island, and people shouldn't be staying here for that reason. She said there has to be a way for those who have evacuated to be notified about when they can return. Ms. Thorne said that she had been through a lot more hurricanes, and that they are all different, but there never was a time when you couldn't bring a family member or friend back with you during recovery. Mr. Kelly said that one thing we noticed was that people were trying to bring back a carload of contractors, so this situation was a bit different than prior storms. He also said he thinks Facebook helps and hurts. He said there was a lot of misinformation out there, and calls to help stampede the gates, and Council members wanted to only let people on who had proof of residency. Mr. Kelly said that people were also trying to bring people onto the island who lived in other communities more damaged by the storm. He also said staff would be reviewing the policy. Ms. Thorne said that there should be clear information as to when people can come back to the island and who they can bring with them. Councilor Bach said that he had asked for a report from Hurricane Florence and that would be forthcoming. Mayor Pro Tempore Winecoff said that we should have done that sooner rather than later since hurricane season had started. Mr. Kelly said the fire chief had put together information necessary for the report.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said that said the Town should stay off of Facebook and Twitter, and that the retirement community was not on social media. Ms. Cashwell said that she had evacuated to the mainland, and that there were times when she didn't have electricity or phones, but she said that there were times they were able to call the Sheriff's Office for information. She asked them to do everyone a big favor and stay off of social media because it doesn't work. She said the retirement community does not use it, and that all social media does is proliferate gossip and "90 percent of it is airhead."

Belinda Stutts, 238 NE 65th Street: Ms. Stutts said that she understood the point about contractors, but that there should be some common sense used when allowing people to reenter the island. She said that she lives alone and that someone would have to come back with her to help take care of damage at her house. She said that she needs to know that when she returns, those people would be allowed back on the island too. She said that should be considered as well.

Cheryl Cook, 4803 E. Yacht Drive: Ms. Cook asked what the deal was with the poor quality of Channel 8. She said that the information can't even be read. She said the only thing that can be seen is the televised meetings. She said she can sign in to Spectrum online and see Channel 8.

IV. COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach thanked Town staff for the July 1st events. He also said that they were privileged to see data from all the departments, and that the numbers for responses are increasing, and he thanked all of the Town's employees for their service.

Councilor Bell said that they had received an update on the Beach Ambassador program and how well it is doing, and how the Police Department's increased presence has also helped; she thanked all those

involved. She also said the July 1st celebration was amazing, and thanked staff for their efforts for that as well.

Councilor Blalock also praised staff for the July 1st celebration. He said he has also received a lot of positive feedback on the rebuilt Oak Island Pier. He said the Senior Center celebrated its 40th Anniversary, and he encouraged everyone to stop in and check out the gift shop. Councilor Blalock also said he had done a Flash Sweep, and he was amazed at the amount of trash collected, especially the number of cigarette butts.

Mayor Pro Tempore Winecoff said staff is always pulled in many directions in the summer, and that they were doing a wonderful job. He also said that he wanted to speak about the sewer system. He said that none of the current Council was involved in the beginning of the project. He said that the original assessment of \$4,200 was for the original price tag of \$42 million, which tripled. He said the assessment no longer covered what was put in the ground, and the district fees were set up. Mayor Pro Tempore Winecoff said that when he took office eight years ago, the sewer system was in trouble financially because it was underfunded. He said that there were increases three years in a row, and that those increases would have been triple if the Local Government Commission had been involved. He said they also borrowed from the Town's water fund to help pay the bills. Mayor Pro Tempore Winecoff said that thanks to staff, the bonds were refinanced and they didn't have to do the recommended 3 percent increases. Mayor Pro Tempore Winecoff said that homeowners were paying the district fees every month in their rates and that the owners of vacant lots had to pay it at the end of the year. Mayor Pro Tempore Winecoff said that the \$1 million borrowed from the water fund was paid back last year and that we were in good shape now, but that wasn't always the case. He said that was due to the steps Council took when needed. He said that he just wanted to give everyone a little history.

Mayor Brochure thanked all those who have been hosting and helping at the Beach Sweeps. She said they really do help collect trash and also create awareness.

V. CONSENT AGENDA

1. Approval of Minutes
 - a. June 11, 2019 (Public Hearings & Regular Meeting)
2. Authorization for Staff to Send a Letter of Intent to the US Army Corps of Engineers
3. Approval of Lease of Golf Carts for the Par 3
4. Acceptance of the CRS 510 Floodplain 2018/2019 Progress Report for Floodplain Management/Hazard Mitigation Plan

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

VI. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that peak wastewater flow was 1.5 million gallons on July 5, about 106,000 gallons more than last year. He said the design for the two largest stations, pumping for the beach areas, was approximately 400,000 gallons/day, and that what they were seeing was about 175,000 gallons/day. The Pier is open for fishing, though some construction remains to be done. He said someone has been hired to manage the Pier/801 Complex. Councilor Bach said that they needed to look at the after action hurricane report, and that there should be a section for protocols. Councilor Bach asked if that at some point in September, Council could review preliminary data from the Pier and 801. Councilor Bach also asked Mr. Vares about the difference in the number of right-of-way code enforcement cases. Mr. Vares said those numbers change, and that it was probably just an anomaly. Answering a follow up question from Councilor Bach, Mr. Vares said that

this number represented mattresses, etc. and that staff would begin increasing right-of-way enforcement in August; those numbers would increase then.

- a. Department Reports: Department reports are attached to the printed Minutes and are hereby made a part of these Minutes.
2. Town Attorney: no report.

VII. NEW BUSINESS

1. Consideration of Ongoing Maintenance of the Salty Dog Park: This item was moved to immediately following the Presentation.

VIII. CLOSED SESSION: **Councilor Bell made a motion to Consult with the Town Attorney to preserve the attorney/client privilege pursuant to N.C.G.S. 143-318.11(a)(3) at 7:24 p.m. Councilor Bach seconded and the motion passed unanimously.**

Council returned to open session at 7:48 p.m. Mayor Brochure noted that there was no action taken in Closed Session. **Councilor Bach made a motion to adjourn, Councilor Bell seconded and the motion passed unanimously.**

Cin Brochure, Mayor

Attested: _____
Lisa P. Stites, MMC
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.