

MINUTES
SPECIAL MEETING
OAK ISLAND TOWN COUNCIL
OAK ISLAND TOWN HALL – COUNCIL CHAMBERS
DECEMBER 23, 2019 – 10 A.M.

Present: Mayor Ken Thomas, 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. Mayor Pro Tempore Jeff Winecoff was unable to attend due to work commitments.

Mayor Thomas called the meeting to order at 10 a.m. and said he wanted to honor the late Kevin Bell for making the skate park possible.

Consideration of amendments to Chapter 22 of the Code of Ordinances (skate park): Mr. Edes said the Town's liability would depend on the Town adopting an ordinance that tracks the State's General Statutes. Mr. Edes summarized the statute, saying that for an unsupervised skate park, the Town does not have liability for damages for injuries for the act of skateboarding or observing skateboarding, provided that the Town adopts an ordinance requiring the use of helmets, knee pads and elbow pads, and that the ordinance subjects the skaters to a civil citation for violating that ordinance. The Town is also required to post signs about wearing a helmet, etc. Mr. Edes said that ultimately, the Town's signage would be more like what he passed out (the Ogden sign), but there will be a sign ready for opening the park the next day. He said that his law partner is litigating a case for Swansboro, which has stainless steel ramps, and an infant was there with a babysitter and was burned. Oak Island's skate park is enclosed with a fence, so he proposed that no one but skaters be allowed within the skate area and that all others be considered trespassers. He said signs would be posted on the fence.

Councilor Bach asked if, going forward, this would mean the skate park would be treated like any other amenity, park, etc., which would limit the Town's liability. Mr. Edes said that was correct. Mr. Edes clarified that the "skate park" was the part enclosed by the fence, and that people could observe from outside the fenced area. Councilor Bach asked if the Town was obligated to maintain the park like it would playground equipment. Mr. Edes said that was correct. Councilor Bach asked if that would mean additional expenses. Mr. Kelly said that it would not since the Town already had to maintain it. Mr. Edes said that he believed it would be self-policing and that the skaters would report it when repairs were needed. Mr. Kelly said that cameras would be installed and staff would periodically visit the park. Mr. Edes said, to clarify, it was an unsupervised skate park, and that the public should not rely on periodic visits by the police or other Town staff. He said he wanted to make it clear that it would not be a supervised park. Councilor Bach said he understood that, but that he just wanted a record of what happened there.

Councilor Scott asked what the history of injuries was at the skate park. Parks and Recreation Director Rebecca Squires said that since the park was open in the 1990s, there had only been cuts and scrapes and that only one person had broken a bone.

Councilor Bell made a motion to adopt the amendments to Chapter 22 as presented, subject to final review by the Town Attorney, and to direct staff to post the statutorily required signage. Councilor Bach seconded the motion and it passed unanimously.

Consideration of a Policy for the Kevin Bell Skate Park: Mr. Kelly said that this contained the rules, the hours, etc. Mr. Kelly said that there are still a few items to be corrected (spelling, etc.). Answering a question from Councilor Bell, Mr. Kelly said that there the lights would need timers, etc., and that was

something they could discuss during the annual retreat. Mr. Edes said he would prefer to use a specific time rather than “dusk.” Consensus was to use 6 p.m. as a closing time.

Councilor Bell made a motion to approve the substance of the policy, subject to final revisions by the Town Attorney. Councilor Bach seconded the motion and it passed unanimously.

Councilor Bach said that as they considered lighting for the skate park, he wanted to also look at any concerns nearby residents may have about light and/or noise.

Councilor Bach made a motion to adjourn at 10:14 p.m. Councilor Bell seconded the motion and it passed unanimously.

Ken Thomas, 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.