

MINUTES  
OAK ISLAND TOWN COUNCIL  
PUBLIC HEARINGS & REGULAR MEETING  
OCTOBER 11, 2016 – 6 P.M.  
OAK ISLAND TOWN HALL – COUNCIL CHAMBERS

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Councilors Sheila Bell, Charlie Blalock, and Jeff Winecoff, Interim co-Managers Lisa P. Stites, CMC and Rob Gandy and Administrative Support Specialist Debbie Lasek. Councilor Scott was unable to attend and was excused from the meeting.

Mayor Brochure called the meeting to order at 6 p.m. Mayor Brochure thanked staff for their hard work after Hurricane Matthew and expressed concern for those affected by flooding. Mayor Pro Tempore Medlin gave the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

**PUBLIC HEARING 1:** Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed revision to the Development Line as approved by the Coastal Resources Commission (CRC). There were no public comments. **Mayor Pro Tempore Medlin made a motion to close the Public Hearing. Councilor Bell seconded and the motion passed unanimously.**

**PUBLIC HEARING 1 ACTION:** Development Services Director Steve Edwards said the CRC complimented the Town in its development line preparedness, except for one area that needed to be adjusted to bring back into line with the Corps' project construction line (in the area of East 49<sup>th</sup> to East 58<sup>th</sup> Streets). The changes have been already been accepted by the CRC. **Mayor Pro Tempore Medlin made a motion to approve the Development Line as revised and to include the associated plan consistency statement. Councilor Bell seconded and the motion passed 4-1 with Mayor Pro Tempore Medlin and Councilors Bell, Blalock and Scott in favor and Councilor Winecoff opposed.**

**PUBLIC HEARING 2:** Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposal to change the speed limit on Yacht Drive.

Miles Varner, 114 NW 3<sup>rd</sup> Street: Mr. Varner said he wanted to address changing the speed limit to 25 mph for commercial vehicles. He said it did not seem to address most of the objections and that he didn't see why commercial vehicles would not just use Oak Island Drive to go to the appropriate side street where their work was located. Yacht Drive is primarily a residential area, and he said that commercial traffic should be limited to 25 mph. He expressed concerns over the signage and said that it would not be easy to enforce without additional signage.

Edward Drzewiezki, 128 NW 19<sup>th</sup> Street: Mr. Drzewiezki said he would like the speed limit reduced to 25 mph due to the high amount of pedestrian traffic. He calculated that the difference to travel the road at a lower speed was 40 seconds per mile; this is a narrow road with no lines on it and he wondered how they could justify keeping it 35 mph.

Jim Shire, 3505 E. Yacht Drive: Mr. Shire said that Yacht Drive is "like a box of chocolates." You never know if you will be passed, hit or clipped and it is even worse when one lives there. He said he runs into situations daily, and implored the Council to consider the safety of the residents.

**Councilor Bell made a motion to close the Public Hearing, Councilor Blalock seconded and the motion passed unanimously.**

**PUBLIC HEARING 2 ACTION:** Mayor Pro Tempore Medlin asked Chief Jordan how many accidents had occurred in the last 12 months due to excessive speed; the Chief said he could remember several in

the past but none in the last 12 months. Councilor Winecoff said that if they lower the speed limit to 25, it must still be enforced and if they don't enforce 35, how would they enforce the lower speed. He said they need a plan because 25 is just a number. He also said he knows that people fly down Yacht Drive, but that they need an enforceable plan because reducing the speed limit will move traffic to Oak Island Drive. Mayor Pro Tempore Medlin said it would be a complete nightmare having two separate speed limits. He said understands the concerns and agreed that the thing to do was to lower the speed limit to 25 on Yacht Drive.

**Mayor Pro Tempore Medlin made a motion to lower the speed limit on Yacht Drive to 25 mph, from end to end. Councilor Winecoff seconded the motion. Voting on the motion was tied 2-2 with Mayor Pro Tempore Medlin and Councilor Winecoff in favor and Councilors Bell and Blalock opposed. To break the tie, Mayor Brochure voted in favor and the motion passed.**

Mayor Pro Tempore Medlin said he knows these can be emotional issues; when they focus on a decision like this, they are trying to focus what is best for the people of Oak Island. He said several people asked him not to do this, but he thought this was the right decision.

PUBLIC HEARING 3: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-226 Special Provisions for Conditional Uses. There were no comments. **Councilor Winecoff made a motion to close the Public Hearing, Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING 3 ACTION: Mayor Pro Tempore Medlin noted a correction to be made on page 13 to add "over 3,999 square feet" to the large home definition. He said he was glad to see what was presented is reasonable. Councilor Bell asked Mr. Edes if he saw any potential problems. Mr. Edes confirmed that each application for a Conditional Use Permit will have to be considered through a quasi-judicial process.

**Councilor Winecoff made motion approve the amendments to Sec. 18-226 Special Provisions for Conditional Uses as amended and to adopt the associated consistency statement. Councilor Bell seconded and the motion passed unanimously.** Ms. Stites clarified the correction was "a large home over 3,999 square feet may be..."

#### PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Presentation on Potential Refunding of Wastewater Bonds – DEC Associates: Ms. Stites noted that the financial advisors were in Charlotte and not able to cross the state to be here tonight. The presentation will be scheduled for a later date.
2. Presentation – School Bonds on November Ballot – Brunswick County Schools: Sue Rutledge and Beverly Eury gave a presentation on the school bond issue on the upcoming ballot. Council took a 10-minute recess at 6:30 p.m. so technical issues to be fixed and the presentation began.
3. Proclamation – Fire Prevention Week Oct. 9-15, 2016: Mayor Brochure referenced excerpts from the Proclamation.

#### ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Winecoff added Consent Agenda #3 Waiver of fees for storm-related permits and New Business #4 Discussion of Oak Island Pier. A Closed Session to consult with the Town Attorney on pending litigation and to discuss specific personnel was also added.

Councilor Bell removed New Business 1 and 2, Consideration of Paid Parking and Proposals for Paid Parking Management and Discussion of Current Parking Conditions and Potential Parking Areas, so those items could be discussed with all Council present. **Councilor Bell made motion to approve the agenda as amended, Mayor Pro Tempore seconded the motion and it passed unanimously.**

#### PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Mary Frere, 205 SE 77<sup>th</sup> Street: Ms. Frere gave a report for the Beach Preservation Society, saying the Beach Sweeps on September 17 and 28 were very successful. There were 117 volunteers and they collected 337 lbs. of trash; this reflects a 20% reduction in trash.

#### COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bell reported that we have been very blessed and again thanked staff, all of them. She said they were out 6 a.m. Sunday morning, with the Damage Assessment Team out at 6:30 a.m. Councilor Blalock said that, after the storm, he saw local merchants and neighbors step forward to help seniors, and that is what makes this small town special. Councilor Winecoff also complimented staff and said they did a “tremendous” job. Mayor Brochure thanked staff and Council members. She also thanked the citizens of Oak Island; in time of need, they pulled together and it was neighbors helping neighbors, merchants helping townspeople.

#### REGULAR MEETING:

##### I. CONSENT AGENDA

1. Approval of Minutes
  - a. September 13, 2016 (Public Hearings and Regular Meeting)
2. Approval of Revision to Town’s Fiscal Policy
3. Waiver of fees for storm-related permit

**Councilor Bell made a motion to approve the Consent Agenda as amended, Mayor Pro Tempore Medlin seconded, and the motion passed unanimously.**

##### II. ADMINISTRATIVE REPORTS

1. Town Manager: Ms. Stites thanked staff, Council and the Damage Assessment Team for their assistance during the Storm.
  - a. Department Reports are attached and are hereby made a part of these Minutes.

##### III. OLD BUSINESS (none)

##### IV. NEW BUSINESS

1. Consideration of Paid Parking and Proposals for Paid Parking Management – deferred to November agenda.
2. Discussion of Current Parking Conditions and Potential Parking Areas – deferred to the November agenda.
3. Consideration of Whether to Pay for Participation in the Wilmington Harbor Dredging Project (for beach nourishment for the east end): Johnny Martin with Moffat & Nichol -- Mr. Martin also commended staff on their handling of the storm. He reviewed the water levels and noted that it would change as more information comes in, but he believes the surge was a 5-10 year storm surge event here for Oak Island. The wave perspective of Oak Island was around a 2 year event at 13-14 foot waves. This confirms why there were so many areas of overwash. The Town has authorized post-storm survey and reporting. The detailed survey team will be in town on Thursday; this survey will be compared to the one done in August to document where the material was lost. They will determine if the Town is eligible for “emergency work,” perhaps to create a small berm consisting of 6 cy/ft of sand above the 5-year surge water level. This would be submitted for FEMA reimbursement, by scraping or pushing. If there is

erosion to a point that a 5-year storm would damage property, cost-effective emergency work on the beach may be eligible. Again, it is not allowed in front of unimproved property. As the Town does not have a FEMA-engineered beach, permanent work is not applicable. An engineered beach is one that is constructed by the placement of imported sand to a designed elevation, width and slope and which will be nourished periodically with a maintenance program; he also explained what documentation was required to be considered an engineered beach. The Army Corps of Engineers is scheduled to be in town tomorrow; they have also heard that FEMA is sending out teams. They have had meetings with Town staff regarding several options with beach dune pushing or scraping. They are investigating if the Town has the major permit that is needed for this work, and if so, whether it needs to be modified in order to create these small dunes. They will also hold discussions with FEMA about potential reimbursement. Ms. Stites added that currently they are only looking at pushing sand that is in the accesses.

Regarding the Wilmington Harbor Project, Mr. Martin explained the types of dredges used in the Wilmington Harbor project. Increased pump distance increases the cost of the project. He compared the 2001 and the 2009 historical nourishments of Oak Island. He also compared sand placement in Carteret County, where they often use a 24" pipeline dredge. The Corps of Engineers' motivation is navigation, not beach nourishment in general. Budget limitations are at \$500,000 for this project, when they usually dredge 1 million cy out. Right now the plan is for sand placement only on Caswell Beach. With this lower volume, there will probably be a smaller dredge being used and the pumping distance may only be 4.5-5.5 miles. He said the Corps may get some additional funding, but that is not a given. There are placement limitations, as USACE informed the Town that it only has environmental clearance to place material as far west as SE 64<sup>th</sup> Street; this is a huge constraint and one the Town should consider working with the Corps to change. Mr. Martin also reviewed the current volumes and the desired level of protection in regards to CY of sand; they are trying to plot where the sand would be needed on the various island reaches. He stated that reach 2 is the most vulnerable at this time; the USACE would not be able to place sand on that section according to the current permit that the Town has. He explained that reach 1 is in the best shape of the areas on the island.

Mr. Martin then explained the development options (a copy of the Presentation is attached and is hereby made a part of these Minutes). Costs range from \$1 million to \$4 million, depending on whether the Town could arrange for sand to be placed farther west and what size berm would be constructed. However, this information could change depending on the shoaling following the storm. Bid prices are dependent on the time of the year, and there are only about 5 months for them to work due to environmental restrictions. There are not many companies that can do this type of work-about 4 in the country-but there are also projects being done in Morehead and we may get better unit rates with a larger dredge. They recommend construction of a 100' berm from the Town line to SE 64<sup>th</sup> Street. The bids will likely be over budget. They can and will attempt to negotiate the cost. The Town is not bound to participate; this approval would allow Moffatt & Nichol to test the waters and begin working on a long-term Memorandum of Agreement with USACE and work on farther westward placement of material. Mr. Martin said he thinks there is value in seeing what they can get, and the Town is not bound to anything.

Mayor Pro Tempore Medlin said he liked Moffatt & Nichol's plan to see what they can get; Mr. Martin said it is at least worth that. He added that the Corps may get additional funding, and he thinks this is in the Town's interest. Also, there will not be cheaper sand than that coming out of the channel; if they can get this relationship going with the USACE and show them that they are serious and future steps may then be taken to get material further west well into Reach 2, which is a fragile area. These potential positives are enough of a reason to test the waters. Ms. Stites affirmed that they can give them a figure that they are interested in spending yet not be obligated; Mr. Martin agreed and said they can negotiate for a 100' berm for \$4 million; the Corps may come back and say this is not enough money. Negotiations may lead to better placement, and he would push it to a little above the budget; he does not want to leave anything on the table. They can always say no if the bids come in too high, and even though they are not

in a great negotiating position, they can try to do the best for the Town. Mayor Pro Tempore Medlin verified that Mr. Martin would be guiding this. Mr. Martin said he is looking at it as \$4 million being the absolute maximum. Mayor Pro Tempore Medlin asked if a booster pump wouldn't be needed for Caswell Beach; Mr. Martin explained that the USACE can reach that with a 24-inch dredge without a booster pump. He explained further how the bids would be conducted by the Corps and how the rates for both the base project and the mob/demob and unit price for the optional project. Ms. Stites said as they are just testing the waters; they should at least ask the question. She said she was seeking direction from Council regarding the amount they can present to the Corps. She said the time frame to let the Corps know something is the next couple of days; Mayor Brochure clarified that this is just to include them in the bid and is not binding. Mr. Martin explained they are asking the Council to allow them to call the Corps and present the Town's bid for what it wants. There will be negotiations, but they want to tell them what they would like to see. Mayor Brochure said that, even if they had the money, they cannot put sand past 64<sup>th</sup> Street. Mr. Martin said they are operating under the authority that the Corps has; we are trying to tie on to their project, and the Corps benefits by dredging additional material out of the channel for navigational needs. Mayor Pro Tempore Medlin clarified that they will not get any cheaper sand. Mr. Martin said there are not too many offshore sources, and other sources will not be any cheaper. It is in the best interest of the Town to get the line for sand placement moved farther west, and allows them to piggyback on the Corps project even if it is just every 6 years. Councilor Bell asked for clarification for the citizens – there are two items here -- one is an emergency push and the other is the Wilmington Harbor project that we can hook on to and get a reduced price for sand for the east end. Mr. Martin said they can at least try to talk to FEMA about getting reimbursement. Council consensus was for Mr. Martin to contact the Corps on the Town's behalf as discussed.

2. Discussion of the Oak Island Pier: About 60 feet were lost during the hurricane. Ms. Stites said there was an engineer out there Monday morning and that the Pier will be closed until the reports are received; there will also be a diver sent down. Mr. Kelly said they have put up caution tape up at the end. The engineer has advised them to do some repairs and they will board up a portion later this week.

**Councilor Winecoff made a motion to go into Closed Session at 7:47 p.m. to consult with the Town Attorney on pending litigation and to discuss specific personnel pursuant to N.C.G.S. 143-318.11(a)(6). Councilor Bell seconded and the motion passed unanimously.**

Council returned to open session at 8:40 p.m. Mayor Brochure noted that no action had been taken in Closed Session. **Mayor Pro Tempore Medlin made a motion to adjourn at 8:41 p.m. Councilor Bell seconded and the motion passed unanimously.**

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Cin Brochure, Mayor

ATTESTED: \_\_\_\_\_

Lisa P. Stites, CMC  
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.*