

MINUTES  
OAK ISLAND TOWN COUNCIL  
PUBLIC HEARINGS & REGULAR MEETING  
JANUARY 10, 2017 – 6 P.M.  
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Loman Scott, Council members Sheila M. Bell, Charlie K. Blalock, Jim Medlin and Jeff Winecoff, Town Manager David Kelly, Assistant Manager/Town Clerk Lisa P. Stites, CMC and Town Attorney Brian Edes.

Mayor Cin Brochure called the meeting to order at 6 p.m. Mayor Pro Tempore Scott gave the invocation and led the Pledge of Allegiance to the flag.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on the Comprehensive Land Use Plan. There were no speakers during the hearing.

**Councilor Medlin made a motion to close the Public Hearing at 6:02 p.m. Mayor Pro Tempore Scott seconded and the motion passed unanimously.**

Councilor Bell asked about a provision in the Plan that called for a committee to be created to review implementation of the Plan. Dale Holland gave a brief presentation on the Comprehensive Land Use Plan process; a copy of the presentation is attached and is hereby made a part of these Minutes. Mr. Holland complimented the Committee for its work on the Plan, saying it was one of the best he'd ever worked with on such a plan. He also complimented staff. Mr. Holland noted that the Plan had been submitted to State agencies for comments; there were none and he said he had never seen that happen during his career. Mr. Holland also explained the purposes of the Plan – statutory compliance, CAMA consistency and to serve as a “playbook” for the Town. Members of the Committee present were recognized. Mr. Holland said that not all of the implementing actions would come to fruition; there are 126 actions recommended and that would not all be implemented quickly. He said that periodic assessment of the Plan would be needed.

PUBLIC HEARING 1 ACTION: **Councilor Winecoff made a motion to adopt the Comprehensive Land Use Plan and to direct staff to forward the Plan to the Coastal Resources Commission for final approval. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING 2: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to the Table of Uses, Sec. 18-116, to allow Bed and Breakfast establishments in R6A and R6B as a Conditional Use. There were no speakers. **Mayor Pro Tempore Scott made a motion to close the Public Hearing. Councilor Bell seconded and the motion passed unanimously.** Councilor Medlin made a motion to re-open the Public Hearing, Mayor Pro Tempore Scott seconded and the motion passed unanimously.

Chester Crest: Mr. Crest represents the applicant. The text amendment is sought to allow a Bed & Breakfast in a residential zone (R6). Mr. Crest referenced a statement from the applicant that was included in the application packet.

**Councilor Bell made a motion to close the Public Hearing at 6:19 p.m. Mayor Pro Tempore Scott seconded and the motion passed unanimously.**

PUBLIC HEARING 2 ACTION: Councilor Medlin asked if the building would follow the Town's normal process. Planning and Zoning Coordinator Jake Vares said that it would. It would also only be

allowed as a Conditional Use, and would go through the Planning Board and Council for approval. Council and Mr. Vares discussed the difference between a Bed & Breakfast and weekly rentals, Airbnb, etc. Mr. Vares explained that this applicant would still have to apply for a Conditional Use Permit if this text amendment were approved. **Councilor Medlin made motion to approve the text amendment as presented. The motion died for lack of a second.**

#### PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Report from the Parks & Rec Advisory Board: Denis Maneri, Chairman of the Parks and Recreation Advisory Board gave a presentation. Mr. Maneri complimented Council for adding another position to the staff of the Department and for supporting the Department's grant application. That grant was not approved, though, hopefully, the Town will apply again. Mr. Maneri reviewed statistics for how spending on parks and recreations facilities and programs benefits communities. Mayor Pro Tempore Scott complimented the Parks & Recreation Advisory Board and said he was proud to work with the group.

2. Presentation of the FY 2015-16 Audit: Matt McLean with S. Preston Douglas & Associates, gave a presentation on the FY 2015-16 presentation. A copy of the audit presentation is attached and is hereby made a part of these Minutes. Mr. McLean reviewed the Town's net position; the net income increased approximately \$6.378 million over last year. At the close of the year, the Town had \$8.79 million unassigned funds, or 70.83 percent of the General Fund expenditures for the fiscal year (typically a municipality tries to have 25 percent). Mr. McLean said property tax collection rate was 99.7 percent, something the Town should be proud of.

ADJUSTMENT/APPROVAL OF THE AGENDA: Council Bell removed Item 3 from the Consent Agenda. **Councilor Winecoff made a motion to approve the Agenda as amended. Councilor Blalock seconded and the motion passed unanimously.**

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

Carol Painter, 306 Ocean Drive, vice-chair of the Beach & Inlet Committee: Ms. Painter said the Committee heard the Moffatt & Nichol presentation at its November meeting. The Committee recommends the third option, an engineering contract for a multi-decadal beach nourishment program. This plan will be less expensive over the long term than single projects. Ms. Painter noted that Mr. Martin said at the January Special Meeting that the beach, particularly in the center, is in dire need of nourishment. The Town will receive some help from FEMA for emergency repairs but that is virtually a Band-Aid that will not last. Almost all the other beaches have nourishment projects in place. She encouraged Council to vote for Option 3.

Alicia Geddings, 204 SE 79<sup>th</sup> Street: Ms. Geddings said she had questions about the wedding permit agenda item and asked Council to consider them. She wanted to know if wedding planners would be able to reserve parking, ask people to move from the beach area, provide police officers to ask people to move out of the designated areas, if the Town would ensure there would only be one wedding in an area, what would happen if there is a wedding without a permit. She asked if Council was aware that the other Brunswick County beaches do not charge for beach weddings and said that brides just want a beach and don't care which one it is. She also asked what would be done with the 2017 permits that were already issued. She also asked how the deposit would be refunded.

Charlton Fitch, 125 NW 9<sup>th</sup> Street: Mr. Fitch said looks can be deceiving. He said he and his family have lived here for 15 years and he has seen nothing but the prices on Oak Island going up. Mr. Fitch reviewed cost of living numbers and the taxes which he said are much higher than other areas. Mr. Fitch said he had

gone to school to be a teacher and that if he worked as a teacher, he couldn't afford to live on Oak Island. He asked Council not to enact another fee.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell reviewed two big goals set at the Council retreat last January – a tree ordinance and beach nourishment. Ms. Cashwell asked when the Powell Bill money would be used to repair our streets. She also said Council should restore the five-minute time limit for public comments because it was important to hear the public, not just to end the meeting early so they could go home. She also said that maybe people who aren't in the large beach houses should start a discrimination petition like the one Council reacted to from people opposed to the speed limit change on Yacht Drive. Ms. Cashwell said that if Council chooses the third option, she hoped people would understand that this engineering contract would not put sand on the beach. Ms. Cashwell asked Council to not just look at getting re-elected and vote to renourish the beach.

Betty Monin, 3501 E. Yacht Drive: Ms. Monin said that after she moved into her house, she found out it had been broken into before they moved into it in 2013. She has since learned that there have been other break-ins on Yacht Drive as well. She said that they were also asked about a construction trailer that had been stolen. She complimented the officer who spoke with them, saying he represented the Town well. Ms. Monin suggested having video cameras on the bridges. Ms. Monin also said they had moved here from Charlotte and that this board paid much more attention to speakers than the one in Charlotte.

Rosanne Fortner, chairman of the Beach Preservation Society: Ms. Fortner complimented the Public Works staff for their work on hurricane cleanup and repairing of beach accesses. Their attention to the accesses was amazing, and she asked everyone to remember that the Town needed a separate permit for each access, so they should be patient. Ms. Fortner also spoke about the next Wine Tasting, coming up in April.

Carrie Wood, 3307 E. Yacht Drive: Ms. Wood presented a petition from residents for extending hours at the Recreation Center (weekend hours, including some hours on Sunday). She also asked if the outside lighting could be improved. Ms. Wood also suggested the Town use property to allow a food truck court, charging for space.

Betty Hupp, 7916 E. Yacht Drive: Ms. Hupp said that Oak Island allows swimming pools to be built seaward of houses. Ms. Hupp referenced two properties east of Barbee Boulevard, saying that dunes between the pools and the ocean were swept away by Hurricane Matthew. Ms. Hupp said that the people of Oak Island would be asked to fund beach nourishment, but that until the Town Council does its job to preserve the environment, that the beach nourishment will wash into the ocean and the money will be wasted.

John Bach, 108 SE 38<sup>th</sup> Street: Mr. Bach complimented the Comprehensive Plan Ad hoc Committee and said he was proud to serve with them. He also serves on the Beach & Inlet Committee. He said that the Town now had ample data and that there were themes developing, such as managed growth and having a strategic plan for where we go in the next five to ten years. It is about a sustainable economy, preserving the environment and beach preservation. He said the only mistake would be the failure to act. He asked Council to do what was in the best interest of the Town, looking out at least five, or ten years.

#### COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bell commemorated the passing of the Town's oldest resident – Maddie Joines Holloway, who would have been 107 on her upcoming birthday February 1.

Council took a brief recess at 7:18 p.m.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
  - a. December 13, 2016 (Public Hearings & Regular Meeting)
2. Approval of Action to Formally Dissolve the Comprehensive Plan Ad hoc Committee  
**Councilor Bell made a motion to approve the Consent Agenda as amended. Councilor Winecoff seconded and the motion passed unanimously.**

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Approval of Amendment to Code of Ordinances, Secs. 25-10 and 11, Weddings and Prohibited Activities for Weddings and Associated Amendment to the Fee Schedule: Mr. Edes said that he wanted to look into the different classes of fees proposed. Councilor Bell said she was not in favor of it at all. **Councilor Bell made a motion that this issue be dropped. Councilor Medlin seconded and the motion passed unanimously.**

III. COMMITTEE APPOINTMENTS (none)

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that there was a meeting with FEMA the next day; staff is ready to turn in the project for emergency sand work for the beach. Staff has also been working with the insurance company on the Pier. Two sites were selected for educational purposes on setbacks, erosion control, etc. so that it can be shown what it takes to build a house.
  - a. Department Reports: Department reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: Mr. Edes said that the Nies vs. Emerald Isle case was dismissed; the dry sand beaches remain open to the public and to municipal regulation.

V. OLD BUSINESS

1. Consideration of Eliminating Right-of-Way Parking in Certain Areas of Town: Councilor Winecoff said that a Task Force worked on some suggestions. He said that the proposed regulations were an attempt to ease some of the parking problems seen during the summer, such as streets being blocked by cars, driveways blocked, parking all over the streets to attend parties, etc. Councilor Winecoff said that he was trying to make parking allowed in designated areas only. Councilor Blalock asked how big a problem this was. Police Chief Jordan said that in the last calendar year, the department issued one citation for blocking a driveway. Councilor Medlin said he was concerned that there would be nowhere for construction vehicles to park when a house is being built; one possibility would be to issue a parking permit along with a building permit. He said there were other areas where parking was in the right-of-way, including several businesses on Beach Drive. He said he did like the Police Chief's previous suggestion that the signs into Oak Island state that parking is in designated areas only. He also said that the enforcement would probably become a "nightmare." Mayor Pro Tempore Scott asked Chief Jordan what his opinion on the parking ordinance was. Chief Jordan said that parking was a problem in the summer, but he didn't see the need for an ordinance of this year round. The Chief said there would be issues with special events, weddings at the beach, etc. Mayor Brochure asked if the problems Councilor Winecoff noted were already addressed. Chief Jordan said that they try, but he couldn't say they get all of them. Council took no action.
2. Consideration of Proposal from Moffatt & Nichol: **Councilor Bell made a motion to accept the proposal from Moffatt & Nichol for Option 3, the multi-decadal master plan including an engineered beach. Councilor Blalock seconded and the motion passed unanimously.** Regarding the emergency work through FEMA, Johnny Martin with Moffatt & Nichol said that if the Town is approved for the FEMA project, it will be a truck haul project, meaning sand would be hauled by dump truck to

replace the 100,000 cy FEMA would reimburse the Town for placing. He further explained that the FEMA project and the long-term beach nourishment projects were separate processes. The FEMA project would place dunes about 10-foot wide, 3-6 feet high, depending on what FEMA will reimburse for. It will offer some protection, but not a lot. The Town will ask CAMA officials if this work could be included under the Town's current emergency permit. Engineering costs for the FEMA project will be included in the total cost of the project. If the FEMA project is approved, the soonest sand could be placed on the beach is probably later in the spring; some of the work will likely be done "in season." Mr. Martin said that he had recommended the Town wait to start any emergency beach repairs to see what FEMA would reimburse for. **Councilor Winecoff made a motion to proceed with the FEMA project. Councilor Bell seconded and the motion passed unanimously.**

VI. NEW BUSINESS (none)

**Mayor Pro Tempore Scott made a motion to go into closed session to consult with the Town Attorney on Pending and Potential Litigation and to Discuss Specific Personnel pursuant to N.C.G.S. 143-318.11(a)(3) and (6) at 7:52 p.m. Councilor Winecoff seconded and the motion passed unanimously.**

Mayor Brochure called the meeting back to order at 8:20 p.m.

**Councilor Medlin made a motion to approve the contract for Town Manager David Kelly. Mayor Pro Tempore Scott seconded and the motion passed unanimously.**

**Mayor Pro Tempore Scott made a motion to adjourn at 8:20 p.m. Councilor Bell seconded and the motion passed unanimously.**

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Cin Brochure, Mayor

ATTESTED: \_\_\_\_\_  
Lisa P. Stites, CMC  
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.*