

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
FEBRUARY 16, 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. Councilor Medlin 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 proposed amendments to Secs. 18-117 and 118 Dimensional Standards Table to allow for exemptions to de minimis structure placement issues. There were no comments. **Councilor Medlin made a motion to close the Public Hearing at 6:02 p.m. Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING 1 ACTION: **Mayor Pro Tempore Scott made a motion to approve the text amendment and the associated consistency statement. Councilor Medlin seconded and the motion passed unanimously.**

PUBLIC HEARING 2: Mayor Brochure said the purpose of the Public Hearing is to receive citizens' comments on a proposed amendment to Sec. 18-116 Table of Uses to allow Bed & Breakfasts in the R-6A and R-6B zones as a conditional use. There were no comments. **Councilor Bell made a motion to close the Public Hearing at 6:04 p.m. Councilor Blalock seconded and the motion carried unanimously.**

Mr. Vares said the applicant had withdrawn his request for a text amendment and the item was removed from the agenda.

PUBLIC HEARING 3: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a request to close a portion of SE 50th Street and a portion of SE 51st Street.

Thomas Hawley, 3002 West Beach Drive, commander of the VFW: Mr. Hawley said the VFW was very pleased with the developer of the proposed Publix and what has been done for the VFW.

Councilor Blalock made a motion to close the Public Hearing. Mayor Pro Tempore Scott seconded and the motion passed unanimously.

PUBLIC HEARING 3 ACTION: Action was deferred until later in the meeting.

PUBLIC HEARING 4: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed Development Agreement between the Town of Oak Island and Halpern Inc. for a proposed retail development between East Oak Island Drive and East Pelican Drive between 50th and 52nd Streets. There were no comments. **Councilor Winecoff made a motion to close the Public Hearing at 6:06 p.m. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING 4 ACTION: Action was deferred until later in the meeting.

ADJUSTMENT/APPROVAL OF THE AGENDA: Councilor Bell made a motion to approve as amended. Councilor Blalock seconded and the motion passed unanimously.

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Skip Cox, Beach Ambassador Coordinator, written comments provided as follows: I am Skip Cox, manager of the Oak Island Beach Ambassador program. I just wanted to take a few minutes and bring you up to date on this year's program. We are starting our 4th season, and will probably schedule the first official patrol around the first week of May. We began our 3rd season in 2016 with 24 trained ambassadors, but only finished the year with 15 who were active. So far this year, we have 14 returning from last year and 9 new interested volunteers. Unfortunately, only 3 have returned their completed applications, but I am hoping the rest will come in soon. I have tried multiple recruitment tools for new ambassadors, but the response has been a bit disappointing. The training session for all new and returning ambassadors will be scheduled for early-mid April. Regardless of how many ambassadors we begin the season with, we will do all that we can to ensure adequate beach coverage. Now with your permission, I would like to leave some flyers about our program, as well as some applications, on the table. I am appealing to all of you who are attending this meeting tonight to consider becoming an Oak Island beach ambassador. It is a very worthwhile program that has seen much success, despite a lower than desired number of participants. Please join us if you wish to contribute some of your available time to the continued success of the program. Mr. Cox added to his written comments, saying said he had recently made a presentation to Holden Beach and it seemed they would not be able to muster the number of volunteers that Oak Island does. He said that he also attended a program in Wilmington, and heard that North Topsail Beach was not able to get enough volunteers to start a similar program. He said while he was disappointed with our participation, he was pleased that we could at least have a program. He encouraged everyone in attendance to consider volunteering.

Catrina Purser, 5001 O'Quinn Boulevard, here for the Beach Preservation Society: Ms. Purser spoke about the Wine Tasting on April 22nd and encouraged everyone to attend. She said funds raised were used to benefit the beach.

Ted Bodenschatz, 201 Ocean Drive: Mr. Bodenschatz thanked the elected officials for the job they do. He said that at the last meeting, Council voted to spend \$40 million to nourish the beach. The decision now is not if we would pay but how much we will pay. While citizens and property owners brace for hearing how much they would have to pay, he hoped the Town would continue to pursue other funding methods. Mr. Bodenschatz mentioned Council's previous decision to not implement paid parking at this time, and encouraged Council to reconsider. He said their responsibility was to Oak Island citizens, who would likely bear the bulk of costs for beach nourishment. He said that others who use the beach should be asked to contribute as well. He said that if Oak Island citizens have to bear the full burden, that could lead to a reduction in other services and reduced staff. He said paid parking was viable revenue source that should not be overlooked.

Mary Brewer, 3524 E. Pelican Drive: Ms. Brewer said that the last time she addressed Council, she likely spoke about trees. She asked them to put them on a back burner for now as there were bigger fish to fry. She also said every time they talked about trees, the next day, someone clearcuts a lot. She also said that the food tax was minimal, but that she didn't know that she could take another \$4,000 assessment. Ms. Brewer also volunteered to help encourage state officials to allow the tax.

Mary Comer, 2102 E. Yacht Drive: Ms. Comer said there are currently four pickle ball courts; two permanent and two with portable nest. Increasing to six courts in the same space would allow more players to play at the same time. Play has now increased to five times a week. Ms. Comer said that pickle

ball was for everyone; even older athletes can play. She said that there are also people who play with their children. The Oak Island Beach Pickles will volunteer again this summer to run a free camp to teach children the game. She also asked Council to improve the lighting at the courts for night play as well.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Winecoff said that he was glad the meeting was moved from Valentine's Day. He also said that he, the Mayor, the Town Manager and Assistant Town Manager went to Raleigh to speak with four of the top State Senators to talk about beach nourishment funding. He said it was a productive meeting.

Councilor Blalock said he was glad to see the buildings at the old campground being torn down.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. November 8, 2016 (Public Hearings & Regular Meeting)
 - b. January 4, 2017 (Special Meeting)
 - c. January 10, 2017 (Public Hearings & Regular Meeting)
 - d. January 23, 2017 (Council Retreat)
2. Approval of Request to Donate Parcel to the Town
3. Authorization to Apply for BEMC Community Grant
4. Authorization to Apply for Duke Energy Foundation Local Community Grant
5. Authorization to Apply for Christopher Reeve Foundation Quality of Life Grant
6. Approval of CWMTF Grant Contract for Cistern Project
7. Approval of a Policy for Approving Development Agreements
8. Approval of Proposal from Highland Paving for Paving/Repairing Specific Areas
9. Approval of Budget Ordinance Amendment
10. Approval of Audit Contract for FY 2016-17 Audit

Councilor Medlin made a motion to adopt the Consent Agenda. Councilor Bell seconded and the motion passed unanimously.

II. COMMITTEE APPOINTMENTS (none)

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that we continued to work with FEMA; our sand project has been submitted and is under cost analysis and review. We continue to provide information about the other projects we have going on. Debris pickup and tub grinding was ended as a FEMA project as of January 31. The beach accesses and parking lots are now completed as well. Bid documents are being prepared for the beach project and will soon be sent out. We continue regular contact with the insurance company and FEMA about the Pier. The insurance company has been promising us a report from their engineers for a couple weeks now. We have contacted Brunswick County for the County to provide an inspection to evaluate the possibility of closing the Pier due to structural conditions and safety concerns. Polycarts and signs are being replaced at the accesses. One of the handicapped accessible accesses has been replaced. There have been 63 new building permits turned in already this year. Mr. Kelly also mentioned the meeting with Senators Rabon, Brown, Harrington and Jackson to discuss beach nourishment. We are continuing to evaluate our sewer capacity and the possibility of

selling some capacity back to the County. Finance Director Dave Hatten reviewed results from the recent wastewater bond refunding; it was a very favorable sale. The Town's bond rating was raised to A+. The refunding resulted in a savings of \$3.8 million over the life of the bonds, or 8.65% and an annual savings of approximately \$211,000. Ms. Stites reviewed some changes to the website and announced the first "Love Oak Island" Photo Contest. Mr. Kelly also reported that the Town is seeking grant funding for replacing the Pier, the pierhouse and restaurant buildings. The Town is also seeking funding for replacing the Sea Turtle Habitat Restoration Project.

- a. Department Reports: The reports are included as an attachment and are hereby made a part of these Minutes.
2. Town Attorney: Mr. Edes said his report is for Closed Session.

IV. OLD BUSINESS (none)

V. NEW BUSINESS

1. Consideration of a Resolution to Seek Legislation to Allow for a One-half Percent Tax on Prepared Meals: **Councilor Winecoff made a motion to adopt the Resolution to seek legislation to allow for a ½% tax on prepared meals as presented. Councilor Bell seconded and the motion passed unanimously.** Mayor Brochure said that she had already had a meeting with restaurant owners; approximately eight establishments were represented. She said that all who attended supported it. Mayor Brochure said that the law allowing the tax would specify that the revenue was to go toward beach maintenance.
2. Approval of Job Description for Narcotics Officer: **Mayor Pro Tempore Scott made a motion to approve the job description as presented. Councilor Medlin seconded and the motion carried unanimously.**
3. Consideration of a proposed Development Agreement between the Town of Oak Island and Halpern Inc. for a proposed retail development between Eat Oak Island Drive and East Pelican Drive between 50th and 52nd Streets: Councilor Bell asked if this development agreement would affect other development; Mr. Edes said that a policy for approving development agreements was approved in the Consent Agenda and that what was before Council now was this specific development agreement for this particular development. Councilor Winecoff said that his only concern was the developer's plan for a traffic light at the entrance; he said that he does not see a need and that he has never seen a traffic light properly synced. Councilor Medlin said that would be a decision for NCDOT. **Councilor Bell made a motion to approve the Development Agreement. Councilor Winecoff seconded and the motion passed unanimously.**
4. Consideration of a request to close a portion of SE 50th Street and a portion of SE 51st Street: Mr. Edes said that he would like it contingent on the development agreement being executed first. **Councilor Winecoff made a motion to adopt a Resolution to Order the Closing of a portion of SE 50th Street beginning at East Pelican Drive and SE 51st Street between East Pelican Drive and East Oak Island Drive as presented, to become effective after the execution of the Development Agreement by both parties. Councilor Medlin seconded and the motion passed 4-1, with Mayor Pro Tempore Scott and Council members Blalock, Medlin and Winecoff in favor and Councilor Bell opposed.** Councilor Bell said she was not opposed to the development, just to closing a portion of SE 50th Street.

VI. CLOSED SESSION: **Councilor Medlin made a motion 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). Councilor Bell seconded and the motion passed unanimously.

Council returned to open session at 9:28 p.m. Mayor Brochure said no action had been taken in Closed Session.

Mayor Pro Tempore Scott made a motion to adjourn at 9:29 p.m. Councilor Bell seconded and the motion passed unanimously.

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.