

OAK ISLAND TOWN COUNCIL  
REGULAR MEETING  
August 9, 2016 – 6 P.M.  
FIRST BAPTIST CHURCH OF OAK ISLAND

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Councilors Sheila Bell, Charlie Blalock, Loman Scott and Jeff Winecoff, Interim co-Managers Lisa P. Stites, CMC and Rob Gandy and Administrative Support Specialist Debbie Lasek.

Mayor Brochure called the meeting to order at 6:05 p.m. Councilor Charlie Blalock gave the invocation and led the Pledge of Allegiance to the Flag.

Mayor Brochure welcomed everyone. Ms. Stites said that Town Attorney Brian Edes was running late due to traffic.

ADJUSTMENT/APPROVAL OF THE AGENDA: Councilor Blalock suggested removing item #1 under Old Business regarding speed limit changes. Mayor Brochure said that Council had already directed staff to add “side streets only” in response to the confusion. Ms. Stites said they are still getting conflicting information from the DOT as to how to do that; Mayor Brochure agreed to remove the item. Mayor Brochure then asked Council about two additions to the Agenda, one being a letter from the Beach & Inlet Committee requesting changes at the kiosk at the Point. Mayor Pro Tempore Medlin suggested delaying this as many had not even seen it; consensus was to delay until September. Secondly, there is a traffic count proposal. Mayor Pro Tempore Medlin asked about the free counter availability from the Cape Fear Council of Governments; Mr. Vares said that he still has it, but that it only covers one side of the road while the proposed method would cover both sides and several different locations. Mayor Pro Tempore Medlin noted he was reluctant to spend \$8,000 on a traffic count when the Town could get an accurate number using the free device. Mayor Brochure asked Mr. Vares about how it would work; he said that the best time would be Labor Day weekend and the best location would be the new bridge. After further discussion, consensus was to add this to the Agenda as #5 under New Business. Councilor Winecoff then asked to remove #2 regarding pursuing funding on the Consent Agenda; he would like to see what the County has been working on and go from there. Mr. Vares commented on this; if it is removed from the Agenda and not voted on, they would not have the authorization needed to apply. There is a 20% cash match and, without a decision tonight, they would not be able to apply for it. They have asked for a \$40,000 total with an \$8,000 match. It is only a planning grant and does not include infrastructure; this is the first phase of the planning. Mayor Pro Tempore Medlin agreed with Councilor Winecoff on waiting to see what the County’s plans are.

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

PUBLIC COMMENTS:

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell commended the Council on changing ordinances in #4 as this is a much needed text amendment. She also asked about handling the additional flow that is not available, and wondered who would pay for the additional pumping stations as needed. The future of this system must be watched careful as they approach build out and citizens must be notified of this situation. She also questioned the accuracy of the bedroom count on new construction provided by staff. She said there are 8-12 bedroom houses being built and although the State has mandated they cannot control bedroom numbers, they all know a lot of stuff can go into a 5,000 square foot house. She suggested looking at increasing building fees and no longer cutting across streets for hook ups. The future of this Town depends on good planning and careful monitoring of our expensive infrastructure.

Dara Royal, 216 NE 47<sup>th</sup> Street, written comments as provided: Although I helped to draft the goals for the comprehensive shoreline management plan, given the changes in CAMA rules related to shoreline development, I find that I cannot support any of the scenarios for a FEMA engineered beach proposed in the Moffatt & Nichol pre-feasibility study. Without a Corps 50-year project, it was necessary to construct a FEMA engineered beach with a 25-year storm level of protection in order to qualify for a static vegetation line exception. Now that the static vegetation line can be replaced by a development line with no requirement for a commitment to future beach nourishment, and since the Town has approved a request for the CRC to approve a proposed development line, there is no need for a FEMA engineered beach with a 25-year storm level of protection – or any level of protection. There is still a need for a comprehensive long-term beach nourishment plan, but with different goals: restore and maintain a quality public recreational beach for all to enjoy, provide viable sea turtle nesting habitat and reduce the negative impacts of erosion on public beach accesses and single-family residential oceanfront property. The most efficient way to accomplish these goals is with a berm-only project design at elevation + 7-8 ft. Plant sea oats on the landward most side of the berm. Space the sea oats to grow a smaller frontal dune and establish a first line of stable natural vegetation over time. Run scenarios with berm widths of 50, 75 and 100 feet in front of planted areas 20 feet wide to determine initial and maintenance sand volumes, costs and construction timetables. You only need to travel a short distance to see the results of beach nourishment using a berm-only project design with planted sea oats and subsequent nourishment for berm maintenance. In the area from Barbee Blvd to SE 64<sup>th</sup> Street, existing conditions provide protection for a 10-year storm – the highest level of protection for any reach on the island. The dunes are still growing and covered with healthy sea oat plants laden with clusters of seeds. There's a wide dry sand berm at high tide for recreational use. And the nesting habitat for sea turtles is far superior to another project area bearing the name. As you can see from the illustration on page 20 of "The Dune Book" by Spencer Rogers and David Nash, "more landward location of a small dune may provide equal protection to a larger dune farther seaward." And the increased width of the dry sand berm certainly provides more area for public recreational use and viable sea turtle nesting habitat. Also, locating the proposed development line 25 to 30 feet farther landward than currently proposed would still provide an ample building envelope for residential development along with a wider dry sand berm for recreational use. Please, I am begging you to set aside the plans to build a big dune to protect bigger houses behind a development line closer to the ocean, and make plans to build a public recreational beach that we can all enjoy.

Malcolm Morrison, 119 SW 21<sup>st</sup> Street: Mr. Morrison addressed the importance of having a Labor Day traffic survey and a citizen's initiative to obtain one. Time was and still is of the essence. Mr. Morrison said Davenport Engineering knew he was acting as a citizen when he requested the information.

Miles Varner, 114 NW 3<sup>rd</sup> Street: Mr. Varner referred to a letter from *The State Port Pilot* regarding general safety and the relation of cross streets. He said he thinks this is both an easy and common sense change, as it is a safety issue that needs to be dealt with. Everybody should also understand that 25% of the island already has the 25 mph speed limit. He was grateful for the opportunity of working with Jake Vares and the Mayor, and hopes they can go forward with this change for safety reasons. He also noted that there are no designated crosswalks and this issue should be brought up at some point.

Jim Shire, 3503 E. Yacht Drive: Mr. Shire said he wanted to touch on the traffic situation on Yacht Drive, which is the most used recreational street on Oak Island but has no sidewalks or bike paths. It is 22-23 feet wide; he compared this width with oncoming vehicles and the danger this puts pedestrians in. Most drivers are courteous, but as always there are exceptions and he has experienced some pretty close calls. It is a miracle that there has not been a serious accident or fatality on Yacht Drive. He said reducing the speed limit would also decrease the stopping distance needed and eliminate potential accidents.

Ed Drzewiecki, 128 NW 19<sup>th</sup> Street: Mr. Drzewiecki said he also supports the speed limit reduction to 25 mph and wants to include Yacht Drive. He walks it daily; there are people walking dogs, kids on bikes and golf carts. During the morning and evening hours, the sun is also a factor; it is blinding and makes it difficult to see pedestrian traffic. He also wanted to mention that there is a problem at the intersection of Middleton and East/West Oak; the pump station has an awful odor and something must be done to alleviate it. He said that all that has been done is putting up a fence; this must be addressed as this has been a problem for years and nothing has been done about it.

Roseanne Fortner, 113 Paula Circle, Beach Preservation Trust Fund Advisory Board: Ms. Fortner said that there are two vacancies on the Advisory Board and invited everyone to consider applying. She also thanked the Town for the assistance received during the summer; she especially thanked Public Works for their efforts, Parks and Rec for the Farmers Market and Beach Day, and also the Administration, Police and Fire departments. She asked for permission to post a Beach Lover banner at Town Hall and recommended a must-read summer book, "Lessons from the Sand." She also reminded everyone of the upcoming International Coastal Clean-Up Day.

Cindy Melton, 2305 W. Yacht Drive: Ms. Melton said she has been a regular beach goer this summer. She has only seen one police officer patrolling on the beach and one beach volunteer, and she has continuously seen tourists on the dunes and chairs over the vegetation on the dunes. She said she has been out on the beach after 10 p.m. and seen canopies left standing, and dogs unleashed on the beach with owners not picking up after them. She asked why beach ordinances were not being enforced. Ms. Melton said she has also noted many circumstances of cars parking in the decal-only parking spaces with no decal.

COUNCIL REPORTS (MAYOR AND COUNCIL) Councilor Scott reported that he and Mayor Pro Tempore Medlin looked at the A-frame at Bill Smith Park. In their opinion, the building is completely repairable at a low cost to get back in operation and should not be burned down.

#### CONSENT AGENDA

1. Approval of Minutes
  - a. June 14, 2016 (Public Hearings & Regular Meeting)
  - b. July 12, 2016 (Public Hearings & Regular Meeting)
  - c. July 14, 2016 (Special Meeting)
2. Approval of Audit Contract

**Councilor Bell made a Motion to approve the Consent Agenda as amended. Councilor Blalock seconded and the motion passed unanimously.**

#### COMMITTEE APPOINTMENTS:

1. Planning Board (two terms ending August 2019): **Council unanimously re-appointed Clay Jenkins and Denise Pacula to Board. John Bach was not appointed to the Board.**
2. Beach & Inlet Committee (one term ending September 2019): **Council unanimously appointed John Bach to the Beach & Inlet Committee.**
3. OI Environmental Advisory Board (two terms ending June 2019): **Council unanimously appointed Al Freeman and Malcolm Morrison to the Board.**

ADMINISTRATIVE REPORTS: Ms. Stites thanked the people at First Baptist for hosting this meeting of the Town Council. She also mentioned the upcoming Labor Day Surf Off and the Arts & Crafts Sale. Answering a question from Mayor Brochure regarding the venue of tonight's meeting, Ms. Stites explained that, on Monday morning, staff discovered there was a malfunction of the AC system in Council Chambers. There has been testing, and they hope to be back in the room next meeting.

NEW BUSINESS:

1. Consideration of a Budget Ordinance Amendment to Pay off the Debt for the Oak Island Pier: **Councilor Winecoff made a Motion to approve the Budget Ordinance Amendment as Presented to direct staff to pay off the Debt for the Oak Island Pier. Councilor Bell seconded and the motion passed unanimously.**
2. Consideration of Requesting a Proposal for Next Steps for Beach Nourishment Plan: Ms. Stites explained that the Town has had an existing shoreline management plan for the Lockwood Folly Inlet, the Eastern Channel and general beach nourishment. Once started on that process, the Eastern Channel Project was completed. If the Town is going to pursue beach nourishment, they would like Moffatt & Nichol to make a proposal. This would give the Town options, such as the size and scope of the beach nourishment plan, and staff would like authorization to seek a proposal. They have started coastal monitoring and plan a presentation this fall, which will provide data that can be used. They will need additional data collection and information on sand sources; all of this information is necessary to get the needed permits for beach nourishment. **Councilor Bell made a Motion for Staff to Solicit and Request a Proposal from Moffatt & Nichol for Next Steps for Beach Nourishment Plan. Councilor Winecoff seconded and the motion passed unanimously.**
3. Consideration of Researching Ordinance Amendments to address Short-term Rental Homes: Councilor Winecoff said when that they started all this, Council thought they had something in place to restrict these large homes until the State said that the Town did not have the authority and could not dictate the number of bedrooms. He said that he has given the Staff Attorney a general statute to investigate. The Statute had to do with the Atlantic Ocean and the ability of Towns to set ordinances in place for sewer taps. He said a 12-bedroom house is not a single-family home, but is a business and it needs to be treated as such. Council has heard loud and clear from the Town residents about the opposition to these homes. **Councilor Winecoff made a motion to direct staff to research possible ordinance amendments and bring to Council anything they can do about these large residences. Councilor Bell seconded and the motion passed 4-1 with Councilors Bell, Blalock, Scott and Winecoff in favor and Mayor Pro Tempore Medlin opposed.**
4. Consideration of Proposed Ordinance Amendment to Sec 30-38.-Connection permit required; application; issuance: Ms. Stites said this was a collaborative effort from staff; they were asking that what was already policy now become part of the ordinance. **Councilor Winecoff made a motion to approve the Proposed Ordinance Amendment to Sec 30-38. Councilor Scott seconded and the motion passed with Councilors Bell, Blalock, Scott and Winecoff in favor and Mayor Pro Tempore Medlin opposed.**
5. Consideration of Traffic Count Proposal: Councilor Scott said he would like to try the free route first as they have the traffic counter, and then perhaps consider other options. Councilor Winecoff suggested that Council put something in place in case the free traffic counter one does not work; Mayor Brochure reminded the Council members they needed to make a decision whether to spend money. Councilor Winecoff said everyone he has talked to wonders how many people are actually on the island. **Councilor Winecoff made a motion to approve funds for the Traffic Count Proposal only if the COG traffic counter is not available or does not work. The motion died for lack of a second.**

Mayor Brochure called for a recess at 6:50 p.m. to allow time for the Staff Attorney to arrive. Council returned to session at 6:58 p.m. with the arrival of Mr. Edes.

**Councilor Winecoff made a motion to go into Closed Session at 6:59 p.m. to consult with the Town Attorney on Pending and Potential Litigation to discuss specific personnel pursuant to N.C.G.C. 143-318.11(A)(3) and (6). Councilor Bell seconded and the motion passed unanimously.**

Council returned at 7:29 p.m. Mayor Cin Brochure reported no action had been taken.

**Councilor Winecoff made a motion to adjourn at 7:30 p.m. Mayor Pro Tempore Medlin 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.*