

OAK ISLAND TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 13, 2017—6:00 P.M.  
FIRST BAPTIST CHURCH OF OAK ISLAND (ACROSS FROM TOWN HALL)

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Council Members Sheila M. Bell, Loman Scott and Jeff Winecoff, Interim co-Manager/Town Clerk Lisa P. Stites, CMC and Administrative Support Specialist Debbie Lasek. Town Attorney Brian Edes arrived after the meeting started.

Mayor Cin Brochure called the meeting to order at 6:00 p.m. Councilor Loman Scott gave the invocation and led the Pledge of Allegiance.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on two proposed amendments to Sec. 28-11 (a) to reduce the speed limit on side streets to 25 mph and to either include or exclude Yacht Drive

Miles Varner, 114 NW 3<sup>rd</sup> Street: Mr. Varner said he thinks the move to change the speed limits in heavy residential areas is good, safe and does not involve too much work. He said this will relieve the police from interpreting what is and is not speeding. He also said that this will prevent future tragedies. As far as Yacht Drive, he agrees that this is one of the most heavily recreational streets in the Town. This pedestrian-oriented road deserves the assurance that people will be able to travel safely and not be subject to impatient drivers.

Charlie Hawley, 2006 E. Yacht Drive: Mr. Hawley said he believes they get along well with the pedestrian traffic. It is already 10 miles per hour less than Oak Island Drive. If they reduce the speed limit on Yacht, it will simply move traffic onto Oak Island Drive and increase the problems there.

Jim Shire, 3503 E. Yacht Drive: Mr. Shire noted the planner had included several items in the text amendment, but he would also like to include that simply going to your mail box is dangerous due to the truck traffic. He and his neighbors have had several close calls. He agrees that Yacht Drive is one of the most heavily traveled recreational streets on the island, and as more homes are built it becomes even busier. He recounted several recent incidents involving oncoming traffic, parking issues and pedestrian traffic. He asked each Council member to consider the safety of the citizens and to make this change before there is an accident or fatality.

Pete Laughy, 3403 E. Yacht Drive: Mr. Laughy said he does not think changing the speed limit will change the problem. There is a lot of commercial traffic on that road, combined with pedestrian and bike traffic. He has had to jump off the road to get out of the way of trucks that are doing 50 and 60 miles per hour. He would also like to restrict commercial traffic on that road, and to make it for only local access. Enforcement is also needed to ensure compliance.

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

Councilor Winecoff asked Town Planner Jake Vares if the Town was allowed to have separate speed limits for commercial and regular traffic; Mr. Vares said he would have to call the DOT and report back his findings. Councilor Bell said she thought this amendment was for consistency of speed limits on side streets in Yaupon and Long Beach and did not involve Yacht or Oak Island Drive. She indicated that she would be in favor of 25 M.P.H. for the side streets (option #1 per Mr. Vares). Mr. Vares noted that Oak Island Drive was not included in any of the three options in the proposed text amendment. The resolution would need to be adopted, as well as the proposed text amendment. Councilor Winecoff asked Mr. Vares

to find out about the possibility of two types of speed limits on Yacht Drive. Mayor Pro Tempore Medlin said he has tried to pay attention to that area, especially over Labor Day weekend, and he said there is a lot of pedestrian traffic, including joggers, dog walkers, bicyclers and golf carts, on Yacht Drive. He thinks this an issue to pay close attention to, but advised not to get in a hurry to make a decision on this. He appreciates the comments, and would like to wait to hear the answer for the separate speed limits. He also said it may not be an option to prohibit commercial traffic on Yacht Drive due to construction. Mayor Brochure then asked if the Council wanted to take action.

**Councilor Winecoff made a motion to accept the proposed amendment to Sec. 28-11(a) to reduce the speed limit on side streets to 25 mph and to exclude Yacht Drive. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING 2: Mayor Brochure explained that the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-32 Definitions and 18-116 Table of Uses. There were no public comments. **Councilor Winecoff made a motion to close Public Hearing 2. Councilor Bell seconded and the motion passed unanimously.**

Councilor Bell clarified that a Conditional Use Permit (CUP) would be required for square footage of more than 3,999 square feet; Mr. Vares verified that this had been recommended for approval by the Planning Board. He explained that there will be an additional list of conditions for Council to consider. Mayor Pro Tempore Medlin asked about the conditions and the criteria for a CUP. He said he was not comfortable approving until the Council can have input into that. Mr. Vares explained the four general criteria that must be met before a CUP can be given. Buffering, lighting, setback etcetera plus the four state ones. This can be tabled, but if it is, more large home permits already submitted the Town would be obliged to permit them. Councilor Scott asked if this had passed legal muster; Mr. Vares said CUP are firmly established as a zoning tool in the State statutes. This has been an issue with all coastal communities for a few years, and this provides a legally firm solution. There could be another municipality with this, but if so he is not aware of. Councilor Bell asked about the process for obtaining a CUP; Mr. Vares explained the UNC-School of Government recommended that CUP should only be decided by one board. Right now, it is an informal process for the Planning Board and Council has the final say. Councilor Winecoff asked how it would be enforced if passed tonight. Mr. Vares explained that an applicant would have to come in and fill out paperwork, pay fees, and then Mr. Vares would set up a meeting. All adjacent property owners are notified and the action must be advertised so the public is informed. Ms. Stites asked if this was approved, would conditions have to be set for that specific permit; Mr. Vares agreed. Remaining conditions can be added in at the next meeting in a quasi-judicial meeting. Mayor Brochure clarified that they are coming back with more restrictive conditions. Mr. Vares said Council could add them as needed. Answering a question from Mayor Pro Tempore Medlin, Mr. Vares said they could only enforce the four criteria of the state. They include a provision that there would be no harmful impacts to the adjoining property, spirit and intent of the ordinance, land use plan. Councilor Scott said no one has ever wanted one of these beside them; he feels they would all be turned down. Right now, Mr. Vares said the limit for single-family homes is 5,000 square feet on the island only, and this would change it to 4,000. Mayor Brochure noted people can be very creative. Ms. Stites asked if Mr. Edes would recommend the CUP; he had previously recommended this exact process. Mr. Edes confirmed, and said he would endorse the CUP as it puts the unique scenarios before the Board so they can made recommendations on a case-by-case basis. This keeps the municipality out of dictating designs; as the CUP must be based on rational recommendations. Mayor Pro Tempore Medlin thinks it will work here, but he doesn't want to put it in place until they have the conditions in place. He would like the whole thing to come back as a packet.

**Councilor Winecoff made a motion to accept the proposed amendments to Sec. 18-32 Definitions and 18-116 Tables of Uses. Councilor Bell seconded and the motion passed with a vote of three to one, with Mayor Pro Tempore Medlin opposed.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS: Skip Cox gave the Beach Ambassador Program season end report. He reported that the third season ended 9/10/16 with no major incidents on the beach and that this was the best season ever. Glass on the beach and unfilled holes continue to be the most common violation, but other areas saw reduced levels of violations. Total compliance will never be realized, but they continue to work hard to educate beach visitors. The program started the season with 25 trained ambassadors (18 returning, 7 new) with only 11 remaining at the end of the season; the program could actually use 80 volunteers to cover the beach. Still, they recorded 470 volunteer hours along with the best public support ever. Public Works staff responded quickly to alerts and he also plans to approach the Town for additional time from that department. Mr. Cox also commended the police department and thanked Chief Jordan on providing excellent support. He noted that he had multiple positive comments regarding police engagement and friendliness during patrols. He also reported Holden Beach has recently approached him about the Beach Ambassador Program, and will meet with their staff in October. Mr. Cox thanked the Council members for their support, and Mayor Brochure thanked him.

ADJUSTMENT/APPROVAL OF THE AGENDA: Mayor Pro Tempore Medlin added #6 to New Business -- Letter of Intent to the Corps of Engineers relating to the Wilmington Harbor dredging project. Mayor Brochure asked to remove the Closed Session, as she wants to review some last minute applications. There will be a Special Meeting September 20<sup>th</sup> at 4 p.m. for Council to choose applicants to interview. **Councilor Bell made a motion to approve the Agenda as amended. Councilor Winecoff seconded and the motion passed unanimously.**

PUBLIC COMMENTS:

Robert Pennock, 207 Holly Drive in Southport: Mr. Pennock said he has read about the property near the VFW. If anything blocks the drainage ditch on Pelican, their property will turn into a drainage pond and parking will become very limited. An asphalted lot will also add to the drainage problem. He would like the Town to work with the Developer.

Brad Hynde, 119 NW 19<sup>th</sup> Street: Mr. Hynde said they received a certified letter about road closures. VFW members are concerned with the street closings and limited information has been given. No one on the island has problems with growth and prosperity, and the store will provide jobs to many; however, he is concerned of the downside of this situation. The VFW has consistently grown, and they have increased their membership and community involvement. They have increased donations to many organizations and provide a place for other groups to meet. He estimated that they have donated \$40,000. Wedding parties at their venue have also contributed \$4,000 a year, all of which goes to veterans and their families and JROTC programs in schools. Closing the road would result in losses of up to \$300 per day for the VFW. Contractors have reached out to them. He asked if the island has grown enough to put in the 6<sup>th</sup> grocery store in 12 miles...Mr. Hynde's time expired.

Bob Norris, 108 NW 25<sup>th</sup> St, member of VFW post 10226: Mr. Norris relayed his past military experience, and spoke about the ceremony last Sunday for 9/11. He recounted this ceremony and the involvement of the local Fire and Police department on that day. He realized this could have been the last opportunity to have these departments on their site. The fire trucks are able to access this property without

having to turn around by using the two separate roads and noted the potential for flooding in the area. He asked that those making the decisions realize that the VFW and their families are a powerful voting bloc in the future.

Roseanne Fortner, 113 Paula Circle for the Beach Preservation Society: Ms. Fortner reported this was the week for the Beach Sweep. The event will take place Saturday morning and the public is asked to participate. She encouraged participants to complete and submit the appropriate paperwork in a timely manner and then report to their assigned areas.

Thomas Hawley, 3002 W. Beach Drive, Commander of the Oak Island VFW Post: Mr. Hawley said they are here to express their opinions about the Publix. The members are concerned with potential flooding and parking issues. Closing SE 50<sup>th</sup> will lead to many problems. He thanked Charles Worthing with Halpern for coming to them to discuss the situation and possible solutions. He said he is a former police officer, and that Mr. Worthing is sincere. Mr. Hawley thanked Mr. Worthing for opening the discussion when others would not. The Post has been here since 1974, and has been helping out Oak Island veterans, their families and residents for many years. They contributed close to \$24,000 last year in many different venues.

Mayor Brochure assured the audience that there will be a public hearing before any action is taken.

Stacey Ferguson, 432 Caswell Beach Road: Ms. Ferguson spoke about the benefits of the VFW; her husband went missing August 26<sup>th</sup> and they have 6 kids. They just moved here, and have had a lot of hard times. The VFW ran to her door to help her, in buying groceries, paying bills so they can continue. There is still no death certificate, and there will be a lot of red tape before they can proceed. The VFW has helped them to survive.

Mike Abbott, 102 SW 20<sup>th</sup> Street: Mr. Abbot is the former commander of Oak Island VFW and is senior vice commander. He said the VFW does more for this community than most will ever hear of, and functions as an all-volunteer entity. They struggle to raise funds. Some of them paid in blood and trauma to join this organization. It is imperative for the benefit of so many that they be allowed to continue their mission, and encouraged all to not bring shame to this Town by voting against any aspect of their group.

Malcolm Morrison, 119 SW 21<sup>st</sup> Street: Mr. Morison thanked the previous speakers for making the community aware of what the VFW does for the community. He said this as an issue of supporting the troops. One of the issues he has discussed with them was the drainage problem. He said he believes Publix will be elevated 10 feet above their property, and wonders about the retention pond going on the SW corner which is full of trees. Parking is an issue at the VFW on bingo night, and they will continue to need this parking access. He asks the Council to support the VFW. Regarding the speed limit on Yacht Drive, he said every morning and evening an officer goes to lock/unlock the pier at the end and perhaps they should use Yacht Drive to perform this function. He also thanked Mr. Vares for collecting traffic data over Labor Day.

Lynn Gulledge, 126 SW 5<sup>th</sup> Street: Ms. Gulledge said growth and prosperity for the community is a given; they all have reservations over any changes to the island, but it is coming. While continuing change, regulation, oversight, fines, fees and permits raise concerns for the residents, her livelihood is directly tied to the island. She loves the trees, the canopy and the ocean, but as she reads through the proposed tree ordinance, it raises concerns on her part. She asked the Council to review it; she was challenged even with her technical background to understand and make sense of it. She said all the aspects that are involved in the development of the island are troubling; she is concerned that lot owners

may be reduced to not being able to build on their lots due to these restrictions. She said she feels the Town needs to be very careful; they need vitality in order to exist.

Steve Bennett, 126 SW 5<sup>th</sup> Street: Mr. Bennett said he signed in, and it appears that because he is in a church, he wrote that he would speak on environmentalism. He complimented the Council and the new Mayor. He said he recognizes the differences from the previous one. He finds the community at a dangerous precipitous; environmentalism is one of the many religions, and they have been indoctrinated since the 60s. He used to be a Green Peace guy; he later became a member of the NRDC and the Sierra Club. He said he is a recovering environmentalist. He hopes that, somehow, they hold the “holy cross” against this false religion. There is a small group of active people pushing this down their throats as they have for years. He is certainly concerned for the environment.

COUNCIL REPORTS (MAYOR AND COUNCIL): Councilor Winecoff reported that the Town had a busy Labor Day and that he attended both the Surf Off and the Craft Fair. He said the Beach and Inlet Committee met last Wednesday and said that many good ideas were discussed but any action is still a little way off. He usually does not criticize, but when the draft Tree Ordinance went out Council was not included and, as a stakeholder, he wants to ensure that does not happen again. Mayor Brochure commended staff on a job well done with “holding it all together” during the Season. She also said she has had many compliments on members of the management staff and congratulated all on a job well done.

REGULAR MEETING  
CONSENT AGENDA

1. Approval of Minutes
  - a. August 4, 2016 (Special Meeting)
  - b. August 9, 2016 (Regular Meeting)
2. Approval of Resolution – Shallow Draft Inlet Permit
3. Approval of Budget Ordinance Amendments
  - a. To re-appropriate Federal Drug Seizure Funds
  - b. To appropriate fund balance from FY 2015-16 (Wastewater Fund)
  - c. To appropriate funds received as reimbursement for Septic Tank Stormwater Retrofit Project
  - d. To appropriate fund balance from FY 2015-16 (Police Dept.)

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

COMMITTEE APPOINTMENTS:

Beach Preservation Trust Funding Advisory Board: **Council unanimously re-appointed John Merchant to a three-year term.**

Council took a brief recess from 7:14 p.m. to 7:25 p.m.

ADMINISTRATIVE REPORTS: Ms. Stites also mentioned the Beach Sweep happening on Saturday, and noted that proposals for paid parking are being solicited and are due by the September 21<sup>st</sup> so that they can be included on the October Council Meeting Agenda. She also talked about local citizens’ and staff participation in the Little Big House program going on this weekend, which provides for assistance for cancer patients.

OLD BUSINESS: None

NEW BUSINESS:

1. Consideration of Contract Amendment with Tyler Technologies: Ms. Stites explained that Tyler Technologies provides our financial software and involves annual fees for support and services, one of which is cloud storage. This method was initially chosen because the Town was told it would be accessible remotely, in case of a scenario such as hurricane evacuation; however, they have since learned this would require our computers to be up and running which is not likely in an evacuation event. The money saved on annual fees would be around \$20,000, but they would need to add an additional server in-house, which could be moved if necessary. Tyler could still have the ability for remote access with the Town's permission. The initial up-front cost of this server will be approximately \$20,000, but this is a one-time expense and there will savings in the future. **Councilor Winecoff made a motion to approve the Contract Amendment with Tyler Technologies. Mayor Pro Tempore Medlin seconded and the motion passed unanimously. Town Attorney Brian Edes directed the Council to refer to page 41, regarding the automatic one year renewal of the Contract. He advised Staff to monitor this renewal carefully.**
2. Consideration of Proposed Comments for Update of NC Beach Inlet and Management Plan: Ms. Stites reported that she and Councilor Winecoff had attended the recent meeting for the NC Beach Inlet and Management Plan, which the State is in the process of updating. They are hopeful the State will be starting a fund for beach nourishment. There are five regions in the plan, and Brunswick County is one of those. They are letting the State know their comments about the current plan and considerations that could be included in the updated plan and these are due by October 3<sup>rd</sup>. At this time, they are looking for Council's approval for the submission of the comments. **Councilor Scott made a motion to approve the Proposed Comments for the Update for the NC Beach Inlet and Management Plan and directed Staff to forward them to the State for consideration. Councilor Bell seconded and the motion passed unanimously.**
3. Amendment to the Council Rules of Procedure: Ms. Stites said that this was a follow-up to a previous Council direction that a speaker would not be allowed to defer their time to another speaker. **Councilor Bell made a motion to approve the Amendment to Council Rules of Procedure. Mayor Pro Tempore Medlin seconded and the motion passed unanimously.**
4. Consideration of Amendment to Sec. 8-79 Plans and Specifications: Mr. Vares said this text amendment is staff initiated to specify for developers and property owners to submit an official certified survey rather than hand-drawn designs. This text amendment expands and explains what the ordinance defines as far as accessory structure definition. The new rule requires a certified survey for 12 x 12 or larger structure. This was voted on and recommended by the Planning Board. Councilor Bell asked about an 8 x 8 storage building permit; Mr. Vares said a survey would not be required, but zoning compliance would still be. Councilor Winecoff asked what the County required and Mr. Vares answered that he did not know. Mayor Pro Tempore Medlin asked why they are changing these requirements; Mr. Vares said he wants to be able to specify accessory structure definitions and to expand it to cover additional uses and also to clarify when a survey is required. Mayor Pro Tempore Medlin asked about excluded items, such as a roof; Mr. Vares said a new general statute is in place and the Town is adding this for clarification. This also provides relief for property owners doing something very small in terms of an accessory structure to their back yard, as they will not have to pay for a survey of their property. There was no action taken.
5. Consideration of a Resolution of Intent to Close a Portion of SE 50<sup>th</sup> and SE 51<sup>st</sup>: Mayor Brochure explained that this is a Resolution of Intent. Councilor Winecoff said he would prefer tabling this in order to give the VFW time to continue to work with Publix. Councilor Bell said she has no problem with SE 51<sup>st</sup>, but SE 50<sup>th</sup> is another thing. Mayor Pro Tempore Medlin added that this Resolution of intent gives the Town Clerk time to advertise for four weeks and that the public hearing would not take place until November. He restated that there can be no Public Hearing until there is a Resolution of Intent. Both Mayor Brochure and Mr. Edes verified that this is just a possible action. **Mayor Pro Tempore**

**Medlin made a motion to approve the Resolution of Intent. Councilor Bell seconded the motion. The vote was tied with Mayor Pro Tempore Medlin and Councilor Bell in favor and Councilors Scott and Winecoff opposed. Mayor Brochure cast the tie-breaking vote in favor of the motion, and the motion was passed.**

6. Memorandum of Understanding with the Corps of Engineers: Ms. Stites said the Wilmington Harbor Project is scheduled to be this dredged this winter by the Army Corp of Engineers. This project will provide sand to Caswell Beach and Oak Island. The Town is looking into the possibility of moving the sand more westward, which is the area of greatest need. However, the total amount of sand to be received and the associated costs must be determined. This first step is this Letter of Intent for the Corps to follow through and provide information. There is no obligation to spend any funds at this time. **Mayor Pro Tempore Medlin made a motion to approve the Memorandum of Understanding with the Corps of Engineers as presented, and authorize Staff to forward to the Corps for consideration. Councilor Winecoff seconded and the motion passed unanimously.**

**Mayor Pro Tempore Medlin made a motion to adjourn. Councilor Scott seconded and the motion to Adjourn passed unanimously at passed 7:42 p.m.**

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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.*