

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
MARCH 12, 2019 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

Mayor Brochure called the meeting to order at 6 p.m. Council member Loman Scott gave the invocation and led the Pledge of Allegiance to the flag.

PUBLIC HEARING I: The purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 2.15 of the UDO (Height Limit Exceptions)

Dara Royal, 216 NE 47th Street: When I was reading through the draft UDO about a year and a half ago, I was somewhat amused by the fact that the section on the parapet walls not exceeding three feet in height had been removed in the transition from the old Code to the new one. She said that what amused her about that was that it was the only thing that gave any indication about what might be out of bounds and she wondered how long it would be before something came before Council requesting something much larger on the order of a bedroom and that apparently it didn't take very long. She said she was pleased with the way that Council handled that at the last meeting and she was glad to see the language presented to make it more restrictive as has historically been the case. She said she was also glad to see parapet walls again included in the language, as it was a biblical mandate. She read from Deuteronomy 22:8. Ms. Royal also said that most of the VE zone in the beach area disappeared last year with the new flood zone maps, so much of the area that could have been built to 41 feet is not in the AE zone at 35 feet. Ms. Royal also mentioned the referendum in November 2006 to decide if "only" really meant "only." She said that 2,461 voters cast ballots in a referendum and 1,880 voters decided that only does indeed mean only. That's 76 percent and nothing that she knows of in this town has ever garnered that much support. She said that was a fairly recent event in our history. She asked Council to continue to vigilant and be mindful of what is one of the pillars of this town, the voter referendum for height limits. She thanked Council for being respectful.

Councilor Bell made a motion to close the Public Hearing at 6:06 p.m. Councilor Blalock seconded the motion and it passed unanimously.

PUBLIC HEARING I ACTION: Councilor Bach thanked staff for moving quickly on this issue. **Mayor Pro Tempore Winecoff made a motion to approve the text amendment to Sec. 2.5 of the Unified Development Ordinance as presented and to adopt the associated plan consistency statement. Councilor Bell seconded and the motion passed unanimously.**

PUBLIC HEARING II (6:07 p.m.): The purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Appendix A – Definitions, Sec. 7.30 Temporary Emergency, Construction and Repair Residence (7.30.1 (A)-(J) and 7.30.2 Permit Expiration) and Sec. 6.5 Table of Uses.

There were no comments. **Mayor Pro Tempore Winecoff made a motion to close the Public Hearing at 6:08 p.m. Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING II ACTION: Councilor Bach asked Mr. Vares if there is a catastrophic storm, would FEMA decide where temporary housing could be set up, or would it be the local authorities. Mr. Vares

said it would be a joint decision. **Councilor Blalock made a motion to approve proposed text amendments to Appendix A, Definitions, and Sections 7.30.1 and 7.30.2 as presented and to adopt the associated plan consistency statement. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING III (6:09 p.m.): The purpose of the Public Hearing was to receive citizens' comments on a request to rezone Parcel 250BL022 so that the entire property is zoned R-7.

There were no comments. **Mayor Pro Tempore Winecoff made a motion to close the Public Hearing at 6:10 p.m. Councilor Bach seconded the motion and it passed unanimously.**

PUBLIC HEARING III ACTION: Councilor Bach asked if there were other areas with split zoning; Mr. Vares said that there were, though he could not say how many. Councilor Bach asked if asking for a split-zoned property to be rezoned was a typical request. Mr. Vares said it was. Councilor Bell asked if Council had considered one of these recently. Mr. Vares said that the most recent request he knew of was a request to rezone a property on Oak Island Drive from residential to commercial and that was denied. Mayor Brochure asked if split zoning was common on the side streets. Mr. Vares said that was not the case as the commercial lots faced Oak Island Drive and residential lots faced the side streets. Answering a question from Councilor Bach, Mr. Vares said that in his time here, he has only come across one other split-zoned area. He also said that the future land use map showed this property as residential. Councilor Bell asked if usually, rezoning requests were for going from residential to commercial. Councilor Blalock asked how many lots there were in this parcel. Mr. Vares said two or three but that it could be subdivided into nine. Mr. Vares said that this was the only one he knew of that was requested from commercial to residential. Councilor Bach asked if it would be preferable to not have split-zone properties; Mr. Vares agreed, saying that other than for a large property where it would make sense, as a general best practice that would be correct. Councilor Bell said that this property had probably already been subdivided and that it was likely zoned CB because part of had faced Oak Island Drive. **Councilor Scott made a motion to approve the rezoning application and to adopt the associated plan consistency statement. Councilor Bell seconded the motion and it passed unanimously.**

PUBLIC HEARING IV (6:16 p.m.): The purpose of the Public Hearing was to receive citizens' comments on proposed amendments to Sec. 18-655 Applicability and Jurisdiction (stormwater). Mayor Brochure noted that this was a mandate from the State.

There were no comments. **Councilor Bach made a motion to close the Public Hearing at 6:17 p.m. Councilor Blalock seconded the motion and it passed unanimously.**

PUBLIC HEARING IV ACTION: **Councilor Bell made a motion to approve the amendment to the Oak Island's stormwater ordinance Section 18-655(b) as presented and to adopt the associated plan consistency statement. Councilor Scott seconded the motion and it passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

Brunswick County's Property Revaluation -- Finance Director David Hatten and Tax Collector Katie Coleman: Finance Director David Hatten explained that real property is revalued every four years. He said that staff is reviewing the 13,000 line items on the report from Brunswick County and he encouraged anyone who thinks something is really off base to contact Brunswick County. Tax Collector Katie Coleman explained how citizens could appeal the new tax value, including what to do if they believe their property is not buildable. Councilor Scott asked Ms. Coleman to explain that the percentage of tax value increase doesn't mean that people will pay that percentage in additional taxes. Ms. Coleman said that just because a property value goes down or up, it doesn't mean that taxes will increase or decrease. Councilor

Bell said that the Town still needs the same amount of money for the budget, so the tax rate would need to be adjusted to account for that, but that number isn't known yet. Mr. Edes said for the record that the Town of Oak Island does not take a position on whether citizens should or should not appeal their tax value. Mr. Hatten also said that everyone has the right to question their property values, but that it was possible that an appeal could lead to an even higher value. Councilor Bell said that people could go online to see real estate comp sales and values to use as a comparison. She said the 2019 reval number should be close to the market value.

ADJUSTMENT/APPROVAL OF THE AGENDA: Mayor Brochure said that Item 3, Consideration of Contract for Middleton Park Improvements Pursuant to PARTF Grant would be removed from the Consent Agenda. **Councilor Bell made a motion to approve the agenda as amended. Mayor Pro Tempore Winecoff seconded the motion and it passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Jimmy Childress, 122 NE 51st Street: Mr. Childress said that he wanted to speak about the rights-of-way and easements. He said that residents take care of the right-of-way (ROW) as much as they do their yards. He said that there are people who just don't use common sense and will drive straight across the right-of-way. He said that the ROW should be cleared of junk, and that it should have been done a long time ago. He said that if someone destroys the ROW, they ought to be made to pay for it to be repaired.

Cathy Bailey, 331 NE 49th Street: Ms. Bailey asked if there would be a signal installed at 49th and Oak Island Drive. She said that she has seen two almost head-on accidents turning there. Mr. Kelly said that a signal was going to be installed near 51st Street. Ms. Bailey said that last week, she saw a lawn care company drive across her yard, park in front of her second lot and block the entrance. She said she asked who had driven the truck and she received a rude response. She said she contacted the Town, but when someone had come out, the man had already left. When the man came back later in the week, she said an officer came and told him that he could not block a driveway, so he said he would park in front of her house. She said that she moved one of their cars so that he couldn't do that. She said he should have parked in the driveway of the yard he was working on and not in front of her house. She asked Council to make sure the ROW is kept clean.

Billy Stewart, 117 NE 38th Street: Mr. Stewart said that he appreciated that Council as a group has taken a position to oppose offshore drilling. He said that according to information he has found, 1.3 million of oil is spilled into the oceans around the United States every year. He said growing up in western North Carolina, he got water from a spring. He said that they would not have wanted someone to put an outhouse right up above their spring. He said he loves this place, and he appreciates how Council does business. He said he will work any way he knows how to oppose seismic testing. He said that he cannot understand why the Brunswick County Commissioners would not pass a Resolution opposing offshore drilling.

Kym Stewart, 117 NE 38th Street: Ms. Stewart said that she appreciated all Council was doing to keep Oak Island a beautiful place for all of us. Ms. Stewart asked that the Mayor and Council members ask the Brunswick County Commissioners to adopt a Resolution opposing seismic blasting and offshore drilling. Ms. Stewart said that she hoped Council would file an Amicus brief. She said that lots of people say they want to at least explore offshore drilling, and she spoke about the potential problems associated with seismic testing and the damaging effect on marine life. She said blasts would happen every ten seconds and the sound can travel up to 2,500 miles.

Mayor Brochure noted that she did sign on with other elected officials for a letter to Sen. Thom Tillis. She also said Council had previously adopted a Resolution and sent it to the County and that she personally advocated to the County as well.

Pam Leonard, 4504 E. Oak Island Drive: Ms. Leonard thanked Council for the summary included in the agenda packet for the Amicus brief item. She also thanked Council members and the Mayor for all they do in words and actions to support the coast. She said that an Amicus brief would add a lot to the effort. Ms. Leonard also said that they would all be invited to a showing of the film “Shore Stories” on April 11 at the Rec Center.

Nancy Cappola, 2806 E. Yacht Drive: Ms. Cappola said that she has known Katie Vinson for several years and that she is a bright and respectful young woman. She said that Katie is requesting the ability to keep her chickens as pets. Ms. Cappola said that the chickens don’t make any noise. She said that Katie does the research about them and that she makes sure they are safe and healthy. Ms. Cappola said that she thought it would be nice for her to be able to keep them.

Katie Vinson, 2902 E. Yacht Drive: Ms. Vinson proposed an ordinance amendment to allow chicken as pets in Oak Island. Ms. Vinson read from the Town’s ordinance definition, and said that if a chicken is kept as a pet, it is not considered fowl or livestock. Ms. Vinson said that chickens make less noise than a dog, and if a dog gets loose, it could hurt someone. She said that if they were worried about the noise, they could just allow hens and not roosters. She said that Wilmington and Carolina Beach allow chickens and she wondered why Oak Island was behind on the change. Councilor Scott asked if someone was trying to make her get rid of her chickens. Ms. Vinson said that someone from the Town told her she can’t have them and that she got rid of the rooster but still has the hens and chicks. Councilor Bell asked if they could direct staff to look into an ordinance amendment; consensus from Council was to ask staff to look into it. Ms. Vinson also presented a petition supporting her position with more than 50 names on it. Council also asked for Ms. Vinson to be allowed to keep the chickens until the issue is addressed again.

Rosanne Fortner, for the Beach Preservation Society: Ms. Fortner reminded everyone of the April 6 fundraiser. Ms. Fortner also spoke about how the auction would work, and she thanked everyone who had already purchased tickets. There will be a spring cleanup on May 4, probably mid-day. She said they would collaborate with the Surf Rider Foundation on the cleanup. Ms. Fortner also encouraged Council to approve the new mission statement the group had proposed.

Tom Sapp, 302 NE 45th Street: Mr. Sapp thanked Council for considering filing an Amicus brief. He said that the seismic testing seems worse than the drilling. He said that he hoped the Town would join the lawsuit opposing the testing. He said that no one comes here to see oil drilling and that the coast is our biggest asset. He said that Council has worked hard to protect that.

Dara Royal, 216 NE 47th Street, written comments provided as follows: I’m speaking to you as the “Grandmother” of the Beach Preservation, as I have been called by others from time to time. It is a moniker I graciously accept. There were two federal projects “in the pipeline” in 1996 with the potential to place millions of cubic yards of sand on Oak Island beaches – the Sea Turtle Habitat Restoration Project and the Wilmington Harbor Channel Realignment Project. The biggest hurdle to turning that potential into reality was the question of whether there was the political will backed by enough voter support to provide the local cost share for the projects. In other words, would we put our money where our mouth was? Our track record said otherwise. In a bond referendum in 1974, 81% of Long Beach voters rejected a proposal to issue erosion control bonds in the amount of \$800,000 to pay the local cost share for initial construction of a \$13 million-dollar Corps 50-year beach nourishment project that had received all requisite federal approvals. How could we demonstrate to the Corps and Congress our

commitment to pay the local cost share for constructing the Sea Turtle Project and the Wilmington Harbor Project to put sand on our beaches? I floated an idea to Mayor Joan Altman in the fall of 1996 for creating a trust fund to allow people to make voluntary contributions to pay for sand as the most effective way to send the message that we would pay our local cost share. Town Council established the Beach Preservation Trust Fund on March 25, 1997, and I presented Council with a \$5,000 check made out to the Trust Fund that same evening. I personally pledged that money contributed to the Trust Fund, other than my own, would be used to pay the local cost share for constructing the Sea Turtle Project. And I promised contributors that if the project did not materialize, their contribution would be refunded. I considered my initial contribution as seed money to support fund-raising and educational activities. I was appointed and served as chair for the initial 7-member advisory board. Over the next three years, nearly 400 individuals, families, and businesses representing every cross-section of our community made contributions to the Trust Fund, primarily through memberships in the Beach Preservation Society. In a letter to the advisory board in June 2000, I informed the board that I did not plan to seek reappointment to a second term in September, because I had every confidence in their abilities to move forward and build on the framework in place. Construction of the Sea Turtle Habitat Restoration Project was completed in May 2001. Pledges and promises were kept. The Oak Island portion of the Wilmington Harbor Channel Realignment Project was completed in March 2002. The idea I floated in 1996 served its initial purpose, and the advisory board's activities continue to serve the needs of our community in various ways as reflected in their 2018 Annual Report. I wholeheartedly support the advisory board's request for an updated mission statement, and I respectfully encourage you to approve the wording as presented in your agenda packet.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Mayor Pro Tempore Winecoff said he was honored to be part of the Mardi Gras event this year, and as usual, the Parks and Recreation Department did a great job. There was a huge turnout, and he looks forward to next year. He said that he has been approached by several people about having an advisory board for the Council to be able to bounce things off of, to do research and give Council ideas because Town staff has their hands full with all the work they have to do and Council members have their hands full too. He said it would not be a board that meets all the time but only when asked to research something. He asked Council members to think about it.

Councilor Blalock asked if the Town had acknowledged the assistance we received in the motel fire; Mr. Kelly said that the Fire Chief had handled that.

Councilor Scott said that the Chief did a great job. Everything stops with the Fire Chief and Councilor Scott he was curious as to how the Chief kept up with that many firefighters and made sure everyone was safe and that was amazing. Everyone gave the Chief a round of applause. Mayor Brochure said she was amazed they kept the houses adjacent to the fire from igniting. She said that that the State's Insurance Commissioner, Mike Causey, also complimented the Fire Department's handling of the incident. Councilor Scott said that he had also met with the Police Department when they did their nighttime firearms training, and noted that the officers could really shoot.

Councilor Bell said that she drives the new bridge road at least twice a day and that she has been thrilled to see the police presences on that road the last several days. She also thanked the Parks and Recreation Department for the work on the festival and the Fire Department for a job well done on the fire.

Councilor Bach also complimented the Parks and Recreation Department and the Fire Department. He said that mutual aid and coordination of services worked, and it was a job well done.

Mayor Brochure echoed her fellow Council members' comments regarding the Parks and Recreation and Fire Departments. She said the Mardi Gras event has really grown.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. February 19, 2019 (Public Hearing & Regular Meeting)
 - b. February 23, 2019 (Special Meeting)
2. Approval and Authorization to Advertise 2018 Delinquent Tax Liens

Councilor Bell made a motion to approve the Consent Agenda as amended. Councilor Bach seconded the motion and it passed unanimously.

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Consideration of Contract for Middleton Park Improvements Pursuant to PARTF Grant: Mr. Kelly explained that this information was late in coming. He said that Carolinas Coastal Construction Group was offering to build the amphitheater for \$32,928; they will be a sponsor for the concert series as well.

Councilor Bell made a motion to approve the contract based on review by our Town Attorney. Councilor Bach seconded the motion, contingent on the Town Attorney's approval, specifically with respect to the sponsorship clause, display of logo, etc. Councilor Bell accepted the amendment and the motion passed unanimously.

III. COMMITTEE APPOINTMENTS

1. Parks & Rec Advisory Board (one unexpired term ending March 2020 and two regular terms ending March 2022): **Council unanimously appointed Dennis Maneri and Kate Seigler to the regular terms and Marge Bell to the unexpired term.**
 - a. Marge Bell
 - b. Sarah Hoss
 - c. Dennis Maneri
 - d. Kate Seigler
2. Par 3 Advisory Board (one unexpired term expiring Jan. 2020 for a resident not in South Harbour): **Council unanimously appointed Ben Evans to the unexpired term.**
 - a. Ben Evans

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that work continued on the splash pad – next week people would start to see the apparatus being installed. Work is also ongoing on the pump house for the splash pad and everything is on schedule to be completed. The old trailer stage is being removed. He also said the amphitheater should be finished by the summer concert series. Work continues on the Pier and a sample bench is downstairs in the lobby for people to see. The wall is being worked on at Veterans Park, along with lighting, and that should be completed by the end of the month. The Citizens Academy wrapped up in February and he encouraged people to sign up for next year's academy. Staff has received bids for paving and for 801 Ocean Drive and said that we would probably need a Special Meeting to review those with Council. Council will have a Special Meeting on March 25th meeting at 4 p.m. to review the proposals for 801 Ocean Drive and the paving bids.

a. Department Reports: Department reports are attached and are hereby made a part of these Minutes.

b. Town Attorney: Mr. Edes said that he agreed with Ms. Bell about the police presence on the bridge road as he had received an expired registration ticket after leaving a meeting one night.

V. OLD BUSINESS (None)

VI. NEW BUSINESS

1. Consideration of Amendment to the Mission Statement for the Beach Preservation Advisory Board: **Councilor Scott made a motion to approve the Mission Statement as presented. Councilor Bach seconded the motion and it passed unanimously.**

2. Consideration of Filing an Amicus Brief in the Offshore Drilling Lawsuit: Mr. Edes said that the Federal government has allowed permits to go forward for seismic testing, which is a precursor to offshore drilling. Mr. Edes said that there is a lawsuit filed by environmental groups in South Carolina, claiming that the authorization to go forward violates several federal acts. He said there is not any pending motion to ask for such briefs at the moment. He said that he can look into when that would happen and what would the cost would be. He said that at this point, he would recommend giving staff direction to seek out and join an Amicus brief. Mayor Brochure asked citizen Pete Key if this is what he had asked for and Mr. Key said there were two lawsuits and filing an Amicus brief would be the less expensive way to join. Mr. Edes said the direction would be for him to find out and see what the budget would be. Mr. Edes recommended a motion to direct staff and Town Attorney to move forward in the South Carolina cases as described by the Town Attorney at tonight's meeting to seek out and potentially join an Amicus brief. Mr. Key said that Sunset Beach was supposed to be considering joining a brief as well. Mr. Key said that the information he has is that this will move forward very quickly and he asked Council to authorize joining without having to make another vote. Mr. Edes suggested a motion to direct the Town Attorney to pursue joining an Amicus brief in the two pending Federal cases filed in South Carolina concerning potential seismic testing. He said that ideally, someone will already be drafting one, and they'll just be looking for authority to put the Town's name on it and possible financial contribution to defray the cost of whomever is drafting it. **Councilor Bach made that in the form of a motion. Councilor Bell seconded the motion and it passed unanimously.**

VII. CLOSED SESSION to Consult with the Town Attorney on Pending and Potential Litigation Pursuant to N.C.G.S. 143-318.11(a)(3): Council, staff and Mr. Edes determined there was no need for a Closed Session.

Councilor Bell made a motion to adjourn at 7:17 p.m. Councilor Blalock seconded the motion and it passed unanimously.

Cin Brochure, Mayor

Attested: _____

Lisa P. Stites, MMC
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.