

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
NOVEMBER 8, 2016 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Councilors Sheila M. Bell, Charlie K. 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 p.m. Councilor Blalock gave the invocation and led the Pledge of Allegiance

PUBLIC HEARING 1: Mayor Brochure said the purpose of the Public Hearing is to receive citizens' comments on a proposed amendment to Secs. 8-79 Plans and Specifications and 18-32 Definitions. There were no speakers. **Councilor Bell made a motion to close the Public Hearing. Councilor Scott seconded and the motion passed unanimously.**

PUBLIC HEARING 1 ACTION: **Councilor Blalock made a motion to approve the amendments to Secs. 8-79 and 18-32 as presented and the associated consistency statement. Mayor Pro Tempore Medlin seconded and the motion passed unanimously.**

PUBLIC HEARING 2: The purpose of the Public Hearing is to receive citizens' comments on a request to close a portion of SE 50th Street and a portion of SE 51st Street.

Tom Hawley, 3002 W. Beach Drive, Commander of the VFW Post on 50th Street: Mr. Hawley said that the developer is donating land to the VFW and will pave the parking lot. The Post does not oppose the street closure. Mr. Hawley also mentioned the Veterans Day ceremony later that week.

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

PUBLIC HEARING 2 ACTION: Councilor Bell asked if there was a way that the property could revert to the Town if the store is not built. Mr. Edes explained that the Town does not actually own the street; closing the street means divesting rights to the adjacent property owners. Planning and Zoning Coordinator Jake Vares said that part of the street abandonment area contains utilities, and they will still remain locked in through an easement. Councilor Winecoff asked if the plan to build Publix is abandoned and houses are built, what would happen. Utilities Director David Kelly explained that there will still be residential lots there and that utilities would still need to be provided. The Town would need to maintain the utilities. Answering a question from Councilor Winecoff, Mr. Vares said he has a signed letter from the president of the company regarding the utilities easement. Mr. Vares said the developer's plans are still changing and that the developer is still sorting out State permits. Mayor Pro Tempore Medlin asked about closing SE 50th street; based on the site plan, he asked if they were planning an entrance off SE 50th St. Mr. Worthen explained that they would like to take ½ of the street and it would remain open to Pelican Drive. He explained they would need to raise the site, and the street bed, and repave; Publix would like for that to remain open and add a sidewalk. There would be an entrance to Publix off of 51st and an entrance off Oak Island Drive; there would be access from all four adjacent streets. Mr. Worthen said that all four would be full movement, with a traffic light on Oak Island Drive. Mayor Pro Tempore Medlin asked who would maintain SE 50th after regrading and paving; Mr. Worthen said that they would do so. Mr. Worthen explained they have gone through several renditions of the plan, and that the only hold up is

the flood zone elevation. Mayor Pro Tempore Medlin asked if he would furnish the Council with a site plan.

Mayor Pro Tempore Medlin said he is generally in favor of this, but that there are some legal issues that need to be addressed, such as the utilities easements and the sidewalk. Mr. Edes added that there are significant consequences to closing a street, and that if they are concerned about maintenance, then the Council should have further discussion. Mayor Brochure asked if they were looking for assurances; Mayor Pro Tempore Medlin said it is not a matter of trust, but his concern is twofold. He said he wants the VFW to be taken care of; he appreciates how the developer is working with the VFW. His other concern is the utilities and them being taken care of also; if the store were to close, he wants to ensure the street would still be maintained. Mr. Edes said he anticipates no issues, and Mr. Worthen agreed that they are happy to ensure that they can add what they need to address taking care of the road. They are ready to start as soon as possible and want to get a site plan to the Town. Mayor Pro Tempore Medlin asked the Town Attorney to bring back answers in December; Ms. Stites suggested that Mr. Edes work with Mr. Worthen to prepare a proposed street closure order that would cover the issues raised. Councilor Bell asked if they could build the Publix without closing 50th; Mr. Worthen said they could not. He said if they didn't need it, they wouldn't ask for it. They hope to put a street through the middle of the residential lots, but they will forfeit them if they have to. Mr. Kelly conformed that there were utilities on SE 51st Street.

Councilor Winecoff agreed with Mayor Pro Tempore Medlin, and said it would be foolish to proceed without further information. Mr. Edes asked for direction as to what the Council wants him to address. **Mayor Pro Tempore Medlin made a motion to take no action on this tonight and to direct the attorney to work with the developer to resolve the questions and issues that have been raised tonight and to bring back answers to them at the December meeting. Councilor Bell seconded and the motion passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS (none)

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

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Jeff Crouch, 3302 E. Yacht Drive: Mr. Crouch asked Council to reconsider the speed limit change on Yacht Drive. He provided copies of a petition signed by Yacht Drive residents.

Kelley Germaine, 6610 Kings Lynn Drive, written comments provided as follows: We oppose this action to close 66th Place West and have the property subdivided amongst the four adjacent property owners at no cost to them. There are a number of reasons not to approve this motion. Here are some – 1. Garber's existing lot on West Beach Drive is already large enough to develop (parcel 233NG003). 2. Abandoning and dividing 66th Place West allows the Garbers to combine existing property with their portion of the division; thus, allowing them to subdivide and make two lots for building rental houses. This additional land would be given at no cost! 3. 66th Place West is not abandoned since it has been used more than 20 years as an access to the deeded beach walkway for residents and visitors from King's Lynn Drive. 4. We purchased our King's Lynn property in 1995 and this walkway was already well established; we use it all of the time! 5. In 1961 the western end of Long Beach, extending from where the beach road became a loop to Lockwood's Folly Inlet was purchased and named King's Lynn (per page 76 in "Long Beach" by Wolfgang Furstenuau). Garber's property was part of the purchase and future development of Kings Lynn 1, 1A and Soundside. 6. One of the developers of King's Lynn asked the Town "to close some undeveloped street ends at the western end of Long Beach." The outcome was approved "with the

stipulation that entry and exit in the area be provided for surf fishermen and bathers.” (per page 76 in “Long Beach” by Wolfgang Furstenuau). 7. Without this 66th Place West access, residents and visitors along this stretch of King’s Lynn do not have any access to the strand unless they trespass through other people’s properties to the beach. 8. According to “Prescriptive Easements” of North Carolina, the town has never curtailed passageway (ingress and egress) on 66th Place West. Courts have generally upheld this type of usage because of public policy and convenience dictate that long-continued use not be disturbed. 9. The rental properties in this location would badly suffer since they could no longer advertise access to the beach. 10. The 2016 Comprehensive Land Use Plan discusses areas similar to this in multiple sections – (a) In the Public Input portion, residents demanded maintaining the present exceptional aesthetic character of the island portion of the Town to include preserving the Tree Canopy and (b) Providing increased availability of non-motorized facilities and locations; (c) Incorporate open/green space buffers; (d) Minimize impervious surfaces/utilize pervious materials where possible; (e) Support North Carolina’s Greenway initiatives. (f) Under Public Access Management Goals, Planning Objectives, and Implementing Actions “Public Access” Action I.2 states – “the Town will maintain traditional public recreational uses of ‘The Point.’ The Point is the westernmost end of Oak Island” of which Kings Lynn area is considered part of the region. 11. Most importantly, if this action is approved, the Town Council may be setting precedent for others to apply the same action on all of the other “abandoned” street ends off Yacht Drive and along Davis Canal. In conclusion, we request that the Town Council either maintain the present state of 66th Place West as a continuously used walkway to the beach or develop it in some manner that could increase the value of all properties in this location. This would be adhering to the original intent of the Kings Lynn developers.

Kathy Moulton, 6602 Kings Lynn: Ms. Moulton said they purchased their home last October, and they live directly in front of that lot. Their children and grandchildren use this access, and asked the Council not to give it away for development. They maintain and appreciate this access. If it were removed, they would have 1/3 of a mile walk along roads with no shoulder or sidewalk. She asked that Council not to give the land to a few when so many use it.

Lisa Moulton, 6614 Kings Lynn Drive: Ms. Moulton said she wanted to reiterate her neighbor’s comments. She has noticed that, since June, not everyone follows the speed limit on Beach Drive. She said she worries that with no shoulder or sidewalks the walk would be dangerous. She hoped that Council would vote to not close the street.

Karen Ducote, 6614 Kings Lynn Drive: Ms. Ducote said she and Lisa came to visit Oak Island this year and fell in love with it. She also supports not closing the 66th street access; it is one of the handful of reasons they purchased their home. Being able to not be at the intersection of Beach Drive and Kings Lynn is much safer and an easier way to get to the beach. She reviewed the distances using the access or using the road to access the beach. She asked Council to take into consideration the importance of having that open space.

Muriel Nelson, 6604 Kings Lynn Drive: Ms. Nelson asked Council not to abandon this street. They bought the land in 1990, and built the docks in 1991 and the house in 1992. She said they rent from May to October, and the first rental season was 1993. It became apparent that a walkway was what was missing. They asked Mr. Easley, who had built their home and was on Town Council, to ask Council approve a walkway; he recused himself from the vote, but it did pass. At their expense, they had Mr. Easley do a survey, obtained the CAMA permit, built and installed the pathway. They have maintained and beautified the path with neighbors’ help. This pathway was built to help people avoid trespassing on others’ property. She said she objects to the road being abandoned, as it will also affect the rental value of the properties. Ms. Nelson asked Council to reject this petition to satisfy one land owner at the expense of the entire community.

Gordon Miller, 6335 Kings Lynn Drive: Mr. Miller said that he is probably the newest member of the Kings Lynn community, as he moved in 3 weeks ago. Part of the reason he bought his home is that there is nothing next to his house, as the property next to him is the property in question. Coming from Maryland, he said that one of the most important things he has learned is how strong the community is where he is living, and he sees nothing that will benefit the community from granting this change; the only one benefitting would be the landowner.

Bill Bartlett, 6406 E. Yacht Drive: Mr. Bartlett said he has brought 4 photographs to share. He said he hopes the Council will take a hard look at them. He referred to the photos and where and when they were taken, at the Lucas Cove peninsula. He said that with only two feet of storm surge, the land virtually disappears and believes that it would be a terrible mistake to develop this property. He asked Council to imagine what it would look at during a more serious hurricane. He said that these photos illustrate that having man-made structures will affect its natural beauty.

Mary Frere, Beach Preservations Society: The group is aware of the extensive damage from Hurricane Matthew and the loss of many beach amenities, such as bike racks, benches, dog bag holders. To help with recovery efforts, the BPS is asking that money from the trust fund be used to replace these items. She added that these funds are the result of fundraising. She also thanked Public Works and Utilities for their hard work, and also the volunteers that assist in keeping up with the dog bags. Ms. Stites added that in the past, she believes that they accepted donations for bike racks. Ms. Frere said they are still trying to determine what needs to be replaced.

Blanche Garber: Ms. Garber said she filed the petition to close 66th West. She said she believes there is a resolution for a win-win; she is just interested in getting her one quarter of what should be deemed an abandoned roadway. She has owned the property since 1993, along with her mother and her husband. This road has been in its present condition since that time. Ms. Garber referenced a State statute under 136-96 that states that a road or street not used after 15 years is abandoned. She said she just wants her quarter of that abandoned road in order to make a plot of land to subdivide into two, so she can sell the second lot to finance a retirement home on the other lot. She is not representing the other 3 adjacent land owners and that she did not seek any other opinions. She said since 1993, she has looked at her property as her retirement home, and she sees a statute that she claims deems 66 St. West as essentially abandoned as it is not used for vehicular traffic and is just a foot path. She has raised her children here each summer since 1990 and she understands the concerns mentioned, but she believes the law is on her side. If they can just close the portion adjacent to her property, the footpath could be relocated.

Nicki Cutler, 2212 E. Dolphin Drive: Ms. Cutler said that she goes down that road all the time; the road has no shoulder and is very curvy. People come up immediately on pedestrian traffic, and that there is no place to go. She just wanted to verify that it is exactly as they are describing it.

Ted Manos, 3022 W. Beach: Ms. Manos said that he also owns 6616 Kings Lynn. He said that what Mrs. Garber said is sympathetic, but he does not think they have an option in this case as the road cannot be abandoned. There are certain requirements that must be present before that could happen. Firstly, the walkway in question would have to have never been used; clearly this is not the case as it has been publicly used for almost 20 years. Secondly, the Town either approved or acquiesced to the use of that roadway in this manner. Also, he said the Supreme Court has stated that if any part is used by the public, it cannot be abandoned. Again, if the roadway is to be considered abandoned, it must have a formal document filed by either the Kings Lynn Inc. or possibly by Mr. McClendon, one of the actual owners. He said he does not feel this can be accomplished.

Robert Hodgins, 6631 Kings Lynn Drive: Mr. Hodgins said that he bought his property in 1994. Over the years, he has pulled people out of the 66th Street when their vehicles have sunk. He said he walks a dog two to three times a day, and this path is how he stays away from the crazy drivers.

Victoria and John Still, 6608 Kings Lynn Drive, written comments provided as follows: We are writing to you to ask that you reject the proposed closure of 66th Street in the King's Lynn neighborhood as requested in Ms. Lea Anne Werder's letter of October 4, 2016 to the Planning Department. Far from being abandoned, 66th Street is used intensively by residents of the King's Lynn neighborhood, and has for many years been maintained as a demarcated path between Beach Road and King's Lynn Drive. We personally use 66th Street every day to access the King's Lynn dedicated access from Beach Road to the beach, as do many of our neighbors. In fact, 66th Street is the only practical way for residents and renters of houses on much of King's Lynn Drive to access the beach. The rest of the island has beach accesses in each block, but we do not. As did all of our neighbors in the King's Lynn neighborhood, we bought our property - almost 20 years ago – on the assumption that we had beach access via a public road. It is astounding that one property owner would greedily attempt to deny use of a public property to so many residents. As we all did, that property owner knew exactly what they were getting at the time they bought their property, and they should have no expectation of an enhancement to their property at the expense of their neighbors and other property owners in the Town. In addition to the highly negative effect of this proposed street closure on King's Lynn property owners, Council should also consider the adverse economic effect on the Town. Occupancy tax would be reduced as many houses become difficult or impossible to rent because of loss of beach access. Finally, closing and disposing of 66th Street forecloses the Town's options for the future. For example, should 69th Street be jeopardized or closed by a storm, there would be no alternative way to connect Beach Road and King's Lynn Drive. The Town needs to think strategically about its streets, not just react to one narrow and opportunistic move.

Steven Foster, 6634 Kings Lynn Drive, written comments provided as follows: This letter is being written to oppose the Town's closure of 66th Place West in the Kings Lynn Subdivision as petitioned by Ms. L. Werdner. The criteria under the Statute NCGS 136-96 that Ms. Werdner is attempting to apply clearly has not been met. The Street in question has been extensively used by renters, residents and the general public for access to both the beach and to the sound for the last 35 to 40 years. In the past eight years residents have placed post and rope to better mark the right of way or easement for the use by the residents and general public. To conclude that the right of way has been abandoned, clearly has no merit and does not meet the basic requirements and tenants of the Statute. Additionally, it would be in the Town's best interest to further develop 66th Place West as a regular thoroughfare in order to: •Provide better access for the public's safety and welfare for use by fire, EMS, and police. The next crossover between Beach Dr. is almost three tenths of a mile away. • To better provide access to the public for beach access relieving 69th Pl West as the only other access as a vehicular crossover. In summary, the abandonment of 66th Place West would very much be a disservice to the Town, the residents and property owners that utilize this resource on a regular basis. This action would only enrich the petitioners at the expense of the Town. Please vote to not support the abandonment petition.

COUNCIL REPORTS:

Councilor Winecoff said he went to the NC League of Municipalities conference, and reported it was very enlightening to see ideas on how to raise revenue. For our beach nourishment, this is very important. Some communities have concerts and events after their farmers markets, and some raise up to \$500,000 a year. There is also a new type of asphalt that is half the cost, and he gave that info to David Kelly. He said he also learned that there are quite a few towns applying for grants to improve their business districts and that he thinks the Town should apply for grants to put sidewalks in and help the business district. Councilor Blalock said that Friday is Veterans Day and he asked everyone to thank a veteran. Mayor Brochure thanked Councilor Winecoff for attending the conference. She also said it was her honor to

serve as the chairman of the NC Association of Resort Towns and Convention Cities; there is a movement to revive it, and she thinks it is a worthwhile cause and could provide more “teeth” when they lobby for sand funding.

CONSENT AGENDA

1. Approval of Minutes
 - a. September 20, 2016 (Special Meeting)
 - b. October 10, 2016 (Special Meeting)
 - c. October 17, 2016 (Special Meeting)
2. Approval of Amendment to Sec. 14-141 (Definition of ‘nighttime hours’)
3. Acceptance of Grant Award (for use at Veterans Park)
4. Authorization for Staff to Apply for a Grant to Install a Handicapped-Accessible Beach Access)

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

COMMITTEE APPOINTMENTS (none)

ADMINISTRATIVE REPORTS

1. Town Manager: Ms. Stites reported that they have received a report on the A-frame at Bill Smith Park; after time for review they will ask for Council direction. They also have reports back on the Pier, and will need Council direction as to what and how the repairs will proceed. She asked for a consensus; the deductible is \$172,500. There is a rough estimate of about \$1 million to rebuild what was lost. Mayor Brochure said there is a group of citizens who want to raise money for the insurance deductible. Councilor Winecoff said it has already lived out its lifespan and they would be throwing money away. There was further discussion about the state of the Pier. Councilor Blalock said that if they are going to do it, then should do it right. Mr. Edes said the insurance company should at least be involved in the estimates. Ms. Stites mentioned Town Hall being closed on Friday. She also said that the Division of Coastal Management has been giving permits for sand pushing to individuals, and that they can contact that agency for assistance.

a. Department Reports: These reports are included as an attachment and are hereby made a part of these Minutes.

2. Town Attorney: No report.

Council took a brief recess from 7:10 p.m. to 7:20 p.m.

OLD BUSINESS

1. Consideration of Paid Parking Management Proposals: Mayor Brochure asked if there was any proposal that they wanted to proceed with. Councilor Medlin said he had studied all of them and he keeps returning to Ms. Cutler’s proposal. She is a local; there are some issues with the proposal but he feels they can be resolved. Enforcement is the big problem, and he feels that the police and staff can handle this. Mr. Edes wanted to remind the board that residency cannot be the sole criteria; Mayor Pro Tempore Medlin said it was not the sole criteria. Councilor Winecoff said he thought this was the best return for the Town, and he like the idea of not going through a big corporation. He added that perhaps a Citizens Patrol could be utilized for fee collection and that perhaps civil fees could be collected. They need to get the beach back in shape. Mayor Brochure verified that this is basically for income for beach nourishment. Mayor Pro Tempore Medlin said that there is also the issue of parking itself and the problems we see every year, and Mr. Edes clarified that it is a life, safety and health issue. Councilor Blalock agreed and added that Ms. Cutler’s presentation is the only one that he would consider, but that he is concerned about the enforcement. He said that although volunteers are good, they must also be dedicated and show up. He

would have to know that enforcement would be taken care of in order to support it. Mayor Pro Tempore Medlin advised that other programs have had issues, but they have proven it can be done. Mayor Brochure agreed. Councilor Scott said this is the only plan he would consider, but he would want that all the revenue go to beach renourishment. Mr. Edes added that they may have to make some adjustments to ordinances to ensure civil penalties are directed to the Town. Councilor Bell said they know how she feels about paid parking. She questioned allowing parking on the side of the state-maintained roads. She is concerned that roads would need to be widened and bike paths maintained. There was a consensus to direct staff to move forward and bring back more details about implementation; Councilor Bell was not in favor. Mr. Edes said he and staff would work with Ms. Cutler.

2. Discussion of parking ordinances: Councilor Winecoff has been working on parking ordinances; he said that we are already in violation of State parking rules with a 72-hour time limit for right-of-way parking. He suggested not allowing parking in the right-of-way other than for special events, etc. Mr. Edes said the rules vary on the nature of the highway and he can bring them. Councilor Winecoff also said that when they have special events, such as Beach Day, that would be free parking but there are also areas that we could add parking lots. He wants to see an overall ordinance sent to Council. Ms. Stites said the rental agencies may not be happy with that. She also said there are some houses on the ground and the only parking available is in the right-of-way; Councilor Winecoff said that this is what they need to find out about and get it working. Ms. Stites said they have been waiting for consensus from the Board about paid parking to proceed with drafting new parking ordinances. Councilor Winecoff said they want to protect the homeowners; Mayor Brochure said that, as she understands it, he is talking of eliminating right-of-way parking anywhere on the island without consent from the homeowner. Ms. Stites again clarified that there would be no right-of-way parking on Beach Drive at all; Councilor Bell asked if this could be done on a state-maintained road. Mr. Vares said he has asked NCDOT and they have told him that they can enter into an agreement with DOT to have no parking, and they will come out and place no parking signs up but enforcement will be on the Town. Councilor Bell asked how an auditor will feel about selling passes at different locations in the Town; Ms. Stites said as she understands it, Ms. Cutler would be handling it as a contractor. Ms. Edes said this can be done, but it is complicated and needs to be methodical. Mayor Pro Tempore Medlin agreed that they need to get cracking on it; the DOT agreement must be in hand before they can bank on it. Mayor Brochure said that Wrightsville Beach makes \$3 million per year. Councilor Blalock said that most other Towns have parking lots for their programs. Ms. Stites said that the Town is investigating adding parking areas on Town property. Mayor Brochure asked Chief Jordan for input for enforcement and Councilor Winecoff asked staff to gauge public interest in forming a citizen patrol for enforcement of paid parking. Mayor Pro Tempore Medlin added that he has talked to two property owners about leasing vacant land to the Town for parking.

II. NEW BUSINESS

1. Consideration of a Resolution of Intent to Close 66th Street West: Mayor Pro Tempore Medlin said he has talked to property owners, and he is not willing to close this street at all. He said as he understands it, this street was to be part of the original traffic pattern for the area. Answering a question from Mayor Brochure, Mr. Edes confirmed that the street is on the dedicated plat. He said there is a statute to deal with abandoned streets, but he believes that it has not been met and that Council cannot take action on this. It is being used by the public for pedestrian foot traffic. Mayor Brochure asked if there were some action Council could take to protect it as public. Mr. Edes said that if any portion of a street has been used by the public then that has already been taken care of. If they opened it the entire length with improvements, they could put it to rest. Pedestrian foot traffic is “used by the public”; the test has been met, but if they opened it up by the full width and breadth, then the whole abandonment issue would be moot. Councilor Medlin asked Mr. Kelly if they could get a cost of doing this. Councilor Blalock said this is obviously used as he discovered today on his walk, and he saw something today that he has not

seem for a long time. He referred to his childhood and walking down those paths to get to the beach; this is a treasure that must be held on to. Mayor Brochure responded to a public comment about paving it; Mr. Edes said that any type of improvements that would improve pedestrian foot traffic would enhance, including clearing and leveling out. Mr. Edes said they do not have to do anything though. There was no action taken.

2. Consideration of a Proposal to Close the Front Desk at the OIPD on Sundays: Ms. Stites noted there is a typo on page 42. Chief Jordan said he has a great group of employees, including his civilian staff who have asked to do more. He cannot close the front desk for them to do more every day, but he looked at it and decided to concentrate on Sundays. They have many fewer calls and walk-ins on Sunday, and noted his employees are sitting at a desk for 10 hours for 7 calls on Sundays. Having two records personnel on Mondays would allow him to start a records project, updating business lists for emergencies, website maintenance and most importantly, more community service events. He gave some examples, and noted this move would not jeopardize his volunteer program. The Chief explained said the Sunday walk-ins are usually just for questions and it usually involves talking to an officer; this can be done by using the phone to go straight to C-Com (911). His part is that he would have to get the word out that, if people simply want a pamphlet that it is the job for this staff to provide them. Another consideration is that during a hurricane, his staff is put on call for 24/7 until the situation is over. His volunteers and citizen staff were also on call, and they came in and worked side by side until 11 or 12 at night and on Sunday. If he sees a need, he will bring them in as needed on Sunday; it would likely only be 2-3 Sundays a year. Answering a question from Councilor Scott, Chief Jordan said on Saturdays, there is a large amount of foot traffic. It would be too complicated to close only from November to March. **Mayor Pro Medlin made a motion to approve the Police Department's proposal to close the front desk on Sundays. Councilor seconded and the motion passed unanimously.**

3. Consideration of a Request to Extend the Permit Approval for Island Passage: Councilor Bell asked why this was being requested as they got the permit in 2009 and it has been extended for 5 years already. Mr. Vares said it was set to expire 11/15/2016 and they would have to go through the CUP process again. Councilor Bell asked how this would be affected if the UDO were approved, and whether they would be grandfathered in; Mr. Vares said the existing regulations that were in place when the CUP was approved would regulate development. Councilor Bell said she was okay with one extension, but not two, and wondered for the reason for the delay in development. Mr. Vares said the financial collapse of 2008 affected them greatly. He said they have been doing engineering work, etc. to keep the project going. Councilor Blalock asked how far along the project was. Noelle Lutheran said she was there representing the applicant. There is no final permit for the project yet, and is asking for additional time to get the project off the ground. They received an extension in 2011. There are other projects that have received more than one extension and they are asking for the same consideration. **Mayor Pro Tempore Medlin made a motion to approve the permit extension request for a Planned Unit Development – Mixed Use for a period of two years, Councilor Blalock seconded.** Councilor Bell said she was okay with a two-year extension. Councilor Winecoff asked Mr. Edes if they could ask that the development comply with regulations in the potential new UDO; Mr. Edes said that it has not been passed yet, and he believes they could not tie them to something that has not been approved yet. The motion passed 4-1 with Mayor Pro Tempore Medlin and Council members Bell, Blalock and Scott in favor and Councilor Winecoff opposed.

CLOSED SESSION: Councilor Bell made a motion to go into closed session at 7:58 p.m. 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 Blalock seconded and the motion passed unanimously.

Council returned to open session at 8:25 p.m. Mayor Brochure noted that no action was taken in Closed Session. Councilor Scott made a motion to adjourn at 8:26 p.m. **Mayor Pro Tempore Medlin seconded and the motion passed unanimously.**

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.