

NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

BRAXTON C. DAVIS  
Director

November 15, 2018

**MEMORANDUM**

**CRC-18-28**

**TO:** Coastal Resources Commission  
**FROM:** Ken Richardson, *Shoreline Management Specialist*  
**SUBJECT:** Town of Oak Island Development Line Amendment Request

**Background:**

On April 1, 2016, the Commission's rules were amended to allow oceanfront communities with large-scale beach nourishment or inlet relocation projects to establish a "Development Line" as an alternative to the Static Vegetation Line Exception. Some will recall that a static vegetation line represents the vegetation line that existed just prior to a community's initial large-scale beach nourishment project and must be used for measuring oceanfront construction setbacks. A Development Line is established by a local government to represent the seaward-most allowable location of oceanfront development, provided the development can meet the setback measured from the first line of stable and natural vegetation. Under the CRC's Development Line Rule, buildings and accessory structures could potentially move seaward up to the approved Development Line if minimum setbacks are met. Local governments are required to request approval for a Development Line, or any subsequent amendments from the Commission according to the procedures outlined in 15A NCAC 7J. 1300.

To receive the CRC's approval for a Development Line, the petitioner shall establish the Development Line using on-ground observation and survey, or aerial imagery along the community's oceanfront jurisdiction or legal boundary. The proposed Development Line must extend the full length of the large-scale beach nourishment project area (length of static vegetation line) and may extend beyond the boundaries of the large-scale project to include the entire oceanfront jurisdiction or legal boundary of the petitioner. In establishing the Development Line, an adjacent neighbor sight-line approach is to be utilized, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the Development Line may be determined by average line of construction on a case-by-case basis. In no case shall the Development Line be established seaward of the most seaward structure within the petitioner's oceanfront jurisdiction.



Once adopted, the petitioner shall then submit the following to the Director of the Division Coastal Management in accordance with CRC's rules (15A NCAC 07J. 1300):

1. A detailed survey of the Development Line; to also include the Static Vegetation Line
2. Copy of local regulations/ordinances associated with the Development Line
3. Record of local adoption of the Development Line by the petitioner

On June 14, 2016, the Town of Oak Island adopted the town's Development Line into their ordinances, and on September 14, 2016, the Town of Oak Island presented their proposed Development Line to the CRC and was unanimously approved by the Commission.

**Town of Oak Island Development Line Amendment Request:**

The Town is now requesting the CRC approval to amend a segment of their existing Development Line. This segment is located at the Town's eastern boundary (adjacent to the Town of Caswell Beach) and is approximately 1,200 feet (0.23 mile) in length (see Figure 1 and attached supporting information).

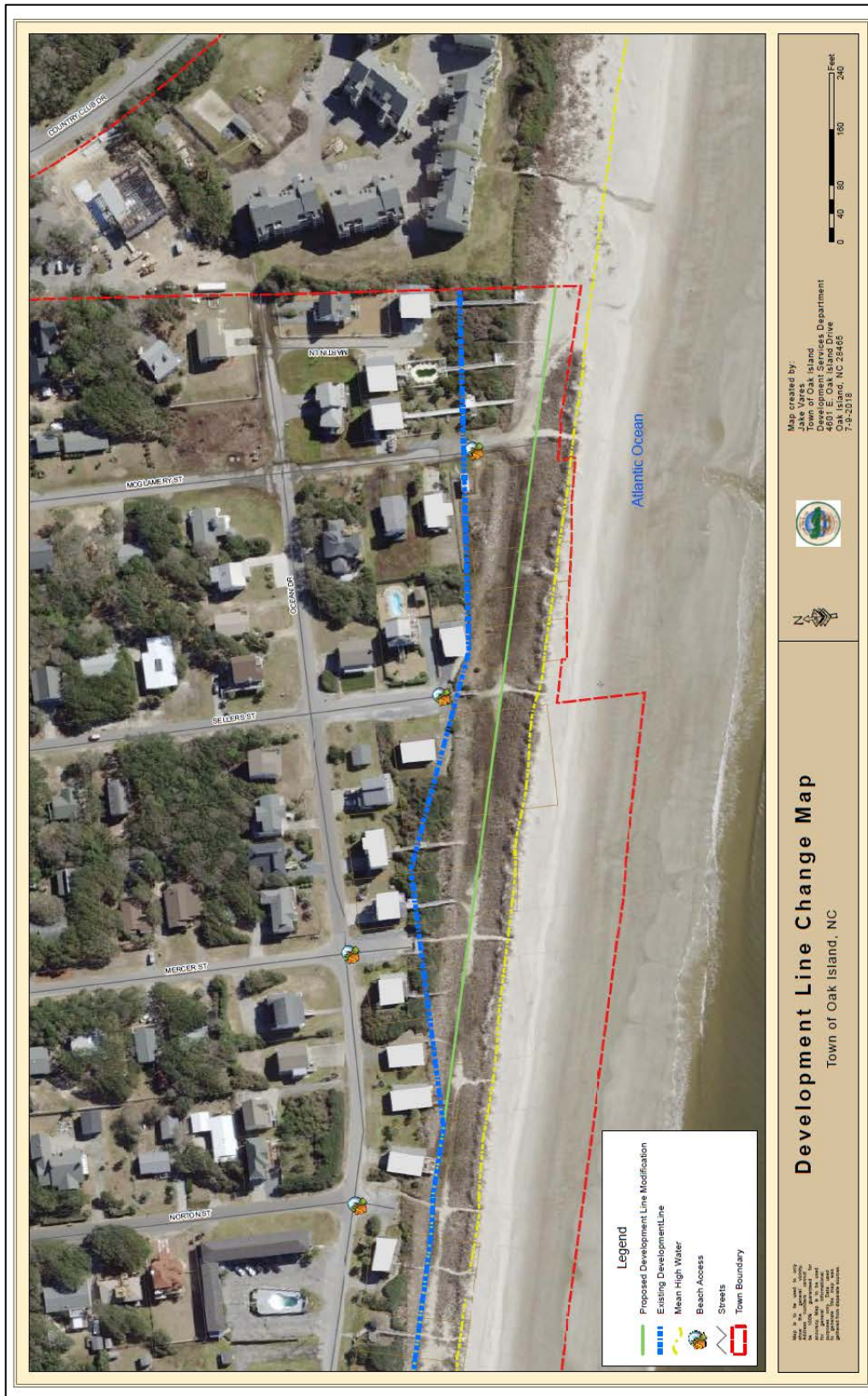
**Summary of Staff Review:**

Staff have reviewed all information submitted by the petitioner and have determined that all required supporting information and documentation have been submitted and is attached for the Commission's consideration at the upcoming meeting in Ocean Isle.

By staff's analysis, the proposed amendment is on average 76 feet oceanward of the Town's current Development Line, and based on observations measured at existing structures, the proposed amendment could potentially allow seaward movement of structures between 12 and 131 feet (see Figure 2).



**Figure 1.** Town of Oak Island's Proposed Development Line Amendment (green line).





**Figure 2.** This map was prepared by DCM and illustrates the Town's existing Development Line (yellow) and proposed amendment (red). Oceanward movement ranges from approximately 12 feet to 131 feet (average 76 feet).



**ATTACHMENT A:** CRC DEVELOPMENT LINE PROCEDURES RULES (15A NCAC 07J .1300).

**ATTACHMENT B:** TOWN OF OAK ISLAND E-MAIL REQUESTING THE CRC'S APPROVAL OF THE TOWN'S DEVELOPMENT LINE.

**ATTACHMENT C:** TOWN OF OAK ISLAND PLANNING BOARD STATEMENT OF CONSISTENCY AND ZONING RECOMMENDATION.

**ATTACHMENT D:** TOWN OF OAK ISLAND TOWN COUNCIL STATEMENT OF CONSISTENCY AND ZONING RECOMMENDATION.

**ATTACHMENT E:** TOWN OF OAK ISLAND TOWN COUNCIL AGENDA (INCLUDES MAP SHOWN AND APPROVED).

**ATTACHMENT F:** TOWN COUNCIL ACTIONS REPORT.

**ATTACHMENT G:** TOWN COUNCIL APPROVED MINUTES.



# Attachment A: CRC DEVELOPMENT LINE PROCEDURES RULES (15A NCAC 07J .1300).

## SECTION .1300 – DEVELOPMENT LINE PROCEDURES

### 15A NCAC 07J .1301 REQUESTING THE DEVELOPMENT LINE

(a) Any local government, group of local governments involved in a regional beach fill project, or qualified owner's association with territorial jurisdiction over an area that is subject to ocean hazard area setbacks pursuant to 15A NCAC 07H .0305 may petition the Coastal Resources Commission for a Development Line for the purpose of siting oceanfront development in accordance with the provisions of this Section. A "qualified owner's association" is an owner's association, as defined in G.S. 47F-1-103(3), that has authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline.

(b) A Development Line request shall apply to the entire large-scale project area as defined in 15A NCAC 07H .0305(a)(7) and, at the petitioner's request, may be extended to include the entire oceanfront jurisdiction or legal boundary of the petitioner.

(c) In determining where to position a requested Development Line, the petitioner shall use an adjacent neighbor sight-line approach, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the petitioner may determine an average line of construction on a case-by-case basis. In no case shall a Development Line be established seaward of the most seaward structure within the petitioner's oceanfront jurisdiction.

(d) An existing structure that is oceanward of an approved Development Line may remain in place until damaged greater than 50 percent in accordance with Rule .0210 of this Subchapter. At that time it may only be replaced landward of the Development Line and shall meet the applicable ocean hazard setback requirements as defined in 15A NCAC 07H .0306(a).

(e) A request for a Development Line or amendment shall be made in writing by the petitioner and submitted to the CRC by sending the written request to the Director of the Division of Coastal Management. A complete request shall include the following:

- (1) A detailed survey of the Development Line using on-ground observation and survey or aerial imagery along the oceanfront jurisdiction or legal boundary, including:
  - (A) The Development Line, static vegetation line, mean high water line, and any other information necessary for a review of the petitioner's proposed Development Line, such as a pre-nourishment project mean high water line, local ordinances, or easements; and
  - (B) Surveyed Development Line spatial data in a geographic information systems (GIS) format referencing North Carolina State Plane North American Datum 83 US Survey Foot, to include Federal Geographic Data Committee (FGDC) compliant metadata;
- (2) All local regulations associated with the Development Line;
- (3) A record of local adoption of the Development Line by the petitioner; and
- (4) Documentation of incorporation of a Development Line into local ordinances or rules and regulations of an owner's association.

(f) Once a Development Line is approved by the Coastal Resources Commission, only the petitioner may request a change or reestablishment of the position of the Development Line.

(g) A Development Line request shall be submitted to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed Development Line request, including notification of the date of the meeting at which the request will be considered by the Coastal Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

(h) The Coastal Resources Commission shall consider a Development Line request no later than the second scheduled meeting following the date of receipt of a complete request by the Division of Coastal Management, unless the petitioner and the Division of Coastal Management agree upon a later date.

*History Note:* Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;  
Eff. April 1, 2016;  
Amended Eff. September 1, 2017.



**15A NCAC 07J .1302 PROCEDURES FOR APPROVING THE DEVELOPMENT LINE**

(a) At the meeting that the Development Line request is considered by the Coastal Resources Commission, the following shall occur:

- (1) A representative for the petitioner shall orally present the request described in Rule .1301 of this Section. The Chairman of the Coastal Resources Commission may limit the time allowed for oral presentations based upon the number of speakers wishing to present.
- (2) Additional persons may provide written or oral comments relevant to the Development Line request. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments based upon the number of speakers wishing to speak.

(b) The Coastal Resources Commission shall approve a Development Line request if the request contains the information required and meets the standards set forth in Rule .1301 of this Section.

(c) The final decision of the Coastal Resources Commission shall be made at the meeting at which the matter is heard or in no case later than the next scheduled meeting. The final decision shall be transmitted to the petitioner by registered mail within 10 business days following the meeting at which the decision is reached.

(d) The decision to authorize or deny a Development Line is a final agency decision and is subject to judicial review in accordance with G.S. 113A-123.

*History Note:* Authority G.S. 113A-107; 113A-113(b)(6); 113A-123; 113A-124; Eff. April 1, 2016.

**15A NCAC 07J .1303 LOCAL GOVERNMENTS AND COMMUNITIES WITH DEVELOPMENT LINES**

A list of Development Lines in place for petitioners and any conditions under which the Development Lines exist in accordance with 15A NCAC 07J .1300, including the date(s) the Development Lines were approved, shall be maintained by the Division of Coastal Management. The list of Development Lines shall be available for inspection at the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, during business hours or on the Division's website [nccoastalmanagement.net](http://nccoastalmanagement.net).





*History Note:* Authority G.S. 113A-107; 113A-113(b)(6), 113A-124; Eff. April 1, 2016.



# ATTACHMENT B: TOWN OF OAK ISLAND E-MAIL REQUESTING THE CRC'S APPROVAL OF THE TOWN'S DEVELOPMENT LINE AMENDMENT.

To: Christenbury, Mike; Richardson, Ken  
Cc: Steve Edwards

**i** Follow up. Start by Monday, August 20, 2018. Due by Monday, August 20, 2018.  
You replied to this message on 8/21/2018 12:45 PM.

 Agenda Item Memo_TownCouncil_DevelopmentLine.pdf 3 MB	 Council_PlanConstStatement_DevelopmentLine_Approved_08_18.pdf 528 KB
 DevelopmentLineModification_OakIsland_2018.zip.zip_renamed 14 KB	 PB_PlanConst_DevelopmentLine.pdf 541 KB

**CAUTION:** External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

Hey Ken,

The Oak Island Town Council recently approved a modification to our existing development line (see map on the attached agenda item memo). We did the required public notifications and also obtained the Planning Board recommendation. I have also attached the revised GIS layer. I am emailing you to request that we be placed on the next available CRC agenda to have this modification approved by them.

Thanks,  
**Jake Vares**  
Town of Oak Island  
4601 E. Oak Island Drive  
Oak Island, NC 28465  
910-201-8054

Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.





# ATTACHMENT C: TOWN OF OAK ISLAND PLANNING BOARD STATEMENT OF CONSISTENCY AND ZONING RECOMMENDATION.



## Oak Island Planning Board Statement of Consistency & Zoning Recommendation (As per NC General Statute 160A-383)

*Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.*  
(NCGS 160A-383)

TEXT AMENDMENT:

7-19-2018

REQUEST:

**Amend the text in Sec. 14-121. – Definitions and  
Sec. 14-125. - Use and development coverage; to  
Define the town ocean front development line and  
To adopt regulations that all ocean front parcels shall not build  
Principal structures seaward of the Oak Island, and  
CRC adopted, development line.**

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Town of Oak Island Planning Board hereby finds that the proposed text amendment is consistent with the Comprehensive CAMA Land Use Plan adopted January 10, 2017 because it will allow the town greater regulatory power to guide development within its jurisdiction. Further, the Board finds that the ordinance is reasonable and in the public interest because it is consistent with the Land Use Plan section that states “*The review and approval of waterfront development will address the protection and creation of public access to the water resources.*” Meaning, in context, the development line will give the town more flexibility on ocean-front parcels. At their meeting on July 19, 2018 the Planning Board voted to recommend approval of the proposed text amendment and stated that the, Planning Board finds and determines that the text amendment is not inconsistent with the goals, objectives and policies of the Land Use Plan and hereby recommends its APPROVAL.

The statement and motion was seconded and passed unanimously

  
Denise Pacula, Chair  
Mike Deleo



  
Lisa Stites, Town Clerk



# ATTACHMENT D: TOWN OF OAK ISLAND TOWN COUNCIL STATEMENT OF CONSISTENCY AND ZONING RECOMMENDATION.



## Oak Island Town Council Statement of Consistency & Zoning Recommendation (As per NC General Statute 160A-383)

*Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.*  
(NCGS 160A-383)

TEXT AMENDMENT: **8-14-2018**

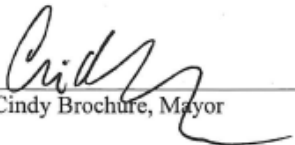
REQUEST:

**Amend the text in Sec. 14-121. – Definitions and  
Sec. 14-125. - Use and development coverage; to  
Define the town ocean front development line and  
To adopt regulations that all ocean front parcels shall not build  
Principal structures seaward of the Oak Island, and  
CRC adopted, development line.**

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Town of Oak Island Town Council hereby finds that the proposed text amendment is consistent with the Comprehensive CAMA Land Use Plan adopted January 10, 2017 because it will allow the town greater regulatory power to guide development within its jurisdiction. Further, the Council finds that the ordinance is reasonable and in the public interest because it is consistent with the Land Use Plan section that states “*The review and approval of waterfront development will address the protection and creation of public access to the water resources.*” Meaning, in context, the development line will give the town more flexibility on ocean-front parcels. At their meeting on August 14, 2018 the Town Council voted to approve the proposed text amendment and stated that the, Town Council finds and determines that the text amendment is not inconsistent with the goals, objectives and policies of the Land Use Plan and it is hereby APPROVED.

The statement and motion was seconded and passed unanimously

  
Cindy Brochure, Mayor



  
Lisa Stites, Town Clerk



# ATTACHMENT E: TOWN OF OAK ISLAND TOWN COUNCIL AGENDA.

**TOWN OF OAK ISLAND  
TOWN COUNCIL  
AGENDA ITEM MEMO**

Agenda Item: **Lisa**

Date: July 30, 2018



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**Issue:** Development Line Modification

**Department:** Planning & Zoning Administrator

**Presented by:** Steve Edwards & Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 30 Minutes

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**Subject Summary:**

A local government may petition the Coastal Resources Commission (CRC) for a development line to guide ocean front development. The development line would serve to mark the ocean-ward limit where structures could be built to, like a traditional setback line. On September 14th, 2016, staff presented the Town of Oak Island's adopted development line to the Coastal Resource commission for approval. The Coastal Resource commission approved the development line with some conditions which were all met. The current development line can be viewed on the Oak Island's website at: <https://www.arcgis.com/home/webmap/viewer.html?webmap=2bbcbad57598493387b5ba7934e2a965&extent=-78.208,33.9129,-78.204,33.9148>. The maps have multiple layers that can be toggled on and off such as: sandbags (past and present locations), beach accesses, water features, streets, aerial photograph, contours, mean high water (MHW) line, Shoreline Management Feasibility Study line, building footprints, undeveloped parcels, property lines, 1998 static vegetation line, 2012 Vegetation Line, berm line, ocean front structures, and the town development line is displayed prominently. The official definition of development line according to state regulation 15A NCAC 07H .0305 (10) is "The line established in accordance with 15A NCAC 07J .1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H .0306(a)(2)." Upon review of the development line on the eastern edge of Oak Island's ocean-front jurisdiction staff noticed it was overlain in such a way as to severely restrict the buildable area of those parcels.

A structure must also meet the CAMA setback requirements measured 60 feet landward from first line of stable and natural vegetation. The 60ft CAMA setback line is still in effect and is sometimes more stringent than the development line. The 60ft CAMA setback line must still be adhered to regardless of where the development line lays. The town's development line is the most seaward you can build a principal structure and a CAMA permit is still required for ocean-front properties. There are CAMA exceptions for accessory structures such as walkways, decks and gazebos that would still apply to accessory structures seaward of the development line. The exemptions are listed in the CAMA guidelines.

The mean high water (MHW) line shown on the map is the January 2000 USACE (United States Army Corps of Engineers) line that was adopted by Town ordinance, Section 14-129. The MHW line is the demarcation line where private property ends and public trust property begins. Most ocean front lots





are typically platted 150ft in depth, 50 feet wide, and the rear setback line and the MHW line are one in the same. A map showing the proposed development line change is attached to this agenda item memo.

In order for a municipality to have an ocean-front development line the town must follow the process detailed by the Division of Coastal Management (DCM) in section 300 15A NCAC 07J0 1301. The town must submit an aerial map showing the proposed development line and the current static vegetation line. The documentation of the adopted development line must be provided to DCM staff and the CRC for review and approval. The Town has already incorporated the Development Line into the Town Ordinance(s), and has provided a copy of the ordinance(s) that pertain to the development line to DCM staff. The reason for this requirement is that it shows the CRC that the Town recognizes the line as an enforceable building line limitation. The Coastal Resources Commission (CRC) has to approve a development line change and town staff would work with the Division of Coastal Management staff to have it placed on the CRC agenda for a vote. The Planning Board reviewed and recommended approval of the development line modification. Please remember to adopt the Plan Consistency Statement with your motion.

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**Attachments:** Ordinance excerpts, Planning Board Plan Consistency Statement, Proposed Development Line Modification Map

**Staff Recommendation/Action Needed:**

**Suggested Motion:** Motion to approve or deny the development line alteration and to adopt the associated plan consistency statement

**Funds Needed:** \$0.00

**Follow Up Action Needed:**

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## Attachment

### Sec. 14-121. - Definitions.

The following words, phrases, and terms, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions of this article shall be interpreted to be the same as those recognized by the state department of environment and natural resources, the coastal resources commission, and/or the division of coastal management.

*CRC* means the state coastal resources commission.

*Development* means any activity in a duly designated area of environmental concern involving, requiring, or consisting of the construction or enlargement of a structure; excavation, dredging, filling, dumping, or the removal of clay, silt, sand, gravel, or minerals; bulkheading, driving of pilings, clearing or installation of land as an adjunct of construction; alteration or removal of sand dunes, alteration of the shore, bank, or bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake or canal.

*Development line* means the line established in accordance with 15A NCAC 07J.1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H.0306(a)(2).





*Division of coastal management* means a division of the state department of environment and natural resources charged by the state with the administration and enforcement of the Coastal Area Management Act of 1974.

**Sec. 14-125. - Use and development coverage.**

This article shall be applicable to all use of and development on ocean beaches in the town. Included, but not limited to the following, are types of uses and development activity to which this article applies. Specifically, this article is applicable to all oceanfront property owners intending to construct, repair or replace decks, walkways, and/or steps for the purpose of gaining access to the public ocean beach from private property along the oceanfront in the town. This article applies to all persons crossing ocean beaches for the purpose of gaining access to the beaches and Atlantic Ocean.

No structures shall be built seaward of the Oak Island development line except as allowed under CAMA regulations 15A NCAC 07H.0309.





**Oak Island Planning Board**  
**Statement of Consistency & Zoning Recommendation**  
 (As per NC General Statute 160A-383)

*Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.*  
 (NCGS 160A-383)

**TEXT AMENDMENT:** 7-<sup>26</sup>19-2018

**REQUEST:**

**Amend the text in Sec. 14-121. – Definitions and Sec. 14-125. – Use and development coverage; to Define the town ocean front development line and To adopt regulations that all ocean front parcels shall not build Principal structures seaward of the Oak Island, and CRC adopted, development line.**

**STATEMENT OF CONSISTENCY & RECOMMENDATION:**

The Town of Oak Island Planning Board hereby finds that the proposed text amendment is consistent with the Comprehensive CAMA Land Use Plan adopted January 10, 2017 because it will allow the town greater regulatory power to guide development within its jurisdiction. Further, the Board finds that the ordinance is reasonable and in the public interest because it is consistent with the Land Use Plan section that states “The review and approval of waterfront development will address the protection and creation of public access to the water resources.” Meaning, in context, the development line will give the town more flexibility on ocean-front parcels. At their meeting on July 19, 2018 the Planning Board voted to recommend approval of the proposed text amendment and stated that the, Planning Board finds and determines that the text amendment is not inconsistent with the goals, objectives and policies of the Land Use Plan and hereby recommends its APPROVAL.

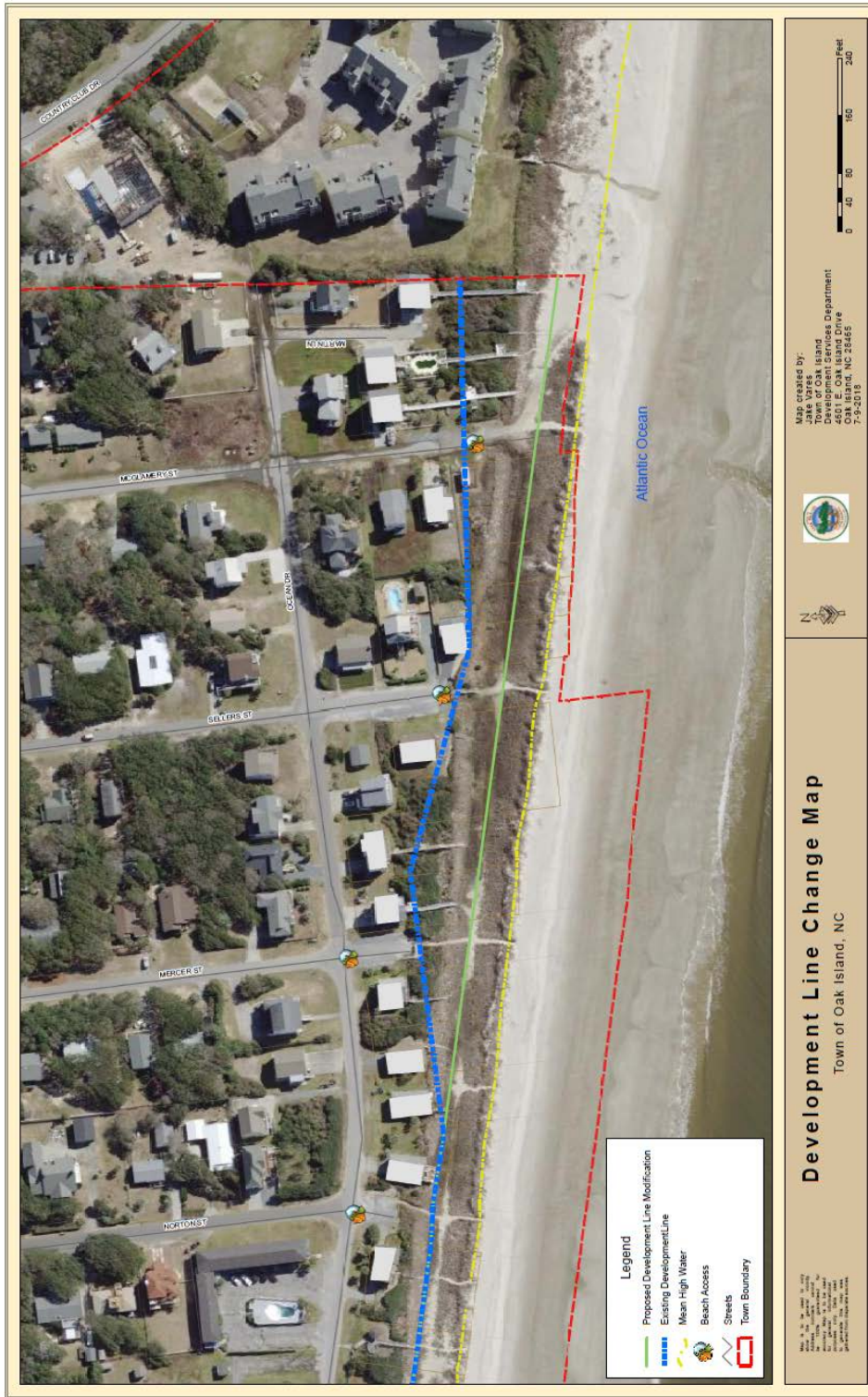
The statement and motion was recorded and passed unanimously

  
 Denise Paenta, Chair  
 Mike DeLo



  
 Lisa Stites, Town Clerk









PROPOSED AGENDA  
OAK ISLAND TOWN COUNCIL  
PUBLIC HEARING & REGULAR MEETING  
OCTOBER 9, 2018 – 6 P.M.  
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

CALL TO ORDER – Honorable Mayor Cin Brochure

Pledge of Allegiance to the Flag – Councilor Charlie Blalock

**PUBLIC HEARING I:** The purpose of the Public Hearing is to receive citizens’ comments on the proposed Unified Development Ordinance, which combines the planning and zoning ordinances into a single ordinance, and the amended zoning map.....p. 1-2

**PUBLIC HEARING I ACTION:** Council may take action on the proposed Unified Development Ordinance and amended zoning map.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. End-of-season Beach Ambassadors Report – Skip Cox

ADJUSTMENT/APPROVAL OF THE AGENDA

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

*To receive Citizen requests and comments on agenda items. Please state your name and address before addressing Council. Observance of the 3-minute time limit as described in Rule 4 (b) and 24 (2) (a) of the Council Rules of Procedure is appreciated. Written comments are also appreciated and should be submitted to the Town Clerk to be recorded in their entirety in the official Minutes. These may be given to the clerk following comments or via e-mail to [lstites@ci.oak-island.nc.us](mailto:lstites@ci.oak-island.nc.us).*

COUNCIL REPORTS (MAYOR AND COUNCIL)

REGULAR MEETING:

I. CONSENT AGENDA

*Note: A motion to approve the Consent Agenda shall not be debated. At the request of any Council member, an item shall be removed from the Consent Agenda and placed elsewhere in the Agenda for discussion/action. The Consent Agenda shall only be adopted by unanimous vote of those Council members present.*

1. Approval of Minutes
  - a. [August 14, 2018](#) (Public Hearings & Regular Meeting).....p. 3-8
2. [Approval of Resolution](#) Supporting Donation of Land at the 211/Midway Interchange from the North Carolina Department of Transportation to the Town of Oak Island for Public Uses and Emergency Services.....p. 9-11
3. Approval of Budget Ordinance Amendments
  - a. [To transfer funds](#) from Wastewater to Water for the purchase of a pick-up truck.....p. 12





b. <a href="#">To appropriate funds</a> from Capital Reserves to complete the water meter installation project.....	p. 13
4. Approval of <a href="#">Change Orders</a> for the Oak Island Pier project.....	p. 14-23
5. Approval of <a href="#">Amendment to Minutes</a> of May 9, 2017 Council meeting.....	p. 23A-B
II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY	
III. COMMITTEE APPOINTMENTS	
1. Beach Preservation Trust Fund Advisory Board (4 terms ending Sept. 2021)	
a. <a href="#">Cheryl Cook</a> .....	p. 24
b. <a href="#">Rosanne Fortner</a> .....	p. 25
c. <a href="#">Mollie Lloyd (Mary)</a> .....	p. 26
d. <a href="#">Janet Murphy</a> .....	p. 26A-C
2. Board of Adjustment	
a. <a href="#">Paula Chambers</a> .....	p. 26D-F
IV. ADMINISTRATIVE REPORTS	
1. Town Manager	
a. <a href="#">Department Reports</a> .....	p. 27-51
2. Town Attorney	
V. OLD BUSINESS	
1. <a href="#">Discussion of Pier Complex</a> .....	p. 52
a. <a href="#">Consideration of Proposal</a> to Hire a Management Company.....	p. 52A
2. Consideration of <a href="#">Proposed Amendments</a> to Sec. 26-1 Construction or other improvements within street right-of-way and Sec. 28-9 Parking on or obstructing sidewalks and public right-of-way.....	p. 53-59A
VI. NEW BUSINESS	
1. Consideration of <a href="#">Proposed Amendments</a> to Sec. 28-10 Parking Prohibitions and Sec. 28-10.1. - Public parking on town right-of-way.....	p. 60-64
2. Consideration of <a href="#">Proposed Amendments</a> to Sec. 18-254 – Prohibited Signs.....	p. 65-66
VII. ADJOURN	



# ATTACHEMENT F: TOWN COUNCIL ACTIONS REPORT.

**COUNCIL ACTIONS REPORT**  
OAK ISLAND TOWN COUNCIL  
PUBLIC HEARINGS & REGULAR MEETING  
AUGUST 14, 2018 – 6 P.M.  
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

CALL TO ORDER – Honorable Mayor Cin Brochure

INVOCATION AND PLEDGE OF ALLEGIANCE – Council member Charlie Blalock

PUBLIC HEARING I: The purpose of the Public Hearing is to receive citizens' comments on a proposed amendment to the Town's development line. (Local ordinance Section 14-121. - Definitions; and Section 14-125. - Use and development coverage - establish and define the town ocean front development line which represents the allowable location of oceanfront development. The proposed line stipulates no structures shall be built seaward of the proposed Oak Island development line except as allowed under CAMA regulations. The modification to the development line location is only on a small easternmost portion of the Town's oceanfront boundary): **There were no Public Comments.**

PUBLIC HEARING I ACTION: **Council directed staff to request the Development Line Modification through the Coastal Resources Commission.**

PUBLIC HEARING II: The purpose of the Public Hearing is to receive citizens comments on a request for a text amendment to amend the zoning ordinance text in Sec. 18-82 (k) Specific Regulations for accessory structures; to allow more than two accessory structures for properties greater than three quarters an acre in size, with a maximum of four accessory structures: **There were no Public Comments.**

PUBLIC HEARING II ACTION: **Council approved the proposed amendments as presented.**

PUBLIC HEARING III: The purpose of the Public Hearing is to receive citizens' comments on a request for a text amendment to amend the text in Sec. 8-78. - Application for permit, in the Oak Island Code of Ordinances, to mandate that development on property within an HOA/POA include documentation in the development permit application that compliance and permission is obtained from the HOA/POA board: **This item was removed from the agenda.**

PUBLIC HEARING III ACTION: **no action taken as item was removed**

PUBLIC HEARING IV: The purpose of the Public Hearing is to hear citizens' comments on a request for a text amendment to amend the text in Section 18-453. Major Subdivision Tree Plan; to require new major subdivisions on the mainland that are greater than 25 acres and more than twelve lots have a forestry plan submitted to the UDO Administrator before construction plans are approved: **There were no Public Comments.**

PUBLIC HEARING IV ACTION: **The proposed text amendment was approved as presented.**

## PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

Johnny Martin, with Moffatt & Nichol, gave a presentation on the recent Army Corps of Engineers' dredging/sand placement project, the upcoming Lockwood Folly dredging and the planned Sea Turtle Habitat Restoration Project. The presentation will be summarized in the Minutes.

## ADJUSTMENT/APPROVAL OF THE AGENDA



PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Public comments will be included/summarized in the Minutes.

COUNCIL REPORTS (MAYOR AND COUNCIL)

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
  - a. June 29, 2018 (Special Meeting)
  - b. July 10, 2018 (Regular Meeting)
2. Approval of Final Plat for Lucas Cove
3. Approval of Change Orders #3 and #4 for the Pier Project
4. Approval of Budget Ordinance Amendments
  - a. For the purpose of rolling forward prior year Federal and State Drug Seizure funds for the Town's Police Department
  - b. To appropriate funds budgeted but not expended in FY 2017-18
  - c. To appropriate funds budgeted but not expended (water meter project) in FY 2017-18
5. Approval of Resolution for USDOT BUILD Trails Grant Resolution
6. Approval of Action to Direct Staff to Have an Easement Prepared for the Sea Biscuit Wildlife Shelter
7. Approval of Contract with Oak Island Water Rescue

The Consent Agenda was approved.

II. COMMITTEE APPOINTMENTS

1. Board of Adjustment (one unexpired term ending March 2021)
  - b. Martyn Hawkins

Council did not make an appointment to this Board.
1. Community Center Advisory Board (one unexpired term ending Oct. 2019)
  - a. Karen West

Council appointed Karen West.
2. Environmental Advisory Committee (one term ending June 2021)
  - a. Lindsey Winstead

Council appointed Lindsey Winstead.
3. Par 3 Golf Course Advisory Board (one unexpired term ending Jan. 2020 for an Oak Island resident outside of South Harbour)
  - a. Danie Corcoran

Council appointed Danie Corcoran.
4. Planning Board (two terms ending August 2021)
  - a. Cathy Bowes
  - b. Martyn Hawkins
  - c. Lynn McDowell

Council appointed Lynn McDowell and re-appointed Cathy Bowes.

III. ADMINISTRATIVE REPORTS

1. Town Manager: The Town Manager's report will be summarized for the Minutes.
  - a. Department Reports: Reports will be included as an attachment to the Minutes.
2. Town Attorney: The Town Attorney's report will be summarized in the Minutes.

IV. OLD BUSINESS



1. Consideration of Proposed Amendments to Sec. 26-1 Construction or other improvements within street right-of-way and Sec. 28-9 Parking on or obstructing sidewalks and public right-of-way: **This item was removed from the agenda.**
- V. NEW BUSINESS
  1. Consideration of Participation in Dredging the Lockwood Folly Inlet: **Council approved participation in the dredging.**
  2. Consideration of Scope of Work for FEMA Sea Turtle Habitat Restoration Project: **Council approved the Scope of Work.**
- VI. CLOSED SESSION to Consult with the Town Attorney on Pending Litigation pursuant to N.C.G.S. 143-318.11(a)(3): **No action was taken following Closed Session.**
- VII. ADJOURN





# ATTACHMENT G: TOWN COUNCIL APPROVED MINUTES.

MINUTES  
PROPOSED AGENDA  
OAK ISLAND TOWN COUNCIL  
PUBLIC HEARINGS & REGULAR MEETING  
AUGUST 14, 2018 – 6 P.M.  
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

Mayor Brochure called the meeting to order at 6 p.m. Council member Blalock gave the invocation and led the Pledge of Allegiance to the flag of the United States of America.

**PUBLIC HEARING I:** Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to the Town's development line. (Local ordinance Section 14-121. - Definitions; and Section 14-125. - Use and development coverage - establish and define the town ocean front development line which represents the allowable location of oceanfront development. The proposed line stipulates no structures shall be built seaward of the proposed Oak Island development line except as allowed under CAMA regulations. The modification to the development line location is only on a small easternmost portion of the Town's oceanfront boundary).

There were no public comments. **Councilor Bell made a motion to close the Public Hearing at 6:03 p.m. Councilor Bach seconded the motion and it passed unanimously.**

**PUBLIC HEARING I ACTION:** Councilor Bell made a motion to approve the development line alteration, to adopt the associated plan consistency statement and to direct staff to present the request for an amended Development Line to the Coastal Resources Commission. Councilor Winecoff seconded the motion and it passed unanimously.

**PUBLIC HEARING II:** Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a request for a text amendment to amend the zoning ordinance text in Sec. 18-82 (k) Specific Regulations for accessory structures; to allow more than two accessory structures for properties greater than three quarters an acre in size, with a maximum of four accessory structures.

There were no public comments. **Councilor Winecoff made a motion to close the Public Hearing at 6:04 p.m. Councilor Bach seconded the motion and it passed unanimously.**

**PUBLIC HEARING II ACTION:** Councilor Bell said this would apply to properties greater than 3/4 acre; Planning and Zoning Director Jake Vares confirmed that.

**Mayor Pro Tempore Scott made a motion to approve the proposed text amendment to Sec. 18-82 (k) as presented and to adopt the associated plan consistency statement. Councilor Winecoff seconded the motion and it passed unanimously.**

**PUBLIC HEARING III:** The purpose of the Public Hearing was to receive citizens' comments on a request for a text amendment to amend the text in Sec. 8-78. - Application for permit, in the Oak Island Code of Ordinances, to mandate that development on property within an HOA/POA include documentation in the development permit application that compliance and permission is obtained from




withdrew his motion. Councilor Bach made a motion to approve the scope of work with Moffatt & Nichol as presented with a not to exceed amount. Mayor Pro Tempore Scott seconded and the motion passed unanimously. Mr. Edes clarified that the motion included directing him to work on amending the contract.

VI. CLOSED SESSION: Councilor Bell made a motion to go into Closed Session at 7:15 p.m. to Consult with the Town Attorney on Pending Litigation pursuant to N.C.G.S. 143-318.11(a)(3) Councilor Blalock seconded and the motion passed unanimously.

Council returned to open session at 7:43 p.m. Mayor Brochure reported that no action had been taken in Closed Session.

Councilor Bell made a motion to adjourn at 7:43 p.m. Councilor Bach seconded the motion and it passed unanimously.

Attested:   
Lisa P. Stites, MMC  
Assistant Manager/Town Clerk



  
Cin Brochure, Mayor

*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.*

