

MINUTES
OAK ISLAND TOWN COUNCIL
REGULAR MEETING
OCTOBER 10, 2017 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

Mayor Cin Brochure called the meeting to order at 6 p.m. Councilor Blalock gave the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the public hearing is to receive citizens' comments on the proposed adoption of the State Flood Model Flood Damage Prevention Ordinance.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said that this was a huge process and that no one in town had a current floodplain map. She said that Council could do the citizens a favor by calling a workshop to let everyone weigh in on the proposed ordinance. She said that she had a lot of questions about it.

Councilor Bell made a motion to close the Public Hearing at 6:32 p.m. Councilor Winecoff seconded and the motion passed unanimously.

PUBLIC HEARING 1 ACTION:

Development Services Director Steve Edwards said that this was a State model flood ordinance revision, and as the new maps are about to be issued, the model ordinance is usually updated. The model ordinance is something we have to adopt because we participate in the National Flood Insurance Program. The purpose tonight is to adopt the ordinance. There are some areas that are discretionary and higher standards can be adopted in those areas. The Town's current Community Rating System rating is an 8. Answering a question from Councilor Blalock, Mr. Edwards explained what a secondary dune is.

Councilor Royal made a motion to approve the flood damage prevention ordinance as it appears in the agenda packet with an amendment on page 46 of the packet to include the optional language (it is shown as stricken on the page) for Section (g)(10). Councilor Royal said that this would require the work to be inspected. **Councilor Bell seconded the motion and it passed unanimously.** Councilor Royal said that once the flood maps were adopted, Council would need to consider some amendments to the reference level definition.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Presentation -- Beach Preservation – Remembering Jim Nelson: Ms. Fortner gave a presentation about the Beach Lovers Program, with special recognition for Jim and Muriel Nelson, who have dedicated years to the cause. Muriel Nelson thanked everyone, and said she knew Jim was watching and that he would say “Long Live Our Beach.”
2. Presentation – Beach Ambassador Season Wrap-up: Beach Ambassador Skip Cox gave a presentation, a copy of which is attached and is hereby made a part of these Minutes.
3. Presentation – Opioid Task Force: Don Flattery, a member of Brunswick County's Opioid Addiction Task Force, gave a presentation on local efforts to combat the problem of opioid addiction. In the U.S., we are losing 136 people a day to opioid overdoses. In North Carolina, there were 835 overdose deaths in 2014 and more than 1,300 in 2016. Our state is 13th in the increase of opioid death rates since 2015. In 2015, there were 24 opioid overdose deaths in Brunswick County, and last year, that number was

34. A number of the overdose deaths involve drug combinations. Brunswick County ranks 11th in the state for the number of opioid overdose deaths and has almost twice the state average. The Task Force was established in March by Senior Superior Court Judge Ola Lewis and Sheriff John Ingram; a report was prepared in July. An action plan was also developed. The Task Force will request a new position at the County level to address several issues. They look for support from the Town of Oak Island. Mr. Flattery and Council also discussed possible reasons for the increase in opioid use.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Bell removed 4, Approval of Tax Release Request, from the Consent Agenda. Councilor Bell said there is a NCGS that governs the release of taxes; the Tax Collector has the authority to release tax once a certification is done in error, and the Council does not. **Councilor Royal made a motion to approve the Agenda as amended. Councilor Winecoff seconded and the motion passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Helen Cashwell, 3407 E. Oak Island Drive: Ms. Cashwell said when Middleton Boulevard was approved, it was to be a non-access road. Since then, there has been an additional access added for the Town of St. James. Now the Youngs, who have already been given money by NCDOT, want more. She said that just beyond them, there will be another development, and what would prevent them from also asking for access. She said the Youngs knew what they had and it should remain limited access. She asked Council to deny the request, no matter what they are promising to give the Town for a fire station or whatever.

Lynn McDowell, 6407 Tortoise Shell Court: Ms. McDowell said that the Town was considering spending tens of millions of dollars for beach nourishment, but that would not include repairing the dunes as that was too expensive. She asked Council to not allow any dunes to be damaged.

Bill Millard, 110 SE 10th Street: Mr. Millard said that he and his wife moved here in 2016. He said this Town is one of the most unfriendly towns for bikers, and yet with the nature of what the Town is, you would think that would be high on the priority list. He encouraged Council to adopt the Bike Plan.

Mayor Brochure welcomed Council Member Dara Royal, who is filling an unexpired term. Councilor Royal said she appreciated the opportunity to serve. Ms. Stites noted for the record that Councilor Royal had been sworn in.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. September 19, 2017 (Regular Meeting)
2. Approval of Contract for PARTF Grant
3. Approval of Regional Bike Plan

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

II. COMMITTEE APPOINTMENTS

1. Beach Preservation Trust Fund Advisory Board (3 terms ending Sept. 2020): Council unanimously appointed Deborah Ollice to one of the terms.
2. Par 3 Committee (one term ending Jan 2018 for a resident who does not reside in South Harbour) With votes from Mayor Pro Tempore Scott and Councilors Bell, Royal and Winecoff, John Phillips was appointed to a term ending in January 2021 (the term was due to

expire in January 2018, and Council extended the term rather than advertise again in two months).

III. ADMINISTRATIVE REPORTS

1. Town Manager: Coastal Property Insurance Pool Board of Directors through the NC Department of Insurance. Mr. Kelly congratulated Mayor Brochure on her appointment to the NC Coastal Property Insurance Pool through the Department of Insurance. Ms. Stites gave an update on the Town's social media pages. Mr. Hatten gave an update on the FY 2017-18 budget, highlighting revenue and expenditures to date; he highlighted the \$1.5 million grant received from the Golden LEAF Foundation and a \$300,000 CAMA grant for rebuilding the Pier.
 - a. Department Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: following Council Reports.

COUNCIL REPORTS:

Councilor Winecoff: A Town Hall meeting was held last week; he and Mr. Kelly, Ms. Stites and Mr. Hatten gave updates and answered questions. He said he thought it went really well and that he looks forward to similar meetings in the future.

Councilor Blalock mentioned the Old North State Peer Fishing Tournament for veterans; a good time was had by all and the Town received a lot of positive feedback.

Councilor Bell mentioned the drug drop box at the Police Department; it is a no-questions asked place to drop unused medications during regular business hours.

Councilor Royal thanked everyone for their encouraging words in her taking her new old role again. She said that she has begun reviewing the draft UDO and there are some significant policy changes; she hopes she will have the opportunity to discuss that.

Mayor Brochure said that she also heard positive feedback about the Town Hall meeting.

Attorney Report: The U.S. Supreme Court denied the Nies appeal; that case is now over.

IV. OLD BUSINESS

1. Consideration of Town's Position on the Planned Interchange at N.C. 211 and Midway Road/Middleton Boulevard: Mayor Brochure read from the memo for the item. Barron Young thanked Council for the opportunity to address this issue. He reviewed the two options their engineer is suggesting for access off the loop road. He said that the family was not paid for a lack of access from the loop road, but rather Middleton Boulevard. Mr. Young said that he is asking for the Town to ask NCDOT for access to assist with emergency services responses. Councilor Blalock asked if it was a condemnation that NCDOT compensated the family for; Mr. Young said that was accurate. He also said that at the time the condemnation transpired, the loop design was not on the table. Answering a question from Councilor Bell, Mr. Young said that NCDOT did not give them an opportunity to negotiate but said they would buy it and that was that. He said they were told there were no options. Councilor Royal asked if the remaining property were landlocked or if there was road frontage; Mr. Young said there was access on N.C. 211. Chad Kimes, with NCDOT, also addressed Council. Councilor Royal asked for an overview of the issue. Mr. Kimes said that two interchanges were added to this project (to widen NC 211) a couple of years ago. One acquisition from the Young family was made in 2009 and the other was when the Young family approached NCDOT for purchase of an access on NC 211 as well. Mr. Kimes spoke about the plan for the two loop roads and the overpass; it is scheduled to begin next year and will take 3-4 years to complete. He

also explained the planned traffic flow. He said that a basic design principle was to not put access on a ramp, as it would slow the traffic flow. He said the Youngs have a 50-foot access, a right-in, right-out access on NC 211. He also said they had offered two other similar accesses on NC 211, but that they would need to review a Traffic Impact Analysis (TIA). Mr. Young asked Mr. Kimes why he thought NCDOT did not have a TIA from the Youngs as he said one had been provided. Several Council members said Mr. Kimes did not have to answer that. Jessi Leonard, Division Traffic Engineer for NCDOT, also addressed Council. She said there was a TIA submitted in February 2016 and that based on the review of that and the comments, it didn't match the scope that was agreed upon within that office and the Traffic Unit at that time. A revised scope was sent in June 2016; since the revised scope, a new TIA was not provided. She said that while a TIA had been submitted, it was considered invalid since it did not match the scope agreed upon prior to that. Mr. Kelly asked Mr. Kimes if the Town could approach NCDOT about using the vacant land within the loop roads for an emergency services facility; Mr. Kimes said this was a new concept, and that was something that NCDOT could consider. He encouraged the Town to make that request sooner rather than later, however, as laws can change. Mr. Kimes said that if a facility were located there, they would look at providing an access on NC 211. He also said that emergency services would be looked at differently than a development, as an emergency services facility does not generate traffic. They would put a system in place to stop traffic to allow emergency service vehicles to get out when needed. Regarding allowing an access off the ramp, Mr. Kimes said that NCDOT would not approve that. Councilor Royal said that it was important to keep in mind that they needed to consider the long-term needs of the public. Councilor Bell said that she was not in favor of writing a letter to NCDOT or starting an application of any kind to ask for access to a ramp. Consensus of Council was the same.

2. Consideration of Beginning Discussions with the Young Family Regarding Potential Location for Emergency Services Facilities on Mainland: Mayor Brochure read the memo and said it had come back for clarification for staff. Councilor Royal said that there had been no work done to determine where emergency service facilities would need to be located on the mainland. **Councilor Royal made a motion to direct staff to work with NCDOT to reserve whatever is available in that interchange that could potentially be used in the future for some emergency services facility. Councilor Bell seconded and that motion passed unanimously.**

V. NEW BUSINESS

1. Discussion of Definition of Secondary Dune: Mayor Pro Tempore Scott said he voted for this when it was approved last year. He said that there seemed to be some inconsistencies and some confusion with the definition of secondary dune. Planner Jake Vares said that Oak Island is the only town on the NC coast that defines secondary dune and explained the definition. **Councilor Royal made a motion to direct Development Services staff to prepare proposed amendments to the ordinance, making some corrections where there are inconsistencies, better clarifying how the dune forms will be defined, and better clarifying what actions might be taken on property given what is in flood ordinances and what is in the CAMA regulations, and prepare that to go before the Planning Board as soon as possible.** She said she thought there some real issues with the ordinance. Mr. Vares said that he would like to see some additional standards so it is more clearly defined. **Councilor Bell seconded the motion and it passed unanimously.**

VI. CLOSED SESSION: **Councilor Bell made a motion to go into closed session at 7:55 p.m. to Consult with the Town Attorney on Pending and Potential Litigation pursuant to N.C.G.S. 143-318.11(a)(3). Councilor Winecoff seconded and the motion passed unanimously.**

Council returned to open session at 8:27 p.m. Mr. Edes announced that the Black & Veatch case settled in excess of \$400,000 and that the Town has purchased several lots on SE 46th Street for \$250,000.

Councilor Winecoff made a motion to adjourn at 8:27 p.m. Councilor Blalock seconded at 8:27 p.m.

Cin Brochure, Mayor

ATTESTED: _____
Lisa P. Stites, CMC
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.