

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
JANUARY 9, 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, 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 that the purpose of the Public Hearing was to receive citizens' comments on proposed amendments to the Town Charter. There were no speakers. **Councilor Blalock made a motion to close the Public Hearing at 6:02 p.m. Councilor Winecoff seconded the motion and it passed unanimously.**

PUBLIC HEARING 1 ACTION: **Councilor Winecoff made a motion to direct staff to place the proposed Charter amendments on the February 13, 2018 Council agenda for consideration. Councilor Bell seconded and the motion passed unanimously.** Ms. Stites noted that the other proposed Charter amendments had already been sent to Rep. Iler's office. Councilor Bach said he thinks the residency requirement for the Manager is archaic and could be a detriment to recruiting in the future. He asked Mr. Kelly to explain the emergency plans in the event the Manager is not in town. Mr. Kelly explained how the NIMS system works and said that every department has a written emergency protocol. The Police and Fire Chiefs are in touch with Brunswick County as needed or when there are advisories, etc. The Incident Commander serves throughout the emergency; the Manager does not relieve that person of that responsibility. Councilor Bach asked if the emergency protocols utilized during the accident on the bridge were adequate. Mr. Kelly said that they were, and that the Police and Fire Chiefs sought additional resources and assistance from other agencies as needed. Mayor Brochure said she was at the scene for at least four hours, and she did not see how staff could have handled it any more professionally than they did. She said that it seems the emergency response protocols are in place and are working.

PUBLIC HEARING 2: Mayor Brochure said the purpose of the Public Hearing was to hear citizens' comments on proposed amendments to 18-172 (b) and (c) (commercial driveways). There were no speakers. **Councilor Bell made a motion to close the Public Hearing at 6:06 p.m. Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC HEARING 2 ACTION: Councilor Bach said that in the staff memo, there was a reference to upcoming commercial projects; he asked what they were. Planning and Zoning Administrator Jake Vares said that this would affect plans at the airport to install a new hangar and the planned Publix, and he thought maybe one other. Councilor Bach said that the recommendation from the Planning Board seemed neutral. Councilor Bach asked if a risk/reward analysis had been done, as larger commercial driveways would mean more traffic and a potential threat to pedestrians and could alter the current landscape on the island. Mr. Vares said that he did not have such an analysis. He also said the Planning Board unanimously recommended approval; the Land Use Plan (LUP) does not specifically address driveways, so it was appropriate to state that the amendment was neither consistent nor inconsistent with the LUP. Mr. Vares said he was not sure what an analysis like Councilor Bach referenced would look like; he guessed that there could be models to show what every possible commercial driveway could look like. He also said that NCDOT considers all kinds of factors and uses a formula to decide whether a driveway would be acceptable. Councilor Bach said that his concern is that by adopting this, it would be changing the

landscape. Mr. Vares said that this sort of modeling would be outside of his wheelhouse and a consultant would have to be brought in. Councilor Winecoff asked what would happen with the planned development for the airport and Publix if the text amendment were not approved. Mr. Vares said this was a staff-initiated text amendment, so there would likely be either a request for the text amendment from one of the developers, or there would be a variance request. Answering a question from Councilor Winecoff, Mr. Vares said that our driveway regulations were more restrictive than NCDOT's, and that he thought that was because our ordinances were outdated.

Mayor Pro Tempore Scott made a motion to adopt the proposed amendments to 18-172(b) and (c) as presented and to adopt the associated Plan Consistency Statement. Councilor Bell seconded the motion and it passed 3-2 with Mayor Pro Tempore Scott and Councilors Bell and Blalock in favor and Councilors Bach and Winecoff opposed.

ADJUSTMENT/APPROVAL OF THE AGENDA

Councilor Bell moved New Business 2, Consideration of Resolution Opposing Proposed Homeowners Insurance Increase, to the Consent Agenda as it has already been addressed by the Insurance Commissioner, and New Business 3, Consideration of Right-of-Way Encroachment Agreement with ATMC, to the Consent Agenda. Councilor Winecoff added a discussion of Specific Personnel to the Closed Session. Councilor Bach removed Consent Agenda 3, Adoption of Budget Ordinance Amendment to appropriate funds from Water Tap Revenue to cover costs of new installations, from the Consent Agenda. **Councilor Bell made a motion to approve the agenda as amended, Councilor Bach seconded and the motion passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Cynthia Hamrick: Ms. Hamrick asked for financial support from the public for the Sea Biscuit Wildlife Shelter. She said that Mary Ellen Rogers works to pay for the expenses for running the shelter. If the community doesn't support her, we will lose a great service. She asked for \$1,000/month in support.

Pete Key, 5007 E. Yacht Drive, written comments provided as follows: On January 6th of 2017, we celebrated bringing our way of life and place we live back from the edge of destruction when the President listened to the 126 East Coast Municipalities, over 1200 elected officials and an alliance representing over 41,000 businesses and half a million fishing families who opposed offshore Seismic Airgun blasting and offshore drilling for oil and natural gas. I want to again thank the Town of Oak Island for being one of those municipal voices. As a matter of fact, every coastal municipality in Brunswick, New Hanover and Horry counties did the same thing. Given that fact it baffles me to understand why The Brunswick County Commissioners chose to endorse Offshore Drilling and Exploration and have thus far adamantly stood behind that stance. At this point every Governor from Maine to Florida has announced their opposition to offshore drilling and yet here we are standing as one of two counties in NC that say they are in favor. I'd like to ask the members of the town council to reach out to the Commission one more time and ask that they reconsider their resolution. Why now? Because, on January 4th, The President's Administration put us back to the brink and announced their plan to open not just the Eastern Seaboard but Twenty-five of the Twenty-six Zones in US waters. Everything but Samoa is now in jeopardy. This is a part of their America-First in Energy Campaign. One of the Pro-Oil talking points is that we need offshore drilling in the Atlantic to secure American resources for Homeland Security. Vincent DeVito, Counselor for Energy Policy at Interior says that "By proposing to open up nearly the entire OCS for potential oil and gas exploration, the United States can advance the goal of moving from aspiring for energy independence to attaining energy dominance. This decision could bring unprecedented access to America's extensive offshore oil and gas resources and allows us to better compete with other oil-rich nations." The statement that we "Aspire" comes as we finished 2017 as the third largest oil producing nation in the world and exports 1.5 to 2 million barrels a day. We are producing enough to

supply our own demand, but we are also exporting 10% of our resources. Is that securing those resources for American Security when we are exporting them to China at the rate of 22 thousand barrels a day in 2017? Acting BOEM Director Walter Cruickshank says: “American energy production can be competitive while remaining safe and environmentally sound.” However, Ex -Shell Oil CEO, John Hofmeister recently stated in a debate in Wilmington that “nobody in the industry likes oil itself, calling it “dirty” and “the devil’s excrement.” It’s not if they spill it’s when they do. We look at the record and we see the Keystone pipeline spilled last year, today there is a million-barrel tanker on fire off the coast of China and we had a tanker lose control and beach on the Southport shore of the Cape Fear last November. Do we want that risk off our beaches? What happens to our Economy based on Pristine beaches and clean water tourism when dead birds, fish and tar balls begin to wash up on our beaches. When the Department of the Interior closes our beaches due to bacterial blooms and the water is coated in a chemical sheen of dispersants and well lubricants as regularly happens in Texas. What happens to the home values and tax base? What happens to the jobs supported by tourism? Could we ever recover from the damage once the oil is gone? Our Commissioners told me once that, “we want to be at the table when oil comes to Brunswick.” My response is “The deal you make with the devil always comes back to bite you. He is a dishonest and deceitful master.” Look at the Gulf coast states just last month as the administration has cut their revenue payments in half saying the BP settlement should “cover it”. There are no guarantees and there is immense risk with the influx of an oil economy. Many more than I have mentioned here. We have a sure thing now. The sun will never go dark, the beaches will always be here. Maybe a few feet closer to the homes each year, but it’ll be there. The fish will always be easy to catch and great to eat. The oysters plentiful and safe. We have a paradise and we are fighting corporations that want what we have. We need you to fight for it. We need you to speak with the commissioners this week to tell them we want them to change their stance and come in line with the other 126 Municipalities, 13 States, and tens of thousands of Americans saying, “Don’t Drill Here.” Thank you for your time.

Mayor Brochure asked staff to send a copy of the Resolution adopted in 2015 opposing offshore drilling to the Brunswick County Commissioners.

Rosanne Fortner, for the Beach Preservation Trust Fund Advisory Board: Ms. Fortner said that the Beach Preservation Society has been busy. A new vehicle is being purchased. There is a workshop meeting in January, and she encouraged everyone to attend. The Wine Tasting will be in April; tickets go on sale for members in February. Ms. Fortner also encouraged everyone to follow their Facebook page.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Mayor Pro Tempore Scott said that we recently lost Dr. Sylvia Beck. He said that she was certainly a force to be reckoned with, and that she will be missed.

Councilor Bell thanked the Town staff for their work during the recent storm.

Councilor Bach said as a Point of Information, he had questions about the Council members working on specific aspects of the Pier replacement project, such as what the timeline was, what the process, etc. Councilor Winecoff said they were just getting started. Mr. Kelly said there had been one meeting so far.

Mayor Brochure also said Dr. Beck would be missed. She said there was a not a week during the Farmers Market season when she didn’t get a report from Sylvia with how the Market was going. She also thanked everyone who submitted comments to the Insurance Commissioner. She said that there would be a hearing in June and that she would attend. She assured the public that the local elected officials were doing everything they could to keep the rates from being raised as requested. Mayor Brochure said that a

liaison was needed for the Par 3 Committee – consensus was to ask Councilor Blalock to attend those meetings.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. December 12, 2017 (Public Hearings & Regular Meeting)
2. Approval of Resolution Awarding Lt. Greg Githens His Badge and Firearm Upon His Retirement
3. Consideration of Resolution Opposing Proposed Homeowners Insurance Increase
4. Consideration of Right-of-Way Encroachment Agreement with ATMC

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

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Adoption of Budget Ordinance Amendment to appropriate funds from Water Tap Revenue to cover costs of new installations: Councilor Bach asked if the adjustment was necessitated by growth; Mr. Kelly said that was correct. Councilor Bach asked if the planning algorithm had been adjusted going forward to anticipate more growth and set aside more revenue. Mr. Kelly said that the FY 2018-19 proposed budget would reflect growth. Councilor Bach asked if there were any other areas of the budget that would need to be amended to reflect the near-record housing starts; Mr. Kelly said that the wastewater tap numbers would be reviewed before the end of the year. **Councilor Bach made a motion to approve the budget amendment as presented. Councilor Bell seconded the motion and it passed unanimously.**

Mr. Edes noted that a motion to suspend the rules was needed to add the amendment to the Pier contract to the agenda Old Business 2). **Mayor Pro Tempore Scott made a motion to suspend the Rules to add Amendment of the Pier contract to the agenda. Councilor Bell seconded the motion and it passed unanimously.**

III. COMMITTEE APPOINTMENTS (no applications received)

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that thanks to the engineers and hard work by staff, we have now received all of the needed permits for rebuilding the Pier. We started the process last May with Marine Fisheries and received our notification on December 15. We have constraints due to the turtle season, and will break the work into two phases. We have 11 people signed up for the Citizens Academy so far; we can take 25. We hope to teach them a lot about the Town. We have also advertised for volunteers. We are working with McAdams to start work on the stormwater project behind Town Hall and the odor control system at Middleton. The apparatus for the odor control system is being delivered from Australia. Both projects are to be completed by the end of April. The computers were down as far as work orders for 2 days (through the winter storm) as there were computer updates being done. The Corps of Engineers is still trying to make the Wilmington Harbor Project happen. Mayor Brochure added that the Ports Authority had also contributed \$2.5 million for that project. Mr. Kelly said we are still working with Brunswick County on the Lockwood Folly Inlet to make the dredging a regional project.
 - a. Department Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: no report

V. OLD BUSINESS

1. Discussion of Scheduling a Meeting to review the Draft UDO: Councilor Bach said that there should be a meeting with the Planning Board so that they could have a macro-level discussion before getting into the details. He said there should be public discussion about whether this accomplishes what

we want it to in terms of density, etc. **Councilor Bach made a motion to invite the Planning Board to join Council in reviewing the UDO prior to the workshop process.** Councilor Winecoff said that he thought that it would be better for the Council members to have a better understanding themselves before meeting with the Planning Board. **Councilor Bach said he would accept that as an amendment to the motion.** Mayor Brochure said that they may discuss at the retreat assigning chapters to individual Council members. **Councilor Bach restated the motion, saying that he moved that in our UDO planning process, following a discussion by Council, we invite the Planning Board to join us in a public session. Mayor Pro Tempore Scott seconded the motion and it passed unanimously.**

2. Consideration of Amendment to the Contract for the Oak Island Pier: Mr. Kelly said this was the original contract, broken into two phases to accommodate the halt in construction for turtle nesting season. Mr. Edes said that this work should have started in October, but that the Town just now received the permits. **Councilor Bach made a motion to approve the contract amendment as presented, Councilor Bell seconded the motion and it carried unanimously.**

VI. NEW BUSINESS

1. Discussion of Chapter 32 – Vegetation (tree ordinance): Councilor Bach said that he wanted to discuss the need to revisit the tree ordinance. He said there is no simple solution but that he thinks it is too important an issue to give up. **He made a motion to revisit, at the staff and Planning Board level, a new tree ordinance.** He said that we have to balance tension between the stormwater rules and tree ordinance we have, which allows what is essentially clear cutting. He said that Wilmington was considering some interesting ideas. Councilor Winecoff said he had already asked staff to take a look at the Belville ordinance. **Councilor Bach said that if taking another look was already in the works then he would withdraw the motion.**

Council Bell made a motion to go into Closed Session at 6:50 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.

Mayor Brochure called the meeting back to order at 7:39 p.m. and stated that no action had been taken in Closed Session.

Councilor Winecoff made a motion to adjourn, Councilor Bach seconded and the motion passed unanimously.

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.