

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
August 13, 2019 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

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

Mayor Brochure said that they would begin with Public Comments until Mr. Edes arrived for the Public Hearings.

ADJUSTMENT/APPROVAL OF THE AGENDA:

Mr. Kelly added a discussion of the 801 Lease to New Business. **Councilor Bell made a motion to approve the agenda as amended, Councilor Blalock seconded and the motion passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Sharon Dieppa, St. James, written comments provided as follows: I am Sharon Dieppa. My husband and I have over 780 hours volunteering in the Oak Island Sea Turtle Protection Program (OKITPP) in the years 2016, 2017, and 2018. In 2018, we were made nest parents. There is evil permeating the turtle protection program (TPP)! Cohesive rules are necessary, but meanness, rudeness, and nastiness should not be tolerated! Residents and tourists are treated badly. Even turtle parents are threatened! All TPPs were given the same guidelines by Matthew Godfrey, the Raleigh official. Each head can make additional guidelines on how to implement them. Some TPPs publish all turtle information; three do not. But at OKI, information is considered Top Secret! What is needed on OKI is a total re-do. I understand the current program coordinator will not return in 2020. But the problem will still exist. At no time did the Raleigh official state that a "do not post" on turtles' information is required. Also, in July, Dr. Godfrey stated the only reason for the program is "data accumulation." Believe me, after spending all these hours with these endangered turtles, never have I seen anyone harm a turtle at a boil or excavation! I have never heard of an incident. So, Dr. Godfrey's state numbers are protected. Residents, tourists, and nest parents alike are treated as problems for the OKITPP. Remember, residents have businesses here, pay taxes, vote, and are interested in this program. And tourists spend a lot of money here - they could decide to spend it at a "friendly" beach. We need to change from this totalitarian front to a "friendly" beach turtle organization. To do this we need to: Post addresses, dates, locations, boils, and excavations at the Rec. Center and their website. Tourists love getting turtle information from the nest parents, such as size of baby, size of adult, and all information the nest parents can relay to them. Knowledge could save a turtle. Nest parents - learn to be polite! And smile when talking with visitors. It is felt that the more understanding of these precious turtles only helps the survival rate. NO BLASTING, NO DRILLING

Ismael Dieppa, St. James, written comments provided as follows: I am Ismael Dieppa. My wife and I have been volunteers since 2016 in the Oak Island Sea Turtle Protection Program. After three years, becoming nest parents, more than 780 hours, sitting on 12 nests, and observing over 15 excavations, we have never seen anyone hurt a turtle or damage a nest (some of those nests had over 100 people during a boil and over 250 people during the excavation). I was not invited to be a volunteer in 2019. I was told "The turtle program is an all-volunteer program and every year there are several volunteers not invited for various reasons. Hope Sharon is ok! Thank you for your interest. Eileen" All NC Sea Turtle Protection Programs follow the guidelines of the NC Wildlife Resources Commission. At no time did the

commission order the programs to keep the turtle information "secret." Several Turtle Protection Programs in NC (Ocean Isle, Sunset, Wrightsville Beach) either publish the information in their websites or, when requested, will email you the nest locations and excavation locations and times. OKI chose to restrict the information so secretly that only the program administrator knows where the nests are located and the excavation dates. Nest parents are not permitted to inform people where nests are located or the date of their own nest excavation. The program administrator uses scare tactics and peer pressure that has destroyed friendships with this secrecy. I had former close friends not talking to me about anything because of this total issue. Nest parents are not even told where other excavations are going to be because "they will disrupt the other nest operations." The program administrator said - she did not care about residents/tourists/renters' interests and questions regarding turtles; "her job is not to entertain them." I do care. Last year, a visitor from Ohio told me she and her family have been coming to OKI for 20 years and she has never seen a boil or a live turtle. I told her our excavation would be in about 45 minutes. She came back with her family - followed 10 hatchlings to the water. She was ecstatic that after 20 years they were able to see live turtles. In summary, I would suggest: The program should be transparent in actions, policies, and procedures. Secrecy should stop. OKI post in their website, or have available, nest locations and excavations dates. OKI should allow volunteers to inform visitors the location of other nests and/or excavations. The more understanding of these program will only help to increase turtle survival rates, not decrease their numbers. NO BLASTING, NO DRILLING.

Teresa Brookover, Jessup, Maryland, 127 NE 31st Street property owner, written comments provided as follows: My husband and I have been coming to Oak Island for family vacations for 7 years and have fallen in love with the beautiful beaches and the friendly people. We started sitting with turtle nests our first year here. We would go to the OKI Rec Center every day to check the listing for the nest closest to hatching. Their list included the Nest #, Date and Location. After few observed turtles hatching one night with our children and grandchildren, we knew we wanted to live here and be part of this program. Shortly thereafter we bought our home on the island which we will be retiring to next year. Starting in 2018, the OKI Rec Center stopped posting the list of nests, causing visitors to the island to not have the opportunity to find the nests ready to hatch during their 5-6 days of vacation. The dates of excavations are also not posted or announced. Turtles are told not to divulge any information were not posted any longer, The Rec Center Staff told us it was to keep crowds away for the safety of the turtles by recommendation of the NC Turtle Program. OKI Beaches are public and we believe the best way to keep the turtles safe is through education and what better education than to allow all people, locals and visitors, young and old to observe the miracle of the hatches and excavations. An informed and educated public can be powerful force in promoting the protection of sea turtles. The children and young adults who could experience the miracle of turtle babies will be the next generations of turtle volunteers. Currently there is a huge disconnect between the Turtle Program and the OKI community of turtle lovers. We don't understand why anyone in the Turtle Program would not want to share information to those interested in our turtles. I have not heard of one single situation of loud, obnoxious vacationers stomping on baby turtles or disrupting the hatching any way. If the people in attendance are not aware of the rules then the volunteers or other visitors often gently remind them. According to the NC Turtle Protection Program, there is no regulation that limits the posting of the nests locations with their dates to the public, and therefore we, as representatives of all turtle lovers request that the managers of our turtle program, please start posting the nests once again. I understand that our town does not control the turtle protection program managers, but Oak Island budgets town money for their program and they also utilize our Rec Center as their HQs, so to speak. Please note that other NC beaches post the nest information, such as Bald Head Island, Ocean Isle, Holden Beach, Wrightsville Beach and Carolina Beach. Our good friend and turtle advocate, Beatrice Hair, could not be here tonight, but she has a very informative Facebook page with over 592 followers. We are all trying to keep it updated for the vacationers and locals who are interested. I have compiled some comments from the page and letters of concern written to Dr. Godfrey, the overseer of the program.

These comments will be included with my comment for inclusion in the Council Meeting minutes. Thank you for allowing me to speak to you tonight

Rosanne Fortner, for Beach Preservation Society: Ms. Fortner said that she thought the Turtle Protection Program was fantastic. She praised the volunteers for their heroic efforts in managing the nests, hatches and the people in this record-breaking season. She said the volunteers needed support. Ms. Fortner also said the OKI Beach Preservation Society had a busy summer. They have had three aquarium programs and five flash sweeps. She encouraged everyone to participate in upcoming flash sweeps. She said there are free products for visitors to use, such as disposable ashtrays for people to use; they are distributed by Beach Ambassadors. She said they had also developed an access guide. Ms. Fortner also spoke about the activities patch. There will also be a handicapped-accessible rollout placed between the Oak Island Pier and 801 Ocean Drive.

Richard Fortner, 113 Paula Circle, written comments provided as follows: The Oak Island Beach Preservation Society is a membership-based association dedicated to education and community engagement to enhance the Oak Island beach experience and leave the beach better and safer for everyone now and in the future. For some 20 years there has been a successful collaboration between the Town and the Society. Based on a 1999 draft of by-laws for the Society, it appears that serious consideration was given to forming a nonprofit corporation to handle the administrative and fiscal affairs of the Society at its inception. Recently, the Society has sought the flexibility to accept credit cards at its single annual fund raiser and for the payment of membership dues. There has been agreement by both the town management and the BPS board that it might be time to form an independent nonprofit corporation that would qualify as a federal 501(c)(3) tax exempt organization. This would offer clarity for our donors that their donations would be tax deductible. It will also enable us to have bank accounts and to pay invoices using funds that we generate, including residual funds from our operations with the Town. These funds were raised by BPS. In May of this year the BPS Board appointed a self-study group to evaluate the feasibility of becoming a nonprofit corporation. After meeting with the Town Manager and Town Finance Director, as well as current and past board members, including founding members of BPS, the Study Group unanimously agreed to proceed with forming a nonprofit corporation with the NC Secretary of State. Our NC charter was granted on July 19, 2019. We have obtained an EIN (employee identification number) or federal tax ID for the purpose of opening bank accounts and have opened accounts with a local bank. With the concurrence of Town Council, we are ready to receive our residual funds and then formally apply for 501(c)(3) status as a charitable corporation. We look forward to many more years of successful collaboration with the Town in Beach Preservation. Finally, under NC law, any residual funds of the Oak Island Beach Preservation Society, Inc., upon dissolution of the corporation would go to the Town of Oak Island for beach preservation.

Helen Cashwell, 3407 E. Yacht Drive: Ms. Cashwell said that ever since Hurricane Florence, there had been a noticeable change in our water supply, and she asked why we were the only Town that did not have to boil water. She said the water left rings in bathroom fixtures that had not been there before. She asked if regular testing was done and if it was done in the inland canals. Ms. Cashwell said that one of the Council members once tried budgeting for testing in the canals, due to the pollution that was there then but all he ever got was a good laugh. Ms. Cashwell asked if any of them had talked to the County about the power plant dumping issue. She asked when there would be public hearings on that situation. She asked why that information wasn't posted on our beach so that citizens were made aware. She said that water is the lifeblood of our existence, and just today, Newark, NJ started handing out bottled water to its citizens due to its unsafe drinking water, and she asked who could forget Flynt, Michigan. Ms. Cashwell said that the environment, water, air and coastline had reached a critical stage because of the political oversight that's looked after the polluters and not the people. They have also ignored the environmental laws that were passed to protect us. She asked Council to not let that be them. She said that the results

were illness, deaths and economic losses too great to measure. She said the residents of Oak Island should not have to be concerned that our water source is safe and that the environment is being protected. ... Ms. Cashwell challenged Council to fully investigate and be transparent to the citizens about their feelings and findings.

Pete Key, 5007 E. Yacht Drive; Mr. Key thanked Council for the quick response on the power plant discharge issue. He said within 24 hours he had agreement from Council and the Mayor that they would address the situation as soon as possible. He said what was going on was that a power plant in Southport, that uses chipped up tires and old wood by burning it in the plant and then the coal ash goes into settlement ponds outside the facility. He said that twice a year, they flush 500,000 gallons of water off those ponds, pick up the coal ash, transport it to another facility where is supposedly stored safely and then they rinse out those tanks and that 17,000 gallons goes into the drainage canal for Progress Energy and the ocean off Caswell Beach. He said that many people did not know that. He asked Council to follow up and ask for a public hearing. He said citizens want to know what is coming out of that plant, where it is being discharged, what level it is and how it is going to affect the people of Oak Island and Caswell Beach.

Liz Grimm, no address given: Ms. Grimm said that we were a sea turtle sanctuary and that we received funding based on participation with research, which is gathered by volunteers, which is turned into state and federal groups. She said these groups were non-profits and not under the jurisdiction of a town. She said they are recognized by state and federal organizations and implement recommendations and rules from those authorities, as do all other turtle organizations in our state. She said that our groups on Oak Island were wonderful and that they devote thousands of hours each year and they don't get paid. Ms. Grimm said the volunteers were knowledgeable, kind, informative and they protect baby turtles to ensure their survival. She said that they are not there for entertainment and that it is not a right to witness a boil, just like she wouldn't expect a turtle to walk into her delivery room. She said that the recommendation to not list nest sites came from the State. She said that many other areas have never listed nest locations. She said the information is still available, just not on social media or on a wall in a Town building. She also said that she has never had problems with turtle volunteers. She said that she did not think there was a problem, just that one person, or a group, thinks there is a problem. Ms. Grimm said that the Endangered Species Act protects turtles from everyone, even the volunteers. Ms. Grimm also said that citizens would not want to pay taxes for increased police patrol for crowd control when there is a hatching.

Mayor Brochure noted that Town Attorney Brian Edes had arrived to the meeting.

PUBLIC HEARING I: The purpose of the Public Hearing was to hear citizens' comments on a request to rezone Parcel 250DAO38 from CB (Community Business) to R-MU (Residential Mixed-Use).

Jerry Gordon, Breckenridge, Colorado: Mr. Gordon said that he is requesting the rezoning for a lot behind First Citizens Bank. He said that it had been zoned mixed-use in the past, but that that changed in October.

Dara Royal, 216 NE 47th Street, written comments provided as follows: The request before you tonight to rezone a parcel in the Yaupon area classified as Thoroughfare Commercial from CB to R-MU is not supported by the Land Use Plan, and I respectfully encourage you to deny the request. The UDO description for the newly created district R-MU that is in your agenda packet is almost a carbon copy of the description of residential mixed use in the Future Land Use section of Chapter 5 Goals and Implementing Actions in the 2017 Comprehensive Land Use Plan. So, a person seeking to understand the intent of this new zoning district could review that section which begins on page 5-11 and ends with the Future Land Use map on page 5-18. It is important to read the entire section. *Thoroughfare Commercial*, also a term in your agenda packet, is described on page 5-12 in the Future Land Use section as follows:

“The . . . land use sector is designed to accommodate the widest range of commercial activities and is established to accommodate commercial activities that draw business primarily from, and provide services to, major thoroughfares within the Town’s planning jurisdiction. There is no minimum lot size. This sector is consistent with the Community Business (CB) zoning district.” The entire CB zoning district in the Yaupon Area is classified as Thoroughfare Commercial on the Future Land Use map. This is the only area on the island with that classification. *It is reasonable to conclude that the Land Use Plan does not support any rezoning of any parcels currently zoned CB and classified as Thoroughfare Commercial in the Yaupon area.* But this request seeks to rezone such a parcel to R-MU. What areas are classified as R-MU on the Future Land Use map? The Preserve, South Harbour, Fish Factory Rd., and sections of the Williamson Tract and Pine Forest. There are no areas on the island classified as Residential Mixed Use on the Future Land Use map. There are two Land Use Plan references to residential mixed use in a commercial district. Both of these are in the consistency statement in your agenda packet, but neither applies to this rezoning request. One is referring to the Long Beach commercial area, not Yaupon. And the other is already codified in the UDO Table of Uses - Dwelling, over a business is a Special Use in any CB District without rezoning. But this special use applies to a single dwelling on a single parcel - not three dwellings on a single parcel. Again, I respectfully encourage council to deny this request to rezone a parcel in the Yaupon area classified as Thoroughfare Commercial from CB to R-MU because it is inconsistent with the Land Use Plan. Council members Jeff Winecoff, Charlie Blalock, and John Bach served on the steering committee for the Land Use Plan. I hope that approving a rezoning request that is so completely inconsistent with the Land Use Plan is not the direction you want to set for future development in the Town of Oak Island.

Debbie Dolonprince, 1861 Reidsville Road, Southport: Ms. Dolonprince said the request had a positive recommendation from the Planning Board because it is between residential and commercial areas. She said that the residents in the area support the change, and it seems like it supplies the Town with a place for people to live and for businesses. She said the change would not do any harm to the Town.

Councilor Bell made a motion to close the Public Hearing at 6:37 p.m. Mayor Pro Tempore Winecoff seconded and the motion passed unanimously.

Councilor Bach said that this deserved careful consideration as it could be setting policy. He asked Planning & Zoning Administrator Jake Vares if it was true that the Land Use Plan (LUP) did not include RM-U zoning here, but that the UDO, superseding it, has this hybrid process which permits it to be rezoned. Mr. Vares said that he would amend that statement to say that mixed-use development is discussed heavily in the LUP, and that it is discussed in a positive way. Mr. Vares said they had done a windshield survey, and that there was a 3.8 % vacancy rate for mixed-use developments. Councilor Bach read from the agenda memo, and asked if the Special Use Permit (SUP) process could take R zoning and flip it into RU. Mr. Vares said it wouldn’t change zoning unless Council approved it. Councilor Bach asked if this makes easier to change the zoning of a property. Mr. Vares said that no, because applying for a rezoning and a Special Use Permit was an arduous process. He said that the process was designed to give the Town more control in sensitive areas when there is concern about the impact of potential new land use to the surrounding area. Mr. Vares said that under the previous ordinance, mixed-use was just a permitted use in certain zones, and that this process gives the Town more control, and triggers other requirements such as notifications to the neighbors, advertisements, etc. so everyone is aware and has the chance to give input. Councilor Bach said he was concerned about getting a flood of similar requests. Councilor Bach asked if this process goes through two boards, first the Planning Board and then Council. Mr. Vares said that the Planning Board makes a recommendation for the rezoning but Special Use Permit requests are considered only by Council. Councilor Scott asked if this was the first time we had done this procedure; Mr. Vares said that was correct. Councilor Scott asked if this had been reviewed by the Town Attorney. Mr. Edes said that this was a legislative decision. He clarified that there would be no binding

precedent with this decision. He also said that Mr. Vares said that it gives the Town more control; he said he would prefer the word input. He said that Council could add conditions to the Special Use Permit, which he would could consider input. Mr. Edes also said that the Planning Board is an advisory board which makes a recommendation, and that it is not binding on the Council. He said in respect to Councilor Scott's question, this is a lawful process. Mayor Brochure asked if it had been advertised; Mr. Vares said it was. Councilor Blalock asked if the neighbors had been notified. Mr. Vares said a sign was posted on the site, letters were sent to the adjacent property owners and the Public Hearing was advertised in the newspaper. Councilor Bell said that the property was currently CB, the surrounding properties were CB except the properties across the street, which is residential. Mr. Vares said in his opinion, it was a perfect blend of land uses from west to east.

PUBLIC HEARING I ACTION: Councilor Blalock made a motion to approve the rezoning application and to adopt the associated plan consistency statement. Councilor Bell seconded and the motion passed 3-2 with Council members Bell, Blalock and Scott in favor and Mayor Pro Tempore Winecoff and Councilor Bach opposed.

PUBLIC HEARING II: The purpose of the Public Hearing was to receive citizens' comments on a request for a Special Use Permit for Parcel 250DA038.

Mr. Edes said that this was a quasi-judicial hearing. He said that the goal was to have Council be fair and impartial and base a decision solely on the evidence presented at the hearing. Mr. Edes asked the Council members and Mayor if they had any ex parte conversation with the applicant or staff, made a site visit, if they had a financial interest in the outcome of the hearing or had any reason they could not be fair and impartial; none indicated a positive response. Mr. Edes said that all evidence would come during sworn testimony.

Ms. Stites administered the oath to Mr. Vares and applicant Jerry Gordon. Councilor Bell asked if Jeff Gordon was supposed to be Jerry Gordon; Mr. Vares said that was correct and that it was a typo in the memo. Mr. Vares asked for pages 6-16 to be entered as Exhibit A. It was accepted without objection. Mr. Vares said the applicant was applying for a Special Use Permit for commercial and residential/mixed-use. He said the property was on Price and McGlamery Streets. Designs and a survey were included with the application. Mr. Edes said that on page 12, there were eight conditions, and that Council should be satisfied that the conditions had been met in order to approve the Special Use Permit. The numbering of the conditions was corrected to read 1 through 8. Mayor Pro Tempore Winecoff asked if this was spot zoning. Mr. Edes said that it was not spot zoning, and reminded Council that the zoning had already been addressed.

Mr. Gordon did not cross-examine Mr. Vares. Mr. Edes asked if there was anyone else who wanted to speak; there were no additional speakers. Mr. Edes asked Mr. Gordon to come forward for any questions from Council. Mr. Gordon said this was a good transition spot. He said that the neighbors were concerned about solely commercial use and removing all the trees, etc. He said that there would be parking for the residential and commercial uses. There were no questions from Council. Mr. Edes asked Mr. Gordon if he saw any reason why his proposal would endanger public safety; Mr. Gordon said it would not. Mr. Edes asked if the proposed use was in harmony with the area; Mr. Gordon said that it would be a transition between the bank and residential properties. Mr. Edes asked if the use would promote the convenience of the public, to have this type of project; Mr. Gordon said he did. Mr. Edes asked if there were plans for adequate facilities and roads to service the project. Mr. Gordon said that there were already utility services in place and there was already road access from Price and McGlamery.

Mr. Edes asked Mr. Vares if staff had reviewed the eight conditions in the Special Use Permit and whether the conditions have been met. Mr. Vares said that in his professional opinion, they had been met. There were no additional questions for Mr. Vares from Council or Mr. Gordon.

Mr. Edes asked if there was anyone else who wanted to testify; there was no additional testimony.

Councilor Blalock made a motion to close the Public Hearing at 7:07 p.m. Councilor Bell seconded the motion and it passed unanimously.

Mr. Edes said that the hearing had been opened, that all those who provided testimony had been sworn in, that Council heard from staff, that staff introduced pages 6-16 from the agenda packet, which were accepted without objection as Exhibit A, Council heard from the applicant, and again from Mr. Vares, and that was the entirety of the evidence presented.

PUBLIC HEARING II ACTION: Councilor Bell made a motion to approve the Special Use Permit and to adopt the associated findings of fact. Councilor Blalock seconded the motion and it passed 4-1 with Mayor Pro Tempore Winecoff and Council members Bell, Blalock and Scott in favor and Councilor Bach opposed. Councilor Bach said that he believed that the fourth criteria had not been met, that it was not in conformity with the Land Use Plan.

PUBLIC HEARING III: The purpose of the Public Hearing is to hear citizens' comments on a proposed preliminary plat for Parcel 250BL022 (SE 72nd and SE 73rd Streets). There were no comments.

Councilor Bell made a motion to close the Public Hearing at 7:09 p.m. Councilor Bach seconded, and the motion passed unanimously.

PUBLIC HEARING III ACTION:

Mr. Vares said that the Planning Board recommended approval. He said the property is in the R-7 zoning district and is in the AE and the X flood zones. There are wetlands, but not where this subdivision is located. Mr. Vares said that the developer would be responsible for installing utilities.

Councilor Scott made a motion to approve the preliminary plat Councilor Bach second the motion and it passed unanimously.

Council took a recess from 7:11 p.m. to 7:20 p.m.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach thanked Council for their quick response to the ocean pollution issue. He also thanked the Mayor and all who helped with the fundraiser for the Dingle family; he said it speaks to the compassionate soul of our community and it was really heartening to see.

Councilor Bell said she was grateful to our Oak Island Angels who organized the fundraiser for the Dingle family. She said it was a wonderful night.

Councilor Scott introduced his two granddaughters in attendance tonight, Caroline and Haley. He also noted that the Friends of Oak Island Parks is a 501(c)(3) that was organized to accept donations for Parks and Recreation. The group is sponsoring a community yard sale this Saturday; proceeds would benefit the Splash Pad area with some shade poles. Councilor Scott also said that the fundraiser last Saturday showed that the community can really come together.

Councilor Blalock agreed that the benefit was wonderful. He said it made him proud to be a part of the community. He also complimented the VFW for the new swing at Veterans Park.

Mayor Pro Tempore Winecoff also said that 34 years ago, his wife had introduced him to Yaupon and Long Beach. He knew he would move here, and they did. After seeing last Saturday's actions, seeing the way that the community came together, he said that there was nothing that could compare to this town. He said that when anything happens that harms or could harm our residents, Council jumps to defeat it and defends this town.

Mayor Brochure said that what they saw happen Saturday night was amazing. It started four years ago, when there was a tragedy involving a young girl, and they called in Banding Together. Anytime they can help someone in need, they do. She said Clarissa Cope and the Oak Island Angels made the event Saturday happen.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. July 9, 2019 (Public Hearings & Regular Meeting)
2. Approval of Amendments to Sec. 22-12 Piers
3. Approval of Budget Ordinance Amendment (to rollover drug seizure funds from FY 2018-19)
4. Authorization for Staff to Submit a Grant Proposal to the Division of Coastal Management Public Beach and Waterfront Access Grant Program
5. Approval of Memorandum of Agreement with the Beach Preservation Society

Councilor Bell made a motion to approve the Consent Agenda as presented. Mayor Pro Tempore Winecoff seconded the motion and it passed unanimously.

II. COMMITTEE APPOINTMENTS

1. Board of Adjustment (two alternate positions, terms ending March 2022): **Council unanimously appointed Billie LeTendre to an alternate position, term ending in March 2022).**
2. Oak Island Environmental Advisory Committee (one term ending June 2021): **Council unanimously appointed Christopher Riegert.**
Applicants: Melanie Morgan, Christopher Riegert
3. Planning Board (two terms ending Aug. 2022): **Council unanimously appointed Michael Brown and Hope Vickers.**
Applicants: Kevin Annas, Michael Brown, Liz Grimm, Hope Vickers

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly introduced Lisa Mattiace, our new Pier Complex Manager. Ms. Mattiace said that it was an honor to have joined this organization. She said that the employees are focused on providing excellent customer service and were helping people make memories. She said that in July 1,700 people fished off the Pier, and 650 so far this month. Ms. Mattiace said that they had already scheduled some events for fall and would be working on a comprehensive marketing plan. She said she has been working with area wedding planners to introduce the Center. Public Works Director Scott Thornall said that the Town was using the same contractor as NCDOT to do work on our streets; he said that so far, approximately two miles was paved and another mile was already prepped. A couple of streets were dropped, since some other work needed to be done on those streets, and those will move to the top next year.

a. Hurricane After Action Report: A copy of the Report is attached and is hereby made a part of these Minutes. Mr. Kelly said there was flooding and some extensive damage due to the approximately 26 inches of rainfall. In total, the Town saw approximately \$11 million in damages. All operations were done according to the Town's Emergency Response Plan, which is updated every four years; the 2016 version is currently being used. He said areas to address moving forward include increasing public awareness for preparedness, staff training, internal communications and communications with the public and centralizing response and recovery resources that facilitate the establishment of emergency aid. He said that staff is developing a proposal for a new re-entry program. Development Services staff would take the lead in reviewing/updating the Town's Emergency Operations Plan/Hurricane Preparedness, Evacuation and Recovery Plan, to include a standardized response from all divisions within the Town. He said the Fire Chief would work the Emergency Operations Center to increase the Town's emergency support function, and once the EOP is updated, it will be sent to all departments and reviewed during the annual training exercise. Mr. Kelly said that communications among staff and with the public can always be improved. Areas of improvement include reviewing existing templates for educating the public about what to do before, during and after the storm, as well as providing tips to citizens for securing their homes, and publicizing this information through multiple venues. The Town should consider investing in additional radios and chargers for large-scale events and extended operations. The feasibility of having a backup virtual server to eliminate interruptions in communications should also be researched. Staff members should be conducting daily briefings throughout the event and have staff conference calls throughout the event. Councilor Bach said that this report was much-anticipated. He said he was very pleased with the report. He said that all 31 of the recommendations, but what struck him the most was that communications was referenced in each summary. He said that clearly communication was a challenge and he suggested investing money in getting a communication plan to roll out to the public, that we actually create new templates, and have a broad and bold campaign to make the public partners in this process. Mr. Kelly said that he was also asked to address how the Town would handle re-entry until a new re-entry program was implemented. He said at this point, a person at the checkpoint would need to produce a valid driver's license, a recent tax or utility bill to show ownership, to gain access to the island. Business owners, property owners and contractors will need to show proof of ownership and a valid photo ID to gain access to the island. Utility companies will have their company's ID cards. Mayor Brochure said that the big concern last time was who was in the car when they came back. Mr. Kelly said that one person in the vehicle would have to be an Oak Island resident or property owner. Mayor Brochure asked if that would be publicized; Mr. Kelly said it would.

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

2. Town Attorney: Mr. Edes said that the General Assembly passed SL 2019-111, which was a total revamp of Article 19 of 160A. He said it would become effective January of 2021. A new chapter is being created, 160D. The Town will have to update ordinances to ensure that references cite the correct number, and he and staff would accomplish that. He also said the Town's appeal had been filed to the NC Supreme Court.

IV. OLD BUSINESS (none)

V. NEW BUSINESS

1. Consideration of Request to Release Interest: Councilor Bell said that in years past, if there was a reason to release interest, she always felt that the applicant should be given that consideration. Councilor Bell said she had spoken with the gentleman and with the Tax Collector, and that this was not a case of a wrong address or information being mailed to the wrong people. Councilor Bell said this was a family-owned lot. She said the people who own the lot now have finally paid the assessment, after several months of working with the Tax Collector but are asking for release of the interest. Mayor Brochure said that amount was \$477.64. Councilor Scott asked if there was a reason they thought they shouldn't have to pay the interest. Councilor Bell said because the sister owned the lot and the sister was not making the payments. Councilor Bach asked if there was hardship. Councilor Bell said that the sister died after being sick for about eight months. She said that the assessment was levied in 2010 with no payments made until the last five years, and then payments were sporadic. She said that the lot was left to the current owners. Councilor Bell said that the Tax Collector had spoken with the closing attorney about why there was not a tax certification requested when the property changed hands, and said the Tax Collector was told that the property owners didn't want one done. **Councilor Scott made a motion to deny the request, Councilor Bach seconded the motion and it passed unanimously.**

2. Consideration of Authorization for the Town Manager or his designee to enter into agreements for renting 801 Ocean Drive: Mr. Edes said the agreement was ready, but that he'd like Council to approve the Manager's authority for approving the motion to adopt a Resolution authorizing the Town Manager and/or his designee to enter into agreements for the use of 801 Ocean Events Center. **Mayor Pro Tempore Winecoff made that in the form of a motion, Councilor Bach seconded and it passed unanimously.**

Additional staff report: Regarding Right-of-Way enforcement, Mr. Vares said that the public education program had been completed, and that staff was ready to begin enforcement. Councilor Bach thanked Mr. Vares for the additional information included in his report.

VI. CLOSED SESSION to Consult with the Town Attorney to preserve the Attorney/Client Privilege pursuant to N.C.G.S. 143-318.11(a)(3). There was no Closed Session.

Councilor Bach made a motion to adjourn at 7:50 p.m. Councilor Bell seconded the motion and it passed unanimously.

Cin Brochure, Mayor

Attested: _____

Lisa P. Stites, MMC
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.