

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARING & REGULAR MEETING
October 8, 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 Attorney Brian Edes and Town Clerk Lisa P. Stites, MMC.

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.

I. PRESENTATIONS AND PROCLAMATIONS

1. Appreciation of Oak Island Police Officers: Police Chief Speedy Ingram introduced Lt. Frankie Cooke, who spoke about the actions of Corporal Thomas J. O'Brien, Sergeant Loyd A. Hames Jr. and Officer Kenneth B. Bullock, who acted quickly and brought a family to safety when their house caught fire.
2. Proclamation – Fire Prevention Week: Councilor Scott read the Proclamation.

II. APPROVAL OF AGENDA

Mayor Pro Tempore Winecoff removed Item 5 from the Consent Agenda. Councilor Bach removed items 3 and 4 from the Consent Agenda. Councilor Bach also said that he had a correction to the Minutes, to change his title from Mayor to Council member. **Councilor Blalock made a motion to approve the agenda as amended. Councilor Bach seconded the motion and it passed unanimously.**

III. TOWN HALL MEETING (this section includes Public Comments)

Rosalie Farley, 101 NE 72nd Street, written comments provided as follows: Good Evening Honorable Mayor, Honorable Councilors: My Name is Rosalie Farley and I live at 101NE 72nd Street. I am here tonight to voice my heart felt feelings to the Mayor and the City Council. A SHOUT OUT of “Thank You” for caring enough to serve the Oak Island Community and to those who are willing to again throw your hats in for another term. My husband and I have owned property since 2012 and since then we have seen a lot of changes that are good and others that are in need of revisiting. You all have had the task to guide this community from a sleepy beach resort to now a developing city. When I think of Oak Island, I think of it in terms of it being a very large cargo ship and you all are sharing in the responsibility of steering it. As with changing directions of a cargo ship when you make decisions they are thought out as to not rock the boat but to alter directions even if it means just incrementally. Honorable Mayor and Honorable Councilors you were given tasks that were not decisions that you made but you are working through them with diligence. There are many decisions that have been made and will be made as this Community is combining the old ways with the news ways. You have made many improvements – a list that is so long that it will not allow me to expand on since, I only have 3 minutes to speak. My mom taught me that “If you do not like something don’t complain or find fault but be a part of finding a solution if it really really means a lot to you. I can only hope that the citizens of Oak Island can understand your dedication as I do to serve this Community. Thank you again for serving.

Rosanne Fortner, for the Beach Preservation Society: Ms. Fortner said the 100-foot mobility mat was rolled out between 801 Ocean Dr. and the Oak Island Pier; it would go a long way to helping people in

wheelchairs, with walkers, etc. get out to the beach. She said there were already calls for more mats, so they would see what they can do. There was also a lecture Friday night about microplastics. Ms. Fortner encouraged everyone to attend their upcoming events. Councilor Bell asked how they would keep the sand off the mat; Ms. Fortner said that the Public Works Department would keep it clear. They can also roll it up and remove it ahead of a storm. Mayor Brochure thanked Ms. Fortner for all the group does.

Ed Drzewiecki, 128 NW 19th Street: Mr. Drzewiecki said that he was still concerned about parking. He said the last time paid parking was discussed, there was concern about the amount of money that would be collected and that enforcement was going to be complicated. Mr. Drzewiecki also said he was concerned about water quality, with chemicals going into the river and the dumping into the ocean off Caswell Beach and drifting.

Councilor Bell asked how often the Town does water quality testing; Mr. Kelly said that the Town is required to do water quality testing monthly, and that 99 percent of the time our water comes from the plant on N.C. 211, not the river. Mr. Kelly also said that the Town does have parking enforcement staff and marked vehicles for that service.

Kathy Hon, 116 SE 4th Street: Ms. Hon asked about the right-of-way and what the status was regarding enforcement. She said there was junk parked in the right-of-way on her street and had been there for years and she wanted to know what was being done with it. Planning and Zoning Administrator Jake Vares said that vehicles, boats in the right-of-way, etc. are enforced by the Police Department and that other right-of-way issues were handled by Code Enforcement. He referred to the monthly report for department activities, including code enforcement. Councilor Bach said that the numbers for right-of-way seemed flat and he also wondered about the status of enforcement. Mr. Vares said that the Town had been broken up into zones and assigned to staff members. He said that they are working to streamline the process, such as if there will be a follow up letter or if Public Works will pick up the obstruction, etc. Councilor Bach said that it sounds, then, like we're still a couple months out until we see enforcement numbers rise. Mr. Vares said that he thinks the part to be worked out is more post-abatement. Ms. Hon said that her concern is that we've been looking at this since March, and now it's October, so are we looking at next March for action? Mr. Vares said a hearing is only required for junk vehicles, abandoned houses, etc. Right-of-way issues can be abated more quickly. He said that the reason for the delay from March to October was to make sure there had been enough public notice and to give people time to take care of the problems voluntarily. Councilor Blalock also said that some of these violations had been going on for years, and that it would take time to have them removed. Mayor Pro Tempore Winecoff said it was a very difficult decision to make, because some people have had violations for years and nothing was ever done about it. He said they didn't want to just give people ten days to remove something they had for years.

IV. COUNCIL REPORTS (MAYOR AND COUNCIL)

Councilor Bach said that there are times when social media is a blessing because it can provide a plethora of information, but that it can also be a curse because it provides a tidal wave of misinformation, rumor and uncorroborated facts. He said that if people are seeking information, we would be happy to respond and provide information, but that if they have a complaint, they should follow the process for filing a complaint. He said that operating on rumor, especially what is on social media, is a disastrous, closed loop that leads to failure, and he hoped we would not do that. Councilor Bach also said that he hoped to see a better turnout for the election and he urged everyone to vote.

Councilor Bell said that she enjoyed working the King Mackerel Tournament this weekend. She also thanked Ms. Fortner and the Beach preservation Society for their enthusiasm and for all they do. Councilor Bell also thanked the Police officers recognized earlier in the meeting.

Councilor Scott said that the Friends of Oak Island Parks non-profit had hosted a yard sale fundraiser last weekend. He encouraged people to make donations to the non-profit organization.

Councilor Blalock said that it can be a nightmare out there, but he also encouraged everyone to ask for the correct information from the people who really know. He also thanked the Police Chief for the good work the department does.

Mayor Pro Tempore Winecoff also thanked the Police and Fire Departments for all their hard work this summer.

Mayor Brochure mentioned the Live and Local event coming up on the 18th, with vendors, music and food. There will be another event in November. The Mayor also thanked staff for all they do.

V. CONSENT AGENDA

2. Approval of Budget Ordinance Amendments
 - a. To receive funds transferred from the Salty Dog Park
 - b. To transfer funds from Capital Reserves for dock replacement

Mr. Edes said that if there was an amendment to the Minutes, approval should be removed from the Consent Agenda. **Councilor Bell made a motion to approve the Consent Agenda as amended (only Item 2), Councilor Bach seconded and the motion passed unanimously.**

VI. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

1. Approval of Minutes
 - a. September 10, 2019 (Public Hearings & Regular Meeting) – On p. 6, on the last line, the title needed to be changed for Councilor Bach from Mayor to Councilor. **Councilor Bach made a motion to approve the Minutes as amended. Councilor Bell seconded the motion and it passed unanimously.**
2. Approval of Performance Guarantee – Pine Forest Plantation (sidewalks in Phase I): Mr. Vares gave a summary, saying the applicant had submitted a performance guarantee, specifically for Phase I sidewalks. The performance guarantee is in the form of cash. He said the developer would prefer to put the sidewalks in after they are finished with heavy equipment in that area. Mr. Vares said that it would be for a one-year period unless Council granted a longer time period. Councilor Bach asked if the State statutes allow the developer to select the form of performance guarantee. Mr. Edes said there was a list included in the statutes for what kind of guarantees are acceptable. Councilor Bach if the \$25,000 amount, which was submitted by their engineer, is enough. Mr. Vares said that the Town's Public Works Director had reviewed it and agreed the amount would be sufficient. Councilor Bach also asked what liability the Town would have. Mr. Edes referenced a Court of Appeals decision and said he believed the Town would not have liability. **Councilor Bach made a motion to approve the performance guarantee requested by Pine Forest Plantation subject to final review by Town counsel. Mayor Pro Tempore Winecoff seconded the motion and it passed unanimously.**
3. Approval of Assignment of Easement: Mr. Edes said that there was an easement previously conveyed by the Town to the owner of Lot 11. The easement is appurtenant, which means it runs with the land. It was not conveyed to Lots 12 and 13. The concern of the closing attorney for prospective buyers was that of the owner of Lot 11 abandoned or otherwise forfeited the easement, Lots 12 and 13 would be landlocked. Mr. Edes said that there was no detriment to the Town to allow them to sign the easement, and the Town was not taking on any burden to maintain the easement, and they would be entitled to use the easement now unless and until it was forfeited. He said the Assignment of Easement would satisfy the ingress and egress requirements should the properties be improved. Answering a question from Councilor Bach, Mr. Edes said that the only reason the Town's name is on the document is because the original easement was conveyed; this is actually between the affected property owners. He also explained that the Town would be assigning the

easement, not conveying anything else. Mr. Edes said he recommended approval. **Councilor Bell made a motion approve the Assignment of Easement as presented. Mayor Pro Tempore Winecoff seconded the motion and it passed unanimously.**

4. Authorization to Apply for Grant Funding (National Fish and Wildlife Foundation): Katie Finegan with Moffatt & Nichol spoke about the grant, which was released as a result of Hurricane Florence. She said they thought it would be a good opportunity to request additional money for the projects planned; we would ask for \$1.5 million for the 2019/2020 project and \$3 million for the following project, in 2020/2021. Awards will be announced in March of 2020. Councilor Bach asked about the criteria for the grant. He asked if our application would be based on an anticipated plan which is yet to be approved for financing beach renourishment and asked if that would diminish the Town's chance of succeeding. Mr. Kelly said it was not based on the long-term nourishment plan. **Mayor Pro Tempore Winecoff made a motion authorize staff to apply for a grant through the National Fish and Wildlife Foundation (NFWF) for planned beach nourishment projects. Councilor Bell seconded the motion and it passed unanimously.**

VII. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that the paving contractor is probably about 80 percent complete. We are about two weeks behind in debris collection and have hired a contractor to catch up. Regarding debris washing up on the beach, Mr. Kelly said there were picnic tables, chairs, etc. Public Works Director Scott Thornall said it was a lot of wood scrap and debris. Councilor Bach asked for a status in January or February of the 801 Ocean Dr. Events Center, including expenses and income, etc.

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

2. Town Attorney: Mr. Edes said he had spoken with someone at the Corps of Engineers regarding the easements the Town will be seeking for beach nourishment and the language needed to satisfy federal funding requirements. That language has been incorporated into the easement documents.

VIII. NEW BUSINESS (none)

IX. 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 Scott made a motion to adjourn at 6:59 p.m. Councilor Bach 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.