

MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
November 12, 2019 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

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

PUBLIC HEARING I: The purpose of the Public Hearing was to hear citizens' comments on a proposed text amendment to modify the text in the Oak Island Unified Development Ordinance (UDO) Appendix A - Definitions; to define Community Gardens

There were no public comments.

Councilor Bach asked Planning and Zoning Administrator Jake Vares how many such gardens there were on Oak Island; Mr. Vares said there were none. Councilor Bach asked what the process would be to start one, and Mr. Vares confirmed that a permit would be needed and that he would have to verify that it was being requested in a zone that allows for them. Mr. Vares said that he has a large list of needed UDO revisions, and adding this definition this was on that list. Councilor Scott asked if these were popular in other cities. Mr. Vares said they were in some, not in others.

Councilor Scott made a motion to close the Public Hearing at 6:04 p.m. Councilor Blalock seconded the motion and it passed unanimously.

PUBLIC HEARING I ACTION: **Councilor Bell made a motion to approve the amendment to Appendix A3 Definitions as presented and to adopt the associated plan consistency statement. Mayor Pro Tempore Winecoff seconded and the motion passed unanimously.**

PUBLIC HEARING II: The purpose of the Public Hearing was to receive citizens' comments on a proposed text amendment to Section 9.9 - Nonconforming Signs and Section 10.25 - Prohibited Signs; to amend the regulations regarding animated signs and to establish an amortization period for nonconforming animated electronic signs.

There were no public comments.

Councilor Bach asked how many non-conforming signs there would be if this were adopted. Mr. Vares said that there were not that many, though the answer would depend on whether Council included staff's additional wording recommendation. He said staff's recommendation would exempt Town-owned signs, Mr. Vares said there was one by Long Beach Road, the east end of Oak Island Drive, the Methodist Church and potentially a couple others. Councilor Bach asked Mr. Vares if he thought the 6-month abatement period was enough time to come into compliance. Mr. Vares said he thought that was more than enough as it would just require a change in the sign's programming. Councilor Scott asked about the Recreation Center sign, if the Town was just exempting itself. Mr. Vares said that was the case. Councilor Scott asked if that was permissible, and Mr. Vares said that it was. He said that the Town would at least

want to be able to get emergency information out when needed. Councilor Bach said that it was likely there would be more animated signs in the future and this proposed amendment seemed to be driven by safety. Mr. Vares said aesthetics was also a factor, and that this would create some uniformity, make it safer, prevent an over-abundance, etc. Councilor Bach said that we would want signage that is efficient in providing direction and advancing a business interest but that was also aesthetically pleasing. He said that there should be a plan to accomplish that. Mr. Vares said that people have different ideas about what is aesthetically pleasing. Councilor Bach asked what tools were available to apply to make it more aesthetically pleasing, such as incentivizing new signs, compelling existing signs to be altered, or if there were other options. Mr. Vares said that was difficult to answer. He said he wasn't sure what could be done to encourage a business owner to tear down an old sign and put up something new. Councilor Bach said that if all of these signs are grandfathered indefinitely and we can't alter them or provide an incentive to change them, then all we have is rhetoric. He said that we have been talking about signage for several years but don't seem to make progress.

Councilor Scott asked why the current ordinance allowed signs that change no more often than every 60 seconds but the proposed amendment would allow it to be every 15 seconds. Mr. Vares said that this was the Planning Board recommendation; the Planning Board also recommended prohibiting them within 200 feet from an intersection with a traffic light. Mr. Vares further recommended removing the word "electronic" from the last sentence of 10.25.2 so the ordinance would also address mechanically moving signs.

Councilor Bach asked about the sign at the Oak Island Golf Course, saying they would have to remove the sign if this passed. Mr. Vares said that this amendment would make that sign non-conforming and couldn't be rebuilt if destroyed. He said they would get a courtesy letter notifying them of the change and asking them to bring it into compliance.

Mayor Pro Tempore Winecoff asked about billboards; Mr. Vares said they were covered by a different section of the ordinance and that the State had jurisdiction for those on State road rights-of-way.

Councilor Scott asked about the difference between amortization and non-conforming. Mr. Vares said that amortization would be for signs that meet the criteria listed in the ordinance but are not compliant with the timing requirements. He said an example of grandfathering for uses could be a business permitted decades ago but would no longer be allowed in the zone where it is located, and if that business went unused for more than a year, it would have to be brought into compliance to re-open. A structure can also be grandfathered and be non-conforming if it was properly permitted when built, but if it were damaged more than 75 percent, it would have to be brought into compliance with current standards when rebuilt.

Councilor Bell made a motion to close the Public Hearing at 6:19 p.m. Councilor Bach seconded the motion and it passed unanimously.

PUBLIC HEARING II ACTION: Councilor Blalock made a motion to adopt the amendments to Sec. 10.25.2, also removing the word "electronic" from the last sentence, and the amendments to 9.9.7. Councilor Scott seconded the motion and it passed unanimously.

PUBLIC HEARING III: The purpose of the Public Hearing was to hear citizens' comments on a proposed amendment to Article 8, Section 8.8, Commercial Accessory Structures Setbacks.

Councilor Scott asked if this would allow buildings to actually touch. Mr. Vares said that was correct but that this was for the CB district only and was similar to how other buildings already are in that district.

Councilor Scott asked how many people other than the applicant wanted this change. He asked if this change was being considered just because one person didn't have enough room. Mr. Vares said that this language was in the old ordinances but not carried over to the UDO. He also said that it didn't seem to make sense to be more restrictive for the accessory structures than the principal structures. Mr. Vares clarified that there is still a 20-foot front setback. Councilor Bach asked if the Administration was taking the position that setbacks should be eliminated to further commercial development. Mr. Vares said he would not phrase it that way; he said this change would have the accessory structure setbacks mirror those for the principal structure. He also said the rear setbacks would still have to be met, and that corner lots would still have an 8-foot side setback on the corner as well. Councilor Bell said Mr. Vares was saying that there is no side setback for the principal structure and it wouldn't make sense to have a larger setback for the accessory structure than the principal structure; Mr. Vares said that was a good summary. Councilor Bell asked if there was a fire wall required between principal structures that met at the property lines, would one be required for the accessory structures. Mr. Edwards said the fire codes will still apply. He said they could actually have a "party wall" that would meet fire codes. He said that most of the lots in the CB districts are only 20 feet wide, and that meeting the side yard setbacks only allows a 4-foot wide accessory building. Answering an additional question, Mr. Edwards said that the party wall requirement is triggered by proximity to the side lot line and that each property owner is required to meet the fire codes.

Councilor Bach made a motion to close the Public Hearing. Councilor Bell seconded the motion and it passed unanimously.

PUBLIC HEARING III ACTION: There was no action taken.

PUBLIC HEARING IV: The purpose of the public hearing was to hear citizens' comments on proposed amendment to Section 10.26.1.1, Monument Signs.

There were no public comments.

Mr. Vares gave a brief staff report, saying the applicant's sign permit application had been denied, prompting the application for a text amendment. The proposed size allowance is 30 square feet and this amendment would apply to the mainland only.

Councilor Bach said that he had a problem with the UDO being bifurcated between the island and the mainland. He said that he was concerned about that because we need to be consistent. He said we needed to give serious thought to whether we're going to have one UDO or two. Mr. Vares said that regarding permit review and enforcement, having different regulations wouldn't add to staff's workload. He said the mainland was different and had different needs. He said that the original sign ordinance was written when there was no mainland section of town. He also said the UDO was a living document. Mr. Vares said that the developer was amenable to the Planning Board's recommendation to limit the square footage to 30. Councilor Bach asked Mr. Edes if this were adopted and then a business on the island wanted to utilize the ordinance, was the Town in a defensible position having granted an exception to one party in town. Mr. Edes said that we would be; the buildout and population density are different for the island and the mainland so the planning goals are different. Mr. Edes said that they would not be setting precedent.

Councilor Bach said that he could envision a business being developed on the island that wants the same consideration. Mr. Edes said that while Council was not bound to follow the Planning Board's recommendation, it did deserve consideration. Mayor Brochure asked about the other large developments on the mainland and asked if it was likely those developments would ask for similar consideration. Mr. Vares said that the Town regulates differently for commercial, industrial and residential areas already. He

said that this particular development is on 3,000 acres, and it is not uncommon for there to be several text amendments as a development of that size moves forward.

Mark Brambell, representing Pine Forest Plantation, said that this had been discussed at the Planning Board meeting extensively. He said that what they were asking for was a monument sign, a statement that says you've arrived at a development. He said that less than 30 square feet would not be large enough, and that the Brunswick County allowance was 64 square feet.

Councilor Blalock asked if Mr. Vares said that the UDO was a living document, so that's what we were talking about here, that the UDO would have to change as the mainland changes. Mr. Edes said that was correct, and said that it was quite common to have text amendments to UDOs because no one could foresee every fact pattern.

Mayor Brochure asked if Oak Island had a welcome sign, what it could look like in terms of size. Mr. Vares spoke about the different kind of signs allowed. Mayor Brochure said that it would likely be a monument sign, and asked what size those generally were as that could be a consideration as well.

Mayor Pro Tempore Winecoff made a motion to close the Public Hearing at 6:46 p.m. Councilor Bell seconded and the motion passed unanimously.

PUBLIC HEARING IV ACTION: Councilor Bell made a motion to approve the proposed text amendment and to adopt the associated plan consistency statement. Mayor Pro Tempore Winecoff seconded the motion and it passed 4-1 with Mayor Pro Tempore Winecoff and Councilors Bell, Blalock and Scott in favor and Councilor Bach opposed.

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

1. Lisa Nolin with Oak Island Quilters: Lisa Nolan said that the group meets every Wednesday morning at the Recreation Center. Three of the group made a Christmas tree skirt for the Town, and they unveiled it during the meeting. There were many compliments and much appreciation shown for the tree skirt and the quilters who made it.

2. Beach Projects: Moffatt & Nichol: Johnny Martin gave a presentation on the upcoming beach projects. A copy of the presentation is attached and is hereby made a part of these Minutes. Mr. Martin said that the CAMA permit had been received as part of the SDI-5 permit, but we were waiting on paperwork from the Corps. This is the permit that would allow the Town to dredge the Lockwood Folly Inlet to the same depths that the Corps does. The Corps did a federal project in February/March with near-shore placement, but that was placed off Holden Beach; we have reminded the Corps that Oak Island also has interest in a near-shore placement project so we hope to be on board for the next one. Mr. Martin also said the "hole" near the west end has shallowed out somewhat and moved more toward the inlet. There is also upcoming inlet dredging; the County is coordinating with the Corps of Engineers on that with financial participation from Oak Island and Holden Beach. The Corps will be doing another Inlet Crossing dredging project with placement of 135,000 CY on Holden Beach; we have requested the next project place sand on Oak Island. For the post-Florence reimbursement requests, an extension letter was submitted in July and provided a timeline in October; we are still waiting for approval for that. The Town has received money for the post-Florence survey work from the State. The Town has been approved for \$2.5 million from the State for the post-Florence project to be done next winter; hopefully that money would be available upfront and not as a reimbursement. There may be additional funding available to apply for as well. The NifWif grant was submitted today. The 2019-2020 project is expected to cost \$11-12 million for a maximum of 860,000 CY of sand, and they plan to build a 25-year dune and base for the east and central reach. That would be a dune that could withstand a 25-year storm. The project will start at

63rd East and go as far west as funding allows. Mr. Martin said how far we could go would depend on the bids, but we'll go as far as we can with the amount of money we are planning for, and what we don't get done this year is what we will plan to pick up next year. Mr. Martin also reviewed the elevations and what the project would look like. He said he hopes to have permits by mid-December and a notice of award in January, beginning construction February 1 and ending April 30. For next year's project, Mr. Martin said hopefully we would get some reimbursement, roughly \$8 million, and have \$3.2 from the State and find out if there is the potential for an additional \$2.5 million, also hopefully hear about the NifWif grant. He said if the bids come in high for this project, if we get some more of these funds in, we'll add that on and pick up those pieces for next year's project and hopefully that would take care of the rest of the island. As far as the Master Plan, Mr. Martin said they had been focused on these two other projects. He said there was an issue with the borrow source they planned to use not having enough sand, so they'll have to use Jaybird Shoals. He said they are still saying to plan for a budget of \$25-40 million for the large nourishment project as the borrow source would likely be Frying Pan Shoals for the 1.5 to 2 million CY needed. He said what they would do is repair dune damage and build a berm. He said they continue working on the environmental studies. Katie Finegan also spoke, giving updates on the beach monitoring and mapping the firm has been doing.

Council took a brief recess from 7:15 to 7:23 p.m.

ADJUSTMENT/APPROVAL OF THE AGENDA

Mayor Pro Tempore Winecoff removed Item 7 from the Consent Agenda and added a Memorandum of Understanding with the U.S. Coast Guard to New Business. Councilor Bach removed Items 2 and 4 from the Consent Agenda. Councilor Bell noted that there was no need for a Closed Session. **Councilor Bach made a motion to approve the agenda as amended. Councilor Blalock seconded the motion and it passed unanimously.**

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Gerry Hardee, 134 NE 11th Street: Mr. Hardee spoke on behalf of the Beach Preservation Society Inc. Mr. Hardee invited all to a lecture on "Sex in the Sea" on December 4. The group will also be in the Christmas parade December 7. Mr. Hardee encouraged everyone to join the organization.

Dara Royal, 216 NE 47th Street, written comments provided as follows: After reading the information posted on the town's website about the FEMA 2019-2020 beach project, I have the following three concerns to share with you this evening. The first concern is about public access to the beach as a result of the project, especially handicap access. Of course, you wouldn't have to be in a wheelchair to find traversing the proposed project dune to be extremely difficult, given an average dune elevation of 14 feet. According to number 15 in the FAQ, the emergency vehicle accesses will be the only locations where the dune height will be lowered. Will the accommodation for emergency vehicle access also enable handicap access? Can Hatteras Ramps be installed at these locations? Is there handicap parking at each of these accesses? The second concern is about the costs of the project. According to number 17 in the FAQ "How much will this cost me?", the Town is contributing additional funds from the General Reserve Fund, but no dollar amount is given. These additional funds will not be reimbursed. And since the source of these funds is the General Reserve Fund, it will be costing everyone who pays property taxes in the Town of Oak Island. The question is how much? The third concern is about the potential long-term cost of this project to the Town. According to the CAMA permit application, the Town of Oak Island will monitor the Caswell Beach shoreline annually for nine years post-project to investigate any potential effects which might require mitigation. How much will the monitoring and investigation cost? What funds will be used to pay these expenses? And what happens if mitigation is required? I encourage you to proceed with caution. Thank you for your consideration.

Mike Pratt, written comments provided as follows: With the exception, perhaps, of our beautiful beach, nothing is more representative- more emblematic - of our Town than the native, majestic Live Oak. It's our Town's namesake, our Town's emblem, and the name of our Town's Signature Drive. Members of Council, you may recall that the Environmental Advisory Committee had become aware of a matching funds grant offered by the North Carolina Urban Forestry Council, for re-forestation efforts following recent hurricanes. The Environmental Advisory Committee felt that this was an inspiring opportunity to begin to place Live Oaks specifically along our Town's Signature Street, Oak Island Drive, beginning in locations of greatest visual impact and need. However, at the time there was a widely held belief that the Town was discouraged, if not prohibited, from planting in the public right-of-way along Oak Island Drive, as it is a State Maintained road. I took the opportunity to investigate, and discovered that to the contrary, the State DOT actually encourages planting in the right-of-way, as long as you follow their published guidelines, as they recognize and acknowledge the beneficial impact on aesthetics, stormwater and property values. At a prior Town Council meeting you were requested and so moved to support a submittal on behalf of our Town, and I am pleased to inform you that we have indeed won this \$5000 matching funds grant. I am also pleased to inform you that several of our business community citizens have expressed interest in contributing financially to partially match this grant, and indeed, the majority of our intended planting sites are in high impact locations near and around our local business partners. I look forward to publicly acknowledging them by name as we proceed. I would like to take this opportunity to publicly acknowledge the contribution and efforts of a few of those who made this happen. From the Tree City USA working group of our Environmental Advisory Committee - Randy Ollice, and Dianne Whetsell. Lee Butzin, our former Committee Chair, and Margaret Johnson, our current Chairperson, were instrumental. This would not have been even remotely possible, or course, without the extraordinary effort and experience of Cathy Bowes, proposal writer extraordinaire. We applaud Scott Thornall, our new Publics Works Director, who has valiantly stepped up to provide most of the muscle to make this happen, and I want to especially acknowledge Jake Vares, who has worked tirelessly with and on behalf of our committee to pull this proposal together and liaison with the respective parties. Jake is an outstanding asset to our Committee and to our town. Thank you, Jake. And of course, we would like to thank David for enabling his team to participate, and to you, Council, for your support. Let us make this grant award and this initial planting be just the beginning - a kick start, if you will - to a long term commitment to place 15-30 Live Oaks per year along our Signature Drive, and in other appropriate public locations of high impact. I realize that this is truly a 'generation skipping' gift to future Oak Islanders, but it is hard to imagine a similar, modest, annual investment that would have greater perpetual impact, on aesthetics, on ambiance, on stormwater management, and indirectly, on property values, than establishing an inviting canopy of Live Oaks all along Oak Island Drive. Thanks again for your support.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Mayor Pro Tempore Winecoff said that he had the Town Manager attended the NC Beach, Inlet and Waterway Association Conference. He said that he was asked to meet with a representative from the Lt. Governor's office to discuss municipal issues. Mayor Pro Tempore Winecoff said that he spoke about the need for funding beach nourishment and about the "one size fits all" stormwater rules not working for the Town of Oak Island.

Councilor Blalock thanked everyone involved in the Veterans recognition.

Councilor Bell reminded everyone of the Live & Local event November 15, the Tree Lighting December 6 and the parade December 7.

Councilor Bach thanked citizens for their participation in the recent election, and congratulated the Council members who were re-elected and he recognized the Mayor-elect. Councilor Bach said he had

great admiration for anyone willing to stand in the public square. He also thanked Mayor Brochure for her skilled representation and said that he always found her to be fair and gracious.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. October 8, 2019 (Regular Meeting)
- ~~2. Approval of Recommended Action to Dissolve the Beach Preservation Advisory Board~~
3. Approve amendments to Sec. 20-4 Smoking prohibited in municipal buildings, facilities, and vehicles
- ~~4. Authorize Town Attorney to Take Legal Action to Acquire Easements~~
5. Approval of Debris Removal and Monitoring Contracts
6. Approval of Financial Participation in the Lockwood Folly Inlet Dredging
- ~~7. Approval of Action to Pay Sewer Assessments for Town Owned Properties~~

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

II. ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

Approval of Recommended Action to Dissolve the Beach Preservation Advisory Board: Councilor Bach said that regarding page 27, the last sentence should be a standalone item. He thought that should be tabled and brought back as a separate item. **Councilor Bell made a motion to dissolve the Beach Preservation Advisory Board. Councilor Bach seconded the motion and it passed unanimously.** Staff was directed to bring the rest of the recommended action back in December.

Authorize Town Attorney to Take Legal Action to Acquire Easements: Councilor Bach asked Mr. Edes to explain what a perpetual easement was. Mr. Edes said that in order to do beach nourishment, the work will technically go onto private property, the dry sand beach, which is the area landward of the mean high water mark that extends to the toe of the frontal dune, the escarpment line, the last line of stable vegetation or the storm debris line, whichever is most seaward. He said that is where most people recreate on the beach, and that most people think that is public property. He said it is actually private property imprinted with public trust rights of recreation. Mr. Edes said that we need these easements to go forward and that a lot of the funding sources require them. He said the perpetual part of it would be required for any long-term federal funding. Mr. Edes said that instead of doing these piecemeal per project, the Town was pursuing a perpetual easement. He said that he was seeking authority from Council to take legal action. He also said that we were doing these to be able to put sand on the beach and protect property and infrastructure. Mr. Edes said that though we were getting a good response to the request for easements, we were on a timeclock. He said that fortunately, this kind of condemnation action is called a quick take and the Town has ownership of the easement when the suit is filed. Councilor Bach asked what kind of litigation challenges we could expect. Mr. Edes said that in his capacity as attorney for various towns, he has procured well over 1,000 easements and had only one challenge, which the Court dismissed. He said that it has not been a problem for Oak Island in the past. He said that if it does become a problem, it will essentially kill beach nourishment. Mr. Edes said that he thinks once people understand what these are for and understand that it is to add protection and value to their property and protect the Town's infrastructure, that they won't be litigious and contest these. He said that without easements, the project can't be done, or properties without an easement would have to be skipped. **Councilor Bell made a motion to authorize the Town Attorney to take any legal action necessary to acquire easements for the entire beachfront for beach renourishment projects and work. Councilor Bach seconded the motion and it passed unanimously.**

Approval of Action to Pay Sewer Assessments for Town-Owned Properties: Finance Director David Hatten explained that staff has identified 81 assessments for Town-owned properties that were initially listed on the wastewater assessment rolls and that need to be paid. He said that he would not want to try to tell a bond holder that this debt would be written off. Councilor Bell said that basically, money would be transferred from the fund that owes it. Mr. Hatten said that was correct, and that funds from the fire department would pay assessments for the fire station, etc. Councilor Bell said that some of the assessments were held in abeyance for unbuildable properties. Councilor Bach asked if this was something that was flagged by the auditor. Mr. Hatten said it was not, that it was something he thought needed to be resolved. Councilor Bach said that what he was trying to get at was that if the auditor missed it, that was a concern. Mr. Edes said that would be a question for the auditor. **Councilor Bell made a motion to transfer funds to pay the assessments for Town-owned properties in the amount of \$340,200. Mayor Pro Tempore Winecoff second and the motion passed unanimously.** Ms. Stites clarified that the action taken included approval of the Budget Ordinance Amendment; Council confirmed that it did.

III. COMMITTEE APPOINTMENTS

1. Community Center Advisory Board (3 terms ending Oct. 2022): **Council re-appointed applicants Ron Jernigan and Karen West.**
2. Par 3 Advisory Committee: The only open position was for a resident of Oak Island who did not live in one of the South Harbour Master POA areas, and the applicant did not meet that criteria. **Council did not make an appointment to this Committee.**
 - a. John Winebar

IV. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly said that the Pier would be closing for some final construction, and it would be reopened on the 23rd. The operational hours are changing to 7 a.m. to 7 p.m. and will be re-evaluated in December. The SE 55th Street boat ramp will be closed from the 15th to the 25th for repairs. Staff is working on a new website, agenda management and livestreaming. The website is supposed to go live July 1 and the agenda management and live streaming would go live in February or March.
 - a. Department Reports: Department reports are attached and are hereby made a part of these Minutes.

Councilor Bach thanked staff for the data on 801 and said that it was running as a deficit, as they knew it would. He said that he thought Council should look at that in another six months or so. Councilor Bach also asked Mr. Vares the status of right-of-way enforcement. Mr. Vares said that the letter templates should be finalized this week. Mr. Vares said he estimated 700-900 right-of-way violations throughout town. Mr. Edes added that they were also ready to file suit in a dozen or so code violation cases.

2. Town Attorney: no report.

V. OLD BUSINESS (none)

VI. NEW BUSINESS

1. Memorandum of Understanding with the U.S. Coast Guard: Mr. Edes suggested under Section 4, subsection (e), adding “to the extent reasonably possible.” He also suggested changing “of” to “for” in that same sentence, so it would read “for type or nature for the fire...” Councilor Bach asked why Oak Island would be primarily responsible. Fire Chief Chris Anselmo explained that this would not mean that the Southport Fire Department would not be responding; Oak Island would also respond and not necessarily be the primary responder. The Chief said we had worked with the Coast Guard Station in the past and they asked us to be an emergency responder. Councilor Bach said he would prefer to remove “at

a minimum” and insert the phrase Mr. Edes suggested. Mr. Edes said he’d recommend that it be approved as amended and then if they reject it, they reject it. Councilor Bell asked if the Town is going to help them regardless, why does there need to be a Memorandum of Understanding. She said it didn’t make sense to her unless there were some problems that she didn’t know about. She also asked if the Town should be getting into the middle of something. Chief Anselmo said that Oak Island was not on the mutual aid list for the Southport Fire Department, which would be the primary responder. He said that there was always a misunderstanding that the Station was a part of Caswell Beach but it is not. He said the Coast Guard Station had a MOU with Southport, they previously had one with the Yaupon Beach Fire Department and now they are asking one for one from Oak Island. Councilor Scott asked if the Station pays fire fees. Chief Anselmo said he did not know. He said that though the Coast Guard staff couldn’t help the Town fight fires, the Commander had offered personnel to assist the Fire Department during large-scale emergencies. **Councilor Bach made a motion to approve the Memorandum of Understanding with the amendments Mr. Edes suggested.** He said that our obligation is to protect our citizens, our cost structure, and our fire department but if Counsel’s suggested amendments do that, he thinks we should be good neighbors. Mr. Edes said that given the questions posed tonight, it might behoove us to find out if they pay fire fees, what other MOUs they have, etc. **Councilor Bach withdrew his motion.** The item will be placed on the December agenda so a representative from the Coast Guard can be present.

VII. 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): The Closed Session was removed from the agenda.

Councilor Bach made a motion to adjourn 8:11 p.m. Councilor Bell seconded the motion and it passed unanimously.

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.