

MINUTES
OAK ISLAND TOWN COUNCIL
REGULAR MEETING
August 15, 2017 – 6 P.M.
COUNCIL CHAMBERS - OAK ISLAND TOWN HALL

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

Mayor 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.

ADJUSTMENT/APPROVAL OF THE AGENDA: A request from the Town of St. James to waive the 60-day waiting period for proposed voluntary annexations as Consent Agenda 4. **Mayor Pro Tempore Scott made a motion to approve the Agenda as amended. Councilor Blalock seconded and the motion passed unanimously.**

PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

Pam Castens and Bob Kiestler with the Army Corps of Engineers: Ms. Castens and Mr. Kiestler gave a presentation on the Wilmington Harbor project (a copy of the presentation is attached and hereby made a part of these Minutes). The Town has authorized up to \$3 million for additional sand to be pulled from the Chanel and placed on our beach. They anticipate awarding a contract in November. The purpose of the Corps' dredging project is to improve navigation; placing beach-quality sand on adjacent beaches is done through a "least-cost disposal" method.

PUBLIC COMMENTS - GENERAL TOPICS & AGENDA ITEMS

Billie LeTendre, 132 NE 11th Street, here for the Beach Preservation Society: Ms. LeTendre reviewed the programs the group has participated in this summer, such as the Farmers Market, the Newcomers meeting, and facilitating educational programs. Ms. LeTendre asked everyone to like the group's Facebook page. September 17 is the International Coastal Cleanup and everyone is invited to participate.

Joe Stanton, 110 E. Beach Drive: Mr. Stanton said that Mr. Medlin was correct when he said that beach nourishment should be paid for with taxes, not assessments, as assessments cannot be credited on taxes. Mr. Stanton said that the beach comes and goes and that it can't be stopped. He said it was throwing money away by spending it on beach nourishment. He said the Town cannot afford beach nourishment. He said the Town owes money for Town Hall, fire stations, the pier, sewer, and the spending has to stop. He said it has to stop because the Town is "broke."

COUNCIL REPORTS (MAYOR AND COUNCIL): There were no reports.

REGULAR MEETING:

I. CONSENT AGENDA

1. Approval of Minutes
 - a. July 13, 2017 (Public Hearings & Regular Meeting)
2. Approval of Budget Ordinance Amendments
 - a. Appropriating fund balance from FY 2016-17 Budget (for unexpended funds for upgrading the fuel management system)
 - b. Appropriating Drug Seizure Funds
 - c. Appropriating funds for tennis courts and pickle ball courts (budgeted for in 2015-16 but not expended)

3. Approval of Contract for 811 Services (locator services)
4. Request from the Town of St. James to Waive the 60-day Waiting Period for Proposed Voluntary Annexation

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

II. COMMITTEE APPOINTMENTS

1. Environmental Advisory Committee (three terms ending June 2020, two terms June 2019): Council unanimously appointed Gail Johnson, Linda Seifert and Diane Whetsell to the Committee. **With votes from Mayor Pro Tempore Scott and Councilors Bell, Medlin and Winecoff, Maureen Burns was appointed to the Committee. With votes from Mayor Pro Tempore Scott and Councilors Bell, Blalock and Winecoff, Margaret Johnson was appointed to the Committee.**
2. Planning Board (three terms ending August 2020) Ms. Stites explained the process for appointing someone to the Extra Territorial Jurisdiction (ETJ) seat. Voting for each applicant was as follows:
 - a. John Bach: none
 - b. Robert Carpenter: Mayor Pro Tempore Scott, Councilors Medlin and Winecoff
 - c. R. Seth Cheek: Councilors Bell and Blalock
 - d. John Collins: none
 - e. Michael Defeo: Mayor Pro Tempore Scott, Councilors Bell, Blalock and Medlin
 - f. Stephen Harney: none
 - g. Ted Manos: Councilors Medlin and Winecoff
 - h. Willie Williams: Mayor Pro Tempore Scott, Councilors Bell, Blalock and Winecoff

With 4 votes each, Michel Defeo and Willie Williams were appointed to the Board. With three votes, Bob Carpenter's name will be submitted for approval by the Brunswick County Commissioners for the ETJ seat.

III. ADMINISTRATIVE REPORTS

1. Town Manager: Mr. Kelly noted that staff continues to work with FEMA on the Pier replacement and the Turtle Habitat Restoration Project. A layout of the new Pier is displayed in the hallway outside Chambers. The Town is hosting a webinar Tuesday at 11 a.m. on the unique challenges resort towns face based on a study done by the NC Association of Resort Towns and Convention Cities.
 - a. Department Reports are attached and are hereby made a part of these Minutes.
2. Town Attorney: Mr. Edes said that a response to the U.S. Supreme Court on behalf of Emerald Isle in the Nies vs. Emerald Isle case. He said that he does not know if that court will take the case or not.

IV. OLD BUSINESS

1. Consideration of Policy for Use of Living Quarters at Fire Stations: **Councilor Medlin made a motion to approve the policy for use of living quarters at the Oak Island Fire Stations as presented. Councilor Blalock seconded and the motion passed unanimously.**
2. Consideration of Current Narcotics Enforcement Efforts: Mayor Pro Tempore Scott said that 15 months ago, Council authorized hiring two people to conduct narcotics investigations in an effort to reduce some of the deaths and overdose. He said they authorized spending \$150,000 and another \$20,000 in confidential funds to be used for informants, etc. And after this amount of time, he wanted to hear about results. Assistant Police Chief Tony Burke said that filling the positions took time as they needed to fill vacant patrol positions to be able to move someone to narcotics; an officer was moved into that position in January. The Police Department had been conducting joint investigations with the ALE, Brunswick County Sheriff's Office, and other police departments in the area. That officer has issued 24 charges, seized approximately \$50,000 of narcotics, including marijuana, cocaine, heroin and other drugs. They seized 16 marijuana plants, and \$3,000 in those investigations. He said the officer had spent 1,000

hours on those investigations. That detective has initiated 38 new cases and filed 24 charges; 12 of those are closed and the rest are pending. There were also 35 additional criminal investigations assigned to that detective, including breaking and entering, larceny, etc. The most recent public case was the attempted carjacking and associated stolen motor vehicle charge; they were drug associated cases as well. Mayor Pro Tempore Scott asked how many drug arrests had been made in the last month, other than marijuana arrests. Assistant Chief Burke said that the marijuana and hard drug arrests are generally associated. He said he did not have a breakdown between felony and misdemeanor charges. Mayor Pro Tempore Scott said he thought that's what the mission was, was to help prevent some of the deaths occurring in town; he said you don't do that by seizing a handful of weed here and there. He asked if there were any heroin or opioid arrests in the last 15 months. Assistant Chief Burke said his figures were not broken down between felonies and misdemeanors. He said there were 19 cases that were associated with felony charges for pills, psychedelic mushrooms, etc. Mayor Pro Tempore Scott said that the purpose was to fight the opioid problem. He said that he reviewed the narcotics reports and he thought the numbers were dismal. Answering a question, Assistant Chief Burke said that there have been two search warrants specifically associated with drug investigations served in that time. Councilor Medlin asked how many times police officers had used Narcan in the last 6 months; Assistant Chief Burke said that police officers did not have any uses in the last 6 months. Councilor Medlin asked if Fire/EMS personnel had. Assistant Chief Burke said he did not have that information, though he did know through conversation with the Fire Chief that it had been used. Councilor Medlin asked if there was a medical call for a drug overdose if that would automatically generate a police call; Assistant Chief Burke said it would if EMS personnel saw evidence of drugs while responding to a medical call. Councilor Blalock asked how difficult it had been to fill the patrol officers with qualified candidates. Assistant Chief Burke said it was extremely difficult, as it was nationwide. Mayor Pro Tempore Scott asked what they had been doing in the meantime to handle narcotics investigations with what they have. He asked if the administrative personnel had done some surveillance themselves, implemented staggered shifts, etc. Assistant Chief Burke said that without discussing specifics, he could say that from January to August of 2016 to the same time period of 2017, drug seizures went from 350 individual units of all drugs to more than 2300. Mayor Pro Tempore Scott said he still wanted to attribute felony drug arrests to that officer and he didn't see that happening. Assistant Chief Burke said the drug officer was the single point of contact for the department for drug complaints; that person directs those investigations. Assistant Chief Burke also said that he had been working in this town since 1998 and has worked as an investigator and that it was very difficult to establish relationships with informants in this town. It takes time to build the large cases. Mayor Pro Tempore Scott said the only way to build arrests for opioids and heroin was through search warrants and that 2 search warrants in 15 months was not going to do anything. Assistant Chief Burke said that cases start through informants, traffic stops, consent searches, etc. Councilor Winecoff asked if we had reached out to the Sheriff's Department; Assistant Chief Burke said that we had and we were working with them. Before there were budget cuts, he said we did have personnel dedicated to a now-defunct County-City drug task force. He said that the Department intends to have the narcotics officer cross-sworn with Brunswick County. Mayor Pro Tempore Scott asked how many narcotics deaths there had been; Assistant Chief Burke said there had been 2 this year and that there were 3 last year. Councilor Medlin asked why the narcotics officer was not assigned solely to drug investigations; Assistant Chief Burke said that there were two detectives assigned to general crimes, and that one was assigned primarily to drug offenses though all three would investigate general or drug cases. Councilor Bell asked about the attempted kidnapping case; that wasn't classified as a drug charge though it was related. Assistant Chief Burke said that was correct. Councilor Medlin said he didn't understand why 15 months later, only one of two positions has been filled and that the narcotics officer was handling other crimes; he said he's not sure we're getting a real clear picture. Councilor Winecoff said that he believed the direction from Council was to hire two narcotics officers and to tackle the problem, not handle other cases. Councilor Blalock asked where we were on hiring the patrol officers needed; Assistant Chief Burke said that all patrol officer positions had been filled. He said that someone needs to answer the calls that come in and that the

patrol positions have to be filled. Councilor Medlin asked about the vehicles to be purchased and asked if the Dodge Durango was being used by the narcotics officer. Assistant Chief Burke said that the narcotics officer was using a vehicle more suited to the work he needed to do. Councilor Medlin said that there were a lot of young people on the island whose lives are being destroyed by drugs and it doesn't seem to be getting the focus it needs and we're not seeing the results we need to see. **Mayor Pro Tempore Scott made a motion to direct the Town Manager, tomorrow, to contact the Brunswick County Sheriff's Department, have them come into our Town to investigate all narcotics, narcotics deaths and narcotics overdoses in the Town of Oak Island. Councilor Medlin seconded the motion.** Mr. Edes noted that we could invite the Sheriff's Department but reminded Council that we could not make the agency do it. Councilor Winecoff asked if this would be put in place until we get our own officers in place or if it would be permanent; Mayor Pro Tempore Scott said it would be until the directed otherwise by the Town Manager. **The motion passed 3-2 with Mayor Pro Tempore Scott and Councilors Medlin and Winecoff in favor and Councilors Bell and Blalock opposed.**

V. NEW BUSINESS

1. Consideration of a Committee Handbook: Ms. Stites explained that the Handbook was created to help committee members understand their committees' charges, what the committee's purpose is, what the committee's jurisdiction is. The book also includes information about open meeting law, public records law and Council's communications policy. If it is approved, staff will distribute it to all current committee members and news ones as they are appointed. **Councilor Medlin made a motion to approve the Committee Handbook as presented. Councilor Bell seconded the notion and it passed unanimously.**

2. Discussion of Golf Cart Use on Oak Island Drive: Councilor Bell said that she put this on for discussion. She said that on Oak Island Drive, there is a turning lane that makes it difficult to go around a low-speed vehicle, whereas on Beach Drive or Yacht Drive it is easier. She has noticed that in the last few weeks there have been several going all the way down Oak Island Drive, backing up traffic. Councilor Medlin said that the speed limit is 35 mph, but that wasn't a minimum speed. Councilor Bell said she was also concerned with safety with golf carts driving on Oak Island Drive. Assistant Chief Burke said that if a low-speed vehicles were properly licensed, it could be operated on any street with a mph of 35 or less. He said an issue is that a lot of people that bring vehicles here don't know the rules and don't know they have to be registered, etc. Councilor Medlin asked how many accidents there had been this summer. Assistant Chief Burke said there had only been a few and there were no serious injuries with those accidents. Councilor Medlin said that they sound pretty safe; Assistant Chief Burke said that he had once performed CPR on a 3-year-old that had fallen off the back of a golf cart. He said that if the operator applies the rules as they should be, then low-speed vehicles can be safe, but unfortunately that is not always the case. Mayor Brochure said that she has seen many examples of the rules not being followed, with children riding on laps or unsecured on the back of the vehicles, etc. Assistant Chief Burke said the problem is that it starts all over again every 7 days. Councilor Medlin asked about the vehicles being rented; Assistant Chief Burke said they do have to be street legal. Assistant Chief Burke and the Board also discussed enforcement procedures. No action was taken.

3. Approval of Contract with McAdams Environmental Construction (odor control): Mr. Kelly said that this contract would be for the engineering company to design and supervise installation of the facility; the company will check with the contractor about providing a guarantee. This will be placed on the agenda next month.

4. Consideration of Contract for Installation of Water Meters and Associated Advanced Metering Infrastructure Agreement: Mr. Kelly said that a presentation was made during the budget workshops earlier this year. This also requires an FCC agreement. Councilor Winecoff asked about the 3 percent after the first year. Mr. Kelly said the County's agreement started at 5 percent whereas ours would be starting at 3 percent. Staff will work with the contractor to see if that can be reduced. This will be placed on the agenda next month.

Councilor Bell made a motion to go into Closed Session at 7:05 p.m. to Consult with the Town Attorney on Pending and Potential Litigation pursuant to N.C.G.S. 143-318.11(a)(3). Councilor Winecoff seconded and the motion passed unanimously.

Council returned to Open Session at 7:37 p.m. Mayor Brochure noted that no action had been taken in Closed Session.

Councilor Bell made a motion to adjourn. Councilor Medlin 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.