

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, AUGUST 9, 2005 – 6:00 P.M. – TOWN HALL
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6 The regular monthly meeting of the Emerald Isle Board of Commissioners was
7 called to order by Mayor Art Schools at 6:00 P.M.
8

9 Present for the meeting: Mayor Art Schools, Commissioners Pete Allen, Nita
10 Hedreen, Robert Isenhour, Floyd Messer, and John Wootten.
11

12 Others present: Town Attorney Richard Stanley, Town Manager Frank Rush,
13 Asst. Town Manager/Finance Officer Mitsy Overman, Town Clerk Rhonda
14 Ferebee, Planning Director Kevin Reed, Parks and Recreation Director Alesia
15 Sanderson, and Fire Chief Bill Walker.
16

17 After roll call all who were present recited the Pledge of Allegiance.
18

19 **4. ADOPTION OF AGENDA**
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21 ***Motion was made by Commissioner Messer to adopt the Agenda. The***
22 ***Board voted unanimously 5-0 in favor. Motion carried.***
23

24 **5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS**
25

26 Mayor Art Schools noted the following proclamations and announcements for the
27 public:
28

- 29 • Bicycle and Pedestrian Advisory Committee – Community Center –
30 Monday, August 15 at 6:00 pm
- 31 • Beach Jive After Five – Western Ocean Regional Access – Thursday,
32 August 19 at 5:30 pm
- 33 • Planning Board – Town Hall – Monday, August 22 at 6:00 pm
- 34 • Town Hall, Community Center – Closed for Labor Day – All Day Long –
35 Monday, September 5
- 36 • Walk to D-Feet ALS – Holiday TravLPark – Saturday, September 10 at
37 10:00 am
- 38 • Town Board – Town Hall – Tuesday, September 13 at 6:00 pm
- 39 • 2nd Annual Emerald Isle Triathlon – Eastern Ocean Regional Access –
40 Saturday, October 15 at 8:00 am
41

42 Mayor Schools stated that the filing period for elections had closed the past
43 Friday, adding that he, along with Commissioner Allen, Commissioner Wootten,
44 and Maripat Wright had filed for election this fall. Mayor Schools introduced
45 Maripat Wright who was in attendance tonight.
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4 **6. CONSENT AGENDA**
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- 6 a. Minutes – June 14 Regular Meeting
7 b. Minutes – July 12 Regular Meeting
8 c. Order Directing 2005 Tax Levy and Collections
9 d. Waste Industries Contract Amendment
10 e. Revised Resolution Authorizing Final CAMA Grant Applications (05-08-
11 09/R1)
12 f. Budget Amendment – General Fund / Regional Access Fund
13 g. Capital Project Ordinance Amendment – Coast Guard Road Storm
14 Water Project
15 h. Addendum to FEMA Beach Monitoring and Maintenance Plan
16

17 ***Motion was made by Commissioner Allen to approve the items on the***
18 ***Consent Agenda as presented. The Board voted unanimously 5-0 in favor.***
19 ***Motion carried.***

20
21 **Note: A copy of Resolution 05-08-09/R1 is incorporated herein by reference and hereby made a part**
22 **of these minutes.)**
23

24 Town Manager Frank Rush thanked Greg Rudolph for his help with the Beach
25 Maintenance and Monitoring Plan.
26

27 **7. PUBLIC COMMENT**
28

29 Jeff Jablonski, 405 Christina Court, read an excerpt from a written statement,
30 noting that he had met earlier this afternoon with Mayor Schools, Town Manager
31 Rush, and Parks & Recreation Director Alesia Sanderson. Mr. Jablonski in his
32 statement noted concerns about the planned development in Emerald Isle
33 Woods Park. He felt that the extensive gravel roadway and associated parking
34 areas would have a significant impact on the natural setting of the park, and
35 could possibly negatively affect visitor's park experience. Mr. Jablonski stated
36 the proposed plan depicts a large parking lot directly behind his home which he
37 felt would negatively affect the peace and tranquility they now enjoy, and pose
38 possible safety concerns. Mr. Jablonski proposed moving and redesigning the
39 large parking lot to the location of the depicted secondary lot. Mr. Jablonski said
40 that Town Manager Rush had agreed to talk with park designers and members of
41 the Board about the feasibility of redesigning and moving the large parking lot.
42 Mr. Jablonski asked for careful and professional consideration, and asked for any
43 Emerald Isle citizens with concerns to contact the Town, adding that he had
44 started a petition of Emerald Isle residents and visitors opposed to the current
45 development plan.
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4 **8. PROPOSED STREET NAME / ADDRESS CHANGES**
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6 Fire Chief Bill Walker addressed the Board concerning the issue of proposed
7 street name / address changes. Chief Walker following the Board's directive at
8 their July meeting provided a list of streets with similar names. In addition, Chief
9 Walker stated that letters had been mailed to those property owners affected.
10 The following excerpt from Town Manager Frank Rush's memo to the Board is
11 provided for background:

12
13 The Board of Commissioners is scheduled to consider street name and address changes for 6 different
14 streets at the August 9 meeting. Town staff have mailed notices to each of the affected property owners,
15 and a public hearing notice has been advertised in the Carteret News-Times. Following the public hearing,
16 the Board is scheduled to consider a resolution changing street names on Holly Court, Pelican Court,
17 Windjammer Cove, the 5600 Block of Sound Drive, and Beachview Road. The resolution also includes
18 address number changes on Holly Court, Pelican Court, Windjammer Cove, and East Landing Drive. I have
19 attached maps indicating the street segments proposed for renaming or addressing changes, as well as a
20 list of each of the property owners affected by these changes, along with their current and proposed
21 addresses.
22

23 Fire Chief Bill Walker has led a staff committee that has been reviewing street name and addressing issues
24 in Emerald Isle for the past several months. As you know, the central goal of this effort has been to reduce
25 duplication of street names and confusion about addresses so that emergency service responders can
26 respond as quickly as possible. The staff committee recommended the proposed changes at your July 12
27 meeting, and after direction from the Board, we proceeded with the distribution of appropriate notices. We
28 have received several emails, letters, and phone calls from property owners during the past few weeks, with
29 comments ranging from being pleased with the effort to promote the quickest possible emergency response
30 to the inconvenience associated with changing addresses with bill companies, family, friends, business
31 contacts, etc. to a desire to change the street names to a more beach-sounding name, as opposed to the
32 names originally recommended to honor important individuals in Emerald Isle's history. As you know, staff
33 does not wish to inconvenience any of our property owners unnecessarily, however, we do believe that the
34 proposed street name and address changes will, despite some initial inconvenience, ultimately benefit our
35 residents, property owners, and visitors.
36

37 The attached Resolution Authorizing Street Name / Address Changes includes the following street name
38 changes:
39

40

<u>Current Street Name</u>	<u>Proposed Street Name</u>	<u>Alternative Name</u>
Beachview Road	Paxon Road	Seahorse Road
Holly Court	McAdams Court	Egret Court
Pelican Court	Foster Court	Ibis Court
Windjammer Cove	Windjammer East	Shearwater Court
5600 Block Sound Drive	Morris Drive	Hammocks Drive

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5 As noted, due to the fact that many comments were received about the new name choices, I have attempted
6 to also propose alternative names that reflect a beach, water, marine, or bird theme. The Board is free to
7 select any name it deems appropriate for Town streets, however, I recommend that you make sure the new
8 name is distinct from existing street names. If none of the proposed or alternative names above are
9 acceptable, other possible names include:

10
11 Hawksbill Lane Ghost Crab Drive Fisherman Drive
12 Sailboat Drive Aqua Drive Pinfish Drive
13 Lakeside Court Relaxation Road Boaters Lane
14 Cutter Drive.

15
16 The attached resolution also incorporates by reference the new house numbers included on the attached
17 list. The house numbers proposed to be changed include the following:

- 18
19 • a reversal in the numbering sequence on the current Windjammer Cove, to reflect our policy of low
20 numbers closer to the ocean and increasing away from the ocean
21 • new numbers for East Landing Drive, reflecting the primarily north-south direction of this road, with
22 lower numbers closer to the ocean and increasing away from the ocean
23 • new numbers for the current Holly Court, reflecting the east-west direction of this road, with lower
24 numbers closer to the east and increasing to the west
25 • new numbers for the current Pelican Court, reflecting the east-west direction of this road, with lower
26 numbers closer to the east and increasing to the west.
27 • assignment of house numbers and street names based on where the driveway intersects with the
28 street, in order to allow emergency responders to respond to the driveway.
29

30 If the Board approves the attached resolution, Town staff will send a final letter to the affected property
31 owners to inform them of the change so that they can begin the process of changing addresses with bill
32 companies, family, friends, business contacts, etc. The Board should note that the resolution indicates that
33 the proposed changes will be effective January 1, 2006 in order to provide ample time for these changes.
34 Town staff will also contact other public service agencies to advise them of the change to promote
35 consistency in addressing. Our Public Works Department will also plan to make the appropriate street sign
36 changes on the effective date. The Board should note that the vacation rental companies have indicated
37 that a final decision made by mid-September, regardless of the effective date, would allow them to update
38 their 2006 rental catalogues prior to going to press this fall.
39

40 At the July meeting, the Board also expressed interest in reviewing other similar street names that were
41 considered by the staff committee. I have attached a list of the other similar street names considered by the
42 staff committee, and seek the Board's direction as to whether or not to begin a similar process to change
43 any of these street names. As we have discussed previously, the staff committee has also noted the need
44 to change many of the existing house numbers on other streets that front on more than one street but do
45 not have the house number assigned based on where the driveway intersects. Examples include houses
46 between Emerald Drive and Ocean Drive on the east end, where some have Ocean Drive addresses and
47 some have Emerald Drive addresses, and corner lots throughout Town that have an address on one street
48 and a driveway connecting to another street. I will also need the Board's direction as to whether or not we
49 should proceed with this effort, which will entail a great deal of work to accomplish. I envision proceeding in
50 a phased manner, similar to our effort with the RMH to R-2 rezonings over the past year.
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52 **Motion was made by Commissioner Wootten to open the public hearing.**
53 **The Board voted unanimously 5-0 in favor. Motion carried.**
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Ed Braswell, 5813 East Landing Court, said he had just found out tonight that the street name had been changed when the Town adopted a map. Mr. Braswell stated his concern about the public safety for the residents of East Landing Court. Mr. Braswell pointed out that the Town has a common scheme and plan dealing with the numbering of streets, noting that generally streets with 3 digit numbers go north and south; streets with 4 digits go east and west. Mr. Braswell said he lives on a street that goes east and west and felt it was easier for emergency personnel to find his address based upon his 4 digit street number. He felt that most people would know where the 5800 block was because as you go down Emerald Drive there are signs on each street marker indicating the block. Mr. Braswell felt that this proposal to change the numbering of the street worked against emergency personnel. Mr. Braswell felt the numbers as they are now promote the health and safety of the residents in the area. Mr. Braswell asked on behalf of himself and other residents present tonight from East Landing that the Board vote no to changing the numbering on East Landing.

Charles Watts, 5810 East Landing, said he received no notice of the street name being changed. Mr. Watts reiterated Mr. Braswell's comments stating that the green street marker changes on Highway 58 indicate their block and he felt extremely concerned that this change would cause them to be lost in relation to an east-west direction and would appreciate the Board's consideration.

Commissioner Wootten asked about those comments just made that the Town had changed the street name. Town Manager Rush clarified that when the Board adopted the official street map at the April meeting, the section of East Landing that curves to the cul-de-sac previously known as East Landing Court, because it was basically an extension of East Landing Drive, was labeled on the official street map as East Landing Drive. Mr. Rush said he didn't consider this to be a significant change to change Court to Drive, and they did not notify property owners. Mr. Rush stated, and Town Attorney Stanley agreed that no public hearing was required for that change; a public hearing is being held tonight as a courtesy to our residents so they would know they are being considered for change.

John Kelly, 5602 Sound Drive, stated he and several residents from his street were in attendance tonight and were concerned about what actually transpired to cause a need to change Sound Drive where they live, and also suggesting that if it is changed that it be changed to a more nautical name. Mr. Kelly said he appreciated what is being done, noting situations when emergency services were not sure which way to turn at Fredeen Street and Fredeen Court.

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Chief Walker noted that the main reason for proposing the change to this section of Sound Drive was that this section of Sound Drive was separate from the other Sound Drive locations.

Janet Eppolite, 5606 Sound Drive, said, to embellish on Mr. Kelly's comments, Sound Drive is not contiguous throughout the whole island. She felt it has always represented like Ocean Drive, as the road that runs along the sound. Ms. Eppolite indicated the same situation on Ocean Drive, it is also segmented. Ms. Eppolite said they were curious also why this particular segment of Sound Drive was chosen for this particular change. Ms. Eppolite pointed out that they also go by the 5600 block right on Emerald Drive, a very easy way for emergency personnel to find this segment of Sound Drive. She also reiterated the request that if the name is changed that it be a more nautical name.

Horace Cox, 106 Beachview Road, showed the Board members a plot map of two subdivisions he had received from the tax office. Mr. Cox said while they sympathize with the residents of Beachview Lane, the residents feel they have a good situation on Beachview Road. Mr. Cox said the date on the plot map of Beachview Road goes back to 1966, and the plot map of Beachview Lane was registered in 1967 and at that time only registered as an access road, with no record of when it became Beachview Lane.

Bill Mowatt, 107 Windjammer Cove, said he spoke at the last meeting when this was proposed. Mr. Mowatt felt they had not been given a good reason why this name should be changed. Mr. Mowatt pointed out that Windjammer Court has only one person using that street for their address. Mr. Mowatt said they had suggested in their correspondence to the Board that Windjammer Court be eliminated rather than Windjammer Cove. Mr. Mowatt said they oppose both the changing of the numbers and the name feeling it serves no purpose.

Patty Mowatt, 107 Windjammer Cove, provided her experience with emergency services coming to her house. She said they were frighteningly fast and she was not too concerned about her services. Ms. Mowatt felt Windjammer Cove was just arbitrarily selected.

Bill Johnson, 204 Tradewinds, speaking on behalf of the Board of Directors of Lands End stated it made more sense to change Windjammer Court than Windjammer Cove.

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Commissioner Wootten who lives on the corner of Eagles Nest and Pelican Court, spoke regarding the proposed changes of Holly Court and Pelican Court. Commissioner Wootten related the verbal views expressed to him from his neighbors opposing the name change. Commissioner Wootten added that if the name is changed they had indicated that they did not want the name that had been selected by the staff. Commissioner Wootten added that another issue is the policy to align the address with the driveway of the residence so that EMS will go to the entrance of the driveway.

Doje Marks, 134 Sandcastle Drive, speaking as an EMS member stated the biggest street name problem was an unpaved lane running east and west between Ocean Drive and Emerald Drive off of Fairfax. She stated almost all houses on this lane have either an Ocean Drive address or an Emerald Drive address but no access from either Ocean or Emerald. Ms. Marks said she had asked questions about naming this lane. Ms. Marks also reiterated her comments from past meetings that the biggest problem of all is finding the correct house number, suggesting again the green reflective signs with the house number at the street where emergency vehicles can see it.

Dr. Robert Seal, 6610 Ocean Drive, commented concerning corner lots stating that many of the houses if not all on Ocean Drive at a corner face Ocean Drive. He felt it was much easier for emergency services to find the block number on Ocean Drive than to find a lot of the side streets. Dr. Seal also noted issues such as advertisement for rental and sales, as well as the huge cost of changing for mailing purposes that has to be considered.

Motion was made by Commissioner Messer to close the public hearing. The Board voted unanimously 5-0 in favor. Motion carried.

Commissioner Hedreen stated that based on comments she had received she supported keeping the street names as they are, adding that something does need to be done about making house numbers visible.

Commissioner Isenhour felt if the residents of the streets discussed tonight were willing to assume the possible confusion risk of similar names then the Board should leave this alone.

Commissioner Messer said that no one had convinced him yet that there is a problem with the existing street names. Commissioner Messer said he was also in favor of the green reflective signs.

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3 Commissioner Allen agreed that no changes should be made. Commissioner
4 Allen thanked Chief Walker and his committee for the hard work, noting that the
5 names they suggested were some old leaders of Emerald Isle of years past, and
6 they were well thought of and he expressed his appreciation.
7

8 ***The general consensus of the Board was to take no action on this issue, to***
9 ***leave "as is".***

10
11 Town Manager Frank Rush stated he would continue to work now on the
12 appropriate signage requirements for house numbers.
13

14 The Board took a short recess at 7:05 pm, reconvening the meeting at 7:15 pm.
15

16 **9. PROPOSED AFIS LIVESCAN FINGERPRINT SYSTEM**
17

18 Acting Police Chief Bill Hargett addressed the Board concerning the proposed
19 AFIS Livescan Fingerprint System. Chief Hargett stated that the purchase of this
20 equipment would allow the Police Department to catch up with automation and
21 technological advances that have occurred in law enforcement over the past 15
22 years. Chief Hargett stated that not only would this system serve the needs of
23 the Police Department but would also benefit the community and the Town of
24 Emerald Isle as a whole. Chief Hargett said this system would enable the Police
25 Department to also provide a valuable service to the parents of children in the
26 community. Chief Hargett added that this system would streamline the process
27 of booking, records, submitting information allowing more time for the officers to
28 be on the streets patrolling. Chief Hargett requested that the Board approve an
29 \$18,000 budget amendment to use Special Drug Fund monies to purchase this
30 electronic fingerprinting system for the Police Department.
31

32 Detective Tony Reese, highlighted for the Board in detail information concerning
33 the functions and uses that this system will provide. Detective Reese provided
34 background based on his research including, cost savings, time management,
35 safety and efficiency. Detective Reese added that this system's components are
36 able to interface with each other which means that as growth and needs increase
37 accessories and upgrades can be added to the equipment without changing out
38 the entire system.
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BUDGET AMENDMENT
FY 2005-06

The budget for FY 2005-2006 is hereby amended as follows:

SPECIAL DRUG FUND

	Increase	Decrease
<u>Revenues</u>		
Appropriated Fund Balance	18,000	
TOTAL	18,000	-
<u>Expenditures</u>		
Police	18,000	-
TOTAL	18,000	-

Copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Town Clerk, to be kept on file by them for their direction in the disbursement of Town funds for this project.

Adopted this _____ day of _____, 2005.

Attest:

Rhonda C. Ferebee, Town Clerk

Arthur B. Schools, Jr., Mayor

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Motion was made by Commissioner Isenhour to approve the Special Drug Fund budget amendment as presented. The Board voted unanimously 5-0 in favor. Motion carried.

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3 **10. BRIDGEVIEW CAMPGROUND LAND USE ISSUES – (05-08-09/R2)**
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5 Planning Director Kevin Reed presented information to the Board regarding two
6 land use issues pertaining to the current Bridgeview Campground property. The
7 following excerpt from Planning Director Kevin Reed's memo to the Town
8 Manager is provided for background:
9

10 A rezoning request has been received from Billy Farrington on behalf of Crew Drive LLC to rezone approximately 13.17
11 acres from B-3 (Business) to R-2 (Residential). The property is located on the east side of Crew Drive and is the
12 current location of the Bridgeview Campground. The applicants have expressed an interest in developing the property
13 for residential purposes. If the property is rezoned to R-2, then redevelopment would be limited to one and two-family
14 dwellings. The property has approximately 1,200 feet of frontage along Crew Drive. Crew Drive is a Town street with
15 a 60 foot right-of-way.
16

17 The Planning Board initially discussed this request at its meeting held on June 27, 2005. During that discussion it was
18 noted that the Town's 2004 CAMA Land Use Plan, specifically the Future Land Use Map, projected the property as
19 having a future land use of Commercial Corridor. This designation is consistent with the current zoning of B-3 but
20 would not be consistent with the anticipated future land use of single and dual-family residential which is likely to occur
21 if the property is rezoned to R-2. Therefore, in addition to the rezoning request, the Planning Board also considered a
22 possible amendment to the land use plan when it discussed the rezoning of the property.
23

24 At its June 27, 2005 meeting, the Planning Board voted unanimously (5 to 0) to recommend to the Board of
25 Commissioners that the Future Land Use Map be amended to reflect this property as Single/Dual Family Residential
26 rather than its current designation as Commercial Corridor. The Planning Board tabled the rezoning request until its
27 July 25, 2005 meeting. At that meeting, the Planning Board voted unanimously (6 to 0) to recommend to the Board of
28 Commissioners that the rezoning be approved.
29

30 ***Motion was made by Commissioner Messer to open the public hearing to***
31 ***amend the 2004 CAMA Land Use Plan. The Board voted unanimously 5-0***
32 ***in favor. Motion carried.***
33

34 Stephanie Hedgepeth, stated she was one of the families that would be affected
35 by this change. She asked the Board about their justification for proposing to
36 change the zoning as she owns a camper at the Bridgeview Campground, and
37 how this zoning change would benefit Emerald Isle.
38

39 Town Manager Rush stated that Mr. Reed answered this question in his
40 comments when he noted that the Planning Board reviewed this request, there
41 was a request made by the property owner to rezone from Commercial to
42 Residential. Mr. Rush said the Planning Board decided that the fact there was
43 adjacent residential property in Forest Hills Mobile Home Park, and also that it is
44 a large tract that is suitable for a subdivision and redevelopment, they felt that
45 was in keeping with the atmosphere they're seeking in Town. Mr. Rush added
46 that the Board of Commissioners would make their decision tonight.
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2 Commissioner Wootten stated that as the property is zoned right now,
3 Commercial B-3, the current owner could proceed to put in a shopping center,
4 instead they have opted for single and dual family housing, which is the reason
5 for the change.

6
7 Ms. Hedgepeth expressed appreciation for the comments and explanation,
8 adding that if it is not going to be a campground she would rather see homes
9 there.

10
11 Felice Rizetto, 9020 Crew Drive, expressed that he and many other Bridgeview
12 Campground residents consider this their long term residence.

13
14 Mayor Schools stated that the owners do not plan to leave the property a
15 campground. Mayor Schools said what the Board is discussing is either a
16 commercial development or a residential development.

17
18 Mr. Rizetto mentioned other issues he felt had not been discussed such as
19 devaluation of their property in Bridgeview, his concern over where retirees and
20 middle class citizens could afford to live in Emerald Isle, and environmental
21 issues. Mr. Rizetto asked to keep things status quo that rezoning could be done
22 anytime.

23
24 Commissioner Messer stated that there is no long term arrangement on leased
25 property. Commissioner Messer said there are no guarantees when you lease,
26 the option is up to the owner.

27
28 ***Motion was made by Commissioner Wootten to close the public hearing to***
29 ***amend the 2004 CAMA Land Use Plan. The Board voted unanimously 5-0***
30 ***in favor. Motion carried.***

31
32 ***Motion was made by Commissioner Wootten to adopt the Resolution***
33 ***Authorizing CAMA Land Use Plan Amendment. The Board voted***
34 ***unanimously 5-0 in favor. Motion carried.***

35
36 **Note: A copy of Resolution 05-08-09/R2 is incorporated herein by reference and hereby made a part**
37 **of these minutes.)**

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4 ***Motion was made by Commissioner Wootten to open the public hearing on***
5 ***the proposed rezoning. The Board voted unanimously 5-0 in favor. Motion***
6 ***carried.***
7

8 Doje Marks, 134 Sandcastle Drive, spoke in favor of the rezoning. She stated
9 that she served on both the CAMA Land Use Plan and the Highway 58
10 Committee and couldn't think of a better use for this tract of land than to make it
11 residential. Ms. Marks said under the B-3 zoning there would have been the
12 potential for a large shopping center or high rise condominiums, and she hoped
13 the new owners would preserve as much of the natural portion as possible.
14

15 ***Motion was made by Commissioner Isenhour to close the public hearing on***
16 ***the proposed rezoning. The Board voted unanimously 5-0 in favor. Motion***
17 ***carried.***
18

19 ***Motion was made by Commissioner Wootten to rezone the Bridgeview***
20 ***Campground property from Business-3 (B-3) to Residential-2 (R-2). The***
21 ***Board voted unanimously 5-0 in favor. Motion carried.***
22

23 **11. ISLAND HARBOR MARINA – PROPOSED CAMA LAND USE PLAN**
24 **AMENDMENT – (05-08-09/R3)**
25

26 Planning Director Kevin Reed addressed the Board concerning the Island Harbor
27 Marina – proposed CAMA Land Use Plan Amendment. The following excerpt
28 from Planning Director Kevin Reed's memo to the Town Manager is provided as
29 background:
30

31 As you will recall, the Board of Commissioners, at its meeting held on June 14, 2005, asked staff to discuss with the
32 Planning Board possible changes to the CAMA Land Use Plan. The Board's specific concerns dealt with how the
33 property surrounding Island Harbor Marina is projected on the Future Land Use Map. Currently, this area is zoned B-3
34 (Business) and is shown on the Future Land Use Map as Mixed-Residential. Since the marina essentially provides the
35 only means of access to Bogue Sound for the launching of watercraft, there is a strong desire to ensure that this facility
36 remains as an option for residents and visitors. The primary land use around the marina is mobile home development;
37 therefore, the Future Land Use Map depicted this area as Mixed-Residential as it does for the other existing mobile
38 home developments in the Town. There is a need to protect and preserve the marina and its related business
39 activities. In addition, there may be a need to expand and enhance the commercial activities around the marina in the
40 future. The fact that the Land Use Plan failed to address this important concern is clearly an oversight.
41

42 This matter was presented to the Planning Board at its meeting held on June 27, 2005. At that time, staff discussed
43 this issue with the Board and suggested two possible amendments to the Land Use Plan for consideration. The first
44 change would revise the text of the Plan. Specifically, Part 3 of the plan entitled "Land Use Plan – Goals, Policies and
45 Future Land Use Map" would be revised to add an additional commercial area. This area would be called the Marine
46 Commercial Area. The possible text amendment considered by the Planning Board was as follows:
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4 *Marine Commercial Area*

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6 *The planned Marine Commercial Area is located at the northern terminus of Old Ferry Road at the existing Island Harbor Marina. The objective of this land use category is to provide residents and visitors with goods and services related to boating, water sports and similar activities. Examples of appropriate land uses in this area are marinas, boat/marine repair facilities and providers of other goods and services for these types of uses.*

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13 *The Town encourages uses in the Marine Commercial Area that meet the following guidelines:*

- 14 ▪ *provide marine and boating related services that serve the needs of residents and visitors*
15 ▪ *are in consistent with state and federal guidelines for such facilities*
16 ▪ *allows for supporting businesses and land uses*

17
18 The second change would be to the Future Land Use Map. This change would involve delineating the boundaries of
19 the Marine Commercial Area which would encompass all the property near Island Harbor Marina that is currently
20 zoned B-3 (Business). This area is currently shown on the Future Land Use Map as Mixed Residential.

21
22 Following its discussion of this matter, the Planning Board voted unanimously (5 to 0) to recommend to the Board of
23 Commissioners that these amendments be approved.

24
25 ***Motion was made by Commissioner Messer to open the public hearing.***
26 ***The Board voted unanimously 5-0 in favor. Motion carried.***

27
28 Georgia Murray, 8738 Emerald Plantation Road, stated that her mother owned
29 the marina. Mrs. Murray wanted the Board to know that they support this as well,
30 noting that while they hope to keep the marina as long as they can, they don't
31 want to be handcuffed to an operation in the event it is not making money. Mrs.
32 Murray felt this was an excellent plan and appreciated the assistance of Town
33 Manager Rush.

34
35 ***Motion was made by Commissioner Messer to close the public hearing.***
36 ***The Board voted unanimously 5-0 in favor. Motion carried.***

37
38 ***Motion was made by Commissioner Allen to adopt the Resolution***
39 ***Authorizing CAMA Land Use Plan Amendments. The Board voted***
40 ***unanimously 5-0 in favor. Motion carried.***

41
42 **Note: A copy of Resolution 05-08-09/R3 is incorporated herein by reference and hereby made a part**
43 **of these minutes.)**
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4 **12. EXTERIOR COLOR SCHEME REVIEW – RUSTY PELICAN MOTEL**
5

6 Planning Director Kevin Reed addressed the Board concerning the exterior color
7 scheme review of the Rusty Pelican Motel. The following excerpt from Planning
8 Director Kevin Reed's memo to the Town Manager is provided as background:
9

10 The owner of the Rusty Pelican Motel recently began to change the exterior color scheme for the property located at
11 8401 Emerald Drive. The repainting work was halted by Town staff in order to allow for the opportunity to review the
12 proposed color for compliance with Section 19-73 of the Zoning Ordinance. At that time, the owner of the property,
13 Barbara Smith, requested that the Planning Director approve the new exterior color so that repainting could continue.
14 The Planning Director determined that the proposed new exterior commercial color (sample attached) did not meet the
15 requirements set forth in Section 19-73 of the Town Code which requires exterior colors be "...low reflectance, subtle,
16 neutral or earth tone...". Based on this determination, the motel owner was denied the right to continue with the
17 repainting process. The owner then submitted a request (letter attached) to have the Planning Board and Town Board
18 review and approve the color change. The Planning Board, at its meeting held on July 25, 2005 considered the request
19 by Mrs. Smith. Following its discussion of the matter, the Planning Board voted (5 to 1) to recommend to the Board of
20 Commissioner that the new exterior color not be approved.
21

22 Commissioner Hedreen asked Mr. Reed about painting shingles. Mr. Reed said
23 it was his understanding that Ms. Smith had been advised based on the type of
24 paint being used, that this paint will seal some deficiencies in the roof because of
25 its age; she believes she is prolonging the life of the roof and this is a financial
26 alternative that is more beneficial than actually replacing the roof.
27

28 Commissioner Wootten questioned the bright roof on the new car wash. Mr.
29 Reed responded that the exterior colors for the car wash were approved under
30 the old commercial color ordinance, and was actually approved by the Town
31 Board as part of the commercial review process.
32

33 Following further discussion ***motion was made by Commissioner Messer to***
34 ***deny the proposed exterior roof color for the Rusty Pelican Motel. The***
35 ***Board voted unanimously 5-0 in favor of denying. Motion carried.***
36

37 **13. ORDINANCE AMENDING CHAPTER 19 – ZONING – TO ADD ATHLETIC**
38 **CLUBS AS A SPECIAL USE IN THE RESIDENTIAL-2 (R-2) ZONE – (05-08-09/O1)**
39

40 Planning Director Kevin Reed presented information to the Board concerning this
41 proposed ordinance amendment. The following excerpt from Planning Director
42 Kevin Reed's memo to the Town Manager is provided for background:
43

44 The Board of Commissioners, at its meeting held on July 12, 2005, asked staff to discuss with the Planning Board
45 possible changes to the Table of Permitted and Special Uses. Specifically, the Planning Board was asked to discuss a
46 possible amendment to the Table which would add "athletic clubs and facilities" as a special use in the Residential-2
47
48

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4 (R-2) zoning district. Currently, athletic clubs and facilities are allowed with a special use permit in the following
5 districts: Residential Multi-Family (RMF), Institutional (INST), Business-2 (B-2), Business-3 (B-3), Campground (C);
6 and, Residential Motel/Hotel (RMH). This request by the Board was made after it was informed by staff that the
7 proposed rezoning of the Dolphin Ridge Club from RMH to R-2 would have made the club, a non-conforming use.
8 Subsequently, the Commissioners tabled the rezoning of Dolphin Ridge and Royal Oaks at its July meeting.
9

10 This matter was presented to the Planning Board at its meeting held on July 26, 2005. After discussing the matter, the
11 Planning Board voted (4 to 2) to recommend to the Board of Commissioners that Section 19-82 of the Town Code be
12 amended.
13

14 ***Motion was made by Commissioner Wootten to open the public hearing.***
15 ***The Board voted unanimously 5-0 in favor. Motion carried.***
16

17 Clint Routson, 9721 Green Glen Road, voiced his support of the ordinance
18 amendment.
19

20 ***Motion was made by Commissioner Isenhour to close the public hearing.***
21 ***The Board voted unanimously 5-0 in favor. Motion carried.***
22

23 ***Motion was made by Commission Allen to adopt the Ordinance Amending***
24 ***Chapter 19 – Zoning – To add Athletic Clubs and Facilities as a Special Use***
25 ***in the R-2 Zone. The Board voted unanimously 5-0 in favor. Motion***
26 ***carried.***
27

28 **Note: A copy of Ordinance 05-08-09/O1 is incorporated herein by reference and hereby made a part**
29 **of these minutes.)**
30
31

32 **14. PROPOSED REZONING – RESIDENTIAL MOTEL-HOTEL (RMH) TO**
33 **RESIDENTIAL-2 (R-2) – DOLPHIN RIDGE / ROYALL OAKS**
34

35 Planning Director Kevin Reed presented information to the Board concerning this
36 proposed rezoning. The following excerpt from Planning Board Kevin Reed's
37 memo to the Town Manager is provided as background:
38

39 The Board of Commissioners, at its meeting held on July 12, 2005, delayed action on the proposed RMH to R-2
40 rezoning for the Dolphin Ridge and Royal Oaks Subdivisions. As you know, the matter was tabled until the Board
41 could receive a recommendation from the Planning Board on possible amendments to the Table of Permitted and
42 Special Uses pertaining to "athletic clubs and facilities". The Planning Board made its recommendation and following
43 action by the Board of Commissioners, it would be appropriate to again consider the above subject rezoning.
44

45 Mr. Reed stated that the Board had conducted the public hearing and in
46 accordance with the general statutes the Board is asked tonight to only consider
47 the possible rezoning.
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4 ***Motion was made by Commissioner Wootten to approve the rezoning of the***
5 ***Dolphin Ridge and Royall Oaks subdivisions from RMH to R-2, as***
6 ***presented on the map. The Board voted unanimously 5-0 in favor. Motion***
7 ***carried.***

8
9 **15. PROPOSED REZONING – RESIDENTIAL MOTEL-HOTEL (RMH) TO**
10 **RESIDENTIAL (R-2) – CAPE EMERALD**

11
12 Planning Director Kevin Reed presented information to the Board concerning this
13 proposed rezoning from Residential Motel-Hotel (RMH) to Residential (R-2) in
14 Cape Emerald. The following excerpt from Planning Director Kevin Reed's
15 memo to the Town Manager is provided for background:

16
17 As you will recall, staff has been proceeding with the implementation measure identified in the 2004 CAMA Land Use
18 Plan that involves the rezoning of certain properties from RMH to R-2. Specifically, the measure is to amend the
19 Town's Zoning Map to rezone all developed areas which are currently RMH to R-2, except where the Future Land Use
20 Map designates the areas as "mixed-residential". The Planning Board at its meeting held on July 25, 2005 was asked
21 to consider the next area. This area encompasses all of the property contained in Cape Emerald Subdivision.
22 Following its discussion of the matter, the Planning Board voted unanimously (6 to 0) to recommend to the Board of
23 Commissioners that the rezoning be approved.

24
25 ***Motion was made by Commissioner Isenhour to open the public hearing.***
26 ***The Board voted unanimously 5-0 in favor. Motion carried.***

27
28 Clint Routson, 9721 Green Glen Road, questioned how the Cape Emerald Sewer
29 Association Plant would be considered in the zoning, noting he did not see this
30 as a permitted use.

31
32 Planning Director Kevin Reed clarified that for this particular septic option for the
33 neighborhood he envisioned that through the development and subdivision
34 process an accessory use being permitted, adding that an on site septic system
35 that serves one home as being an accessory permitted use, just like an on site
36 septic system that might serve multiple homes.

37
38 Mr. Routson said this system is not on site but a separate facility that operates
39 that sewer plant.

40
41 Town Attorney Richard Stanley felt this would fall under permitted use as a public
42 or semi-public utility system.

43
44 ***Motion was made by Commissioner Messer to close the public hearing.***
45 ***The Board voted unanimously 5-0 in favor. Motion carried.***
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4 ***Motion was made by Commissioner Allen to approve the rezoning of the***
5 ***Cape Emerald subdivision from RMH to R-2, as presented on the attached***
6 ***map. The Board voted unanimously 5-0 in favor. Motion carried.***
7

8 **16. ORDINANCE AMENDING CHAPTER 19 – ZONING – TO ADD OFFICES**
9 **OF LICENSED HEALTH CARE PROFESSIONALS AS A PERMITTED USE IN**
10 **THE INSTITUTIONAL ZONE – (05-08-09/O2)**
11

12 Planning Director Kevin Reed presented information to the Board concerning this
13 proposed ordinance amendment to Chapter 19. The following excerpt from
14 Planning Director Kevin Reed's memo to the Town Manager is provided for
15 background:
16

17 As you know, the Board of Commissioners, at its meeting held on July 12, 2005, asked staff to discuss with the
18 Planning Board possible changes to the Table of Permitted and Special Uses. Specifically, the Planning Board was
19 asked to consider a possible amendment that would list "Offices of Licensed Health Care Professionals" as a permitted
20 use in the Institutional (INST) District. The Planning Board discussed this matter at its meeting held on July 25, 2005.
21 At that time, staff presented to the Board a proposed amendment to Section 19-82 that would list the "Offices of
22 Licensed Health Care Professionals", as a permitted use in the INST District. Following its discussion of the matter,
23 the Planning voted 5 to 1 to recommend to the Board of Commissioners that the amendment be approved.
24

25 ***Motion was made by Commissioner Wootten to open the public hearing.***
26 ***The Board voted unanimously 5-0 in favor. Motion carried.***
27

28 There were no comments from the public.
29

30 ***Motion was made by Commissioner Isenhour to close the public hearing.***
31 ***The Board voted unanimously 5-0 in favor. Motion carried.***
32

33 ***Motion was made by Commissioner Isenhour to adopt the Ordinance***
34 ***Amending Chapter 19 – Zoning – To Add Offices of Licensed Health Care***
35 ***Professionals as a Permitted Use in the Institutional Zone. The Board***
36 ***voted unanimously 5-0 in favor. Motion carried.***
37

38 **Note: A copy of Ordinance 05-08-09/O2 is incorporated herein by reference and hereby made a part**
39 **of these minutes.)**
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4 **17. ORDINANCE AMENDING CHAPTER 17 – STREETS AND SIDEWALKS –**
5 **REGARDING PRIVATE STREET STANDARDS – (05-08-09/O3)**
6

7 Planning Director Kevin Reed presented information to the Board concerning this
8 proposed ordinance amendment to Chapter 17. The following excerpt from
9 Planning Director Kevin Reed’s memo to the Town Manager is provided for
10 background:

11
12 The Planning Board, at its meeting held on June 27, 2005, discussed the subject of private streets and streets within
13 Planned Unit Developments (PUDs). This matter was brought to the Planning Board because of conversations Town
14 staff had with the developers of the proposed Bell Cove Townhouse project. The developers of this project were
15 considering a possible redesign of the project and had concerns over the design standards for private streets and
16 streets within PUDs. Staff prepared a list of current private street right-of-way widths for the Planning Board and
17 engaged in a discussion as to whether the Town should have a different standard for public streets vs. private streets.
18 The Planning Board then directed staff to develop possible amendments to the Town Code as it pertains to the design
19 standards for private streets. The possible amendments were presented to the Planning Board at its meeting held on
20 July 25, 2005. It was noted during the Planning Board’s discussion that cul de sac pavement width requirements
21 would not change under the proposed amendments; therefore, emergency and large vehicle access should not be
22 adversely affected. Following discussion of the matter, the Planning Board voted unanimously (6 to 0) to recommend
23 to the Board of Commissioners that the proposed amendments be approved. Attached to this memorandum is a copy
24 of the amendments in ordinance format.

25 Design standards for streets are important because they affect the location of the roadway; vehicular safety and
26 access; and the placement of utilities, drainage facilities for stormwater, sidewalks and bike lanes. Right-of-way widths
27 and street design standards also affect the aesthetic quality and “quaintness” of a neighborhood or development. The
28 proposed changes for private streets will accommodate the 20-feet of pavement, 6-feet of shoulders (3-feet each side)
29 and the 24-feet of ditches (12-feet each side). The placement of bike paths and or sidewalks within the right-of-way
30 may not be possible if all of the previously noted pavement, ditches and shoulders are constructed. Obviously, the
31 required engineering and design specifics of a proposed street will dictate the ability to meet multiple needs within the
32 right-of-way.
33

34 Mr. Reed noted the most significant changes in the proposed ordinance as:

- 35
- 36 • a reduction in the required right-of-way, from 55 ft. in the current ordinance
 - 37 to 40 ft. plus 5 ft. utility easements on each side of the street (total of 10
 - 38 ft.) in the proposed ordinance
 - 39 • a reduction in the width of the base, from 26 ft. to 23 ft.
 - 40 • a reduction in the width of the shoulder, from 6 ft. each side to 3 ft. each
 - 41 side
- 42

43 ***Motion was made by Commissioner Hedreen to open the public hearing.***
44 ***The Board voted unanimously 5-0 in favor. Motion carried.***
45

46 There were no comments from the public.
47

48 ***Motion was made by Commissioner Isenhour to close the public hearing.***
49 ***The Board voted unanimously 5-0 in favor. Motion carried.***

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4 The Board discussed in detail the proposed changes, including Commissioner
5 Wootten's proposal as to the possibility of dropping the curb and gutter right-of-
6 way down to 35 feet.

7
8 ***Motion was made by Commissioner Messer to adopt the Ordinance***
9 ***Amending Chapter 17 – Streets and Sidewalks – Regarding Private Street***
10 ***Standards. The Board voted unanimously 5-0 in favor. Motion carried.***

11
12 **Note: A copy of Ordinance 05-08-09/O3 is incorporated herein by reference and hereby made a part**
13 **of these minutes.)**

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16 **18. ORDINANCE AMENDING CHAPTER 20 – WIRELESS**
17 **COMMUNICATIONS – REGARDING PLACEMENT OF WIRELESS**
18 **ANTENNAE ON WATER TOWERS – (05-08-09/O4)**

19
20 ***Motion was made by Commissioner Messer to excuse Commissioner***
21 ***Hedreen from voting on this item due to a possible business conflict. The***
22 ***Board voted unanimously 5-0 in favor. Motion carried.***

23
24 Planning Director Kevin Reed presented information to the Board concerning this
25 proposed ordinance amendment to Chapter 20. The following excerpt from
26 Planning Director Kevin Reed's memo to the Town Manager is provided for
27 background:

28
29 Bogue Banks Water Corporation (BBWC) is currently constructing an elevated water storage tank on property it owns
30 along Coast Guard Road, known as the Tank #3 site. Specifically, the site is located along the southeastern most
31 portion of the Emerald Woods park property. According to BBWC staff, local fire, police and rescue operations have
32 expressed an interest in locating wireless telecommunication antennas (WTA) on the water tank once construction is
33 completed later this year. In addition, BBWC may be approached by other telecommunication providers to co-locate
34 on the tower structure. Currently under Section 20-37 of the Town Code, co-located WTAs are a permitted use in the
35 Business-1 (B-1), Business-2 (B-2), Business-3 (B-3), and Institutional (INST) zoning districts and on water towers in
36 existence at the time the Town Code was amended to add Chapter 20, Wireless Telecommunications. The BBWC
37 property is currently zoned Residential Motel/Hotel (RMH). In addition, the date of the amendment to add Chapter 20
38 was November 14, 2000; therefore, co-location on the new tower would not be a permitted use.

39
40 The co-location of WTAs on water towers offers a good opportunity to meet a variety of public and private
41 telecommunication needs without increasing visual clutter. This matter was presented to the Planning Board at is
42 meeting held on July 25, 2005. At that time, staff presented for discussion purposes a possible amendment to the
43 Town Code which would allow for the co-location WTAs on water towers no matter the date of construction of the
44 tower. After discussing the matter, the Planning Board voted unanimously (6 to 0) to recommend to the Board of
45 Commissioners that Section 20-37 of the Town Code be amended.

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4 **Motion was made by Commissioner Wootten to open the public hearing.**
5 **The Board voted 4-0 in favor. Motion carried.**
6

7 There were no comments from the public.
8

9 **Motion was made by Commissioner Isenhour to close the public hearing.**
10 **The Board voted 4-0 in favor. Motion carried.**
11

12 **Motion was made by Commissioner Wootten to adopt the Ordinance**
13 **Amending Chapter 20 – Wireless Communications – Regarding the**
14 **Placement of Wireless Antennae on Water Towers. The Board voted 4-0 in**
15 **favor. Motion carried.**

16
17 **Note: A copy of Ordinance 05-08-09/04 is incorporated herein by reference and hereby made a part**
18 **of these minutes.)**
19
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21 **19. ORDINANCE AMENDING CHAPTER 9 – HEALTH AND SANITATION –**
22 **REGARDING SUNDAY CONSTRUCTION ACTIVITIES – (05-08-09/05)**
23

24 Town Manager Frank Rush addressed the Board concerning this ordinance
25 amendment to Chapter 9. The following excerpt from Town Manager Rush's
26 memo to the Board is provided for background:
27

28 The Board of Commissioners is scheduled to consider two versions of an ordinance amendment that would allow
29 additional construction activities on Sundays at the August 9 meeting. As you know, the Town's current ordinance
30 does not allow construction work to occur on Sundays in order to maintain peace and quiet in Town on Sundays.
31

32 This issue is presented for Board consideration in response to 1) a request from the Bogue Banks Water Corporation
33 to allow workers to construct the new Coast Guard Road water tank on Sundays, and 2) recent concerns expressed
34 by those undertaking construction projects who have been halted from working on Sundays. Recognizing that this may
35 be a sensitive issue, I have attached two alternative ordinance amendments for the Board to consider.
36

37 Alternate #1 essentially maintains the restrictions in the current ordinance, with two changes. First, this ordinance
38 amendment allows construction to continue until 7:00 pm Monday thru Saturday, as opposed to 6:00 pm in the current
39 ordinance. Second, Alternate #1 specifically allows 'public service' projects (such as those that may be conducted by
40 the Town or a public utility company) to secure approval to work later hours and/or on Sundays. This provision for
41 'public service' projects would allow for projects such as beach nourishment, power pole replacement, water tank
42 construction, etc. to occur on Sundays.
43

44 Alternate #2 provides for more sweeping changes to the current ordinance. Alternate #2 also allows construction to
45 continue until 7:00 pm each day, and also eliminates the restriction on Sunday construction activity altogether. This
46 means that new home construction, commercial construction, 'public service projects', and others could occur on
47 Sundays between 7:00 am and 7:00 pm. Alternate #2 does include a provision where the building inspector can
48 authorize additional hours, presumably for projects such as beach nourishment. I would envision that under Alternate
49 #2 that additional hours would only be granted in rare situations.

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4 The Board should note that while staff does not catch every violator of this ordinance, that both the Police Department
5 and the Planning and Inspections staff are enforcing this ordinance on a fairly regular basis. Our enforcement
6 approach consists mainly of stopping the work at such time that it is discovered, and citations are issued only in cases
7 where the violator ignores the stop work order.
8

9 The Board's decision will obviously entail a balancing act between owners of new construction and their desire to
10 complete their projects as quickly as possible vs. the wishes of existing property owners seeking relief from the noise
11 and commotion associated with new construction. The Board also has the option of keeping the current ordinance in
12 place as is (which would continue to prohibit work on Sundays) or could direct staff to consider other alternatives, with
13 Board direction.
14

15 Nancy Batten, President of the Cape Emerald Homeowners Association,
16 expressed her concerns about allowing contractors to work on Sundays; she
17 understood the issue concerning the water tower as it relates to public works.
18

19 The Board discussed the pros and cons of this issue at length. Following
20 discussion ***motion was made by Commissioner Isehour to adopt the***
21 ***Ordinance Amending Chapter 9 – Health and Sanitation – using Alternate***
22 ***#1 Regarding Sunday Construction Activities. The Board voted***
23 ***unanimously 5-0 in favor. Motion carried.***
24

25 Note: A copy of Ordinance 05-08-09/O5 is incorporated herein by reference and hereby made a part
26 of these minutes.)
27

28 **20. COMMENTS FROM TOWN MANAGER**
29

30 There were no comments from the Town Clerk or Town Attorney.
31

32 Town Manager Rush addressed the issue of the Island Cat Allies contract. Mr.
33 Rush stated there has been mixed success with that contract since going to the
34 system in January. Mr. Rush said there has been discussion about terminating
35 this relationship and asked for feedback from the Board. The Board agreed with
36 the termination of the contract.
37

38 **21. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**
39

40 Commissioner Wootten proposed Jerry Huml, Planning Board member as a
41 possible nomination to the Coastal Resources Advisory Committee. The Board
42 was in agreement with this proposal.
43

44 There were no further comments from the Board of Commissioners or the Mayor.
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22. ADJOURN

Motion was made by Commissioner Hedreen to adjourn the meeting. The Board voted unanimously 5-0 in favor. Motion carried.

The meeting was adjourned at 8:40 pm.

Respectfully submitted:

Rhonda C. Ferebee
Town Clerk

DRAFT