

January 11, 2005 Agenda
January 11, 2005 Minutes

Action Agenda

REGULAR MEETING OF THE EMERALD ISLE BOARD OF COMMISSIONERS TUESDAY, JANUARY 11, 2005 6:00 PM - EMERALD ISLE TOWN HALL

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Adoption of Agenda
(Approved 4-0 vote)
5. Proclamations / Public Announcements
6. Consent Agenda
 - a. Minutes – November 23 Special Meeting
 - b. Minutes – December 14 Regular Meeting
 - c. Tax Refunds / Releases
 - d. Capital Project Ordinance Amendment – NC 58 Sidewalk Project
(Approved 4-0 vote)
7. Public Comment
8. Resolution Authorizing Lease of Outdoor Vending Space at Eastern and Western Ocean Regional Accesses for Beach Equipment Rentals
(Approved with amendment by split vote - Hedreen, Messer in favor, Isenhour abstained, Wootter opposed, - resulting in approval by 3-1 vote)
9. Resolution Accepting CAMA Public Access Grant for Western Ocean Regional Access Parking Lot Improvements
(Approved 4-0 vote)
10. Commercial Review – Expansion of Flip-Flops Emerald Isle Mini-Mart
(Approved the commercial site plan and building elevations by 4-0 vote and delayed consideration of the color scheme to a later date)
11. Resolution Affirming that a Portion of Yaupon Boulevard is Not Part of the Town Street Plan
(Approved 4-0 vote)
12. Resolution Authorizing Contract with Island Cat Allies, Inc. for Feral Cat Population Control Services
(Approved 4-0 vote)
13. Resolution Requesting Special Legislation to Impose a Canal Dredging Fee
(Approved 4-0 vote)
14. Discussion – Deer Population Management
15. Comments from Town Clerk, Town Attorney, and Town Manager
16. Comments from Board of Commissioners and Mayor
17. Adjourn

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE EMERALD ISLE BOARD OF COMMISSIONERS TUESDAY, JANUARY 11, 2005 – 6:00 P.M. – TOWN HALL

The regular monthly meeting of the Emerald Isle Board of Commissioners was called to order by Mayor Art Schools at 6:00 P.M.

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

Absent for the meeting: Commissioner Pat McElraft.

Motion was made by Commissioner Messer to excuse the absence of Commissioner Pat McElraft. The Board voted unanimously 4-0 in favor. Motion carried.

Others present: Town Attorney Richard Stanley, Town Manager Frank Rush, Assistant Town Manager/Finance Officer Mitsy Overman, Town Clerk Rhonda Ferebee, Parks & Recreation Director Alesia Sanderson, and Planning Director Kevin Reed.

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

4. ADOPTION OF AGENDA

Motion was made by Commissioner Wootten to adopt the Agenda. The Board voted unanimously 4-0 in favor. Motion carried.

5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS

Mayor Schools noted the following announcements for the public:

- Bicycle & Pedestrian Advisory Committee – Regular Meeting – Monday, January 17 at pm – Community Center
- Bogue Inlet Channel / Western Nourishment Groundbreaking Ceremony – Monday, January 24 at 9 am – On beach near The Point (or at Town Hall if bad weather) – TENTATIVE
- Planning Board – Regular Meeting – Monday, January 24 at 6 pm – Town Hall
- Joint Board of Commissioners / Planning Board Meeting – Dunes and Vegetation Ordinance – Tuesday, January 25 at 6 pm – Town Hall
- Ribbon Cutting / 1st Ride – NC 58 Bicycle Path – Saturday, Feb 5 at 9 am – Merchants Park – TENTATIVE
- Board of Commissioners – Regular Meeting – Tuesday, February 8 at 6 pm – Town Ha

6. CONSENT AGENDA

- Minutes – November 23 Special Meeting
- Minutes – December 14 Regular Meeting

- Tax Refunds / Releases
- Capital Project Ordinance Amendment – NC 58 Sidewalk Project

Motion was made by Commissioner Messer to adopt the items on the Consent Agenda. The Board voted unanimously 4-0 in favor. Motion carried.

7. PUBLIC COMMENT

There were no comments from the public.

8. RESOLUTION AUTHORIZING LEASE OF OUTDOOR VENDING SPACE AT EASTERN AND WESTERN OCEAN REGIONAL ACCESSES FOR BEACH EQUIPMENT RENTALS - (01-11/R1)

Alesia Sanderson, Parks & Recreation Director addressed the Board concerning this agenda item. Ms. Sanderson stated that the Board is asked to consider a revised proposal from Bog Banks Beach Gear. She referenced that at last months Board of Commissioners meeting Bogue Banks Beach Gear had proposed lifeguard service for the Town of Emerald Isle in order to be able to rent equipment on the beach strand at our regional accesses, both eastern and western. Ms. Sanderson said as the Board was not in favor of the lifeguard proposal, either the Town's or Bogue Banks Beach Gear's; they had asked that Bogue Banks Beach Gear submit a revised plan which would only include the rental of equipment. Ms. Sanderson said the submitted plan requests the placement for rental of thirty lounges and twenty umbrellas at each access. Ms. Sanderson said she had recommended that the location on those properties be the westernmost location, which is the farthest away from the walkway to the beach strand itself from the parking area. Ms. Sanderson continued that Bogue Banks Beach Gear requests a three year contract from the Town and would provide a 40% commission of gross profits in year one, 45% in year two and 50% in year three. Ms. Sanderson stated that the three other companies in Town that provide similar services were forwarded the public notice advertising this meeting, and the proposal. In addition, Ms. Sanderson noted that the Division of Coastal Management had been contacted and they had no objections.

Mayor Schools asked for public comments at this time.

Eddie Barber, 115 Sea Dunes Drive, expressed his opposition. He felt that what makes Emerald Isle great is that it is a family beach. He was concerned that families visiting for a one day use of the beach, who may not be economically advantaged to visit the beach for a week may feel undue pressure to rent a chair or beach umbrella. He also felt this would lead to other vendors wanting to set up and felt it would take away from the positive family atmosphere and he hoped the Board would not approve this.

Linda Hughs, 5303 Emerald Drive, stated that she was in favor of this. She wished they would do this further. She mentioned residents who live here full-time and have friends visit in the summer, those not living right on the ocean have to carry beach chairs and umbrellas down to the water and back every day all summer. She felt this would be more convenient for people who live here. She felt if they didn't do this because of those who can't afford it they were penalizing those people who can which was not fair either.

Doje Marks, 134 Sandcastle Drive, stated that she was unable to attend the December Board meeting when the Board considered the lifeguard service at the regional accesses and urged the Board to reconsider that proposal. She stated that Emerald Isle had developed the two regional beach accesses with financial assistance from CAMA grants. She said these two facilities were heavily used during the summer months. Ms. Marks said each year they receive numerous calls and are dispatched to those locations for swimmers in trouble, and searches for lost children. She felt they had a moral obligation to provide lifeguard service at these two locations. Ms. Marks said people are encouraged to come to our beaches and stores, and Emerald Isle could not possibly provide lifeguards all along the 10+ miles of beach but felt that could certainly be provided at these two locations. Ms. Marks also commented on the congestion, particularly at the western regional access, making it difficult to get emergency vehicles down the beach, they have to park and go on foot to search for a child or help a swimmer in trouble. She was concerned about lots of beach chairs and no way to get through them.

Commissioner Messer felt this was a good service. He said people could still take their own chairs if they can't afford to rent.

Commissioner Isenhour felt Mr. Barber had made a good point regarding other vendors wanting to rent surfboards or sell sunglasses that this may be opening a door, and they should consider the long term.

Motion was made by Commissioner Messer to approve the Resolution Authorizing Lease of Outdoor Vending Space at Eastern and Western Ocean Regional Accesses for Beach Equipment Rentals.

Commissioner Isenhour and Hedreen both indicated their preference for a flat fee rather than percentage.

Carole Warren, Bogue Banks Beach Gear stated that they were prepared to offer a flat rental fee for the first year. She said they would offer \$20,000 guaranteed for the first year, and they would renegotiate that for years two and three.

Commissioner Wootten expressed his concern about the leasing of this equipment in the crowded conditions at the accesses, and echoed the concerns of Commissioner Isenhour concerning the possibility of opening things up to other vendors.

In response to a question from Commissioner Hedreen as to whether the Town could limit what takes place at the accesses, Town Attorney Stanley stated the Town owned the property and could allow or not allow what they want, adding this could be a case by case basis or policy could be set at the outset as to what the Town will or will not allow so the public and businesses would be aware of what would or would not be considered.

Commissioner Messer amended his original motion to include: for the annual sum of \$20,000 guaranteed to the Town for the first year, years after that to be negotiated.

Commissioner Isenhour said he envisioned if all went well the first year then the Town could pick up Bogue Banks Beach Gear's option for the second year, but if there is a problem the Town would not allow the option for the second year.

Commissioner Wootten said he would not be opposed if the Town did not exercise the option after the first year for whatever good reason, that Bogue Banks Beach Gear not be required to pay the \$20,000.

Town Attorney Stanley listed the concerns heard tonight from the Board for clarification of items that are to be addressed in the lease agreement as follows:

- no blocking of emergency vehicle and personnel access to the beach
- rather than a percentage of rentals Bogue Banks Beach Gear would pay \$20,000 for the first year but only payable if the Town allows renewal for the second year, basically to be paid in arrears
- there was discussion that the display or storage area was to be restricted
- there would be a provision that Bogue Banks Beach Gear as a tenant may not assign or designate to gear renters specific areas of the beach access

Town Manager Rush noted that the proposal stipulates, if accepted, that the revenues will be used for Parks and Recreation or beach access improvements. He felt it would be wiser to list those funds to public beach access improvements whether that be ocean beach or sound beach based on conversations with Coastal Management staff.

The Board voted on the amended motion. The vote was 3-1 in favor, with Commissioner Wootten voting against, Commissioner Isehour abstaining. Motion carried.

(Note: A copy of Resolution 05-01-11/R1) is incorporated herein by reference and hereby made a part of these minutes.)

9. RESOLUTION ACCEPTING CAMA PUBLIC ACCESS GRANT FOR WESTERN OCEAN REGIONAL ACCESS PARKING LOT IMPROVEMENTS - (05-01-11/R2)

Alesia Sanderson, Parks & Recreation Director, stated that the Board would recall that applications were submitted for a total of \$320,000 for traditional asphalt and pervious surface redo of the Western Ocean Regional Access parking area. Ms. Sanderson said the Clean Water Management Trust Grant for \$160,000 was denied largely due to the fact that there are numerous pervious surfaces that are being tested in the State of North Carolina at this time. Ms. Sanderson said the Town was funded \$120,000 that was requested from CAMA and the Town has earmarked \$40,000 in the current budget as the 25% match for that. She said she had been working with the Town Engineer Greg Meshaw, and he is currently working on a proposal using strictly traditional asphalt for the parking area. Ms. Sanderson said they felt it could be done for an amount in the neighborhood of \$160,000. One thing to keep in mind, according to Ms. Sanderson, was the need to wait until after this season to implement those improvements if this grant is accepted tonight due to the fact that Weeks Marine is using the Western Access as a staging area for the nourishment project.

Motion was made by Commissioner Wootten to approve the Resolution Accepting CAMA Public Access Grant for Western Ocean Regional Access Parking Lot Improvements. The Board voted unanimously 4-0 in favor. Motion carried.

(Note: A copy of Resolution 05-01-11/R2 is incorporated herein by reference and hereby made a part of these minutes.)

10. COMMERCIAL REVIEW – EXPANSION OF FLIP-FLOPS EMERALD ISLE MINI-MART

Kevin Reed, Planning Director, described to the Board the proposed expansion of the Flip-Flop Emerald Isle Mini-Mart located at 3305 Emerald Drive. He said this project will utilize the two existing commercial accesses on Emerald Drive. Mr. Reed stated that the existing building contains approximately 3,200 square feet, the proposed expansion will contain 3,827 square feet for a total of slightly more than 7,000 square feet. Mr. Reed said based on the square footage, a total of 25 parking spaces are required and the applicants are proposing 26 spaces. The expansion will not include the installation of any additional signage or the installation of any additional outdoor lighting. Mr. Reed said the Carteret County Health Department had issued an improvement permit for the proposed expansion, and in addition Greg Meshaw, Town's Consulting Engineer, has reviewed the stormwater plan and found it to be in accordance with the Town's stormwater regulations. Mr. Reed noted the 2004 CAMA Land Use Plan projects this property as having a commercial use; therefore the proposed expansion is consistent with the plan. Mr. Reed said the applicants are proposing an exterior building color that would match the first floor of the existing building therefore this color would have to be approved as an exception to the Town's commercial color chart since we currently don't have *Sponge Bob Red*, *Curl Red* or a similar color within the Town's color chart. The exterior color of the second floor trim and roof are consistent with the Town's color chart. Mr. Reed noted the Planning Board considered this request at its meeting on January 4, and voted 4-3 to recommend to the Town Board that the commercial review be approved subject to no deviation from the Town's color chart.

Following discussion *Motion was made to approve the commercial site plan, and building elevations for this project as presented, subject to further discussion and approval of the color for the project. The Board voted unanimously 4-0 in favor. Motion carried.*

11. RESOLUTION AFFIRMING THAT A PORTION OF YAUPON BOULEVARD IS NOT PART OF THE TOWN STREET PLAN - (05-01-11/R3)

Town Manager Frank Rush addressed the Board concerning this agenda item. The following excerpt from Mr. Rush's memo to the Board is provided for background:

RPM Limited Partnership I, the Ruth P. McLean Grantor Trust, and Martha Howe are requesting that the Board Commissioners approve the attached Resolution Affirming that a Portion of Yaupon Boulevard is Not Part of the Town Street Plan. Attorney Treve Lumsden has submitted this request on his clients' behalf, and a copy of the request is attached.

The property in question is the 80 ft. wide strip of land located at the end of the improved section of Yaupon Boulevard located between Reed Drive and Emerald Drive. This strip of land is approximately 123 ft. deep, and occupies a total area of approximately 9,840 sq. ft. The request submitted by Attorney Lumsden includes photos of this property, as well as the adjacent properties, which are both developed as residential units.

Yaupon Boulevard was dedicated for public use in 1968 / 1969 as part of the subdivision of land in this area. Although the northernmost portion of Yaupon Boulevard that was recorded was improved, and has been historically used as a public street. For whatever reason, the northernmost portion has not been improved nor used by the public and remains wooded. NC General Statutes 136-96 provides that properties dedicated for public use that are not used by the public for at least 15 years may be withdrawn from dedication if they are not a part of the Town's official street plan. The Town of Emerald Isle does not have an official, future-oriented street plan similar to the one contemplated in NCGS 136-66.2, and the Town's recent Powell Bill maps have not shown this portion of Yaupon Boulevard as part of the Town street network. As such, this portion of Yaupon Boulevard appears to qualify for

withdrawal of its dedication for public use.

I do not foresee any immediate need for this right of way by the Town, however, I do have general concerns about the Town losing public right-of-ways. For this reason, I am currently working with staff to prepare an official street map for adoption by the Board in the coming months so that we can firmly establish the Town's public street and right-of-way network. In the case of Yaupon Boulevard, however, it does not appear that the Town has an option to prevent this withdrawal if that is the Board's preference.

I do not know the intentions of the RPM Limited Partnership I, Ruth P. McLean Grantor Trust, and Martha Howe with regard to this property, however, the Board should note that the Town's zoning ordinances would not allow creation of a buildable lot on this property. The Town's zoning ordinance requires a minimum lot size of 12,500 sq. ft. for any lots recorded after 1977.

Motion was made by Commissioner Wootten to approve the Resolution Affirming that a Portion of Yaupon Boulevard is Not Part of the Town Street Plan. The Board voted unanimously 4-0 in favor.

Commissioner Messer asked that something be done so this doesn't happen again. Mr. Rus said they were meeting this week to draft an official town street plan that can be brought to the Board for consideration in February or March.

Attorney Stanley added that the Powell Bill Maps were also being reviewed, comparing those to the tax maps to see if there were any other streets not opened yet, so if they have been they can be made part of the Town's street system so that nothing else can be withdrawn.

(Note: A copy of Resolution 05-01-11/R3) is incorporated herein by reference and hereby made a part of these minutes.)

12. RESOLUTION AUTHORIZING CONTRACT WITH ISLAND CAT ALLIES, INC. FOR FERAL CAT POPULATION CONTROL SERVICES – (05-01-11/R4)

Town Manager Frank Rush addressed the Board concerning this agenda item. The following excerpt from Mr. Rush's memo to the Board is provided for background:

The Board of Commissioners is asked to approve the attached Resolution Authorizing Contract with Island Cat Allies, Inc. for Feral Cat Population Control Services. A copy of the contract is attached for your review, and was negotiated by the Town Manager and representatives of Island Cat Allies.

As you know, the Town has been partnering with Island Cat Allies since August 2004 to implement a Trap-Neuter-Release (TNR) program for feral cat complaints received by the Town. This program appears to be working well thus far, however, there has not been a formal written contract in place during this time. If the Town continues its relationship, a formal written contract should be in place.

The attached contract outlines the procedures that will be used when the Town receives complaints about feral cats, and these procedures are similar to those used for the past 5 months. Essentially, residents and property owners who contact Town Hall with a feral cat complaint will be forwarded to Island Cat Allies, who will then trap, neuter, and release the cat either in the same location or an alternative location in Emerald Isle. As you know, there are some residents and property owners who do not agree with the TNR program, and the contract does contain procedures whereby these individuals can participate in the Town's traditional cat-trap loan program, with the eventual disposition of the cat to the Carteret County Animal Control Program.

The attached contract also includes provisions allowing ICA to place cats for adoption, requires that potentially dangerous cats be remitted to a licensed veterinarian or the Carteret County Animal Control Program in an expedient manner, and that require the locations of known colonies and population counts to be forwarded to the

Town Manager. There are also indemnification provisions, and quarterly reporting requirements to help gauge the success of the program. Finally, the amount of the contract is established at \$2,500 annually, which is an increase over the \$1,000 annual contribution provided by the Town over the last 2 years. The term of this initial contract is for the remainder of FY 04-05 and for FY 05-06. If the Board approves the attached resolution, I envision increasing the FY 04-05 contribution from \$1,000 to \$2,500.

According to information provided by ICA, there are a total of 46 known colonies in Emerald Isle. There are an estimated 338 cats in these colonies, and an estimated 219 of these have been neutered and marked. Although there is little data available, there is consensus that ICA's efforts to date have had a significant impact on the feral cat population in Emerald Isle, and that continuation of the TNR program will pay additional dividends in the future.

Motion was made by Commissioner Isenhour to approve the Resolution Authorizing Contract with Island Cat Allies, Inc. for Feral Cat Population Control Services. The Board voted unanimously 4-0 in favor.

(Note: A copy of Resolution 05-01-11/R4) is incorporated herein by reference and hereby made a part of these minutes.)

13. RESOLUTION REQUESTING SPECIAL LEGISLATION TO IMPOSE A CANAL DREDGING FEE – (05-01-11/R5)

Town Manager Frank Rush addressed the Board concerning this agenda item. The following excerpt from Mr. Rush's memo to the Board is provided for background:

The Board of Commissioners is asked to approve the attached Resolution Requesting Special Legislation to Impose a Canal Dredging Fee. If the Board approves this resolution, a request will be forwarded to Representative Jean Preston and Senator Scott Thomas requesting that the Town be added to Session Law 2004-104 (House Bill 1734), which granted authority to the Town of Ocean Isle Beach to create a fee-supported canal dredging district and to levy a canal dredging fee.

This concept is identical to the concept behind the Town's beach nourishment special tax districts. In the case of the beach nourishment tax districts, all NC municipalities have the authority to create those districts and levy the taxes. For canal dredging, only those NC municipalities specifically authorized by the General Assembly have that authority.

If the Board approves the attached resolution, and Representative Preston and Senator Thomas introduce such a bill in the 2005 General Assembly session, and it is ratified by the General Assembly, then the Town of Emerald Isle would have the authority to create a fee-supported canal dredging district and levy a canal dredging fee. That action would simply give the Town this authority, and the actual creation of a district and levy of a fee would be a decision made by the Board of Commissioners.

This authority could have utility for the Town if it dredges the canal adjacent to Bogue Sound Drive, and wishes to have the adjacent property owners cover either the local grant match and/or the entire cost of the project. This authority would also be useful if there are additional requested canal dredging projects in the future that primarily benefit localized areas.

Mr. Rush added that if the Board approves this resolution it authorizes Jean Preston and Senator Scott Thomas to introduce legislation that would give Emerald Isle the authority to create a canal dredging district and levy a fee. Mr. Rush said the decision to actually create the district and the decision as to what the actual fee should be still rests with the Board of Commissioners; this action simply seeks the authority within the Statutes to do that.

Commissioner Isenhour asked if this would apply to other canals as well. Mr. Rush stated that this would apply to any canal dredging project in Emerald Isle whether grant supported or not.

Motion was made by Commissioner Isenhour to approve the Resolution Requesting Special Legislation to Impose a Canal Dredging Fee. The Board voted unanimously 4-0 in favor. Motion carried.

(Note: A copy of Resolution 05-01-11/R5) is incorporated herein by reference and hereby made a part of these minutes.)

14. DISCUSSION – DEER POPULATION MANAGEMENT

Town Manager Frank Rush addressed the Board concerning this agenda item. The following excerpt from Mr. Rush's memo to the Board is provided for background:

In recent weeks I have received approximately 6-8 telephone calls, personal visits, and written correspondence from residents and property owners about problems with deer, and these individuals are requesting some form assistance from the Town.

Anecdotal comments from many people seem to indicate that deer populations are either higher than in the past and/or that the deer are much more visible and active in our neighborhoods. The only data that we have available relates to motor vehicle accidents involving deer. The Police Department reported a total of 6 deer-related motor vehicle accidents in 2002, 2 in 2003, and 11 in 2004. As you know, many of the remaining undeveloped lots and tracts are gradually being developed, and I suspect these activities are forcing deer from their historical roaming grounds. This development is expected to continue, and will likely exacerbate this problem.

I am seeking direction from the Board as to how you would like us to address this issue. The Town appears to have the following options as it develops a response to this issue:

- 1) The Town could allow hunting within the Town limits. This year, deer hunting season with a rifle runs from mid-October to January 1, and with bows from early September to January 1. No approvals are required from State agencies, however, the Town's ordinance would need to be amended to allow hunting.

The Town of Nags Head takes this approach to a very limited degree. Nags Head has an arrangement whereby they allow bow hunting in Nags Head Woods, an 800-acre natural area that is home to the majority of their deer population. The program is managed jointly with The Nature Conservancy, and there is a citizens advisory committee. Nags Head has used this program for approximately 15 years. No hunting is allowed in other developed areas of Nags Head.

There are obvious safety concerns that make this possibility highly unlikely. Emerald Isle's situation is much different than Nags Head in that our deer population is not concentrated in one undeveloped preserved area. If Emerald Isle were to allow hunting in the Town limits, this activity would occur very close to residential dwellings.

- 2) The Town could contract with skilled marksmen to hunt deer in Town to cull the deer population. The Town of Bald Head Island has taken this approach, and has had some success. A Depredation Permit is required from the NC Wildlife Resources Commission in order to undertake such an activity, and the permitting process normally takes less than 1 month.

Bald Head Island (BHI) goes through a competitive and organized bid process, and places several requirements on the selected marksmen. BHI requires proof of skill, background checks, appropriate insurance coverage, a detailed safety plan, the use of elevated platforms, noise suppression devices, no night hunting, donation of deer meat to homeless shelters or other charitable organizations, and other requirements designed to insure safety and good public relations.

BHI recently executed a contract for these services to occur later this month. BHI has contracted for the removal of 150 deer at a cost of \$250 per deer, or \$37,500. It should be noted that BHI has

previously arranged for deer population counts, and has estimated that the total deer population is approximately 400 deer. The target population is approximately 250 deer, and I was informed that is a somewhat random number.

I have attached copies of BHI's specifications and contract documents for your review. If the Town pursues this option, we could model our program after BHI's program.

- 3) The Town could contract with skilled professionals to capture deer, tranquilize them, and then re-locate them to a more rural setting.

I have discussed this option with staff at the NC Wildlife Resources Commission, and they indicated me that this option is very time-consuming, difficult, and expensive – much more expensive than hiring skilled marksmen. Obviously, we would also need to identify a location to re-locate the deer to in order for this option to be feasible. I have spoken with representatives from Croatan National Forest, and they would not object to relocating the deer to Croatan National Forest if the NC Wildlife Resources Commission approves of such a plan. As of the writing of this memo, I have not yet had an opportunity to discuss this issue with the NC Wildlife Resources Commission, although I am optimistic that they would approve such a plan.

The representative from Croatan National Forest also speculated that any deer relocated to the National Forest might eventually wind up swimming back to the island after being relocated. I do not know if this is likely or not, and we would need to consult with experts to determine the likelihood of occurring.

- 4) The Town could contract with a private consultant, university researchers, or Federal / State agency personnel to perform deer population counts and have them recommend the most appropriate strategy for managing the deer population. Such a study would enable us to determine the magnitude of the problem and identify the main population concentrations.

I have placed a call to a researcher at NC State University who completed similar research in Bald Head Island. As of the writing of this memo, I have not yet received a response. I will attempt to gain a better understanding of the scope and cost of such a study and report to the Board.

- 5) The Town could do nothing, and continue to let nature take its course with the deer population. This will not alleviate the concerns expressed recently, and may result in additional concerns in the future.

There may be other options to consider as well, but I have attempted to outline some of the issues to consider for the most obvious options. I am happy to explore other options at the Board's direction.

I do not expect the Board to make a decision on this issue at the January 11 meeting, however, I would like your direction as to how you would like to proceed with this issue. As you can imagine, this is likely to be an emotional and controversial issue, and is one that should be thoughtfully considered before a decision is made to attempt to control the deer population. The Board may also want to consider inviting representatives from the NC Wildlife Resources Commission or other experts to an upcoming Board meeting for their direct input.

Mr. Rush noted that Robby Norville from the North Carolina Wildlife Resources Commission was in attendance tonight to answer questions.

Mayor Schools asked for comments from the public at this time.

Ed Roach, 9706 Ashley Place, stated that since he moved here in 1999 the herd had definitely increased. He felt it was an enormous problem down the Coast Guard Road corridor. He mentioned receiving a call from his neighbors the previous night advising there were two deer up on the front porch of his home. He felt the herd needed to be thinned, noting the danger

after dark when driving.

Anne Huml, 303 Live Oak Street, sound side, noted how the herd was growing in that area also. Ms. Huml spoke of trying to restore shrubbery and efforts made to try and deter the deer. She felt the deer were losing their habitat here on the island, and the deer have little to no place to go. She stated that while she was sympathetic with this, she was also tired of replacing shrubbery, asking for help with this situation. Ms. Huml didn't feel that relocating the deer would work since the deer swim the channel and would come back.

Robby Norville, District II Wildlife Biologist from North Carolina Wildlife Resources with Wildlife Management noting his experience working with deer in urban settings explained the various options to the Board to reduce the population of deer, and answered questions from the Board. He stressed the time and effort necessary regardless of which methods are used. Mr. Norville mentioned two areas where they are currently doing removals, Fairfield Harbour, and Landfall gated community in Wilmington, using an archery hunting program which has been successful.

Bert Speicher, 9708 Lord Berkeley Drive, said we have seen how many deer there are and how the numbers have grown, noting the habitat loss causing the concentration of deer along the access roads. In addition, he mentioned, that deer are carriers of ticks, noting Lyme Disease a serious threat to children, gardeners. He felt the Town should get ahead of this and control it now.

Tom Hoover, 5314 Bogue Sound Drive, stated there is a deer problem on the other end of the island also, and not just the Coast Guard area.

Tom Minnick, 9803 Sandy Court, commented that vacationers in the summer all watch the deer and feed the deer, purchasing 50 pound bags of corn. He mentioned in Spinnakers Reach that they put out salt blocks for the deer. He felt when this came out in the news and the people found out of the possibility of killing deer it would be a lightning rod similar to beach driving. He felt it would not be an easy decision, that it would be very controversial.

Doje Marks, 134 Sandcastle Drive, said she had not seen a huge increase in the deer population in the 16 years she has lived here. She suggested finding out what shrubs and plants the deer don't like and planting those types of plants. She mentioned to her knowledge over the years only one accident in which a person was injured. She said the deer were here first, and felt before any decision a census should be done to determine the seriousness.

Bill Ellis, 7706 Sound Drive, spoke representing his daughter at 7521 Sound Drive. He said he seldom did he drive to her home at night that he did not see 5-6 deer in her backyard. He said he usually would see 1-2 in his yard, noting the money spent in the past few years for shrubs. He felt something should be done, mentioning the problem of Lyme Disease. He was personally in favor of killing the deer with bow and arrow.

Following public comments and discussion by the Board *it was the consensus of the Board that staff learn more about the extent of the problem before making any decisions on this matter.*

15. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN MANAGER

There were no comments from the Town Clerk.

There were no comments from the Town Attorney.

Town Manager Rush updated the Board on the status of the Bogue Inlet Project. Mr. Rush indicated that they are looking at a start date around January 24, and could plan for the groundbreaking ceremony at that time.

16. COMENTS FROM BOARD OF COMMISSIONERS AND MAYOR

There were no comments from the Board of Commissioners and Mayor.

17. ADJOURN

Motion was made by Commissioner Messer to adjourn the meeting. The Board voted unanimously 4-0 in favor. Motion carried.

The meeting was adjourned at 7:27 pm.

Respectfully submitted:

Rhonda C. Ferebee
Town Clerk