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**MINUTES OF THE SPECIAL MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
MONDAY, JULY 27, 2015  
4:00 PM – TOWN ADMINISTRATION BUILDING**

**1. Call to Order**

The Special Meeting of the Emerald Isle Board of Commissioners was called to order by Mayor Eddie Barber at 4:00 pm.

**2. Roll Call**

Present for the meeting: Mayor Eddie Barber, Commissioners Tom Hoover, Floyd Messer, Jim Normile, John Wootten, and Maripat Wright.

Others present: Town Manager Frank Rush, and Deputy Town Clerk Laura Rotchford.

**3. Adoption of Agenda**

***Motion was made by Commissioner Hoover to adopt the Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

**4. Public Comment**

Beth Ann Newton, Emerald Isle property owner requested as owners of their property on Bogue Inlet Drive currently leased to Yeti Ice, and not oceanfront property, but close to the ocean and pier, to be considered for allowing satellite merchants on their property. She noted that while not oceanfront their property is much closer than for example Ronnie Watson's property, the portion that fronts Highway 58. Ms. Newton said they would like to join in with those able to allow satellite merchants.

Town Manager Rush advised the Board that he had also had an inquiry from one of the gated communities on Coast Guard Road earlier asking whether the new ordinance adopted on July 14, 2015 allowed them to have a satellite merchant, and he had advised them that it did not allow that as the ordinance had specified condominium complexes only on the oceanfront.

David Newton, Emerald Isle property owner asked whether there were any fees associated with satellite merchants.

Town Manager Rush noted that they currently charged no fees but used the ordinance as a tool for the satellite merchants to register with the Town. Mr. Rush said that this year there were four satellite merchants registered with the Town, he felt if it became much more prevalent that it may be prudent for the Board to consider a fee.

1 Mr. Newton suggested that with the two ocean regional parking lots that they try to use  
2 local Emerald Isle vendors with existing restaurants such as Michelangelo's. Mr.  
3 Newton said that he appreciated what the Town was trying to do with the satellite  
4 merchants and the help with the limousine services too. Mr. Newton also noted his  
5 concern especially in the middle section of Town that the bicyclists on the bike path  
6 were not stopping at the stop signs.

7  
8 Mr. Rush noted that currently there was no limitation for an existing fixed business to  
9 have their employees selling goods or services outside on their property, but in the case  
10 of BethAnn and David Newton they were looking at bringing in a third party to sell  
11 something on their property, not as an employee of Yeti Ice, and that was not allowed.  
12 Mr. Rush said if an employee of Yeti Ice set up outside selling Ice from a table or cart  
13 that would be allowed if it was the fixed businesses own employee doing the sales.

14  
15 Mr. Rush said at some point you had to draw the line and if the Board decided they  
16 wanted to allow satellite merchants on the Yeti Ice property then you had the  
17 Oceanview Inn and the Bogue Inlet Motel right across the street, and other businesses  
18 in Town that may have the same request, so as a policy matter the Board needed to  
19 decide where to draw that line and up to this point they had drawn the line at oceanfront  
20 commercial parcels, and oceanfront condominium complexes.

21  
22 Mr. Newton mentioned the limitations due to the of the size of his property and how he  
23 was limited to 7 seats, but when the food trucks came in, for example during the recent  
24 food truck rodeo, he didn't think they even had a port-a-john there. Mr. Newton said the  
25 size of their septic tank determined how many people they could seat, and the food  
26 trucks would put out about 10 tables and there was no worry about the septic tank  
27 situation.

28  
29 Mayor Barber noted that the septic tank issue was a Carteret County Health  
30 Department issue. Town Manager Rush noted that the next time there was a food truck  
31 rodeo he thought they would be wise to receive an official plan from the sponsor of the  
32 rodeo and they certainly should be thinking of things like port-a-johns.

33  
34 The Board asked Town Manager Rush questions about the requests made by the  
35 Newton's. Following discussion Mayor Barber closed public comment recognizing  
36 BethAnn and David Newton's concerns.

37  
38 **5. Ordinance Amending Chapter 10 – Business Regulations – of the Code of**  
39 **Ordinances to Clarify the Limited Ability of Satellite Merchants to Operate in**  
40 **Emerald Isle**

41  
42 Town Manager Rush briefly outlined the ordinance amendment noting the changes  
43 indicated on their attachment in strikethrough and underline format. Mr. Rush noted

1 that the changes for clarification of Chapter 10 – Article III – Itinerant Merchants and  
2 Satellite Merchants – Sec. 10-44 – Exemptions - were as follows:

3  
4 **Sec. 10-44. - Exemptions.**

5 The following activities are hereby exempt from this article and thus permitted:

- 6  
7 (1) All bona-fide non-profit charitable, educational, religious, scientific, or civic organizations  
8 engaged in fundraising activities for a period not greater than two (2) consecutive days;  
9  
10 (2) All satellite merchants, with expressed written permission of the property owner and/or special  
11 event organizer, participating in a special event sponsored by or permitted by the town;  
12  
13 (3) ~~All satellite merchants approved by the town offering food services exclusively for the private~~  
14 ~~property and~~ operating on the private property of an ocean fishing pier, hotel, motel,  
15 campground, recreational vehicle park, ~~or~~ (including nearby or adjacent shops, rental offices,  
16 recreational facilities, or amenities associated with the ownership or operation of the pier, hotel,  
17 motel, campground, or recreational vehicle park), condominium complexes, or public beach  
18 access facility having frontage on the Atlantic Ocean and visited or frequented by transient  
19 guests or travelers moving in and out periodically, provided that:  
20  
21 a. the satellite merchant has written permission from the property owner;  
22 b. no satellite merchant sales activities occur on a public street, right-of-way, or  
23 the beach strand; ~~and~~  
24 c. no more than one satellite merchant operates on the property at one time; and  
25 d. the satellite merchant registers as a satellite merchant with the town, on an  
26 annual basis;  
27  
28 (4) Licensed seafood dealers operating as a satellite merchant prior to the effective date of the  
29 ordinance from which this article derives, and offering only locally-caught seafood for sale; and  
30  
31 (5) Any special events, competitions, or instructional lessons of a temporary nature that occur within  
32 the Atlantic Ocean or on the beach strand and have been granted prior sanction or approval by  
33 the town.  
34  
35 (6) All satellite merchants participating in a limited duration food truck rodeo event specifically  
36 approved by the Board of Commissioners.  
37  
38 (7) All satellite merchants operating at a duly permitted farmer's market ~~or other outdoor market~~  
39 approved in accordance with the town's Unified Development Ordinance.  
40

1       ~~(8) Satellite merchants offering limited food services exclusively for the owners, renters, or guests of~~  
2       ~~oceanfront condominium complexes or developments, and not available to or open to the~~  
3       ~~general public.~~

4  
5       ***Motion was made by Commissioner Wootten to amend Chapter 10 – Business***  
6       ***Regulations – of the Code of Ordinances to Clarify the Limited Ability of Satellite***  
7       ***Merchants to Operate in Emerald Isle. The Board voted unanimously 5-0 in favor.***  
8       ***Motion carried.***

9  
10       Clerks Note: A copy of Ordinance Amendment 15-07-27/O1 as referenced above is incorporated herein by  
11       reference and hereby made a part of these minutes.

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13       **6. Comments from Mayor and Board of Commissioners**

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15       Town Manager Rush updated the Board on several things including the latest status of  
16       the sales tax issue being discussed by Governor McCrory and Senator Brown.  
17       Additionally, Mr. Rush briefed the Board on the recent Supreme Court ruling regarding  
18       sign ordinances.

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20       **7. Adjourn**

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

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25       ***The meeting was adjourned at 4:30pm.***

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27       Respectfully submitted:

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31       Rhonda C. Ferebee, CMC, NCCMC  
32       Town Clerk  
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