

**MINUTES OF SPECIAL MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
FOR THE PURPOSE OF A WORKSHOP MEETING AND
A CLOSED SESSION ON LAND ACQUISITION
SEPTEMBER 24, 2001 – 9:30 A.M. – TOWN HALL** Mayor Barbara Harris called the meeting to order at 9:30 A.M.

Present were Mayor Harris, Commissioners Wootten, Trainham, McElraft, and Murphy. Also present were Town Manager Frank Rush, Assistant Town Manager Georgia Overman, Town Attorney Derek Taylor, Town Clerk Carolyn Custy, Public Works Director Robert Conrad, Police Chief Mark Wilson, Fire Chief William Walker, Inspections Department Head Carol Angus, Parks and Recreation Parks Superintendent Mark Penry.

Commissioner Farmer did not answer roll call at 9:30 but did arrive and was present at 9:35 A.M.

Mayor Harris asked for approval of the Agenda with one change and that was to add a Proclamation to Support Friday, September 28, 2001 as the day for National Prayer for Emerald Isle.

Commissioner Murphy moved, Commissioner McElraft seconded and the board voted unanimously 4-0 to approve the agenda. Commissioner Farmer was absent at this time.

Commissioner Trainham moved, Commissioner McElraft seconded and the board voted unanimously with a vote of 4-0 to go into closed session to discuss land acquisition. Commissioner Farmer was not present at this time.

The Board went into closed session at 9:34 A.M.

Commissioner McElraft moved, Commissioner Murphy seconded and the Board voted unanimously to go back into regular session with a vote of 5-0.

Mayor Harris said that Mr. Jim Batten who owned Emerald Isle Realty and has been a resident of Emerald Isle for many years and George Chestnut, child of Warren Chestnut, passed away on Sunday and some of the town staff wished to go to the funeral for the Chestnut child today. In an effort to save time she asked to go to item on **removal of recycling dumpsters behind Town Hall.**

Because of the facts that the dumpsters behind Town Hall are unsightly and are causing some concern with children on the playground because of hornets, bees, etc., around the dumpsters, town staff has recommended the removal of the recycling dumpsters. Items such as refrigerators, stoves, gas grills, washing machines and a host of other items that people do not want to pay to have picked up at curbside are being disposed of at this site. Household garbage is also being dumped there as well.

Commissioner Wootten asked about the Garden Club Recycling bin for aluminum cans? **Mayor Harris** said their sign would remain because they put all the money back into the town.

The Board unanimously agreed that Mr. Rush could proceed with removing the dumpsters effective November 1, 2001.

The next item was **Improvements to Yard Waste Collection Services.**

There are a number of complaints received at Town Hall regarding yard waste collection. Because we only have one pick-up, the 3rd Wednesday each month, it is impossible for the contractor, Waste Industries, to pick up everything that 3rd Wednesday. In the summer months there is a backlog and they continue with the next following Wednesday to try to collect all yard waste.

It is believed that adding a pickup on the 1st Wednesday of the month in addition to the 3rd Wednesday will help alleviate some of the problems and complaints we have been receiving. This will cost approximately an additional \$3,000 - \$4,000 per year. When the Recycling dumpsters behind Town Hall are removed, those savings will more than cover the cost of the additional yard waste collection day.

The Board agreed unanimously that Mr. Rush proceed with adding the 1st Wednesday of each month to the 3rd Wednesday of each month for yard waste collection.

The next item discussed was **Conversion of Part-Time Position to Full-Time Position in Planning and Inspections – Code Enforcement Officer.**

At the time the FY 2001-2002 budget was approved, a part-time position was allocated to the Inspections Department for a Code Enforcement officer who would enforce building codes on weekends as well as other ordinance violations, i.e., animal violations, solid waste violations, etc. He would also, at some time in the future, be certified to do full building inspections. A town full-time employee from Parks and Recreation has been working on a split schedule between the Parks and Recreation Maintenance Division and the Inspections Department for the past 3 to 4 months. The Parks and Recreation Maintenance Division has struggled through the past year without this employee's services full-time but with the anticipation that at some point he will return to full-time in the Parks Maintenance Division.

If this employee is inserted into the Code Enforcement position, it would allow Parks Maintenance to fill the vacated position later this year or early in the new year. No significant budgetary impact would be felt this budget year but the estimated impact in FY 2002-2003 and beyond would be approximately \$15,000 - \$20,000 annually. The position would also require a vehicle but a used police vehicle would be made available for this position during weekdays and an existing Inspections vehicle would be available on weekends.

Mr. Rush was seeking approval to put this change into place.

Mark Penry, Parks Superintendent, said that the Parks Department does not want to be held on the short end of the stick. They have a position and they want to keep their full-time position. The employee in question is a very valuable employee in that department but they certainly would not hold anyone back. If he has all the schooling and if that is what he wants to do he has their blessings but Mr. Penry just wanted to make sure that Parks and Recreation Maintenance Division is not held back because of this move.

Commissioner Wooten noted that he has some serious problems with this because the Inspections Department was, at the time of the budget approval, allocated a part-time position for this purpose for a trial to see how it would go. Now three months down the road into the budget

year, the request is for a full-time position. At the time, there was no discussion about a Parks and Recreation person working there already. If this person has been working part-time away from Parks and Recreation without affecting Parks and Recreation, he asked, why does that have to change? There is another question about what everyone in Inspections is doing. He is not sure there is a manpower need there. Commissioner Wootten suggested that Mr. Rush take a couple of months to really look at this issue and not do a knee-jerk reaction on this. Let's make sure we know what we are doing.

Mr. Penry said that for 40 percent of the work, this employee is not with the Parks and Recreation Department. This is their work season coming up. There are many things that cannot be done in the summer because of the tourists.

Mayor Harris interjected that at the time this was requested, the board did not understand the capacity and what the town is facing. The Inspections Department comes back and it is an immediate need.

Commissioner Farmer mentioned this is a need that has already been approved. The board is taking a part-time position in Inspections Department and filling that. It is just being filled by someone who is already working there. She feels that Inspections needs enforcement help, not only on weekends but during the week. She is absolutely for it.

Commissioner McElraft asked if this is taking a part-time position and making it a full-time position?

Mrs. Angus, from the Inspections Department, said in the beginning, this employee asked to be able to come into the Inspections Department and work with the Inspectors to qualify him for his Level I Certification because you have to work for 2 years in an Inspections Department. We were helping this employee out at the beginning.

Commissioner McElraft said she thinks there are some other things that need to be addressed and suggested taking a month to sit down and see exactly what this employee is going to do. She has had calls from Real Estate Companies who were not real happy about turning their keys over to contractors now. Even the contractor has been told that he comes to the Inspections Department and maybe go back two weeks later and there are different renters in there and that kind of thing. **Mrs. Angus** indicated she needed clarification of what she was talking about.

Commissioner McElraft asked how the Inspections Department gets into a unit to do inspections? **Mrs. Angus** said, "They have someone there or it doesn't get inspected." They are saying they are failing their inspection because when the Inspectors get there they are locked. She said the Inspections Department does not want the keys. They do not want to be responsible for them.

Commissioner Wootten said he does not have a problem setting it up like it was approved but the board is being asked to do something different. He wanted to take another look, seriously, why permits are being required. Are permits being required when they are not necessary? It's this driving a workload in this department? He does not know that this is true but he would like for Mrs. Angus to find out.

Commissioner Farmer said she has a question. They are taking a full-time employee from Parks and Recreation and bringing him over to Inspections where he is already half-time and replacing him with a part-time employee in Parks and Recreation. She indicated if this was true, she does have problems with that.

Mr. Rush commented on the subject and said if the Board wishes him to take another

look at it he would be glad to. He said this position would be doing more than just code violations. Since the Town is becoming more involved with civil violations, this position would be handling violations of dog ordinances, parking violations and other violations of this nature.

Commissioner Trainham said because the Police do have time to enforce these type of things as has been requested of them, it is not working and we are still faced with people doing things on their properties without the proper permits, especially over the weekends which he feels is the real reason why we need a Code Enforcement Officer.

Commissioner Wootten still had a question in his mind as to whether the town is requiring too many inspections. All he is asking is that it be looked at.

Commissioner Trainham said he expects the Town Manager should know his staff and needs at this point and if this is something he feels he needs, he is going to give it to him.

Commissioner Farmer said the board's purpose in putting this part-time position in Inspections was enforcement. She does not want to hire someone else to be helping out with Building Inspections. The purpose was enforcement.

Mr. Rush gave the board an overview of the number of people in Inspections at this time.

Commissioner Wootten said the board wanted to hire a part-time position to do code enforcement on the weekends and help out at Parks and Recreation.

Commissioner McElraft said it is a good point to take this back and get some questions answer.

Mrs. Angus said the department does not need an Inspector like they need a code enforcer. Whether or not this person has any certification is just a perk. She has two Inspectors who have some seniority who are taking vacation, they are off to schools, and she would have no inspections while they are gone.

Commissioner Farmer suggested hiring an Enforcement Officer. If the employee, who is being considered, does not want to work, then he is not going to work but she does not want to put off this position.

Mr. Penry added that when this all started, when Mr. Allen, the former Town Manager, asked if they could get along without this employee for a couple of days a week, he told Mr. Allen he could. They can and they have. The workload has not decreased 40%. He still stands by his recommendation that they need a full-time position whether it is this employee or his replacement. They cannot continue to go on a part-time basis.

Mr. Rush said the decision point now becomes what point in time does he send this employee back to Parks & Recreation. He thinks the intent was that person would become an Inspector at some point in time and hopefully stay with the town but there is no guarantee.

Commissioner Farmer said her understanding is that we don't need another Inspector.

Commissioner Farmer asked if this person would get credit for Inspector if he were working as Code Enforcement Officer only. **Mr. Rush** indicated he did not know the answer to that.

The Board instructed Mr. Rush to take another look at this issue and to make a report on October 9th.

The next item discussed was the **Status of Proposed Reed Drive Commercial Park/Planning Board Interest in Amending Ordinance to Allow Private Streets.**

Mr. Rush said, "The Planning Board discussed the proposed Reed Drive Commercial

Park at their September 17th meeting and restated their support for the preliminary plat that they approved in August, and indicated their desire to have the Town's subdivision ordinance amended to allow private streets.

There are two options regarding the process for such an ordinance amendment, if approved:

1. The Town Board could discuss the proposed ordinance amendment at its October 9th meeting, and ask the Planning Board to offer its comments at its October 15 meeting. The Town Board could then conduct a public hearing at the November Town Board meeting,

and consider approval of an ordinance amendment at the November meeting. If the Town Board intends to amend the ordinance, and allow private streets, a Resolution of Intent to Close Reed Drive could be considered at the October board meeting, a public hearing could be conducted in November and consider both the road closing and preliminary plat at the November meeting.

2. The Town Board could ask the Planning Board to discuss the proposed ordinance amendment at its October 15 meeting, and then conduct its initial discussion of the proposed ordinance amendment at its November meeting. The Town Board could schedule the public hearing for the December meeting, and consider approval of the ordinance amendment at the December meeting. If the Town Board intends to amend the ordinance, and allow private streets, it could consider the Resolution of Intent to Close Reed Drive in November, conduct the public hearing in December and consider both the road closing and preliminary plat at the December meeting.

Commissioner Trainham indicated he was at the Planning Board meeting and it seemed very disruptive. He had a difficult time following what the earnest concerns were regarding private streets. He is aware of the fact there are private streets now in certain communities. **Mr. Rush** said there are private streets in Emerald Plantation and a portion of the shopping center that is private also.

Mr. Rush explained the Planning Board had approved a plat that has a private road connecting it from Reed Drive to Pebble Beach and has limited access. After this was approved they made plans to take it to the Board. That involved the closing of Reed Drive. After the Planning Board made that decision, it was discovered, after a lot of dialogue and a lot of research of ordinances, that it would not allow private streets in Emerald Isle. The Planning Board was disappointed to find out that this was the case.

Commissioner Trainham asked if the Town gives up the Reed Drive Extension, then would it be a private road or would it convert to part of the property? **Mr. Rush** said it would refer back to the owner.

Commissioner McElraft said a precedence has already been set. When Marsh Cove came to the town and asked that their road become public roads so that the public would maintain those roads, the Town said no. They said you have a private subdivision, you maintain

the road.

Commissioner Farmer said she has a problem with private roads and private subdivisions. She does not feel that a private road is appropriate.

Mr. Rush noted that after it was discovered that private roads are not allowed in private subdivisions, he was coming back to the board to address that issue. He feels that the intent all along was to allow private roads in subdivisions.

Commissioner Farmer suggested looking at other communities and see what they are doing.

Commissioner Wootten said Chapter 17 of the Town Code has been there for a long time and goes into a lot of detail and depth about what public roads, etc. Chapter 18, with stuff like subdivisions, says you can now have private road in a subdivision. In his mind this is an oversight because there are situations that it has been done both private and public. There needs to be a three or four sentence change in Chapter 18 to permit private roads that exist today in both public and private subdivisions. It is another whole issue to say that we are going to do it and look at design specifications of overgrowth of private roads. This is a separate issue. If this is the desired thing, take a look at it. Right now the board is trying to correct an oversight.

Commissioner Wootten recommended that Mr. Rush draft the three sentences that need to be inserted to Chapter 18 of the Code and the board will talk about it in the October meeting.

The next item for discussion was **Regular Meeting Room Setup**.

Mr. Rush said sometimes he feels the Board may think he is talking to the audience when in fact he is speaking to the Board. He would like to rearrange seating arrangements so that he can face the Board. The Board agreed unanimously for the change.

Next in the agenda was **Recommendation to Carteret County Commissioners**.

Carteret County has asked for a recommendation from Emerald Isle for 2 appointments to the Carteret County Beach Commission. This commission will consist of 11 individuals, primarily from Bogue Banks, who will advise the County Commissioners on beach nourishment issues and oversee the expenditure of the dedicated room occupancy tax funds. The new commission is expected to replace the Carteret County Beach Preservation Task Force.

The Emerald Isle Board nominated Commissioner McElraft and Town Manager Rush. The Board agreed unanimously to submit these names to Carteret County Manager Pete Allen for consideration.

Commissioner Farmer said there is another issue from the Planning Board concerning studies. They apparently have been told they cannot do any studies on their own. They have to have board approval or direction to do them. She asked if the Board is saying that the Planning Board cannot initiate studies on their own? She said the ordinance is pretty clear that they can initiate studies on their own. **Commissioner Wootten** suggested studying the SOP and come back with a recommendation. **Mrs. Angus** said this got started months ago. There is no problem with the Board seeing any changes that are being looked at as a whole. The problem was that individuals went out and were kind of like perusing on their own without any

appointment by the Chairman of the Planning Board or anything to be there. They were going out in little groups of their own looking at things they saw individually that should be addressed.

Commissioner Farmer said she thinks the Planning Board should have to agree with something like this. She does not believe the Board of Commissioners is the one that is running the whole show. She thinks that one Commissioner can request the Planning Board to look at something.

Commissioner Wooten commented on the workshop that has been scheduled for the 4th Monday of every month. He does not feel it is necessary to have a regularly scheduled one that often. If the need does arise, one should be scheduled but if there is no need there, not to do one. **Commissioner Murphy and Commissioner Farmer** agreed.

Next on the agenda was **Closed Session for Personnel.**

Commissioner Murphy moved, Commissioner Wooten seconded and the Board voted unanimously to go into Closed Session at 11:20 A.M.

Commissioner Farmer moved, Commissioner Murphy seconded and the Board voted unanimously to return to regular session at 11:53 A.M.

Commissioner Farmer moved, Commissioner Murphy seconded and the Board voted unanimously to recess until October 2, 2001 at 9:00 A.M.

The meeting was recessed at 11:54 A.M.

Respectfully submitted,

Carolyn K. Custy
Town Clerk