

**MINUTES OF MONTHLY WORKSHOP MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS**

MONDAY, FEBRUARY 25, 2002 – 10:00 A.M. – TOWN HALL Mayor Schools called the meeting to order. Present were Mayor Schools and Commissioners McElraft, Farmer, Eckhardt, Messer and Marks. Staffs present were Town Manager Frank Rush, Assistant Town Manager Georgia Overman, Town Clerk Carolyn Custy and Inspections Department Head Carol Angus.

The intent of the workshop is to discuss the items presently on the proposed Agenda for March 11th meeting, to ask questions, identify any issues, delete or add items, and discuss any general items of interest to the board. A copy of the proposed Agenda is attached at the end of these minutes.

Mayor Schools asked for any public comment. There was none at this time.

Commissioner Eckhardt noted the board should give this idea of workshops for Agenda items a try and see how it works. He questioned if it would be beneficial if there was nothing contentious.

Mayor Schools said it could be tried for 3 months and see how it works. He thinks we need to give it some time to see if it works.

E-Mails were discussed, the amount received and not received. Commissioner McElraft said if e-mails were not received, no opportunity for making decisions on e-mails would be present. She feels that the public is left out of that and some of the Commissioners are left out when decisions are made on e-mails. She has been offended lately when she has not even been considered. She feels the workshops would be good so issues and differences could be aired at that time, rather than three Commissioners getting together and making the decision.

Commissioner Farmer commented there have been decisions made that have left the whole board out and the one instance Commissioner McElraft is relating to is a very good example of that. The issue was relative to permitting.

Commissioner McElraft thinks the workshops would be a good time for the public to be involved along with the two other commissioners.

Mayor Schools stated he does not think a lot of decisions have made that everyone does not know about. He would like to try to look at the workshops as a way to keep a little better informed.

Commissioner McElraft asked for a consensus of the board that before any directive is given to Mr. Rush in any fashion by anyone, that it would be a full board polling on it and a full board decision. It could be open to the public through e-mail with the deliberations going back and forth or that it is held at a public setting where the public will hear why this decision was made, who made it and who was left out.

Commissioner Farmer interjected; she would like to include a public forum that would be setup outside the board meeting.

Commissioner Eckhardt said if there is a decision to be made. It may be questionable in some cases whether a board decision is needed, Mr. Rush has that call.

Commissioner Marks said the issue being discussed was when Mr. Rush asked for an

opinion on the permitting issue. Commissioner McElraft said Mr. Rush sent her something that had three signatures on it and she had no idea what was going on until she got the letter that it had already been done.

Commissioner Farmer eluded that this issue is about a letter that was sent by the Colonel of the Corps saying Indian Beach, Pine Knoll Shores and Emerald Isle supported changing the turtle issues that were written into the permit for beach nourishment so that the Corps could take more turtles than was originally called for.

Commissioner McElraft disagreed. Commissioner Mc Elraft said the letter was attempting to get the permitting agencies to take the Emerald Isle, Pine Knoll Shores, Indian Beach project out of the Southeast project because it was a private project, not a Corps project. Every project along the whole Southeast United States, would be shut down, if another one or two green turtles was taken in the Pine Knoll Shores/Indian Beach project. It would have been nice to know how many of those projects that could possibly be shut down because there were turtle restoration projects included in these projects. She would like to have known the answer before a decision was made to say that Emerald Isle did not agree with this.

Mayor Schools said his understanding was that the turtle limits were set for the Corps of Engineers, and there was a separate set-up for Emerald Isle, Pine Knoll Shores and Indian Beach. Rather than add to what was allowed for the corp projects, they took, it out of the preexisting corp total.

Commissioner McElraft said she found out about this when she received an e-mail reply to Commissioner Farmer's email from Mr. Rush, and feels that is absolutely not fair.

Commissioner Eckhardt said, when he first read it in the Chron file, he saw it as Emerald Isle had approved Col. Deloney to lower the bar for turtles. He could not remember that the board ever made that decision. It was not the matter of the board making the decision, it was never called before them to make the decision to lower the bar. He asked why should the board be party to it if they never made that decision. This is why he asked for it to be corrected.

Commissioner McElraft said the board has not been included in the whole permitting process. Pine Knoll Shores and Indian Beach is getting the permit for Emerald Isle. She said she would have never known about it if she had not received the e-mail.

Commissioner Eckhardt suggested the board make a decision that if there is a decision to be made they should all be involved.

Mr. Rush said he apparently dropped the ball, although he feels he did not, on the whole turtle issue. He related to a meeting between the State and Federal resources agencies, Corps Engineers and the town that was primarily to deal with the problems they encountered at Pine Knoll Shores and Indian Beach project so far this year. At the meeting the whole issue of the turtles came up. What he believes happened at that meeting was that the engineers, Pine Knoll Shores and Indian Beach made a request for a turtle escape and they thought Emerald Isle supported that also. Mr. Rush did not get up and say Emerald Isle does or does not support it. He did not know it was going to show up in a letter to the towns showing the three towns supporting it.

Commissioner Farmer and Commissioner McElraft debated back and forth on this issue.

Mr. Rush asked that when the board had issues with him, not to hold back. If it is something of urgency or if it is just an idea they want to share with him, he wants to hear it.

Items for the March regular meeting Agenda were discussed.

Public Hearing/Consideration of Ordinance Amending Chapter 19 (Zoning) of the Emerald Isle Code of Ordinances to Remove Condominiums/Townhomes from the List of Permitted Uses in the MH-1 district may or may not be on the March agenda. It will depend on what the Planning Board recommends after their meeting. They have been given some additional information for consideration.

Commissioner Marks expressed a concern that when people buy property in a certain area, they usually don't think about mobile homes being allowed in that area. Only Mobile Homes should be in MH-1. People should be made aware that condos and townhomes are in that zoning.

Commissioner Messer indicated he has been doing disclosures for 20 years and when in doubt, you disclose.

Commissioner Eckhardt asked if people in a certain neighborhood could petition? He asked if this would be spot zoning? Mr. Rush said anyone could request rezoning. This is one thing the Planning Board is working on now. Covenants were also discussed. Covenants do not hold water like an Ordinance does.

Mr. Rush reminded the board that they have the power to change the zoning in any area in the town.

Commissioner Marks said she would like to be up front with people that are buying property in Emerald Isle who get the impression they are buying in a residential area and then find out they are not.

A general discussion ensued between board members on the mixed zoning issue, condos and townhouses and possibility of residents coming to the board and ask for rezoning.

Consideration – Osprey Bluff Subdivision Final Plat is coming up for review by the Planning Board. They will be looking at the streets because the streets in Osprey Bluff do not comply strictly with the town's standards for streets and sidewalks for a variety of reasons and they will be looking at this. Commissioner Marks asked about the quality of work on the right-of-ways along Christina Drive that has already been done and asked if that does not work out, would the town have any recourse? Mr. Rush said there would be a 1-year warranty on those improvements. If that does not work after that time, the town would be responsible for maintaining those ditches in the future.

A road that goes behind a pond in this area technically does not exist. There is no road platted on the map that goes behind the pond.

Commissioner Marks expressed a concern regarding the very steep hill that does not have a retaining wall located between Christina Drive and Stroud Street. Mr. Rush feels the developer will try to correct the issue, not enough rip rap being placed on the street/ditch areas according to Mr. Conrad, Public Works Supervisor.

Consideration – Resolution Certifying March 5 Beach Nourishment Bond Referendum Results – Results from the March 5th referendum will be canvassed on Friday, March 8th and confirmed results will be given at the regular March 12 meeting of the Town Board.

Contract for Bogue Inlet Environmental Impact Statement. After the referendum on

beach nourishment, the town should have 20 months to complete an Environmental Impact Statement. The initial thought was to move rapidly on this but there will be ample time to complete it within the 20 months.

Resolution of Intent to Amend the Boundaries of the Primary Benefit Service District to Include an Additional Property at the Point. This item will involve the one property, # 116 Bogue Court, which was left out of the previous amendment to add 13 properties at the Point. Notification of the property owner as well as advertising for a public hearing will need to be done by March 12th.

Discussion took place regarding the beginning of the EIS. Mr. Rush's initial thought was to put it on the March 12th agenda. He thinks what he is hearing now is to put it off until April. A discussion, in general, ensued on permitting, time elements, etc. Mr. Rush said shortly after the completion of the referendum, he could contact two or three firms and give them two to three weeks to get back and shoot for an April contract.

Consideration - Resolution Opposing NCDOT Thoroughfare Plan

Recommendations. Mr. Rush has tried to contact the DOT about them attending the board meeting to discuss the plan. It was believed that DOT was going to set their own public hearings in several towns but that has not occurred in Emerald Isle. The Town has initiated a public hearing that will be held at the March 12th regular meeting to take public comments and then the board will make a decision as to where it stands on this issue.

Consideration – Ordinance Amending Chapter 16 (Storm water Management) of the Emerald Isle Code of Ordinances.

Should be on Agenda for consideration by the board for adoption.

Discussion – Ordinance Amending Chapter 10 (Licenses and Business Regulations) of the Emerald Isle Code of Ordinances Relative to Privilege Licenses. Ms. Overman,

Assistant Town Manager/Finance Officer explained that the privilege Licenses have been grouped into categories rather than having a License listed for each individual business. An example of a category is Retail Merchants, etc. Fees have not been changed.

OTHER ITEMS- Commissioner Marks commented on Planning Board priorities, particularly regarding structures where you could not have an apartment over a garage. Mr. Almedia, Planning Board Chairman has made a request to revise the subdivision ordinance in its entirety.

Commissioner Farmer said she thinks complete revision of the subdivision Ordinance will take some time but she does not think it would be difficult to change. She also mentioned it was hard to prioritize because there are things that are as important as the Dunes and Vegetation Ordinance which could be done a lot faster.

Mr. Rush noted his concern regarding the work being done on the Dunes and Vegetation Ordinance now and the request now to revise the subdivision ordinance. He does not want to give it to a committee and he and Ms. Angus walk away from it because he does not think this is the way it should be done.

Commissioner McElraft made a suggestion that the Planning Board members learn how to make their own copies. This would take a big load off Ms. Angus.

Commissioner Marks suggested using Volunteers. She also suggested putting out the word at the next town board meeting.

Commissioner Farmer suggested that right now might not be the time to do the subdivision ordinance. She suggested having one major process on the plate at one time, get that over with and then move on to the next one.

Discussion took place on whether or not the public would have a chance to ask questions of the permitting agencies at the March 11 meeting on the Storm water project. Mayor Schools does not feel the permitting agencies should be subjected to being drilled by questions over and over again. Commissioner McElraft asked if they could be made available to the public before they leave. She feels it is very important that the public direct any questions to these agencies. Commissioner Farmer suggested asking them to stay on in case any of the public had any questions. Mayor Schools indicated he was going to ask them to stay, the board could not make them stay. The firm Moffatt and Nichol are being paid. They can be made to stay. Commissioner McElraft reiterated it will be very important for the public to be able to get answers to some of their questions.

Commissioner Eckhardt had problems with asking questions and getting into a debate. He is not sure you want to get into a debate.

Commissioner Farmer interjected the purpose of the meeting is for Moffatt and Nichol and the agencies to get together and figure out where the problems are. She thinks the public should be at the meeting to listen. She thinks the Board and Moffatt and Nichol should be answering questions if that happens. If the agencies want to stick around and answer questions, that would be fine. She does not feel this was meant to be a public hearing for the storm water project.

Commissioner McElraft made a suggestion to get the agencies back at some point in time on a later date but she does not feel the board should bring them back when they are already here.

Mr. Rush agreed the public should be able to ask questions but the question is when is the appropriate time to do that? At a regular board meeting, the public is not allowed to ask questions but they can make comments. The storm water information meeting he held was specifically designed for questions and answers.

Commissioner McElraft argued for allowing the agencies to answer questions from the public. She asked if Mr. Rush could let them know there may be questions.

Commissioner Farmer argued against allowing questions to the agencies. Mary H. Casey, a citizen, notified the town board that two citizens who show up at all meetings do not speak for Lands End and they do not represent the Board at Lands End. They speak totally on their own but they are quite quick to say "at Lands End we do so and so - - ". She is concerned and the board (Lands End) is very concerned about the fact they do not speak for the board. They can speak as a private citizen. This is not the way the agencies and Moffatt and Nichol are being approached by these citizens.

She continued that if Moffatt and Nichol shows that the town should purchase this piece of property, it may not take care of everything but between the two, what Lands End has been able to do with the town's support, and with moving forward with what possibly Moffatt and Nichol may say, it is felt that the combination of several things, rather than throwing up your hands, is better than what we have now.

Commissioner McElraft knows of about 20 people who have questions they would like to ask. If this is not the time for the public to be asking the permitting agencies questions, just as

long as it is done before the board makes a decision on it she would like to hear the questions that the public have.

Commissioner Farmer said all the public has to do if they want to talk to other agencies is to pick up the phone.

One item discussed was a request from Commissioner Farmer for Mr. Rush to poll the board for an alternative to Moffatt and Nichol, specifically, looking into the State letting the town pump outside their guidelines. Commissioner Farmer said either the board is going to go that route or not. The question is, is this going to be an option and if it is not an option, then disregard it. Commissioner McElraft indicated she is not ready to disregard it until it is determined what Moffatt and Nichol is going to advise. Some other way would have to be found to get rid of the storm water.

Mr. Rush commented he thinks his comment was taken for more than it actually was.

Commissioner Farmer indicated there are citizens saying don't go Moffatt and Nichol because it can be pumped to the beach. Pressure needs to be put on the State to change their guidelines. She reminded Mr. Rush when he makes a comment like that, he is inadvertently feeding into that belief of some of the citizens. If the board does not support putting pressure on the State to change the guidelines, then it is not an option.

Mr. Rush said if the board conveys to him it is not an option, it would not be mentioned again. Commissioner McElraft said she would not pursue it, at this point, until it is learned if this is the last alternative. Commissioner Farmer said she would not support even at that later stage. Commissioner McElraft said she would not make a statement, one way or the other, whether she supports it or does not support it, until she gets close to where she had to make that decision.

Commissioner Farmer commented there are efforts being made to undermine this Moffatt and Nichol project. What is not being stated is what their alternative is. The alternative is putting pressure on the State. Commissioner McElraft said they cannot do that without the board's approval and at that point, a decision will be made.

Commissioner Marks and Commissioner Eckhardt neither agree to pumping to the beach.

Commissioner Eckhardt asked if anything had been done pertaining to getting with Realtors on the garbage problems that exist? Mr. Rush said some more letters have been issued this month Citations will start to be issued without any warnings effective March 1st.

Mayor Schools commented the change to the Ordinance has been in the newspapers, notices have been mailed, so everyone should know about it. It was passed last June. Mr. Rush reminded the board a lot has been done on this issue. It has been posted on the website also.

There was nothing else for discussion, Mayor Schools called for adjournment at 12:10 P.M.

Respectfully submitted,

Carolyn K. Custy
Certified Municipal Clerk