

1 MINUTES OF THE SPECIAL MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 BEACH DRIVING REGULATIONS
4 SATURDAY, JULY 17, 2004, 10:00 AM – TOWN HALL
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8 The special meeting of the Emerald Isle Board of Commissioners was called to
9 order by Mayor Art Schools at 10:04 am.

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

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14 Others present: Frank Rush Town Manager, Rhonda Ferebee Town Clerk.

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16 **3. ADOPTION OF AGENDA**

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18 ***Motion was made by Commissioner Isenhour to adopt the agenda. The***
19 ***Board voted unanimously 5-0 in favor. Motion carried.***

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21 **4. OPENING COMMENTS**

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23 Mayor Schools read the following statement for the benefit of the public:

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25 *The purpose for today's meeting is for the Board of Commissioner's to receive*
26 *comments relative to driving on the beach. Vehicles are currently allowed on the*
27 *beach from October 1 to March 31, or the Thursday before Easter, if Easter*
28 *comes in March. The Commissioners will consider increasing or decreasing that*
29 *period, and to adjusting the fee structure.*

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31 *The Commissioners want to hear all of the different viewpoints, but there is no*
32 *need for them to hear the same viewpoints multiple times. If you wish to speak,*
33 *and someone before you has already made the comment that you wish to make,*
34 *please feel free to state that you support their position, but there is no need to*
35 *repeat the comments.*

36
37 *Guidelines for today's workshop.*

- 38
39 *1. Please limit your comments to 3 minutes.*
40 *2. One comment period per person.*
41 *3. Comment about the issue and not about individuals or groups.*
42 *4. It is OK to be emotional, but please be courteous to others at all times. I*
43 *can assure you that everyone in this room is trying to do what they think is*
44 *fair and best for Emerald Isle. If we all agreed on everything, there would*
45 *be no need for today's meeting.*
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5. *After the public has finished making comments, the Commissioners will have a chance to discuss the issue at hand. There will be no comment from the public during this time; however a Commissioner may choose to ask someone in the audience a specific question.*

Keep in mind that this is only one of many issues for our town. Those that disagree with you on this issue, are most likely in total agreement with you on many other issues. However, this issue is decided, please remember that Emerald Isle is still a great place to live, work, and visit.

5. PUBLIC COMMENT

Phil Lytle, 110 W. Seaview Drive, stated that he was a property owner in Emerald Isle for 23 years, and he was a fisherman, and he would like to see the program as far as beach access for four-wheel driving brought back to what it used to be after Labor Day. He said the first couple of months they took away from them. September and October are prime times for fishing, surf fishing, and the fishermen could really use the money, and he doesn't make a living at fishing but just enjoyed fishing.

Sally Waters, 104 Pinewood Place, asked that her time be given to members of the beach driving committee, they had a presentation they would like to make.

Tom Minnick, 9803 Sandy Court, an owner of oceanfront property, stated that he was here to address the issue of extending beachfront driving. He would say upfront that he voted for three of them in the last election. He said he was pro-business and wanted to do everything possible to support the Emerald Isle business person. He said he did not own rental property on the island. Mr. Minnick said some of the people trying to extend oceanfront driving are basically saying it would increase opportunity for spending in Emerald Isle. He wanted to point out the biggest commercial industry we have in Emerald Isle is our rental homes. He said the rental homes pay for probably over 80% of the property taxes and the heart and soul of the commercial business. He said if you can't make it when the renters are here you're not going to make it. Mr. Minnick said the renters also lead to permanent residents, new home construction, additional new rental construction, i.e. new jobs off and on the island, and more money being spent in Emerald Isle. He said the key to the rental industry is the beach. When EI asked the Carteret County people to support beach nourishment it was voted down. He said it was even difficult to get the local people in Emerald Isle who were not renters to support beach renourishment. He said eventually beachfront owners had to step up and pay for 90% of the cost, 48-cents per

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thousand with the rest of the residents only paying 3-cents on the thousand including second row homes. He said this vote has led to the revitalization of the numbered streets, homes are being torn down, new multi-million dollar rentals are being built holding up to 30 people. He said this will result in new tax revenues for the Town and additional tourists to spend money in Emerald Isle. He said he could understand why people want to drive on the beach, it's a thrill and very inexpensive to do, but should we be subsidizing this activity at the expense of the renters. Mr. Minnick said the renters do not have difficulty renting their homes during June, July, August, it is the April, May, September, October rentals that will determine if they're able to cover their costs. He said in the off seasons of April, May, September, October the rental rates are very low, occupancy is low, and competition is high on the entire Carolina coast. He said to also consider that each additional beachfront rental in the April, May, September, October, probably represents 10-20 additional people staying for a week in Emerald Isle, spending their money here. He asked why can't April, May, September, October be like summer. He said we need to do a better job of making EI attractive during the off-season. He said bottom line it is a competitive disadvantage for our renters to have trucks on the beach when they are trying to rent the property, especially when you are competing against other areas that do not allow driving. He said our beaches look ugly from the ruts, difficulty walking, and safety concerns. He said beachfront driving is not inviting to beachfront vacationers. He said we cannot go back to the way it was in the 1970's and 80's, many of our new rental properties hold 20+ people on the beach and this makes it a different Emerald Isle than it was 10 or 20 years ago. Mr. Minnick said we need to recognize we have a multi-million dollar tourist rental business and the renters pay for most of what the permanent residents enjoy. He asked why aren't we helping them, he did not understand this, we need to support and nourish our most important business we have. He asked why the peak rental season be from March to November, there is no reason except current conditions. He said we should strive to make Emerald Isle the premiere vacation destination.

Barbara Harris, 5710 E. Landing Court, stated that she gave the Board petitions on May 11th, and she presented the Board with more petitions that she had received since that time. Mrs. Harris thanked the Mayor and Commissioners for their time today. Mrs. Harris said she was speaking for 943 people who want to change to be able to drive on the beach Labor Day through Memorial Day due to the fact that the fish run parallel with the beach in the fall and the spring. She said please change the permit fee back to \$40 per year to help the off-season economy, fishing equipment, shopping, food stores, restaurants, video, rentals, etc. She said on the permit they will receive they may have something stated on there that the beach driving closed the week of Easter. She said obtain the

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permit at the fire station from Friday 5 pm to Monday 9 am, many people arrive sometimes after 5 pm on Friday's and that kicks them out of the weekend. She said the speed limit to remain 20 miles per hour, adding that slower would cause the vehicles to get stuck in the sand anyway. She said no one has ever been hurt by a vehicle on the beach, and she had asked the Police Department about this. She said turtles climb out of the deep nest and of course the incoming tide takes care of the tire tracks. She said we fishermen and disabled persons are good, caring, and law-abiding citizens, and please take this under consideration. She said these were suggestions that came to the merchants that had the sheets.

Pam Minnick, 9803 Sandy Court, co-coordinator of the Emerald Isle Sea Turtle Protection Program, and on the Board of Directors of the Dolphin Ridge property owners association, presented to the Board 665 signatures against extension of beach driving, and noted they just started collecting them about two weeks ago. She said they thought everyone had to be a registered voter to be able to sign a petition, they found out on the other list there were a lot of people that are just visitors, and therefore we can collect as many ways as we need. She said but you know something I think that's really pretty stupid if we go and stop everybody that is coming onto this island and ask them to sign one way or the other, we need to look at facts, and not at who can stop the most number of people. She said she could get at least 200 signatures per nest at the hatchings of people that would sign against it because they are there watching the little hatchlings come out. Mrs. Minnick said the thing they have to remember is that since 1990 the rentals have increased, we have 20 to 30 people per rental. She said she just had 30 people in the one behind her, they rent these \$4,000 to \$9,000 homes per week to use the beach, and have access to the beach, not to drive on the beach. She said handicapped people, there are hundreds, maybe thousands of people that walk on this beach yearly, many of these people can't handle the ruts that are formed by these tire tracks. She said the fact that the tide takes them away, no it doesn't. She said she was one of these people, she had two knee replacements, and she couldn't step up or down without holding onto something or someone, and last year when she had to go out and check nests they had nine nests due, the week before the storm came in she had to check 3 or 4 of them a day herself because they were running out of volunteers, people were leaving the island. She said she couldn't get up or down and her volunteers that work with her know that they have to help her get up and down in those tire ruts, she can't do it, and she is fairly young, and in better shape than a lot of people who are out there walking on the beach. She said the volunteers dig trenches to make sure that the hatchlings get to the ocean, they have to redo the trenches everyday just from the tides. She said when the tire ruts were there she wished she had the forethought to take photographs of what was going on and the tire

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tracks that had to be dug out every day, twice a day, and they were watching these nests for up to 45 days last year because of the cool weather, and the fact that they weren't hatching fast enough, and so these volunteers had to go out there and dig trenches. She suggested that if they extend this they have the Town go out and dig the trenches and make sure the turtles get to the ocean. Mrs. Minnick provided photos for the Board. She concluded by reminding everyone the beach is not a giant parking lot, people don't come to see a parking lot. She said God did not make the beach a highway for a parking lot.

Bill Harris, 5710 E. Landing Court, said he had a problem with the Town's policy toward weekend surf fishing permit process. He mentioned that his son and friends from the Winston-Salem area had planned a fishing trip to Emerald Isle last fall. He said on Friday they called to say they were delayed due to a local emergency call and could not arrive before 5 pm. Mr. Harris said Town Hall informed him that if they could not arrive before 5 pm they would have to wait until Monday 9 am. He asked if this was how Emerald Isle would continue to treat guest fishing. He felt this rule needed to be changed, and it is still in effect, he had called the past week and it has not been changed. Mr. Harris said gated communities prohibit the access to the beaches. He said public accesses along Emerald Drive are neighborhood accesses since the general public and residents outside that area are not allowed to park anywhere near the beach. He said there are two major fish migrations that occur during the fall and during the spring. He said this occurs along the total beachfront along Emerald Isle, not just the east and west park areas and our only fishing pier. Mr. Harris said these are highly congested areas during peak fishing months. He said fishermen do not like to encroach on others fishing spots. He said there are no parking anytime signs all along our Ocean Drive preventing fishermen access with their gear, especially the elderly and the handicapped. Mr. Harris said spring vehicle access should be extended to the original Memorial Day weekend the end of May. He said turtle nesting is not an issue in the spring. Mr. Harris said he talked with the turtle people, and was informed that turtles rarely appear until June, a 50 pound turtle would have no problem with tire tracks or holes dug by tourists. Mr. Harris said that past mistakes made by this Board need to be corrected.

Gail Miller, 9201 Coast Guard Road, Pebble Beach C106, prefaced her statements by saying personally she didn't want any driving on the beach, but taking into consideration that we have other people that we must be cognizant of as well as certainly all our renters and visitors, lets be reasonable about it. She said what we have in place now is working, it is generating money for the Town for us and she saw no reason to change what was in place, what's working. She said if it ain't broke don't fix it. Ms. Miller said the western end of the beach is

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scheduled for renourishment this November. She said give the beach a chance to settle down. She said we didn't need driving ruts. She said she had seen children playing in front of Pebble Beach that dig 6 foot deep holes with help from families, you can't see the heads of those children when you're sitting on the beach, much less if you're in a vehicle speeding up the beach and 20 mph is not the usual limit on the beach, they're scurrying back and forth. Ms. Miller said air pollution, oil spills, a lot of the trucks and vehicles are old and they do spill. She said the present structure, price wise for the permits certainly gives our taxpayers a break, and for those over 70 there is no fee anywhere. She didn't see that we should cater to the wishes of the people who are not funding the primary tax structure of this Town. Ms. Miller provided photos to the Board.

Ray Wilkerson, 132 Doe Drive, thanked the Board for this opportunity to speak about driving on the beach, and surf fishing. He said he bought property here in 1969 because he liked to surf fish, he liked to be able to haul his gear on the beach to enjoy a day of fishing. Mr. Wilkerson said it seemed to him that fishermen were being pushed aside. He asked the Board to consider three things. 1) Being able to drive on the beach and fish from Labor Day to Memorial Day; 2) reduce the beach permit prices; and 3) be able to purchase permits on the weekend.

Sylvia Sylvester, 9714 Dolphin Ridge Road, stated that she and her husband had property here for over 25 years and they have been residents for the last 9 years at Emerald Isle. She said she had several concerns, they were safety, conservation and liability. She said the ruts are very difficult to walk over or through. She said we have not had a lawsuit that she knew of with someone being hit by a vehicle on the beach, but that has happened other places, and as we have more and more people and cars that is certainly a concern particularly with small ones who can sit right beside their parents and be up in a flash and be hit, and people riding on the beach are not always just looking right in front of them either, and it is a dangerous situation. She said a great concern she had was we're spending money, looking for grants, trying to get money to renourish our beaches and they need it, but then we're driving on them and tearing them down. She said if we want to renourish them and keep them and have them can you expect property owners, the federal government, or anybody else to keep putting that money there when we keep tearing it down.

Jean Wilkerson, 132 Doe Drive, said she appreciated the Board's time that is allowed for them to come and voice their opinions and concerns. She said she was here to ask that they be allowed to drive on the beach to surf fish from Labor Day to Memorial Day. She said she and her husband had owned dwellings on Emerald Isle for more than 35 years and were attracted to Emerald Isle because

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of the surf fishing. She said as they are hearing today there is opposition for driving on the beach during prime fishing months. Mrs. Wilkerson said that mother nature and God have ways of taking care of His creatures. She didn't think we had to really worry about things like that because there are concerns about all things in life, but there is a natural way to take care of them. She said some residents want to change regulations and policy. She said this is a fishing oriented family beach and people should take that into consideration before moving here or selecting it for vacations. She said they need to have regulations and policies that preserve our heritage. She said this is an emotional thing that she is approaching the Board with. She said she could stand there and tell them stories of when they had to come across on the ferries, and you would see the fishermen standing outside their cars while waiting for the ferry talking about the fish they caught the weekend before, you would see the beach vehicles loaded down with fishing gear and bait and traveling up and down the beach to find their special fishing spot. She said the sparkle in her Daddy's eyes looking out over the ocean and marveling at its beauty, and the excitement when he and her husband or friends, fishing poles bent when the big Blue hit, or the anticipation in her husbands voice when he talked about driving their 5 year old grandson down on the beach to teach him how to surf fish. She appealed to the Board as their elected officials not to deprive these fishermen from driving on the beach for surf fishing from Labor Day to Memorial Day because that is part of our Emerald Isle heritage and those that have lived here have experienced it and those that have come here we welcome you, but please don't take away that from our fishermen.

Arthur Hunsley, 108 Sea Breeze Court, stated that he and his wife had lived here for 5 years. He reiterated the thanks to the Board for offering the opportunity to speak. He said if they change the driving time to Labor Day to Memorial Day he said they might as well change the signs at the entrances to the city to part-time sanctuary, but his real comment had to do with his sympathy for the plight of the handicapped. He said he knew it was trite to say this but one of his best friends is a handicapped person. Mr. Hunsley suggested that we retain the schedule for fishermen to drive on the beach from October through March, but allow the handicapped to drive on the beach for a longer period of time because it is more difficult for them to access the beach. He said this can be accomplished by adding more beach accesses and by providing more wheelchairs at the firehouse provided by the city. He understood that the wheelchairs that are there now are not city provided but provided by a foundation or contributions, but by having more wheelchairs and accesses people would have more access to the beach.

Ike Smiley, 129 Doe Drive, said he owned property here but didn't live here so he couldn't vote against or for the Board. He said he had been here for over 35 years and he commented that he was for extending the time as petitioned, but

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suggested to the turtle people they get a permit and drive out on the beach, and they wouldn't have to walk out over the dunes and holes. He referenced the comment about the 6 foot hole the kids dug, the Town should look at a permit to dig a deep hole because that is dangerous even for people walking, you can come across a little dune and there is a hole and fall and break your leg. He felt the turtle people could get to the nests a whole lot easier by driving.

Scarlet Williamson, 100 Grace Court, stated that she is a voting resident here. She said she had listened to everything that had been said and they had all been very good points on both sides. She said she had been running up and down these beaches since 1965. Mrs. Williamson said things had changed greatly here. She said we no longer have the accesses in place for the extended beach driving, the ruts that are produced by the driving do make it difficult for people to get to the beach. She said she walked on the beach most days, and she had yet to see a child who looks both ways, and that's in the fall, spring, during fishing season, during non fishing season. She said she is not against fishing, she fished if she had to, and she enjoyed it, but we don't have the permanent accesses in place right now to accommodate extending anything. She said that should be their first consideration because it is safety and liability they are looking at, not turtle nests, not fishermen, not any of those issues, it's the accesses, safety and liability, and those should be the three considerations.

Brenda Smiley, 129 Doe Drive, thanked the Board for allowing her to speak. She said first of all she was a native Carolinian, proud to be, and whether they agree with anything she said or not, she felt everyone would agree that North Carolina is a wonderful place to live, and Emerald Isle even better. She agreed with the extension of the driving, Labor Day until Memorial Day to accommodate the older people. She said they have been coming to Emerald Isle for close to 40 years, her family has come, her in-laws are 84 years old, and they still come, probably some of the oldest living people that have been coming as long as they have. She thought we needed more accesses to get on the beach with the vehicles, one at the end of Coast Guard Road has been closed, and she thought they should continue to drive from Labor Day until Memorial Day.

Grace Gumbrecht, Queens Court, stated she and her husband had lived here for 13 years. She said they had always lived on the water all their lives. She said they moved to Emerald Isle because of the lovely quiet peaceful town, and good access to the local beach. She said they are senior citizens, her husband is partially handicapped, and they find it very difficult to get across all the grooves in the beach to get down to where they want to sit, therefore they are hardly ever able to use the beach in the last year, and she personally found it very difficult to see where the fishermen are hiding their equipment in their cars as they ride up

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and down the beach because you seldom see a fishing rod or anything pertaining to their fishing, she felt it was mostly people just riding up and down. She was speaking mostly for the senior, senior citizens that are having a very difficult time using the beach.

John Grady, 113 Fawn Drive, said he was speaking for senior citizens that had been neglected. Mr. Grady spoke in favor of Labor Day to Memorial Day. He said number one, there are five towns on the ocean that have 24 hours a day driving, another thing was that when they changed this the first time it should have never been changed to begin with. He said 39% of the people said to leave it as it is, so two groups were lumped together and changed it because of a bunch of folks that wanted to change. He didn't feel this was right, but there were five towns, Kill Devil Hills, Atlantic Beach, Surf City, Topsail Beach, and Carolina Beach, 24 hours a day you can drive on them. He felt they did need regulations, etc. He liked to get on the beach himself, he said he was 75, had a heart transplant, back surgery twice, and he has to be able to maneuver car tracks, turtle tracks, or whatever kind of tracks, if there is a hole out there he walked around it. He said they need additional access, the Point is gone, he understands they hope to get it back this fall, but in the meantime people have to go down to Town Hall and drive an extra several miles on that beach. That is more ruts and more problems. He said they need another access. Mr. Grady said sunrise, sunset, fish won't move in water according to the flow, he didn't believe they had a sonar that tells them if its day or night. He said beach renters, they bring in the tax rate true, but by law they do not own the beach, and they are missing the point. They think everything in front of their house belongs to the beach, if that were true then we wouldn't have to pay any taxes here, our trash wouldn't have had to be changed. He said the trash pick-up was changed because of renters, and we are paying the brunt of that. He said they had horrendous trash cans all over the way. He said in the 1950's he was down here, no highways, and the ruts were a little bit deep, but they happened to maneuver them. He said they didn't know what a turtle was unless someone caught one for a soup, and he didn't eat turtles, he didn't eat fish. He said Emerald Isle is almost a gated community. He said they do need to take into consideration people who come here with a fishing boat, and they have to go to Morehead or Swansboro to put it in the water. He said they have nowhere for them to get on or off, he felt they need to make a change back to where it was before it was changed illegally.

John Waters, 104 Pinewood Place, said he was in favor of keeping the regulation exactly the way it is. He thought it was a very emotional issue. He would like for the Board to consider as they make this decision as to whether to extend or not, that a lot of people are here today, 900 who signed one petition, 600 or so on

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another with the possibility of getting an additional number of names, surely we don't want to be governing necessarily by petition, so he would encourage them to think in terms of possibly having a referendum to permit the registered voters of Emerald Isle to decide this issue at a time whenever it can be done. He said he knew this entailed some expense but it seemed to him this was a very important issue and he thought they should hear the comments from those here today, they all welcome the opportunity to say what they want to say on behalf of the side they support but he hoped when it came time to make this decision they would focus and do some type of public referendum to allow the registered voters of this Town to decide whether to keep as is or whether to change back to the way it was.

Vera Gaskins, 5405 Cedar Tree Lane, wanted to touch on the business of the hatchlings. She said before they get bent out of shape about how these hatchlings get back to the water, mother nature plays cruel tricks on us sometimes, and happens to want those hatchlings to struggle. She said the mom having already dug the nest so deep, they had to struggle to get out of the nest when they hatch, and they won't be expecting a trench to be dug for them to have a smooth sailing to the water because mother nature wants their muscles to develop enough that when they hit that big bad ocean they are going to have to get out of the way of some shark or whatever might want them for lunch. She said these hatchlings will survive on their own, she didn't think they should lose sleep at night over that. She commented about people who dig 6 foot holes in the beach.

Patricia Guarino, 113 Jackson Avenue, stated she was a North Carolinian. She said the most important thing for the Board to take into consideration was that the times are changing. She said she is one of those people that have been around for 40 years too, 4 generations in the same house, they all fish. This is a tough decision. She supported keeping the changes made four years ago. She felt sorry that everybody couldn't have their way, you can't please all the people all the time. She felt the reason there hasn't been an accident on the beach is because in the last four years there hasn't been the clash between children and families out there and fishermen. She suspected that if there had been that in the last four years we might have had a lawsuit, which would be an awful thing to occur. She felt the time was just past where you can live the way that they did 40 years ago. She felt emotionally and badly about this too. She supported keeping things the way they are because that is where we are right now.

Laura Pittman, 118 Stuart Avenue, said she would like to request an extension of the time past sunset. She said the sunset is so gorgeous on the beach, and if you watch the sunset you get back to the access you're always locked in, and

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she was going to ask for 2 hours past sunset to have the gates locked, if not longer. She said there is nothing more beautiful than our beach in the fall, and watching the surf fishermen is beautiful with their rods and the trucks, and she had said many times she wished she had a camera to take a picture because it is so gorgeous. Ms. Pittman said she grew up in southeastern North Carolina and she grew up going to Ocean Isle, Myrtle Beach, Holden, and all of those beaches have so much erosion you can't drive on those beaches so that's not really the issue. She said this beach is so much better than those beaches, referencing a vacation at Long Beach with her family, erosion was there, they did renourishment, they don't drive on the beach, and that town is nothing like ours. She said to extend the rental season to November maybe we should advertise to the fishermen, because they're the ones that will be here, and maybe we should court them here if we want to fill those rental houses, and by doing so that would be allowing surf fishermen on the beach.

Emilie Zucker, 326 Cape Lookout Loop, thanked the Board for the opportunity to speak. She described sanctuary, a place of refuge and protection. Mrs. Zucker said many years ago when she first drove over the bridge and she first saw that sign, sea turtle sanctuary, she was so proud. She didn't know anything about the program or about the process. She didn't know anything about sea turtles. She just thought what a wonderful thing to do, what a proud sign. She was proud of the designation, and since becoming involved in the sea turtle program, and being coordinator for a number of years, she looks at that sign now and says we really need to live up to that designation and responsibility. She said it is easy to get that designation, its not easy to live up to this responsibility of it. Mrs. Zucker said sea turtles are protected by the federally endangered species act so really God doesn't always come through for little creatures because folks develop, drive on the beach, dig big holes on the beach, take pictures, have flashlights, set off fireworks, so the little creatures who are hatching, and even the big creatures that come up and nest have quite a road ahead of them. Her concern was mostly for hatchlings, she said there was no contest between them and the ruts that occur in the sand in the fall. She said 1992 she went back and looked at some figures to see how many hatching events occurred in 1992 and other years. She found in 1992 a September and October event occurred in 17 nests. She said that represented about 1700 sea turtles, being conservative with that number. She said anywhere from 80 to 180 hatchlings occur in each nest. She said in 1996 two nest had hatching events in the fall, September and October. In 1997 one, 1998 three, 1999 six, 2001 September and October 6 nests that had hatching events, 2002 September hatching events in three nests, 2003 fourteen, this year 2004, Emerald Isle has five nests, a very late nesting season. She said all five have a possibility of early to mid-September hatch event. She said

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conservatively this represents 5700 hatchlings. She felt this needed to be taken into consideration if we are to stand up and be proud of the sea turtle sanctuary designation. Mrs. Zucker distributed materials, and photographs to the Board.

Mark Penry, 418 Wild Cherry Lane, said he'd like to address an issue that parallels what Laura Pittman had just brought up. He too would like to see the shoulder season reinstated for vehicles. He said he saw absolutely no reason to continue to eliminate fishermen from using the beach for fishing purposes at night. He said this came about a few years ago as part of the beach driving restrictions. He said he was at the meeting then and no one really spoke for or against night fishing but it was included as a banned use. Mr. Penry said night fishing is productive on our coast and vehicles make it possible to fish comfortably. He reminded the Board that since our beach access parking lot closes at dark you cannot use these facilities to access the beach at night. He said he had fished on the beach at night for the last twenty years, and he could say with all honesty that joy riding at night does not happen, at least on the many nights that he had been out there. Mr. Penry said this was the reason four years ago that night fishing was dropped, because of joy riding. Mr. Penry said as a possible compromise even if no changes in the schedule is made today or in the short future, please consider to reinstate vehicle use at least until 10:00 pm, the way it used to be. He said if you chose to stay longer than 10:00 pm you made arrangements with the Police Department, either you stayed all night or they would meet you at a described time. He asked the Board also consider allowing use during Mondays through Fridays to allow the locals to have access to the beach, during the shoulder season, or if they do not change the shoulder season, at least consider closing it on the weekends but allowing use during the week when the tourists are not down here. Kids are in school during the shoulder season and there is not that much activity that goes on Mondays through Thursdays.

Carole Warren, stated that she had been asked to read a statement from Jerry Stockdale to address the Board because they were unable to be here, they were one of the founders of Clean and Green not Extreme. She read:
"We are unable to attend the public meeting regarding beach driving and would like our opinion heard. As you know we live on the beach and see first hand every day what happens down there. First our part of the beach is not nourished and although the beach has been very wide this summer at low tide it is only about 30 or 40 feet wide at high tide. We think there just isn't enough room for both people and cars down there. Each year we see more and more people walking, sunning, and playing on the beach through September and into October. Once cars start driving on the beach they cause the hard packed sand to get soft and the whole beach gets rutted with tire tracks. It is difficult to keep control of

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vehicles in those conditions and it is also very hard for people to walk their way clear of an out of control vehicle. In fact, any longer when the tire ruts start it requires cars and people to meet on those narrow parts of the beach, we are just asking for an accident to happen. It is a dangerous situation, we don't want to see anyone maimed or killed because someone wants to take a car down there to fish. The beach is a public trust not a highway. Second we don't think surf fishing is the key reason people drive on the beach. We see far more joy riders down there than we see fishermen. Many of these joy riders are reckless speeders. It would be much more appropriate for many of those joy riders to satisfy their needs on one of local go-cart tracks. Third we see a sign when we come to Emerald Isle indicating this is a turtle sanctuary. We don't see any signs indicating it's a surf fishermen or joy riding on the beach paradise. All those tire ruts that result from beach driving are clearly a hazard and even a death to hatchling turtles. As we all know turtle nests are still hatching in September. If we are a turtle sanctuary then let's make our environment as turtle friendly as possible not a baby turtle death trap. In conclusion, we believe that beach driving rules in force now represent a compromise that came out of a comprehensive survey and study that was done just a few years ago. Now is not the time to be making changes. First we need to get the beach nourishment completed, determine if there is truly enough room to mingle cars with people and then make a decision with public safety as a key element in that decision making process. In preparation for a possible 50 year beach nourishment plan we are struggling with appropriate parking to go along with our many public beach accesses. If we can provide enough public parking to satisfy the Corps of Engineers to make it reasonable for surf fishermen to park in those places and walk the short distance to the surf rather than driving on the beach.

Dave Johnson, 111 Craig Drive, said he was a year round resident for 4 years and had owned property longer than that, first came on vacation in 1984. He said he owned a 4-wheel drive vehicle specifically to be able to use it for fishing on the beach. He used it to take his father on the beach before he died, he was in the Navy, in fact his ashes are out there and whenever he walked the beach he appreciated the time thinking about him because he was able to drive him along the beach and enjoy that time. He said he kept his fishing pole in the car from whenever we are allowed to get on until we are allowed to get off and that way he can go down for an hour or two at sunrise, sunset and fish. It makes it very convenient rather than having to lug everything down there and lug it back. Mr. Johnson said on the other side of things, he thought the sea turtles were great. He said he had dug ruts, pathways for the turtles, sat nests. He had gone there early in the morning to late at night to watch the hatchlings and so forth. He liked both sides of this discussion. He thought instead of a referendum what they had was a survey which encompasses the total views of the people that use

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the area, and if you look at that survey in detail 1200 of the people who responded out of 3100 said leave it alone, and he could understand cutting it back but that bar would dwarf the bars the rest of the charts they had here the 1200 that said leave it alone which is basically after Labor Day until weekends in May. He thought what they really need was a compromise. The things he would look for would be new access point. He believed the 20 mile per hour speed limit was reasonable because he believed pedestrians had the right of way, and he had only seen three reckless drivers in the five years he had been utilizing the beach for fishing, and he had called the Police. He thought if you encourage the fishermen using the beach to call the Police if they see a reckless driver that should take place. He would stop five times going up the beach to fish at the Point to let a kid cross and try and do it very safe. He said if you look at the turtle problem, let's say you had 20 nests on an average year, let's say they need 20 feet to make their way to the ocean, that's 400 feet. He thought they had 11 miles of beach at 5,280 feet that would mean less than 1% of the beach is required for sea turtles going down to the beach. He said it is always, as Emilie Zucker said, in September and October. Mr. Johnson said we had garbage collection people going back and forth across that beach a couple times a week for September and October, why don't they just smooth out the 20 places for 20 feet, and at very little cost and addition to the taxpayers would solve both problems. He said he would like to see a compromise of the situation.

Alma Frantz, 112 Bluewater Drive, wondered why the town makes rules and regulations, and then spends time and energy to change them instead of enforcing them. She said the issue of beach driving has already been determined by the people who live here. She said everybody knows that the towns with the most stringent regulations are also the towns with the highest property values. Ms. Frantz said times had changed at Emerald Isle so let's not relax our rules and standards for the town.

Joel Clontz, 101 Loblolly Drive, said he had been coming to Emerald Isle for 15 years, he built here basically so he and his family and friends, grandkids could come and enjoy the beach. He said he also had an 84 model Jeep Wagoneer. He said you won't have to wonder if he's fishing when you see him on that beach because you'll see maybe 15 rods on it, but there are a lot of issues that had come up and he would like to see it go back like it was just for the whole idea of being able to come to this beach, and he spent money down here, and he still spends money down here, and he didn't get to vote so he didn't think a referendum or anything like that would help in any way. He said he had made friends on this beach, never seen anyone acting up on this beach driving. Mr. Clontz said they had pulled each other off when they got stuck, and made a lot of friends. He had friends from Kernersville that he met on the Point, they quit

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3 driving on the beach because the permits went to \$80. These are nice young
4 men, with families, they walk to the beach and fish down there because they
5 don't want the hassle of having to get here and get the permits. He said it needs
6 to be changed back for the community. He had rental property here, it fell down,
7 it was rented now by the year, and there were a lot of things that just don't make
8 sense and one of them is he had no right to vote or anything, he's just a taxpayer
9 just like everybody else but he doesn't live here. He said he'd like to see it
10 changed back and maybe they'd have more people coming that would enjoy the
11 fishing territory, because it's a fishing place.

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13 Allen Parr, 101 Stuart Avenue, said he supported the gentleman who
14 emphasized finding other options, and he wished the Board luck in their decision,
15 it is clearly not going to be an easy one.

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17 Mary Trahman, 138 Page Place, thanked the Board for the opportunity. She
18 wanted to express her opinion that there should be no driving allowed on the
19 beach other than emergency vehicles and the beach patrol, and whatever is
20 necessary to pick up the garbage. She felt we have a beautiful, pristine beach
21 and that we should all be an advocate towards maintaining that beach and that if
22 we are willing to provide funds for renourishment as citizens of the Town, we
23 should also be allowed to add our voice to ways of maintaining the stewardship
24 on our beaches so we keep our beaches and have them in future. She felt there
25 were other beaches on the Island that allowed driving, and that perhaps people
26 should go there if that's what they want to do on the beach. She also was
27 surprised to hear there had never been any sort of calamity between a vehicle
28 and people on the beach. She herself had seen two near misses, and each time
29 she thought what would the Town's liability be had there been an accident, had
30 one of these children been run over. She said the day was a day of high surf, the
31 surf was roaring, the children couldn't even hear a horn honk and she thought if
32 one of those children had been hit what happens to the Town, what would be our
33 liability. She thought about that a lot, and thought that safety had to be a very
34 prime point that they think about and she appealed to the Board to look at the
35 Town's liability if we continue to allow driving on our beaches because we don't
36 just allow it, we endorse it if we have a permit system.

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38 Jody Mills, 101 Loblolly Drive, said he would like to see the beach go the way it
39 was before. He had been coming down for almost 10 years now and what's
40 happened to them, they took the time away from them from daylight to dark on
41 the hours, no more sunsets, no more sunrises. He said at least give them the
42 time from 5:00 in the morning to 10:00 because that is the two very important
43 things to him as far as fishing, the sunrise and set, and the fellowship with the
44 fishermen out on the beach. He said as far as the sea turtles, fishermen are the
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greatest conservationist there are, fishermen and hunters, and turtles if they can dig out of a 3 foot deep nest, they can surely cross a six inch tire rut. He had seen people on the beach with beer bottles, and he has stopped and told them no bottles on the beach, and as far as the handicapped people he had people come off of oceanfront houses and get them to help them get someone down out of there house in a wheelchair so they could get on the beach. Surely if you can transfer from steps you can transfer down on the beach, and they can cross tire ruts. He felt this was not a problem, because they have to get back up in the house, and they had helped them both ways before, and they didn't go ask them for help they came and asked them. He would like the Board to consider changing it back the way it was.

Matthew Godfrey, 307 Live Oak Street, Beaufort, NC, stated he was not a resident of Emerald Isle, he worked for the State of North Carolina, with the Wildlife Resources Commission, and he was a sea turtle coordinator for the entire state. He said it was his job to facilitate the effective management of sea turtles so that means he has to work with a large number of people, towns, agencies, etc. and he had been doing this for two years here in North Carolina, and he had learned that effective management is all about compromise. He said it is finding middle grounds, and usually people do tend to do that and his experience in particular in Emerald Isle had been very positive to date. He said issues such as night time lighting instead of shutting off all of night time lighting, they found middle ground ways to get around that, temporary shut-offs, so in terms of driving which tire ruts are a threat to hatchlings. There are hatchlings on the beach in September, and in October. He urged the Town to maintain its current restrictions on driving, and he felt this was a good compromise, he hoped they could continue to have effective management in Emerald Isle.

Charles Vincent, 7209 Ocean Drive, stated he also represented the Bogue Banks Beach Preservation Association, giving some of their ideas, but basically speaking for himself and his ideas today. He said the first thing he would like to say to the Board was that they knew good politics are not generated by polls. He said we elected them to do what they thought was best for all of us here at Emerald Isle. He was sure both sides could get their list, you could go to Raleigh and get people to sign, they need to do what they think is best for our community. He said this beach is a public trust, everyone has a right to access, and Emerald Isle has done a wonderful job for providing access for the public to our beaches for our citizens and for our visitors. Mr. Vincent said the driving is not a right, it's a privilege, and that is anywhere whether you're on a highway or on the beach, the right to drive is a privilege that's allowed to each person that drives by the local community, state community, or state government. He said that privilege is regulated for the safety and well-being of everyone. He said times change, and

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when many in this room were growing up it was not at all unusual to see somebody walking to Salter Path along the edge of the road, you could walk along the edge of the road anywhere in the State of North Carolina. If you walk along the edge of the road on I-95 you'll be arrested because its dangerous, because things are faster, bigger, more of them. He said the same thing has happened at our beach. We had a wonderful situation here forty years ago, there were very few people that came down as visitors simply to use the beach. Now in the summertime we have so many people on the beach we have to restrict the driving. He said September has become a month that we have many more visitors on the beach than we used to and that's the reason that this commission restricted it earlier, and he personally thought to accommodate the fishermen, the best fishing months are October through December anyway, not as good as it used to be but they're still going to use that time, and he thought that what they have is a good system. He said he would not speak to the time of day, he's not involved in that, that is certainly a consideration to take but for old times sake he thought they should leave it about like it is.

Leon Barber, 9707 Green Glen Road, said he was a native North Carolinian, born and raised and educated here. Mr. Barber said he started coming to Emerald Isle when he was probably 15 – 16 years old, he lived in suburban Maryland, been to the beaches in Maryland, he had lived in California and been to beaches there. He felt the beaches here are the most beautiful in the world. He said his daughter and her family live in California, they spent two weeks with him because they wanted to be able to swim off the beaches here, better than they like the beaches in California. He said last year one day in the fall he had stopped and gone to the beach just south of Lee Avenue, and it was after October, and he was appalled at what he saw. He said still in September and October a lot of vacationers come here. He saw people lying on the beach, and a lot of people sitting on the beach, and he saw a vehicle nearly drive up onto the dunes to avoid striking somebody. He also looked out there and said it looks like a used car lot. He said he came to a meeting here once, and he know one of the regulations in the Town is you can't have a used car lot any place in the Town. He said it made no sense to him to prevent used car lots if you have the beach that looks like a used car lot. He said it really was an ugly site, and if he had been a vacationer and rented a beachfront property he would have probably asked the rental company for his money back because it was really not a pretty sight. He thought the beach was our best asset here and he thought we should do whatever we could to protect it, and so he was in favor of leaving the regulations as they are and not extend beach driving.

Carol Osika, 413 Channel Drive, said she also owned a condo at Pebble Beach. She also wanted to address the safety and she was not a native North

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Carolinian, but this was her home now and she felt truly blessed to be surrounded by people of Emerald Isle and it's a beautiful place to live. She said she was at Pebble Beach yesterday, it was very crowded the tide was up, an emergency vehicle, lights flashing, sirens flaring, could not get through. They had to wait until people moved out of the way, children, adults, beach chairs were in the way. She said this will happen if they have beach driving extended because Memorial Weekend is very busy, cars will not be able to get through, fishing vehicles would not be able to get through. She thought it was a very dangerous situation, and just because no one has been hit previously, it's because the beach time driving was not extended. She felt if extended it would be a huge liability.

Rosalie Ruegg, 111 Pinewood Place, said that she supported the idea of certainly not extending driving, but she would like to see it restricted into October. She said her reason is October is still very beautiful for swimming, many people on the beach. At high tide you see the same safety issues that we see even Labor Day, more people that you can accommodate at high tide with vehicles. She said last year she found she could still swim as late as the end of October, and she was out with her family several times with small grandchildren, and they were almost run over on one occasion when they were actually in the tire ruts and a vehicle came by and high tide and not much room, and it was a very dangerous situation. She would like to see the driving restricted as much as possible, and she also was struck by the fact that she didn't see that restricting the driving means you keep fishermen out. She said there are fishermen out there all year round, they can walk, and walking is good, and she didn't see it as an either or situation, where if you can't drive, you can't fish, you can fish and not drive. So she would like to see certainly not extended driving, she'd rather see it restricted further.

Jim Craig, 9410 Ocean Drive, stated that he was a professional geologist, and there were a few things stated that must be corrected. He said natural beaches are smooth, natural beaches do not have ruts, little turtles do not benefit by extra exercise. He said a turtle is 1/4 to 1/3 an inch in thickness. He said the ruts are 9-12 inches frequently. He said that is the equivalent of a human being facing a 150 -200 foot rise, that they have to climb over. Mr. Craig said the turtles are never made to have those extra ruts they would have to encounter. He said they do have many trucks moving on the beach that are not fishing, they are joy riding. He would support that people have to have access to fishing, he believed that. He said it was a matter of timing and he thought there was a compromise that they wanted to work out. He said they know beach driving is a negative in the rankings of beaches anywhere in the world, that has been evaluated over and over again. He said the turtle hatching is usually at night, beach driving at

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night would be especially detrimental to small turtles, you cannot see them in a headlight even if they are making it over those ruts. He said they would be very much adversely affected by night beach driving. He said they are not out during the daytime usually because of natural predators. He felt they could find some kind of compromise, perhaps give a little extra time for fishing in the spring before the turtles, not in the fall. He said save September, maybe into October as the time that is most critical. April is the time that he understood that you cannot drive, but April is not a time when you have turtles on the beach. He felt if they need to give a little in the spring, but not in the fall. He said surely they could find a way to accommodate fishermen, they need their time to drive on the beach. He didn't have a problem with that but let's not do injury to wildlife in this situation, and let's not make an unnatural beach one that we say is good for turtles because that is not the case.

Commissioner Hedreen asked Mr. Craig about night driving, she understood with the lighting that you couldn't see the hatchlings, but said some of the folks had spoken about being there for sunrise. She asked what it would affect if they put in a 5:00 am time.

Mr. Craig, recommended that Matthew Godfrey would be the best person to speak to that. He said usually it has been late at night, he believed by early morning they are usually gone.

Commissioner Hedreen said then it wouldn't be perilous for the hatchlings if there was a compromise that put driving at 5:00 am or 4:00 am if they wanted to get some of the early daylight fishing.

Mr. Godfrey said it was always possible that there might be emergence at 4:00 am, they're usually late at night but could be early in the morning.

Commissioner Hedreen said but certainly not in the spring. Mr. Godfrey said no, they start nesting in May.

Gus Wilgus, 117 Heverly Drive, stated he had been a resident here since 1990. He was a fisherman, grew up on the beach in Maryland and Delaware as a kid. His dad had 300 yards of the oceanfront beach, so he used to lay on it and watch everything go up and down the beach, tires make ruts. He said he was also part of the turtle program, since 1990, he was the coordinator out here. He agreed with the comment about little turtles can't get over ruts, but he agreed with Dave Johnson that there are some compromises that we can make. He thought for one thing, those in the turtle program can continue to rake just as they have. He said there was a suggestion that the Town do that, the Town used to do that a

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long time ago, Bob Conrad's people tried raking out some of those nests for them. It takes a lot of time, he had raked out a lot of nests. He felt the compromise when you get down into October, September he wouldn't compromise that at all because there will be a lot of turtles born in that time. He said there were a lot of people down here, and he had four grandchildren not of school age and their families don't live in North Carolina where they start school in August, they're down here in September which is the best time for people on this beach. We should be advertising it more. He said October, the chances of having turtles hatching is a lot slimmer, but he did know there was a solution, and he had done it with a nest down there about 7-8 years ago. They took tape and ran it all the way out to the high tide line which kept it from getting a rake out probably 200 yards of beach. He said people did give the consideration of driving around it, his other point is he is deaf as a doornail, and any other time of the year he did not walk out on the beach with a sand colored hearing aid in his ear for darn good reason. He can't hear those vehicles coming behind him, and little children once they see that ocean do not listen to their mom, their dad, he or his wife, all they see is ocean so the less driving during those periods with little kids, old deaf people, and turtles hatching, that's where they need to strike the compromises. He felt it was great for people to be able to fish, and get out there in the best months for fishing. He said walking on the beach this week, nobody was catching a thing and everybody that is a fisherman knows that. They'll tell you they're not catching much off the pier right now, but come October they will be and that's where the compromise is. The other issue is the access, trying to get everybody on the beach at one spot is not a good idea. He felt they need more than one access on the beach, he felt they need a couple of them. They need to spread it out, but we need to keep control of it, and whether you do that for the night fishermen, and he agreed that night fishing is a lot better about 5:00 in the morning, this morning as it was just getting light and that was the time to be fishing. The tide was coming in, and that was a better time so he preferred compromise, maybe lock and key.

Clarification was made by Lee Lipsitz that Carolina Beach does not allow any beach driving at all in the city limits. It reads that the north end is not in the city limits, in addition, the time frame, the committee's research indicated that most of the beach driving occurs between sunrise and sunset. He said he would show the Board his spread sheet, and he had called back on a lot of this stuff that they researched four years ago.

Town Manager Frank Rush said they just completed email and telephone surveys of all 21 beach towns within the last few weeks, and Carolina Beach it was his understanding that the vast majority of the driving area is outside of the town limits but there is some limited driving in the town limits, but most of the Town of Carolina Beach is closed.

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An overhead presentation was made by the Beach Driving Committee as a refresher for the Board and the audience.

Diane Schools, 106 Indigo Drive, and member of the Beach Driving Committee addressed the Board, noting that the committee consisted of a group of volunteers, diversified, appointed by Mayor Barbara Harris representing the homeowners of Emerald Isle. The group studied the situation of driving on the beach. Ms. Schools said that John Wootten was the chairman of the committee, it was the most efficient, well-run, organized, hard working, thorough committee that she had ever been on. She said they did research, they divided the group into different responsibilities. They did thorough research, making fact sheets. They sent out a survey to 6,300 residents, taxpayers at that time, of course there are many more taxpayers and homes now. Mrs. Schools said that 3,100+ returned the survey and it was broken down. She said when they mailed out the survey, Emerald Isle residents responded with 1,200 responses. They sent out 4,200 to people in-state, out-of-state received 900 surveys. She said they received 3,100 back, which is almost 50%. She said they established a database for the returns, and Ed Johnson, Art Schools, and John Wootten put every single return into a database and fairly analyzed the results and recorded the findings. Mrs. Schools noted that Ed Johnson would report the statistics.

Mayor Schools stated that information put into the database was done by John Wootten and Mr. Johnson.

Ed Johnson, Beach Driving Committee member, thanked the Board for the opportunity to present a few of the slides, which John Wootten, he said so ably presented to the Board about four years ago, at that time Barbara Harris was Mayor, but Pat and John were serving on that Board. He said this was done in the spring of 2000. He referenced the chart that showed the survey went to every taxpayer in Emerald Isle, so you did not have to be a resident voting in an election in order to respond to the survey, and as you could see the majority of the people from outside Emerald Isle actually responded in the 3000+ that came back. He noted one of the important things to keep in mind about surveys like this, speaking of surveys versus petitions for example. He said what happened in the responses summarized here, there were about 39%, roughly 1200 people that said lets just continue what was in place prior to the year 2000. Another significant portion, 26% about 820 people said lets just eliminate it totally, then 35% said we don't like the current policy we want to change the policy. If you add the 35 and the 26 together we had about 60% of the folks responding to the survey say we ought to change the policy somehow, either by eliminating driving or by making other changes to the policy. Mr. Johnson said this is a very different process than signing petitions. It's very similar to what happens in a

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November election, people in the privacy of their homes decide what they want to say and then mail it in, anonymous, private, not your friend or neighbor asking you to sign a petition. For those people who said they wanted to change they were asked to tell what they wanted to change. If they had already said they wanted to continue the policy which 1200 people said, they didn't ask them to tell about any change they wanted made. If people said they wanted to totally eliminate beach driving, they weren't asked what change to make, these were only the people who said we need to make a change. Mr. Johnson said as you can see 450+ said yes we'd like to change beach driving so it starts the first week in October. Mr. Johnson said if you add everyone who said lets make this change happen you get about 1500 people saying lets move it to October the first week or beyond. Mr. Johnson said when should beach driving stop, referencing the next chart. He said once again these were the folks who said they wanted to change the policy, not the 820 who said to eliminate or the 1200 who said keep it the way it is. The majority of people here said let's move it to the fourth week in March, with another significant number who said lets push it to sometime in April. He said what you get as a message from these couple of charts is that there is a clear difference of view between the 1200 who said lets keep things as they are, the 820 who said lets eliminate totally, and the roughly other 1200 who said lets make some changes. He said the issue of times of access, once again these being the people wanting to make changes, most said lets limit to daylight hours. So based on this survey response which was objective and anonymous, the committee debated what recommendations, if any, to make to the Board, and the summary of recommendations is to be discussed next.

Sally Waters, 104 Pinewood Place, Beach Driving Committee member, said the recommendations were made to the Board by the committee, they were not the committee members personal opinions, they were guided by the information gathered in advance, and by the survey responses, and as you might imagine the members did not all agree. They discussed the survey and these were the best recommendations they could give to the Commissioners at the time to reflect the response of 50% return rate on all of the property owners of Emerald Isle. She said they felt the response rate was quite significant. She said regarding who could buy a decal, they did not feel there was a response rate that would indicate this should be restricted to a certain group or class, so they recommended this be open to all who wished to buy a decal. Ms. Waters said regarding the fees, because the program was running in the red, Emerald Isle taxpayers were actually subsidizing the cost, revenue was not covering this. However, the response did not indicate that Emerald Isle taxpayers wanted to pay any more. She said they therefore recommended that the non-taxpayer have an increase. They kept the discount 50% for 65 years old, 100% for 70

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years old, in deference to a feeling that seniors deserved a break, but they did not feel, as one of the Commissioners at the time and a current Commissioner Pat McElraft, that the Emerald Isle taxpayers should pick up the bill to run this program. She said shortening the driving period as mentioned seemed to be a response that was a compromise. Shortening the times to daylight hours only, they compromised adding first light, and first dark, or 30 minutes before sunrise and 30 minutes after sunset. She said one of the responses they received was that they wanted this enforced, taxpayers, property owners, were saying lets enforce this so they felt first of all the decal process, providing information, matching it to tax records, needed relocation. The police dispatchers were swamped when these things came in during the night and day hours and they wished to have this moved, so it was moved to Town Hall. She said a suggestion was made to make the senior decals unique, also requiring the senior be the registered owner of the vehicle. She said this prevented someone not paying anything in order to ride on the beach. Ms. Waters said improving the enforcement, conducting ramp traffic checks, having the officer with decal data, putting beach enforcement at a high priority, and adjusting resources for high usage periods was one of the recommendations. The final one, providing ramp access in the west end of Town, while not a particular question on the survey, was one that they agreed to in principle, they understood that drivers want to get down to the Point, whether fishermen or sightseers, they like to go to the inlet, see it and turn around.

Ms. Waters said she was stepping out of her role for a moment as a committee member to speak as a resident of Ocean Oaks in regard to the ramp access at the foot of Doe and Sandcastle, which right now is an emergency vehicle access. She said when she gathered her petitions she said whether they would sign her petition against extending beach driving or not, they were unhappy, displeased, with the proposal to make this a general access in our neighborhoods, and the comment was made that this was not the place for it. She suspected this was the answer they would find wherever they try to relocate another one, so before she closed she wanted to say that she promised those people who said I cannot sign your petition, but I don't want it in my neighborhood, that she would speak for them.

Mayor Schools thanked everyone for what he felt was a reasonably calm presentation by everybody, and as they said before, after they have all of the public comments, the Commissioners would then have time to discuss or ask questions. He said if they ask questions of someone in the audience, they were not asking for someone else to stand up and answer for them.

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Commissioner McElraft said she knew there was a huge public access debate at Fort Fisher about driving at night, and she read and followed that very closely. She did note they said that driving at night was not detrimental to the turtles. She believed that to be wrong, she believed it probably is detrimental to the turtles because that is the time they hatch. She said driving in the daytime she didn't believe, if they can get those areas raked out, is detrimental to the turtles. Her question to the turtle people was if the Town did help, or they got a mechanical way to smooth out those areas before evening each day during that September time frame would that accommodate their concerns on the tire ruts in the turtle areas.

Emilie Zucker answered that it was a strange phenomenon that she noticed since she had been in the program and doing work with the turtles. The nest that go long, into September and October, seem to have a little bit different time schedule for hatching. She didn't have statistics, but said if you go on the Emerald Isle website, there is actually a story about an October 1st hatching at 7:00 in the morning. She had noticed, and it could be because of temperature changes in the nests not necessarily light and dark, it occurs more often in September and October when those nests are due to hatch that those hatchlings seem to come out at different times of the day and they don't stick to that night time schedule, we can't hold them to that. She said they come out at 7:30 in the morning, they come out at 9:30 in the morning, 5:00 in the afternoon, and so yes one time smoothing out would be fine, but you'd have to do it 3-5 times a day for some of those nests. She said from experience they'll trickle out every hour on the hour in September and October. She said the story of the October hatch on the town website falls right into this category.

Commissioner McElraft asked if they were able to be there to get those hatchlings out. Ms. Zucker said no, a lot of them didn't make it. Ms. Zucker said that particular story, the beginning hatch date was October 1 and they hatched over a period of about 7 days after that, some lived and some just died on the beach, but there was clearly impediments to their progress.

Commissioner Hedreen said she hadn't seen the actual surveys so she could look at the questions for herself, they received the results, the report. She asked if there was a question that didn't have it so you'd have a 3-pie. One that was a keep as is, or change, period.

Ed Johnson said they had an overhead of the survey which they didn't take the time to show. He provided Commissioner Hedreen with the two pages of the survey for her review.

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Commissioner Wootten said to answer that question, they asked a 3-pie question.

Commissioner McElraft asked the Beach Driving committee which of the individuals on that list was from the surf fishing community.

Ed Johnson, responded that nobody identified themselves as being from particularly one persuasion or another, it was a set of volunteers who submitted their response to Mayor Harris' solicitation, and said yes we would like to serve. He believed everyone who said they would like to serve was picked to serve on the committee.

Commissioner Wootten said the "fishing source" as he remembered was Richard Braun who unfortunately after they got going with the committee had to go out of the country. He thought that was one of the weaknesses of the committee, they did not have that direct input.

Barbara Harris stated that she was Mayor at that time, and the present Board at that time said to take applications, and they voted to accept everyone on the application that applied to be appointed, and it was unanimous that all of those were. She did not recall any fishermen on it.

Commissioner Wootten asked Ms. Zucker what was the most prevalent time of hatching.

Emilie Zucker said between 8 pm and 11 pm.

Commissioner McElraft said she had a huge dilemma about handicapped people and senior citizens, mothers and fathers who want to see the beautiful beach that they all described. She said September is the most beautiful time for our pristine beach, how did they expect people over 70 or 80, handicapped, to get to see the same pristine public trust beach that they all get to see.

Commissioner Wootten asked when the drum down on the Point really started going hot and heavy.

Mark Penry answered that it depended on temperature, if the water cools quicker, they move in quicker, if a late summer it could be later.

Commissioner Wootten said last fall there was a fishing frenzy down there because the drum's moved in so strongly.

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Commissioner Hedreen said she had heard things today that she had not been emailed, called, or stopped about, so she was really not quite there yet with her final decision. She said even with what would be her final decision, there would be more input from the others. She appreciated everybody that came today. She said it is obvious they are sincere and passionate about their positions. She felt they would have to leave some room for compromise. We all have to live together, it's a wonderful place, but her parting comment would be that Emerald Isle has certainly been put on the map initially by fishermen. They came over by ferry, and brought everything they needed, and it is a different time. She said while things do change there are some things in your history you don't want to leave behind, so she would tell them she was leaning towards making the beach a little more accessible to our fishermen.

Commissioner Isenhour agreed with Commissioner Hedreen that what has been said here today has certainly been said sincerely and often times with passion on the side that they were representing. He said the Board was in a no win situation because he was sure there were people on both sides of this issue that voted for him and probably everyone else on this Board, and whatever decision they make would make somebody unhappy and that was just the way it would be. He said he heard things today that he really hadn't thought about before, but times change and circumstances change. One of the things he was concerned about that did come up briefly was the amount of money that was spent on nourishment, 11.8 million to this point toward the nourishment down at the eastern end. He couldn't say with certainty that any additional driving on the beach is going to harm that in any way, however, the future may look like the past, but it is likely the future will unfold with variations that make extrapolation an imprecise expectation at best. He said he could say with certainty that the people that are on the list presented by Barbara Harris, 943 people, those are the people he hadn't heard from personally. The emails, personal contacts, and letters he had received are running about 30 to 1 against making any change. He said they want to represent the people, the voice of the people, and the voice of the people as he hears it right now, the voice of the people he heard from directly were against any change but he hadn't made a decision. He said what he had received so far was primarily against making any change.

Commissioner Hedreen added a comment that from emails some people were misinformed that they were going to open up or would consider opening up year round driving which had never been considered.

Commissioner Messer said the emails, and personal contacts he had received were pretty close, about 50-50 with good reasons on both sides. He said good reasons on both sides had been presented today, and hopefully he was looking

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toward a possible compromise that would halfway satisfy both sides. He said this would not be easy, he was not decided at this point. He thought there were good points on both sides, and again hopefully they could come up with a compromise that everybody could live with. He said he heard things today that he hadn't thought about and he thanked the audience for coming and participating.

Commissioner McElraft said the emails, visits with friends on both sides of this issue, have truly been very pulling at her heart. She said she was a cat and animal lover, a beach nourishment lover, but she didn't think that driving on the beach hurts beach nourishment in any form. She said she was elected as a personal rights person. She said that beach does not belong to any one group of people. That beach belongs to everyone in this United States, especially in the State of North Carolina. She said access to that beach is very important. She did know they had to add another access point, and she was sorry but it would be in somebody's backyard. She said they have to do it for safety reasons, driving all the way from Black Skimmer down to the Point, whether it be 3 weeks in September or from October until March, is dangerous. It adds more danger. She said they can lessen that by adding another spot, and she was sorry if it was in somebody's neighborhood. They have a spot they can open up, and they are going to have to do it, even if they don't change the driving time. She said they have to take the traffic from going all the way down the beach. Commissioner McElraft said she had already mentioned her dilemma with the handicapped and seniors and for those who have retired and want to surf fish. They are not the problems. The problems are the joy riders, they had to find a solution to stop the joy riders. They are the ones almost hitting the little girl in the 6 foot hole. She said it is not the fishermen, it is not those who are continuing the history of this beautiful island, it is the joy rider. She said she thought some things had been done to stop the joy rider, increasing the permit fee, but felt they had to do more. She said they had to have someone down there with a radar gun, does not have to be a police officer. She said they needed someone checking decals, she said she felt there were a lot of people driving on the beach without decals, there are a lot of things the Town can do. She said she is leaning right now to opening this beach up for the September time frame for at least seniors and handicapped. She hoped they could compromise. She was also very much in favor of the Town helping the turtle volunteers to smooth out the turtle nests because those are a very important part of our island also. She would say this became a turtle sanctuary before there was no restriction at all for driving on the beach, and she had looked at the records to see if they had more turtle nests or more turtle hatchlings since they had changed the driving on the beach since 2000, and there had not been any increase in turtle hatchlings. She believed they had dedicated volunteers who help those hatchlings get through the tire ruts and she

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felt they need to help them, many of them are becoming the seniors that she was talking about. She said she did have compassion for these people who want to fish on this beach, they have told her that surf fishing is very important to them in September, and she thought they could help the rest of the time with the turtles and the safety issues by changing some of these things she has talked about, but they could also let the people have their September and their spring driving. She did not think the week before Easter or the week after Easter should be allowed for driving, but she had been on the beach in September. She was one of the ones who made the decision with Commissioner Wootten but she had studied this issue since then. She had talked to so many of the fishermen who felt they were left out of the equation as far as being on the committee and getting their voices heard, and she felt they need to compromise on this.

Commissioner Wootten said he felt the additional ramp would have to be a key factor in any decision they make. He thought that one thing would have more impact on changing things on the beach. He said they would have less tracks on the sand, the safety issues. He said if they have to put it into the Doe Drive neighborhood maybe they could do it temporarily until they get the ramp opened back up again, because the Point ramp is the ideal spot for it, and they own the property, but they can't wait. He said his other comment, he was part of the committee back in 2000, and it was a heck of an experience. He said there were a lot of different views. He said as a result of those changes, the number of permits issued were cut in half, from 1200 to 600 roughly. He said the significance of that was that prior to those changes only 15% of the decals were going to Emerald Isle citizens. He said that flip-flopped with the changes with 60% of the decals now being issued to Emerald Isle taxpayers so he thought they did a lot of good things with those changes, and he wouldn't want to go back on some of those things. He said the price kept a lot of people off the beach. He was a little concerned looking back about the lack of fishermen representation on that committee. He said he was open to some type of compromise, to get more accessibility to drum fishing in the fall, but he appreciated the comments and learned a lot here today from sincere people.

Motion was made by Commissioner McElraft to adjourn the meeting.

The meeting was adjourned at 12:17 pm.

Respectfully submitted:

Rhonda C. Ferebee
Town Clerk