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**MINUTES OF THE SPECIAL MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
MONDAY, JULY 6, 2015  
4:00 PM – TOWN ADMINISTRATION BUILDING**

**1. Call to Order**

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

**2. Roll Call**

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

Others present: Town Manager Frank Rush, Town Clerk Rhonda Ferebee, and Police Chief Jeff Waters.

**3. Adoption of Agenda**

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

**4. Public Comment**

There were no comments from the public.

**5. Ordinance Amending Chapter 5 – Beach and Shore Regulations – of the Code of Ordinances to Authorize the Town Manager to Implement Temporary Restrictions or Prohibitions on the Public Trust Beach Area and the Adjacent Waters of the Atlantic Ocean.**

Town Manager Rush outlined the proposed language in the ordinance that was developed by him and Town Attorney Richard Stanley. Mr. Rush stated that the ordinance provided for several different situations where it might be prudent for the Town to take quick action to temporarily restrict or prohibit certain activities such as swimming, surfing, vehicular travel and access, chumming for sharks, fishing, and similar activities either on the public trust beach area or in the adjacent waters. Mr. Rush noted some examples of dangers the ordinance was intended to address were dangerous undertows or currents such as when they placed red flags to communicate dangerous conditions in the surf, shark infestation, during approaching hurricanes or storms churning up the ocean, jellyfish infestation, red algae or other similar conditions. Mr. Rush said the ordinance was written to be broad in nature but also to include specific dangers to folks on the beach strand or water and would basically give that authority to the Town Manager to perhaps say for example – no shark fishing was

1 allowed in Emerald Isle during certain time periods. Mr. Rush said if these types of  
2 issues came up the authority would be there and they could act quickly. Mr. Rush noted  
3 this ordinance was putting a lot of trust in the Town Manager and the relationship  
4 between the Town Manager and the Board of Commissioners, and as Town Manager  
5 he would not implement anything without having the support of the Board.  
6

7 Mr. Rush said this ordinance would be enforced like any other Town ordinance and in  
8 the particular example of shark fishing if the Board adopted this ordinance he would  
9 basically issue a statement that shark fishing was prohibited on the beach in Emerald  
10 Isle from now until whatever date the Board believed was reasonable, and then task the  
11 Police Department with enforcing as they would any other Town ordinance. Mr. Rush  
12 said that the overall approach in most cases was not to issue citations but the goal was  
13 to prevent the behavior from occurring, to educate the public, unless there was an  
14 egregious violation or the person was highly uncooperative. Mr. Rush stated that in this  
15 particular case regarding shark fishing he would fully expect that if the ordinance was  
16 adopted and that order was given to prohibit shark fishing the Police Department would  
17 use that authority to tell people that you couldn't fish for sharks in Emerald Isle, no  
18 chumming for sharks in Emerald Isle during a certain time period. Mr. Rush said that  
19 the ordinance was purposely written so that it could also just apply to a small section of  
20 beach or all 12 miles depending on the actual potential danger.  
21

22 The Board discussed details and asked questions concerning the proposed ordinance  
23 amendment, and specifically shark fishing and chumming issues with the Town  
24 Manager and Police Chief. The Board discussed with the Town Manager that any  
25 actions taken would be on a case by case basis depending on the actual or potential  
26 danger with guidance provided by the Board as to the duration.  
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28 ***Motion was made by Commissioner Hoover to adopt the Ordinance Amending***  
29 ***Chapter 5 – Beach and Shore Regulations – of the Code of Ordinances to***  
30 ***Authorize the Town Manager to Implement Temporary Restrictions or***  
31 ***Prohibitions on the Public Trust Beach Area and the Adjacent Waters of the***  
32 ***Atlantic Ocean. The Board voted unanimously 5-0 in favor. Motion carried.***  
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34 Town Manager Rush said that with the adoption of the ordinance the intent now was to  
35 prohibit shark fishing everywhere in Emerald Isle from now through September 15. The  
36 Board concurred.  
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#### 38 **6. Comments from Board of Commissioners and Mayor**

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40 Town Manager Rush updated the Board on the issue of the recent deck collapse that  
41 had occurred causing injuries to several members of a family vacationing in Emerald  
42 Isle. Mr. Rush noted that he had communicated to the media and those with questions  
43 regarding this issue that the staff and Board would be discussing this in the coming  
44 days and weeks, reminding folks that the Town was limited on its authority under the

1 NC General Statutes. Mr. Rush said in terms of the things the Town can do he had  
2 tasked Town Planner Josh Edmondson, Police Chief Jeff Waters, and Fire Chief Bill  
3 Walker with brainstorming ideas that would help insure something like that didn't  
4 happen again in Emerald Isle, and there would be public education efforts. Mr. Rush  
5 planned to meet with the vacation rental companies to seek their input in addressing  
6 this issue; in addition he and the Town Planner had a meeting already scheduled with  
7 the Carteret County Planning and Inspections Director.

8  
9 Mayor Barber commended the Town staff on the handling of the situation involving the  
10 deck collapse over the weekend, and the Manager's handling of the press conference  
11 over the weekend. Manager Rush and the Board were pleased with the team work  
12 shown by the whole Town organization over the weekend during this event.

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14 The Board as a whole thanked and expressed appreciation for the work and efforts of  
15 Town Manager Rush and Mayor Barber for all they had done in this instance and in  
16 recent weekends past for the Town.

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18 **7. Adjourn**

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20 ***Motion was made by Commissioner Wooten to adjourn the meeting. The Board***  
21 ***voted unanimously 5-0 in favor. Motion carried.***

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23 **The meeting was adjourned at 4:40 pm.**

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25 Respectfully submitted:

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29 Rhonda C. Ferebee, CMC, NCCMC  
30 Town Clerk  
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