

**MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE EMERALD ISLE TOWN BOARD OF COMMISSIONERS
TUESDAY, MAY 9, 2000**

Mayor Barbara Harris called the meeting to order at 7:00 PM. Present for the meeting were Mayor Harris, Commissioner Emily Farmer, Commissioner Jay Murphy, Commissioner John Wootten, Commissioner Emory Trainham, Commissioner Pat McElraft, Town Attorney Derek Taylor, Town Manger Pete Allen, Town Clerk Carolyn Custy, Police Chief Mark Wilson, Fire Chief William Walker, Inspection Department Head Carol Angus, Parks and Recreation Director Alesia Sanderson and Planning Board Chairman Roy Brownlow.

Commissioner Emory Trainham delivered the invocation.

APPROVAL OF MINUTES OF SPECIAL MEETING OF APRIL 10, 2000.

Commissioner Farmer said on Page 2, in reference to beach renourishment, she wanted to show that the Board was polled and the poll was 4 to 1 in favor. *Commissioner Trainham made a motion to approve the minutes as corrected, seconded by Commissioner McElraft, motion carried.*

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 11, 2000.

Commissioner Farmer wanted to add that Roy Brownlow, Chairman of the Planning Board was present at the meeting. *Commissioner Wootten made a motion to approve the minutes as corrected, seconded by Commissioner Murphy, motion carried.*

MAYOR'S COMMENTS

Mayor Harris stated that the Town Manager had requested that closed session be added to the agenda to discuss personnel.

Commissioner Trainham made a motion to add close session to the agenda, seconded by Commissioner McElraft, motion carried.

6. PRESENTATION BY DR. PETE PETERSON RELATIVE TO WETLANDS ISSUES.

Commissioner Farmer introduced Dr. Peterson and explained that Dr. Peterson is an alumni Distinguished Professor at the University of North Carolina at Chapel Hill Institute of Marine Science. He has worked with the University since 1976 and prior to that, he was on the staff at the University of Maryland. He is a former member of the Marine Fisheries Commission. He currently serves on the N. C. Environmental Management Commission, which sets policy for the North Carolina Department of Environment and Natural Resources where he is chair of the Water Quality Committee.

Dr Peterson received a round of applause.

Dr. Peterson began by saying that he was aware that Pine Knoll Shores and Emerald Isle have similar problems with storm water. He stated that Bogue Sound, adjacent to Emerald Isle, is outstanding resource waters. It is one of the few coastal outstanding resource waters. It pays dividends to us all, in

the form of enhancing fishing, both recreation and commercial fishing opportunities.

The problem is what do we do with the storm water. Development takes ground that percolates. It creates development with impervious surfaces, such as parking lots, roads, roofs on houses, etc. That takes away the ability to extract the water and move it back into the water table. That is ultimately the cause of the storm water problem. The best way to get rid of that is to maintain our vegetation and maintain low wetlands areas. These areas serve as sponges. Planning and preservation of these wetland areas serves a tremendous function. Wetlands do other things such as filtering out pollutants on their way to the water pond. The wetlands here on the banks serve another useful goal which is they retain water and serve as retention systems.

He stated that the hurricane damage has grossly de-forested the maritime forest here on Emerald Isle. The public needs to start a re-forestation program with all kinds of efforts. It will pay big dividends in the future.

There are a tremendous number of areas closed for shellfish along Bogue Sound because we have not maintained our water quality. A lot of that is due to storm water run off. He stated that we should think a little more about not having grass lawns right down to the bulkheads. Plant shrubs at the bulkhead line for intercepting water and providing for a vegetative buffer, so that water cannot flow straight into the sound or canal.

Commissioner Farmer wanted to know if the State, at any time, is likely to provide more protection for these wetlands. Dr. Peterson said that a wetlands restoration program has been initiated which has brought back a lot of wetlands. One the reasons we had such floods during the hurricane last year was because we have converted so many wetlands into farms and development.

Rick Farrington, resident, wanted to know if it was a good idea to clean out or dig out these wetland areas. Dr. Peterson said probably not. He said digging out the wetlands was of no value, and its probably illegal to do it.

Tom Colvin, resident, asked the question "if a downpour like Floyd that produced a tremendous amount of water over a short period of time it can be handled by any amount of wetlands?" Dr. Peterson's answer was "of course not." Mr. Tom Colvin commented really in solving a problem is to get rid of that water quickly to the Ocean before it hits the town. Mr. Peterson commented he believes in an emergency situation, that's the way Pine Knoll has responded to it, when they have those events and he hopes they will continue to do it that way rather than on a continuous engineer system which would require ditches, standing water, pumping, a lot of public expenditure and a lot of loss of vegetation as you put the ditches in.

Mr. John Grady, resident of 113 Fawn Drive, asked about standing water. He said when you cannot get out for 13 weeks on the roads without going through water, he feels that is the time for someone to do something about the water. This has been talked about since 1982. The longer it sits, the better chance is has of getting infested.

Commissioner Farmer asked about fecal colliform. Dr. Peterson said that fecal coliform is measured, but what we need to be concerned about is viruses. We are very conservative in our standards. Second point, what is fecal coliform? Some of it comes from us, meaning our septic systems, but the vast majority is from organisms in the soil and from things that are natural such as raccoons, birds, pets, etc. That eventually ends up running into the sounds or canals.

Commissioner McElraft wanted to know if it was better when we have a significant rainfall that we pump immediately instead of waiting weeks to do so. Dr. Peterson said, " it depends because the degree of which the soil is not super saturated, that water will gradually sink in there eliminate a fraction of your need for pumping and of course after a heavy thunderstorm you will get standing puddles out there. You sure don't want to pump that out. If you wait a couple of hours, the sun comes back out and off it goes. If we get very intense bursts of rain, it is most dangerous to drive on Salter Path Road and a lot of those places. The road at Atlantic Beach can be a channel with a good rainfall down by the circle. You don't want to pump that. That is just a brash instance. But this other instance, say you have ten inches of rain over a two or three day period, and that presents standing water, that is not going to go away quickly. That is going to be with us for a while. The longer that stands the more opportunity there if for septic tank malfunction as you simply flood and permeate the drain fields. How much of that occurs, I do not know. We have done a lot of work with septic tanks as it relates to shellfish. We have even gone and put the sod in septic tanks and washed it and looked to see whether it makes a sound or canal and generally those things are working well. You can pretty well tell when they are not because you can smell it and when you can you want to look into it. There is an increased risk of that water standing there as well as the nuisance of having a precondition for mosquitoes and mosquitoes are a problem and may be a worse problem. We had some nasty diseases in New York last year that were mosquito born and we could see that problem extending into North Carolina so we became more aggressive toward mosquitoes. Looking at your question, I would worry about mosquitoes and increased contamination of the water and just plain a nuisance for people getting in and out of their homes. I think it is a concern and it is not something that your engineers –(could not understand last few words on tape). My judgment is it is something that probably doesn't occur once a year. We have had a nasty last two years with all the hurricanes so what we have looked at here is not what I have seen the 25 that I have lived here. My guess in Pine Knoll Shores used to be once every 5 year sort of problem ."

Mayor Harris thanked Dr Peterson for his presentation.

7. OLD BUSINESS

a. Report by Commissioner Wootten regarding Committee findings on beach vehicles.

Commissioner Wootten recognized the members of the Committee. He explained the process the committee used and showed charts of the response by location, levels of satisfaction, policy choices, time of access, fee structure, the committees' conclusions and recommendations. (see charts attached) The charts showed that the driving should start October 1st and stop March 4th. The times should be daylight hours, thirty minutes before sunrise and thirty minutes after sunset. The limit as to who can drive on the beach showed no clear change. The fee schedule showed clearly to keep the fee as is for Emerald Isle taxpayers. .

Commissioner Wootten said under the comment section. there were things like limit the number of permits issued, no joy riders, open up additional ramps, namely west end.

The Committees recommendation was as follows: Don't limit who uses the beach; Do not change fee for Emerald Isle taxpayers, but increase fee for non Emerald Isle taxpayers; Driving period from October 1 to March 30 (or Easter weekend), whichever comes first; change to daylight hours only, thirty minutes before sunrise, thirty minutes after sunset; Automate decal process, relocate from police department; Unique decals for senior citizens; Improve enforcement; Provide ramp at west end of town.

Pat Patteson, resident, thought that the time needed to be looked at. Sometime in the evening is

the best time for trout fishing.

Gordon McAdams, resident, wanted to know why the recommendation that the senior citizen had to be in the vehicle. He saw nothing wrong with someone's son, daughter, etc. taking their dad's vehicle and going out on the beach to fish. He wanted to know what the problem was. Mr. Wigmore answered Mr. McAdams by saying that we are taking advantage of other people that way. Taxpayers are the ones that are paying for the use of the beach. Mr. Wigmore said that if his grandson comes down and wants to go riding on the beach, he doesn't think he should get a free ride. We are penalizing the taxpayers.

Mr. McAdams said he did not understand, unless someone is breaking the law riding over dunes, what the environmental harm is. Mr. Wigmore stated that anytime you are riding on the beach, you are losing beach. Mr. Wootten said the committee did not address the environmental concern.

Mr. Tom Hagen thanked the committee for the work they had done and the Board for asking input from the public.

The Mayor called for a ten-minute recess.

The Mayor called the meeting back to order at 9:00 PM.

8. NEW BUSINESS

a. Discussion and possible consideration of a request to temporarily close Crew Drive extension.

Town Manager Allen presented Resolution # 5-9-01 to the Board and explained the item to the public. Ms. Martha Howe, and others have requested that the Town Board either abandon the Crew Drive extension or temporarily close the unimproved street. The street, which serves little purpose to the Town splits their campground property from other adjacent property owned by these individuals.

Mr. Andy Harris, Attorney for the property owners spoke to the Board on their behalf. Attorney Harris is asking the Board to temporarily close Crew Drive extension, not waiving any rights to the Town, and it can be opened at a later date. This would prevent people from going down their loitering as well as a liability for the owners.

Commissioner McElraft was concerned about emergency vehicles and wanted to know how the emergency vehicles accessed the property now. Attorney Harris said there was a separate entrance for vehicles that is not dependent on the Crew Drive extension. The owners would have it gated and keys provided to town personnel.

Commissioner Trainham was concerned about the Town giving up property. Attorney Harris said the resolution states this is temporary and the Town can reopen the extension at any time it becomes necessary.

Commissioner Farmer wanted to know from our attorney if he was comfortable with this resolution. Attorney Taylor said he has been over the resolution and he does not have a problem with it.

Commissioner Farmer said she would like more time to look at this before making a decision.

Motion made by Commissioner Wootten that the Board approve Resolution 5-9-01 drafted by the Town Attorney. Seconded by Commissioner McElraft. Motion was 4 to 1 in favor with Commissioner Farmer opposing. Motion carried.

b. **Waste Industries Contract Renewal**

Town Manager Allen explained that the agreement calls for an annual increase based on the most up-to-date Consumer Price Index at the time of renewal. The CPI at this time is 2.7% and in order to prepare the 2000-2001 budget, it is in order for the Board to officially approve the contract amendment authorizing the 2.7% increase.

Motion made by Commissioner Wootten to approve the amendment to the contract with the 2.7% increase, seconded by Commissioner Murphy, motion carried.

c. **Hilton Peel - Beach Access**

Mr. Peel began by saying that he and his wife had purchased a 2nd row cottage at 8706 Ocean View Drive in 1983. There have always been no parking signs along the street. There are six signs within a stone throw of his cottage and in prior years they have had strict police enforcement. In 1992, Mr. Peel and sixteen of his neighbors built a wooden walkway to the beach at a cost of \$350 each. To protect themselves from liability, they erected a "no trespassing" sign stating it was restricted to property owners. They had to repair this walkway at their own expense.

Mr. Peel was requesting that the Town take possession of the walkway and relieve him and his neighbors of all maintenance and liability responsibilities and to remove the "no parking" signs where safety is not a problem and allow vehicle parking on town right of way.

Town Manager Allen said he would be glad to work with the attorney on this issue. Mr. Allen said the Town does not have an access point in the entire block 277 area. Mayor Harris asked the Manager to call Mr. Peel and inform him the Town is looking into the matter. Mr. Allen said he would.

d. **Dog Warden's Contract**

Town Manager Allen stated that the annual contract between the Town of Emerald Isle and Hadnot Creek Kennels is due for renewal.

Mr. Donnie Hult, owner of Hadnot Creek Kennels has agreed to continue his services based on the same annual rate as in the past.

Commissioner Farmer made a motion to renew the contract with Hadnot Creek Kennels, seconded by Commissioner Murphy, motion carried.

9. ROUTING TAX REFUNDS AND RELEASES

Commissioner Wootten made a motion to approve the refunds and releases as presented, seconded by Commissioner Farmer, motion carried.

10. COMMENTS FROM THE PUBLIC

Mr. Gus Wilgus, 117 Heverly Drive, spoke to the Board in reference to the sea turtle sanctuary. He stated that Town has been very cooperative in their efforts to protect the turtles, but was asking the Board for their help to enforce adequate protection. He stated that the Wildlife and the Fisheries really don't get involved unless it is actual damage to the nest or harassment of the animals when they come ashore. There is a fine of up to \$10,000 for these actions. The state laws do not address things such as lighting, fencing, etc. Those things are left up to local government.

He said he walked the beach and noticed a lot of parallel fencing that was not in accordance with the state and federal guidelines. He said it would help if the town had an ordinance that can be enforced. This would help the turtles to have viable nesting and it would look a lot better if there was some uniformity instead of the hodge-podge that is present now.

Mr. Wilgus also wanted to address the Board on the lighting on the beach. The Town does not have a lighting ordinance. Mr. Wilgus said he would appreciate the Board looking into a lighting ordinance as well as a fence ordinance.

Commissioner McElraft suggested that Mr. Wilgus contact the real estate agencies so they could include information such as lighting and nesting in their packages for renters. The renters would find that fascinating and would accommodate.

Commissioner Farmer said she would get in touch with Fish and Wildlife to see if they have a model ordinance the Town could use and report back to the Board.

11. COMMENTS FROM DEPARTMENT HEADS

Town Clerk – None

Town Manager - None

Council Members – Commissioner Farmer said the Mayor received a letter from the Governor in reference to vacancies on the Coastal Resources Commission. The letter was requesting nominations from the Town. Commissioner Farmer said that Mrs. Mary Price Harrison has been on the CRC since 1997. She is a resident of Beaufort, N. C. Commissioner Farmer gave the Board a brief background of her accomplishments and stated she would highly recommend her for this position.

Motion made by Commissioner Wootten that the Town nominate Mary Price Harrison as the representative on the Coastal Resources Commission, seconded by Commissioner Farmer. Motion carried.

The Mayor will send the letter to the Governor advising him of this nomination.

Mayor Harris said that the week of May 4-20 is National Emergency Service Week and the week of May 15-20 is Peace Officers week and she would like to recognize both of those events.

Inspections Department – Mrs. Angus reported five new singly family building permits issued for \$825,000, as well as other miscellaneous permits such as decks, electrical, etc. Total of 146 permits issued for the month of April.

Planning Board – Roy Brownlow reported the Board went over numerous ordinance changes. The Board discussed the fish market as permitted use, doubling permit fees for doing work without permit, and appointed an ad hoc committee to look into storm water issues.

Police Department – Chief Wilson stated that his police officers will be in full force for the beach music festival weekend. He stated that the highway patrol will have a license check as well as officers standing on the side of the roadway to observe.

Fire Department – Chief Walker say they had four structure fires and 19 other miscellaneous calls for the month of April.

There being no further business, Commissioner Farmer made a motion to go into closed session to discuss personnel. Motion seconded by Commissioner Trainham, motion carried.

Commissioner McElraft made a motion to go back into regular session. Motion seconded by Commissioner Trainham, motion carried.

Commissioner McElraft made a motion to adjourn. Motion seconded by Commissioner Trainham, motion carried.

The meeting was adjourned at 12:00 midnight.

Respectfully submitted,

Carolyn K. Custy
Town Clerk