

**MINUTES OF THE REGULAR SCHEDULED MEETING
OF THE EMERALD ISLE TOWN BOARD OF COMMISSIONERS
TUESDAY, JUNE 13, 2000 – 7:00 P.M. – TOWN HALL**

Mayor Barbara Harris called the meeting to order at 7:00 P.M. 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, Building Inspector Jimmy Taylor, Parks and Recreation Director Alesia Sanderson and Public Works Director Robert Conrad. Absent was Planning Board Chairman Roy Brownlow.

APPROVAL OF MINUTES

- **Approval of Minutes of Special Meeting of April 20, 2000**

Commissioner Wootten made motion. Commissioner Murphy seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of April 20, 2000 as written.

- **Approval of Minutes of Special Meeting of May 8, 2000**

Commissioner Trainham motioned, Commissioner Farmer seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of May 8, 2000 as written.

- **Approval of Minutes of Special Meeting of May 9, 2000**

Commissioner Wootten moved, Commissioner McElraft seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of May 9, 2000 as written.

- **Approval of Minutes of Regular Meeting of May 9, 2000**

Commissioner Trainham moved, Commissioner Murphy seconded and the Board voted unanimously to approve the Minutes of the Regular Meeting of May 9, 2000 as written.

- **Approval of Minutes of Emergency Meeting of May 17, 2000**

The Town Clerk informed the Board that these minutes are incomplete.

- **Approval of Minutes of Special Meeting of May 18, 2000**

Commissioner Murphy moved, Commissioner McElraft seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of May 18, 2000 as written.

MAYOR'S COMMENTS

Notice of item 8, Public Hearing on an amendment to Section 19-72 regarding neon and fluorescent signs, and item 9, Public Hearing on adding seafood markets as a permitted use in B-2 and B-3 zones,

did not get into the paper, so these will not be discussed. Mr. Allen said the notice on seafood markets had been advertised, so only item 8 did not get into the paper in time. Commissioner Wootten suggested that the board look at the wording of item 8 and then make a motion to go to public hearing.

Anyone in the public may comment on any of the items she had called. Also, at the end, there will be time for public comment on anything anyone would like to comment on.

6. PUBLIC HEARING ON TOWN'S PROPOSED BUDGET FOR FISCAL YEAR 2000-2001

Mr. Pete Allen, Town Manager, gave a presentation on the proposed budget. total revenue and expenditures are \$4,649,503.00, an increase of about \$240,000.00 (or 5.5%) over last year. The ad valorem property tax revenue is up \$22,000.00, and there is a total ad valorem tax base of \$1,020,000,000.00 The tax rate will remain the same as last year at 19.5 cents per \$100 valuation, and the tax collection rate of 99.5% was used. The percentage of the property taxes to the total budget is 42%, last year it was 44%. Building and construction is going down, and ad valorem property taxes as a percentage of the total budget is dropping. The percentage of other revenues (sales tax, user fees, beer and wine taxes, intangible taxes, etc.) has gone from 56 to 58, so more of what it takes to operate is coming from those revenues. Emerald Isle is lucky to have such a large ad valorem tax base. The only fees that have been raised are the solid waste user fees. Most towns went to 100% funded user fees for solid waste in 1989. We've been paying for it over the last 10 years as a combination of ad valorem property taxes and user fees. With the increase of \$1.00 per month this year, we will achieve the goal of paying 100% solid waste collection payments out of solid waste user fees. His comment on Lease/Purchase was that over the last couple of years, the Town has found it cheaper to borrow money than to use our own, so we usually finance all the large equipment.

On the expenditures side, Public Works department has the biggest budget because they have the solid waste user fee costs, landfill costs, and street lighting. Mr. Allen discussed the Special Appropriations category by saying that 1 penny of the 19.5 cent tax rate will be set aside for beach nourishment. We don't know when we'll have the opportunity to get state and federal money for beach renourishment, but when that time comes, we need to have our local share in place or we could lose the state/federal money. Not shown on the slides is the town is using approximately \$100,000 of unbalanced monies to balance the budget this year.

The Town, after six or seven hurricanes in four years, is in amazingly great financial shape. That comes from frugal expenditures, conservative budgeting, and treating the taxpayers' money as though it were our own. The County is going to a 4-year evaluation (rather than 8-year) next year, so properties will be revalued.

Mr. Allen said he finds it hard to believe that people actually complain about the tax rate in Emerald Isle, so he showed a comparison of other towns and cities in North Carolina. We are the least expensive place to live at a combined county/town rate of 70.5 cents, up a penny this year because of Carteret County's 1 penny increase. "You get more bang for your buck in Emerald Isle than in any place else in North Carolina."

***Motion was made by Commissioner Emily Farmer to open the Public Hearing.
Commissioner John Wootten seconded and the Board voted unanimously for approval.***

Mr. Gordon McAdams, of 325 Loblolly Street, commented that the overall impression of the budget is that, after the negative rhetoric about how the old Board did things, the budget is so

similar to previous budgets and commented on his concerns: 1) The governing body expenditures shows attorney fees up \$11,000.00 after this Board had "run off" the previous (for 22 years) Town Attorney Richard Stanley; 2) Mayor's Commissioner expense item jump and understands that it is because of her pay increase to \$200 a month (which Commissioner Wootten corrected is a well-deserved, unasked-for increase to \$300 a month); 3) allocation for beach renourishment reserve account was started by the previous Board and read Mayor Harris's (then Commissioner Harris) comments contained in the minutes from last year's budget meeting.

Mr. Robert Gordon, 110 Azure Drive, read the definition of "contract" and "agreement" and questioned Mr. Allen's reported desire to leave and his contract that has four more years open on it. When Mr. Allen chose not to go to Topsail, he got a \$4,000 raise. When Mayor Harris suggested that he wait until comments at the end to discuss this, Mr. Gordon said the raise he was questioning is part of the budget.

Mr. Allen replied that it was Bald Head Island, not Topsail Beach, and the contract has several means and methods of severance and he would have given up a considerable amount of benefits. The contract is public record and is available for Mr. Gordon to look at Town Hall.

Motion was made by Commissioner Emory Trainham to close the Public Hearing. Commissioner John Wootten seconded and the Board voted unanimously for approval.

Commissioner McElraft commented: "This Board worked very hard to try to keep Pete Allen here, and he is worth every penny of that \$4,000.00. He has been recruited heavily by many places and he has done more for this town than any town manager ever has. And it was unanimous with this Board that we keep him and pay him that \$4,000.00. Many of us talked to many of our constituents, and it was unanimous with those, too. I did not hear one negative and neither did some of my other commissioner friends. I would like to say to you that Mr. Allen's contract was legally increased by \$4,000.00."

Motion was made by Commissioner Emory Trainham to adopt the 2000-2001 budget as presented. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

7. PUBLIC HEARING ON AMENDMENT TO SECTION 6-54.1 RELATIVE TO FINES, FEES AND PENALTIES FOR ORDINANCE VIOLATIONS FOR NOT OBTAINING PERMITS.

At Mayor Harris's request, the Amendment was read by the Commissioners. Copies of the amendment, if approved, will be available at the Inspections Office tomorrow.

Motion was made by Commissioner Pat McElraft to open the Public Hearing. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

Mr. Ron Brooks, of 8526 Sound Drive, asked for clarification of the letter that went out to electrical and mechanical contractors, said he got the runaround when he had asked about it earlier in the evening. He mentioned inconsistency of enforcing the amendment to different "trades" and suggests further review. **Derek Taylor, Town Attorney**, clarified that this is aimed at building permits (construction, reconstruction, alteration, repair, removal or demolition of any building or structure) and grading. Mr. Brooks said that "repair" is the secret word and can be singled out against tradesmen and said Emerald Isle ordinance has to comply with State law 160A-417 of

Chapter 87 Article 4, Administrative Code 18B. The term repair has to be uniformly applied to all persons and has been abused. The way it is written, even Sound Furniture or Sears would have to get a permit before doing appliance repair.

Mr. Allen, Town Manager, said there were a couple of people in the audience who would be affected by what was NOT going to be said tonight and asked if he could clear that up so they could leave. This concerned a memo these people had received in the last couple of days about mechanical and electrical permits and double permit fees. He apologized and said Carol Angus is on vacation and he would like to put that on hold until she gets back. Mr. Allen was not aware of the reason she put out the memo and said nothing would be changed until she returns.

Commissioner Farmer asked Derek Taylor, Town Attorney, if the amendment refers to mechanical permits, electrical, plumbing or strictly structural construction or repair or grading. **Mr. Taylor** replied that the latter is what is covered, that plumbing permits and electrical permits are not covered by this ordinance.

*Motion was made by Commissioner Jay Murphy to close the Public Hearing.
Commissioner John Wootten seconded and the Board voted unanimously for approval.*

Commissioner Farmer said she thought everybody is totally confused and tried to clear it up. This ordinance refers to structural building, structural repairs done without permit, dunes and vegetation clearing and grading that is done without permit. It's only a handful of people who do this, but it has to stop.

Commissioner Trainham said it appears that some of the misdemeanors in this area are outsiders, not our own contractors. When a front-end loader comes across the bridge on Saturday morning, he quickly turns around and comes back to follow it and see where it's going. People have come in from as far away as Greensboro and Winston-Salem to lower a dune or tear down vegetation with no permit. That's what we're concerned about.

Commissioner Wootten supports the ordinance change, but he will vote against it because he is more interested in the openness of the process of changing an ordinance of this type. We should be discussing it more in public and agreeing to go to a public hearing next month to give the residents an opportunity to know what is going on. Reading a five-page ordinance is not a reasonable opportunity. If we don't follow a process of allowing sufficient process, we'll do things that previous boards did, rushing things through. There's nothing in the ordinance that can't wait another 30 days.

Commissioner Trainham said they've worried about this for a number of years and sometimes the process can get in the way.

Commissioner McElraft said she has several concerns about the ordinance: "repair" and "criminal fines" and questioned whether "criminal fines" is a mistake. **Mr. Taylor, Town Attorney**, said that "criminal fine" doesn't mean you go to jail, just that it's a way of enforcing the ordinance. Mr. Taylor corrected it to say "civil" rather than "criminal," as civil fines go to the Town, criminal fines go to the school system.

Commissioner McElraft asked questions of Building Inspector Jimmy Taylor: 1) After hurricanes, when someone has to replace siding or re-nail a deck, are they required to get a permit? **Mr. Taylor** replied that for non-structural work, a permit is not required. Replacing stairs

is considered structural, but replacing siding or windows is not structural unless, for example, you change the rough opening or header size when replacing a window. Homeowners are telling the contractor that they need stairs replaced, and, according to Mr. Taylor, they'll have to get a permit first and would be considered in violation if they proceed without first obtaining one. He guessed that 80% of the people who replaced stairs after the last hurricane submitted an application for a permit. On the ones that he saw doing work without having obtained a permit, he posted a stop work order, sent a written notice to the owner within 8 hours of posting the stop work order, and advised them what to do to get a permit. The letter goes out certified mail. Fines would begin as soon as they receive the notice. 2) On clearing, when dead brush is removed to allow new vegetation, when would a permit be needed? Mr. Taylor replied that for removal of any vegetation 4 inches or less or any undesirable growth (briars, poison ivy), all that is required now is authorization from the inspector for removal. If it's dead, it can be taken out. Before someone removes trees, they should see Mr. Taylor.

Commissioner Farmer said one of the reasons that the Board of Adjustment is in there is so that people who do things non-intentionally have a recourse. She questioned Mr. Taylor about the lot in Deer Horn Dunes that was clear-cut and said the individual who did it came from outside of Emerald Isle. Mr. Taylor said a stop work order was placed on the site and the owner and person responsible for the clearing were contacted. They met and discussed ways to revegetate the lot; he has been in contact with Carteret County Health Department for their assessment for location of the septic system (they said it would require a certain amount of filling); he met the surveyor, owner and grader onsite with a survey plat and asked where the house would be located on the lot and determined that it would need more filling; they are now waiting to hear back from the Health Department for placement of the septic system. Hollies and pine trees that were 15 feet tall have not been replaced yet, but they will revegetate consistent with the vegetation on adjacent lots. The owner of the lot will not get electricity to the house until he satisfies that portion of the ordinance, but the 8- to 15-inch diameter trees that were taken down will not be replaced with the same size trees but with 5- to 7-foot loblolly saplings, probably.

Commissioner Wootten said the Board had seen the words of the ordinance last week.

Commissioner Farmer said it had been talked about in March. **Commissioner Wootten** said the public has not had the opportunity to sit down and read the words and suggested they delay the public hearing until next month. **Commissioner McElraft** said the words had changed this afternoon and agrees that the public should be given one more chance to look at the word "repair" and think about things. It's a very heavy fine for homeowners.

Motion was made by Commissioner Farmer to adopt the ordinance changes to section 6-54.1 of Chapter 6 of the Emerald Isle Town Code as stated by the Town Attorney. Commissioner Trainham seconded, and the motion failed 3-2. Voting for were Commissioner Farmer, Murphy, and Trainham. Voting against were Commissioners McElraft and Wootten.

Motion was made by Commissioner Farmer to add this ordinance amendment to the agenda for the July regular meeting without a public hearing but with public comment. Commissioner Murphy seconded, and the Board voted unanimously for approval.

The Town Attorney explained why there would be no public hearing by saying that the public hearing process has an expense associated with it because of publication. It is not required for this kind of enforcement ordinance rather than a zoning ordinance.

8. PUBLIC HEARING TO TAKE COMMENT AND POSSIBLE ACTION ON AN

AMENDMENT TO SECTION 18-72 REGARDING NEON AND FLOURESCENT SIGNS.

This item was pulled from the Agenda because of non-publication for Public Hearing.

Per Mayor Harris, at 8:30, the Board recessed for 10 minutes.

9. PUBLIC HEARING ON AN AMENDMENT TO SECTION 19-82 ADDING SEAFOOD MARKETS AS A PERMITTED USE IN B-2 AND B-3 ZONES.

Mr. Jimmy Taylor, Town Inspector, said that this was reviewed by the Planning Board, who made required corrections, then presented it back to the Town Board. **Commissioner Farmer** explained that up until now, enclosed seafood markets (not including free-standing stalls) have not been allowed in Emerald Isle.

The ordinance amendment was read by Commissioner Trainham. **Commissioner Wootten** explained that in the ordinance code, there's a matrix with all the possible uses in the town and there is no mention of seafood markets. The action is to insert "seafood market" into the table of permitted uses.

Motion was made by Commissioner John Wootten to open the Public Hearing. Commissioner Pat McElraft seconded and the Board voted unanimously for approval.

No public comment.

Motion was made by Commissioner Emory Trainham to close the Public Hearing. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

Motion was made by Commissioner Emory Trainham to adopt the amendment to the ordinance. Commissioner Jay Murphy seconded and the Board voted unanimously for approval.

10. OLD BUSINESS**a. YEAR ENDING JUNE 30, 2000 AND ACCOUNTING CONTRACT FOR THE FISCAL YEAR 2000–2001 WITH BELL & POTTER, CPA'S.**

Mr. Allen, Town Manager, explained that every year, we have to renew our audit contract with the local CPA firm. At the same time, we usually also renew the accounting contract with the same firm. Bell & Potter has worked with us for the last six years, and all the employees work well together. Their fees have decreased about \$4,000.00 in the last two or three years because they've gotten so familiar with our system. Audit is about \$6,000.00 a year, accounting is \$1,200.00 a year.

Commissioner Wootten commented that he had met with Joy Bell, and the numbers are about right for audit and accounting. What he is really impressed with is the relationship between Joy Bell and Mitsy Overman, Finance Director of the Town.

Motion was made by Commissioner John Wootten to approve the contract for the accounting services and audit for next year . Commissioner Emory Trainham seconded

and the Board voted unanimously for approval.

b. APPOINTMENT TO THE TOWN BOARD OF ADJUSTMENT.

Motion was made by Commissioner John Wootten to reappoint Dorothy Marks and Kevin Viverette to the Board of Adjustment. Commissioner Emily Farmer seconded and the Board voted unanimously for approval.

Motion was made by Commissioner John Wootten that James Woolard move up from Alternate 1 to full-time member and that Joseph Quigly move up from Alternate 2 to Alternate 1. Commissioner Pat McElraft seconded and the Board voted unanimously for approval.

Motion was made by Commissioner John Wootten that the appointment of Winton Smithwick as Alternate 2 on the Board of Adjustment be made.. Commissioner Emily Farmer seconded and the Board voted unanimously for approval.

c. PROCEEDING WITH INITIATIVES REQUIRED TO CONSIDER STAGGERED TERMS FOR BOARD MEMBERS.

Commissioner Wootten explained that the tentative plan to bring the subject to a decision point is to pass a resolution at the July meeting that would call for a public hearing on the subject; have the public hearing at the August meeting, each step requiring Board approval to continue to the next step; pass an ordinance amending the charter at the September meeting subject to the approval of voters in the November election; if the voters say yes to the idea, the ordinance will be adopted. In the next election, the three highest vote-getters for candidates for the Board would serve 4-year terms, while the two next highest vote-getters would serve 2-year terms and then be up for re-election in the subsequent election. Thereafter, commissioners would be elected to 4-year terms. Everybody else in the area is doing it.

Commissioner Farmer said they've been talking about this on and off since the election and she has given it a lot of thought. She can't support this because of the concern of continuity on the Board, as she thinks that the last election, when the entire previous Board decided not to run, was unusual. She is concerned that asking people to

commit to a four-year term is asking a lot. Voters should have the opportunity every two years to "throw all the bums out" if they want to.

Commissioner McElraft asked Commissioner Wootten how much it would cost the taxpayers to take this to referendum, to which Mr. Allen replied that it would cost nothing more except the printing of the ballot. She suggested that the Board listen to the citizens. It was attempted years ago and was turned down.

Commissioner Murphy said he had to agree with Commissioner Farmer on her points. It might be to the citizens' advantage to stop it right here.

Commissioner McElraft asked how many towns have staggered terms. **Commissioner Wootten** replied that Emerald Isle and Indian Beach or Atlantic Beach are the only towns in Carteret County that do not have staggered terms.

Mr. Taylor, Town Attorney, said on July 11, the Board could pass a resolution of intent (we intend to have public comment on this), then August meeting have the discussion. Even after comments from the public, it can't be passed until September whether to put it out as a referendum.

Commissioner Trainham said postponing it would give citizens time to talk to the commissioners and put the discussion of intent on the agenda for July. All agreed.

11. NEW BUSINESS

a. RESOLUTION OF SUPPORT FOR CONTINUED EFFORTS RELATIVE TO BEACH NOURISHMENT PER REQUEST FROM CHAIRMAN OF THE CRYSTAL COAST MAYOR'S ASSOCIATION, BUCK FUGATE.

Commissioner Farmer read the resolution. **Commissioner McElraft** commented that even though Emerald Isle did have a majority of "No" votes on the referendum, the majority of these "No" votes were not people who do not support beach nourishment. In fact, one of the leaders of the "No" group, John Grady, is working with the Bogue Banks Beach Preservation Association and is very strongly for beach nourishment. This resolution is to help us get state and federal funding. We have to work together as a group to get this funding, and they have to know we're resolved as a town to getting our beaches renourished. She, Julia Wax, and Charles Vincent are all on the board of directors and are working toward getting people involved in helping with the funding.

Mayor Harris asked if Pine Knoll Shores, Indian Beach, and Salter Path go along with it, where does that leave us if we don't join them? **Commissioner McElraft** replied that they have taken it to not only the people who can vote but the non-resident property owners, too, which will probably impact the survey. How it will impact us if they bring the sand to Pine Knoll Shores and stop there is unknown at this point. That will be researched. What we are working on right now is emergency help from the government. Ronnie Smith is looking at a bill right now to increase occupancy tax. So we're looking at occupancy tax increase, state and federal funding, emergency funding, and Senator Ballentine has a bill that is looking at the Clean Water Trust Fund for help.

Mr. Jerry Stockdale, of 8521 Ocean View Drive, reported that the county commissioners the preceding week had passed the same kind of resolution and wanted all the towns to do the same to show a consolidation of effort and need for the funding.

Mr. Robert Gordon, of 110 Azure Drive, mentioned that the beach renourishment referendum was voted down by a ratio of 11 to 4. He doesn't live on the beach front and thinks the \$30 million renourishment is a bad investment. He asked why and who had authorized the bulldozers that took the sand from the water line and built it up the dunes. **Mr. Allen, Town Manager**, said it was FEMA money given to us, Indian Beach, and Pine Knoll Shores to protect the berm. **Mr. Gordon** said they protected the berm for the ocean front homeowners and lowered the beach for the rest of the people by about two or three feet and it is counter productive. **Commissioner Wootten** asked if Mr. Gordon's point was that he doesn't want the Board to sign the resolution, and Mr. Gordon said that was the case.

Mr. John Grady, of 113 Fawn Drive, admitted he was a "No" vote because of the method of collection of funds, but he had talked today with Julia Wax and we have 1.8 billion Ad Valorem tax on this beach and they agreed that we're looking at \$332 million dollars that

could go "down the tube" with one good hurricane. He urged the Board to approve it to get some unity on the Banks and try to get nourishment without costing the taxpayers any money.

Commissioner Trainham said he voted for the one cent beach nourishment to be set aside in the reserve account because he thinks that's one thing to do to help with beach nourishment, but he will have to vote against the resolution. He has yet to see a plan that will be effective against Mother Nature.

Motion was made by Commissioner John Wootten that the Board approve the resolution as read. Commissioner Pat McElraft seconded and the motion passed (4 yes, 1 opposed).

b. IN ORDER TO FINALIZE THE CAMA GRANT FOR AMENITY IMPROVEMENTS TO THE TOWN'S NEW OCEAN REGIONAL ACCESS BETWEEN QUEENS COURT & THE ISLANDER MOTEL, THE BOARD NEEDS TO OFFICIALLY DISCUSS THIS GRANT AND APPROVE THE APPLICATION BEING SUBMITTED BY MS. SANDERSON WHICH IS DUE AT THE CAMA OFFICE ON JUNE 23.

Ms. Alesia Sanderson, Parks and Recreation Director commented she has detailed exactly what she is asking for in this Grant in her monthly report to the Board. Back in April she submitted a preliminary application to CAMA for funding in this years funding cycle. Phase II of that process is that the Town was asked to present a final application which is a little more involved than the original preliminary application and that does require that this project be discussed in an open Board meeting in order to assure CAMA that the Town Board fully supports the fundable project if approved. What is being asked for is, the total project costs just under \$97,000.00, the Town provides a 25% match on that which is just over \$27,000.00 and the Town is asking for approximately \$70,000.00 from CAMA to construct a 600 square foot bathhouse with an open-air cabana. There is also 600 feet on the eastern side of the property that is connected by 6-foot wide walkway. The open-air cabana will have seating all around it in order to host events outside at a beach access. This will also accommodate 298 cars and will provide parking. Part of that is special fees in the amount of \$3,500.00 for designing the septic system that will need to be installed for the bathhouse and also the actual design foot-print for the bathhouse and gazebo.

Mr. Allen, Town Manager, commented that this has to be forwarded to CAMA by June 23rd so time is critical. What is needed from the Board is approval of the Grant Application.

Motion was made by Commissioner Jay Murphy to approve the CAMA Grant application as written. Commissioner Emory Trainham seconded and the Board voted unanimously for approval.

c. FEMA IN THE EVENT OF A HURRICANE THIS SEASON.

In the event of another Hurricane this season, the process of listing the Town's FEMA Designation of Applicant's Agent would be appropriate prior to the storm's arrival in order to save administrative time in the event a storm does occur. Mitsy Overman has been recommended as this agent as she is the one who deals primarily with FEMA and the Office of Crime Control and Public Safety. **Mr. Allen, Town Manager** has been that agent in the

past but he commented that FEMA requires a Designated Agent to deal with them. Most of the functions with FEMA have to do with accounting and financial matters and it would save time if Ms. Overman is the designated town agent.

Motion was made by Commissioner Trainham to appoint Ms. Mitsy Overman as the Designated Applicant Agent. Commissioner Murphy seconded and the Board voted unanimously to approve this designation.

ROUTINE TAX REFUNDS AND RELEASES

Motion was made by Commissioner Wootten to approve the routine tax refunds and releases as prepared by Mitsy Overman. Commissioner Murphy seconded and the Board voted unanimously for approval.

LINE ITEM BUDGET TRANSFERS

Commissioner Wootten explained that the five Resolutions presented for budget transfers deal with different funds in the Town Accounting System. These Resolutions adjust the budget that was adopted last year and went into effect 1 July 1999. It is a State requirement that the Budget has to be adjusted by Resolution of the Board to match actual spending, by department and by fund. In Resolution 00-06-01, Revenues, several line items exceeded the budget as it was adopted last July. Ms. Overman is changing the budget to show what has actually happening and then distributed portions of that revenue down to different departments.

Motion was made by Commissioner Wootten to adopt Resolutions 00-06-01, 00-06-02, 00-06-03, 00-06-04 and 00-06-05. Commissioner Farmer seconded motion. Motion carried with a unanimous vote.

PUBLIC COMMENTS

Mr. Doug Greenwood owns a duplex at 2506-A Emerald Drive. He commented that his unit is one of eight units in a four building cluster with four duplex units 2502, 2504, 2506 and 2508 Emerald Drive. Mr. Greenwood said he is here as an unofficial representative of these units. He related to a problem with the 2502-B Unit regarding the person living in that unit who is running a contracting business and has roofing materials, storage trailers, etc. He has been asked to clean it up by the residents. He routinely trespasses by putting things in the driveways. Mr. Greenwood said he does not know if the Board or the Town can take any action as the trespassing would be between the property owners. Mr. Greenwood related that they have talked with Mr. John Hurst about the problems presented. The zoning for all four of those lots is R-2 and Mr. Hurst, shortly after he bought the unit, he enclosed the bottom of the unit and has put in an apartment that he now rents or occupies it himself. Mr. Greenwood said his understanding is that since this is an R-2 zoning, this would be in violation of the Zoning Ordinance. He asked that the Town look into these issues. Mr. Greenwood further stated that he is not trying to prevent Mr. Hurst from conducting a business there. Its just that his place is not the appropriate place to store building materials.

Mr. Lee Bailey, resident of 2508-C Emerald Drive side, commented on what Mr. Greenwood spoke about. He noted that the Town sent letters out to everyone on the Island about putting construction materials in dumpsters. He said he had some construction material in his trashcans but he did not put it there. It came from the gentleman who has the construction business. He also

commented that a lady who owns one of the units has her property up for sale. She has indicated she does not want to leave but is forced to leave. She has had to put a chain up across her parking area because in the past when she has come down, there has been a car sitting there or vehicles parked in her driveway and some of this material there. Her dilemma is that she doesn't want to go but feels she must. She has a property that is adjacent to a business and that is not a situation to be in.

Mr. Tim Cunningham, resident at 8100 Sound Drive. Mr. Cunningham works for Emerald Isle Realty. Hurricane season is coming in and he expressed his concerns regarding the process for repairing steps and walkways and having to apply for a permit with drawings, significant inspections by the inspections department, they go out and look at it, now it has gotten down to a ¼ inch scale and he has to hire a draftsman to help put it together, then it goes back for changes and a change map is prepared that works and is suitable and then take it to a contractor to get a price on the building and then have it built. If a storm comes in and there are 500 oceanfront properties that are wiped out, he out of business, unless he hires more personnel to help. To get 500 steps and walkways put back on ocean front side, he is not going to be able to do it. He is asking to have some leeway or whatever to make it work so that the people can come back to the island

Mr. John Grady commented on the County Commissioners meetings for the last couple of weeks. He said we are talking about not enough money for one person to go on the beach to help with people riding up and down the beach or whatever. He went to the meeting last night and saw \$25,000.00 for Atlantic Beach for a lifeguard. He asked, "Where is Emerald Isle?" Mr. Grady feels if they are giving out that kind of money, they should be spreading the wealth. He does not see it coming our way.

DEPARTMENT HEAD COMMENTS

Inspections Department – Mr. Jimmy Taylor commented, Mr. Cunningham works for Emerald Isle Realty and it is put on him to see that the permits for the beach steps are obtained. He said he agrees with Mr. Cunningham that it is an extra workload that he is having to take on and to answer the question as to why the permits are required now where in the past there were not, is just the simple fact that people were putting back exactly what they had in relation to the first line of vegetation and it was in conflict with CAMA regulations. The permits are needed to stop any more seaward aggression for the access structures.

Mayor Harris asked how many did not require the permits. Mr. Taylor commented there were probably 30 that did not require them.

There were no comments from Public Works, Commissioner Farmer, Commissioner Trainham, Planning Board Chairman was absent, Town Attorney .

Police Department – Chief Wilson reported that in the last couple of weeks there has been a lot of underage consumption of alcohol.

Fire Department – Flood maps are in from FEMA and Chief Walker encouraged the public to take one. Data is being collected and put together to go to the County next year for assistance in patrolling the beach.

Parks & Recreation – the 4th of July fireworks will be held on July 4th on Bogue Inlet Pier. This

should be a show similar to New Year's Eve and last July 4th. You will be able to view them anywhere on the beach. They will be fired from the end of Bogue Inlet Pier.

Town Clerk – Administration is getting ready for the audit.

Town Manager - It looks like finally a presentation from Moffatt and Nichols will be made on the Stormwater on the 18th, 19th or 20th of July. We still do not know which date it will be yet. He encouraged the public to watch the newspapers and web page and we will let them know what date has been set.

Commissioner McElraft – commented she was going to talk about beach nourishment but there is not a lot of time – so she has no comment.

Commissioner Murphy – thanked everyone for the constructive criticism received tonight and then the compliments from the audience. He encouraged everyone to get their friends and neighbors to come out to the meetings. That is what the Board is here for – to hear from the public.

Commissioner Wootten - reminded the Board that driving on the beach issue needs to be dealt with next month.

Mayor Harris– commented since the Town Staff has worked diligently and done a wonderful job working with the Board on ordinances and the extra help the new Board has received from them, July the 4th comes on a Tuesday. She would like to see the Board give the staff Monday, the 3rd and 4th for holidays. Mr. Allen interjected that the Town gives less holidays than any other towns in the area, and we have the facts to prove it. It would be great to have a nice weekend once in a while. Mrs. Custy has asked the Board to give the extra day.

Motion was made by Commissioner Farmer that the Town Staff be given July 3rd as well as the 4th with pay as a holiday. Commissioner Murphy seconded and the Board voted unanimously to approve the motion.

Mayor Harris indicated that July 18th was a good date for the Board to hear the Moffatt and Nichol report on the Stormwater at 7:00 P.M. Mr. Allen is asked to work with that date.

Mayor Harris commented that one of the items scheduled for a Public Hearing was not advertised. Clarification needs to be made as to whose responsibility it is to make sure advertisements are published, whether it be the Town Attorney, Town Clerk or Mr. Allen.

Commissioner Trainham commented he thinks the Town Clerk should take care of this function. **Commissioner Wootten** recommended that this responsibility should be the Town Clerk's after the Town Attorney makes preparation of the Ordinance.

Mr. Allen asked if the Board wishes to have a Public Hearing on every amendment to the Codification or do they want to go just with anything dealing with Chapter 19?

Mayor Harris said in her 10 ½ years, she would like to see Chapter 19 be the only time there is a Public Hearing. It saves money, time and the public always has input on the agenda items.

Commissioner Wootten said he prefers to have everything go to a Public Hearing. The step process is to prepare the Ordinance, let the people see the Ordinance and then have a Hearing. He does not care if it is called a public, private or whatever but the process should be get it ready, give it to the people and then have a hearing.

Commissioner Farmer said she does not agree with Commissioner Wootten. She feels it is not necessary to have a Public Hearing on every ordinance. She feels that the Board bends over backwards to hear from the public. They certainly allow public comment on each agenda item and the agenda is now advertised. She feels it is not necessary for a public hearing and does feel that the public notice should come from Town Hall.

Commissioner McElraft commented that the Agenda tends to change from time to time by the time it goes into the paper and it sometimes changes on Friday or even Monday. She asked at what point would the public know that a particular item is going to be discussed". She agrees with Commissioner Wootten and feels that for the public to stay informed, hopefully there will not be too many more ordinance changes, and for the public to know, there is a need to give the public a copy of the ordinance changes and let them see what is going on before there is a vote on it. Besides Chapter 19, there are some very important issues that ordinances are changed on.

Mayor Harris commented "if the public comes in and sees the ordinance and they have numerous changes that they want, change this word, change this line, etc., it appears that it could go on and on and on."

Commissioner McElraft commented that the Board needs to listen to the comments of the public. Mayor Harris said "we can listen to the comments but to hand them the ordinance and let them make changes – is this what you are saying?"

Commissioner McElraft answered no. She is saying they need to read the ordinance before they discuss it publicly. She thinks they need to be able to come down to Town Hall and see what the ordinance is. She said she has significant questions on some of these things and the Board just passes them on through. Commissioner McElraft feels the public should have it before the meeting and but not just before the meeting commences.

Mayor Harris asked if Commissioner McElraft has questions that are not answered? Commissioner McElraft indicated the public might. Mayor Harris reminded Commissioner McElraft that she had just said she did. **Commissioner McElraft** said she has some questions on the Chapter 19 ordinance changes and she will take to Jimmy Taylor about them. She is glad she had another month on it.

Commissioner Wootten commented that tonight a five page document has been read to the public and they have been asked to absorb it. That is not the way to run government.

Commissioner Murphy asked if the public is given more than 48 hours notice and ask them to come in and read it, they would be informed on it when the meeting takes place and they could comment on it when the public hearing came up. "Would that work?"

Commissioner Wootten said " we need to agree on the words at one meeting and pass a Resolution to go to a Public Hearing or to the next step and then make that Resolution – now you are telling people why you are doing and what you are doing and discuss it at the next town meeting. Unless something came up that is such a crisis, we couldn't wait 30 days that is just an

orderly process of doing it.

Mayor Harris said the consensus that she picked up is that the Town Clerk will do the public hearing notices in the papers after the Attorney drafts them. All agreed.

Mayor Harris entertained a motion for all ordinance changes be public hearings.

Commissioner Wootten motioned that the Board follow the policy of all town ordinance changes go to a public hearing. Commissioner McElraft seconded motion. The vote was 2-3 with Commissioner McElraft and Commissioner Wootten voting yes and Commissioners Farmer, Murphy and Trainham voting no. The motion was denied.

Mayor Harris said she feels the need to make the last comment for tonight. "It seems that every time I did not vote to the likes of the Board of which Mr. McAdams was a member and served, I was scorned in every way that I did not vote their way. I must add, I did speak for the majority of the citizens while sitting on that Board as a Commissioner or I would not be sitting here in this chair tonight. I always spoke for the people and I certainly did not go after anyone to embarrass them or in other way. I want to make that clear and for the record. I do wish that they would accept that I am sitting here and this new Board is sitting here."

Motion was made by Commissioner Murphy to adjourn. Commissioner Farmer seconded and the Board voted unanimously to adjourn.

The meeting was adjourned at 10:05 P.M.

Respectfully submitted,

Carolyn K. Custy
Town Clerk