

**MINUTES OF THE REGULAR SCHEDULED MEETING
OF THE EMERALD ISLE TOWN BOARD OF COMMISSIONERS
TUESDAY, AUGUST 8, 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 Manager Pete Allen, Town Clerk Carolyn Custy, Police Chief Mark Wilson, Fire Chief William Walker, Inspections Department Jimmy Taylor, Parks and Recreation Director Alesia Sanderson, Public Works Director Robert Conrad, and Planning Board Cary Harrison.

APPROVAL OF MINUTES

Approval of Minutes of Special Budget Meeting of June 30, 2000

Commissioner Wootten made motion. Commissioner Trainham seconded and the Board voted unanimously to approve the Minutes of the Special Meeting of June 30, 2000 as written.

Approval of Minutes of Regular Monthly Meeting of July 11, 2000

Commissioner Trainham moved, Commissioner Murphy seconded and the Board voted unanimously to approve the Minutes of the Regular Monthly Meeting of July 11, 2000 as written.

Approval of Minutes of Ordinance Workshop Meeting of July 13, 2000

Commissioner Wootten moved, Commissioner McElraft seconded and the Board voted unanimously to approve the Minutes of the Ordinance Workshop Meeting of July 13, 2000 as written.

MAYOR'S COMMENTS

There are only six items on the agenda tonight. After each Board member makes a comment, she would open it up to the public. Keep comments strictly to what is on the agenda until under Public Comments. Then comments can be made on whatever.

- 6. PUBLIC HEARING FOR THE PURPOSE OF TAKING COMMENT AND POSSIBLE ACTION ON CONSIDERING A REFERENDUM ON THE NOVEMBER 2000 GENERAL ELECTION BALLOT TO ESTABLISH STAGGERED TERMS FOR BOARD MEMBERS, EFFECTIVE WITH THE NOVEMBER 2001 GENERAL ELECTION.**

Mayor Harris turned this over to Commissioner Wooten.

Commissioner Wooten said he would repeat what he had said last month. The question in front of the Board tonight is should the Board pass to the voters in the November election the idea of changing the town charter to permit four-year staggered terms. He went through the mechanics of that for those who had not heard it before. It would work in the following way: in the 2001 election, five candidates would be elected. The highest three vote-getters of the winners would serve a term from the year 2001 to 2005 (four years); the two lowest vote-getters would serve a two-year term from 2001 to 2003. There would be an election for two people in 2003, three people in 2005, and that is the way the staggeredness of the process would work. So there would be partial election of the Board members, either three or two, every two years. He thinks it is a legitimate question. He thinks it is part of the role of leadership of any organization—commercial, military, government—to ask if there is a better way of doing things. There is nothing fatally wrong with the process now of every two years, but he thinks it is a legitimate question of is there a better way of doing business. It is a grand opportunity. If it is approved tonight, the Board would pass the ordinance change subject to the approval of the voters. This election is a presidential election, so there will be a maximum turnout of people to help the Board decide whether this is a "yes" or a "no." He did not go into the pros and cons of the question because that is not the decision that has to be made tonight. The decision is whether to pass this to the people to decide or not. He encouraged the members of the Board to go ahead and pass this tonight because what the Board personally thinks is not critical to what the voters think. He asked the Board to treat this the same way they did the Beach Renourishment resolution—let the people decide what it is they want to do. The Board should not get into the position of saying "no", that they know better than the people do on the subject.

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

Mr. Jerry Stockdale, resident of 8521 Ocean View Drive, said he had a copy of a section of North Carolina General Statute 153A. This section mentions the structures allowed for Board of Commissioners for counties. It mentions staggered terms of Board members and how they are selected if there is an odd number of Board members. What the State says to do for counties is have two members elected for four years and three members elected for two years and then every other year when the elections come up, there are two members elected for four years and one for two. That way, the people have the opportunity every two years to elect the majority of the Board of Commissioners. He thinks this would probably be more palatable to the people if they were able to vote for the majority every two years rather than waiting for four years to be able to have that voice. He submitted this to the Board and asked that they consider the method the State recommends rather than the method proposed by Commissioner Wooten.

Commissioner Wooten asked Mr. Stockdale to go through the mechanics again. **Mr. Stockdale** said the first year (2001), all five commissioners are up for election, of which the two highest vote-getters get four-year terms and the next three have two-year terms, rather than three people having four-year terms. In 2003, the people vote for three commissioners, so they have the opportunity to vote for people who make up the majority of the Board. They have that opportunity every time an election comes up. At the same time, the people who have four-year terms offer continuity and experience to carry over for the new Board.

Commissioner Wooten was confused about the mechanics. If three people are elected for two-year terms in 2001 and are up for re-election in 2003, what happens in 2005? **Mr. Stockdale**

replied that in 2003, two commissioners are elected for four years and one for two. In 2005, the two original four-year term people are up for vote plus the one two-year member. So every two years, there are three commissioners up for election.

After reading the applicable section, **Mr. Derek Taylor**, Town Attorney, tried to explain it better. There was additional commentary as the commissioners tried to map out how this would work.

Commissioner Wootten asked Mr. Stockdale if this is restricted to counties because in making the recommendation, the Board was heavily influenced by the experience of the municipalities around Emerald Isle. What the Board is proposing is being done by all the local communities with the exception of Atlantic Beach. He wondered why it would not work for Emerald Isle if it works for them. He did not say that this was not a valid idea, but he does not know if the State statute handles it only on the county level. When Mr. Allen queried the Institute of Government about it, he got this option (the one proposed by the Board).

Mr. Stockdale said he could not say whether it would be allowed for the Town, but he is sure it would be if it is allowed for county commissioners. What this does is give the people the opportunity to vote for three commissioners every two years. He thinks this is a better method because it gives the people the right to elect the majority of the Board every two years—to let them have a voice. He submitted Statute 153A-58 to Mr. Allen.

Commissioner Wootten asked why Mr. Stockdale had not let him know about this earlier. **Mr. Stockdale** said he had tried to call the day before but had not gotten an answer.

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

Commissioner Wootten said he liked what he heard from Mr. Stockdale. That suggestion makes it an even more palatable reason for doing this. One of the reasons for asking the question is that over the long haul, the process of staggered terms for continuity, if played out, will in the long haul bring the Board into more of a centrist position within the Town. Continuity is important, but he thinks that it will tend to stabilize the Board. He is open to the suggestion of changing the methodology if they can.

Mr. Taylor said he would be glad to review the statute and see if he can figure it out. He does not think he understands it more than anybody else does at this point. It seems like somebody in the group will end up with a two-year term when everybody else has a four-year term. Tonight, the Board is not even allowed by the statute to make a pass on it one way or the other on this particular issue, so there will be another opportunity at the next meeting to discuss this further and which method the Board would like to approach.

Mr. Pete Allen, Town Manager, said there is a time constraint because they have to decide within the next couple of days in order for him to get the absentee ballots printed. He asked whether it would be appropriate since they cannot really decide what they are going to do to let the Board decide, after Mr. Taylor comes up with a decision that this is doable, and go that way.

Mayor Harris asked if they should go ahead and vote for the referendum.

Mr. Allen said he does not know how the ballot has to be written. He thinks the terms would have

to be specified. **Mr. Taylor** said they would have to specify how the election would take place.

Commissioner Wootten said he thinks they ought to at least get a vote from the Board as to whether the idea of bringing the idea of staggered terms to the public is acceptable or not.

Mr. Taylor said the motion, according to the statute, has to occur at the next meeting. There has to be one meeting's distance between the time of the public hearing and when they will actually say they are going to do it.

Mr. Allen said he is afraid they will not make the deadline before the election if they wait another 30 days. **Mr. Taylor** said as he understands it from talking to the Board of Elections, the Town could provide them with a draft of what it wants to have done, with the possibility of a change, if necessary, at some future date. **Mr. Allen** said that is not the impression he is getting from them—they want the ballots ready by the latter part of this month. It is not because of the general election in November but because of the absentee ballots they have to send out.

Mr. Taylor said it creates an interesting logistical problem because the statutes are pretty specific as to the time frames that these things occur. This Board has to pass it at the next meeting or within 60 days of this public hearing, and that can only be so many days before the date of the actual election. So the Election Board has a requirement that is more stringent than what the statute provides they can do.

Mayor Harris said it has to be done a maximum of 60 days after a hearing. That is what the Board of Election says.

Commissioner Wootten said that after hearing Mr. Taylor's comments on the constraints of the schedule, and although he recognizes that the suggestion from Mr. Stockdale might be marginally better, he would suggest that they not lose sight of the basic question.

Mr. Stockdale expressed that he had a chart to show how the elections would work.

Commissioner Wootten asked if they wanted to entertain it. **Mr. Taylor** said it would require a motion from someone to reopen the Public Hearing. **Commissioner Farmer** commented that if she did this at a Board meeting, she would get her head bitten off by her fellow commissioners.

Commissioner Wootten said he was getting ready to say that the bigger issue is moving away from an every-two-year election. And he thinks the fact that other localities around Emerald Isle have used it makes him want to proceed with the draft as it is and the motion as it is and take a vote on it up or down.

Commissioner Farmer asked if they should be voting on whether they want to proceed with the draft as it is or whether they want to wait. She has a comment only if they are going to vote on whether to take this to referendum.

Commissioner McElraft asked if they could change what would appear on the ballot if they vote to take this to referendum tonight. **Mr. Taylor** replied that he and Mr. Allen were discussing that the Board of Elections, because of the logistics of having absentee ballots printed and ready in advance of the election, has a time frame that would cause the Board to have some idea what they're going to do at this meeting tonight. Between now and the next regularly scheduled meeting, they will have to provide them at least a draft of what the Town intends to have on the ballot for the referendum. **Commissioner McElraft** said that would give them time to look at Mr.

Stockdale's plan. If they decide to take it to referendum tonight, they still have time before next meeting. **Mr. Taylor** said the only thing they can vote on tonight is to instruct the Town Manager to provide the Board of Elections a draft of the referendum as they expect it to be ordained at the next regular meeting. By statute, the Board cannot decide tonight exactly what the referendum will say.

Mayor Harris asked, for clarification, if they wanted to go with what is before the Board or if they want to consider Mr. Stockdale's plan.

Commissioner Wootten said what Mr. Taylor was suggesting is that they go ahead and approve the principle of taking this issue to the voters. Then, no later than next month's meeting, the Board would decide between the two options. **Mr. Taylor** replied that the Board of Elections has to know what the resolution is going to say. **Commissioner Wootten** asked if they could not poll the Board and make the decision rapidly. **Mr. Taylor** said they could and take official action in public meeting with discussion at the next meeting.

Mr. Allen said the deadline was somewhere around the last of August. He said that what Mr. Stockdale had given them is very clear. They could do what the statute says.

Mr. Frank Rouse, of Headline News, said that Robert Murphy of Carteret County said in public meetings several times that Mr. Rouse had attended that the 21st of August is the deadline. He has no idea whether or not that is correct. **Mayor Harris** said she thinks he is right.

Commissioner Wootten said he does not like the idea of voting on the specifics of this. They do not have time to understand it. He thinks they need to take whatever action they can tonight to keep the issue moving forward to a referendum, if the Board agrees with that idea. He would like to phrase a motion to get Board approval to take the issue to the voters or not. And then take the time in the next week or so to get the exact mechanics of this thing ironed out in time for it to go onto the ballot, even if they have to wait until the September meeting or possibly call a special meeting to take the actual vote.

Commissioner Farmer commented that it seems to her that the process has broken down, to which **Commissioner Wootten** replied somebody has come up with a better idea. **Commissioner Farmer** said he is talking about spending \$500 to put it on the ballot in November or \$1500. **Commissioner Wootten** said it may be an additional expense of \$200 to print the ballots. The \$1500 is spent regardless of this action or not. It is an expense of \$200 to print paper ballots that are unique to Emerald Isle.

Commissioner Farmer asked what it would cost to take it to a referendum outside of the November election? **Mr. Allen** replied that the general election costs the Town anywhere between \$1500 and \$1800, so a special election would cost basically the same. **Commissioner Farmer** said she feels that this is not how do business and if there is a question of rushing through to get it on the November ballot or waiting, she would not only urge that they wait but would also urge that they send out to the public a survey to see if this is something that has any support. As far as she can tell, there is no support, or very little. She does not think that the process is that you go to a referendum with something that does not necessarily have any support other than a commissioner's support.

Commissioner McElraft said at the last hearing there was nothing negative said at all. It was all positive towards letting the people have their voice. **Commissioner Farmer** replied that there was

very little said and there was a lot said by Board members about letting the people have their voice. She also said the people ought to have their voice every two years. That is the system now.

Mr. Taylor said if the commissioners would like to hear how the system works, it is spelled out in the County statute area. He explained it. In the first election, all five people are up for election. The two who get the largest number of votes would get four-year terms. The other three would get two-year terms. At the next election, three would be up for re-election. The lowest vote-getter of that group would have a two-year term; the other two would have four-year terms. Any time there are three people in an election, the lowest vote-getter would get a two-year term. That would always keep a majority coming forward in any election.

Commissioner Trainham commented that he gets the feeling that since the Board does not know where they are, that the best thing to do is table it or set it aside. He is concerned that the Board does not really know how the people feel about taking it to referendum. This is something that the Board has been talking about. He does not like to see the Board forcing this on the people; he would like to see the opportunity given for feedback. He does not think he has heard enough feedback. The idea Mr. Stockdale gave is a good one, and he has no problem with that. The only problem he has is he does not think the Board is ready, and they have a time constraint problem. The question he is asking: is there any way they could put this off.

Mayor Harris said this is the public hearing and that is why we have the public hearing.

Commissioner Trainham replied that he is aware of that, but they have not heard anything except from Mr. Stockdale.

Commissioner McElraft said the only way the Board would hear from the public is to take it to the public, and the only way they are going to do that is to spend \$120 on printing ballots and taking it to the public. Let the public decide at that point. All the public cannot be at a meeting, but they can certainly come and vote at a general election, especially.

Mayor Harris said the Board had already voted on the intent, and they are into it now. The vote was four to one to accept the intent on July 11, 2000. They have come this far, they have had the public hearing, and she would like to ask the Board if they would like to continue with staggered terms. If they do, they need another motion.

Commissioner Wootten commented that the idea of delaying this is that the next general election after this one is the year 2001 election in which five positions on this Board will be up for election. He thinks the idea of getting staggered terms and who will serve what term mixed up in that election is not going to work, it is not feasible. It is do it now or 2002 because it will not work in 2001. It will be explained over and over again before the election.

Motion was made by Commissioner John Wootten that the Board proceed to take the issue of staggered terms to the public in the November 2000 election as an item on the ballot with the concept being modified in accordance with Statute 153A-58 and instructing the Town Manager to provide the Board of Elections a sample ballot which follows the format of Statute 153A-59. Commissioner Pat McElraft seconded the motion.

Commissioner Farmer read a statement: "The issue before this Board is whether there is enough merit and enough public interest in changing the Board of Commissioners' terms from two to four years, or some variety on that, to put it on the ballot in November. I have said in previous Board

meetings that I oppose lengthening the term in great part because a longer term closes the door to resident representation on the Board and opens it wider for special interests. It seems to me we just went through an election where the voters fairly resoundingly rejected governments by special interests. I also feel the major arguments made for it by Commissioner Wootten—that it turns down the heat on politics and gives greater continuity to the Board—are not compelling. This Board has had two major challenges and continues to have them, neither of which has anything to do with continuity and experience. The first is Emerald Isle's politics. When the public has a voice, small town politics is always lively. Small town politics in a barrier island town in a resort community where there are big bucks to be made is considerably more than lively. Lengthening terms is not going to change that. The second major challenge for this Board is that, unlike previous Boards, we have come in to make significant changes; maintaining the status quo as past Boards have done is easy to do. Changing is always much harder. And when we were first in office, we were making those changes while learning the ropes of our job. Our Board meetings have not always been graceful, but we have accomplished a tremendous amount in a very short period of time, all without the so-called benefit of continuity. That is the job we were voted in to do. I am always in favor of hearing from the public, and if this idea of changing the four-year staggered terms had come from them, from you (looking at the audience), I would certainly support the referendum while at the same time stating my concerns. But this idea did not come from the public—it came from a fellow commissioner. And the support for it at this public hearing has been underwhelming. Because Commissioner Wootten has not proven to my satisfaction that the public wants this referendum, I cannot support it. I will vote to maintain the public's right to choose their representatives every two years."

The vote was taken. Commissioner John Wootten and Commissioner Pat McElraft voted for the motion. Commissioner Emily Farmer, Commissioner Jay Murphy, and Commissioner Emory Trainham opposed the motion. Motion denied.

7. **OLD BUSINESS.**

a. **a. REVIEW AND CHOOSE ONE OF THREE CANDIDATES SUBMITTING APPLICATIONS/RESUMES TO FILL A CURRENT VACANCY ON THE TOWN'S PLANNING BOARD.**

Mayor Harris explained that there is a vacancy on the Planning Board. The chairman, who is now teaching a college class in the evening, had to give up the Planning Board. Commissioner Murphy has a nomination.

Commissioner Murphy nominated Edwin H. Dowling, resident of 404 Cape Emerald Court, to the Planning Board.

Motion was made by Commissioner Jay Murphy to appoint Edwin H. Dowling to fill the vacancy on the Planning Board. Commissioner Emory Trainham seconded the motion and the Board voted unanimously for approval.

Commissioner Farmer thanked the other candidates. They had excellent candidates, and it is wonderful to have people so willing to help. **Mayor Harris** agreed and said all the candidates were qualified.

b. **CONSIDER A 90-DAY MORATORIUM EXTENSION TO ALLOW FURTHER STUDY OF THE TOWN'S WIRELESS COMMUNICATION TOWER POLICY.**

Mayor Harris explained that the Planning Board had requested the moratorium extension. She asked Mr. Harrison of the Planning Board if he had any comments to make.

Mr. Cary Harrison said he had e-mailed most of the commissioners on that topic. This is something that has been worked on all winter research-wise; written this past May; and has been in the Review process by the Planning Board, Board of Commissioners, and three different groups of professionals during the summer. The comment period has been closed as of August 1. All the comments are being incorporated. The final draft from the Planning Board will be out August 15 and in the Board's hands for a comment period during the September meeting. Mr. Harrison expects that this would not take more than 30 or 45 days; but to allow for difficulties, rather than making a third extension, suggested a 90-day moratorium.

Motion was made by Commissioner John Wootten to approve the 90-day extension of the moratorium. Commissioner Jay Murphy seconded the motion and the Board voted unanimously for approval.

Commissioner Farmer thanked Mr. Harrison and said the Board has seen the work that he has been doing. It is incredibly complex, and she thinks many of the best attorneys in the United States (if not around the world) have worked to get cell towers where their clients want them. The Town is limited as to what it can do to place them in the least offensive places possible, and she appreciates all the work Mr. Harrison has done.

8. **NEW BUSINESS.**

a. **REVIEW AND CONSIDER APPROVAL OF A COMMERCIAL REVIEW FOR THE PROPOSED WILLIS SEAFOOD MARKET LOCATED ON THE SOUTH SIDE OF EMERALD DRIVE JUST EAST OF VERANDA SQUARE.**

Mayor Harris said that in their packet, the Board had a map, and a color elevation showing the proposed color scheme was passed around.

Mr. Ken Burnette, of the architectural firm for Willis Seafood, spoke for the Willises. **Commissioner McElraft** commented that she loves the architecture, but asked where the stinky guts and fish heads were going to go. **Mr. Burnette** replied that they would be put in plastic bags, then turned to Mrs. Willis for verification. **Mrs. Willis** said they will not be put directly into a dumpster. They will be put in plastic bags in coolers until the garbage truck comes to empty the dumpster, then the plastic bags will be placed directly in the truck. **Commissioner McElraft** expressed her concern due to the neighborhood right behind the proposed market. **Mrs. Willis** said they have the shrimp stands and do not have any problem.

Commissioner Trainham commented that the building was a single-story building with a sloped roof with a possible administrative area upstairs. He asked what kind of administrative area it would be. **Mr. Burnette** replied that it would be office, support for the business. **Commissioner Trainham** said that it will be essentially two stories, then, **Mr. Burnette** agreed. **Commissioner Trainham** said he noticed that there was a good resume of trees in the front on Emerald Drive and asked if that constituted the 40% of the property, if that was the only place they would have shrubbery. **Mr. Burnette** replied that the landscape plan had been submitted to the Town Planning Board for their review, and there are plants all around the building.

Commissioner Farmer asked Mr. Harrison if the Planning Board was happy with the landscape plans. **Mr. Harrison** replied that they were, and it was something they could not request or demand of anyone. He said that the Willises were kind enough to come up with a plan showing what they were doing.

Motion was made by Commissioner Emory Trainham to approve the review of the Willis Fish Market indicated by the Planning Board. Commissioner Jay Murphy seconded the motion and the Board voted unanimously for approval.

b. REVIEW AND DISCUSS A CHANGE IN POLICY THAT WOULD ALLOW "ANY" LICENSED AND CERTIFIED ENGINEER TO APPROVE AND SIGN OFF ON REQUIRED STORM WATER PLANS.

Mr. Allen commented that for years the Town has required an engineer out of Wilmington to perform all the storm water plans required. It may have had something to do with the fact that he did storm water plans for the Town in 1988. They have required that all the local contractors and developers use this specific engineer. The engineer has gotten big and does not get here as quickly as he used to, and this is causing delays in getting plans approved. It is a policy request that they are asking for permission to use any certified licensed engineer to approve storm water plans.

Commissioner Murphy asked if it would be at Mr. Allen's discretion that they would use other engineers. **Mr. Allen** replied that usually Mr. Taylor or Ms. Angus from the Inspections Department would make that decision. All they are asking is to be able to use anybody who is licensed and certified. **Commissioner Murphy** asked Mr. Taylor if he agreed.

Mr. Taylor replied that what was happening was that by having Mr. Criser approve the storm water plans, just in the time frame, it was not getting done as expediently as they needed. There are certainly other professional local engineers who could provide the same service. It is his recommendation that they could use other professional engineers.

Commissioner Farmer asked Mr. Taylor if the storm water plans were only for commercial construction and subdivisions, not for single family and duplex. **Mr. Taylor** said one- and two-family dwellings are exempt from the engineering plan; however, they still have to capture the first inch and a half of runoff.

Commissioner Farmer said she likes the idea of having someone reviewing them, not necessarily David Criser but someone who is from away. The Town has such incredible constraints on where it can put storm water—it cannot go into the Sound because it is ORW; it can be put on the beach if it is an emergency and we want to see swimming advisory signs. She thinks that they have to be extremely careful that this ordinance is being followed as closely as possible. She knows there are a number of terrific local engineers, but she thinks the Town is given an extra measure of protection by having those engineered plans looked at by someone, David Criser or other Wilmington engineers. The Board does not want to be delaying the approval for the projects, but she thinks it behooves the Town to be very careful on Storm Water plans.

Mayor Harris asked if they were asking that the Board name engineers, to which **Mr. Allen** commented there would be problems associated with naming who could be used.

Commissioner McElraft asked who other than an Emerald Isle taxpayer has a bigger stake in making sure that the storm water problems are solved here. She thinks if they have professional engineers that are citizens of this town or somewhere in Carteret County, they need to use them. If it will make it more expedient for Mr. Taylor, if the talent is here, let's utilize that talent. Let's make sure that the storm water plans are done correctly so that the taxpayers' money stays where it is.

Commissioner Wootten commented that when an engineer makes a certification, it is something like an accountant when he makes a certification, when he says that the conditions on the plan meet all of the statutes and regulatory things in the Town.

Mr. Taylor agreed that he would provide the calculations that are acceptable to capture the first inch and a half, and the Planning Board and Map Review will pick it apart for compliance as well. **Commissioner Trainham** asked Mr. Taylor if he thinks they have good checks and balances. **Mr. Taylor** said that through Planning Board review and Map Review, he believes it is pretty well covered for compliance of the storm water requirement.

Mr. Harrison commented that they are fortunate enough to have someone with a PhD in engineering on the Planning Board and they routinely hand the stuff to him to scrutinize.

Motion was made by Commissioner Pat McElraft to approve allowing any licensed or certified engineer to prepare storm water plans for the Town of Emerald Isle projects. Commissioner Jay Murphy seconded the motion and the Board voted unanimously for approval. [Carolyn – Pat did say licensed OR certified, not licensed AND certified.]

c. A PRESENTATION FROM THE NEWLY FORMED HURRICANE ADVISORY COMMITTEE ABOUT THE COMMITTEE'S MISSION STATEMENT AND ITS DUTIES AND AUTHORITY.

Commissioner Farmer said she is the Board advisor to the committee. The Hurricane Advisory Committee is an outgrowth of the special Emergency Preparedness Meeting held in Town Hall in May to review and approve Emerald Isle's emergency plan. At that meeting, there was concern expressed particularly by property managers that the Town needed some improvement in communication between Town Hall and the community. They were concerned particularly about the safety of people coming back onto the island without knowing what the interior conditions of a lot of these rental places were. The committee is made up of: two residents, Al Smith and Tom Henson; two business owners, James Newcomb of Food Lion and Curt Finch of Emerald Isle Books and Toys; two realtors, Woody Warren of Blue Water and Greg Guttery of Emerald Isle Realty. They were arrived at with input from the Board, the mayor, the town manager, and some interested citizens.

Mr. Tom Henson said the committee had met several times. The operating word of their title is "Advisory." They try to bring as much information to the Town as they can, but also bring the citizens information that is going on in the Town so everybody can be on the same page. The first job was to come up a mission statement, which he read: "Safety, preparation, and information are everyone's concern. It will be the mission of the committee to provide the Board (or the Board's designate) with information and advice as needed before, during, and after a severe storm. Information such as occupancy percentages, business needs, and residents' concerns will be gathered; and reports will be utilized to help those who make

decisions regarding evacuation and re-entry. The committee will also help ensure that the information concerning the decisions made by the Town regarding evacuation and re-entry are communicated to the residents, businesses, and property owners of Emerald Isle."

Their next problem was how to implement that mission statement. They got the approval of their overall plan from Fire Chief William Walker and Town Manager Pete Allen, and it has been submitted to the Board for their review. The general problem was that many of the residents watch the Weather Channel but have no idea how to process the information received. The residents want to know what is going on with the Town—if the Town is packing food and clothes, the residents would like to know that, too. They decided to use the response out to the public using the same storm conditions that the Town uses, i.e. condition levels. Condition level 5 is right now—we're in hurricane season but nothing is happening—and goes down to Condition 1, which is evacuation.

The members will get occupancy levels, an estimate of the time needed to prepare the property, and an estimate of time needed to set up evacuation; will attempt to get information on what would happen in the future—how many people are expected back, etc.—so the Town can make decisions on re-entry; will contact the Merchants Association to obtain a status update as to business preparation and to establish a method of communication with the committee; will gather pertinent information from residents and property owners to forward to the Board. A delegate of the committee will be kept informed of the changes of the storm; and when condition levels change, they will pass that information on to information outlets (the Website, TV stations, radio stations, any other location they can use to post the storm condition). After the storm, committee members will gather damage information from business owners, realtors, and residents as quickly as possible and will forward this information to the Board. The committee will begin the process of providing notification of re-entry times and procedures.

It is the new policy of the Town to allow the residents and property owners a minimum of six hours and as much as 24 hours (or more if necessary) before the Town will be open to the public, visitors, and renters. Residents and property owners will be instructed not to call Town Hall or the Police Department for information and noted that it is unlawful to call 911 unless reporting an emergency. It is the committee's request that the report be placed on the website. They also prepared a hurricane readiness guide, steps to take as each condition changes.

Mr. Henson had one more request from the Board: that the Board instruct the Town to put some sort of a bulletin board in front of Town Hall for announcements. This structure could be put into the ground so that it would withstand a storm. They would suggest a temporary sign if there is not enough time for a permanent one, but the temporary sign has to be strong.

Commissioner McElraft commented that the committee and Mr. Henson have done a fantastic job.

9. **ROUTINE TAX REFUNDS AND RELEASES AND LINE ITEM BUDGET TRANSFERS.**

Commissioner Wootten reported that the Board is requested to approve a total of \$71.30 of tax

refunds and releases to two citizens and one business.

Motion was made by Commissioner John Wootten to approve the tax refunds and releases as presented by the tax collector. Commissioner Emily Farmer seconded the motion and the Board voted unanimously for approval.

10. COMMENTS FROM THE PUBLIC.

Mayor Harris read a statement: "I submitted my resignation because I felt that there were unsolvable differences between the Board and myself involving the duties and responsibilities of the Mayor. Subject to my resignation offer, I was convinced by the majority of the Board that these differences could be, and have been, resolved. I do regret if I have disappointed some of the Emerald Isle citizens; however, at the time, I truly thought resignation was my only option. The full Council is ready today, and was, to get back to the important businesses of this Town. I thank you, and I do feel very strongly that this is over with. We all have come to this agreement and we are ready to get back to the true business of running this town."

Mr. Rick Farrington, resident of 8802 Sound View Court, presented some facts from the MLS on sales in Emerald Isle of oceanfront single-family homes and duplexes from 1st Street to Ocean Reef condominiums. He does not own property there, so he has no personal gain or loss. There were 34 properties on the market in that area this year so far, and of that, only 4 have sold from January 1 through today. There are no pending sales. His problem is that people come to Emerald Isle to go to the ocean—they love the beach, and that is why they come here. He looked at this from a realtor's point of view and a seller's point of view and from a commissioner's point of view as to the tax value of the property, and found that not only is the property not selling but also that it is being offered for sale for 25% less than the appraised value. He suggested doing something positive now for the beach, and the only thing that is possible and feasible is to get a bulldozer on the beach. We can afford to do that, but we cannot afford for property in the Town to lose value. We need to protect the tax base. The buyers control the market, and there are no buyers for the oceanfront property right now. That will affect every piece of real estate in Emerald Isle. It needs to be in the newspapers that something is being done about the problem. Beach renourishment will not happen this year—it will be lucky to happen in the next ten years. He believes bulldozers will work.

Commissioner McElraft commented that the Beach Nourishment Task Force that the county has has been re-instituted, and they are working with legislation now. Ronnie Smith has a bill that will go in the next session to get occupancy tax, which will help with our tax burden; so we may get sand sooner than we think. They are also tasking the federal legislators to look at the Corps of Engineers 111 study and try to get the results out on that sooner than later. There are some things that are happening on beach nourishment, but she admitted that Mr. Farrington is right that it will not happen this year. Her only concern is where to get the sand from. Where do you push the sand from—from the Point? She would like to hear Mr. Farrington's point of view on that.

Commissioner Wootten said he agrees with Mr. Farrington. Bulldozing sand may or may not be the answer, but the Town cannot even get approval to put in 50 feet of sandbags. "We all have an uphill fight."

Mr. Gus Wilgus, resident of 117 Heverly Drive, spoke on the Mayor's comments. He accepted her explanation of what happened and was impressed that she turned around and said she had done something she wished she had not done. The voters voted for all the commissioners on the

Board in one way or another to do a job for us. He saw that job being done tonight. The commissioners will not always agree, and he does not think that anybody expects them to walk lockstep with each other. He does believe the voters expect the commissioners to fight for whatever principle they believe is right, not to sell themselves out. They were elected based on what they said they would do for the people. He thanked the Mayor and commissioners for an interesting evening.

Mr. John Grady, resident of 113 Fawn Drive, said he would like the Town Council to look at their campaign posters because he sees there is a very gross lack of effort to do the things they said they were going to do. He would love to see the Town Board start working as a professional group, not as a group of individuals. He would like the vigilante approach of the Board with the members to cease. They are not there as individuals to run the Town. If they see something that they think is a violation of an ordinance, it is their responsibility to come back to the Board, to the Mayor, to the Town Manager, and to Carol Angus. They shouldn't go out and make a decision and start riding people in the Town. He said that they couldn't even get a conviction out of the Board to approve beach nourishment. If a commissioner cannot be in favor of beach nourishment and keeping the beauty of the Town, get out.

11. COMMENTS FROM DEPARTMENT HEADS.

Planning Board, no comment.

Mr. Bob Conrad, Public Works, commented that summer help has come and gone. One staff member lost part of a finger, so they are "short handed." Most of their efforts have been devoted to flood water control from the last 30 days. No streets have been blocked off, but three are under water and have been signed with high water signs. They had 20 streets that were flooded, but none were major. **Commissioner Wootten** said that at one period, there was 4.5 inches of rain and in excess of 6 inches of water on Doe Drive and different places in town. This is not a hurricane problem. **Mr. Conrad** added that the water table was down due to low precipitation in the prior seven months.

Inspection Department, no comment.

Town Clerk, no comment.

Police Chief Mark Wilson commented that there had been unlocked cars broken into on Ocean Drive and items stolen. He requested that people lock their cars, and the department is in the process of making some arrests. He guessed that the busiest week so far was 4th of July week with 60,000 people.

Fire Department, no comment.

Parks and Recreation Department, no comment.

Town Manager, Pete Allen, said there would be a meeting at 9:00 A.M. on Saturday, August 26, 2000, to talk to the people in the Point area about the problems down there and see if they have any suggestions. Everybody is invited to attend the informal question and answer session.

Commissioner Wootten, no comment.

Commissioner Trainham spoke about the Bogue Field committee, which has not yet been pulled together. There is a need for interested persons to serve on the committee. It is a problem that needs to be looked at. He went to the field for the first time, and Lt. Col. Fitzer showed him the facility. He also went to the demonstration at Camp Lejeune and spent the whole day with a number of generals, which was an enlightening opportunity for him. He is not concerned about people being against Bogue Field or for it, that is not the question. They are looking at what kind of cooperation the Town can give to the military at Bogue Field. They need five or six people to serve on the committee, and they hope to be ready to go by September. Sign-up sheets are in the back.

Commissioner Farmer thanked the Hurricane Advisory Committee for doing a superb job. She also thanked Marty Hedgepeth from the Chamber of Commerce, who is helping get some of the TV channels between here and Raleigh to scroll on the bottom the status on the Emerald Isle bridge. The committee members have been great and have already set up a connection with the Merchants Association to get two-way communication with them and also with other property owners. There are a few mission statement booklets on the back table.

Commissioner Murphy, no comment.

Commissioner McElraft thanked all the citizens for coming out. She had heard that it was going to be a very rowdy group and came prepared (as she pulled out a fireman's hat). She appreciates the positive comments and hopes we can all work together as a group, a family.

Mayor Harris thanked the Town staff and the people for the cards and calls of support.

Motion was made by Commissioner Emily Farmer to go into closed session for purposes of consulting with the town attorney about possible pending legislation. Commissioner Pat McElraft seconded and the Board voted unanimously to go into closed session.

The Board entered closed session.

Motion was made by Commissioner Emily Farmer to go into open session. Commissioner John Wootten seconded and the Board voted unanimously to re-enter open session.

Motion was made by Commissioner Emily Farmer to adjourn. Commissioner John Wootten seconded and the Board voted unanimously to adjourn.

The meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Carolyn K. Custy

Town Clerk