

**MINUTES OF THE REGULAR SCHEDULED MEETING  
OF THE EMERALD ISLE TOWN BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 12, 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 Pat McElraft, Commissioner Jay Murphy, Commissioner Emory Trainham, Commissioner John Wootten, Town Attorney Derek Taylor, Town Manager Pete Allen, Police Chief Mark Wilson, Fire Chief William Walker, Inspections Department Head Carol Angus, Parks and Recreation Director Alesia Sanderson, Public Works Director Robert Conrad, and Planning Board Chairman Cary Harrison.

**APPROVAL OF MINUTES**

• **Approval of Minutes of Special Meeting of July 17, 2000**

*Commissioner Emory Trainham made motion. Commissioner Jay Murphy seconded, and the Board voted unanimously to approve the Minutes of the Special Meeting of July 17, 2000 as written.*

• **Approval of Minutes of Special Meeting of July 18, 2000**

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

• **Approval of Minutes of Regular Monthly Meeting of August 8, 2000**

*Commissioner John Wootten moved, Commissioner Emily Farmer seconded, and the Board voted unanimously to approve the Minutes of the Regular Monthly Meeting of August 8, 2000 as written.*

• **Approval of Minutes of Special Meeting of August 14, 2000**

*Commissioner Emily Farmer moved, Commissioner Emory Trainham seconded, and the Board voted unanimously to approve the Minutes of the Special Meeting of August 14, 2000 as written.*

**MAYOR'S COMMENTS**

Mayor Barbara Harris explained that item 6 on the agenda would become 6A. Item 6B will be to amend, adopt, and discuss a resolution on B3 zones. Item 6C will be a proclamation in support of Transit Week. Adjournment will be item 15, as item 14 will be a closed session with the attorney.

*Motion was made by Commissioner Emory Trainham to accept the changes and additions to the agenda. Commissioner Emily Farmer seconded, and the Board voted*

*unanimously for approval.*

## **6. NEW BUSINESS**

### **a. DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION OF SUPPORT FOR MOVING THE HIGHWAY 24-58 OVERPASS FROM 4<sup>TH</sup> TO 2<sup>ND</sup> ON THE COUNTY TRANSPORTATION'S PRIORITY LIST.**

Mayor Harris introduced **Mr. Derryl Garner**, Mayor of Newport and Chairman of the Transportation Committee of Carteret County, who introduced **Ms. Adrienne Cole**, Executive Director of the Carteret County Economic Development Council who serves as advisor and secretary of the Transportation Committee. Mr. Garner listed the five prioritized projects for the County: 1) replacement of Gallants Channel bridge approaching Beaufort; 2) US 70 corridor between Raleigh and Carteret County with construction of bypasses in Clayton, Goldsboro, Kinston, and Havelock; 3) Carteret County northern bypass from Hwy 101 in Havelock, bypassing Newport, across the bridge to Radio Island; 4) overpass at intersection of NC 24 and NC 58; 5) widening and improvement of US 70 from Beaufort to East Carteret High School.

Mr. Garner explained that the intersection of NC 24 and NC 58 handles a large volume of traffic, particularly during the summer months. The widening of NC 24 in Cape Carteret and Cedar Point and the increasing utilization of NC 24 as an access to and from the Piedmont will increase traffic at this intersection beyond the capabilities of an at-grade intersection. The development of the Global TransPark and related improvements will also increase traffic on NC 58, making the overpass essential.

During the early spring and summer, he had many people from Bogue, Cape Carteret, Cedar Point, and Morehead City approach him to ask about the possibility of moving the overpass priority to a higher priority. The committee requested a feasibility study to determine what the cost would be and whether the overpass would be feasible. After a meeting held in Cedar Point with representation from towns of Bogue, Cape Carteret, and Cedar Point, Division II Engineer Neil Lassiter, Committee Board member Bob Mattocks, and County Manager Robert Murphy, the committee determined that it would be appropriate for all the towns in Carteret County to prepare a resolution of support to move the overpass from priority 4 to 2 and get the resolutions to the Transportation Committee. Each municipality received a letter from him requesting this.

**Mr. Mark Brennesholtz**, resident at 9322 Ocean Drive, questioned if it is accelerated to number 2, what the time frame would be. **Mr. Garner** said he cannot answer that question but has been told that funding would be available in a couple of years by borrowing it from another project (as funds were borrowed from this project to do another one.) **Ms. Cole** added that by moving the project up on the priority list, Carteret County's "wish list," if funds become available from delay of another project from the state that those funds could be diverted to this project if the community says it is important.

**Mr. Bill Reist**, resident at 8520 Woodcliff Drive, asked for a more specific answer to Mr. Brennesholtz's question on timing. **Mr. Garner** said it could be started within the next two to three years; that even if funding were available today and construction could begin next week, he expects it would be a year before it would be started. **Mr. Reist** said that even

after the new intersection, people have been complaining about the traffic. The traffic is DOT's problem and fault because they have not handled that intersection well. He advised the Board to hold off on this until they have more information.

**Commissioner Wootten** said he noticed that the resolution is a plan for the year 2002 to 2008. He said this cannot happen before 2002. How could anything happen around here in two years? **Mr. Garner** said that is the earliest, and that is only if everything were in place today. He does not expect the environmental problems they have had with Hwy 24.

**Commissioner Trainham** asked if there has been a feasibility study done. Mr. Garner replied there it is being done right now. **Commissioner Wootten** said it was putting the cart before the horse if we do not have the feasibility study first. **Mr. Garner** replied that the suggestion was that they proceed to get the resolutions from the municipalities, and these would be available at the time of the feasibility study.

**Commissioner McElraft** asked if they have gotten resolutions from most of the other towns. She had talked with the mayors of the towns mostly affected—Pelletier, Bogue, Cape Carteret, and Cedar Point—and they are definitely for this. This affects them as much or more than it does us. **Mr. Garner** said he had received those resolutions. When Commissioner McElraft asked if they had gotten any negatives on this, Ms. Cole replied that they had not.

**Commissioner Murphy** asked if this is moved from priority 4 to 2, would it necessarily have to take place after priority 1 is finished. **Ms. Cole** replied no. This is just Carteret County saying these are the things important to us in some level of priority. They will still be done within the system of the Department of Transportation and number 2 could go ahead of number 1. **Commissioner Murphy** then asked if the Board were to approve the resolution to move it to number 2 and the feasibility study came in and the Board considered it a negative, is the Board committed to approve the project. **Ms. Cole** replied "No."

**Commissioner Farmer** asked who was doing the feasibility study. **Mr. Garner** replied the Department of Transportation.

**Mayor Harris** read the resolution. The resolution supporting the revision of the 2002–2008 transportation improvement program priorities is as follows:

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| <p>RESOLUTION</p> <p>SUPPORTING REVISING THE 2002-2008</p> <p>TRANSPORTATION IMPROVEMENT PROGRAM PRIORITIES</p> <p><b>WHEREAS</b>, Transportation improvements are critical for the economy of Carteret</p> |
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County and the health, safety, and welfare of citizens within Carteret County and its municipalities; and

**WHEREAS**, the Carteret County Transportation Committee, which represents Carteret County on transportation matters, has prepared a list of recommended transportation priorities for submission to the North Carolina Department of Transportation as part of the 2002-2008 Transportation Improvement Program: and

**WHEREAS**, the intersection of N.C. Highway 24 and N.C. Highway 58 is experiencing severe congestion and traffic delays impeding acceptable traffic flow, creating a dangerous situation daily and particularly during peak weekends and hurricane evacuations; and

**WHEREAS**, it is extremely expensive for the military, traveling via N.C. Highway 24 to disembark from the N.C. State Port at Morehead City because of severe traffic delays; and

**WHEREAS**, an overpass at the intersection of N.C. Highway 24 and N.C. Highway 58 is number 4 in the Transportation Improvement Program priorities for Carteret County but is an immediate and pressing need for citizens within Carteret County; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Emerald Isle requests that the Carteret County Transportation Committee revise the 2002-2008 Transportation Improvement Program priorities by moving the number 4 priority, the overpass at the intersection of N.C. Highway 24 and N.C. Highway 58, to the number 2 position in the priority list; and

**BE IT FURTHER RESOLVED** That the Town of Emerald Isle requests that the revised 2002-2008 Transportation Improvement Program priorities be submitted to the North Carolina Department of Transportation for inclusion in the 2002-2008 Transportation Improvement Program.

**ADOPTED**, this the 12<sup>th</sup> day of September, 2000.

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Barbara M. Harris, Mayor

ATTEST:

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Carolyn K. Custy, Town Clerk

**Mr. Tom Henson**, resident of 8806 Sound View Court, made a statement against the resolution. He moved here for many reasons, but mostly because of good sounds, good smells, and good quality of life. When it seemed these qualities were endangered in the past, voters made a change and this Board assumed the reins of management and began enforcing ordinances enacted to keep the town from looking honky tonk. He said the resolution says that the overpass is needed to correct severe traffic congestion at the intersection of Hwy 24. Before the Board votes on the resolution, would it not be fair to have answers to questions. 1) How does it impact Emerald Isle? What traffic problems do we have on Emerald Isle other than on check-in and check-out times for a total of 9 whole days per year? 2) If the intersection is so dangerous, why is there not constant surveillance by the NC Highway Patrol or Cape Carteret police? The three stoplights in Cape Carteret are causing the congestion. Because of their needs, we are being asked to possibly put our quality of life in jeopardy. 3) Traffic delays being expensive for the military? The only real deployment is in time of war, and at other times, they will have to stop for all of the traffic lights from Jacksonville to the Port in Morehead City. 4) How do the improvements to 24 now being finished affect Emerald Isle? Should we not see if there will be a problem once this is finished before the Board supports a multi-million dollar project.

Mr. Henson shared his idea of Carteret County's big picture. They say we need a multi-lane overpass, then it will be another bridge into Emerald Isle, then multiple lanes down Emerald Isle—all to carry the traffic. What traffic, where? This project is the first domino that will fall to give access to high density housing in Indian Beach and Pine Knoll Shores at the expense of our town and our quality of life—smoke, smell, air quality, traffic problems, more traffic lights, our town divided in half by a five-lane road, all in the name of how it benefits Carteret County. Let them support a bridge at Pine Knoll Shores. We are told that all the mayors in western Carteret County support this initiative and ask for help with their problem, but when we needed help with beach renourishment, their towns voted against it. We would be better off telling them that Raleigh should spend the money on renourishing the beach so that there would be a reason for an overpass.

**Commissioner Farmer** read a letter sent by Julia Wax of Emerald Isle Realty, a copy of which is attached at the end of the minutes.

**Commissioner McElraft** said the problem at Hwy 24 and 58 for the people who live in Cape Carteret, Cedar Point, Bogue, and Pelletier is really caused because of Emerald Isle and our tourism. Instead of trying to have a war of the towns and not at least go ahead with the feasibility study, why do we not cooperate with the other towns and pass the resolution and move this up. This is not going to open five lanes to Emerald Isle, this is a feasibility study to move this up to the number 2 position so we can see if it is going to work. She is in favor of the resolution and because the other towns did not support our beach nourishment, she does not want to start a war with them. We need to be good neighbors and try to solve the problem that has been caused by what happens on Emerald Isle.

**Mayor Harris** said the overpass has been passed. This has already been done. The resolution moves it from priority 4 to 2. She would hate to see the resolution stop with Emerald Isle, since our representatives in Raleigh have worked so diligently for so many years. This is nothing that has come forth in the last year. If the Board wants to make changes in the resolution, that could be done without denying the whole resolution.

**Commissioner Farmer** said her understanding is that this overpass does not appear on the state TIPS list. **Mr. Garner** confirmed that. **Commissioner Farmer** said this is by no means a done deal. It is on the county transportation list, but it has not been picked up by the state.

**Commissioner Murphy** needed to clarify something. By voting to approve this resolution, we are only moving the priority from 4 to 2 in the county plan.

**Commissioner Farmer** asked why would the Board want something forwarded in the plan when they do not know anything about it. **Commissioner McElraft** replied so they can see a feasibility study. **Commissioner Farmer** said her understanding is that the resolution has nothing to do with the feasibility study being done, that that is already underway.

**Commissioner Farmer** read the following statement:

"The resolution before us cites "severe congestion and traffic delays impeding acceptable traffic flow, creating a dangerous situation daily" as the reason this overpass is desperately needed. Severe congestion and a dangerous situation daily? This is fiction folks. I'd like this board and you all here tonight to consider the following:

1. I think we all agree traffic backs up at rental changeover time on summer holiday weekends. A Highway 58 overpass would certainly help during those times. But that's roughly three or four hours a day, 6 days a year. Do we embark on a multi-million dollar project because of 6 days of traffic delays when the other 359 days the traffic through that intersection is manageable to non-existent?

2. Tourism traffic is about as bad as it's going to get. There's just not that much land left and I think the majority of this board, anyway, is committed to assuring, through zoning changes if necessary, that future development remains low density. You'll be hearing the results of the Town Survey at the next board meeting which I think pretty clearly state that residents and property owners don't want the higher densities that condominiums, motels and hotels bring. In fact, a majority have questions about duplexes! So it seems to me this overpass is being built to serve a future only a handful of people want.

3. So what will this overpass do for us residents who travel on 24 to Jacksonville and Morehead City? Not much because located right next to the overpass is a series of traffic lights. We will simply be joining, by turn lane or cloverleaf, the cars already waiting at or backed up from the lights. I go through this intersection every off season weekday during morning rush hour to take my kids to school. I can't recall a single time I've had to wait through more than one light cycle. I often go through it again around 5 pm with the same results. This is not heavy traffic. Furthermore, I question why we are trying to push through another so-called road improvement before NC's state flower, the traffic cans, have even been removed from the last road improvement - the widening of 24.

4. What impact will this overpass have on Emerald Isle traffic? There are few,

if any, traffic lights on 58 between Maysville and Emerald Isle. Therefore, the first stop traffic will make will be Coast Guard Rd. According to a Cape Carteret Planning Board member I spoke with who is a retired urban planner, the bridge has a capacity of 1000 cars per hour per lane. The intersection with Coast Guard Rd has a capacity of less than 500 cars per hour. Obviously we will create a bottleneck at the Coast Guard Rd. light that will potentially back up onto the bridge. What effect will that have on this already-congested intersection and what effect will it have on the rest of our traffic lights?

Finally, we need to stop and think what brought us all here and what continues to bring tourists. A good deal of Emerald Isle's appeal is that it's unlike most other beach communities on the East Coast. We have maintained a low density, a low skyline. The main drag is wide by the shopping center but narrows down through town and on Coast Guard Rd. If we lose that small beach town, low key feeling we lose the reason why people come here. A 30-plus-foot-tall, multi-lane concrete overpass with feeder ramps to solve a problem we don't have is the first step. Those of you who came to the February board meeting heard the DOT unveil the rest of the plans - widening the bridge to four lanes, widening 58 to Town Hall to five lanes, and widening the rest of 58 through Pine Knoll Shores to three lanes. If you're having trouble visualizing that, go to Nags Head and see how that once-beautiful area has been ruined by pavement.

I was told by Adrienne Cole at the EDC that the State would be starting a feasibility study shortly on this intersection. Such a study is the initial step in the planning and design process to determine if a project is even worth pursuing. I would certainly support a thorough, credible feasibility study of this intersection that included impacts to Emerald Isle. But until that is done, I can't support moving it up the County TIP list. In fact, I'm not sure it belongs on the TIP list at all.

I was told by one of my fellow commissioners that we needed to support this because Cape Carteret and Cedar Point supported it. That's not leadership. I challenge this board to show leadership by refusing to bow to pressure to solve a problem that isn't there."

**Commissioner Trainham** commented that he goes up Hwy 24 toward Jacksonville every day. He spoke yesterday with the mayor of Swansboro because it bothers him that we are not showing compassion or concern for our neighbors across the sound. He thinks the people in Swansboro are sick about what is happening there in regards to the four-lane highway. He is afraid the same thing is going to happen across the sound from us. He has a word of caution to the citizens across the way that they had better take a good look at what is being suggested because it will impact us, but it will impact them even worse. He will have to vote against the resolution.

**Commissioner Wootten** said he is hearing that a vote of approval for this resolution to move up in the priority from 4 to 2 is like signing a contract for two bridges and five lanes through the middle of Emerald Isle. When you are in a planning mode and leadership mode, you cannot think that way, you have to think in the bigger picture. All we are doing here is moving a priority. This may not go anyplace. He mentioned a couple of points about the

traffic in Emerald Isle. He agreed that this is close to being built out, and an overpass at 24-58 will not increase traffic to Emerald Isle. The control of traffic in Emerald Isle is a function of the number of homes we have for rental on the beach and the number of parking spaces we have for transient visitors to our beach. He agrees with Julia Wax's comments that the money would be better put to use for nourishment of the beach, but that is not going to happen. Given the fact that beach renourishment is our number 1 priority, we should not get these issues confused. We are talking about support for a Hwy 24 corridor, and this has been in the plan since the mid-80s—the entire corridor of Hwy 24 from Fayetteville—and the real beneficiary is the down-east folks when this is finished. We do not know the answers, but we are making a decision as one of seven towns supporting moving this up on the list so it can be looked at more closely. We will not know all the answers. If you wait to get all the answers, nothing will happen. Let's fight the issue of the dual bridges, the five lanes on Emerald Isle, and the traffic congestion when it is appropriate to fight the issue if and when this even gets close to a construction project. He rejects the kind of thinking of they did not vote for our beach renourishment so let's show them how independent we are. We are not approving anything, we are supporting with other communities a request to the county commissioners through the Transportation Committee to move this up from 4 to 2. If that happens, there are no guarantees of anything happening beyond that. It is still a worthwhile effort to take advantage of available funding. If it is not needed, if the intersection will take care of the problem, the feasibility study will show that. The state will not spend money on an overpass if there is not a traffic problem.

*Motion was made by Commissioner Pat McElraft to pass the resolution to move the Hwy 58 overpass to the number 2 position on the Carteret County TIPS list. Commissioner John Wootten seconded. The vote was taken. Commissioners Pat McElraft, Jay Murphy, and John Wootten voted for the motion. Commissioners Emily Farmer and Emory Trainham opposed the motion. Motion carried.*

b. **DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION TO TEMPORARILY PROHIBIT THE APPROVAL OF SUBDIVISIONS OR THE ISSUANCE OF PERMITS IN THE B-3 ZONES OF EMERALD ISLE.**

Mayor Harris read the resolution.

RESOLUTION  
TO TEMPORARILY PROHIBIT  
THE APPROVAL OF SUBDIVISIONS OR THE ISSUANCE OF PERMITS  
IN THE B-3 ZONES OF EMERALD ISLE

WHEREAS, the Mayor and the Board of Commissioners are concerned about the impact of further development in existing B-3 commercial zones upon traffic patterns within the Town; and

**WHEREAS**, a State of North Carolina Department of Transportation report, issued on July 1, 1999, indicated that commercial development in the area of Coast Guard Road and Highway 58 would have a negative effect on traffic in the area; and

**WHEREAS**, the Town has recently contracted for a land use and traffic pattern analysis related to further development in the B-3 zone, particularly in the Highway 58/ Coast Guard Road area; and

**WHEREAS**, the Mayor and the Board of Commissioners have called a special meeting to be held on September 25, 2000 at 7:00 P.M. to consider and hold public hearings on a possible moratorium on all development and issuance of building permits in areas of high vehicular traffic; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Planning Board and the Inspections Department will not consider or approve any subdivision plans or building permits for the B-3 commercial zone until further advised by the Mayor and the Board of Commissioners.

**ADOPTED**, this 12<sup>th</sup> day of September 2000.

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Barbara M. Harris, Mayor ATTEST:

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Carolyn K. Custy, Town Clerk

**Commissioner McElraft** said the resolution is to take this to a public hearing on September 25, and they do not intend to have the moratorium go on forever even if it is passed, just until the study is done. It is her understanding that they will allow some plans to come to the Planning Board but they will not go to the Board of Commissioners until they have the solution. Ms. Angus confirmed that.

**Mr. Derek Taylor**, Town Attorney, suggested a change. He suggested adding the words "following the special meeting to be held on September 25, 2000" to the end of the first sentence in the paragraph beginning **NOW, THEREFORE, LET IT BE RESOLVED**.

**Commissioner Wootten** explained B-3 zone. It is a special zone from the post office to the west of the island inside of Hwy 58, including the two parcels of land on the west side of 58, where Reed Drive extension and Crew Drive extensions go. There have been some thoughts about eliminating Reed Drive. There are some other movements to develop that land in different ways, and the Board is concerned about the traffic pattern there. The Board contracted a planning firm and a traffic analysis firm to give them advice as to the best way to go in dealing with these pieces of property. Those studies will not be done as rapidly as they would like, and they do not want to be forced into approving something until they know the best options and the best way to proceed with this issue. The public hearing has been called for September 25 for a moratorium to temporarily solve the problem. The resolution covers the period from tonight until September 25 and is on the advice from some Planning folks.

*Motion was made by Commissioner John Wootten to approve the resolution as modified. Commissioner Jay Murphy seconded, and the Board voted unanimously for approval.*

c. **PROCLAMATION IN SUPPORT FOR TRI-TRANSIT WEEK.**

**Mayor Harris** explained that each year the mayors of all the cities are asked to encourage the residents to carpool to go work, use public transportation, etc. She was asked to sign the proclamation for the Transit Authority. No action was required of the Commissioners.

**7. TRASH COLLECTION.**

**Mr. Pete Allen**, Town Manager, introduced Mr. Dick Eckhardt. Mr. Eckhardt requested to address the Board on some trash problems. A representative from Coastal Regional Solid Waste Management Authority (the land fill) and someone from the town contractor, Waste Industries, were asked to be present to answer questions.

**Mr. Eckhardt** is a resident at 4304 Ocean Drive. He requested that the Board consider two actions: 1) find some way to use our existing ordinances to clean up a big mess as far as trash is concerned; 2) develop and implement a long-range plan to address problems of solid waste management.

Mr. Eckhardt passed out over 100 pictures covering a two-mile stretch (from Connie Street to West Landing) of Ocean Drive taken in the last two months, the busy season of July and August. There were no duplicates in the 100 pictures. Many were of the same properties, but they were taken different weeks. There is an ordinance to address this—15-3 paragraph B. Basically what it says is that if an existing container will not handle the trash, the owner will be notified to fix it. Mr. Allen has indicated that the property managers are reluctant to support this, and Mr. Eckhardt has found the same thing. He does not think the ordinance needs to be changed, just enforced.

For the second item, he said that in the 90s, the Board started to address the issue by requesting a 90-gallon can for all new residences. There was never any follow-up. He would recommend a citizens' committee, sponsored by the Board, to look into this. He has no complaint with the service—what the waste management people do is far beyond what they should be expected to do.

A resident from the audience questioned the 90-gallon cart and said it flies in the breeze. He also said that a lot of folks come down on weekends, put their garbage out, and leave for weeks. Where will the garbage can go? That is the problem with the 90-gallon cans. He suggested making a box for it to sit in down by the road because it will blow all over the road.

**Mr. Allen** had a few comments. There are options available. The chief problem is during the ten weeks of the season. The previous Board tackled the 90-gallon carts, and it got to be a political hot potato. He said that the ordinance also says all that is required is two 30-gallon containers. They had entertained the idea of mandating 90-gallon roll-out carts, not necessarily just one. They also talked about the possibility of providing Saturday and Sunday collection, which they do not do because the landfill is closed. There was also discussion of collecting oceanfront only first thing Monday morning. Beginning collection before 7:00 A.M. was also discussed. He agreed with Mr. Eckhardt that they get up a committee of local citizens and realtors or rental agents. The ideal solution to the problem is pure back-door collection, where the cart is behind the house or in the garage; the collectors get the cart, dump it, then take it back. This is not the ideal solution in terms of what it would cost. It is an option for maybe ten weeks out of the year.

**Mayor Harris** said what stopped this when she was a commissioner and this was brought up was that there were so many retirees who could not handle the 90-gallon carts. She had asked realtors last month what could be done. Ketterer Realty said he calls the owner and tells him that he is buying a 90-gallon cart because the trash is overflowing and to expect a bill. Ketterer does not have the problem with the renters. If rental management companies would do this, it might help. Of all 100 pictures, none was of a Ketterer house.

**Mr. Eckhardt** said that according to the ordinance, if there is a problem that goes beyond two 30-gallon cans, the number of cans needs to be increased.

**Mr. John Grady**, resident of 113 Fawn Drive, said not to force the large cans on everybody if permanent residents do not have a problem. It's the renters who have the problem.

**Mr. Mark Brennesholtz**, resident at 9322 Ocean Drive, said he has a 90-gallon roll-out cart that has molded on the back of it "Place this side toward the street." This works. His house next door has two 30-gallon cans, and it looks pretty disreputable at times. He would suggest a sticker on the can instructing renters to take the can down to the street on certain days and then return it to its original position under the house—he thinks people would do that. He says it is a good idea to go to the 90-gallon carts and get the horrible lattice things off the street.

**Mr. Eckhardt** said if it is piled up and overflowing it is going to be unsightly no matter when it is picked up. **Commissioner Murphy** commented that he does not believe it is necessarily that people who have checked out of the rental properties put the trash out. Of course, the places have to be cleaned after check out. He has never cleaned a rental property prior to checking out—he has just left it the way it was and left it up to a cleaning crew. He feels that on Saturday and Sunday it is a heavier problem than on weekdays mainly because that is when the cleaning crews are there. Commissioner Murphy feels that the neatest solution would be the big containers.

**Mayor Harris**, after approval of the Board, appointed a Committee to study the trash problem. She appointed Mr. Eckhardt as Chairman. She acknowledged that Mr. Eckhardt has worked very hard on this report.

A ten-minute break was taken from 8:35 to 8:45 P.M.

**8. THE BOARD WILL CONSIDER THE CREATION OF A BOGUE FIELD STUDY COMMITTEE AND NOMINATE AND APPOINT MEMBERS TO SERVE ON THAT COMMITTEE.**

**Commissioner Trainham** related it is his pleasure to announce a list of citizens who have agreed to serve on the Bogue Field Committee: Jim Pierce, Tom Henson, Mark Brennesholtz, Phil Gagnon, Vincent Donanno, Shirl Brilakas. These members were asked to stand for recognition. **Commissioner Trainham** commented that the whole purpose and mission is to foster communication between the island and the military use of Bogue Field and the flight of the Harriers. First the committee will address the creation of a Mission Statement and entertain general comments from each member of the Committee and how they personally feel about the situation, but it is not to be a program of issues to bring about any kind of confrontation about the field or the airplanes. He and Mayor Harris have had the opportunity to be the citizens' representatives over at Cherry Point. He has had the opportunity to see the field for the first time. This will help with a better understanding of what the field is doing and why there are planes and if anything can be done to alternate their patterns, their timing and other issues that will be looked at carefully.

**Commissioner Wootten** reviewed what he and Commissioner Trainham discussed a few minutes ago. This subject was raised in the survey that went out about 6 months ago, and he asked that the committee see the results of that survey so they will know the feeling of the people. Commissioner Wootten received an invitation to see an exercise and demonstration, and he feels this would be good for the Committee to see.

**Mayor Harris** repeated the names of the Committee for clarification.

**9. TOWN BOARD REVIEW AND DISCUSSION OF THE PROPOSED REVISIONS TO THE COMMERCIAL STRUCTURE ORDINANCE AND DECIDE IF IT WISHES TO BRING THESE ITEMS TO PUBLIC HEARING AT THE BOARD'S REGULAR MONTHLY MEETING ON OCTOBER 10, 2000.**

**Mayor Harris** commented that the amendments to Chapter 19 of the Commercial Structure Ordinance will come to a Public Hearing at the Board's regular monthly meeting which will be October 10, 2000.

**Commissioner McElraft** read the following proposed amendments for the benefit of the public.

**PROPOSED AMENDMENTS TO THE COMMERCIAL STRUCTURE ORDINANCE**

- a. The total area of glass, windows, and any similar transparent or translucent devices for each side of any commercial structure shall not exceed 35% of the surface area for each side of the building, and must be positioned uniformly along the face of the structure. Any breaks or devices in the continuous roof line, such as dormers, must be approved by the Planning Board, and the Board of Commissioners. Any glass component of these devices shall be considered as part of the allowable 35% area of each building face.

- b. No glass, window or similar transparent or translucent device may be placed above the lesser of the height of the lowest part of the ceiling or the lowest part of the roof for any commercial structure.
- c. No façade, load-bearing, bearing, non-bearing wall or partial wall may be placed within 10 feet of any glass window, or similar transparent or translucent device.
- d. Placement of towers, spires, and other structurally non-functional additions to any commercial structure above the lowest point of the roof is prohibited.
- e. Any building face shall not have any wall component which exceeds 40 feet in length, without an offset of the building face by a minimum of 4 feet for a minimum length of 8 feet.

**Mr. Cary Harrison**, Chairman of the Planning Board, thought there was to be another change initiated, and he read "No signs or devices which are designed to attract the attention of the public can be placed inside the commercial structure which are visible from any public right-of-way or within 10 feet of any window or transparent or similar material with the exception of a maximum of two signs. This cumulative surface area will not exceed 12 square feet."

**Mrs. Carol Angus**, Inspections Department Head, commented this particular item has been removed from the 5 shown above and this one item will be inserted into the sign ordinance.

**Mayor Harris** said a public hearing will be held on this, and a copy can be obtained from Town Hall.

**Commissioner Wootten** questioned number C. He commented that a load bearing wall will come out of the exterior of the building someplace and he questioned "what are you trying to do here?"

**Mr. Harrison** said he can provide examples if Commissioner Wootten would like. This is to prevent a façade wall that is used solely for the purpose of display behind the window—to prevent primarily any wall such as a display wall—and this can be bearing or non-bearing.

**Commissioner Wootten** also questioned "e". He does not understand it. **Mr. Harrison** replied this is primarily designed to prevent the warehouse look. An example is Bert's Surf Shop. He certainly has a wall longer than 40 feet; however, his entrance is inset at least 4 feet for a length greater than 8 feet. He gets rid of the continuous span of the warehouse look. **Commissioner Wootten** commented "then we are really not restricting size of the continuous wall?" **Mr. Harrison** answered "Correct".

**Commissioner Wootten** asked about the 35% mentioned in "a". He asked if the 35% meets the requirements, because there was some concern about Motel structures, etc., and asked if that had been resolved.

**Mr. Harrison** replied "at least to my satisfaction". He has gone up and taken photographs of about a dozen structures in both Emerald Isle and Atlantic Beach, of the larger hotels, and there were several hotels that had considerable less glass area. For instance, the Sumner Suites was approximately 23%; the Sheraton, however, was up to about 55%. If you look at the side of the Sheraton, they take every unit in the hotel and it is wall to wall glass. They have almost a solid glass wall. As far as the Fire Code is concerned, he cannot believe they would have any difficulty adhering to that. Sumner Suites adhered to the Fire Code with 23% of the building space.

**Commissioner McElraft** asked if Sumner Suites has as many rooms because you have to have so much glass per room on Hotel.

**Commissioner Murphy** asked Fire Chief Walker if the glass was a means of escape in a Hotel. **Fire Chief Walker** replied he would have to check on it. He does not know off hand. He would suspect that a hotel window would be.

**Commissioner Farmer** said her question is how to get the information. She is speaking in terms of whether 35% will do it. She asked Chief Walker if he would look this up in the Fire Code to see if there would be any hindrance. **Chief Walker** said you could look at it on a case-by-case basis. Unless you know what you are looking at, whether it is 35% of the room or 35% of the building, it would not be spelled out.

**Commissioner McElraft** commented that the Board is not going to allow more than three floors and this should help cut the number of rooms down anyway.

**Commissioner Farmer** asked to back up and explain to those who do not know what the Board is talking about. She said this came about because of the T-Shirt looking shops and this where it all stems from. The Board is trying to do something so that they don't end up with a warehouse type building.

**Mayor Harris** asked for a motion to hold a public hearing on October 10, 2000.

*Commissioner Wootten moved, Commissioner Trainham seconded, and the Board voted unanimously to instruct the Town Manager and Town Attorney to take appropriate steps to bring this into format for a Public Hearing on October 10, 2000.*

## **10. ROUTINE TAX REFUNDS AND RELEASES**

*Commissioner Wootten moved, Commissioner Murphy seconded, and the Board voted unanimously to approve a \$96.00 tax refund to Harris Law Firm for Builders by Design/Gerald Bruce.*

## **11. COMMENTS FROM THE PUBLIC**

Commissioner Wootten asked to be excused from the balance of the meeting due to illness.

*Commissioner McElraft moved, Commissioner Farmer seconded, and the Board voted unanimously to excuse Commissioner Wootten from the meeting.*

**Mr. Frank Ragsdale**, resident of 119 Deer Horn Drive, addressed the Board regarding water. The back of his property adjoins Lot 120, which is on Doe Drive in front of the town pump. He said the problem is with water in Deer Horn Dunes that is invading the yards and property, covering the streets, surrounding the houses, driving venomous snakes out of the woods and into the yards and carports, which has been left standing stagnant for weeks on end despite pleas of residents, is a fertile breeding ground for mosquitoes, and is also contaminated with fecal coliform. He presented photographs taken by Mr. John Grady the past weekend for the area just to the north of Mr. Ragsdale's house. He questions the resistance to pumping to the ocean because the water is

contaminated with fecal coliform "which represents a health threat to swimmers and surfers" according to a letter from the state. If they pump water which has been sitting, upon contact with the ocean, it will be mixed and diluted; but the chief water quality officer of the state of North Carolina considers that the quality of that water is so bad that it represents a threat to the health and safety of people who only encounter this water on an occasional basis. He does not understand why this highly contaminated fluid can be left to rest in their yards and streets and why there is no system to move something that the state admits is foul and toxic and should not be there unless it meets the test of an emergency. That emergency is that the water level, regardless of its content, must reach 14 inches (or the bottom of a police car door). This does not make sense. Swimmers and fishermen and surfers are protected but residents are not. They are in danger of their property depreciating.

Mr. Ragsdale is representing others in the neighborhood and requested that the Town immediately change its rules and regulations and guidelines when determining when the pumps can be turned on. It is not a matter of a hurricane or tropical storm, just a wet spell that they had that lasted about a week. The people in Raleigh do not care.

**Mayor Harris** asked if anyone in Deer Horn Dunes had had any septic tank problems. **Mr. Ragsdale** said that Mildred Perry had told him that she was very careful about how they used water and flushed toilets, but he did not know for a fact that there were problems. **Mayor Harris** asked if the Health Department had come to test what was in the street, to which **Mr. Ragsdale** replied "No." **Mr. Allen** said that Curtis Odom from Carteret County Health Department was present and had been asked to come check parts of the town and help the Town with the people from the Division of Water Quality.

**Commissioner Farmer** asked Mr. Ragsdale if he was aware that the Town just finished a study on storm water. They cannot pump into Bogue Sound, and they can only pump to the ocean in emergencies. The question is what to do with the water. What came out of the study was the purchase of 40.7 acres on the sound side of Coast Guard Road that would be turned into constructed wetlands. The water would then be pumped there, except we are short about \$5 million. There will be a Board workshop on this on the 25<sup>th</sup>, and she had sent Mr. Allen five additional sources for funds. They have been turned down twice by the Clean Water Management Trust Fund for funding. That is not enough of a no for this Board, and they will do it again. It will take taxpayer money. She asked Mr. Allen if he had contacted any of the five sources. **Mr. Allen** said he had written to Todd Miller asking him if there was anybody else. **Commissioner Farmer** said Mr. Miller and she had talked about these sources, and it is not his job to do the Town's work. Judging from the Town survey, residents and property owners support using taxpayer money. The unfortunate thing is that what we are paying for now is poor development—she wishes we could go back and tell them to fix the mess because we are paying the price.

**Mr. Ragsdale** said the purchase of the land is pretty far down the road and will not help us in the meantime. He took issue with the definition of "emergency." He looked for the set of rules issued by the state of North Carolina that would cause Emerald Isle not to pump until the water got to 14". He could not find any rules. He asked Mr. Allen if there was an agreement with the state, and **Mr. Allen** said there was an emergency response plan that contained the definition of 14" that was sent to the state, but nobody can find a signed return copy.

**Commissioner Farmer** said one of the stipulations of the permit given by DWQ to install the pump on Doe Drive in 1995 was emergency conditions. When asked by Mr. Ragsdale if it stipulated the 14 inches, she replied "no." He argued that there has to be a more sensible definition

applied to emergency pumping and said the 14-inch rule does not exist. Commissioner Farmer said that is not the Town's regulation but the State's. He said there does not seem to be a binding signed agreement between the town and state that would cause Emerald Isle to turn on or not turn on the pumps. Commissioner Farmer said it was her understanding that this was a directive from Bill Hollman, who is director of Department of Environment and Natural Resources. The rule applies to the full coast. He said that the tone of the communication with the state is that the state would encourage or discourage but nowhere does he see where the state cites statute.

**Mayor Harris** said there has to be a way to do it quicker—dig a ditch, put a pipe in it—to at least get the water to the Doe Street pump.

**Robert Schaefer** deferred to Ted Williamson. **Mr. Ted Williamson**, resident of 205 East Sandfiddler in Lands End, spoke about the pumping in Lands End. Rains started July 23. At that time, ponds in Lands End were at one of the lowest levels in recent years. They started pumping the excess storm water by means of a system of pumps and pipes which Lands End installed a couple of years ago for this purpose. From July 25 until September 4, they pumped every day except two, and they removed 40 vertical inches from the pond system. The water was pumped into sandy depressions and common ground dune systems within Lands End. With the rains continuing and the underground migration of storm water from areas of Emerald Isle east of them adding to their water levels, they obtained clearance from the state to pump the excess water to the ocean. They have been pumping to the beach since September 4 and are able to remove 10 to 12 inches of water per day, or well over 1 million gallons. They do not like to pump to the beach, but it is the best and most harmless solution. When they pump to the beach, warning signs are posted along the beach. The state standard for fecal coliform is 200 units per ml. Lands End waters were tested the day they started pumping to the beach, and their samples tested 6 and 22, respectively, or 7% of the concern level. Their water is safe! There is an important lesson in the low numbers—they started pumping early, before they were flooded, and the water remained pure. They did not wait until it accumulated to the point where it invaded septic systems, lawns, and streets. If they had waited until they were flooded, they would probably have had high numbers. He said that Lands End alone will not solve the flooding problem of western Emerald Isle. He thinks the Town and other flood-prone subdivisions (particularly Dolphin Ridge and Spinnakers Reach) should get involved together with Lands End on the correction of the problem.

**Commissioner Murphy** asked if they had to go by the 14 inch depth? **Mr. Williamson** replied that there is no such regulation. He read a letter from Kerr T. Stephens, director of the Division of Water Quality, N.C. Department of Environment and Natural Resources, dated May 11, 2000. "Although you and I have generally defined what constitutes an 'emergency', the issue has come up again. After talking with Mr. Mike Addertion with Carteret County Emergency Management, it seems like the best guideline in this case is that if a police car is unable to reach a flooded residence along Doe Street, then that constitutes emergency conditions that warrant pumping the ponded water to allow access to emergency vehicles." **Mr. Williamson** said he understood that to mean that the word "emergency" is hard to define and depends on the circumstances. There is no 14-inch rule. Common sense should be the rule. If we wait until our roads are covered with 14 inches of storm water, we will have infection and pollution. He deplores the tendency in this country of looking to the government for fixes. Lands End has not looked to the government—they have fixed it themselves.

**Ms. Anna Mae Meltner**, resident of 10501 Island Circle presented a petition asking for a permanent fix to the storm water problem. She asked that Emerald Isle not back down from trying to get help to alleviate the problem. She said she had not been able to get into her back yard or walk through her yard to get to her mailbox for at least a month. They have planted trees and have

lost them because of the water.

**Mr. Bob Isenhour**, resident of 313 Channel Drive, also spoke on water problems and represented people at the Point. He presented a petition asking for closure to pedestrian traffic the former access area at the Point until a permanent solution can be found. The bags are being damaged by fishermen's hooks and people walking on the bags. He suggested closing the stairs, posting signs saying the area is closed and giving alternate ways of beach access, more police patrols, planting of the dune area. The petition was signed by 76 people who live in the area.

**Mr. Tom Henson** commented that if the Town spent \$30,000 for the sandbags, it should do something about protecting them. **Mayor Harris** said that several of the Board have been down to the Point and have actually seen fishermen cutting their hooks out of the sandbags and cutting bait on the bags.. She said that there is a walkway off Channel Drive that could be used as beach access for the people in that area.

**Mr. Robert Schaefer**, resident of 9805 Poseidon Court, Dolphin Ridge, said nobody other than Lands End was preparing for high water. We cannot stop a hurricane but we can take steps to help the flooding. The water retention ponds in Lands End and Dolphin Ridge contain good quality water. If we get a hurricane now, we will be inundated with septic waste. We need to do more to prepare for high water.

**Mr. J. B. Cottle**, resident of 10544 Wyndtree Drive, said a corner of his lot is in 3 feet of water, not just 14 inches. Water is being pumped into his yard and onto the beach, too. He thinks taxes need to be raised or more businesses allowed in the town to help pay for solutions. It is time the Town take some initiative and does something on their own.

## **12. COMMENTS FROM DEPARTMENT HEADS**

**Mr. Cary Harrison, Planning Board**, said he appreciated the kind words of Bill Reist in the previous Sunday's newspaper and encouraged people to come to the Planning Board meetings.

**Mr. Bob Conrad, Public Works**, said in the last 6 weeks we had 16 inches of rain. Efforts have been directed toward water abatement and mosquito control. Their constraints are many and options are few. The worst flooding Emerald Isle has had was in 1984 prior to almost all the development in the Coast Guard Road corridor. The water problem is not surface runoff, it is the result of the high water table. They expend a lot of money and effort after the fact that could be done before the fact and is asking for suggestions.

**Mr. Mark Wilson, Chief of Police**, said things have slowed down a lot for the police department. He sees no decline in drug arrests. He thought that once the season fell off, drug arrests would fall off, but that has not been the case.

**Mr. William Walker, Fire Chief**, said there had been a fire at a duplex. Someone had been working on wiring themselves rather than hiring an electrician and wired an electrical socket backwards. No one was hurt. No rescues.

**Ms. Alesia Sanderson, Parks and Recreation**, said the western regional access was reopened this afternoon. A surf fisherman had complained that it had been shut down for the locals and kept open for the tourists, but the only reason it was closed was because of the high water. Ribbon cutting has been postponed until the spring.

No comments from Commissioner Trainham, Commissioner Farmer, and Commissioner Murphy, or Mr. Taylor, Town Attorney.

**Commissioner McElraft** said she has total compassion for the people who are having water problems. She agrees that they should pump the water when it is clean, before the fecal coliform level goes up, but their hands are tied by the Division of Water Quality. She thinks people from the DWQ should be invited down to hear the people, let them walk through that, and we need to be impassioned and show them we are impassioned about what kind of emergency this really is. It does not need to be 14 inches. The equine encephalitis, West Nile, it is all here. Newport has the mosquito carrying the equine virus already. We have to do something. When Mr. Allen was pumping when he should not have been pumping, there were citizens here who reported us. That is sad.

**Mr. Allen** added to Mr. Conrad's comments. We are putting ourselves in harm's way doing what we think is common sense and helping the people out within the realm of not getting fined or being thrown in jail. He asked for the citizens' help. Mr. Williamson mentioned earlier that he was pumping 40 inches of rainfall a day but the recharge was such that he was netting 10 inches. The Town has the same problem. The people would be shocked at the reasons people tell us or require us or ask us to quit pumping. Some folks say they cannot sleep at night, but if the pumping is cut to the 12 hours of daylight (when somebody could go out and buy a 19-cent pair of earplugs), they lose basically everything they pumped those 12 hours. Use some common sense in working with the Town. He said he had to call Chief Walker's people out at 10:00 P.M. because somebody was pumping water from their yard into the town street and people were worried about the car getting dirty. If there is a problem, the Town will help.

**Mayor Harris** announced upcoming meetings on September 25, 2000. At 3:00 P.M. is a workshop, at which there will be storm water discussion. At 7:00 P.M., there will be a special meeting. From September 17 to 30 is Litter Sweep, for side streets, and she asked that the citizens pick up litter. Time Warner Cable will be out on September 14 from midnight until 6:00 A.M.

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

The Board entered closed session at 10:30 P.M.

*Motion was made by Commissioner Farmer to return to open session. Commissioner Murphy seconded, and the Board voted unanimously to re-enter open session.*

*Motion was made by Commissioner Farmer to adjourn. Commissioner Trainham seconded, and the Board voted unanimously to adjourn.*

The meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Carolyn K. Custy

Town Clerk