

**MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE
TOWN BOARD OF COMMISSIONERS
OCTOBER 10, 2000 - 7:00 P.M. - TOWN HALL**

CALL TO ORDER.

Mayor Barbara Harris called the meeting to order at 7:00 P.M.

INVOCATION.

Commissioner Emory Trainham gave the invocation.

ROLL CALL.

Present for the meeting were Mayor Barbara Harris, Commissioner Emory Trainham, Commissioner Emily Farmer, Commissioner John Wootten, Commissioner Patricia McElraft, Commissioner Jay Murphy, Town Manager Pete Allen, Town Attorney Derek Taylor, Town Clerk Carolyn Custy, Planning Board Chairman Cary Harrison, Inspections Department Head Carol Angus, Building Inspector Jimmy Taylor, Public Works Director Robert Conrad, Fire Chief William Walker, Parks & Recreation Director Alesia Sanderson and Police Chief Mark Wilson.

APPROVAL OF MINUTES.

Approval of Minutes of Regular Meeting of September 12, 2000 - Commissioner Emory Trainham moved, Commissioner Jay Murphy seconded, and the Board voted unanimously to approve the Minutes of the Regular Monthly Meeting of September 12, 2000, as written.

Approval of Minutes of Special Meeting of September 25, 2000 - Commissioner John Wootten moved, Commissioner Pat McElraft seconded, and the Board voted unanimously to approve the Minutes of the Special Meeting of September 25, 2000, as written.

MAYOR'S COMMENTS.

Mayor Barbara Harris asked the audience to speak under the Agenda items only as they are called out. Under Item 10, there is time for public comment, and the audience may then speak on any concern. Mayor Harris reminded the audience that there would be a workshop of the Board on October 16, 2000, at 11:00 A.M., and items to be discussed are the Coast Guard Road status, report from the Sign Committee, report from Bogue Field Committee, Hatteras ramp, Lands End electrical pumping system, Deer Horn Dunes drainage pipes. It will be posted on the bulletin board.

PUBLIC HEARING FOR THE PURPOSE OF TAKING COMMENT AND POSSIBLE ACTION TO ADD SECTION 19-74.1 TO THE EMERALD ISLE ZONING ORDINANCE CONCERNING ARCHITECTURAL ISSUES RELATIVE TO COMMERCIAL STRUCTURES AND ADDITIONS.

Commissioner Jay Murphy made motion, **Commissioner Emory Trainham** seconded, and the Board voted unanimously to open the Public Hearing.

Mayor Harris read Section 19-74.1, which is contained at the end of these minutes. There were no questions or comments from the public.

Commissioner Emory Trainham made motion, **Commissioner Jay Murphy** seconded, and the Board voted unanimously to close the Public Hearing.

Commissioner Wootten explained that what the Board of Commissioners had asked the Planning Board to do would hopefully control the exterior appearance of commercial structures in the commercial area. He hoped that this would prohibit a Wings or Pacific or that type building from being built again, and that is the reason they got into this to start with.

Commissioner McElraft said she was happy that the Planning Board added in the part about the Fire Marshal and state code on fire because that was her big concern about hotels. She also said the Planning Board had done a good job.

Mr. Cary Harrison said he had checked with the Fire Marshal and Inspections Office, and there is a requirement of a minimum of 8% of the floor area of the room, but it does not look like the 35% bears on this at all. This caveat would afford an increase as needed.

Commissioner John Wootten made motion, **Commissioner Emory Trainham** seconded, and the Board voted unanimously to approve adding Section 19-74.1 to Chapter 19 of the Town Code.

OLD BUSINESS.

- a. **THE BOARD SHOULD DISCUSS AND REVIEW RECOMMENDATIONS FROM THE PLANNING BOARD AND DISCUSS ENGINEERING STUDIES RECENTLY RECEIVED RELATIVE TO COMMERCIAL DEVELOPMENT IN B-3 ZONES, THE MORATORIUM IMPOSED ON SEPTEMBER 25 AND TRAFFIC CONCERNS IN HIGH TRAFFIC AREAS. IT SHOULD ALSO DECIDE IF IT WISHES TO GO TO PUBLIC HEARING ON THIS ISSUE IN NOVEMBER.**

Mayor Harris explained that both engineering studies had come in, and that the Planning Board and Board of Commissioners had a week to review them, so they now had three studies: the 1999 DOT study and the two recent engineering studies.

Mr. Harrison made some comments. The Planning Board convened on October 9, 2000, at a special meeting to discuss the results of the two engineering studies. They also looked at the July 1999 NCDOT study. It was decided that on some of the items, it was premature to make any decision. They have not had enough time to study the reports, and they do not have enough information. However, there were items they did make decisions on. These were: 1) the portion of the parcel that is north of Reed Drive Extension and proximal to Hwy 58 remain as B3 zoning; 2) there be a singular point of access for any development on these two properties across from and in alignment with Pebble Beach's entrance and that there be improved lines of sight to the left and right of this access point; 3) the developers of the project be required to apply for substantial screening and buffering of any development that is adjacent to NC 58 since this is a gateway area; 4) the Board of Commissioners initiate a study by either the DOT or by a private engineering firm or firms that looks at the entire Coast Guard Road corridor from Pebble Beach north and eastward, looking at whatever can be done to manipulate traffic, and provide the Boards information as to whether or not Coast Guard Road can accommodate a certain amount of development.

Commissioner Farmer said she, Commissioner Wootten, Commissioner McElraft, and Commissioner Trainham had gone to the meeting. There was also a good deal of discussion about concerns about flooding in Quail Ridge townhomes, as they already have flooding problems from wetlands that start on the property to be developed and carry on to Cape Emerald, and there was also concern that the same type of flooding could occur on the north side of Coast Guard Road that now occurs on the south side. She has concerns about widening Coast Guard Road in the area around Pebble Beach because it floods there as well. They have to look at what additional pavement or impervious surface would do to adding to a flooding problem. She feels strongly that they do not have enough information.

Commissioner Trainham commented on the way the Planning Board meeting went. He wishes more citizens could have been there to observe how the Planning Board operates. The Planning Board did a marvelous job-they have done a tremendous amount of homework.

Commissioner Farmer added that the Planning Board had said something about screening because this is the entrance to Emerald Isle. She would like to see some consideration given to the roof of whatever goes in there because that is the view from the bridge. A flat roof with air conditioners sitting on top is not how we want to say "Welcome to Emerald Isle."

Commissioner McElraft said she appreciates the time the Planning Board spent. She feels that the road needs work. They need to accommodate storm water runoff from the road, and she thinks that can be done. She agrees they need a DOT study, hopefully free, to tell them how to work the road. That does not impact on her decision whether to change from B3 zoning. She thinks when they fix the road, it will solve the problem between a B3 or B2 or B1. They then will not be accused of or sued for spot zoning. They would be spot zoning if they take a B3 area and turn it into B1 or B2. They only have B1 and B2 from the post office and eastward on the island, so she would not be in favor of rezoning this particular property. She said she would like to see the moratorium lifted and continue study on the road and work with the developer. She knows the developer has a personal interest in Emerald Isle and will not do anything to destroy the island.

Commissioner Farmer said she does not know whether they need to down-zone the parcel or not. She will not know until they see what recommendations are made to them by the DOT and then figure out whether B3 is its densest development, since the developer is not informing the Board of her intentions, can handle the kind of traffic it would generate. Her concern about lifting the moratorium is that that is what is holding up any vested interest the developer would be able to show in this development. She asked the Town Attorney to tell them a little about vested interest.

Mr. Derek Taylor, Town Attorney, explained vested interest. There are two kinds of vested interest. One was the older method done by common law, and this looked at the issuance of a building permit as the time of vested interest-once the developer got a building permit, it could not be withdrawn because of a change in zoning. Statute 168-385-1, passed in 1989, created a statutory vested interest that backed up the vested interest because all the way up to the issuance of a building permit, the developer could have put time and money into the process and then zoning could be changed. The statute moved it back to the step of when the determination is made of the type and intensity of the use of the property, like a site-specific development plan. Once that has been approved, a vested interest has been created by the developer. If they were to come to the Planning Board and say this is what we want to do, and the Planning Board says under the zoning that is currently in play you meet all the criteria; then once the Planning Board has approved that, zoning cannot be changed to take away the right to develop the property according to the way it was approved.

Commissioner McElraft commented that the Planning Board said that the part that Ms. Holz wants to subdivide should stay B3. At the end of the 90-day moratorium, the Board will still not know any more than they do today. She is not in the mode of taking people's property value away from them because of a problem the Town has created itself. The tax revenue from the developed property will more than pay for the road to be fixed. She is for not holding up any more B3 projects.

Commissioner Farmer said she thinks they do not know whether widening the road will fix the problem. There is B3, there is B3 with limits on square footage, so it is not strictly a question of changing zoning-it is what conditions the Board feels, after having results of studies, they need to put on the property to protect the safety and comfort of Emerald Isle residents. That is one of the Board's responsibilities.

Commissioner Trainham said to do away with the moratorium is presumptuous. The Planning Board has been working under the guise of the 90-day time period that the moratorium allows. The moratorium gives the Planning Board time to further peruse different areas that need to be looked at besides the traffic problem. He does not think they need to give up the moratorium.

Commissioner Farmer asked Mrs. Carol Angus whether there were any other projects being held up by the moratorium. Mrs. Angus said the Emerald Hotel is being held up, that the developer wants to get Board approval behind him so he can go through the other state agencies. Commissioner Farmer said his project will impact on the intersection as well, as will the overpass. The first light from Maysville that people will come to is going to be the one at Coast Guard Road. They have to see if changes they make to the road will accommodate the densest B3 development that is legally allowable on that property. If it is not, they need to talk about what different square footages would generate in terms of traffic and figure out what is safe. They do not have enough information.

Mrs. Ceil Saunders, Planning Board member, spoke. What concerns her about this 7+ acre property is that if the three buildings go in, with the congestion already there with B3 zoning, that will generate even more traffic. A year down the road, they will put more buildings in the back, and that means more traffic. Something has to be done with the road. She would like to see the moratorium extended. These projects have been going on for several years-Reed Drive for 5 or 6 years, and the Watson motel for about the same length of time. She does not think a few more months will make a difference. The Planning Board needs to know what kind of traffic this mess is going to generate.

Commissioner McElraft asked whether it was not the recommendation of the Planning Board to leave the three lots in a B3 zone. The other development is not going to be for a while, and why should that hold up the decision? Ms. Saunders replied that the Planning Board has done a lot of research on this, and it needs more work. She does not think they need to put up three buildings with the traffic and the problems on Coast Guard Road. Get the road fixed and then make a decision. Commissioner McElraft said they cannot hold up building in B3 zones all over town while they decide what to do with the road. They cannot spot zone, so the three lots have to stay B3. She thinks because it has been zoned that way, the Town has to take charge and do something with the road. Ms. Saunders said the Planning Board needs more time. The 1999 report from DOT said nothing should go there. The Planning Board is trying to work around it and make it work-even if the whole parcel were downsized to B2, it would not help the traffic problem.

Commissioner McElraft said the developer had asked at the Planning Board meeting if the Town would be willing to pay the difference in appraised value from B3 to B2. That is a significant

jump in the appraised value of the property. She thinks the Town would have to pay that. If they can solve the problem with planning the road properly, it will be no more congestion than at the Food Lion. Ms. Saunders said the traffic at a Food Lion on Coast Guard Road added to the traffic already there would be a mess. Commissioner McElraft said she agreed, but that is why they need to address the road situation promptly. They should have done that a long time ago, even with the traffic that is there now.

Mr. Harrison said in defense of the hard work that the Planning Board has put in on this study already, they are under the impression that there is a limited, brief 90-day time period in which they can examine the studies and make recommendations to the Board. Some of the information in the reports is good, some not, some conflicts with the DOT material. They came up with everything they could in good conscience last night to decide upon. They did not decide on down-zoning or up-zoning or level-zoning with the residual parcel because they do not have the information. They need to know the capacity of Coast Guard Road. The Planning Board has worked very hard, and now the Board of Commissioners is discussing the option of dropping something in the middle of what they are trying to do, and that is demoralizing and irresponsible.

Commissioner McElraft asked Mr. Harrison if he thinks they could finish out the 90-day moratorium with a traffic study, a drawing, and the problem solved. Mr. Harrison said an engineering firm might be able to come up with something in terms of the configuration and confirmation of capacity, but he is not sure. Commissioner McElraft asked Mr. Taylor about the out parcel, the second parcel that is not being subdivided now. Would the developers have a vested interest in that until they start subdividing it? Mr. Taylor said the way the laws are right now, they have no vested interest until the Planning Board makes a determination on something that has been submitted to them on the development of the property. If the moratorium is lifted, the developer could do that tomorrow.

Commissioner Wootten said he had drafted the words that led to the moratorium, and he did that because he wanted to know more about what the impacts on the development would be in terms of traffic and zoning. They got two firms to do two studies—one on zoning, one on traffic. The traffic study reported, based on traffic count, that the level of service on Coast Guard Road, as it exists now, is at B in a range of A to F, where A is the best. They did the calculations in terms of the number of people in and out of the shopping center under a B3 scenario with different type stores. If it were downgraded to B1, the level of service would drop to a C. If the zoning remained at B3, the level of service would drop to a D. If Coast Guard Road is improved with a right-hand turn lane coming out of Coast Guard Road to go east, level of service would potentially be improved to a C. The study indicated that Coast Guard Road needs to be improved. They also recommended that the entrance be moved as far from Hwy 58 as possible.

Commissioner Wootten continued that the planning study did not recommend any zoning changes, but their first recommendation is to implement a special use permit so that as buildings are developed, each building would have to come forward with a special use permit that would go to the Planning Board, at which time the developer would have to address the impact of traffic. The burden would be put on the developer to address these issues for each building. The DOT study of 1999 said to be careful about commercial development, and that is what the Board is trying to do. Will they know anything more definitive before December 25 about Coast Guard Road and what is going to happen there? He likes the idea of a special use permit as a means to control incremental development. His recommendation is to widen Coast Guard Road, which has an 80-foot right of way from Hwy 58 to Reed Drive, then 60 feet as it goes around the bend; he thinks the 60 feet has to be widened to at least 80 feet. He recommends terminating the moratorium, not go forward with zoning, put emphasis on changing the code to a special use

permit so they can maintain some control.

Mr. Ed Dowling, Planning Board member, said they need to look at this from a holistic standpoint. He asked Mrs. Angus for the tax assessment value of the 7 subdivisions below the addressed property. Mrs. Angus said they had broken it down into a parcel from each of 8 subdivisions and it came to \$279,000 a parcel developed, not raw land. Mr. Dowling said he is worried about the loss of property value of these 7 subdivisions with the areas being inundated with water. There are 5 drainage areas between the saddles on the contoured land of the property under discussion. The Board of Commissioners inherited a problem that is reflecting on everybody in the room. Three petitions were presented by residents to the Board because of the water problem, and he is concerned because the water problem has not been addressed yet.

Commissioner Wootten asked if Mr. Dowling meant that development of the property would exacerbate flooding. Mr. Dowling replied, "Exactly." Commissioner Wootten asked if that should be addressed in the confines of the Planning Board, and Mr. Dowling said they need time to address it. He is begging for time to address the issues they have not had time to address. Commissioner Wootten asked if the special use permit would not handle this.

Mr. Tom Henson, resident of 8806 Sound View Court, commented that it is interesting that the Board gives the citizens time to talk, yet it appears that they have their minds made up before they hear from the people. The Planning Board recommended a traffic study because they do not have enough facts and have asked for more time, but the Board wants to take that time away from them. It would be irresponsible to make recommendations without knowing the impact of the traffic. The battle of developers and the quality of life for the citizens is what voted in many of the Board members, yet it seems that they are buckling to the almighty dollar rather than to the quality of life that the citizens of Emerald Isle demand. He said it was unimaginable that a commissioner who had not gone to the Planning Board meeting and who had not read the two studies could do this to his constituents. He argued with Commissioner Wootten about the three studies that were presented and brought up an article in the newspaper about the mess that the bridge in Swansboro is making. In that article, the DOT engineer admitted that the DOT never did a study on the impact to the town of Swansboro and said that type of study has never been part of the process before construction begins. Mr. Henson quoted one resident as saying in the article that "The bridge is for the military, the people in Raleigh in Charlotte who want to go to the beach, and we are the ones who are going to pay the price." He suggests we heed that warning-relying on the DOT to do the study is a dangerous position for a commissioner to take. The Board should keep the moratorium and spend the money for a traffic study by the Town, not by the DOT, which could probably be done in the time the Planning Board is asking for, and make sure that study determines the impact that the overpass over 24 may have on Emerald Isle. It is irresponsible not to give the Planning Board the time to do the job the Board of Commissioners gave them to do.

Ms. Jan Sullivan, secretary-treasurer of Quail Ridge Townhomes, said they will be most highly impacted of all the residential zones by this development. They have concerns they would like to have addressed: 1) that the property lines be clearly marked so the bulldozers will not destroy the residents' property; 2) that if the dunes behind the 3-building section that are shared with the developer's property are destroyed, that they be shored to prevent constant erosion and loss of trees and sight-line protection; 3) that a buffer zone be established between them and the commercial area to protect from noise and lights and view of the dumpsters; 4) protection of their wetlands by a barrier from the silt and contaminants; 5) what they are going to do with the water problem (they do not want it channeled through them.) She suggests that someone do a study on what is going to happen to the water because it is not possible to walk through the land to be developed because of the water it is holding.

Mr. Phil Almeida, Planning Board member, said he had read through the report submitted by the Wilmington firm, and it looks like the traffic count is based on the traffic observed on September 2nd and 4th. On a busy summer day, the level of service on Coast Guard Road is unacceptable. Once the property is developed, the traffic will be even more. The Planning Board has noticed a contradiction between the DOT conclusion of two years ago and the Wilmington firm's conclusion, and that is the difficulty they are having. Commissioner Wootten asked if there is any doubt in Mr. Almeida's mind that Coast Guard Road has to be widened to the full 80 feet as part of any solution. Mr. Almeida said there is no doubt, and he had brought up that issue at the workshop; they should correct the traffic problem first.

Mr. Rick Farrington, developer and resident of 8802 Sound View Court, spoke on the moratorium issue. He said it takes time for a developer to get plans ready to go to the Planning Board, and part of the planning required by the Town is water retention of the first 1½ inches of rain in a 24-hour period. He discussed what his development does with the water and compared it to residential areas. He mentioned the Food Lion development. Commissioner Farmer asked him what the Food Lion property was zoned. Since it is zoned B3, the Food Lion could be in any B3 zone, and Mr. Farrington admitted that a Food Lion could be built on the property being discussed. He said anybody who owns commercial property in Emerald Isle would have to take at least 3 months to get through the Town process, and if the moratorium is allowed to continue, the property cannot be opened until after the main tourist season is over.

Mr. Bob Smith, resident of 2208 Emerald Drive, said the Planning Board is doing their job. The problem is growth, and the infrastructure needs a lot of work. That does not say that the people who own the commercial property do not have the right to grow and develop their property. This work should have been done 5 years ago. He would like the Board of Commissioners and the Planning Board to set aside the time and effort it takes to look at the infrastructure, the highways and roads, first. That does not mean they can say that a developer cannot build on their property. He would like to see the time and effort put into making sure the town grows properly and give the property owners the right to give an opinion. He thinks we should be able to get a study done quickly by the DOT.

Mr. Bill Reist, resident of 8520 Woodcliff Drive, said a year ago there were elections for which he worked very hard because prior to that, the Town was controlled, ruled, and run by developers and builders with no concern for the residents. He worked hard to get people on the Board who represented the community, not the builders or developers or special interests. Does this Board have the fortitude to stand up to the special interests and put residential property owners, the citizens who put them in office, first? He would like to see the Board do that.

Mr. Phil Gagnon, resident of 606 Emerald Drive, has no water problems or noise problems. He suggested that someone did a study in Raleigh on the traffic pattern at Crabtree 10 to 15 years ago and gave it an A or B. They have to look at what the traffic pattern will be 10 to 15 years from now. And there is a difference between Emerald Isle and RTP-RTP is about growth. We should be willing to accept no or very low growth for Emerald Isle. Emerald Isle is not supposed to be a bustling city bringing in businesses and here for the purpose of developers. It is for people like him who come here to retire and enjoy what Emerald Isle has to offer, and he needs nothing more than what is already here. He also questioned the need for an overpass over Hwy 24.

Mrs. Angus answered Mr. Dowling's question that the value of the 7 subdivisions, Pebble Beach through Spinnakers Landing, is somewhere in the neighborhood of \$112,000,000. Mr. Dowling said that is where the priority belongs, with those people.

Mr. Harrison mentioned the level of service information provided by the Wilmington study was in direct contrast to the DOT study that said “the intersection of NC 58 and Coast Guard Road is so critical to providing the island’s safe and efficient traffic operations, careful consideration should be made to any future development near this intersection.” They go on and on and on saying that we could experience gridlock. This is grossly different from the Kimley-Horne study. The Planning Board does not have the information on which to operate, and they “have a dual responsibility to the owners of the land and to the people who live around them. There is no reason to save 60 days to let things go to hell in a hand basket.”

Commissioner Wootten asked what can be done in 60 days. He does not want to get into the mode of doing studies until we get the right answers as perceived by different parties. Mr. Harrison said the Planning Board does not need more work-this is only one of the nine topics they are working on-but they “want to complete this study and do it right for this town.” He asked for the chance to do that and thinks they can do it within the time allowed by the moratorium.

Commissioner Murphy said he did not support the moratorium at the meeting on September 25, 2000, but he has listened to citizens and Planning Board people who know more about it than he does. The Planning Board people are saying they need more time, and he has to listen to them.

There was no motion concerning shortening the moratorium.

- b. **THE BOARD SHOULD REVIEW AND DISCUSS A PROPOSED WIRELESS COMMUNICATIONS ORDINANCE FOR THE TOWN AND DECIDE IF IT WISHES TO TAKE THIS PROPOSED ORDINANCE TO PUBLIC HEARING AT THE NOVEMBER 14 TOWN BOARD MEETING.**

Mr. Cary Harrison said the second draft had been prepared and had incorporated comments from the Planning Board and Board of Commissioners and had been reviewed by Metrosite. The draft was approved by the Planning Board. The general discussion tonight will be followed by a November 14, 2000, public hearing. The Planning Board has provided a very comprehensive ordinance that is in full compliance with the FCC’s mandates but is also very protective of the Town and its concern for aesthetics.

Commissioner Farmer thanked the Planning Board and particularly Mr. Harrison for the incredibly thorough study. She asked about using telephone poles for co-location. Mr. Harrison replied that David Schock and he got a map from the local EMC and went through every phone pole on Emerald Isle to validate the number of large concrete ones along NC 58. He was not sure of the exact number, but it is a large number. It very well covers this corridor, and all of them are available for co-location. The draft mandates that co-location is required unless all opportunities have been exhausted.

Commissioner Farmer said there are some antennas on top of the water tower. She asked where else, other than the concrete telephone poles, could there be a cell tower. Mr. Harrison replied anywhere in a B3 or an institutional district. Commissioner Farmer said that it is set up so they do co-location first. Mr. Harrison said it would extremely difficult for someone to construct a new tower in Emerald Isle given that so many opportunities for co-location exist.

Commissioner John Wootten moved, Commissioner Emory Trainham seconded, and the Board voted unanimously to accept the wording of the Wireless Communication Ordinance addition and to direct the Town Manager and Town Attorney to proceed to public hearing at the November 14,

2000, meeting.

Contents of the ordinance are included at the end of these minutes.

NEW BUSINESS.

a. THE BOARD SHOULD HEAR A PLANNING BOARD EDUCATIONAL AND INFORMATIONAL REPORT RELATIVE TO THE PROTECTION OF SEA TURTLES.

Mr. Frank Vance, Planning Board member who chaired the committee, said the committee had been asked to study lighting and sand fencing that might affect the well-being of sea turtles. NC Wildlife has recommended a design for sand fencing that will let the turtles maneuver through it and be able to nest and allow the hatchlings to return to the sea. The committee checked on what neighboring coastal communities are doing in regards to sand fencing and lighting protection. He only found one community that had a sand fence ordinance in place. Many communities are putting lighting ordinances in place, but basically for downtown areas, not for the beaches. The Planning Board is not recommending that Emerald Isle put an ordinance in place at this time. They want to do an awareness campaign by having interested residents write articles in the local newspapers; do mass mailings; do demonstrations for people; have realtors add a brochure to their rental brochures alerting the renters; put a sticker on the face plate of switches for lights that affect the beach area; put stickers on freezer or refrigerator doors, especially in rental units; put information on the web site; put signs on posts of public walkways, three parking lots, and drive-on ramps to the beach (59 locations).

Mr. Vance said that most contractors install sand fencing according to the NC Wildlife specifications, so it is mostly the homeowners they need to get the message to. Any light that shows through any window or building that shines out on the beach or any light that shines from outside on the beach can affect turtle nesting and can affect the hatchlings so that they move in the wrong direction.

He said that Carteret Craven Electric is more than willing to help with purchase of the signs, but they did not say they would buy them all. He has prices ranging from \$21.56 to \$35 each for the signs. The posts are there, but some would require some work. Total cost for the signs is \$800, plus \$800 for posts, \$120 for hardware, plus labor unless volunteers can be found. The sticker price is \$200 for 3,000 stickers.

The Board took a 10-minute break at this point.

Mr. Vance introduced Ms. Ruth Boettcher, coordinator of the Sea Turtle Project for the NC Wildlife Resources Commission, who gave a slide presentation on sea turtle protection. She gave information on the nesting biology of turtles and introduced other issues that could be addressed further down the road. She recommended that the Board of Commissioners adopt the measures that the Planning Board came up with. Atlantic Beach, Sunset Beach, and Bald Head Island have sand fencing ordinances, and several coastal communities have adopted lighting ordinances.

Commissioner McElraft asked for verification that Carteret County EMC will be helping with the purchase of the signs for the walkways. Ms. Alesia Sanderson asked if CCEMC wants the same kind of recognition on the signs as CP&L had on them. Mr. Vance said they would want their logo on it. Ms. Sanderson said the Board should require that a minimum amount be met by CCEMC if they are going to be advertising as a community service project. Commissioner

McElraft said if they are going to be advertising, they should bear the whole expense.

Commissioner Wootten recommended a \$5,000 ceiling and asked Ms. Sanderson to work with Mr. Vance and Mr. Allen. Commissioner McElraft said these figures would not take into consideration any that would be donated. Mr. Vance said he could verify the amount on the signs and take that figure to CCEMC and hope that they will fund the whole amount.

Mr. Harrison said it would be nice if the Board could accommodate the total amount even though the possibility exists that a large majority will be donated.

Commissioner John Wootten moved, Commissioner Emory Trainham seconded, and the Board voted unanimously to direct the Town Manager and staff to work with the Planning Board to execute the program with a cost ceiling of \$5,000.

b. **MEMBERS OF THE BOARD HAVE SUGGESTED THAT THE ISSUE OF THE PROTECTION OF THE POINT BE DISCUSSED THIS EVENING.**

Mr. Pete Allen, Town Manager, said the current status is that they sandbagged 100 feet and the adjoining property was allowed to sandbag 40 feet, but there is a 50-foot gap in the middle that CRC turned the Town down on. It continues to erode away, and the Town is monitoring it every day. Since September 28, another 6 feet has been lost. According to Mr. Charles Jones of CAMA, another 6 to 8 feet has to be lost before he will consider issuing a permit to fill the gap. Two other homes have been sandbagged in the last week (the round house on the left and Larry Allman got permission to do another 45 feet on the back side and 15 feet on the front side).

Commissioner Wootten explained that the Town has a right-of-way, and there are houses on either side of it. In the middle of it is a 50-foot lot that goes out into the water that the CRC says is not a structure and therefore does not need to be protected, even though there is a house on one side and the town right-of-way on the other side. He understands that they can go back to the CRC in November, and he suggests exploring the best way to convince CRC to see the situation we have and approve it. The Town requested a variance. What is the best strategy to do that?

Commissioner McElraft said the Board's main goal is to protect the road that will cut at least 30 houses off from emergency services and the residents from getting into and out of their homes.

Mr. George Kuhorn, resident of 7223 Canal Drive, suggested going to one of the Senators. Commissioner Wootten replied that Representatives Preston and Smith are already working this on. The CRC is independent.

Mayor Harris said there was a meeting October 5 in Atlantic Beach in which she and Commissioner McElraft met at the Point with two vans of representatives. They have talked to Valentine, Purdue, Smith. They are aware of this.

Mr. Tom Henson asked about the penalty for sandbagging it. What is the enforcement provision of the CRC? Mr. Allen said it is no-common-sense and stupid to watch a dune wash away.

The next CRC meeting is November 16 in Wrightsville Beach. The application has to be in 30 days ahead. Commissioner Wootten recommended doing that; and if it is turned down again, there exists the possibility of going to court.

Commissioner McElraft said we need to go back to the CRC with political pressure. The residents need to contact state legislators and let them know that this is an important situation not only to the property owners but to the tax base and infrastructure of the Town. It is not just to save a couple of homes. She has heard from some of the legislators that they are putting pressure on the CRC and are upset that the CRC has so much power.

Commissioner John Wootten moved, Commissioner Jay Murphy seconded, and the Board voted unanimously to apply to the Coastal Resources Commission in November for a variance to the law, and that if it is denied, to appeal.

c. **THE BOARD NEEDS TO APPROVE A CAMA REQUESTED RESOLUTION FOR OFFICIAL APPROVAL OF A FUNDING GRANT FOR AMENITIES AT THE TOWN'S NEW OCEAN REGIONAL ACCESS FACILITY.**

Ms. Alesia Sanderson, Parks and Recreation Director, explained that the grant is a co-funded grant with CAMA participation of \$69,975 and the Town's matching share of \$26,825, for a total funded project of \$96,800. She showed the drawing of what it will look like eventually. Phase I of the Louise Avenue project was the acquisition of the land; Phase II is the development of the bathhouse and open-air gazebo. They have to meet 120-foot setbacks, and they will utilize that for open recreational space in front of it. They will be installing parking bumpers and hopefully will eliminate some of the drainage problems. She proposed beginning construction somewhere in mid- to late February to have it ready for the next season.

Mayor Harris asked about the flooding. Was a pipe moved that took care of the storm water? The answer was there is no pipe there.

Commissioner McElraft thanked Ms. Sanderson for getting the Town some more money. Mayor Harris said she had done a marvelous job.

Commissioner John Wootten moved, Commissioner Emily Farmer seconded, and the Board voted unanimously to approve the resolution authorizing execution of the public access grant contract.

The resolution is contained at the end of these minutes.

d. **THE BOARD SHOULD REVIEW AND DISCUSS THE RESULTS OF THE RECENT QUESTIONNAIRE MAILED TO ALL EMERALD ISLE PROPERTY OWNERS.**

Copies of the results of the questionnaire were on the back table and are available at Town Hall.

Commissioner Farmer explained the questionnaire. The survey was a re-do of one that went out in 1990 with the land-use plan update. The direction people seem to want to go is very similar. They got 980 replies, and she thanked Art Schools, Cindy Henson, Doje Marks, Jeanne Brennesholtz, and Town staff for their help on the survey. She started with question 5 and said people were quite pleased with the services the Town provides, highest rating of which was EMS. Areas that need work are storm water, beach parking, and planning and zoning.

Questions 6 through 9 dealt with development, and the majority feels that growth rate is good. 75% felt that the Town should be separating duplexes from residential neighborhoods, but we have no single-family zoning in Emerald Isle. There is an overwhelming desire for low-density

single-family housing. A little over 90% of the respondents wanted the Town to discourage multi-family and condominium development. 563 people opposed sewers versus 193 in favor and 149 neutral.

Question 11 concerned the DOT plan for Hwy 58. The questions did not include the overpass at Hwy 24 and 58. Commissioner Farmer said she wishes she had put that in there. Slightly more people liked the idea of widening Emerald Drive to 5 lanes, and the majority favored widening the bridge to 4 lanes. If you do that, you automatically widen Emerald Drive in town. Most people felt the vegetation ordinance needs strengthening, 95% felt commercial and residential setbacks should remain vegetated, which is not what we do now. We say 45% for residential, but we do not indicate where.

On Question 13 on storm water, 90% of residents and property owners do not want to see storm water pumped to the beach except when the roads become impassable. For residents only, that broke down to about 85%. 70% are willing for taxes to go toward a project like the Moffatt-Nichol plan where land would be purchased for a combination storm water storage and soundfront park.

Beach renourishment was overwhelmingly supported with mostly federal and state funds to pay for it.

Most of the comments about the Community Center said how great it was that the Town offered a facility like this even if the respondents were not using it.

On the Bogue Field question, the majority of respondents indicated they are affected by the noise from the jets but most felt the noise was only rarely offensive.

Commissioner Farmer said she hopes they take the questionnaire findings to the workshops they have been having once a month and identify some changes that they can do quickly. Others will be passed on to the next Board.

Commissioner McElraft commented that even though people were affected by the aircraft noise, 90% of the comments were things like "I'd rather it be our guys flying over than the enemy", "It's our freedom at work", and things like that. She thinks the Town needs to develop a relationship with Bogue Field and not be defensive. Commissioner Farmer said she thinks that was the intent of the committee that is being headed by Commissioner Trainham.

ROUTINE TAX REFUNDS AND RELEASES & LINE ITEM TRANSFERS.

Commissioner John Wootten moved, Commissioner Emily Farmer seconded and the Board voted unanimously to approve tax refunds totaling \$13.33.

PUBLIC COMMENTS.

Ms. Paxon Holz asked what the Board will do specifically about the traffic study on Coast Guard Road. Commissioner Wootten replied that he and Mr. Harrison had discussed this, and he suggested that they go back to the Wilmington study people and ask them the questions that the Planning Board might have. He also said they need to find another firm quickly to do a study. Commissioner Farmer commented that she thinks they should consult MSTA or DOT to see if they have time. Kimley-Horn makes her nervous because they came in and did traffic counts on Labor Day when it was pouring rain. Mayor Harris

replied that the Board will do something as soon as possible, as soon as this Board and the Planning Board come up with ideas. Commissioner Murphy suggested moving forward with the Town Manager and get it done within the next several days. Mr. Harrison said he is not sure whether either of the two private engineering firms are necessarily the ones to supply the information. He does not know the level of their expertise. Assuming there is some firm in North Carolina that can do this, it would be worthwhile to pay them for their opinion on the results of the studies. Commissioner Wootten said Kimley-Horn has quite a reputation in the state, and he does not want to throw away those resources. Commissioner McElraft asked if this will be done before the moratorium expires. Commissioner Farmer said hopefully it would be, but her feeling is that, while they want to expedite it, they also have an obligation to the people who live on Coast Guard Road and to the visitors who come to Emerald Isle to make sure that they are taking care of their future and their safety.

Mr. Eddie Barber, 115 Sea Dunes Drive, said they have had two violent electrical fires at his store, and he thanked the Emerald Isle Fire Department for their professionalism and the great job they do every day.

REPORTS FROM DEPARTMENT HEADS AND KEY PERSONNEL.

Mr. Bob Conrad, Public Works, had no comment.

Mrs. Carolyn Custy, Town Clerk, had no comment.

Police Chief Mark Wilson said larcenies and break-ins are down in the last couple of weeks.

Fire Chief William Walker said it is fire prevention week, and they have been out in the schools educating the young folks, giving tours of the fire station, and giving talks. He recommended that we all check to make sure there is an exit out of the house and check smoke detectors. There were 3 structural fires this month but no personal injuries.

Ms. Alesia Sanderson, Parks & Recreation, had no comment.

Mr. Pete Allen, Town Manager, had no comment.

Mrs. Carol Angus, Inspections Department, commented on the sign ordinance revisions committee. The committee has had four meetings, the next one is scheduled for noon on October 18, 2000, and the highlights so far are: 1) the intent of the ordinance was elaborated; 2) signs at gasoline stations to conform with the zone in which they are located, they would no longer be an exception; 3) temporary signs inside windows to be reduced to not more than 25% of the window space with some variables; 4) signs affixed to trucks, trailers, or such vehicles to be prohibited; 5) signs in residential districts identifying non-residential use to be deleted, as well as off-premise signs; 6) in all institutional business zones, to delete off-premise signs and restrict roof signs to within 2 feet of the soffit to keep the sign from being higher than the roof or the ridgeline; 7) changes for clarification. If anyone would like to see a copy of what they have done so far, it is available at her office, she has it with her tonight, or contact a Planning Board member.

Mr. Derek Taylor, Town Attorney, invited all those present to attend his son Daniel's putting on his Eagle Scout rank October 22, 2000, at 2:00 P.M at St. Egberts Catholic Church in Morehead City.

COMMENTS FROM MAYOR, BOARD MEMBERS, TOWN ATTORNEY, TOWN MANAGER AND TOWN CLERK.

Commissioner Wootten commented on the work the Planning Board does. His hat is off to Cary Harrison and the whole group. The key is the wide-open communication between the Planning Board and the Board of Commissioners. He applauds them.

Commissioner Trainham commented on the Bogue Field Committee. They had their first meeting (organizational) on October 9, 2000, and came up with a mission statement. "The mission of this committee is to develop open and candid dialogue with the military to resolve problems concerning the safety, noise, and professionalism that impact the quality of life of Emerald Isle citizens." Not everybody is confronted with the noise or safety problems of the airplanes. The committee is pursuing the comments made by a large group of constituents. Commissioner Trainham introduced Lt. Col. Fetzer, who was in the audience and is a citizen of Emerald Isle and who is one of the principals the committee will be working with.

Commissioner Farmer read a statement about storm water, a copy of which is contained at the end of these minutes.

Commissioner Murphy had no comment.

Commissioner McElraft said there are papers on a table in the back from a local landscaper who, for the revegetation/reforestation project, is willing to charge his cost on hardwood trees and to plant them for seniors who cannot. The landscaper is Bryan Watson. She encouraged everyone to plant as many trees as possible. She also commented that developers tonight had been pounded, and she reminded everybody that in 1985 to 1989, taxes were 65 cents per \$100. Because of development, taxes are now 19.5 cents per \$100.

ADJOURN.

Commissioner Emory Trainham moved, Commissioner Emily Farmer seconded, and the Board voted unanimously to adjourn.

The meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Carolyn K. Custy
Town Clerk