

**MINUTES
EMERGENCY BOARD OF ALDERMEN MEETING
APRIL 7, 2020**

Mayor Darryl Mills called the Emergency meeting of the Board of Aldermen to order at 5:00 p.m. in the Conference Room of Town Hall.

Attendance: Mayor Darryl Mills, Mayor Pro Tem Hank Miller, Alderman Jeff DeGroot, Alderman Ken Dull (remotely by telephone), and Alderman Zeke Partin; together with Town Manager Tim Owens, Town Attorney Brian Edes, and Town Planner Robert O'Quinn.

Absent: Town Clerk Sylvia J. Holleman who was working remotely.

EMERGENCY MEETING FOR THE PURPOSE OF CONSIDERING AN AMENDMENT TO THE TOWN'S CODE OF ORDINANCES REGARDING CIVIL EMERGENCIES.

Mayor Mills said, "We sent out notice of this emergency meeting for the purpose of considering an amendment to the Town's Code of Ordinances regarding civil emergencies. Our Town Attorney is going to address why we are doing this." Town Attorney Brian Edes said, "The question has arisen as to whether the Town can add an additional enforcement tool to enforce the Declaration of the State of Emergency and its associated restrictions. I looked under North Carolina General Statute 166-A, Section 19.3. One violation is already in our ordinance as a Class 2 misdemeanor. However, under North Carolina General Statute 160-A, Section 175, the Town has the authority to also impose fines and civil penalties. Staff and I put together a proposed amendment to Section 93.99 of our Code of Ordinances, which includes a civil penalty in the amount of \$500. As well, it allows the Town to choose a hybrid that can do one, both or a combination thereof and also allows the Town to seek equitable relief, which could be seeking a court order to have the person or violator enjoined. I doubt that would happen unless it is a serious repeat violator. My legal opinion is that it can be done pursuing the authority granted under NCGS 160-A, Section 175. The proposed amendment to Section 93.99 is in front of you. It was also included with a notice that went out to the public. If you want to go with an additional enforcement tool, Staff recommends that you vote to adopt this amendment." When asked if you could use one or the other or both, Mr. Edes replied, "NCGS 160A, Section 175 says just that: 'A city ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.' So that tells me that the General Assembly in its wisdom gave the Town the latitude to go whichever way it deems appropriate." When asked if any other towns were doing this, Mayor Mills said each beach town has their own path to follow. He said this would just give us another tool in our toolbox to deal with violators. Mr. Edes said, "Some Brunswick County and Pender County Beach Towns are looking at it. We are sort of in uncharted territory here so we are writing a new play book."

Alderman DeGroot said, "Did Mr. Edes say this gives a police officer an option, depending on the severity, to either go a criminal route or just go a civil route, which would not be on their record?" Mr. Edes replied, "Correct and I would think that if I was faced with those two options, as a citizen, I would much rather not have a criminal record. But to your point, it gives the officer that discretion." Alderman DeGroot then made the motion to adopt Ordinance No. (2020) 1794 to amend Section 93.99 of the Town's Code of Ordinances. The motion was seconded by Mayor Mills and unanimously approved.

UPDATE BY MAYOR MILLS ON COVID-19 AND TOWN OPERATIONS.

Mayor Mills said, “I just want it on the record that I have participated in several conference calls with various County officials, including the Chairperson of the County Commissioners; representatives from public health; emergency operation folks; as well as the mayors of various beach towns in the County trying to address the issues we are all facing. I simply want to say that there is a conference call for Thursday at noon, similar to ones we have had before with Chairperson Bozeman. She chairs these meetings, sets the agenda, and allows us to ask questions and contribute. After that meeting, the Town may well need to meet again and address issues that may arise. Otherwise, I will just report to the Town what we discuss. The Town also has had conversations jointly or singly relative to these issues and reaching a consensus on the decisions we are making so that we speak as a unified voice and we are all on the same page and with other municipalities.”

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 5:28 P.M.

Respectfully submitted,

Sylvia J. Holleman
Town Clerk

(From notes submitted by Robert O'Quinn, Town Planner.)