



MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 2 of 21

1 Waters noted accounts had been set up at Sound Bank for anyone who wished to assist the  
2 families further. Mayor Barber then noted the following proclamations and announcements for  
3 the public.  
4

- 5 • **Proclamation – Little Pink Houses of Hope Week – August 21 – 28 (16-09-13/P1)**
- 6 • **Proclamation – Constitution Week – September 17 – 23 (16-09-13/P2)**
- 7 • **Proclamation – 30<sup>th</sup> Anniversary – Emerald Isle Garden Club – September 14 (16-09-13/P3)**
- 8 • **Beach Driving Season Begins – Thursday, September 15**
- 9 • **EI Supper Club Picnic to Benefit MARSOC Foundation – Thurs, Sept 15 – 6:30 pm –**  
10 **8 pm – Blue Heron Park**
- 11 • **Emerald Isle Flavor – Saturday, September 17 – 12 noon – 5 pm – The Islander Suites**
- 12 • **EMS Pancake Breakfast – Sat, September 17 – 7 am – 11 am – EMS Station – Proceeds**  
13 **Benefit Odom, Duty**
- 14 • **Day 4 Kids – Saturday, September 17 – 10 am – 2 pm – Community Center**
- 15 • **Flounder Surf Fishing Tournament – September 17 – October 1 – Contact Parks &**  
16 **Recreation for Info**
- 17 • **Police Educating the Public (PEP) – Tuesday, September 20 – 10 am – Town Board**  
18 **Meeting Room**
- 19 • **Bike and Ped Committee Meeting – Wednesday, September 21 – 9 am – Community**  
20 **Center**
- 21 • **Comprehensive Plan / Land Use Plan Steering Committee – Wed, Sept 21 – 3 pm –**  
22 **Town Board Meeting Rm**
- 23 • **Coffee With A Cop – Thursday, September 22 – 9 am – Hwy 55 Burgers, Emerald**  
24 **Plantation**
- 25 • **Family Pirate Day – Saturday, September 24 – 10 am – 2 pm – Western Carteret Public**  
26 **Library**
- 27 • **Household Hazardous Waste Collection Event – Saturday, September 24 – 8 am – 1 pm**  
28 **– Carteret County Health Department, Morehead City**
- 29 • **Seaside Arts Council Art Show, Social, and Sale – Sunday, September 25 – 3 pm – 5 pm**  
30 **– Trading Post**
- 31 • **Planning Board Regular Meeting – Monday, September 26 – 6 pm – Town Board**  
32 **Meeting Room**
- 33 • **Carteret County Dredging Sales Tax Referendum – Public Information Meeting –**  
34 **Tuesday, September 27 – 6 pm – Town Board Meeting Room**
- 35 • **EI Fire Department Open House – Saturday, October 1 – 11 am – 2 pm – Fire Station 1**
- 36 • **Free Surf Fishing Seminar – Dr. Bogus – Monday, October 3 – 6 pm – 7 pm –**  
37 **Community Center**
- 38 • **Crystal Coast Surf Fishing Challenge – October 7 – October 9 – Contact Fisherman’s**  
39 **Post for Info**  
40  
41

- **Board of Commissioners Regular Meeting – Tuesday, October 11 – 6 pm – Town Board Meeting Room**

Clerks Note: A copy of Proclamations 16-09-13/P1, 16-09-13/P2, and 16-09-13/P3 as noted above are all incorporated herein by reference and hereby made a part of these minutes.

## **7. Public Comment**

**Brief Summary:** The public will have the opportunity to address the Board about any items of concern not on the agenda.

There were no comments from the public.

## **8. Consent Agenda**

- a. **Minutes – July 12, 2016 Regular Meeting**

***Motion was made by Commissioner Messer to approve the items on the Consent Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

## **9. Commercial Review – Bogue Inlet Pier House**

Town Planner Josh Edmondson addressed the Board concerning this Agenda item. The following excerpt from his memo to the Town Manager is provided for additional background:

A request has been submitted by Bogue Inlet Pier for the renovation of the commercial structure or Pier House at 100 Bogue Inlet Drive. The project will consist of demolishing the existing Pier House and building a new Pier House that will include a second story. Staff used the following section of the UDO to review the proposal:

Chapter 2: Administration Subsection 2.4.8 – Commercial Structures

Chapter 6: Development Standards Subsection 6.1.3 – Commercial Structures

I have included pictures of the current building, the front, rear, and side elevations of the renovations and pictures of the existing Pier House. Please note that the colors of the new Pier House will match those colors as seen in the attached pictures of the existing Pier House. The exterior will be of hardy plank siding with a solar white weather snap metal roof. I have included the roof color sample as well.

Also of note, this demolition does not include the restaurant area although there will be some changes to the roof line and exterior features on this portion of the building. The highest portion of any roof line as seen on the elevation sheets is 32 ft. Based on the exterior design features of the building, the proposals more than meets the 20 ft. visual break as required in Section 6.1.3. Because there is no net increase in impervious surface, no stormwater management plan is required.

The applicant was asked at the Planning Board meeting about a time schedule for when the new waste water system would be in place. Mr. Stanley stated that should be moving forward very soon and that he has been pumping and hauling the septic for nearly two (2) years.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 4 of 21

1  
2 The Planning Board recommended approval at their August 22, 2016 regular meeting. The Commissioners may want  
3 to place a condition on the approval that the required upgrades to the waste water system be made as permitted or  
4 at a minimum request a copy of the approval of the pumping and hauling of the wastewater from Environmental  
5 Health. I look forward to discussing the with the Commissioners at their September 13 meeting.  
6

7 Town Planner Josh Edmondson outlined details of the commercial review for the proposed  
8 demolition and reconstruction of the Bogue Inlet Pier House as described in his memo provided  
9 above. Mr. Edmondson noted the proposal was to demolish the existing 1-story pier house  
10 structure, but retain the existing restaurant building with the new 2-story pier house structure  
11 being constructed in the same footprint and attached to the existing restaurant building. Town  
12 Planner Edmondson stated that the Planning Board had recommended approval by the Board of  
13 Commissioners at their August 22 meeting. Mr. Edmondson said the Planning Board discussed  
14 the septic system situation and suggested that the Board may want to place that contingency  
15 upon approval that the applicant received the proper permit from Environmental Health. Town  
16 Planner Edmondson confirmed that the project plans met the requirements of our ordinances.  
17

18 Mike Stanley, Bogue Inlet Pier, spoke about the septic system which had plagued him for about  
19 two years. Mr. Stanley said he had spoken to his engineer today who stated that they had a final  
20 plan that would be submitted the next week. Mr. Stanley said that the restaurant would be  
21 staying but they had to combine the pier house and restaurant to get the sewer permit for both  
22 businesses.  
23

24 Town Planner Edmondson added that Mr. Stanley did have the required CAMA permits and also  
25 noted that the portion of pier over the sand beach was being raised to be the same elevation as  
26 the renovated pier house.  
27

28 Mr. Stanley added that after they raised the pier it would be handicap accessible under the pier  
29 for a smoother transition to the beach.  
30

31 ***Motion was made by Commissioner Finch to approve the building elevations for the demolition***  
32 ***and reconstruction of the Bogue Inlet Pier House, subject to the following conditions: approval***  
33 ***of wastewater permit by Carteret County Health Department and / or NC Department of***  
34 ***Environmental Quality. The Board voted unanimously 5-0 in favor. Motion carried.***  
35  
36  
37  
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39  
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41

1 **10. Closing, Redesignation, and Improvement of Crew Drive Between Emerald Landing Drive**  
2 **and Emerald Plantation Shopping Center**  
3

- 4 a. **Public Hearing**  
5 b. **Road Easement Agreement – To Replace Crew Drive Segment with New Public Road**  
6 **Easement**  
7 c. **Road Improvement / Maintenance Agreement – To Improve Former Crew Drive**  
8 **d. Order Closing Crew Drive Between Emerald Landing Drive and Emerald Plantation**  
9 **Shopping Center**

10  
11 Town Manager Frank Rush addressed the Board concerning this Agenda item. The following  
12 excerpt from his memo to the Board is provided for additional background:

13  
14 The Board of Commissioners is scheduled to consider the formal legal closure and associated redesignation and  
15 improvement of a segment of Crew Drive at the September 13 meeting. The Board will first conduct a public  
16 hearing, and then consider 3 items that would change the legal status of this segment of Crew Drive, but that  
17 would retain the public's right to use the roadway in perpetuity, with significant road improvements. It is  
18 important for the Board and the public to note that the proposed actions are primarily a legal exercise, and from a  
19 practical standpoint, the roadway would continue to function in the same historical manner. The proposed actions  
20 will NOT prevent vehicles or pedestrians from using this road segment to access areas to the east and west of this  
21 segment of Crew Drive.

22  
23 An excerpt from the Town's 2015 Powell Bill (official street) map is attached, and identifies this segment of Crew  
24 Drive, which is located between Emerald Landing Drive and Emerald Plantation Shopping Center. This segment of  
25 Crew Drive is approximately 510 linear feet, includes a 60 ft. public right of way, and the existing asphalt road  
26 surface is generally 20 - 23 feet wide, with grassy shoulders. This segment of Crew Drive provides ingress and  
27 egress for the directly adjacent properties (4 parcels that total ~ 6 acres) that are the site of a proposed new  
28 grocery store, and also serves as a secondary entrance and exit for Emerald Plantation Shopping Center to the  
29 east. I have attached a letter from C4 Emerald Isle LLC, the developer of the proposed new grocery store, formally  
30 communicating their request to close Crew Drive, and 4 exhibits illustrating the proposed site plan for the new  
31 grocery store project, the properties to be acquired, the recombination plat showing the location of the  
32 replacement street easement, and a survey of the existing Crew Drive street right of way.

33  
34 As noted, if this segment of Crew Drive is legally closed, C4 Emerald Isle LLC is proposing to replace it with a new  
35 public road easement that would be dedicated to the Town and that would allow vehicular and pedestrian use in  
36 perpetuity. A copy of the road easement agreement is attached, and has been reviewed by Town Attorney Richard  
37 Stanley to insure that the public will continue to have unrestricted, perpetual use of the roadway in the future. C4  
38 Emerald Isle LLC proposes to construct the new roadway in essentially the same location. The proposed new  
39 roadway will be approximately 28 feet wide with new asphalt surface, and will also include curb & gutter, a new 5  
40 ft. wide sidewalk, and attractive landscaping. The new roadway will serve the new grocery store and will also  
41 continue to provide a secondary entrance and exit for Emerald Plantation Shopping Center. The new roadway  
42 would be maintained by C4 Emerald Isle LLC (or their successors or assigns), as outlined in the attached road  
43 improvement / maintenance agreement. The attached agreement formalizes C4 Emerald Isle LLC's commitments  
44 to provide the new easement, finance and construct the road, and maintain the road in the future. This  
45 agreement has also been reviewed by Town Attorney Richard Stanley to protect the Town's interests in the future.  
46 The Board should note that the agreement requires the new roadway improvements to be constructed by  
47 December 31, 2018, and requires C4 Emerald Isle LLC to post a letter of credit for the completion of the

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 6 of 21

1 improvements in the event they are not completed by January 1, 2019. The estimated cost of the improvements is  
2 approximately \$114,000, and the agreement requires a letter of credit equal to 1.5 times this amount, or  
3 approximately \$171,000. The Board should also note that the agreement includes a provision whereby the Town  
4 has the authority to complete required maintenance of the roadway in the future if C4 Emerald Isle LLC (or their  
5 successors or assigns) fails to do so, with reimbursement to the Town for such expense.  
6

7 C4 Emerald Isle LLC is requesting the legal closure of this segment of Crew Drive in order to achieve the desired site  
8 layout for the proposed new grocery store. C4 Emerald Isle LLC seeks to locate the new grocery store in the same  
9 general line with the adjacent Emerald Plantation Shopping Center building, and seeks to utilize a preferred  
10 location for the wastewater treatment system to achieve a more desirable parking configuration and maintain a  
11 wider, natural buffer on the north side of the new grocery store abutting the Emerald Landing subdivision. In  
12 addition to the proposed site plan for the new grocery store, I have also attached an alternative site plan for the  
13 new grocery store that maintains the current legal status of Crew Drive. As indicated on the alternative site plan,  
14 the new grocery store would be required to meet a building setback from Crew Drive, which would require the  
15 building to be located farther north and would decrease the width of the natural buffer. The alternative site plan  
16 also includes a vehicle travel lane along the rear of the building, along with placement of the loading dock and  
17 emergency generators along the rear. The drain field for the wastewater treatment system would also be adjusted  
18 to meet the required setbacks from Crew Drive, and would result in a different configuration for the proposed  
19 parking lots.  
20

21 The formal street closing procedure is outlined in NC General Statutes 160A-299 (copy attached). As noted in NCGS  
22 160A-299, when the Town legally closes a street, the land area occupied by the street is returned to the directly  
23 adjacent property owners, with half of the street area returned to the property owners on one side, and the other  
24 half returned to the property owners on the other side. In this case, the entire street area would become part of  
25 new, recombined parcels, and a portion of this area will be the area of the replacement road easement. In order  
26 to legally close a public street, the Board of Commissioners must make two determinations: 1) that the closing of  
27 the street is not contrary to the public interest, and 2) that no individual owning property in the vicinity of the  
28 street would be deprived of reasonable ingress and egress to his / her property. In this case, because C4 Emerald  
29 Isle LLC is proposing a new public street easement and roadway improvements that will continue to function in the  
30 historical manner, and perhaps better, the Board of Commissioners would appear to have the ability to make the  
31 necessary determinations, if desired.  
32

33 The Board should note that this is the same legal procedure utilized by the Town to close a portion of Woodpecker  
34 Lane in October 2015. This same legal procedure was also utilized in November 2001 to close the Reed Drive  
35 Extension (current location of Bell Cove Village Shopping Center and Bell Cove Village residential subdivision). In  
36 January 2005, the Town utilized an alternate legal procedure to abandon any claims to a portion of the Yaupon  
37 Drive street right of way between Reed Drive and NC 58 that had not been improved (current location of a single-  
38 family residential unit). In all 3 previous cases, these actions were taken by the Town to promote and foster new,  
39 quality development in Emerald Isle. In all 3 previous cases, the Town did not receive any replacement easements  
40 or other public improvements in conjunction with the legal street closures.  
41

42 As you know, the Board of Commissioners approved a Resolution of Intent for these actions at the August 9  
43 meeting, and scheduled a formal public hearing for September 13. Town staff have advertised the potential road  
44 closure and public hearing, have posted multiple signs along this segment of Crew Drive, and have mailed notices  
45 to the immediately adjacent property owners. After the public hearing, the Board may formally consider the  
46 following items:  
47

- 48 • a formal road easement agreement between the Town and C4 Emerald Isle LLC to delineate the  
49 boundaries of the new easement and safeguard the public's right to use the roadway in  
50 perpetuity,

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 7 of 21

- a formal road improvement / maintenance agreement between the Town and C4 Emerald Isle LLC to establish C4's responsibilities for financing, constructing, and maintaining the roadway improvements, and
- a formal Order Closing Crew Drive Between Emerald Landing Drive and Emerald Plantation Shopping Center.

The Board should note that the formal Order is expressly contingent upon the associated road improvement / maintenance agreement, and directs the Town Manager and Town Attorney to delay the recording of this Order until all conditions outlined in the associated road improvement / maintenance agreement have been satisfied.

The Board of Commissioners will formally consider other actions associated with the proposed new grocery store as separate agenda items at the September 13 meeting.

Richard Stanley and I look forward to discussing this issue with the Board at the September 13 meeting.

Mayor Barber called upon Town Attorney Richard Stanley to make comments at the beginning of the discussion of this item. Town Attorney Stanley stated that the Town had received at the meeting tonight a letter from Attorney Nelson G. Harris who was present dated September 12, 2016, that under the statutes we were required to post notice of the closing and to publish the resolution of intent once a week for 4 consecutive weeks, to prominently post in two locations on the street, and to give notice by certified mail to all adjoining property owners as shown on the tax records. Attorney Stanley stated that Town Planner Edmondson sent on August 23, 2016 a letter to Lawrence Spell, LRH Trust Properties, and to Emerald Plantation Partners, LLC. Attorney Stanley stated that Emerald Plantation Partners LLC did not sign for their letter until September 9, 2016, LRH Trust Properties signed for their letter on September 9, 2016 and Lawrence Spell signed for the letter on September 10, 2016. Town Attorney Stanley stated that Mr. Harris has taken the position that he had not received adequate notice and not had time to prepare and would like for the hearing to be continued until the Board's regular meeting in October.

Nelson Harris, Attorney addressed the Board and wanted to make one factual correction. Mr. Harris stated that the certified letter was not sent until September 7, and on that same day Town Manager Rush sent a copy by email, making note in his email that they should receive the certified letter in the mail in a few days.

Town Manager Rush confirmed that for the Board. Mr. Rush stated that the date Town Attorney Stanley read off of the letter was August 23 which was a mistake by the Town Planner and those letters were mailed on September 7 and were also emailed on September 7.

Mr. Harris said that Lynn Worth, the property manager, got that on September 7 by email while she was on vacation and forwarded it to Mr. Harris on September 7 noting that the matter was on schedule for September 13 and that there was a resolution to close Crew Drive. Mr. Harris

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 8 of 21

1 said that was the first he knew of it and he immediately contacted his contact with Food Lion in  
2 Texas and they hired someone on Monday morning to come here and represent them. Mr.  
3 Harris said they hadn't had adequate notice under the statute to prepare for this today and he  
4 had not had time to prepare for what would likely be a long hearing and one where Emerald  
5 Plantation actually had a lot to say because what the developer was proposing to do in this case  
6 was to take a Town road and close it giving his client in return an easement with a road  
7 management agreement. Mr. Harris didn't feel the notice his client received complied with the  
8 statute and he would respectfully assert that statute 168-299 applied to the certified letter sent  
9 to his client – to be August 9 or at the time of first publication in the newspaper. He requested  
10 they adjourn until the next Board meeting the second Tuesday of October at which time he  
11 would be back prepared to proceed.

12  
13 Larry Spell stated that he was ready for the hearing tonight. He said he knew about this well in  
14 advance.

15  
16 A spokesman from LRH Trust Properties stated they were also ready to proceed.

17  
18 A member of the audience stated that they understood that Lynn Worth was present at the  
19 meeting when the resolution of intent to close Crew Drive was adopted. Mr. Harris said he  
20 believed that to be correct but didn't think she understood and there was a purpose in the  
21 formalities, in sending the notices. Mr. Harris also indicated that the two individuals who did  
22 get notice and were not complaining were the ones who proposed to sell their property to the  
23 developer.

24  
25 Jane Gordon, representing Food Lion, stated that she learned about this yesterday when she  
26 was retained by Food Lion and had spent time preparing and could certainly move forward on  
27 Food Lion's behalf, being as prepared as she could be with less than 24 hours. Ms. Gordon said  
28 they had strong opposition to the closure of the road but she would not oppose an  
29 adjournment in order to give their landlord adequate time to prepare.

30  
31 Mr. Nelson said that he understood for the first time today that Food Lion in season would have  
32 three to five vendor trucks and four regular trucks coming to their store and they all had to use  
33 Crew Drive because you could not make the turn through the parking lot particularly with those  
34 big trucks. Mr. Harris would like to look at the road maintenance agreement and have other  
35 people testify if appropriate.

36  
37 Ms. Gordon said that her client would be detrimentally impacted by the proposed closure of  
38 the road and calling it an easement that provided public access was fine but questioned giving  
39 Food Lion's direct competitor control over their access for delivery access.

40

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 9 of 21

1 Town Attorney Stanley stated there was nothing in the easement agreement that allowed the  
2 owner to control the easement. Ms. Gordon said if the Town owned the road and there was a  
3 problem then the Town would get out there and get it fixed for the citizens and businesses but  
4 it was a different matter when it was put in private hands.

5  
6 Attorney Stanley advised the Board they needed to make the decision as to whether to  
7 continue the hearing until October.

8  
9 Commissioner Messer said it was obvious that everybody knew about this but the one statute  
10 that required them to give x number of days' notice was not done and he felt they were in  
11 violation of the statute. Town Attorney Stanley said that the statute didn't require a certain  
12 number of days and was absolutely silent on that in the statute but the parties were  
13 complaining because everyone got notice earlier and they didn't get notice until September 9  
14 and 10. Commissioner Messer felt they should have received as much notice as anyone else  
15 and if the Board went on with this he felt it would be appealed.

16  
17 ***Motion was made by Commissioner Messer that the hearing be postponed until the next***  
18 ***monthly meeting. The Board voted unanimously 5-0 in favor. Motion carried.***

19  
20 Town Attorney Stanley stated that would then mean that Items 10, 11 and 12 would all be  
21 postponed until the Board's next meeting in October.

22  
23 For the record, Town Attorney Stanley confirmed with Attorney Nelson Harris and Attorney  
24 Jane Gordon if they required additional notice or if they had received adequate notice tonight  
25 of the next meeting to be held on October 11, 2016. Both attorneys' Nelson Harris and Jane  
26 Gordon stated that they needed no additional notice of these items 10, 11, and 12.

27  
28 Town Manager Rush following up on this issue stated that the statute required that notice be  
29 provided in three different methods and that was intentional to make sure that the public had  
30 ample notice of these kinds of potential actions. Mr. Rush felt the Town had met the statutory  
31 requirements complying with all of the timeframes associated with published notices in the  
32 newspaper as well as the required posting of signs on the street. Mr. Rush said that they did  
33 send notice by certified mail and email to all of the adjacent property owners on September 7,  
34 and also provided numerous informal communications with all adjacent property owners for  
35 probably the last two months. Town Manager Rush stated that having said all of that he just  
36 wanted to make it clear to the Board and public that he did believe they met the statutory  
37 requirements but he felt the Board made the prudent decision tonight to delay this until the  
38 October 11 meeting. Mr. Rush said they wanted to be sure everyone had fully every  
39 opportunity to participate in these kind of decisions and he just wanted to give the Board a  
40 little more clarity on the events that happened leading to this point.

41

1 *Public Hearing Continued until October 11, 2016 Meeting.*

2  
3 **11. Ordinance Amending Chapter 6 – Development Standards – of the Unified Development**  
4 **Ordinance to Provide an Alternative Sign Area Formula -**

- 5  
6 a. Public Hearing  
7 b. Consideration of Ordinance

8  
9 *Public Hearing Continued until October 11, 2016 Meeting.*

10  
11 **12. Proposed Egret Landing Shopping Center**

- 12  
13 a. Commercial Review  
14 b. Proposed New Traffic Signal or New Roundabout – Emerald Drive / Mallard Drive  
15 Intersection

16  
17 *Item tabled until October 11, 2016 Meeting.*

18  
19 **13. Osprey Ridge Storm Water Pump Station**

- 20  
21 a. Budget Amendment – General Fund  
22 b. Capital Project Ordinance Amendment  
23 c. Resolution Authorizing Construction Contract with SunLand Builders (16-09-13/R1)

24  
25 Town Manager Frank Rush addressed the Board concerning this Agenda item. The following  
26 excerpt from his memo to the Board is provided for additional background:

27  
28 The Board of Commissioners is scheduled to consider the attached resolution authorizing a contract with SunLand  
29 Builders, Inc., Newport, NC for the construction of a new storm water pump station to serve the Osprey Ridge  
30 subdivision at the September 13 meeting. The total contract amount is \$149,955, and exceeds the established  
31 budget for this project by \$29,955. The Board will also consider an associated General Fund budget amendment  
32 and capital project ordinance amendment at the September 13 meeting to formally appropriate the additional  
33 funds necessary for the construction contract.

34  
35 The attached resolution authorizes the construction of the Town's 7<sup>th</sup> storm water / ground water pump station (in  
36 addition to 2 additional privately owned pumps in the Lands End subdivision that are connected to the Town's  
37 system) along the Coast Guard Road corridor to serve the Osprey Ridge subdivision. As you know, the Osprey  
38 Ridge subdivision has experienced significant nuisance flooding during and after extreme rainfall events,  
39 particularly during times when the water table has been elevated. The new pump station will actually be located  
40 in Emerald Isle Woods Park, immediately adjacent to the Osprey Ridge subdivision, and the new pump station will  
41 be connected hydrologically to established storm water management features in Osprey Ridge. The new pump  
42 station will draw storm water directly from established storm water management features in Osprey Ridge, and  
43 then discharge the pumped storm water into another area of Emerald Isle Woods Park that serves as the Town's  
44 overall storm water management receiving site for all pump stations located along the Coast Guard Road corridor.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 11 of 21

1  
2 The new pump station is very similar to the Town's 6 existing pump stations located at Deer Horn Drive, Doe Drive,  
3 Conch Court, Shipwreck Lane, Colonel Henson Court, and Island Circle, however, it includes a more powerful pump  
4 assembly than the Town's other pump stations. The planned Osprey Ridge pump station includes a surface water  
5 intake in a pond / wetland feature in the southeast corner of Emerald Isle Woods Park that is connected to an  
6 existing canal that is a significant storm water feature in Osprey Ridge. (Maps indicating the location of the new  
7 pump station are attached.) The connection from the canal to the pond / wetland feature will be enhanced as part  
8 of this project to insure more consistent, unobstructed flow through the pump station. The new pump station will  
9 operate on an automatic float system, and the floats will be set to manage the canal / pond / wetland at desired  
10 levels before, during, and after heavy rainfall events. Based on past experience with small temporary pumps in  
11 this area, and modeling completed by Moffatt & Nichol (the Town's consulting engineers), we have high  
12 confidence that the new pump station will effectively resolve nuisance flooding concerns in the Osprey Ridge  
13 subdivision.  
14

15 Because this project is well below the formal bid threshold established in the NC General Statutes, the Town  
16 invited informal bids from local contractors with whom the Town has enjoyed a productive working relationship in  
17 recent years. Informal bids were due on August 31, and the Town received informal bids from SunLand Builders,  
18 Inc., Newport, NC in the amount of \$179,955 and Thomas Simpson Construction, Morehead City, NC in the amount  
19 of \$188,320. The Town's established budget for this project is \$120,000, thus the bids significantly exceed the  
20 established project budget. The project specifications distributed to potential bidders included a higher quality  
21 pump assembly and control panel features than the Town has used for previous pump station projects, and in an  
22 effort to reduce the project cost to a more manageable amount, I have worked with Moffatt & Nichol Engineers  
23 and SunLand Builders to select an alternative pump assembly and control panel features. These alternatives will  
24 not compromise the effectiveness of the new pump station, and result in total cost savings of \$25,000.  
25 Additionally, we will be working with SunLand during the construction process to reduce the amount of excess  
26 material to be removed from the site, and will allow strategic placement of some material in other areas of the  
27 park near the project site. Special care will be taken to minimize impacts on existing vegetation, and our goal is to  
28 leave the park in a "natural" looking state upon completion of the project. This change results in an additional  
29 \$5,000 savings. Thus, the total contract amount will be \$149,955, and will require the allocation of an additional  
30 \$29,955 for this contract.  
31

32 As noted, the capital project ordinance established for this project includes a total budget of \$120,000 for this  
33 work. The attached General Fund budget amendment appropriates an additional \$35,000 for this project (to  
34 provide a small contingency amount) from General Fund balance. As you know, I am usually very reluctant to  
35 appropriate General Fund balance, however, the Town expects to realize a larger surplus from the close-out of FY  
36 15-16 than initially projected (we expect a total surplus of approximately \$100,000), and thus I am comfortable  
37 recommending the appropriation of \$35,000 for this project. As you know, this project was identified by the Board  
38 as its top priority for FY 16-17. The attached capital project ordinance amendment simply recognizes the \$35,000  
39 transfer from the General Fund for this contract.  
40

41 The specifications for this project include a 120-day construction period from the date of the notice-to-proceed,  
42 and if approved by the Board, I intend to award a construction contract as soon as possible after the September 13  
43 meeting. My goal is to complete construction of the new pump station by late 2016 or early 2017.  
44

45 I recommend approval of the attached resolution, General Fund budget amendment, and capital project ordinance  
46 amendment.  
47

48 Town Manager Frank Rush discussed the details of this item with the Board. Mayor Barber  
49 asked for any public comment. There were no comments from the public.

1  
2 **Motion was made by Commissioner Messer to approve the General Fund budget amendment.**  
3 **The Board voted unanimously 5-0 in favor. Motion carried.**

4  
5 **Motion was made by Commissioner Wright to approve the Capital Project Ordinance**  
6 **amendment. The Board voted unanimously 5-0 in favor. Motion carried.**

7  
8 **Motion was made by Commissioner Normile to approve the Resolution Authorizing**  
9 **Construction Contract with SunLand Builders. The Board voted unanimously 5-0 in favor.**  
10 **Motion carried.**

11  
12 **Clerks Note: A copy of Resolution 16-09-13/R1 along with Capital Project Ordinance Amendment and Budget**  
13 **Amendment – General Fund as referenced above are incorporated herein by reference and hereby made a**  
14 **part of these minutes.**

15  
16 **14. Resolution Supporting Proposed Carteret County ¼ Cent Sales and Use Tax for Navigation**  
17 **Dredging (16-09-13/R2)**

18  
19 Town Manager Frank Rush addressed the Board concerning this Agenda item. The following  
20 excerpt from his memo to the Board is provided for additional background:

21  
22 The Board of Commissioners is scheduled to consider the attached resolution expressing the Town’s formal  
23 support for an additional 1/4 cent sales and use tax in Carteret County to fund future navigation dredging projects  
24 in the County. The Carteret County Board of Commissioners has scheduled a public referendum, as required by NC  
25 General Statutes, on the proposed additional 1/4 cent sales and use tax for November 8, 2016.

26  
27 Periodic navigation dredging of the Bogue Inlet connecting channel and the AIWW crossing is necessary to keep  
28 these waterways safe and accessible for area boaters, and is important to the quality of life for our residents and  
29 the vitality of the local tourism industry. Unfortunately, Federal funding for the Bogue Inlet connecting channel  
30 has essentially disappeared, with the exception of hurricane-relief funding, and funding for the AIWW crossing,  
31 while more available in recent years, is also likely at risk of future Federal budget reductions. As you know, the  
32 State administers a dedicated funding source for navigation dredging projects, and is currently utilizing a 33% local  
33 cost-share for the use of State funds for these projects. On 5 occasions in the past 11 years, the Town, the County,  
34 and other area local governments have worked together on an ad hoc basis to assemble local funds for navigation  
35 dredging. This process was / is cumbersome and uncertain, and ultimately much of the local funds provided were  
36 derived from property taxes in each jurisdiction. Additionally, the future reliability of these local contributions is  
37 uncertain, and the Town has discussed the need for a dedicated local funding source for these projects on several  
38 occasions in the past. The proposed Carteret County 1/4 cent sales and use tax would create a dedicated local  
39 funding source for navigation dredging in the Bogue Inlet connecting channel (and the AIWW crossing, if needed in  
40 the future) and in other vital waterways in Carteret County.

41  
42 The proposed 1/4 cent sales and use tax, if approved by the voters, is expected to generate approximately \$2.5  
43 million (perhaps approaching \$3 million) annually for navigation dredging in Carteret County. The County has  
44 indicated, via a formal resolution adopted by the County Commissioners, that it will segregate these revenues from  
45 other County funds, and has indicated that the appointed Waterways Management Board will oversee and  
46 administer these funds. Commissioner Candace Dooley currently serves on the Waterways Management Board.  
47 Assuming 67% State funding for the Bogue Inlet connecting channel in the future, and also assuming that Onslow

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 13 of 21

1 County (and Swansboro?) would provide 50% of the local share, the estimated annual cost for navigation dredging  
2 in the Bogue Inlet connecting channel is likely in the \$75,000 range. (For example, a total annual cost of \$450,000  
3 would likely be funded as follows: \$300,000 from the State, \$75,000 from Onslow County, and \$75,000 from the  
4 new 1/4 cent sales tax revenues.) With an estimated \$2.5 million generated annually by the new 1/4 cent sales  
5 tax, there should be sufficient funds available to meet the future navigation dredging needs in Bogue Inlet.  
6

7 As noted earlier, the AIWW crossing has continued to receive Federal funding in recent years, although it has  
8 become more and more uncertain over time. The AIWW crossing is usually dredged every 3 years, at a cost of  
9 approximately \$1 million per dredging event. If it ultimately becomes necessary, it also seems likely that sufficient  
10 funds would be available for the AIWW crossing in the future. Assuming a total cost of \$1 million, a 67% State  
11 cost-share, and assuming no contribution from Onslow County, the estimated local cost would be approximately  
12 \$111,000 annually for the AIWW crossing (i.e., \$333,000 every 3 years). Again, with an estimated \$2.5 million  
13 generated annually by the new 1/4 cent sales tax, we would hope that these funds would be made available for  
14 the AIWW crossing if necessary in the future.  
15

16 Most significantly, I am hopeful that revenues generated from the new 1/4 cent sales tax would also be available  
17 to assist in funding the next (and any other future) significant Bogue Inlet channel realignment project undertaken  
18 by the Town. In addition to the inlet stabilization and beach nourishment benefits associated with future Bogue  
19 Inlet channel realignment projects, there are also significant navigation benefits associated with these projects,  
20 and the Town should aggressively pursue funding generated from the new 1/4 cent sales tax. As discussed with  
21 the Board in recent months, we are in very early planning stages for the next Bogue Inlet channel realignment  
22 project, and anticipate that it may occur in FY 20-21+/-, with a preliminary estimated price tag of \$15 million.  
23 Assuming 67% State funding for the next Bogue Inlet channel realignment project (\$10 million), the local share  
24 would be approximately \$5 million. It is my hope that a combination of existing room occupancy taxes earmarked  
25 for beach nourishment and funding from the new 1/4 cent sales tax for navigation dredging would enable the  
26 Town to minimize its contribution for this project (from the Future Beach Nourishment Fund; derived from special  
27 district property taxes and General Fund property taxes). Assuming a local cost-sharing scenario of \$3 million from  
28 room occupancy taxes, \$1.5 million from the 1/4 cent sales tax, and \$500,000 from the Town, with an estimated  
29 project life of 15 years, this equates to an estimated annual cost of \$100,000 (from the 1/4 cent sales tax) for  
30 future Bogue Inlet channel realignment projects. Again, with an estimated \$2.5 million generated annually by the  
31 new 1/4 cent sales tax, there should be sufficient funds available to assist the Town with the next (and any other  
32 future) Bogue Inlet channel realignment projects.  
33

34 If one adds up the annual 1/4 cent sales tax funding projected for the 3 navigation dredging projects impacting  
35 Emerald Isle that are described above, it equates to an estimated annual contribution of \$286,000 from the 1/4  
36 cent sales tax. If the new 1/4 cent sales tax generates \$2.5 million+ annually, it seems reasonable for Emerald Isle  
37 to "count on" average annual funding of at least \$286,000 for projects benefiting western Carteret County. If the  
38 referendum is approved, and the new funding source is implemented, it will be important for Emerald Isle's  
39 representatives on the County Commissioners and the Waterways Management Board to make the best possible  
40 case for 1/4 cent sales tax funding for these 3 navigation dredging projects in the future.  
41

42 The Board should note that the attached resolution assumes that the revenues generated by the 1/4 cent sales tax  
43 would eliminate the need for the Town (and the other municipalities) to provide funding for the local cost  
44 associated with major waterways such as the Bogue Inlet connecting channel and the AIWW crossing (and other  
45 major waterways in the County). I am not certain if this detail has been fully clarified yet, and it will be important  
46 to express the Town's desire to eliminate the need for Town funding for navigation dredging in the Bogue Inlet  
47 connecting channel and the AIWW crossing (and other major waterways in the County) if the 1/4 cent sales tax is  
48 approved. The Town previously provided \$15,000 toward Bogue Inlet connecting channel dredging in FY 05-06,  
49 \$16,000 in FY 11-12, \$15,000 in FY 13-14, and \$10,000 in FY 16-17. The Town also provided \$45,000 toward AIWW  
50 crossing dredging in FY 05-06.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 14 of 21

1  
2 The Board should also note that other, non-major waterways in the County (i.e., not currently maintained by the  
3 US Army Corps of Engineers and/or not eligible for State funding assistance) may also be eligible for funding from  
4 the new 1/4 cent sales tax revenues, and the attached resolution assumes that Town funding may be required to  
5 match any County funding from the new 1/4 cent sales tax revenues for other waterways in Emerald Isle. For  
6 example, the Town may wish to seek funding for navigation dredging in the old Emerald Isle ferry channel, within  
7 or leading to the Emerald Isle Public Boating Access Area, within the Bogue Sound Drive canal, and/or the McLean  
8 Drive canal at some point in the future, and I would expect that the Town may be required to match any County  
9 funding that might be secured from the new 1/4 cent sales tax revenues for these projects. I presume that the  
10 proposed Waterways Management Board will be tasked with developing policies regarding the use of the 1/4 cent  
11 sales tax revenues and any required matching funds.  
12

13 The Board should also note that, although the County Commissioners have clearly stated their intent to dedicate  
14 the 1/4 cent sales tax revenues for navigation dredging, future Boards of County Commissioners are not legally  
15 bound to use the funds for this purpose, and could adjust and/or add to the list of eligible expenditures to be  
16 funded by the 1/4 cent sales tax revenues.  
17

18 Finally, the Board should note that an additional 1/4 cent sales tax levied by the County, if approved by the voters,  
19 will be paid by permanent residents, second homeowners, and visitors in the same manner as the existing 6.75%  
20 combined State and local sales and use tax. As you know, the State and local sales and use tax is charged on many  
21 items, including retail purchases, vacation rentals, certain services, and other items. The County has estimated  
22 that more than 50% of the sales tax revenue is generated by visitors to Carteret County, thus the use of sales tax  
23 revenues for navigation dredging needs is likely preferable to the use of property tax revenues for these needs.  
24

25 I have attached a "Talking Points" information sheet prepared by Carteret County for your information in case it's  
26 helpful to you on this issue. Additionally, the Board and the public should note that Carteret County officials will  
27 host a series of special public information meetings about the proposed 1/4 cent sales tax referendum around the  
28 County in the coming weeks. One of these meetings will be held in Emerald Isle on Tuesday, September 27 at 6 pm  
29 in the Town Board Meeting Room.  
30

31 Due to the previously expressed need for a dedicated local funding source for navigation dredging needs, the  
32 potential additional funding for future Bogue Inlet channel realignment projects, and other potential dredging  
33 projects in Emerald Isle in the future, I recommend approval of the attached resolution. I look forward to further  
34 discussion about this issue at the September 13 meeting.  
35

36 Town Manager Frank Rush discussed the details of this item with the Board. Town Manager  
37 Rush noted that the Resolution in the Board's packet for their consideration formally expressed  
38 the Town's support for the upcoming sales tax referendum that had been scheduled by the  
39 Carteret County Commissioners, scheduled for Election Day on November 8. Mr. Rush stated  
40 that the question posed to the voters of Carteret County was whether or not to approve an  
41 additional 1/4 percent sales and use tax on all transactions in Carteret County. Mr. Rush said  
42 the proceeds from the additional revenues would be at least \$2.5 million and perhaps  
43 approaching as much as \$3 million annually in the entire county. Mr. Rush said if the  
44 referendum was approved, the County planned to use those revenues for navigation dredging  
45 projects throughout Carteret County, and as the Board knew the current sales and use tax in  
46 Carteret County was 6.75 percent and if the referendum was approved it would go to 7  
47 percent. Mr. Rush said that when you went out to dinner or purchased a shirt or beach gear

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 15 of 21

1 you would pay an extra 1/4 percent on your sales tax bill for those items; it did not affect any  
2 property tax bills in any way. Mr. Rush said that the County held a referendum on this issue in  
3 2014 that was not successful and the County had put this back on the ballot this year to address  
4 continuing navigation dredging needs. Mr. Rush noted the County had also appointed a  
5 Waterways Management Board on which Commissioner Dooley served representing Emerald  
6 Isle along with 6 other members serving on that Board. Mr. Rush said that group, if the  
7 referendum was successful, would be responsible for determining priorities and recommending  
8 funding decisions to the County Commissioners in the future. Mr. Rush included a "Talking  
9 Points" sheet with facts about the new sales tax prepared by the County and noted there was a  
10 special Public Information meeting scheduled for September 27 at 6pm in the Town Board  
11 Meeting Room for citizens to learn more as presented by the County Commissioners. Mr. Rush  
12 outlined the benefits of the 1/4 cent additional sales tax as it pertained specifically to Emerald  
13 Isle and as provided in detail in his memo above.

14  
15 Mayor Barber asked for comments from the public. A citizen asked from the floor whether the  
16 Town had ever looked long term at the building of a spit or something to permanently take care  
17 of the Bogue Inlet channel because it is a major source of income and enjoyment of this island.  
18 Mr. Rush answered that they had discussed the idea of pursuing a terminal groin at that  
19 location and up to this point the Board of Commissioners and the Carteret County Beach  
20 Commission had instead pursued periodic realignment of the channel. Mr. Rush noted that they  
21 had realigned the channel in 2005 and we were now 11 years into that and fortunately it had  
22 done well. Mr. Rush said they expected to do it in another 4-6 years and thought we were on  
23 track to have to do a realignment every 15 years and therefore would not need to build a  
24 terminal groin which was very expensive and more difficult to assign the beneficiaries of that  
25 project. Mr. Rush said that was an option going forward and it would certainly continue to be  
26 considered in the future but one of the benefits of the approach adopted thus far was that they  
27 could take that sand and use it for beach nourishment as a dual benefit.

28  
29 ***Motion was made by Commissioner Dooley to approve the Resolution Supporting Proposed***  
30 ***Carteret County 1/4 Cent Sales and Use Tax for Navigation Dredging. The Board voted***  
31 ***unanimously 5-0 in favor. Motion carried.***

32  
33 **Clerks Note: A copy of Resolution 16-09-13/R2 as referenced above is incorporated herein by reference and**  
34 **hereby made a part of these minutes.**

35  
36 **15. Comments from Town Clerk, Town Attorney, and Town Manager**

37  
38 There were no comments from the Town Clerk or Town Attorney.

39  
40 Town Manager Frank Rush noted there was a training session planned for the Planning Board  
41 members at their regular meeting on September 26 to go through the Unified Development  
42 Ordinance provisions with them and wanted to extend an invitation to the Board as well if they

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 16 of 21

1 were interested. Mr. Rush said that he would also like to schedule in the future a special joint  
2 meeting of the Board of Commissioners and Planning Board to have discussion about the future  
3 vision for Emerald Isle. Additionally, Mr. Rush said they expected to have a presentation in  
4 October by the NC Wildlife Resources Commission and Police Chief Waters about coyote  
5 management options. Mr. Rush said they expected to present different ideas in terms of  
6 addressing those issues in the community. Mr. Rush said they also hoped to present  
7 preliminary designs for a new bicycle path on Bogue Inlet Drive. Lastly, they would also have  
8 the Audit report and the grocery store items back on the October agenda as well.

9  
10 The following is an excerpt from the Town Manager Comments memo to the Board providing  
11 additional background information for all items of importance:

12  
13 **Joint Meeting with Planning Board?**

14 Josh Edmondson, Town Planner, will be organizing another training session for the Planning Board on September  
15 27 to better educate the new members about the various provisions in the Unified Development Ordinance.

16  
17 I think it would be helpful to also have the Board of Commissioners attend this meeting, and then spend some time  
18 in general discussion with the Planning Board so that the Planning Board can better understand the Board of  
19 Commissioners' philosophy and goals for regulating new development in Emerald Isle in the future. Please let me  
20 know your thoughts on this idea. If you would like to pursue this idea, we will advertise the special joint meeting  
21 accordingly.

22  
23 **FY 15-16 Comprehensive Annual Financial Report**

24 Laura Rotchford, Finance Director, and the Town's auditors are working on the annual audit and financial  
25 statements. We expect to have Williams, Scarborough, Smith, & Gray present the audit report to the Board and  
26 the public at the October 11 meeting.

27  
28 **Bogue Inlet Drive Bicycle Path**

29 We have ordered a survey of the entire Bogue Inlet Drive right of way between NC 58 and Bogue Inlet Pier, and  
30 should have the survey completed by mid-September. Alesia Sanderson, Parks and Recreation Director, Ken Stone,  
31 Bicycle and Pedestrian Advisory Committee Chair, and I will then review the survey and determine the preferred  
32 design for the new bicycle path. I expect to include a review of this project on the Board's October 11 meeting  
33 agenda.

34  
35 **Discussion – Coyote Management Options**

36 We have rescheduled a discussion of coyote management options for the Board's October 11 meeting agenda. We  
37 expect to have Evin Stanford and Chris Kent, regional biologists from the NC Wildlife Resources Commission attend  
38 the meeting and provide their insights to the Board.

39  
40 **Public Reception – Retirement of Chief Waters**

41 Town staff are planning a special public reception to recognize Chief Waters' retirement on October 31. The  
42 reception will be held on Thursday, October 27 from 6 pm – 8 pm in the Town Board Meeting Room. The public is  
43 invited to attend, and snacks and drinks will be provided. We also expect to formally present Chief Waters with his  
44 service weapon and badge at that reception.

45  
46 **New Police Chief Selection**

47 I continue to consider the appropriate selection process for the next Police Chief, and expect to finalize my  
48 thoughts in the next week or two. I will reach out to each of you individually to discuss this process.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 17 of 21

1 **Beach Strand and The Point Remain in Good Shape**

2 The Beach Commission and the Bogue Banks towns recently received a presentation on the annual beach profile  
3 surveys and the status of The Point. Surveys are performed annually by Moffatt & Nichol and Geodynamics. To  
4 summarize, the entire 12+/- miles of beach in Emerald Isle remain in good shape, and, barring any significant storm  
5 erosion, the next beach nourishment project is likely 4-5 years away, if not longer. Additionally, The Point remains  
6 in good shape, with the main ebb channel now located approximately 1400 ft. from the vehicle ramp. As you  
7 know, we are in early stages of planning for the next realignment project, perhaps in FY 19-20 or FY 20-21. I have  
8 attached an interesting graphic of The Point for your information.  
9

10 **NC Beach and Inlet Management Plan (BIMP) Update**

11 State officials are in the process of updating the 2011 BIMP, and will hold a series of public meetings this month.  
12 The closest meeting to Emerald Isle will be held on Tuesday, September 20 at 6 pm at the Pine Knoll Shores  
13 Aquarium. I am planning to attend on behalf of the Town.  
14

15 There seems to be some growing momentum for the creation of a dedicated State funding source to assist local  
16 communities with beach nourishment projects. I recently provided the comment below, along with revenue data,  
17 to the BIMP consultant, in hopes of moving this discussion forward.  
18

19 Dedicated State Fund / State Funding Source for Beach Nourishment Projects

20 North Carolina beaches are important economic drivers for the coastal region, the entire State, and the  
21 United States. Similar to the "Shallow Draft Navigation Channel and Lake Dredging Fund" established by  
22 the NC General Assembly in recent years (with dedicated funding sources), a new fund earmarked  
23 specifically for State contributions toward beach nourishment projects is needed to assist coastal  
24 communities.  
25

26 The State's 2011 Beach and Inlet Management Plan estimated a total annual funding need of \$19.1 million  
27 for beach nourishment projects in North Carolina. In order to generate the necessary funds, the Town of  
28 Emerald Isle proposes the creation of a new "Storm Protection and Beach Preservation Fund" by the State  
29 of North Carolina, with dedicated revenues derived from a portion of the existing State sales tax (4.75%)  
30 paid on transactions in NC Department of Revenue Business Category 708: Hotels, Motels, Cottage  
31 Rentals, Etc. within the 8 oceanfront counties ONLY. The total amount of State sales tax collected from  
32 Business Category 708 in Currituck, Dare, Hyde, Carteret, Onslow, Pender, New Hanover, and Brunswick  
33 counties during FY 14-15 was \$48.44 million. The Town of Emerald Isle proposes that the proceeds of 2%  
34 (the other 2.75% would continue to be retained by the State for general purposes), or \$20.36 million, be  
35 statutorily earmarked for the new "Storm Protection and Beach Preservation Fund" for distribution by the  
36 appropriate State agency to coastal communities engaging in beach nourishment projects.  
37

38 The proposed "Storm Protection and Beach Preservation Fund" follows the same template successfully  
39 used by the "Shallow Draft Navigation Channel and Lake Dredging Fund" by earmarking a small portion of  
40 the existing State revenues generated by the users of the resource.  
41

42 **New Small Storm Water Relay Pumps – 6400 Block & Bogue Court**

43 Public Works has finally completed this new system, and we look forward to evaluating its effectiveness in  
44 resolving chronic nuisance flooding at this location.  
45

46 The next location for a similar small pump system is Bogue Court, and we hope to complete this work in the next  
47 month or two.  
48  
49  
50

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 18 of 21

1 **Beach Music Festival a Success!**

2 I am very pleased with the success of the Emerald Isle Beach Music Festival on August 27, and greatly appreciate  
3 the great job by Town staff and others. We also greatly appreciate the support of the Crystal Coast Tourism  
4 Development Authority and all of our great sponsors.

5  
6 We don't have an accurate way to determine the total attendance, however, based on the land area occupied on  
7 the beach by attendees and assumptions about the # of sq. ft. per attendee, we estimate a crowd of up to 9,000  
8 people that day.

9  
10 Town staff will be meeting later this week to recap the event, identify areas for improvement, and begin  
11 preparations for the 2017 event. We are targeting a mid or late September date for the 2017 festival.

12  
13 **Meeting with Vacation Rental Agencies**

14 I will be meeting with the EI vacation rental agencies later this month to recap 2016, discuss any issues of concern,  
15 and plan any helpful improvements for 2017.

16  
17 **Deer Population Estimate**

18 EIPD and NC Wildlife Resources Commission staff will conduct a new deer population estimate in late September,  
19 and we will report these results to the Board in October. Depending on the results, we will consider another  
20 controlled deer hunt during January and February 2017.

21  
22 **Beach Driving Season Begins Thursday, September 15**

23 Beach driving season begins on September 15. I will be meeting with Pam Minnick, chair of the Emerald Isle Sea  
24 Turtle Program, early this week to review the status of remaining sea turtle nests and will determine whether or  
25 not to close small areas of the beach to driving until the nests hatch.

26  
27 **New Beach Access Walkway at The Point**

28 The Town's contractor, B&P Services is nearing completion of the new walkway at The Point vehicle ramp. We  
29 expect the new walkway to be open to the public by September 15.

30  
31 **Wyndtree Public Beach Access**

32 Due to concerns from the adjacent oceanfront property owners about the public access sand path meandering  
33 onto private property, we have surveyed the boundaries of the public access easement in this area. We will soon  
34 be performing minor grading in the sand dunes to locate the sand path completely within the public access  
35 easement to prevent the public from traversing private property in this area.

36  
37 **Emerald Isle Woods Walkway**

38 We have awarded a contract to B&P Services to construct a new walkway over wetland areas in EI Woods Park  
39 along the Cape Emerald boundary. The new walkway will provide a safe, convenient pathway for the park trail in  
40 that area, and will also make it easier to monitor water levels in EI Woods Park in the future. Total cost of this  
41 work is approximately \$7,000, and funds are included in the FY 16-17 budget.

42  
43 **Lee Street Sound Access**

44 The Town removed aging and deteriorating walkways at three sound access locations on Sound Drive last year due  
45 to safety concerns. Town staff converted the walkways to sand paths, and in most locations the sand path is easily  
46 navigated. There is, however, a steep slope at the water's edge at the Lee Street access, and we will soon be  
47 constructing a small set of steps at that location to make it easier and safer to access the water. Cost is expected  
48 to be minimal.

49  
50

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 19 of 21

1 **Old Ferry Road Status**

2 In response to questions from Georgia Ricks, an adjacent property owner, I have tasked Town Attorney Richard  
3 Stanley with researching the legal status of two segments of Old Ferry Road: 1) the segment that runs through the  
4 Island Harbor Marina property leading to the old ferry landing, and 2) the segment that runs from Mangrove Road  
5 to NC 58 (behind the CVS). I will update the Board on Richard Stanley's findings.  
6

7 **Rusty Pelican Sign**

8 Due to its unattractive appearance, Public Works recently removed the old Rusty Pelican sign frame. We received  
9 permission from the owner for this action, and the work only took about 15 minutes to complete.  
10

11 **Coastal Awnings, Keller Williams Signs**

12 We have communicated a December 31, 2016 deadline for the removal of sign messages on each of these signs,  
13 due to the fact that neither business is physically located in Emerald Isle, as required by Town sign ordinances.  
14 Each sign owner has the opportunity to appeal this decision to the Board of Adjustment if so inclined.  
15

16 **Bogue Inlet Navigation Dredging**

17 We are still awaiting new survey results from the Corps of Engineers, which will determine if the Corps pursues the  
18 new connecting channel delineation in the center of Bogue Inlet. We remain hopeful that the Corps will complete  
19 a new dredging event in Bogue Inlet sometime in the coming weeks.  
20

21 **CVS Aesthetic Improvements, Better Traffic Flow**

22 I continue to pursue possible aesthetic and traffic flow improvements with CVS. At this point, I believe we have  
23 buy-in from CVS corporate office in Rhode Island, and now need to reach out to the building owner. I will be  
24 pursuing this idea further in the coming weeks. I have attached a copy of the proposed new traffic pattern,  
25 sidewalk installation, and curb & gutter installation. I also hope to encourage the building owner to pursue  
26 aesthetic improvements to the existing building.  
27

28 **Cape Emerald Pipe Expansion / Replacement**

29 I have not yet been able to devote time to this project, but still hope to solicit informal quotes for this work later  
30 this fall. I remain hopeful that the budgeted amount will be sufficient to award a contract later this fall. Permit  
31 authorization is still necessary, but we don't anticipate any hurdles.  
32

33 **Emerald Plantation Canal Concerns, Road Concerns**

34 I met recently with representatives from the Emerald Plantation residential subdivision regarding concerns about  
35 algae, duckweed, and debris in the canal between the commercial center and the residential subdivision, and may  
36 pursue grant funding in the future to assist the community in its goal to clean up the canal.  
37

38 Additionally, some members in Emerald Plantation have expressed interest in the Town assuming ownership and  
39 maintenance of Emerald Plantation Drive between NC 58 and the Emerald Isle Baptist Church. I expect that the  
40 Town may receive a formal request at some point in the future, at which time it could be scheduled for Board  
41 consideration at a Town meeting.  
42

43 **Nies v. Emerald Isle**

44 Oral arguments before the NC Supreme Court have not yet been scheduled, and will not occur in September or  
45 October. A November or December date is likely.  
46

47 **Cape Emerald Pipe Failure**

48 A private storm water pipe in Cape Emerald recently failed, in part, due to poor workmanship by the Town's  
49 contractor on a Town storm water pipe in 2012. I am still working to secure compensation from Southeast Pipe

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 20 of 21

1 Survey, the Town's contractor for the original work on the Town storm water pipe, but have not yet resolved this  
2 issue. It may now be necessary to secure assistance from Town Attorney Richard Stanley.

3  
4 **Town Dumpster Service**

5 I continue to review different options for dumpster service at condominium complexes. The Town's existing  
6 contract with Waste Industries expires on December 31, 2016, and has an annual value of approximately \$80,000.  
7 I hope to make a recommendation to the Board at the November meeting.

8  
9 **NC 58 Traffic Improvements**

10 NC 58 traffic improvements at the Bogue Inlet Drive intersection, Coast Guard Road intersection, Emerald  
11 Plantation intersection, and at the NC 24 intersection have all scored well, and were included on the priority list for  
12 both the Carteret County Transportation Committee and the DownEast Rural Planning Organization.  
13 Unfortunately, due to the priority assigned to two major regional projects in the Kinston and Wilmington area  
14 (very expensive projects), our projects did not make it into the "region" version of the Statewide Transportation  
15 Improvement Program. I remain hopeful that these projects will ultimately be included in the "division" version  
16 of the Statewide Transportation Improvement Program when it is released later this year. Based on discussions  
17 with DERPO staff, I believe the Emerald Isle projects have a decent chance of being included.

18  
19 **Potential Partnership To Provide Staff Assistance for Emerald Isle Business Association**

20 I have not yet had an opportunity to pursue this idea, but still hope to develop a cost-effective plan to create a  
21 paid staff position for the EIBA, ideally in partnership with the Tourism Development Authority. I envision that  
22 such a new position would better promote EI to our visitors and potential visitors, help with existing special events  
23 (i.e., St. Patrick's Festival, Christmas Parade, etc.), help with new events (i.e., new "EI Beach Music Festival", etc.),  
24 organize special shopping experiences among Emerald Isle businesses (i.e., Christmas shopping deals throughout  
25 the entire Town), and better galvanize the brick-and-mortar businesses in Emerald Isle.

26  
27 **Design Students to Develop Plan for Additional "Downtown" Streetscape Improvement**

28 I have reached out to the NC State School of Design to secure assistance from design school students to  
29 recommend and develop graphics illustrating additional streetscape improvements in Emerald Isle, but have not  
30 yet received any return communication. The project would be focused on the area between the Welcome Center  
31 and the Town Government complex.

32  
33 **NC League of Municipalities Annual Meeting – October 23 – 25**

34 Mayor Barber, Commissioners Dooley, Finch, and Normile, and I are registered for this annual meeting in Raleigh.

35  
36 **Pursue Change in NC Residential Code Re: Railings on Fixed Seating**

37 I have submitted suggested language to the NC Department of Commerce to pursue an amendment to the NC  
38 Residential Code to create an exemption from requirements for deck railings to extend 36 inches above the seat  
39 bottom of fixed deck seating. As drafted, the exemption would apply to railings associated with fixed seating in  
40 barrier island communities only over natural sand dunes. If the exemption is granted, it would measure the 36  
41 inch requirement from the floor, which is the requirement for deck railings, and would eliminate the "cage" look  
42 that is created when railings extend 36 inches above the seat bottom. I am not sure what the chances are for  
43 affecting a positive change, however, I will continue to pursue. In the meantime, many contractors are simply  
44 installing non-fixed seating in order to pass the inspection.

45  
46 **Potential Speed Limit Change, Golf Cart Ordinance Amendment**

47 I am contemplating presenting two ordinance amendments to the Board at a future meeting in response to the  
48 Board's discussion at the August 9 meeting regarding golf carts.

49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
SEPTEMBER 13, 2016  
Page 21 of 21

1 One ordinance amendment would reduce the speed limit on Coast Guard Road between Deer Horn Drive and NC  
2 58 and Crew Drive from 35 mph to 25 mph. The second amendment would eliminate the language in the golf cart  
3 ordinance that prohibits golf carts from driving on Coast Guard Road and NC 58, and would replace it with "golf  
4 carts may only operate on streets with a speed limit of 25 mph or less". This ordinance amendment would  
5 effectively allow golf carts on the segment of Coast Guard Road between Deer Horn Drive and NC 58 and Crew  
6 Drive, and would likely assist many golf cart operators without creating significant safety concerns. This  
7 amendment would also allow golf carts to operate legally on Coast Guard Road between Ring Street and Inlet  
8 Drive.

9  
10 Please let me know your thoughts on this idea.

11  
12 **16. Comments from Board of Commissioners and Mayor**

13  
14 Commissioner Normile commented that the Beach Music Festival was a homerun and Town  
15 Manager Rush, Parks and Recreation Director Alesia Sanderson and the entire Town had done a  
16 great job. Mr. Rush said he was really pleased with the efforts of the entire town staff and folks  
17 seemed to have a good time.

18  
19 **17. Adjourn**

20  
21 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board voted***  
22 ***unanimously 5-0 in favor. Motion carried.***

23  
24 ***The meeting was adjourned at 6:50 pm.***

25  
26 Respectfully submitted:

27  
28  
29  
30 Rhonda C. Ferebee, NCCMC, CMC  
31 Town Clerk