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2  
3 **MINUTES OF THE REGULAR SCHEDULED MEETING**  
4 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
5 **TUESDAY, SEPTEMBER 12, 2023 – 6:00 P.M.**  
6 **TOWN BOARD MEETING ROOM**  
7  
8

9 **1. Call to Order**

10  
11 The regular monthly meeting of the Emerald Isle Board of Commissioners was called to order by Mayor  
12 Jason Holland at 6:00 PM in the Town Board Meeting Room.  
13

14 **2. Roll Call**

15  
16 Present for the meeting: Mayor Jason Holland, Mayor Pro-Tem Floyd Messer, Commissioners Steve  
17 Finch, Mark Taylor, and Jamie Vogel. Commissioner Normile was absent.  
18

19 ***Motion was made by Commissioner Messer to excuse Commissioner Normile’s absence. The Board***  
20 ***voted unanimously 4-0 in favor. Motion Carried.***  
21

22 Also, present during the meeting: Town Manager Matt Zapp, Town Clerk Sarah Diehl, Finance Director  
23 Laura Rotchford, Chief of Police Michael Panzarella, Fire Chief Billy Matthias, IT Specialist Greg Hayes,  
24 PIO Mark Crews, Planning Director Nathan Rhue and Town Attorney Jill Quattlebaum.  
25

26 **3. Opening Prayer**

27  
28 Layne Harpine led the Opening Prayer.  
29

30 **4. Pledge of Allegiance**

31  
32 Mayor Holland led the Pledge of Allegiance.  
33

34 **5. Adoption of Agenda**

35  
36 ***Motion was made by Commissioner Messer to adopt the Agenda. The Board voted unanimously 4-0 in***  
37 ***favor. Motion carried.***  
38

39 **6. Introduction of New Employee(s)**

40  
41 Mayor Holland welcomed Hannah Alcock (Fire Department) and Chris Hancock (Public Works  
42 Department) to the Town of Emerald Isle.  
43

44 **7. Employee Recognition(s)**

45  
46 Town Manager Zapp explained that Fire Chief William (Billy) Matthias had successfully completed his 90-  
47 day period as interim Fire Chief. Chief Matthias was pinned by his family members and Assistant Chief

1 Don Askew. Chief Matthias thanked Town Manager Zapp and the town for their support and said he  
2 looked forward to growing the department.

3  
4 **8. Proclamations/ Public Announcements**

5  
6 A reel was played that highlighted area events and Sunny the Sea Turtle was introduced.

7  
8 **9. Consent Agenda**

- 9  
10 1. August 8, 2023 Regular Meeting minutes  
11 2. Final Contract— Emerald Isle Fire Station II  
12 3. Award Contract for Old Ferry, Cedar, and Bogue Inlet Culverts

13  
14 ***Motion was made by Commissioner Finch to approve the item(s) on the Consent Agenda. The Board***  
15 ***voted unanimously 4-0 in favor. Motion carried.***

16  
17 **10. Consider Removal of #13. Sidewalk Installation from Town’s 2023 Progressive Goals**

18  
19 Town Manager Zapp explained that staff was asking to remove this item (#13) from the 2023  
20 Progressive Goals List and reinvesting that funding into roadway repairs. Staff had ranked the most  
21 critically damaged roads in Emerald Isle. Once the lowest and best bids for projects are secure, Town  
22 staff will recommend that the town invest \$150,000 in Powell Bill funds to make those repairs.

23  
24 ***Motion was made by Commissioner Messer to remove item #13 from the Town’s 2023 Progressive***  
25 ***Goals list, sidewalk installation along Lee Ave and roadways leading to the Point. Staff is instructed to***  
26 ***secure asphalt repair pricing of the most critically damaged roads in Emerald Isle. The Board voted***  
27 ***unanimously 4-0 in favor. Motion carried.***

28  
29 **11. UDO Text Amendment— Section 6.4 Dunes and Vegetation Protection— amendment to remove**  
30 **the requirement to fence off the natural area**

31  
32 Planning Director Rhue explained that in June of 2023, the Board had amended the dunes and  
33 vegetation protection ordinance, section 6.4, to require that the natural vegetated area, as approved on  
34 a submitted site plan, be delineated from the area of development with either silt or construction safety  
35 fencing. Based on several meetings and comments related to those changes, town staff met with the  
36 UDO Committee and other parties to listen to their comments and their concerns related to the impact  
37 of this requirement. The town’s Planning Board also received comments and concerns related to the  
38 requirement during their regular July meeting based on direction from the UDO Committee.

39  
40 The proposed amendment of Section 6.4, subsection 1, would remove the requirement to install silt  
41 and/or construction safety fencing between the natural area and the area of development. Staking of  
42 the area would be required. Section 6.4 21c would also be amended by changing the section from  
43 fencing to staking and requires verification of delineation before the commencement of land disturbing

1 activities.

2  
3 During the regular meeting of the Planning Board on August 28, the Planning Board unanimously  
4 recommended the approval of the amendments that had been brought forth and found that they  
5 appeared to be consistent with the 2018 Emerald Isle Comprehensive Land Use Plan and that it appears  
6 to be reasonable and in the public interest as it continues to encourage growth while also protecting the  
7 town's natural resources.

8  
9 Commissioner Vogel asked for verification that the Planning Department would verify that staking was  
10 put in place. Planning Director Rhue answered, that yes, his department would verify.

11  
12 ***Motion was made by Commissioner Messer to enter the Public hearing at 6:21 p.m. The Board voted***  
13 ***unanimously 4-0 in favor. Motion carried.***

14  
15 Taney Browder, 7515 Sound Drive, said he had read through the amendments and did not have any  
16 issues with them. He did have concerns about some of the requirements, like impervious surface(s), and  
17 asked if the Board would be looking into those.

18  
19 Peter Kerry, 109 Coquina Dr, was concerned that although verification was done before construction,  
20 nothing was mentioned about after construction.

21  
22 ***Motion was made by Commissioner Messer to close the Public hearing at 6:23 p.m. The Board voted***  
23 ***unanimously 4-0 in favor. Motion carried.***

24  
25 There was discussion amongst the Board that the proposed changes seemed to be a good middle  
26 ground.

27  
28 The Board was advised about and considered the Planning Board's unanimous recommendation that the  
29 amendment be approved as submitted. The Board additionally considered that the amendment  
30 appeared to be consistent with the 2018 Emerald Isle Comprehensive Land Use Plan

31  
32 ***Motion was made by Commissioner Finch to approve UDO Text Amendment— Sec 6.4 Dunes and***  
33 ***Vegetation Protection (amendment to remove the requirement to fence off the natural area). The***  
34 ***Board voted unanimously 4-0 in favor. Motion carried.***

35  
36 **12. UDO Text Amendment— Section 6.3 Stormwater Management— amendment to exclude the**  
37 **requirement for professionally drafted plans outside Special Flood Hazard Areas**

38  
39 Planning Director Rhue explained that in December of 2022, the Board adopted updates requiring that  
40 all stormwater design plans were to be professionally engineered. As a result, third-party engineering

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1 firms were also secured by the town to provide review and comments related to these submitted plans  
2 to ensure they complied with the requirements as outlined in Section 6.3. The UDO Committee met to  
3 determine if amendments could be made in order to expediate the permitting process. The Planning  
4 Board met as well and discussed the issue at their August 28, 2023 meeting.

5  
6 He gave a presentation explaining the existing ordinance and the proposed amendments, outlining what  
7 that might look like for certain lots and unbuilt upon areas around town.

8  
9 He explained that the proposed amendment(s) would remove the requirement for an engineered  
10 stormwater plan for lots that were not in a flood zone and that they had been recommended by the  
11 Planning Board for approval at the Planning Board's August 28, 2023 meeting. The Planning Board  
12 believes that the changes are consistent with the Comprehensive Land Use Plan to effectively manage  
13 stormwater runoff and is reasonable because it provides expedited review by still maintaining  
14 compliance with regulations.

15  
16 The presentation is included herein by reference and attached to these minutes.

17  
18 ***Motion was made by Commissioner Messer to enter the Public hearing at 6:32 p.m. The Board voted***  
19 ***unanimously 4-0 in favor. Motion carried.***

20  
21 Greg Hall, ACE Builders, asked for clarification on which lots would need a stormwater plan (under the  
22 proposed amendment). Planning Director Rhue explained the proposed ordinance to him.

23  
24 ***Motion was made by Commissioner Messer to close the Public hearing at 6:33 p.m. The Board voted***  
25 ***unanimously 4-0 in favor. Motion carried.***

26  
27 There was discussion among the Board about the lots that would be impacted. There was discussion  
28 about past practices, current practices, and the proposed amendment.

29  
30 Commissioner Vogel was concerned about the lots that would be impacted. Commissioner Taylor asked  
31 about the current practice. Planning Director Rhue answered that with the current ordinance, applicants  
32 submit an engineered plan and then the town's stormwater engineer reviews it for compliance.

33  
34 Commissioner Taylor questioned the need for the town to use a stormwater engineer and felt the that  
35 the responsibility was on the engineer that the contractor used.

36  
37 Commissioner Vogel said that she had looked at other coastal towns and it was not uncommon for them  
38 to require engineered plans.

39  
40 Town Manager Zapp said that the town had hired a new engineering firm and that the previous  
41 turnaround time for plan reviews had shortened considerably. He proceeded to review numbers from  
42 the past year on the number of available lots (to build on) and where they were located. He explained

1 that 38 of the 59 plans that had been submitted had to be sent back for review (after the town's  
2 engineering firm reviewed for compliance) and discussed the stormwater issues in town.

3  
4 The Board continued to discuss whether a review by the town's engineering firm was necessary and the  
5 implications to the homes that are already built and may be impacted by new builds.

6  
7 ***Motion was made by Commissioner Vogel to table the discussion on changing the UDO text***  
8 ***amendment Section 6.3 for stormwater management. The Board voted unanimously 4-0 in favor.***  
9 ***Motion carried.***

10  
11 **14. Public Comment**

12  
13 **Brief Summary:**

14 The public will have the opportunity to address the Board about any items of concern not on the agenda. The  
15 Mayor and Board welcome and appreciate all comments from the public, and will take these comments into  
16 consideration as they make decisions on Town issues and provide direction to Town staff. Public comment is a time  
17 for the Board to listen to the public's concerns and ideas, and is not intended for a lengthy dialogue or question  
18 and answer session.

19  
20 The Mayor, Board, and Town staff are happy to meet with any citizen during normal business hours or at any other  
21 mutually agreeable time to discuss Town issues and answer any questions.

22  
23 Joyce Rowe, 104 Pelican Ct, there is a dead end street leading to her property. Her neighbor has put up  
24 a barrier and she is concerned with access and safety.

25  
26 Colon Rowe, 104 Pelican Ct, believes that his neighbor's barrier is encroaching on town property. He was  
27 not happy with town's response that his neighbor was in compliance.

28  
29 Michael Westbrook, 125 Deer Horn Dr, is concerned with people speeding on his street.  
30

31 **15. Comments from Town Clerk, Town Attorney and Town Manager**

32  
33 There were no comments from the Clerk.

34  
35 Town Attorney Quattlebaum informed the Board that the Town Manager had visited Pelican Ct on  
36 several occasions , as well as Fire and Police. They have determined that there is no detriment to  
37 emergency accesses.

38  
39 Town Manager Zapp spoke to Mr. Rowe's concerns about the town's handling of his neighbors roping  
40 off a section of their yard. He said they had been to the site, met with the neighbors, and the Rowe's.

41  
42 **16. Comments from Board of Commissioners and Mayor**

43  
44 Commissioner Taylor asked staff about barriers/posts in the right of way. He thanked everyone for  
45 coming out and invited everyone to the Fishing Tournament BBQ dinner.  
46

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1 Commissioner Finch asked people to bring photos when they had concerns so that the Board could get a  
2 clear picture. He congratulated Matthias on becoming Fire Chief.

3  
4 Commissioner Messer said he had no complaints and was thankful to be in Emerald Isle for the last 35  
5 years.

6  
7 Commissioner Vogel said best of luck to the Fishing Tournament. She knew Commissioner Taylor and his  
8 team worked hard on the event. She congratulated Matthias on becoming Fire Chief and said the Sunny  
9 the Sea Turtle was a great initiative for beach safety. She reminded people that if they had the EI app to  
10 enable push notifications so that they could get the flag warnings when they changed. She reviewed the  
11 rainfall numbers for the Public Works report and said that stormwater was an issue.

12  
13 Mayor Holland congratulated Matthias on becoming Fire Chief and said continued prayers for  
14 Commissioner Normile and his family.

15  
16 **17. Adjourn**

17 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board voted unanimously 4-0***  
18 ***in favor. Motion carried.***

19  
20 ***The meeting was adjourned at 7:22 pm.***

21  
22 Respectfully Submitted:

23  
24 Sarah Diehl  
25 Town Clerk  
26

# SECTION 6.3 STORMWATER MANAGEMENT

# SECTION 6.3.2(C)(I)(A)

## Existing

### (i) Small Residential Projects

Proposed single family and duplex residential projects with less than ten thousand (10,000) square feet of disturbed area shall adhere to the stormwater management plan requirements outlined below:

#### a) Professionally Drafted Plans

The stormwater management plan for required under this subsection 6.3.2(2)(C)(i) shall be designed and sealed by a registered design professional as described in Section 6.3.2(2)(C)(v)

## Proposed

### a) Professionally Drafted Plans

The stormwater management plan required under this subsection 6.3.2(2)(C)(i) shall be designed and sealed by a registered design professional as described in Section 6.3.2(C)(iii)(v) if the property is located within a Special Flood Hazard Area.



# AMENDMENT COMPARISON

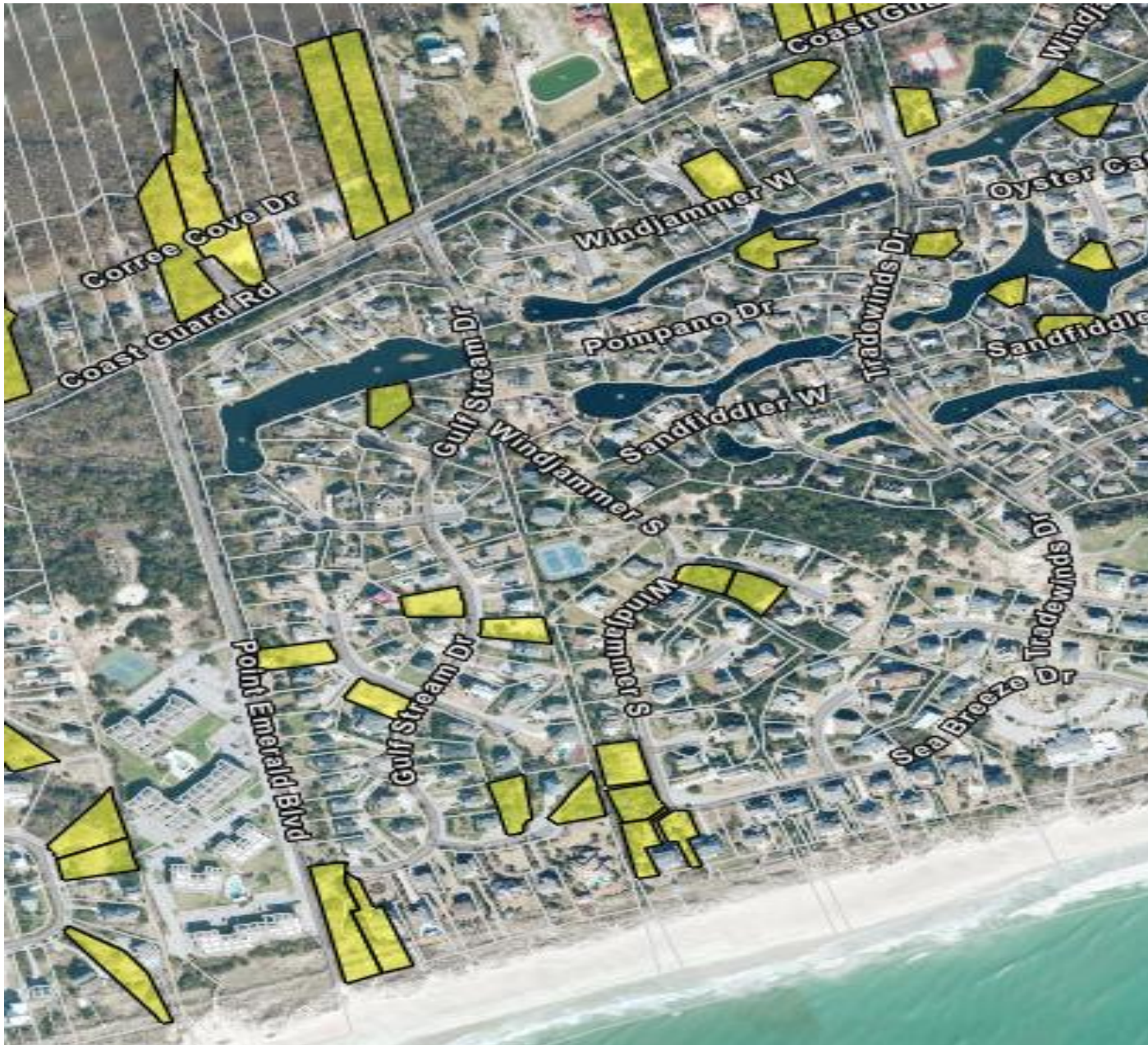
- Removes grammatical errors (removes “for” from both (i) and (ii))
- Only requires “registered design professional” for Small Residential Projects (less than 10,000 square feet of disturbed area) if they are within a Special Flood Hazard Area
  - Large Residential Projects (10,000 or more square feet of land disturbance or multi-family, commercial, and industrial projects) will still require registered design professional plans
- Special Flood Hazard Area (SFHA): The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in Section 6.2.3(2) (basically as determined by flood maps developed by FEMA)
- Special Flood Hazard Areas (SFHA)?

# SPECIAL FLOOD HAZARD AREAS

- Zone X—no special flood requirements
- Shaded X—.2% annual chance flood hazard; no special flood requirements
- AE—within EI, consists of AE-6-12 meaning base flood level is noted by number and requires all structures and development to be elevated at that height PLUS 2 feet for freeboard required by EI (this height is Regulatory Flood Protection Elevation); flood vents for enclosed areas below BFPE
- Coastal A—this is area that is designated as AE but lies seaward of the LiMWA (Limit of Moderate Wave Action) line; the requirements for VE must be followed
- VE—within EI, consists of VE-11-18 meaning base flood level is noted by number and requires all structures and development to be elevated to RFPE; flood vents, breakaway walls, limited storage, access, parking only



# SPECIAL FLOOD HAZARD AREAS



# SPECIAL FLOOD HAZARD AREAS



# SPECIAL FLOOD HAZARD AREAS



# SPECIAL FLOOD HAZARD AREAS

## SECTION 6.3.2(C)(I)(A)

- Proposed amendment does not remove EI review by licensed engineer
- Proposed amendment does not remove requirement for professional designed plans for commercial, industrial, and multi-family development or residential projects disturbing land 10,000 square feet or more
- Considered by UDO Committee and forwarded to Planning Board
- Planning Board considered and unanimously recommended approval August 28<sup>th</sup>
- Proposed consistent with Comprehensive Land Use Plan to effectively manage stormwater runoff (page 5-14) and reasonable as it provides expedited plan review while still maintaining compliance with existing regulations

# COMMISSIONER ACTION

- Approve amendment and Consistency Statement as submitted
- Modify and approve amendment and Consistency Statement
- Continue (Table) decision to future meeting and request more information/consultation (next scheduled meeting is October 10, 2023)
- Deny requested amendment