

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JANUARY 13, 2015 – 6:00 P.M.**
4 **TOWN BOARD MEETING ROOM**
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6
7

8 **1. Call To Order**
9

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

13 **2. Roll Call**
14

15 Present for the meeting: Mayor Eddie Barber, Commissioners Tom Hoover, Floyd
16 Messer, Jim Normile, John Wootten, and Maripat Wright.
17

18 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney
19 Richard Stanley, Finance Director Laura Rotchford, Town Clerk Rhonda Ferebee,
20 Police Chief Jeff Waters, Parks and Recreation Director Alesia Sanderson, Interim
21 Planning Director Jim Jennings, and Public Works Supervisor Joe Smith.
22

23 **3. Opening Prayer**

24 Mayor Barber offered the opening prayer.

25 **4. Pledge of Allegiance**
26

27 All who were present recited the Pledge of Allegiance led by Mayor Barber.
28

29 **5. Adoption of Agenda**
30

31 ***Motion was made by Commissioner Messer to adopt the Agenda. The Board***
32 ***voted unanimously 5-0 in favor. Motion carried.***
33

34 **6. Proclamations / Public Announcements**
35

36 Mayor Barber noted the following announcements for the public:
37

- 38 • **Soccer Shots – Wednesdays – January 14 – March 4 – Community Center**
- 39 • **Martin Luther King, Jr. Holiday – Monday, January 19 – Town Offices**
40 **Closed, Community Center Open**
- 41 • **Bicycle & Pedestrian Advisory Committee Meeting – Wednesday, January**
42 **21 – 9 am – Community Center**
- 43 • **Police Educating The Public (PEP) – Tuesday, January 20 – 10 am & 6 pm –**
44 **Town Board Meeting Room**

- 1 • **Coffee With A cop – Thursday, January 22 – 9 am – Village Market**
- 2 • **Planning Board Regular Meeting – Monday, January 26 – 6 pm – Town**
- 3 **Board Meeting Room**
- 4 • **Board of Commissioners Annual Budget Planning Workshop – Mon, Feb 9**
- 5 **– 8:30 am – Town Admin Building**
- 6 • **Youth Tennis Clinics – Mondays – February 9 – March 9 – Blue Heron Park**
- 7 **Tennis Courts**
- 8 • **Board of Commissioners Regular Meeting – Tuesday, February 10 – 6 pm –**
- 9 **Town Board Meeting Room**
- 10 • **23rd Annual St. Patrick’s Festival – Saturday, March 14 – 9 am – 6 pm –**
- 11 **Emerald Plantation Shopping Center**
- 12 • **El Marathon, Half-Marathon & 5K Race – Saturday, March 28 – 6:30 am –**
- 13 **Western Ocean Reg Access**
- 14 • **Bike the Banks – Crystal Coast Lighthouse Challenge – Saturday, May 2 – 8**
- 15 **am – Town Govt Complex**

16
17 **7. Introduction of New Employees**

- 18
- 19 a. **Laura Rotchford, Finance Director**
- 20 b. **Scott Holbrook, Parks Maintenance Worker**
- 21 c. **Donald Young, Equipment Operator**
- 22

23 Town Manager Frank Rush formally introduced the Town’s new Finance Director Laura
24 Rotchford. Mr. Rush noted that Laura started work on December 15 allowing for time to
25 work with Mitsy Overman for a few weeks before her retirement. Mr. Rush said Laura
26 had hit the ground running and was doing a great job. Mr. Rush noted that Laura came
27 to Emerald Isle from her position as Finance Manager with the City of Jacksonville
28 where she had served since August 2009. It was noted that Laura was a Certified
29 Public Accountant, with two Masters Degrees, and had most recently completed the
30 Certified Local Government Finance Officers curriculum through the School of
31 Government.
32

33 Parks and Recreation Director Alesia Sanderson formally introduced the Town’s newest
34 Parks Maintenance Worker Scott Holbrook. Ms. Sanderson stated that Scott and his
35 wife recently relocated to Emerald Isle from central Maine. Ms. Sanderson noted that
36 Scott had an extensive background in landscaping and lawn maintenance and was a
37 very welcome and much needed addition to their department.
38

39 Public Works Supervisor Joe Smith, filling in for Public Works Director Artie Dunn,
40 formally introduced the Town’s newest Equipment Operator Donald Young. Mr. Smith
41 noted that Donald was their new brush truck driver. Mr. Smith stated that Donald had
42 20+ years of over-the-road driving experience. It was noted that Donald had lived in
43 Peletier since 2005, was married for 32 years and also volunteered with Emerald Isle
44 EMS, Inc. as a paramedic along with his wife Kim. Mr. Smith added that Donald was a

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1 welcome addition to the staff at their department and they were glad to have him
2 onboard.

3
4 The Board and public provided a warm welcome to all 3 of the new employees to each
5 of their positions with the Town of Emerald Isle.

6
7 **8. Public Comment**

8
9 **Brief Summary:** The public has the opportunity at this time to address the Board about
10 any items of concern not on the agenda.

11
12 There were not comments from the public.

13
14 **9. Consent Agenda**

- 15
16 a. Tax Releases
17 b. Minutes – December 9, 2014 Regular Meeting
18 c. Budget Amendment – General Fund
19 d. Capital Project Ordinance Amendments – Community Improvements
20 Package
21 e. Resolution Supporting Proposed Havelock US 70 Bypass (15-01-13/R1)
22 f. Resolution Declaring Surplus Items (15-01-13/R2)

23
24 ***Motion was made by Commissioner Wright to approve the items on the Consent***
25 ***Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

26
27 **Clerks Note:** A copy of Resolutions 15-01-13/R1 and 15-01-13/R2 along with all other Consent Agenda items
28 as noted above are incorporated herein by reference and hereby made a part of these minutes.

29
30 **10. FY 15-16 Budget**

- 31
32 a. New 2015 Tax Values
33 b. Budget Calendar
34 c. Public Hearing – Early Citizen Input

35
36 Town Manager Frank Rush addressed the Board concerning this agenda item. The
37 following excerpt from his memo to the Board is provided for additional background:

38
39 The Board is scheduled to consider three items related to the FY 15-16 budget at the January 13 meeting. First, the Board will
40 be briefed on the new 2015 tax values for the Town and the likely impact on the Town's property tax rates. Second, the Board is
41 asked to adopt the official FY 15-16 Budget Calendar, and third, the Board is scheduled to conduct a public hearing to receive
42 early citizen input on the FY 15-16 budget.

43
44 New 2015 Tax Values

45 The Carteret County Tax Office recently released the new 2015 tax values for all municipalities, and the total tax value of real
46 property in Emerald Isle has decreased by nearly 10% to \$2.63 billion. When personal property, public utility property, and motor

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1 vehicles are added, the Town's 2015 total tax value is estimated at approximately \$2.71 billion (compared to nearly \$3 billion in
2 2014). The Board should note that these figures may still decrease, depending on the results of tax value appeals considered by
3 the Board of Equalization and Review in the coming months.
4

5 In order to generate the same property tax revenue for Emerald Isle in FY 15-16 as in FY 14-15, the Town's General Fund tax
6 rate will need to be increased to somewhere in the 15 ½ - 16 cent range (from the current 14 cent rate). Conversely, if the Board
7 wishes to maintain the current 14 cent rate, the Town would realize approximately \$400,000 less property tax revenue based on
8 the new 2015 tax values, and would need to make corresponding budget reductions and/or identify new revenue sources. In
9 order to generate the same property tax revenue in FY 15-16 for the Primary Benefit (oceanfront and inlet-front properties only)
10 District, the special district tax rate will need to be increased to somewhere in the 3 ½ - 4 cent range (from the current 3 cent
11 rate). Conversely, if the Board wishes to maintain the current 3 cent rate, the Town would realize approximately \$30,000 less
12 property tax revenue.
13

14 I look forward to discussing the Board's property tax rate goals during the upcoming budget planning workshop on February 2.
15

16 FY 15-16 Budget Calendar

17 A copy of the suggested FY 15-16 Budget Calendar is attached for the Board's review. This calendar outlines the Town's budget
18 process and includes key target dates in the process.
19

20 The FY 15-16 budget process begins with the items on the January 13 meeting agenda. The FY 15-16 budget public hearing
21 scheduled for the January 13 meeting is a chance for the Town's taxpayers to provide input at the front-end of the FY 15-16
22 budget process, and we look forward to this input. The next key step in the FY 15-16 budget process is the Board's February 9
23 budget planning workshop. The Board will review detailed budget information and discuss several potential expenditure items at
24 that meeting, and will provide direction to Town staff regarding the Board's priorities, concerns, ideas, etc. for FY 15-16. Town
25 staff and I will then consider the Board's direction and the public's input, and will work to develop a responsible budget during
26 March and April.
27

28 The FY 15-16 Recommended Budget will be presented to the Board at the May 12 regular meeting. Two budget workshop
29 meetings are tentatively scheduled for May 19 and June 2 (both are Tuesday evenings) to review the Recommended Budget in
30 detail. The official public hearing on the budget is planned for the June 2 workshop meeting, with Board adoption planned for the
31 June 9 regular meeting. (Additional budget workshop meetings can be scheduled between May 20 and June 1 as necessary.)
32

33 The Board has the flexibility to adjust this schedule as we go through the budget process if necessary and/or desired, however,
34 the establishment of the FY 15-16 Budget Calendar will help to keep this lengthy process on track.
35

36 Public Hearing – Early Citizen Input on FY 15-16 Budget

37 We have scheduled and advertised a public hearing on the upcoming FY 15-16 budget for the January 13 meeting.
38

39 NC General Statutes require the Town to conduct a public hearing on the annual budget after the Town Manager presents the
40 Recommended Budget in May, but Emerald Isle has also historically held a public hearing prior to the start of the annual budget
41 process in order to get citizen input at the front-end of the budget process. The purpose of the January 13 public hearing is
42 simply to receive comments or suggestions from our citizens regarding budget priorities for the coming fiscal year before we
43 begin the budget process. The hearing will give citizens a chance to voice their concerns about the tax rate, the fairness of the
44 Town's tax and fee structure, suggest budget and service reductions, suggest funding for certain programs or projects, etc. All
45 thoughtful suggestions are welcomed and encouraged.
46

47 I have attached some basic background budget information, and I will have this information available for the public to review.
48

49 Commissioner Wright requested that the proposed May 19 Special Budget Workshop
50 meeting be changed to May 26.
51

1 **Motion was made by Commissioner Messer to adopt the FY 15-16 Budget**
2 **Calendar as amended. The Board voted unanimously 5-0 in favor. Motion**
3 **carried.**
4

5 **Motion was made by Commissioner Wootten to open the Public Hearing for early**
6 **citizen input on the FY 15-16 budget. The Board voted unanimously 5-0 in favor.**
7 **Motion carried.**
8

9 Jay Thomas, 115 Lee Avenue, stated that they were all under the impression that
10 property owners would get a decrease. Mr. Thomas said he talked to several of his
11 friends who all live here and their taxes values had gone up from 5% to 10%. He
12 wondered where was the decrease, was it rental property, investment property or were
13 they putting the burden on homeowners.
14

15 Mr. Rush said he would ask the county if they could give the data to determine out of
16 the 6700 parcels in Emerald how many had received an increase in value and how
17 many had a decrease. Mr. Rush said he was sure there were some who had decreases
18 and some increases as assigned by the Carteret County tax office. Mr. Rush pointed
19 out one thing for the Board and public to keep in mind was that as they looked at their
20 own new tax value statements they really wanted to calculate what the percentage
21 changes were for their particular property. Mr. Rush noted that if their property
22 decreased by 10% or more and the Board did establish a revenue neutral tax rate they
23 would probably see a slight decrease in their bill; if their property only decreased by 5%
24 or not at all or an increase, then they would still see some increase in their annual tax
25 bill if the Board went with a revenue neutral tax rate.
26

27 Mr. Rush added that the County welcomed appeals, there was an informal appeals
28 process through the County tax office and if that provided no satisfaction then they
29 could go to the Board of Equalization and Review.
30

31 Commissioner Wootten felt it was important to point out for the public that they have
32 had the inverse situation of this in the past when the value went up and up and the
33 Board decreased the tax rate to make it revenue neutral.
34

35 Al Kulhawik, Sound Drive, stated that when he received the notice about the decrease
36 in the value of his condo he was quite happy because it went down about \$50,000, but
37 then he saw that they were looking for an increase in the tax rate. Mr. Kulhawik
38 suggested that rather than an increase in the tax rate they should tighten their belts and
39 stop spending money, work within their means. He said if they would get X amount of
40 dollars they should work within those dollars in their budget rather than trying to add
41 more tax to the people of Emerald Isle. Mr. Kulhawik said he didn't get an increase in
42 his social security but 1%, he had a fixed pension, and it made it difficult when you got a
43 tax increase and he said a lot of people in Emerald Isle were senior citizens. Mr.
44 Kulhawik said he always heard that Emerald Isle was tourist oriented, how about the

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1 people that lived here year round, they were the ones who supported the government
2 here, not the tourist. He said it was nice to have the tourist, businesses made money
3 and it contributed to the taxes but still it was all about the people who live here year
4 round, and asked the Board to think about this as they work on the budget.

5
6 Mr. Rush commented that this was good input for the Board and staff to consider but in
7 his personal example if he had a condo that decreased in value by \$50,000, and that
8 decrease was greater than 10% even if the Board adopted a revenue neutral tax rate
9 the tax bill in that case would still go down.

10
11 Allen Fielding, owner of property at 7021 Ocean Drive, and Sound of the Sea, said he
12 had the opportunity today to speak with Finance Director Laura Rotchfield and he lived
13 in Swansboro where they had the same kind of problems during revaluations. Mr.
14 Fielding felt rather than blindly raising the tax rate to make it revenue neutral, had they
15 ever thought to use some of the 1.4 million of undistributed reserves. Mr. Fielding
16 asked why they needed a 1.4 million reserve when it wasn't being used and they were
17 going back and asking the taxpayers to pay more money all the time. Mr. Fielding
18 suggested they look at using some of these resources.

19
20 Elton Matheson, Sound Drive, felt that the loss of value was a loss of net worth, and not
21 the best way to enjoy a tax cut. Mr. Matheson said that he wasn't excited about getting
22 a break on taxes because his property value dropped. Mr. Matheson also said the legal
23 definition for defining the appraisal was an exchange between a willing buyer and a
24 willing seller that was actually written in the State law at one time and he assumed that
25 had been changed so he didn't know how they made the appraisal because he had not
26 seen anyone around in a long time.

27
28 Commissioner Hoover stated that the appraisers came around by car, looked at
29 properties and did their figures and took the information back to the County and had
30 their meetings to determine the assessed tax values.

31
32 Town Attorney Richard Stanley in response to a question by Mr. Matheson stated that
33 the county was required to appraise at fair market value.

34
35 Mr. Matheson said if they were going to sit out in the street and take a look at his house,
36 which they wouldn't be able to see, then what could he say. Mr. Matheson said he was
37 concerned about his value decreasing because it lowered his net worth. He felt the tax
38 rate could be lowered and he thought the Board could find a way to do it. Mr. Matheson
39 mentioned that he had expressed in the past regarding garbage collection that the
40 second weekly collection on the sound side was a waste of time, different for a few
41 months in the summer, but not needed for the rest of the year.

42
43 Ken Stone, 9701 Ashley Place, stated that when talking about the budget and finances
44 he too was a senior citizen also on a fixed budget. Mr. Stone said that moving down

1 here 11 years ago he had lived in a town that couldn't get out of its own way. Mr. Stone
2 thought the Board was prudent about how they spent taxpayer money, and while
3 nobody liked a tax increase if they looked around to see what this Town had that a lot of
4 other Towns did not have he thought they would be proud of them. Mr. Stone said he
5 also served on the Bicycle and Pedestrian Advisory Committee and felt most people
6 would agree they had a great path that went through town now, and the majority of
7 citizens were extremely happy with it, it was used on a regular basis, and they had
8 received over \$200,000 in donations over the past few years just to help the town so the
9 burden wouldn't be quite so much on the taxpayer. Mr. Stone said he hoped when the
10 Board took a look at the budget they would of course look at it cautiously, figure out
11 what they had and what they could use, and he hoped they would consider some other
12 things bicycle and pedestrian related in the Town. Mr. Stone said they would still be
13 doing fundraising to increase their donations; they would be getting a portion of the
14 marathon/half-marathon/5k, Bike the Banks, plus from the many generous people in the
15 community. Mr. Stone ended by saying he wasn't crazy about taxes either but he felt
16 the Board was doing a good job.

17
18 ***Motion was made by Commissioner Hoover to close the Public Hearing. The***
19 ***Board voted unanimously 5-0 in favor. Motion carried.***

20
21 **Clerks Note: A copy of the FY2014-15 Budget Calendar as noted above is incorporated herein by reference**
22 **and hereby made a part of these minutes.**

23
24 **11. Commercial Plan Review – New Welcome Center**

25
26 Interim Planning Director Jim Jennings addressed the Board concerning this agenda
27 item. The following excerpt from his memo to the Town Manager is provided for
28 additional background:

29 The Town of Emerald Isle is proposing to build a new Welcome Center (see attachment) that would replace the existing one
30 on NC 58 (just before crossing the bridge into Emerald Isle). The Carteret County Tourism Development Authority will continue to staff
31 the Welcome Center. The property is NCDOT r-o-w that is used by written permission of NCDOT. It is zoned Village East and
32 Government uses are permitted uses.

33 The proposed building will look much like the current Town Hall/Administration Building and will incorporate the color schemes
34 used at the existing building. It will be a 1-story, 2,432-square foot structure (38' by 64'). The existing restrooms structure will be
35 removed but the Welcome Center will have toilet facilities accessible from within and without the building. Attached are 9 Plan sheets:

- 36
- 37 • Proposed Welcome Center
 - 38 • Existing Impervious Area
 - 39 • Stormwater Details
 - 40 • Front and Left side Elevations
 - 41 • Rear and Right side Elevations
 - 42 • Foundation Plan
 - 43 • Floor Plan
 - 44 • Roof – Framing Plan
 - 45 • Structural Notes

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1 The proposed project complies with the requirements of the Unified Development Ordinance (UDO). Some of the more
2 important or pertinent facts are that 7 parking spaces are required and 28 are being provided; at least 25% of the site must be vegetated
3 and 69% is provided; no more than 35% of any façade may be glazed and the proposed glazing does not exceed that for any of the 4
4 elevations (see attachments). The septic field will be located at the north end of the property, just east of the new facility.

5 The amount of impervious surfaces will be reduced importantly and the stormwater retention is designed to capture the first 4
6 inches of rainfall, double to the 2 inches required. At this time, the applicant is not proposing lighting for the parking areas and building
7 grounds. There will be wall-mounted lights located next to each of the facility's doorways.

8 The Town proposes to use 90-gallon trash containers, rather than dumpsters, for the new building. The UDO requires that the
9 exterior wall faces that are viewable from a street have a visual break every 20 feet and that has been met. The Town's Technical
10 Review Committee (TRC) reviewed the project at its December meeting. Town staff requested several clarifications and minor
11 revisions to the plan, which have been made.

12 At its December 15 meeting, the Planning Board recommended to the Board of Commissioners that they approve the
13 Development Plan (as represented by the 9 Plan sheets) for the proposed Welcome Center at Merchants Park, subject to stormwater
14 plan approval by the Town's consulting engineer. Staff will be present to answer any questions.

15
16 Al Kulhawik, resident, asked about people who currently park there now and walk to the
17 beach during the summer, he wondered with 28 parking spaces what would happen at
18 the Welcome Center if all the spaces were filled by people parking to walk to the beach.

19
20 Mr. Rush said that the current gravel parking lot had about 35 parking spaces and the
21 new paved parking lot would have 28 parking spaces, it would be a Welcome Center
22 and leased by the Tourism Development Authority and operated by the Tourism
23 Development Authority and they would establish the rules on who could park there and
24 he felt it was safe to assume that parking lot would not be available for beach parking in
25 the future.

26
27 Paul Schwartz, resident, said he thought there was signage there now that said no
28 beach access from this lot. Mr. Rush said that was correct there was no beach access
29 through the adjacent neighborhood but there were opportunities for people to walk down
30 to Bogue Inlet Pier but that was a long hike.

31
32 Elton Matheson, resident, asked if that was a good idea, since parking to get to the
33 beach was about as difficult as you could make it right now.

34
35 Mr. Rush said the intent behind Merchants Park which was on the Highway 58 right-of-
36 way and had been a town parking lot since late 80's was to be overflow parking for the
37 downtown business areas and there was no access to the beach on the west side of the
38 property, and he would suggest that people park at the Town Hall complex on the
39 weekend and walk down Black Skimmer Drive or Seagull to go to a beach access. As
40 to whether it was a good idea was ultimately up to the Board to make that judgment and
41 being considered in the context of the overall tourism promotion goals as a community.

42
43 Commissioner Wright thought that there would be a lot of improvements in parking at
44 the Eastern Ocean Regional Access that would be open late spring. Mr. Rush said the
45 parking lot at the Eastern access would have 160 spaces and the Western access
46 currently had 165 spaces.

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Jim Heatherly, resident, asked since it would be funded at least partially by town funds which had to come from taxes what would be their tax benefit.

Mr. Rush stated that for clarification that this current item was the formal approval of the design and building plans, the process that any new construction public or private went through in Emerald Isle, and the next item would pertain to the financing but to explain, Mr. Rush said that the Town would be financing the construction of the new building which was proposed for a total cost of \$276,000. Mr. Rush said that the Town had already executed an agreement with the Tourism Development Authority for them to lease the building from the Town for 10 years, and over that 10 year period the Town would fully recover the cost of constructing the building, including interest and operating expenses for which the Town would be responsible. Mr. Rush noted that there would ultimately be no Town tax revenues going into this, there would certainly be the short term 10 year use of Town cash reserves however the full amount would be reimbursed by the Tourism Development Authority over that 10 years. Mr. Rush stated that the Board approved the agreement with the TDA in September, they approved a preliminary financing agreement at their December meeting and there was a revised agreement as the next agenda item.

Mr. Rush in response to a question by Mr. Heatherly confirmed that the Town if the Board approved would provide \$276,000 in reserve funds and then the Town would charge itself interest and the principle and interest payments would be derived from the lease payments from the Tourism Development Authority so at the end of the 10 year period the net cost to the Town would be \$0.

Mr. Kulhawik asked why the Welcome Center was being moved from its present location to the Town.

Mayor Barber responded that at its present location they may only get 25-35 visitors on a summer day and they knew there would be more visitors in the new location. It also gave the Town a great way to get new restrooms, would help businesses not only in Emerald Isle but throughout Carteret County. Mayor Barber felt it was a win-win situation for everyone and they would have a Welcome Center they could all be proud of and it would enhance tourism in Emerald Isle and Carteret County.

Motion was made by Commissioner Wootten to approve the site plan, building elevations, and building colors for the new Welcome Center. The Board voted unanimously 5-0 in favor. Motion carried.

1 **12. Construction – New Welcome Center**

- 2
3 **a. Public Hearing – Internal Financing Agreement / Investment**
4 **b. Revised Resolution Authorizing Internal Financing Agreement / Investment**
5 **(15-01-13/R3)**
6 **c. Resolution Authorizing Construction Contract (15-01-13/R4)**
7 **d. Capital Project Ordinance**
8

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

11
12 The Board of Commissioners is scheduled to consider 3 formal actions to initiate the construction of a new Welcome Center in
13 Emerald Isle at the January 13 meeting. If approved by the Board, the Town's contractor will begin construction of a new 1,440
14 sq. ft. building later in January, with a completion goal of early summer 2015. The new building will be constructed at the site of
15 the existing Merchants Park facility, and will replace the existing Crystal Coast Visitors Center located on the mainland near the
16 intersection of NC 24 / NC 58.

17
18 The Town solicited informal construction bids for the project in December and January, and received a total of 9 bids ranging
19 from \$269,900 to \$355,654. The low bid was received from Jordan Building Company, an Emerald Isle contractor. I have met
20 with Chuck Jordan, the owner of the company, and I am confident in Jordan Building Company's ability to complete the project in
21 a quality manner for the Town. Jordan Building Company is the same contractor that completed the significant expansion of the
22 Chapel By The Sea facility in recent years.

23
24 As you know, this project is a partnership between the Town, the Crystal Coast Tourism Development Authority (TDA), and the
25 NC Department of Transportation (NCDOT). The NCDOT has made the Merchants Park site available to the Town for the new
26 Welcome Center at no cost. The Town and the TDA previously executed a formal agreement for the Town to construct the new
27 Welcome Center and lease it to the TDA for a 10-year period, during which the Town will recover all construction costs through
28 monthly lease payments. The agreement between the Town and the TDA contemplated a total construction cost of \$240,000,
29 and included monthly lease payments of \$2,500 per month for the first 8 years and \$1,250 per month for the final 2 years. The
30 agreement also included an escalator clause that increases the monthly lease payment by \$100 per month for each \$12,000 of
31 additional construction cost beyond \$240,000, and this clause enables the Town to continue to recover all construction costs that
32 exceed the \$240,000 amount included in the agreement.

33
34 With a total construction contract amount of \$269,900, the construction cost exceeds the \$240,000 amount by nearly \$30,000. It
35 should be noted that the \$269,900 construction contract amount includes a total of \$65,000 for allowances, and this total is
36 believed to be very conservative and will hopefully result in some minor savings. In order to allocate a small additional amount
37 for unforeseen expenses and to work with round numbers, this package assumes a total construction cost of \$276,000, which is
38 \$36,000 more than the \$240,000 amount contemplated in the executed Town-TDA agreement. This additional \$36,000 amount
39 would increase the TDA's monthly lease payment by \$300 per month for the duration of the 10-year lease, and would result in
40 monthly lease payments of \$2,800 per month for the first 8 years, and \$1,550 per month for the final 2 years. The escalator
41 clause has already been approved by the Town and the TDA, however, I have also discussed this issue with TDA leaders in the
42 past few days, and they appear to be comfortable with the revised monthly lease payment amounts.

43
44 As you recall, the Board previously approved a resolution authorizing an internal financing agreement / investment between the
45 General Fund and the Future Beach Nourishment Fund to provide capital financing for the new Welcome Center. The Board's
46 December 9 resolution authorized a \$240,000 internal "loan" from the Future Beach Nourishment Fund to the General Fund for
47 construction, to be retired over a 10 year period at a variable annual interest rate. With the slight increase in the construction
48 cost, the Board is asked to approve a revised resolution to increase the amount to \$276,000. The NC Local Government
49 Commission is expected to consider this item at its February 3 meeting.

50
51 The Board is asked to conduct / consider the following formal items at the January 13 meeting:

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1
2 Public Hearing / Revised Resolution Authorizing Internal Financing Agreement / Investment

3 The attached resolution is identical to the resolution approved by the Board at the December 9 meeting, except for the increase
4 in the principal amount to \$276,000 and the increase in the annual principal payment from \$24,000 to \$27,600 for each of the ten
5 years.
6

7 A total of \$276,000 of fund balance in the Future Beach Nourishment Fund would be invested via a formal note for the
8 construction of the planned new Welcome Center, and the General Fund would retire the note over a 10-year term at a variable
9 annual interest rate equal to the Federal Funds rate on February 1 of each year plus 0.5%. The General Fund would make
10 annual payments to the Future Beach Nourishment Fund in the amount of \$27,600 plus interest over a 10-year period, resulting
11 in the repayment of \$276,000 of principal and total interest payments estimated between \$12,000 and \$20,000.
12

13 The proposed internal financing agreement / investment is beneficial to both the Town's Future Beach Nourishment Fund and
14 the General Fund. The proposed variable interest rate is essentially 0.5% higher than the current interest rate on the Town's
15 investment of fund balance in the Future Beach Nourishment Fund (approximately 0.15%), and will result in additional revenue
16 for future beach nourishment activities. The proposed variable interest rate is also less than the rate the Town would likely pay
17 on a 10-year fixed installment financing agreement with a private lending institution (likely in the 2.5% range), and will reduce the
18 Town's total interest cost for the construction of the new Welcome Center.
19

20 As discussed in December, the Board should note that the investment of Future Beach Nourishment Fund balance is not
21 expected to delay the timing or impact the financing of future beach nourishment activities in any way. Fortunately, the Town's
22 ocean beach remains in good condition overall, and the Town does not anticipate the need for the next nourishment project for at
23 least 5 years or more. The Future Beach Nourishment Fund currently has a fund balance of approximately \$700,000, and future
24 annual contributions of approximately \$680,000 are anticipated each year. It is likely that the outstanding principal amount for
25 the proposed internal financing agreement / investment will be minimal, and perhaps nearly zero, by the time the Town
26 completes the next beach nourishment project. Additionally, as you know, the majority of funding (67% or more) for future Town
27 beach nourishment projects is expected to be derived from room occupancy tax proceeds managed by the Carteret County
28 Beach Commission, thus the amount of this internal financing agreement / investment represents a relatively small portion of the
29 revenues available for future beach nourishment activities.
30

31 Town Attorney Richard Stanley has previously confirmed that the investment of Future Beach Nourishment Fund balance (as
32 outlined in the attached resolution) is authorized under NCGS 159-30(c), subject to the approval of the NC Local Government
33 Commission (LGC). If the Board approves the attached revised resolution, a formal note setting forth the revised terms of the
34 internal financing agreement / investment will be reviewed by the LGC at its February meeting. I have discussed this issue at
35 length with LGC staff, including the revised resolution, and we do not expect any difficulty securing LGC approval for the revised
36 amount of \$276,000.
37

38 Although the law is somewhat unclear as to whether or not a public hearing is actually required, the Board conducted a formal
39 public hearing at the December 9 meeting. No comments were received at that meeting. In the interest of full transparency, we
40 have scheduled another public hearing for the January 13 meeting.
41

42 I recommend approval of the attached resolution.
43

44 Resolution Authorizing Construction Contract

45 The attached resolution formally authorizes the Town Manager to execute a contract with Jordan Building Company in the
46 amount of \$269,900. Town Attorney Richard Stanley has already reviewed the contract, and if the attached resolution is
47 approved the contract will be executed soon after the January 13 meeting. I am hopeful that construction will begin soon after
48 the January 13 meeting to enhance our chances of opening the new Welcome Center by early summer.
49

50 As noted above, the contract includes \$65,000 in allowances for various items, including windows, doors, flooring, cabinets,
51 landscaping, and other items. Chuck Jordan and I believe we can achieve some savings within these allowances, and I am
52 hopeful that these savings will offset any unexpected expenses that may occur during the construction process. I will be working
53 hard during construction to bring the total project cost in at approximately \$270,000 +/-.

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1
2 The construction contract includes all components of the project, including the construction of the building, paving of the new
3 parking lot, storm water management features, and attractive landscaping. The only additional known expense is for a new fire
4 hydrant that will be installed by the Bogue Banks Water Corporation. The new building will have an attractive coastal design,
5 and will be similar in appearance to the Town Administration Building and EMS Station.
6

7 The construction contract indicates that a Memorial Day completion is desired, but includes a targeted completion date of July 1.
8 Chuck Jordan has indicated that he will work diligently to complete the new building as quickly as possible, but has indicated that
9 August 1 may be a more realistic date for completion.

10
11 I recommend approval of the attached resolution.
12

13 Capital Project Ordinance

14 Because the project has the potential to continue into the next fiscal year, a multi-year capital project ordinance is recommended.
15 The attached capital project ordinance includes a total project budget of \$276,000, consistent with the explanation above.
16

17 I recommend approval of the attached capital project ordinance.
18

19 I look forward to beginning construction of the new Welcome Center, which is expected to experience a significant increase in
20 visitation over the current Visitors Center on the mainland. As discussed previously, we believe that many visitors to the
21 Welcome Center will be bicyclists and pedestrians accessing the new building from the adjacent bike path. The new Welcome
22 Center will also convey an attractive image to our visitors, and will enhance the aesthetics of the "downtown" area of Emerald
23 Isle.
24

25 Commissioner Wright wanted to point out before the public hearing that the interest they
26 would collect by doing this was slightly more than what that money was currently
27 earning at present. Mr. Rush said that was correct and the Town would essentially be
28 paying itself more interest than they were currently earning on our investments and by
29 doing so we were also getting a much lower rate than had they gone out on the private
30 market.
31

32 ***Motion was made by Commissioner Wright to open the Public Hearing. The***
33 ***Board voted unanimously 5-0 in favor. Motion carried.***
34

35 There were no comments from the public.
36

37 ***Motion was made by Commissioner Wootten to close the Public Hearing. The***
38 ***Board voted unanimously 5-0 in favor. Motion carried.***
39

40 Commissioner Wootten asked if they would have to wait to begin construction until the
41 LGC approved. Mr. Rush said he didn't think so unless that was the direction the Board
42 wanted to provide but the LGC was scheduled to meet on February 3, he had very high
43 confidence everything would be approved. Mr. Rush said in the event it was not
44 approved by the LGC and they proceeded with the project they would be forced to
45 either use reserve funds upfront from the general fund or to go out for some type of
46 private financing mechanism.
47

1 Commissioner Wootten felt the timing was critical. Mr. Rush felt very confident they
2 would receive the approval but wanted to make them aware if for some unforeseen
3 reason they were not approved then that would be an issue they would have to navigate
4 through. Mr. Rush said the goal was to open the facility as early in the summer as
5 possible. Commissioner Wootten said he would recommend proceeding with
6 construction right away based on Mr. Rush's track record with the LGC which was
7 outstanding.

8
9 ***Motion was made by Commissioner Hoover to approve the Revised Resolution***
10 ***Authorizing Internal Financing Agreement / Investment. The Board voted***
11 ***unanimously 5-0 in favor. Motion carried.***

12
13 ***Motion was made by Commissioner Messer to approve the Resolution***
14 ***Authorizing Construction Contract. The Board voted unanimously 5-0 in favor.***
15 ***Motion carried.***

16
17 ***Motion was made by Commissioner Normile to approve the Capital Project***
18 ***Ordinance. The Board voted unanimously 5-0 in favor. Motion carried.***

19
20 **Clerks Note:** A copy of Resolution 15-01-13/R3, 15-01-13/R4, and Capital Project Ordinance as noted above
21 are incorporated herein by reference and hereby made a part of these minutes.

22
23 **13. Parking Area and Storm Water Management Improvements at Eastern Ocean**
24 **Regional Access (Future Ocean Fishing Pier Site)**

- 25
26 **a. Resolution Authorizing Change Order for Additional Site Improvements**
27 **(15-01-13/R5)**
28 **b. Capital Project Ordinance Amendment**

29
30 Parks and Recreation Director Alesia Sanderson and Town Manager Frank Rush
31 addressed the Board concerning this agenda item. The following excerpt from the Town
32 Manager's memo to the Board is provided for additional background:

33
34 The Board of Commissioners is scheduled to consider the attached resolution authorizing a change order for additional site
35 improvements at the Eastern Ocean Regional Access (EORA), the site of a future planned ocean fishing pier. The total amount
36 of the change order is \$35,405, and would increase the Town's current contract with SunLand Builders, Inc. to \$632,395. An
37 associated capital project ordinance amendment is also presented for Board consideration.

38
39 **Resolution Authorizing Change Order for Additional Site Improvements**

40 The Town executed a \$596,990 contract with SunLand Builders, Inc. in October 2014 for the construction of a 160-vehicle paved
41 parking area utilizing asphalt and pervious pavers, and also significant sub-surface storm water infiltration features at the EORA.
42 This project is funded by a \$726,000 grant from the NC Waterfront Access and Marine Industry (WAMI) Fund.

43
44 The current SunLand construction contract is well below the budget established for this project, and remaining grant funds are
45 available for additional site improvements. After considering design and construction administration services, other project
46 expenses, the planned soundside improvements along Park Drive, and the current SunLand contract, the Town expects to have
47 approximately \$42,000 of WAMI grant funds remaining. Also, an additional \$6,904 of WAMI grant funds has recently been made

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1 available to the Town, resulting in a balance of approximately \$49,000 available. If the Board approves the attached resolution,
2 the Town would execute a change order with SunLand and utilize \$35,405 of these remaining funds for the following:

- 3
4 \$ 9,275 for expenses associated with new paver block walkways within the parking lot that are necessary
5 to comply with CAMA regulations, and
6
7 \$16,470 for new plumbing fixtures, partitions, and outdoor showers for the public restroom building, and
8 also interior painting and new skylights, and
9
10 \$ 9,660 for the construction of new wooden walkways adjacent to the existing public restroom building and
11 replacement of the existing wooden beach access walkway leading from the restrooms to the
12 beach strand.

13 The execution of this change order would still leave a total of approximately \$13,500+/- available for any additional unanticipated
14 expenses associated with this project.

15
16 SunLand reports that they are making good progress on the construction, and they do not expect any difficulty meeting the
17 Town's April 1 deadline for completion. We expect to re-open the EORA in early or mid-April, just in time for warm weather.

18
19 Capital Project Ordinance Amendment

20 The attached capital project ordinance amendment formally recognizes an additional \$6,904 of WAMI grant funds recently made
21 available to the Town for this project, and also adjusts the line item budget for this project.

22
23 Parks and Recreation Director Alesia Sanderson noted that the parking improvements
24 were moving along very nicely. Ms. Sanderson said that they had taken a lot of pride in
25 the Western Ocean Regional Access and wanted to make the Eastern Ocean Regional
26 Access as nice or nicer. Ms. Sanderson stated that the change orders before the Board
27 were just under \$10,000 to replace the existing walkway that lead from the bathhouse to
28 the beach strand, and also just under \$17,000 in upgrades to plumbing fixtures that
29 would include replacing the stainless steel partitions that were rusting as well as
30 replacing all of the plumbing which would lead to a more efficient operation and
31 customer friendly experience.

32
33 Town Manager Rush added that the items Ms. Sanderson spoke of would make this a
34 first class brand new facility on par if not above the quality of the western access and
35 were included because they fortunately came in well under budget for the parking lot
36 construction, and this project was 100% funded by State grant funds. Mr. Rush stated
37 that there were excess grant funds available that the Division of Marine Fisheries had
38 made available for the improvements and they would like to take advantage of that and
39 use those funds to improve the whole facility.

40
41 Mr. Rush noted that in addition to the two items mentioned by Ms. Sanderson there was
42 also about \$9,300 associated with some parking lot adjustments that were made really
43 to comply with CAMA regulations. Mr. Rush stated that the total amount of the change
44 order was \$35,405, and if the Board approved the Resolution it would make the total
45 construction contract of \$632,395. The grant was for \$726,000 and there were other
46 expenses outside of this contract with SunLand that would have to be covered as well
47 but at this point they fully expected this overall project would come in a little under that
48 \$726,000. Additionally, the Division of Marine Fisheries made available another \$6,904

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1 in grant funds so the Board also had a Capital Projects Ordinance Amendment to
2 formally recognize those additional funds which gave that much more cushion in the
3 project.
4

5 Town Manager Rush and Parks and Recreation Director fielded several questions from
6 the Mayor and Board about the parking improvements.
7

8 **Motion was made by Commissioner Wright to approve the Resolution Authorizing**
9 **Change Order for Additional Site Improvements. The Board voted unanimously**
10 **5-0 in favor. Motion carried.**

11
12 **Motion was made by Commissioner Hoover to approve the Capital Project**
13 **Ordinance Amendment. The Board voted unanimously 5-0 in favor. Motion**
14 **carried.**

15
16 **Clerks Note: A copy of Resolution 15-01-13/R5 and Capital Project as noted above are incorporated herein**
17 **by reference and hereby made a part of these minutes.**

18
19 **14. Resolution Authorizing Construction Contract for Beach Access Walkway**
20 **Replacements (15-01-13/R6)**

21
22 Parks and Recreation Director Alesia Sanderson addressed the Board concerning this
23 agenda item. The following excerpt from the Town Manager's memo to the Board is
24 provided for additional background:

25
26 The Board of Commissioners is asked to approve the attached resolution authorizing a contract for the replacement of the
27 wooden beach access walkways at 1st Street, Shell Drive, and Tracy Street at the January 13 meeting. The total amount of the
28 contract is \$50,000, and would be awarded to B&P Services, Cedar Point, NC.
29

30 The Town maintains more than 60 wooden beach access walkways along the Town's ~12 miles of beach, and some of the
31 walkways are now more than 20 - 30 years old. The Town has been attempting to replace 2 or more walkways per year for the
32 past several years, and the attached resolution authorizes the replacement of 3 additional walkways this winter / spring. Town
33 staff conduct annual ratings of all wooden beach access walkways, and assign a rating of 1 – 10 (10 being the best condition) to
34 each walkway. The beach access walkways at 1st Street and Shell Drive both received a "2" rating, and the Tracy Street
35 walkway received a "3" rating. These walkways currently have the lowest ratings in the Town's system.
36

37 Town staff solicited price quotes in December, and received a total of 3 quotes for each walkway. The quotes for the 1st Street
38 walkway were as follows:
39

- | | | |
|----|---|-----------|
| 40 | • B&P Services, Cedar Point, NC | \$12,000 |
| 41 | • Jymco Development, Inc., Smithfield, NC | \$24,309 |
| 42 | • Rhem Insulation, Inc., Jacksonville, NC | \$51,625. |

43
44 The quotes for the Shell Drive walkway were as follows:

- | | | |
|----|---|-----------|
| 45 | • B&P Services, Cedar Point, NC | \$22,000 |
| 46 | • Jymco Development, Inc., Smithfield, NC | \$44,000 |
| 47 | • Rhem Insulation, Inc., Jacksonville, NC | \$75,625. |
- 48

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1
2 The quotes for the Tracy Street walkway were as follows:
3

- | | | |
|---|---|-----------|
| 4 | • B&P Services, Cedar Point, NC | \$16,000 |
| 5 | • Jymco Development, Inc., Smithfield, NC | \$46,025 |
| 6 | • Rhem Insulation, Inc., Jacksonville, NC | \$81,125. |

7
8 B&P Services, Cedar Point, NC, submitted the lowest price quote for each walkway. Alesia Sanderson, Parks and Recreation
9 Director, has reviewed the scope of work with B&P Services, and is satisfied that they have a complete understanding of the
10 scope of work. Town staff have used B&P Services for previous work, and are confident that they can complete the work in a
11 responsible manner for the Town.
12

13 The FY 14-15 budget includes a total of \$50,000 for beach access walkway replacements, so this work is exactly within budget.
14

15 Work on the three walkways will begin later in January, and our goal is to complete all work by April 1, if not sooner.
16

17 Ms. Sanderson noted that the walkways currently rated the lowest in the Town's
18 walkway rating system were 1st Street, Shell Drive, and Tracy Street. They received 3
19 bids with B&P Services of Cedar Point being the lowest for each walkway. Ms.
20 Sanderson noted that B&P Services had built many walkways for the Town and they
21 had also done a lot of repair work for the Town on marine structures and she had been
22 very pleased with their being able to fulfill the contracts in a timely manner. Ms.
23 Sanderson said they were also well aware that if the Board approved tonight they were
24 to begin work as soon as possible, CAMA exemption permits were in place, building
25 permits needed to be picked up, and construction could begin immediately thereafter as
26 they expected completion no later than early April.
27

28 ***Motion was made by Commissioner Wootten to approve the Resolution***
29 ***Authorizing Construction Contract for Beach Access Walkway Replacements.***
30 ***The Board voted unanimously 5-0 in favor. Motion carried.***
31

32 **Clerks Note:** A copy of Resolution 15-01-13/R6 as noted above is incorporated herein by reference and
33 hereby made a part of these minutes.
34

35 **15. Ordinance Amending Chapter 8 – Animals – of the Code of Ordinances**
36 **(Comprehensive Review) (15-01-13/O1)**
37

38 Police Chief Jeff Waters and Town Manager Frank Rush addressed the Board
39 concerning this agenda item. The following excerpt from the Town Manager's memo to
40 the Board is provided for additional background:
41

42 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is scheduled to
43 consider proposed amendments to Chapter 8 – Animals - of the Code of Ordinances at the January 13 meeting.
44

45 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify, and ideally condense
46 the entire Code of Ordinances of the Town of Emerald Isle. The Town is now more than 57 years old, and numerous ordinance
47 amendments have been made over the years with input by many different groups and individuals, all likely with good intentions,
48 and sometimes there are unintended impacts on or conflicts with other ordinance provisions. State law and common practice

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1 also change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may be helpful for the
2 Town to critically ask itself if it really needs certain ordinance provisions.
3

4 As discussed previously, my goal is for Town staff and me to complete a comprehensive review of all Town ordinances with a
5 critical eye. During this review, conflicting or confusing provisions are being targeted for clarification, unnecessary provisions are
6 being targeted for elimination, and in some cases out of date or un-enforced provisions are being targeted for elimination. The
7 Board previously reviewed and approved comprehensive amendments to the Town Charter, Chapter 1, Chapter 2, Chapter 3,
8 Chapter 4, Chapter 5, Chapter 6, Chapter 7, and Chapter 14, and comprehensive amendments to Chapter 8 are on the Board's
9 January 13 meeting agenda. In the case of Chapter 8, there is actually additional language included that is intended to better
10 clarify the Town's ordinance and insure compliance with applicable State law, and the proposed amendment to Chapter 8 is
11 slightly longer than the current version.
12

13 The attached ordinance amendment was drafted by me, with significant input from Police Chief Waters and Margaret Poindexter,
14 Town Attorney Richard Stanley's legal partner. Due to a significant reformatting of Chapter 8, it would have been very confusing
15 to use the underline and ~~strikethrough~~ features, and thus the attached ordinance simply repeals the existing ordinance and
16 replaces it with the new text. I have also attached a clean copy of the current Chapter 8 to enable comparison.
17

18
19 Chapter 8 includes all of the Town's ordinances pertaining to animals in Emerald Isle, and as you know, animal issues are often
20 the most emotional issues for our citizens. Our goal in presenting the proposed amendments is not to propose any significant
21 policy changes, but rather to clarify the Town's existing policies regarding animals and make it easier for Town staff and our
22 citizens to understand the Town's requirements. Well-established Town ordinances requiring leashed dogs (including on the
23 beach and in the water), removal of dog excrement, and nuisance behavior by dogs have not been changed in any significant
24 way. The Board should also note that chickens would still be prohibited in Emerald Isle, as is the case in the current ordinance.
25

26 The Board should note the following more significant changes in the proposed new Chapter 8:
27

- 28 • the ordinance generally includes a separate article for each type of animal regulated in the Town's ordinance,
29
- 30 • language regarding impoundment of dogs has been condensed to reflect current practice by the Town, which includes
31 retrieval of the loose dog by EIPD or Public Works staff, short-term storage (usually a few hours at most) behind the
32 Police Station, and then transport to the Animal Shelter by Carteret County Animal Control personnel,
33
- 34 • provisions regarding dangerous dogs and "potentially dangerous dogs" have been expanded to insure consistency with
35 State law and assign important roles to the proper personnel; it is also important to note the following key provisions:
36
 - 37 ○ the Police Chief would have the authority to declare a "potentially dangerous dog", and therefore require the
38 dog to securely enclosed on the owner's property, among other requirements,
39
 - 40 ○ as required by State law, an owner who wishes to appeal the Police Chief's designation of a "potentially
41 dangerous dog" would appeal to an ad hoc appeals Board appointed by the Mayor and consisting of a
42 veterinarian, animal control representative, Town Commissioner, and 2 citizens (alternately, if desired, the
43 Board of Commissioners could perform this role),
44
 - 45 ○ the Police Department would have the authority to perform periodic inspections of enclosures, and
46
 - 47 ○ there is a significant civil penalty (\$250) for a first violation of the dangerous dog and "potentially dangerous
48 dog" provisions, a larger civil penalty (\$500) for the second violation, and an order for permanent removal for
49 the third violation; the Board should note that these severe penalties only apply to dangerous dogs (that have
50 already killed or inflicted severe injury on a person) and "potentially dangerous dogs" (that have been
51 designated as such by the Police Chief because the dog has bit a person and caused significant injury, killed
52 or inflicted severe injury on another dog, or has a general vicious demeanor).
53

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- 1 • the Town's policy regarding feral cats has been clarified to reflect current practice that allows cat trapping and also
2 allows feral cat feeding on private property with permission of the property owner (but prohibits feeding on Town
3 property and street right of ways),
4
- 5 • the standards that must be met to maintain horses on one's property have not changed, however, the formal issuance
6 of a permit has been eliminated (no permit needed, provided the owner meets the standards in the ordinance), and
7
- 8 • nearly all violations, with the exception of those pertaining to dangerous dogs, "potentially dangerous dogs, threatened
9 or endangered species, and animal cruelty, would result in a \$50 civil penalty.
10

11 Chief Waters and I look forward to discussing the attached ordinance amendment with the Board at the January 13 meeting. If
12 the Board is comfortable with the proposed amendments, the Board may consider adoption at the January 13 meeting. If the
13 Board would like more time to review the proposed amendments, formal Board action can certainly be delayed until the February
14 meeting or later.
15

16 Although we have strayed from the original goal to consider one chapter each month, my goal going forward is still to present at
17 least one of the 5 remaining chapters for comprehensive review and amendments each month in the future. If we stay on
18 schedule, one chapter will be presented each month, and at the end of the 5 month period the entire Code of Ordinances will
19 have been thoroughly reviewed and updated – ideally in a simpler, leaner, more user-friendly, easier-to-understand format.
20

21 Town Manager Rush stated that they had been going over each of the chapters of the
22 Code of Ordinances to give a thorough comprehensive look at their ordinances as some
23 were 30+ years old and most had been tweaked and adjusted over time, all with good
24 intentions. Mr. Rush said there were sometimes inconsistencies and confusing
25 language and he had been going through to try to clarify and make easier for the public
26 to understand and staff.
27

28 Mr. Rush said the current chapter was Chapter 8 – Animals. Mr. Rush said that he and
29 Chief Waters had worked closely taking a look at the existing ordinance and said from a
30 policy standpoint the proposed ordinance amendment didn't make any significant policy
31 changes in terms of the way they regulated dogs and other animals in Emerald Isle, but
32 mostly clarifications and elimination of unnecessary language, some strengthening. Mr.
33 Rush said one of the provisions in our current ordinance dealt with dangerous dogs and
34 identifying potentially dangerous dogs, and taking extra steps to make sure the public
35 was safe. Mr. Rush said they strengthened that language to be consistent with State
36 law. Mr. Rush said there were no changes to the leash law and excrement removal law,
37 just condensed and clarified that it was still a requirement to keep your dog on a leash
38 everywhere in Town including the beach, and the water of the ocean and Bogue Inlet
39 unless you were on your own property or a neighbors property with that owners
40 permission. Mr. Rush said they had also included clarifying language about our policies
41 for feral cats, as the Town routinely made available cat traps at no charge, residents
42 could borrow those traps, capture the cat and with our great relationship with Carteret
43 County Animal Control they would come by, remove the cat and take to the shelter. Mr.
44 Rush said they had also allowed the Island Cat Allies and their feral cat program to feed
45 cats as part of their trap/release program, and the proposed language clarified the
46 current language that they could do that on private property with the permission of the
47 property owner but nowhere else.

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1
2 Mr. Rush also noted that 13-14 years ago the Town actually had a referendum on
3 whether or not you could have a horse in Town limits of Emerald Isle, the policy was still
4 the same but they clarified and condensed the section that said you had to actually
5 have a permit issued by the Town, and in practice the Town had not issued permits but
6 had made sure that the two that were in Emerald Isle were compliant so they removed
7 the permitting requirement, but left all the standards in place as far as the size of the
8 property and so forth.

9
10 Mr. Rush said they organized the ordinance format by type of animal. Mr. Rush said as
11 was the case with all previous ordinance amendments if the Board was comfortable with
12 what was presented they could consider tonight but if they needed more time to
13 consider they could put this back on the February agenda.

14
15 Commissioner Wootten asked about the nuisance dogs and who made that decision.
16 Police Chief Waters responded that when they arrived on scene when a nuisance call
17 came in with a dog potentially barking all night long or continuously, the officer when
18 they arrived on scene if they could hear the dog from the street continuously barking
19 that was how it was addressed. They would most of the time verbally warn to give an
20 opportunity to harness or put the dog up, after that they would then issue a civil penalty
21 of \$50. Chief Waters said they received many complaints of that nature. Chief Waters
22 said they understood that owners think of their dog like a child and so they want to
23 educate the public first and let them know if it is causing a continuous problem with
24 neighbors and ask if they could muzzle the dog in some form and if they continued to
25 receive complaints then they would go out and issue a citation.

26
27 Mr. Kulhawik, resident asked Chief Waters about the ordinance on duck hunting out in
28 the sound and how far away from shore they were supposed to be before they could fire
29 their guns. Chief Waters said they were aware of the duck hunters in the water but that
30 was enforced and managed by NC Wildlife Resources Commission. Town Manager
31 Rush noted that the Town limits extended ¼ mile out into Bogue Sound, a distance
32 of 1,320 feet, so no hunting was allowed within town limits but once they were more than
33 that distance out into the sound they were then outside of the town limits.

34
35 Mr. Kulhawik felt there were duck hunters out there now and didn't think they were more
36 than ¼ mile away. Mr. Rush said that if he saw duck hunters within ¼ mile into Bogue
37 Sound he should call the Police Department. Chief Waters said if it was determined
38 they were outside the town limits NC Coastal Resources Commission would enforce.

39
40 ***Motion was made by Commissioner Normile to approve the Ordinance Amending***
41 ***Chapter 8 – Animals – of the Code of Ordinances. The Board voted unanimously***
42 ***5-0 in favor. Motion carried.***

43
44 **Clerks Note: A copy of Ordinance Amendment 15-01-13/O1 as noted above is incorporated herein by**
45 **reference and hereby made a part of these minutes.**

1
2 **16. Comments from Board of Commissioners and Mayor**
3

4 There were no comments from the Town Clerk or Town Attorney.
5

6 Town Manager Rush publicly recognized the Police Department for their work on the
7 James Baker incident; and what a very sad, senseless tragedy that had been in
8 Emerald Isle. Mr. Rush said he appreciated how Chief Waters, and his staff, particularly
9 Captain Cheshire, Investigator Delorme, and Major Reese handled the whole incident in
10 a very professional, caring and compassionate manner. Mr. Rush and the Board
11 agreed that they couldn't say enough good things about the Police Department under
12 the leadership of Chief Waters.
13

14 Mr. Rush said he had decided not to go forward with a PARTF grant as he had
15 discussed with the Board previously to expand the beach access on Islander Drive at
16 this time.
17

18 Also, Mr. Rush noted that the Coast Guard Road resurfacing had been delayed but
19 would absolutely be done no later than March 28, all delays were due to the weather
20 conditions, and also noted there were additional street lights currently being installed
21 along the bicycle path on Coast Guard Road.
22

23 The following is an excerpt from the Town Manager Comments memo to the Board
24 providing additional background information for all items of importance:
25

26 **Annual Budget Planning Workshop Meeting – Monday, February 9**

27 We have finalized the date for this meeting for Monday, February 9 from 8:30 am until early/mid afternoon hours. I look forward
28 to meeting with you to discuss FY 15-16 budget priorities and other issues. A copy of the draft meeting agenda is attached.
29 Please let me know if there are other items you'd like to discuss at that meeting and I will add them to the agenda.
30

31 **James Baker Murder Investigation**

32 EIPD staff continues to work closely with the District Attorney's office on the James Baker murder investigation. All of us at the
33 Town are saddened by this senseless tragedy. I am very pleased with the professional manner in which the EIPD has handled
34 this incident and investigation, and look forward to their continued commitment to justice in this case. I especially appreciate the
35 efforts of Chief Waters, Major Reese, Captain Cheshire, and Investigator DeLorme.
36

37 **Planning and Inspections Department**

38 The Town's arrangement with the County's building inspectors continues to work well. I am still evaluating the best long-term
39 strategy for building inspections services, and hope to come to a conclusion in the coming weeks. Thank you for your patience
40 as we work through this issue.
41

42 **2015 Controlled Deer Hunt**

43 The Police Department began the controlled hunt on January 5, and through January 9 they have removed a total of 23 deer
44 thus far. All deer meat has been donated (after processing) to the Hope Mission in Morehead City. We are nearly halfway to the
45 target reduction of 50 deer, as recommended and permitted by the NC Wildlife Resources Commission.
46
47
48

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1 **Meet with Vacation Rental Agencies, EI Businesses**

2 I hope to schedule two separate meetings in the coming weeks – one with the vacation rental agencies to review the past season
3 and discuss any helpful improvements for next season – and the other with Emerald Isle businesses to have a similar
4 conversation. I would like for the Mayor and at least one Commissioner to join me for those meetings.
5

6 **Potential PARTF Grant Application – Decided Not to Pursue Now**

7 I had considered including a public hearing and grant application resolution on the Board's January 13 meeting agenda for 2015
8 PARTF grant funds to attempt to acquire one or more blighted properties on Islander Drive for additional beach access parking,
9 however, I decided not to pursue that idea at this time. I have been talking with a private investor with interest in those
10 properties, and I believe a better approach would be to let that process play out, in the hopes that a private investor can acquire
11 the properties and put them to more productive use. If there is any opportunity for the Town to assist this investor, I'd like to offer
12 that assistance (within reason), as it would be a significant improvement to that area.
13

14 **Traffic Signal Pole Funding Request**

15 I am still awaiting feedback from Representative McElraft and Senator Sanderson on this funding request. I remain hopeful that
16 the requested State funds can be identified.
17

18 **ISO Rating Inspection**

19 The Fire Department met with State inspectors for the new ISO rating during the first week in January, and Chief Walker reports
20 the inspection generally went well. We expect to learn the Town's new ISO rating in the next 1 – 3 months. Emerald Isle
21 currently has a "4" rating, and we are hopeful that we may be able to achieve a "3" rating or maintain the current "4" rating.
22 Regardless of whether the rating improves or digresses, we don't expect any significant impact on fire insurance premiums for
23 most EI property owners as a result of the rating change.
24

25 **Coast Guard Road Resurfacing Delayed**

26 Onslow Grading & Paving can only complete this work if air temperatures remain above 50 degrees, and we are uncertain as to
27 exactly when this resurfacing will occur. The good news, however, is that the cost of liquid asphalt (oil based) is dropping, so we
28 expect the total cost to be less than the contract amount awarded.
29

30 **Eastern EI Bike Path Corrections**

31 The Town recently contracted with Thomas Simpson Construction to remove most of the concrete hog slats on the bike path in
32 eastern EI, and there is currently a gravel gap of 4 ft. – 8 ft. wide in the path at several locations. The Town will have these
33 areas repaved when air temperatures permit, and will either use the same paving contractor working at the Eastern Ocean
34 Regional Access or the Coast Guard Road resurfacing contractor. We apologize for the inconvenience for path users in this
35 area, and appreciate their patience and the adjacent property owners' patience.
36

37 We have nearly finalized plans for additional storm water improvements along the path between 14th St. and 15th St., and I hope
38 to have Public Works begin this work in the next few weeks. The hog slats in this block will be removed at this time, and we
39 hope to line up this area for repaving at the same time as other locations where hog slats were removed. Alesia Sanderson has
40 been in regular communication with the property owners in this block to keep them informed.
41

42 **Coast Guard Road Bike Path Lighting**

43 Carteret Craven Electric Cooperative is expected to complete the installation of 18 new street lights (traditional street lights)
44 along the Coast Guard Road bike path this week, fulfilling a key goal of the Bicycle and Pedestrian Advisory Committee. Care
45 has been taken to locate the new lights in the most unobtrusive locations along the path.
46

47 **Jean Preston Memorial Playground Update**

48 The Committee continues its fundraising efforts, and is now seeking \$75,000. The Committee will meet again on January 12 to
49 begin to refine specific plans for the site. There is some interest in a small splash park feature, however, the cost is likely to be
50 prohibitive.
51
52
53

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1 **Merchants Park Restrooms Closed**

2 The Merchants Park restrooms will be closed beginning January 13, and that building will be demolished in the coming weeks.
3 New public restrooms are included in the new Welcome Center.
4

5 **15th Street Soundside Improvements Complete**

6 Public Works recently completed the installation of a new bulkhead, removal of an unsightly storm water pipe segment, backfilled
7 the area along the soundfront, and removed damaged asphalt on 15th Street on the soundside. The area has been seeded. We
8 hope to add a set of wooden steps down to the water in the next several weeks. The area now looks much more attractive, and
9 the new steps will improve public access and safety.
10

11 **Fire Ladder Truck Repairs**

12 The Town's 1998 ladder truck has undergone two extensive repairs to the engine in the past few months, resulting in a total
13 repair cost of approximately \$14,000. We are trying to extend the life of this ladder truck as long as possible. It is scheduled for
14 replacement in FY 18-19, approximately 4 years from now. It will be 21 years old at that time, and is likely to cost \$700,000 or
15 more.
16

17 **Update to Residents & Visitors Guide**

18 I again hope to update the Town's Residents & Visitors Guide publication before this upcoming summer season. The last update
19 was completed in May 2010. Much of the information included is still accurate and valid, however, some information is in need of
20 updating.
21

22 **RetireNC**

23 Andre Nabors with the RetireNC program will make a presentation to the Emerald Isle Business Association at its meeting on
24 January 15. Commissioner Normile has also been busy talking with numerous stakeholders about the RetireNC program. I am
25 hopeful that we can secure the necessary \$10,000 application fee (for 5 years) from several stakeholder groups, and apply for
26 the July 2015 cycle.
27

28 **Forthcoming CRC Amendment to Static Line Rules**

29 The NC Coastal Resources Commission continues its work on a favorable amendment to the static line rules. The CRC met
30 again in December, and made some progress. Two draft amendments will be presented to the CRC at its February meeting,
31 and I am hopeful that one of these versions will be approved preliminarily, and then begin to progress through the formal
32 rulemaking process used by the CRC. A final amendment is still several months away, but this issue is headed in a positive
33 direction for Emerald Isle.
34

35 **Potential Commercial Sign Ordinance Amendments to Be Considered by Planning Board**

36 Jim Jennings, Interim Planning Director, will present at least 3 alternatives for the Planning Board to consider with regard to
37 commercial signage that is attached to the structure. The Town's current ordinance limits each business to a total of 32 sq. ft. of
38 signage, regardless of the size of the building or the number of streets on which the building fronts. Potential alternatives include
39 1) an increase in the size limit to 40 sq. ft. or 50 sq. ft., or some other number, 2) an allowance for buildings that front on more
40 than one street to have 32 sq. ft. per street frontage, or 3) a formula whereby the signage area is based on a formula related to
41 the total length of the building assigned to that business. The Planning Board is expected to discuss this issue at its January 26
42 meeting.
43

44 **Potential Clarification of Elevator Shaft Ordinance to Be Considered by Planning Board**

45 Jim Jennings, Interim Planning Director, will also present an ordinance amendment to clarify the Town's height limit for elevator
46 shafts to the Planning Board at its January 26 meeting. The current ordinance language is unclear as to whether or not an
47 elevator shaft may extend 10 ft. or 15 ft. above the roof line, and Town Attorney Richard Stanley's interpretation is that the
48 current language allows an elevator shaft to extend 15 ft. above the roof line. The Planning Board will be asked to approve
49 language to clarify the 15 ft. limit, and this will likely be presented to the Board of Commissioners at an upcoming meeting. This
50 issue came up recently during discussions with Transportation Impact as they plan their new building.
51
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53

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1 **Status of Lands End Storm Water Pumps**

2 There have been some relatively minor operational challenges with the Lands End electric pumps and the Town's new storm
3 water pipe connection in Lands End, however, we (the Town and Lands End) believe we now have a better understanding of the
4 system and it is now functioning as intended.
5

6 Essentially, the Lands End electric pumps often lose "prime", and are not strong enough to "pull" the pond water on their own
7 AND feed it to the Town's system (ultimately to El Woods) if they are not "primed". Once they are "primed", the system works
8 very well. In order to rectify this issue, Lands End will simply need to run their diesel pumps first to "prime" the intake line (can
9 take about an hour +/-; is a bit of an inconvenience), and then switch over to the electric pumps.
10

11 The new system worked very well during the summer and the early fall, and then this problem surfaced in late fall. In the long-
12 term, we are exploring ways to keep the intake line "primed", either through the installation of a new "check valve" (to prevent
13 water from draining back into the pond when the pumps aren't running) and/or the installation of a small electric "priming" pump.
14

15 **17. Comments from Board of Commissioners and Mayor**

16
17 There were no further comments from the Board of Commissioners.
18

19 Mayor Barber commented that he had attended the funeral of Dick Conover, and James
20 Baker and thought both services were held with dignity, compassion, and love. Mayor
21 Barber felt Emerald Isle was blessed with great Ministers in our community and wished
22 to commend them both for the wonderful job they did the past week.
23

24 **18. Adjourn**

25
26 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***
27 ***voted unanimously 5-0 in favor. Motion carried.***
28

29 ***The meeting was adjourned at 7:10 pm.***
30

31 Respectfully submitted:
32
33
34

35 Rhonda C. Ferebee, CMC, NCCMC
36 Town Clerk