



MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
NOVEMBER 8, 2016  
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1 officers for their hard work and accomplishments, and encouraged them to continue to  
2 improve and develop their knowledge and skills as professionals in law enforcement. Chief  
3 Reese thanked the Mayor, Board, and Town Manager for the opportunity to publicly recognize  
4 the officer for their achievements, feeling their efforts spoke volumes about the commitment  
5 the officers had for bettering themselves and the department in order to provide the very best  
6 law enforcement possible for our community.

7  
8 Mayor Barber noted the following announcements for the public:  
9

- 10 • **Veteran’s Day Holiday – Friday, November 11 – Town Office Closed, Community**
- 11 **Center Open**
- 12 • **Friday Free Flick – Friday, November 11 – 7 pm – Community Center**
- 13 • **Police Educating the Public (PEP) – Tuesday, November 15 – 10 am – Town Board**
- 14 **Meeting Room**
- 15 • **Bike and Ped Committee Meeting – Wednesday, November 16 – 9 am – Community**
- 16 **Center**
- 17 • **Coffee with a Cop – Thursday, November 17 – 9 am – Stir It Up**
- 18 • **Thanksgiving Holiday – Thursday, November 24 and Friday, November 25 – Town**
- 19 **Offices Closed**
- 20 • **Community Center Closed on Thursday, November 24 but Open on Friday, November**
- 21 **25**
- 22 • **No trash collection on Thursday, November 24 or Friday, November 25**
- 23 • **EMS Pancake Breakfast – Saturday, November 26 – 7 am – 11 am – EMS Station**
- 24 • **13<sup>th</sup> Annual EI Christmas Parade – Saturday, November 26 – 3 pm – NC 58**
- 25 • **Planning Board Regular Meeting – Monday, November 28 – 6 pm – Town Board**
- 26 **Meeting Room**
- 27 • **Comprehensive Plan / Land Use Plan Steering Committee – Wed, Nov 30 – 3 pm –**
- 28 **Town Board Meeting Room**
- 29 • **Holiday Arts and Crafts Fair – Saturday, December 3 – 8 am – 6 pm – Community**
- 30 **Center**
- 31 • **Santa and a Movie – Friday, December 9 – 6 pm – Community Center (must pre-**
- 32 **register by Dec 1)**
- 33 • **Board of Commissioners Regular Meeting – Tuesday, December 13 – 6 pm – Town**
- 34 **Board Meeting Room**

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41

1 **7. Public Comment**

2  
3 **Brief Summary:** The public will have the opportunity to address the Board about any items of  
4 concern not on the agenda.

5  
6 Danielle Merrill, along with her daughter Paige, 7012 Emerald Drive, stated they had lived at  
7 their home on Emerald Drive for 11 years, living between Emerald Drive and the sound. Ms.  
8 Merrill said they were respectfully asking the Board to consider an amendment to the  
9 ordinance allowing larger property owner to own chickens. Ms. Merrill said the amendment  
10 would be similar to Article III, Section 8-21 that allowed property owners to have horses. Ms.  
11 Merrill said they currently had a small flock of chickens that they had owned for approximately  
12 two years; they were contained with fencing, wings clipped, well maintained, kept clean, and  
13 you would never know they were there unless you were on their property. Ms. Merrill said  
14 they had used the chickens as a way to teach their children responsibility, and an opportunity  
15 to teach their children about healthy eating. Ms. Merrill said she had spoken with their  
16 neighbors on either side as well as across the street and they were supportive. Ms. Merrill  
17 asked the Board to please consider the amendment that would allow them to keep their  
18 chickens.

19  
20 Commissioner Messer asked Ms. Merrill about her acreage, and she responded that their  
21 property was 2.1 acres, and their chicken coop was a fenced area approximately 14 x 20 located  
22 behind a garage, and the chickens never left that area, and they only had hens so there was no  
23 noise from a rooster.

24  
25 The Board after discussion with Ms. Merrill indicated this was an issue they would look into  
26 further.

27  
28 **8. Consent Agenda**

- 29  
30 a. Tax Releases  
31 b. Minutes – September 13, 2016 Regular Meeting  
32 c. Resolution Accepting Bullet Proof Vest Grant (16-11-08/R1)  
33 d. Resolution Declaring Surplus Items for Public Auction (16-11-08/R2)  
34 e. 2016 Floodplain Management Progress Report

35  
36 ***Motion was made by Commissioner Messer to approve the items on the Consent Agenda. The***  
37 ***Board voted unanimously 5-0 in favor. Motion carried.***

38  
39 **Clerks Note:** A copy of Resolution 16-11-08/R1, 16-11-08/R2, and all other Consent Agenda Items as noted  
40 above are all incorporated herein by reference and hereby made a part of these minutes.

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**9. Proposed Rezoning – Bogue Banks Water Corporation – from Business and R-2 to Government (303 Holly Street, 4404 Emerald Drive, 7204-7206 Canal Drive, 8803 Reed Drive)**

- a. Public Hearing
- b. Consideration of Proposed Rezoning

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

At last month’s meeting, the Commissioners considered and approved the rezoning of four (4) BBWC properties to (G) Government. On the agenda for this meeting is the request to rezone the remaining five (5) parcels owned by BBWC to (G) Government. Staff has approached BBWC and the president of the Corporation as given the Town the ok with rezoning the remainder of these properties to Government. Again, this is a continuation of standardizing the Town’s zoning map as we move through the land use plan update.

The following are the five (5) properties being presented to the Commissioners for rezoning consideration:

ADDRESS	PIN	ZONING CLASS	USE	ACERAGE
4404 Emerald Dr.	630416825755000	R2	Well Site	.92
7204 Canal Dr.	539419508647000	R2	Well Site	1.5
7206 Canal Dr.	539419507633000	R2	Well Site	1.9
303 Holly St.	539305191202000	R2	Well Site	1.1
8803 Reed Dr.	538311565850000	B	Well Site	.90

All adjacent parcels are zoned (R2) Single/Dual Family Residential, (RMF) Residential Multi-Family or (B) Business. The Government (G) zoning district allows the following uses:

- assembly halls, coliseums, gymnasiums
- government uses
- open air games and sports, community centers (non-profit)
- health clinics and hospitals
- libraries, museums, art galleries
- parks
- Police and Fire stations
- utility lines, utility facilities
- Post Office
- public utility storage yards
- theaters
- yacht basins, boat ramps, etc.
- athletic facilities
- musical, dance, drama programs (indoor and outdoor)
- government buildings
- racquetball and tennis facilities

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- 1 • day care centers
- 2 • fishing piers
- 3 • parking lots and garages
- 4 • printing and publishing establishments
- 5 • wireless telecommunication towers (special use only)
- 6 • accessory uses
- 7 • solar panels

8  
9 The use of each (5) five of these parcels is expected to remain as its current use. Any changes of use to any parcel  
10 would have to conform to the list of uses above. As currently used, these parcels are compatible with the  
11 surrounding uses of land. The Planning Board discussed this request at their October 24, 2016 and recommends to  
12 the Commissioners to approve the rezoning based on the following:

- 13
- 14 • The proposed rezoning is consistent with the goals and policies of the Town's Land Use Plan, and
- 15 • While the parcels are smaller tracts, the current uses on the property are sited in a way that minimizes
- 16 impacts on adjacent property owners, and
- 17 • The uses of the parcels currently are compatible with neighboring properties, and
- 18 • The Town is seeking to standardize the zoning of all Utility properties to Government zoning district to
- 19 maintain consistency, and
- 20 • The proposed rezoning is consistent with the community's overall interest in maintaining a small-town
- 21 atmosphere.

22 Town Planner Josh Edmondson stated these were the last of the Bogue Banks Water  
23 Corporation properties that were requested to be rezoned from Business and Residential-2 to  
24 Government. Town Planner Edmondson summarized information about each property as  
25 further outlined in detail in his memo provided above, noting that Bogue Banks Water  
26 Corporation had also given their approval for the rezoning as well.

27  
28 **Motion was made by Commissioner Messer to open the Public Hearing. The Board voted**  
29 **unanimously 5-0 in favor. Motion carried.**

30  
31 There were no comments from the public.

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

35  
36 **Motion was made by Commissioner Normile to approve the rezoning of 303 Holly Street, 4404**  
37 **Emerald Drive, 7204-7206 Canal Drive, and 8803 Reed Drive from Business and Residential-2**  
38 **to Government. The Board voted unanimously 5-0 in favor. Motion carried.**

39

1 **10. Ordinance Amending Chapter 5 – Density, Intensity, and Dimensional Standards – of the**  
2 **Unified Development Ordinance Regarding Setbacks in the Business Zoning District (16-11-08/01)**  
3

4 **a. Public Hearing**

5 **b. Consideration of Ordinance**  
6

7 Town Planner Josh Edmondson addressed the Board concerning this Agenda item. The  
8 following excerpt from his memo to the Town Manager is provided for additional background:  
9

10 Over the last several months, staff has been discussing the current Business district zoning corridor along Emerald  
11 Dr. Discussion has centered around several items with the major centering around the vision for this district and  
12 allowing mixed uses in a similar way as the Village districts. This vision has gained traction as a topic of interest with  
13 the Land Use Plan Steering Committee. The idea of a mixed commercial district is a much larger topic that I envision  
14 the Planning Board and Board of Commissioners to begin discussing when reviewing the draft land use plan and as  
15 the plan is adopted. The item being presented by staff is one that stems from this mixed use business district,  
16 keeping with the village / small town theme outlined in the draft Land Use Plan. Specifically, we are proposing a  
17 reduction to the front, side street and through/double frontage lot setbacks in the Business district.  
18

19 The current setback requirements are 40' front, 30' side street and 40' through/double frontage lots with the  
20 opportunity for every building or property in the Business district, among others, that has Highway 58 as its adjoining  
21 street to have a 5' setback along Highway 58, plus 10' for each additional story over 2 stories. Staff proposed to the  
22 Planning Board a reduction to each of these 3 setbacks to 10'. Staff believes the current setbacks are those found  
23 in a more urban type environment and that this reduction is more common in the village/small town setting.  
24 Envision having the buildings closer to the street pushing parking to the side and rear of the property and seeing  
25 more of the architectural features of the building instead of asphalt parking. This setback reduction mirrors those  
26 of the Village districts and promotes that mixed use commercial district we envision as a strategy in the updated  
27 land use plan.  
28

29 At the Planning Board meeting, the Planning Board supported this concept and the reduction to a 10' setback. We  
30 also had additional discussion about Note 4 which currently reads as follows:  
31

32 **4. In the B, G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in**  
33 **these districts that has Highway 58 (Emerald Drive) as its adjoining side street shall have a five-foot side**  
34 **setback along Highway 58 (Emerald Drive), plus ten (10) feet for each additional story over two (2) stories.**  
35

36 Staff informed the Board that the interpretation used by staff for enforcement of this note applies when Emerald  
37 Drive is considered the side street or a street on a double frontage/through lot thus allowing the setback along  
38 Emerald Drive to decrease to the 5' along Emerald Drive. The Planning Board and staff agreed at the meeting that  
39 by changing all setbacks to the 10' we are increasing the amount of building area / flexibility and a 5' setback is  
40 not desirable moving forward. The Planning Board agreed that the regulation "plus ten (10) feet for each  
41 additional story over two (2) stories" should remain. The new note 4 would read as follows:  
42

43 **4. In the B, G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in these**  
44 **districts that has NC 58 (Emerald Drive) as an adjoining street shall also be set back an additional ten**  
45 **(10) feet from NC 58 (Emerald Drive) for each additional story over two (2) stories.**  
46

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1 This amendment to the setback reduction would apply to any current or future property zoned Business. The  
2 amendment to note 4 would apply to all current or future property listed in one of those zoning classifications  
3 contained within the note.  
4

5 Furthermore, after hearing concerns at the October meeting regarding the closure of Crew Drive for the shopping  
6 center staff went back after the meeting to continue working to see if there was a way we could address these  
7 concerns. After conferring with the developer, the reduction of the setback to 10' has the potential for Crew Drive  
8 to remain a public street because the site / building as proposed could meet this 10' setback with only minor changes  
9 to the site plan. Staff feels the amendment addresses all concerns about this project, provides our current property  
10 owners additional flexibility for development in the current Business district and continues to promote the small  
11 town theme adored by all here in Emerald Isle. Furthermore, promoting this village theme along the Business district  
12 on Emerald Dr. is a way to integrate and tie the Village West and East concepts together. The idea of this mixed  
13 commercial district will be an item discussed in the near future and the setback amendment is a small, much simpler  
14 step moving in that direction.  
15

16 Town Planner Josh Edmondson discussed in detail with the Board the amendments to the  
17 ordinance regarding proposed setbacks in the Business Zoning District as outlined in his memo  
18 provided above, and as shown on the zoning map included in packets, and shown on screen.  
19

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

23 There were no comments from the public.  
24

25 ***Motion was made by Commissioner Messer to close the Public Hearing. The Board voted***  
26 ***unanimously 5-0 in favor. Motion carried.***  
27

28 ***Motion was made by Commissioner Finch to approve the Ordinance Amending Chapter 5 –***  
29 ***Density, Intensity, and Dimensional Standards – of the Unified Development Ordinance***  
30 ***Regarding Setbacks in the Business Zoning District. The Board voted unanimously 5-0 in favor.***  
31 ***Motion carried.***  
32

33 **Clerks Note:** A copy of Ordinance Amendment 16-11-08/O1 as noted above is incorporated herein by  
34 reference and hereby made a part of these minutes.  
35

36 **11. Revised Site Plan – Egret Landing Shopping Center**  
37

38 Town Planner Josh Edmondson addressed the Board concerning this Agenda item. The  
39 following excerpt from Town Manager Rush's memo to the Board is provided for additional  
40 background:  
41

42 The Board of Commissioners is scheduled to review a slightly revised site plan for the proposed Egret Landing  
43 Shopping Center at the November 8 meeting. The revised site plan represents an improvement over the site plan  
44 approved by the Board at the October 11 meeting, and should effectively address nearly all concerns expressed  
45 during the Board's deliberation on this project at the October 11 meeting.  
46

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1 As you know, the Board approved the site plan, building elevations, and lighting plan for the proposed shopping  
2 center at the October 11 meeting, and also approved the associated closing, redesignation, and closing of Crew  
3 Drive (and other street improvements on Emerald Landing Drive, NC 58 roundabout construction). Although the  
4 Board approved all plans at the October 11 meeting, Town staff and the developer continued to work to address  
5 the concerns that were expressed at the October 11 meeting, and these efforts resulted in the attached revised  
6 site plan presented for Board review on November 8. The revised site plan is very similar to the plans approved on  
7 October 11, but includes several changes aimed at addressing the specific concerns expressed on October 11.  
8

9 It is my belief that the attached revised site plan effectively addresses nearly all of the concerns raised at the  
10 October 11 meeting. Overall, the revisions are relatively minor and only improve the plan, and would normally be  
11 approved administratively by Town staff. Because of the sensitivity involved with the proposed grocery store  
12 project, and in an effort to demonstrate to the public that the Town and the developer has worked to address the  
13 concerns, I have included the revised site plan on the Board's November 8 meeting agenda for formal review and  
14 approval.  
15

16 I have attached the following to aid the Board and the public in its review of the revised site plan:  
17

- 18 • a copy of the site plan approved by the Board on October 11,
- 19
- 20 • a copy of the alternative site plan presented by the developer on October 11 (with rear loading zones and  
21 other equipment, based on 40 ft. setback from Crew Drive), and  
22
- 23 • a copy of the revised site plan presented by the developer for Board approval on November 8.  
24

25 The main features / changes incorporated in the revised site plan presented on November 8 are as follows:  
26

- 27 • the revised site plan includes the same overall layout for the project in the same general locations, with  
28 the same orientation of the building, loading zone, and generator, compactor, etc.,  
29
- 30 • Crew Drive would not be closed, and the existing 60 ft. public street right-of-way would remain  
31 unchanged and continue to be a typical public street,  
32
- 33 • all proposed street, sidewalk, etc. improvements would be constructed by the developer in the Crew  
34 Drive public right-of-way and the Emerald Landing Drive public right-of-way (the Board should note that  
35 the Town would require the roads to remain passable by all traffic during the construction process), and  
36 would then be maintained by the Town in the future,  
37
- 38 • the building elevations, colors, and dimensions are identical to those approved by the Board on October  
39 11,  
40
- 41 • assuming Board approval of the setback ordinance amendment earlier on the November 8 meeting  
42 agenda, the proposed grocery store building is set back 10 ft. from the existing Crew Drive right-of-way,  
43
- 44 • the outparcel has been eliminated, and is replaced with additional parking spaces (the October 11 plan  
45 included 139 parking spaces, and the revised plan includes 168 parking spaces),  
46
- 47 • the southern parking area (between Crew Drive and NC 58) has been modified to provide for an internal  
48 circulation pattern, and the number of driveway connections has been reduced from 4 to 2,

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- the width of the buffer area between the existing canal and the retaining wall is very similar to the October 11 plan, with only minor adjustments (the November 8 plan includes a red overlay comparing the location of the retaining wall in the October 11 plan with the revised site plan); Town staff placed the highest priority on maintaining a similar buffer along the canal to protect the adjacent property owners in Emerald Landing and also to preserve egret habitat,
- the small “riser room” has been relocated from the southeastern corner of the building to the northwestern corner, but all significant fire suppression features remain unchanged (located in the southeastern corner of the parcel), as required by the Emerald Isle Fire Department,
- the lighting plan is nearly identical to the lighting plan approved on October 11, with only minor adjustments in pole locations to accommodate the parking lot revisions,
- a new raised speed table and crosswalk is proposed near the main entrance to the store, and
- the developer would still construct the proposed NC 58 roundabout.

Josh Edmonson, Town Planner, has reviewed the revised site plan, and has confirmed that it meets all applicable Town requirements (assuming the setback ordinance amendment is approved). The Emerald Isle Fire Department has also reviewed and approved the revised site plan.

As noted above, overall, the proposed changes are relatively minor, and specifically address the concerns raised at the October 11 meeting. As such, I recommend approval of the revised site plan, subject to the routine conditions (recombination, storm water plan approval, etc.) outlined in the suggested motion on the attached Agenda Item Cover Sheet. I believe the revised site plan effectively addresses the concerns expressed on October 11, achieves the developer’s desired site layout, maintains the same protections for adjacent property owners in the Emerald Landing subdivision, and results in significant public street and sidewalk improvements along Crew Drive.

Town Planner Josh Edmondson summarized the Revised Site Plan for Egret Landing Shopping Center for the Board. Town Planner Edmondson noted that with the approval of the text amendment and reduction in setbacks it had allowed the grocery store to meet a 10-foot setback off of a potential public street right-of-way, as Crew Drive was before the closure. Town Planner Edmondson went over the changes to the site plan in detail for the Board and public as provided in Town Manager Rush’s memo above and as shown on screen.

Austin Williams, C4 Emerald Isle LLC, stated that he appreciated the opportunity to represent their plan, noting they had worked hard to come in behind their approval tonight of the reduced setbacks to essentially address what he felt was the psychological concern about the developer owning Crew Drive. Mr. Williams said he was happy to present a plan that didn’t create any more meaningful impacts on the canal buffer, and still allowed them to honor each and every promise made to the Board, Planning Board, the community, and staff.

Town Attorney Richard Stanley confirmed with Mr. Williams that they had done nothing toward the conditions of the motion last month that was a condition of closing the road; no letter of

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1 credit, no plat, no executed agreements. Mr. Williams stated they had not and the right-of-way  
2 as depicted and represented was the correct existing right-of-way of Crew Drive as it existed  
3 today. Mr. Williams said his interpretation was that the approval of the closure was conditional  
4 upon those items which included their acquiring the property, and they had not acquired the  
5 property so the site plan still represented all the improvements being conditioned upon them if  
6 given approval tonight, and from their perspective Crew Drive remained public, and would  
7 always remain public pursuant to the Board's approval tonight.

8  
9 Mayor Barber asked for comments from the public. There were no comments from the public.

10  
11 ***Motion was made by Commissioner Wright to approve the site plan, building elevations, and***  
12 ***lighting plan for the proposed Egret Landing Shopping Center, subject to the following***  
13 ***conditions:***

- 14 - ***approval of the storm water management plan by the Town's engineer***
- 15 - ***approval and recordation of recombination survey and gift to Emerald Landing***  
16 ***Homeowners Association***
- 17 - ***approval of wastewater permit by Carteret County Health Department***
- 18 - ***approval of new public water mains by NC Department of Environmental Quality***
- 19 - ***approval of erosion and sedimentation control permit by NC Department of***  
20 ***Environmental Quality***
- 21 - ***construction of proposed public street and sidewalk improvements on Emerald***  
22 ***Landing Drive and Crew Drive***
- 23 - ***execution of easement from Town to enable maintenance of private utilities crossing***  
24 ***under Crew Drive,***
- 25 - ***construction of new roundabout at NC 58 / Emerald Landing Drive intersection.***

26  
27 ***The Board voted unanimously 5-0 in favor. Motion carried.***

28  
29 **12. Final Actions on Crew Drive Closure – Rescind Order Closing Crew Drive Between Emerald**  
30 **Landing Drive and Emerald Plantation Shopping Center**

31  
32 Town Manager Frank Rush addressed the Board concerning this Agenda item. The following  
33 excerpt from his memo to the Board is provided for additional background:

34  
35 The Board of Commissioners is scheduled to consider final actions associated with the Crew Drive closure that was  
36 previously approved by the Board (at the October 11 meeting). The proposed final actions effectively cancel the  
37 Board's previously adopted road closure order and result in no changes to the legal status of the ~ 510 linear ft.  
38 segment of Crew Drive between Emerald Landing Drive and Emerald Plantation Shopping Center. These actions  
39 would effectively retain the status of Crew Drive as a 60 ft. wide public street right-of-way.

40  
41 If the Board approves the proposed ordinance amendment reducing setbacks in the Business zoning district and  
42 the revised site plan for the proposed Egret Landing Shopping Center that are scheduled for Board consideration  
43 earlier on the November 8 meeting agenda, there is no need to proceed with the Order Closing Crew Drive (and

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1 the associated conditions) that was approved by the Board on October 11. As you know, although the approval  
2 granted on October 11 did not change the practical use of Crew Drive in any way (and actually enhanced it), the  
3 vast majority of the concerns expressed during the October 11 public hearing on Crew Drive and the vast majority  
4 of the concerns expressed about the proposed grocery store project centered on the change in the legal status of  
5 Crew Drive. Although there was significant support for the Crew Drive closure and the proposed grocery store  
6 expressed at the October 11 meeting, and although the Board granted all associated approvals at the October 11  
7 meeting, Town staff began work the very next day on ideas to address the concerns that were expressed.  
8

9 Town staff undertook this effort because, although I recognize that its simply not possible to satisfy everyone's  
10 concerns about a particular issue, I have always believed that it's important for the Town to at least try to address  
11 the concerns expressed. In this instance, assuming Board approval of the earlier items on the November 8  
12 meeting agenda, I am pleased that we were able to identify a strategy that addresses nearly every single concern  
13 raised at the October 11 meeting. The only concern that this strategy does not address is the notion that no new  
14 grocery store should be permitted in Emerald Isle and/or at the Crew Drive site. As discussed in great detail, that  
15 notion is simply not reasonable given the fact that 1) the Town does not have a role in determining which business  
16 initiatives should proceed (that is solely up to the free market), and 2) the long-standing Business zoning  
17 classification of the Crew Drive site. Other than that one concern, this strategy should literally address every single  
18 concern raised at the October 11 meeting. I am pleased that Town staff continued to work hard on this project,  
19 and I am also pleased that the developer of the proposed grocery store was committed to working with the Town  
20 to improve the plan, even after securing all approvals on October 11. In the end, assuming Board approval, I  
21 believe the end result is a better outcome for all parties concerned, and for our entire community.  
22

23 If the Board concurs with this strategy, the Board should proceed with a motion to rescind the Order Closing Crew  
24 Drive Between Emerald Landing Drive and Emerald Plantation Shopping Center, due to the fact that it is no longer  
25 necessary and the associated conditions have not been met. Assuming approval of that motion, the Board should  
26 also proceed with a motion to formally deny the request to permanently close Crew Drive.  
27

28 Town Manager Frank Rush noted that with the previous two actions by the Board it was no  
29 longer necessary to close Crew Drive, and the Board was being requested to take two actions  
30 that would effectively cancel the Order that was adopted on October 11 closing Crew Drive.  
31 Mr. Rush said 1) they were asked to simply rescind the Order adopted on October 11, and 2)  
32 formally deny the developers original request to permanently close Crew Drive.  
33

34 Mayor Barber asked for any comments from the public. There were no comments from the  
35 public.  
36

37 ***Motion was made by Commissioner Messer that it appearing that approval by the Board***  
38 ***tonight of the zoning ordinance amendment to reduce the front setback requirements in the***  
39 ***Business zone has alleviated the necessity of altering, changing and closing Crew Drive, and it***  
40 ***further appearing that the original Motion to Close was conditioned on a number of***  
41 ***conditions set out in the Board's actions taken on October 11, 2016 which have not been met,***  
42 ***I therefore move that the Motion to Close Crew Drive be Rescinded. The Board voted***  
43 ***unanimously 5-0 in favor. Motion carried.***  
44

1 ***Motion was made by Commissioner Finch that the Request to permanently close Crew Drive***  
2 ***be denied as not being in the public interest. The Board voted unanimously 5-0 in favor.***  
3 ***Motion carried.***  
4

5 **13. Presentation – Annual Financial Reports**  
6

- 7 **a. Town of Emerald Isle – June 30, 2016 Comprehensive Annual Financial Report**  
8 **b. Emerald Isle EMS, Inc. – June 30, 2016 Financial Statements**  
9

10 Finance Director Laura Rotchford addressed the Board concerning this Agenda item. The  
11 following excerpt from her memo to the Town Manager is provided for additional background:  
12

13 I am pleased to present the draft version of the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year  
14 Ended June 30, 2016. The draft version is attached for your review. I do not anticipate any changes to the report,  
15 however, our auditors have requested the version remain in draft form, until approval from the Local Government  
16 Commission (LGC) has been received. Once the LGC has provided their final approval, we will release the final  
17 version for publication and submit the report to the Government Finance Officers Association for application to  
18 the Certificate of Achievement for Excellence in Financial Reporting award program.  
19

20 As you are aware, Williams Scarborough Smith Gray, LLP (WSSG) conducted the audit along with the compilation of  
21 the financial statements for FY 2016. This is the sixth year the Town has engaged with WSSG for these services,  
22 and this year has, again, been an efficient and smooth working relationship with the Town staff and the staff of  
23 WSSG. The auditors began their field work in June, and have concluded their work, effectively at the end of  
24 September, with a presentation to the Town's Audit Committee on October 18th.  
25

26 The Audit was conducted in accordance with generally accepted auditing standards, which are standards contained  
27 in Government Auditing Standards, issued by the Comptroller General of the United States. As in prior years, we  
28 have received an unmodified opinion (or a "clean opinion") from the auditors. As stated in the Auditor's Report,  
29 the Town's financial statements for the fiscal year ended, June 30, 2016, "present fairly, in all material respects..."  
30

31 There are several financial highlights which can be found in the detail of the CAFR, and are briefly mentioned  
32 below:  
33

- 34 • The Town had \$3,585,232 of cash and cash equivalents on hand as of June 30, 2016. The Town also had  
35 net receivables of \$41,126 and \$75,724 of restricted cash and cash equivalents as of June 30, 2016. Additionally, a  
36 total of \$717,135 was due from other governments, which is primarily comprised of sales and utility taxes earned  
37 during the 4th quarter.  
38
- 39 • The Town had total capital assets, net of depreciation of \$21,458,729 as of June 30, 2016. The bulk of  
40 these assets are land, buildings, and other improvements in the community. During FY 2016 the Town completed  
41 construction of the New Welcome Center project, the Senator Jean Preston Memorial Park & Playground, and  
42 acquired several replacement vehicles and equipment, adding to total net capital assets.  
43
- 44 • The Town's total liabilities as of June 30, 2016 were \$3,709,447. Accounts payable and accrued liabilities  
45 represent \$191,363 of this amount. A total of \$2,938,381 of this amount is the Town's outstanding loans as of  
46 June 30, 2016.  
47

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1 • The Town had an officially reported net position of \$22,498,263 as of June 30, 2016. Total net position  
2 increased by \$1,430,565. The increase is attributed to the annual payment of principal on the installment  
3 purchase obligations related to capital assets, as well as the annual increase to the Beach Nourishment Fund,  
4 through the collection of special district property taxes held for the purpose of future beach renourishment.  
5

6 • The Town had total revenues of \$9,701,639 across all funds during FY 2016. The Town had total  
7 expenditures of \$8,954,059 across all funds during FY 2016, resulting in an overall increase in fund balance of  
8 \$747,580. Additions to the Future Beach Nourishment's fund balance of \$705,884 are associated with reserve  
9 funds for future beach nourishment activities, however, the Future Beach Nourishment Fund transferred \$276,000  
10 to the Capital Project Fund for the completion of the New Welcome Center. This transfer of fund balance will be  
11 repaid to the Future Beach Nourishment Fund annually by the Carteret County Tourism Development Authority  
12 over a ten-year period for the construction of the New Welcome Center.  
13

14 • As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund  
15 balances of \$4,232,270, an increase in comparison to the prior year. Overall increases to fund balance were  
16 related to lower than anticipated expenditures in the General Fund, as well as the annual increase in the Future  
17 Beach Nourishment Fund from the collection of special district property taxes held for the purpose of future beach  
18 renourishment. The General Fund, the Town's primary annual operating fund, had total revenues of \$9,057,830  
19 and total expenditures of \$8,503,304 during FY 2016. After transfers to other funds for capital projects of  
20 (\$25,814) and for the Future Beach Nourishment Fund of (\$402,429) the Town's General Fund balance increased  
21 by \$134,451.  
22

23 • As of June 30, 2016, the Town's General Fund had a total fund balance of \$2,278,814, of which a total of  
24 \$1,517,455 is classified as unassigned fund balance.  
25

26 • The total General Fund balance of \$2,278,814 is equal to 25.5% of total General Fund expenditures during  
27 FY 2016 (\$8,931,547, including transfers out). This percentage is up from the previous year (23.5%), due to two  
28 key factors; 1) lower than anticipated expenditures overall, and 2) slightly higher than anticipated revenues in the  
29 area of permits and fees. Total General Fund balance represents 25.0% percent of the FY 16-17 adopted budget of  
30 \$9,103,200 (including transfers out).  
31

32 • The total unassigned General Fund balance amount of \$1,517,455 is equal to 16.98% of total General  
33 Fund expenditures during FY 2016 (\$8,931,547, including transfers out). Unassigned General Fund balance  
34 represents 16.67% of the FY 16-17 adopted budget of \$9,103,200 (including transfers out).  
35

36 • The Town's Future Beach Nourishment Fund had a year-end fund balance of \$1,821,465, as the Town  
37 collected another year of special district property taxes that are reserved for future beach nourishment activities.  
38

39 • The Town's total loans outstanding at June 30, 2016 is \$2,938,381. This includes four (4) existing  
40 installment purchase agreements. The Town's total outstanding debt is equal to approximately 0.11% of the  
41 Town's total assessed valuation at June 30, 2016, which remains a very low percentage.  
42

43 Finally, each year the Governmental Accounting Standards Board (GASB) issues new pronouncements on key  
44 accounting standards and financial reporting. As you recall, during FY 2015 the Town implemented GASB  
45 Statement #68 – Accounting and Financial Reporting for Pensions. This statement requires the Town to disclose  
46 the Town's proportionate share of the Local Government Employees' Retirements System's (LGERs) Pension Plan,  
47 in both the face of the financial statements, as well as the notes. From year to year the Town's share of the  
48 Pension Plan may result in a net pension asset or net pension liability, depending on the performance of the plan  
49 and the results of the actuarial studies. During FY 2016, the Town recorded a net pension liability for its share of  
50 the LGERs Pension Plan in the amount of \$215,288.

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1  
2 Also during FY 2016, the Town implemented GASB Statement #73 – Accounting and Financial Reporting for  
3 Pensions and Related Assets That Are Not within the Scope of GASB 68. This pronouncement effectively changed  
4 the way we had previously reported our participation in the Law Enforcement Officers Special Separation  
5 Allowance. Previously, we had reported our assets held for this purpose in a separate Fiduciary Fund, however,  
6 during FY 2016 in accordance with the new Standard, we have recorded those assets in the amount of \$63,954 in  
7 the General Fund as Committed Fund Balance. This fund balance has been committed by the Board for the  
8 purpose of making contributions to our retired law enforcement officers who meet the criteria of the plan. During  
9 FY 2016, the Town also recognized the corresponding net pension liability for this plan in the amount of \$162,931  
10 on the Statement of Net Position.

11  
12 Finance Director Laura Rotchford presented the June 30, 2016 Comprehensive Annual Financial  
13 Report for the Board and public. Finance Director Rotchford summarized the report as further  
14 outlined in detail in her memo provided above. Ms. Rotchford also briefed the Board on the  
15 June 30, 2016 financial statements for Emerald Isle EMS, Inc.

16  
17 Tom Monte and Charles Smith, Williams, Scarborough, Smith, & Gray (WSSG) CPAs were also in  
18 attendance and Tom Monte speaking on behalf of the firm stated that they had issued a clean,  
19 unmodified opinion on the town’s financial statements, adding that staff continued to do a  
20 fantastic job. Mr. Monte provided a PowerPoint presentation to highlight important details of  
21 the financial report.

22  
23 The Board thanked Finance Director Laura Rotchford and staff for the great job and the good  
24 report. Commissioner Messer stated that during their audit committee meeting he heard from  
25 the auditors that the Town was in good order and the auditors were most complimentary of  
26 town staff.

27  
28 ***Motion was made by Commissioner Messer to accept the June 30, 2016 Comprehensive***  
29 ***Annual Financial Report. The Board voted unanimously 5-0 in favor. Motion carried.***

30  
31 ***Motion was made by Commissioner Wright to accept the June 30, 2016 financial statements***  
32 ***for Emerald Isle EMS, Inc. The Board vote unanimously 5-0 in favor. Motion carried.***

33  
34 Town Manager Frank Rush echoed the comments of the Board noting that Laura was doing a  
35 fantastic job for the Town, having been here about two years now, and she was a great asset to  
36 the team and he appreciated her work on everything.

37  
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43

1 **14. Appointments**

- 2  
3 a. **Emerald Isle Parks and Recreation Association, Inc. (1 Vacancy)**  
4 b. **Carteret County Beach Commission (Recommendation – 1 Vacancy)**  
5

6 **Brief Summary:**

7  
8 The Board of Commissioners will consider filling vacant seats on two important appointed  
9 boards at the November 8 meeting.

10  
11 **Emerald Isle Parks and Recreation Association, Inc. – 1 Vacancy**

12 The non-profit Emerald Isle Parks and Recreation Association, Inc. (EIPRA) was created by the  
13 Town in 2004 primarily to hold title to an 8-acre tract of land (since reduced to 7 acres) that was  
14 donated to the Town for future recreation purposes. Because the land is the site of an old  
15 residential landfill that was abandoned in the early 1970s, the Town did not want to accept the  
16 liability for the abandoned landfill, and the EIPRA, Inc. was created to hold title. The original 8-  
17 acre tract is now a part of the Emerald Isle Public Boating Access Facility, and is the portion  
18 where the actual ramps, single family parking area, and picnic shelter are now located. EIPRA,  
19 Inc. holds title to the land, leases it to the Town, who then leases it to the NC Wildlife Resources  
20 Commission.

21  
22 The EIPRA, Inc. is governed by a 3-member Board of Directors. Linda Hughs, one of the original  
23 members of this Board, has moved away from Emerald Isle, and the Board should appoint an  
24 individual to serve the remainder of her 3-year term that expires in August 2018. The EIPRA,  
25 Inc. meets very infrequently on an as-needed basis.

26  
27 **Carteret County Beach Commission (Recommendation) – 1 Vacancy**

28 As per the State legislation establishing the Carteret County room occupancy tax, the County  
29 Commissioners must appoint 2 individuals that reside in Emerald Isle to serve on the 11-  
30 member Beach Commission. Although not legally mandated, the Town has historically  
31 recommended individual(s) to the Beach Commission's Nominating Committee, which has, in  
32 turn, historically recommended the individual(s) recommended by the Town to the County  
33 Commissioners. The County Commissioners have then historically appointed the individual(s)  
34 recommended by the Town.

35  
36 Commissioner Jim Normile and former Commissioner John Wootten currently represent  
37 Emerald Isle on the Carteret County Beach Commission. Commissioner Normile's term does  
38 not expire until January 2019. John Wootten's term will expire in January 2017, and he has  
39 expressed interest in being reappointed for a new 3-year term that will expire in January 2020.  
40

1 ***Motion was made by Commissioner Wright to reappoint John Wootten to the Carteret County***  
2 ***Beach Commission for a new term that expires in January 2020. The Board voted***  
3 ***unanimously 5-0 in favor. Motion carried.***  
4

5 ***The Board took no action at this time to fill the vacancy on the Emerald Isle Parks and***  
6 ***Recreation Association, Inc. Board of Directors.***  
7

8 **15. Comments from Town Clerk, Town Attorney, and Town Manager**  
9

10 There were no comments from the Town Clerk or the Town Attorney.  
11

12 Town Manager Frank Rush updated the Board on the status of the Bogue Inlet Bicycle Path  
13 project hoping to bring a firm plan to the Board's December meeting. Mr. Rush stated that  
14 they had also completed the post Hurricane Matthew beach profile survey and there had been  
15 no loss of sand in Emerald Isle so no FEMA reimbursements would be sought for the beach. Mr.  
16 Rush noted the Osprey Ridge pump station project was underway, and finally it was noted that  
17 December 14 the NC Supreme Court would hear the Nies v. Emerald Isle case.  
18

19 The following is an excerpt from the Town Manager Comments memo to the Board providing  
20 additional background information for all items of importance:  
21

22 **Bogue Inlet Drive Bicycle Path**

23 I plan to present a plan for the new bicycle path to the Board at the December 13 meeting. Alesia Sanderson,  
24 Parks and Recreation Director, Ken Stone, Bicycle and Pedestrian Advisory Committee Chair, and I have been  
25 meeting to determine the best layout for the new bicycle path, and have also been considering the potential slight  
26 realignment of Bogue Inlet Drive as part of the project.  
27

28 The most likely scenario involves the construction of a new bicycle path along the western side of the Bogue Inlet  
29 Drive right-of-way, the removal of the existing small sidewalk on the east side, and a slight eastward shift in the  
30 vehicle travel lanes (all within the existing right-of-way). Ideally, the improvements will also include a few new  
31 street lights and additional street trees. I am currently working to determine the additional cost associated with  
32 this more comprehensive approach, and may recommend a budget amendment to the Board at the December 13  
33 meeting.  
34

35 **Bogue Inlet Pier Work Set to Begin**

36 Mike Stanley, owner of the Pier, expects to begin demolition and reconstruction of the pier house and first 200 ft.  
37 +/- of the pier (over the sandy beach) in the next few weeks, and work is expected to continue throughout the  
38 winter and spring. It will likely be necessary to close the beach to driving in the general vicinity of the Pier during  
39 certain construction periods. We will also make the beach strand available for the transport of construction  
40 materials if / when necessary.  
41

42 **Beach Driving**

43 The Town has issued 2,064 beach driving permits through October 31, 2016, and is on pace to issue more than  
44 2,400 permits this season. With the pleasant warm weather in recent weeks, there have been more conflicts  
45 reported between beach drivers and other beach visitors, and additional Police Department personnel have been  
46 assigned to the beach strand.

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1  
2 Additionally, the vehicle ramp at The Point continues to accumulate significant sand over the wooden Hatteras  
3 ramp (ultimately a good problem to have, compared to where we were at one time!), and several drivers have  
4 gotten stuck on the ramp in recent weeks. Public Works has now cleared sand from that area 6 times in the past 6  
5 weeks, and it is a challenge to keep up with the accumulation. Public Works is planning to remove the wooden  
6 Hatteras ramp sometime in December and reinstall it at a higher elevation, with the hope that it will make it easier  
7 for vehicles to traverse the ramp. Efforts will be made to schedule this work on low-demand days so as not to  
8 prevent access to The Point for a significant duration.  
9

10 **Planning Board Vacancy**

11 Planning Board member Tom Minnick recently resigned due to plans to move to Cape Cod to be closer to family.  
12 We will schedule a new Board appointment for this vacancy on the December 13 meeting agenda.  
13

14 **Itinerant Merchants, Satellite Merchants**

15 I continue to consider alternative approaches to the Town's regulation of itinerant merchants and satellite  
16 merchants (i.e., mobile vendors), and continue to focus on the following three options:  
17

18 Option 1 – Maintain current system whereby they are not allowed in EI, except for oceanfront commercial and  
19 condo parcels, and must simply register with the Town.  
20

21 Option 2 – Allow mobile vendors anywhere in Emerald Isle that is zoned commercial or mixed use, on private  
22 property only.....provided the vendor is an Emerald Isle resident or business and has the permission of the private  
23 commercial property owner. There would be no other restrictions, and the private commercial property owners  
24 and the market itself would regulate such activities. Non-EI residents or vendors would be prohibited, and no  
25 vendors would be allowed on public right of ways or the beach strand. The mobile vendor would still be required  
26 to register with the Town, and no fee would be charged.  
27

28 Option 3 – Allow mobile vendors anywhere in Emerald Isle that is zoned commercial or mixed use, on private  
29 property only.....provided the vendor has the permission of the private commercial property owner and secures a  
30 permit from the Town. The vendor could be from anywhere, and this approach would not be limited to EI  
31 residents or businesses. The amount of the annual permit fee would be several hundred dollars (\$500?) and would  
32 be roughly equal to the average property tax bill paid by a brick and mortar business in EI. There would be no  
33 other restrictions, and the private commercial property owners and the market itself would regulate such  
34 activities. No vendors would be allowed on public right of ways or the beach strand, and only one (or perhaps two  
35 or three?) vendor(s) could operate at a particular location at any one time.  
36

37 Ideally, I am seeking to eliminate or reduce the Town's involvement in this issue, and would transfer the decision  
38 making process to the private Emerald Isle commercial property owner and the mobile vendor. Please let me  
39 know which of these options you may prefer. Any formal changes would be presented to the Board for formal  
40 consideration this winter, and would be implemented for summer 2017.  
41

42 **Town Dumpster Service**

43 Unless the Board feels strongly otherwise, I plan to include a 1-year contract extension with Waste Industries on  
44 the Board's December 13 meeting agenda. I simply have not had an opportunity to devote sufficient time to  
45 soliciting new bids for this contract, and will need to delay until 2017. I do not have any significant concerns with  
46 the quality of Waste Industries' service, and the pricing would remain the same as the current contract.  
47  
48  
49  
50

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

2 I continue to consider potential improvements at this location. Thus far, I have received generally favorable  
3 feedback from CVS. Despite numerous attempts to speak with the building owner, I have been unable to generate  
4 a return call with any definitive feedback.

5  
6 The proposed new sidewalk and island would be constructed entirely within the Old Ferry Road right-of-way, and  
7 would not harm ingress, egress, or parking availability at the CVS in any negative manner. I would very much like  
8 to proceed with these improvements prior to the 2017 tourism season, and may present a formal  
9 recommendation to the Board at the December 13 meeting. In the meantime, I will continue efforts to reach the  
10 building owner.

11  
12 **Beach Access Walkway Replacements**

13 Town staff will soon solicit informal bids for the reconstruction of existing beach access walkways at Georgia  
14 Street, Hubert Street, and Sea Crest. We hope to award a contract in January, and have the contractor(s) begin  
15 work sometime soon thereafter. Our goal is to have all walkways completed and open to the public before April 1,  
16 if not sooner.

17  
18 **Post-Matthew Beach Profile Survey Reveals Minimal Gains**

19 Detailed beach profile surveys were completed in the days immediately after Hurricane Matthew's visit, and the  
20 Town recently received the survey results. Overall, there was no erosion of the beach in Emerald Isle (there was  
21 some isolated dune erosion, but of no serious consequence), and there were actually very minimal gains in the  
22 total volume of sand on the beach.

23  
24 **Golf Cart Ordinance Amendment**

25 We are planning to present a simple amendment to the Town's golf cart ordinance to the Board at the December  
26 13 meeting to require all golf carts to display stickers on the dashboard with the most common regulations (not  
27 allowed on NC 58, Coast Guard Road, bike paths, must be 18, etc.).

28  
29 **Golf Cart Program to be Transferred Entirely to the Police Department**

30 Beginning December 1, the entire golf cart registration process will be managed by the Emerald Isle Police  
31 Department. Individuals interested in registering a new golf cart or renewing an existing registration will now visit  
32 the EI Police Station and coordinate with EIPD personnel rather than visiting the Town Administration Building. It  
33 is my hope that this transfer will result in a more efficient process for the customer, and also relieve workload  
34 burdens on Town Administration staff. We are also working to further streamline the registration process and also  
35 accept online credit card payments in the future.

36  
37 **2017 Crystal Coast Music Festival in Emerald Isle?**

38 We are currently working with Carteret County Tourism Development Authority staff to identify a feasible location  
39 for a major concert event in Emerald Isle in June 2017. The inaugural Crystal Coast Music Festival was held in June  
40 2016 in Atlantic Beach, with rock band "Third Eye Blind" as the headline act. Town staff recently met with TDA  
41 staff and concert promoters to review potential concert venues, and we will continue to pursue this potential  
42 opportunity with vigor. We hope to secure a quality performer with broad appeal in an attempt to lure a big  
43 crowd to Emerald Isle.

44  
45 **Disc Golf Course Planned for EI Woods Park**

46 A local resident has designed a new 9-hole disc golf course to be installed in Emerald Isle Woods Park (away from  
47 existing trails), and is currently soliciting sponsors to fund the installation of equipment. To date, sponsors have  
48 been identified for 5 of the 9 holes, and he continues to work to secure funding for the remaining 4 holes. Town  
49 staff support this effort, and will assist in any way helpful in the installation of the new course equipment. The

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1 new course should be another nice amenity in Emerald Isle, and I am hopeful that the new course will be open to  
2 the public sometime early in 2017.

3  
4 **FEMA Reimbursement for Hurricane Matthew**

5 Finance Director Laura Rotchford is coordinating the reimbursement of Town overtime expenses and other minor  
6 expenses associated with Hurricane Matthew. I expect the total amount of the Town's reimbursement to be  
7 somewhere in the \$10,000 - \$15,000 range.

8  
9 **New Police Chief Selection**

10 As you know, Assistant Police Chief Tony Reese is serving as the Interim Police Chief. I expect to maintain this  
11 arrangement for the next several weeks, and have full confidence in Interim Chief Reese's ability to lead the Police  
12 Department until I can determine the appropriate course of action for the future.

13  
14 **Nies v. Emerald Isle**

15 Oral arguments before the NC Supreme Court have been scheduled for December 14. I plan to attend the Court  
16 session in Raleigh. A final decision is expected sometime in early 2017.

17  
18 **Osprey Ridge Storm Water Pump Station**

19 SunLand Builders is making good progress on the construction of this project. All clearing work is complete, and  
20 grading work is approximately half complete. SunLand remains on track to finish the project by late December or  
21 early January.

22  
23 **New Small Storm Water Relay Pump - Bogue Court**

24 Public Works is waiting for the water table to subside on Bogue Court in order to proceed with the installation of  
25 the new small storm water relay pump in this location, but hopes to proceed with installation in the near future.  
26 The new system will discharge water into the dune field at The Point, and should effectively resolve standing water  
27 issues on Bogue Court.

28  
29 **Comprehensive Plan / Land Use Plan Update**

30 The Steering Committee has provided most of its input into the development of the new plan, and is scheduled to  
31 meet again on November 30 to review a draft version of the complete plan. I am hopeful that the Committee will  
32 soon complete its work, and we will then schedule a special joint meeting of the Planning Board and Board of  
33 Commissioners to review the draft plan sometime in January.

34  
35 Committee Chair Normile, Town Planner Josh Edmondson, and I recently met with the owners of several large  
36 mobile home / RV park tracts to discuss the plan, consider their concerns, and will attempt to incorporate their  
37 input into the draft plan.

38  
39 **Conceptual Design Work – NC 58 Corridor, Village East, Village West**

40 I previously solicited assistance from students at the NC State College of Design to develop conceptual renderings  
41 of the proposed "village" concepts and streetscape improvements contemplated for the NC 58 Corridor, Village  
42 East, and Village West areas. Unfortunately, I was unable to secure assistance from NC State, and I now plan to  
43 solicit assistance from qualified design firms to develop conceptual renderings to better communicate the vision  
44 for these areas. I hope to present a recommendation to the Board sometime in early or mid-2017, after the  
45 Comprehensive Plan / Land Use Plan process is complete.

46  
47 **Comprehensive Update / Simplification of Unified Development Ordinance**

48 This continues to become a higher priority for me, and I am now fully convinced that we need to embark on a  
49 process to update and simplify the UDO in the coming months. I expect to begin work on this initiative sometime  
50 in early or mid-2017, after the Comprehensive Plan / Land Use Plan process is complete.

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**Deer Population Estimate**

We are still awaiting the new deer population estimate from the NC Wildlife Resources Commission, and expect to have this information in the coming days. We will present this information to the Board when it is received, and make a decision in November regarding a controlled deer hunt in January / February 2017.

**Coyote Management Program**

I have emailed information about the Coyote Management Program to many residents, and will include this information in the late November edition of Emerald Tidings newsletter. The Police Department has arranged for trapping services from a licensed trapper, and has coordinated with other Town staff to identify trapping locations at El Woods Park, the Town Government complex, and the Public Boating Access Area. Trapping will begin at these locations soon after December 1.

**Condominium Deck Inspection Program**

I have tasked Town Planner Josh Edmonson with developing a voluntary condominium deck inspection program for the Town's 9 condominium complexes, in order to complement the program managed by the El vacation rental agencies. Condominium complexes will require a somewhat different approach than the vacation rental agencies' program, but the new program will likely embrace the same basic principles. I hope to have this new program implemented by April 1.

**Lee Street Sound Access**

The Town removed aging and deteriorating walkways at three sound access locations on Sound Drive last year due to safety concerns. Town staff converted the walkways to sand paths, and in most locations the sand path is easily navigated. There is, however, a steep slope at the water's edge at the Lee Street access, and we have awarded a contract to B&P Services, Cedar Point, NC for the construction of steps at that location to make it easier and safer to access the water. I hope to have this work completed before Christmas.

**Coastal Awnings, Keller Williams Signs**

We expect the Keller Williams sign to come down by the December 31, 2016 deadline, based on communications with the sign owner and sign tenant. Town staff took a similar flexible approach with the Coastal Awnings sign, and extended an offer for a December 31 deadline to the owner and sign tenant several months ago. The sign tenant does not want to remove the sign, and has filed an appeal of Town staff's decision with the Board of Adjustment. The Board of Adjustment will consider this appeal at its meeting on December 14 at 9 am.

As you know, the Town's sign ordinance allows existing off-premises signs to remain in place in perpetuity. However, the Town's sign ordinance requires that all businesses advertised on any sign in Emerald Isle actually have a fixed location in and operate in Emerald Isle. Neither of these businesses meet this criteria.

**Old Ferry Road - Behind CVS**

I am planning to task Public Works with removing damaged asphalt in the Old Ferry Road right-of-way behind CVS sometime this winter. The asphalt to be removed is in poor condition, looks unsightly, and is not located within the main vehicle travel lanes. Our approach will be to remove the asphalt to create a neater condition, and then plant grass in this area.

In the alternative, I plan to approach the adjacent property owners to determine any interest in permanently closing the road, thus conveying the property to the adjacent owners. The Town has no need for the road, and it dead ends at NC 58. NCDOT regulations do not allow a connection to NC 58. If the adjacent owners are interested in this approach, I will present the appropriate Board actions at an upcoming meeting. If they are not, then we will simply make the improvements described above and continue to maintain the road.

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1 **Bogue Inlet Navigation Dredging – Wait Until Spring?**

2 We are still awaiting feedback from the US Army Corps of Engineers on future dredging plans. At this point, I am  
3 inclined to have them wait until spring to complete any new dredging work, in order to preserve the limited  
4 dredging funds available. We still expect the navigation aids in the connecting channel to be moved to a more  
5 central alignment at some point before the 2017 tourism season.  
6

7 **Cape Emerald Pipe Expansion / Replacement**

8 I still have not been able to devote time to this project, but still hope to solicit informal quotes for this work  
9 sometime soon. I remain hopeful that the budgeted amount will be sufficient to award a contract sometime this  
10 winter. Permit authorization is still necessary, but we don't anticipate any hurdles.  
11

12 **NC 58 Traffic Improvements**

13 We are still awaiting word as to whether or not the Town's requested NC 58 traffic improvement projects will be  
14 included in the "division" version of the Statewide Transportation Improvement Program, and we hope to learn  
15 our fate sometime soon. I remain hopeful that the Emerald Isle projects will ultimately be included in the final  
16 plan.  
17

18 **Customer Satisfaction Survey**

19 I am planning to work with the Board, staff, and a professional survey designer to develop a "customer satisfaction  
20 survey" for Town services and programs. I hope to begin work on the survey sometime this winter and release it  
21 to the public sometime in the spring or summer 2017.  
22

23 **Beach Wheelchair Donated**

24 The "Emerald Isle Beach Patrol", an informal group of part-time residents in the general vicinity of Bogue Inlet Pier,  
25 recently donated a brand new beach wheelchair to the EI Fire Department. The EIFD regularly loans out special  
26 wheelchairs with large rubber wheels to enable handicapped individuals to enjoy the beach, and the program is  
27 very popular. Each wheelchair costs approximately \$2,500, and we greatly appreciate the generosity of the  
28 "Emerald Isle Beach Patrol"!  
29

30 **Beach Access Mat - Improve Wheelchair Access?**

31 I am planning to investigate the possibility of adding a special beach mat to one of the Town's handicapped beach  
32 access locations to test out the effectiveness of these products. The cost of these mats has come down  
33 considerably in recent years, and there may be some benefit to these mats in certain locations in Emerald Isle.  
34

35 **Fire Department Exploring Grant Opportunity for Additional Personnel**

36 In an effort to transition from 2-man to 3-man crews on each Fire Engine, the Fire Department is currently  
37 exploring a Federal grant opportunity that would provide significant funding for additional firefighter personnel.  
38 The SAFER grant program generally covers salaries and benefits for personnel for the first two years, after which  
39 the Town would need to fund the new positions. I expect to present information about this grant program to the  
40 Board of Commissioners at the 2017 budget planning workshop, or perhaps at a regular Board meeting. The Fire  
41 Department is currently considering a grant application for either 3 or 6 new personnel.  
42

43 **Community Center Exercise Equipment**

44 The FY 16-17 budget includes \$4,800 for the replacement of an existing treadmill. There have been recent  
45 problems, however, with two of the three elliptical machines, and Town staff will likely use these funds to replace  
46 the elliptical machines and defer replacement of the treadmill until the next budget cycle.  
47  
48  
49

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

2  
3 Commissioner Jim Normile recognized the co-chair to the Land Use Plan Steering Committee  
4 Chad MacAvery as well as member Kenny Sullivan who were in attendance tonight, and  
5 thanked them and expressed appreciation for their hard work on the committee.

6  
7 Commissioner Steve Finch commented that he looked forward to working with our new Interim  
8 Chief Tony Reese, and he was glad to have him in that position.

9  
10 **17. Closed Session – Pursuant to NCGS 143-318.11(5), for the Purpose of Discussing Potential**  
11 **Real Estate Acquisition, AND Pursuant to NCGS 143-318.11 (6), for the Purpose of Discussing a**  
12 **Personnel Matter**

13  
14 ***Motion was made by Commissioner Wright to go into Closed Session Pursuant to NCGS 143-***  
15 ***318.11(5), for the Purpose of Discussing Potential Real Estate Acquisition, AND Pursuant to***  
16 ***NCGS 143-318.11(6), for the Purpose of Discussing a Personnel Matter. The Board voted***  
17 ***unanimously 5-0 in favor. Motion carried.***

18  
19 ***Motion was made by Commissioner Messer to return to Open Session. The Board voted***  
20 ***unanimously 5-0 in favor. Motion carried.***

21  
22 Upon returning to open session ***motion was made by Commissioner Dooley to amend the***  
23 ***Town Manager’s employment agreement as outlined below. The Board voted unanimously 5-***  
24 ***0 in favor. Motion carried.***

25  
26 **SECTION 5: Termination and Severance Pay**

27 In the event that the Town Manager is terminated by the Board of Commissioners  
28 without just cause and the Town Manager is willing and able to perform his duties under  
29 this agreement, then, in that event, the Town of Emerald Isle agrees to pay the Town  
30 Manager a lump sum cash payment equal to ~~six (6)~~ nine (9) months aggregate salary and  
31 benefits, and any accrued vacation leave up to 240 hours. Upon the Town Manager’s  
32 achievement of twenty (20) years of service to the Town of Emerald Isle, this lump sum  
33 cash payment shall increase to an amount equal to twelve (12) months aggregate salary  
34 and benefits, and any accrued vacation leave up to 240 hours. However, in the event  
35 that the Town Manager is terminated for cause or for conviction, then, in that event,  
36 the Town of Emerald Isle shall have no obligation to pay the aggregate severance sum  
37 described above.

38  
39 Additional increases in the severance amount shall be determined by the Board of  
40 Commissioners at its sole discretion.

41  
42

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
NOVEMBER 8, 2016  
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**18. Adjourn**

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

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

Respectfully submitted:

Rhonda C. Ferebee, CMC, NCCMC  
Town Clerk