

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JUNE 11, 2013 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**
5
6

7 **1. Call To Order**
8

9 The regular monthly meeting of the Emerald Isle Board of Commissioners was
10 called to order by Mayor Art Schools at 7:00 PM in the Emerald Isle Town Board
11 Meeting Room.
12

13 **2. Roll Call**
14

15 Present for the meeting: Mayor Art Schools, Commissioners Tom Hoover, Floyd
16 Messer, John Wootten, and Maripat Wright.
17

18 Absent for the meeting: Commissioner Nita Hedreen.
19

20 ***Motion was made by Commissioner Messer to excuse the absence of***
21 ***Commissioner Hedreen. The Board voted unanimously 4-0 in favor.***
22 ***Motion carried.***
23

24 Town Manager Rush noted that Commissioner Hedreen was at home recovering
25 following surgery.
26

27 Also present during the regular meeting: Town Manager Frank Rush, Town
28 Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,
29 Town Clerk Rhonda Ferebee, Police Chief, Jeff Waters, and Public Works
30 Director Artie Dunn.
31

32 **3. Opening Prayer**
33

34 Bernie Whalley, Emerald Isle resident and businessman, offered the opening
35 prayer for the meeting.
36

37 **4. Pledge of Allegiance**
38

39 All who were present recited the Pledge of Allegiance.
40

41 **5. Adoption of Agenda**
42

43 Town Manager Rush requested the Board to amend the Agenda to add to Item
44 14 – Closed Session also for Purpose of Discussing Potential Real Estate
45 Acquisition – pursuant to NCGS 143-318.11(5).
46

1
2 ***Motion was made by Commissioner Messer to adopt the Agenda as***
3 ***amended. The Board voted unanimously 4-0 in favor. Motion carried.***
4

5 **6. Oath of Office to New Police Chief Jeff Waters**
6

7 Mayor Schools formally administered the Oath of Office to new Police Chief Jeff
8 Waters. Chief Water's Oath of Office was followed by a standing ovation in
9 recognition and appreciation of his new position. Police Chief Jeff Waters
10 addressed the Board and public thanking his family, great friends, and the great
11 team of officers he had the opportunity to have worked with, supervise, and lead.
12 Chief Waters said he had been blessed to have grown up in this community, and
13 had worked with the Town of Emerald Isle for his entire career as a Law
14 Enforcement Officer. Chief Waters felt humbled and honored to have been
15 selected to serve as Chief of Police of this department in beautiful Emerald Isle.
16

17 **7. Proclamations / Public Announcements**
18

19 Mayor Schools noted the following Proclamations and announcements for the
20 public:
21

- 22 • **Proclamation – Rip Current Awareness Week – June 2 – 8, 2013**
23 **(13-06-11/P1)**
- 24 • **Friday Free Flick – Friday, June 14 – 7 pm – Community Center**
- 25 • **Fathers Cycling Against Family Violence – Saturday, June 15 – 9 am**
26 **– 11 am – Emerald Isle Woods Park**
- 27 • **Summer Day Camp Begins Monday, June 17 – Community Center**
- 28 • **Youth Tennis Camp – June 17 – 21 – 9 am – 10:30 am – Blue Heron**
29 **Park Tennis Courts**
- 30 • **EmeraldFest Concert – Thurs. June 20 – 6:30 – pm – 8 pm – Western**
31 **Ocean Regional Access – “My Three Kilts”**
- 32 • **American Red Cross Blood Drive – Friday, June 21 – 2 pm – 7 pm –**
33 **Community Center**
- 34 • **Co-Ed 2 v 2 Volleyball Tournament – Saturday, June 22 – 9 am until?**
35 **– Western Ocean Regional Access**
- 36 • **Planning Board Regular Meeting – Monday, June 24 – 6 pm – Town**
37 **Board Meeting Room**
- 38 • **RAYS Summer Adventure Program (ages 12 – 15) Begins Tuesday,**
39 **June 25 – Community Center**
- 40 • **EmeraldFest Concert – Thurs. June 27 – 6:30 – 8 pm – Western**
41 **Ocean Regional Access**
- 42 • **Tiny Tots Triathlon – Saturday, June 29 – 10 am – Community Center**
43 • **EmeraldFest Concert – Thurs. July 4 – 6:30 pm – 8 pm – Western**
44 **Ocean Regional Access**
45

- 1
- 2 • **July 4th Holiday – Town Offices Closed, Community Center Closed**
- 3 • **July 4 Fireworks – Thurs. July 4 – 9 pm – Bogue Inlet Pier**
- 4 • **Board of Commissioners Regular Meeting – Tuesday, July 9 – 7 pm –**
- 5 **Town Board Meeting Room**
- 6

7 Clerks Note: A copy of Proclamation 13-06-11/P1 as noted above are incorporated herein by
8 reference and hereby made a part of these minutes.

9

10 **8. Public Comment**

11

12 There were no comments from the public.

13

14 **9. Consent Agenda**

- 15
- 16 a. **Minutes – April 9, 2013 Regular Meeting**
 - 17 b. **Budget Amendments – Various Fiscal Year End Adjustments**
 - 18 c. **Capital Project Ordinance Amendments – Various Fiscal Year End**
 - 19 **Adjustments**
 - 20

21 ***Motion was made by Commissioner Hoover to approve the items on the***

22 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***

23 ***carried.***

24

25 Clerks Note: A copy of all Consent Agenda Items as noted above are incorporated herein by
26 reference and hereby made a part of these minutes.

27

28 **10. FY 13-14 Budget**

- 29
- 30 a. **Budget Ordinance**
 - 31 b. **Fee Schedule**
 - 32 c. **5-Year Capital Replacement / Improvement Program**
 - 33 d. **FY 13-14 Pay Plan**
 - 34 e. **Resolution Establishing Sunset Provision on 1-Cent Property Tax**
 - 35 **Rate Increase Associated with 2013 “Community Improvements**
 - 36 **Package”(13-06-11/R1)**
 - 37

38 Town Manager Frank Rush addressed the Board concerning this agenda item.

39 The following excerpt from the Town Manager’s memo to the Board is provided

40 for additional background:

41

42 The Board of Commissioners is scheduled to formally consider the FY 13-14 budget ordinance, fee schedule, capital

43 replacement / improvement program, and the Town’s official pay plan at the June 11 meeting. In addition, the Board

44 will consider a resolution establishing a sunset provision for the proposed 1-cent property tax rate increase associated

45 with the proposed 2013 “community improvements package”.

46

47

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1
2 FY 13-14 Budget Ordinance

3 The attached FY 13-14 budget ordinance is identical to the Town Manager's Recommended Budget presented on May
4 14 and reviewed by the Board at its May 21 and June 4 budget workshop meetings. As you know, the required public
5 hearing was held on June 4, and the FY 13-14 budget ordinance is presented for formal consideration and adoption at
6 the June 11 meeting.

7
8 The total FY 13-14 General Fund budget included in the attached budget ordinance is \$8,284,239, which is a
9 \$1,051,365, or 14.54% increase from the FY 12-13 adopted budget amount. As discussed previously, this increase is
10 somewhat deceiving due to the fact that the FY 13-14 budget includes one-time funding for the replacement of a 25-
11 year old Fire engine (\$455,000) and the intentional "roll-over" of Powell Bill fund balance (\$104,973) for the planned
12 resurfacing of eastern Ocean Drive later this year. The bulk of the remainder of the increase in expenditures is
13 associated with the proposed 1-cent property tax rate increase for the "community improvements package" (\$298,887).
14

15 The most significant item in the FY 13-14 budget is the inclusion of debt service for the projects included in the 2013
16 "community improvements package". If approved, the Town would issue \$2.65 million of new installment financing
17 debt to complete the following projects: full completion of the NC 58 bicycle path, full completion of the Coast Guard
18 Road bicycle path, installation of a fixed storm water line from The Point to the EI Woods system, installation of a fixed
19 storm water line from Lands End's existing pumps to the EI Woods system, the expansion of the Community Center,
20 and the installation of new playground equipment at Blue Heron Park. This new debt would be retired over a 10-year
21 period, with annual debt service payments of \$298,887. Funding for these debt service payments would be generated
22 by the proceeds of a 1-cent property tax rate increase. As you know, the Board has considered this issue carefully
23 over the past 5 months, and has received a great deal of public input and support for this initiative.
24

25 The FY 13-14 budget also includes other key items that will enable the Town to maintain a high quality standard,
26 promote the efficiency and effectiveness of Town staff, and enhance the "small town atmosphere" and "family beach"
27 image of Emerald Isle. As noted above, a 25-year old Fire engine will be replaced and will enhance the capabilities
28 and safety of the Fire Department. The eastern segment of Ocean Drive between the Indian Beach town limits and
29 25th Street will be resurfaced, enhancing the ride quality of this street and improving the aesthetics of this area of
30 Town. A new position for the Public Works Department will enable the Town to meet continuing high demand for yard
31 debris collection services, and a new position in the Parks and Recreation Department will enable the Town to continue
32 to maintain a high quality aesthetic appearance at Town facilities and along the NC 58 corridor.
33

34 The FY 13-14 General Fund budget is balanced with a 12.5 cent property tax rate, which is a 1-cent increase over the
35 current 11.5 cent rate. The 1-cent increase is completely associated with the "community improvements package", and
36 all other Town operations are funded by the current 11.5 cent rate. The 12.5 cent tax rate will generate slightly more
37 than \$3.7 million of property tax revenue for the General Fund in FY 13-14. The proposed General Fund property tax
38 rate of 12.5 cents would likely remain 2nd lowest of all 21 NC beach towns, with only Sunset Beach (10.5 cents)
39 boasting a lower General Fund property tax rate in FY 12-13. The attached FY 13-14 budget ordinance factors in a \$5
40 increase in the annual solid waste fee, from \$200 (or \$16.67 per month) to \$205 (or \$17.08 per month), and this
41 increase will generate an additional \$29,000 in FY 13-14 that will essentially fund the new position in the Public Works
42 Department. The \$205 annual solid waste fee will generate slightly more than \$1.3 million to fund 100% of the Town's
43 solid waste services in FY 13-14.
44

45 The attached FY 13-14 budget ordinance also includes appropriations for the Town's other annually-budgeted funds,
46 including the Future Beach Nourishment Fund, Separation Allowance Fund, and the Special Drug Fund. The Future
47 Beach Nourishment Fund includes an FY 13-14 budget of \$677,203, with revenues derived from a 4.5 cent property
48 tax rate in the Primary Benefit District (oceanfront and inlet-front properties) and a 1.5-cent property tax rate in the
49 Secondary Benefit District (non-oceanfront properties). Both of these rates are identical to FY 12-13. These funds will
50 be reserved for future beach nourishment projects in the Town. The Separation Allowance Fund includes
51 appropriations of \$21,831 to be transferred to the General Fund for statutorily required payments to retired law
52 enforcement officers who meet certain criteria. The Town had previously reserved these funds in anticipation of future
53 expenses. The Special Drug Fund includes FY 13-14 appropriations of \$9,930 for Police tasers, mobile data terminal
54 printers, and an audio / video recording system for the Police Department.

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1
2 Under the FY 13-14 budget, the Town organization will operate with 57 paid full-time positions (up from 55 in FY 12-13,
3 but still down from 61 in FY 08-09). Town staff continue to work hard to meet the demands in our community, and I
4 appreciate their commitment to maintaining our service levels and high service quality despite ever-increasing
5 expectations and recent budget challenges. The FY 13-14 budget includes sufficient funding for a 2% cost-of-living
6 adjustment for all Town employees, and also maintains current employee benefit levels.

7
8 Fee Schedule

9 The Town's official fee schedule for FY 13-14 is presented in conjunction with the budget ordinance. The fee schedule
10 includes only one change, the previously noted \$5 increase in the annual solid waste fee.

11
12 5-Year Capital Replacement / Improvement Program

13 I have also attached an updated copy of the 5-Year Capital Replacement / Improvement Program, and request that the
14 Board formally adopt this plan in conjunction with the budget ordinance and fee schedule. The attached plan is
15 identical to the plan included in the Recommended Budget.

16
17 The total investment included in the 5-Year Capital Replacement / Improvement Program is approximately \$5.6 million,
18 and is funded with a mixture of pay-as-you-go funding, installment financing proceeds, and State funding. The Board
19 should note that \$2.65 million of the total amount is associated with the 2013 "community improvements package" and
20 \$455,000 is associated with the replacement of the Fire engine in FY 13-14. The remaining approximately \$2.5 million
21 over the 5 year period is primarily allocated for scheduled vehicle and equipment replacements, annual street
22 resurfacing, and other relatively smaller projects.

23
24 Due to the anticipated approval of the "community improvements package", no other major new capital projects are
25 included in the 5-Year Capital Replacement / Improvement Program.

26
27 FY 13-14 Pay Plan

28 I have also attached a copy of the proposed FY 13-14 Pay Plan, and request that the Board formally adopt this plan,
29 effective at the start of the new fiscal year. The proposed FY 13-14 Pay Plan adjusts all salary ranges by 2.0%,
30 consistent with the cost-of-living adjustment budgeted for all Town employees in FY 13-14.

31
32 The Board should note that the FY 13-14 Pay Plan also includes the creation of a new position classification. The
33 "Assistant Police Chief" classification would be created as a Grade 22 with a salary range of \$44,553 - \$65,938. This
34 position would be the #2 position in the Police Department, and would appropriately compensate the employee
35 promoted to this position for higher-level management responsibilities within the Police Department.

36
37 The Board should also note that the FY 13-14 Pay Plan also includes the reclassification of the Town Clerk / Human
38 Resources Specialist position from a Grade 20 to a Grade 22. The responsibilities and complexities of this position
39 continue to increase, and I believe an adjustment to the salary range is warranted. The salary range for this position
40 would be \$44,553 - \$65,938.

41
42 Resolution Establishing Sunset Provision on 1-Cent Property Tax Rate Increase Associated with "Community
43 Improvements Package"

44 As discussed at recent meetings, the Town has received a great deal of public input on the proposed "community
45 improvements package". In addition to the expression of significant community support for this initiative, it has been
46 suggested that the Board commit to a sunset provision for the associated 1-cent property tax rate increase. The Board
47 has embraced this idea, and the attached resolution formally conveys the Board's intent to eliminate the 1-cent
48 property tax rate increase when the installment debt associated with the "community improvements package" is fully
49 retired.

50
51 The proposed term of the new installment debt is 10 years, and the attached resolution calls for the 1-cent property tax
52 rate increase to be eliminated in FY 23-24. If the Town is fortunate to retire the debt earlier than the 10-year period,
53 the resolution calls for the 1-cent tax rate increase to be eliminated at such time the debt is retired.
54

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1
2 The Board should note that the attached resolution is not legally binding on the future Board of Commissioners in place
3 when the debt is retired, however, it does communicate a significant policy statement by the current Board that I would
4 expect a future Board to honor. As you know, the current Board honored the abolishment of the original beach
5 nourishment special tax districts when sufficient funds were available to fully retire the original beach nourishment
6 bonds in FY 10-11. This sunset provision was established by the Board of Commissioners in office in 2001, and the
7 current Board honored this provision in 2011.

8
9 Additional FY 13-14 Budget Information

10 I have again included summary information about the FY 13-14 Budget in your agenda packets. This summary
11 information is consistent with the budget totals included in the attached FY 13-14 budget ordinance and the attached 5-
12 Year Capital Replacement / Improvement Plan.

13
14 The following information is attached:

- 15
16
- 17 • "Quick Summary" of the FY 13-14 Budget
 - 18 • "All Funds" Summary
 - 19 • General Fund Budget Summary
 - 20 • Net Change in Property Tax Bill (for selected property values)
 - 21 • Graph – General Fund Property Tax Rate History
 - 22 • Town Organization Chart and Summary of Authorized Positions
 - 23 • General Fund 5-Year Forecast
 - 24 • General Fund Balance Projection
 - 25 • Graph – Adjusted General Fund Balance
 - 26 • Property Tax Rate Breakdown
 - 27 • Itemized Property Tax Receipt
 - 28 • 3-Year Comparison
 - 29 • 5-Year Comparison
 - 30 • 10-Year Comparison
 - 31 • Graphs – Annual Solid Waste Service Fee History and Annual Solid Waste Service Fee Revenues
 - 32 • Graph - Annual Bill – Average Value Property Owner
 - 33 • Graph – Annual General Debt Service Expenditures
 - 34 • General Fund Tax Rates for NC Beach Towns
 - 35 • Graph – General Fund Revenues
 - 36 • Graphs – General Fund Expenditures by Function / Category.

37 As you know, the detailed FY 13-14 Recommended Budget was distributed under separate cover on May 14, and
38 copies have been made available for public review at Town buildings since that time. The FY 13-14 Recommended
39 Budget has also been posted on the Town's website since May 10. A full copy of the FY 13-14 Approved Budget will
40 also be made available in Town buildings and on the Town's website after Board approval.

41
42 Mayor Schools asked for any comments from the public.

43
44 There were no comments from the public.

45
46 Commissioner Messer stated that he had tried hard but had trouble getting his
47 arms around this tax increase. Commissioner Messer said they had been
48 working on the stormwater problems for years and he was all in favor of finishing.
49 Commissioner Messer said to finish the stormwater would require a one-fourth
50 cent tax increase which represented the need. He said as far as he was
51 concerned the rest of the package was wants, nice things to have but he felt if

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1
2 you wanted something and had the money to pay for it that was okay, but if you
3 needed something it was probably alright to borrow the money. Commissioner
4 Messer said he was not anti-bike path but felt that it was a lot of money for a long
5 time, and next year if they really did need something they would be looking at
6 another penny.

7
8 Commissioner Wootten said he understood Commissioner Messer in that he
9 didn't like debt either. Commissioner Wootten said he also was all for finishing
10 the stormwater as that had been going on for some 10 years, but they also had
11 a plan to do the bike path so the intentions were to do the bike path, and he
12 didn't think he could see in the future a cheaper opportunity than right now.
13 Commissioner Wootten felt the cost would be minimized because of the
14 economy, the interest rates clearly were low, and felt it was just economically the
15 smart thing to do; the bike path was something they wanted to do and the
16 opportunity was here to do it so he felt they should.

17
18 Commissioner Wright added that if they completed all of the bike path work at
19 once it would be cheaper rather than starting and stopping sections as they had
20 been doing, and she felt it made financial sense.

21 ***Motion was made by Commissioner Wootten to adopt the FY 13-14 Budget***
22 ***Ordinance. The Board voted 3-1, Commissioners Hoover, Wootten, Wright***
23 ***in favor, Messer opposed. Motion carried.***

24
25 ***Motion was made by Commissioner Hoover to adopt the FY 13-14 Fee***
26 ***Schedule. The Board voted unanimously 4-0 in favor. Motion carried.***

27
28 ***Motion was made by Commissioner Messer to adopt the 5-Year Capital***
29 ***Replacement / Improvement Program. The Board voted unanimously 4-0 in***
30 ***favor. Motion carried.***

31
32 Commissioner Wootten wanted to clarify that the Assistant Police Chief position
33 in the FY 13-14 Pay Plan which he felt was a good idea, was not an overall
34 increase in staff. Town Manager Rush stated that was correct they simply
35 created the classification and did not anticipate adding any new police positions.

36
37 ***Motion was made by Commissioner Wootten to adopt the FY 13-14 Pay***
38 ***Plan. The Board voted unanimously 4-0 in favor. Motion carried.***

39
40 ***Motion was made by Commissioner Wright to adopt the Resolution***
41 ***Establishing Sunset Provision on 1-Cent Property Tax Rate Increase***
42 ***Associated with 2013 "Community Improvements Package". The Board***
43 ***voted unanimously 4-0 in favor. Motion carried.***

44
45

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Clerks Note: A copy of Budget Ordinance, Fee Schedule, 5-Year Capital Replacement/Improvement Program, Pay Plan and Resolution 13-06-11/R1 as noted above are incorporated herein by reference and hereby made a part of these minutes.

11. Hurricane Preparedness Items

- a. **Resolution Authorizing Pre-Positioned Hurricane Debris Collection Contract (13-06-11/R2)**
- b. **Resolution Authorizing Pre-Positioned Emergency Pump Rental Contract (13-06-11/R3)**
- c. **Resolution Authorizing Pre-Positioned Emergency Generator Rental Contract (13-06-11/R4)**

Public Works Director Artie Dunn addressed the Board concerning this agenda item. The following excerpt from the Town Manager's memo to the Board is provided for additional background:

With hurricane season fast approaching, the Board of Commissioners is scheduled to consider three resolutions associated with pre-positioned contracts to enable the Town to respond quickly in the aftermath of a hurricane in Emerald Isle. The first resolution authorizes a pre-positioned debris removal contract, the second resolution authorizes a pre-positioned emergency pump rental contract, and the third resolution authorizes a pre-positioned emergency generator rental contract.

Resolution Authorizing Pre-Positioned Debris Removal Contract for Hurricane Debris

The Board of Commissioners is asked to approve the attached resolution authorizing the Town Manager to execute a pre-positioned disaster debris removal contract with TFR Enterprises, Inc., Leander, TX (TFR). This contract would only be activated if a hurricane strikes and the Town needs outside assistance to remove storm debris.

The Town is wise to enter into a pre-positioned contract for debris removal, as it fosters a quick response in the event that a storm does strike Emerald Isle. It also allows us to resolve contractual issues up-front, without the stress of responding in the immediate aftermath of a hurricane. The Town has entered into a pre-positioned contract for the past several years, and fortunately has only had to actually activate the contract twice. The Town activated its contract with Tarheel Specialties, Linden, NC, in 2005 due to debris generated by Hurricane Ophelia, and activated its contract with Disaster Recovery Group and Tree Services, Arden, NC, in 2011 due to debris generated by Hurricane Irene. The pre-positioned nature of the contract enabled these contractors to begin work almost immediately after the storm, and also saved Town staff valuable time to devote to other storm-related issues. I am hopeful that we will not be impacted by a storm this year and will thus not activate the debris contract, however, I am pleased that we will be prepared ahead of time. The proposed contract with TFR requires debris removal operations to begin with 48 hours of notice to proceed.

Barry Johnson, the Town's FEMA consultant, Mitsy Overman, Assistant Town Manager, and Artie Dunn, Public Works Director, coordinated the bid process for this pre-positioned contract. We received bids from 8 firms, and TFR is determined to be the low bidder. Unit price costs are as follows:

| | |
|--|-----------------------|
| Construction and Demolition Debris Removal (disposal at CRSWMA facility in Tuscarora, NC) | \$8.10 per cubic yard |
| Construction and Demolition Debris Removal – Beach (disposal at CRSWMA facility in Tuscarora, NC) | \$8.40 per cubic yard |

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1
2 Vegetative Debris Removal (disposal within 30 mile round trip) \$7.10 per cubic yard

3
4 Vegetative Debris Removal (disposal within 30-50 mile round trip) \$7.40 per cubic yard .

5
6 As noted in the attached letter from Barry Johnson, the Town's FEMA consultant, the determination of TFR as the low
7 bidder is based on an assumption of the amount of debris generated by a Category 2 storm, as outlined in the Town's
8 bid documents. As noted on the bid tabulation, TFR is the low bidder for two of the categories and is the 3rd and 4th
9 lowest bidder for the other two categories. The calculation of costs for debris expected from a Category 2 storm,
10 however, results in TFR being lowest overall bidder. Barry Johnson has completed a thorough evaluation of TFR, and
11 is confident in their ability to complete the work in a timely and quality manner.

12
13 The Board should note that the bid process was based on assumptions that the construction and demolition debris will
14 be disposed of at the Coastal Environmental Partnership's (formerly Coast Regional Solid Waste Management
15 Authority) facility in Tuscarora, NC, however, if Carteret County establishes a closer facility in the aftermath of a storm
16 this strategy and pricing will be re-evaluated. The bid process also assumed that vegetative debris would either be
17 disposed of at a County vegetative debris disposal facility located on NC 58 near Peletier or at a County location in the
18 Newport area, hence the alternate bid prices for the disposal of vegetative debris. The new NC 58 location is obviously
19 much more convenient for Emerald Isle, and we are hopeful that the County will make this site available this year if
20 necessary. All costs for hurricane debris removal should be eligible for FEMA reimbursement if Carteret County is
21 declared a disaster area.

22
23 Fortunately, as a result of new Federal regulations, we now expect that FEMA and the NC Division of Emergency
24 Management (NCEM) will allow the Town to remove vegetative debris from NC 58, and that the Town will be
25 reimbursed by FEMA for debris collection on NC 58. The Town is likely better equipped than NCDOT for a more timely
26 response, and will have greater flexibility to insure that customer service and community aesthetics goals are met.
27 Some details are yet to be resolved regarding this issue, however, we are optimistic that this approach will be
28 acceptable. We will confirm the Town's eligibility for reimbursement prior to expending significant Town funds for
29 vegetative debris collection on NC 58.

30
31 Unfortunately, the Board should again note that FEMA and NCEM have indicated that the Town will not be reimbursed
32 for collection of debris from private streets. This ruling is completely illogical, in my opinion, as the residents on private
33 streets are also Federal and State taxpayers and deserve the same level of service. Our intention for private streets
34 after future storms is to collect all debris in the same manner as the rest of the Town. Depending on the nature of the
35 storm and the volume of debris, Public Works may be directed to collect from private streets or the Town's contractor
36 will be dispatched to private streets at Town expense. We may also take a "hybrid" approach by having Public Works
37 collect the debris from the private streets, deposit the debris on public streets, and have the contractor collect from the
38 public streets (which is reimbursable). This "hybrid" approach was utilized after Hurricane Irene in 2011. I feel strongly
39 that we owe the same level of service to our citizens who live on private streets as we offer to all other residents.

40
41 The attached resolution also authorizes the execution of a contract with Santee Modular Homes, Santee, SC, as the
42 Town's second call contractor at specified unit prices. Santee was the second lowest bidder in the Town's recent bid
43 process. The contract with Santee would only be activated if TFR failed to perform under the contract.

44
45 A copy of Barry Johnson's debris contract recommendation and the complete bid tabulation are attached for the
46 Board's information.

47
48 Resolution Authorizing Pre-Positioned Emergency Pump Rental Contract

49 The Board of Commissioners is also asked to approve the attached resolution authorizing a pre-positioned emergency
50 pump rental contract with Xylem Dewatering Solutions, Inc., Belville, NC. The Town received three proposals for this
51 contract, and Xylem is judged to be the low bidder. Xylem was formerly known as Godwin Pumps of America, Inc.,
52 and the Town has utilized (and been pleased with) their services for previous flooding events.

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1
2 The attached resolution authorizes the Town Manager to execute a contract with Xylem that calls for the delivery and
3 initial set-up of three 6" storm water pumps and associated hose for use in Spinnakers Reach and Dolphin Ridge (or
4 other locations as determined by the Town based on actual needs at the time). Additionally, the contract provides for
5 additional 3" storm water pumps and hose if necessary, and these pumps would supplement the Town's existing pump
6 equipment. Under the terms of the contract, all equipment would be guaranteed to be available, and would be
7 operational within 24 hours of a notice to proceed.
8

9 The attached bid tabulation indicates the unit price costs for delivery, setup, and first day rental (code A), daily rental
10 (B), weekly rental (C), and monthly rental (D), and each number (1, 2, 3, etc.) represents a different pump location.
11 Based on previous experience, the most likely pump rental duration is the weekly rental (C).
12

13 The Board should note that the emergency pump rental contract is a 2-year contract. The attached contract would be
14 in effect for the 2013 and 2014 hurricane seasons, and the Town would solicit new proposals prior to the 2015
15 hurricane season.
16

17 As is the case for the debris contract and emergency generator rental contract, the emergency pump rental contract
18 will only be activated if a need for this equipment exists. The Federal Emergency Management Agency (FEMA) is
19 expected to reimburse the Town for 100% of costs associated with this contract if activated due to a hurricane,
20 however, the contract may also be activated for other severe storm water flooding events not associated with a
21 hurricane. In these instances, the Town would bear the full cost of activating the contract.
22

23 Resolution Authorizing Pre-Positioned Emergency Generator Rental Contract

24 The Board of Commissioners is also asked to approve the attached resolution authorizing a pre-positioned emergency
25 generator rental contract with Xylem Dewatering Solutions, Inc. The Town has historically experienced low bidder
26 interest in this contract, and this year is no different. The Town initially did not receive any responsive proposals,
27 however, we subsequently negotiated a slightly reduced but similar scope of service with Xylem as was originally
28 solicited. After additional research, Xylem's emergency generator rental proposal has been deemed "fair and
29 equitable", and should adequately meet the Town's needs.
30

31 The attached resolution authorizes the Town Manager to execute a contract with Xylem that calls for the delivery and
32 initial set-up of 6 generators to provide electrical power to the Town's fixed storm water pumps located at Deer Horn
33 Drive, Doe Drive, Conch Court, Shipwreck Lane, Colonel Henson Court, and Island Circle. The contract also calls for
34 an emergency generator for the Community Center. The Town would utilize a private electrician to make the
35 necessary connections, and the electrician is on-call and available to the Town on short notice. All other Town
36 buildings have permanent generators. Under the terms of the contract, all equipment would be guaranteed to be
37 available within 24 hours of a notice to proceed.
38

39 The attached proposal from Xylem indicates the unit price costs for delivery, setup, and first day rental (code A), daily
40 rental (B), weekly rental (C), and monthly rental (D). Each number on the proposal (1, 2, 3, etc.) represents a different
41 generator location.
42

43 The Board should note that the emergency generator rental contract is also a 2-year contract. The attached contract
44 would be in effect for the 2013 and 2014 hurricane seasons, and the Town would solicit new proposals prior to the
45 2015 hurricane season.
46

47 As is the case for the debris contract and the emergency pump rental contract, the emergency generator rental
48 contract will only be activated if a hurricane strikes Emerald Isle and the need for this equipment exists. The Federal
49 Emergency Management Agency (FEMA) is expected to reimburse the Town for 100% of costs associated with this
50 contract if activated.
51

52 Mayor Schools asked for any comments from the public.
53

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1
2 There were no comments from the public.

3
4 Commissioner Wootten asked about the services provided by Johnson
5 Environmental. Town Manager Rush stated that the Town contracted with
6 Johnson Environmental for the bid process and its coordination, they also
7 handled all of the debris management, and accountability functions as part of the
8 debris contract. Mr. Rush said those were things that were required by FEMA.
9 Johnson Environmental is paid to coordinate the bid process for these three
10 contracts each year, if the Town was to have an actual declared disaster,
11 Johnson Environmental monitored all the debris operations, and assisted with all
12 FEMA paperwork and those expenses were reimbursed by FEMA.

13
14 ***Motion was made by Commissioner Hoover to approve the Resolution***
15 ***Authorizing a Pre-Positioned Hurricane Debris Collection Contract. The***
16 ***Board voted unanimously 4-0 in favor. Motion carried.***

17
18 ***Motion was made by Commissioner Wootten to approve the Resolution***
19 ***Authorizing a Pre-Positioned Emergency Pump Rental Contract. The Board***
20 ***voted unanimously 4-0 in favor. Motion carried.***

21
22 ***Motion was made by Commissioner Messer to approve the Resolution***
23 ***Authorizing a Pre-Positioned Emergency Generator Rental Contract. The***
24 ***Board voted unanimously 4-0 in favor. Motion carried.***

25
26 **Clerks Note:** A copy of Resolutions 13-06-11/R2, 13-06-11/R3, and 13-06-11/R4 as noted above are
27 incorporated herein by reference and hereby made a part of these minutes.

28
29 **12. Comments from Town Clerk, Town Attorney, and Town Manager**

30
31 There were no comments from the Town Clerk or Town Attorney.

32
33 Town Manager Frank Rush updated the Board on several items. Mr. Rush noted
34 they had received word from the NCDENR that they would be releasing the
35 approximately \$700,000 of remaining grant funds for the pier project. Mr. Rush
36 said they were still working through the details but it was definitely good news,
37 and he hoped they would be able to construct the parking lot and stormwater
38 improvements at the eastern ocean regional access sometime later this year or
39 early next year.

40
41 The following is an excerpt from the Town Manager Comments memo to the
42 Board providing additional background information for all items of importance:

43
44 **Release of Remaining WAMI Grant Funds for New Ocean Fishing Pier Approved**

45 I was recently informed by NCDENR Secretary John Skvarla and other State officials that the remaining Waterfront
46 Access and Marine Industry (WAMI) grant funds originally approved for the Aquarium Pier at Emerald Isle will be

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1
2 released to the Town for fulfillment of the original scope of the grant award. The Town expects to receive
3 approximately \$700,000 for the completion of parking lot, storm water, and other miscellaneous site improvements.
4 This is a very positive development for Emerald Isle, and these funds will make it easier for the Town to ultimately
5 assemble the necessary financing plan to make a new ocean fishing pier in Emerald Isle a reality in the future.
6

7 Special thanks to Representative McElraft, Senator Sanderson, and local businessman Ronnie Watson for their
8 assistance in securing the remaining grant funds for the Town's use. I look forward to proceeding with these
9 improvements later this year and early next year, and will keep the Board informed about our progress. I also look
10 forward to developing a clearly defined strategy for generating the necessary funds for the ultimate construction of the
11 new 1,000 ft. long ocean fishing pier in the future.
12

13 **H300 – Cities / Public Trust Rights**

14 This bill, introduced by Representative McElraft to clarify the rights of Emerald Isle and other oceanfront municipalities
15 to regulate activities and structures on the public trust beach, has been approved by the NC House. Representative
16 McElraft expects the bill to begin moving through the NC Senate this week. We remain hopeful that this bill will be
17 approved prior to adjournment of the 2013 session.
18

19 **H553 – County Room Tax Amendments**

20 This bill, also introduced by Representative McElraft, has also been approved by the NC House, and will soon begin
21 moving through the NC Senate. The bill would grant authority to the County Commissioners to increase the County
22 room tax from 5% to 6%, and would also change the distribution of proceeds such that 50% (or a 3% rate) will be
23 specifically earmarked for beach nourishment activities. This increase is expected to yield approximately \$900,000
24 more annually for beach nourishment efforts in Atlantic Beach, Pine Knoll Shores, Indian Beach, and Emerald Isle.
25 Emerald Isle would likely realize an average of \$500,000 - \$600,000 annually from this source in the future, which is
26 nearly (but not quite) enough to theoretically replace the previously anticipated State funding. As you know, the
27 Town's long term financing plan relies on approximately \$700,000 annually from the State to meet projected future
28 beach nourishment needs. This bill is a very positive development for Emerald Isle.
29

30 **Bogue Inlet - Remaining State Dredging Funds**

31 There is currently approximately \$224,000 of State – local funds remaining in the Bogue Inlet account for future
32 sidecast dredging efforts. This amount is likely sufficient to fund approximately 15 days of dredging, which will likely
33 last until sometime this summer or fall.
34

35 There is an additional \$54,000 available in the FY 12-13 State budget for dredging in Bogue Inlet if area local
36 governments can match it with \$54,000, and we should probably begin to work on a partnership to come up with these
37 funds locally. (These State funds are expected to be carried forward to FY 13-14.) This would provide an additional
38 \$108,000 total, which would likely cover an additional 7 days of dredging.
39

40 Overall, Bogue Inlet is currently in good condition, with no significant shoaling issues at present.
41

42 **NC 58 Bridge Work Complete – Finally!**

43 NCDOT and their contractor, Penhall Company, have essentially completed work on the NC 58 bridge. Pavement
44 markings were installed on June 5. Additional joint testing will occur on June 9 and 10 (overnight hours), and the
45 project will then be complete. NCDOT is planning to have their staff repaint the markings on the bridge guardrails
46 sometime soon thereafter. One lane of the bridge will be closed overnight June 9 and June 10, and then both lanes
47 will be open as normal.
48

49 **New Soundside Pier at Public Boating Access**

50 As you know, the Town received a grant from the NC Division of Coastal Management (NC DCM) to build a new
51 soundside pier adjacent to the entry canal at the public boating access area. We had hoped to construct the new pier
52 this spring, however, we encountered design and permitting issues that have delayed construction.
53
54

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1
2 I am happy to report that we recently received a modification to the CAMA permit for the new pier that will enable us to
3 proceed with a more cost effective design that will also enhance the aesthetics of the pier and make it easier for
4 boaters to briefly tie up to the new pier while waiting to access the ramps from the water. NC DCM will allow the new
5 pier to be constructed 30 inches above the surface, which will negate the need for railings under the NC Building Code
6 and will also make it easier for boats to briefly tie up.

7
8 We expect to solicit construction bids later this summer, and plan to begin work in September. I hope to have a
9 construction contract on the Board's August or September meeting agenda.

10
11 **Idea to Potentially Consider Adding Permanent Slips at Public Boating Access Area for Commercial Activities**

12 With the closing of Island Harbor Marina to the general public, and the loss of rental slips for commercial ventures
13 (commercial fishermen, charter boats, boat tours, watersports businesses, etc.), I was recently approached about
14 potentially excavating additional basin area at the Emerald Isle Public Boating Access Area to create a limited number
15 (perhaps 7 – 10?) of fixed slips that the Town could rent to commercial ventures.

16
17 I am intrigued by this idea, as it is an additional tourism draw to have these kinds of activities available to visitors to
18 Emerald Isle, and there is simply no place else that these activities can locate in Emerald Isle. I believe the excavation
19 costs would be manageable and recoverable through annual rental fees, and there may be specialized grant
20 opportunities for something like this. The biggest hurdle will be the permitting issues, and I plan to have informal
21 conversations with NC Division of Coastal Management staff in the coming months, provided the Board is comfortable
22 at least investigating this idea. We would also need approval from the NC Wildlife Resources Commission. Please let
23 me know your early thoughts on this idea.

24
25 **NC 58 Bicycle Path Extension – Hurst to Fairfax**

26 Our contractor, SunLand, has been delayed by weather issues and other projects, and has not yet begun work.
27 SunLand now expects to begin work on June 17. Construction is expected to last for approximately 6 – 8 weeks.
28 Town staff and SunLand will be doing everything possible to minimize construction impacts on our property owners
29 and visitors in this area during construction this summer.

30
31 **11th Street Resurfacing**

32 Public Works recently installed a new infiltration system in the 11th Street right of way as part of our overall project to
33 eliminate storm water outfalls at the soundside street ends in this area. All work is complete at 11th Street except for
34 resurfacing, and we expect our contractor to complete that resurfacing during the week of June 10.

35
36 **Eastern Emerald Isle Storm Water Outfall Project**

37 As you know, the materials and engineering for this project are funded by a Clean Water Management Trust Fund
38 (CWMTF) grant, and Public Works staff has been providing the labor. Work has been completed at 11 locations (after
39 11th Street is paved), and 5 locations remain: Arden Road, 15th Street, 19th Street, 23rd Street, and 1st Street. We are
40 encountering some budget issues for the remaining locations, and will be working with CWMTF staff to either identify
41 additional grant funding, reduce the scope, or some combination of both. The deadline for completion of the project is
42 September 2013, but will likely be extended yet again. It is important to me to keep our commitment to nearby property
43 owners and the CWMTF on this project, and I will be actively seeking a workable solution.

44
45 **Yard Debris Collection**

46 We continue to experience record breaking demand for yard debris collection services, with a total of 1,463 collection
47 points and 81 loads disposed of during the month of May. This is by far the busiest month in the history of this
48 program. Public Works has been working significant overtime hours to keep up with demand, and we are currently
49 collecting all debris within 2 weeks of placement.

50
51 **Live Oak Pedestrian Bridge**

52 Our contractor is still awaiting delivery of necessary pilings, and has not yet begun work on this project. We expect
53 work to begin any day now, with construction complete within a 2-week period. Volunteers will assist with decking and
54 railing work.

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1
2 **Emerald Fest Concerts Begin**

3 The first EmeraldFest concert will be held on Thursday, June 20 at 6:30 pm at the Western Ocean Regional Access.
4 My Three Kilts, an Irish music band, will perform.

5
6 Parks and Recreation has expanded and relocated the stage for this year's performances, and also had a new
7 electrical outlet installed. We hope these improvements will enhance the experience for the bands and the audience.

8
9 Concerts are scheduled each Thursday night all summer long.

10
11 **Recycling Containers Still Delayed**

12 We are STILL awaiting delivery of nearly 700 roll-out recycling containers from the manufacturer, Amerikart. The most
13 recent report we received indicated that production would begin on June 5, and we are hopeful that the new containers
14 will arrive very soon. This has been a very frustrating experience, but both Town officials and Sound Ace hardware
15 believe these containers are a better product for Emerald Isle. At some point, however, we may need to consider other
16 options. As noted before, we will not be enforcing the new requirements until we are certain that everyone has had
17 ample time to secure a new container.

18
19
20 **Status of PARTF Grant Request**

21 As you know, the Town has requested a total of \$87,500 of NC PARTF grant funds to purchase Lot 1 Shell Cove North
22 adjacent to the Emerald Isle Public Boating Access Area. The PARTF Authority met in May, and unfortunately did not
23 approve funding for our grant request. The PARTF Authority may meet again later in June to make additional grant
24 awards, and I remain hopeful that our request will be approved at that time.

25
26 **State Tax Reform Impacts**

27 The impact of the ultimately approved State tax reform plan on Emerald Isle remains uncertain at this time, but we are
28 optimistic that there will not be any significant impacts on the Town's budget in the future. Based on previously stated
29 ideas, any impacts that do occur should not impact the FY 13-14 budget.

30
31 **Review of Feral Cat Policies**

32 It is possible that one or more residents may attend the June 11 meeting to express concerns about feral cats in
33 Emerald Isle. I offer the following information to refresh the Board on the Town's policies and assist the Board in
34 considering any response to this issue:

- 35
36
 - Section 4-2 of the Code of Ordinances, Animals at large, includes the following:

37
38 "No horse, goat, cattle, or other animal or fowl shall be permitted to run at large within the town limits. All
39 animals caught running at large shall be impounded by the Police and unless claimed within 4 days shall be
40 disposed as the Town shall deem best."

41
42 Although not stated specifically, this ordinance likely applies to loose cats that have an owner, however, it
43 would not apply to a feral (wild) cat. There are no other Town ordinances that pertain to loose or feral cats.

44
45 Section 4-7 establishes a "bird sanctuary" in Emerald Isle, however, there are no provisions regarding cats
46 preying on birds.

- 47
48
 - The only Town service offered to address loose or feral cats is the Town's cat-trap loan program. Interested
49 property owners can borrow a cat-trap free of charge, and Carteret County Animal Control will retrieve any
50 captured cats and deliver them to the County Animal Shelter.
 - Island Cat Allies continues to operate a volunteer-based trap-neuter-release program, and actively
51 "manages" several feral cat colonies in Emerald Isle. Because the cats are wild animals, with no technical
52 owner, we have not applied Section 4-2 of the Code of Ordinances.

53
54

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- Nearly all vigorous complaints and concerns about feral cats come from property owners that live in close proximity to a feral cat "colony". These complaints and concerns are likely valid, as in some cases there are routinely 10 – 20 cats roaming about their property and can be considered a nuisance. These property owners are often frustrated by the lack of action by the Town on these issues.
- I have repeatedly requested a list of the feral cat colonies managed by Island Cat Allies, however, they have repeatedly refused to provide this information.
- If the Board wishes to adjust the Town's policy regarding feral cats, one option would be to pass an ordinance making it illegal to feed feral cats on public or private property, or perhaps on public property only (although many colonies are likely on private property). Another option would be to consider amending the Town's public nuisance ordinance in some manner to address feral cat issues.

Information Technology Improvements

I am scheduled to meet with VC3 (the IT company previously approved by the Board in January 2013) again on June 10 to discuss alternative, less expensive IT service options for Town staff. I will continue to explore various alternatives. As discussed previously, I truly believe the Town organization is in need of better IT services for our staff and our customers.

Update to Residents & Visitors Guide

Unfortunately, I have not had an opportunity to complete this update, and it will be delayed until 2014. Most of the information included in the current edition (2010) is still accurate, however, there have been some changes.

Need to Update FEMA Monitoring and Maintenance Plan

With the recent completion of the FEMA Irene Beach Nourishment Project, I hope to work on an update to the Town's FEMA Monitoring and Maintenance Plan in the next couple of months, with a goal for Board approval later this year.

13. Comments from Board of Commissioners and Mayor

Mayor Schools recognized two individuals who were present being Don Wells and Brandon Staton both of whom had announced their plans to run for the office of Mayor for the Town of Emerald Isle.

There were no further comments from the Board of Commissioners.

14. Closed Session – Pursuant to NCGS 143-318.11(6), for the Purpose of Evaluating the Town Manager's Performance, and Closed Session – Pursuant to NCGS 143-318.11(5), for the Purpose of Discussing Potential Real Estate Acquisition.

Motion was made by Commissioner Messer to enter Closed Session. The Board voted unanimously 4-0 in favor. Motion carried.

Motion was made by Commissioner Messer to return to Open Session. The Board voted unanimously 4-0 in favor. Motion carried.

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Motion was made by Commissioner Wright to increase the Town Manager's salary by 2% to \$113,593, plus \$5,000 bonus. The Board voted unanimously 4-0 in favor. Motion carried.

15. Adjourn

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

The meeting was adjourned at 8:00 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC, NCCMC
Town Clerk

DRAFT