

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, MAY 14, 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 Nita Hedreen, Tom
16 Hoover, Floyd Messer, and John Wootten.

17
18 Absent for the meeting: Commissioner Maripat Wright.

19
20 ***Motion was made by Commissioner Messer to excuse the absence of***
21 ***Commissioner Wright. The Board voted unanimously 4-0 in favor. Motion***
22 ***carried.***

23
24 Also present during the regular meeting: Town Manager Frank Rush, Town
25 Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,
26 Town Clerk Rhonda Ferebee, and Planning Director Kevin Reed.

27
28 Also present for the meeting: Myles Stempin, Executive Director of the Carteret
29 County Economical Development Council, and Greg "Rudi" Rudolph, Carteret
30 County Shore Protection Officer.

31
32 **3. Opening Prayer**

33
34 For the opening prayer tonight Mayor Schools read an Irish Blessing.

35
36 **4. Pledge of Allegiance**

37
38 All who were present recited the Pledge of Allegiance.

39
40 **5. Adoption of Agenda**

41
42 ***Motion was made by Commissioner Messer to adopt the Agenda. The***
43 ***Board voted unanimously 4-0 in favor. Motion carried.***

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1 **6. Proclamations / Public Announcements**

2
3 Mayor Schools noted the following announcements for the public:

- 4
- 5 • **Proclamation – National Police Week (13-05-14/P1)**
 - 6 • **Proclamation – National Public Works Week (13-05-14/P2)**
 - 7 • **Proclamation – Emergency Medical Services Week (13-05-14/P3)**
 - 8 • **Proclamation – North Carolina Domestic Violence (13-05-14/P4)**
 - 9 • **Proclamation – National Safe Boating Week (13-05-14/P5)**
 - 10 • **Open Play Wii Bowling – Wednesdays – 6 – 8 pm – Community**
 - 11 **Center**
 - 12 • **Youth Fishing Derby – Wednesday, May 15 – 9 – 11 am**
 - 13 • **Planning Board Regular Meeting – Monday, May 20 – 6 pm – Town**
 - 14 **Board Meeting Room**
 - 15 • **Bicycle and Pedestrian Advisory Committee – Tuesday, May 21 – 9**
 - 16 **am – Community Center**
 - 17 • **Board of Commissioners Budget Workshop Meeting – Tuesday, May**
 - 18 **21 – 7 pm – Town Admin Building**
 - 19 • **Memorial Day Holiday – Monday, May 27 – Town Offices Closed,**
 - 20 **Community Center Closed**
 - 21 • **CPR and First Aid Class – Thursday, May 30 – 5:30 pm – 9 pm –**
 - 22 **Community Center**
 - 23 • **Board of Commissioners Budget Workshop / Public Hearing –**
 - 24 **Tuesday, June 4 – 7 pm – Town Admin Building**
 - 25 • **Classic Movie Night – Friday, June 7 – 7 pm – Community Center**
 - 26 • **Board of Commissioners Regular Meeting – Tuesday, June 11 – 7 pm**
 - 27 **– Town Board Meeting Room**
 - 28 • **EmeraldFest Concert – Thursday, June 20 – 6:30 pm – 8 pm –**
 - 29 **Western Ocean Regional Access**
 - 30

31 Mayor Schools noted that May is Mental Health Month and in the Town Board
32 Meeting Room on Tuesday, May 21 at 7 pm there would be a movie presented
33 titled “Canvas”. Sally Waters, an Emerald Isle resident served as the
34 representative of the mental health organization for that event.

35
36 Town Clerk Rhonda Ferebee also mentioned a flyer received from Emerald Isle
37 Baptist Church describing the plans of 8 year old C. J. Burford who began on
38 May 13 at the Tennessee state line and was bicycling approximately 360 miles
39 across the State of North Carolina to Emerald Isle, estimated to arrive on May 25
40 at the Western Ocean Regional Access. He was “pedaling with a cause” to raise
41 money for Samaritan’s Purse “Children’s Heart Project” with the goal of raising
42 \$8,800 to help 4 children get heart surgery.

43
44 **Clerks Note: A copy of Proclamations 13-05-14/P1, 13-05-14/P2, 13-05-14/P3, 13-05-14/P4, and 13-05-**
45 **14/P5 as noted above are incorporated herein by reference and hereby made a part of these minutes.**

46

1 **7. Public Comment**

2
3 Steve and Betsy Elkins-Williams, 6303 Ocean Drive, at the cross street of West
4 Summer Place expressed concerns about the openings of the connectors on
5 Ocean Drive. Mr. Elkins-Williams said at the time the Town paved the
6 connectors for bicycles they had asked that a center post be placed to slow down
7 any motorized traffic. He stated the connector at West Summer Place was the
8 widest of all the extensions and cars and motorcycles do pass through there but
9 the center post had at least slowed that down and made that more difficult. They
10 recently discovered that the center post had been removed to make room for golf
11 carts although it had been large enough for a golf cart to go through already. Mr.
12 and Mrs. Elkins-Williams were concerned for the safety as children play at both
13 ends of the cul-de-sacs. A printout was provided the Board with the
14 measurements of all of the connectors and they were concerned of the safety
15 issues even more now with the removal of the center post. Mr. and Mrs. Elkins-
16 Williams requested that the center post be put back at the West Summer Place
17 connector and /or the side posts be narrowed so that it was only six feet rather
18 than 8 feet wide and to erect new signage that states” “Bicycles and Registered
19 Golf Carts Only. No Other Motor Vehicles” or similar verbiage.
20

21 Town Manager Rush said he had learned of this concern earlier in the day and
22 felt there were some adjustments that could be made at that location that would
23 accommodate both the golf carts that were specifically allowed about a month
24 ago and also address their safety concerns and he offered to meet with both of
25 them to discuss the issue further.
26

27 **8. Consent Agenda**

- 28
29 a. Tax Refunds / Releases
30 b. Budget Amendments – Consolidate Powell Bill Fund and Regional
31 Access Parking Fund into General Fund
32 c. Budget Amendments – Close Out Beach Nourishment Debt Service
33 Fund and Transfer Remaining Funds to Future Beach Nourishment
34 Fund
35 d. Resolution of Commendation – Carteret Community College 50th
36 Anniversary (13-05-14/R1)
37

38 ***Motion was made by Commissioner Hedreen to approve the items on the***
39 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***
40 ***carried.***

41
42 **Clerks Note:** A copy of Resolution 13-05-14/R1 and all other Consent Agenda Items as noted above
43 are incorporated herein by reference and hereby made a part of these minutes.
44
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47

1 **9. Presentation – Carteret County EDC Municipal Initiative (13-05-14/R2)**

2
3 Myles Stempin, Executive Director of the Carteret County Economic
4 Development Council addressed the Board concerning this agenda item and
5 provided a PowerPoint presentation. The following excerpt from the Town
6 Manager’s memo to the Board is provided for additional background:
7

8 The Board of Commissioners is scheduled to receive a presentation from Myles Stempin, Executive Director of the
9 Carteret County Economic Development Council (EDC), regarding the “Carteret County Municipal Initiative” at the May
10 14 meeting.
11

12 The EDC is working with the NC Division of Community Assistance and East Carolina University on the development
13 of a strategic economic development plan for each of the municipalities in Carteret County, and these plans will then
14 be folded into an overall Carteret County plan. This effort will be helpful to the Town by incorporating and consolidating
15 the Town’s existing goals and plans to enhance the desirability of the Town as a tourism destination, retirement choice,
16 and investment option, and, more importantly, will also enable the EDC to become more familiar with Emerald Isle’s
17 assets, goals, and plans to help us achieve greater economic growth and prosperity. It is good to see the EDC
18 reaching out to Emerald Isle and the western areas of Carteret County.
19

20 The Town has previously developed and continues to work on the implementation of several important planning
21 documents, including the following:
22

- 23 • 2004 Land Use Plan, which is a working document that has been continually updated since 2004 and is still
24 an accurate reflection of the community’s land use goals, including the community’s top priority goals to
25 retain its “small-town atmosphere” and “family beach” image,
26
- 27 • 2006 Village East and Village West area plans, which are still accurate but have been stalled by the
28 recession,
29
- 30 • 2010 Bicycle and Pedestrian Transportation Plan, which outlines the Town’s ambitious bicycle path and
31 sidewalk plans,
32
- 33 • 2010 Static Line Exception Plan, which includes the Town’s long range beach nourishment plans,
34
- 35 • the annually adopted and updated 5-Year Capital Replacement / Improvement Program, which outlines the
36 Town’s planned capital projects,
37
- 38 • the currently-under-development Master Plan and Permitting Mechanism for the Town’s (and the County’s)
39 long-range beach nourishment activities, and
40
- 41 • the Board’s past and current policy decisions and the continuing work of Town staff to promote Emerald Isle
42 as a low tax burden, aesthetically pleasing, well-maintained community with a variety of recreational
43 opportunities.
44

45 I envision that the Emerald Isle plan prepared by the EDC will incorporate information from each of these plans, and
46 will solicit new input from the Board, Town staff, and from the members of our community to develop a strategic
47 economic development plan for Emerald Isle that essentially incorporates the information and goals from the above
48 and also includes newly identified opportunities and goals.
49

50 I expect the majority of work associated with the development of the plan to be completed by staff of the NC Division of
51 Community Assistance, ECU, and the EDC. It is likely that a committee of Town residents, property owners, and
52 business leaders will be established, with appropriate participation by the Town’s elected officials and Town staff. I
53 expect the workload for Town staff to be minimal, and if the Board agrees to participate in this endeavor I will likely

1 assign Kevin Reed, Planning and Inspections Director, to work on this project. I will also contribute as necessary or
2 helpful along the way.
3

4 The Town's estimated cost to participate in this planning effort, aside from any staff time, is \$1,070. This amount can
5 be accommodated in the FY 13-14 budget. The timeframe for the completion of the plan is between mid-2013 and
6 mid-2014. The Town of Newport has already participated in this effort, and the towns of Atlantic Beach and Cedar
7 Point have also agreed to participate. I expect that other Carteret County municipalities will be considering this issue in
8 the coming weeks.
9

10 I have attached a copy of a presentation made to the Carteret County Mayors Association in February to provide
11 additional background, as well as a copy of the completed plan for the Town of Newport to provide an example of the
12 anticipated deliverable. If the Board chooses to participate in this endeavor, a resolution is attached for Board
13 consideration.
14

15 Mayor Schools complimented Mr. Stempin on coming up with something like this
16 to get the western end of the county involved. He felt this would be great for
17 Emerald Isle, noting that Woody Warren, Bluewater Real Estate, and Emerald
18 Isle resident was now Chairman of the EDC, and Jimmy Farrington, Carteret
19 County Commissioner, and Emerald Isle resident was also on the EDC Board
20 and they both supported this project.
21

22 Mayor Schools asked for any public comment.
23

24 There were no comments from the public.
25

26 Commissioner Wootten said he had initially had reservations about this project
27 because of the workload involved; but since he learned that the Town Manager
28 would be turning this over to Kevin Reed, Planning Director and for that reason
29 he could support.
30

31 Mayor Schools said he understood every town in the county but Bogue, Peletier,
32 and Indian Beach were participating.
33

34 ***Motion was made by Commissioner Hoover to adopt the Resolution***
35 ***Requesting the Services of the NC Division of Community Assistance for***
36 ***the Town of Emerald Isle. The Board voted unanimously 4-0 in favor.***
37 ***Motion carried.***
38

39 **Clerks Note: A copy of Resolutions 13-05-14/R2 as noted above is incorporated herein by reference**
40 **and hereby made a part of these minutes.**
41
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1 **10. Ordinance Amending Chapter 4 – Use Regulations – of the Unified**
2 **Development Ordinance – to Reduce the Distance Separation in Mobile**
3 **Home Parks (13-05-14/O1)**
4

5 **a. Public Hearing**

6 **b. Consideration of Ordinance Amendment**
7

8 Planning Director Kevin Reed addressed the Board concerning this agenda item.
9 The following excerpt from the Town Manager’s memo to the Board is provided
10 for additional background:

11
12 The Board of Commissioners is scheduled to consider the attached amendment to the Town’s Unified Development
13 Ordinance that would reduce the required distance separation for structures within a mobile home park from 20 ft. to 10
14 ft. A public hearing is required before Board consideration of the amendment, and has been scheduled for the May 14
15 meeting.
16

17 The attached memo from Kevin Reed, Planning and Inspections Director, includes background and explanation of this
18 issue. This amendment is requested by Paxon McLean Holz in order to provide flexibility for owners of older mobile
19 homes in existing mobile home parks to replace the older models with newer models that are typically safer, more
20 aesthetically pleasing, and more energy efficient, but also wider. In some cases, the additional width of the newer
21 models creates a situation whereby the currently required 20 ft. distance separation requirement can not be met, thus
22 preventing the ability to upgrade the older mobile home with a newer model. The attached ordinance amendment
23 would promote the upgrade of older mobile homes in existing mobile home parks. The reduced distance separation
24 requirement would also potentially allow mobile home owners the opportunity to add a storage shed or deck that could
25 not be permitted under the current 20 ft. distance separation requirement.
26

27 The Board should note that any new or expanded mobile home parks in Emerald Isle are required to meet a minimum
28 lot size requirement of 12,500 sq. ft. and typical residential setbacks of 10 – 30 ft., depending on location and plat date.
29 It is likely that any new or expanded mobile home parks, which require a special use permit, would include more than
30 10 ft. of separation due to required setbacks. The Board should also note that the attached amendment would not
31 allow existing mobile home parks to add additional mobile home units (unless the Town’s current standards are met)
32 within an existing mobile home park, and the existing park would be limited to the current number of mobile home
33 spaces. The only change would be that a newer model could replace an older model, as long as it and any other
34 structures are at least 10 feet away from any other structure.
35

36 Mr. Reed referred the Board to a revised version at their places tonight that did
37 not alter the substance of the ordinance amendment included in their packets,
38 but did include additional language suggested by the Town Attorney to clarify /
39 confirm the application of front, side, and rear setbacks for the development of
40 new mobile home parks and lots.
41

42 ***Motion was made by Commissioner Messer to open the Public Hearing.***
43 ***The Board voted unanimously 4-0 in favor. Motion carried.***
44

45 There were no comments from the public.
46

47 ***Motion was made by Commissioner Wootten to close the Public Hearing.***
48 ***The Board voted unanimously 4-0 in favor. Motion carried.***
49

1 Commissioner Wootten asked if the newer homes that were more efficient were
2 wider than the old. Planning Director Reed said that they were wider, noting that
3 George Norris with Oakwood Homes was in attendance and could also address
4 that question.

5
6 George Norris, Oakwood Homes in Morehead City, stated that they had done a
7 lot of business in Emerald Isle for the past 35 years he had been with the
8 company. Mr. Norris said the size of the homes had changed substantially over
9 the last 15-20 years and it was almost impossible now to place a new home on
10 some of the older lots. Mr. Norris said people just kept rebuilding the old houses
11 over and over to the point they were not very safe, and they would like an
12 opportunity to replace them with much more efficient and attractive housing. Mr.
13 Norris said all homes they sell were all energy efficient, Energy Star rated which
14 was the highest energy standard of the Federal Government, in addition they all
15 met the Exposure D which was a 120 mph wind standard. Mr. Norris added that
16 the old homes weren't built to any standard, in 1976 they started building to an
17 85 mph standard, and increased that to 100 mph, and now it was 120 mph.

18
19 ***Motion was made by Commissioner Hedreen to adopt the Ordinance***
20 ***Amending Chapter 4 – Use Regulations – of the Unified Development***
21 ***Ordinance – to Reduce the Distance Separation in Mobile Home Parks. The***
22 ***Board voted unanimously 4-0 in favor. Motion carried.***

23
24 **Clerks Note: A copy of Ordinance Amendment 13-05-14/O1 as noted above is incorporated herein by**
25 **reference and hereby made a part of these minutes.**

26
27 **11. Resolution Opposing the United States Fish & Wildlife Service's**
28 **Proposed Designation of Critical Habitat for the Northwest Atlantic Ocean**
29 **Distinct Population Segment of the Loggerhead Sea Turtle (13-05-14/R3)**

30
31 Gregory "Rudi" Rudolph, Carteret County Shore Protection Officer addressed the
32 Board concerning this agenda item and provided a PowerPoint presentation. The
33 following excerpt from the Town Manager's memo to the Board is provided for
34 additional background:

35
36 Greg "Rudi" Rudolph, Carteret County Shore Protection Officer, addressed the Board concerning this agenda item and
37 provided a PowerPoint presentation. The following excerpt from the Town Manager's memo to the Board is provided
38 for additional background:

39
40 The Board of Commissioners is scheduled to receive a presentation from Greg "Rudi" Rudolph, Carteret County Shore
41 Protection Officer, about the proposed critical habitat designation for threatened loggerhead sea turtles and its potential
42 impacts on Emerald Isle. The impacts are potentially negative for Emerald Isle's interests, and a resolution opposing
43 the proposed critical habitat designation is attached for the Board's consideration.

44
45 Greg Rudolph has invested a significant amount of time and energy on this issue, and is the leading expert on this
46 issue in our area. He will provide more details and background at the May 14 meeting, but essentially, the US Fish
47 and Wildlife Service is proposing to designate Emerald Isle's ~ 12 miles of ocean beaches (and most of the rest of the
48 beaches in the southeastern US) as critical habitat for the threatened loggerhead sea turtle. This designation, if
49 ultimately implemented, is likely to lead to additional restrictions and regulations on the ocean beaches in Emerald Isle
50 (and the rest of the southeastern US) in the future. The critical habitat designation in and of itself does not create any

1 additional restrictions and regulations, however, it does delineate 12 categories of activities that may require "special
2 management considerations" (i.e., potential additional restrictions and regulations). These 12 categories are:

- 3
- 4 (1) Recreational beach use (beach cleaning, human presence (e.g., dog beach, special events, piers,
5 and recreational beach equipment));
- 6
- 7 (2) Beach driving (essential and nonessential off-road vehicles, all-terrain vehicles, and recreational
8 access and use);
- 9
- 10 (3) Predation (depredation of eggs and hatchlings by native and nonnative predators);
- 11
- 12 (4) Beach sand placement activities (beach nourishment, beach restoration, inlet sand bypassing,
13 dredge material disposal, dune construction, emergency sand placement after natural disaster,
14 berm construction, and dune and berm planting);
- 15
- 16 (5) In-water and shoreline alterations (artificial in-water and shoreline stabilization measures (e.g., in-
17 water erosion control structures, such as groins, breakwaters, jetties), inlet relocation, inlet
18 dredging, nearshore dredging, and dredging and deepening channels);
- 19
- 20 (6) Coastal development (residential and commercial development and associated activities including
21 beach armoring (e.g., sea walls, geotextile tubes, rock revetments, sandbags, emergency
22 temporary armoring); and activities associated with construction, repair, and maintenance of
23 upland structures, stormwater outfalls, and piers);
- 24
- 25 (7) Artificial lighting (direct and indirect lighting, skyglow, and bonfires);
- 26
- 27 (8) Beach erosion (erosion due to aperiodic, short-term weather-related erosion events, such as
28 atmospheric fronts, northeasters, tropical storms, and hurricanes);
- 29
- 30 (9) Climate change (includes sea level rise);
- 31
- 32 (10) Habitat obstructions (tree stumps, fallen trees, and other debris on the beach; nearshore sand
33 bars; and ponding along beachfront seaward of dry beach);
- 34
- 35 (11) Human-caused disasters and response to natural and human-caused disasters (oil spills, oil spill
36 response including beach cleaning and berm construction, and debris cleanup after natural
37 disasters); and
- 38
- 39 (12) Military testing and training activities (troop presence, pyrotechnics and nighttime lighting, vehicles
40 and amphibious watercraft usage on the beach, helicopter drops and extractions, live fire
41 exercises, and placement and removal of objects on the beach).
- 42

43 We anticipate (fear) that the critical habitat designation is the precursor to additional restrictions and regulations in the
44 future, and there could be negative impacts for Emerald Isle with regard to many of the 12 categories outlined above.
45 At this time, any specific additional restrictions and regulations are unknown, however, there is great potential that they
46 would be inconsistent with Emerald Isle's interests. In particular, we are concerned about the potential for additional
47 restrictions and regulations pertaining to beach nourishment, as these projects are already heavily regulated and the
48 existing regulations make it more difficult and more expensive to complete these projects. Additionally, the potential for
49 additional restrictions and regulations pertaining to beach driving is likely an important concern for the Town. Similar
50 issues and events in recent years have dramatically impacted beach driving in the Cape Hatteras area, and those
51 issues have been highly controversial.

52
53 Any new regulatory actions from the Federal and/or State government are always a concern, however, in this instance
54 the USFWS is reacting to litigation initiated by three stakeholder groups: the Center of Biological Diversity, Turtle
55 Island Restoration Network, and Oceana. Thus, this issue is not likely to be resolved easily or quickly, and it will be
56 important for the Town and others to diligently monitor this issue in the future. The timetable for the critical habitat

1 designation is somewhat uncertain, but a decision on the formal designation is expected within the next year. The
2 timetable for and substance of any additional restrictions and regulations that may result from the critical habitat
3 designation is even more uncertain, but it is logical that these efforts would begin soon after the formal designation is
4 implemented.

5
6 As the Board knows, the Town of Emerald Isle has always been highly supportive of sea turtles, and places high value
7 on the preservation of sea turtles and their habitat. The Town is 1) an official sea turtle sanctuary, 2) has a very
8 active volunteer Sea Turtle Protection Program that the Town's Police, Fire, and Public Works Departments routinely
9 assist, 3) enforces local ordinances that assist in the protection of sea turtle nesting (holes on the beach, unattended
10 beach equipment, avoidance of marked sea turtle nests) and, 4) along with Carteret County, has provided funding for
11 significant sea turtle initiatives at the State level. In addition, the Town is required to and routinely complies with all
12 applicable Federal and State regulations for beach nourishment projects that are associated with sea turtle
13 preservation. The Town has likely expended several hundred thousand dollars, if not more, in recent years on efforts
14 regarding sea turtles. I fully expect that the Town will continue all of these activities in the future, however, any
15 additional restrictions and regulations would likely have significant negative ramifications for the Town's interests.

16
17 If approved by the Board, the attached resolution would formally convey the Town's official position on this issue, and
18 the resolution would be forwarded to appropriate USFWS personnel, other interested parties, US Representative
19 Walter B. Jones, Jr., US Senator Richard Burr, and US Senator Kay Hagan.

20
21 Mr. Rudolph answered questions from Mayor Schools concerning the money
22 spent on dredging this past year in order to protect the turtles. Mr. Rudolph said
23 they spent roughly \$3,500 per day for turtle trawling ahead of the dredges, and
24 he further outlined the cost of the dredge itself and the fact that because of the
25 limitation of dredging times only between January through March, and supply and
26 demand due to limited number of dredges available, they received one bid which
27 was \$17 million and was negotiated to \$15 million. He said he could safely say
28 that the turtle protection measures cost millions of dollars in the past project. In
29 addition it was noted that in the trawler which was ahead of the dredge and the
30 dredge itself they saw no turtles.

31
32 Commissioner Messer said that it seemed that what the Town was already doing
33 was a lot more efficient than a designation change.

34
35 Mayor Schools recognized the efforts of the Emerald Isle Turtle Patrol volunteers
36 and their work and efforts, and Mr. Rudolph added to that the efforts made by the
37 Karen Beasley Center, and the NC Aquariums.

38
39 Mayor Schools asked for any comments from the public.

40
41 Paul Schwartz, Emerald Isle resident asked whether the loggerhead population
42 was declining. Mr. Rudolph said that depended on what year, the currents, and
43 many other factors, but as far as the nesting in the past 10 years they had seen
44 an increase.

45
46 Tom Minnick, Emerald Isle resident asked if Mr. Rudolph had sought Karen
47 Beasley's input as she was leading the litigation on the gill nets. Mr. Rudolph
48 said they had not.

49

1 Commissioner Wootten recalled the federal agency that almost stopped this past
2 beach nourishment project, the agency just came out of the blue saying they had
3 authority and almost took the whole beach nourishment project down.
4

5 ***Motion was made by Commissioner Wootten to approve the Resolution***
6 ***Opposing the USFWS's Proposed Designation of Critical Habitat for the***
7 ***Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead***
8 ***Sea Turtle. The Board voted unanimously 4-0 in favor. Motion carried.***

9
10 **Clerks Note: A copy of Resolution 13-05-14/R3 as noted above is incorporated herein by reference**
11 **and hereby made a part of these minutes.**
12

13 **12. Presentation – FY 13-14 Recommended Budget**

14
15 Town Manager Frank Rush addressed the Board concerning this agenda item
16 and provided a PowerPoint presentation. The following excerpt from the Town
17 Manager's memo to the Board is provided for additional background:
18

19 The FY 13-14 Recommended Budget is complete and will be formally presented to the Board and the public at the May
20 14, 2013 regular meeting. In an effort to better educate the Board and the public about the Town's budget, I will make
21 a detailed presentation summarizing the FY 13-14 Recommended Budget, and will provide handouts for the public at
22 the May 14 meeting.
23

24 I have attached a copy of the "Budget Message", which provides a comprehensive discussion of the issues associated
25 with the FY 13-14 budget. A "Quick Summary", "All Funds (Summary)", "General Fund Budget Summary", and other
26 materials are also attached. The full budget document will be provided to you under separate cover.
27

28 The total FY 13-14 Recommended Budget is \$8,971,372, a \$76,975, or 0.9% increase from the adopted FY 12-13
29 budget. The recommended General Fund tax rate for FY 13-14 is 12.5 cents per \$100 of assessed value, a 1-cent
30 increase over the current 11.5 cent rate. The 1-cent rate increase is completely associated with the proposed
31 "community improvements package" that would provide funding for additional bicycle path, storm water, and other
32 recreation improvements, and if the Board chooses not to pursue the "community improvements package" then the
33 current 11.5 cent rate is sufficient to fund the remainder of the FY 13-14 Recommended Budget. The proposed tax
34 rates for the beach nourishment special districts are 4.5 cents for oceanfront and inlet-front property owners, and 1.5
35 cents for all other property owners, and these rates are identical to FY 12-13. The recommended annual solid waste
36 fee is \$205 per developed property, which is a \$5 increase. The FY 13-14 Recommended Budget does not rely on the
37 use of General Fund balance to balance the budget.
38

39 We have tentatively scheduled two special budget meetings to review and discuss the Recommended Budget. The
40 first one is tentatively scheduled for Tuesday, May 21 at 7:00 pm, and the second, which includes the legally required
41 public hearing, is tentatively scheduled for Tuesday, June 4 at 7:00 pm. If these dates and times are not acceptable
42 and/or additional meetings are necessary, we can adjust to fit the Board's schedule.
43

44 I am hopeful that the Board will formally approve the FY 13-14 budget at your regularly scheduled meeting on
45 Tuesday, June 11 at 7:00 pm.
46

47 Mayor Schools asked for comments from the public.
48

49 There were no comments from the public.
50

1 Town Manager Rush stated that there would be brief presentations by all
2 Department Heads at the scheduled Budget Workshop meeting on Tuesday,
3 May 21 at 7:00 pm in the Administration Building Conference Room.

4
5 The meeting for the budget public hearing was noted to be tentatively scheduled
6 for Tuesday, June 4 at 7:00 pm at the Administration Building Conference Room.

7
8 **13. Comments from Town Clerk, Town Attorney, and Town Manager**

9
10 There were no comments from the Town Clerk or Town Attorney.

11
12 Town Manager Frank Rush briefly discussed the significant volumes of yard
13 debris and the Town's continued efforts to collect in a timely way. In addition Mr.
14 Rush updated the Board on several projects including the pedestrian bridge on
15 Live Oak Drive, and the extension of the bicycle path on Highway 58.

16
17 The following is an excerpt from the Town Manager Comments memo to the
18 Board providing additional background information for all items of importance:

19
20 **Significant Volumes of Yard Debris Collection**

21 The Town's yard debris collection program continues to be very popular with our customers, and has grown from a one
22 collection per month service in the early 2000s to what has been a continuous daily operation for the past few years.
23 Our goal is to collect the yard debris within one week of call-in by the customer, however, it is becoming increasingly
24 more difficult to meet that target due to the significant increase in volume, particularly in the comfortable spring and fall
25 months. With the comfortable weather at this time of the year, and more people placing more debris at the curbside,
26 we are now operating slightly behind, and wait times are approaching two weeks.

27
28 Although the number of collection points has remained relatively constant over the past 4 years, we have found that
29 the total volume of debris has increased by nearly 40% since FY 08-09. This results in larger volumes per stop and
30 more trips to the Town's disposal site off of Nine Mile Road, and thus less time collecting debris within the community.
31 The FY 13-14 Recommended Budget includes a proposal that will hopefully resolve this concern in the future, but in
32 the short-term I wanted to update the Board on this issue and also ask our customers for their patience and
33 understanding. I have authorized significant overtime for Public Works to try to keep up with our "one week" goal,
34 however, with only a few employees licensed to drive the brush truck and their personal and family concerns, it is
35 sometimes difficult to maximize the amount of overtime. We continue to work as hard as we can to collect all of the
36 debris as quickly as possible.

37
38 **H553 - County Room Occupancy Tax Increase**

39 This bill, which would authorize the County Commissioners to increase the County room tax from 5% to 6% and
40 change the distribution of proceeds so that 50% of the new 6% rate would go toward beach nourishment, was
41 approved by the House Committee on Government last week. The bill will next be heard by the House Finance
42 Committee. Representative McElraft is optimistic that H553 will ultimately become law this session. This additional
43 revenue for beach nourishment will address a large portion of the Town's future funding needs in the likely absence of
44 future State funding.

45
46 **H962 - Municipal Sales Tax for Beach Nourishment**

47 Representative Hamilton (D-New Hanover) has introduced this bill, which authorizes municipalities to levy a ½% sales
48 tax for beach nourishment. The language in the bill is somewhat similar to the Emerald Isle sales tax bill introduced in
49 2012. If ultimately approved, this would provide another option for the Town to generate funding for future beach
50 nourishment activities, and would help to minimize the burden on our property taxpayers.

51
52

1 **S612 – Regulatory Reform Act**

2 This bill, which includes a provision whereby a local government could not adopt a more stringent regulation than the
3 State, was approved by the NC Senate last week, and will soon be heard by the NC House. While the intent of this bill
4 is admirable, its application is potentially problematic for Emerald Isle. At this point, we are still awaiting a
5 determination as to how this bill, if ultimately enacted into law, would affect various Town regulations that are likely
6 strongly supported by the Board and the majority of Town property owners, including the dunes and vegetation
7 ordinance, storm water management ordinance, and others.
8

9 **State Tax Reform Proposal**

10 The NC Senate has unveiled the basic concepts of its comprehensive State tax reform proposal, however, it remains
11 unclear what impact, if any, these reforms will have on municipal revenues. The leadership of the NC General
12 Assembly has previously indicated that any reforms would hold municipalities harmless, so I remain hopeful that the
13 Town's budget will not be negatively impacted by the ultimate tax reform solution adopted by the NC General
14 Assembly.
15

16 **Bogue Inlet Status / Remaining State Dredging Funds**

17 I have attached the latest survey of Bogue Inlet, and the channel is currently in very good shape, with consistent 7ft +
18 depths along the entire route.
19

20 There is currently approximately \$224,000 of State – local funds remaining in the Bogue Inlet account for future
21 sidecast dredging efforts. This amount is likely sufficient to fund approximately 15 days of dredging, which will likely
22 last until sometime this summer or fall. There is an additional \$54,000 available in the FY 12-13 State budget for
23 dredging in Bogue Inlet if area local governments can match it with \$54,000, and we should probably begin to work on
24 a partnership to come up with these funds locally. This would provide an additional \$108,000 total, which would likely
25 cover an additional 7 days of dredging.
26

27 **H707 – Transfer Corps Inlet Dredging Permits to State and Local Governments**

28 This bill directs NCDENR to work to transfer existing Federal shallow-draft inlet dredging permits (including Bogue
29 Inlet) to the State and local governments, and has passed the NC House. It will soon be heard in the NC Senate,
30 where it is expected to pass. The Town has been asked to contribute \$2,000 toward this permitting effort, and I have
31 preliminarily indicated we will provide those funds if H707 becomes law. The transfer of this permit will provide greater
32 flexibility for the State and Town in the future if / when the US Army Corps of Engineers abandons its dredging
33 responsibility.
34

35 **S58 – Inlet Dredging Funding**

36 This bill would earmark NC boat registration fees and a portion of the NC gas tax presumed to be paid by boaters for
37 shallow-draft inlet dredging expenses in North Carolina. The bill has passed the NC Senate, and will soon be heard by
38 the NC House. The bill also creates the Shallow Draft Navigation Dredging Fund, which would provide 50% funding for
39 future dredging needs, with local governments required to contribute the other 50%. This approach is similar to recent
40 historical practice by NCDENR, however, the creation of dedicated revenue sources is a positive outcome for the users
41 of coastal inlets.
42

43 **Domestic Violence MOU**

44 The Police Department recently entered into a MOU with MCB Lejeune and MCAS New River to notify military
45 personnel about domestic violence incidents in Emerald Isle and arrange for transportation of the involved Marine to
46 the base. This MOU would apply to cases in which no arrests are made, however, a dispute has the potential to
47 escalate into a more serious altercation. The intent of the MOU is to separate the parties and prevent any more
48 serious incidents that evening. A similar MOU is being developed with MCAS Cherry Point.
49

50 **Police Department Offers Free Gun Locks – Project Childsafe**

51 The Emerald Isle Police Department is participating in Project Childsafe, a nationwide program whose purpose is to
52 promote safe firearms handling and storage practices among all firearms owners through the distribution of key safety
53 education messages and free firearm safety kits that include a gun-locking device and educational brochure.
54 Interested individuals can visit the Police Station to receive their free kit.
55

Emerald Isle Flags For Sale

1 The Town is offering 3 ft x 5 ft flags with the Town seal for sale at the Town Administration Building. The cost is \$25
2 per flag.
3

4 **EmeraldFest Concerts Begin June 20**

5 The first of 10 weekly EmeraldFest concerts will be held on June 20 at 6:30 pm at the Western Ocean Regional Access
6 with a performance by My Three Kilts. Outdoor concerts will be held each Thursday at 6:30 through August 22.
7

8 **PARTF Grant Request – Lot 1 Shell Cove North**

9 The NC Parks and Recreation Trust Fund will be meeting in May and July to make its 2013 grant awards. The Town is
10 awaiting a decision on its \$87,500 request to purchase Lot 1 – Shell Cove North adjacent to the Emerald Isle Public
11 Boating Access Area.
12

13 **NC 58 Bridge Work**

14 After nearly 6 months, the NC 58 bridge work is finally nearing completion. The last few bridge joints should be
15 complete prior to the May 14 meeting, and the installation of grooves in the concrete decking and installation of new
16 pavement markings will occur during the weeks of May 13 and May 20. At this time, NCDOT expects Penhall
17 Company to meet the May 23 deadline.
18

19 **Police Chief Selection Process**

20 I have narrowed the applicant pool from 140 to 5 finalists, and I have scheduled exercises with the finalists for May 17.
21 I hope to announce the selection of the new Police Chief right before or soon after Memorial Day weekend.
22

23 **New Soundside Pier at Public Boating Access Area**

24 The construction of the new soundside pier has been delayed until Fall / Winter 2013 due to continuing permit
25 challenges. I apologize for the delay in completing this project. We are attempting to complete the project with the
26 most cost-effective design that complies with applicable CAMA and NC Building Code regulations, and the
27 reconciliation of these issues has been more complicated than initially envisioned.
28

29 **Eastern Emerald Isle Storm Water Outfall Removals**

30 Public Works recently completed the installation of significant underground infiltration devices at 11th Street, and we
31 expect to resurface this street within the next month. The next location to be improved is Arden Road, and work will
32 begin within the next week. Other remaining locations include 15th Street, 19th Street, 23rd Street, and 1st Street.
33 Public Works is working hard to complete the remaining locations by October 2013.
34

35 **Golf Carts on Coast Guard Road / Speed Limit Reduction?**

36 The Town often receives requests from golf cart owners in subdivisions along Coast Guard Road to utilize Town-
37 registered golf carts on Coast Guard Road. As you know, golf carts are prohibited on NC 58 and Coast Guard Road.
38 The most recent request also included a reduction in the speed limit along Coast Guard Road from 35 mph to 25 mph,
39 with the thought that this would be safer for motorists and pedestrians, and also make golf cart and motor vehicle
40 usage more compatible on Coast Guard Road. Please let me know if you'd like us to pursue this issue.
41

42 **H300 - New Legislation Clarifying Municipal Authority to Regulate Public Trust Beach Areas**

43 This bill, which clarifies that NC oceanfront municipalities have the authority to regulate activities and structures on the
44 public trust beach strand (the flat beach between the dunes and the water), was approved the House Government
45 Committee last week, and will soon be heard by the House Judiciary Subcommittee. Representative McElraft is
46 optimistic that this bill will be approved by the General Assembly this session.
47

48 **Planning for Senator Jean Preston Memorial**

49 Interested citizens have begun initial planning for a special memorial for the late Senator Jean Preston at the Emerald
50 Isle Public Boating Access Area. One idea with strong support is the solicitation of donations for a new playground in
51 Senator Preston's honor. Town staff are assisting the leaders of this effort on this worthy cause.
52

53 **Emerald Isle Half-Marathon Planned**

54 A volunteer group is currently organizing the first Emerald Isle Half-Marathon for Saturday, March 29, 2014. The 13.1
55 mile running race will likely begin at the Western Ocean Regional Access and travel to points east and north.
56

1 **Live Oak Street Pedestrian Bridge**

2 We have awarded a \$9,200 contract for the construction of this new pedestrian bridge, and work is expected to begin
3 during the week of May 20. We hope to have the new bridge open soon after Memorial Day. Volunteer labor will
4 complete a portion of the decking and railing work for this project.

5
6 **Coast Guard Road Traffic Islands**

7 Parks and Recreation staff recently installed new palm trees and decorative rock in the 2nd traffic island near the
8 intersection of Coast Guard Road and Reed Drive. We are pleased with the new look in this area.

9
10 **Fire Department Ladder Truck Back**

11 The ladder truck is back in service after a recent comprehensive painting that will hopefully keep the truck in good
12 condition for at least another 5 years or more.

13
14 **IT Agreement with VC3**

15 I have not yet executed an agreement with VC3 for the Town's information technology services, and am currently
16 analyzing various alternatives due to budget constraints.

17
18 **New Recycling Containers**

19 The manufacturer informed the Town on May 9 that the full order of recycling containers should arrive in Emerald Isle
20 "within two weeks". If this order is received, this should be sufficient to meet the existing demand for new recycling
21 containers. The Town will not take any enforcement action against non-compliant recycling containers for several
22 weeks after the new containers arrive.

23
24 **Request for Remaining WAMI Grant Funds for New Ocean Fishing Pier**

25 NCDENR Secretary Skvarla is working on our WAMI grant funding request, and we hope to receive an answer on the
26 release of \$700,000 of remaining grant funds in the near future. These funds, if awarded, would be used to construct
27 parking lot and storm water improvements for the future new ocean fishing pier.

28
29 **Regional Access Parking Fees**

30 The Town began charging the \$10 regional access parking fee on Saturday, April 20. Through May 3, the Town has
31 only collected \$2,440, as the weather has been less than desirable each weekend. Through May 3, 2012, the Town
32 had collected \$9,720. We hope to make up the lost revenue with high visitation in May and June.

33
34 **Update to Residents & Visitors Guide**

35 Unfortunately, I have not had an opportunity to complete this update yet, but still hope to complete an update in the
36 next few weeks.

37
38 **Pre-Positioned Hurricane Debris, Pump, and Generator Contracts**

39 We recently solicited bids for these contracts, and are currently evaluating the low bidders. I hope to have contract
40 recommendations on the Board's June 11 meeting agenda.

41
42 **Need to Update FEMA Monitoring and Maintenance Plan**

43 With the recent completion of the FEMA Irene Beach Nourishment Project, I hope to work on an update to the Town's
44 FEMA Monitoring and Maintenance Plan in the next couple of months, with a goal for Board approval prior to the bulk
45 of the 2013 hurricane season.

46
47 **14. Comments from Board of Commissioners and Mayor**

48
49 Commissioner Wootten asked about the status of the pier at the public boat
50 launching facility, he knew Mr. Rush had run into some difficulties. Mr. Rush said
51 there was a conflict between the CAMA regulations and State Building Code and
52 they were working to resolve; and for seasonal reasons he had pulled the project
53 until later in the fall.

54

1 There were no further comments from the Board of Commissioners or Mayor.

2

3 **15. Adjourn**

4

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

7

8 ***The meeting was adjourned at 8:25 pm.***

9

10 Respectfully submitted:

11

12

13

14 Rhonda. C. Ferebee, CMC, NCCMC

15 Town Clerk

DRAFT