

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, APRIL 9, 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, John Wootten, and Maripat Wright.

17  
18 Also present during the regular meeting: Town Manager Frank Rush, Town  
19 Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,  
20 Town Clerk Rhonda Ferebee, Planning Director Kevin Reed, and Parks and  
21 Recreation Director Alesia Sanderson.

22  
23   **3. Opening Prayer**

24  
25 For the opening prayer tonight Mayor Schools read an Irish Blessing.

26  
27   **4. Pledge of Allegiance**

28  
29 All who were present recited the Pledge of Allegiance.

30  
31   **5. Adoption of Agenda**

32  
33 Mayor Schools stated that they had received a request to remove Item 9 –  
34 Presentation – Carteret County EDC Municipal Initiative from the agenda tonight  
35 to be presented at a future meeting.

36  
37   ***Motion was made by Commissioner Hedreen to adopt the Agenda so***  
38   ***amended. The Board voted unanimously 5-0 in favor. Motion carried.***

39  
40   **6. Proclamations / Public Announcements**

41  
42 Mayor Schools noted the following announcements for the public:

- 43  
44       • **Proclamation – Lyme Disease Awareness Month – May 2013**  
45        (13-04-09/P1)  
46       • **Proclamation – Bicycle Month in Emerald Isle – May 2013** (13-04-09/P2)  
47       • **Proclamation – National Day of Prayer – May 2** (13-04-09/P3)

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 2 of 18

- 1
- 2
- 3 • **Proclamation – National Travel & Tourism Week – May 4 – 12**
- 4 (13-04-09/P4)
- 5 • **Proclamation – Municipal Clerks Week – May 5 – 11** (13-04-09/P5)
- 6 • **Board of Adjustment Meeting – Wednesday, April 10 – 9 am – Town**
- 7 **Board Meeting Room – CANCELLED**
- 8 • **Open Play Wii Bowling – Wednesdays – 6 – 8 pm – Community**
- 9 **Center**
- 10 • **Friday Free Flick – Friday, April 12 – 7 pm – Community Center**
- 11 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
- 12 **April 16 – 9 am – Community Center**
- 13 • **Joint EMS Committee Meeting – Wednesday, April 17 – 7 pm – Town**
- 14 **Administration Building**
- 15 • **American Red Cross Blood Drive – Friday, April 19 – 2 pm – 7 pm –**
- 16 **Community Center**
- 17 • **16<sup>th</sup> Annual Homes Tour – Saturday, April 20 – 10 am – 4 pm –**
- 18 **Various Locations**
- 19 • **Planning Board Regular Meeting – Monday, April 22 – 6 pm – Town**
- 20 **Board Meeting Room**
- 21 • **Classic Movie Night – Friday, May 3 – 7 pm – Community Center**
- 22 • **Down & Derby Event – Bicycle Path Fundraiser – Saturday, May 4 – 4**
- 23 **pm – 8 pm – El Beach & Pool Club**
- 24 • **Summer Day Camp Registration – Monday, May 6 – 8 am –**
- 25 **Community Center**
- 26 • **Friday Free Flick – Friday, May 10 – 7 pm – Community Center**
- 27 • **Family Fitness Fun Day – Saturday, May 11 – 10 am – 2 pm –**
- 28 **Community Center**
- 29 • **Board of Commissioners Regular Meeting – Tuesday, May 14 – 7 pm**
- 30 **– Town Board Meeting Room**

31  
32 Clerks Note: A copy of Proclamations 13-04-09/P1, 13-04-09/P2, 13-04-09/P3, 13-04-09/P4, and 13-04-  
33 09/P5 as noted above are incorporated herein by reference and hereby made a part of these minutes.  
34

35 **7. Public Comment**

36  
37 **Brief Summary:** The public will have the opportunity to address the Board about  
38 any items of concern not on the agenda.

39  
40 There were no comments from the public.

41  
42 **8. Consent Agenda**

- 43
- 44 a. **Tax Refunds / Releases**
- 45 b. **Minutes – February 12, 2013 Regular Meeting**

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 3 of 18

- 1  
2  
3 **c. Minutes – February 12, 2013 Closed Session Meeting**  
4 **d. Minutes – March 12, 2013 Regular Meeting**  
5 **e. Resolution Authorizing Audit Services Contract (13-04-09/R1)**  
6 **f. Resolution Authorizing Fireman’s Fund Grant Application (13-04-09/R2)**  
7 **g. Budget Amendment – General Fund – Recycling Containers**  
8 **h. Resolution Declaring Surplus Property (13-04-09/R3)**  
9 **i. Resolution Supporting NC Parks and Recreation Trust Fund**  
10 **(13-04-09/R4)**  
11 **j. Resolution Authorizing Change Order – FEMA Irene Beach**  
12 **Nourishment Project (13-04-09/R5)**  
13 **k. Resolution of Support to Designate Carteret County as a “Coast**  
14 **Guard Community” (13-04-09/R6)**  
15

16 ***Motion was made by Commissioner Hoover to approve the items on the***  
17 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***  
18 ***carried.***

19  
20 **Clerks Note: A copy of Resolutions 13-04-09/R1, 13-04-09/R2, 13-04-09/R3, 13-04-09/R4, 13-04-09/R5**  
21 **and all other Consent Agenda Items as noted above are incorporated herein by reference and hereby**  
22 **made a part of these minutes.**

23  
24 **9. Presentation – Carteret County EDC Municipal Initiative - REMOVED**

25  
26 **10. Potential “2013 Community Improvements Package”**

27  
28 Town Manager Frank Rush addressed the Board concerning this agenda item.  
29 The following excerpt from the Town Manager’s memo to the Board is provided  
30 for additional background:

31  
32 I have scheduled time on the Board’s April 9 meeting agenda for the Board to again discuss a potential “2013  
33 community improvements package” that would be funded by new debt and retired with a 1-cent property tax increase  
34 beginning in FY 13-14. The April 9 meeting is also another opportunity for the public to comment on this issue.  
35

36 As discussed previously, the intent is to disseminate information to our taxpayers about this potential package and the  
37 associated 1-cent tax rate increase, and to seek as much meaningful public input as possible between now and June  
38 when the Board will formally adopt the FY 13-14 budget. The main items to be included in a potential “community  
39 improvements package” include:

- 40  
41
  - the full completion of the NC 58 bicycle path from Fairfax Drive to the Indian Beach town line, a distance of  
42 approximately 4.1 miles at an estimated cost of \$1.2 million,
  - the full completion of the Coast Guard Road bicycle path from Dolphin Ridge to Ring Street at The Pointe, a  
43 distance of approximately 1.2 miles at an estimated cost of \$500,000,
  - the installation of a fixed HDPE storm water pipe from the new pump station at Island Circle (at The Pointe)  
44 along Coast Guard Road to the Town’s Emerald Isle Woods Park discharge site, at an estimated cost of  
45 \$500,000, and  
46  
47  
48  
49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 4 of 18

- 1  
2  
3  
4
- the installation of a fixed HDPE storm water pipe from existing pump stations in and owned by Lands End to the Town's new pipe along Coast Guard Road, at an estimated cost of \$200,000.

5 The total estimated cost of these improvements is \$2.4 million, and the Board may also wish to consider other smaller  
6 projects in the package, either now or after the projects above are completed. As discussed previously, the Town  
7 could likely service up to \$2.8 million of new debt with a 1-cent increase in the Town's property tax rate.

8  
9 I have again attached the background information distributed to the Board at the March 12 meeting, and this  
10 information includes a more detailed description of this issue.

11  
12 The central question posed to the public (and ultimately to the Board of Commissioners), is

13  
14 "Do you think these improvements are worth an additional 1-cent increase in the Town's property tax rate?"

15  
16 There is no right or wrong answer to this question, and an individual's answer to this question depends on the value he  
17 / she places upon these improvements and his / her overall financial concerns. None of these projects are absolutely  
18 essential, however, the completion of these projects will likely enhance the quality of life in Emerald Isle and enhance  
19 the Town's desirability as a tourism destination, retirement choice, or investment option.

20  
21 The Town has undertaken several approaches to secure meaningful public input for the Board to consider before  
22 making a decision on this matter:

- 23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43
- this issue was discussed at the Board's January 25 budget planning meeting, followed by a news article,
  - this issue was discussed again at the Board's March 12 regular meeting, with a few public comments, followed by additional news articles,
  - the Town sent a mass email to the 5,400+ subscribers to the Town's email newsletter (copy attached) requesting input via email (as of April 4, a total of 356 email comments have been received),
  - this information has been prominently posted on the Town's website, and requests public input,
  - additional print and television news articles have been published over the past few weeks,
  - this issue will be discussed again at the Board's April 9 regular meeting, and public comment is encouraged,
  - this issue will likely be discussed again at the Board's May 14 regular meeting, May 21 budget workshop meeting, and June 4 budget public hearing, and public comment is encouraged,
  - this issue will be decided by the Board at the June 11 regular meeting (or perhaps later) when the FY 13-14 budget is adopted.

44 At the Board's direction, we can also pursue any and all other approaches to seek public input between now and June.

45  
46 As noted above, a total of 356 email comments have been received as of April 4. The responses are summarized as  
47 follows:

- 48  
49  
50  
51  
52  
53  
54
- 237 (or 72%) support the 1-cent tax rate increase to complete the projects, with many responses enthusiastically in support,
  - 90 (or 28%) do not support the 1-cent tax rate increase for these projects, with many responses citing other escalating costs (coastal insurance premiums, gas prices, potential Federal tax increases, etc) and other impacts (lingering effects of the recession, sequestration impacts, etc.),

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 5 of 18

- 29 offered comments that indicated support for some projects but not others, and/or suggested other ways to finance the projects (mostly suggestions to “charge the visitors”, which would require NC General Assembly authorization).

One pertinent question that we have received is whether or not the 1-cent increase would be eliminated after the 10-year term of the debt. The Board can certainly consider this approach, and it may be wise to incorporate a “sunset provision”. Please note, however, that the current Board of Commissioners can make a current policy decision to incorporate such a “sunset provision”, however, the actual implementation of the elimination of the 1-cent increase would be up to the Board of Commissioners in office at that time.

I look forward to the Board’s continued discussion of this issue, and hope to receive additional public input at the April 9 meeting and beyond.

Commissioner Wright stated that she would suggest if the Board decided to approve this 1-cent increase that it should be recommended that it sunset after the 10 year period when everything had been paid off.

Mayor Schools asked for public comments.

Jean Wilkerson, 132 Doe Drive, spoke of her disappointment with the improvements that were proposed in the community improvements package with an associated 1-cent tax rate increase when her street, Doe Drive in Deer Horn Dunes had chronic nuisance flooding. Ms. Wilkerson stated that serious and costly damage had been done to homes and property on her street. She added that a lot of funds had already been spent on improvements and new recreational areas such as bike paths, docks, nature trails, which she felt were great, but felt that more serious problems needed to be addressed first. She requested the Board spend this money on storm water improvements, buy new and more pumps, and locate drainage pipes in the correct areas. Ms. Wilkerson asked the Board to take care of permanent residents and make their property top priority. (Ms. Wilkerson provided the Board with a copy of her comments).

Robert Horner, Green Glen Road, had three questions for the Board. First, was this a project that they could afford to do without taking on debt? Second, he asked how we as a community with an issue that concerned health and safety, noting the Point with its flooding and high water could piggyback on a proposal to solve that with the luxury items such as extensions of bike trails. Mr. Horner felt they were nice to have but not as important as the health and safety of our residents. He felt the money needed to fix the drainage problem of \$700,000 would be money well spent and if they needed to borrow it then do it and protect the community, however, did they really want to more than double that amount for luxury items to add on taxes when right now the CPI was averaging 2.5-3% per year. He questioned think that taking on 2.4 million in debt now as worth doing and he asked the Board to consider that carefully. Lastly, he said the Board would be getting results of email surveys and he said that according to the

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 6 of 18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

Town's website there about 3,711 residents but yet we had over 5000 subscribers to our newsletter which told him that a lot of the subscribers were not residents or taxpayers – they were visitors and people who would say sure I'd love to have those luxuries because it doesn't affect me – they can use them but not have to pay for them. He said we should be very careful with the email results of who was responding.

Town Manager Rush clarified that there were about 3,700 permanent residents in Emerald Isle with close to 7,000 properties. Mr. Rush said those were taxpayers and most of those were not included in the permanent population. Mr. Rush said there were approximately 5,400 subscribers to the email newsletter and some were surely visitors or tourists however the vast majority of the responses received had indicated their ownership status and their address here in Emerald Isle, but it was no means a perfect gauge of support or lack of support but was just one more tool they could employ along with public input such as this meeting.

Mr. Horner said he fully supported the \$700,000 to correct potential safety and health issues. Mr. Horner also asked whether this was a take it or leave it – all or nothing proposal or could they separate and choose which items they would or would not include.

The Board assured Mr. Horner that this was not an all or nothing proposal.

Paul Schwartz, Wyndtree Drive, said that most of his adult life he had been very leery of government, and thought good government was an oxymoron and he had learned differently from that here in Emerald Isle. Mr. Schwartz agreed with Commissioners Wright's suggestion that it sunset after the 10 years; and felt that it was a relatively nominal expense for his biggest single investment which was his home; and anything that made Emerald Isle a more desirable place increased the value of his property. Mr. Schwartz said someone had asked why now, and he felt there was a confluence of cheap money and available contractors to give the best and most competitive pricing and doing all at one time would make the expense of the projects a lot less than doing it piecemeal. Mr. Schwartz said he was in favor of the proposal.

Ken Stone, 9701 Ashley Place, also Chair of the Bicycle and Pedestrian Advisory Committee, said while he was not a big debt fan by any means either he felt if you were going to do it this was probably the best time. Mr. Stone said over the past two and a half years they had raised \$120,000 from donations from people which the Town was able to match and he felt that would probably dry up before long; they had a great reaction from the community and there were always lots of people on the path but he felt they needed to seriously take a look at this and the whole community improvements package would just benefit the prices of our

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 7 of 18

1  
2 homes, the quality of our lives in this community and he also agreed it should  
3 sunset at the end of the 10 years. Mr. Stone said a buck was a buck and they  
4 were aware of that but for a \$400,000 house you would give up a cup of coffee a  
5 week – 77 cents. He felt no one liked to see increases but he looked at it as a  
6 cost benefit for the future.

7  
8 Commissioner Wootten asked the Town Manager about the flooding issues on  
9 Doe Drive mentioned by Ms. Wilkerson as he thought they had that solved. Mr.  
10 Rush stated they had a pump on Doe Drive that had been there for 15 years or  
11 longer and at one point it was not functioning and it had been replaced and  
12 should work as intended now. Mr. Rush said there was another pump in a pond  
13 on Deer Horn Drive and the pump on Doe Drive sent that water over to Deer  
14 Horn to the pond which was then relayed on to the Emerald Isle Woods. Mr.  
15 Rush noted that in Ms. Wilkerson's case she lived in a different dip on Doe Drive  
16 that did experience flooding problems, though not as bad as the pump locations  
17 and he felt that was Ms. Wilkerson's frustration was that they should try to solve  
18 that from what he gathered from her comments and emails. Following discussion  
19 of this issue it was determined that Town Manager Rush and Commissioner  
20 Wootten would look further into the flooding issues on Doe Drive.

21  
22 Mayor Schools summed up that they would continue to solicit comments  
23 regarding the proposed "Community Improvements Package" and continue to  
24 discuss at future meetings.

25  
26 **11. Proposed Rezoning – Multiple Properties in Main Commercial – Area**  
27 **from Business (B), Mobile Home (MH), and Camp (C) to Village East (VE)**

28  
29 Planning Director Kevin Reed addressed the Board concerning this agenda item.  
30 The following excerpt from the Town Manager's memo to the Board is provided  
31 for additional background:

32  
33 After tabling this issue at the March 12 regular meeting, the Board is scheduled to again consider the rezoning of  
34 multiple properties in the Town's main commercial area to the Village East zoning district.

35  
36 The attached memo from Kevin Reed, Planning and Inspections Director, includes a detailed explanation of this issue.  
37 As noted on the attached maps, the properties to be rezoned are located in the main commercial area on the  
38 oceanside between Merchants Park and Holly Street, including businesses along NC 58 in this area and all parcels  
39 located on Lamroc, Block, Fairview, Bogue Inlet, and Eastview. The proposed rezoning also includes existing  
40 commercial properties on the north side of NC 58 in this area.

41  
42 The proposed rezoning implements the Village East zoning district in the Village East area outlined in the Town's Land  
43 Use Plan and the subsequent "Design Concepts Report" for this area. The proposed rezoning of these properties to  
44 Village East will also result in the elimination of nonconforming status for several residential uses along Bogue Inlet  
45 Drive, and will also assign a more flexible (and likely more lucrative) zoning designation for all other properties in this  
46 area. The proposed rezoning will not result in any new nonconforming uses.

47  
48

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 8 of 18

1  
2 A public hearing is required before Board consideration of the proposed rezoning, and was held at the March 12  
3 regular meeting. Additionally, all affected property owners have been contacted twice and all adjacent property owners  
4 have been contacted once and made aware of the public hearing. As you know, Paxon Holz, representing the large  
5 properties consisting of McCabe Mobile Home Park and Camp Ocean Forest, requested additional time to learn more  
6 about the proposed rezoning. Kevin Reed recently met with Mrs. Holz and others, and our understanding is that they  
7 support the proposed rezoning.  
8

9 Town staff are not aware of any opposition to the proposed rezoning, and the Planning Board voted unanimously to  
10 recommend the rezoning to the Board of Commissioners.  
11

12 Paxon Holz, owner representing herself and other property owners consisting of  
13 McCabe Mobile Home Park and Camp Ocean Forest, said she was grateful for  
14 the Board's consideration allowing additional time for their review and for the  
15 meeting with Planning Director Kevin Reed. Ms. Holz said based on Mr. Reed's  
16 explanation of what the rezoning involved they had no objections.  
17

18 ***Motion was made by Commissioner Wootten to approve the rezoning of***  
19 ***multiple properties in the main commercial area to Village East, as***  
20 ***indicated on the map presented. It was also stated that the rezoning was***  
21 ***both reasonable and in the public interest for the following reasons: the***  
22 ***Town's Land Use Plan projects the properties to be rezoned are part of the***  
23 ***Village East Focus Area; and the community's overall interest in***  
24 ***maintaining a small town atmosphere. The Board voted unanimously 5-0 in***  
25 ***favor. Motion carried.***  
26

27 **12. Update – Current Development / Regulatory Issues**  
28

- 29 a. **H150 – Zoning / Design and Aesthetic Controls**  
30 b. **S612 – Regulatory Reform Act of 2013**  
31 c. **Perceived Impact of Flood Insurance Changes in Emerald Isle**  
32

33 Planning Director Kevin Reed spoke in detail to the Board concerning each of  
34 these regulatory issues including a PowerPoint presentation for the National  
35 Flood Insurance Program changes. The following excerpts from the Town  
36 Manager's memo to the Board are provided for additional background:  
37

38 H150 – Zoning / Design and Aesthetic Controls

39 Commissioner Wootten expressed concern about this bill, and requested that a discussion about this issue be included  
40 on the April 9 meeting agenda. The attached memo from Kevin Reed includes an explanation of this bill, and a copy of  
41 H150 is attached.  
42

43 H150 essentially prohibits a municipality from adopting design and aesthetic controls for single family homes and  
44 duplexes. Emerald Isle does have design and aesthetic controls for commercial development, but does not have any  
45 such regulations for single family homes and duplexes.  
46

47 We don't perceive any significant impacts on Emerald Isle from H150 as it is currently written, but we will continue to  
48 monitor this bill.  
49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 9 of 18

1  
2 S612 – Regulatory Reform Act of 2013

3 Mayor Schools expressed concern about this bill, specifically Part II. – Clarify Local Government Preemption, which  
4 essentially says that a local government can not adopt a regulation that is more stringent than State or Federal  
5 regulations. A copy of S612 is attached. We understand that this bill is likely a “placeholder” at this time, and is likely  
6 to be augmented and revised significantly later in the legislative session.

7  
8 Kevin Reed and I have not had a chance to consider this bill in great detail, and we have not yet received a thorough  
9 analysis of the bill by the NC League of Municipalities. The intent of the bill may have merit, but its application and  
10 ramifications remain uncertain. For example, can the Town still enforce its Dunes and Vegetation Protection  
11 Ordinance, and require single family homes to retain 35% of the lot in a “natural state”? Although its application is  
12 sometimes challenging for property owners, this ordinance has served Emerald Isle well since 1977, and has had a  
13 significant impact on the appearance, development, and character of our community. The State has erosion and  
14 sedimentation control regulations, which are similar, but they do not typically apply to single family homes. As another  
15 example, can the Town continue to enforce its storm water ordinance on single family homes? The State has  
16 significant storm water regulations, but they typically do not apply to single family homes. (The Town participates in  
17 the State’s Universal Stormwater Management Program for larger scale development, and one would assume that  
18 program would continue unaffected.) There may potentially be other Town regulations impacted by this bill if it  
19 becomes law.

20  
21 We will continue to monitor this bill, and attempt to learn more as details emerge.

22  
23 Perceived Impact of Flood Insurance Changes in Emerald Isle

24 Because this issue has the potential to result in significant additional cost for some Emerald Isle property owners, I  
25 asked Kevin Reed to become more knowledgeable about this issue in general, and I also asked him to update the  
26 Board on this issue at the April 9 meeting.

27  
28 The attached memo from Kevin Reed includes a summary of this issue. In a nutshell, FEMA is implementing changes  
29 to the National Flood Insurance Program (NFIP) that are designed to make it more financially solvent, and these  
30 changes will result in potentially significant additional costs for some property owners. The main changes are the  
31 gradual elimination of “grandfathered” flood insurance rates.

32  
33 We have not made an exact calculation, but a quick “eyeball estimate” of the flood maps indicates that perhaps as  
34 many as 20% – 25% of the Town’s properties are located in a flood zone. In Emerald Isle, nearly the entire oceanfront  
35 row and a small section of the second row in eastern Emerald Isle are in a flood zone. Nearly the entire area of The  
36 Pointe is in a flood zone. Nearly the entire soundfront is in a flood zone, along with other lower elevation properties  
37 along the Coast Guard Road corridor and along Archers Creek. Nearly all of the rest of Emerald Isle is not in a flood  
38 zone, and is not required to have flood insurance, and thus no significant impact is anticipated at this time.

39  
40 Of those properties that are located in a flood zone, particularly newer construction, it is likely that many of the homes  
41 comply with the flood regulations that were in place at the time of construction and therefore the flood insurance  
42 premiums are relatively inexpensive (a few hundred dollars per year?). We are hopeful that many of these homes  
43 were constructed to even higher standards than required at the time, and will still be compliant with the flood  
44 regulations as flood maps change and higher elevations are required. For older homes that are constructed below the  
45 required flood elevation and / or without the required flood damage prevention methods, the changes to the NFIP (as  
46 outlined in Kevin Reed’s memo) could result in significant increases in flood insurance premiums (several thousand  
47 dollars per year, and in some cases even higher), and this likely represents a significant financial hardship for these  
48 property owners.

49  
50 The Board should note that our intent for Kevin Reed’s presentation is simply to help educate the Board and the  
51 community about these issues, and we are by no means experts in insurance issues and do not have a complete  
52 understanding of how flood insurance premiums are determined. We encourage any property owners who are located  
53 in a flood zone to review the specifics of their home (flood zone, elevation of lowest habitable floor, use of any flood  
54 damage prevention construction methods, etc.) and then talk with their insurance agent about these issues, the likely

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 10 of 18

1  
2 impact on their annual flood insurance premium, and any improvements that may be able to be made to the structure  
3 to reduce the impact of these changes.

4  
5 Planning Director Reed fielded questions from the Board and public on each of  
6 these issues.

7  
8 Mayor Schools took a moment to mention several issues he heard discussed by  
9 Speaker Tillis during the meeting he had attended in Raleigh; including issues  
10 related to user sales tax versus income tax, de-annexation, and electronic  
11 meeting notices. He also spoke with the attorneys who dealt with the Travel and  
12 Tourism coalition and said they seemed to understand the importance to  
13 Emerald Isle of beach nourishment. In addition, he also ran into Gordon Myers,  
14 Executive Director, Wildlife Resources Commission and Gordon said that in a  
15 few more weeks they planned a deer birth control project on Bald Head Island  
16 which would be combined with a culling project first.

17  
18 **13. NC 58 Bicycle Path Extension**

19  
20 **a. Resolution Authorizing Construction Contract (13-04-09/R6)**

21 **b. Budget Amendment – General Fund**

22 **c. Capital Project Ordinance Amendment**

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

27  
28 The Board of Commissioners is scheduled to consider three items that would authorize the construction of a new 0.4  
29 mile segment of bicycle path along the south side of NC 58 at the April 9 meeting. The Board will consider a  
30 Resolution Authorizing a Construction Contract with SunLand Builders, Inc., Newport, NC, in the amount of \$164,500,  
31 along with a related capital project ordinance amendment and General Fund budget amendment.

32  
33 As you know, the Town has been fortunate to receive significant grant funding from NCDOT in recent years to  
34 construct approximately 4.2 miles of dedicated bicycle path along the south side of NC 58 between Coast Guard Road  
35 and Hurst Drive, and near the Eastern Ocean Regional Access. The Town's goal is to eventually extend the bicycle  
36 path along the entire remaining length of NC 58 in Emerald Isle from Hurst Drive to the Indian Beach town line. The  
37 Town was recently awarded an additional \$100,000 grant from NCDOT for a new 0.4 mile segment of bicycle path  
38 along the south side of NC 58 from Hurst Drive to Fairfax Road, and the completion of this new segment will bring the  
39 Town one step closer to realizing its long-term goal. A map indicating the route of the new 0.4 mile segment is  
40 attached.

41  
42 With the assistance of Withers & Ravenel, the Town's engineers for this project, the Town solicited construction bids  
43 for this project in March and opened bids on March 25. The Town received a total of 3 bids ranging from \$164,500 to  
44 \$214,316, and SunLand Builders was the lowest responsive bidder. A complete bid tabulation is attached for your  
45 review. The Town has utilized SunLand Builders for several other Town projects, and was pleased with the working  
46 relationship and quality of their work. The attached resolution authorizes the Town Manager to execute a construction  
47 contract with SunLand Builders. The construction contract includes all components of the work associated with the  
48 bicycle path extension, including clearing, grading, rock base, asphalt overlay, bollards, striping, and reseeding  
49 disturbed areas.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 11 of 18

1  
2 After considering the \$100,000 grant from NCDOT, a previous Town contribution, and the cost of engineering services,  
3 there is currently a total available budget of \$135,000 for this construction contract. The attached capital project  
4 ordinance amendment and General Fund budget amendment would appropriate an additional \$30,000 of unanticipated  
5 surplus property sale proceeds, beach driving permit revenues, and ABC revenues for this work, resulting in a total  
6 construction budget of \$165,000. If the Board is not willing to appropriate these additional revenues for the full 0.4 mile  
7 segment, an alternative approach would be to eliminate the segment between Cedar Tree Lane and Fairfax Road  
8 (approximately 0.1 mile) at this time, which would likely reduce the total cost to an amount below the \$135,000  
9 currently available. If the Board wishes to pursue this alternative approach, I recommend approval of the attached  
10 resolution, but with an adjustment in the contract price not to exceed \$135,000.

11  
12 All required permits and NCDOT authorizations have been received for this project. If the Board approves, we expect  
13 SunLand Builders to begin work later this month. We hope to complete construction of this project prior to Memorial  
14 Day weekend in late May.

15  
16 Mayor Schools asked for public comment.

17  
18 There were no comments from the public.

19  
20 ***Motion was made by Commissioner Messer to adopt the Resolution***  
21 ***Authorizing Construction Contract for the NC Bicycle Path Extension. The***  
22 ***Board voted unanimously 5-0 in favor. Motion carried.***

23  
24 ***Motion was made by Commissioner Wright to adopt the General Fund***  
25 ***Budget Amendment. The Board voted unanimously 5-0 in favor. Motion***  
26 ***carried.***

27  
28 ***Motion was made by Commissioner Hoover to adopt the Capital Project***  
29 ***Ordinance Amendment – NC 58 Bicycle Path – Phase 3C. The Board voted***  
30 ***unanimously 5-0 in favor. Motion carried.***

31  
32 **Clerks Note:** A copy of Resolution 13-04-09/R6 as well as Budget Amendment and Capital Project  
33 Ordinance Amendment as noted above are incorporated herein by reference and hereby made a part  
34 of these minutes.

35  
36 **14. Ordinance Amending Chapter 11 – Motor Vehicles and Traffic – of the**  
37 **Code of Ordinances Regarding Golf Cart Travel on Ocean Drive Connectors**  
38 **(13-04-09/O1)**

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

43  
44 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would allow the use of  
45 golf carts registered with the Town (through the Town's golf cart program) to drive on the five asphalt path "connectors"  
46 located along Ocean Drive between Live Oak Street and West Landing Drive.

47  
48 The attached amendment would enable golf cart operators in the central area of Emerald Isle to travel via golf cart to  
49 the main commercial area. For safety reasons, the Town's current ordinance does not allow golf carts to travel on NC  
50 58 or on Town sidewalks or bicycle paths. Due to these ordinance provisions and the layout of the Town's street

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 12 of 18

1  
2 network, this prevents golf cart owners located east of Santa Maria Drive from accessing the main commercial area in  
3 a golf cart because the only through-routes are on NC 58, on the NC 58 bicycle path, or on the Ocean Drive  
4 "connectors". The attached amendment creates an exception to the prohibition on the use of golf carts on the Town's  
5 bicycle paths by specifically allowing golf carts to travel on the five Ocean Drive "connectors" only.  
6

7 The five Ocean Drive "connectors" are short asphalt strips (usually 6 feet wide and up to 50 feet long) that provide a  
8 continuous paved surface between the intentional gaps in Ocean Drive at the following locations:  
9

- 10 • between West Landing Drive and East Summer Place,
- 11 • between West Summer Place and Sea Crest subdivision cul-de-sac,
- 12 • between Ebb Tide Drive and Periwinkle Drive,
- 13 • between Coquina Drive and Santa Maria Drive, and
- 14 • between Seagull Drive and Live Oak Street.
- 15
- 16
- 17
- 18
- 19

20 These "connectors" are considered part of the Town's bicycle path network, and were all installed approximately 10  
21 years ago to make it easier for bicyclists and pedestrians to travel along the entire length of Ocean Drive. These  
22 "connectors" have bollards and speed bumps in place to prevent motorized vehicles from traveling through these  
23 areas, however, there is occasional illegal travel by motorcycles and other motorized vehicles in this area. If the Board  
24 approves the attached ordinance amendment, Town staff will adjust the placement of the bollards at these locations to  
25 enable easier golf cart passage but still prevent automobiles from traveling through these areas.  
26

27 The attached amendment does NOT allow golf carts to travel on any other Town sidewalks or bicycle paths. Although  
28 the Town's existing 5+ miles of asphalt bicycle path along Coast Guard Road and NC 58 are 10 ft. wide, they are much  
29 more heavily utilized and the allowance of golf carts on these paths would likely create additional safety concerns.  
30 Additionally, we are not certain if NCDOT regulations would even allow golf carts on the NC 58 bicycle path.  
31

32 The Board should note that while the attached ordinance amendment would connect more golf cart drivers with the  
33 main commercial area, there will still be areas of Town that will not be able to access the main commercial area on a  
34 golf cart. The only access for property owners in subdivisions along Coast Guard Road is Coast Guard Road, and golf  
35 carts are not permitted on Coast Guard Road, thus not allowing golf carts from those subdivisions to reach the main  
36 commercial area. Additionally, the only access for property owners east of the Ocean Drive "dog-leg" is NC 58, and  
37 golf carts are not permitted on NC 58. The far eastern and western areas of Emerald Isle will still be unable to travel  
38 via golf cart to the main commercial area. The Town has received several inquiries in the past about removing the  
39 prohibition on golf cart travel along Coast Guard Road, however, no formal consideration of such a change has  
40 occurred.  
41

42 Mayor Schools asked for public comment.  
43

44 Paxon Holz, Emerald Isle property owner, stated that the Shell Cove Subdivision  
45 had two barriers that were deliberately left on each side of Ocean Drive  
46 preventing traffic from Blocks 28 and 26 from traversing Shell Cove Subdivision.  
47 Ms. Holz said that real estate fee simple title was still owned by the William B.  
48 McLean Residuary Trust and she was the trustee. Ms. Holz said that years ago  
49 they had allowed pedestrian traffic to traverse that barrier and then they allowed  
50 bicycles and she had dodged a couple of motorcycles coming through there. Ms.  
51 Holz said she had spoken with Town Manager Rush and indicated that they saw  
52 no serious problem with golf carts but if it became a problem she would be back.

1  
2 ***Motion was made by Commissioner Hoover to adopt the Ordinance***  
3 ***Amending Chapter 11 – Motor Vehicles and Traffic – of the Code of***  
4 ***Ordinances Regarding Golf Cart Travel on Ocean Drive Connectors. The***  
5 ***Board voted unanimously 5-0 in favor. Motion carried.***

6  
7 **Clerks Note: A copy of Ordinance 13-04-09/O1 as noted above is incorporated herein by reference**  
8 **and hereby made a part of these minutes.**  
9

10 **15. Resolution Authorizing Contract for Coast Guard Road Resurfacing –**  
11 **Emerald Isle Woods Park to Dolphin Ridge (13-04-09/R7)**

12  
13 Town Manager Frank Rush addressed the Board concerning this agenda item.  
14 The following excerpt from the Town Manager's memo to the Board is provided  
15 for additional background:

16  
17 The Board of Commissioners is scheduled to consider the attached resolution authorizing the resurfacing of 1,715  
18 linear feet of Coast Guard Road between Emerald Isle Woods Park and a point approximately 150 feet east of the  
19 entrance to Dolphin Ridge subdivision. The attached resolution authorizes a contract with Onslow Grading & Paving,  
20 Jacksonville, NC for a total cost of \$48,000.  
21

22 The Town recently completed construction of a new segment of the Coast Guard Road bicycle path between Ocean  
23 Oaks Drive and Dolphin Ridge, and the budget for that project includes approximately \$8,000 for the realignment  
24 (removal and re-installation) of existing pavement markings on Coast Guard Road in this area to provide for greater  
25 separation between vehicles and path users. The Town is ready to proceed with the new pavement markings,  
26 however, there is new concern about the deterioration of Coast Guard Road in this area, and it may be wise to  
27 consider resurfacing this segment of Coast Guard Road before proceeding with the realignment of the pavement  
28 markings. I am fearful that the Town may spend the approximately \$8,000 for the pavement marking work now, and  
29 will then need to resurface this segment of Coast Guard Road within the next 2 years, only to have to install new  
30 pavement markings again at that time. In addition, it would improve the aesthetics and ride quality in this area by  
31 resurfacing this segment of Coast Guard Road in conjunction with the completion of the new bicycle path.  
32

33 The proposed contract includes the placement of 1.5 inches of new asphalt, pavement reinforcement fabric, the  
34 removal of approximately 150 linear ft of existing pavement markings near the entrance to Dolphin Ridge, and the  
35 installation of new pavement markings between Emerald Isle Woods Park and the entrance to Dolphin Ridge. The  
36 resurfacing would intentionally stop approximately 150 linear ft. short of Dolphin Ridge in order to leave "old" pavement  
37 to transition the pavement markings (and vehicle lane alignments) to the existing pavement markings on the west side  
38 of Dolphin Ridge (where the vehicle lanes are not shifted to the north yet to accommodate the bicycle path).  
39

40 Onslow Grading & Paving has historically been the low bidder on the Town's street resurfacing work, and,  
41 unfortunately there is very little competition in our area for street resurfacing work. I did not seek alternative bids for  
42 this work because of past difficulties securing other bids, the small nature of this job, and because Onslow Grading &  
43 Paving is currently performing resurfacing work on private streets in Dolphin Ridge and Cape Emerald, and will likely  
44 have the most competitive bid anyway due to the elimination of mobilization costs. If the Board is uncomfortable with  
45 this approach, we can certainly solicit additional bids.  
46

47 The project budget for the new bicycle path includes approximately \$8,000 for the pavement marking work, but the  
48 Town's FY 12-13 budget theoretically does not include the additional \$40,000 necessary for this contract. As you  
49 know, the Board made a prudent decision in January to hold all FY 12-13 Powell Bill funding until FY 13-14 in order to  
50 provide sufficient funding to resurface the entire length of Ocean Drive between 25<sup>th</sup> St. and the Indian Beach town line  
51 in fall 2013. The total estimated cost for that work is expected to be approximately \$265,000. The Town currently has  
52 a balance of approximately \$145,000 in the Powell Bill Fund, and we expect a FY 13-14 Powell Bill distribution of

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 14 of 18

1  
2 approximately \$145,000. This will result in a total of approximately \$290,000 available for the Ocean Drive resurfacing  
3 in FY 13-14. If the pricing for the Ocean Drive resurfacing does not change significantly, the Town should have  
4 approximately \$25,000 to put toward the Coast Guard Road resurfacing included in the attached resolution without  
5 harming our ability to resurface Ocean Drive in fall 2013. The use of \$40,000 of Powell Bill funds now for the Coast  
6 Guard Road resurfacing will result in an approximately \$15,000 shortfall for the Ocean Drive resurfacing in fall 2013,  
7 and the Town would need to identify those additional funds from some other source at that time. To put it more simply,  
8 the Town could utilize \$40,000 of the FY 12-13 Powell Bill funds now to complete the Coast Guard Road resurfacing  
9 included in the attached resolution, and the Town would need to identify an additional \$15,000 in FY 13-14 to complete  
10 the planned Ocean Drive resurfacing in fall 2013. As we discussed in January, Ocean Drive is in great need of  
11 resurfacing, and the Town should not delay this work beyond fall 2013.  
12

13 Assuming the Board is comfortable with the need to identify an additional \$15,000 for the Ocean Drive resurfacing in  
14 FY 13-14, I recommend approval of the attached resolution. Although it involves additional expense to resurface this  
15 segment of Coast Guard Road now, I believe it will be more cost-effective in the long run and will also improve the  
16 aesthetics and ride quality of Coast Guard Road in this area.  
17

18 Commissioner Wootten agreed that this was the smart thing to do to go ahead  
19 and pave it but he didn't want to give up on 1<sup>st</sup> through 25<sup>th</sup> streets. Town  
20 Manager Rush said that if the decision came down to 1<sup>st</sup> through 25<sup>th</sup> streets and  
21 this segment on Coast Guard his recommendation would be to absolutely do 1<sup>st</sup>  
22 through 25<sup>th</sup> streets that was a much greater need and needed to be done. Mr.  
23 Rush said what he was proposing to the Board was that if they wanted to go  
24 ahead and do this section of Coast Guard Road right now they had probably  
25 \$25,000 to put towards this and still do the section between 1<sup>st</sup> and 25<sup>th</sup> streets.  
26 Mr. Rush said they would have approximately \$290,000 available for 1<sup>st</sup> through  
27 25<sup>th</sup> Streets and the estimate received was \$265,000 so if that estimate held up  
28 they then would have \$25,000 left over and the Coast Guard section would cost  
29 \$40,000. If the Board wanted to identify another \$15,000 in next years budget he  
30 felt they could go forward and do Coast Guard Road resurfacing right now but if  
31 they weren't comfortable with that approach they could wait.  
32

33 ***Motion was made by Commissioner Wootten to adopt the Resolution***  
34 ***Authorizing Contract for Coast Guard Road Resurfacing – Emerald Isle***  
35 ***Woods Park to Dolphin Ridge. The Board voted unanimously 5-0 in favor.***  
36 ***Motion carried.***  
37

38 **Clerks Note:** A copy of Resolution 13-04-09/R7 as noted above is incorporated herein by reference  
39 and hereby made a part of these minutes.  
40

41 **16. Comments from Town Clerk, Town Attorney, and Town Manager**  
42

43 There were no comments from the Town Clerk or Town Attorney.  
44

45 Town Manager Rush updated the Board on several important issues including  
46 the tax reform package being considered by the NC General Assembly noting  
47 that he would continue to monitor the issues closely as they developed.  
48

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 15 of 18

1  
2 Additionally, Mr. Rush noted they had just yesterday completed the clearing on  
3 the causeway on both sides of the bridge.  
4

5 The following is an excerpt from the Town Manager Comments memo to the  
6 Board providing additional background information for all items of importance:  
7

8 **Room Occupancy Tax Bill Introduced by Representative McElraft**

9 Representative McElraft has introduced H553, which would increase the County room occupancy tax from 5% to 6%  
10 and also change the distribution of room tax proceeds from 60% tourism promotion / 40% beach nourishment to 50% /  
11 50%. A copy of the bill is attached.  
12

13 The net effect of this change is nearly \$900,000 more annually for beach nourishment activities in the County.  
14 Although the proceeds would be allocated by the Carteret County Beach Commission, it is reasonable to assume that  
15 Emerald Isle will receive its fair share for future nourishment activities, likely an average annual amount of \$550,000 -  
16 \$600,000. This amount goes a long way toward making up for the previously anticipated State funding (approximately  
17 \$700,000 per year needed, on average), however, it does not quite get us to the full amount needed in the future.  
18 Assuming the bill is ultimately approved by the NC General Assembly, I will continue to work with the Carteret County  
19 Shore Protection Office to better refine the Town's future plans, and will also consider additional future revenue  
20 sources.  
21

22 I will remain engaged in this issue in the coming weeks, and will update the Board of any actions necessary as the bill  
23 moves through the General Assembly. We are not aware of any significant opposition locally, however, it remains to  
24 be seen what position, if any, the Statewide travel and tourism lobby will take on this bill.  
25

26 **FY 13-14 Recommended Budget**

27 The FY 13-14 Recommended Budget will be presented to the Board of Commissioners at the May 14 regular meeting.  
28 We are working hard to avoid an increase in the property tax rate (aside from the potential 1-cent increase for the  
29 "community improvements package" currently being considered by the Board).  
30

31 **Tax Reform Plans Being Considered by the NC General Assembly**

32 S394 was introduced last month, and includes provisions for significant tax reform in North Carolina. Among other  
33 State changes, the bill includes the elimination of municipal utility franchise taxes, 1 cent of local sales tax on food  
34 items, and beer and wine taxes. Combined, the Town would lose approximately \$370,000 (equivalent to approximately  
35 1.25 cent on the Town's property tax rate) of revenue if not replaced with alternative revenue sources. Bill proponents  
36 plan to broaden the sales tax base and also begin levying sales taxes on the sale of electricity, and some portion (and  
37 perhaps all) of the lost revenue would come back to the Town. At this point, it is impossible to know how much of the  
38 lost revenue would be "made up" with new revenue sources, and the issue is very fluid. There will likely be  
39 considerable debate and amendments during the next several weeks. There appears to be a good faith effort to hold  
40 municipalities collectively "harmless" with the tax reform provisions, however, there will be "winners and losers" among  
41 the individual municipalities. I don't believe it's necessary or advisable for the Board to take an official position on this  
42 issue at this time, however, it will be important to monitor this issue as it develops.  
43

44 **Potential Critical Habitat Designation for Sea Turtles**

45 The US Fish and Wildlife Service is proposing the designation of much of the NC coast as critical habitat for the  
46 endangered loggerhead sea turtle. This could lead to additional regulations for beach activities, potentially including  
47 additional impacts / limitations on beach nourishment, beach driving, and other activities. I still have much to learn  
48 about this issue, and will be attempting to learn more in the coming weeks. The proposed designation is included in  
49 the Federal Register at <https://www.federalregister.gov/articles/2013/03/25/2013-06458/angered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-the-northwest#h-58>. Greg Rudolph, Carteret County Shore  
50 Protection Officer, will be closely monitoring this issue with regard to beach nourishment impacts, however, there may  
51 also be impacts for beach driving.  
52  
53

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 16 of 18

1  
2 **Increase Fines for Littering on the Beach?**

3 Town ordinances include a civil penalty of \$50, however, a violator can also be charged under State law with penalties  
4 up to \$250 plus court costs. The Surfrider Foundation (Bogue Banks Chapter) has requested that the Town consider  
5 increasing the fine for littering, and that we also publicize the large fine on various signs to provide a greater deterrent  
6 to littering on the beach strand.

7  
8 In reality, very few people are actually caught littering, and we only have a record of a handful of enforcement actions  
9 in the past couple of years – all of which were verbal warnings. I do not anticipate any greater enforcement efforts, but  
10 it may be helpful to increase the fine as a deterrent. Please let me know your thoughts on this issue.

11  
12 **NC 58 Bridge Work**

13 After more than a week off for the Easter holiday, NC 58 bridge work continues. Beginning Sunday, April 7 at 7 pm,  
14 one lane will be closed for 12 hours each weeknight (7 pm – 7 am, Sunday night though Thursday night). There  
15 should not be any more daytime lane closures (except for very short durations), and both lanes should be open every  
16 weekend. All work is expected to be complete by May 23.

17  
18 **Police Chief Selection Process**

19 The Town received a total of 140 applications for the Police Chief position, and I continue to review the applications. I  
20 hope to contact the top candidates later this week to schedule interviews. I remain hopeful that a new Chief will be  
21 selected by Memorial Day.

22  
23 **Coast Guard Road Bicycle Path Extension**

24 The bicycle path extension is substantially complete, with only pavement markings, bollards, and signage to be  
25 installed by Town staff. Our contractor, The Yard Barber, must still complete a short stretch of additional retaining wall.

26  
27 **New Soundside Pier at Public Boating Access Area**

28 We expect to solicit construction bids for this project within the next week or two, and will have a contract  
29 recommendation for the Board no later than the May meeting, and perhaps sooner at a special Board meeting if  
30 necessary. We are still hopeful that we can have the new pier open by Memorial Day weekend, although that goal is  
31 looking less promising as time goes by.

32  
33 **NC 58 Causeway Clearing**

34 We expect the same contractor to complete additional clearing along the NC 58 causeway later this week or early the  
35 following week. The vegetation will be thinned out by the contractor (back to the next wooden power pole to the  
36 south), and Parks and Recreation staff will then perform additional cleanup work prior to May 1 so the area looks  
37 attractive for the busy summer season.

38  
39 **Eastern Emerald Isle Storm Water Outfall Removals**

40 Public Works is currently working on the removal of the outfall at 11<sup>th</sup> Street, and will install a new underground  
41 infiltration system in the next few weeks. After 11<sup>th</sup> Street is complete, we still need to complete improvements at  
42 Arden, 15<sup>th</sup>, 19<sup>th</sup>, 23<sup>rd</sup>, and 1<sup>st</sup>. We were recently granted an extension until November 2013 to complete this work.

43  
44 **New Legislation Clarifying Municipal Authority to Regulate Public Trust Beach Areas**

45 H300 was introduced by Representative McElraft on March 13, but has not yet been heard by the House Committee on  
46 Government. It is important to note that the “crossover” date (the date by which a bill must pass one chamber to  
47 remain active for consideration” is May 16. I will assist Representative McElraft in any way helpful to achieve the  
48 passage of this bill. A copy of the bill is attached.

49  
50 **Live Oak Street Pedestrian Bridge**

51 We recently received a quote for \$19,500 for the construction of this bridge (with a portion of the work to be completed  
52 by volunteer labor), and we are currently assessing potential design revisions. I do not expect this project to be  
53 complete by Memorial Day weekend unless we can identify a much less expensive approach. We will keep working on  
54 this issue, however.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 17 of 18

1  
2 **Cape Emerald Ponds**

3 The Town's contractor recently completed dredging work in the Cape Emerald ponds that receive storm water runoff  
4 (and silt) from the Town's stormwater pipe on Ocean Oaks Drive. Public Works staff has also been improving "old"  
5 sinkhole sites along the route of the stormwater pipe in Cape Emerald in order to improve the subsurface before Cape  
6 Emerald resurfaces the streets in their subdivision.

7  
8 **Coast Guard Road Traffic Islands**

9 Parks and Recreation staff recently installed new palm trees and decorative rock in the traffic island near the  
10 intersection of Coast Guard Road and NC 58. They will be making similar improvements to the traffic island near the  
11 Reed Drive intersection in the next few weeks.

12  
13 **Summer Services**

14 The Police Department, Fire Department, Public Works, and Parks and Recreation continue to gear up for the summer,  
15 and have been busy bringing on seasonal personnel to provide a similar level of services as last year.

16  
17 **Fire Department Ladder Truck Expected Back in Emerald Isle by end of April**

18 The ladder truck has been out of service being repainted for the past few weeks, and is partially complete. We expect  
19 the truck to be back in service by the end of April.

20  
21 **Implementation of IT Agreement with VC3**

22 I expect to formally execute the agreement with VC3 to switch 11 Town computer workstations to VC3's hosted  
23 solution (on "the cloud") later this month, and will begin the transition soon thereafter. My goal is to have these 11  
24 workstations transitioned by sometime in May. Due to illness, I was unable to visit VC3's facility in March, but hope to  
25 schedule another visit for sometime soon.

26  
27 **New Recycling Containers**

28 Due to higher than anticipated demand, Sound ACE is currently out of all 40-gallon and 90-gallon recycling containers  
29 (and has been for the past few weeks), however, we expect to take delivery of another 800+ containers literally any  
30 day now, and will make those available at Sound ACE as soon as possible. As noted previously, we do not intend to  
31 take any enforcement action for quite some time until well after everyone has had a chance to purchase new /  
32 additional containers.

33  
34 **Request for Remaining WAMI Grant Funds for New Ocean Fishing Pier**

35 I am attempting to contact the State Budget Office to seek the release of the remaining grant funds, and will also solicit  
36 the assistance of Representative McElraft and Senator Sanderson if needed. NCDENR officials have verbally  
37 indicated that they are comfortable with the revised agreement, reversion of the EORA land to the Town, and the  
38 release of the grant funds, and I hope to have all of these issues resolved within the next month or two.

39  
40 **Implementation Date for Regional Access Parking Fees**

41 We expect to begin charging the weekend parking fees on April 20. We also plan to allow re-entry at both the Eastern  
42 Ocean Regional Access and Western Ocean Regional Access this summer.

43  
44 **Update to Residents & Visitors Guide**

45 The Residents & Visitors Guide was last updated in May 2010, and we are working on a 2013 update. I hope to have  
46 these printed by May for distribution to vacation rental agencies and placement at Town building.

47  
48 **Joint EMS Committee Meeting**

49 The Committee will meet on Wednesday, April 17 at 7 pm to review the FY 13-14 budget request from EI EMS, Inc.

50  
51 **Pre-Positioned Hurricane Debris, Pump, and Generator Contracts**

52 We are currently soliciting bids for these contracts, and hope to have contract recommendations on the Board's May  
53 14 meeting agenda.

54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 9, 2013  
Page 18 of 18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**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 prior to the bulk of the 2013 hurricane season.

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

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

**18. Adjourn**

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

***The meeting was adjourned at 8:40pm.***

Respectfully submitted:

Rhonda C. Ferebee, CMC, NCCMC  
Town Clerk

