

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, FEBRUARY 12, 2013 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**

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6
7 **1. Call To Order**

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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, Town Clerk Rhonda Ferebee, and Planning Director
20 Kevin Reed.

21
22 **3. Opening Prayer**

23
24 Opening prayer was offered by Rachel Hyden, youth member from Emerald Isle
25 Chapel by the Sea.

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 ***Motion was made by Commissioner Hoover to adopt the Agenda. The***
34 ***Board voted unanimously 5-0 in favor. Motion carried.***

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

37
38 Mayor Schools noted the following announcements for the public:

- 39
40 • **One lane of NC 58 bridge closed every day until Friday, March 8 at**
41 **7pm**
42 • **Board of Adjustment Meeting – Wednesday, February 13 –**
43 **CANCELLED**
44 • **Open Play Wii Bowling – Wednesdays – 6 pm – 8 pm – Community**
45 **Center**
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- 2 • **American Red Cross Blood Drive – Friday, February 15 – 2 pm – 7 pm**
- 3 **– Community Center**
- 4 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
- 5 **February 19 – 9 am – Community Center**
- 6 • **4 x 4 CoEd Indoor Volleyball Tournament – Saturday, February 23 – 8**
- 7 **am until – Community Center**
- 8 • **Planning Board Regular Meeting – Monday, February 25 – 6 pm –**
- 9 **Town Board Meeting Room**
- 10 • **Classic Movie Night – Friday, March 1 – 7 pm – Community Center**
- 11 • **Friday Free Flick – Friday, March 8 – 7 pm – Community Center**
- 12 • **Board of Commissioners Regular Meeting – Tuesday, March 12 -**
- 13 **7pm – Town Board Meeting Room**
- 14 • **22nd Annual St. Patrick’s Festival – Saturday, March 16 – 9 am – 6 pm**
- 15 **– Emerald Plantation Shopping Center**
- 16 • **New trash collection schedule begins March 18 – oceanside Mon &**
- 17 **Fri, soundside Tues & Thursday**
- 18

19 Mayor Schools also announced the Down & Derby fundraising party being
20 hosted by the Emerald Isle Bicycle and Pedestrian Advisory Committee
21 scheduled to take place at the Emerald Isle Beach and Pool Club on May 4 from
22 4-8. Committee Chair Ken Stone described the event and encouraged everyone
23 to purchase their tickets and attend.

24

25 **7. Public Comment**

26

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

29

30 Alan Watts, 9811 Sandy Court, provided the Board with a chart he had prepared
31 referencing driving on the beach for coastal towns and counties from Virginia to
32 South Carolina, noting there were 16 coastal towns that did not allow driving at
33 all on the beach or on private property. Mr. Watts outlined the information on his
34 chart indicating the beaches that allowed only limited driving on the beach, and
35 other different driving periods. Mr. Watts said that on Bogue Banks, Emerald Isle
36 was the only town that allowed driving at night, and had issued approximately
37 1,500 permits, not counting the municipal vehicles being used under the Police
38 powers act to drive across his property. Mr. Watts said that Emerald Isle had
39 used the police powers act as a means to give the Town Manager unlimited use
40 of vehicles on the beach, and the Town Manager’s decision that all beach land
41 from the dunes to the water allowed vehicles with permits to drive anywhere on
42 the beach from the dunes to the water. Mr. Watts said he had asked the Board
43 on several occasions to adhere to the consent order dated May 16, 2006. Mr.
44 Watts said that the Board and its subordinate officials were not relieved of
45 personal responsibility by the immunity of the State.

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1
2 Jim Hackett, 6410 Ocean Drive, thanked Alesia Sanderson, Parks & Recreation
3 Director and Frank Rush, Town Manager for the new seating area in Sea Crest,
4 and in appreciation he gave the Board some of the famous delicious Berger
5 Cookies, from his home town of Baltimore, Maryland.

6
7 Ken Stone, 9701 Ashley Place, Bicycle & Pedestrian Advisory Committee Chair
8 spoke about the progress on the Coast Guard Road construction of the next
9 section of the multi-use path, he noted that to date the committee had raised over
10 \$117,000 from businesses and private donors within the community and asked
11 the Board to consider contributing more money to continue the path's progress.

12
13 **8. Consent Agenda**

14
15 **a. Tax Refunds / Releases**

16 **b. Resolution Declaring Surplus Property (13-02-12/R1)**

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

21
22 **Clerks Note: A copy of Resolution 13-02-12/R1 and all other Consent Agenda items as noted above**
23 **are incorporated herein by reference and hereby made a part of these minutes.**

24
25 **9. FY 13-14 Budget**

26
27 **a. Budget Calendar**

28 **b. Public Hearing – Early Citizen Input**

29
30 Town Manager Frank Rush addressed the Board concerning this agenda item.
31 The following excerpt from his memo to the Board is provided for additional
32 background:

33
34 The Board is scheduled to consider two items related to the FY 13-14 budget at the February 12 meeting. First, the
35 Board is asked to adopt the official FY 13-14 Budget Calendar, and second, the Board is scheduled to conduct a public
36 hearing to receive early citizen input on the FY 13-14 budget.

37
38 **FY 13-14 Budget Calendar**

39 A copy of the suggested FY 13-14 Budget Calendar is attached for the Board's review. This calendar outlines the
40 Town's budget process and includes key target dates in the process.

41
42 This year, the FY 13-14 budget process actually began at the Board's January 25 budget planning workshop. The
43 Board reviewed detailed budget information and discussed several potential expenditure items at that meeting, and
44 provided direction to Town staff regarding the Board's priorities, concerns, ideas, etc. for FY 13-14. The FY 13-14
45 budget public hearing scheduled for the February 12 meeting represents another key step in the FY 13-14 budget
46 process, and we look forward to input from our taxpayers at this public hearing. Town staff and I will then consider the
47 Board's direction and the public's input, and will work to develop a responsible budget during March and April.
48

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1
2 The FY 13-14 Recommended Budget will be presented to the Board at the May 14 regular meeting. Two budget
3 workshop meetings are tentatively scheduled for May 21 and June 4 (both are Tuesday evenings) to review the
4 Recommended Budget in detail. The official public hearing on the budget is planned for the June 4 workshop meeting,
5
6 with Board adoption planned for the June 11 regular meeting. (Additional budget workshop meetings can be
7 scheduled between May 22 and June 3 as necessary.)
8

9 The Board has the flexibility to adjust this schedule as we go through the budget process if necessary and/or desired,
10 however, the establishment of the FY 13-14 Budget Calendar will help to keep this lengthy process on track.
11

12 Public Hearing – Early Citizen Input on FY 13-14 Budget

13 We have scheduled and advertised a public hearing on the upcoming FY 13-14 budget for the February 12 meeting.
14

15 NC General Statutes require the Town to conduct a public hearing on the annual budget after the Town Manager
16 presents the Recommended Budget in May, but Emerald Isle has also historically held a public hearing prior to the
17 start of the annual budget process in order to get citizen input at the front-end of the budget process. The purpose of
18 the February 12 public hearing is simply to receive comments or suggestions from our citizens regarding budget
19 priorities for the coming fiscal year before we begin the budget process. The hearing will give citizens a chance to
20 voice their concerns about the tax rate, the fairness of the Town's tax and fee structure, suggest budget and service
21 reductions, suggest funding for certain programs or projects, etc. All thoughtful suggestions are welcomed and
22 encouraged.
23

24 ***Motion was made by Commissioner Messer to adopt the FY 13-14 Budget
25 Calendar. The Board voted unanimously 5-0 in favor. Motion carried.***
26

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

30 There were no comments from the public.
31

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

35 **10. White Oak Elementary School Resource Officer**
36

37 Ann Scott, parent representative, spoke to the Board requesting their support of
38 a School Resource Officer at White Oak Elementary School. The following
39 excerpt from the Town Managers memo to the Board is also provided for
40 additional background:
41

42 There has been recent discussion in Carteret County regarding the need for a uniformed law enforcement officer
43 (School Resource Officer, or SRO) in County schools, including White Oak Elementary School. Parents and
44 representatives from White Oak Elementary School are expected to attend the Board's meeting on February 12 to
45 address the Board of Commissioners, and I have included a specific agenda item for this issue.
46

47 The horrific shootings at Sandy Hook Elementary School in Connecticut in December have resulted in additional
48 support for increased school security all around the country, including Carteret County. At this time, I am not certain of
49 the specific details regarding the potential new SRO position at White Oak, and the specifics appear to still be evolving.
50

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2 As you know, the State and County are responsible for school funding, and there is a possibility that the Carteret
3 County Board of Education and/or the Carteret County Board of Commissioners and/or the Carteret County Sheriff will
4 identify specific funding for a new SRO at White Oak (and presumably other County schools). The parents and
5 representatives of White Oak recently attended a meeting of the Cape Carteret Board of Commissioners, and their
6

7 support was expressed at that meeting. I expect that the parents and representatives will seek similar support from the
8 Emerald Isle Board at your February 12 meeting, and they and/or the County may ultimately seek a funding
9 contribution from the Town.

10
11 White Oak Elementary School previously utilized the services of a SRO for several years, and funding for this position
12 was primarily provided by the Town of Cape Carteret. Due to budget constraints, this position was discontinued a few
13 years ago. As noted, it is possible that the County (either the Board of Education or County Commissioners or Sheriff)
14 will fund a new SRO at White Oak, however, it is also possible that the local municipalities will be asked to contribute to
15 this effort.
16

17 According to data provided by Carteret County Schools, the total enrollment at White Oak Elementary is 780 students.
18 Of this total, 168 (or 21.53%) are Emerald Isle residents. Other children at White Oak live in Cape Carteret, Cedar
19 Point, Bogue, Peletier, and unincorporated areas of Carteret County. Again, I do not know the specific details of the
20 request for funding, however, I would estimate the annual cost of a new SRO to be in the \$40,000 or more range
21 (including all salary, benefits, and equipment for 10 months). If Emerald Isle is asked to contribute toward a new SRO,
22 and the County did not provide any funding other than for the unincorporated areas, a reasonable Town contribution of
23 21.53% would equate to approximately \$8,612 per year. If the County funded 50% of the total cost outright, and the
24 municipalities were asked to share in the remainder, the Town's 21.53% contribution of the remaining 50% would
25 equate to approximately \$4,306 per year.
26

27 I do not know if the group is seeking SROs for only the elementary schools in the County, or if SROs will also be
28 sought for Broad Creek Middle School, where Emerald Isle children attend. If the Town is asked to contribute to the
29 cost of an SRO for this school also, then the Town's annual costs would likely be double the amounts noted for White
30 Oak.
31

32 As you know, the Town of Emerald Isle has conducted the D.A.R.E. program at White Oak Elementary School for
33 many years. The Emerald Isle Police Department started the 2013 program in the past couple of weeks, and it will
34 continue for the next few months. Acting Chief Jeff Waters led this program for many years, and it is now led by Officer
35 Sandra DeLorme. The average annual cost to the Town to offer this program is approximately \$3,000 - \$4,000. The
36 Emerald Isle Fire Department also hosts several visits per year from school children at White Oak and many other
37 County schools, and that program is very popular.
38

39 **Ms. Scott said in requesting money for the salary for the school resource officer it**
40 **was quite confusing as to how to break up the responsibility between towns. Ms.**
41 **Scott asked the Board if they would be willing to support the funding for a school**
42 **resource officer in some way or would they be willing to write a unified letter to**
43 **the County Commissioners requesting funding from them.**
44

45 Mayor Schools said he had spoken to the Sheriff, Superintendent of Schools,
46 County Manager, County Commissioner and a School Board member and while
47 not getting a definite answer got a good feeling that this issue would be
48 discussed before the end of the month of February. Mayor Schools said his
49 preference would be to wait another month and see if the School Board, County
50 or Sheriff came up with a plan and see how the Town might be a part of it.
51

1
2 ***Motion was made by Commissioner Wright that a letter of support be***
3 ***written to the Board of Education with copies to the County Board of***
4 ***Commissioners and Sheriff. The Board voted unanimously 5-0 in favor.***
5 ***Motion carried.***
6

7 **11. Ordinance Amending Chapter 4 – Use Regulations – of the Unified**
8 **Development Ordinance To Include Additional Permitted and Special Uses**
9 **in the Marina Village Zoning District (13-02-12/O1)**
10

11 **a. Public Hearing**

12 **b. Consideration of Ordinance Amendment**
13

14 Planning Director Kevin Reed addressed the Board concerning this agenda item.
15 The following excerpt from his memo to the Town Manager is provided for
16 additional background:
17

18 A request has been received from R. Andrew Harris for amendments to Chapter 4, Use Regulations, Table 4.1.2,
19 Table of Permitted and Special Uses, of the Town's Unified Development Ordinance (UDO) in order to add additional
20 permitted and special uses to the Marina Village Zoning District (see attached letter). Specifically, Mr. Harris requested
21 that the following uses to be added to Table 4.1.2 for the Marina Village District:
22

- 23 1. Agencies and offices rendering specialized services in the professions, finance, real estate and
24 brokerage;
- 25 2. Antiques, art supply and gift retail sales;
- 26 3. Athletic clubs and facilities
- 27 4. Book and Stationary stores;
- 28 5. Campgrounds and travel trailer parks (Special Use)
- 29 6. Furniture, retail sales;
- 30 7. General retail sales not otherwise listed;
- 31 8. Offices – General
- 32 9. Retail Sales, indoor, not listed separately;
- 33 10. Recreational vehicle park (Special Use)
- 34 11. Watercraft related facilities;
- 35 12. Bakery shops
36

37 All of the uses listed above would be permitted uses except for Campgrounds and travel trailer parks; and,
38 Recreational vehicle parks which would require a Special Use Permit. Mr. Harris is correct in his letter when he
39 indicates that the Marina Village Zoning District was modeled, in part, after the Village East and Village West Zoning
40 Districts. All three districts share the common feature in that they are mixed use districts. The descriptions of the three
41 mixed use districts contained in the UDO are as follows:
42

43 Village-East (VE) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land
44 uses that may only be applied to the area designated as "Village-East" as identified in the Town's CAMA Land Use
45 Plan.

46 Village-West (VW) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land
47 uses that may only be applied to the area designated as "Village-West" as identified in the Town's CAMA Land Use
48 Plan.

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Marina Village (MV) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land uses that may only be applied to the area designated as "Marina Village" as identified in the Town's CAMA Land Use Plan.

While all three zoning districts are similar in that they are all mixed use districts there are some distinctions to the areas. For example, Village West is intended to apply to the area centered along Islander Drive and would focus on family recreational/entertainment uses, lodging and related commercial uses; Village East is intended to apply to the area along Bogue Inlet Drive and would focus on the fishing pier as well as commercial and residential uses; and, Marina Village is intended to apply to the area near Island Harbor Marina and would focus on the marina and related commercial and residential uses.

The Planning Board considered Mr. Harris's request at its meeting held on January 28, 2013. Following its discussion of the request, the Planning Board voted (5 to 1) to recommend to the Board of Commissioners that UDO be amended. The recommendation from the Planning Board included all of the uses requested by Mr. Harris with the addition of Mobile Home Parks which would be listed as a special use in the Marina Village District. Attached to this memorandum is a copy of the proposed amendments in ordinance format. The ordinance includes the language to be added in an underlined format and language to be deleted is shown in a strikethrough format.

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

Andy Harris, attorney representing the applicants Maritime Siblings addressed the Board regarding the text amendment requested. Mr. Harris stated that the dry stack plans for the marina property had been put on the shelf for the time being but in the meantime the owners were looking at other options for the property and as part of doing that had reviewed the permitted use tables and compared to Village East and Village West and noticed some discrepancies. Mr. Harris said that hadn't even noticed before that watercraft related facilities was not shown as a permitted use in the Marina Village Zoning District which would obviously be needed for a marina. Mr. Harris had listed the requested permitted and special uses for the Marina Village and didn't feel that any of those uses listed would be controversial.

Motion was made by Commissioner Hedreen to close the Public Hearing. The Board voted unanimously 5-0 in favor. Motion carried.

Commissioner Wootten said that looking at the history, the 2004 Land Use Plan started Village East and Village West and both of those zones had different goals and perspectives, Village East was to develop Bogue Inlet Drive and make it a downtown area with apartments above shops and that kind of area, Village West included a lot of the same things as Village East except the objective there was for a hotel and restaurant area. In addition Village East was in the AICUZ flight zone and because of that the Marines had not wanted anything big in Village East, which is why Village West was geared for the hotel area. Commissioner Wootten said in 2008 when the applicants were trying to develop the marina and the Board wanted to help and approve their requested 60 foot dry stack building,

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1
2 the only way the Board could approve a 60 foot building was to develop Marina
3 Village because if they didn't have the overlay concept they would be opening
4 the door to 60 foot buildings all over town and so that was the genesis of Marina
5 Village. Commissioner Wootten stated that he really felt they should be able to
6 use the property in any way they wanted but had a problem with the carte
7 blanche for 10 different requested uses where there was no scheme in place.
8 Commissioner Wootten recommended that the Board approve the Special Uses
9 for the RV Park, Campground, and Mobile Homes tonight but delay action on
10 approving any other uses until the owners presented some kind of scheme that
11 they could make a judgment on at that time as to whether they would be
12 permitted uses.

13
14 Andy Harris responded that he agreed that the idea for the Marina Village was
15 that they were creating a marina down there and part of the overlay district was
16 designed because of the height, but pointed out that the property was originally
17 zoned B-2 and the property zoning at that time would probably have allowed a lot
18 if not all of the other uses they had requested. When he thought of Marina
19 Village as looking at the uses he thought of retail shops, collectible gift shop, and
20 those were things they had not included as their oversight as their focus had
21 been on the dry stack and now that was gone all of the other uses came into play
22 as potential uses. Mr. Harris said that they would have to submit building
23 drawings and go through that review process on any commercial buildings that
24 would be built there to house any of these kinds of uses. Mr. Harris said he
25 understood the point that they may want time to determine if these uses were
26 appropriate for the area.

27
28 ***Motion was made by Commissioner Wootten to amend Chapter 4 – Use***
29 ***Regulations – of the Unified Development Ordinance to add Campgrounds***
30 ***and Travel Trailer Parks as a Special Use, Recreational Vehicle Parks as a***
31 ***Special Use, Mobile Home Parks as a Special Use and Water Related***
32 ***Facilities as a Special Use. The Board voted unanimously 5-0 in favor.***
33 ***Motion carried.***

34
35 The Board indicated that they would be glad to consider requests for other uses
36 when the applicants had in mind a concept or plan that they would like to present
37 for the Board's consideration at a future time.

38
39 **Clerks Note:** A copy of Ordinance Amendment 13-02-12/O1 as approved is incorporated herein by
40 reference and hereby made a part of these minutes.

41
42 **12. Appointments – Planning Board – 4 Vacancies**

43
44 **Brief Summary:** The terms of 4 Planning Board members will expire in March.
45 Four individuals should be appointed to new two-year terms expiring in March
46 2015.

1
2 ***Motion was made by Commissioner Messer to reappoint Eddie Barber, Tom***
3 ***Kelly, James Normile, and Ken Sullivan to terms on the Planning Board that***
4 ***expire March 2015. The Board voted unanimously 5-0 in favor. Motion***
5 ***carried.***

6
7 **13. Comments from Town Clerk, Town Attorney, and Town Manager**

8
9 There were no comments from the Town Clerk or Town Attorney.

10
11 Town Manager Rush updated the Board on several issues of importance
12 including the status of the beach nourishment project, NC 58 bridge work, Coast
13 Guard Road and Hwy 58 bike path progress. Mr. Rush noted they planned to go
14 forward with additional causeway clearing in March.

15
16 The following is an excerpt from the Town Manager Comments memo to the
17 Board providing additional background information for all items of importance:

18
19 **Transportation Impact Bringing #43 Richard Petty Motorsports Car to St. Patricks Festival**

20 Transportation Impact, the primary sponsor the 22nd Annual St. Patrick's Festival, continues their relationship with
21 Richard Petty Motorsports this year, and will again sponsor the #43 car at a NASCAR race this season. The #43 car,
22 with the Transportation Impact logo and now featuring the "TI Representing EI" emblem, will be at the St. Patrick's
23 Festival all day long, and will surely be a hit with festival visitors. In addition, TI is working with the Petty Family
24 Foundation on a special fundraiser, and will host an invitation event earlier in St. Patrick's Festival week, and will also
25 be raffling off racing memorabilia at the festival.

26
27 **NC 58 Bridge Work**

28 24-hour lane closures remain in effect every day from now until Friday, March 8 at 7 pm. NCDOT has adjusted the
29 flagmen schedule, and has now directed the contractor to use flagmen each weekday from 6:30 am until 6:30 pm,
30 which should help the traffic flow during daytime hours. NCDOT will continue to monitor traffic conditions, and will
31 adjust as necessary or helpful. The Board should note that NCDOT has been very good to work with on the traffic
32 control issues, and has been willing to be flexible and adjust as needed.

33
34 The Board and the public should note that the current surface of the bridge is not the finished product. The concrete
35 resurfacing will be smoothed and grooved before the project is complete, and all bridge joints are yet to be replaced.

36
37 **FEMA Irene Beach Nourishment Project**

38 The beach nourishment project is underway in Pine Knoll Shores, and the work is expected to being in eastern
39 Emerald Isle (5th Street – Pier Pointe) around February 25. Two dredges will be working in this area. Work is
40 expected to begin in western Emerald Isle (Myrtle Drive – Ocean Oaks) around February 24, and a separate dredge is
41 expected to arrive at that time to focus on this area. Pipeline should begin to arrive in Emerald Isle sometime within
42 the next week. We expect all work to be complete by March 31.

43
44 We expect only very minor impacts at the Eastern Ocean Regional Access and Western Ocean Regional Access, and
45 both facilities will remain open during construction. The beach will be closed to driving in the affected areas during
46 construction.

47
48 **Police Chief Recruitment**

49 As you know, former Chief Hargett was separated from his position on February 5. I expect to spend some time with
50 the Police Department staff later this week, and will begin advertising for a new Police Chief within the next week or
51 two. My goal is to have a new Police Chief named by May 15, if not sooner.

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2 **Beach Access Walkway Replacements**

3 The replacement of the Tammy Street and Alex Court walkways is nearly complete, and both contractors have
4 performed very well. We recently executed a change order with one contractor to widen the steps to the beach at the
5 Western Ocean Regional Access, and this work should be done in the next couple of weeks. This work is funded by
6 parking fee revenues.

7
8 **Coast Guard Road Bicycle Path Extension**

9 SunLand Development and Construction is currently working on this project, and is progressing well. The Yard Barber
10 has been retained to construct necessary retaining walls for the project, and that work is also in progress. One
11 surprise that occurred was the discovery of an approximately 50 ft. section of the Town's storm water pipe at a higher
12 elevation than expected, and Thomas Simpson Construction, the original contractor who installed the pipe, is
13 scheduled to place the pipe deeper within the next week. We do not expect any significant issues, other than the slight
14 delay. We expect this project to be complete by March.

15
16 **NC 58 Bicycle Path Extension**

17 All permits are in hand for this project, and we believe we have finally received all approvals from NCDOT to solicit
18 bids. We will be soliciting bids in February, with a planned bid opening date of March 6. We plan to have a contract
19 award on the Board's March 12 meeting agenda, with a goal to complete the new segment from Hurst St. to Fairfax
20 Drive prior to Memorial Day weekend.

21
22 **Upcoming CAMA Grant Cycle**

23 2013 CAMA Public Water Access grant applications are due in April, and staff is currently contemplating potential grant
24 applications for the Board to consider at the March meeting. One possibility is the construction of a bicycle path
25 extension on NC 58 from Coast Guard Road to a new public water access site near the base of the bridge. We need
26 to complete additional research on the ability to use the grant funds for the bike path component before proceeding
27 further. Another option would be to seek grant funding for additional park improvements at the new public boating
28 access area, potentially including playground equipment, a perimeter walking trail, or other improvements. Please let
29 us know if you have any other ideas you'd like staff to consider before presenting a recommendation to the Board in
30 March.

31
32 **New Soundside Pier at Public Boating Access Area**

33 We are awaiting completion of minor design work to secure building permits for this project, and plan to solicit quotes
34 later in February or March. There is one outstanding issue with the major CAMA permit modification that we are
35 working through (they have some concern about navigation right up against the marsh, however, there is an official
36 marked navigation channel just offshore????), but I believe we will get this issue resolved. I hope to present a contract
37 award to the Board at the March 12 meeting, however, it may be delayed until the April meeting.

38
39 **Village East Rezoning**

40 The Planning Board considered this issue at their January meeting, and will consider it again at their February meeting.
41 I expect to bring a recommendation to the Board at the March 12 meeting to implement the Village East zoning
42 designation in the area near Bogue Inlet Pier.

43
44 **Proposed 2013 Community Improvements Project Packages**

45 I plan to present multiple options for an approximately \$2.5 - \$3 million debt issue for various capital projects to the
46 Board at the March and April meetings. We will also publicize the Board's decision on this issue to secure meaningful
47 public input prior to the Board's formal consideration of the FY 13-14 budget in May and June.

48
49 **NC 58 Causeway Clearing**

50 Parks Maintenance staff has been working to "tidy up" the cleared area near the base of the bridge, and it is looking
51 good. Nearly all public comments have been positive. We plan to utilize the same contractor to clear additional areas
52 later in February or early March, if the Board is comfortable with that approach.

53
54

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2 **Proposed 1% Beach Preservation (Local Option Sales and Use) Tax**

3 I recently met with Representative McElraft on this issue, and it is looking less likely that this proposal will be seriously
4 considered, however, there remains some speculation of a bill that would enable all beach municipalities to levy a 1%
5 beach preservation (local option sales) tax, and it will be interesting to see how that issue plays out.
6

7 Representative McElraft has interest in pursuing a 1% municipal room occupancy tax for Emerald Isle (and other
8 Bogue Banks towns) with 100% of these revenues statutorily restricted to beach nourishment activities. This would
9 generate approximately \$560,000 annually for Emerald Isle, and would almost make up the projected gap in State
10 funding. I plan to discuss this issue further with Emerald Isle room occupancy tax collectors, Carteret County officials,
11 and others in the next few weeks, and may present a resolution requesting this additional 1% room occupancy tax on
12 the Board's March 12 meeting agenda.
13

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

15 At Representative McElraft's request, the Bill Drafting Office is working on this issue, and Representative McElraft
16 plans to introduce the legislation later this month. Thus far, we have received responses from 14 of the 21 beach
17 towns supporting the proposed legislation. Only 2 of the 21 Towns have indicated they don't intend to approve the
18 resolution – one because they already believe they have the authority sought, and the other due to a local lawsuit.
19

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

21 Public Works has completed the 4th Street location, and is currently working on the 6th Street location. They will
22 complete 6th Street in the next couple of weeks and then begin work on 11th Street. These areas all have dysfunctional
23 and unsightly NCDOT storm pipes, and Public Works is installing underground infiltration systems. We are working
24 hard to complete all remaining locations by the NC Clean Water Management Trust Fund's deadline of May 31, 2013.
25

26 **Eastern Ocean Drive Storm Water Improvements / Planned Resurfacing**

27 As discussed by the Board at the January 25 budget planning workshop meeting, we are planning to resurface the
28 entire length of Ocean Drive from the Indian Beach town line to Ocean Reef condominiums in October. Public Works
29 will be installing several new storm water infiltration systems in the chronic flooding areas on Ocean Drive between
30 now and then. We look forward to completing this work.
31

32 **Live Oak Street Pedestrian Bridge**

33 We have received engineered plans for the construction of the new walkway, and are working through one remaining
34 design issue. We have met with the owner of the adjacent property on the north side of Archers Creek, and he was
35 comfortable with the Town's plans. We will soon meet with local volunteers to determine their interest in / ability to
36 provide construction labor for the project. We hope to have the new pedestrian bridge open to the public prior to the
37 summer.
38

39 **Cape Emerald Ponds**

40 Cape Emerald is a private, gated subdivision with private streets, but, as you know, has a public storm water pipe
41 running from the ocean-side through the subdivision that empties into a series of ponds near the soundfront. These
42 ponds eventually drain into Bogue Sound. The Town has historically maintained the storm water pipe and the outfall
43 leading from the ponds to Bogue Sound, however, pond maintenance has historically been shared. Generally
44 speaking, Cape Emerald POA has maintained the fountains in the ponds, however, the Town has completed dredging
45 of the ponds.
46

47 I have an outline of a "pond agreement" between the Town and the Cape Emerald POA, and will be drafting a formal
48 agreement for Cape Emerald and Board review and consideration in the coming weeks. I had hoped to have this
49 agreement on the Board's February meeting agenda, but did not have time to complete it. I expect to have it on the
50 March or April meeting agenda.
51

52 **Fire Department Ladder Truck to Be Repainted**

53 The ladder truck, a 1998 model, has experienced some corrosion in recent years, and is scheduled to be repainted.
54 The truck is expected to be out of service for about 4 – 6 weeks in February and March. The cost to repaint the truck is

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2 approximately \$17,000, and funds were included in the FY 12-13 budget. The repainting will help to insure that the
3 truck remains in service until at least FY 18-19, the scheduled replacement year, and hopefully longer. The new
4 replacement truck will likely cost in excess of \$700,000 at that time.

5
6 **New Bulkhead for Cedar Street Sound Access**

7 Public Works will be installing a new, small wooden bulkhead on the east side of the pier at the Cedar Street sound
8 access later this spring. We hope to complete this project prior to Memorial Day weekend.

9
10 **Certificate of Achievement for Financial Reporting Award**

11 Thanks to Mayor Schools' efforts, the Town has applied for an award from the Government Finance Officers
12 Association. The Certificate of Achievement for Financial Reporting recognizes governmental entities that provide
13 additional information in an easily understandable manner to help the reader better understand the Town's financial
14 condition. We hope to learn if we are selected in the coming weeks.

15
16 **Implementation of IT Agreement with VC3**

17 I expect to formally execute the agreement with VC3 to switch 11 Town computer workstations to VC3's hosted
18 solution (on "the cloud") later this month, and will begin the transition soon thereafter. My goal is to have these 11
19 workstations transitioned by sometime in April. Mayor Schools, Paul Cheshire, and I will also be visiting VC3's facility
20 in Columbia, SC on March 20.

21
22 **Trash Collection Schedule Change**

23 The new trash collection schedule will be implemented the week of March 18. We have already begun to publicize this
24 change, and will continue our efforts between now and then. Beginning March 18, oceanside will be collected on
25 Mondays and Fridays, and soundside will be collected on Tuesdays and Thursdays, with Town-wide recycling
26 collection on Wednesdays.

27
28 **New Recycling Containers**

29 Sound ACE reports steady sales of new recycling containers at the discounted prices negotiated by the Town. The
30 Town's new shipment of 408 containers has partially arrived, and we are providing the containers for sale at Sound
31 ACE. We will continue to do so until demand drops off.

32
33 **Beach Nourishment Bonds Fully Retired**

34 The Town made the final payment on the \$17 million of beach nourishment bonds issued in 2002 and 2004 on January
35 31, 2013.

36 **New Plantings at Public Boating Access Area**

37 The NC Wildlife Resources Commission recently provided approximately \$1,300 to the Town for the purchase of
38 additional plantings at the public boating access area, and Parks Maintenance staff will install these plantings later this
39 spring.

40
41 **NCDOT Plantings on NC 58 Right of Way**

42 NCDOT is planning to plant a total of 377 new plants, most of which will be crape myrtles, on the mainland side of the
43 NC 58 bridge on the west side of the NC 58 right of way. This work is expected to be done later this spring,
44 presumably after bridge construction is complete.

45
46 **Request for Remaining WAMI Grant Funds for New Ocean Fishing Pier**

47 I have not yet received a response to the Town's request to utilize the remaining \$730,000 of WAMI grant funds for site
48 development activities at the future pier site. I hope to receive a response sometime within the next month. I know
49 that new DENR Secretary Skvarla and his leadership team have much on their plates now, and this issue is likely not a
50 high priority for them at this time.

51
52 **Improvements to Western Ocean Regional Access**

53 Parks and Recreation staff will be working on the relocation of the stage for future EmeraldFest concerts, and we are
54 also working to relocate an electrical outlet to this area. Additionally, I have asked Parks and Recreation staff to

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1
2 improve the appearance of storm water retention areas in the parking lot, and we will likely be adding more decorative
3 rock and/or mulch to those areas before the spring season.
4

5 **Implementation Date for Regional Access Parking Fees**

6 We have not yet determined the implementation date for parking fees this year. Easter weekend is March 30 – 31, and
7 that may be too early to begin charging the fee. I am currently considering beginning the fee the weekend of April 20 –
8 21, and do not plan any changes to the fee program this season. April fee revenues have been highly dependent on
9 weather conditions in the past 2 years. Please let me know if you have any concerns with this approach.
10

11 **New Interest in Skate Park**

12 A group of local businessmen and skate enthusiasts recently met with Town and County officials to discuss ideas for a
13 future skate park in Emerald Isle. Mayor Schools informed the group that such an effort would likely receive greater
14 support from the Board with significant fundraising activities (similar to the Bicycle and Pedestrian Advisory
15 Committee's fundraising efforts). I am currently exploring potential Town-owned sites for such a facility, with an eye
16 toward some future combination of fundraising proceeds, County funds, Town funds, and grant funds. Please let me
17 know your thoughts on this issue.
18

19 **Recent Internet Auction Results**

20 The Town's recently completed internet auction generated a total of \$22,116 in revenue. The sale of the brush truck
21 generated \$15,050 of this amount, which is more than we had expected to receive. These funds will be credited to
22 General Fund revenues.
23

24 **New Senate Bill 58 – Provides Dedicated State Funding Source for Shallow Draft Inlet Dredging**

25 I have attached a copy of this bill, just introduced on February 6 by Senators Brown, Cook, and Sanderson, that
26 increases boating registration fees and earmarks certain revenues for a new Shallow Draft Inlet Dredging Fund. This
27 appears to be a very favorable development for Bogue Inlet navigation dredging needs, and the State's other shallow
28 draft inlets. I do not know the details on the amount of funding anticipated to be generated, however, I am hopeful it
29 will be sufficient to meet all or most of the needs in these important waterways.
30

31 **14. Comments from Board of Commissioners and Mayor**

32
33 Mayor Schools asked the Board to consider at the Eastern access and possibly
34 the Western access allowing parking re-entry so that people parking there may
35 leave and return if there were spaces available upon their return. The Board
36 agreed to implement this procedure first at the Eastern access since as Town
37 Manager Rush noted there were staff concerns about the Western access
38 because it was so much more crowded and the ability for staff to control the
39 coming and going, and with the understanding that if someone left there was no
40 guarantee there would be a parking spot available for them upon their return.
41

42 There were no further comments from the Board of Commissioners.
43

44 **15. Closed Session – Pursuant to NCGS 143-318.11(3), to preserve**
45 **attorney-client privilege**

46
47 ***Motion was made by Commissioner Hedreen to enter Closed Session. The***
48 ***Board voted unanimously 5-0 in favor. Motion carried.***
49
50

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

There was no action taken by the Board upon returning to open session.

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

The meeting was adjourned at 8:15 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk