



1 Police Chief Tony Reese recognized Police Sergeant Mark Odom for completing the  
2 requirements through the NC Criminal Justice Education Training and Standards Commission for  
3 his Intermediate Law Enforcement Certificate. Chief Reese outlined the extensive training  
4 required and that he was honored and proud to present Sergeant Odom with his Certificate.

5  
6 Town Manager Frank Rush recognized Finance Director Laura Rotchford noting that she had  
7 been with the Town since late 2014 and had done a fantastic job for the Town of Emerald Isle.  
8 Town Manager Rush said he was pleased to present to Laura the "Certificate of Achievement  
9 for Excellence in Financial Reporting" from the Government Finance Officers Association. Town  
10 Manager Rush noted this was the 5<sup>th</sup> year in a row the Town had received this recognition and  
11 with Finance Director Laura Rotchford being the primarily responsible person he wanted to  
12 publicly present the award to her and thank her for her service.

13  
14 **7. Special Presentation – Race Proceeds Emerald Isle Marathon, Half-Marathon & 5K Races**

15  
16 **a. Little Pink Houses of Hope**

17 **b. Emerald Isle Bicycle and Pedestrian Advisory Committee**

18  
19 Commissioner Candace Dooley, Race Director for the Emerald Isle Marathon, Half-Marathon, &  
20 5K Races, joined by members of the Race Committee presented the race proceeds.  
21 Commissioner Dooley named the Committee Members - Annita Best, Patrick Dooley, Emily  
22 Egerton, Curt Hendrix, Bryson McLean, Dorla Pake, Amy Reardon, Noelle Ricks, Frank Rush,  
23 Suzanne Rush, Emily Sylvester, and Stephanie Whitehead, noting that the Committee worked  
24 year round in order to make the race happen. Commissioner Dooley said it had been a great  
25 honor for them to host thousands of runners here in Emerald Isle who had travelled from as far  
26 as Japan, Paris, and all across the United States. Commissioner Dooley stated that the races  
27 had raised over \$200,000 in just 4 years, and they would now add \$36,000 to that total.  
28 Commissioner Dooley thanked all of the sponsors and the close to 300 volunteers, the Town  
29 staff, and the Committee. Commissioner Dooley recognized the Town employees who helped  
30 leading up to the race with each and every department playing a specific role from start to  
31 finish.

32  
33 Commissioner Dooley noted that each year the Race Committee chose a different health  
34 related cause, and this year one of their Committee members had been suffering from Stage 3C  
35 breast cancer, and was now a survivor. Commissioner Dooley stated that Dorla Pake was  
36 unable to attend but her husband Charlie Pake was present and this year they chose to honor  
37 the Little Pink Houses of Hope and to donate 50% of the proceeds to their cause, and to donate  
38 50% of the proceeds to the Emerald Isle Bicycle and Advisory Committee as they did annually.  
39 Commissioner Dooley proudly presented the representatives from the Little Pink Houses of  
40 Hope with \$18,000. Commissioner Dooley also presented Emerald Isle Bicycle and Pedestrian  
41 Advisory Committee Chair Ken Stone with \$18,000 for future bicycle path and pedestrian  
42 improvements.

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Mayor Barber thanked Commissioner Dooley and the Race Committee for the many hours they spent putting on the race, adding that it was a great day for Little Pink Houses of Hope and the Bicycle and Pedestrian Advisory Committee.

**8. Proclamations / Public Announcements**

Mayor Barber noted the following Proclamations and public announcements:

- a. **Proclamation – National Day of Prayer (18-04-10/P1)**
  - b. **Proclamation – Deck Safety Month (18-04-10/P2)**
  - c. **Proclamation – Bicycle Month (18-04-10/P3)**
  - d. **Proclamation – Municipal Clerks Week (18-04-10/P4)**
  - e. **Proclamation – Small Business Week (18-04-10/P5)**
  - f. **Proclamation – National Travel and Tourism Week (18-04-10/P6)**
- 
- **Friday Free Flick – Friday, April 13 – 7 pm – Community Center**
  - **El Sea Turtle Program Volunteer Informational Meeting – Saturday, April 14 – 10 am – Community Center**
  - **Tom Gill Book Signing – “Randy’s Way” – Saturday, April 14 – 2 pm – 5 pm – El Books and Toys**
  - **Police Educating the Public (PEP) – Tuesday, April 17 – 10 am – Town Board Meeting Room**
  - **Golf Cart Advisory Committee Meeting – Tuesday, April 17 – 5:30 pm – Town Board Meeting Room**
  - **Bicycle and Pedestrian Advisory Committee Meeting – Wednesday, April 18 – 3 pm – Community Center**
  - **Dog Park Development Committee Meeting – Wednesday, April 18 – 3 pm – Community Center**
  - **American Red Cross Blood Drive – Friday, April 20 – 2 pm – 7 pm – Community Center**
  - **American Heart Association Heart Saver CPR Class – Saturday, April 21 – 9 am – 1 pm EMS Station**
  - **Golf Cart Safety / Regulations Class – Saturday, April 21 – 10 am – Town Board Meeting Room**
  - **Summer Day Camp Registration Lottery Period – Monday, April 23 – Friday, April 27 – Community Center**
  - **Planning Board Regular Meeting – Monday, April 23 – 6 pm – Town Board Meeting Room**
  - **Coffee With A Cop – Thursday, April 26 – 9 am – Ben & Jerry’s**
  - **Beach Driving Ends – 9 pm Monday, April 30**

- 1 • **National Day of Prayer Rally – Thursday, May 3 – 12 noon – Town Administration**
- 2 **Building**
- 3 • **4<sup>th</sup> Annual Bike the Banks – Saturday, May 5 – 8 am – Community Center**
- 4 • **Golf Cart Safety / Regulations Class – Saturday, May 5 – 10 am – Town Board Meeting**
- 5 **Room**
- 6 • **Golf Cart Safety / Regulations Class – Saturday, May 5 – 10 am – Town Board Meeting**
- 7 **Room**
- 8 • **Board of Commissioners Regular Meeting – Tuesday, May 8 – 6 pm – Town Board**
- 9 **Meeting Room**

10  
11 Clerks Note: A copy of Proclamations 18-04-10/P1, P2, P3, P4, P5, and P6 as noted above are incorporated herein by  
12 reference and hereby made a part of these minutes.

### 13 14 **9. Public Comment**

#### 15 16 **Brief Summary:**

17  
18 The public will have the opportunity to address the Board about any items of concern not on the agenda. The  
19 Mayor and Board welcome and appreciate all comments from the public, and will take these comments into  
20 consideration as they make decisions on Town issues and provide direction to Town staff. Public comment is a time  
21 for the Board to listen to the public's concerns and ideas, and is not intended for a lengthy dialogue or question  
22 and answer session.

23  
24 The Mayor, Board, and Town staff are happy to meet with any citizen during normal business hours or at any other  
25 mutually agreeable time to discuss Town issues and answer any questions.

26  
27 There were no comments from the public.

### 28 29 **10. Consent Agenda**

- 30
- 31 **a. Tax Releases**
- 32 **b. Minutes – February 13, 2018 Regular Meeting**
- 33 **c. Minutes February 19, 2018 Special Closed Session**
- 34 **d. Resolution Declaring Surplus Items for Public Auction (18-04-10/R1)**
- 35

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

38  
39 Clerks Note: A copy of Resolution 18-04-10/R1 all other Consent Agenda Items as noted above are incorporated herein by  
40 reference and hereby made a part of these minutes.

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**11. Islander Drive Redevelopment**

- a. Public Hearing**
- b. Development Agreement Between A-Team Enterprises, LLC and the Town of Emerald Isle**
- c. Resolution Authorizing Sale of 203 Islander Drive, Pursuant to NCGS 158-7.1(d) (18-04-10/R2)**

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

The Board of Commissioners is scheduled to consider formal Board actions associated with the sale and redevelopment of 203 Islander Drive at the April 10 meeting. If approved by the Board, the 1.85 acre tract that previously included an abandoned go-kart track and bumper boat facility would be sold to A-Team Enterprises, LLC for \$804,000.

As discussed at the March 13 meeting, A-Team Enterprises, LLC would construct a mixed-use development project on the 1.85 acre tract and an additional adjacent tract (0.77 acres). The A-Team proposal also includes public boardwalk and public parking improvements in the Louise Avenue and Islander Drive right of way adjacent to the proposed development.

Upon the sale of 203 Islander Drive, the Town will realize a significant profit from this initiative. As discussed in March, the Town’s total investment in land acquisition and clean-up costs is approximately \$691,000. Thus, including a \$100,000 State grant awarded for this initiative and the Town’s equity in this initiative, the Town will have a total of approximately \$263,000 available for re-investment in public beach access improvements at the Western Ocean Regional Access and streetscape improvements along the remainder of Islander Drive. The Board expressed support for this strategy at the March 13 meeting.

Following a required public hearing, the Board will formally consider the attached Development Agreement that outlines a sale price of \$804,000, specifies A-Team’s proposal to construct a mixed-use development project on the property, and outlines the terms and conditions of the sale and the mixed-use development project. If the Board approves the attached Development Agreement, the Board will formally consider the attached Resolution Authorizing Sale of 203 Islander Drive, Pursuant to NCGS 158-7.1(d). The text of NCGS 158-7.1(d) is noted below:

**NCGS 158-7.1 (d)**

(d) Interests in Real Property. – A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection. A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be conveyed, the county or city governing body shall determine the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 6 of 25

1 fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or  
2 city proposes to subject it to. The consideration for the conveyance may not be less than the value so  
3 determined.  
4

5 Public Hearing

6 The Town utilized NCGS 158-7.1 when it acquired 203 Islander Drive in 2017, and conducted a public hearing (as  
7 required by the statute) in March 2017. As noted above, the Town is also utilizing this same statute for the sale  
8 and redevelopment of 203 Islander Drive, and an additional public hearing is required prior to Board consideration  
9 of the sale.

10  
11 A public hearing has been scheduled for the April 10 meeting, and the public hearing notice appeared in the  
12 Carteret County News-Times on March 30 and has also been posted on the Town's website since March 29. A  
13 copy of the public hearing notice is attached.  
14

15 Development Agreement Between A-Team Enterprises, LLC and the Town of Emerald Isle

16 The attached Development Agreement was drafted by Town Attorney Richard Stanley with input from the Town  
17 Manager, the principals of A-Team, and the A-Team's attorney. The proposed agreement has been approved and  
18 executed by A-Team.  
19

20 The attached Development Agreement is consistent with Option 3(a) of the A-Team proposal reviewed and  
21 identified by the Board of Commissioners at the March 13 meeting. Although the future is always somewhat  
22 uncertain for all of us, the attached Development Agreement should provide reasonable assurances for the Town  
23 that the property will be developed as proposed by A-Team and as approved (in concept) by the Board. The key  
24 provisions in the agreement are as follows:  
25

- 26 • the sale price is \$804,000, which is \$4,000 higher than discussed on March 13 due to the fact that a new  
27 appraisal (attached) indicates a value of \$804,000,  
28
- 29 • the closing will occur no later than August 31, 2018, and A-Team may not borrow more than 65% of the  
30 sale price for the land,  
31
- 32 • no later than January 31, 2019, A-Team will also acquire the adjacent 0.77 acre tract owned by Cape  
33 Emerald Properties, LLC (previously described as "the McLean property"), and will develop the proposed  
34 mixed-use development project on the combined 2.62 acres,  
35
- 36 • A-Team may not transfer the rights under the Development Agreement until such time that all  
37 development permits for the project have been obtained and building permits for the first phase of  
38 construction have been obtained, unless otherwise approved by the Town,  
39
- 40 • A-Team must apply for all development permits by November 30, 2018, and must secure all development  
41 permits and building permits for the first phase of construction no later than January 31, 2019,  
42
- 43 • A-Team will construct approximately 30 three-story buildings developed as condominium units with  
44 commercial use on the first floor of approximately 10 of the units (fronting Islander Drive and Louise  
45 Avenue), and residential use on and in the remaining floors and units,  
46
- 47 • A-Team will also construct amenities associated with the mixed-use development project, including a  
48 pool, the required number of parking spaces, and specified public improvements (a public boardwalk  
49 feature on the private property, and public parking spaces in the Islander Drive and Louise Avenue public

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 7 of 25

1 street right of ways) included in the A-Team proposal (which is also attached to the Development  
2 Agreement as an exhibit),  
3

- 4 • the Development Agreement calls for the completion of the first phase (1/3 of planned condominium  
5 units, the public boardwalk, and public parking spaces) within 18 months of the August 31, 2018 closing  
6 date, the completion of the second phase (an additional 1/3 of the planned units) with 24 months, and  
7 the full completion of the project (the final 1/3 of the planned units) within 36 months,  
8
- 9 • A-Team must provide construction financing approvals to the Town no later than January 31, 2019,  
10
- 11 • the Town agrees to construct additional streetscape improvements along the remainder of Islander Drive  
12 to improve the overall appearance of the area within 18 months of the August 31, 2018 closing date,  
13
- 14 • the mixed-use development project must comply with all applicable Town development regulations, and  
15 project buildings may not exceed a mean roof height of 40 feet,  
16
- 17 • if A-Team has not secured necessary approvals and permits by January 31, 2019, they shall be in default  
18 and the Town shall have the option to repurchase the tract for \$804,000,  
19
- 20 • if A-Team defaults after January 31, 2019, the Town shall have the right to recover its actual costs for  
21 Islander Drive streetscape improvements, and other remedies available under North Carolina law (the  
22 Board should note that there will likely be various liens on the property by lenders at this time, and it will  
23 not be as straight-forward for the Town to reacquire the property after construction begins).  
24

25 The Board and the public should note that both the Town and A-Team would enter into the attached Development  
26 Agreement in good faith, with a goal to work cooperatively to achieve the vision outlined in the A-Team proposal  
27 and achieve the desired public improvements in this area of Emerald Isle. The concepts outlined in the A-Team  
28 proposal and formalized in the Development Agreement are considered to be reasonable, achievable, and  
29 consistent with applicable State and Town development regulations, however, it may be necessary to consider  
30 various minor modifications once more detailed design work is undertaken in the coming months. It is anticipated  
31 that minor modifications will be permitted, and the Board should note that it will also have the final approval  
32 authority for the development plans as part of the Town's typical development review process. As is typical, the  
33 proposed mixed-use project will be reviewed by Town staff, the Town's consulting engineer, the Planning Board,  
34 and the Board of Commissioners in late 2017 / early 2018, and it is anticipated that such minor modifications will  
35 be approved as part of that formal process. A more significant deviation from the A-Team proposal and the  
36 attached Development Agreement (i.e., a completely different vision, significantly more or less units, significant  
37 changes to the planned public improvements, etc.) would need to be considered as a formal amendment to the  
38 attached Development Agreement, which the Board will ultimately have full authority over if that approach  
39 becomes necessary or desired.  
40

41 Resolution Authorizing Sale of 203 Islander Drive, Pursuant to NCGS 158-7.1(d)

42 The attached resolution formally authorizes the sale of the property for \$804,000, and incorporates the formal  
43 Development Agreement. The resolution directs the Town Manager and Town Attorney to take all necessary  
44 actions to complete the sale of the property and implement the attached Development Agreement.  
45

46 The attached resolution also includes certain legal requirements, including a determination of the value of the  
47 property (\$804,000; as outlined in the attached appraisal report prepared by Realty Services of Eastern Carolina)  
48 and a determination of the probable average hourly wage to be paid to workers by the businesses located on the

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 8 of 25

1 property (ranging from 10.34 per hour to \$42.63 per hour, as referenced in the attached memorandum from A-  
2 Team Enterprises LLC).

3  
4 As discussed previously with the Board, I intend to work with Town staff and others in the coming weeks to  
5 develop a “menu” of potential beach access improvements and Islander Drive streetscape improvements (with  
6 estimated costs for each item on the “menu”) for the Board’s consideration sometime this summer. After the  
7 Board determines the desired improvements, I will seek the appropriate concurrence from the Carteret County  
8 Board of Commissioners, and our goal will be to construct the selected improvements during fall / winter / spring  
9 of 2018 – 2019. The Carteret County Board of Commissioners recently expressed strong support for the Town’s  
10 efforts on Islander Drive, and I am optimistic that they will approve the full use of the land sale profits for the  
11 planned public improvements after these improvements have been formally identified by the Emerald Isle Board  
12 of Commissioners.

13  
14 As you know, the Town has been working diligently to improve the appearance of the Islander Drive area and  
15 promote quality redevelopment in this area for many years. I have attached a copy of a March 13 memo and  
16 PowerPoint presentation that includes a detailed explanation of the history of these efforts, along with a summary  
17 of the other proposals considered by the Board on March 13. I have also attached a copy of the Town’s official  
18 Request for Proposals, an aerial photo of 203 Islander Drive prior to clean-up by the Town, and an aerial photo  
19 map of the entire Islander Drive area.

20  
21 I am pleased to present these formal Board actions to the Board for consideration at the April 10 meeting.  
22 Although the route to this outcome has been more interesting than originally envisioned, in the end the Town’s  
23 efforts will result in significant improvements for our community that current and future generations of Emerald  
24 Isle residents, property owners, visitors, and businesses will benefit from for many, many years. These efforts will  
25 ultimately result in:

- 26
- 27 • the elimination of a long-term eyesore in our community (already achieved),
  - 28
  - 29 • the construction of attractive new building(s) in the Islander Drive area, with low building heights and  
30 consistent with existing quality development in Emerald Isle,
  - 31
  - 32 • vibrant activity in the Islander Drive area of Emerald Isle, including additional retail opportunities in close  
33 proximity to the Western Ocean Regional Access that will likely result in greater convenience for patrons  
34 of this facility,
  - 35
  - 36 • additional property tax revenues for Carteret County and the Town, and
  - 37
  - 38 • significant public improvements at the Western Ocean Regional Access and along Islander Drive, at  
39 essentially no or very minimal cost to the Town’s taxpayers.
  - 40

41 Town Attorney Richard Stanley and I look forward to discussing this issue with the Board at the April 10 meeting.  
42

43 Town Manager Frank Rush discussed the formal actions to be considered by the Board, and  
44 highlighted the key issues associated with the sale and redevelopment of the 1.85 acre tract of  
45 land located at 203 Islander Drive as further outlined in detail above. Town Manager Rush  
46 provided a PowerPoint presentation and explained the key points of the formal Development  
47 Agreement between the Town and A-Team Enterprises, LLC which involved a plan to purchase  
48 the land from the Town for \$804,000, development to include approximately 30 mixed use

1 condominiums with retail facilities on the ground floor, and remaining units being residential.  
2 Town Manager Rush said that the Board had reviewed the 5 proposals at their March meeting,  
3 selected this proposal and had directed the Town Manager and Town Attorney to negotiate a  
4 formal development agreement with the principals of A-Team Enterprises, LLC. Town Manager  
5 Rush stated they had negotiated the agreement in Board packets using a process outlined in  
6 NCGS 158.7.1(d) which allowed the procedure utilized for the sale and redevelopment of the  
7 property. Town Manager Rush noted a public hearing was required which was scheduled.

8  
9 ***Motion was made by Commissioner Messer to open the Public Hearing. The Board voted***  
10 ***unanimously 5-0 in favor. Motion carried.***

11  
12 Joan Pate, 9100 Reed Drive, said that she was pleased with the A-Team concepts and drawings  
13 and was happy that this was happening on the 1.85 acres and not taking any part of the  
14 Western Ocean Regional Access. Ms. Pate referring to the 43 public spaces along Louise Drive  
15 asked whether Louise Drive would change, the entrance to the WORA or if the road would  
16 increase in size.

17  
18 Town Manager Rush stated that the main access to the beach access facility would be in the  
19 same location. Town Manager Rush stated many thought it was a driveway but it was actually a  
20 50' public right-of-way so there would be all new pavement, curb and gutter with parking  
21 spaces constructed in the right-of-way on Louise Avenue, and also on Islander Drive. Town  
22 Manager Rush said the parking spaces would be in either public right-of-way or on their  
23 property.

24  
25 Ms. Pate asked whether the access entrance direction or size would change so that Police or  
26 EMS could use the access instead of the Islander to get to the beach.

27  
28 Town Manager Rush said at this time he didn't expect the entrance to the beach access to  
29 change in any significant way in terms of where the parking hut is located. Town Manager Rush  
30 said the road that leads through the security gate would be widened but the actual concrete  
31 island at least at this point would not be changed. Town Manager Rush said if the Board  
32 wanted to use some of the public monies to improve that they could but the plan now was to  
33 leave the entrance the same. Town Manager Rush hoped to accomplish a safer pedestrian  
34 route through the parking lot.

35  
36 James Wolfe, 9100 Reed Drive, mentioned that Queen's Court, which was adjacent to the  
37 property had installed a \$1 million septic system to mitigate nitrates that were underground,  
38 and by appearance it seemed the property was going to have a septic system. Mr. Wolfe  
39 wondered if they were going to have to mitigate any nitrates of the condominiums. Mr. Wolfe  
40 said he was assuming since they were going to a septic system they would be individually  
41 owned since if it were an association they would have to mitigate that with a wastewater  
42 treatment plant. Mr. Wolfe felt these were questions that needed to be asked and he had also

1 spoken to the engineer who put in Queen’s Courts system and learned it took about nine  
2 months to get a process to all of the agencies to get approval regarding wastewater treatment  
3 plants, septic systems. Mr. Wolfe asked if the Town would give a provision to the developers in  
4 case the State held up their permits. Mr. Wolfe said he liked the idea and the concept, and  
5 thought it was a good project but would hate to see it fall apart because the State was unwilling  
6 or incapable of providing the permits.

7  
8 Town Manager Rush pointed to an area in the onscreen graphics of the courtyard in the  
9 building configuration that was earmarked for onsite wastewater treatment. Town Manager  
10 Rush said they would certainly be required to secure the appropriate wastewater treatment  
11 approvals from either Carteret County Environmental Health Department and/or the State of  
12 North Carolina. Town Manager Rush said he fully expected that was achievable at this point.  
13 Town Manager Rush noted that they had other condominium units in Emerald Isle served by  
14 onsite wastewater septic systems so it was not a requirement that you have a package  
15 treatment plant, some do and sometimes that made more financial sense, but there were  
16 projects in Emerald Isle that utilized onsite wastewater septic systems.

17  
18 ***Motion was made by Commissioner to close the Public Hearing. The Board voted***  
19 ***unanimously 5-0 in favor. Motion carried.***

20  
21 ***Motion was made by Commissioner Finch to approve the Development Agreement Between***  
22 ***A-Team Enterprises LLC and the Town of Emerald Isle. The Board voted unanimously 5-0 in***  
23 ***favor. Motion carried.***

24  
25 ***Motion was made by Commissioner Normile to approve the Resolution Authorizing Sale of***  
26 ***203 Islander Drive, Pursuant to NCGS 158-7.1(d). The Board voted unanimously 5-0 in favor.***  
27 ***Motion carried.***

28  
29 Clerks Note: A copy of Resolution 18-04-10/R2, and copy of Development Agreement between A-Team Enterprises, LLC and  
30 the Town of Emerald Isle as noted above are incorporated herein by reference and hereby made a part of these minutes.

31  
32 **12. Ordinance Amending Chapter 9 – Nuisance Abatement – of the Code of Ordinances**  
33 **Regarding Offensive Lighting (18-04-10/O1)**

34  
35 Police Chief Tony Reese addressed the Board concerning this Agenda item. The following  
36 excerpt from his memo to the Town Manager is provided for additional background:

37  
38 The department has received complaints from various residents regarding the location and direction of lighting  
39 coming from neighboring properties within the town that are a nuisance to their comfort and well-being. We have  
40 always attempted to address these complaints through education and by seeking the cooperation between parties  
41 to come to a resolution in which both sides are satisfied. Recently, we have encountered a situation where  
42 requests for cooperation by one party have been rejected and we are found with no legal remedy of addressing  
43 the complaint. In reviewing the town ordinances, we found that, while there is a code under the UDO that

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 11 of 25

1 addresses nuisance commercial lighting, there are no ordinances either in the UDO or in the Code of Ordinances  
2 that address restrictions on nuisance residential nuisance lighting. Therefore the department has worked with  
3 Town Planner Josh Edmonson to evaluate the best way to address this issue and we have created the following  
4 recommended ordinance for you review.

5 Chapter 9 – Nuisance Abatement

6 Article VI. – Light

7 **Sec. 9-53. – Offensive Lighting Prohibited**

8 It shall be unlawful for any person on private, residential or commercial property to install, aim, locate, direct or  
9 maintain any permanent or portable outdoor lighting in such a manner so as to present a hazard to drivers or  
10 pedestrians by impairing their ability to safely traverse, or so as to create a nuisance by projecting or reflecting  
11 objectionable light onto a neighboring property.

12 **Sec. 9-54. – Violations**

13 Violations of this article shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100).

14 It is our belief that this ordinance is reasonable and will provide guidance to the public on what constitutes  
15 nuisance residential outdoor lighting, while also providing the town with remedy in the event that education and  
16 mediation are ineffective in resolving complaints of this nature. We therefore recommend that you consider  
17 adopting this ordinance as an addition to the Town of Emerald Isle Code of Ordinances.

18 Police Chief Tony Reese described the proposed ordinance amendment that would specifically  
19 prohibit the projection of light from private properties in a manner that created unsafe vehicle  
20 and pedestrian conditions or created a nuisance for adjacent property owners as outlined in  
21 detail above. Chief Reese stated that normally the Police Department addressed these types of  
22 issues through mediation, making contact with neighbors, explaining the situation and  
23 complaint, and seeing if they could move the lighting in a way so as not to be disturbing to the  
24 neighbors. Chief Reese said occasionally they had situations where they couldn't gain the  
25 neighbors cooperation and so what this ordinance did was specifically prohibited lighting as  
26 follows:

27 *It shall be unlawful for any person on private, residential or commercial property to install, aim, locate, direct or*  
28 *maintain any permanent or portable outdoor lighting in such a manner so as to present a hazard to drivers or*  
29 *pedestrians by impairing their ability to safely traverse, or so as to create a nuisance by projecting or reflecting*  
30 *objectionable light onto a neighboring property such that it interferes with the privacy of persons residing therein,*  
31 *bothers or affects the ability of persons residing therein to sleep, or interferes with or affects the ability of the*  
32 *persons residing therein to carry on normal household duties or actions.*

33 Chief Reese noted the replacement language at the Board's places was suggested by Town  
34 Attorney Stanley, and Chief Reese reiterated that they always took the approach of trying to  
35 resolve issues first through mediation. Chief Rees said this gave the Town the opportunity to  
36 enforce an ordinance in instances where a person refused to correct any type of lighting  
37 problems when it was causing problems for their neighbors.

1 Commissioner Finch asked if this would incorporate holiday lighting as well. Chief Reese said he  
2 felt they were mostly trying to address outdoor spotlights and typically the issues they were  
3 having was when people would have motion lights and would angle them as such that when  
4 they went on they shined into bedroom windows of the neighboring property. Chief Reese said  
5 they would make contact with the homeowner and try to get them to re-angle the lighting so it  
6 was not disturbing and some property owners had not been cooperating.

7 Commissioner Messer asked regarding the \$100 fine for homeowners who were not  
8 cooperative whether there was anything in the ordinance that gave the authority to take the  
9 light down. Town Manager Rush said the ordinance amendment did not give the Town that  
10 authority. Town Attorney Stanley speaking to the legality of that approach said he wouldn't  
11 advise that action.

12 Chief Reese said they could continue to cite \$100 and they could also go through the nuisance  
13 and abatement process. Chief Reese said that the UDO addressed commercial lighting issues  
14 but had nothing to address residential lighting and this addressed both.

15 Commissioner Taylor asked if the \$100 citation could be charged daily. Town Manager Rush  
16 said yes and ultimately if they didn't pay the citation it would generate a legal action, and Town  
17 Attorney Stanley would become involved. Town Manager Rush commented as stated by Chief  
18 Reese that ultimately on all of these types of issues they tried to work with the adjacent  
19 property owners and 95% of the time they were successful – this just gave the Police  
20 Department an additional tool to deal with these issues.

21 Mayor Barber asked for comments from the public.

22 Jan Ray, Archers Creek Court, said a lot of people who didn't live here year round put up motion  
23 detectors and lighting to make it seem someone was at home. Ms. Ray wondered if this was a  
24 permanent resident or rental.

25 Chief Reese said they weren't trying to prohibit people from being able to put motion lights on  
26 their property, but they had some situations where because the homeowner was approached  
27 they intentionally angled lighting. Chief Reese said the first approach would always be to make  
28 contact with the neighbors and ask if they would correct. The Police Department would not get  
29 involved or follow up unless there was another complaint – they would probably visit on  
30 multiple occasions before issuing citations.

31 ***Motion was made by Commissioner Taylor to Adopt the Ordinance Amending Chapter 9 –***  
32 ***Nuisance Abatement – of the Code of Ordinances Regarding Offensive Lighting – the revised***  
33 ***version. The Board voted unanimously 5-0 in favor. Motion carried.***

34 Clerks Note: A copy of Ordinance Amendment 18-04-10/O1 as noted above is incorporated herein by reference and hereby  
35 made a part of these minutes.

1  
2 **13. Potential Emerald Isle Spanish Mackerel / Flounder Fishing Tournament**

- 3  
4 **a. Concepts, Potential Dates**  
5 **b. Establishment of Tournament Committee**  
6 **c. Budget Amendment – General Fund**  
7

8 Commissioner Mark Taylor spoke to the Board and public about this issue. The following  
9 excerpt from the Town Manager’s memo is provided for additional background:

10  
11 I have scheduled time on the April 10 meeting agenda for the Board to discuss the potential establishment of a new Emerald Isle  
12 Spanish Mackerel / Flounder Fishing Tournament. Commissioner Mark Taylor is the driving force behind this potential new  
13 event, and the Board is asked to consider a) the formal establishment of a Tournament Committee and b) a budget amendment  
14 to provide a small amount of working capital (\$2,500) for the new event.  
15

16 As you know, the Town has intentionally worked to develop more shoulder-season events in the spring and fall months. The  
17 Emerald Isle Marathon, Half-Marathon, and 5k races (March) and the Bike the Banks bicycling event (May) have been added in  
18 the spring, and both are produced by volunteer committees with support from Town staff. The Emerald Isle Christmas Parade  
19 (November), produced by the Emerald Isle Business Association with support from Town staff, and the Emerald Isle Beach  
20 Music Festival (September), produced by Town staff with significant TDA funding, have been added in the fall. All of these  
21 relatively new events complement the Town’s signature annual event, the St. Patrick’s Festival each March, which is produced  
22 by Town staff and the Emerald Isle Business Association.  
23

24 Commissioner Taylor’s vision for the potential new fishing tournament is to add another shoulder-season event, and to earmark  
25 event proceeds for future Bogue Inlet navigation dredging costs. As you know, the Town (along with other area local  
26 governments and the State) has routinely provided funding for navigation maintenance dredging in Bogue Inlet since 2006. The  
27 Town’s historical contributions are as follows:

28  
29

2006	\$ 15,000
30 2011	\$ 16,000
31 2014	\$ 15,000
32 2016	\$ 20,000
33 2017	\$ 10,000.

34

35 If the new fishing tournament is successful, event proceeds would be allocated for future Town navigation dredging costs, and  
36 would reduce taxpayer expense for these efforts. Commissioner Taylor has also discussed the potential establishment of a  
37 scholarship fund to benefit students at Croatan High School (50%) and Swansboro High School (50%), funded by event  
38 proceeds.  
39

40 **Concepts, Potential Dates**

41 Commissioner Taylor’s vision for the new fishing tournament includes the following concepts and potential dates:

- 42  
43
- 44 • a late August and/or early September tournament date,
  - 45 • although the initial thought was to target August / September 2018, it is now likely necessary to focus on an August /  
46 September 2019 event in order to provide ample planning time for a successful event,
  - 47
  - 48 • a boat-based tournament that would likely utilize the Emerald Isle Public Boating Access Area as a home base,
  - 49
  - 50 • a 3 – 7 day tournament time frame, with local weigh stations (i.e, The Reel Outdoors? others?),

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 14 of 25

- 1
- 2       • a goal for 50 – 100 boats participating in the tournament, with relatively low entry fees in the \$300 - \$500 per boat
- 3       range,
- 4
- 5       • a relatively simple prize scheme, with 3 cash prizes for each type of fish (spanish mackerel and flounder),
- 6
- 7       • solicitation of sponsorships from area businesses, particularly those with an emphasis on fishing, marine equipment,
- 8       etc.,
- 9
- 10       • production of an associated auction event with donated items, in conjunction with a dinner / banquet event for
- 11       participants and community members,
- 12
- 13       • production of event t-shirts, with sale proceeds added to overall event proceeds (a copy of the artwork for the event t-
- 14       shirts is attached),
- 15
- 16       • development of an event website and other promotional efforts, and
- 17
- 18       • other beneficial concepts and ideas that can be incorporated into the event.
- 19

20 It will be important to select potential dates that do not conflict with other area fishing tournaments or other area special events,  
21 and the late August and/or early September time frame appears to “fit” reasonably well. The Carteret Community College  
22 Foundation Spanish Mackerel Tournament is in late July, the Swansboro Rotary Club 5-0 King Mackerel tournament is in mid /  
23 late October, and the Atlantic Beach King Mackerel Saltwater Slam runs for much of October.

24  
25 Emerald Isle Parks and Recreation produces two small surf fishing tournaments, and each typically draws 25 – 40 surf fishermen  
26 for a simple, free, “fun” tournament with no fees or cash prizes. The Town’s annual Flounder Surf Fishing Tournament is held in  
27 mid / late September, and the annual Gordie McAdams Speckled Trout Surf Fishing Tournament is held from mid-October to  
28 mid-November.

29  
30 In terms of other special events, the Emerald Isle Beach Music Festival is held in late September, the NC Seafood Festival is  
31 held in early October, and the Swansboro Mullett Festival is held in mid-October.

32  
33 Establishment of Tournament Committee

34 In order for the new fishing tournament to be enjoyable, successful, and profitable, it will likely take hard work by many  
35 committed individuals, as is the case for the Town’s other successful events noted earlier (St. Patrick’s, marathon races, parade,  
36 etc.) and the other established fishing tournaments in our area (Swansboro, Atlantic Beach, CCC, etc.). Each of these events  
37 has a significant and committed volunteer group leading and/or assisting these special event. To this point, Commissioner  
38 Taylor has completed preliminary work on the new fishing tournament, but it is anticipated that a working Tournament Committee  
39 will be necessary to fully develop the new event. Ideally, the new committee would include 8 – 10 individuals who are fishing  
40 enthusiasts and that have a strong commitment to Emerald Isle’s success.

41  
42 As is the case for other special events, Town staff would be available to help promote the event, assist the new committee along  
43 the way as needed and practical, provide assistance with event setup and cleanup, and other support roles. It will likely be  
44 important, however, for the committee members to:

- 45
- 46       • effectively plan all aspects of the event,
- 47
- 48       • develop a comprehensive event website,
- 49
- 50       • generate support for the event in the Emerald Isle community and in the area and regional fishing communities,
- 51
- 52       • solicit sponsorships,

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 15 of 25

- 1
- 2       • solicit auction items,
- 3
- 4       • coordinate registration and prizes, and
- 5
- 6       • other typical event tasks (t-shirt orders, tournament rules, liaison with Town staff and emergency personnel, etc.).
- 7

8 If the Board supports the concept of the new fishing tournament, the Town will actively solicit for volunteers interested in serving  
9 on the committee through the Town's website, email newsletter, and social media accounts. This solicitation would begin  
10 immediately following the April Board meeting, with a deadline for applications of early May. In May, the Board could formally  
11 appoint the members of the new committee, or could simply open the committee up to anyone interested in volunteering their  
12 time toward the new event.

13  
14 It is envisioned that Commissioner Taylor would serve as the Chairman of the new Tournament Committee, and the committee  
15 would begin work later in May or June. At that point, the new fishing tournament would be approximately 15 months away in late  
16 August / early September 2019, which should provide ample time to plan a successful event.

17  
18 Budget Amendment – General Fund

19 In order to provide a small amount of working capital for the new fishing tournament, the Board is asked to approve the attached  
20 General Fund budget amendment appropriating \$2,500 toward the event. These funds would be derived specifically from higher  
21 than anticipated beach driving permit fees, nearly all of which are collected from fishermen in Emerald Isle. It is anticipated that  
22 these funds would eventually be returned to the General Fund if / when event revenues are received. It is also anticipated that a  
23 special revenue fund would be established in the FY 18-19 budget specifically to account for event revenues and expenditures  
24 separate from other Town funds.

25  
26 If there is sufficient interest in the new Tournament Committee, I recommend that the Town also consider applying for initial  
27 special event funding from the Crystal Coast Tourism Development Authority (TDA) for initial promotional activities, including the  
28 development of a comprehensive event website, in May. Assuming good progress toward the production of the new tournament,  
29 I would also envision another 2019 funding request to the TDA.

30  
31 Commissioner Taylor and I look forward to discussing the potential Emerald Isle Spanish Mackerel / Flounder Fishing  
32 Tournament with the Board at the April 10 meeting.

33 Commissioner Mark Taylor discussed the potential establishment of a new fishing tournament  
34 with the Board and public. Commissioner Taylor said that his part-time job was as an  
35 auctioneer and he had helped with the Big Rock for many years raising funds. Commissioner  
36 Taylor thought they could let the proceeds from the fishing tournament go back into the inlet,  
37 and at the same time establish a scholarship for two high school students, one at Croatan, and  
38 one Swansboro that could grow into something amazing for a student that might be going into  
39 the marine field of study in college. Commissioner Taylor said he had hopes that they might be  
40 able to do the fishing tournament this year but it was quite a large task. Commissioner Taylor  
41 referred to the artwork that had already been completed by an artist in Wilmington willing to  
42 donate her time. Commissioner Taylor asked her if she could create something that  
43 incorporated the St. Patrick's festival into the design for the fishing tournament. Commissioner  
44 Taylor envisioned a local tournament similar to the Big Rock but without the big money to fish  
45 in the tournament. Commissioner Taylor called it a "poor man's" tournament where it didn't  
46 cost thousands to join the tournament but at the same time you could fish for about a week,  
47 fish a local fish that most everyone could catch – Spanish Mackerel – a fish you trolled, and also

1 an inland fish on the back side on the sound – a Flounder. Commissioner Taylor felt they could  
2 keep it very basic the first year and then grow with it in the future. Commissioner Taylor said  
3 he had also reached out to Mike Stanley at Bogue Inlet Pier about the possibility of bringing in  
4 another group that could be a separate pier fishing part of the tournament. Commissioner  
5 Taylor thought they could make it all out of Bogue Inlet. Commissioner Taylor felt late August  
6 or first of September should work out with other tournaments from the research he had done.  
7 Commissioner Taylor wanted to bring this up for discussion and look at getting a committee  
8 together that consisted of a group of people who could focus on it. Commissioner Taylor spoke  
9 of the awards night noting that he would volunteer as auctioneer and they could have a benefit  
10 auction with those proceeds going toward the inlet and the two scholarships, with BBQ and  
11 ticket sales. Commissioner Taylor felt in the long run this would save taxpayer money to keep  
12 the inlet open.

13

14 Town Manager Frank Rush said they had been working hard to create more special events in  
15 the off-season months with the St. Patrick's Festival, the Marathon, Bike the Banks, Beach  
16 Music Festival, and this was viewed in that same vein. Town Manager Rush said all of these  
17 events had been very successful and all of them had significant volunteer components and  
18 significant efforts by committee members as seen tonight with the Race Committee. Town  
19 Manager Rush said if the Board would like to proceed with this concept they would advertise  
20 for individuals interested in serving on the committee, ideally you would end up with 6-10  
21 members under Commissioner Taylor's guidance to work on this and try to make it a reality in  
22 August or September 2019. Town Manager Rush said any effort like this required seed money  
23 so the Board also had a budget amendment included for \$2,500 with the expectation it would  
24 be repaid by fishing tournament revenues at some point. Town Manager Rush said the  
25 recommended funding source was not tax revenue but from beach vehicle driving permits.

26

27 ***Motion was made by Commissioner Finch to advertise for individuals interested in serving on***  
28 ***a new Emerald Isle Spanish Mackerel / Flounder Fishing Tournament Committee. The Board***  
29 ***voted unanimously 5-0 in favor. Motion carried.***

30

31 ***Motion was made by Commissioner Messer to approve the General Fund Budget Amendment.***  
32 ***The Board voted unanimously 5-0 in favor. Motion carried.***

33

34 Clerks Note: A copy of General Fund Budget Amendment as noted above is incorporated herein by reference and hereby  
35 made a part of these minutes.

36

#### 37 **14. Comments from Town Clerk, Town Attorney, and Town Manager**

38

39 There were no comments from the Town Clerk or Town Attorney.

40

41 Town Manager Frank Rush updated the Board on various issues of importance beginning with  
42 mention of the Recommended Budget to be presented at their May meeting. Town Manager

1 Rush also spoke of the meeting that he, Mayor Barber, Mayor Pro-Tem Messer, and  
2 Commissioner Normile attended with the NC Department of Insurance and other local  
3 governments, and real estate agencies to express concerns about continued increases in  
4 homeowners insurance, and dwelling insurance.

5  
6 Town Manager Rush stated that Mayor Barber indicated he had a conflict with the August 14  
7 meeting date and the request was to consider changing that meeting to Monday, August 13 if  
8 the Board was so inclined.

9  
10 Town Manager Rush briefed the Board on the status of the McLean-Spell Park project. He  
11 noted that Eagle Scouts continued their work on the trails hoping to open that officially for  
12 public use on May 1. Town Manager Rush stated that the Emerald Isle Garden Club was  
13 working on an initiative with local businesses to decorate their storefronts with bicycle themed  
14 flowers in conjunction with the Bike the Banks event.

15  
16 Town Manager Rush gave a quick review of the key summer programs and their requirements.  
17 Town Manager Rush said the Board recognized the Parrot Head Club for their \$2,000  
18 contribution during the March meeting and wanted to mention they recently got another  
19 \$2,000 contribution from the Parrot Head Club which was absolutely appreciated.

20  
21 Town Manager Rush spoke of conversations with Wildlife Resources Commission about possibly  
22 relocating the main navigation channel that led from the public boat ramp facility out to the  
23 Intracoastal Waterway. Town Manager Rush said WRC was investigating an alternate route  
24 that would take the boats further away from some of the homes in that area. With regard to  
25 Bogue Inlet Town Manager Rush said that the main side-cast dredge that the Corps of Engineers  
26 used in Bogue Inlet had been in repair mode all winter and was just now emerging. They were  
27 trying to get them to touch up the main channel before Memorial Day weekend if not soon  
28 thereafter. Lastly, Town Manager Rush reported that the new beach swing program had  
29 received commitments from six property owners to add six more swings and they should be  
30 installed later this fall giving a total of eight swings, the contribution for the swings being  
31 \$1,000 each.

32  
33 The following is an excerpt from the Town Manager Comments memo to the Board providing  
34 additional background information for all items of importance:

35  
36 **FY 18-19 Recommended Budget**

37 Town staff and I continue to work hard on the Recommended Budget, which will be presented to the Board at the  
38 May 8 meeting. I hope to present a Recommended Budget that reflects the Board's highest priorities, as discussed  
39 in December and February, and hope to maintain the current property tax rates.

40  
41 **Pre-Positioned Hurricane Debris Removal Contract**

42 We are currently evaluating bids for the annual pre-positioned hurricane debris removal contract, and plan to  
43 present a contract recommendation to the Board at the May 8 meeting. The Town's pre-positioned storm water

1 pump and emergency generator contracts from 2017 will remain in effect for 2018. As always, I am hopeful we  
2 won't have to activate this contract this year!

3  
4 **Meeting With NC Insurance Commissioner Mike Causey**

5 We have arranged for Emerald Isle officials, Carteret County officials, Emerald Isle business owners, Representative  
6 McElraft, and Senator Sanderson to meet with Commissioner Causey in Emerald Isle on April 10. The purpose of  
7 the meeting is to express concerns about requested rate increases for homeowners insurance and dwelling  
8 insurance, and also request a fairer rate structure for coastal areas. I greatly appreciate Commissioner Causey  
9 making the time to meet with us, and also local businessman Ronnie Watson for connecting us with Commissioner  
10 Causey for this meeting.

11  
12 **August Regular Meeting Date**

13 The Board's regular meeting in August is scheduled for Tuesday, August 14. Due to a conflict, Mayor Barber would  
14 like the Board to consider rescheduling the August meeting for Monday, August 13. Please let us know your  
15 thoughts on this change.

16  
17 **Emerald Isle Secures Top Spot in USA Today Poll for Best North Carolina Beach**

18 USA Today released the final results in its recent poll for the Best North Carolina Beach, and Emerald Isle came out  
19 on top! It's great for our community to receive that kind of recognition from a national publication.

20  
21 **McLean-Spell Park Land Closing**

22 Much work continues on the various legal and bureaucratic requirements to release the Federal REPI grant funds  
23 (\$1.5 million), the NC CWMTF grant funds (\$545,000), and the NC PARTF grant funds (\$500,000) for this land  
24 acquisition. There is still much work to complete, and we are cutting it closer than I would like, but I believe we  
25 are on track for a closing sometime between May 11 and May 18. The Town will finalize its installment financing  
26 agreement, all grant funds will be released, and The Conservation Fund will formally transfer the property to the  
27 Town of Emerald Isle at that time.

28  
29 **McLean-Spell Park Trail Clearing**

30 The Eagle Scout candidates are nearing completion of the nature trails in the new park, and 3 signs identifying  
31 "McLean-Spell Park" have been ordered. The 3 signs will initially be placed at each of the two street stub  
32 entrances off Sound Drive, and also at the terminus of Maritime Forest Drive between the Fire Station and EMS  
33 Station. These 3 locations will be the only public access points when the park officially opens for public use later in  
34 April. Park visitors should travel by bicycle or foot, or can park at the Town Government Complex and make the  
35 short walk along Archers Creek to the entrance at the terminus of Maritime Forest Drive.

36  
37 Town staff will be reviewing design options and costs for pre-fabricated pedestrian bridges this summer, and will  
38 present a recommendation to the Board later this summer. I hope to have the new pedestrian bridge installed in  
39 the general vicinity of the Community Center building to create a convenient link to other Town recreation  
40 facilities at the Town Government Complex. We will also be working to find a new location for the Public Works  
41 debris piles located between the Community Center and the Public Works building in an effort to tidy up the entire  
42 area along Archers Creek.

43  
44 **Emerald Isle Garden Club Presents "Emerald Isle Bikes and Blooms"**

45 The Emerald Isle Garden Club is encouraging local businesses to decorate with bicycle-themed floral arrangements  
46 for the weekend of May 5-6, in conjunction with the annual Bike the Banks event. I have attached an  
47 informational flyer, and I am hopeful many of our businesses will participate in the "Bikes and Blooms" event.

48  
49  
50

1 **Quick Review of 3 Key Summer Programs**

2 With the tourism season essentially beginning, I wanted to briefly review the basics of 3 key summer programs for  
3 the Board.

4  
5 *Itinerant Merchants and Satellite Merchants:*

6 Itinerant merchants are essentially mobile merchants that move about through the Town and/or set up in public  
7 places. Examples include ice cream trucks, food trucks, or a vendor who sets up on the side of the road or on a  
8 sidewalk. Itinerant merchants are prohibited in Emerald Isle.

9  
10 Satellite merchants are the same type of merchants, but that set up in a fixed location on another private property  
11 that is zoned business. The Town's ordinance allows satellite merchants to set up only at OCEANFRONT  
12 commercial properties and condominium complexes, and only one satellite merchant may set up at a time  
13 (although multiple satellite merchants may operate at the same location on different days, etc.). The satellite  
14 merchant must have all Health Department permits, secure permission from the property owner, and register with  
15 the Town.

16  
17 The only authorized locations for satellite merchants are as follows: Ocean Reef, Pier Pointe, Marlin Point,  
18 Beachfront RV Park, Bogue Inlet Pier, Camp Ocean Forest, Sound of the Sea, Boardwalk RV Park, The Islander  
19 Hotel, Queens Court, Holiday TravLPark (including the gas station, pool, and go-kart track portion of the property  
20 near Reed Drive), Pebble Beach, and Point Emerald Villas. Satellite merchants are also permitted at the Eastern  
21 Ocean Regional Access and Western Ocean Regional Access, upon invitation by the Town.

22  
23 In previous years, satellite merchants operated at several of the authorized locations, however, the only property  
24 that was registered with the Town in 2017 was the Holiday TravLPark.

25  
26 Satellite merchants are not permitted to set up at any other locations in Emerald Isle (including businesses along  
27 NC 58), UNLESS they are functioning as a catering service and no cash is collected from customers. For example, a  
28 food truck could set up at a local bar and provide food to patrons of the bar, but only if the bar has contracted with  
29 the food truck to provide the food at no direct cost to patrons.

30  
31 *Unattended Beach Equipment / Beach Equipment Exception Stickers*

32 The Town's ordinance requires all UNATTENDED beach equipment to be removed from the beach each night, and  
33 any unattended equipment left out between 8 pm and 8 am is subject to confiscation by the Town. The Town  
34 utilizes a system whereby the beach is checked daily, and first time offenders receive a warning sticker. Any  
35 subsequent violations result in confiscation. Almost all equipment that receives a warning sticker comes into  
36 compliance, and is not an issue the following day. For example, during summer 2017, a total of 644 warning  
37 stickers were placed, and only 31 items were ultimately confiscated.

38  
39 Oceanfront property owners are eligible for 2 "exception stickers" upon request, and this sticker enables the  
40 oceanfront owner to leave equipment out overnight. The "exception stickers" are ONLY available to the actual  
41 oceanfront owners, not interior property owners or short-term renters. This "exception" is rooted in NC public  
42 trust beach law, which is why the exemption is provided for oceanfront property owners only.

43  
44 *Regional Access Parking Program*

45 The Town collects a \$10 per vehicle per day parking fee at both the Western Ocean Regional Access and the  
46 Eastern Ocean Regional Access. This fee generates approximately \$125,000 annually, and 100% of these revenues  
47 are invested in services provided at the two regional access facilities (lifeguards, maintenance personnel,  
48 attendants, Police Officers, etc.). Fees are charged on Saturdays, Sundays, and holidays only (Memorial Day, July 4,  
49 and Labor Day) between mid-April and mid-September.

50

1 The Town does not offer a weekly or seasonal pass for purchase, in part because of the previous Board’s conscious  
2 decision not to charge a fee on weekdays. Emerald Isle residents and property owners are, however, eligible for  
3 two free parking stickers. The free parking stickers are issued ONLY to the individuals who own the property (and  
4 are not provided to children who don’t live in the home, brothers, sisters, friends, etc.), and the maximum number  
5 of stickers issued is 2. Any handicapped individual from any community is also eligible for a free parking sticker.  
6

7 **Generous Donations Earmarked for Automatic External Defibrillators**

8 The Emerald Isle Parrott Head Club recently donated \$2,000 to the Town, and these donations have been  
9 earmarked for the purchase of 1 (and perhaps 2) automatic external defibrillators to be placed in Police vehicles.  
10 Additionally, the Emerald Isle “Beach Patrol”, a group of residents in the area near Bogue Inlet Pier who previously  
11 donated funds for the purchase of new beach wheelchairs, is also working on a new fundraiser that also aims to  
12 provide funding for additional automatic external defibrillators for Police vehicles. We greatly appreciate the  
13 generosity of these groups!  
14

15 **NC Wildlife Resources Commission Pursuing Relocation of Marked Navigation Channel from Archers Point to  
16 AIWW**

17 The NC Wildlife Resources Commission recently informed me that they believe there may be sufficient depths in  
18 an alternate channel leading from Archers Point to the AIWW (a more northeasterly route currently marked with  
19 white PVC poles by residents), and that they may relocate channel marker buoys from the current marked route in  
20 Bogue Sound (behind the homes on Sound Drive generally between Ridge Road and Cedar Street) to the new  
21 route. Additional survey work is planned, and it will also be necessary for NCWRC to secure a Major CAMA Permit,  
22 which may take several months. I expect that this change will be well-received by residents in this area.  
23

24 **Old Circle Pizza Building Near Ocean Drive ‘Dog-Leg’ in Poor Condition**

25 The old Circle Pizza building in the 3000 block has been vacant for the past several years, and has deteriorated  
26 significantly. Town staff recently visited the structure, noted the deficiencies, and are attempting to work  
27 cooperatively with the property owner to either have necessary repairs completed or perhaps have the building  
28 demolished. We are hopeful that the property owner will be responsive to these concerns and work cooperatively  
29 with the Town.  
30

31 **Final Roundabout Markings**

32 The pavement marking contractor is awaiting delivery of special thermoplastic markings, and will soon complete  
33 the full installation of thermoplastic markings in the new roundabout. Approximately half of the markings  
34 currently in place already have thermoplastic, and the remainder are temporarily painted until the additional  
35 thermoplastic can be installed.  
36

37 **Additional Street Lighting Planned**

38 I am scheduled to meet with Carteret Craven Electric this week to determine the specific locations for new  
39 decorative lights in strategic locations around the outside edge of the new roundabout, and I hope to have these  
40 lights installed in the coming weeks. We will also determine specific locations for 5 or 6 new (traditional) street  
41 lights along Coast Guard Road in an effort to improve bike path lighting in this area.  
42

43 **AARP Roundabout Sheet, Graphic for NC 58 Roundabout**

44 I have attached two helpful handouts for the Board and the public. One is an AARP publication and it explains the  
45 benefits of roundabouts from the AARP membership’s perspective. The other is a graphic prepared by NCDOT that  
46 includes clear illustrations of the proper lane movements at the new NC 58 roundabout.  
47  
48  
49  
50

1 **Coast Guard Road Clearing, New Electric Pole / Line Installation**

2 Contractors for Carteret Craven Electric have completed all clearing activities along Coast Guard Road between  
3 Ocean Oaks Drive and just west of Spinnakers Reach, and new electric poles are currently being installed in this  
4 area. This work is expected to be complete no later than Memorial Day weekend.

5  
6 I am disappointed in the appearance of the right of way where clearing was completed, and have received a few  
7 concerns from residents in this area. I am currently working with Carteret Craven Electric to hopefully have them  
8 purchase new plantings for the most impacted areas, and have offered to have Town staff provide the labor. I  
9 hope to reach an agreement with Carteret Craven in the coming weeks, and hopefully have additional plantings  
10 installed as soon as all electric pole / line installation is complete.

11  
12 **New Welcome to Emerald Isle Sign**

13 We expect to take delivery of the new sign in the next week or two, and look forward to having the new sign in  
14 place at the main entry to Emerald Isle.

15  
16 **NC 58 Uplighting Near Bridge**

17 Town staff have submitted an encroachment permit application to NCDOT, and will proceed with the installation  
18 of uplighting for certain trees in the NC 58 right of way near the base of the bridge soon after the permit is issued.  
19 I hope to secure the necessary permit in the next week or two, and have the new lighting installed and functional  
20 before Memorial Day weekend. Commissioner Steve Finch, an electrical contractor, is graciously volunteering his  
21 expertise to reduce Town expense for this project.

22  
23 **NC 58 / Bogue Inlet Drive Intersection Improvements**

24 After receiving helpful input from “downtown” business owners last month, NCDOT will be working to refine  
25 design options for the NC 58 / Bogue Inlet Drive intersection in the coming months. Based on the recent  
26 discussions, I expect that NCDOT will analyze the potential to construct additional thru lanes and turn lanes in the  
27 “downtown” area without the need for a median, and that NCDOT may also re-assess the potential for a small  
28 roundabout that would not require significant additional right of way acquisition. Once the revised design options  
29 are ready, I will reach out again to the “downtown” business owners and work with NCDOT to schedule a public  
30 input session later this summer or early fall.

31  
32 Regardless which improvements are ultimately selected, I remain hopeful that the Town will be able to benefit in  
33 some way from NCDOT funding to improve traffic flow at this intersection and also improve the aesthetics of NC  
34 58 in the “downtown” area. If NCDOT, the Town, the “downtown” business owners, and the general public are  
35 unable to identify a workable design, it is likely that no improvements will occur in this area for many years. At a  
36 bare minimum, I remain hopeful that the end result of this process will at least include more attractive traffic  
37 signal poles at this intersection.

38  
39 **Olde Cove Road Golf Cart Path Complete**

40 The new golf cart path is complete, and has been well-received by the residents in this area. Public Works will be  
41 adding new STOP signs at each end of the path, and will also install signage identifying the new path as a golf cart  
42 path.

43  
44 **State Beach Nourishment Funding Request**

45 I spoke recently with NC Representative McElraft about the Town’s funding request, and she is committed to  
46 helping the Town secure the requested beach nourishment funding. With the NC General Assembly’s short session  
47 beginning in May, we expect to work more closely with NC Representative McElraft and NC Senator Sanderson on  
48 this issue in the coming weeks.

49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
APRIL 10, 2018  
Page 22 of 25

1 As approved by the Board in January, the Town is seeking \$4.6 million from the new Coastal Storm Damage  
2 Mitigation Fund, or 50% of the total \$9.2 million project cost. We remain hopeful that these funds can be included  
3 in the FY 18-19 State budget, and thus enable the project to be constructed during winter 2018-2019.  
4

5 **Bogue Inlet Navigation Dredging**

6 The navigation channel from the AIWW to the ocean bar in Bogue Inlet is in generally good condition, with only a  
7 few shoaling areas in the marked navigation channel. I am expecting the US Army Corps of Engineers to perform  
8 touch-up dredging sometime in the next month or so, hopefully before Memorial Day weekend.  
9

10 **Dog Park Advisory Committee**

11 The new committee held its first meeting in March, and will meet regularly on the third Wednesday of each month  
12 at 3 pm.  
13

14 The committee reviewed 5 Town-owned locations that may be suitable for a future new dog park, and will be  
15 visiting these locations before the next meeting. The 5 locations are Emerald Isle Woods Park (near the main  
16 parking lot), the new McLean-Spell Park (near Archers Creek and the Community Center, but far enough away to  
17 prevent any negative water quality impacts), the Senator Jean Preston Memorial Playground site, the Town  
18 Government Complex (between the tennis courts and the Police Station), and the vacant tract just west of the  
19 Town Administration Building. The committee may also review other potential sites. The committee is  
20 enthusiastic and eager to make this project a reality!  
21

22 **Golf Cart Advisory Committee**

23 This new committee also held its first meeting in March, and will meet regularly on the third Tuesday of each  
24 month at 5:30 pm. The committee received an overview of the Town's golf cart program, learned about the  
25 history of the program and the Board's previously stated rationale for the golf cart regulations, and discussed the  
26 geographically isolated areas for golf carts in Emerald Isle. The committee had thoughtful dialogue, and we expect  
27 it to be a productive group.  
28

29 **Commitments Received for 6 More Beach Swings**

30 We have received commitments for 6 new beach swing locations, with a \$1,000 contribution for each of them. In  
31 addition to the 2 existing beach swings at the Western Ocean Regional Access and The Point, new swings will be  
32 added on the beach near the following locations: Eastern Ocean Regional Access, Hubert Street, Bryan Street, Lee  
33 Avenue, 18<sup>th</sup> Street, and Bluewater Drive.  
34

35 Due to the busy summer season approaching, Parks and Recreation staff won't be able to construct and install the  
36 new beach swings until the fall, and the individuals who have contributed are comfortable with that timeframe.  
37

38 **Beach Access Walkway Construction**

39 The new beach access walkways at West Landing Drive and Fairfax Drive are complete, and the Town's contractor  
40 is currently working on the Beachview Drive walkway. We hope to have Beachview Drive complete in the next  
41 couple of weeks, after which the contractor will construct a new walkway at Whitewater Drive. We are hopeful  
42 that Whitewater will be complete by mid-May.  
43

44 **NC 58 Flashing Pedestrian Crosswalk**

45 In response to a legislative funding request by NC Representative McElraft, NCDOT has been working to provide  
46 new flashing pedestrian crosswalks at three locations along NC 58: on NC 58 near the Ocean Drive 'dog-leg', at the  
47 Town Government Complex, and at Islander Drive. The estimated cost for each location is approximately  
48 \$15,000+/- . Town staff will assist NCDOT as needed on this project, and I remain hopeful that these new features  
49 will be installed before the bulk of the summer season.  
50

1 **Wyndward Court Storm Water Improvements**

2 Public Works has begun preliminary work on this project, and hopes to have a new pump system operational  
3 before May 1. A small electrical pump will be installed in the low area along the public access path, and will relay  
4 storm water from the Wyndward Court cul-de-sac over to the Town's large storm water pump on Island Circle.

5  
6 **Sunset Lane Storm Water Improvements**

7 This project is in a holding pattern due to permitting issues, and Town staff are awaiting further input from the  
8 adjacent property owner's engineer and NC Division of Coastal Management staff before constructing any  
9 improvements.

10  
11 **Continued Coyote Trapping at Emerald Isle Public Boating Access Area**

12 In response to concerns from nearby residents, the Town has secured a special depredation permit from the NC  
13 Wildlife Resources Commission to continue coyote trapping efforts in the marsh area of the boat ramp facility. The  
14 Town's trapper will continue to monitor this area.

15  
16 **Deer – Vehicle Accidents Decrease Significantly**

17 The number of deer – vehicle accidents reported have dropped from a high of 31 accidents in FY 13-14 to only 3  
18 accidents through the first 9 months of FY 17-18. The Town's past controlled hunts, and likely the impact of  
19 coyotes, have reduced the deer population to a more manageable number in recent years.

20  
21 **Fire Department Continues Lifeguard Recruitment Efforts**

22 The Fire Department hopes to hire a total of 16 – 17 lifeguards for the summer, and has received applications from  
23 18 candidates thus far. The Fire Department continues to assess the candidates' abilities, and hopes to have a full  
24 lifeguard team in place for training by early May. It is likely that not all 18 candidates will meet the requirements  
25 for a lifeguard position, thus the EIFD continues to actively recruit.

26  
27 **Police Department Recruiting Reserve Officers for Beach Services**

28 The Police Department is currently recruiting additional reserve Police Officers to provide high quality services on  
29 the beach strand, at Bogue Inlet Pier, and at the regional beach accesses this summer, and hopes to fill 5 vacant  
30 positions by Memorial Day. There has been increased competition for law enforcement officers in our area  
31 recently, with 11 full-time Police Officer vacancies in our area. Understandably, a full-time position is more  
32 attractive to candidates than a part-time reserve officer position, thus it makes EIPD's challenge even greater.

33  
34 **EIPD Being Reviewed by NC League of Municipalities**

35 The Police Department is participating in a comprehensive risk management review offered by the NC League of  
36 Municipalities. The Law Enforcement Risk Review is designed to assess a Police department's adherence to best  
37 practices, court decisions, and policies and procedures related to high liability activities in law enforcement. The  
38 goal of the program is to mitigate liability exposure, enhance officer safety, and validate that training and  
39 operating procedures are meeting industry standards. The program is led by retired law enforcement leaders, and  
40 is offered at no cost.

41  
42 The review process will likely take about a year to complete, and is especially helpful to smaller departments that  
43 don't have the staff resources to pursue full law enforcement accreditation. I applaud Chief Reese for undertaking  
44 this exercise, and believe it will be helpful to the Town to have an external party review EIPD operations. I am  
45 confident that EIPD is already doing things the right way, however, there are always additional learning and  
46 improvement opportunities.

47  
48 **Public Works Touching Up Crosswalks, "Downtown" Curbing**

49 Public Works crews are gradually working to repaint various sidewalk and bicycle path crosswalks before the bulk  
50 of the tourism season, and these efforts will continue through Memorial Day. Public Works will also again be

1 repainting the “downtown” curbing in mid-May to provide a fresh, clean appearance in this area. Additionally, a  
2 contractor will soon be repainting the pavement markings on Bogue Inlet Drive between NC 58 and Bogue Inlet  
3 Pier.  
4

5 **Allies for Cherry Point Annual Report, Funding Request**

6 Allies for Cherry Point has requested a \$1,700 contribution from the Town for FY 18-19, and a copy of that request  
7 is attached. The request also includes a summary of the group’s accomplishments over the past year. Unless  
8 directed otherwise by the Board, I will plan to include the requested contribution in the FY 18-19 Recommended  
9 Budget.  
10

11 **15. Comments from Board of Commissioners and Mayor**

12  
13 Commissioner Taylor thanked his fellow Commissioners for letting him try out the fishing  
14 tournament and he hoped it would be something great for Emerald Isle. Commissioner Taylor  
15 also thanked all the volunteers he hadn’t met yet.  
16

17 Commissioner Finch thanked Candace and all of her volunteers for their hard work and for  
18 selecting the Little Pink Houses of Hope. Commissioner Finch said he had the opportunity to sit  
19 down literally with those families that came in from all over the country and what a fine  
20 selection. Commissioner Finch also thanked Little Pink Houses of Hope for all they did as well  
21 because of all it meant to the families.  
22

23 Commissioner Messer dittoed Commissioner Finch’s comments.  
24

25 Commissioner Dooley congratulated Finance Director Laura Rotchford again and expressed  
26 appreciation for all of her efforts, highlighting that Laura also did the accounting for the  
27 Marathon too. Commissioner Dooley thanked everyone for their support of the race and  
28 making it another successful year.  
29

30 Commissioner Normile dittoed all the other comments. Commissioner Normile noted all the  
31 work that went into bringing the insurance folks to Emerald Isle today by Ronnie Watson, Frank  
32 Rush and others. Commissioner Normile said there was participation here with the insurance  
33 representatives from the Towns of Pine Knoll Shores, Atlantic Beach, Newport, and Emerald Isle  
34 – he felt it was a pretty good session though didn’t know if they made any headway.

35 Commissioner Normile said he could guarantee the insurance representatives left knowing  
36 exactly how they felt about another rate increase. Commissioner Normile said they had  
37 requested that before another rate increase that the insurance representatives share with  
38 them and show data as to why the rate increase would be mandated upon us. Commissioner  
39 Normile mentioned a comment made by someone that stood out to him which was that they  
40 didn’t even know of anybody in Emerald Isle who had filed an insurance claim and why were  
41 they raising our rates. Commissioner Normile felt if they owed they should pay but if they  
42 didn’t owe the rates shouldn’t be increased.  
43

1 Mayor Barber congratulated Emerald Isle on being voted best beach town in North Carolina.  
2 He said they already knew it but now had proof and felt that was a great honor for Emerald Isle.

3

4 **16. Adjourn**

5

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

8

9 ***The meeting was adjourned at 7:05 pm.***

10

11 Respectfully submitted:

12

13

14

15 Rhonda C. Ferebee, CMC, NCCMC

16 Town Clerk

17