

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, OCTOBER 9, 2012 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**
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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, Asst. Town Manager / Finance Officer Mitsy Overman,
20 and Town Clerk Rhonda Ferebee.
21

22 Also in attendance: Charles Smith, CPA, WSSG (Town Auditors)
23

24 **3. Opening Prayer**
25

26 Opening prayer was offered by Bernie Whalley, Emerald Isle resident and local
27 businessman.
28

29 **4. Pledge of Allegiance**
30

31 All who were present recited the Pledge of Allegiance.
32

33 **5. Adoption of Agenda**
34

35 Town Manager Rush requested that an additional item be added to the Agenda
36 as Item 11.5 - Resolution Regarding Proposed Coastal Homeowners Insurance
37 Rate Increases.
38

39 ***Motion was made by Commissioner Messer to adopt the Agenda with the***
40 ***addition of Item 11.5. The Board voted unanimously 5-0 in favor. Motion***
41 ***carried.***
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2 **6. Proclamations / Public Announcements**
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4 Mayor Schools noted the following proclamations and public announcements for
5 the public:
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- 7 • **Friday Free Flick – Friday, October 12 – 7 pm – Community Center**
- 8 • **Public Document Shredding Event – Saturday, October 13 – 10 am –**
9 **1 pm – Carteret County Offices, Beaufort**
- 10 • **Blood Drive – Friday, October 19 – 2 pm – 7 pm – Community Center**
- 11 • **9th Annual Emerald Isle Triathlon – Saturday, October 20 – 8 am –**
12 **Eastern Ocean Regional Access**
- 13 • **Three Dog Memorial Walkathon – Saturday, October 20 – 9 am –**
14 **Community Center**
- 15 • **Gordie McAdams Speckled Trout Surf Fishing Tournament –**
16 **October 20 – December 1**
- 17 • **Planning Board Regular Meeting – Monday, October 22 – 6 pm –**
18 **Town Board Meeting Room**
- 19 • **Halloween Carnival – Friday, October 26 – 6 pm – 8 pm – Community**
20 **Center**
- 21 • **Halloween Trick or Treat – Wednesday, October 31 – 6 pm – 8:30 pm**
- 22 • **Friday Free Flick – Friday, November 2 – 7 pm – Community Center**
- 23 • **Election Day – Tuesday, November 6 – Community Center**
- 24 • **Bus Trip to Durham – “Jersey Boys” – Saturday, November 10 –**
25 **Contact Parks and Recreation Dept.**
- 26 • **Veterans Day Holiday – Monday, November 12 – Town Offices**
27 **Closed, Community Center Open**
- 28 • **Board of Commissioners Regular Meeting – Tuesday, November 13 –**
29 **7:00 pm – Town Board Meeting Room**
- 30 • **Emerald Isle Christmas Parade – Saturday, November 24 – 3 pm –**
31 **NC 58**

32
33 **7. Public Comment**
34

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

38 There were no comments from the public.
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3 **8. Consent Agenda**
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- 5 a. Tax Refunds / Releases
6 b. Regular Meeting Minutes – September 11, 2012
7 c. Emergency Operations Agreement – Off-Island EOC
8 d. Budget Amendment – Powell Bill Fund
9 e. Budget Amendment – General Fund

10
11 ***Motion was made by Commissioner Hedreen to approve the items on the***
12 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
13 ***carried.***
14

15 Mayor Schools recognized and welcomed two Croatan High School sophomores
16 who were in attendance at the meeting as part of their AP English class
17 assignment.
18

19 **Clerks Note: A copy of Consent Agenda items as noted above are incorporated herein by reference**
20 **and hereby made a part of these minutes.**
21

22 **9. Presentation – June 30, 2012 Financial Audit**
23

24 Town Manager Frank Rush introduced Charles Smith, CPA with the auditing firm
25 of Williams, Scarborough, Smith, & Gray, LLP (WSSG), who would present to the
26 Board the highlights of the June 30, 2012 Financial Audit. The following excerpt
27 from the Town Manager’s memo to the Board is provided for additional
28 background:
29

30 Williams, Scarborough, Smith, & Gray (WSSG) CPAs has completed the Town’s FY 11-12 audit, and a copy of the
31 June 30, 2012 financial statements and audit report is attached for your review.
32

33 Charles Smith, WSSG, will brief the Board on the highlights of the financial statements and audit report at the October
34 meeting. Because Charles Smith is attending the October 9 meeting, the Board-appointed Audit Committee did not
35 meet prior to the October 9 meeting to review the report.
36

37 The Town received an unqualified opinion from WSSG, and I am again pleased to report that the Town maintains a
38 solid financial position. Town staff and I are committed to maintain and improve that financial position in the future.
39 WSSG also did not identify any major concerns with our financial operations, and again expressed their opinion that
40 the Town’s assets are well-managed by our staff.
41

42 For a detailed explanation of the June 30, 2012 financial statements and audit report, please read the “Management’s
43 Discussion and Analysis” section in the report.
44

45 Some of the highlights of the June 30, 2012 financial statements and audit report include:
46

47 **OVERALL FINANCIAL POSITION**
48
49

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- 1
2 • The Town had officially reported net assets of \$19,495,059 as of June 30, 2012. Total net assets increased by
3 \$2,012,525 over the prior year due primarily to the retirement of additional outstanding General Obligation Bonds
4

5 issued to finance the Town's 2005 beach nourishment project and due to land acquisition associated with the Emerald
6 Isle Public Boating Access Area with significant outside grant funding.
7

- 8 • The Town had total revenues of \$9,623,982 across all funds during FY 11-12. The Town had total expenditures
9 of \$10,230,824 across all funds during FY 11-12. After accounting for a new debt issue in the amount of
10 \$152,154, the Town utilized a net total of \$454,688 of fund balance.

- 11 • As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances
12 of \$3,906,163, a decrease of \$454,688 in comparison with the prior year. This decrease is primarily associated
13 with the planned use of \$993,489 of fund balance in the Beach Nourishment Debt Service Fund for the retirement
14 of 2004 beach nourishment bonds.
15

- 16 • The Town had \$3,359,196 of cash and cash equivalents on hand as of June 30, 2012. This cash (and cash
17 equivalents) on hand makes it possible for the Town to meet cash-flow needs in the summer and fall months
18 when expenditures routinely exceed revenue collections (prior to receipt of annual property taxes in December
19 and January). The Town also had net receivables of \$56,800 and \$750,581 due from other governments as of
20 June 30, 2012.
21

- 22 • The Town's Total outstanding debt at June 30, 2012 is \$2,581,281, most of which consists of outstanding beach
23 nourishment bonds (\$950,000) that will be fully retired in FY 12-13. The Town's total outstanding debt is equal to
24 approximately 0.09% of the Town's total assessed valuation at June 30, 2012, a very low percentage. The
25 Town's officially adopted Fiscal Policy establishes a debt limit of 2.00% of total taxable value. North Carolina
26 General Statutes limit the amount of General Obligation debt that a unit of government can issue to 8.00% of the
27 total assessed value.
28

- 29 • The Town's property tax collection rate for FY 11-12 was 99.23%, which is an excellent collection rate. A total of
30 \$31,549 of 2011 property taxes was uncollected as of June 30, 2012. As of September 30, the uncollected
31 balance is \$19,075.
32

33 GENERAL FUND
34

- 35 • As of June 30, 2012, the Town's General Fund had a total fund balance of \$2,051,217, of which a total of
36 \$1,348,675 is classified as unassigned fund balance. The Town's total General Fund balance increased by
37 \$156,053 in FY 11-12.
38

- 39 • The total General Fund balance of \$2,051,217 is equal to 26.0% of total General Fund expenditures (including
40 transfers out, Powell Bill, and Regional Access Parking) during FY 11-12 (\$7,890,271). This percentage is up
41 slightly from the previous year (25.1%). Total General Fund balance represents 28.4% percent of the FY 12-13
42 adopted budget of \$7,232,876 (including transfers out, Powell Bill, and Regional Access Parking).
43

- 44 • The total unassigned General Fund balance amount of \$1,348,675 is equal to 17.1% of total General Fund
45 expenditures (including transfers out, Powell Bill, and Regional Access Parking) during FY 11-12 (\$7,890,271).
46 Unassigned General Fund balance represents 18.7% of the FY 12-13 adopted budget of \$7,232,876 (including
47 transfers out, Powell Bill, and Regional Access Parking).
48

- 49 • The General Fund had total revenues of \$8,045,559, and total expenditures of \$7,756,448 during FY 11-12. After
50 considering transfers to (\$765) and from the General Fund (\$133,823) for capital projects, the Town added
51 \$156,053 to General Fund balance as of June 30, 2012.
52

- 53 • The Town's two largest sources of General Fund revenue are property taxes and sales taxes. General Fund
54 property tax revenues were \$3,450,658, while sales tax revenues totaled \$1,718,656. Solid waste fees are the

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2 third largest revenue source, with \$1,231,377 collected in FY 11-12. Combined, these three revenue sources
3 represent nearly 80% of General Fund revenues.
4

- 5 • Public Safety expenditures (Police, Fire, and EMS) continue to represent the largest portion of the General Fund
6 budget. Total expenditures were \$3,044,807 in FY 11-12.
7
- 8 • Total debt service expenditures in FY 11-12 were \$551,929. Debt service expenditures are higher than typical
9 due to the early retirement (\$270,000) of an inter-fund loan for a previous land purchase at the Emerald Isle Public
10 Boating Access Area. Total debt service expenditures were equal to 7.0% of total General Fund expenditures, a
11 very low percentage.
12

13 BEACH NOURISHMENT DEBT SERVICE FUND

- 14 • The Town's Beach Nourishment Debt Service Fund had a year-end fund balance of \$1,088,440. The final beach
15 nourishment bond payments are budgeted for \$978,500 in FY 12-13, and this fund balance will be used to make
16 the final payments.
17
- 18 • A fund balance of approximately \$100,000 is expected after the final debt service payments in February 2013.
19 Any remaining fund balance will be transferred to the Town's new Future Beach Nourishment Special Revenue
20 Fund (established in FY 11-12) for future beach nourishment efforts.
21
22

23 FUTURE BEACH NOURISHMENT SPECIAL REVENUE FUND

- 24 • FY 11-12 was the first year the Town levied new municipal service district taxes, and these new taxes generated a
25 total of \$667,082 to be reserved for future beach nourishment efforts. An additional \$251 of interest earnings
26 resulted in total fund balance of \$667,333 as of June 30, 2012.
27
- 28 • FY 11-12 fund balance and FY 12-13 revenues, plus the remaining balance in the Beach Nourishment Debt
29 Service Fund, will be used to provide the Town's share of costs for the FEMA Irene Beach Nourishment Project in
30 early 2013.
31
32

33 OTHER FUNDS

- 34 • The Town utilizes a separate Powell Bill Fund for budget and management purposes, however, the annual
35 financial statements combine these revenues and expenditures into the General Fund. The Powell Bill Fund
36 ended FY 11-12 with a fund balance of \$10,982, and this fund balance is included in total General Fund balance.
37
- 38 • The Town also utilizes a separate Regional Access Parking Fund for budget and management purposes,
39 however, the annual financial statements also combine these revenues and expenditures into the General Fund.
40 The Regional Access Parking Fund ended FY 11-12 with a fund balance of \$13,027, and this fund balance is
41 included in total General Fund balance.
42
- 43 • The Special Drug Fund had an ending fund balance of \$9,876 as of June 30, 2012. These funds are restricted for
44 Police Department expenses only, and this entire amount has been appropriated for the Police Department in FY
45 12-13.
46
- 47 • The Town utilizes several capital project accounts for ongoing, multi-year capital projects. Notable capital project
48 funds still active as of June 30, 2012 include the Public Boat Launching Facility project, the Coast Guard Road
49 Storm Water Phase IV project, the Archers Creek Storm Water Project, the Eastern Emerald Isle Storm Water
50 project, and the Coast Guard Road Multi-Use Path project. Several other capital projects are now complete, and
51 the capital project accounts had limited activity in FY 11-12. These accounts will soon be closed out.
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- The capital project account for the new Public Boat Launching Facility reports a balance of \$35,000 as of June 30, 2012. These funds are specifically reserved for the Town match on an anticipated new grant to construct a new soundside pier at this facility.
- The capital project account for the Coast Guard Road Storm Water Phase IV project reports a balance of \$42,507 as of June 30, 2012. This balance is associated with remaining costs for the new Island Circle pump station. This balance will be spent during FY 12-13, and the project account will be closed out.
- The capital project accounts for the Archers Creek Storm Water Project and the Eastern Emerald Isle Storm Water project are primarily funded by grant proceeds, and include relatively minor project balances as of June 30, 2012. The Archers Creek project has since been completed and the project account will be closed out. We expect to complete the project and close out the Eastern Emerald Isle Storm Water project account later in FY 12-13.
- The Coast Guard Road Multi-Use Path project account had a fund balance of \$8,577 as of June 30, 2012. This account is being used to account for fundraising proceeds for the future extension of the path. (The balance in this account is now approaching \$40,000, as other fundraising bank accounts have since been consolidated into this project account.)
- The Town has a total balance of \$63,727 in the Special Separation Allowance Fund that is being accumulated for future, statutorily-mandated separation payments to law enforcement officers. The Town currently has no officers eligible for these payments, however, the first eligible officer is expected to retire in FY 12-13. This amount is expected to be sufficient to meet projected liabilities for the next 2 - 3 years, however, the Town must soon consider making additional contributions to this fund in order to insure adequate reserves are available in future years.

Charles Smith, with the CPA firm of Williams, Scarborough, Smith & Gray, LLP (WSSG) provided a brief overview and summary of the highlights of the financial statements and audit report of June 30, 2012. Mr. Smith stated that the Town received a clean unqualified opinion on the financial audit, with no deficiencies identified in internal control or compliance, a very clean report all the way through. Mr. Smith thanked staff for their assistance and diligence through the process. He felt the Town's finances and assets were well managed and protected.

The Mayor and Board thanked Mr. Smith and his firm for their work for the Town.

Motion was made by Commissioner Wright to accept the June 30, 2012 Financial Statements and Audit Report. The Board voted unanimously 5-0 in favor. Motion carried.

Clerks Note: A copy of June 30, 2012 Audit Report is incorporated herein by reference and hereby made a part of these minutes.

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2 **10. Resolution Authorizing NC Parks and Recreation Trust Fund Grant**
3 **Application (12-10-09/R1)**
4

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

8
9 The Board of Commissioners is scheduled to re-consider the attached resolution authorizing a grant application to the
10 NC Parks and Recreation Trust Fund (PARTF) for the acquisition of a vacant 2-acre lot adjacent to the Emerald Isle
11 Public Boating Access Area. The Town's estimated cost to acquire the adjacent lot, Lot 1 - Shell Cove North, is
12 \$175,000, and the attached resolution authorizes a grant application for 50% of this cost, or \$87,500.
13

14 As you know, the Board discussed this issue at the September 11 meeting and was not inclined to pursue the grant
15 application at that time due to concerns about providing the \$87,500 local match for the grant in the FY 12-13 or FY 13-
16 14 budgets. After the September 11 meeting, additional discussions were held with the owner of Lot 1 - Shell Cove
17 North, and the owner reiterated his willingness to offer owner-financing for the Town's 50% share. The owner has
18 confirmed his willingness to offer owner-financing for the Town's 50% share at a cost of \$750 per month (or \$9,000 per
19 year) for a 10-year period. This essentially equates to an interest rate of approximately ½ % on the Town's estimated
20 50% cost-share. In light of these favorable terms that address the Board's concerns expressed at the September 11
21 meeting, the attached resolution is presented for Board consideration again at the October 9 meeting.
22

23 As you know, the Town's goal is to develop the Emerald Isle Public Boating Access Area as a comprehensive
24 soundfront park facility with both passive and active recreational amenities. Boat ramps and associated parking are in
25 place, a new Veterans Memorial and picnic shelter have recently been constructed, and a new soundside pier is
26 planned within the next several months. Potential future recreational amenities considered for this facility include an
27 athletic field, walking trail, playground equipment, and/or tennis courts. Toward the realization of this goal, the Town
28 acquired the adjacent vacant Lot 2 - Shell Cove North in January 2012, with a goal to also eventually acquire Lot 1 for
29 the development of future park amenities.
30

31 Lot 1 and Lot 2 each consist of approximately 2 acres total, with approximately ½ acre of upland area on each lot.
32 Combined, the two lots would yield a usable upland area of approximately 150 feet x 325 feet, and this land area
33 would be suitable for the development of a youth soccer field or other all-purpose athletic field that could be utilized by
34 our residents and visitors. As you know, the Town currently has no athletic fields of any kind, nor owns any land that
35 would be suitable for an athletic field. If the Town completes the acquisition of Lot 1, the entire upland area could be
36 graded and sodded for use as an all-purpose athletic field, potentially with soccer goals, and could also be used for any
37 number of field sports. Additionally, the open grassy area could potentially be used as a soundfront venue for outdoor
38 concerts, or other formal or informal gatherings. I envision that much of this work could be completed by Town staff at
39 relatively minimal expense in the future, as funds and time permit. The combination of Lot 1 and Lot 2 could also be
40 used for other desired park amenities as determined by the Board of Commissioners and/or the Emerald Isle Parks
41 and Recreation Association, Inc.
42

43 As discussed previously, this potential land acquisition is not the Town's highest priority at this time, however, I believe
44 that the project is a worthy and beneficial goal for the Town and that it will likely only be possible if significant grant
45 funding can be obtained. As you know, the Town has aggressively pursued a variety of grants in recent years, and
46 continues to seek to maximize grant funding for beneficial projects for our residents and visitors. The next deadline for
47 NC PARTF grant applications is in January 2013, and I believe the Town can assemble a competitive grant application
48 for the 2013 cycle if the Board approves the attached resolution. A total of \$7 million is expected to be awarded
49 Statewide, and this grant program is likely the only State grant program applicable to this project. (Other grant
50 programs such as the CAMA Public Water Access program and NC Coastal Fishing License program are not oriented
51 toward general park needs, and our project would not be eligible for funding through these grant programs.) In short, I
52 am recommending this grant application now because I am not aware of any other potential grant funding sources for
53

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2 this project and because I want the Town to seek every reasonable and worthwhile grant funding opportunity available
3 to better our community.

4
5 The Board should note that the \$175,000 amount is the total *estimated* cost based on verbal discussions with the
6 owner. As you know, the Town purchased Lot 2 - Shell Cove North in January 2012 from a different owner for
7 \$172,154. The owner of Lot 1 has verbally indicated that he will offer Lot 1 to the Town for an identical price. The total
8 estimated cost of \$175,000 also includes expected closing costs and other miscellaneous expenditures associated with
9 the lot purchase. If the Board approves the attached resolution authorizing the grant application, I will attempt to
10 execute a purchase contract with the owner of Lot 1 in the coming weeks.

11
12 A public hearing is required for the NC PARTF grant application, and was conducted at the September 11 meeting.

13
14 Town Manager Rush stated that this item was discussed at the September 11
15 meeting and at that time the Board was not inclined to go forward with a grant
16 application due to the required \$87,500 local match for the Parks and Recreation
17 Trust Fund Grant. Mr. Rush said that since that time he had conversation with
18 the owner of Lot 1, Shell Cove North, and he had offered owner financing for the
19 Town for that \$87,500 as a match. The terms proposed were \$750 per month for
20 a period of 10 years and equated to a little less than one-half percent interest
21 rate. The Town would budget \$9,000 per year for the 10 year period to match
22 the grant. The other \$87,500 would theoretically come from a grant or through
23 the NC Parks and Recreation Trust Fund, other than that it was the same project
24 plan as discussed in September but just a difference in the financing option
25 available if the Board wanted to go forward with the grant application.

26
27 Mayor Schools asked for any comments from the public.

28
29 There were no comments from the public.

30
31 ***Motion was made by Commissioner Wootten to adopt the Resolution***
32 ***Authorizing NC Parks and Recreation Trust Fund Grant Application. The***
33 ***Board voted unanimously 5-0 in favor. Motion carried.***

34
35 Mr. Rush noted the grant application would be submitted prior to the end of
36 January, with a decision expected either May or July 2013. If they receive the
37 grant the Town would then move forward with the lot purchase.

38
39 **Clerks Note: A copy of Resolution 12-10-09/R1 as noted above is incorporated herein by reference**
40 **and hereby made a part of these minutes.**

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11. Ordinance Amending Charter of the Town of Emerald Isle (12-10-09/O1)

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 will formally consider proposed amendments to the Town Charter at the October 9 meeting. The Board has previously reviewed a draft version of the attached ordinance at the August 14 meeting, adopted a Resolution of Intent to Amend the Town Charter on August 14, and conducted a public hearing at the September 11 meeting.

As discussed at the August 14 and September 11 meetings, the proposed amendments to the Town Charter represent the first step in a planned comprehensive process that is intended to review, clarify, and condense the entire Code of Ordinances of the Town of Emerald Isle. The Town is now 55 years old, and numerous ordinance amendments have been made over the years with input by many different groups and individuals, all likely with good intentions, and sometimes there are unintended impacts on or conflicts with other ordinance provisions. State law and common practice also change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may be helpful for the Town to critically ask itself if it really needs certain ordinance provisions.

My goal is for Town staff and me to complete a comprehensive review of all Town ordinances with a critical eye. During this review, conflicting or confusing provisions will be targeted for clarification, unnecessary provisions will be targeted for elimination, and in some cases out of date or un-enforced provisions will be targeted for elimination. As discussed at the August 14 and September 11 meetings, my goal is to present comprehensive amendments to each of the 16 current chapters of the Code of Ordinances over the next 16 months. One chapter would be presented each month, and at the end of the 16 month period the entire Code of Ordinances will have been thoroughly reviewed and updated – ideally in a simpler, leaner, more user-friendly, easier-to-understand format. The Town Charter is the de facto “Chapter 1” of the Code of Ordinances, and is the foundation for all other actions, decisions, and policies of the town government, and is therefore the first “chapter” considered in this comprehensive review process.

The proposed amendments to the Town Charter are presented in two attached documents. One draft is presented in typical ordinance format utilizing the underline and strikethrough features to make it easy to examine the changes, and the other draft is a “clean” copy of the proposed new version of the Town Charter to make it easier to read in its entirety.

Research indicates that the original Town Charter was approved by the NC General Assembly in 1957, and was amended by the NC General Assembly in 1973. I am unable to discern the nature of or reason for the 1973 amendment. The NC General Assembly also amended the Town Charter in 2004 to stipulate that any lands east of the Bogue Inlet channel are included in the Town limits (this was associated with permitting for the Bogue Inlet realignment project). The Emerald Isle Board of Commissioners previously approved ordinances amending the Town Charter in 1997 to implement the Council-Manager form of government, in 2002 to implement staggered terms for the Board of Commissioners (after a successful referendum), and in 2005 to implement a 4-year term for the Mayor. The attached draft amendments incorporate and condense all of these provisions in the proposed new version of the Town Charter. The attached draft amendments also eliminate several provisions that are now superseded by municipal government provisions in the North Carolina General Statutes, and the proposed new version includes several references to Chapter 160A (Cities and Towns) and other appropriate statutes.

Two notable amendments pertain to the conduct of elections and street and sidewalk improvements. An out-of-date provision referring to a municipal Board of Elections has been amended to reflect the current election system managed by the Carteret County Board of Elections. For some reason, a detailed street and sidewalk assessment procedure is currently included in the Town Charter, but has not (and may never have) been utilized in recent years and will likely never be utilized. In addition, the NC General Statutes prescribe the required procedure for street and sidewalk

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2 assessments, and it does not seem necessary to include these provisions in the Town Charter. For these reasons,
3 this language is recommended for elimination.

4
5 The proposed amendments also include very minor changes to the official boundaries of the Town of Emerald Isle.
6 References to the Wica Chemical Company have been removed and replaced with references to the Town of Indian
7 Beach town limits. The new description of the official boundaries of the Town is still rather lengthy, but the simple
8 explanation of the Town boundaries is that the Town's boundaries include all land on Bogue Banks west of the Indian
9 Beach town limits, and also extend ¼ mile into Bogue Sound and ½ mile into the Atlantic Ocean.

10
11 The Board should also note that the August 14 version included language stipulating that the Mayor Pro-Tem would
12 serve a 2-year term, which is consistent with recent practice but had not been previously included in the Town Charter.
13 The September 11 and October 9 versions remove the 2-year term, and maintain the current provision that states that
14 the Mayor Pro-Tem will not have a fixed term and will serve at the pleasure of the Board of Commissioners.

15
16 Town Manager Rush noted this was the identical version viewed by the Board at
17 the September meeting, and very similar to the version at their August meeting.
18 By law the Board was not allowed to vote on the Charter amendments at the
19 September meeting so it was submitted to the Board tonight for final approval.

20
21 ***Motion was made by Commissioner Hoover to adopt the Ordinance***
22 ***Amending the Charter of the Town of Emerald Isle. The Board voted***
23 ***unanimously 5-0 in favor. Motion carried.***

24
25 Clerks Note: A copy of Ordinance 12-10-09/O1 as noted above are incorporated herein by reference
26 and hereby made a part of these minutes.

27
28 **11.5 – ADDED – Resolution Regarding Proposed Coastal Homeowners**
29 **Insurance Rate Increases (12-10-09/R2)**

30
31 Town Manager Rush stated that the Resolution presented to the Board
32 essentially was from the Town encouraging the NC Commissioner of Insurance
33 to reject the proposed coastal homeowners insurance rate increases. Mr. Rush
34 said this issue had received a lot of press over the past week. Mr. Rush said
35 homeowners here had endured significant increases over the past 10 years or
36 so. Mr. Rush stated that the rate increase proposed for our territory which was
37 territory #8, which included the barrier islands from Carteret County all the way
38 down to the South Carolina line, was 30% in the base rate. Mr. Rush referenced
39 information that he had attached to the proposed resolution which showed a
40 breakdown of the current and proposed rates. Mr. Rush noted that in our
41 Territory #8 the base rate for homeowners insurance for \$75,000 in coverage
42 was \$1,522 and it was proposed to increase to \$1,979. Mr. Rush said we were
43 already paying the highest rates in the entire state and that would certainly
44 continue with the proposed rates as well. Mr. Rush had also attached a
45 breakdown of which towns and counties were located in which territories across
46 the state for their information and comparison.

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Mr. Rush said rates in the attachment were the face rates used by the insurance companies, and there were a wide variety of credits and discounts applied to these which was why it probably looked higher than what is actually paid, but as you probably know it was not uncommon for someone in Emerald Isle to pay \$3-\$4,000 per year for homeowners insurance.

Mr. Rush said the resolution proposed for the Board's consideration simply highlighted some of the facts and encouraged the Commissioner of Insurance to reject the rate increase and to work toward a fairer distribution of those costs in North Carolina. Mr. Rush noted there was a 50-day period by which the Commissioner of Insurance had to render a decision; that period started on October 1, and there was also a 30 day public comment period. Mr. Rush said if the Board approved this resolution his intention was to forward to the Commissioner of Insurance with a cover letter expressing their concerns.

Mr. Rush in response to a question posed by Commissioner Hedreen said that the base rates he mentioned included the premiums for wind and hail, which is the reason these were higher than some of the other areas, and most people expect and appreciate that our rates would be higher given the threats of hurricanes, but not this much higher.

Mayor Schools read aloud the final paragraph from the Resolution that states: Now, therefore, be it resolved that the Emerald Isle Board of Commissioners strongly encourages the NC Commissioner of Insurance to reject the proposed 30% increase in base rates for Territory #8, and encourages the Commissioner to work toward a fairer homeowners' insurance rate structure for coastal North Carolina.

Mayor Schools asked for public comment.

Bernie Whalley, 5306 Ocean Drive, pointed out that the preponderance of the claims made in the coastal Carolina area and 100 miles inland in the last 20 years had not been due to hurricanes, but due to tornados and that type of storm. Mr. Whalley said that we had not had that kind of a hurricane effect here in coastal Carolina and the Department of Insurance, especially Wayne Goodwin, the Insurance Commissioner, needed to hear not only from the Town of Emerald Isle, but each and everyone in Emerald Isle itself and all along the coastal Carolina area. Mr. Whalley said that you could go to the website at www.ncdoi.com and it would tell you how to contact the Commissioner. He encouraged everyone to send email messages, phone calls, and written letters. Mr. Whalley said they expected to hear from bodies such as the Town of Emerald Isle but felt individuals needed to also get involved.

1
2 Paul Schwartz, Wyndtree Drive, said he didn't understand why Emerald Isle was
3 in a territory with a higher rate than Currituck and Dare which would seem to
4 have suffered a great deal more but they pay less.

5
6 ***Motion was made by Commissioner Messer to approve the Resolution***
7 ***Regarding Proposed Coastal Homeowners Insurance Rate Increases. The***
8 ***Board voted unanimously 5-0 in favor. Motion carried.***

9
10 Clerks Note: A copy of Resolution 12-10-09/R2 as noted above is incorporated herein by reference
11 and hereby made a part of these minutes.

12
13 **12. Comments from Town Clerk, Town Attorney, and Town Manager**

14
15 There were no further comments from the Town Clerk. The Town Attorney, who
16 is also the Mayor of the Town of Beaufort, at the request of Mayor Schools,
17 provided the latest status of proposed new development coming to the Town of
18 Beaufort. Mr. Stanley said the owner of The Boathouse in Beaufort had
19 purchased the old Beaufort Fisheries with plans to develop a 90-room inn, a new
20 restaurant, and a meeting facility for about 300-350 people. Mr. Stanley said this
21 would now become more of a year round conference center and they were very
22 pleased that it would provide more employment opportunities, and felt it would be
23 very good for Beaufort and Carteret County.

24
25 Town Manager Rush updated the Board on several important issues. Mr. Rush
26 noted that according to DOT the work on the bridge would not begin on October
27 15 but the latest was that it would begin mid-December, but the contractor
28 indicated they would still meet the completion deadlines with scheduled work
29 being completely wrapped up by Memorial Day. Mr. Rush noted that in his
30 written comments to the Board he mentioned that he planned to meet with the
31 rental agencies to discuss a whole list of issues.

32
33 Mr. Rush noted that they only received one bid for the beach nourishment
34 project the previous Thursday, and as required by law they had re-advertised for
35 a new bid opening on Tuesday, October 16, and at that time they could open
36 bids regardless of how many were received.

37
38 Mr. Rush also mentioned that the Wildlife Resources Commission's biologist had
39 recently completed the deer population estimate and they came up with a total
40 population of 141 deer in the Coast Guard Road area, a year ago they had
41 estimated 174, and he wanted to get the Board's direction as to whether they
42 wanted to proceed with any controlled deer hunting initiatives this winter.

43
44 The direction given to the Town Manager was to contact the Lands End
45 Homeowners Association to get their opinion on whether they were interested in
46 pursuing any controlled deer hunting this year in their neighborhood.

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

FEMA Irene Beach Nourishment Project

I had originally planned to have a construction contract recommendation on the Board's October 9 meeting agenda, but that was not possible.

October 4 was the scheduled bid opening date for this project, however, the Town received only 1 bid for the project on October 4. By law, the bid could not be opened, and the project will be re-advertised for a 1-week period. A new bid opening date has been scheduled for Tuesday, October 16 at 2 pm, at which time any and all bids will be opened.

Assuming the low bid is within the budget established for the project, I plan to include a construction contract recommendation on the Board's November 13 meeting agenda. If it becomes necessary or advantageous, I may ask the Board to hold a special meeting sometime between October 16 and November 13 to approve a construction contract.

Despite the fact that we only received 1 bid on October 4, we remain hopeful that at least one other company will submit a bid for the project on October 16, or that the 1 bid previously received will be re-submitted and will be within our budget. Assuming an acceptable bid is received and the Board awards a contract, we expect work to begin sometime this winter and be complete by March 31. Tentative project boundaries are from 5th Street to Pier Pointe in eastern Emerald Isle, and from Myrtle Drive to Ocean Oaks Drive in western Emerald Isle.

On a related matter, the Town learned recently that the National Marine Fisheries Service has issued its approval of the project, which was the last significant permit approval needed for the project.

2012 Deer Population Estimate

Two regional biologists (Robbie Norville and his new replacement, Jonathan Shaw) with the NC Wildlife Resources Commission and Police Lt. Jeff Waters completed the 2012 deer population estimate in September. The group spent two nights in the Coast Guard Road area, and reported a deer population estimate of 141 deer along Coast Guard Road from the bridge to The Pointe. I have summarized previous years' deer population estimates below, along with the Town's actions:

<u>Year</u>	<u>Deer Population Estimate</u>	<u>Town's Actions</u>
Fall 2005	65 – 91 deer	No action taken, as this population density was generally considered to be an acceptable range for a community such as Emerald Isle.
Fall 2009	149 deer	The Town investigated and considered non-lethal deer management approaches, including use of deer contraceptives, sterilization, and tranquilization / relocation of deer at this time, but was advised by the NC WRC biologist that these approaches are not effective, are costly, and may also result in deer fatalities anyway. After consideration, the Town applied for and received a "depredation permit" from NC WRC, and undertook an effort to reduce the deer population with targeted bow hunting by Police Officers in Emerald Isle Woods Park in January – February 2010. This effort resulted in the elimination of 11 deer, with the deer meat donated to feed the hungry.
Fall 2010	102 – 108 deer	No action taken, as this population density was more in line with the 2005 estimate. Some in the community disputed

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the 2010 population estimate, as personal observations and conventional wisdom in the community suggested that the deer population estimate had not decreased from 2009 to 2010. The Town did work with Carolina Home and Garden and Yardworks Landscaping to present a workshop on deer-tolerant plant species. While very informative, the workshop was only lightly attended.

Fall 2011 174 deer

The Town secured a "depredation permit" from NC WRC and organized a controlled hunt in January and February. The Town's 2012 controlled deer hunt resulted in the elimination of 17 deer. Volunteer bowhunters took deer from the Royall Oaks, Emerald Isle Woods Park, and Bell Cove Estates locations. No deer were taken from the Lands End or Wyndward Court / Coast Guard Road locations, and hunting only occurred on a few days at those two locations. The 17 deer taken were carrying a total of 17 deer fetuses. Mayor Schools also made a significant effort with NC WRC officials and Bald Head Island residents to establish a pilot program for an oral deer contraceptive. If implemented, it appears that Bald Head Island is the likely location for a future pilot project.

Fall 2012 141 deer

To be determined.

I am seeking the Board's direction on how to proceed this year. If the Board decides to secure depredation permits again this year and conduct a controlled hunt, I envision an effort very similar to that used in early 2012. I am fairly certain that the local bowhunter group from last year would be interested in working with the Town again this year. The Board should note that I met with a group of the local bowhunters after last year's hunt for a wrap-up discussion, and they indicated that they think we'd have better success if we allowed longer hunting hours at all locations, and especially if we allowed afternoon / evening hunting hours in Lands End and at the Town-owned tract near Wyndtree Drive (both were limited to mornings only, and both were the main areas that we received complaints about).

Please let me know your thoughts on this issue. If the Board wishes to implement a controlled hunt in 2013, it would be helpful to have your decision no later than the November 13 meeting in order to provide sufficient time to organize a safe and effective hunt.

Campaign Signs on NC 58 Right of Way

The Town's sign ordinance has been in place for several years, and does not allow campaign signs to be located on public street right of ways. In previous years, this ordinance applied to NC 58, however, new State legislation adopted in 2011 supersedes municipal ordinances and allows the placement of campaign signs in many State highway right-of-ways. If the adjacent property owner grants permission, campaign signs are allowed in the NC 58 right of way, subject to certain limitations outlined in the new law. A copy of the new law is attached.

Beach Driving Permits / Free Permits for Handicapped Individuals

As of September 30, the Town has issued a total of 536 paid permits and 415 free permits for beach driving.

As you know, the Town allows handicapped individuals to receive a free beach driving permit, and this policy has been in effect for many years. Town staff have historically required the individual to present the handicapped placard and appropriate registration documentation in order to receive the free permit. Because it is the legal equivalent of a handicapped placard, the Town also accepts proof of a Disabled Veteran license plate for a free permit.

The Town does not accept any other indication of handicapped status, including disabled veteran cards, letters, Purple Heart awards, or other documentation. This sometimes causes frustration and/or disappointment by the individual,

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2 however, we do not accept these items because we have been advised by the Veterans Services Office that these
3 certifications do not necessarily mean the individual has limited mobility, nor does it mean the person qualifies for a
4 handicapped placard or Disabled Veteran license plate.
5

6 Town staff receive a fair amount of these requests for free permits, and I wanted to clarify the Town's policy for the
7 Board. I am happy to revisit this policy if directed by the Board, but the Board should consider the potential for an
8 increase in the number of free beach driving permits.
9

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

11 The NC General Assembly's Revenue Laws Study Committee met on Wednesday, October 3, but our proposal was
12 not on the Committee's agenda. I remain hopeful that our proposal will be on the Committee's next meeting agenda on
13 Thursday, November 8. I plan to attend if our proposal is discussed.
14

15 **Beach Access Walkway Improvements**

16 B&P Services, the Town's construction contractor, is currently working on the Edna Street walkway, and we expect the
17 new walkway to be complete within the next 2-3 weeks.
18

19 Price quotes for the demolition and reconstruction of the Tammy Street and Alex Court walkways are due on October
20 22, and we plan to have a construction contract recommendation on the Board's November 13 meeting agenda.
21

22 **Fixed Piping from Island Circle Pump Station to El Woods Park**

23 As you know, the Town previously received a quote of \$450,000 from a horizontal directional-drilling firm to install
24 approximately 7500 linear feet of fixed piping from the Island Circle pump station to the Town's existing fixed pipe near
25 Dolphin Ridge that leads to El Woods Park. I am currently investigating the potential cost savings associated with
26 utilizing an "open-cut" installation along 6000 linear feet or more of this distance on the south side of Coast Guard
27 Road, and hope to present a new cost estimate to the Board at the February budget planning workshop.
28

29 There appears to be sufficient right of way on the south side of Coast Guard Road in this area, with relatively few
30 obstructions, and it may be possible to install the new fixed pipe with minimal disruption to the community. I am
31 striving to identify a way to include funding for this project in the FY 13-14 Recommended Budget without impacting the
32 Town's General Fund tax rate.
33

34 **Conch Court Pump Station**

35 We expect to receive a new pump and have the Conch Court pump station operational early in the week of October 15.
36 The pump currently being repaired will then become a spare pump.
37

38 All other fixed pump stations are functioning at full capability.
39

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

41 Public Works delayed work on this project during the busy summer season, and will begin work on the 9 remaining
42 locations next week. The next areas to be completed are at the end of 4th Street and the end of 6th Street. The NC
43 Clean Water Management Trust Fund's deadline to complete the project is May 31, 2013.
44

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

46 Public Works recently completed drainage improvements at the intersection of 12th Street and Ocean Drive, and will be
47 working on several other low areas of Ocean Drive this winter in an effort to address chronic short-term flooding issues.
48 I am hopeful we can get these improvements completed this year prior to any comprehensive street resurfacing
49 planned for spring 2012 or spring 2013.
50

51 **NC 58 Bridge Work**

52 NCDOT has let a contract for planned bridge repairs to the NC 58 bridge, and work was expected to begin as early as
53 October 15. As you know, one lane of the bridge is expected to be closed 24 hours per day on weekdays only from
54

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1
2 mid-October through mid-March, and also during weekday nights from mid-March to mid-May. Work is scheduled to
3 be complete by May 23, 2013.
4

5 I recently learned that the contractor may not begin work until after January 1, and I am still awaiting confirmation from
6 NCDOT about the start date. I don't foresee any problems with a delay in the start date as long as the completion date
7 and lane closure dates are not extended. Unless the Board directs me otherwise, I plan to resist any efforts by
8 NCDOT or their contractor to extend the completion date and lane closure dates. I fear that significant adjustments to
9 these dates will result in unacceptable impacts for our residents, visitors, and businesses.
10

11 **NC 58 Bicycle Path Extension**

12 All permits are in hand for this project, but we are still awaiting final approval from NCDOT on the design for the new
13 bicycle path extension. At this point, it is unlikely we'll have bids in hand in time for a construction contract award at
14 the Board's November 13 meeting, and it is more likely that a recommendation will be on the Board's December 11
15 meeting agenda. The new section of path is planned for Hurst Drive to Fairfax Road. Our goal is to have the new
16 segment open to the public by March or April 2013.
17

18 **Coast Guard Road Bike Path Extension**

19 The Friends of the Path are quickly approaching the \$40,000 mark in their fundraising activities. As you know, their
20 goal is \$50,000 goal to fund 50% of the construction of the next segment from Ocean Oaks Drive to Dolphin Ridge /
21 Royall Oaks.
22

23 We are working toward a plan that involves widening the northern edge of Coast Guard Road, shifting the vehicle lanes
24 approximately 10 feet to the north, and constructing the new bicycle path on existing asphalt on the southern edge of
25 Coast Guard Road. We have ordered a detailed survey of the Coast Guard Road right of way in this area, and will
26 continue planning efforts in order to be ready when the Friends of the Path reach their fundraising goals.
27

28 **Reception for Mayor Schools – New NC League of Municipalities President**

29 Mayor Schools will be installed at new President of the NCLM in Charlotte at the annual convention from October 20 –
30 23. I am planning to attend on behalf of the Town.
31

32 Also, the Town of Emerald Isle and the Town of Beaufort are hosting a dinner / reception for area officials at Portofino's
33 Restaurant on Wednesday, October 17 at 6:30 pm.
34

35 **Generators for Town Facilities**

36 The Town recently purchased two surplus generators for the Public Works Building (to replace an aging generator) and
37 Fire Station 2 (not previously equipped). The new generator for the Public Works Building has been permanently
38 installed and is working well. The generator purchased for Fire Station 2 is not working very well, and will be returned.
39

40 The Town purchased a portable surplus generator in August 2011 and used it to power the Town Administration
41 Building during Hurricane Irene's impacts. This generator works well, and will be permanently installed behind the
42 block wall near the side entrance to the building.
43

44 Town staff continue to seek surplus generators for Fire Station 2 and the Community Center.
45

46 **Information Technology (IT) Services Proposal**

47 I am still working on a funding strategy for the IT services proposal I shared with the Board in the August 14
48 "Comments from Town Manager" memo, and hope to present a plan to the Board at an upcoming meeting. The
49 organization is in great need of a better solution for our IT needs.
50

51 **Planned Dollar General Store**

52 Dollar General has submitted plans to the Planning and Inspections Department for a new location on two commercial
53 parcels in eastern Emerald Isle near the Ocean Drive dog-leg. These plans will be presented to the Planning Board for
54

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1
2 review at their October 22 meeting, and the Board of Commissioners may consider the plans at the November 13
3 meeting.

4
5 **Status of Aquarium Pier at Emerald Isle**

6 I continue to work with David Griffin, NC Aquariums Director, Louis Daniel, NC Division of Marine Fisheries Director
7 (and administrator of the WAMI grant program that funded the Aquarium Pier project), and other NCDENR staff on the
8 approval / logistics to transfer remaining WAMI grant funds from the NC Aquariums to the Town. These funds would
9 be used for additional site improvements (paving of parking area, renovation of bath house, septic improvements?) at
10 the Eastern Ocean Regional Access in preparation for future construction of the new Aquarium Pier. I am now told that
11 there may be as much as \$700,000 remaining in the grant project account. Unfortunately, I do not have a definitive
12 answer on this issue yet, and hope to present more information to the Board at the November 13 meeting.

13
14 **CAMA Grant for Soundside Pier at Emerald Isle Public Boating Access Area**

15 We have received verbal indication that the Town will be awarded a \$75,000 CAMA grant to construct a new
16 soundfront pier adjacent to the entry canal at the public boating access area, and expect to receive official approval
17 later this month. Assuming the award is officially approved, our goal will be to construct the new pier prior to the spring
18 boating season. It is likely that the CAMA Major Permit will need to be modified for the new location of the pier,
19 however, we are hopeful that this will not require a significant amount of time.

20
21 **Live Oak Street Creek Crossing Walkway**

22 Alesia Sanderson, Parks and Recreation Director, is leading this project and is currently awaiting the receipt of
23 engineered plans for the construction of the new walkway. Once we receive the plans, they will be presented to local
24 volunteers to determine their interest in / ability to provide construction labor for the project. We also plan to meet with
25 nearby property owners to address any concerns about the project.

26
27 We hope to have these issues resolved within the next month, and begin construction later this winter. We hope to
28 have the new walkway constructed and open to the public by March or April.

29
30 **Landscaping Improvements at Emerald Isle Public Boating Access Area**

31 Parks and Recreation staff recently removed dead live oak trees at the boat launch facility, installed a new pedestrian
32 crossing from the single-car parking area to the ramp area, and installed sod around the bathhouse. Staff is in the
33 process of developing a plan for additional trees and shrubs. I hope to secure funding from the NC Wildlife Resources
34 Commission to purchase the trees and shrubs and have Parks and Recreation staff install them later this fall or spring.

35
36 **Regional Access Parking Fee Revenues**

37 The Town collected slightly more than \$114,000 of parking fee revenues during the 2012 season that ended on
38 September 16. This is up slightly from the 2011 total of approximately \$110,000.

39
40 **State Report on Funding Options for Inlet Dredging**

41 As directed by the NC General Assembly, the NC Wildlife Resources Commission and NC Division of Marine Fisheries
42 recently completed a new report on State funding options for inlet dredging in North Carolina. A copy of the report is
43 attached, along with a succinct summary prepared by Greg "Rudi" Rudolph, Carteret County Shore Protection
44 Manager.

45
46 **Meeting With Vacation Rental Agencies**

47 I am tentatively scheduled to meet with Emerald Isle vacation rental agencies on Friday, October 12 at 10 am to
48 discuss several issues, including the following:

- 49
50 1. 2013 beach nourishment plans
51 2. Long-term beach nourishment funding
52 3. Trash and recycling container roll-out / roll-back issues
53 4. Recycling container capacity
54 5. Additional bike path projects

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6. Potential relocation of Western Carteret Visitors Center onto the island?
7. Status of planned Aquarium Pier at Emerald Isle
8. Potential webpage focused solely on Emerald Isle rentals, restaurants, activities, etc?
9. Recent repeal of business privilege license tax
10. Strategic efforts the Town can make to boost the tourism industry
11. Lawsuit challenging the Town's ability to regulate activities on the public trust beach strand
12. Unattended beach equipment exception stickers
13. Improve educational materials regarding Town regulations, programs, etc. (unattended beach equipment, holes on the beach, leash law, etc.)

The meeting date may be adjusted to the following week, and I will inform the Board of any changes. It would be helpful to have 1 or 2 of the Commissioners attend this meeting with me. Please let me know if you are interested in attending

13. Comments from the Board of Commissioners and Mayor

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

14. Adjourn

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

The meeting was adjourned at 8:40 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk