

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, SEPTEMBER 11, 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, Town Clerk Rhonda Ferebee, Parks and Recreation
20 Director Alesia Sanderson, and Police Chief Bill Hargett.
21

22 Also in attendance: Alex Manda, Asst. Professor, Department of Geological
23 Sciences at East Carolina University
24

25 **3. Opening Prayer**
26

27 Opening prayer was offered by Sarah Williams, youth member of Emerald Isle
28 Baptist Church.
29

30 **4. Pledge of Allegiance**
31

32 All who were present recited the Pledge of Allegiance.
33

34 **5. Adoption of Agenda**
35

36 Mayor Schools welcomed a local Boy Scout troop with members in attendance.
37

38 ***Motion was made by Commissioner Hoover to adopt the Agenda. The***
39 ***Board voted unanimously 5-0 in favor. Motion carried.***
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2 **6. Introduction of New Employees**
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- 4 **a. Sarah McNally – Recreation Program Supervisor**
5 **b. George “Truitt” Blalock – Police Officer**
6 **c. Andrew Collins – Police Officer**
7 **d. Scott Moots – Police Officer**
8 **e. Bobby Reeves – Police Officer**
9

10 Parks and Recreation Director Alesia Sanderson presented the Town’s new
11 Recreation Program Supervisor Sarah McNally. Ms. Sanderson noted that
12 Sarah came on board March 2011 as a substitute After-School Director, later
13 filling that position and continued in 2011 as the After-School Director and also
14 the lead as the Summer Camp Director, handling all aspects of organizing one of
15 the best summer camps ever. Ms. Sanderson stated that Sarah would receive
16 her degree in the Arts from Carteret Community College in December 2012.
17

18 Police Chief Bill Hargett introduced the newest full-time Police Officers. Chief
19 Hargett first introduced Scott Moots. Chief Hargett noted Scott was born in
20 Carteret County, graduated from Havelock High School, received his BLET from
21 Carteret Community College.
22

23 Chief Hargett introduced Bobby Reeves, born in Craven County. Chief Hargett
24 noted that Bobby attended White Oak Christian Academy, and received his BLET
25 from Coastal Carolina Community College.
26

27 Chief Hargett introduced Truitt Blalock, born in Nashville, Tennessee. Chief
28 Hargett noted that Truitt attended Jacksonville High School, and received his
29 BLET from Coastal Carolina Community College.
30

31 Chief Hargett introduced Andrew Collins, born in Jacksonville, North Carolina,
32 raised in Stella. Chief Hargett noted that Andrew graduated from Jacksonville
33 High School, was a standout basketball player earning a scholarship to attend a
34 college in Hickory, NC. Chief Hargett noted that he also received his BLET from
35 Coastal Carolina Community College.
36

37 Chief Hargett stated that he appreciated the loyalty and dedication of each one of
38 the newly promoted full-time officers.
39

40 The Board and public thanked and welcomed all of the new full-time employees.
41

42 Mayor Schools also mentioned that Chief Hargett who had been injured in a
43 vehicle accident while apprehending robbery suspects the past December had
44 returned to work on a limited work basis. Everyone in attendance warmly
45 welcomed the Chief’s return.

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2 **7. Proclamations / Public Announcements**
3

4 Mayor Schools noted the following proclamations and public announcements for
5 the public:
6

- 7 • **Soccer Shots Program – Each Wednesday at 1 pm – Sept 12 – Oct 31**
- 8 • **– Contact Parks and Recreation Dept.**
- 9 • **Board of Adjustment Meeting for September 12 is cancelled**
- 10 • **Emerald Isle Day4Kids – Saturday, September 15 – 10:00 am –**
- 11 • **2:00 pm – Community Center**
- 12 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
- 13 • **September 18 – 9 am – Community Center**
- 14 • **Walking Club – Each Tuesday at 6 pm – Through October 16 –**
- 15 • **Community Center**
- 16 • **EmeraldFest Concert – Thursday, September 20 – 6:30 pm – 8:00 pm**
- 17 • **– Western Ocean Regional Access**
- 18 • **6th Annual Flounder Surf Fishing Tournament – Sept 22 – October 6 –**
- 19 • **Contact Parks and Recreation Dept**
- 20 • **Planning Board Regular Meeting – Monday, September 24 – 6 pm –**
- 21 • **Town Board Meeting Room**
- 22 • **Free Surf Fishing Seminar with Dr. Bogue – Monday, October 1 –**
- 23 • **6pm – Community Center**
- 24 • **Friday Free Flick – Friday, October 5 – 7:00 pm – Community Center**
- 25 • **Board of Commissioners Regular Meeting – Tuesday, October 9 –**
- 26 • **7:00 pm – Town Board Meeting Room**
- 27 • **9th Annual Emerald Isle Triathlon – Saturday, October 20 – 8 am –**
- 28 • **Eastern Ocean Regional Access**
- 29 • **Bus Trip to Durham – “Jersey Boys” – Saturday, November 10 –**
- 30 • **Contact Parks and Recreation Dept.**

31
32 Commissioner Wright spoke about the Grand Opening of the new children and
33 youth program room that took place earlier in the day at the Western Carteret
34 Public Library. Commissioner Wright encouraged everyone to stop by and take a
35 look at the newly completed space. Commissioner Wright said they would be
36 working on furnishing the room now and citizens could help by adopting a chair
37 or by making any other type of contribution. She thanked Carteret County and
38 the Town of Emerald Isle for their generosity towards this project.
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2 **8. Public Comment**

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

6
7 Harold Haraway, 13 Ocean Drive, addressed the Board concerning the beach
8 renourishment plan which called for the renourishment to begin at 5th Street and
9 not at the Emerald Isle town line. Mr. Haraway provided a petition with
10 signatures from Emerald Isle taxpayers who owned property in the area of the
11 town from the eastern town line extending to 5th Street who were not included in
12 the proposed beach nourishment project that was approved on August 14, 2012.
13 Mr. Haraway spoke on behalf of himself and those on the petition requesting that
14 the Board reconsider their decision and include the easternmost end of Emerald
15 Isle in the beach nourishment project.

16
17 (A complete copy of Mr. Haraway's presentation as well as the signed petition
18 are attached and hereby made a part of these minutes.)

19
20 **9. Consent Agenda**

- 21
22 a. **Regular Meeting Minutes – August 14, 2012**
23 b. **Closed Session Meeting Minutes – August 14, 2012**
24 c. **Order Directing 2012 Tax Levy and Collections**

25
26 ***Motion was made by Commissioner Messer to approve the items on the***
27 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
28 ***carried.***

29
30 **Clerks Note:** A copy of Consent Agenda items as noted above are incorporated herein by reference
31 and hereby made a part of these minutes.

32
33 **10. Presentation – Coast Guard Road Groundwater Study**

34
35 Town Manager Frank Rush introduced Alex Manda, Asst. Professor, Department
36 of Geological Sciences at East Carolina University, who would present to the
37 Board his methods and findings in reference to his recent study of groundwater
38 issues in the Coast Guard Road area. The following excerpt from the Town
39 Manager's memo to the Board is provided for additional background

40
41 The Board of Commissioners is scheduled to receive a presentation of a recent study of groundwater issues in the
42 Coast Guard Road area from Alex K. Manda, Assistant Professor in the Department of Geological Sciences at East
43 Carolina University. As you know, several locations in the Coast Guard Road area are prone to nuisance flooding after
44 heavy rainfall events or continuous rainy periods, and Professor Manda's study seeks to provide Town officials with a
45 better understanding of these issues.
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1
2 Professor Manda's research team studied the water budget, water table position, and the direction of groundwater flow
3 in the surficial aquifer along Coast Guard Road between May 2011 and June 2012. The study involved the placement
4 of 15 monitoring wells and 2 piezometers in various locations in the Coast Guard Road area. Professor Manda's
5 research team analyzed field data, reviewed available precipitation and soils data, and utilized modeling techniques to
6 construct a groundwater model of the Coast Guard Road area.

7
8 Professor Manda's study confirms that the primary cause of nuisance flooding in the Coast Guard Road area is the
9 elevation of the water table after heavy rainfall events or continuous rainy periods. Although certain small, site-specific
10 areas may be impacted by storm water runoff from impervious areas, this is not the main cause of the typical flooding
11 problems experienced in areas such as Island Circle, Lands End, low areas of Coast Guard Road between Lands End
12 and Spinnakers Reach, and others. Professor Manda's study estimates that 87% of all rainfall in the Coast Guard
13 Road area is transported through the soils into the water table, where it may ultimately express above the ground
14 surface in areas of low topographic elevation. The remaining 13% of rainfall is transported as storm water runoff or
15 experiences evapotranspiration.

16
17 Professor Manda's study results also indicate the presence of two large groundwater "mounds". One is located
18 generally in the center of the island in the vicinity of the Deer Horn Dunes / Sea Dunes subdivision, and one is located
19 in the vicinity of Lands End in the ocean-side dune ridge. The study indicates that groundwater flows in a radial pattern
20 from these "mounds" to the ocean, sound, and in each direction of the inter-dunal troughs that are located in the center
21 of the island. The rainfall enters the subsurface at topographic highs as well as topographic lows. Since the water
22 table is closer to the surface in topographic lows, the water table will quickly rise to the surface in these areas. When
23 the water enters the ground on the topographic highs, this causes the hydraulic gradient to increase such that more
24 water is then driven radially from the groundwater mounds. Some of this water therefore flows to the swales
25 exacerbating the problem in the topographically low areas. This is contradictory to our general belief that the
26 groundwater flows east to west in the Coast Guard Road area from Pebble Beach condominiums to The Point, and
27 suggests that solutions to flooding problems "upstream" in the east will not necessarily prevent or resolve flooding
28 problems "downstream" in the west.

29
30 The study also assessed areas with greater flood potential, and the results generally match observed flooding
31 conditions in Emerald Isle in recent years. Professor Manda's study also included a simulation of groundwater
32 pumping volumes required to resolve flooding concerns, and estimated a need to pump approximately 100 gallons per
33 minute to achieve positive results. The Town's 6 fixed pumping stations in various locations in the Coast Guard Road
34 area are sized to pump approximately 500 gallons per minute (although they are set to run based on float levels, and
35 do not run continuously).

36
37 A copy of the final report is attached for the Board's review. Professor Manda will present the methods and findings in
38 the report at the September 11 meeting, and will be available for questions.

39
40 Asst. Professor Manda provided a PowerPoint presentation for the Board
41 regarding a recent study of groundwater issues in the Coast Guard Road area.
42 Professor Manda at the conclusion of his presentation answered several
43 questions from the Board and public. The Mayor and Board thanked Professor
44 Manda for his presentation of this issue.

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2 **11. Resolution Authorizing NC Parks and Recreation Trust Fund Grant**
3 **Application**
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- 5 **a. Public Hearing**
6 **b. Consideration of Resolution**
7

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

11
12 The Board of Commissioners is scheduled to consider the attached resolution authorizing a grant application to the NC
13 Parks and Recreation Trust Fund (PARTF) for the purchase of a vacant 2-acre lot adjacent to the Emerald Isle Public
14 Boating Access Area. The estimated purchase price of the adjacent lot, Lot 1 - Shell Cove North, is \$175,000, and the
15 attached resolution authorizes a grant application for 50% of this cost, or \$87,500.
16
17

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

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

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

51 The Town purchased Lot 2 in January 2012 for \$172,154. Based on discussions with the owner of Lot 1, I believe the
52 Town can acquire Lot 1 for a similar price. Including likely closing costs, the total project budget would be \$175,000.

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2 NC PARTF offers 50% grant funding, thus the amount of the grant application is \$87,500. The Town would need to
3 match the grant with \$87,500 of Town funds, and this amount could be included in the FY 13-14 budget. I have
4 attached a copy of the tax parcel map and card for Lot 1 – Shell Cove North. The 2011 tax value of the property is
5 listed at \$339,812.

6
7 A public hearing is required for the NC PARTF grant application, and has been scheduled for the September 11
8 meeting.

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

12
13 There were no comments from the public.

14
15 ***Motion was made by Commissioner Wootten to close the Public Hearing.***
16 ***The Board voted unanimously 5-0 in favor. Motion carried.***

17
18 Following discussion by the Board it was stated by Mayor Schools that the matter
19 died for lack of a motion.

20
21 Town Manager Rush said that based on the Board's indication that they would be
22 interested in this purchase at some point in the future if funding was available
23 that he would continue to seek grant funding and to adjust the timing of a future
24 application.

25
26 **12. Ordinance Amending Charter of the Town of Emerald Isle**

27
28 **a. Public Hearing**

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

33
34 The Board of Commissioners will conduct a public hearing on proposed amendments to the Town Charter at the
35 September 11 meeting. The Board reviewed a draft version of the attached ordinance at the August 14 meeting,
36 adopted a Resolution of Intent to Amend the Town Charter, and scheduled a public hearing for the September 11
37 meeting. The public hearing has been advertised, and the Board will conduct the public hearing at the September 11
38 meeting. By law, the Board must wait until the October 9 meeting to formally consider the attached ordinance, and the
39 intent is to schedule formal adoption at the October 9 meeting.

40
41 As discussed at the August 14 meeting, the proposed amendments to the Town Charter represent the first step in a
42 planned comprehensive process that is intended to review, clarify, and condense the entire Code of Ordinances of the
43 Town of Emerald Isle. The Town is now 55 years old, and numerous ordinance amendments have been made over
44 the years with input by many different groups and individuals, all likely with good intentions, and sometimes there are
45 unintended impacts on or conflicts with other ordinance provisions. State law and common practice also change over
46 time, and this sometimes leads to out of date provisions or confusion. In other cases, it may be helpful for the Town to
47 critically ask itself if it really needs certain ordinance provisions.

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

12 The proposed amendments to the Town Charter are presented in two attached documents. One draft is presented in
13 typical ordinance format utilizing the underline and ~~strike through~~ features to make it easy to examine the changes, and
14 the other draft is a “clean” copy of the proposed new version of the Town Charter to make it easier to read in its
15 entirety.
16

17 Research indicates that the original Town Charter was approved by the NC General Assembly in 1957, and was
18 amended by the NC General Assembly in 1973. I am unable to discern the nature of or reason for the 1973
19 amendment. The NC General Assembly also amended the Town Charter in 2004 to stipulate that any lands east of
20 the Bogue Inlet channel are included in the Town limits (this was associated with permitting for the Bogue Inlet
21 realignment project). The Emerald Isle Board of Commissioners previously approved ordinances amending the Town
22 Charter in 1997 to implement the Council-Manager form of government, in 2002 to implement staggered terms for the
23 Board of Commissioners (after a successful referendum), and in 2005 to implement a 4-year term for the Mayor. The
24 attached draft amendments incorporate and condense all of these provisions in the proposed new version of the Town
25 Charter. The attached draft amendments also eliminate several provisions that are now superseded by municipal
26 government provisions in the North Carolina General Statutes, and the proposed new version includes several
27 references to Chapter 160A (Cities and Towns) and other appropriate statutes.
28

29 Two notable amendments pertain to the conduct of elections and street and sidewalk improvements. An out-of-date
30 provision referring to a municipal Board of Elections has been amended to reflect the current election system managed
31 by the Carteret County Board of Elections. For some reason, a detailed street and sidewalk assessment procedure is
32 currently included in the Town Charter, but has not (and may never have) been utilized in recent years and will likely
33 never be utilized. In addition, the NC General Statutes prescribe the required procedure for street and sidewalk
34 assessments, and it does not seem necessary to include these provisions in the Town Charter. For these reasons,
35 this language is recommended for elimination.
36

37 The Town Attorney is not comfortable amending the official boundaries in a more simplistic manner, and the Board
38 should note that only minor changes have been made to the official boundaries of the Town of Emerald Isle.
39 References to the Wica Chemical Company have been removed and replaced with references to the Town of Indian
40 Beach town limits. The simple explanation of the Town boundaries is that the Town's boundaries include all land on
41 Bogue Banks west of the Indian Beach town limits, and also extend ¼ mile into Bogue Sound and ½ mile into the
42 Atlantic Ocean.
43

44 The Board should also note that the August 14 version included language stipulating that the Mayor Pro-Tem would
45 serve a 2-year term, which is consistent with recent practice but had not been previously included in the Town Charter.
46 The attached September 11 version removes the 2-year term, and maintains the current provision that states that the
47 Mayor Pro-Tem will not have a fixed term and will serve at the pleasure of the Board of Commissioners.
48

49 **Town Manager Rush discussed changes in the current version following the**
50 **August 14 meeting that removed the 2-year term for Mayor Pro-Tem that would**
51 **now indicate that the Mayor Pro-Tem served at the pleasure of the Board of**
52 **Commissioners and also the minor changes made at the direction of the Town**
53 **Attorney to the Town's official boundary description. Per statute the Board is**

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1
2 required to conduct a public hearing tonight on the proposed charter
3 amendments but the Board will not formally consider adopting the ordinance until
4 the next regular meeting in October.

5
6 Town Attorney Stanley said these changes would make the charter consistent
7 with State law.

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

11
12 There were no comments from the public.

13
14 ***Motion was made by Commissioner Hoover to close the Public Hearing.***
15 ***The Board voted unanimously 5-0 in favor. Motion carried.***

16
17 **13. Ordinance Amending Chapter 10 – License and Business Regulations –**
18 **of the Code of Ordinances to Repeal Privilege License Taxes (12-09-11/01)**

19
20 Town Manager Frank Rush addressed the Board concerning this agenda item.
21 The following excerpt from his memo to the Board is provided for additional
22 background:

23
24 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would repeal the
25 privilege license taxes levied on all businesses that operate within the Town of Emerald Isle. The attached ordinance
26 amendment simply deletes Article II – Privilege License Taxes – of Chapter 10 – Licenses and Business Regulations –
27 of the Code of Ordinances in its entirety.

28
29 NC General Statutes authorize cities and towns to levy privilege license taxes, and most cities and towns levy such
30 taxes on businesses operating within their municipal limits (those that have a physical presence and also those that are
31 located elsewhere but conduct business within the municipal limits). In Emerald Isle, the Town bills approximately 750
32 businesses annually, and the amount of the taxes vary by the type of business. Privilege license taxes in Emerald Isle
33 range from \$2.50 to \$100 per year, with vast majority of businesses charged a flat \$25.00 fee or less. There are also
34 several types of businesses, mostly professional services, that are exempt from the privilege license tax. The privilege
35 license tax generates approximately \$14,000 annually for the Town's General Fund budget of approximately \$7 million.

36
37 The Town's current privilege license tax rates are based on rates originally established in the NC General Statutes
38 many years ago, and are very low by today's standards. Various State statutes have been amended over the years,
39 and cities and towns now have more latitude to adjust privilege license tax rates. Some cities and towns levy
40 significantly higher privilege license tax rates, including gross receipts taxes that generate significant revenue for those
41 cities and towns. Upon recognizing the outdated nature of the Town's privilege license program, I tasked Town staff
42 with developing recommendations to improve the privilege license program and potentially increase the tax rates in
43 2010. My initial inclination at that time was to ask the Board of Commissioners to approve an updated privilege license
44 tax schedule with higher rates and streamlined business classifications. I did not pursue this idea with the Board of
45 Commissioners at that time, however, because the NC General Assembly was discussing the possibility of repealing
46 all local authority to levy privilege license taxes in North Carolina. (The NC General Assembly ultimately never took
47 action on local privilege license taxes, however, this issue may surface again in a future session of the NC General
48 Assembly.)
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1
2 After further consideration over the past 2 years, it has become apparent to me that the Town's privilege license
3 program is of limited practical value to the Town, its residents, and visitors, generates modest revenue relative to the
4 work required to administer the program, and represents an inconvenience and undue burden to businesses in
5 Emerald Isle. The Town does not utilize the information gained through the privilege license program for any practical
6 purpose, nor does it regulate the businesses in any special way or judge the quality or reliability of the business for the
7 public. The program is merely a revenue-generator for the Town, and does not even generate a significant amount of
8 revenue for the Town (0.20% of the Town's General Fund revenues). Additionally, the administration of the program
9 requires a fair amount of Town administrative staff time, and this staff time could be better utilized for other functions.
10 Finally, and most importantly, the privilege license program appears to be nothing more than a burden to businesses
11 operating in Emerald Isle. For all of these reasons, I am now recommending that the Board of Commissioners adopt
12 the attached ordinance amendment to simply repeal the privilege license tax in Emerald Isle. I am confident that the
13 Town can identify appropriate budget adjustments in FY 13-14 to offset the loss of \$14,000 of revenue associated with
14 the repeal.
15

16 If approved, the attached ordinance amendment would be effective June 30, 2013. Privilege licenses are issued on a
17 fiscal year basis, and as of September 6, nearly 500 businesses have already paid the tax and secured their license for
18 FY 13-14. The administrative burden of refunding all of these businesses is likely not worth the trouble, and it would
19 be easier and fairer to make the repeal effective for FY 13-14 and beyond.
20

21 A copy of the current privilege license tax ordinance (Chapter 10, Article II) is attached for the Board's review.
22

23 Town Manager Rush discussed this issue with the Board noting that for the
24 relatively small amount of revenue received and the effort involved both for the
25 Town staff and for the business owner his recommendation was to repeal the
26 privilege license tax in Emerald Isle. Mr. Rush stated that it was not a program
27 used to regulate businesses or insure the quality of work provided. Town
28 Manager Rush said the recommendation for the Board to consider tonight was
29 simply to repeal that program as he felt it was an outdated program and an
30 outdated tax and therefore the recommendation to repeal and relieve the burden
31 on the business community.
32

33 Commissioner Wootten said this license fee was a thorn in the side of
34 construction folks in town and he felt it was a great move.
35

36 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
37 ***Amending Chapter 10 – Licenses and Business Regulations – of the Code***
38 ***of Ordinances to Repeal Privilege License Taxes. The Board voted***
39 ***unanimously 5-0 in favor. Motion carried.***
40

41 **Clerks Note: A copy of Ordinance Amendment 12-09-11/O1 as noted above is incorporated herein by**
42 **reference and hereby made a part of these minutes.**
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3 **14. Appointment – Planning Board – 1 Vacancy**
4

5 **Brief Summary:** Planning Board member Bob Smith recently resigned, and the
6 Board should appoint a new member to fill the remainder of his term that expires
7 in March 2013.

8
9 ***Motion was made by Commissioner Messer to appoint James Normile to an***
10 ***unexpired term on the Planning Board that expires in March 2013. The***
11 ***Board voted unanimously 5-0 in favor. Motion carried.***
12

13 ***Motion was made by Commissioner Messer to move Donald Wells from his***
14 ***current position as Alternate #1 on the Board of Adjustment into the vacant***
15 ***regular position on the Board of Adjustment to serve with a term expiring***
16 ***May 2014, moving Alternate #2 Hank Mahns to the Alternate #1 position***
17 ***with a term expiring May 2014, and to appoint Malcolm Boartfield to the***
18 ***Alternate #2 position with a term expiring May 2013. The Board voted***
19 ***unanimously 5-0 in favor. Motion carried.***
20

21 **15. Comments from Town Clerk, Town Attorney, and Town Manager**
22

23 There were no comments from the Town Clerk or Town Attorney.
24

25 Town Manager Rush updated the Board on several important issues including a
26 brief update concerning the status of the FEMA Irene Beach Nourishment Project
27 as outlined in his memo below.
28

29 The following is an excerpt from the Town Manager Comments memo to the
30 Board providing additional background information for all items of importance:
31

32 **FEMA Irene Beach Nourishment Project**

33 Construction bids will be solicited this week, and the bid opening is scheduled for Wednesday, October 3. I remain
34 hopeful that we will receive favorable bids for the project, and I expect to present a construction contract
35 recommendation to the Board at the October 9 meeting.
36

37 As discussed at the August 14 meeting, the tentative project boundaries (assuming bids within budget) are from 5th
38 Street to Pier Pointe and from Myrtle Drive to Ocean Oaks Drive. These areas were selected because 1) they were
39 the areas most impacted by Hurricane Irene, 2) because they are the areas with the greatest overall need for
40 nourishment, and 3) due to the logistics of constructing a beach nourishment project (it is not possible to place less
41 than 20 cy / linear ft and the work must be done in continuous stretches of beach).
42

43 There is a group of oceanfront property owners between the Indian Beach town line and 5th Street that is upset that
44 their area will not receive sand from this project. As you know, the Town has approximately 12 miles of ocean beach,
45 and this project involves the nourishment of approximately 4.2 miles. As is always the case, we have limited
46 resources, and these resources are being used to place the sand where the greatest needs exist. In short, the line has
47 to be drawn somewhere, and I am confident that the Town's engineers, County officials, and Town officials have used
48

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1
2 an objective and rational process (based on detailed beach profile survey data) to determine the appropriate sections
3 to be nourished.

4
5 I have attached a few graphics that illustrate the amount of sand in place in 1000 ft. intervals along the entire beach
6 strand. Profiles 46, 47, and 48 represent the area between the Indian Beach town line and 5th Street, and although
7 additional sand would benefit this area, it is clear that there are other areas (that are scheduled for nourishment and
8 others that are not) that have greater needs.

9
10 Additionally, the residents in this area claim that they did not receive a full complement of sand from the original 2003
11 nourishment project. I have reviewed the "after placement" surveys conducted in 2003, and these areas received
12 approximately 75 cy / linear ft from that project, which is more sand than 75% of the Town's oceanfront property
13 owners received in the original 2003 and 2005 nourishment projects. These properties also benefited indirectly from
14 the migration of the 2004 Section 933 Project completed in Indian Beach.

15
16 In a perfect world, I would prefer that the Town nourish all 12 miles of beach in 2013, however, this is simply not
17 possible with the available funding. To add the additional ½ mile of beach between the Indian Beach town line and 5th
18 Street would cost an additional \$500,000, and this money is not available without issuing new debt. The Town expects
19 to have a balance of approximately \$1,450,000 in the Future Beach Nourishment Fund by March 2013, and every
20 dollar is expected to be necessary to fund the project as it is currently planned. (It may even be necessary for the
21 General Fund to make a small ~ \$50,000 contribution.)

22
23 On a related note, a review of beach nourishment easements in the planned project areas resulted in the Town
24 needing to acquire only one new easement for the upcoming project. I spoke to that property owner on the phone, and
25 he was very complimentary of the Town and indicated he'd send the easement back.

26
27 Additionally, I have had encouraging conversations with staff at the NC Division of Emergency Management and FEMA
28 about the timing of reimbursements for the upcoming project, and I believe we will be able to manage cash-flow in such
29 a manner that the Town will not need to issue any short-term debt.

30
31 **Beach Driving Season**

32 Beach driving season begins on Saturday, September 15, and beach driving permits are now on sale at the Town
33 Administration Building. Ramps will be open to the public at the Ocean Drive dog-leg, Black Skimmer Drive, and The
34 Point.

35
36 We plan to close the beach east of the Ocean Drive dog-leg vehicle ramp to driving due to the narrow beach strand at
37 high tide. Additionally, the FEMA Irene Beach Nourishment Project will result in the closure of certain sections of the
38 beach to driving later this winter and spring.

39
40 We also plan to use post-and-rope to keep drivers away from newly forming dunes and vegetation at The Point, mainly
41 to the north between the vehicle ramp and the terminus of the Coast Guard channel. I do not expect this delineation to
42 prevent fishermen from enjoying The Point area.

43
44 **Beach Vehicle Ramp Improvements**

45 I have tasked Alesia Sanderson, Parks and Recreation Director, with developing a plan for a more attractive and
46 functional gate system at the Town's 5 ramp locations – 16th Street (not open to the public), Ocean Drive dog-leg,
47 Black Skimmer, Doe Drive (not open to the public), and The Point. Assuming the cost is manageable, I hope to have
48 staff complete these improvements sometime this winter.

49
50 **Fire Department Beach Patrol / Lifeguards**

51 The last day for the Fire Department's Beach Patrol and lifeguard services will be Sunday, September 9. In general,
52 the 2012 season has gone relatively well.

53
54

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1
2 **Beach Parking Fees**

3 Through Labor Day weekend, we've collected approximately \$110,000 for the 2012 season, and this compares to
4 approximately \$107,000 through Labor Day 2011. We are considering ending the 2012 season on September 16,
5 depending on revenue collections between now and then. The last 2 weekends of September 2011 were rain-outs, so
6 we don't have a good comparison. The latest date we will collect the parking fee is September 30.

7
8 **Recreational Swimming Advisory Lifted**

9 The recent swimming advisory issued by the State for the Eastern Ocean Regional Access was lifted on September 4
10 after being in place for one week. The advisory was precautionary in nature, and likely never posed any serious health
11 concerns. The lone high reading on August 27 was likely due to wild animal excrement that happened to concentrate
12 at the testing site.

13
14 **Proposed 1% Beach Preservation (Local Option Sales and Use) Tax**

15 The NC General Assembly's Revenue Laws Study Committee is scheduled to meet on Wednesday, October 3 in
16 Raleigh, and Representative McElraft is attempting to include our proposal on the meeting agenda. I plan to attend if
17 our proposal is discussed.

18
19 **Beach Access Walkway Improvements**

20 B&P Services, the Town's construction contractor, is expected to begin work on the Edna Street walkway later this
21 month. Permits are in hand and a construction contract is in place, and we have been waiting until the end of the
22 summer season to begin work.

23
24 I have also asked Alesia Sanderson, Parks and Recreation Director, to solicit construction quotes for the replacement
25 of the beach access walkways at Tammy Street and Alex Court within the next two months, and I hope to have a
26 construction contract recommendation on the Board's November 13 meeting agenda.

27
28 **Conch Court Pump Station**

29 The pump repair shop is awaiting delivery of specialized parts, and we hope to have the repaired pump back and have
30 the pump station operational by September 14.

31
32 **Colonel Hanson Pump Station**

33 Unfortunately, 1 of the 2 pumps in the Colonel Hanson pump station is down again, and we are working to make it
34 operational as soon as possible.

35
36 **Island Circle Pump Station**

37 The special flood-proof electrical cabinet has finally arrived and has been installed. I expect the remaining electrical
38 and pump work will be completed within the next week, and that the pump will be operational soon thereafter.

39
40 Town staff will add landscaping around the electrical control panel to shield it from public view when all work is
41 complete.

42
43 **Eastern Emerald Isle Storm Water Outfall Removals**

44 Public Works delayed work on this project during the busy summer season, and we expect to begin work again on the
45 9 remaining locations within the next month. The NC Clean Water Management Trust Fund's deadline to complete the
46 project is May 31, 2013.

47
48 **Eastern Ocean Drive Storm Water Improvements / Planned Resurfacing**

49 I have tasked the Public Works Department with installing several new underground infiltration basins in the low areas
50 of Ocean Drive between the Indian Beach town line and 25th Street this winter in an effort to address chronic short-term
51 flooding issues. I am hopeful we can get these installed this year prior to any comprehensive street resurfacing
52 planned for spring 2012 or spring 2013.

53
54

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1
2 **NC 58 Bridge Work**

3 NCDOT has let a contract for planned bridge repairs to the NC 58 bridge, and work is expected to begin as early as
4 October 15. One lane of the bridge is expected to be closed 24 hours per day on weekdays only from mid-October
5 through mid-March, and also during weekday nights from mid-March to mid-May. Work is scheduled to be complete by
6 May 23, 2013.

7
8 We will be working hard to provide the most timely and accurate information about the status of the bridge to the
9 public. This work will certainly be a significant inconvenience for our residents, property owners, and visitors, but I am
10 hopeful we can minimize that inconvenience as much as practical.

11
12 **NC 58 Bicycle Path Extension**

13 All permits are in hand for this project, and final plans have been submitted to NCDOT for approval. We expect to
14 solicit construction bids for this project within the next two months, and I hope to have a construction contract
15 recommendation on the Board's November 13 meeting agenda. The new section of path is planned for Hurst Drive to
16 Fairfax Road.

17
18 **Coast Guard Road Bike Path Extension**

19 The Friends of the Path are currently at approximately \$34,000 of their \$50,000 goal to fund 50% of the construction of
20 the next segment from Ocean Oaks Drive to Dolphin Ridge / Royall Oaks.

21
22 **Reception for Mayor Schools – New NC League of Municipalities President**

23 Mayor Schools will be installed at new President of the NCLM in Charlotte at the annual convention from October 20 –
24 23. We are hosting a dinner / reception for area officials at Portofino's Restaurant on Wednesday, October 17 at 6:30
25 pm. You should receive an official invite soon.

26
27 **Information Technology (IT) Services Proposal**

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

31
32 **June 30, 2012 Audit Report**

33 Audit work is on schedule, and I expect to have draft financial statements in the next week or two. I am planning to
34 have the presentation of the final report on the Board's October 9 meeting agenda. No significant items of concern are
35 anticipated.

36
37 **2012 Deer Population Estimate**

38 The NC Wildlife Resources Commission, with assistance from EIPD, will be conducting the new population count later
39 this month, and I will report the results to the Board in October.

40
41 **Water Damage at EMS Station**

42 Water damage was recently discovered at the new EMS Station in the exterior wall of the Chief's Office (to the west of
43 the main front door). EMS and Public Works are working with Pro Environmental to have the problem resolved and
44 damage repaired. Total cost is approximately \$2,500.

45
46 **Off-Island Emergency Operations Center**

47 We have tentatively reached an agreement with the owner of Silver Creek Golf Club to utilize the clubhouse as an off-
48 island Emergency Operations Center for the Town organization in the event we are threatened by a Category 3, 4, or 5
49 hurricane and need to leave the island. The Fire Department recently completed a comprehensive review of possible
50 locations in western Carteret County, and the selected location was the most suitable location identified.

51
52 **New Yard Debris Collection Truck**

53 We expect to take delivery of the new yard debris collection truck sometime during the week of September 10 – 14.
54

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1
2 **Mosquito Control Efforts**

3 Public Works is taking regular mosquito landing counts in various locations around the Town, and will spray as needed.
4 Most landing counts to date have come back not warranting spraying, but we have done some spraying already in the
5 Archers Creek area. I have directed our Public Works staff to stay ahead of the mosquito issues if possible due to the
6 higher threat of West Nile Virus this year.

7
8 Public Works staff have placed larvacide in public areas with standing water this year, and will continue to do so as
9 needed. The Town is again offering free mosquito larvacide to property owners to use at their home. Larvacide can
10 be picked up at the Public Works building during the day. We recommend calling 354-4450 first to make sure Public
11 Works staff are available to assist.

12
13 **Old Ferry Road**

14 I am currently working with Town Attorney Richard Stanley and nearby property owner Paxon Holz to determine the
15 ownership of Old Ferry Road in the area between NC 58 and CVS (behind CVS near the mobile home park) to
16 determine responsibility for maintaining a section of the asphalt adjacent to the car wash. I will update the Board on
17 this issue after Richard Stanley receives additional information from NCDOT about the history of the road.

18
19 **Planned Dollar General Store**

20 Dollar General has submitted a recombination plat for two commercial parcels in eastern Emerald Isle near the Ocean
21 Drive dog-leg, and this recombination plat will be approved administratively. We expect Dollar General to submit
22 development plans for Planning Board review at their October 22 meeting, and the Board of Commissioners may
23 consider the plans at the November 13 meeting.

24
25 **Status of Aquarium Pier at Emerald Isle**

26 I have had additional dialogue with David Griffin, NC Aquariums Director, and Louis Daniel, NC Division of Marine
27 Fisheries Director (and administrator of the WAMI grant program that funded the Aquarium Pier project), and we are
28 working on the logistics to transfer approximately \$400,000 of remaining WAMI grant funds from the NC Aquariums to
29 the Town. These funds would be used for additional site improvements (paving of parking area, renovation of bath
30 house, septic improvements?) at the Eastern Ocean Regional Access in preparation for future construction of the new
31 Aquarium Pier. I expect to learn more in the next week, and may present a recommendation to the Board at the
32 October 9 meeting.

33
34 **CAMA Grant for Soundside Pier at Emerald Isle Public Boating Access Area**

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

40
41 **Live Oak Street Creek Crossing Walkway**

42 The initial walkway petition included support from 8 of 38 property owners located on the soundside portion of Live Oak
43 Street (this total does not include Flip Flops and the EMS Station that both front on NC 58), and Robin Finch, the main
44 proponent, was advised to secure additional signatures indicating approval. Ms. Finch has submitted additional
45 signatures, and it appears there are now 19 property owners indicating approval. Of the 38 properties, 13 are vacant
46 lots (and presumably more difficult to contact for signatures).

47
48 **16. Comments from Board of Commissioners and Mayor**

49
50 Mayor Schools recognized Louise Rhodes who was in attendance tonight and
51 had just recently celebrated her 93rd birthday.

52
53

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Mayor Schools also mentioned the petition for a walkway at Live Oak that was presented to the Board by Robin Finch at the August meeting, he noted of the 38 lots on Live Oak, 20 were in favor, 1 opposed, 12 were undeveloped, 1 bank owned, and 4 were thinking about it. The cost of the walkway was estimated to be approximately \$5,000. The Board agreed that the walkway should be constructed.

There were no other comments from the Board of Commissioners.

17. 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 8:15 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk