

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, AUGUST 14, 2012 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**

5
6
7 **1. Call To Order**

8
9 The regular monthly meeting of the Emerald Isle Board of Commissioners was
10 called to order by Mayor Art Schools at 7:05 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 Public Works Director Artie Dunn.

21
22 **3. Opening Prayer**

23
24 Opening prayer was offered by Adrienne Norman, youth member of Emerald Isle
25 Chapel by the Sea.

26
27 **4. Pledge of Allegiance**

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

30
31 **5. Adoption of Agenda**

32
33 ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***
34 ***Board voted unanimously 5-0 in favor. Motion carried.***

35
36 **6. Comments – NC Representative Norm Sanderson**

37
38 NC Representative Norm Sanderson who currently resides in Pamlico County
39 and represents Craven and Pamlico counties in the NC House made a few brief
40 comments to the Board of Commissioners and public, congratulating Emerald
41 Isle on its vision and plans for the future. Mr. Sanderson is a Republican running
42 for the NC Senate seat for District 2 currently held by Senator Jean Preston of
43 Emerald Isle and his opponent in the November 2012 election is Democrat Greg
44 Muse.

45
46

1
2 Mayor Schools stated that he and Town Manager Rush had taken Mr. Sanderson
3 and his wife around Town showing them different projects in Town, and thanked
4 Mr. Sanderson for taking the time to visit Emerald Isle.

5
6 **7. Introduction of New Employees**
7

8 **a. Todd Betteridge – Parks Maintenance Worker**
9

10 Parks and Recreation Director Alesia Sanderson introduced the Town's newest
11 full-time employee Todd Betteridge, Parks Maintenance Worker. Ms. Sanderson
12 stated that Todd came to the Town in April as a seasonal Park Attendant after
13 having served 22 years in the Coast Guard and his performance warranted that
14 he be promoted to full-time when a vacancy recently occurred in the department.
15 Ms. Sanderson said he was doing an excellent job and looked forward to Todd
16 being on their team.

17
18 The Board and public welcomed Mr. Betteridge to his new position.
19

20 **8. Proclamations / Public Announcements**
21

22 Mayor Schools noted the following proclamations and public announcements for
23 the public:
24

- 25 • **Youth Surfing Competition – Wednesday, August 15 – 4:30 pm –**
26 **Western Ocean Regional Access**
- 27 • **EmeraldFest Concert – Thursday, August 16 – 6:30 pm – 8:00 pm –**
28 **Western Ocean Regional Access**
- 29 • **Blood Drive – Friday, August 17 – 2:00 pm – 7:00 pm – Community**
30 **Center**
- 31 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
32 **August 21 – 9 am – Community Center**
- 33 • **Free Pickleball Clinic – Wednesday, August 22 – 10 am – Community**
34 **Center**
- 35 • **August Planning Board Meeting Cancelled**
- 36 • **Spay 2 Save Mobile Clinic – Tuesday, August 28 – Community Center**
- 37 • **Walking Club – Each Tuesday at 6 pm – August 28 – October 16 –**
38 **Community Center**
- 39 • **Labor Day Holiday – Monday, September 3 – Town Offices Closed,**
40 **Community Center Closed**
- 41 • **EmeraldFest Concert – Thursday, September 6 – 6:30 pm – 8:00 pm –**
42 **Western Ocean Regional Access**
- 43 • **Friday Free Flick – Friday, September 7 – 7:00 pm – Community**
44 **Center**

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- 2
- 3 • **2 v 2 Beach Volleyball Tournament – Saturday, Sept 8 – 9:00 am until**
- 4 **Western Ocean Regional Access**
- 5 • **Board of Commissioners Regular Meeting – Tuesday, September 11**
- 6 **7:00 pm – Town Board Meeting Room**
- 7 • **Emerald Isle Day4Kids – Saturday, September 15 – 10:00 am –**
- 8 **2:00 pm – Community Center**
- 9

10 Commissioner Wright added that the Grand Opening scheduled for the new
11 addition to the Western Carteret Public Library would take place on September
12 11 at 10 am, noting that Emerald Isle had a big part in making it happen, and
13 encouraged everyone to attend.

14

15 **9. Public Comment**

16

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

19

20 Robin Finch, 325 Live Oak, presented a signed petition from local residents to
21 the Board requesting that the Town install a walkway at the end of Live Oak
22 Street similar to the walkways that were installed on Loblolly and Holly Streets.
23 Ms. Finch said that everyone she approached was eager to sign the petition and
24 was in favor. She said they felt it would be a nice addition to their neighborhood
25 and they would appreciate the Board's consideration of this request.

26

27 **10. Consent Agenda**

- 28
- 29 a. **Tax Refunds / Releases**
 - 30 b. **Special Meeting Minutes – May 22, 2012**
 - 31 c. **Special Meeting Minutes – June 5, 2012**
 - 32 d. **Regular Meeting Minutes – June 12, 2012**
 - 33 e. **Closed Session Meeting Minutes – June 12, 2012**
 - 34 f. **Regular Meeting Minutes – July 10, 2012**

35

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

39

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

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11. Resolution Authorizing Purchase of Yard Debris Collection Truck
(12-08-14/R1)

Artie Dunn, Public Works Director, addressed the Board regarding this agenda item. The following excerpt from Town Manager Rush to the Board is provided for additional background:

The Board of Commissioners is asked to approve the attached resolution authorizing the purchase of a new yard debris collection truck for a total purchase price of \$111,730. The resolution authorizes a purchase contract with Hol-Mac Corporation, Bay Springs, MS for a 2013 International / Pac-Mac loader. A sales flyer with pictures and specifications is attached for the Board's review.

As you know, the Town's yard debris collection program is very popular among our property owners, and has grown over the years into a continuous daily operation. The new truck will replace the Town's existing yard debris collection truck that has been in service for approximately 9 years and has nearly 175,000 miles, and will ensure that Public Works staff have reliable, efficient, and attractive equipment to serve our property owners. As you know, the purchase of a replacement truck has been scheduled in the Town's capital improvement / replacement plan for FY 12-13 for the past several years.

Under NC law, the Town is required to advertise for formal bids for any vehicles and equipment with a likely purchase price greater than \$90,000. However, NCGS 143-129(g), commonly known as the "piggybacking exception", enables the Town to "piggy-back" off another unit of government's (from any State or local government in the United States) formal bid process that has occurred within the past 12 months. In an effort to reduce administrative burden, identify a quality truck for our needs, and secure a price within the Town's budget amount, Public Works Director Artie Dunn researched several "piggy-back" opportunities in recent months. After considering several potential truck purchases, Artie Dunn recommends the 2013 International / Pac-Mac loader described in the attached flyer.

If approved by the Board, the Town would "piggy-back" off of a formal bid process utilized by Leflore County, MS. Hol-Mac Corporation has agreed to honor the same \$111,730 purchase price offered to Leflore County in March 2012. Artie Dunn has been working with Hol-Mac's authorized dealer in North Carolina, Carolina Environmental Systems (Kernersville, NC), on this purchase, and previously issued a non-binding letter of intent to purchase the truck in May 2012. As a result, the Town expects to take delivery of the truck in late August if approved by the Board at the August 14 meeting.

In order to utilize the "piggybacking exception", the Town was required to publish a notice in a local newspaper to alert other vendors of the potential purchase and provide other vendors an opportunity to submit their own "piggy-back" proposal to the Town. The Town has actually advertised the proposed purchase in the Carteret News Times in both July and August, and has not received any inquiries or new proposals from other vendors.

The adopted FY 12-13 budget includes a total of \$115,000 for the new yard debris collection truck, and the purchase of the new truck is ultimately funded by revenues generated by the Town's annual solid waste fee charged to the owners of all developed residential properties in the Town. Town staff intend to sell the old 2003 truck later this fall (after the hurricane season has ended), and the expected proceeds from the sale will be credited to the General Fund. The towns of Cedar Point and Cape Carteret have both inquired (informally) about the possibility of purchasing the old truck from the Town, and we expect to extend the "right of first refusal" to each town. If neither town is interested in purchasing the truck, we will offer it for sale via internet auction on GovDeals, our online auction site. I remain hopeful that we can sell the old truck for somewhere in the \$15,000 range.

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1
2 Commissioner Messer asked Mr. Dunn to personally thank Public Works
3 employee Steve Schneider for his care of the brush truck which he felt had
4 caused the truck to last this long.

5
6 Commissioner Hoover asked about getting side extensions for the truck for
7 emergency situations. Mr. Dunn said they were somewhat restricted in height
8 because of the configuration of the cab. Mr. Dunn noted that the trucks that
9 came in during storm events also had bigger beds that were typically 50 and 100
10 yard trucks and we were only looking at 24 yards.

11
12 ***Motion was made by Commissioner Wright to waive competitive bidding***
13 ***process and authorize the purchase of the Yard Debris Collection Truck.***
14 ***The Board voted unanimously 5-0 in favor. Motion carried.***

15
16 **Clerks Note: A copy of Resolution 12-08-14/R1 as noted above is incorporated herein by reference**
17 **and hereby made a part of these minutes.**

18
19 **12. FEMA Irene Beach Nourishment Project**

- 20
21 **a. Capital Project Ordinance Amendment – County Funding**
22 **b. Proposed Project Boundaries / Design Template**
23 **c. Status Update**
24

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

28
29 The Board of Commissioners will receive an update on plans for the FEMA Irene Beach Nourishment Project at the
30 August 14 meeting, and is also asked to approve the attached capital project ordinance amendment that adjusts
31 expected revenues for the project.

32
33 Background

34 FEMA has awarded the Town approximately \$3.85 million to replace sand lost during Hurricane Irene last August.
35 FEMA approved a total of \$2 million towards mobilization / demobilization expenses (half of expected costs that will be
36 shared with the Town of Pine Knoll Shores) and approximately \$1.85 million for the placement of approximately
37 157,000 cy of sand along the beach in eastern Emerald Isle. The Town's beach surveyors estimated that the Town
38 lost an additional 795,000 cy of sand from central Emerald Isle and western Emerald Isle during Hurricane Irene,
39 however, FEMA did not approve funding to replace sand in these areas. The Town, in conjunction with the Carteret
40 County Beach Commission, then formulated plans to augment FEMA funding with State, County, and Town funds, and
41 began planning a beach nourishment project that would place additional sand on Emerald Isle's ocean beach.

42
43 The Town submitted a State grant application in January 2012, and that application envisioned a project that would
44 place a grand total of approximately 675,000 cy of sand along 4.6 miles of beach in two separate reaches in eastern
45 Emerald Isle and western Emerald Isle. The total estimated cost of this project was approximately \$9.85 million, and
46 the State grant request represented \$3 million of this amount. As you know, the State legislature ultimately did not
47 allocate funding for the Town's project, and there was a strong possibility that the scope of the project would have been
48 reduced significantly. Fortunately, the Carteret County Beach Commission recently decided to provide an additional \$3
49 million (beyond their original \$1.5 million commitment) to the Town to make up for the requested State funding,
50

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restoring the total funding available for the project to the originally estimated \$9.85 million and enabling planning for the original project scope to continue.

Capital Project Ordinance Amendment – County Funding

The additional contribution from the Carteret County Beach Commission results in the following revenue sources for the project: FEMA - \$3.85 million, Town of Emerald Isle - \$1.505 million, and Carteret County - \$4.5 million. The attached capital project ordinance amendment formally adjusts the project budget for the FEMA Irene Beach Nourishment Project to reflect this additional County contribution.

Proposed Project Boundaries / Design Template

Moffatt & Nichol Engineers, the consulting engineer for the FEMA Irene Beach Nourishment Project, has now finalized the project boundaries and design template for the project. Excerpts from the project plans are attached.

The Emerald Isle portion of the project includes the nourishment of two reaches in eastern Emerald Isle and western Emerald Isle, as follows:

Eastern Emerald Isle Reach:

- 5th Street to Pier Pointe condominiums
- 12,504 linear feet, or 2.4 miles
- 454,800 cy of sand
- average placement rate of 36.4 cy / ft.

Western Emerald Isle Reach:

- Myrtle Drive to Ocean Oaks Drive
- 9,485 linear feet, or 1.8 miles
- 221,200 cy of sand
- average placement rate of 23.3 cy / ft.

The project will widen the flat, dry sand portion of the beach by approximately 50 – 75 feet, and the underwater portion of the fill will extend approximately 150 ft beyond the new high water mark at a gentle slope.

The project boundaries and design template have been adjusted slightly from the original plan discussed in January 2012 due to beach profile changes reflected in the most recent beach profile survey completed in April 2012. It is important for the Board and the public to note that the proposed boundaries and design template are intended to address the areas 1) with the greatest need for nourishment, and 2) that experienced the most erosion during Hurricane Irene. In addition, the practical limitations of beach construction have also been considered, as it is simply not practical to construct a beach with average fill quantities less than ~ 20 cy / ft.

It is also important for the Board and the public to note that the proposed boundaries and design template may be adjusted further depending on the amount of the construction bids for the project. Moffatt & Nichol believes that their cost estimates are fair and realistic, and we don't expect a significant deviation from our cost estimates, however, we will not know for sure until construction bids are received.

A complete set of project plans is available for review in my office, and I am happy to make these plans available at your convenience.

Status Update

The FEMA Irene Beach Nourishment Project is still on track for construction in the January – March 2013 timeframe, with potential for construction to begin as early as mid-November 2012. As you know, the sand source for the project is the ODMDS (Offshore Dredged Materials Disposal Site) located approximately 3 miles offshore from Atlantic Beach.

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1
2 Sand will be dredged from the ocean floor and transported via hopper dredge to pump-out stations located
3 approximately ½ mile offshore from the planned reaches in Emerald Isle (and Pine Knoll Shores).
4

5 All State permit authorizations have been granted via a major CAMA permit, and this permit actually includes the US
6 Army Corps of Engineers' conditions. We are still awaiting formal Federal approval from the US Bureau of Ocean
7 Energy Management (BOEM) and the National Marine Fisheries Service (NMFS), however, no significant issues are
8 anticipated and we expect to have these approvals in hand in the next few weeks.
9

10 Moffatt & Nichol Engineers is finalizing the plans and specifications, and expects to solicit construction bids in
11 September. I hope to present a construction contract recommendation to the Board at your October 9 regular meeting.
12 Depending on the conditions in the final Federal approvals from BOEM and NMFS, and the availability of the dredging
13 fleet, construction could begin as early as mid-November (the earliest possible start date based on sea turtle
14 limitations) or anytime thereafter. We fully expect all work to be complete by the end of March 2013.
15

16 As you know, the Town secured perpetual easements for future beach nourishment activities from almost all
17 oceanfront property owners between 2002 and 2005. There are, however, a few properties with alternative
18 easements, and it will be necessary to review the Town's master list to determine what properties, if any, will require
19 new easements for the FEMA Irene Beach Nourishment Project. This review will occur in the next few weeks, and any
20
21 new easements will be sought from affected property owners. If it becomes necessary, the Board may be asked to
22 utilize eminent domain to obtain the necessary easements later this fall. We will be working hard to avoid this need,
23 however.
24

25 Finally, I will be working on a strategy to address cash-flow issues associated with construction payments and the
26 timing of FEMA reimbursements. Of the estimated \$9.85 million cost of the project, approximately \$6 million of cash
27 will be available from the beginning of the project. The remaining \$3.85 million provided by FEMA is typically provided
28 on a reimbursement basis, however, I will be working closely with FEMA to attempt to secure a very quick turnaround
29 time on FEMA reimbursements. I am hopeful that we will be able to schedule payments and FEMA reimbursements in
30 such a manner that the Town will not need to enter into a short-term financing instrument to provide the necessary
31 cash for payment of construction costs, however, this may become necessary late in the project. If the Town does not
32 have the necessary cash on hand late in the project, it may also be possible to secure a short-term cash infusion from
33 the Carteret County Beach Commission, and I will initiate discussions with County officials later in the year if this
34 appears that it may be necessary.
35

36 Mr. Rush publicly thanked the Beach Commission, Mayor Schools,
37 Commissioner Hoover and members of that group for coming up with the
38 additional funding for not only Emerald Isle but also Pine Knoll Shores. Mr. Rush
39 did want to point out for the Board and public that this was a one time additional
40 contribution. The Beach Commission had essentially depleted the majority of its
41 fund balance to make this appropriation so that they could replace the sand lost
42 during Hurricane Irene; so this was not something they would be in a position to
43 do every time and he really underscored the need for an additional revenue
44 source if the State was not going to be able to provide nourishment funding. If
45 the Beach Commission kept doing this would not have the money to give that
46 was planned all along for their long term project.
47

48 Mr. Rush said construction bids would be advertised around September 7, and
49 he expected they would have a construction contract recommendation on the
50 Board's October 9 meeting agenda.
51

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1
2 Mr. Rush noted that the item before the Board tonight was a Capital Project
3 Ordinance Amendment that decreased the expected revenues from the State
4 and increased the revenues from the Carteret County Beach Commission, and in
5 addition if the Board would let him know if they had any concerns about the
6 approach being taken so that he could implement any changes.

7
8 Mayor Schools asked for comments from the public.

9
10 There were no comments from the public.

11
12 Commissioner Wootten asked about the new federal agency, the US Bureau of
13 Ocean Energy Management (BOEM), worried about a new federal agency being
14 involved. Mr. Rush said the BOEM had until August 25 under their additional
15 allotted time period to issue their permit and he felt that they would issue the
16 permit on time. Mr. Rush said they had already reached out to Congressman
17 Jones' office in the event they needed to request his assistance. Mr. Rush felt
18
19 the federal agency had been working in good faith to expedite the process and
20 move forward.

21
22 Mayor Schools noted that the Beach Commission had also discussed the very
23 same issue.

24
25 Commissioner Wootten felt that this whole scenario with funding underscored the
26 desire of the Town to get the 1% sales tax approved by the General Assembly so
27 they had more control and didn't have to rely on the State.

28
29 ***Motion was made Commissioner Hoover to approve the Capital Project***
30 ***Ordinance Amendment – FEMA Irene Beach Nourishment Project. The***
31 ***Board vote unanimously 5-0 in favor. Motion carried.***

32
33 Clerks Note: A copy of Capital Project Ordinance Amendment – County Funding as noted above is
34 incorporated herein by reference and hereby made a part of these minutes.

35
36 **13. Proposed Town Charter Amendments / Comprehensive Review of Code**
37 **of Ordinances**

38
39 Town Manager Frank Rush addressed the Board concerning this agenda item.
40 The following excerpt from his memo to the Board is provided for additional
41 background:

42
43 The Board of Commissioners is scheduled to review draft amendments to the Town Charter at the August 14 meeting.
44 If the Board is comfortable with the draft amendments, the Board is asked to approve a formal Resolution of Intent to
45 Amend the Charter of the Town of Emerald Isle. The resolution of intent schedules a public hearing on the draft
46

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1
2 amendments for the Board's September 11 meeting, after which the Board would formally consider adoption of the
3 amendments to the Town Charter.

4
5 The draft amendments to the Town Charter represent the first step in a planned comprehensive process that is
6 intended to review, clarify, and condense the entire Code of Ordinances of the Town of Emerald Isle. The Town is now
7 55 years old, and numerous ordinance amendments have been made over the years with input by many different
8 groups and individuals, all likely with good intentions, and sometimes there are unintended impacts on or conflicts with
9 other ordinance provisions. State law and common practice also change over time, and this sometimes leads to out of
10 date provisions or confusion. In other cases, it may be helpful for the Town to critically ask itself if it really needs
11 certain ordinance provisions.

12
13 My goal is for Town staff and me to complete a comprehensive review of all Town ordinances with a critical eye.
14 During this review, conflicting or confusing provisions will be targeted for clarification, unnecessary provisions will be
15 targeted for elimination, and in some cases out of date or un-enforced provisions will be targeted for elimination. If the
16 Board concurs, my goal is to present comprehensive amendments to each of the 16 current chapters of the Code of
17 Ordinances over the next 16 months. One chapter would be presented each month, and at the end of the 16 month
18 period the entire Code of Ordinances will have been thoroughly reviewed and updated – ideally in a simpler, leaner,
19 more user-friendly, easier-to-understand format.

20
21 The Town Charter is the de facto "Chapter 1" of the Code of Ordinances, and is the foundation for all other actions,
22 decisions, and policies of the town government, and is therefore the first "chapter" considered in this comprehensive
23 review process. Amendments to the Town Charter are treated differently than typical ordinance amendments in the
24 NC General Statutes, and in this case are subject to Board approval of a Resolution of Intent and a public hearing
25 before formal Board consideration of the amendments at the September 11 meeting.

26
27 The proposed draft amendments to the Town Charter are presented in two attached documents. One draft is
28 presented in typical ordinance format utilizing the underline and ~~strike through~~ features to make it easy to examine the
29 changes, and the other draft is a "clean" copy of the proposed new version of the Town Charter to make it easier to
30 read in its entirety.

31
32 Research indicates that the original Town Charter was approved by the NC General Assembly in 1957, and was
33 amended by the NC General Assembly in 1973. I am unable to discern the nature of or reason for the 1973
34 amendment. The NC General Assembly also amended the Town Charter in 2004 to stipulate that any lands connected
35 to the western tip of Bogue Banks are automatically included in the Town limits (this was associated with permitting for
36 the Bogue Inlet realignment project). The Emerald Isle Board of Commissioners previously approved ordinances
37 amending the Town Charter in 1997 to implement the Council-Manager form of government, in 2002 to implement
38 staggered terms for the Board of Commissioners (after a successful referendum), and in 2005 to implement a 4-year
39 term for the Mayor. The attached draft amendments incorporate and condense all of these provisions in the proposed
40 new version of the Town Charter.

41
42 The attached draft amendments also eliminate several provisions that are now superseded by municipal government
43 provisions in the North Carolina General Statutes, and the proposed new version includes several references to
44 Chapter 160A (Cities and Towns) and other appropriate statutes.

45
46 Two notable amendments pertain to the conduct of elections and street and sidewalk improvements. An out-of-date
47 provision referring to a municipal Board of Elections has been amended to reflect the current election system managed
48 by the Carteret County Board of Elections. For some reason, a detailed street and sidewalk assessment procedure is
49 currently included in the Town Charter, but has not (and may never have) been utilized in recent years and will likely
50 never be utilized. In addition, the NC General Statutes prescribe the required procedure for street and sidewalk
51 assessments, and it does not seem necessary to include these provisions in the Town Charter. For these reasons,
52 this language is recommended for elimination.

53
54

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1
2 The Board should note that the Town Charter also includes the official boundaries of the Town of Emerald Isle. You
3 will note that the description references Wica Chemical Company, Alice Hoffman Lane, and a "church spire on Salter
4 Path Road", and these references are obviously not current. If possible without significant cost or difficulty, I would like
5 to have the Town Attorney draft a new description of the official boundaries for the Board's consideration at the
6 September 11 meeting, ideally in very simple terms. The Board should note that the Town limits extend ½ mile into the
7 Atlantic Ocean and ¼ mile into Bogue Sound, in addition to including all lands connected to the westernmost tip of
8 Bogue Banks. The only other boundary that appears to need clarification is the Indian Beach town line.

9
10 Mayor Schools asked for any comments from the public.

11
12 There were no comments from the public.

13
14 Mr. Rush stated that tonight he was asking the Board to review the proposed
15 charter amendments and offer their concurrence or suggestions for additional
16 changes, and hopefully approve a Resolution of Intent to formally consider an
17 amendment to the charter at their September meeting. Mr. Rush noted because
18 it was the Charter it required more than a typical ordinance review process; the
19 Resolution of Intent tonight would set a public hearing for the September meeting
20 and after the public hearing the Board could take formal action to adopt the new
21 Charter.

22
23 Mr. Rush summarized some of the changes included for the Board. The Board
24 discussed suggested changes with Town Manager Rush and Town Attorney

25
26 Stanley. Town Attorney Stanley stated that a lot of the changes noted were due
27 to fundamental changes in the form of government anyway, and the rest was
28 because the general statutes in effect had already superseded what was in the
29 Charter.

30
31 ***Motion was made by Commissioner Wootten to approve the Resolution of***
32 ***Intent to Amend the Charter of the Town of Emerald Isle with the***
33 ***understanding that the Town Attorney and Town Manager would find out***
34 ***what was required to be in the Charter as far as the Mayor Pro-Tem term,***
35 ***and also to come up with a better boundary. The Board voted unanimously***
36 ***5-0 in favor. Motion carried.***

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

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

41
42 Town Manager Rush updated the Board on several important issues including
43 the new monthly statistical report included in the Board's packets for this
44 meeting. He said they were trying to provide a more historical context and make
45 comparisons easier and would like the Board's opinion over the next couple of
46 months as to their opinion of the new format. Mr. Rush noted that beach driving

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1
2 was scheduled to start on September 15 and they fully expected to close the
3 eastern portion of the beach as they did last year at least until after the
4 nourishment project was completed. Mr. Rush said he would like to also close a
5 portion of the area at the Point. Mr. Rush said there were new dunes forming
6 with vegetation spreading out and he planned to post ropes and prevent driving
7 in that dune area; he didn't think there would be any controversial issues with
8 fishermen. Mr. Rush spoke about his meeting the previous week about Bogue
9 Inlet Navigation Dredging and his concerns with federal funding and the sidecast
10 dredge *Merritt*.

11
12 The following is an excerpt from the Town Manager Comments memo to the
13 Board providing additional background information for all items of importance:

14
15 **New Monthly Statistical Report Format**

16 I have included a new monthly statistical report format for the Board's review and information. The new report format is
17 intended to show more historical information in an attempt to provide greater context and make comparison easier.
18 The report also includes several additional indicators in an attempt to better understand the health of the tourism
19 economy, the quantity and quality of various Town services, and other trends.

20
21 Please note that the report still needs some fine-tuning, and I also hope to fill in some of the historical information gaps
22 in the coming weeks. Eventually, I hope to be able to present current year data by month, along with 2 prior years of
23 data (instead of 1 year as currently shown).

24
25 I have included the traditional monthly department reports with the new report for the time being, but may discontinue
26 those reports in the agenda packets if you are pleased with the new report format.

27
28 Please let me know your thoughts, suggestions for further improvement, etc.

29
30 **Tax Bills To Go Out Later This Month**

31 Town staff are working on the preparation of 2012 tax bills, and we expect the bills to go out prior to August 31, if not
32 sooner.

33
34 **Beach Driving Season**

35 Beach driving season begins on Saturday, September 15. We expect to begin selling annual beach driving permits on
36 Monday, August 27, and perhaps a few days sooner.

37
38 Ramps will be open to the public at the Ocean Drive dog-leg, Black Skimmer Drive, and The Point.

39
40 At this time, we expect to close the beach east of the Ocean Drive dog-leg vehicle ramp to driving due to the narrow
41 beach strand at high tide. Additionally, the FEMA Irene Beach Nourishment Project will result in the closure of certain
42 sections of the beach to driving later this winter and spring.

43
44 We are experiencing some spread of vegetation and formation of new dunes at The Point, and may wind up using
45 post-and-rope to keep drivers away from these specific areas, mainly to the north between the vehicle ramp and the
46 terminus of the Coast Guard channel. I would not expect this delineation to prevent fishermen from enjoying The Point
47 area.

48
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51

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1
2 **Elimination of Privilege License Program**

3 The Town's privilege license program requires all businesses in Emerald Isle to register with the Town, secure a
4 license, and pay an annual fee to the Town. The amount of the fee varies, based on the type of business, however,
5 most are in the \$25 per year range. The program generates approximately \$14,000 per year.
6

7 The sole purpose of the program appears to be to generate additional revenue for the Town, along with the
8 maintenance of a "registry" of businesses operating in the Town. In this information age, and given the fact that
9 Emerald Isle is a small town, the value of the "registry" is likely minimal. (We don't do anything special to determine
10 the quality or integrity of the business.) Because the program does not appear to serve any significant purpose and
11 the annual revenue generated for the Town is relatively minor, and to relieve the burden on business owners and Town
12 staff associated with this program, I am recommending that the Town simply eliminate this program and the associated
13 privilege license fee. Because many businesses have already paid the fee for FY 12-13, I recommend that the
14 program be eliminated as of July 1, 2013.
15

16 If the Board concurs with this recommendation, I will present a formal action for Board consideration in the coming
17 months.
18

19 **Bogue Inlet Navigation Dredging**

20 The US Army Corps of Engineers is currently dredging Bogue Inlet with the sidecast dredge *Merritt*. This work is
21 funded by a Federal Hurricane Irene supplemental appropriation, and will continue through approximately August 25.
22 After this dredging event, there will likely be no Federal money available for Bogue Inlet for at least the next 6 months,
23 and probably longer. I am still awaiting confirmation of the exact dollar amount, however, I believe there is a total of
24 approximately \$342,000 of State-local funding available for dredging in Bogue Inlet in 2013.
25

26 There is also speculation that the Corps of Engineers may decommission the *Merritt* at some point in the future, which
27 would essentially mean the end of their shallow-draft inlet capabilities in most NC inlets. I will continue to monitor this
28 issue and work with Corps, State, and County officials on future alternatives. It is more and more evident that this
29 program will ultimately become a State and/or local responsibility, and a suitable funding source will need to be
30 identified at the State and/or local level. It may also be necessary to seek new permitting authorities to enable greater
31 depths and/or alternative dredging equipment to work in the inlets.
32

33 **Solid Waste Roll-Out Issues**

34 As you know, there are concerns about the timing of the roll-out of trash and recycling containers each year during the
35 peak season. Some residents are concerned that vacation rental trash and recycling containers are placed at the
36 curbside too early and remain in place for good portions of 5 of the 7 days of the week during peak summer season.
37 To a great extent, the Town recognizes the magnitude of the roll-out job in the peak season, and has been tolerant of
38 the early roll-outs. I have spoken several times with the vacation rental companies and their roll-out contractor about
39 the need to adhere to the Town's 3 pm (day before collection) requirement, and I believe they are attempting to
40 cooperate as much as possible given the magnitude of the work and labor constraints. I will be working on potential
41 solutions to this issue in the coming weeks, and plan to meet with the vacation rental agencies later this fall to discuss
42 ideas.
43

44 **Recycling Container Issues**

45 As recycling becomes more popular, there are increasing concerns about overflowing recycling containers, particularly
46 at vacation rental properties. In addition to specific volume requirements (noted below), the Town's solid waste
47 ordinance also requires "adequate container capacity". I am awaiting a report from Simmons & Simmons on habitual
48 overflow locations, and we intend to contact the property owner and/or vacation rental company to remind them of the
49 Town's ordinance requirements and encourage them to purchase additional containers.
50

51 The Town's solid waste ordinance requires each vacation rental property to utilize at least one 40-gallon roll-out
52 recycling container. In addition to our efforts described above, the Board may also wish to consider increasing this
53 requirement. Possible changes include 1) requiring one 40-gallon roll-out recycling container for each 3 bedrooms in
54 the home, or 2) requiring one 90-gallon roll recycling container for each vacation rental property. The Town's solid

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1
2 waste ordinance currently requires the use of one 90-gallon roll-out trash container for each 3 bedrooms in the home.
3 It may also be helpful to consider requiring non-vacation rental properties to utilize at least one 40-gallon roll-out
4 container for recycling, as opposed to the open 18-gallon recycling bins. The 18-gallon recycling bins do not
5 adequately contain large volumes of recyclables, and also result in scattered recyclables in some storm events.
6

7 **Replacement of Roll-Out Trash Containers**

8 The Town implemented the current roll-out trash container system 9 years ago in 2003. At that time, the Town
9 purchased more than 2,000 containers, distributed them to properties that did not already have one, and then billed the
10 property owner for the Town's cost of the container (approximately \$40). Many of these containers are now aging out,
11 and I believe the Town needs to implement a public awareness campaign encouraging property owners to replace
12 older roll-out containers (can be purchased at Sound Ace Hardware) and/or implement a bulk purchase and make the
13 containers available for voluntary purchase by our property owners at our cost (which would be a considerable savings
14 for the property owner). Please let me know your thoughts on this issue.
15

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

17 I am monitoring the calendar of the NC General Assembly's Revenue Laws Study Committee, and plan to attend their
18 meetings to educate them on the need for a new beach nourishment funding source to replace previously anticipated
19 State funding. I expect the Committee will meet later this fall.
20

21 **Coast Guard Road Pavement Markings**

22 Weather permitting, we expect our pavement marking contractor to be in Emerald Isle the week of August 13 – 17 to
23 improve the pavement markings on Coast Guard Road between Reed Drive and Ocean Oaks Drive.
24

25 **Island Circle Pump Station**

26 SunLand Builders, the Town's construction contractor, is expecting delivery of the special flood-proof electrical cabinet
27 for the new Island Circle pump station on or around August 15. Electrical and pump components will be installed soon
28 thereafter, with a goal to have the new pump station operational prior to any significant tropical rainfall events.
29

30 **Edna Street Beach Access Walkway Improvements**

31 B&P Services, the Town's construction contractor, is expected to begin work on the Edna Street walkway soon after
32 Labor Day weekend.
33

34 **NC 58 Bicycle Path Extension**

35 We have executed a contract with Withers & Ravenel Engineers to finalize the design of the new bike path extension
36 from Hurst Road to Fairfax Road and the preparation of bids and specifications. Previously issued permits for the
37 project expire on December 31, 2012, and we will either seek a minor extension of the permits or attempt to expedite
38 construction this fall. The Board could be presented with a construction contract recommendation as early as October.
39 Regardless of start date, our goal is to complete the project prior to the 2013 tourism season.
40

41 **Coast Guard Road Bicycle Path Fundraising / Future Plans**

42 The Bicycle and Pedestrian Advisory Committee continues their active fundraising efforts, and now has a balance of
43 approximately \$27,000 on hand, with pledges for an additional \$30,000 over the next 3 years. Kudos to Chairman Ken
44 Stone and the other members of the Committee!
45

46 The estimated cost of the next segment of the path from Ocean Oaks Drive to Dolphin Ridge is \$99,000, and the Town
47 has previously committed to provide 50% of this amount at such time that the Bicycle and Pedestrian Advisory
48 Committee reaches 50% of this amount via fundraising efforts. It would not surprise me if the Committee reaches the
49 \$50,000 mark sometime in the next year, and I will be working to identify the necessary Town matching funds so that
50 the Board can consider moving forward with the next phase of construction.
51

52 The Board should also note that the \$99,000 cost estimate includes a total of \$42,000 for retaining walls in this
53 segment. We are now planning to attempt to shift the vehicle travel lanes of Coast Guard Road approximately 10 feet
54 to the north in this segment to enable construction of the new bicycle path segment on the south side of Coast Guard

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1
2 Road with no retaining walls. There is more flat right of way available on the north side of Coast Guard Road, and this
3 strategy would also retain the privacy of the 3 homes located on the south side of Coast Guard Road in this area. We
4 believe that the funds originally earmarked for retaining walls will be sufficient to enable the shifting of vehicle travel
5 lanes to the north and the resurfacing of this segment of Coast Guard Road.
6

7 Please let me know if you have any concerns with this approach.
8

9 **Archers Creek Stormwater Study Grant Reimbursement**

10 A grant reimbursement request in the amount of \$70,400 has been submitted to the NC Clean Water Management
11 Trust Fund for 75% of the cost of this recently completed study. We expect to receive reimbursement in the coming
12 weeks.
13

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

15 Public Works has delayed work on this project during the busy summer season, which has been devoted primarily to
16 beach activities. We expect to begin work again on the 9 remaining locations in September or October. The NC Clean
17 Water Management Trust Fund's deadline to complete the project is May 31, 2013.
18

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

20 As you know, the Town's IT services are provided on a part-time basis by Police Lt. Cheshire. Lt. Cheshire has done
21 an excellent job for the Town, but is limited in his time and expertise, and the organization continues to outgrow his
22 time and abilities. In addition, I fear that the Town has, to a certain extent, taken advantage of Lt. Cheshire and that his
23 IT duties increasingly pull him away from important Police matters.
24

25 I have been working over the past year to identify a better IT solution for the Town, and have reviewed proposals from
26 two firms to assist the Town. I am very impressed with services offered by VC3, an IT company that specializes in
27 "being the IT department for NC local governments" and is endorsed by the NC League of Municipalities. I have also
28 discussed their services with other Town Managers, who have been pleased with their services.
29

30 If the Town executes an agreement with VC3, we would migrate all Town computer users to "the cloud", and all of our
31 computing needs would be hosted on external servers. This has several advantages with regard to backups,
32 emergency situations, monitoring of Town employee computer use, and portability of desktop work environments,
33 among others. Additionally, VC3 provides all hardware and MS Office software applications for each user, and all
34

35 technical support. Technical support becomes much easier because everything is hosted at their site, and most can
36 be done remotely. Essentially, an employee would access their entire computer desktop simply by accessing the
37 internet – from any location on any device – and it will look identical to their current computer workstation.
38

39 For data security reasons and FBI regulations, it is likely that the Police Department would not migrate to this system if
40 the Town moves in this direction, but my goal is to move the rest of the organization in this direction in the near future.
41 The cost for this solution is approximately \$1900 per user per year, and that includes everything. There would be no
42 need for the Town to ever purchase another desktop or laptop computer again, nor expensive servers or other
43 hardware for our computing systems. New devices would be provided roughly every 3 years.
44

45 I still have more work to do on this issue, but I wanted to give the Board an early explanation of the direction I am
46 headed on this issue. I estimate the cost to implement this solution for the entire Town organization, with the exception
47 of the Police Department, to be in the \$48,000 range. Although this is an increase in the Town's current costs, it is not
48 as large of an increase as one might initially expect when all costs are factored in: Lt. Cheshire's compensation, the
49 loss of productivity by Lt. Cheshire on Police matters, the amortized capital cost of new computers and servers, and
50 employee down-time while waiting for IT support. It is also considerably less than a Town employee IT Director would
51 cost, and provides a much broader range of expertise, quicker support, and on-demand 24-hour support. More
52 importantly, however, is the potential for greater efficiency and effectiveness in the future. If the Town is to be a leader
53 in excellent customer service, it will need the services of an IT professional or firm. (There is a good reason why the
54 private sector has invested so heavily in their IT systems and infrastructure.)

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1
2 As noted, I still have more work to do on this issue, most importantly figuring out how to cover these costs, and will
3 report back to the Board at a later date. In the meantime, please let me know if you have any thoughts on this issue.
4

5 **Potential Update to Eastern Carolina Joint Land Use Study (JLUS)**

6 MCAS Cherry Point and Carteret County are currently seeking Federal funding for an update to the Eastern Carolina
7 JLUS completed in 2002. The 2002 JLUS considered ways to prevent encroachment of nearby development on local
8 military installations and also considered ways to minimize the impacts of military operations on neighboring
9 communities. The 2002 JLUS included analyses and recommendations for MCAS Cherry Point, Marine Corps
10 Auxiliary Landing Field Bogue, and Marine Corps Outlying Landing Field Atlantic. The US Marine Corps, the State of
11 NC, Carteret and Craven counties, the towns of Havelock, Emerald Isle, and Bogue, and the community of Atlantic all
12 participated in the study, which was coordinated by the Eastern Carolina Council of Governments.
13

14 The proposed new update will likely focus more on issues in DownEast Carteret County (wind turbines, bombing
15 ranges, and Atlantic Field), however, MCALF Bogue will also be considered again. There is no required cash match
16 from the Town; our only contribution will be staff time. Town staff will focus primarily on noise abatement issues with
17 regard to current Harrier operations and future Joint Strike Fighter operations.
18

19 **Potential 2013 NC Parks and Recreation Trust Fund (PARTF) Grant Application?**

20 The Town recently received an announcement of 2013 grant funds available through the NC Parks and Recreation
21 Trust Fund, and grant applications are due on January 31, 2013. If the Board concurs, I'd like to pursue a grant
22 application to purchase Lot 1 Shell Cove North (lot directly west of the Emerald Isle Public Boating Access Area). The
23 expected purchase price would be in the \$150,000 - \$175,000 range, and the PARTF grant, if awarded, would provide
24 50% funding. Thus, the Town's expected match would be in the \$75,000 - \$87,500 range. Please let me know your
25 thoughts on a potential grant application.
26

27 **Planning Board Vacancy**

28 Planning Board member Bob Smith recently moved out of Emerald Isle, and has resigned from the Planning Board.
29 We are currently advertising and accepting applications for this vacancy through August 15, and will have an
30 appointment item on the Board's September meeting agenda.
31

32 **Police Department Staffing**

33 There are currently 3 vacancies in full-time Police Officer positions in the Police Department, and we have utilized
34 several part-time / temporary sworn officers to maintain coverage over the past several months. We expect to promote
35 at least 3 of the part-time / temporary sworn officers to full-time status within the next month.
36

37 **Status of Aquarium Pier at Emerald Isle**

38 I have not learned anything new recently about the status of grant funds remaining for the project. Based on previous
39 discussions with NC Aquariums staff, I expect the remaining funds to be transferred to the Town at some point in the
40 next several months.
41

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

43
44 Mayor Schools announced that they would see a banner out this weekend
45 welcoming Olympic gold medalist Lauren Perdue into Town on Friday. Lauren's
46 family has owned a home in the Coast Guard Road area for several years and
47 she was a member of the US Olympic swim team and had won a gold medal in
48 the 4x200 women's swim relay.
49

50 There were no further comments from the Board of Commissioners.
51
52

1
2 **16. Closed Session – Pursuant to NCGS 143-318.11(3), to preserve**
3 **attorney-client privilege**
4

5 *Motion was made by Commissioner Messer to go into Closed Session,*
6 *pursuant to NCGS 143-318.11(3) to preserve attorney-client privilege. The*
7 *Board voted unanimously 5-0 in favor. Motion carried.*

8
9 *Motion was made by Commissioner Messer to return to Open Session. The*
10 *Board voted unanimously 5-0 in favor. Motion carried.*

11
12 There was no action taken by the Board upon returning to Open Session.

13
14 **17. Adjourn**
15

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

18
19 *The meeting was adjourned at 8:15 pm.*

20
21 Respectfully submitted:

22
23
24
25 Rhonda C. Ferebee, CMC
26 Town Clerk
27
28