

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JUNE 12, 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.

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13 **2. Roll Call**

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15 Present for the meeting: Mayor Art Schools, Commissioners Nita Hedreen, Tom
16 Hoover, Floyd Messer, John Wootten, and Maripat Wright.

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18 Also present during the regular meeting: Town Manager Frank Rush, Town
19 Attorney Richard Stanley, Town Clerk Rhonda Ferebee, Public Works Director
20 Artie Dunn, Parks and Recreation Director Alesia Sanderson, Planning Director
21 Kevin Reed, and Fire Chief Bill Walker

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23 **3. Opening Prayer**

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25 Opening prayer was offered by Isaac Edgren, youth member of Emerald Isle
26 Chapel by the Sea.

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28 **4. Pledge of Allegiance**

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30 All who were present recited the Pledge of Allegiance.

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32 **5. Adoption of Agenda**

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

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37 **6. Proclamations / Public Announcements**

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39 Mayor Schools noted the following proclamations and public announcements for
40 the public:

- 41
42 • **Proclamation – Rip Current Awareness Week – June 3 – 9, 2012**
43 (12-06-12/P1)
44 • **Youth Surfing Competition Series – Wednesday, June 13 – 4:30 –**
45 **Western Ocean Regional Access**
46 • **American Red Cross Blood Drive – Friday, June 15 – 2 pm – 7 pm**
47 **Community Center**

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- **2 on 2 Beach Volleyball Tournament – Saturday, June 16 – 9 am until ? – Western Ocean Regional Access**
- **Scrapbooking Workshop – Saturday, June 16 – 10 am – 1 pm – Community Center**
- **Summer Tennis Clinics – Monday, June 18 – Monday, August 20 – 8 am – 9 am – Blue Heron Park**
- **EmeraldFest Concert – Thursday, June 21 – 6:30 – 8 pm – Western Ocean Regional Access – “Conch Stew”**
- **Planning Board Regular Meeting – Monday, June 25 – 6 pm – Town Board Meeting Room**
- **Independence Day Holiday – Wednesday, July 4 – Town Offices Closed, Community Center Closed**
- **Fireworks – Wednesday, July 4 – 9 pm – Bogue Inlet Pier**
- **EmeraldFest Concert – Thursday, July 5 – 6:30 – 8 pm – Western Ocean Regional Access – “Bryan Mayer”**
- **Board of Commissioners Regular Meeting – Tuesday, July 10, 2012 – 7 pm – Town Board Meeting Room**

Parks and Recreation Director Alesia Sanderson noted that the Town was co-sponsoring the Youth Surfing Competition with the Eastern Surfing Association. The intent of the competition was to entice younger surfers to become involved in surfing contests in a less competitive way so that they may move up to compete on a higher level, its an entry level beginner contest for youth 14 and under.

Clerks Note: A copy of Proclamation 12-06-12/P1 as noted above is incorporated herein by reference and hereby made a part of these minutes.

7. Introduction of New Employees

- a. **John James, Public Works Equipment Operator**
- b. **Ben Wunderly, Parks Maintenance Worker**

Public Works Director Artie Dunn introduced the departments new full-time Equipment Operator John James. Mr. Dunn stated that John worked previously for the Town of Swansboro and ONWASA with extensive background in waste water and waste water disposal. Mr. Dunn said John had already proven to be an asset.

Parks and Recreation Director Alesia Sanderson introduced the departments new full-time Parks Maintenance Worker Ben Wunderly. Ms. Sanderson stated that Ben was a 1996 graduate of Virginia Tech with a degree in Outdoor Recreation and he came to the Town most recently from the Maritime Museum in Beaufort where he was the Associate Curator. Prior to that Mr. Wunderly worked for over 8 years with the Aquarium, 4 years at Hammocks Beach State Park, as

1
2 well as a park attendant at Jockeys Ridge State Park. Ms. Sanderson said they
3 were glad to have him onboard.

4
5 The Board welcomed the two newest full-time employees to the Town.

6
7 **7. Public Comment**

8
9 **Brief Summary:** The public will have the opportunity to address the Board about
10 any items of concern not on the agenda.

11
12 Alan Watts, 9811 Sandy Court, spoke of private property rights on the beach.
13 Mr. Watts said the Town would soon want to increase the beach nourishment tax
14 and the basis for the beach nourishment tax was based upon erosion. Mr. Watts
15 said the area where he lived did not have erosion although Mr. Rush and others
16 told him he did have erosion. Mr. Watts said he learned that erosion was a
17 volume measurement out to 30 feet below water; his dry sand beach had been
18 increasing every year and he said he had more sand after Hurricane Irene than
19 before. Mr. Watts said after losing a case back in 2006 the Town continued to
20 allow people to drive on the property, and walk on the property. Mr. Watts said
21 he never really cared about the walking but he learned after a number of court
22 cases on the east coast when someone was run over or hurt on your property the
23 lawyers go after the person who owned the property so he felt the Board had
24 exposed him significantly. Mr. Watts said he just formed an LLC for his home to
25 protect him from the situation where they give permits for people to use the
26 beach. Mr. Watts said that Mayor Schools and others had pointed out that the
27 beach strand was public property from the dunes to the high water mark which
28 he said was not true. Mr. Watts felt they were exposing the Town to financial
29 problems and putting people that own the property at risk. He strongly
30 encouraged the Board to be careful on how they enforce these policies, taxes,
31 allowing people to drive, or whatever on private property.

32
33 **9. Consent Agenda**

- 34
35 a. Tax Refunds / Releases
36 b. Budget Amendment – Various Fiscal Year End Adjustments
37 c. Capital Project Ordinance Amendments – Various Fiscal Year End
38 Adjustments
39 d. Resolution Adopting the Carteret County Comprehensive
40 Transportation Plan (12-06-12/R1)
41 e. Resolution Supporting Adjustments to School Calendar Outlined in
42 Section 5.(a) of Senate Bill 795, Proposed Committee Substitute
43 S795-CSTC-38 [v.1] (12-06-12/R2)
44 f. Resolution Declaring Surplus Items for Internet Auction (12-06-12/R3)
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2 ***Motion was made by Commissioner Wright to approve the items on the***
3 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
4 ***carried.***

5
6 **Clerks Note: A copy of Resolutions 12-06-12/R1, 12-06-12/R2, 12-06-12/R3 and all other items on the**
7 **Consent Agenda as noted above are incorporated herein by reference and hereby made a part of**
8 **these minutes.**

9
10 **10. Ordinance Amending Chapter 4 – Use Regulations – and Chapter 10 –**
11 **Definitions and Rules of Interpretation – of the Unified Development**
12 **Ordinance In Order to Regulate Electronic Gaming Operations**

13
14 **a. Public Hearing**

15 **b. Consideration of Ordinance Amendment**

16
17 Kevin Reed, Planning Director, addressed the Board regarding this agenda item.
18 The following excerpt from Town Manager Rush to the Board is provided for
19 additional background:

20
21 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would clarify that
22 electronic gaming operations are a permitted use in Emerald Isle, and also establish regulations pertaining to electronic
23 gaming operations. A public hearing is required before Board consideration, and has been scheduled for the June 12
24 meeting.

25
26 As you know, electronic gaming operations have been in the news for the past several years, and have been
27 discussed by the Board on several occasions. The NC General Assembly has made multiple attempts to ban
28 electronic gaming operations (also commonly referred to as “internet sweepstakes” operations and other names),
29 however, these attempts have not been upheld by the Courts, and these operations continue in North Carolina. As a
30 result of the most recent Court decision, the Board directed Town staff to re-initiate previous efforts to regulate
31 electronic gaming operations in Emerald Isle. The Town’s Unified Development Ordinance was previously silent on
32 such activities.

33
34 The attached ordinance amendment was drafted by Kevin Reed, Planning and Inspections Director, and approved by
35 the Planning Board by a 4-2 vote at its May meeting. The attached ordinance amendment specifically allows electronic
36 gaming operations (both as a stand-alone operation and as an accessory use at an existing business) in the Business
37 zoning district only, and they would not be allowed in any other Town zoning district. Additionally, several other
38 requirements are included in the attached ordinance amendment, including:

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- 41 • stand-alone electronic gaming operations would be limited to a maximum of 4 machines, and accessory uses
42 would be limited to a maximum of 2 machines,
 - 43 • electronic gaming operations must be located a minimum of 1,250 feet from each other, and a minimum of
44 1,250 feet from a church, public park, public parking area, playground, or movie theater,
 - 45 • stand-alone electronic gaming operations could only be open from 1 pm – 10 pm, Monday thru Saturday
46 (accessory uses not subject to this restriction),
 - 47 • a prohibition on the serving of alcohol at a stand-alone electronic gaming operation (accessory uses not
48 subject to this restriction), and
 - 49 • parking requirements.

50 Maps indicating the areas subject to the 1,250 ft. separation requirement are attached.
51

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2 The Board should note that there are currently no stand-alone electronic gaming operations in Emerald Isle, however,
3 there are 3 existing businesses that offer electronic gaming operations as an accessory use. Paddy's Pub, located at
4 K&V Plaza, has 4 machines. Ballyhoo's Restaurant, located on Fairview Drive, has 2 machines. Emerald Club,
5 located on Emerald Drive, has 2 machines. To date, there have been no reported problems or issues arising from
6 these electronic gaming operations in Emerald Isle, and the owners of these businesses have indicated that the
7 electronic gaming operations are not the main focus of their business, and are simply an additional form of
8 entertainment made available to their patrons.
9

10 If the Board adopts the attached amendment, all 3 of the existing accessory use electronic gaming operations will
11 become non-conforming, but for different reasons. Paddy's Pub would conform to the prescribed separation
12 requirements, but would exceed the limit of 2 machines per accessory use. Ballyhoo's and Emerald Club are both
13 within 1,250 feet of Merchants Park, and thus would be nonconforming. As nonconforming uses, these uses could
14 continue but could not be expanded and would also not be allowed if / when the electronic gaming machines are
15 discontinued as an accessory use at these businesses (although a change out or upgrade to a newer machine would
16 be allowed). If the Board wishes to consider alternative requirements to maintain conformity for these existing
17 businesses, it may wish to consider establishing a limit of 4 machines for an accessory use and/or reduce the
18 separation requirement. The separation requirement would need to be reduced to 500 feet or less to accommodate
19 both Ballyhoo's and Emerald Club.
20

21 There have also been several municipalities that have enacted relatively high privilege license fees for electronic
22 gaming operations, although the legality of some of the higher fees is also the subject of litigation between those
23 municipalities and the electronic gaming industry. The attached memo from Kevin Reed includes a brief summary of
24 fees charged for these operations. Town staff can present an amendment to the privilege license fee schedule for
25 future Board consideration if the Board would like to consider establishing a new fee for electronic gaming operations.
26 At this point, I don't believe a new fee is advisable, however, the Board may wish to consider this in the future if the
27 Town experiences a proliferation of electronic gaming operations.
28

29 Mr. Reed pointed out the revised version of the amendment at the Board's places
30 tonight. Mr. Reed stated that the difference from what had been in their reading
31 material and what they had before them tonight was to clarify that this type of use
32 could be permitted on a daily basis, and that alcohol could be permitted to sold at
33 this type of operation, particularly a stand alone operation provided it had the
34 proper permits from the State in order to sell alcohol.
35

36 ***Motion was made by Commissioner Messer to open the Public Hearing.***
37 ***The Board voted unanimously 5-0 in favor. Motion carried.***
38

39 There were no comments from the public.
40

41 ***Motion was made by Commissioner Wright to close the Public Hearing.***
42 ***The Board voted unanimously 5-0 in favor. Motion carried.***
43

44 Commissioner Wright asked about an age requirement to use the machines and
45 if so who would enforce. Mr. Reed stated that the amendment before them had
46 no age requirement but obviously if it were located as an accessory use in a bar
47 or restaurant there could potentially be an age requirement but there was not an
48 age limit in a stand alone operation.
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Attorney Stanley suggested an age requirement should be done under Police Powers as a separate ordinance as opposed to in the land use regulations. Commissioner Hedreen said her concern was that you had to be eighteen to buy a lottery ticket and so felt you shouldn't be able to use the machines until you were eighteen.

Commissioner Wootten noted that the Planning Board approval was a 4-2 vote and wondered the reason stated by the dissenting voters for not approving. Mr. Reed referencing 4.2.8 (1), said there was a distance separation of 1,250 feet between a stand alone operation and an accessory use. The two dissenting Planning Board members felt comfortable putting a distance between stand alone operations but they thought it was unreasonable to require an accessory use to have the distance of separation.

Commissioner Wootten said he had found that there were 3 or 4 of the accessory uses in Town now such as Paddy's Pub, Emerald Club, and Ballyhoos, and the way this ordinance was drafted we were making them non-conforming and therefore subject to all the requirements under grandfathering and changing of ownership, changing of machines, and that wasn't his intent. He would rather have the Town work to modify this and look at shortening the distance between the operations. He felt it could be done in such a way that they could protect those that already existed and allow for some others. Commissioner Wootten said he didn't like the idea of legislating something that put businesses in a non-conforming status.

Town Manager Rush said if they wanted to avoid the non-conforming status in terms of the distance separation you would have to set the separation requirement at 500 feet or less because Emerald Club and Ballyhoos were a little more than 500 feet apart from each other and Ballyhoos was a little more than 500 feet from the Merchants Park area on Highway 58.

Commissioner Wootten suggested that staff take another look at this amendment to determine ways to address the non-conforming operations and still be consistent.

Town Attorney Stanley said that everyone was waiting on the Court of Appeals decision as to what would ultimately be allowed. He didn't think you could prohibit a stand alone from operating on Sunday when you let an accessory use operate on Sunday; Mr. Stanley said he was also somewhat bothered by the distance requirement because it was arbitrary.

Commissioner Wootten suggested they simply stated that any gaming operation had a ceiling of 4 units and that would make it non-profitable for a stand alone operation.

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2 Commissioner Hedreen asked what would happen if someone came along
3 wanting to open a stand alone next week. Planning Director Reed said that was
4 the downside of not taking any action because he was in a position now where
5 he didn't have any ability to regulate and the way the ordinance was worded
6 currently regarding amusements it could be argued that it was similar to an
7 indoor arcade and should be permitted, which was why the amendment clarified
8 that these operations are not arcades.

9
10 Town Manager Rush said it seemed the main concern was a desire not to make
11 the existing accessory uses non-conforming and if so he felt they could come up
12 with a way to ensure that the existing uses remain conforming and still provide
13 the kind of protection they wanted.

14
15 Following further discussion it was the consensus of the Board to table this item
16 for further staff and Planning Board review to address the Board concerns.

17
18 **11. Ordinance Amendming Chapter 4 – Use Regulations – of the Unified**
19 **Development Ordinance In Order to Regulate solar Panels in Residential**
20 **Zoning Districts (12-06-12/O1)**

21
22 **a. Public Hearing**

23 **b. Consideration of Ordinance Amendment**

24
25 Kevin Reed, Planning Director, addressed the Board regarding this agenda item.
26 The following excerpt from Town Manager Rush to the Board is provided for
27 additional background:

28
29 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would clarify that
30 residential solar panels are a permitted use in Emerald Isle, and also establish regulations pertaining to residential
31 solar panels. A public hearing is required before Board consideration, and has been scheduled for the June 12
32 meeting.

33
34 The attached memo from Kevin Reed, Planning and Inspections Director, includes a detailed explanation of this issue.
35 Illustrative photos of existing residential solar panels already in place in Emerald Isle are also attached. As noted, the
36 proposed regulations would allow solar panels only in the Town's 6 residential zoning districts, would not allow a
37 commercial solar operation, would allow rooftop installations, and would establish setback requirements and a 15 ft.
38 height limit for freestanding residential solar panels.

39
40 The Board should note that the attached ordinance amendment is intended to establish only minimum regulations for
41 residential solar panels, and was developed with the following principles in mind:

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- 44 • current State law prohibits municipalities from prohibiting residential solar panels, but does allow for reasonable regulation,
 - 45 • the likelihood that residential solar panels will grow in popularity over time, and the need to have clear regulations established by the Town and codified,
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- a perceived community desire to allow for and promote the use of residential alternative energy devices, provided such devices are constructed in a safe and attractive manner, and
- respect for personal choice and private property rights.

The Planning Board considered the attached ordinance amendment at its May meeting, and voted unanimously to recommend approval.

Mr. Reed pointed out the revised version of the amendment at the Board's places tonight which essentially clarified that engineering may be required for certain solar facilities on a structure or as a stand alone operation.

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

John Henrickson, 105 Indigo Drive, prefaced his comments that there were relatively few of these types of installations in Town right now and two of them, whose appearance he felt were the most egregious, happened to be in the Bluewater Bay Subdivision. He was awakening people to what he believed in the long term could be an issue for the community. Mr. Henrickson disagreed with the recommended amendment and urged the Board to not approve as submitted. He felt the regulations were not adequate to protect the long term interest of the community. Mr. Henrickson said the State laws allowed the opportunity for local communities to set reasonable standards for design and location of solar panels, particularly where they were to be visible from public areas; and he felt the Planning Board had not taken advantage of that opportunity. Mr. Henrickson said the proposed regulations dealt with structure and setbacks but nothing to do with the aesthetics or visibility of the installations. Mr. Henrickson said, as he had commented at the Board's March meeting, one of the appeals of the community was visual, people chose to vacation and live here because it was an attractive community and things that detract from that would he felt in the end detract from our economic advantage. Mr. Henrickson felt the installations in Bluewater Bay Subdivision detracted from the beauty and character of the community and under the regulations as proposed they would still be allowed. Mr. Henrickson also addressed the concern about the risk of long term safety and personal property damage during windstorms. Mr. Henrickson said that tourism and development were important to our local economy, but somewhere along the line there had to be a balance between those interests and the interest of the permanent residents who lived here and strived to maintain attractive homes in the community. He hoped the Board as elected officials but also as residents of Emerald Isle would choose to protect those interests and think about not only the short term economics but the long term economics and please reject the solar panels as currently drafted and ask the Planning Board to develop more meaningful regulations.

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

Commissioner Hedreen said she agreed with Mr. Henrickson and would like to see something would make the solar panels less intrusive.

Commissioner Wootten said they made the decision several years ago not to fool with the color of houses in residential areas, where did they stop laying out ordinances for appearance purposes as opposed to individuals own private property rights. Commissioner Wootten said if they could come up with something reasonable but felt you couldn't say that they couldn't be seen from the road.

Commissioner Messer asked Mr. Henrickson how close he was to the two solar panels in his neighborhood. Mr. Henrickson said he didn't see them from his home but could see them from the pubic street and added that if you read state statutes they were pretty specific in terms of allowing communities to set regulations that restrict things that were visible from public areas and he would view public areas as Ocean Drive for example.

Commissioner Messer said he drove by the entrance to Bluewater several times a day and never paid any attention to it, he noticed they added more trees and he spoke with the neighbors across the street and they were right there and they absolutely didn't have a problem with it.

Commissioner Wootten wondered why these were not allowed in the business districts if they saved money for businesses. Mr. Reed said that the intention because there were State tax credits for the business application of solar panels was to begin working with the Planning Board immediately this month to create regulations that would allow the reasonable use of solar panels in the commercial district provided they were not set up as a commercial operation or solar farm.

Mr. Rush said they had considered giving the Board a revised version that listed them as a permitted use in those districts however because of the way the public hearing notice was worded it would have to come up at a future meeting.

Commissioner Hoover said he didn't understand how they could restrict the development of the solar panels to a place where they wouldn't still be efficient. If you cut them down in height and require hiding them where you couldn't see them when they had to be in the sun to be efficient it would restrict people from installing them.

1
2 **Motion was made by Commissioner Messer to adopt the Ordinance**
3 **Amending Chapter 4 – Use Regulations – of the Unified Development**
4 **Ordinance in Order to Regulate Residential Solar Panels in Residential**
5 **Zoning Districts. The Board voted 4-1 in favor – Hedreen opposed. Motion**
6 **carried.**

7
8 **Clerks Note: A copy of Ordinance 12-06-12/O1 as noted above is incorporated herein by reference**
9 **and hereby made a part of these minutes.**

10
11 **12. Ordinance Amending Chapter 4 – Use Regulations – of the Unified**
12 **Development Ordinance In Order to Regulate Wind Energy Systems in**
13 **Residential Zoning Districts (12-06-12/O2)**

- 14
15 **a. Public Hearing**
16 **b. Consideration of Ordinance Amendment**

17
18 Kevin Reed, Planning Director, addressed the Board regarding this agenda item.
19 The following excerpt from Town Manager Rush to the Board is provided for
20 additional background:

21
22 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would clarify that
23 residential wind energy systems are a permitted use in Emerald Isle, and also establish regulations pertaining to
24 residential wind energy systems. A public hearing is required before Board consideration, and has been scheduled for
25 the June 12 meeting.

26
27 The attached memo from Kevin Reed, Planning and Inspections Director, includes a detailed explanation of this issue.
28 Illustrative photos of potential residential wind energy systems that would be permitted in Emerald Isle are also
29 attached. As noted, the proposed regulations would allow residential wind energy systems only in the Town's 6
30 residential zoning districts, would not allow a commercial wind energy system, would allow rooftop installations only (no
31 freestanding wind energy systems), would limit the height of rooftop installations to 6 feet higher than the base of the
32 device OR the roof peak (whichever is less), and
33 would limit the noise produced by such systems to a maximum of 45 decibels at the property lines.

34
35 The Board should note that the attached ordinance amendment is intended to provide some limited accommodation for
36 residential windmill applications, but only in a manner that will not harm the aesthetics of our residential neighborhoods
37 or create nuisance noise concerns. As discussed in the past, the Town occasionally receives inquiries from property
38 owners and residential wind energy vendors about the ability to install residential wind energy systems, and the
39 attached ordinance amendment is an attempt to accommodate such requests.

40
41 The Planning Board considered the attached ordinance amendment at its May meeting, and voted unanimously to
42 recommend approval.

43
44 Mr. Reed pointed out the revised version of the amendment at the Board's places
45 tonight which essentially clarified that only one wind energy system may be
46 installed on each residential structure.

47
48 **Motion was made by Commissioner Wootten to open the Public Hearing.**
49 **The Board voted unanimously 5-0 in favor. Motion carried.**

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2 There were no comments from the public.

3
4 ***Motion was made by Commissioner Wright to close the Public Hearing.***
5 ***The Board voted unanimously 5-0 in favor. Motion carried.***

6
7 Commissioner Messer asked about the loudness related to the decibel setting.
8 Mr. Reed stated that based on 45 decibels an air conditioning unit turning on
9 would make more noise than the wind energy systems would be allowed to
10 make, and based on the decibel chart a vacuum cleaner at 10 feet was around
11 70 decibels.

12
13 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
14 ***Amending Chapter 4 – Use Regulations – of the Unified Development***
15 ***Ordinance in Order to Regulate Wind Energy Systems in Residential***
16 ***Zoning Districts. The Board voted unanimously 5-0 in favor. Motion***
17 ***carried.***

18
19 **Clerks Note: A copy of Ordinance 12-06-12/O2 as noted above is incorporated herein by reference**
20 **and hereby made a part of these minutes.**

21
22 **13. Hurricane Preparedness Items**

- 23
24 **a. Review / Update of Emergency Operations Plan**
25 **b. Resolution Authorizing Pre-Positioned Hurricane Debris Collection**
26 **Contract (12-06-12/R4)**
27

28 Bill Walker, Fire Chief, and Public Works Director Artie Dunn addressed the
29 Board regarding this item. The following excerpt from Town Manager Rush to the
30 Board is provided for additional background:

31
32 The Board of Commissioners is asked to approve two hurricane preparedness items at the June 12 meeting. First,
33 with the 2012 hurricane season upon us, Fire Chief Bill Walker will review the Town's Emergency Operations Plan and
34 also explain changes made to the plan since the last update. The Board is asked to formally approve the new 2012
35 plan. Second, the Board is asked to approve the attached Resolution Authorizing a Pre-Positioned Hurricane Debris
36 Collection Contract for the 2012 hurricane season.

37
38 Review / Update of Emergency Operations Plan

39 Although the 2012 hurricane season has already seen two named storms, June 1 is the "official" start of the hurricane
40 season, and Chief Walker will present a brief review of the Town's Emergency Operations Plan to the Board at the
41 June 12 meeting as a "refresher".

42
43 As you know, the Town has had considerable experience dealing with hurricanes over the years, and the entire
44 organization is well-versed in hurricane preparations and response. The Town has utilized a comprehensive
45 Emergency Operations Plan for many years, and it is updated periodically by Chief Walker with input from Town staff
46 and others. Chief Walker and Town staff recently completed another review and update of the plan, and have
47 incorporated a handful of mostly minor changes to the plan.
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2 The attached memo from Chief Walker includes a summary of the Town's Emergency Operations Plan, and also
3 discusses the changes incorporated into the 2012 update of the plan. Most of the changes are minor, however, one
4 significant change is the elimination of references to "permanent resident" re-entry passes. The Town previously made
5 a distinction between permanent residents and second home / vacation rental property owners on the hurricane re-
6 entry passes. This distinction was made in order to better prioritize the return to the island in the event of catastrophic
7 damages. The thought behind this approach was that permanent residents would be allowed on to the island first to
8 collect any personal belongings that may remain. For philosophical and practical reasons, I am recommending that
9 this distinction be eliminated. First, we often stress to our taxpayers that we don't provide any preferential treatment to
10 one group of taxpayers over another as far as Town services and regulatory matters. Second, if the catastrophic
11 scenario ever plays out, it will be extremely difficult to tell someone with a second home in Emerald Isle who may live
12 here half the year that they can not come back onto the island while their neighbor who lives here the full year is
13 allowed to return.

14
15 I have attached a copy of the main body of the 2012 Emergency Operations Plan for the Board's review, but have
16 intentionally left out the voluminous appendices in the interest of saving paper. The appendices include a sample
17 State of Emergency proclamations, a sample curfew proclamation, a sample evacuation proclamation, various forms
18 used by Town staff, the NC General Statutes pertaining to emergency management, the Town's emergency
19 management ordinance, and other information. Please let me know if you'd like a copy of this information, and we will
20 be happy to provide it to you under separate cover.

21
22 Resolution Authorizing Pre-Positioned Hurricane Debris Collection Contract

23 The attached resolution authorizes the Town Manager to execute a pre-positioned hurricane debris collection contract
24 with TAG Grinding Services, Inc., Dadeville, AL. This contract would only be activated if a hurricane strikes and the
25 Town needs outside assistance to remove storm debris.

26
27 The Town is wise to enter into a pre-positioned contract for debris removal, as it fosters a quick response in the event
28 that a storm does strike Emerald Isle. It also allows us to resolve contractual issues up-front, without the stress of
29 responding in the immediate aftermath of a hurricane. The Town has entered into a pre-positioned contract for the
30 past several years, and fortunately has only had to actually activate the contract twice in the past 11 years. The Town
31 activated its contract with Tarheel Specialties, Linden, NC, in 2005 due to debris generated by Hurricane Ophelia, and
32 also activated its contract with Disaster Recovery Group and Tree Services, Inc., Arden, NC, in 2011 due to debris
33 generated by Hurricane Irene. The pre-positioned nature of these contracts enabled the contractors to begin work
34 almost immediately after the storms, and also saved Town staff valuable time to devote to other storm-related issues. I
35 am hopeful that we will not be impacted by a storm this year and will thus not activate the debris contract, however, I
36 am pleased that we will be prepared ahead of time. The proposed contract with TAG Grinding requires debris removal
37 operations to begin with 48 hours of notice to proceed.

38
39 Barry Johnson, the Town's FEMA consultant, Mitsy Overman, Assistant Town Manager, and Artie Dunn, Public Works
40 Director, coordinated the bid process for this pre-positioned contract. We received bids from 9 firms. The low bidder,
41 Cooper and Cooper, Inc., Pensacola, FL, actually withdrew from consideration, and as a result TAG Grinding is judged
42 to be the low bidder. Unit price costs are as follows:

43

44 Construction and Demolition Debris Removal	\$6.50 per cubic yard
45 (disposal at CRSWMA facility in Tuscarora, NC)	
46	
47 Construction and Demolition Debris Removal – Beach	\$7.25 per cubic yard
48 (disposal at CRSWMA facility in Tuscarora, NC)	
49	
50 Vegetative Debris Removal (disposal within 30 miles)	\$6.25 per cubic yard
51	
52 Vegetative Debris Removal (disposal within 30-50 miles)	\$6.45 per cubic yard .
53	
54	

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1
2 As noted in the attached letter from Barry Johnson, the determination of TAG Grinding as the low bidder is based on
3 combined prices for the different types of debris and assumptions of debris volumes based on US Army Corps of
4 Engineers models. Barry Johnson has completed a thorough evaluation of TAG Grinding, and we are confident in their
5 ability to complete the work in a timely and quality manner. TAG Grinding has significant experience in disaster
6 cleanup operations, significant capital assets and personnel, and significant subcontractor relationships. TAG Grinding
7 received favorable references from previous clients contacted. TAG Grinding also completed hurricane debris
8 collection for the Town of Morehead City and the Town of Beaufort after Hurricane Irene in 2011.
9

10 The Board should note that the bid process was based on assumptions that the construction and demolition debris will
11 be disposed of at the Coastal Environmental Partnership's facility in Tuscarora, NC, however, if Carteret County
12 establishes a closer facility in the aftermath of a storm this strategy and pricing will be re-evaluated. The bid process
13 also assumed that vegetative debris would either be disposed of at a vegetative debris disposal facility located on NC
14 58 near Silver Creek Golf Course or at a County location near Carl Garner Road in the Newport area, hence the
15 alternate bid prices for the disposal of vegetative debris. The new NC 58 location is obviously much more convenient
16 for Emerald Isle, and results in lower costs and overall faster collection and disposal times. All costs for hurricane
17 debris removal should be eligible for FEMA reimbursement if Carteret County is declared a disaster area.
18

19 The Board should again note that FEMA and the NC Division of Emergency Management (NCEM) continue to assert
20 that NCDOT is the responsible entity for the removal of vegetative debris from NC 58, and that the Town will not be
21 reimbursed by FEMA for debris collection on NC 58. We remain fearful that NCDOT will not be as timely as the
22 Town's contractor in collecting debris, thus resulting in unnecessary delays in collecting debris from the most visible
23 areas of Town. It is likely that our residents who live on NC 58 will also become frustrated if NCDOT is not as timely as
24 the Town's contractor. Because of these concerns, we will again be working to reach an agreement with NCDOT to
25 allow them to essentially subcontract this work to the Town and our contractor to allow for timely and comprehensive
26 collection of debris along NC 58. We are hopeful that NCDOT will enter into such an agreement with the Town,
27 however, if NCDOT decides not to enter into an agreement with the Town, and if NCDOT's response is significantly
28 delayed then we may direct our contractor to also pick up vegetative debris along NC 58 at Town expense. We would
29 obviously attempt to avoid this cost, however, depending on the volume of debris and NCDOT's response time, it may
30 be a better strategy from a customer service and community appearance perspective. This decision will be evaluated
31 at that time as necessary.
32

33 The Board should also again note that FEMA and NCEM continue to assert that the Town will not be reimbursed for
34 collection of debris from private streets. This ruling is completely illogical, in my opinion, as the residents on private
35 streets are also Federal and State taxpayers and deserve the same level of service. Regardless of our challenge (and
36 other communities' challenges) to this ruling, FEMA and NCEM have been clear on this issue. Our intention for private
37 streets after future storms is to collect all debris in the same manner as the rest of the Town. Depending on the nature
38 of the storm and the volume of debris, Public Works may be directed to collect from private streets or the Town's
39 contractor will be dispatched to private streets at Town expense. For Hurricane Irene, Public Works staff collected
40 debris from private streets and transported it to a nearby public street right of way, piled it on the public street right of
41 way temporarily, and the Town's contractor then collected the debris from the public right of way in order to preserve
42 the Town's ability to receive FEMA reimbursement. This strategy was effective for Hurricane Irene, and will likely be
43 used again depending on the nature of the storm and the volume of debris. At any rate, I feel strongly that we owe the
44 same level of service to our citizens who live on private streets as we offer to all other residents, and one of these
45 approaches will be utilized to insure that our citizens who live on private streets receive the same level and quality of
46 service as those who live on public streets.
47

48 The attached resolution also authorizes the execution of a contract with Byrd Brothers Emergency Services, Wilson,
49 NC, as the Town's second call contractor at specified unit prices. Byrd Brothers was the second lowest bidder in the
50 Town's recent bid process. The contract with Byrd Brothers would only be activated if TAG Grinding failed to perform
51 under the contract.
52
53
54

1
2 **Motion was made by Commissioner Wright to adopt the 2012 update of the**
3 **Emergency Operations Plan. The Board voted unanimously 5-0 in favor.**
4 **Motion carried.**

5
6 **Motion was made by Commissioner Wootten to adopt the Resolution**
7 **Authorizing Pre-Positioned Hurricane Debris Collection Contract. The**
8 **Board voted unanimously 5-0 in favor. Motion carried.**
9

10 Town Manager Rush pointed out that the Town still had last years emergency
11 generator rental contract and emergency stormwater pump rental contract in
12 effect which is why the Board didn't see that again this year as they were both
13 two year contracts.

14
15 **Clerks Note: A copy of the 2012 Update of the Emergency Operation Plan and Resolution 12-06-**
16 **12/R4 as noted above are incorporated herein by reference and hereby made a part of these minutes.**
17

18 **14. FY 12-13 Budget**

- 19
20 **a. Budget Ordinance**
21 **b. Fee Schedule**
22 **c. 5-Year Capital Replacement / Improvement Program**
23 **d. FY 12-13 Pay Plan**
24

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

28
29 The Board of Commissioners is scheduled to formally consider the FY 12-13 budget ordinance, fee schedule, capital
30 replacement / improvement program, and the Town's official pay plan at the June 12 meeting.
31

32 FY 12-13 Budget Ordinance

33 The attached FY 12-13 budget ordinance is identical to the Town Manager's Recommended Budget presented on May
34 8 and reviewed by the Board at its May 22 and June 5 budget workshop meetings. As you know, the required public
35 hearing was held on June 5, and the FY 12-13 budget ordinance is presented for formal consideration and adoption at
36 the June 12 meeting.
37

38 The total FY 12-13 General Fund budget included in the attached budget ordinance is \$6,971,385, which is a
39 \$181,764, or 2.68% increase from the FY 11-12 adopted budget amount. As discussed previously, the Recommended
40 Budget is essentially a "business as usual" budget, however, it does include several key items that will enable the
41 Town to maintain a high quality standard, promote the efficiency and effectiveness of Town staff, and enhance the
42 "small town atmosphere" and "family beach" image of Emerald Isle. The FY 12-13 General Fund budget includes no
43 new positions, no new capital projects, and relatively static operating expenditures across Town departments.
44 However, a 3.5% cost-of-living adjustment is included for all Town employees, and funding is included for necessary
45 vehicle replacements (including the Town's yard waste collection truck), beach access walkway replacements, and
46 other minor, beneficial capital outlay items.
47

48 The FY 12-13 General Fund budget is balanced with an 11.5 cent property tax rate, which is identical to the current
49 rate. The 11.5 cent tax rate will generate approximately \$3.4 million of property tax revenue for the General Fund in

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1
2 FY 12-13. The General Fund property tax rate of 11.5 cents remains among the lowest of all 21 NC beach towns, with
3 only Wrightsville Beach (9.9 cents) and Sunset Beach (10.5 cents) boasting a lower General Fund property tax rate in
4 FY 11-12. The attached FY 12-13 budget ordinance factors in a \$10 increase in the annual solid waste fee, from \$190
5 (or \$15.83 per month) to \$200 (or \$16.66 per month), and this increase will generate an additional \$58,000 in FY 12-13
6 that will help to fund the replacement of yard waste collection truck. The \$200 annual solid waste fee will generate
7 nearly \$1.3 million to fund 100% of the Town's solid waste services in FY 12-13. Sales tax is the third largest revenue
8 source in the General Fund, with a total of nearly \$1.27 million anticipated in FY 12-13.
9

10 The attached FY 12-13 budget ordinance also includes appropriations for the Town's various Other Funds, including
11 the Beach Nourishment Debt Service Fund, the Future Beach Nourishment Fund, the Powell Bill Fund, the Regional
12 Access Parking Fund, and the Special Drug Fund. The Beach Nourishment Debt Service Fund includes sufficient
13 appropriations from fund balance to make the final debt service payments on the 2004 beach nourishment bonds. The
14 FY 12-13 budget for the Beach Nourishment Debt Service Fund is \$978,500. The Future Beach Nourishment Fund
15 includes an FY 12-13 budget of \$675,051, with revenues derived from a 4.5 cent property tax rate in the Primary
16 Benefit District (oceanfront and inlet-front properties) and a 1.5-cent property tax rate in the Secondary Benefit District
17 (non-oceanfront properties). Both of these rates are identical to FY 11-12. These funds will be reserved for future
18 beach nourishment projects in the Town, including the planned FEMA Irene Beach Nourishment Project that is
19 tentatively scheduled for early 2013.
20

21 The Powell Bill Fund includes appropriations of \$146,491 for street resurfacing and maintenance activities in FY 12-13.
22 These funds will likely be reserved until sufficient funds are on hand to resurface the entire 2.7 mile segment of Ocean
23 Drive in eastern Emerald Isle sometime in 2013 or 2014. The Regional Access Parking Fund, which accounts for
24 parking fee revenues and expenses associated with the operation and maintenance of the Western Ocean Regional
25 Access and Eastern Ocean Regional Access, has a total FY 12-13 budget of \$115,000. The Special Drug Fund
26 includes FY 12-13 appropriations of \$8,000 for the installation of in-car digital cameras in two Police vehicles.
27

28 The Town organization will again operate with 55 paid full-time positions in FY 12-13 (down from 61 in FY 08-09), but
29 also now relies on the service of 6 inmate laborers. Although the Town's workload continues to grow, Town staff
30 continue to meet the demands in our community, and I appreciate their hard work and commitment to maintaining our
31 service levels and high service quality despite the budget challenges of recent years.
32

33 Fee Schedule

34 The Town's official fee schedule for FY 12-13 is presented in conjunction with the budget ordinance. The fee schedule
35 includes only a few changes to Town fees from the current FY 11-12 fee amounts, including 1) the \$10 increase in the
36 annual solid waste fee, 2) an increase in the fee for storm water permits for large scale development projects (from
37 \$500 to \$750), and 3) minor adjustments to a few Community Center / recreation fees.
38

39 5-Year Capital Replacement / Improvement Program

40 I have also attached an updated copy of the 5-Year Capital Replacement / Improvement Program, and request that the
41 Board formally adopt this plan in conjunction with the budget ordinance and fee schedule. The attached plan is
42 identical to the plan included in the Recommended Budget.
43

44 The total investment included in the 5-Year Capital Replacement / Improvement Program is approximately \$13.7
45 million, and is funded with a mixture of pay-as-you-go funding, installment financing proceeds, and Federal, State, and
46 County revenues. The Board should note that approximately \$9.9 million of the total amount is associated with the
47 FEMA Irene Beach Nourishment Project tentatively scheduled for early 2013 and partially funded with significant
48 Federal, State, and County funding sources.
49

50 The updated plan is again less aggressive than previous years, due to the accomplishment of many beneficial projects
51 in recent years and due to the Town's desire to maintain a stable tax rate in future years. Aside from the FEMA Irene
52 Beach Nourishment Project, the most significant item in the plan is the construction of fixed storm water piping from
53 the new Island Circle pump station and from existing Lands End pumps to the Emerald Isle Woods storm water receiving
54 site. The total cost of these storm water improvements is \$725,000, and would be financed with new debt in FY 13-14.

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1
2 The Board will likely have significant discussion about the need for and timing of the proposed additional debt at that
3 time.
4

5 The 5-Year Capital Replacement / Improvement Program also includes requested grant funding for the construction of
6 a new soundside pier at the Emerald Isle Public Boating Access Area in FY 12-13, the replacement of the yard waste
7 collection truck and other Town vehicles in FY 12-13, planned future funding for replacement vehicles in various Town
8 departments (including a new Fire Engine in FY 13-14), annual funding for sidewalk and bicycle path projects and
9 beach walkway replacements, the future purchase of Lot 1 in Shell Cove North subdivision (FY 13-14), and the future
10 construction of a new façade on Fire Station 1 (FY 15-16). With the exception of the new Fire Engine and Lot 1 Shell
11 Cove North purchase (new debt in FY 13-14), all of these items would be financed on a pay-as-you-go basis.
12

13 FY 12-13 Pay Plan

14 I have also attached a copy of the proposed FY 12-13 Pay Plan, and request that the Board formally adopt this plan,
15 effective at the start of the new fiscal year. The proposed FY 12-13 Pay Plan adjusts all salary ranges by 3.5%,
16 consistent with the cost-of-living adjustment budgeted for all Town employees in FY 12-13.
17

18 The Board should note that the FY 12-13 Pay Plan also includes the creation of a new position classification. The
19 "Assistant Public Works Supervisor" classification would be created as a Grade 15 with a salary range of \$31,043 –
20 \$45,944. This position would be the #3 position in the Public Works Department, and would appropriately compensate
21 the employee promoted to this position for higher-level supervisory work in the Public Works Department.
22

23 Additional FY 12-13 Budget Information

24 I have again included summary information about the FY 12-13 Budget in your agenda packets. This summary
25 information is consistent with the budget totals included in the attached FY 12-13 budget ordinance and the attached 5-
26 Year Capital Replacement / Improvement Plan.
27

28 The following information is attached:
29

- 30 • "Quick Summary" of the FY 12-13 Budget
- 31 • "All Funds" Summary
- 32 • General Fund Budget Summary
- 33 • Net Change in Property Tax Bill (for selected property values)
- 34 • Graph – General Fund Property Tax Rate History
- 35 • Town Organization Chart and Summary of Authorized Positions
- 36 • General Fund 5-Year Forecast
- 37 • General Fund Balance Projection
- 38 • Graph – Adjusted General Fund Balance
- 39 • Property Tax Rate Breakdown
- 40 • Itemized Property Tax Receipt
- 41 • 3-Year Comparison
- 42 • 5-Year Comparison
- 43 • 10-Year Comparison
- 44 • Graphs – Annual Solid Waste Service Fee History and Annual Solid Waste Service Fee Revenues
- 45 • Graph - Annual Bill – Average Value Property Owner
- 46 • Graph – Annual General Debt Service Expenditures
- 47 • General Fund Tax Rates for NC Beach Towns
- 48 • Graph – General Fund Revenues
- 49 • Graphs – General Fund Expenditures by Function / Category.
50

51 As you know, the detailed FY 12-13 Recommended Budget was distributed under separate cover on May 8, and
52 copies have been made available for public review at Town buildings since that time. The FY 12-13 Recommended
53

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1
2 Budget has also been posted on the Town's website since May 4. A full copy of the FY 12-13 Approved Budget will
3 also be made available in Town buildings and on the Town's website after Board approval.

4
5 Mayor Schools asked for any comments from the public.

6
7 There were no comments from the public.

8
9 ***Motion was made by Commissioner Messer to adopt the FY 12-13 Budget
10 Ordinance. The Board voted unanimously 5-0 in favor. Motion carried.***

11
12 ***Motion was made by Commissioner Wootten to adopt the FY 12-13 Fee
13 Schedule. The Board voted unanimously 5-0 in favor. Motion carried.***

14
15 ***Motion was made by Commissioner Hoover to adopt the 5-Year Capital
16 Replacement / Improvement Program. The Board voted unanimously 5-0 in
17 favor. Motion carried.***

18
19 ***Motion was made by Commissioner Wright to adopt the FY 12-13 Pay Plan.
20 The Board voted unanimously 5-0 in favor. Motion carried.***

21
22 Clerks Note: A copy of FY 12-13 Budget, FY 12-13 Fee Schedule, 5-Year Capital Replacement /
23 Improvement Program and FY 12-13 Pay Plan as noted above are all incorporated herein by
24 reference and hereby made a part of these minutes.

25
26 **15. Appointments**

27
28 **Brief Summary:** There are currently two vacancies on the Board of Adjustment
29 – one regular slot and one alternate slot. The term of the regular slot expires in
30 May 2014, and the alternate #2 slot expires in May 2013.

31
32 There is also currently one vacancy on the Bicycle and Pedestrian Advisory
33 Committee for a term that expires in December 2012.

34
35 **a. Board of Adjustment – 2 Vacancies**

36 **b. Bicycle and Pedestrian Advisory Committee – 1 Vacancy**

37
38 ***Motion was made by Commissioner Messer to appoint James Normile to a
39 regular term on the Board of Adjustment that expires in May 2014. The
40 Board voted unanimously 5-0 in favor. Motion carried.***

41
42 ***Motion was made by Commissioner Hoover to appoint Don Wells to the
43 Alternate #1 term on the Board of Adjustment that expires in May 2014.
44 The Board voted unanimously 5-0 in favor. Motion carried.***

45
46

1
2 ***Motion was made by Commissioner Wootten to appoint Hank Mahns to the***
3 ***Alternate #2 term on the Board of Adjustment that expires in May 2013.***
4 ***The Board voted unanimously 5-0 in favor. Motion carried.***

5
6 Mayor Schools stated no applications for the vacancy on the Bicycle and
7 Pedestrian Advisory Board had been received at this time.

8
9 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

10
11 There were no comments from the Town Clerk or Town Attorney.

12
13 Town Manager Rush updated the Board on several important issues. Mr. Rush
14 stated they were still working to resolve the issue with the Island Circle Pump
15 station electrical control panel. It was also noted that he would be traveling to
16 Raleigh in the morning to address the House Finance Committee about the
17 proposed 1% Emerald Isle sales tax for beach nourishment; the committee would
18 consider that tomorrow though it seemed unlikely that it could be approved this
19 session. Mr. Rush noted there was a meeting on June 26 about the Master
20 Beach Nourishment Plan and the permitting for that project that would take place
21 in Pine Knoll Shores; hopefully they would have the 50 year permit in hand within
22 the next year or two to set the Town up well for the future.

23
24 The following is an excerpt from the Town Manager Comments memo to the
25 Board providing additional background information for all items of importance:

26
27 **Archers Creek Storm Water BMP Report**

28 I have completed a review of the draft report, and am awaiting the final version from Moffatt & Nichol later this month.
29 The report makes several recommendations on potential future improvements to existing storm water discharge points
30 into Archers Creek, and is funded primarily by a 2008 grant from the NC Clean Water Management Trust Fund. I am
31 planning to have Moffatt & Nichol present the final report at the Board's July 10 regular meeting.

32
33 **Replacement of Yard Waste Truck**

34 Assuming the Board approves funding for the replacement of the Town's yard waste collection truck in the FY 12-13
35 budget, we plan to have a contract recommendation on the Board's July 10 meeting agenda. We are planning to
36 "piggy-back" off of the formal bid process utilized by another local government, and expect to remain within the
37 \$115,000 amount included in the FY 12-13 Recommended Budget.

38
39 **Island Circle Pump Station**

40 SunLand Builders, the Town's contractor, has completed the installation of the pump station housing and the
41 underground infiltration pipe. Unfortunately, we are still working to resolve code issues associated with the elevation
42 and/or flood-proofing of the electrical control panel, and are currently exploring 1) an option whereby the electrical
43 controls would be mounted on a power pole at elevation +13 or greater and accessed by portable ladder and/or 2) an
44 option involving smaller, more economical flood-proof control panel enclosures. I hope to have a final solution
45 identified in the coming days, and have all work completed by the end of June.

46
47 **Proposed Emerald Isle 1% Beach Preservation (Local Option Sales) Tax**

48 Representative McElraft introduced House Bill 1181 - "Emerald Isle Local Option Sales Tax" on May 30, and a copy of
49 the bill is attached. The bill has been referred to the House Committee on Government and the House Finance

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1
2 Committee, and we expect that the bill may be heard in one or both of these committees during the week of June 11 –
3 15.

4
5 **Soundside Pier at Aquarium Pier Site**

6 As of June 6, the new soundside pier at the end of Park Drive is nearly complete, and should be open for public use
7 within the next several days. Parks and Recreation staff will add benches in the grassy area near the seawall. This
8 project is funded 100% by the NC Aquariums, and will be a nice addition for this area.

9
10 **Status of The Aquarium Pier at Emerald Isle / House Budget Provision**

11 The NC House had adopted its 2012-2013 budget, and the approved budget includes a special provision that prohibits
12 the use of State funds for any capital projects not located on the site of the existing aquariums at Pine Knoll Shores,
13 Roanoke Island, and Fort Fisher, unless specifically authorized by the NC General Assembly. A copy of this budget
14 provision is attached. This provision is somewhat disappointing in that it appears that it may be directed at future
15 Aquarium Piers, however, upon further reflection, the provision merely indicates that these types of projects can not
16 move forward unless specifically authorized by the NC General Assembly, which would have been required anyway in
17 order to secure any meaningful amount of State funding in future State budget processes. The Town and the
18 Aquariums certainly recognize and understand the State's current budget challenges, and do not have any realistic
19 expectation that construction funding will be identified anytime soon, and have accepted the fact that the future
20 Aquarium Pier at Emerald Isle is at least 3 - 5 years away, if not longer.

21
22 Because Bogue Inlet Pier has remained open and appears to be thriving, there is less urgency for the Aquarium Pier
23 project at this time. The Town and the Aquariums appear to have some luxury of time in completing the Aquarium Pier
24 at Emerald Isle project. Design work is nearly complete, and the completed plans will remain available to the
25 Aquariums and the Town for a future time when adequate construction funding can be identified. Unless otherwise
26 directed by the Board, I intend to continue to work with the Aquariums to make the Aquarium Pier at Emerald Isle a
27 reality over the long-term, and will continue to pursue reasonable and realistic construction funding scenarios in the
28

29 coming years. In my mind, the project has clearly shifted to more of a long-term goal, but is one that should continue
30 to be pursued with vigor and enthusiasm. I sincerely hope that Bogue Inlet Pier will remain an Emerald Isle landmark
31 for many years, however, the likelihood is that it will be gone at some point in the future, either due to major hurricane
32 damage or a future real estate redevelopment proposal. At the very least, the Town will be ahead of the curve in
33 completing a new ocean fishing pier in the future.

34
35 **State Beach Nourishment Funding Request**

36 As you know, the Town requested a total of \$3 million from the State for the FEMA Irene Beach Nourishment Project
37 tentatively scheduled for early 2013. I am happy to report that the House version of the State's 2012-2013 budget
38 includes a total of \$1,428,000 for this project (excerpt from House budget is attached; also includes \$572,000 for Pine
39 Knoll Shores). Although not the full amount requested, this appears to be a very helpful appropriation, and we remain
40 hopeful that the final version of the State budget will include this funding. We expect the State to finalize its budget in
41 the next month, and bid packages for the FEMA Irene Beach Nourishment Project will be adjusted accordingly.

42
43 The permitting process for the FEMA Irene Beach Nourishment Project is moving along, and we expect to have all
44 permits in hand by early fall 2012, and expect to solicit bids soon thereafter. The project is still on track for early 2013,
45 with sand to be placed in eastern Emerald Isle (in the general vicinity of the numbered streets) and western Emerald
46 Isle (in the general vicinity of Emerald Plantation to Ocean Oaks). Exact reaches to be nourished will be determined
47 later this fall, and will depend on the total amount of State funding appropriated and updated beach profile surveys.

48
49 **Bogue Banks Beach Nourishment Master Plan / EIS**

50 Work continues on the development of a 50-year master plan, EIS, and permitting authorization for future beach
51 nourishment activities along Bogue Banks, including Emerald Isle. A project delivery team meeting with various
52 agencies and stakeholders is scheduled for June 26.

53
54

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1
2 **Coast Guard Road Pavement Markings**

3 We are still planning to have new pavement markings installed on Coast Guard Road between Reed Drive and Ocean
4 Oaks Drive, and are simply waiting for the contractor to arrive to complete the work. The old pavement markings will
5 be removed, the vehicle travel lanes will be centered on the existing asphalt, and higher quality markings will be put
6 down. We hope to have this work completed any day now.

7
8 **Eastern Emerald Isle Storm Water Outfall Removal**

9 Public Works has secured a time extension to complete work on the remaining storm water outfall locations on the east
10 end. The most recent deadline of September 30, 2012 has been extended until May 31, 2013, which will provide more
11 off-season time for Public Works staff to complete this work. This project is funded 100% by a 2008 grant from the NC
12 Clean Water Management Trust Fund.

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

15 The Town's \$75,000 grant application, to be matched with \$25,000 from the Town, was submitted to the NC Division of
16 Coastal Management in mid-April. We hope to learn the outcome of our grant application any day now.

17
18 **Edna Street Beach Access Walkway Replacement**

19 We are still awaiting the issuance of a CAMA permit for the reconstruction of the Edna Street walkway, and hope
20 receive the permit and begin work any day now. A contract has been awarded, and the contractor is ready to begin as
21 soon as the permit is issued.

22
23 **Coast Guard Road Bicycle Path Retaining Walls**

24 I have authorized the use of salary and benefit savings in the FY 11-12 Parks and Recreation Department budget to
25 construct two new retaining walls along the Coast Guard Road bicycle path between Deer Horn Drive and Sea Dunes
26 Drive. The adjacent grade is relatively steep and frequently washes onto the bicycle path in this area. The total cost of
27 this work is approximately \$8,500, and will be complete in the next few weeks.

28
29 **Public Boating Access Area Fence / Plantings**

30 I am currently working with the NC Wildlife Resources Commission to secure funding for the extension of the existing
31 fence near Chapel By The Sea to the eastern property boundary of the boating access area, and also working to
32 secure funding for additional plantings near the fence and in other areas of the main parking lot. I am hopeful that NC
33 WRC will authorize these improvements, and hope to complete these improvements later this summer and fall.

34
35 **Planned NC 58 Bridge Work – Fall, Winter, Spring of 2012-13**

36 NCDOT is planning major bridge repair work from approximately mid-October through May, with significant lane
37 closures between mid-October and mid-March. We continue to work with NCDOT to attempt to minimize
38 inconvenience for our residents, property owners, and visitors as much as possible. I will provide more information to
39 the Board and the public as details are finalized in the coming months and as it gets closer to construction. NCDOT
40 has committed to avoiding significant impacts during the prime tourism season.

41
42 **NC 58 Asphalt Edges**

43 The new NC 58 asphalt is beginning to experience encroachment of grasses from the edges out into the paved
44 shoulder. I have asked Public Works and Parks and Recreation staff to keep an eye on this issue and spray
45 accordingly to prevent the encroachment of grasses onto the pavement.

46
47 **Chief Hargett**

48 Chief Hargett has been cleared to return to work by 1 of the 2 doctors assigned to his care. We expect the second
49 doctor to clear him for return to work in mid or late June. Chief Hargett is anxious to return to work.

50
51
52
53
54

1
2 **17. Comments from Board of Commissioners and Mayor**

3
4 Mayor Schools noted that on August 14, Norm Sanderson the Republican
5 candidate running for the senate seat would be attending the Board meeting.

6
7 Commissioner Messer thanked the Board, Town Staff, and Police Department for
8 remembering his family during the passing of his Dad the past week. He also
9 thanked Frank and Art for personally attending the service and how much that
10 was appreciated by his family.

11
12 Commissioner Wootten asked whether the Board could allow the Town Manager
13 to approve the small dollar amount tax refunds that were reported on the
14 Consent Agenda each month without requiring Board approval.

15
16 Mr. Rush said he would review the statutes to see if that could be handled
17 differently.

18
19 There were no further comments from the Board of Commissioners.

20
21 **18. Closed Session – Pursuant to NCGS 143-318.11(6), for the Purpose of**
22 **Evaluating the Town Manager’s Performance.**

23
24 ***Motion was made by Commissioner Hoover to enter Closed Session –***
25 ***Pursuant to NCGS 143-318.11(6), for the Purpose of Evaluating the Town***
26 ***Manager’s Performance. The Board voted unanimously 5-0 in favor.***
27 ***Motion carried.***

28
29 ***Motion was made by Commissioner Messer to return to Open Session. The***
30 ***Board voted unanimously 5-0 in favor. Motion carried.***

31
32 ***Motion was made by Commissioner Wright to increase the Town Manager’s***
33 ***salary by 3.5% to \$111,366 and also provide a \$5,000 bonus. The Board***
34 ***voted unanimously 5-0 in favor. Motion carried.***

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MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
JUNE 12, 2012
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19. 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 8:45 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk