

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, JUNE 9, 2015 – 6:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6  
7

8    **1. Call To Order**  
9

10 The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
11 order by Mayor Eddie Barber at 6:00 PM in the Town Board Meeting Room.  
12

13   **2. Roll Call**  
14

15 Present for the meeting: Mayor Eddie Barber, Commissioners Tom Hoover, Floyd  
16 Messer, Jim Normile, John Wootten, and Maripat Wright.  
17

18 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
19 Richard Stanley, Finance Director Laura Rotchford, Town Clerk Rhonda Ferebee, Fire  
20 Chief Bill Walker, Police Chief Jeff Waters, and Town Planner Josh Edmondson.  
21

22   **3. Opening Prayer**

23 Mayor Barber offered the Opening Prayer.

24   **4. Pledge of Allegiance**  
25

26 Mayor Eddie Barber led the Pledge of Allegiance.  
27

28   **5. Adoption of Agenda**  
29

30 Town Attorney Richard Stanley stated that the Board should amend the Agenda to add  
31 to Item 18 – Closed Session - NCGS 143-318.11(3) for Purpose of Maintaining  
32 Attorney-Client Privilege.  
33

34   ***Motion was made by Commissioner Hoover to adopt the Agenda as amended.***  
35   ***The Board voted unanimously 5-0 in favor. Motion carried.***  
36

37   **6. Special Presentation – Jim Craig, Planning Board Chairman**  
38

39 Mayor Barber and Town Manager Rush presented outgoing Planning Board Chairman  
40 Jim Craig with a plaque in recognition of his service to the Planning Board for more than  
41 12 years, with the past 9+ years serving in the role of Chairman. Jim relocated to Cape  
42 Carteret recently and the Board wished him well noting that his leadership, knowledge,  
43 and experience would be greatly missed. Jim said that it had been a pleasure to serve

1 Emerald Isle and noted the Town had been led by a very capable crew, and he would  
2 continue to be involved with the Turtle Protection program.

3  
4 **7. Presentation – “Bike the Banks – Crystal Coast Lighthouse Challenge”**  
5 **Proceeds**

6  
7 Ken Stone, Chairman of the Town’s Bicycle and Pedestrian Advisory Committee  
8 formally presented to the Town a check in the amount of \$3,400 representing the net  
9 proceeds from the inaugural “Bike The Banks – Crystal Coast Lighthouse Challenge”  
10 that was held on May 2. Mr. Stone noted they had 97 people show up to ride the 3  
11 different rides, one ride was to Pine Knoll Shores and back, one went to Fort Macon and  
12 back, and for the hard core people who rode to Harkers Island and back that was an 85  
13 mile ride. Mr. Stone said they were already planning for next year to be even better.  
14 Mr. Stone appreciated the work of the Bicycle and Pedestrian Advisory Committee  
15 members which included in addition to himself, Parks and Recreation Director Alesia  
16 Sanderson, Ken Ambrose, Branden Burt, Wanda Collins, Wayne Ryan, Brandon Staton,  
17 Deborah Styron, and Mike Taylor who had since 2010 raised \$250,000 for bicycle and  
18 pedestrian activities and improvements in Emerald Isle.

19  
20 Mayor Barber thanked Ken Stone and the committee for all the hard work and thanked  
21 him for the proceeds of the check to the Town.

22  
23 **8. Introduction of Employees**

- 24  
25 **a. Police Reserve Officers**  
26 **b. Beach patrol / Lifeguard Team**

27  
28 Police Chief Jeff Waters and Fire Chief Bill Walker introduced the Town’s reserve Police  
29 Officers and Beach Patrol / Lifeguards for the benefit of the Board and the public now  
30 that the summer season had begun.

31  
32 The Town employs the following reserve Police Officers:

33

Amin Lopez	Christina Norman	Craig Shafer
Ronnie Hall	Tony Romano	David Halsey
Christopher Burroughs	Jessica Newman	Jacob Smith
Richard Sherin	Jonathan Barratt	Kerry Caldwell
Mike Panzarella		

34  
35 The Town employs the following Beach Patrol / Lifeguard members:

36

Liz Anderson	McKayla Edgren	Mallory Sunda
Jordan East	Jasmine Edgren	Ryan Lundquist

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Christopher Moody  
Lindsay Haynes

Zachary Leonard

Brandon Jones

1  
2 The Board and public applauded the employees for their service for the Town.  
3

4 **9. Proclamation / Public Announcements**  
5

6 Mayor Barber noted the following Proclamation and announcements for the public.  
7

8 **a. Rip Current Awareness Week – June 7 – 13, 2015** (15-06-09/P1)

- 9 • **Western Carteret Public Library Fundraiser – Wed, June 10 – 12 noon –**  
10 **Western Park – “The Widow Spy”**
- 11 • **Friday Free Flick – Friday, June 12 – 7 pm – Community Center – “Big**  
12 **Hero 6”**
- 13 • **Summer Day Camp Begins – Monday, June 15 – Community Center**
- 14 • **Youth Tennis Camp – June 15 – 19 – Blue Heron Park Tennis Courts**
- 15 • **Police Educating The Public (PEP) – Tuesday, June 16 – 10 am – Town**  
16 **Board Meeting Room – Gun Safety**
- 17 • **EmeraldFest Concert – Thursday, June 18 – 6:30 – 8:00 pm – WORA –**  
18 **“Pure T Mommicked”**
- 19 • **Laser Light Dance Party – Friday, June 19 – 7 – 10:30 pm – Community**  
20 **Center**
- 21 • **“The Longest Day” (Alzheimers Disease) Beach Walk – Sat, June 20 – 5 –**  
22 **8:30 pm – WORA**
- 23 • **Planning Board Meeting – Monday, June 22 – 6 pm – Town Board Meeting**  
24 **Room**
- 25 • **Laser Light Dance Party – Tuesday, June 23 – 7 – 10:30 pm – Community**  
26 **Center**
- 27 • **Coffee With a Cop – Thursday, June 25 – 9 am – Emerald Grill**
- 28 • **EmeraldFest Concert – Thursday, June 25 – 6:30 – 8:00 pm – Western**  
29 **Ocean Regional Access – “Selah Dubb”**
- 30 • **American Red Cross Blood Drive – Friday, June 26 – 2 – 7 pm – Community**  
31 **Center**
- 32 • **Groundbreaking – Sen Jean Preston Memorial Playground – Fri, June 26 –**  
33 **4 pm – Public Boating Access Area**
- 34 • **Beach Safety Course – Monday, June 29 – 10 am – Town Board Meeting**  
35 **Room**
- 36 • **EmeraldFest Concert – Thursday, July 2 – 6:30 – 8:00 pm – Western Ocean**  
37 **Regional Access- “4EverAll”**
- 38 • **July 4<sup>th</sup> Holiday – Friday, July 3 – Town Offices Closed, Community Center**  
39 **Open July 3 and Closed on July 4**
- 40 • **July 4<sup>th</sup> Fireworks – Saturday, July 4 – 9 pm – Bogue Inlet Pier**

- 1 • **EmeraldFest Concert – Thursday, July 9 – 6:30 – 8:00 pm – WORA – “Justin**
- 2 **Castellano”**
- 3 • **Friday Free Flick – Friday, July 10 – 7 pm – Community Center – “Penguins**
- 4 **of Madagascar”**
- 5 • **Board of Commissioners Regular Meeting – Tuesday, July 14 – 6 pm –**
- 6 **Town Board Meeting Room**
- 7

8 **Clerks Note:** A copy of Proclamation 15-06-09/P1 as referenced above are incorporated herein by reference  
9 and hereby made a part of these minutes.

10  
11 **10. Public Comment**

12  
13 **Brief Summary:** The public will have the opportunity to address the Board about any  
14 items of concern not on the agenda.

15  
16 There were no comments from the public.

17  
18 **11. Consent Agenda**

- 19
- 20 a. **Tax Releases**
- 21 b. **Resolution Supporting Connect NC Bond Proposal (15-06-09/R1)**
- 22 c. **Budget Amendments – General Fund, Half-Marathon Fund**
- 23 d. **Capital Project Ordinance Amendments – Various Projects**
- 24

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

27  
28 **Clerks Note:** A copy of Resolution 15-06-09/R1 and all other Consent Agenda items as referenced above are  
29 incorporated herein by reference and hereby made a part of these minutes.

30  
31 **12. Pamlico Sound Regional Hazard Mitigation Plan**

- 32
- 33 a. **Public Hearing**
- 34 b. **Resolution Adopting Regional Hazard Mitigation Plan (15-06-09/R2)**
- 35

36 Josh Edmondson addressed the Board concerning this Agenda item. The following  
37 excerpt from his memo to the Town Manager is provided for additional background:

38  
39 Hazard mitigation is the practice of reducing risks to people and property from natural disasters. Hazard  
40 Mitigation involves recognizing and adapting to natural forces, and is defined by FEMA as any sustained  
41 action taken to reduce long-term risk to human life and property from natural hazards. A fundamental  
42 premise of hazard mitigation is that current dollars invested in mitigation will significantly reduce the  
43 demand for future expenditures by reducing the extent of emergency recovering, repair, and reconstruction  
44 following a disaster.  
45

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1 In the early 1990s, a new federal policy regarding disasters began to evolve. Rather than simply reacting  
2 whenever disasters strike communities, the federal government would encourage communities to first  
3 assess their vulnerability to various disasters, and then take actions to reduce or eliminate potential risks.  
4 The logic is simply that a disaster resistant community can rebound from a natural disaster with less loss  
5 of property or human injury, at much lower cost, and consequently more quickly. Moreover, other costs  
6 associated with disasters, such as the time lost from productive activity by business and industries, are  
7 minimized.  
8

9 The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. Law 93-288, as amended)  
10 embodies this new philosophy. Section 409 of the Stafford Act sets forth the requirements that  
11 communities evaluate natural hazards within their respective jurisdictions and develop an appropriate plan  
12 of action to mitigate those hazards. The amended Stafford Act requires that the community identify potential hazards to the  
13 health, safety and well-being of its residents and identify and prioritize actions that can be taken by the community to mitigate  
14 those hazards – before disaster strikes. For communities to remain eligible for hazard mitigation assistance from the federal  
15 government, they must first prepare a hazard mitigation plan (this plan). These plans may be developed at the municipal, county,  
16 or regional level.  
17

18 Responsibility for fulfilling the requirements of Section 409 of the Stafford Act and administering the FEMA  
19 Hazard Mitigation Program, as outlined in the Code of Federal Regulations (44 CFR 206.405), has been  
20 delegated to the State of North Carolina, specifically to the North Carolina Division of Emergency  
21 Management (NCEM). The Disaster Mitigation Act of 2000 (DMA 2K) amended the Robert T. Stafford Disaster Relief and  
22 Emergency Assistance Act (the Act) by repealing the previous mitigation planning provisions (Section 409) and replacing them  
23 with a new set of mitigation plan requirements (Section 322). This new section emphasizes the need for state, tribal, and local  
24 entities to closely coordinate mitigation planning and implementation efforts.  
25

26 On July 1, 2008, FEMA issued a revised version of the *Local Multi-Hazard Mitigation Planning Guidance*  
27 (“Blue Book”), which is the standard utilized for preparation of this plan. Among the most significant  
28 changes in the planning guidelines reflected in this update are 1) estimation of the numbers and types of  
29 structures that have experienced repetitive flood losses, 2) identification of actions to ensure continued  
30 local compliance with the National Flood Insurance Program (NFIP), and 3) integration of Community Rating System (CRS)  
31 planning initiatives with the overall hazard mitigation planning process.  
32

33 The Pamlico Sound Regional Hazard Mitigation Plan (HMP) is being completed to attain the following goals:

- 34 • Promote the public health, safety, and general welfare of residents and minimize public  
35 and private losses due to natural hazards.
- 36 • Reduce the risk and impact of future natural disasters by regulating development in known  
37 high hazard areas.
- 38 • Pursue funds to reduce the risk of natural hazards to existing developments where such  
39 hazards are clearly identified and the mitigation efforts are cost-effective.
- 40 • Effectively expedite post-disaster reconstruction.
- 41 • Provide education to citizens that empower them to protect themselves and their families  
42 from natural hazards.
- 43 • Protect fragile natural and scenic areas within the planning jurisdiction.
- 44 • Improve upon regional emergency service provision and response.  
45

46 These goals were developed through discussions with the Mitigation Advisory Committee (MAC) and served as the foundation  
47 for the development of regional and local strategies outlined within Section 6 of the plan. Hazard mitigation planning is intended  
48 to construct a framework for the prevention and reaction to  
49 disasters if and when they may occur. The framework created by this plan will help to instill an ongoing  
50 effort to lessen the impact that disasters have on citizens and property throughout the region. There are  
51 many aspects of mitigation planning that cannot be addressed at the regional level. In order to address this

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1 issue, this plan will outline strategies that will address both regional mitigation initiatives and strategies that  
2 serve the needs of each individual participating jurisdiction.  
3

4 Attached to this memo is a Resolution to adopt the Pamlico Sound Regional Hazard Mitigation Plan. Adoption of a Hazard  
5 Mitigation Plan is required in order to receive Federal Assistance during and after a Hazardous Event. I look forward to  
6 discussing this issue with the Board of Commissioners at its June 9 meeting. Please let me know if you have any questions  
7 regarding the foregoing information.  
8  
9

10 Town Planner Josh Edmondson highlighted the key strategies and goals included in the  
11 regional plan. Planner Edmondson stated that this hazard mitigation plan was a  
12 requirement in order for the Town to receive assistance from FEMA in the event of a  
13 natural disaster. Mr. Edmondson pointed out that the Town of Emerald Isle already  
14 went above and beyond what is listed in the plan for hazard mitigation. Mr. Edmondson  
15 felt that the Town at this point participating with Carteret County would be a great  
16 benefit, adding that the State was pushing for these regional type plans and were trying  
17 to have municipalities and counties to join together and consolidate.  
18

19 Commissioner Wootten complimented Town Planner Edmondson on his lead in about  
20 the whole mitigation program and stating he felt it was the best he had seen in a long  
21 time.  
22

23 ***Motion was made by Commissioner Normile to open the Public Hearing. The***  
24 ***Board voted unanimously 5-0 in favor. Motion carried.***  
25

26 There were no comments from the public.  
27

28 ***Motion was made by Commissioner Wright to close the Public Hearing. The***  
29 ***Board voted unanimously 5-0 in favor. Motion carried.***  
30

31 ***Motion was made by Commissioner Hoover to approve the Resolution Adopting***  
32 ***the Pamlico Sound Regional Hazard Mitigation Plan. The Board voted***  
33 ***unanimously 5-0 in favor. Motion carried.***  
34

35 **Clerks Note:** A copy of Resolution 15-06-09/R2 as referenced above is incorporated herein by reference and  
36 hereby made a part of these minutes.  
37

38 **13. Exterior Paint Color review – Plaza Mexico Restaurant**  
39

40 Josh Edmondson addressed the Board concerning this Agenda item. The following  
41 excerpt from his memo to the Town Manager is provided for additional background:  
42

43 At the May 26, 2015 meeting of the Planning Board, Town staff discussed with the Board a request from  
44 the Plaza Mexico Restaurant, to review the Peach color of the exterior walls of the Restaurant. The Unified  
45 Development Ordinance (UDO) requires that existing and proposed commercial structures must meet

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1 certain color guidelines. Those proposed exterior structure colors for facades and walls should be of low  
2 reflectance, subtle, neutral, or of earth tone colors. Building trim and accent areas may feature brighter  
3 colors. Because this is an existing commercial structure, paint colors must be approved by the Town prior  
4 to the painting or repainting of the structure. The Planning Director can approve the repainting of an  
5 existing structure based on the criteria set forth above or request review by the Planning Board and  
6 approval by the Board of Commissioners if doing so is in the interest of maintaining a family beach image.  
7

8 The UDO does not define earth tones (which may or may not include some or all hues of orange) and there  
9 is question if the proposed color meets the intent of the Towns Ordinance. The owners already painted the  
10 building because they were unaware of the Towns regulations regarding the painting of commercial  
11 structures. Following the discussion of this proposed Peach paint color of the Plaza Mexico by the  
12 Planning Board, the Board voted 3-1 to recommend to the Board of Commissioners that the proposed color  
13 presented by Town staff be approved. Attached to this memorandum you will find a photograph of the  
14 Restaurant portraying the color requested. I look forward to discussing these issues with the Board of  
15 Commissioners at its June 9 meeting. Please let me know if you have any questions regarding the  
16 foregoing information.  
17

18 Town Planner Josh Edmondson noted that the new Plaza Mexico Restaurant opened  
19 up recently on Memorial Day weekend had already painted their building. Mr.  
20 Edmondson stated that they had not done so intentionally but were not aware of the  
21 Town requirements. Mr. Edmondson said once he spoke with them they were more  
22 than willing to come in and follow the right procedures to make their request heard.  
23 Mr. Edmondson said their request was to allow them to keep the color they had painted  
24 the building which was a peach color. Mr. Edmondson felt while he didn't know if it met  
25 the intent of the earth tone, low reflective, subtle type color, he did feel in this instance  
26 the color was toned down, and he felt they did a good job in adding the brown accents  
27 to help tone the color. Mr. Edmondson said it was staff's opinion he felt it was a more  
28 toned down color than probably what was previously approved for the Emerald Club.  
29 Mr. Edmondson reiterated that the applicants were not aware of the requirements of the  
30 Town but they had been more than willing to comply and go through the proper  
31 procedures.  
32

33 Commissioner Hoover felt the building was done well and in good taste and the color  
34 was a type of earth tone. Commissioner Wright felt it looked like adobe which she  
35 considered an earth tone. Commissioner Hoover suggested that this information would  
36 be put in new business packets. Mr. Edmondson agreed and noted that with a new  
37 building the paint color was addressed during the new construction process, however, it  
38 had not been adequately addressed for new business owners who want to repaint but it  
39 would be in the future for new business applications. Commissioner Messer also felt it  
40 met the earth tones.  
41

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1 ***Motion was made by Commissioner Wootten to approve the proposed exterior***  
2 ***color for the Plaza Mexico Restaurant. The Board voted unanimously 5-0 in favor.***  
3 ***Motion carried.***

4  
5 **14. FY 15-16 Budget**

- 6  
7 **a. Budget Ordinance**  
8 **b. Fee Schedule**  
9 **c. 5-Year Capital Replacement / Improvement Program**  
10 **d. FY 15-16 Pay Plan**

11  
12 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
13 following excerpt from his memo to the Board is provided for additional background:

14  
15 The Board of Commissioners is scheduled to formally consider the FY 15-16 budget ordinance, fee  
16 schedule, capital replacement / improvement program, and FY 15-16 pay plan at the June 9 meeting.

17  
18 **FY 15-16 Budget Ordinance**

19 The attached FY 15-16 budget ordinance is identical to the Town Manager's Recommended Budget  
20 presented on May 12 and reviewed by the Board at its May 28 budget workshop meeting. As you know,  
21 the required public hearing was held on May 28, and the FY 15-16 budget ordinance is presented for formal  
22 consideration and adoption at the June 9 meeting.

23  
24 The total FY 15-16 budget across all funds is \$9,266,939, a \$580,824, or 6.7% increase from the adopted  
25 FY 14-15 budget. The General Fund is the largest component of the Town's budget, with total  
26 expenditures of \$8,902,435, which is a \$448,307, or 5.3% increase from the adopted current year budget.  
27 The Future Beach Nourishment Fund budget is \$672,504, which includes a \$400,000 transfer from the  
28 General Fund, with the full amount reserved for future beach nourishment activities. Appropriations are  
29 also included for the Half-Marathon Fund (\$92,000) and the Separation Allowance Fund (\$16,793).

30  
31 As you know, FY 15-16 is the first budget utilizing the new 2015 tax values assigned by Carteret County  
32 earlier this year, which decreased the total assessed value of the Town by nearly 10% to approximately  
33 \$2.7 billion. In accordance with the Board's top budget priority, the attached budget ordinance incorporates  
34 "revenue-neutral" property tax rates that will generate nearly \$4.45 million of property tax revenue in FY 15-  
35 16, approximately equal to the amount of property tax revenue generated in FY 14-15. The General Fund  
36 tax rate included in the attached budget ordinance for FY 15-16 is 15.5 cents per \$100 of assessed value,  
37 with 14 cents allocated for general services and 1.5 cents specifically earmarked for beach nourishment.  
38 The 15.5 cent rate is actually less than the "revenue-neutral" rate of 15.61 cents, thereby resulting in  
39 slightly less property tax revenue in the General Fund. The Primary Benefit District (oceanfront and inlet-  
40 front properties only; for beach nourishment) property tax rate included in the attached budget ordinance is  
41 4 cents, which is slightly more than the "revenue-neutral" rate of 3.42 cents. Under this strategy, property  
42 owners in the Primary Benefit District (overall) will pay more property taxes in the Future Beach  
43 Nourishment Fund, but will pay less property taxes to the General Fund due to the fact that, overall,

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1 oceanfront and inlet-front property values decreased by more than other properties in the Town. It is  
2 important to note, however, that individual property tax bill impacts will vary significantly depending on the  
3 actual change in the assessed value of individual properties. The overall tax bill for most properties in the  
4 Town will change very little (increases and decreases), while some properties will experience larger  
5 decreases or increases.

6  
7 The FY 15-16 budget incorporates an \$18 increase in the annual solid waste fee that is charged to all  
8 developed residential properties in Emerald Isle. This increase is expected to generate nearly \$130,000 of  
9 additional revenue in the General Fund that will be used to purchase a new (second) yard debris collection  
10 truck and fund an additional Town employee to operate the truck (with assistance from an additional inmate  
11 laborer). The \$18 increase will result in a total annual solid waste fee of \$228, which equates to \$19 per  
12 month for all Town solid waste services (trash, recycling, yard debris collection, beach strand collection,  
13 and more). As you know, the demand for yard debris collection has more than doubled in the past two  
14 years, and the Town often lags behind our one-week collection goal during spring, summer, and fall months  
15 when demand is high. This fee increase, and the associated yard debris service improvements, should  
16 enable Town staff to maintain timely and quality service.

17  
18 With the exception of the yard debris collection initiative described above, there are no significant new  
19 initiatives in the FY 15-16 budget. The budget includes sufficient resources to enable Town staff to  
20 maintain the high service quality expectations of our residents and visitors, and includes funding to  
21 compensate Town employees fairly, replace necessary vehicles and capital equipment, meet inflationary  
22 and other service demand pressures, and enhance staff capabilities. Importantly, the FY 15-16 budget also  
23 incorporates recent strategic organizational adjustments in the Police Department (elimination of late night  
24 customer service hours), Parks and Recreation (convert administrative position to parks maintenance  
25 position), and Planning and Inspections (expand contract with Carteret County for building inspections  
26 services) that will enable the Town to achieve higher priority community goals and better control  
27 expenditures in the future. With the completion of several significant capital projects in recent years, the FY  
28 15-16 budget focuses more on service quality than capital improvements, but does incorporate two  
29 beneficial projects to be funded by outside funding sources – 1) the installation of decorative lighting along  
30 the bike path and sidewalks in the “downtown” area, and 2) the construction of the planned Senator Jean  
31 Preston Memorial Playground near the public boating access facility.

32  
33 In addition to the items discussed above, some of the more notable items in the FY 15-16 budget are  
34 highlighted below:

- 35
- 36 • a total of \$1,762,800 of sales tax revenue is anticipated in the General Fund, representing nearly  
37 20% of General Fund revenues; this amount assumes no harmful changes to the sales tax  
38 distribution formula occur at either the State or County level,
  - 39 • General Fund balance is projected at approximately \$2.03 million at June 30, 2015; no reliance on  
40 General Fund balance for FY 15-16 budget,  
41  
42

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- 1 • a 2% cost of living adjustment is included for all Town employees, at a total additional annual cost  
2 of \$66,508,  
3
- 4 • additional health insurance costs are budgeted for all full-time employees, at a total additional  
5 annual cost of \$55,880,  
6
- 7 • an additional \$47,000 is included for EI EMS, Inc. to rely more on paid personnel, increasing the  
8 total Town contribution for EMS to \$377,000,  
9
- 10 • a total of \$50,000 is included for the replacement of beach access walkways at 18<sup>th</sup> Street, Bryan,  
11 and Nina,  
12
- 13
- 14 • funding is included for the replacement of Police and Parks and Recreation vehicles (\$102,000),  
15
- 16 • funding is included for the installation of a new electronic community information sign to be located  
17 near the NC 58 / Coast Guard Road intersection (\$10,000),  
18
- 19 • a total of \$10,000 is budgeted for the installation of new beach vehicle ramp gates to improve the  
20 aesthetics of these features, and  
21
- 22 • the budget includes a \$400,000 transfer from the General Fund to the Future Beach Nourishment  
23 Fund (derived from the 1.5 cent tax rate equivalent earmarked in the General Fund tax rate), which  
24 is supplemented by approximately \$272,504 of special district property tax revenue (derived from  
25 the 4 cent tax rate in the oceanfront / inlet-front district) in the Future Beach Nourishment Fund.  
26

27 At the May 28 budget workshop meeting, the Board directed Town staff to identify a more reasonably  
28 priced piece of equipment to perform edging tasks along the Town's 11 miles of bicycle path (ideally  
29 significantly less than the \$30,000 amount quoted in previous discussions). Town staff are researching  
30 options at this time, and if an acceptable piece of equipment is identified we will either utilize available  
31 funds in the FY 14-15 budget between now and June 30 or recommend a FY 15-16 budget amendment  
32 after July 1.  
33

34 Under the FY 15-16 budget, the Town organization will operate with 55 paid full-time positions, two less  
35 than FY 14-15. Town staff continue to work hard to meet the demands in our community, and I appreciate  
36 their commitment to maintaining our service levels and high service quality despite ever-increasing  
37 expectations.  
38

39 Fee Schedule

40 The Town's official fee schedule for FY 15-16 is presented in conjunction with the budget ordinance. The  
41 fee schedule includes the following fee increases (indicated in **bold** text in the attached fee schedule):  
42

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- 1       • the \$18 increase in the annual solid waste fee (discussed above) charged to all developed  
2       residential properties,  
3
- 4       • the establishment of new fees for fingerprint services performed by the Police Department for  
5       individuals required to submit documentation to third parties (for employment, etc.); the new fees  
6       are \$10.00 for print copies and \$45.00 for electronic submittal,  
7
- 8       • an increase in the fee for “Emerald Isle.....A Family Beach” license plates from \$2.00 to \$10.00  
9       each; this fee has not been increased in many years, and  
10
- 11       • the formal establishment of an “insufficient funds fee” for returned checks; equal to \$25 or 10% of  
12       the check; to be levied at the discretion of the Finance Director (our intent is to only levy this fee in  
13       egregious circumstances).  
14

15 The Board should note that the license plate fee increase and the insufficient funds fee were not originally  
16 indicated in the Recommended Budget and were not previously discussed with the Board at the budget  
17 workshop meeting on May 28, but Town staff believe they are relatively minor and prudent for the Board to  
18 consider.  
19

20 All other Town fees for FY 15-16 are identical to the FY 14-15 fees.  
21

22 5-Year Capital Replacement / Improvement Program

23 I have also attached an updated copy of the 5-Year Capital Replacement / Improvement Program, and  
24 request that the Board formally adopt this plan in conjunction with the budget ordinance and fee schedule.  
25 The attached 5-year plan is nearly identical to the plan included in the Recommended Budget and  
26 discussed on May 28, but includes one key change regarding a planned new Fire Station 1.  
27

28 The total investment included in the attached 5-Year Capital Replacement / Improvement Program is  
29 approximately \$5.05 million, and is funded with a mixture of pay-as-you-go funding, installment financing  
30 proceeds, State grant funding, and fundraising proceeds. The Board should note that \$684,000 of the  
31 amount in the plan would be funded by NCDOT for new traffic signal poles (total planned expense of  
32 \$720,000), and there is also a total of \$1.85 million of new debt anticipated to be issued in FY 18-19. Of  
33 this planned new debt, \$850,000 is associated with the planned replacement of the Town’s Fire ladder  
34 truck, and an additional \$1 million is, at this time, a “placeholder” for future improvements to Fire Station 1.  
35 At the May 28 budget workshop meeting, the Board questioned the recommended allocation of \$2.5 million  
36 in FY 18-19 for the construction of a new Fire station, and instead directed Town staff to identify other less  
37 costly alternatives to consider in the next few years (likely involving expansion and renovation of the  
38 existing Fire Station 1). At this time, the attached 5-year plan includes \$1 million for this effort, however,  
39 this amount will be refined in the next few years as different alternatives are evaluated.  
40

41 The remaining approximately \$2.48 million over the 5 year period is primarily allocated for scheduled  
42 vehicle and equipment replacements, annual street resurfacing, and other relatively smaller projects.  
43

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1 FY 15-16 Pay Plan

2 The Board is also asked to approve the attached FY 15-16 Pay Plan at the June 9 meeting.

3

4 The Board should note that the attached Pay Plan does not include any across-the-board adjustments to  
5 the Town's official pay plan at this time. As noted above, the FY 15-16 budget includes 2% cost of living  
6 adjustments for all Town employees, and these will be implemented in July for all Town employees. In  
7 most years, the Board has also adjusted the hiring rates and salary ranges for full-time positions each year  
8 (by the amount of the annual COLA increase) in conjunction with the adoption of the annual budget,  
9 however, I am not recommending any across-the-board adjustments to the pay plan for FY 15-16. This  
10 approach will help to provide further separation between existing Town employees just above the minimum  
11 of the Town's salary ranges and any new hires during FY 15-16.

12

13 The Board should note, however, that the attached FY 15-16 Pay Plan does include a few specific changes  
14 to the grade assigned to certain positions. The recommended grade changes are as follows:

15

16 • the conversion of the Planning and Inspections Director class to a new Town Planner class, and a  
17 change in the grade from a 25 to a 23 (to reflect the recent change in organizational structure),

18

19 • the removal of the Assistant Town Manager label from the Finance Director class title (would  
20 remain at grade 25),

21

22 • a change in the Town Clerk / HR Specialist grade from 22 to 25 to put this position on par with  
23 other Town department heads,

24

25 • a change in the Parks and Recreation Director and Public Works Director grade from 24 to 25 to  
26 put these positions on par with other Town department heads,

27

28 • a change in the Fire Chief grade from 25 to 26 to match the grade for the Police Chief, and

29

30 • the establishment of the Assistant Fire Chief (currently grade 21) and Assistant Police Chief  
31 (currently grade 22) positions at grade 23 to match one another.

32

33 Additional FY 15-16 Budget Information

34 I have again included summary information about the FY 15-16 Budget in your agenda packets. This  
35 summary information is consistent with the budget totals included in the attached FY 15-16 budget  
36 ordinance and the attached 5-Year Capital Replacement / Improvement Plan.

37

38 The following information is attached:

39

40 • "Quick Summary" of the FY 15-16 Budget

41

42 • "All Funds" Summary

43

44 • General Fund Budget Summary

45

46 • Net Change in Annual Town of Emerald Isle Tax Bill (for selected property values)

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- 1 • Graph – General Fund Property Tax Rate History
- 2 • Graph – Primary Benefit District Property Tax Rate History
- 3 • Town Organization Chart and Summary of Authorized Positions
- 4 • General Fund 5-Year Forecast
- 5 • Graph – Adjusted General Fund Balance
- 6 • Property Tax Rate Breakdown
- 7 • Itemized Property Tax Receipt
- 8 • Graphs – Annual Solid Waste Service Fee History and Annual Solid Waste Service Fee Revenues
- 9 • Graph - Annual Bill – Average Value Property Owner
- 10 • General Fund Tax Rates for NC Beach Towns (FY 14-15 Actual)
- 11 • Graph – General Fund Revenues
- 12 • Graphs – General Fund Expenditures by Function / Category.

13  
14 As you know, the detailed FY 15-16 Recommended Budget was distributed under separate cover on May  
15 12, and copies have been made available for public review since that time. The FY 15-16 Recommended  
16 Budget has also been posted on the Town's website since May 8. A full copy of the FY 15-16 Approved  
17 Budget will also be made available in Town buildings and on the Town's website after Board approval.

18  
19 I will be happy to answer any questions about the budget ordinance, fee schedule, capital replacement /  
20 improvement program, and pay plan at the June 9 meeting.

21  
22 Town Manager Rush presented for the Board's consideration the FY 15-16 budget  
23 ordinances, fee schedule, capital replacement / improvement program, and pay plan.  
24 Mr. Rush summarized all budget information for the Board as outlined in the above  
25 memo to the Board.

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

28  
29 There were no comments from the public.

30  
31 ***Motion was made by Commissioner Wright to adopt the FY 15-16 Budget***  
32 ***Ordinance. The Board voted unanimously 5-0 in favor. Motion carried.***

33  
34 ***Motion was made by Commissioner Hoover to adopt the FY 15-16 Fee Schedule.***  
35 ***The Board voted unanimously 5-0 in favor. Motion carried.***

36  
37 ***Motion was made by Commissioner Messer to adopt the 5-Year Capital***  
38 ***Replacement / Improvement Program. The Board voted unanimously 5-0 in favor.***  
39 ***Motion carried.***

40  
41 ***Motion was made by Commissioner Wootten to adopt the FY 15-16 Pay Plan. The***  
42 ***Board voted unanimously 5-0 in favor. Motion carried.***

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1  
2 Mayor Barber thanked the town staff and Commissioners for their diligent work over the  
3 past months on the budget, and as Mayor was proud of how the town staff and  
4 commissioners worked together to get to this point tonight.

5  
6 **Clerks Note: A copy of FY 15-17 Budget Ordinance, FY 15-16 Fee Schedule, 5-Year Capital Replacement /**  
7 **Improvement Program, and FY 15-16 Pay Plan as referenced above are incorporated herein by reference and**  
8 **hereby made a part of these minutes.**  
9

10 **15. Ordinance Amending Chapter 10 – Business Regulations – of the Code of**  
11 **Ordinances (Comprehensive Review)**

12  
13 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
14 following excerpt from his memo to the Board is provided for additional background:  
15

16 As part of the Town’s ongoing comprehensive review of all Town ordinances, the Board of Commissioners  
17 is scheduled to consider proposed amendments to Chapter 10 of the Code of Ordinances at the June 9  
18 meeting. Chapter 10 is currently titled “Licenses and Business Regulations”, and would be retitled simply  
19 as “Business Regulations” if the attached ordinance amendment is adopted.  
20

21 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify,  
22 and ideally condense and simplify the entire Code of Ordinances of the Town of Emerald Isle. The Town is  
23 now nearly 58 years old, and numerous ordinance amendments have been made over the years with input  
24 by many different groups and individuals, all likely with good intentions, and sometimes there are  
25 unintended impacts on or conflicts with other ordinance provisions. State law and common practice also  
26 change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may  
27 be helpful for the Town to critically ask itself if it really needs certain ordinance provisions, and also if new  
28 policies are warranted.  
29

30 As discussed previously, my goal is for Town staff and me to complete a comprehensive review of all Town  
31 ordinances with a critical eye. During this review, conflicting or confusing provisions are being targeted for  
32 clarification, unnecessary provisions are being targeted for elimination, and in some cases out of date or  
33 un-enforced provisions are being targeted for elimination. The Board previously reviewed and approved  
34 comprehensive amendments to the Town Charter, Chapters 1 – 9, and Chapter 14, and comprehensive  
35 amendments to Chapter 10 are on the Board’s June 9 meeting agenda. In the case of Chapter 10, there  
36 are also significant policy changes that the Board should be aware of, and weigh in appropriately on these  
37 changes.  
38

39 The attached ordinance amendment was drafted by me, with significant input from Town Attorney Richard  
40 Stanley, Police Chief Jeff Waters, Town Planner Josh Edmondson, and Trey Allen, an attorney at the UNC  
41 School of Government. The attached ordinance amendment includes a clean version of the proposed new  
42 Chapter 10, and I have also attached a separate version using the underline and ~~strikethrough~~ features to  
43 show the specific differences in the proposed ordinance amendment.  
44

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1  
2 Chapter 10 has been amended many times over the years, and currently only includes 1) a regulation  
3 prohibiting the sale of goods or merchandise on public sidewalks and 2) regulations pertaining to taxicab  
4 services in Emerald Isle. The Town's regulations pertaining to taxicab services were simplified in 2006,  
5 and are generally less involved than many other municipal taxicab ordinances. Essentially, the Town's  
6 ordinance requires that all taxicab drivers receive a permit from the Police Department, maintain relatively  
7 clean driving and criminal histories, and maintain proper insurance. The primary goal of the ordinance is to  
8 provide a mechanism for the Police Department to be aware of the taxicab drivers originating within  
9 Emerald Isle.

10  
11 The attached ordinance amending Chapter 10 relocates Taxicab Services from Article V. to Article I., and  
12 includes only minor formatting and stylistic changes that do not change the substance of the Town's  
13 regulations. The most significant changes in the proposed new Chapter 10 include the addition of a new  
14 Article II. that would now regulate towing services in Emerald Isle, and also the relocation of the Town's  
15 ordinances prohibiting / regulating itinerant and satellite merchants from Chapter 6 (Planning and  
16 Inspections / Building Regulations) to the new Chapter 10. The new Article III., itinerant and satellite  
17 merchants, includes three additional exemptions that would expand the ability for satellite merchants to  
18 operate in Emerald Isle.

19  
20 The most significant changes in the proposed new Chapter 10 are noted below:

- 21
- 22 • The provision prohibiting the sale of goods or merchandise on public sidewalks has been  
23 eliminated, and will be added to Chapter 17 – Streets and Sidewalks when that chapter is updated.  
24
  - 25 • Article II. includes new language that formally regulates towing services provided by private towing  
26 companies for private businesses. This new language is modeled closely after the Town's current  
27 ordinance provisions requiring taxicab driver's permits, and establishes a new towing services  
28 operator's permit with standard criminal history and driving history checks. Similar to taxicab  
29 services, the primary goal of the proposed ordinance is to provide a mechanism for the Police  
30 Department to be aware of the towing services operating in Emerald Isle.  
31
  - 32 • Article II. also establishes standards for the towing of vehicles from private lots. There have been  
33 recent issues involving private towing services, and in an effort to be fair to Emerald Isle  
34 businesses (who have every right to have an unauthorized vehicle towed from their lot) and to  
35 those towed, there are provisions requiring 1) adequate signage at the business to warn of  
36 potential towing, including the amount of the recovery fee, 2) a relatively nearby storage lot that is  
37 secure; within 10 driving miles of the EI Police Station, 3) a requirement for the towing service to  
38 notify the EIPD before towing a vehicle, and 4) a requirement that cash, debit cards, and credit  
39 cards be accepted for payment. All of these requirements are fairly standard requirements for  
40 towing services. It is important to note that the Town does not have authority to establish a  
41 maximum recovery fee, and thus the proposed ordinance does not include such a provision.  
42

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- 1       • The relocated Article III. continues to prohibit itinerant merchants and satellite merchants, and  
2       retains the existing exemptions for satellite merchants to operate in very limited circumstances and  
3       locations.  
4
- 5       • Satellite merchants are currently permitted on oceanfront commercial parcels only (through an  
6       exemption; must meet certain requirements and register with the Town), and the intent behind this  
7       provision is to provide convenience for beach visitors in these relatively transient areas. The  
8       attached ordinance amendment expands this exemption to also include oceanfront condominium  
9       complexes, with the same intent and thought process employed for the exemption for oceanfront  
10      commercial parcels. This exemption, if approved by the Board, would allow satellite merchants to  
11      also locate at Point Emerald Villas, Pebble Beach, Sound of the Sea, Pier Pointe, and Ocean Reef.  
12      (The current oceanfront commercial parcels eligible under this exemption include Beachfront RV  
13      Parks, Bogue Inlet Pier, Camp Ocean Forest, Boardwalk RV Park, The Islander Suites, and  
14      Holiday TravLPark.) The Board should note the attached request from the Pebble Beach  
15      Homeowners Association specifically requesting this exemption.  
16
- 17      • The attached ordinance amendment also provides authority for the Board of Commissioners to  
18      authorize limited duration “food truck rodeo” events at any location within the Town. “Food truck  
19      rodeos” are increasingly popular in many locations, and involve the congregation of multiple food  
20      trucks in one location for a limited duration. The Town has received a request from the owners of  
21      the shrimp stand / ice dispensing machine property at the corner of NC 58 / Islander Drive / Reed  
22      Drive to host multiple food trucks on particular days during the summer. The provision in the  
23      attached ordinance amendment would provide a mechanism for the Board to specifically authorize  
24      such an event on a trial basis. If the food truck events are well-received by the community, the  
25      Board could consider a future ordinance amendment to allow such events on an ongoing basis.  
26
- 27      • The attached ordinance amendment also includes clarifying language to make it clear that satellite  
28      merchants operating at an open air market permitted through the Town’s Unified Development  
29      Ordinance are exempt from the Town’s ordinance prohibiting satellite merchants. By definition, the  
30      vendors that set up at an open-air market are satellite merchants, as defined in the Town’s  
31      ordinance. The Town Planner and I believe that a case can be made in the Town’s UDO that open  
32      air markets are a permitted use in the Business zoning district and the Village zoning districts,  
33      however, it would be helpful to draft new language in the UDO to clarify this as a permitted use and  
34      also establish relevant standards for the construction and operation of an open air market. If the  
35      Board is comfortable with the concept of open air markets, I will task the Town Planner with  
36      drafting the appropriate ordinance amendment for future consideration by the Planning Board, and,  
37      ultimately, the Board of Commissioners. I understand that the owners of the shrimp stand / ice  
38      house dispensing machine property have potential interest in establishing an open air market at  
39      that location in the future.  
40

41 I look forward to discussing the attached ordinance amendment with the Board at the June 9 meeting. If  
42 the Board is comfortable with the proposed amendments, the Board may consider adoption at the June 9

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1 meeting. If the Board would like more time to review the proposed amendments, formal Board action can  
2 certainly be delayed until the July meeting or later.

3  
4 Although we have strayed from the original goal to consider one chapter each month, my goal going  
5 forward is still to present at least one of the 4 remaining chapters for comprehensive review and  
6 amendments each month or at least every other month in the future. If we stay on schedule, one chapter  
7 will be presented every 1 or 2 months, and at the end of the 4 – 8 month period the entire Code of  
8 Ordinances will have been thoroughly reviewed and updated – ideally in a simpler, leaner, more user-  
9 friendly, easier-to-understand format.

10  
11 Town Manager Rush outlined the most significant changes in the proposed new  
12 Chapter 10 as part of the continued comprehensive review of all Town ordinances as  
13 included in his memo included above. Mr. Rush noted that Chapter 10 included existing  
14 provision regulating taxicab services, new provisions to regulate private towing services,  
15 and existing provisions prohibiting / regulating itinerant merchants and satellite  
16 merchants. Mr. Rush noted that the new provisions included in the proposed new  
17 Chapter 10 included requirements for towing services operator's permits, signage  
18 requirements at businesses where unauthorized vehicles may be towed, requirements  
19 for towed vehicle storage areas to be relatively close and secure, notification  
20 requirements, and the acceptance of multiple forms of payment by towing service  
21 companies. The proposed new Chapter 10 it was noted also included exemptions to  
22 allow satellite merchants to operate at oceanfront condo complexes, at specifically  
23 authorized "food truck rodeo" events, and at open air markets approved through the  
24 Town's Unified Development Ordinance.

25  
26 Mayor Barber asked for any comments from the public.

27  
28 Michael Lincoln, Attorney representing Glenn Tillman, owner of Cherry Point Towing  
29 commented that Mr. Tillman had been coming to the island as he was approved by  
30 several roadside services including Geico, Mercedes Benz, Good Sam Roadside for  
31 RVs, and several others, also certified by Allstate and permitted to operate on Cherry  
32 Point Marine Corps Air Station. Mr. Lincoln noted that Mr. Tillman's storage facility was  
33 located at 3000 Highway 24, near Rollingwood Acres and the mileage from the Police  
34 Department was 11.9 miles, the 10 miles set forth in the ordinance amendment they  
35 maintained was set as an arbitrary number directed at Mr. Tillman because of what  
36 happened Memorial Day weekend. Mr. Lincoln asked why the distance was measured  
37 from the Police Department and not the Town limits. Mr. Lincoln said that for the fee  
38 that Mr. Tillman charged he actually took the vehicle back to the owner so the  
39 requirement that the storage facility be closer than where his storage until was located  
40 seemed arbitrary and unfair. Mr. Lincoln felt regarding the ordinance itself that it would  
41 be more appropriate for the Town to create a committee to determine the permitting of  
42 towing companies, because as the ordinance was written everyone would have to go  
43 through a serious background check, psychological history investigated, and to submit

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1 to a physical and provide that they are in good health. Mr. Lincoln stated that the  
2 regulatory process was covered by DMV who regulated roadsides and highways, and  
3 who was licensed and permitted. Mr. Lincoln said that towing services were different  
4 from taxi services as they are not carrying people but towing cars out of private parking  
5 areas that were parked illegally with a sign there giving them notice that they were not  
6 to park, and then taking the vehicle to the storage facility, at the same time contacting  
7 the Police Department with the information. Mr. Lincoln referenced Section 10-29 of the  
8 ordinance that stated that the storage facility had to be within 10 miles of the Police  
9 Department, and that the Town would even inspect the out of Town facility.

10  
11 Mr. Lincoln also presented to the Board a case out of Chapel Hill – King vs Town of  
12 Chapel Hill – where the Supreme Court of North Carolina struck down several things  
13 they considered to be outside the town’s Police powers or the power to protect the  
14 safety, health and welfare of the citizens. Mr. Lincoln noted that the court stated that  
15 the notice to the people that their car was being towed, as well as the signage that told  
16 them they shouldn’t park there without being towed was certainly something that the  
17 Town could require and was reasonable to do so. Mr. Lincoln continued that it further  
18 stated there was no rational relationship as far as regulating the business relationship  
19 between the towing company and the private business owner who wanted the vehicle  
20 towed as far as pricing was concerned. Mr. Lincoln noted that Mr. Rush had said  
21 something about the pricing being set on the sign and that could be done but he felt the  
22 whole purpose of this ordinance would be a chilling effect on the business relationship  
23 with the towing companies, especially putting the discretion into one persons hands  
24 because if they didn’t like one particular tower what was to stop that person from  
25 denying the permit.

26  
27 Mr. Lincoln stated again that DMV set forth regulations and the statutes set forth what  
28 was required of any type of commercial towing company as far as licensing and  
29 permitting, a regulatory process the State had taken over and they had not delegated  
30 that to the Town of Emerald Isle or any other town. Mr. Lincoln felt what the ordinance  
31 pretended to do was basically usurp what the State already required. Mr. Lincoln said if  
32 there were violations, as there had been on one vehicle with a dealer plate, there would  
33 be a ticket as the Police would enforce violations and that was certainly expected to  
34 happen. Mr. Lincoln continued about the court case that when the Town of Chapel Hill  
35 made it illegal to even use a mobile phone while driving in the Town that was tossed out  
36 because the State already regulated it which was the point here. Mr. Lincoln felt if the  
37 Town was going to regulate the towing process they needed to keep it to a minimum, to  
38 the extent where the people who came here into the community had notice that they  
39 were not to park and go to the beach and leave their vehicle, and at the same time the  
40 towing company contacts the Police Department and lets them know how they can get  
41 their vehicle back, and not to put people through all kinds of physical and psychological  
42 examinations and background checks. Mr. Lincoln asked the Board not to enact this

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1 ordinance, or to make substantial changes that would protect the private businesses to  
2 be able to hire the towing companies to protect their parking.

3  
4 Town Manager Rush stated there was no desire or intent to prevent a private towing  
5 company from operating in Emerald Isle if they were invited by a private business to do  
6 that, but the goal was to set up basic protections and provisions to ensure there were  
7 reputable folks coming into Town and providing this service. Additionally, the distance  
8 of the storage lot from Emerald Isle could be whatever the Board felt was a reasonable  
9 distance.

10  
11 The Board and Town Attorney Stanley discussed and asked questions about the towing  
12 services and practices of the towing service with Mr. Tillman and Attorney Lincoln  
13 including the distance of the storage lot and the posting of the towing fees on the  
14 signage.

15  
16 The Board agreed that the distance to the storage facility should be increased to 15  
17 miles from the Town limits, and that the maximum towing fee should be posted on their  
18 signs.

19  
20 David Newton, 5113 Bogue Sound Drive, spoke about his limousine service in Emerald  
21 Isle and having to get your drivers to go through checks was an enormous amount to  
22 ask because of the turnover in drivers. He wanted everyone to know that he did own  
23 Arrive Alive Limousine and even though he didn't operate any cars now because of the  
24 stringent rules and regulations, added that he thought all of the rules began only  
25 because he, David Newton, started a limousine service in Town.

26  
27 Town Manager Rush noted that the Town's current taxicab services ordinance which as  
28 provided in agenda packets contained no significant changes and had been in place for  
29 many years, the Board actually made the ordinance much less stringent in 2005-2006.  
30 Prior to that the ordinance had been a lot more involved, and the Town of Emerald Isle's  
31 taxicab ordinance was actually much less stringent than most municipalities.

32  
33 Mr. Newton responded that when he came the regulations said there could only be one  
34 limousine or taxi, and the town tried to group the limo service in like a taxi, and it was a  
35 different thing, like a cook and a chef. Mr. Newton said all ordinances before said taxis  
36 could only be one in Emerald Isle, and they had lumped limousine services in with taxis.  
37 Mr. Newton felt for towing services or taxi services it was crazy to have to go through all  
38 the regulations for drivers, when they already had tons of liability insurance. He felt  
39 these things were already regulated and he would hate to go to Salter Path or  
40 Morehead City to open his business that he wanted to run from here.

41  
42 Town Manager Rush said they didn't want to make this more difficult than it needed to  
43 be whether for Mr. Newton or any other taxi company but the Town's ordinance was

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1 somewhat unique in that the Town had a provision that basically said if you were  
2 registered in another jurisdiction you didn't have to register with us, which was part of  
3 what they did in 2005-2006.

4  
5 Attorney Mike Lincoln commented about section 10-26 where it stated that if the person  
6 met the requirements of the article that the Chief of Police may issue a permit and he  
7 had a problem with that feeling it should state if they met the 7 requirements as set out  
8 in section 10-25 it should read shall issue. The Town Attorney and Board concurred.

9  
10 Ronnie Watson, Holiday Trav-L Park, stated that times had changed in North Carolina  
11 and they were seeing more special events and the food trucks were a fairly new thing  
12 that he felt would be beneficial for the Town to look at allowing food trucks in certain  
13 locations. Mr. Watson said they had a location where they would like to try a food truck  
14 rodeo in June. Mr. Watson said their property was unique in that food trucks were  
15 allowed on the oceanfront commercial properties like the Holiday Trav-L Park or Bogue  
16 Inlet Fishing Pier, but he had a strip of property zoned commercial from Coast Guard  
17 Road to Islander Drive. Mr. Watson said they could have food trucks on the  
18 ocean side but not on the strip of property that ran from Motel Drive to Coast Guard  
19 Road. He said they weren't asking the Town to open things up to food trucks but  
20 thought it was something that would be beneficial to customers that came to Emerald  
21 Isle. Mr. Watson spoke of going to Charlotte where they had Food Truck Fridays and at  
22 the BB&T ballfield the whole place was lined up with food trucks, and while there were a  
23 lot of restaurants nearby he didn't think there was a problem and this was working out  
24 well. Mr. Watson said that other places like Raleigh, and Beaufort were allowing them.  
25 Mr. Watson requested that the Town look at this and how it could be beneficial to  
26 Emerald Isle. Mr. Watson described the food truck rodeo as 5-9 trucks set up in a  
27 certain location and they had competitions for best food.

28  
29 Commissioner Wootten said the way the ordinance was written - all satellite merchants  
30 participating in a limited duration food truck rodeo event approved by the Board of  
31 Commissioners – meant they could approve that paragraph but Mr. Watson would need  
32 to come back again before the event. Commissioner Messer stated he would be willing  
33 to try it but he would be interested in the feedback from our local restaurants, but didn't  
34 have a problem doing this on a trial basis.

35  
36 Mayor Barber stated for the record that several restaurant owners had contacted him –  
37 Dairy Queen, and Chowdaheads, had sent letters that they were worried about the food  
38 trucks affecting their business. Mayor Barber felt they were open to trying anything but  
39 felt he needed to make note of their concerns.

40  
41 Mr. Watson said he didn't own a food truck but felt it was something that he would like  
42 the Board to consider. He said they didn't want to do anything to hurt anybody or any  
43 merchant in Emerald Isle as he had always been a promoter of this Town but thought

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1 that at certain times of the day at certain locations that this would work and be very  
2 beneficial.

3  
4 Town Manager Rush said if the Board approved that language in the ordinance then  
5 they could certainly consider a case by case request on a trial basis or whatever the  
6 Board thought appropriate.

7  
8 Tracy Wade, a Carteret County resident, and employee of the Emerald Isle Wine  
9 Market, and Carteret County schools, said that when people come to the Wine Market  
10 she helped them know what was going on in Emerald Isle by making them agendas,  
11 providing taxi numbers, restaurant information because she wanted visitors to see  
12 everything Emerald Isle offered. Ms. Wade said Emerald Isle didn't have food trucks or  
13 cultural things that she felt Emerald Isle should have. Ms. Wade said the food trucks  
14 like Lil Johnny's Crab Shack, Dank Burrito and others right out of Carteret County were  
15 amazing. Ms. Wade felt they had the ability to open up the Town for all these people to  
16 see what we had and loved in Emerald Isle. Ms. Wade said she would tell the local  
17 businesses if they were worried about a food truck that came in from 11-4 that they may  
18 need to look at their marketing and do something different. She felt that people spent a  
19 lot of money to come here and should have all kinds of things to do and all kinds of food  
20 to experience.

21  
22 Commissioner Wright felt especially if they were to use local companies that it would be  
23 worth a trial. Commissioner Normile said that not all food trucks were local and  
24 wondered what the law said if the Board were to say that you could only bring a food  
25 truck here from Carteret County or the food truck must be based out of Emerald Isle.

26  
27 Town Attorney Stanley pointed out that this was in the itinerant merchant ordinance and  
28 the idea was to protect the public which was the reason if you required they be from  
29 your County you would know where they were from instead of driving here from Raleigh  
30 for the day and then they were gone.

31  
32 Commissioner Wootten was in favor of approving that paragraph about food truck  
33 rodeos and then approving this event for one time. He felt afterwards if there was a  
34 problem they could look at this further at the July meeting.

35  
36 Commissioner Hoover asked that regarding the taxi and towing service that they give  
37 the Board a list of how they would want the ordinance modified and they could review  
38 further.

39  
40 John Olivera, Lil Johnny's Crab Shack, commented that he operated the food truck on  
41 weekends and holidays when he wasn't working for the United States Navy. Mr. Olivera  
42 felt a food truck rodeo would be awesome for the community and would definitely bring  
43 in tourists from outside Carteret County especially from the surrounding counties. He

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1 knew from experience it had worked in Charlotte, Raleigh, and other surrounding states.  
2 He stated that the owner of Dank Burrito could not be here tonight but was happy to  
3 allow Mr. Olivera to represent him with the fact that they brought a lot of tourism  
4 wherever they went. He said they felt they didn't affect the local businesses that were  
5 selling food because they didn't have the same food they were selling; they weren't  
6 there 7 days a week, from sunrise to sundown.  
7

8 The Board was in agreement that they needed to work on the whole ordinance but  
9 could consider this one event. Attorney Stanley stated that the current ordinance didn't  
10 allow a food truck event so they would need to adopt that as a permitted exception to  
11 the present ordinance.  
12

13 ***Motion was made by Commissioner Wootten to amend the present Itinerant***  
14 ***Merchant ordinance to provide as an exception a limited duration food truck***  
15 ***rodeo event approved by the Board of Commissioners. The Board voted***  
16 ***unanimously 5-0 in favor. Motion carried.***  
17

18 ***Motion was made by Commissioner Wright to have on the property where the***  
19 ***shrimp stand and ice machine were located a trial of a food truck rodeo event for***  
20 ***the dates of June 26 and 27, 2015. The Board voted unanimously 5-0 in favor.***  
21 ***Motion carried.***  
22

23 **Clerks Note:** A copy of Ordinance Amendment 15-06-09/O1 to amend the present Itinerant Merchant  
24 ordinance providing as an exception a limited duration food truck rodeo event approved by the Board of  
25 Commissioners is incorporated herein by reference and hereby made a part of these minutes.  
26  
27

28 **16. Comments from Town Clerk, Town Attorney, and Town Manager**  
29

30 There were no comments from the Town Clerk or the Town Attorney.  
31

32 Town Manager Rush discussed with the Board a petition received requesting the speed  
33 limit be reduced on Shell Drive. The Board was in agreement to take no action on the  
34 request. Commissioner Normile suggested that Manager Rush could convey out of  
35 respect to the folks on Shell Drive that maybe speed humps could be a consideration for  
36 them, not to discard their concern in total.  
37

38 Town Manager Rush also noted the upcoming Beach Safety program being hosted by  
39 the Emerald Isle Fire Department.  
40

41 The following is an excerpt from the Town Manager Comments memo to the Board  
42 providing additional background information for all items of importance:  
43  
44

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**Petition Received – Reduce Speed Limit on Shell Drive from 25 mph to 15 mph**

The attached petition was submitted by a resident on Shell Drive seeking a reduction in the speed limit to 15 mph on this residential street. There are a total of 22 properties on Shell Drive. A total of 5 of these are vacant lots, and thus, no signatures are provided for those. Of the remaining 17 properties, signatures have been received from 11 of the property owners, with no signatures from the other 6 property owners. The Board may also wish to consider the input of residents on nearby Oceanview Drive and Reed Drive who may also use this street on a regular basis. The petition does not appear to have sought input from property owners on other streets in the area.

The Town's ordinance establishes a 25 mph speed limit on all streets in Emerald Isle unless otherwise posted. There are currently no streets that have a speed limit less than 25 mph. I have pasted a copy of the Town ordinance below:

**Sec. 11-51. - Speed limits.**

(a) *Generally.* Except as otherwise provided in this section, it shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour inside the town corporate limits.

(b) *Exceptions.*

(1) It shall be unlawful to operate a vehicle in excess of forty-five (45) miles per hour upon any portion of Emerald Drive (NC Highway 58, which is a part of the state highway system), with the exception of that portion between East Seaview Drive and Loblolly Street.

(2) It shall be unlawful to operate a vehicle in excess of thirty-five (35) miles per hour upon that portion of Emerald Drive (NC Highway 58, which is part of the state highway system), located between East Seaview Drive and Loblolly Street.

(3) It shall be unlawful to operate a vehicle in excess of thirty-five (35) miles per hour upon that portion of Coast Guard Road located between Emerald Drive and Ring Street.

If the Board is interested in reducing the speed limit on Shell Drive, the Town ordinance will need to be amended, and we can schedule this ordinance for consideration at the July 14 meeting. If the Board is not interested in reducing the speed limit in this area, I will convey the Board's thoughts to the property owners who presented the petition.

**Full Transition to Carteret County Staff for Building Inspections Services**

The last day for the Town's Permit Technician is June 9, and Town staff will shift the majority of administrative duties associated with building permits and building inspections to County staff beginning on June 10. Town Planner Josh Edmondson is preparing an information sheet outlining new processes to distribute to local contractors, and we will also post this information on the Town's website next week.

**Beach Safety Course, Beach Safety Booth**

The Fire Department's Beach Patrol will again present its Beach Safety Course to the public this summer. The first session is scheduled for Monday, June 29 at 10 am in the Town Board Meeting Room. Additional sessions are scheduled for Tuesday, July 21 at 10 am and 6 pm (the July "Police Educating The Public" session) and Monday, August 24 at 10 am.

Additionally, the Beach Patrol will be setting up a Beach Safety Booth at the Western Ocean Regional Access on select Saturdays this summer in an effort to better educate our visitors about beach safety.

**Portuguese Man of War**

Town staff buried more than 600 man of war on the beach strand during the recent "swarm" that was blown onto our beach from warmer waters offshore. Town emergency personnel responded to numerous stings during the past two weeks. With the recent

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1 weather pattern, the winds have shifted and pushed the man of war back out to sea. We have not had any major issues in  
2 recent days.

3  
4 **Shark Fishing Complaints**

5 The Town has received several complaints late last summer and early this summer about deliberate shark fishing on the beach  
6 strand. The NC Division of Marine Fisheries does not regulate this activity, and it appears that the Town could utilize its general  
7 Police power to regulate shark fishing on the beach strand if the Board is so inclined. Additionally, the Town could make a  
8 decision to prohibit shark fishing (or perhaps all fishing) at the Town's regional beach access facilities during certain time periods,  
9 or all year long. Please let me know if the Board is interested in considering such a regulation at a future Board meeting.

10  
11 **Drones**

12 Recreational drones continue to become more prevalent in Emerald Isle, and we are beginning to receive concerns from  
13 property owners about safety and invasion of privacy. Based on research by the EIPD and consultation with the District  
14 Attorney, our interpretation is that State law prohibits the flying of drones over private property without the consent of the property  
15 owner (although a valid argument can be made that State law only prohibits surveillance activities over private property without  
16 consent). Drones are allowed to be flown over public areas, including the beach strand, in a general manner. State law also  
17 provides for the pursuit of civil damages up to a \$5,000 penalty for each unauthorized photograph or video that is published or  
18 otherwise disseminated without the subject's consent.

19  
20 The Town has begun advising the public of this new law, as interpreted above. If these concerns increase, the Board may wish  
21 to consider a Town ordinance regulating drones in the future. We believe the Town could exercise its general Police power to  
22 craft an ordinance if so desired.

23  
24 **Allow Certain Off-Premises Business Signs?**

25 The Planning Board is currently considering a potential ordinance amendment to allow certain businesses located far from NC 58  
26 to potentially install off-premises signs to direct the public toward their business. Ideas considered thus far include making only  
27 businesses more than 1,000 ft. from NC 58 eligible, limiting this ability only to businesses fronting on the ocean or sound, and  
28 also limiting any new signs to ground signs only (perhaps only 6 ft. high +/-?). The Planning Board may consider ordinance  
29 language at its June 23 meeting, and an ordinance amendment could appear on the Board of Commissioners' July 14 regular  
30 meeting agenda.

31  
32 **Website Update**

33 Town Clerk Rhonda Ferebee and I continue to work with VC3 on a redesign of the Town's website. We are very pleased with  
34 the direction thus far, and hope to unveil the new site later this summer. The new site will include much of the current content,  
35 but it will be organized in a fresh, new format that should be easier to navigate.

36  
37 **Update – New Welcome Center**

38 Progress continues on the new Welcome Center, with sheetrock now in place and trim work underway. Additional interior work  
39 will continue over the next few weeks, and we hope to have the building complete sometime in July. The exact opening date will  
40 be determined by the Tourism Development Authority, and depending on the completion date, they may move into the new  
41 building in July or August, or may wait until after Labor Day.

42  
43 **Status of Rusty Pelican Motel**

44 Town and County staff conducted a hearing with representatives of the owner of the Rusty Pelican on May 29 to review the  
45 current Code violations and learn of the owner's plans to rectify these violations. Town and County staff have ordered the  
46 electrical power cut off and have prohibited the building from being occupied until various structural and electrical issues are  
47 resolved. The owner's representatives indicated that the owner intends to either sell the property as is, correct the deficiencies  
48 and then sell the property, or demolish the property and sell the underlying vacant lot.

49  
50 Town and County staff ordered the owner to either repair or demolish the structure within 180 days from June 4, and also to  
51 report back with the owner's plans within 60 days. The building can not be occupied during this time, and the owner was  
52 instructed to secure the building appropriately. EIPD will also monitor the property during this time. A copy of the order is

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1 attached. The owner may seek an extension of this 180 day period from the Board of Commissioners if necessary when the  
2 deadline approaches.  
3

4 **Status of 7405 Archers Creek Court**

5 This single family home has been in disrepair for the past few years, and Town staff initiated formal action to order the repair or  
6 demolition in January 2015. There are several deficiencies to the exterior windows, siding, and soffits, along with rubbish strewn  
7 across the property. The property owner has until July 15 to resolve these issues. If the owner does not resolve these issues by  
8 that date, the Town will have the authority to complete the necessary improvements, bill the property owner, and if necessary,  
9 place a lien on the property. The owner has indicated that he is in poor health, does not have the money to make the necessary  
10 repairs, and likely will not do so by that date. The owner has also indicated that he plans to talk with a real estate agent to  
11 market the property, but we are uncertain if this has occurred.  
12

13 The neighbors on this street have expressed concerns about this property over the past few years, and have been very patient. I  
14 remain hopeful that the owner will resolve these issues, but it does not appear that will happen. Please let me know your  
15 thoughts on this issue and how you would like staff to proceed after July 15 if no improvements are completed by that date.  
16

17 **WAMI Grant Reimbursement Received**

18 The Town has received the full grant reimbursement for the recently completed improvements at the Eastern Ocean Regional  
19 Access. A direct deposit of \$732,904 was received from the State on June 4.  
20

21 **Removal of Old Signs from Defunct Businesses**

22 The Town's UDO requires signs associated with businesses that are no longer operating to be removed within 10 days after the  
23 business ceases operations. We have not aggressively enforced this ordinance in the past, however, I have directed Town  
24 Planner Josh Edmondson to contact the property owner to have existing signs at the defunct go-kart track and batting cage on  
25 Islander Drive removed, and to do the same for the existing signs at the commercial building adjacent to Lighthouse Mini-Golf.  
26 These businesses all ceased operations several years ago.  
27

28 **Long-Range Planning Initiatives**

29 The Town is currently participating in the NC 58 Corridor Study being coordinated by the Eastern Carolina Council of  
30 Governments. This study will examine alternatives to improve traffic flow on the island during peak season weekends. A final  
31 report is at least 6 months, if not longer, away.  
32

33 The Town is also currently participating in an updated Joint Land Use Study with MCAS Cherry Point, Carteret County, and other  
34 area local governments in an effort to promote orderly growth around Cherry Point and Bogue Field. A final report is likely at  
35 least a year away.  
36

37 I also hope to initiate an update of the Town's 2004 Land Use Plan within the coming months to insure that the Town's policies  
38 are still valid in 2015 and 2016.  
39

40 **Yard Debris Rental Truck Contract Extended**

41 The Town has extended the rental period for the additional yard debris collection truck through July 5. Assuming the Board  
42 adopts the FY 15-16 budget, we are searching for a new truck to purchase very soon after July 1, ideally using the "piggy-back"  
43 option in the State purchasing statutes. I am hopeful that we will identify a suitable truck later this month, and then present a  
44 resolution authorizing the purchase at the Board's July 14 meeting. Our goal is to take delivery of the new truck as soon as  
45 possible to maintain timely collection service through the summer and fall months.  
46

47 **New, Closer Yard Debris Disposal Site**

48 The Town is now transporting approximately 50% of our yard debris to a new site located off of Bogue Loop Road. The  
49 remaining 50% is still being transported to our historically used site off Nine Mile Road. The Bogue Loop Road site is only about  
50 half the distance from Emerald Isle as the Nine Mile Road site, and we have reduced our transit time in half for these loads,  
51 thereby enabling our trucks to spend more time actually collecting debris in EI. We will continue this approach initially, and if it

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1 becomes possible to transport 100% of our debris to the Bogue Loop Road site in the future we will make the full transition later  
2 this year.  
3

4 **Groundbreaking Ceremony – Senator Jean Preston Memorial Playground – Friday, June 26**

5 The volunteer fundraising committee will host a groundbreaking ceremony for the new playground on Friday, June 26 at 4 pm at  
6 the site. Senator Preston's brother, a major contributor to the project, will be in attendance, and we also hope to have other  
7 family members and NC political leaders in attendance.  
8

9 **Tracy Street Beach Access Walkway**

10 The new beach access walkway at the end of Tracy Street is now complete, and is being used by the public.  
11

12 **New Edger Equipment for Bike Path Maintenance**

13 Town staff have identified a potential piece of equipment that would make the edging of the NC 58 and Coast Guard Road bike  
14 paths easier and more efficient, and the total cost is approximately \$9,000. A demonstration will be conducted within the next  
15 week, and if the equipment works well we will likely purchase it sometime this month.  
16

17 **Coast Guard Road Pavement Repairs**

18 As you know, Coast Guard Road was resurfaced from Dolphin Ridge to Ring Street earlier this spring. Since that time, two  
19 pavement failures have been repaired in the area between Dolphin Ridge and Spinnakers Reach. Fortunately, Onslow Grading  
20 and Paving did a nice job on the repairs, and they are hardly noticeable. Three new failures have since occurred, and Town staff  
21 is working with Onslow to have these corrected also.  
22

23 **Potential Running Races – August 22 and August 29**

24 I have been approached by two groups interested in scheduling running races in Emerald Isle in August. One group is planning  
25 a 2 mile fun run on the beach strand on August 22, beginning at the Western Ocean Regional Access, with proceeds to benefit  
26 breast cancer efforts. The other group is planning a 5k race for the Do it For Drew Foundation, to be held on August 29. The  
27 race course will likely loop into the Sound Drive area after beginning in the "downtown" area early that morning.  
28

29 **Trial Speed Hump Installation?**

30 At the Board's direction, Town staff plan to install one or two trial speed humps along Ocean Drive in eastern end of Town within  
31 the next month.  
32

33 **Laser Light Show Dance Party for Teens, Pre-Teens**

34 Parks and Recreation staff is working with a new EI company to host a laser light show dance party for teens and pre-teens at  
35 the Community Center. The first party will be held on Friday, June 19 from 7 pm – 10:30 pm, with another event on Tuesday,  
36 June 23. If successful, additional events will be held each Tuesday throughout the summer.  
37

38 **Regional Access Parking Fees**

39 Town staff collected approximately \$16,000 in parking fees over Memorial Day weekend, and, weather permitting, we are back  
40 on track to meet our FY 14-15 budget target of \$112,000. Through June 4, the Town has collected nearly \$90,000, with 4 more  
41 weekends left in the fiscal year.  
42

43 **17. Comments from Board of Commissioners and Mayor**

44  
45 Commissioner Wootten commented regarding Town Manager Rush's written comments  
46 regarding shark fishing that they shouldn't go anywhere near regulating shark fishing.  
47

48 There were no further comments from the Board of Commissioners or Mayor.  
49

1 **18. Closed Session – Pursuant to NCGS 143-318.11(6), for the Purpose of**  
2 **Evaluating the Town Manager’s Performance, and pursuant to NCGS 143-**  
3 **318.11(3) for Purpose of Maintaining Attorney-Client Privilege.**  
4

5 *Motion was made by Commissioner Hoover to enter Closed Session. The Board*  
6 *voted unanimously 5-0 in favor. Motion carried.*  
7

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

10  
11 Upon returning to Open Session *motion was made by Commissioner Messer to*  
12 *provide a 2% salary increase for the Town Manager. The Board voted*  
13 *unanimously 5-0 in favor. Motion carried.*  
14

15 **19. Adjourn**  
16

17 *Motion was made by Commissioner Messer to adjourn the meeting. The Board*  
18 *voted unanimously 5-0 in favor. Motion carried.*  
19

20 *The meeting was adjourned at 9:00 pm.*  
21

22 Respectfully submitted:  
23  
24  
25

26 Rhonda C. Ferebee, CMC, NCCMC  
27 Town Clerk  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39