

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, MARCH 13, 2012 – 7:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6

7                   **1. Call To Order**  
8

9                   The regular monthly meeting of the Emerald Isle Board of Commissioners was  
10                  called to order by Mayor Pro-Tem Floyd Messer at 7:05 PM in the Emerald Isle  
11                  Town Board Meeting Room.  
12

13                  **2. Roll Call**  
14

15                  Present for the meeting: Mayor Pro-Tem Floyd Messer, Commissioners Nita  
16                  Hedreen, Tom Hoover, and Maripat Wright.  
17

18                  Absent for the meeting: Mayor Art Schools and Commissioner John Wootten.  
19

20                  ***Motion was made by Commissioner Wright to excuse the absences of***  
21                  ***Mayor Schools and Commissioner Wootten. The Board voted unanimously***  
22                  ***4-0 in favor. Motion carried.***  
23

24                  Others present during the regular meeting: Town Manager Frank Rush, Town  
25                  Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,  
26                  Town Clerk Rhonda Ferebee, Parks and Recreation Director Alesia Sanderson,  
27                  and Public Works Director Artie Dunn.  
28

29                  **3. Opening Prayer**  
30

31                  Trey Ricks, youth member from Emerald Isle Baptist Church, offered the  
32                  Opening Prayer for the meeting.  
33

34                  **4. Pledge of Allegiance**  
35

36                  All who were present recited the Pledge of Allegiance.  
37

38                  **5. Adoption of Agenda**  
39

40                  ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***  
41                  ***Board voted unanimously 4-0 in favor. Motion carried.***  
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43  
44  
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46

1  
2 **6. Proclamations / Public Announcements (12-03-13/P1)**  
3

4 **a. Attainment of Eagle Scout – Alec Lesko**  
5

6 In Mayor Art Schools' absence, Mayor Pro-Tem Messer read aloud a letter  
7 written by Mayor Schools congratulating Alec Lesko for completing all  
8 requirements to become an Eagle Scout. In addition, a plaque of appreciation  
9 was presented to Mr. Lesko in recognition of his accomplishments in  
10 reconstructing the Cape Carteret Presbyterian Church playground for his Eagle  
11 Scout project. Alec received a big round of applause from the Board and public  
12 for his outstanding achievement.  
13

14 Mayor Pro-Tem Messer also noted the following announcements for the public:  
15

- 16 • **21<sup>st</sup> Annual St. Patrick's Festival – Saturday, March 17 – 9 am – 5 pm**  
17 **– Emerald Plantation Shopping Center**
- 18 • **Bicycle & Pedestrian Advisory Committee Meeting – Tuesday,**  
19 **March 20 – 9 am – Community Center**
- 20 • **CoEd Indoor Volleyball Tournament – Saturday, March 24 – 8 am**  
21 **until? – Community Center**
- 22 • **Planning Board Regular Meeting – Monday, March 26 – 6 pm – Town**  
23 **Board Meeting Room**
- 24 • **Joint EMS Committee Meeting – Tuesday, March 27 – 8 am – Town**  
25 **Administration Building**
- 26 • **Easter Egg Hunt – Sunday, April 1 – 1 pm – Community Center**
- 27 • **Board of Commissioners Regular Meeting – Tuesday, April 10 – 7 pm**  
28 **– Town Board Meeting Room**
- 29 • **Bus Trip to Durham Performing Arts Center – Wicked – Sat. May 12 –**  
30 **See Parks and Recreation for details.**

31  
32 **7. Consent Agenda**  
33

- 34 **a. Tax Refunds / Releases**
- 35 **b. Minutes – February 14, 2012, Regular Meeting**
- 36 **c. Minutes – February 14, 2012 Closed Session**
- 37 **d. Minutes – February 28, 2012 Special Meeting**
- 38 **e. Capital Project Ordinance Amendment – Coast Guard Road Bicycle**  
39 **Path Extension**
- 40 **f. Budget Amendment – General Fund – Early Debt Retirement**
- 41 **g. Budget Amendment – General Fund – EmeraldFest Concert**  
42 **Donations**
- 43 **h. Budget Amendment – General Fund – Police Department Digital**  
44 **Recorders and Mobile Data Terminals**  
45

1  
2 ***Motion was made by Commissioner Hoover to approve the items on the***  
3 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***  
4 ***carried.***

5  
6 **Clerks Note: A copy of Consent Agenda items as noted above are incorporated herein by reference**  
7 **and hereby made a part of these minutes.**

8  
9 **8. Public Comment**

10  
11 **Brief Summary: The public will have the opportunity to address the Board**  
12 **about any item of concern not on the agenda.**

13  
14 John Henrickson, 105 Indigo Drive, commented on the need to preserve the  
15 character of the community, noting the recent town approved construction of a  
16 large, freestanding and elevated structure at a residence at the corner of  
17 Bluewater and Emerald Drive. Mr. Henrickson said the structure was evidently a  
18 solar pool heater about the size of a commercial billboard. He felt if more  
19 structures like this were allowed the Town would risk losing its character and  
20 appeal. His concerns with this particular structure were the size and elevation.  
21 Mr. Henrickson urged the Board to consider whether these structures should be  
22 allowed and to insure they did not continue to compromise the beauty and  
23 character of our community.

24  
25 **Clerks note: (A copy of Mr. Henrickson's written prepared comments are attached in their entirety as a part of**  
26 **these minutes).**

27  
28 Jon Stone, 7020 Ocean Drive, agreed with Mr. Henrickson's comments, adding  
29 that the structure built at the intersection of Bluewater and Indigo Drive was truly  
30 awkward and detracted from the natural beauty of Emerald Isle. Mr. Stone spoke  
31 also of his concerns with the safety of such elevated, freestanding solar panels in  
32 Emerald Isle. He said he had been informed that the solar panel display would  
33 conform to code however, he was not sure that the Town had codes specific to  
34 elevated, freestanding solar panel construction, and whether the codes being  
35 enforced were applicable and sufficient for the environment in which we lived.  
36 Mr. Stone said he would appreciate assurances that the frame and solar panels  
37 would not pose a threat to the neighborhood during a significant weather event.

38  
39 **Clerks note: (A copy of Mr. Stone's written prepared comments are attached in their entirety as a part of these**  
40 **minutes).**

41  
42 Bob Wiciech, 103 Azure Drive, also commented on the solar panel structure,  
43 expressing his feelings that it was an eyesore and looked like a drive-in movie  
44 screen. He was concerned that the structure had been allowed and permitted.  
45 Mr. Wiciech indicated that he wouldn't mind so much the solar panels on the  
46  
47

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1  
2 roof but felt the current structure was not in keeping with our beautiful island. Mr.  
3 Wiecech asked the Board to review the process that allowed this structure and  
4 to put in safeguards so that it did not become standard procedure.

5  
6 Clerks note: (A copy of Mr. Wiecech's written prepared comments are attached in their entirety as a part of  
7 these minutes).

8  
9 **9. Ordinance Amending Chapter 4 – Animals – of the Code of Ordinances**  
10 **to Prohibit Intentional Feeding of Deer – 2<sup>nd</sup> Reading**

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

15  
16 The Board of Commissioners is scheduled to re-consider the attached ordinance amendment that would prohibit the  
17 intentional feeding of deer in Emerald Isle. The Board approved the attached ordinance amendment at its February 14  
18 meeting by a 3-2 vote, however, the ordinance amendment required a 4-1 vote (at least 2/3 of the Board membership)  
19 for final approval on 1<sup>st</sup> reading. As such, the ordinance amendment is not yet approved, and has been scheduled for  
20 Board consideration again at the March 13 meeting. A simple majority is required for final approval on 2<sup>nd</sup> reading at  
21 the March 13 meeting.

22  
23 As discussed at the February 14 meeting, the attached ordinance is intended to complement other Town efforts aimed  
24 at reducing the deer population in Emerald Isle, which has reached the highest total recorded since the Town began  
25 tracking the population in 2005. Many experts advise against the feeding of wild animals, including deer, and I have  
26 attached a brief handout from the US Department of Agriculture, Animal and Plant Health Inspection Service that  
27 outlines the problems associated with feeding wild animals.

28  
29 The proposed ordinance amendment prohibits the placement of any device or any fruit, grain, mineral, plant, salt,  
30 vegetable, or other material outdoors on any public or private property for the purpose of intentionally feeding or  
31 attracting deer. The ordinance also includes a statement that a person shall be presumed to have intentionally fed or  
32 caused deer to be fed if the person places or allows to be placed on his or her property any material that deer will  
33 consume in an elevated feeding device, in a ground-level feeding device, or directly on the ground "such that the feed  
34 is within reach of deer, regardless of intent to feed other types of animals". This statement is intended to make it more  
35 difficult for someone to claim that material placed in a device or directly on the ground is intended for other wild or  
36 domestic animals. Additionally, the attached ordinance includes a specific exception for bird feeders, cat feeders, and  
37 dog feeders to make this issue very clear.

38  
39 The attached ordinance also includes an exception for naturally growing materials, whether native or planted  
40 intentionally in a garden. The ordinance also includes an exception for baiting activities specifically associated with  
41 hunting activities sponsored by, permitted by, or sanctioned by the Town. This provision is intended to address baiting  
42 associated with any future controlled hunts sponsored by or sanctioned by the Town.

43  
44 The attached ordinance was drafted after reviewing similar ordinances from other communities in North Carolina and  
45 other states, including the following:

- 46  
47
- Carrboro, NC
  - Bald Head Island, NC
  - Shelby, WI
  - Sunrise Beach Village, TX
- 48  
49  
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- Morris Township, NJ
- Elizabeth, CO
- Crystal Falls, MI
- Woodcreek, TX.

Copies of these communities' ordinances are again attached for the Board's review. The Board should also note that the Town Attorney consulted with the attorney for the NC Wildlife Resources Commission (WRC) regarding the Town's authority to enact such an ordinance, and the WRC attorney believes that the Town has the authority to enact such an ordinance under our general police powers. As noted above, the communities of Carrboro, NC and Bald Head Island, NC have adopted similar ordinances.

The proposed penalty for a violation of this ordinance is \$25 per violation, which would only be levied if the person does not remedy the violation within 24 hours of notice provided by the Town. For most Town ordinances, Town staff routinely first seek a cooperative approach to resolve violations, and this would clearly be the Town's approach with a deer feeding prohibition ordinance. I would much rather resolve an ordinance violation in a cooperative manner without issuing a citation or levying a fine, and most offenders appreciate and respect this approach. I would hope that would be the case with the attached deer feeding prohibition ordinance.

The intent of this ordinance is to send a clear message from the Town to the community that the intentional feeding of deer is contributing to the deer population problems in the Town, and that this practice is not supported by the Town. If the Board approves the attached ordinance amendment, I am hopeful that this message in and of itself would be effective, over time, in resolving this issue. For those people who unknowingly violate the ordinance, I am hopeful that a cooperative enforcement approach would result in the ceasing of these activities. For those people who simply refuse to stop feeding the deer, enforcement could be difficult, and the Board should consider the practical implications of a strict enforcement approach.

There remains a legitimate argument that the Town should not become involved in this issue, and should recognize the property owner's right to do what they wish on their property. The Board will need to determine the appropriate balance between the effectiveness of this approach in helping to address the increasing deer population vs. private property rights. If the Board decides not to adopt the attached ordinance amendment, the Board may wish to direct Town staff to proceed with public education efforts aimed at eliminating or reducing the intentional feeding of deer.

Mayor Pro-Tem Messer asked for public comments.

Jan Ray, Archers Creek, spoke of property rights and said this issue was not a deer thing but the rights as property owners to decide what they elected to feed on their property. She felt this would continue with the next thing being squirrels, raccoons, feral cats. Ms. Ray said that the complaints had come from the Coast Guard Road and various gated communities between neighbors. Ms. Ray felt they didn't need to deal with those but should let them deal with it themselves. Ms. Ray said having grown up on a farm in order to keep wildlife out of their crops they fed corn and apples to keep them away from their precious crops.

Paul Schwartz, Wyndtree Drive, said he recognized his property rights were not finite – zoning would be the best example. Mr. Schwartz stated that any time the Town was going to take a right from him it should be for an overwhelming reason

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1  
2 and not for a convenience reason. Mr. Schwartz would like the Town to stay off  
3 of his property unless there was an overwhelming need for the Town to be there.  
4

5 Lisa Row, 110 Wyndward Ct, encouraged the Board to increase education efforts  
6 regarding deer management in Emerald Isle. She recommended offering at least  
7 two public meetings and felt the Town would benefit by providing information and  
8 by providing a specific opportunity for citizens to comment. She didn't feel the  
9 Board of Commissioners meeting was the appropriate venue for such discussion.  
10 In addition, Ms. Row spoke of property rights, noting that in the United States we  
11 recognized personal freedom so long as one citizen didn't infringe upon another.  
12 She felt the deer management issue should be viewed from the same  
13 perspective, and that she didn't see private property rights in this situation as  
14 being a legitimate argument against the ordinance.

15  
16 Clerks note: (A copy of Ms. Row's written prepared comments are attached in their entirety as a part of these  
17 minutes).  
18

19 Michelle Thornell, Wyndtree Drive, submitted a petition that she had started that  
20 basically said they didn't want this ordinance passed because they didn't want  
21 their private property rights to be infringed upon. Ms. Thornell stated that she  
22 could see both sides of the picture as she was one who had fed the deer and  
23 probably would continue to feed the deer if there was no ordinance. Ms. Thornell  
24 said she didn't live in a gated community because she didn't want anyone telling  
25 her what color she could paint her house, or that she couldn't have a clothes line  
26 in her yard. She said if this ordinance passed the Board was telling her that she  
27 was not allowed to take apple cores and throw them in her backyard because a  
28 deer might eat them. She felt that was infringing on her property rights and she  
29 may not be correct but she had close to 100 names on her petition with the same  
30 opinion. She felt the deer issue had snowballed and that this was a reaction to a  
31 problem that no one had really evaluated properly and felt this was stepping into  
32 a very slippery slope for the future.  
33

34 Clerks note: (A copy of the petition as referenced above and submitted by Ms. Thornell is attached in its  
35 entirety as a part of these minutes).  
36

37 Jim Hackett, 6410 Ocean Drive, added to the comments made by Ms. Row  
38 concerning the educational suggestions. Mr. Hackett said that he always fed the  
39 seagulls until the past week when he read educational material that stated by  
40 feeding the seagulls you were changing their diet and that the food they were  
41 being fed would actually destroy their feathers and not let them fly eventually.  
42 Mr. Hackett said in his hometown they had a lot of accidents caused by deer and  
43 a lot of Lyme disease caused by deer ticks, and he would not want to see for  
44 Emerald Isle a really bad deer population problem. He agreed with the  
45 statements made about property rights but thought that Ms. Row was on the right  
46

1  
2 track in terms of education being the key, feeling that people would voluntarily  
3 stop feeding the deer if they realized some of the bad side effects.

4  
5 Commissioner Hedreen agreed that this was a property rights issue and that her  
6 stand had not changed since last month.

7  
8 ***Mayor Pro-Tem Messer stated that this ordinance failed for lack of a***  
9 ***motion.***

10  
11 **10. 2012 Public Beach and Coastal Waterfront Access Grant Application –**  
12 **Park Improvements at Emerald Isle Public Boating Access Area**

- 13  
14 **a. Public Hearing**  
15 **b. Resolution Authorizing Grant Application (12-03-13/R1)**  
16 **c. Budget Amendment – General Fund**  
17 **d. Capital Project Ordinance Amendment**  
18

19 Alesia Sanderson, Parks and Recreation Director addressed the Board regarding  
20 this agenda item. The following excerpt from the Town Manager's memo to the  
21 Board is provided for additional background:

22  
23 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a 2012 Public Beach and  
24 Coastal Waterfront Access grant application for additional park improvements at the new Emerald Isle Public Boating  
25 Access Area at the March 13 meeting. If approved, the Town would request \$60,000 from the NC Division of Coastal  
26 Management (which oversees the grant program), and would provide a \$20,000 match from Town funds in FY 11-12.  
27 An associated General Fund budget amendment and capital project ordinance amendment are also attached for the  
28 Board's consideration.

29  
30 The new public boating access area includes approximately 23 acres of land and more than 1,000 feet of shoreline on  
31 Bogue Sound, and the remaining land is available for other recreational uses, including fishing, wildlife viewing, general  
32 relaxation, and other activities. In addition to providing boating access, the Town has always considered this site as a  
33 comprehensive soundfront park, and has discussed several desired park amenities in recent years. The proposed  
34 grant application seeks funding for the construction of a new soundside pier, playground equipment, signs, benches,  
35 and picnic tables, and other minor improvements. An aerial photo map is attached that indicates the general locations  
36 considered for each of these amenities. The total estimated cost of these improvements is \$80,000, and the Town is  
37 seeking 75%, or \$60,000, from the grant program.

38  
39 The approved site plan and CAMA permit for the new public boating access area includes the construction of a new  
40 soundside pier directly adjacent to the entrance canal on the east side. The majority of the land that would be  
41 underneath the new pier at this location is technically considered upland area, and could potentially be excavated in  
42 the future if necessary or desired to widen the entrance canal. In order to preserve this option for the future, I am  
43 suggesting that the proposed soundside pier now be located approximately 150 – 200 feet further east over the  
44 extensive marsh. This location would tie in nicely with the other remaining land areas at the new facility that will  
45 eventually be developed with additional park amenities, and is closer to the single vehicle parking lot. An amendment  
46 to the CAMA permit will be necessary, but is not expected to be difficult to obtain. The proposed playground  
47 equipment and other amenities were also included in the approved CAMA permit.

48  
49 The non-profit Emerald Isle Parks and Recreation Association, Inc., the Town-appointed body that technically owns the  
50 eastern 7 acres of the overall site, has discussed all of these amenities in the past, and supports the addition of these

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1  
2 park amenities at the site. The NC Wildlife Resources Commission (WRC) also supports the future development of  
3 additional soundfront park amenities at the new public boating access area, and the lease agreement between the  
4 Town and the WRC specifically authorizes the Town to develop other park amenities at the site.  
5

6 The 2012 grant application is due on April 19, 2012, and grant awards are expected to be announced in May 2012. A  
7 public hearing is required as part of the grant application process, and has been scheduled for the March 13 meeting.  
8

9 The attached General Fund budget amendment formally appropriates an additional \$20,000 of FY 11-12 sales tax  
10 revenue for the grant match. These funds would be transferred to the capital project ordinance for the new public boat  
11 launching facility in order to reserve them beyond June 30, 2012. This project, if grant funds are awarded, would not  
12 be constructed until fall 2012 or spring 2013.  
13

14 Ms. Sanderson said that she had made a presentation to the Board at their  
15 January meeting proposing amenities and improvements to the boat ramp at  
16 6800 Emerald Drive for a PARTF grant that the Board did not want to commit to  
17 that required a 50 percent match on the project. Ms. Sanderson said she had  
18 taken the Board's feedback from that meeting and they now had the opportunity  
19 to submit for a CAMA grant which only required a 25 percent funding. The  
20 original proposal to the Board tonight was for the construction of a 600 foot pier  
21 approximately 100 feet east of the boat canal along with some playground  
22 equipment, picnic tables, signs, benches and things of that nature with a total for  
23 the project of \$80,000 with the Town required to commit to \$20,000 of that if they  
24 were rewarded CAMA funding. Ms. Sanderson said that based on additional  
25 comments by staff and elected officials there was also now a proposal to relocate  
26 the pier only and go with an approximate 1,000 linear foot pier on the western  
27 side of the existing canal. That pier would allow additional opportunities for an  
28 observation area as well as a temporary holding area for boats waiting to come  
29 in. Ms. Sanderson stated that if the Board was in favor she would suggest they  
30 proceed with this Option 2 with the 1,000 linear foot pier being a stand alone  
31 project. The total project cost would be \$100,000 requiring a \$25,000  
32 commitment from the Town if awarded the \$75,000 from CAMA. Ms. Sanderson  
33 said the other improvements could be considered and included in the future.  
34

35 Commissioner Hedreen said she liked Option 2 so that people who want to just  
36 go and observe could go straight from the parking lot and felt it could be enjoyed  
37 by many.  
38

39 ***Motion was made by Commissioner Hoover to open the Public Hearing.***  
40 ***The Board voted unanimously 4-0 in favor. Motion carried.***  
41

42 There were no comments from the public.  
43

44 ***Motion was made by Commissioner Wright to close the Public Hearing.***  
45 ***The Board voted unanimously 4-0 in favor. Motion carried.***  
46  
47

1  
2 Town Manager Rush pointed out to the Board that a revised Resolution reflecting  
3 Option 2 was at their places tonight which included a revised general fund budget  
4 amendment and revised capital project ordinance amendment to represent the  
5 higher \$25,000 local match.

6  
7 ***Motion was made by Commissioner Wright to approve the Resolution***  
8 ***Authorizing 2012 Public Beach and Coastal Waterfront Access grant***  
9 ***application for park improvements at the Emerald Isle Public Boating***  
10 ***Access Area – Option 2. The Board voted unanimously 4-0 in favor.***  
11 ***Motion carried.***

12  
13 ***Motion was made by Commissioner Hoover to approve the General Fund***  
14 ***budget amendment. The Board voted unanimously 4-0 in favor. Motion***  
15 ***carried.***

16  
17 ***Motion was made by Commissioner Hedreen to approve the Capital Project***  
18 ***Ordinance Amendment. The Board voted unanimously 4-0 in favor. Motion***  
19 ***carried.***

20  
21 **Clerks Note:** A copy of Resolution 12-03-13/R1 and related items as noted above are incorporated  
22 herein by reference and hereby made a part of these minutes.

23  
24 **11. Ocean Drive Resurfacing**

- 25  
26 **a. Budget Amendment – General Fund**  
27 **b. Budget Amendment – Powell Bill Fund**  
28 **c. Resolution Authorizing Contract with Onslow Grading & Paving, Inc.**  
29 **for Ocean Drive Resurfacing (12-03-13/R2)**  
30

31 Artie Dunn, Public Works Director addressed the Board regarding this agenda  
32 item. The following excerpt from the Town Manager's memo to the Board is  
33 provided for additional background:

34  
35 The Board of Commissioners is asked to approve three items associated with the resurfacing of a 2.2 mile segment of  
36 Ocean Drive between NC 58 (near the "dog-leg") and West Landing Drive at the March 13 meeting. A resolution  
37 authorizing a \$216,694 contract with Onslow Grading & Paving, Inc. and two associated budget amendments are  
38 presented for Board consideration at the March 13 meeting.  
39

40 As discussed by the Board at the February 28 special budget workshop meeting, there are two long segments of  
41 Ocean Drive in eastern Emerald Isle (2.7 miles from Indian Beach town line to 25<sup>th</sup> Street) and central Emerald Isle  
42 (2.2 miles from NC 58 to West Landing Drive) in need of comprehensive resurfacing. Other than Coast Guard Road,  
43 Ocean Drive is perhaps the most heavily traveled Town-maintained street in Emerald Isle, and is also the longest.  
44 Because both of these segments are longer and more costly than the amount of annual Powell Bill funding available, a  
45 recommendation was made to utilize a portion of the FY 11-12 additional sales tax to complete one of these segments  
46 this spring.  
47  
48

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1  
2 Artie Dunn, Public Works Director, had previously sought informal quotes from both Onslow Grading & Paving, Inc. and  
3 Barnhill Contracting Company for both segments, and Onslow Grading & Paving, Inc. submitted the lowest quotes for  
4 each segment, as follows:

5  
6

<u>Contractor</u>	<u>Eastern EI – 2.7 mile segment</u>	<u>Central EI – 2.2 mile</u>
7 <u>segment</u>		
8 Onslow Grading & Paving, Inc.	\$263,951	\$219,170
9 Barnhill Contracting Company	\$297,704	\$249,297.

10

11 The Board should note that the Town typically only receives two price quotes for street resurfacing work, from Onslow  
12 Grading & Paving, Inc. and Barnhill Contracting Company, due to the lack of competition in our region.

13  
14 Because the 2.2 mile segment in central Emerald Isle is judged to be in slightly worse condition overall, and because  
15 that total cost is more affordable for the Town at this time, we are recommending that the Town proceed with the  
16 resurfacing of the 2.2 mile segment in central Emerald Isle this spring. Because the two informal price quotes were  
17 solicited in early February, and there has been a change in asphalt pricing since that time, we recently contacted  
18 Onslow Grading & Paving, Inc. to determine if they would still honor their initial pricing for the 2.2 mile segment in  
19 central Emerald Isle. They indicated that there had been a slight increase in asphalt prices since that time, however,  
20 Artie Dunn has adjusted the specification on the asphalt slightly such that the revised total cost for the 2.2 mile  
21 segment is \$216,694, which is slightly less than the earlier quote. The attached resolution authorizes a contract with  
22 Onslow Grading & Paving, Inc. in the amount of \$216,694, as per the revised quote.

23  
24 The Town has received a total FY 11-12 Powell Bill distribution in the amount of \$145,574, and there is currently a  
25 remaining balance of \$143,566 available for the Ocean Drive resurfacing. The attached General Fund budget  
26 amendment appropriates an additional \$74,000 to provide the remaining amount necessary for the Ocean Drive  
27 resurfacing contract. These funds would be provided by additional FY 11-12 sales tax revenues, and would be  
28 transferred to the Powell Bill Fund. A related budget amendment for the Powell Bill Fund is also attached for Board  
29 consideration.

30  
31 We would like to complete the 2.7 mile segment of Ocean Drive in eastern Emerald Isle within the next few years, and  
32 may recommend that the Town forego a street resurfacing contract in FY 12-13 and combine the FY 12-13 and FY 13-  
33 14 Powell Bill distributions for the resurfacing of the 2.7 mile segment of Ocean Drive in FY 13-14. The Town expects  
34 to receive approximately \$145,000 +/- of Powell Bill distributions in each of the next two fiscal years.

35  
36 Mayor Pro-Tem Messer called for public comment.

37  
38 There were no comments from the public.

39  
40 **Motion was made by Commissioner Hoover to approve the General Fund**  
41 **Budget Amendment. The Board voted unanimously 4-0 in favor. Motion**  
42 **carried.**

43  
44 **Motion was made by Commissioner Wright to approve the Powell Bill Fund**  
45 **Budget Amendment. The Board voted unanimously 4-0 in favor. Motion**  
46 **carried.**

47  
48  
49  
50  
51

1  
2 ***Motion was made by Commissioner Hedreen to approve the Resolution***  
3 ***Authorizing a Contract with Onslow Grading & Paving, Inc. for Ocean Drive***  
4 ***resurfacing. The Board voted unanimously 4-0 in favor. Motion carried.***  
5

6 **Clerks Note: A copy of Resolution 12-03-13/R2 (Option 2) and related items as noted above are**  
7 **incorporated herein by reference and hereby made a part of these minutes.**  
8

9 **12. FEMA Irene Beach Nourishment Project**

10  
11 **a. Capital Project Ordinance**

12 **b. Resolution Authorizing Permitting, Engineering, and Construction**  
13 **Administration Contract with Moffatt & Nichol Engineers (12-03-13/R3)**  
14

15 Frank Rush, Town Manager addressed the Board regarding this agenda item.  
16 The following excerpt from his memo to the Board is provided for additional  
17 background:  
18

19 The Board of Commissioners is scheduled to consider two items associated with a planned beach nourishment project  
20 that would replace much of the sand lost from the beach during Hurricane Irene. The Board will consider a resolution  
21 authorizing a \$268,450 contract with Moffatt & Nichol Engineers, Raleigh, NC, for all project permitting, engineering,  
22 and construction administration services, and will also consider a new capital project ordinance for the FEMA Irene  
23 Beach Nourishment Project.  
24

25 The planned project would place up to 674,322 cubic yards of sand along up to 4.6 miles of beach in both eastern and  
26 western Emerald Isle at a total cost of approximately \$9.85 million. Preliminary plans call for the nourishment of a 2.6  
27 mile reach from the Eastern Ocean Regional Access to 3rd Street, and a 2.0 mile reach from Page Place to Bayberry  
28 Street. The Board and the public should note that the sand volume and project boundaries are subject to change, and  
29 are highly dependent on the Town's request for State funding (\$3 million) and the actual construction bids received  
30 later this fall. Regardless of the amount of funding ultimately available, the Town will be working to place the most  
31 sand in the areas of greatest need after Hurricane Irene, and these are the general areas that will be the areas  
32 nourished as part of this project. The project is expected to be constructed sometime between November 15, 2012  
33 and April 1, 2013. A "summary sheet" for the planned project is attached for the Board's information.  
34

35 The attached Moffatt & Nichol contract and scope of work includes all of the typical permitting, engineering, and  
36 construction administration tasks associated with a beach nourishment project. (The planned FEMA Irene project will  
37 be the Town's 5<sup>th</sup> beach nourishment project since 2003.) The Board should note that contract costs will be shared  
38 between the Town of Emerald Isle and the Town of Pine Knoll Shores, and are prorated based on the volume of sand  
39 each municipality will receive. The total cost of the Emerald Isle contract is \$268,450, which is approximately 68% of  
40 the total contract amount for the two towns. (Emerald Isle will receive approximately 68% of the total volume of sand  
41 from the planned FEMA Irene project.)  
42

43 Moffatt & Nichol has a longstanding relationship with both the County and the Town, and has been working for the past  
44 several months on the development of a "master plan" (including long-term permitting approvals) for the County's and  
45 Town's long term beach nourishment plans. In fact, there is some overlap between the work being done for the  
46 "master plan" and the FEMA Irene project, and Moffatt & Nichol had a bit of a "head start" due to their work on the  
47 "master plan" and other previous efforts. The total cost of the permitting, engineering, and construction administration  
48 services contract represents less than 3% of the total estimated construction cost of the project. The total cost of the  
49 contract is also less than anticipated in the original budget estimate for this project that was used as the basis of the  
50 Town's State funding request (\$268,450 contract cost vs. \$604,815 original budget estimate).  
51  
52

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1  
2 As noted, the Town expects to place up to approximately 674,322 cubic yards of sand along the beach. FEMA has  
3 approved the reimbursement of costs associated with 157,073 cubic yards (and also including significant mobilization  
4 expense), with a combination of State, County, and Town funding utilized for the remaining 517,249 cubic yards.  
5 FEMA's approved "project worksheet" indicates reimbursement for up to \$160,000 of permitting, engineering, and  
6

7 construction administration expense, and the Town will be seeking this full amount to go toward the \$268,450 contract  
8 cost included in the attached resolution. The Town will also be seeking to reimburse the County for an additional  
9 \$31,652 of permitting and engineering expenses already incurred for this project prior to the execution of this contract.  
10 The total permitting, engineering, and construction administration expenses of \$300,102 (\$268,450 + \$31,652) are well  
11 within the original budget estimate for the project.  
12

13 The attached capital project ordinance establishes a formal project budget, and is based on the estimates in the  
14 attached "summary sheet". The Board should note that the attached capital project ordinance includes the requested  
15 State funding. The amounts in the capital project ordinance will be amended in the future if the State funding is not  
16 ultimately received.  
17

18 Mayor Pro-Tem Messer called for public comment.

19  
20 There were no comments from the public.  
21

22 ***Motion was made by Commissioner Hoover to approve the Capital Project***  
23 ***Ordinance. The Board voted unanimously 4-0 in favor. Motion carried.***  
24

25 ***Motion was made by Commissioner Wright to approve the Resolution***  
26 ***Authorizing Permitting, Engineering, and Construction Administration***  
27 ***Contract with Moffatt & Nichol Engineers. The Board voted unanimously***  
28 ***4-0 in favor. Motion carried.***  
29

30 **Clerks Note: A copy of Resolution 12-03-13/R3 and related item as noted above are incorporated**  
31 **herein by reference and hereby made a part of these minutes.**  
32

33 **13. Ocean Oaks Drive Drainage Pipe Repair**  
34

35 **a. Budget Amendment – General Fund**

36 **b. Resolution Authorizing Contract with Southeast Pipe Survey for**  
37 **Ocean Oaks Drive Drainage Pipe Repair (12-03-13/R4)**  
38

39 Artie Dunn, Public Works Director, addressed the Board regarding this agenda  
40 item. The following excerpt from the Town Manager's memo to the Board is  
41 provided for additional background:  
42

43 The Board of Commissioners is scheduled to consider two items that will result in the comprehensive repair of the  
44 Town's existing 36" drainage pipe along Ocean Oaks Drive in the Cape Emerald subdivision. The attached resolution  
45 authorizes a \$118,300 contract with Southeast Pipe Survey, Patterson, GA for the use of "cured in place pipe" (CIPP)  
46 technology on a 720 ft. segment of drainage pipe. The attached General Fund budget amendment appropriates a total  
47 of \$128,000 for this contract and associated street resurfacing activities on Ocean Oaks Drive.  
48

49 As discussed at the Town's February 28 special meeting, the Town owns and maintains a 2,000 linear ft., 36" concrete  
50 storm water pipe along Ocean Oaks Drive in the Ocean Oaks and Cape Emerald subdivisions. This pipe conveys

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1  
2 storm water from a very large drainage area on the ocean side of Coast Guard Road to the large ponds in Cape  
3 Emerald that ultimately discharge into Bogue Sound. This pipe was presumably installed in the mid-1980s when these  
4 subdivisions were constructed, and the Town has had numerous problems with failing pipe joints for several years  
5 now. The failing joints have resulted in numerous sinkholes (in areas where the pipe runs below the shoulder of Ocean  
6 Oaks Drive) and potholes in Ocean Oaks Drive (in areas where the pipe runs directly under the asphalt). Several joint  
7 repairs have been made over the years, however, the problems continue, and a major repair is now necessary.

8  
9 The Board may recall that the Town repaired similar problems along a 400 ft. segment of the same pipe along Cape  
10 Lookout Loop in 2006 using a method call "slip-lining", which involved pulling a new, smaller plastic pipe through the  
11 existing concrete pipe. Additionally, the Board may recall that the Town funded 50% of the cost of resurfacing Ocean  
12 Oaks Drive in Cape Emerald subdivision (a private street) in 2002 due to potholes caused by the failing joints (which  
13 were also repaired at the time). These issues along Ocean Oaks Drive have continued to worsen in Cape Emerald in  
14 recent years, and Public Works staff have routinely repaired potholes and sinkholes. The need for a more  
15 comprehensive repair has been growing over time, and the residents of the Cape Emerald subdivision have been very  
16 patient on this issue.

17  
18 As discussed at the February 28 special meeting, the Town expects to receive additional unbudgeted sales tax  
19 revenues in FY 11-12, and I am recommending that \$128,000 of these funds be utilized for this comprehensive pipe  
20 repair. Artie Dunn, Public Works Director, has secured informal quotes from 3 companies to install a new "cured in  
21 place pipe" inside of the existing concrete drainage pipe along Ocean Oaks Drive from the entrance to Cape Emerald  
22 subdivision to the intersection of Ocean Oaks Drive and Cape Lookout Loop / Cape Fear Loop, approximately 720 ft.  
23 long. (An aerial photo map indicating this pipe segment is attached.) The Town received the following informal quotes  
24 for this work:

25		
26	Southern Pipe Survey, Patterson, GA	\$ 118,300
27		
28	Insituform, Inc., Lexington, SC	\$ 128,736
29		
30	Engineered Lining Systems, Jacksonville, FL	\$ 158,542.
31		

32 Southern Pipe Survey provided the lowest quote, and Artie Dunn has had extensive conversations with the company  
33 about this project and talked with references. We are confident in Southern Pipe Survey's ability to complete this work  
34 for the Town.

35  
36 If the 720 linear ft. segment is repaired, this will address the segment of the Ocean Oaks Drive drainage pipe in  
37 greatest need of repair. The majority of concerns with the existing pipe are in the Cape Emerald subdivision. There  
38 have not been as many sinkholes or as significant sinkholes on the remaining 1,280 linear ft. of pipe on the south side  
39 of Coast Guard Road, and the entire pipe in that area is located below the road shoulder (off of the asphalt road) and  
40 has not resulted in potholes in the roadway.

41  
42 As was done in 2002, we are also recommending that the Town fund 50% of the cost of resurfacing Ocean Oaks Drive  
43 in the project area. The repeated pipe failures have resulted in numerous potholes that have been repaired, and it  
44 would improve aesthetics and ride quality on this private street if the entire street is resurfaced. The attached General  
45 Fund budget amendment includes \$9,700 for 50% of the cost of resurfacing. It is expected that the Cape Emerald  
46 Homeowners Association will fund the remaining resurfacing cost.

47  
48 **Mayor Pro-Tem Messer called for public comment.**

49  
50 Amber Miller, 312 Cape Fear Loop, resident of the Cape Emerald neighborhood,  
51 thanked the Mayor, Commissioners, Mr. Rush and Mr. Dunn for all the work they  
52 had done to finally bring resolution to this long standing problem. Ms. Miller felt  
53 that eliminating the source of the sink holes would really make a difference to the

1  
2 quality of life of the residents and would also improve the safety of their children  
3 and pets. They were very grateful for the Board bringing closure to this issue.

4  
5 ***Motion was made by Commissioner Hedreen to approve the General Fund***  
6 ***budget amendment. The Board voted unanimously 4-0 in favor. Motion***  
7 ***carried.***

8  
9 ***Motion was made by Commissioner Hoover to approve the Resolution***  
10 ***Authorizing Contract with Southeast Pipe Survey for the Ocean Oaks Drive***  
11 ***Drainage Pipe Repair. The Board voted unanimously 4-0 in favor. Motion***  
12 ***carried.***

13  
14 Commissioner Hedreen asked Ms. Miller to please tell her neighbors in Cape  
15 Emerald thank you for their patience and for working with the Town.

16  
17 **Clerks Note:** A copy of Resolution 12-03-13/R4 and related item as noted above are incorporated  
18 herein by reference and hereby made a part of these minutes.

19  
20 **14. Comments from Town Clerk Town Attorney, and Town Manager**

21  
22 There were no comments from the Town Clerk or the Town Attorney.

23  
24 Town Manager Rush updated the Board on several important issues including  
25 the Island Circle Pump station, walkways at 3<sup>rd</sup> and 5<sup>th</sup> Street, and the status of  
26 the Community Center roof repair.

27  
28 In addition, Mr. Rush said he had attended a meeting that morning in Wilmington  
29 at the Army Corps of Engineers office regarding the Bogue Inlet dredging. Mr.  
30 Rush said that there was \$500,000 of emergency Federal funding associated  
31 with Hurricane Irene available for side-cast dredging in Bogue Inlet across the  
32 bar and the connector channel for this year. Mr. Rush outlined their plans, noting  
33 that the Corps would be coming probably in the next couple of weeks to do just  
34 about 2-3 days of dredging in the problem spot closer to the Intracoastal  
35 Waterway and we were currently on the schedule for comprehensive dredging in  
36 May and also in July. Mr. Rush stated that those two dredging events as well as  
37 the small event in the next couple of weeks would eat up most of that money but  
38 should keep the inlet in good shape. In addition, there was a total of \$340,000  
39 remaining from previous State and Local funding efforts that would be available  
40 for dredging in Bogue Inlet in 2013 and he felt they should be squared away for  
41 the next two years and perhaps longer.

42  
43  
44  
45  
46

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1  
2 The following is an excerpt from the Town Manager Comments memo to the  
3 Board providing additional background information for all items of importance:

4  
5 **Controlled Deer Hunt Results**

6 The Town's 2012 controlled deer hunt resulted in the elimination of 17 deer. Volunteer bowhunters took deer from the  
7 Royall Oaks, Emerald Isle Woods Park, and Bell Cove Estates locations. No deer were taken from the Lands End or  
8 Wyndward Court / Coast Guard Road locations, and hunting only occurred on a few days at those two locations. The

9  
10 17 deer taken were carrying a total of 17 deer fetuses. We will plan on a new population estimate in fall 2012 and the  
11 Board can consider additional action at that time.

12  
13 As you know, there are no deer contraceptives currently approved for use in North Carolina. Mayor Schools continues  
14 to discuss the idea of a pilot program with the NC Wildlife Resources Commission, and that may become an alternative  
15 or additional effort for the Board to consider in the future.

16  
17 **Community Center Roof Replacement**

18 EG Smithson, Inc., the Town's contractor, continues work on the Community Center roof replacement project.  
19 Weather conditions have delayed work somewhat, but the project is otherwise moving ahead smoothly. Certain areas  
20 of the Community Center can not be used while work is occurring above, and this will likely result in limited  
21 rescheduling or canceling of certain activities. Efforts will be made to minimize the impacts of this work on the use of  
22 the facilities. Work is expected to be complete by late March or early April.

23  
24 **Island Circle Pump Station**

25 SunLand Builders, the Town's contractor, is making good progress on the construction of the Island Circle pump  
26 station. The pump station housing and infiltration pipe are in place. The project has gone smoothly thus far, and is  
27 expected to be substantially complete before Easter weekend. We expect the new pump station to be operational by  
28 mid-April.

29  
30 **Recent Internet Auction Results**

31 The recent internet auction of two non-functioning Police vehicles yielded a total of \$1,696.

32  
33 **Coast Guard Road Bicycle Path Fundraising**

34 The Bicycle and Pedestrian Advisory Committee continues its aggressive fundraising efforts, and recently received a  
35 \$10,000 donation from Mayor and Diane Schools, and also received a \$10,000 commitment from Transportation  
36 Impact, a fast-growing local business. I expect the Committee to soon reach the \$34,000 threshold that would  
37 represent 50% of the estimated \$68,000 cost to extend the bicycle path from El Woods Park to Ocean Oaks Drive.  
38 Depending on the timing of additional donations, the Board may wish to consider providing Town funding for this  
39 project later this spring or summer.

40  
41 **Veterans Memorial Fundraising**

42 Coordinator Bernie Whalley has been hard at work on fundraising for the new Veterans Memorial, and is approaching  
43 the \$9,000 amount needed for the purchase of the monument. He continues to seek donations for a flagpole and other  
44 related amenities. The Board may wish to consider funding the purchase of a flagpole, estimated at \$1,500, or  
45 perhaps some other contribution.

46  
47 **Soundside Pier at Aquarium Pier**

48 The proposed soundside improvements at the future Aquarium Pier site are currently being reviewed by the State  
49 Construction Office, and we are hopeful that bids will be solicited soon. It is likely that only the soundside pier will  
50 move forward at this time due to permitting and timing issues associated with the other planned improvements. I hope  
51 to have a more definitive update on this issue within the next few weeks.

52  
53

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1  
2 **Oceanfront Exception Stickers for Unattended Beach Equipment**

3 Oceanfront exception stickers are now available to qualified oceanfront property owners (west of the "dog-leg" vehicle  
4 ramp only). The exception stickers are identical to those used in 2011, and Public Works staff will not warn or  
5 confiscate items with the 2011 or 2012 stickers.

6  
7 **Regional Access Free Parking Permits**

8 Regional Access free parking permits are now available to Emerald Isle taxpayers. The first day of the 2012 parking  
9 fee collection is Friday, April 6 (Good Friday).

10  
11 **Proposed Boat Storage Facility – Emerald Drive / Woodpecker Lane**

12 The Planning Board will review plans for a proposed new boat storage facility at its March 26 meeting. This item may  
13 appear on the Town Board's April meeting agenda.

14  
15 **Replacement of 3<sup>rd</sup> Street and 5<sup>th</sup> Street Beach Access Walkways Complete; Additional Walkway Replacement**  
16 **Delayed**

17 The replacement of the 3<sup>rd</sup> Street and 5<sup>th</sup> Street walkways is now complete, and Town staff are pleased with the work  
18 by Builders By Design. We sought a price quote from Builders By Design for the replacement of the Edna Street  
19 walkway, however, the total cost was approximately \$25,000, which was much more than expected. Alesia  
20 Sanderson, Parks and Recreation Director, will solicit additional quotes for the Edna Street walkway, and we hope to  
21 award a contract for that walkway in April.

22  
23 **Chief Hargett**

24 Chief Hargett continues to recover at home, and has not yet returned to work. I am hopeful that he will be cleared to  
25 return to work later this month.

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

28 Moffatt & Nichol is nearing completion of this study, which is primarily funded by a NC Clean Water Management Trust  
29 Fund grant. I expect to receive a draft report within the next week, and should have the final report by mid-April.

30  
31 **Cedar Point Yard Debris Collection Assistance**

32 The Public Works Department will collect yard debris in the Town of Cedar Point on the weekend of April 14 and 15.  
33 The Town of Cedar Point will be charged for overtime for Town personnel assigned this work, and will also be charged  
34 for all other direct costs. The completion of this work on a weekend should not impact the Town's yard waste collection  
35 schedule.

36  
37 **15. Comments from Board of Commissioners and Mayor**

38  
39 There were no further comments from the Board of Commissioners.

40  
41 **16. Closed Session – Pursuant to NCGS 143-318.11(3), to preserve**  
42 **attorney-client privilege**

43  
44 ***Motion was made by Commissioner Hoover to enter Closed Session. The***  
45 ***Board voted unanimously 4-0 in favor. Motion carried.***

46  
47 ***Motion was made by Commissioner Hedreen to return to Open Session.***  
48 ***The Board voted unanimously 4-0 in favor. Motion carried.***

49  
50 There was no action taken by the Board as a result of Closed Session.

51

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14

**17. Adjourn**

***Motion was made by Commissioner Hedreen to adjourn the meeting. The Board voted unanimously 4-0 in favor. Motion carried.***

***The meeting was adjourned at 8:20 pm.***

Respectfully submitted:

Rhonda C. Ferebee, CMC  
Town Clerk

DRAFT