

1 he agreed with Commissioner Normile about the amount of hard work performed by the
2 members of the Beach Commissioner. The Board and public applauded former Commissioner
3 Wootten.
4

5 **7. Proclamation / Public Announcements**
6

7 Mayor Barber noted the following Proclamation and announcements for the public:
8

9 **a. Proclamation – North Carolina 8aa Safe Digging Month**

- 10
- 11 • **St. Patrick’s Ride Preview Night – Fri. March 13 – 5-10pm – Emerald Plantation**
 - 12 **Shopping Center**
 - 13 • **29th Annual St. Patrick’s Festival – Saturday, March 14 – 9am-6pm – Emerald**
 - 14 **Plantation Shopping Center**
 - 15 • **Golf Cart Advisory Committee Meeting – Tuesday, March 17 – 5:30 pm – Town Board**
 - 16 **Meeting Room**
 - 17 • **Police Educating the Public (PEP) – Tuesday, March 17 – 10 am – Town Bd Mtg Room**
 - 18 • **Dog Park Development Committee – Wednesday, March 18 – 3pm – EI Community**
 - 19 **Center**
 - 20 • **Bicycle & Pedestrian Advisory Committee – Wednesday, March 18 – 9:30 am – EI**
 - 21 **Community Center**
 - 22 • **EI Sea Turtle Annual Orientation /I Training – Saturday, Mar. 21 10am-1pm – EI**
 - 23 **Community Center**
 - 24 • **Planning Board Regular Meeting – Monday, March 23 – 6 pm – Town Board Mtg Room**
 - 25 • **Coffee With a Cop – Thursday, March 26 – 9am- 4Js Bake Shop**
 - 26 • **7th Annual Emerald Isle Marathon, Half-Marathon & 5K- Saturday, March 28 – WORA**
 - 27 • **Summer Job Fair – Wednesday, April 1 – 3-6pm – Emerald Isle Community Center**
 - 28 • **Easter Eggstravaganza – Saturday, April 4 – 10am-11am – EI Community Center**
 - 29 • **Neighborhood Watch Board Meeting – Tues. April 7 – 5:30 pm – Police Conf Room**
 - 30 • **Good Friday Town Holiday – Friday, April 10 – Town Offices Closed – Community**
 - 31 **Center Closed**
 - 32 • **Golf Cart Safety, Rules & Regulation Class – Monday, Apr 13 at 10am – Town Board**
 - 33 **Meeting Room**
 - 34 • **Board of Commissioners Regular Meeting – Tuesday, April 14 – 6 pm – Town Board**
 - 35 **Meeting Room**
- 36
37
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39
40
41

1 **8. Public Comment**

2
3 **Brief Summary:**

4
5 The public will have the opportunity to address the Board about any items of concern not on the agenda. The
6 Mayor and Board welcome and appreciate all comments from the public, and will take these comments into
7 consideration as they make decisions on Town issues and provide direction to Town staff. Public comment is a time
8 for the Board to listen to the public's concerns and ideas, and is not intended for a lengthy dialogue or question
9 and answer session.

10
11 The Mayor, Board, and Town staff are happy to meet with any citizen during normal business hours or at any other
12 mutually agreeable time to discuss Town issues and answer any questions.

13 Terri Brett, 305 Cape Lookout Loop, commented that as Principal of White Oak Elementary
14 School she wanted to personally thank three Public Works employees – Kory McInchak, Terry
15 Wilson, and Joe Smith for being able to donate their time to assist with moving some heavy
16 furniture at the school. Ms. Brett wanted to publicly thank the employees as well as Public
17 Works Director Artie Dunn for helping to coordinate their assistance to White Oak Elementary
18 School.

19 Paul Schwartz, 10550 Wyndtree Drive, thanked the Town for the recent paving of Station Street
20 Park. Mr. Schwartz also mentioned that he had observed recently during an incident on the
21 bridge that it took a while to move the vehicles as a tow truck from New Bern was called and he
22 wondered with the 3-4 local tow trucks in the area why they were not used instead.

23 Town Manager Matt Zapp responded that the State Highway Patrol would have responded and
24 made that decision but he agreed there was opportunity to improve.

25 Chris Squire, 11201 Inlet Drive, thanked town staff particularly Josh Edmondson for answering
26 all of the questions he had following his comments at the February meeting regarding a gazebo
27 on the oceanfront at the Point. Mr. Squire expressed his concerns that you could build such a
28 structure without notification to your neighbor, worse he said there was very little you could do
29 to stop an entire house from being constructed in such a manner. Mr. Squire recommended
30 that there be a requirement for a survey and neighborhood notification for anything built on
31 the ocean. Mr. Squire also recommended the Town explore a new ordinance that would review
32 building lines similar to other beach communities.

33 **9. Consent Agenda**

- 34 a. **Order to Advertise Tax Liens**
35 b. **Minutes – January 14, 2020 Regular Meeting**
36 c. **Minutes – January 14, 2020 Closed Session**
37 d. **Minutes – February 10, 2020 Special Meeting**
38 e. **Resolution Authorizing Audit Services Contract Extension (20-03-10/R1)**
39 f. **Amendment – 2019-2020 Pay Plan – Position Classification**
40

1 g. Resolution Authorizing Sale of 1998 Fire Apparatus (20-03-10/R2)

2 h. Resolution Authorizing Sale of 2012 Ambulance (20-03-10/R3)

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

5 Clerks Note: A copy of Resolution 20-03-10/R1, 20-03-10/R2, 20-03-10/R3 and all other consent agenda items as noted
6 above are incorporated herein by reference and hereby made a part of these minutes.

7
8 **10. Consider Lease Agreement with Bogue Banks Water Corporation for Well Site**

9 a. Public Hearing

10 b. Consideration of Ordinance Amendment

11 Seola Hill, Executive Director with the non-profit Bogue Banks Water Corporation provided a
12 second presentation as a follow-up to his initial presentation at the Board of Commissioner's
13 February 11 meeting regarding the request by Bogue Banks Water Corporation to the Town for
14 a long term lease of a tract 200 feet by 220 feet at the northwest corner of the McLean Spell
15 Park property for the location of a well site. Mr. Hill conducted a PowerPoint presentation that
16 incorporated some alternative changes for consideration following the comments, suggestions
17 received and further review following the February meeting.

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

20 Taney Browder, 7515 Sound Drive, commented about coming into the site from the
21 maintenance side and the discussion about moving the well site back 50' in the southern
22 direction from the previous site. He thought this was a good improvement and agreed with
23 putting the berm back if this was decided upon.

24 Ginger Miller, 7523 Sound Drive, asked about the kind of entrance it would be adjacent to their
25 property. Ms. Miller was not happy about losing wildlife and the removal of about 30 small
26 trees and the widening of the access to the property and how that affected protection from
27 storms.

28 Robert Miller, 7523 Sound Drive, reminded the Board that the Town 2 years ago when the land
29 was purchased the Town Manager at that time met with a number of homeowners particularly
30 those who were around the two entrances to the park and promised that the entrances on
31 Sound Drive would remain secondary entrances and that the berms would stay and he had
32 heard tonight that berms could be put back if taken down but hadn't heard anyone say they
33 were going to be put back.

34 Mr. Hill responded at the request of Commissioner Normile that if the berms were physically
35 removed as the Town wished then the berm could be rebuilt back during construction and
36 would only be taken down again when needed for maintenance.

37 Mayor Barber felt it was very important that the berm be put back.

1 Commissioner Normile also stated there were no current plans for anything at the stub outs on
2 Sound Drive. Commissioner Normile didn't think anyone could promise or un-promise anything
3 about the stub outs as there were currently no plans.

4 Pam Moss, 9254 Deer Horn Drive, said that had lived here full-time since 2007 noting that she
5 worked in the water quality field since 1997. Ms. Moss felt the goal as a community should be
6 to work together the Town, citizens and Bogue Banks Water Corporation to look into our
7 present state and our future to have good quality water here as a resource. Ms. Moss said as
8 Mr. Hill stated we were limited here as are all coastal communities with salt water intrusion in
9 some places and there were only so many places to get water. Ms. Moss requested as a
10 customer and as a drinking water professional that they do their due diligence and look at this
11 lease as a good solution.

12 Richard Maxwell, 7114 Ocean Drive, asked a question from Mr. Hill about the impact putting
13 this well in would have on Bogue Banks Water as to percentage of production needed from the
14 new well. Mr. Hill responded to Mr. Maxwell with details of the existing wells and percentage
15 requirements needed for production.

16 Joy Brownlow, 7506 Sound Drive, stated that she was very grateful for the Town's acquisition of
17 McLean Spell Park and she also understood we need water to function as a community. Ms.
18 Brownlow said her concern was how suddenly homeowners had learned of the demand for a
19 new wellsite. Ms. Brownlow said last month several residents found out about the water
20 company's proposal upon seeing the flags and tape at the parks northwest entrance and
21 unfortunately there had not been any previous communication to educate and inform the
22 adjacent property owners about this issue. Ms. Brownlow said she happened to be an adjacent
23 property owner and had purchased the lot on her road because it specifically backed up to this
24 beautiful maritime forest. Ms. Brownlow referenced and read an excerpt from the
25 comprehensive land use plan regarding water meeting the needs of the community. Ms.
26 Brownlow asked if there were any other alternatives.

27 Paxon Holz, 6715 Ocean Drive, said she was grateful to Joy Brownlow for sharing the site survey
28 report that was provided for the purpose of the for Clean Water Management Trust Fund
29 funding. A copy of the report which was provided to the Board. Ms. Holz said she had reached
30 out to the office and Mr. Schafale was out of town but she spoke to his assistant and they said
31 they would be glad to come again for the Town. Ms. Holz stated that salt water intrusion
32 couldn't be predicted and the only options were to seek more well sites. Ms. Holz explained
33 her disappointment when they had 3 lots under contract where they hoped to have reverse
34 osmosis but couldn't get enough people in the subdivision to agree to allow.

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

37 Town Manager Matt Zapp recommended that the Board take no action at this time in order to
38 allow the Board further time to consider this issue and provide further direction to staff.

1 Mayor Barber stated that the Board would take no action tonight and thanked the public for
2 the input and feedback tonight. The Board concurred.

3 Commissioner Normile requested based on feedback heard during public comment on this
4 issue that staff look into ways to improve or eliminate vehicles from illegally parking on the stub
5 streets that provide access on the north side of McLean Spell Park from Sound Drive.

6 Commissioner Normile also was concerned about the trees that would be removed and placed
7 back asking for citizens to share thoughts on the type of trees that should be planted back.

8 **11. Ordinance Amending Chapter 5 – Density, Intensity, and Dimensional Table – Minimum**
9 **Dwelling Unit size (Heated Square Feet)** (20-03-10/O1)

10 **a. Public Hearing**

11 **b. Consideration of Ordinance Amendment**

12 Town Planner Josh Edmondson addressed this item for the Board’s consideration regarding the
13 recent statutory change by the State of North Carolina which has limited the ability for
14 municipalities and counties to regulate small houses (tiny homes). The following is an excerpt
15 from his memo.

16 A recent statutory change by the State of North Carolina has limited municipalities and counties ability through the
17 local zoning ordinance to regulate small house (tiny homes). S.L. 2019-174 (H.B. 675) amended G.S. 160A-381 and
18 153A-340 to prohibit cities and counties from including a minimum square footage for any structure subject to the
19 State Building. Below is an excerpt from the Planning and Zoning Law Bulletin, by the UNC School of Government
20 in September 2019 on the subject:

21
22 *“Small houses are increasingly proposed in North Carolina. The proposals arise in a variety of settings, including*
23 *affordable housing, “tiny homes,” accessory dwellings, assisted living, and others. Very few North Carolina cities*
24 *and counties prohibit these structures, provided that if one is to be used as a residence, it must be built to the State*
25 *Building Code. However, in order to forestall any prohibition movement, S.L. 2019-174 (H.B. 675) amends G.S.*
26 *160A-381 and 153A-340 to prohibit city and county zoning ordinances from including a minimum square footage*
27 *for any structure subject to the State Building Code for one- and two-family residential dwellings. The act also*
28 *includes this restriction in the county subdivision-enabling statute. These provisions became effective on July 26,*
29 *2019. This law does not affect private restrictive covenants, which are far more likely to address this issue than*
30 *local zoning ordinances”.*

31
32 The implications to the Town are significant. Our current ordinance provisions require each single-family
33 residential structure to be a minimum of 1,000 heated square feet and two-family (duplex) unit’s a minimum of
34 750 heated square feet per each unit. Because of this statutory change, our ordinance will require an amendment
35 to remove the minimum square foot requirement. This means that as long as the minimum square footages are
36 complied with as outlined in the North Carolina Residential Code, small houses will be allowed to be placed in any
37 zoning district allowing single and dual family structures without limitation. Section R304 Minimum Room Areas
38 of the North Carolina Residential Code requires habitable rooms to have a floor area of not less than 70 square
39 feet with the exception of kitchens. Habitable space is defined as a space in a building for living, sleeping, eating or
40 cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered
41 habitable spaces.

42

1 Staff has been at work since the approval of this new legislation trying to identify a zoning amendment that would
2 regulate small homes. After review with the UNC School and Government and Town Attorney Stanley, there is no
3 viable option to regulate small homes through a zoning ordinance at this time. Because of this and in order to be
4 in compliance with H.B. 675 staff recommended to the Planning Board at their November meeting to amend
5 Chapter 5 Density, Intensity and Dimensional Table, Minimum Dwelling Unit Size to remove the minimum heated
6 square feet requirement for single family and duplex dwelling units in the R2 and RMF zoning districts. The
7 Planning Board voted unanimously to approve the amendment as submitted in order to comply with H.B. 675 at
8 their November 2019 meeting.

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

12
13 There were no public comments.

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

17
18 ***Motion was made by Commissioner Taylor to adopt the Ordinance Amending Chapter 5 –***
19 ***Density, Intensity and Dimensional Table – of the Unified Development Ordinance to Remove***
20 ***the Minimum Dwelling Size (Heated Square Feet). The Board voted unanimously 5-0 in favor.***
21 ***Motion carried.***

22
23 Clerks Note: A copy of Ordinance Amendment 20-03-10/O1 as noted above is incorporated herein by reference and hereby
24 made a part of these minutes.

25
26 **12. Carteret-Craven Electric Cooperative**

- 27 **a. Decorative Pole Agreement Cost Status**
28 **b. Islander Drive Underground Electric Cost Status**

29 Town Manager Matt Zapp first asked for the Board's approval of the increased cost of the NC
30 58 Decorative Light project invoice. Town Manager Zapp noted the original price was to be
31 \$57,628 however the final negotiated price was \$70,393.98.

32 ***Motion was made by Commissioner Finch to accept Carteret-Craven Electric Cooperatives***
33 ***increase to the decorative pole agreement. The Board voted unanimously 5-0 in favor.***
34 ***Motion carried.***

35 Town Manager Matt Zapp next discussed the request for the Board to approve a binding (not to
36 exceed) contract for the upcoming Islander Drive underground electric work in the amount of
37 \$143,000. Any change orders that exceeded this amount would need to be dually signed by
38 Carteret Craven Electric Cooperative and the Town of Emerald Isle.

39 ***Motion was made by Commissioner Normile to accept Carteret-Craven Electric Cooperatives***
40 ***Islander Drive Underground Agreement. The Board voted unanimously 5-0 in favor. Motion***
41 ***carried.***

1 **13. EMS Collections Contract**

2 **a. Resolution Authorizing Debt Recovery Agency Services Contract (20-03-10/R4)**

3 EMS Chief David Jones addressed the Board regarding their consideration of a Resolution
4 authorizing the Town Manager to execute an agreement for ambulance debt recovery services
5 with Professional Recovery Consultants, LLC, Durham, NC. The following excerpt is included
6 from his memo.

7 In the effort to recover delinquent EMS billing accounts, the EMS Department conducted an informal request for
8 proposals for a debt recovery agency. The debt recovery agency will assist the Town in the collection of delinquent
9 EMS accounts. Based on the evaluation completed by the EMS department, the department averages \$150,000
10 annually in uncollected EMS billing accounts.

11
12 The EMS department researched several debt recovery agencies that specialize in medical debt recovery, and
13 requested proposals from area firms qualified for this specialized service. The Town received and reviewed 3
14 proposals from qualified firms which included Professional Recovery Consultants, LLC of Durham, North Carolina,
15 Simon's Agency Inc of Liverpool, New York, and SCA Collections, Inc of Greenville, North Carolina.

16
17 Professional Recovery Consultants, LLC has over 41 years of experience, and maintains several ambulance agencies
18 in their client base. Professional Recovery Consultants, LLC currently provides services for agencies such as Wake
19 County EMS and Carteret Health Care. Professional Recovery Consultants is authorized to perform debt recovery
20 services in North Carolina and the majority of the United States.

21
22 The Town's contract will begin April 1, 2020. The agreement will continuous, and maybe terminated at any time
23 subject to 30 days' notice.

24
25 ***Motion was made by Commissioner Dooley to approve Resolution Authorizing Town Manager***
26 ***to Execute an Agreement for Ambulance Debt Recovery Services with Professional Recovery***
27 ***Consultants, LLC. The Board voted unanimously 5-0 in favor. Motion carried.***

28
29 **Clerks Note: A copy of Resolution 20-03-08/R4 as noted above is incorporated herein by reference and hereby made a part**
30 **of these minutes.**

31
32 **14. Appointments**

33 **a. Planning Board – 1 Vacancy**

34 **Brief Summary:** The Board should fill 1 vacancy on the Planning Board.

35 The Board at their February 11 meeting filled 2 of the 3 vacancies on the Planning Board with
36 terms that expired March 2020 reappointing current members Chad MacAvery and Malcolm
37 Boartfield.

38 Following the February 11 meeting the Town solicited interest from applicants interested in
39 filling the remaining vacancy left by outgoing member Jim Osika.

40 There were 9 individuals who expressed interest for Board consideration as follows:

1 Charles McCurry, Athan Parker, Rick Puruleski, Amy Reardon, Kevin Reed, Traci Roberts, Joe
2 Russick, Chris Squire, and Reid Tyler.

3 ***Motion was made by Commissioner Taylor to appoint Athan Parker to a term on the Planning***
4 ***Board that expires March 2022. The Board voted unanimously 5-0 in favor. Motion carried.***

5 **15. Comments from Town Clerk, Town Attorney, and Town Manager**

6 There were no comments from the Town Clerk, Town Attorney or Town Manager.

7 **16. Comments from Board of Commissioners and Mayor**

8 Commissioner Taylor thanked everyone for coming out and providing their input.
9 Commissioner Taylor said they would try to make the best decisions for the good of all.

10 Commissioner Dooley thanked the Board and Town for their support of the race.

11 Commissioner Normile encouraged everyone to volunteer for the Marathon.

12 Mayor Barber thanked everyone for their public comments tonight and for attending the
13 meeting.

14 **17. Closed Session – Pursuant to NCGS 143-318.11(6), To Discuss Personnel**

15 ***Motion was made by Commissioner Messer to enter Closed Session pursuant to NCGS 143-***
16 ***318.11(6), To Discuss Personnel. The Board voted unanimously 5-0 in favor. Motion carried.***

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

19 There was no action taken upon returning to Open Session as a result of Closed Session.

20 **18. Adjourn**

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

23 ***The meeting was adjourned at 7:56 pm.***

24 Respectfully submitted:

25

26

27 Rhonda C. Ferebee, CMC, NCCMC

28 Town Clerk