

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JANUARY 10, 2012 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**

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6
7 **1. Call To Order**

8
9 The regular monthly meeting of the Emerald Isle Board of Commissioners was
10 called to order by Mayor Art Schools at 7:00 PM in the Emerald Isle Town Board
11 Meeting Room.

12
13 **2. Roll Call**

14
15 Present for the meeting: Mayor Art Schools, Commissioners Nita Hedreen, Tom
16 Hoover, Floyd Messer, John Wootten, and Maripat Wright.

17
18 Others present during the regular meeting: Town Manager Frank Rush, Town
19 Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,
20 Town Clerk Rhonda Ferebee, and Parks and Recreation Director Alesia
21 Sanderson.

22
23 Also in attendance: Russell Overman, Carteret County Manager.

24
25 **3. Opening Prayer**

26
27 Maddie Pake, youth member from Emerald Isle Baptist Church, offered the
28 Opening Prayer for the meeting.

29
30 **4. Pledge of Allegiance**

31
32 All who were present recited the Pledge of Allegiance.

33
34 **5. Adoption of Agenda**

35
36 Mayor Schools asked the Board to consider moving Consent Agenda Item 7b –
37 Budget Amendment – FEMA Reimbursements from the Consent Agenda to be
38 placed on the Agenda and considered as a separate Item 9a for discussion.

39
40 ***Motion was made by Commissioner Hoover to adopt the Agenda moving***
41 ***Item 7b from Consent Agenda to Item 9a on Agenda for discussion. The***
42 ***Board voted unanimously 5-0 in favor. Motion carried.***

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2 **6. Proclamations / Public Announcements**
3

4 Mayor Schools noted the following announcements for the public:
5

- 6 • **Friday Free Flick – Friday, January 13 – 7 pm – Community Center**
- 7 • **Kids Art Class – Tuesdays at 3:45 pm – January through April –**
8 **Community Center**
- 9 • **Martin Luther King, Jr. Holiday – Monday, January 16 – Town Offices**
10 **Closed, Community Center Open**
- 11 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
12 **January 17 – 9 am – Community Center**
- 13 • **“Soccer Shots” Program – Wednesdays at 1 pm – January 18 –**
14 **March 7 – Community Center**
- 15 • **Planning Board Meeting – Monday, January 23 – 6 pm – Town Board**
16 **Meeting Room**
- 17 • **4v4 Co-Ed Volleyball Tournament – Saturday, January 28 – 8 am –**
18 **Community Center**
- 19 • **Genealogy 101 Workshop – Saturday, January 28 – 1 pm –**
20 **Community Center**
- 21 • **EMT Basic Class – January 30 – May 10 – EMS Station**
- 22 • **Friday Free Flick – Friday, February 10 – 7 pm – Community Center**
- 23 • **Board of Commissioners Regular Meeting – Tuesday, February 14 –**
24 **7 pm – Town Board Meeting Room**
- 25 • **21st Annual St. Patrick’s Festival – Saturday, March 17 – 9 am – 5 pm**
26

27 **7. Consent Agenda**
28

- 29 a. **Tax Refunds / Releases**
- 30 ~~b. **Budget Amendment – FEMA Reimbursements (Item 7b removed from**~~
31 ~~**Consent Agenda and placed on Agenda as Item 9a)**~~
- 32 c. **Resolution Accepting Governors Highway Safety Program Grant**
33 **(12-01-10/R1)**
- 34 d. **Budget Amendment – Police Vehicle Digital Recorders**
35

36 *Motion was made by Commissioner Wootten to approve the items on the*
37 *Consent Agenda. The Board voted unanimously 5-0 in favor. Motion*
38 *carried.*
39

40 **Clerks Note: A copy of Resolution 12-01-10/R1 and all other Consent Agenda items as noted above**
41 **are incorporated herein by reference and hereby made a part of these minutes.**
42
43
44
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1
2 **8. Public Comment**
3

4 O. J. "Gus" LeConte, 105 Wyndward Court, submitted for the Boards
5 consideration a list of names of property owners he had personally contacted to
6 inform them of the Town's plans regarding the upcoming deer hunt who were
7 opposed to any type of hunting in the Wyndtree / Pointe community including the
8 Town's wetland section which abutted several homes there. Mr. LeConte
9 expressed his concerns with safety. He requested that the Board consider taking
10 this area out of the proposed hunting areas.

11
12 Allan Watts, 9811 Sandy Court, had questions about the beach nourishment in
13 the western area.

14
15 Mayor Schools said that this was the time for comments to the Board and not for
16 asking questions.

17
18 Town Manager Rush offered to meet with Mr. Watts concerning his questions at
19 later time.

20
21 Mr. Watts commented that he questioned whether erosion had occurred in that
22 area and he felt spending tax money provided for beach nourishment in that area
23 was unlawful.

24
25 Mayor Schools introduced Anna Harvey, new reporter for the Carteret County
26 News-Times and also acknowledged Island Review reporter Dan Ryan who was
27 also in attendance.

28
29 **9. Remarks – New Carteret County Manager**
30

31 Carteret County Manager, Russell Overman, introduced himself to the Board and
32 public. Mr. Overman thanked the Board for the opportunity to get to know and
33 work with Frank Rush, Town Manager and the Board.

34
35 Mr. Overman answered questions from the Board and updated them on the
36 current status of the redistricting plan. Mr. Overman said his door was always
37 open and he would be glad to offer his assistance at any time.

38
39 **9.a Budget Amendment – FEMA Reimbursements (Item 7b removed from**
40 **Consent Agenda and placed on Agenda for discussion**
41

42 Mayor Schools noted that 7 digital recorders for the Police vehicles had been
43 approved with the Consent Agenda and the Police Department needed 5 more
44 so as to have one available for every patrol car. Mayor Schools said these
45 recorders were important not only from a safety standpoint but also to help the

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1
2 officer do his job. The cost of 5 more recorders would cost approximately
3 \$19,000 and he hoped that on the Budget Amendment the Board would increase
4 the Police Department by \$19,000 and decrease the NonDepartmental by
5 \$19,000 to enable the Police Department to order the additional 5 digital
6 recorders.

7
8 Commissioner Hedreen supported this idea and wanted the officers to be able to
9 protect themselves and the Town, and felt it would be a good investment.

10
11 Commissioner Wootten felt it was a good investment but that he would want to
12 get an idea of where the Town stood mid-year during the budget process before
13 deciding to start spending money. Commissioner Wootten would ask the Board
14 to defer decision until following the annual budget workshop and then make the
15 decision in that context.

16
17 Commissioner Messer agreed with Commissioner Hedreen that the Police
18 Department needed the recorders but he would rather start the budget workshop
19 and be sure the money was there first.

20
21 ***Motion was made by Commissioner Hedreen to purchase the police***
22 ***equipment for their cars and increase the expenditure for Police by \$19,000***
23 ***(this would change Police to \$34,964 and NonDepartmental to \$329,921).***
24 ***The Board voted 3-2 with Hoover, Messer, Wootten opposed - Hedreen***
25 ***Wright in favor. Motion failed.***

26
27 ***Motion was made by Commissioner Hoover to approve the Budget***
28 ***Amendment – FEMA Reimbursements as written. The Board voted 4-1 with***
29 ***Hoover, Messer, Wootten, Wright in favor – Hedreen opposed. Motion***
30 ***carried.***

31
32 **Clerks Note: A copy of the Budget Amendment – FEMA Reimbursements as approved above is**
33 **incorporated herein by reference and hereby made a part of these minutes.**

34
35 **10. 2012 Parks and Recreation Trust Fund Grant Application – Park**
36 **Amenities at Emerald Isle Public Boating Access Area**

37
38 **a. Public Hearing**

39 **b. Resolution Authorizing 2012 PARTF Grant Application**

40
41 Parks and Recreation Director Alesia Sanderson addressed the Board regarding
42 this agenda item. The following excerpt from the Town Manager's memo to the
43 Board is provided for additional background:

44
45 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a 2012 NC Parks and
46 Recreation Trust Fund (PARTF) grant application for additional park amenities at the new Emerald Isle Public Boating

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1
2 Access Area at the January 10 meeting. If approved, the Town would request \$75,000 from PARTF, and would
3 provide a \$75,000 match from other grant funds and/or Town funds in FY 12-13.
4

5 The new public boating access area includes approximately 23 acres of land and more than 1,000 feet of shoreline on
6 Bogue Sound, and the remaining land is available for other recreational uses, including fishing, wildlife viewing, general
7 relaxation, and other activities. In addition to providing boating access, the Town has always considered this site as a
8 comprehensive soundfront park, and has discussed several desired park amenities in recent years.
9

10 The proposed PARTF grant application seeks funding for the construction of a new soundside fishing pier, picnic
11 shelter, playground equipment, a Veterans Memorial, dog park, and other improvements. An aerial photo map is
12

13 attached that indicates the general locations considered for each of these amenities. The total estimated cost of these
14 improvements is \$150,000, and the Town is seeking 50%, or \$75,000, from PARTF. As you know, the Town has
15 requested a \$60,000 grant from the 2012 NC Marine Resources Fund (funded by proceeds from coastal recreational
16 fishing license sales) for the soundside fishing pier, and the Town should learn the outcome of this grant application in
17 the coming weeks. If that grant is awarded, that grant will provide the majority of the Town's required \$75,000 match,
18 and the Town will supplement those funds with additional Town funds and private donations received for the Veterans
19 Memorial and the dog park. If the NC Marine Resources Fund grant is not awarded, the Town will budget the local
20 match in the FY 12-13 General Fund budget, and also apply private donations received for the Veterans Memorial and
21 the dog park.
22

23 The non-profit Emerald Isle Parks and Recreation Association, Inc., the Town-appointed body that technically owns the
24 eastern 7 acres of the overall site, has discussed all of these amenities in the past, and supports the addition of these
25 park amenities at the site. If the Board approves the attached resolution, the EI Parks and Recreation Association, Inc.
26 will meet later this month to review (and hopefully endorse) the proposed 2012 PARTF grant application.
27

28 The NC Wildlife Resources Commission (WRC) also supports the future development of additional soundfront park
29 amenities at the new public boating access area, and the lease agreement between the Town and the WRC
30 specifically authorizes the Town to develop other park amenities at the site.
31

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

43 The 2012 grant application is due on January 31, 2012, and grant awards are expected to be announced in May or
44 September 2012.
45

46 Ms. Sanderson and Town Manager Rush discussed concerns and answered
47 questions by the Board concerning this request including questions about the
48 Dog Park and grant funding sources.
49

50 ***Motion was made by Commissioner Hoover to open the Public Hearing.***
51 ***The Board voted unanimously 5-0 in favor. Motion carried.***
52

1
2 There were no comments from the public.

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

6
7 ***Motion was made by Commissioner Wootten to not approve the Resolution***
8 ***Authorizing 2012 NC Parks and Recreation Trust Fund grant application at***
9 ***this time and to wait and see what happened with the budget and make the***
10 ***decision next year. The Board voted unanimously 5-0 in favor. Motion***
11 ***carried.***

12
13 **11. Real Property Purchase – 6809 Canal Drive, Lot 2 Shell Cove North**

- 14
15 **a. Public Hearing – Installment Financing Contract**
16 **b. Resolution Authorizing Installment Financing Contract (12-01-10/R2)**
17 **c. Budget Amendment – General Fund**
18 **d. Capital Project Ordinance Amendment**
19 **e. Resolution Authorizing Real Property Purchase (12-01-10/R3)**
20

21 Town Manager Frank Rush addressed the Board regarding this agenda item.
22 The following excerpt from his memo to the Board is provided for additional
23 background:

24
25 The Board of Commissioners is scheduled to consider several actions associated with the purchase of a vacant
26 soundfront lot adjacent to the new Emerald Isle public boating access area at the January 10 meeting. The vacant
27 soundfront lot is located on Bogue Sound at 6809 Canal Drive, and is Lot 2 in the Shell Cove North subdivision. The
28 total purchase price is \$172,154.
29

30 The tax parcel card for Lot 2 Shell Cove North is attached. The total land area is approximately 2 acres, of which
31 approximately ½ acre is upland area and 1 ½ acres is marsh area. The upland area is 75 feet wide by approximately
32 300 feet deep. The vacant soundfront lot is located directly west of the new public boating access area, and is ideally
33 suited for the development of future recreational amenities at the new public boating access area. As you know, the
34 Town owns Lots 3 – 9 of the Shell Cove North subdivision and controls the property behind Chapel By The Sea that
35 comprise the overall public boating access area.
36

37 The Town has previously stated its intent to develop the overall public boating access area site as a comprehensive
38 soundfront park with other water-dependent and non-water-dependent recreational amenities. Planned future park
39 improvements include a soundside fishing pier, picnic facilities, playground equipment, a dog park, and Veterans
40 Memorial on the existing land that comprises the Emerald Isle public boating access area. The acquisition of Lot 2
41 would provide additional land for other future recreational amenities, potentially including a small ballfield or other open
42 space. I am hopeful that the Town will be in a position to also acquire Lot 1 in the future, thereby doubling the amount
43 of land for other future recreational amenities.
44

45 The purchase price of \$172,154 is a very attractive price for this vacant soundfront lot. As of December 22, there were
46 142 vacant residential lots on the market in Emerald Isle, and only 22 of those were listed at less than \$172,154. All of
47 those 22 lots are interior lots located a good distance from the ocean or on the soundside, and most are in the
48 \$150,000 - \$170,000 range. Of the 142 vacant lots, 39 were soundfront lots, and the lowest priced soundfront lot on
49 the market was listed for \$179,900 (4108 Emerald Drive).

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1
2 Sound Bank of Morehead City is the owner of the vacant soundfront lot, and is highly motivated to sell. In addition to
3 the attractive purchase price, Sound Bank has agreed to provide financing for the land purchase at attractive terms.
4 The Town would provide a \$20,000 down payment at closing, and would finance the remaining \$152,154 for a 9-year
5 term at an annual interest rate of 3.5%, resulting in a total annual payment of \$20,000.
6

7 Public Hearing – Installment Financing Contract

8 A public hearing is required prior to entering into an installment financing contract under NCGS 160A-20, and has been
9 scheduled for the January 10 meeting.
10

11 Resolution Authorizing Installment Financing Contract

12 The attached resolution formally authorizes the Town Manager and other Town officials to execute an installment
13 financing contract with Sound Bank subject to the terms described above. Annual payments of \$20,000 would be due
14

15
16 each January from 2013 through 2021. Debt service payments will be included in future annual General Fund
17 budgets.
18

19 Budget Amendment – General Fund

20 The attached General Fund budget amendment appropriates anticipated additional sales tax proceeds for the Town's
21 \$20,000 down payment for the lot purchase. As discussed during the FY 11-12 budget process, the Town expects to
22 receive the final year of additional sales tax revenues associated with the old beach nourishment municipal service
23 district taxes in FY 11-12, and the Town intentionally did not budget these revenues (potentially as much as \$350,000 -
24 \$400,000) in an effort to stabilize future years' budgets. (The Town previously appropriated \$16,000 of additional sales
25 tax revenues earlier this fiscal year for the Town's Bogue Inlet dredging contribution.)
26

27 The attached General Fund budget amendment appropriates the \$20,000 as a transfer to the capital project ordinance
28 established for the new public boat launching facility.
29

30 Capital Project Ordinance Amendment

31 The attached amendment to the capital project ordinance established for the new public boat launching facility formally
32 appropriates \$172,154 for the purchase of Lot 2 Shell Cove North. A total of \$20,000 is provided via transfer from the
33 General Fund, as described above, and the remaining \$152,154 is in the form of installment financing proceeds.
34

35 There are only a few outstanding issues associated with this capital project ordinance, and I hope to close-out the
36 entire project account by the end of FY 11-12.
37

38 Resolution Authorizing Real Property Purchase

39 The attached resolution formally authorizes the closing on the purchase of Lot 2 Shell Cove North for \$172,154. If
40 approved, the closing would occur sometime prior to January 31, 2012.
41

42 A copy of the official Offer to Purchase and Contract is attached, and was executed by me as Town Manager on
43 December 22, 2011. The Board should note that the Offer is contingent upon approval by the Board at the January 10
44 meeting. If the Board chooses not to purchase the property, the contract is null and void.
45

46 The Board should also note that I have not secured a new wastewater permit for Lot 2 Shell Cove North, however, a
47 letter of suitability was previously issued in October 2004 when the Shell Cove North subdivision was originally
48 developed. (This was required prior to Board approval of the subdivision at that time.) I am confident that the soils on
49 Lot 2 will support a wastewater system if / when the Town chooses to develop Lot 2 with a facility that includes
50 restrooms. At this time, because of the presence of the existing restroom building at the new public boating access
51 area, I do not envision a need for additional restroom facilities in the future, however.
52

53 Commissioner Wootten asked Town Manager Rush to remind everyone how
54 much the Town paid for the other lots. Mr. Rush said that contract was executed

1
2 in the fall of 2008 and was for \$4,250,000 for the 7 lots, \$607,143 per lot; versus
3 the cost of this lot being \$172,000.

4
5 ***Motion was made by Commissioner Messer to open the Public Hearing for***
6 ***the proposed installment financing contract. The Board voted***
7 ***unanimously 5-0 in favor. Motion carried.***

8
9 There were no comments from the public.

10
11 ***Motion was made by Commissioner Hoover to close the Public Hearing.***
12 ***The Board voted unanimously 5-0 in favor. Motion carried.***

13
14 ***Motion was made by Commissioner Wootten to approve the Resolution***
15 ***Authorizing Installment Financing Contract. The Board voted unanimously***
16 ***5-0 in favor. Motion carried.***

17
18 ***Motion was made by Commissioner Wright to adopt the Budget***
19 ***Amendment – General Fund. The Board voted unanimously 5-0 in favor.***
20 ***Motion carried.***

21
22 ***Motion was made by Commissioner Hoover to adopt the Capital Project***
23 ***Ordinance Amendment – New Public Boat Launching Facility. The Board***
24 ***voted unanimously 5-0 in favor. Motion carried.***

25
26 ***Motion was made by Commissioner Messer to adopt the Resolution***
27 ***Authorizing Real Property Purchase. The Board voted unanimously 5-0 in***
28 ***favor. Motion carried.***

29
30 Clerks Note: A copy Resolutions 12-01-10/R2, 12-01-10/R3 and all other items as noted above are
31 incorporated herein by reference and hereby made a part of these minutes.

32
33 **12. Resolution Authorizing Construction Contract for Island Circle Storm**
34 **Water / Ground Water Pump Station (12-01-10/R4)**

35
36 Town Manager Frank Rush addressed the Board regarding this agenda item.
37 The following excerpt from his memo to the Board is provided for additional
38 background:

39
40 The Board of Commissioners is scheduled to consider the attached resolution authorizing a contract with SunLand
41 Builders, Inc., Newport, NC for the construction of a new storm water / ground water pump station at Island Circle at its
42 January 10 meeting. The total contract amount is \$129,022, and is within the budget amount established for this
43 project.

44
45 The attached resolution authorizes the construction of the Town's 6th storm water / ground water pump station along
46 the Coast Guard Road corridor at the southern corner of Island Circle and Coast Guard Road at The Point. As you
47 know, this area has experienced chronic nuisance flooding for several years during and after high rainfall totals and

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1
2 high water table elevations. The Town has been working on a solution to these flooding concerns for several years,
3 and has investigated several different strategies over the years. The main limiting factor in addressing these concerns
4 has always been the absence of a perpetually acceptable discharge location for pumped water, and the Town has now
5 resigned itself to the fact that the ultimate (and only workable) solution is to discharge pumped water at Emerald Isle
6 Woods Park, located approximately 1.8 miles east. Relatively speaking, the construction cost associated with the
7 pump station is relatively manageable, however, the cost of the fixed piping is expected be in the several hundred
8 thousand dollar range.
9

10 The attached resolution authorizes the construction of the pump station now, and the Town's intent would be to budget
11 for the installation of fixed piping within the next few years, either to the existing piping located at the entrance to
12 Dolphin Ridge (a distance of approximately 1.4 miles) or by relay and in conjunction with additional pump
13 improvements in Lands End (a distance of approximately 1 mile). The new pump station will enable the Town to make
14 good progress on the ultimate solution for the Island Circle area, and will also enable the Town to respond more
15 quickly to flooding events in the interim. The new pump station will be equipped with a "quick-connect" feature that will
16 enable flexible hose to be connected to the pump station and water discharged in a) the oceanside dune field if
17 permission is provided by private property owners, b) directly in the Atlantic Ocean if permission is granted by the NC
18 Division of Water Quality, or c) in nearby wetlands owned by the Town if there is sufficient capacity, all to be
19

20 determined on a case-by-case basis as current conditions dictate. The Board and the public should note, however,
21 that the Town will still be bound by the "14 inch rule" promulgated by the NC Division of Water Quality regarding ocean
22 discharge.

23 The new pump station is very similar to the Town's 5 existing pump stations located at Deer Horn Drive, Doe Drive,
24 Conch Court, Shipwreck Lane, and Colonel Henson Court. The planned Island Circle pump station includes both a
25 surface water intake and a ground water infiltration intake. The new pump station will be located primarily in the Island
26 Circle right-of-way at the southern intersection with Coast Guard Road, and includes a 250 ft. long ground water
27 infiltration intake along Coast Guard Road to the north. A catch basin is included to the east of the pump station, and
28 the "quick-connect" feature is located to the west, with dual connection points to be direct pumped water both south
29 and north. An electrical control panel will also be installed, and landscaping will be added to obscure the view of the
30 panel from the street. The pump station design also includes an automatic recirculation feature so that the pump can
31 be automatically exercised when not needed to address flooding issues. A complete plan set is attached for your
32 information.
33

34 The Board should note that the project, as currently designed, will require a small easement (309 sq. ft.) from the
35 adjacent property owner. I am still negotiating with this property owner for the necessary easement, and I remain
36 hopeful that he will eventually agree to provide the easement at no cost. If he is unwilling to provide this easement,
37 slight field adjustments will be made by the Town and the contractor to insure that no portion of the project encroaches
38 out of the public right-of-way and onto the adjacent private property. I believe we can implement acceptable field
39 adjustments that are cost-neutral, however, I am fearful that the field adjustments may be less desirable for the
40 adjacent property owner in terms of future sale of the property and/or future construction of a new home on this lot.
41 Regardless of the outcome of the easement issue, the Town will attempt to work with the adjacent property owner to
42 address aesthetic concerns to the maximum extent practical.
43

44 Because this project is well below the formal bid threshold established in the NC General Statutes, the Town invited
45 informal bids from 3 local contractors with whom the Town has enjoyed a productive working relationship in recent
46 years. Informal bids were due on January 4, and the Town received informal bids from SunLand Builders, Inc.,
47 Newport, NC in the amount of \$129,922 and Thomas Simpson Construction, Morehead City, NC in the amount of
48 \$153,025. LB Page, Cape Carteret, NC, did not submit an informal bid by the January 4 deadline. I have reviewed the
49 bids from SunLand and Thomas Simpson Construction with Moffatt & Nichol, the Town's engineers, and recommend
50 that the Town award the contract to SunLand Builders, Inc., as indicated in the attached resolution.
51

52 The capital project ordinance established for this project includes a total budget of \$145,000 for this work, which will
53 allow for minor change orders and additional landscaping as desired or necessary.
54

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1
2 The specifications for this project include a 120-day construction period from the date of the notice-to-proceed, and
3 also prohibit work on St. Patrick's Festival weekend and Easter weekend. Our goal is to complete construction prior to
4 the 2012 hurricane season, which should be easily achievable.
5

6 Mayor Schools asked for any comments from the public.
7

8 There were no comments from the public.
9

10 The Board discussed and asked questions concerning this item.
11

12 ***Motion was made by Commissioner Wright to approve the Resolution***
13 ***Authorizing Construction Contract for Island Circle Storm Water / Ground***
14 ***Water Pump Station. The Board voted unanimously 5-0 in favor. Motion***
15 ***carried.***

16
17 **Clerks Note: A copy of Resolution 12-01-10/R4 as noted above is incorporated herein by reference**
18 **and hereby made a part of these minutes.**
19

20 **13. Resolution Requesting Water Resources Development Project Grant**
21 **Funding For 2012-13 Beach Nourishment Project (12-01-10/R5)**
22

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

27 The Board of Commissioners is scheduled to consider the attached resolution authorizing a State funding request for
28 the planned 2012-2013 beach nourishment project discussed by the Board at the December 2011 meeting. If
29 approved, the Town will request a grant from the NC Water Resources Development Project Grant Program in the
30 amount of \$3 million.
31

32 At the December meeting, the Board gave preliminary approval of a planned \$9.85 million, 675,000 cy beach
33 nourishment project in winter 2012-2013. The primary goal of the project is to replace sand lost during Hurricane
34 *Irene*, and the Town expects to receive a total of \$3.85 million from FEMA for this project. The remaining \$6 million
35 cost would be split between the State (\$3 million), the Carteret County Beach Commission (\$1.5 million), and the Town
36 (\$1.5 million). The requested State funding represents 50% of the non-Federal share (\$6 million) of the total project
37 cost, and 30.5% of the total project cost of \$9.85 million.
38

39 Current nourishment plans, which are still subject to change (particularly the endpoints of each area to be nourished),
40 focus on the segments of the ocean beach with the greatest need for additional sand, and are as follows:
41

- 42 • Eastern Emerald Isle, roughly between the Eastern Ocean Regional Access and 3rd Street
 - 43 ○ approximately 410,000 cy (157,000 cy funded by FEMA and 253,000 cy funded by non-Federal
 - 44 sources)
 - 45 ○ approximately 2.6 miles of beach
 - 46 ○ placement rate of approximately 30 cy / linear ft
 - 47 ○ replace sand lost during Irene, plus widen beach from pre-Irene condition (similar to original plan
 - 48 for "hot spot" project)
 - 49 ○ address most obvious areas of need based on recent visual observations
 - 50

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- would restore this area to a total profile volume of approximately 262 cy / linear ft, which is comparable to most of remainder of beach in Emerald Isle.
- Western Emerald Isle, roughly between Dolphin Ridge and Myrtle Drive
 - approximately 265,000 cy (entire amount funded by non-Federal sources)
 - approximately 2.0 miles of beach
 - placement rate of approximately 25 cy / linear ft
 - replace most of sand lost during Irene in this geographical area
 - address most obvious areas of need based on recent visual observations
 - would also restore this area to a total profile volume of approximately 262 cy / linear ft, which is comparable to most of remainder of beach in Emerald Isle.

The borrow source for the 2012-2013 beach nourishment project is the Offshore Dredged Materials Disposal Site (ODMDS) associated with the Morehead City Harbor shipping channel, located approximately 3 miles offshore from Atlantic Beach. This sand would be transported via hopper dredge to Emerald Isle. The Town intends to partner with the Town of Pine Knoll Shores on this project, which should result in lower dredge mobilization and demobilization costs and lower unit prices for each municipality.

The Town would provide its \$1.5 million share from accumulated special district tax revenues in the new Future Beach Nourishment Fund. This fund is expected to have a balance of approximately \$1.45 million by April 2013 when this project is complete, and the Town could likely identify the additional \$50,000 +/- necessary without incurring additional debt.

The Town's funding request will be submitted to the NC Division of Water Resources and will be considered by the NC General Assembly during FY 12-13 budget deliberations. As always, it will be important to secure support from our legislative delegation. As you know, the State will likely again be facing significant budget challenges in FY 12-13, and the appropriation of \$3 million by the State for this project will require diligence on the part of the Town, the County, and our legislative delegation. If the Board approves the attached resolution, we will submit a formal grant application in the coming weeks and immediately begin working with our legislative delegation on this issue.

The completion of this project will result in additional beach width in the two segments of the ocean beach with the greatest need and will maintain the storm protection value of the beach in these areas. The completion of this project will also insure that Emerald Isle adheres to its Beach Monitoring and Maintenance Plan and retains eligibility for FEMA assistance to replace sand lost during declared disaster events in the future.

Town Manager Rush pointed out one item for the Board in response to Mr. Watts earlier comment – he said they had made a slight adjustment to the western boundary of the nourishment project. After reviewing the survey data after Hurricane Irene and they actually didn't lose as much sand in the Dolphin Ridge / Spinnakers Reach area; the new proposal was to start the project on the boundary of Dolphin Ridge and Ocean Oaks. Mr. Rush said those boundaries would certainly be adjusted when they got the actual project design but at the moment the boundary would be from the border of Dolphin Ridge / Ocean Oaks all the way to the Mangrove Drive area for the western portion of the project. The eastern boundaries hadn't changed – from the Eastern Ocean Regional Access down to the 4th Street area. Mr. Rush said this would replace sand from the hardest hit areas during Irene but would not affect all areas that suffered erosion because actually there was some erosion in the Dolphin Ridge / Spinnakers Reach area, but they were trying to focus on the hardest hit areas. Mr. Rush

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1
2 reiterated though that those boundaries could shift slightly as they get through
3 the next year.

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

6
7 Allan Watts, 9811 Sandy Court, asked where the sand was lost.

8
9 Town Manager Rush offered to discuss the details at a later time with Mr. Watts.

10
11 ***Motion was made by Commissioner Hoover to adopt the Resolution***
12 ***Requesting Water Resources Development Project Grant Funding for 2012-***
13 ***2013 Beach Nourishment Project. The Board voted unanimously 5-0 in***
14 ***favor. Motion carried.***

15
16 **Clerks Note: A copy of all Resolution 12-01-10/R5 as noted above is incorporated herein by**
17 **reference and hereby made a part of these minutes.**

18
19 **14. Comments from Town Clerk, Town Attorney, and Town Manager**

20
21 Mayor Schools encouraged everyone to vote for the Town of Beaufort currently
22 in the running for “America’s Coolest Small Town” by voting on
23 www.budgettravel.com since our Town Attorney is also the Mayor of Beaufort.

24
25 There were no comments from the Town Clerk or the Town Attorney.

26
27 Town Manager Rush updated the Board on several important issues including
28 the details for the upcoming controlled deer hunt and the planned hunting areas.

29
30 Commissioner Wright asked the Board to consider the request from the people in
31 the Wyndtree neighborhood and remove that one area from the hunting areas.

32
33 ***Motion was made by Commissioner Wright to remove the Wyndtree area***
34 ***from the hunting areas. The Board voted 3-2 with Hedreen, Hoover,***
35 ***Wootten opposed, Messer and Wright in favor. Motion failed.***

36
37 The following is an excerpt from the Town Manager Comments memo to the
38 Board providing additional background information for all items of importance:

39
40 **Update - Controlled Deer Hunt**

41 Plans are nearly finalized for the upcoming controlled deer hunt in several locations along Coast Guard Road:

- 42
- 43 • All depredation permit requests have been submitted to the NC Wildlife Resources Commission for review. One permit (EI Woods Park) has already been issued, and the remaining permits are expected this week.
 - 44 • Hunting will begin on January 17 and continue each day until February 29.
 - 45 • Hunters will be assigned to 5 different locations, as indicated on the attached maps:
 - 46 ○ Bell Cove Estates / Osprey Ridge – soundfront area only
 - 47 ○ Emerald Isle Woods Park – 43 acre tract owned by Town

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- 1
- 2
- 3
 - o Royall Oaks – soundfront area only
 - o Lands End – common areas only
 - o Wyndward Court / Coast Guard Road area – 3.2 acre tract owned by Town
- 6
 - Emerald Isle Woods Park will be closed from 4 pm to 9 am daily. The park will only be open from 9 am to 4 pm. Signs will be posted.
 - All property owners in the 3 privately owned hunting areas have signed consent forms authorizing hunting activities. No hunting will occur on other private properties.
 - A total of 13 hunters, consisting of Federal conservation law enforcement officers, military personnel, municipal law enforcement officers, and the local members of the NC Bowhunters Association's BCRS (controlled hunt) program, will take a Town accuracy test on January 7 and January 9. The accuracy test is coordinated by the NC Wildlife Resources Commission's regional biologist.
 - Each of the hunters will be required to follow the attached Rules and Regulations, which include the following, among other requirements:
 - o All arrows must be discharged in a downward trajectory, with the hunter at least 8 feet above the target deer so that a missed shot travels into the ground.
 - o No discharge of arrows is permitted within 30 yards of a residential structure.
 - o Hunters will be required to check-in and check-out with the Police Department, and in some cases the EIPD will transport the hunter to and from the hunting site.
 - o Only antler-less deer may be taken.
 - A total of 10 hunting "slots" will be scheduled each day, although not all "slots" will be filled each day.
 - Hunting hours are generally from 5 am – 10 am, and from 3 pm – 6 pm, however, some locations will have reduced hours. Lands End will likely not include afternoon hunting and may also be limited to weekdays only.
 - All deer meat will be donated to the hungry / homeless.
 - The NC Bowhunters Association's BCRS program carries liability insurance for those hunters, and the Town has also purchased an additional insurance policy for the hunt.
 - Informational flyers will be distributed to all residential units adjacent to the hunting areas to inform them of hunting activities.
 - The estimated deer population along Coast Guard Road corridor is 174 deer. Our goal is to take approximately 70 deer, and to maintain the deer population around 100 deer. The NC Wildlife Resources Commission's regional biologist believes that the effort may yield approximately 40 deer.

I will be happy to answer additional questions about the controlled hunt at the January 10 meeting.

Carteret County Transportation Plan

The NC Department of Transportation is currently developing a new Carteret County Comprehensive Transportation Plan (CTP).

I asked Kevin Reed, Planning and Inspections Director, to relate the various highway project proposals in the draft CTP to the Town's Land Use Plan and other stated Town plans / goals, and his comments are attached, along with a draft map and draft list of highway project proposals. Kevin indicates that no draft plans have been released yet for rail, public transit, or pedestrian & bicycle facilities, but we will share those with the Board when they are available. The Town will obviously have a keen interest in future NCDOT plans for pedestrian & bicycle facilities.

I am still in the process of reviewing the draft plan, and await the additional plan components (mainly the pedestrian & bicycle facilities) in the coming weeks. Kevin will review the highway project proposals, as they relate to Emerald Isle, with the Planning Board at their January 23 meeting, and I will likely schedule Kevin to address the Board of Commissioners about the CTP at the February 14 meeting.

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1
2 **Replacement of 3rd Street and 5th Street Beach Access Walkways**

3 Alesia Sanderson, Parks and Recreation Director, recently completed an informal bid solicitation for the replacement of
4 these two walkways. The Town received a total of 11 bids for this work, and the low bid was submitted by Builders By
5 Design, Inc. in the amount of \$11,850 for 3rd Street and \$9,050 for 5th Street. Because this contract amount is less
6 than \$30,000, I have authorized the contract award to Builders By Design, Inc. under my authority as Town Manager.

7
8 The Town budgeted \$25,000 for each of these two walkways, and if Builders By Design, Inc. does good work, the
9 contract may be amended to also add a third walkway, likely at Edna Street. Our goal is to complete the construction
10 of the new walkways prior to Easter weekend.

11
12 **Chief Hargett**

13 Chief Hargett continues to recuperate and rest at home, and has his next Dr. appointment on January 16. He hopes to
14 be cleared to return to work after that visit.

15
16 **Regional Access Parking Fee**

17 Town staff are beginning initial preparations for the 2012 regional access parking fee program, and our intent is to
18 operate the 2012 program in a manner very similar to 2011. Overall, I believe the parking fee program was very
19 successful, and raised approximately \$110,000 to fund various services at the Town's two large regional beach access
20 facilities. Please let me know if there are any adjustments you'd like to make to the 2012 program, and we will attempt
21 to implement them in April when the weekend parking fee goes into effect again.

22
23 **Lifeguard / Beach Patrol Recruitment Efforts**

24 Town staff plan to begin recruiting lifeguard and Beach Patrol personnel in February and hope to have all positions
25 filled by April. All hired personnel will be certified by the American Red Cross, and we also continue to seek
26 certification from the US Lifesaving Association, although we may still be a year or two away from that certification.

27
28 We intend to operate the 2012 program in a very similar manner as last year, with fixed lifeguards at each of the
29 regional beach access facilities, and two roving lifeguards on the Beach Patrol on ATVs.

30
31 The Town will also have fixed Police Officers stationed at the Western Ocean Regional Access and Bogue Inlet Pier,
32 have a greater presence at the Eastern Ocean Regional Access, and also utilize a roving Police Officer on an ATV on
33 the beach strand.

34
35 Please let me know if you think we should consider different approaches this summer.

36
37 **Bicycle and Pedestrian Advisory Committee Fundraising Efforts**

38 The Committee has more than \$12,500 "in the bank" for a future bicycle path extension, and continues their aggressive
39 fundraising efforts. In addition, the Town recently received a check for approximately \$2,000 from the Emerald Isle
40 Triathlon, and has a remaining balance of approximately \$3,000 in an old bicycle path project account. The estimated
41 cost to extend the Coast Guard Road Bicycle Path from Emerald Isle Woods Park to Ocean Oaks is approximately
42 \$68,000, and I am hopeful that we will be able to complete that segment later this year.

43
44 **Veterans Memorial Fundraising Efforts**

45 There is currently approximately \$4,500 "in the bank" for the future Veterans Memorial.

46
47 **Dog Park Fundraising Efforts**

48 There is currently approximately \$650 "in the bank" for the future dog park.

49
50 **Boy Scout Troop 446 Trash Pickup**

51 Local Boy Scouts, led by Public Works employee Joe Smith, completed a trash pickup effort along the bike path and
52 sidewalk between the Town Hall complex and Mangrove Drive. The group collected almost 3 bags of trash on January
53 2.

54

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1
2 **Emergency Communications Improvements**

3 Due to the Federal "narrowbanding" initiative last year, the Town's emergency personnel have experienced difficulty
4 communicating with portable radios on the far east end and far west end of Emerald Isle. Town staff have identified a
5 solution that involves installing additional equipment on the east end water tank and the Coast Guard Road water tank,
6 and running signals through the phone lines to the main repeater near the Police Station.

7
8 We are still seeking competitive quotes for this equipment, however, we expect the cost to be in the \$25,000 - \$35,000
9 range. We are hopeful that Carteret County will agree to fund this equipment for the Town from E911 surcharge
10 revenues. A contract recommendation may appear on the Board's February meeting agenda.

11
12 **Gordon McAdams Memorial at Emerald Isle Public Boating Access Area**

13 We have finally received the engineered plans for a covered picnic table feature, and will seek building permits in the
14 next week or so. I am meeting with the Howard Pinner, a Lands End resident and leader of the volunteer woodworking
15 group that will construct the covered picnic table, this week to finalize construction plans. A copy of the design is
16 attached, and will be supplemented with attractive landscaping.

17
18 **Unclaimed Bicycles**

19 The attached list of unclaimed bicycles will be donated to the Salvation Army if not claimed by February 8, 2012.

20
21 **Replacement of Chief Hargett's Police Vehicle**

22 Chief Hargett's 2005 Ford Crown Victoria was totaled in his accident in early December, and the Town has been
23 awarded approximately \$9,000 (the actual cash value). I plan to include a budget amendment on the February
24 meeting agenda to appropriate additional funds to replace the Chief's vehicle.

25
26 **2012 Audit Contract**

27 The Audit Committee unanimously recommends renewing the Town's contract with Williams, Scarborough, Smith, and
28 Gray for the fiscal year ending June 30, 2012. A new contract will be included on the Board's February meeting
29 agenda.

30
31 **Ordinance Authorizing Use of DCI System for Employee Background Checks**

32 The Police Department is not currently authorized to conduct criminal background checks for prospective Town
33 employees and volunteers (non-law enforcement) using the DCI system, and I would like to have that capability in the
34 future. An ordinance adopted by the Board is required to authorize the Police Department to conduct background
35 checks, and I plan to have such an ordinance on the Board's February 14 meeting agenda.

36
37 **Expiring Planning Board Terms**

38 The terms of Planning Board members Jim Craig, Bill Keadey, and Pete Wachter will expire in March. We will include
39 appointments for these vacancies on the February or March meeting agenda.

40
41 **Archers Creek Storm Water BMP Study**

42 Moffatt & Nichol continues work on this study, funded by a NC Clean Water Management Trust Fund grant. The study
43 should be complete within the next two months, and we have received approval to extend the grant deadline from
44 January 31, 2012 to April 30, 2012.

45
46 **Eastern Emerald Isle Storm Water Outfall Removal**

47 Public Works staff recently completed the installation of a bulkhead, steps, and storm water improvements at the
48 terminus of Raleigh Street, and it turned out very well. Public Works staff will be working on storm water and public
49 access improvements at other sound-side street ends over the next several months. The next locations on their list are
50 at 5th Street, 7th Street, Washington Street, and 14th Street. All locations must be complete by September 30, 2012.

51
52 **Cape Emerald / Ocean Oaks Drive Storm Water Pipe Repair**

53 Artie Dunn, Public Works Director, is currently seeking quotes to "slip-line" the old storm water pipe that runs under
54 Ocean Oaks Drive in the Cape Emerald subdivision. We expect this work to cost somewhere in the \$150,000 –

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1
2 \$175,000 range for the segment in Cape Emerald, which is the most critical segment, and as much as an additional
3 \$250,000 – \$275,000 for the segment on the ocean side of Coast Guard Road. I hope to present a contract
4 recommendation to the Board at either the February or March meeting, and will recommend using unanticipated sales
5 tax revenues for this work.
6

7 **Vacancies on the NC Coastal Resources Commission**

8 There are currently two vacancies on the CRC, one for an at-large seat and one for a coastal engineer. I have
9 attached information from the Governor's office. Please let me know if you would like the Town to nominate someone
10 for these vacancies. Nominations are due by January 15.
11

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

13
14 Commissioner Wootten requested that the Town Manager schedule a meeting of
15 the Joint EMS Committee in the near future.
16

17 There were no other comments from the Board of Commissioners or Mayor.
18

19 **16. Closed Session – Pursuant to NCGS 143-318.11(3) to preserve**
20 **attorney-client privilege**

21
22 ***Motion was made by Commissioner Messer to go into Closed Session***
23 ***pursuant to NCGS 143-318.11(3) to preserve attorney-client privilege. The***
24 ***Board voted unanimously 5-0 in favor. Motion carried.***

25
26 ***Motion was made by Commissioner Messer to return to Open Session. The***
27 ***Board voted unanimously 5-0 in favor. Motion carried.***
28

29
30 There was no action taken by the Board upon returning to Open Session.
31

32 **17. Adjourn**

33
34 ***Motion was made by Commissioner Hedreen to adjourn the meeting. The***
35 ***Board voted unanimously 5-0 in favor. Motion carried.***
36

37 ***The meeting was adjourned at 8:45 pm.***
38

39 Respectfully submitted:
40

41
42
43 Rhonda C. Ferebee, CMC
44 Town Clerk