

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, DECEMBER 13, 2011 – 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 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, Town Clerk Rhonda Ferebee, and Parks & Recreation
20 Director Alesia Sanderson.

21
22 **3. Opening Prayer**
23

24 Isaac Edgren, youth member from Emerald Isle Chapel by the Sea, offered the
25 Opening Prayer for the meeting.

26
27 **4. Pledge of Allegiance**
28

29 All who were present recited the Pledge of Allegiance.

30
31 **5. Adoption of Agenda**
32

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

35
36 **6. Proclamations / Public Announcements**
37

38 **a. Certificate of Appreciation – Diane Schools – Emerald Isle Christmas**
39 **Parade**
40

41 Mayor Schools presented Diane Schools with a Certificate of Appreciation in
42 recognition of her dedication and leadership efforts for coordinating and directing
43 the very successful and well attended annual Emerald Isle Christmas Parade.
44 Ms. Schools has been responsible for leading and directing the Town's
45 Christmas Parade from the very first parade beginning eight years ago in
46 November 2003. The Town's Christmas parade always takes place on the

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1
2 Saturday after Thanksgiving each year and has become tremendously popular
3 and for many a much anticipated new tradition included in their Thanksgiving
4 holiday plans. The Board and all those in attendance applauded Diane in a show
5 of support and appreciation for her hard work in pulling off this annual event each
6 year for the Town of Emerald Isle.

7
8 Ms. Schools thanked everyone and commented that it was a whole community
9 effort, including help from the Town and citizens; adding that people tell her that
10 the Emerald Isle Parade is the most fun and they just love it. She felt this year's
11 parade was the best ever.

12
13 Mayor Schools noted the following announcements for the public:

- 14
- 15 • **American Red Cross Blood Drive – Friday, December 16 – 2 pm –**
 - 16 **7 pm – Community Center**
 - 17 • **Christmas Holiday – Monday, December 26 and Tuesday, December**
 - 18 **27 – Town Offices Closed**
 - 19 • **Community Center Closed – Saturday, December 24 and Monday,**
 - 20 **December 26**
 - 21 • **New Year's Holiday – Monday, January 2 – Town Offices Closed,**
 - 22 **Community Center Open**
 - 23 • **No trash collection on Monday, December 26**
- 24

25 **7. Introduction of New Employee**

26
27 **a. Lainey Gottuso, Recreation Coordinator**

28
29 Parks & Recreation Director, Alesia Sanderson, introduced the Town's newest
30 full-time employee Lainey Gottuso, Recreation Coordinator. Ms. Sanderson
31 stated that Lainey joined the Town back in April as parking attendant and was a
32 true asset, and when they had a shortage of manpower due to a vacant position
33 of Recreation Coordinator, Lainey came on as a Community Center Attendant
34 filling in also in that capacity over the past few months as well. Ms. Sanderson
35 said she was very happy to announce that Lainey was promoted to the
36 Recreation Coordinator position on December 1. Ms. Sanderson noted that
37 Lainey was a graduate of UNC-Asheville with a degree in Biology, adding one of
38 Lainey's greatest attributes however was her excellent customer service.

39
40 Lainey was warmly welcomed to her new full-time position by the Board and
41 public.

42
43
44
45

1
2 **8. Installation of Elected Officials**
3

- 4 a. Oaths of Office to Commissioners Hedreen, Hoover, and Messer
5 b. Election of Mayor Pro-Tem
6 c. Oath of Office to Mayor Pro-Tem
7

8 Mayor Schools administered the oaths of office to all of the newly re-elected
9 board members; Commissioners Nita Hedreen, Tom Hoover, and Floyd Messer.

10
11 ***Motion was made by Commissioner Hedreen to elect Commissioner***
12 ***Messer as Mayor Pro-Tem. The Board voted unanimously 5-0 in favor.***
13 ***Motion carried.***
14

15 Commissioner Messer was then sworn into his position as Mayor Pro-Tem by
16 Mayor Art Schools.
17

18 **9. Consent Agenda**
19

- 20 a. Minutes – November 15, 2011 Regular Meeting
21 b. Minutes – November 15, 2011 Closed Session
22 c. Tax Refunds / Releases
23 d. 2012 Regular Meeting Schedules – Board of Commissioners, Planning
24 Board, Board of Adjustment
25 e. Resolution Authorizing Roof Replacement Contract for Community
26 Center Building (11-12-13/R1)
27

28 ***Motion was made by Commissioner Hedreen to approve the items on the***
29 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
30 ***carried.***
31

32 **Clerks Note:** A copy of Resolution 11-12-13/R1 and all Consent Agenda items as noted above are
33 incorporated herein by reference and hereby made a part of these minutes.
34

35 **10. Public Comment**
36

37 Mayor Schools noted tonight would be the last night that Eren Tataragasi,
38 reporter with the Carteret County News-Times and Tideland News, would be
39 covering our Board meetings. Mayor Schools said that Eren was moving to a
40 new job in Huntersville, North Carolina. Mayor Schools said Eren had been a
41 pleasure to work with and wished her the best with her future career.
42

43 Paul Schwartz, Wyndtree Drive, congratulated all the Board members for their re-
44 election but requested in the future that unopposed Commissioners not put up
45 election signs.
46

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2 Commissioner Messer said that he had placed a few signs up at the request of a
3 homeowner on Coast Guard Road as well as a few others because citizens
4 weren't aware of the upcoming election. Commissioner Messer said a lot of
5 people who came out to vote told him they were glad he had signs out because
6 otherwise they wouldn't have known there was an election.

7

8 Jane DiLoretto, Lands End, spoke in opposition to the deer culling. Ms. DiLoretto
9 said she took exception to the hours that this would take place along Coast
10 Guard Road. She understood it would take place between 7-9 in the morning
11 and 3-5 in the afternoon, a time when the road was heavily used with school
12 buses going by. She didn't want to see this happen or evidence of it and she
13 was sure many felt the same way. She also suggested the Board form a
14 committee to research the birth control vaccine so that next time they decide to
15 have this killing going on in their sanctuary maybe they would have a more
16 reasonable solution.

17

18 Bert Copson, Wyndtree Drive, spoke of how typical it was to ride his bike in his
19 neighborhood and down Coast Guard Road and count 25 deer. He felt there
20 were just too many of them. He suggested that since the State owned the deer it
21 was the State's problem to get rid of the deer. He suggested the Board speak to
22 the head of the Wildlife Resource Commission, and not just the regional biologist
23 about a solution to this problem.

24

25 Bill Ellis, 7706 Sound Drive, asked the Board and staff if they would go to the
26 Cedar Street Park and take a look at it. Mr. Ellis said his property was located
27 next to the Cedar Street Park and that while he had a bulkhead the Town did not
28 and the property was beginning to wash, another storm would do a great deal of
29 damage. He felt Cedar Street Park was probably one of the most used facilities
30 on the Island and would appreciate their review.

31

32 Peggy Copson, Wyndtree Drive, agreed with what her husband Bert said about
33 bringing in the State but they both felt that taking them in a more humane way
34 was more appropriate for pets that just lay around on your lawn, she felt it wasn't
35 really hunting but it was just killing them and felt it was a mean way to do it.

36

37 Joe Weckerly, Lands End, spoke of concern about the way they would kill the
38 deer because of children who would be in the area either going to school or
39 coming from school during the time of the hunting. He also had concerns if
40 children would be shot with an arrow if someone tripped or would they see deer
41 walking around bleeding with arrows. He didn't think they should be killing deer
42 in residential areas.

43

44 Mayor Schools said it would be up to Lands End homeowners whether or not
45 there would be hunting in Lands End; safety was the biggest concern and they

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1
2
3 had talked with other Towns who had done bow-hunting for a long time and said
4 that it was safe.

5
6 **11. Ordinance Amending Chapter 12 – Offenses and Miscellaneous**
7 **Provisions – of the Code of Ordinances To Authorize Controlled Deer**
8 **Hunting Activities in the Town (11-12-13/01)**
9

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

13
14 The Board of Commissioners is scheduled to formally consider the attached ordinance amendment that would create
15 an exception in the Town's current ordinance that would allow for controlled deer hunting activities in the Town.
16

17 As you know, at its November regular meeting, the Board directed Town staff to proceed with plans for a controlled
18 bow-hunt in Emerald Isle in early 2012 in an effort to reduce the deer population in the Town. Specifically, the Board
19 directed Town staff to proceed with Option 2 in the attached memo to the Board dated November 15, 2011 (that also
20 includes background information on the Town's deer issues). Town staff continue to plan for the controlled bow-hunt,
21 and hope to finalize all remaining details later this month and then begin controlled hunting activities by mid-January
22 and continue through the end of February. I plan to brief the Board on the remaining details of the controlled hunt at
23 the January 10 meeting.
24

25 The Town has long had an ordinance prohibiting the discharge of firearms and hunting within the Town. The Town's
26 current ordinance includes an exception for law enforcement officers, and the Town utilized this exception when
27 controlled bow-hunting activities were conducted in Emerald Isle Woods in early 2010. Because the 2012 effort will
28 likely include volunteer bow-hunters, the attached ordinance amendment is necessary before the Town can begin the
29 planned controlled deer hunting activities in mid-January. The attached ordinance amendment simply creates an
30 exception for agents of the Town that are specifically authorized and directed by the Town Manager to engage in
31 controlled hunting activities for the purpose of reducing the deer population. The attached ordinance amendment does
32 not allow for the general public to hunt in Emerald Isle.
33

34 The attached ordinance amendment is necessary for the Town to proceed with controlled deer hunting activities
35 anywhere in Emerald Isle. The ordinance amendment is necessary regardless of the outcome of the upcoming
36 decision by the Lands End community regarding their participation in the Town's controlled deer hunting activities. As
37 you know, that decision rests solely with the Lands End Board of Directors, and the Town will assist Lands End only if
38 requested, but also plans to proceed with these efforts in other locations along the Coast Guard Road corridor.
39

40 The Board should note that the attached ordinance amendment also includes the deletion of other language in the
41 current Town ordinance that is redundant, and is proposed simply to "clean up" the existing ordinance language and
42 make it easier to understand. This language can certainly be retained if the Board is not comfortable with the proposed
43 deletions. The proposed deletions are in no way related to the controlled deer hunting provision, and are presented
44 simply because it is convenient to do so at this time.
45

46 Town Manager Rush noted there was a revised copy of the amendment at their
47 places tonight with changes in the language based on input from the Town
48 Attorney, language that made it clear that the Town would use qualified hunters
49 and that things would be done in a safe way in order to limit the Town's liability.
50 Mr. Rush said if the Board wanted to proceed with a controlled deer hunt in

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1
2 January and February he recommended they approve the ordinance amendment
3 provided or they could tweak in anyway helpful or necessary.
4

5 Town Manager Rush addressed comments raised by the public. Mr. Rush said
6 details were still being finalized associated with the deer hunt and he hoped to
7 come back to the Board at their January meeting with an overall synopsis of the
8 plan. Mr. Rush said it would be a small group of hunters carefully selected by the
9 Town, a responsible, ethical group of hunters. Background checks and accuracy
10 tests would be performed in January. Mr. Rush said this would be done as safely
11 and discreetly as possible, with no intention of hunters walking through
12 neighborhoods, it would be done in secluded wooded areas such as Emerald Isle
13 Woods Park as they had done back in 2010. They would take the same
14 approach with certain private properties from which they were seeking
15 permission. Mr. Rush said if Lands End chose to participate it was solely up to
16 their Board of Directors. Mr. Rush said all hunters would be in elevated stands
17 so that the trajectory of the arrows would be toward the ground. The exact times
18 of day that the hunting would occur would most likely be between 5am and 9am,
19 and may also occur in the afternoon between 4pm to 6pm. He felt if Lands End
20 chose to participate they would probably not have an afternoon component.
21

22 Mr. Rush wanted to assure the public that they were working to make this as safe
23 and effective as possible.
24

25 Jane DiLoreto, Lands End, felt those who didn't agree to this would be exposed
26 to it since it would be right in front of them whether they liked it or not. She said
27 in Lands End if their poll worked out in favor of a hunt then again they had no
28 voice and they couldn't say it would be 100% safe.
29

30 Clint Hasty, 10501 Coast Guard Road, asked what the goal was as to the
31 number of deer they hope to kill. Mr. Hasty said he had seen less deer this year
32 than in previous years.
33

34 Mayor Schools said the Wildlife Resources Officer did the count every year and
35 he got just as many comments from people that thought there were a whole lot
36 more deer.
37

38 Mr. Hasty said he was opposed to the method as he had seen a deer with part of
39 an arrow sticking out of his head, and when shooting with an arrow deer don't
40 always fall over, a neighbor would find the deer in a back yard a week later. He
41 thought this was probably the cheapest and quickest method but not the best as
42 these were pets, you could lasso them and take them across the bridge.
43
44
45

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1
2 **Motion was made by Commissioner Wootten to adopt the Ordinance**
3 **Amending Chapter 12 – Offenses and Miscellaneous Provisions – of the**
4 **Code of Ordinances To Authorize Controlled Deer Hunting Activities in the**
5 **Town. The Board voted unanimously 5-0 in favor. Motion carried.**

6
7 **Clerks Note: A copy of Ordinance Amendment 11-12-13/O1 as noted above is incorporated herein by**
8 **reference and hereby made a part of these minutes.**
9

10 **12. Update – Planned 2012-2013 Beach Nourishment Project**

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 will receive an update on current planning efforts for a 2012-2013 beach nourishment
17 project in Emerald Isle at the December 13 meeting. The Board is asked to provide feedback on the proposed plan so
18 that appropriate environmental documents can be completed, permits obtained, and associated State funding
19 requested and hopefully approved. Our goal is to complete the proposed beach nourishment project, which will
20 replace a portion of the sand lost during Hurricane Irene, sometime between November 16, 2012 and March 31, 2013,
21 the typical environmental “window” for this type of work.
22

23 Previous Planning for Eastern Emerald Isle “Hot Spot” Nourishment Project

24 Prior to the landfall of Hurricane Irene on August 26, the Town was seeking permits for a small beach nourishment
25 project in eastern Emerald Isle to address “hot spot” erosion areas in winter 2011-2012. The Town was seeking
26 permits to place approximately 300,000 cubic yards of sand along approximately 2 miles of beach, and had requested
27 \$2,250,000 from the State of NC in early 2011. Earlier this year, due to new permitting requirements associated with
28 the US Bureau of Ocean Energy, Management, Regulation, and Enforcement, it became evident that permits could not
29 be secured in time for the winter 2011-2012 environmental “window”, and the project would be delayed until winter
30 2012-2013. The Town also learned that the requested State funding was not included in the State’s FY 11-12 budget.
31

32 The total budget for the planned Eastern Emerald Isle “hot spot” project was \$4,500,000, with the State providing
33 \$2,250,000, Carteret County providing \$1,125,000, and the Town providing \$1,125,000. The Town’s contribution
34 would come from the new special district taxes established earlier this year to fund the Town’s future beach
35 nourishment efforts. The Town expects to generate approximately \$675,000 annually from the new special district
36 taxes, thus 2 years of collections would have been more than adequate to cover the Town’s costs. Although the State
37 funding was not approved in 2011, the Town intended to make a new State funding request in 2012.
38

39 Hurricane Irene Erosion / Preliminary FEMA Recommendation

40 Hurricane Irene made landfall on August 26, and resulted in the erosion of approximately 953,000 cy of sand from
41 Emerald Isle’s 12+ miles of beach. The Town experienced losses of 157,000 cy in eastern Emerald Isle, 217,000 cy in
42 central Emerald Isle, and 579,000 cy in western Emerald Isle.
43

44 Because central Emerald Isle and western Emerald Isle had more than 100% of the sand placed by the original beach
45 nourishment projects in 2003 and 2005, FEMA’s beach engineers did not recommend any FEMA funding to replace
46 the sand lost from those areas. FEMA’s beach engineers did, however, recommend that FEMA provide funding to
47 replace the 157,000 cy of sand lost from eastern Emerald Isle. They have recommended total FEMA assistance of
48 approximately \$3.85 million, including the typically significant dredge mobilization costs.
49

50 FEMA’s beach engineers have forwarded their recommendation to their superiors, and any FEMA assistance must be
51 approved by FEMA headquarters in Washington, DC. We expect to receive a decision from FEMA headquarters
52 sometime after January 1. We are optimistic that FEMA headquarters will approve the recommended assistance to

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1
2 replace 157,000 cy in eastern Emerald Isle.
3

4 Because the FEMA assistance should include the cost of dredge mobilization (estimated at \$2 million, which is 50% of
5 the total \$4 million cost to be shared with the Town of Pine Knoll Shores), because FEMA did not approve the
6 replacement of other Irene losses in Emerald Isle, and because the Town originally intended to complete a beach
7 nourishment project in winter 2012-2013 with State, County, and Town funds, it is advantageous for the Town to now
8 consider placing additional nourishment sand on the beach in winter 2012-2013.
9

10 Proposed 2012-2013 Beach Nourishment Project Scope

11 The Carteret County Shore Protection Office and Moffatt & Nichol Engineers have documented the beach conditions in
12 Emerald Isle before and after Hurricane Irene, and have completed a great deal of analysis in anticipation of a 2012-
13 2013 beach nourishment project. I recently met with the Shore Protection Office and Moffatt & Nichol to review this
14 information, and I have also completed recent visual observations along the beach strand.
15

16 After considering the pre-Irene condition of the beach, reviewing the degree and location of losses experienced during
17 Hurricane Irene, considering the Town's original plans for the Eastern Emerald Isle "hot spot" beach nourishment
18 project, and after considering the Town's financial capabilities, I am recommending that the Town proceed with the
19 following beach nourishment plan for 2012-2013:
20

21 **OPTION A**

- 22
- 23 • Eastern Emerald Isle, roughly between the Eastern Ocean Regional Access and 4th Street
 - 24 ○ approximately 410,000 cy (157,000 cy funded by FEMA and 253,000 cy funded by non-Federal
 - 25 sources)
 - 26 ○ approximately 2.6 miles of beach
 - 27 ○ placement rate of approximately 30 cy / linear ft
 - 28 ○ replace sand lost during Irene, plus widen beach from pre-Irene condition (similar to original plan
 - 29 for "hot spot" project)
 - 30 ○ address most obvious areas of need based on recent visual observations
 - 31 ○ would restore this area to a total profile volume of approximately 262 cy / linear ft, which is
 - 32 comparable to most of remainder of beach in Emerald Isle.
 - 33
 - 34 • Western Emerald Isle, roughly between Spinnakers Reach and Mangrove Drive
 - 35 ○ approximately 265,000 cy (entire amount funded by non-Federal sources)
 - 36 ○ approximately 2.0 miles of beach
 - 37 ○ placement rate of approximately 25 cy / linear ft
 - 38 ○ replace most of sand lost during Irene in this geographical area
 - 39 ○ address most obvious areas of need based on recent visual observations
 - 40 ○ would also restore this area to a total profile volume of approximately 262 cy / linear ft, which is
 - 41 comparable to most of remainder of beach in Emerald Isle.
42
 - 43 • Total cost = \$9.85 million
 - 44 ○ FEMA \$3.85 million
 - 45 ○ State of NC \$3.00 million (make request in early 2012)
 - 46 ○ Carteret County \$1.50 million
 - 47 ○ Town of Emerald Isle \$1.50 million.
48
 - 49 • The Town would provide its cost share from accumulated special district tax revenues in the new Future
50 Beach Nourishment Fund. This fund is expected to have a balance of approximately \$1.45 million by April
51 2013 when this project is complete, and the Town could likely identify the additional \$50,000 +/- necessary
52 without incurring additional debt.
53
54

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1
2 Alternatives if State of NC Funding is Not Approved

3 Unfortunately, the State of NC did not approve the Town's request for \$2,250,000 in 2011, and the FY 12-13 State
4 budget outlook remains uncertain. In the event that the State does not provide the \$3 million requested by the Town in
5 2012, the Board could consider two alternative approaches:
6

7 **OPTION A-1**

- 8
9
- 10 • The Town could proceed with Option A exactly as outlined above, but with the following cost share for the
11 \$9.85 million cost:
 - 12 ○ FEMA \$3.85 million
 - 13 ○ Carteret County \$3.00 million
 - 14 ○ Town of Emerald Isle \$3.00 million.
 - 15 • The Town would not have \$3 million on hand to fund this project on a pay-as-you-go basis, and would need
16 to incur new debt. Annual special district tax revenues in the new Future Beach Nourishment Fund would
17 likely be sufficient to retire this new debt over a 3 – 5 year term. The Board would need to authorize this
18 debt, and a bond referendum may be necessary.
19

20 **OPTION B**

- 21
- 22 • If the State does not provide the \$3 million requested, the Town could proceed with a smaller project with a
23 total Town cost of \$1.5 million that could be funded with pay-as-you-go funds in the new Future Beach
24 Nourishment Fund.
25
 - 26 • Eastern Emerald Isle, roughly between the Eastern Ocean Regional Access and 10th Street
 - 27 ○ approximately 263,000 cy (157,000 cy funded by FEMA and 106,000 cy funded by non-Federal
 - 28 sources)
 - 29 ○ approximately 2.0 miles of beach
 - 30 ○ placement rate of approximately 25 cy / linear ft
 - 31 ○ replace sand lost during Irene, plus widen beach somewhat from pre-Irene condition
 - 32 ○ address most obvious areas of need based on current visual observations
 - 33 ○ would restore this area to a total profile volume of approximately 250 cy / linear ft, which is slightly
 - 34 less than most of remainder of beach in Emerald Isle but considerably better than pre-Irene
 - 35 condition of this area.
36
 - 37 • Western Emerald Isle, roughly between Spinnakers Reach and Islander Drive
 - 38 ○ approximately 154,000 cy (entire amount funded by non-Federal sources)
 - 39 ○ approximately 1.3 miles of beach
 - 40 ○ placement rate of approximately 23 cy / linear ft
 - 41 ○ replace most of sand lost during Irene within this geographical area, which was most impacted
 - 42 ○ address most obvious areas of need based on current visual observations
 - 43 ○ would restore this smaller geographical area to a total profile volume of approximately 265 cy /
 - 44 linear ft, which is comparable to most of remainder of beach in Emerald Isle.
45
 - 46 • Total cost = \$6.85 million
 - 47 ○ FEMA \$3.85 million
 - 48 ○ Carteret County \$1.50 million
 - 49 ○ Town of Emerald Isle \$1.50 million.
50
 - 51 • The Town would provide its cost share from accumulated special district tax revenues in the new Future
52 Beach Nourishment Fund. This fund is expected to have a balance of approximately \$1.45 million by April
53 2013 when this project is complete, and the Town could likely identify the additional \$50,000 +/- necessary
54 without incurring additional debt.

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1
2 I have attached a graphics prepared by Moffatt & Nichol that help to illustrate the pre-Irene and post-Irene condition of
3 the beach in Emerald Isle and the geographical areas to be nourished, and these graphics support the
4 recommendations / options above. I will be happy to provide further explanation of these graphics at the December 13
5 meeting.
6

7 Direction Sought from the Board of Commissioners on December 13

8 The Board is asked to provide feedback on the recommendation labeled as Option A at the December 13 meeting.
9

10 If the Board is comfortable with this recommendation, we will continue to work with the Carteret County Shore
11 Protection Office and Moffatt & Nichol to secure necessary permits and complete necessary design work. We will also
12 continue to seek a final FEMA decision and will prepare a formal request for State funding for the Board to formally
13 consider at its January 10 meeting. If the Board is comfortable with Option A, a decision on Option A-1 or Option B is
14 not necessary until such time that the State of NC makes a decision on the Town's funding request.
15

16 If the Board is not comfortable with this approach, and/or has suggestions for additional or different areas that should
17 be nourished or different placement volumes, I will work toward implementing the Board's ideas and return with an
18 alternative recommendation at the January 10 meeting.
19

20 Town Manager Rush asked for the Board's direction on Option A as outlined in
21 their agenda packets, and if the Board was comfortable with that Option they
22 would continue with the permitting and funding request, and if not how they
23 would like to see this adjusted and they would work on that and come back to
24 them in January.
25

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

28 Allan Watts, Spinnakers Reach, said he had experienced Hurricane Bertha and
29 Fran that did a lot of damage, but from when he bought his property until when
30 they did the first beach nourishment, his property had increased by 100%. Mr.
31 Watts said the www.protectthebeach.com site also listed the area where he lived
32 in the western part of the Island as being very stable which was why he asked
33 what the number for the high water mark that says they needed sand in their
34 area was based on. He didn't understand replacing sand under water. He
35 couldn't see adding sand to an area that was stable now.
36

37 Town Manager Rush offered to go through all of the details, figures and graphs
38 with Mr. Watts and the profiles that showed sand losses on the dune, flat beach,
39 and underwater sections.
40

41 Mayor Schools asked for comments or direction from the Board.
42

43 Commissioner Messer said that he had no interest in doing anything at this point
44 that would incur any debt, the Board concurred.
45

46 Town Manager Rush said that based on the Board's direction, he would proceed
47 with Option A, with Option B as a default.
48

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1
2 **13. Presentation – June 30, 2011 Financial Statements and Audit Report**
3

4 Town Manager Frank Rush addressed the Board regarding this agenda item.
5 The following excerpt from his memo to the Board is provided for additional
6 background:
7

8 Williams, Scarborough, Smith, & Gray (WSSG) CPAs has completed the Town's FY 10-11 audit, and a copy of the
9 June 30, 2011 financial statements and audit report is attached for your review.

10
11 I will brief the Board on the highlights of the financial statements and audit report at the December meeting. The
12 Board-appointed Audit Committee met on Friday, December 9 to review the report with WSSG and Town staff, and will
13 also be available to comment on the report at the December 13 meeting.
14

15 The Town received an unqualified opinion from WSSG, and I am again pleased to report that the Town maintains a
16 solid financial position. Town staff and I are committed to maintain and improve that financial position in the future.
17 WSSG also did not identify any major concerns with our financial operations, and expressed their opinion that the
18 Town's assets are well-managed by our staff.
19

20 For a detailed explanation of the June 30, 2011 financial statements and audit report, please read the "Management's
21 Discussion and Analysis" section in pages 11-22 of the report.
22

23 Some of the highlights of the June 30, 2011 financial statements and audit report include:
24

25 **OVERALL FINANCIAL POSITION**
26

- 27 • The Town had officially reported net assets of \$17,482,533 as of June 30, 2011. Net assets increased by
28 \$3,310,126 during FY 10-11, primarily due to the payment of another year of principal on the Town's beach
29 nourishment bonds (\$2,125,000) and due the acquisition of land for the new public boat launching facility with
30 significant outside grant funding.
31
- 32 • The Town had total revenues of \$10,655,096 across all funds during FY 10-11. The Town had total expenditures
33 of \$10,240,425 across all funds during FY 10-11. This resulted in a net surplus for the fiscal year of \$414,671.
34
- 35 • As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances
36 of \$4,360,851, an increase of \$414,671 in comparison with the prior year. This increase is primarily associated
37 with timing issues for funded but not-yet-completed capital projects.
38
- 39 • The Town had \$3,614,293 of cash and cash equivalents on hand as of June 30, 2011. This cash (and cash
40 equivalents) on hand makes it possible for the Town to meet cash-flow needs in the summer and fall months
41 when expenditures routinely exceed revenue collections (prior to receipt of annual property taxes in December
42 and January). The Town also had net receivables of \$911,686 as of June 30, 2011.
43
- 44 • The Town's total outstanding debt as of June 30, 2011 was \$3,599,733. Of this amount, \$1,900,000 is associated
45 with the Town's outstanding 2005 beach nourishment bonds, and \$1,699,733 is outstanding on three installment
46 financing agreements for the Emerald Drive land purchase, the Coast Guard Road Storm Water Project, and the
47 Town Administration Building. In addition, the Town's General Fund also has an outstanding inter-fund loan of
48 \$270,000 for a portion of the Town's cost for the land purchase for the new public boat launching facility.
49
- 50 • The Town's outstanding debt at June 30, 2011 is equal to 0.08% (based on 2007 values) or .12% (based on the
51 new 2011 values) of the total assessed value in Emerald Isle, which is very low. The Town's officially adopted
52 Fiscal Policy establishes a debt limit of 2.00% of total taxable value. North Carolina General Statutes limit the
53 amount of General Obligation debt that a unit of government can issue to 8.00% of the total assessed value.

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- The Town's property tax collection rate for FY 10-11 was 99.28%, which is an excellent collection rate. A total of \$40,895 of 2010 property taxes was uncollected as of June 30, 2011. As of December 8, the uncollected balance is \$27,462.

GENERAL FUND

- As of June 30, 2011, the Town's General Fund had a total fund balance of \$1,895,164. A total of \$981,088 is classified as unassigned fund balance. The Town's total General Fund balance increased by \$83,557 over the course of the fiscal year, due primarily to higher than anticipated revenue collections.
- The total General Fund balance of \$1,895,164 is equal to 25.1% of total General Fund expenditures (including transfers out and Powell Bill) during the previous year (\$7,563,120). This percentage is up very slightly from the previous year (25.0%). Total General Fund balance represents 27.3% percent of the FY 11-12 adopted budget of \$6,932,097 (including transfers out and Powell Bill).
- The unassigned General Fund balance is \$981,088. This amount is equal to 13.0% of total General Fund expenditures (including transfers out and Powell Bill) during the previous year (\$7,563,120). Unassigned General Fund balance represents 14.2% of the FY 11-12 adopted budget of \$6,932,097 (including transfers out and Powell Bill). These percentages are slightly lower than desired, but it is also important to note that the June 30, 2011 financial statements reflect an increase in accounts receivable of \$312,254 over the June 30, 2010 amount. The bulk of this amount was received by the Town shortly after June 30, 2011, and if included in unassigned General Fund balance the percentage would increase to recent historical levels. From a cash-flow standpoint, it is also important to consider that the Town also maintains more than \$2.08 million of unassigned fund balance in the Beach Nourishment Debt Service Fund that could be made available on a short-term emergency basis and reimbursed if needed. To date, the Town has never had to utilize this approach, and does not expect to do so, however, it is available if needed if a situation with diminished General Fund cash-flow arises in the future.
- General Fund revenues in FY 10-11 totaled \$7,646,646, and were supplemented by a \$31 transfer from a closed-out capital project. These revenues exceeded total General Fund expenditures and transfers that totaled \$7,563,120.
- The Town's two largest sources of General Fund revenue are property taxes and sales taxes. General Fund property tax revenues were \$3,418,108, while sales tax revenues totaled \$1,568,508. Solid waste fees are the third largest revenue source, with \$1,163,381 collected in FY 10-11.
- Public Safety expenditures (Police, Fire, and EMS) continue to represent the largest portion of the General Fund budget. Total expenditures were \$3,077,051 in FY 10-11.
- Total debt service expenditures in FY 10-11 were \$372,404. Debt service expenditures were equal to 4.9% of total General Fund expenditures, a very low percentage.

BEACH NOURISHMENT DEBT SERVICE FUND

- The Town's Beach Nourishment Debt Service Fund had a year-ending fund balance of \$2,081,929. This amount decreased by \$9,822 from the previous year. This fund balance is more than sufficient to meet the remaining debt service expenditures on the 2005 beach nourishment bonds in FY 11-12 and FY 12-13.
- The Town continues to make timely principal and interest payments on the beach nourishment bonds. The Town made the 8th and final principal payment (\$1,175,000) on the 2002 bonds and the 6th annual principal payment (\$950,000) on the 2005 bonds.

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OTHER FUNDS

- The Special Drug Fund had an ending fund balance of \$38,523 as of June 30, 2011. These funds are restricted for Police Department expenses only, and the bulk of this amount has been appropriated for the Police Department in FY 11-12.
- The Town utilizes several capital project accounts for ongoing, multi-year capital projects. Several capital projects have been completed in recent years, and the Town is not initiating many new projects, thus the number of capital project accounts has decreased. Notable active capital project funds in FY 10-11 included the Public Boat Launching Facility project and the Coast Guard Road Storm Water Phase IV project.
- The project account for the new Public Boat Launching Facility reports a balance of \$112,575 as of June 30, 2011. The Town completed the final land purchase for this project shortly after this date and also completed the new restroom building in September 2011, and utilized this balance and other outside grants and contributions. This project will soon be closed out, and the Town does not expect any significant remaining balance in this account at that time.
- The project account for the Coast Guard Road Storm Water Phase IV project reports a balance of \$256,222 as of June 30, 2011. This balance is available due to the fact that funds have been appropriated for these improvements, but construction had not yet been completed on the Emerald Isle Woods emergency discharge at that time and also because construction has not yet begun on the Island Circle pump station. The Emerald Isle Woods discharge is now complete, and the Island Circle pump station should be complete in spring 2012. At this time, the Town does not expect a significant remaining balance in this account when this work is completed.
- All capital project accounts have a positive ending balance as of June 30, 2011, with the exception of two. The capital project account for the NC 58 Bicycle Path has a negative balance of \$60,184 due to timing issues associated with the reimbursement of NCDOT grant funds for the project. The capital project account for the Eastern Emerald Isle Storm Water Project also has a negative balance of \$10,898, and this is also due to timing issues associated with a grant reimbursement from the NC Clean Water Management Trust Fund.
- There is currently a total balance of \$25,000 being reserved in a capital project account for the local match for the Archers Creek Storm Water Project that will be funded primarily with a NC Clean Water Management Trust Fund grant. This report should be complete in spring 2012, and these funds will be expended at that time.
- As of June 30, 2011, there is a reported balance of \$19,692 in the project account for the NC 58 Multi-Use Path (segment near the Eastern Ocean Regional Access), however, these funds have since been expended.
- There is currently a total balance of \$4,580 in the capital project accounts for the new Town Administration Building, the Coast Guard Road Multi-Use Path, and the Bicycle Paths and Sidewalks account. These projects are all complete, and these funds are available for future appropriation.
- The Town has a total balance of \$63,727 in the Special Separation Allowance Fund that is being accumulated for future, statutorily-mandated separation payments to law enforcement officers. This amount is believed to be sufficient to cover anticipated future liabilities at this time.

Town Manager Rush noted that all of the details of the Town Budget and Audit were on the Town website.

The Board thanked Town Manager Rush for his excellent work.

1
2 ***Motion was made by Commissioner Messer to accept the June 30, 2011***
3 ***Financial Statements and Audit Report. The Board voted unanimously 5-0***
4 ***in favor. Motion carried.***

5
6 **Clerks Note: A copy of the June 30, 2011 Financial Statements and Audit Report as noted above is**
7 **incorporated herein by reference and hereby made a part of these minutes.**

8
9 **14. Ordinance Amending Chapter 4 – Animals – of the Code of Ordinances**
10 **to Clarify the Town’s Leash Law on the Beach Strand – (11-12-13/02)**

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 consider the attached ordinance amendment that clarifies the Town’s
17 leash law as it applies on the beach strand. The attached ordinance amendment includes additional language that
18 makes it clear that dogs must be kept on a leash or lead in all areas of the beach strand, including the dunes, the flat
19 beach berm, the surf zone, and while in the adjacent waters of the Atlantic Ocean.

20
21 The Town’s existing ordinance refers to the “beach area” only, and relies on the following definition of the “beach area”:

22
23 *“Beach areas means the foreshore beach strand, berm area and all lands included within the area between*
24 *the low water mark of the Atlantic Ocean and a point ten (10) feet seaward from the foot or toe of the dune*
25 *closest to the waters of the Atlantic Ocean within the town municipal limits.”*

26
27 Because the low water mark is almost always covered with the waters of the Atlantic Ocean, because a dog swimming
28 in the Atlantic Ocean is almost always off the leash in the defined “beach areas” when it returns from swimming, and
29 because many dogs often wander to other locations within the “beach areas” while off a leash, the Town has enforced
30 the leash law in all areas (the dunes, the flat beach berm, the surf zone, and the adjacent waters of the Atlantic Ocean)
31 of the beach strand for several years.

32
33 There are some individuals who either do not agree with this interpretation, recall periods in the Town’s history when
34 an alternative interpretation was applied, or cite differences in interpretation by different Town staff members over time.
35 These individuals believe that the Town’s ordinance specifically allows dogs to be off a leash while in the surf zone and
36 in the waters of the Atlantic Ocean. As you know, I have sought the Board’s guidance on multiple past occasions to
37 insure that our interpretation of the existing ordinance is consistent with the Board’s intent, and the Board has
38 previously expressed its concurrence with our interpretation of the existing ordinance. The attached ordinance
39 amendment is presented to clarify this issue for the public and Town staff, and hopefully avoid future confusion and
40 disputes.

41
42 Town Manager Rush said this ordinance would make it crystal clear that a dog
43 must be restrained by a leash or lead at all times, including on the beach area,
44 dunes, in the surf zone, and while in the adjacent waters of the Atlantic Ocean.

45
46 Mayor Schools asked for any comments from the public.

47
48 Elisabeth Hutton, Sound of the Sea, supported the clarification proposed to the
49 ordinance. She spoke of seeing owners with their dogs loose on the beach and
50

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1
2 felt there had been confusion as to when a dog could be off leash on the beach
3 and appreciated the effort to clarify the ordinance.
4

5 Bert Copson, Wyndtree Drive, asked about the comparison to other beach towns,
6 and said in his travels he had discovered between Easter and Labor Day no dogs
7 were allowed on the beach period. He had noticed in the last several years
8 people were hesitant to clean up after their dogs and felt it had become quite a
9 problem. He said Emerald Isle has always been a family beach but has become
10 a dog beach. He wondered whether Emerald Isle was the only town that allowed
11 dogs on the beach during the summertime.
12

13 Town Manager Rush said Emerald Isle was not the only town that allowed dogs
14 on the beach in the summertime. He said there were several of the 21 beach
15 towns in North Carolina that allowed dogs on the beach in the summer, almost all
16 require a dog to be on a leash, with a few that don't allow dogs at all, and they
17 also have pooper scooper laws in place.
18

19 ***Motion was made by Commissioner Wright to adopt the Ordinance***
20 ***Amending Chapter 4 – Animals – of the Code of Ordinances To Clarify the***
21 ***Town's Leash Law on the Beach Strand. The Board voted unanimously 5-0***
22 ***in favor. Motion carried.***
23

24 **Clerks Note:** A copy of Ordinance 11-12-13/O2 as noted above is incorporated herein by reference
25 and hereby made a part of these minutes.
26

27 **15. Appointments – Bicycle and Pedestrian Advisory Committee – 4**
28 **Vacancies**
29

30 **Brief Summary:** There will soon be four vacancies on the Town's Bicycle and
31 Pedestrian Advisory Committee. The Board should appoint four individuals to
32 new terms that will expire in December 2013.
33

34 The terms of 4 current members of the Bicycle and Pedestrian Advisory Committee expire in December 2011, thereby
35 creating 4 vacancies. The appointments to all 4 of these vacancies would serve 2-year terms that expire in December
36 2013.
37

38 The terms of committee members Ed Johnson, Wayne Ryan, Paul Schwartz (Vice-Chair), and Ken Stone (Chair) are
39 all set to expire. Paul Schwartz has formally notified the Town of his desire to be reappointed, and we believe the
40 other 3 are also interested in being reappointed. In addition, the Town has received emails from Russ Johnston and
41 Mike Taylor expressing their interest in being considered for a vacancy on the Committee.
42

43 ***Motion was made by Commissioner Wootten to appoint Ed Johnson,***
44 ***Wayne Ryan, Paul Schwartz, and Ken Stone to terms on the Bicycle and***
45 ***Pedestrian Advisory Committee that expire in December 2013. The Board***
46 ***voted unanimously 5-0 in favor. Motion carried.***
47

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1
2 Mayor Schools asked the Board to replace Jill Searcy who had been unable to
3 attend meetings the past year, with Mike Taylor. Mayor Schools said that two
4 applicants had recently applied and he suggested Mike Taylor because he had
5 applied first.

6
7 Commissioner Hedreen asked about increasing the membership on the
8 committee. Mayor Schools said the Bicycle and Pedestrian Advisory Committee
9 could consider increasing the number of members at their next committee
10 meeting.

11
12 Commissioner Wootten felt it was great to have the interest in the committee
13 since two years ago they did not, giving credit to Ken Stone and Paul Schwartz
14 and the Coast Guard Road crowd for the current increase in interest.

15
16 ***Motion was made by Commissioner Messer to replace Jill Searcy on the***
17 ***Bicycle and Pedestrian Advisory Committee with Mike Taylor. The Board***
18 ***voted unanimously 5-0 in favor. Motion carried.***

19
20 Commissioner Hedreen commented that Jill Searcy had been a very faithful
21 worker and had worked hard for the Town and thanked her for her service.

22
23 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

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 an
28 update on Police Chief Hargett's condition, and that he was very thankful that he
29 was recovering at home now.

30
31 Mr. Rush hoped to have a construction contract for the Island Circle storm water
32 pump station at their January meeting as well as contracts for the walkway
33 replacements for 3rd Street and 5th Street.

34
35 The following is an excerpt from the Town Manager Comments memo to the
36 Board providing additional background information for all items of importance:

37
38 **Chief Hargett**

39 I will update the Board and the public about Chief Hargett's condition at the December 13 meeting. As of December 9,
40 Chief Hargett is doing well but has not yet been discharged from Pitt Memorial Hospital. We are thankful for his
41 recovery, and look forward to having him back in Emerald Isle. We greatly appreciate his efforts, and the entire Police
42 Department's efforts to catch the 3 burglars on December 7.

43
44 The 3 burglars have been charged with numerous offenses. A copy of the most recent press release about this issue,
45 dated December 9, is attached.
46
47

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1
2 The Town's workers compensation insurance will cover Chief Hargett's medical expenses, and the Town's property
3 insurance will provide funding to repair or cover a portion of the replacement cost of the Police vehicle damaged in the
4
5 accident. Chief Hargett's vehicle was scheduled for replacement in three years (FY 14-15), however, we will likely
6 replace the vehicle early anyway if it is not considered "totaled".
7

8 **FEMA Reimbursements**

9 Not including the Town's beach erosion claim, the Town is expecting approximately \$390,000 in FEMA
10 reimbursements for emergency preparation and response, debris collection, and repairs to Town facilities. With the
11 exception of the beach erosion claim, all "project worksheets" (the official authorizations) have been completed, and
12 the Town should begin to receive FEMA funding in the coming weeks. The FEMA reimbursements will be included in a
13 General Fund budget amendment presented to the Board at the January 10 meeting.
14

15 The Town will likely receive approximately \$45,000 for the use of Town equipment at specified FEMA reimbursement
16 rates that will essentially be additional revenue for the Town. These funds will be included in the January 10 budget
17 amendment, and may be recommended for appropriation to the Police Department for necessary radio
18 communications equipment.
19

20 **Island Circle Storm Water / Ground Water Pump Station**

21 With the recent completion of a few other pressing items, I will be soliciting informal bids for the construction of the new
22 pump station in the next few weeks. I hope to have a construction contract recommendation on the Board's January
23 10 meeting agenda. Our goal is to have the new pump station completed prior to the 2012 hurricane season.
24

25 **3rd Street and 5th Street Public Beach Access Walkway Replacements**

26 We are currently soliciting informal bids for this work, and plan to have a contract recommendation on the Board's
27 January 10 meeting agenda. Our goal is to have the new walkways completed prior to the Easter holiday.
28

29 **Archers Creek Storm Water BMP Study**

30 Moffatt & Nichol continues work on this study, funded by a NC Clean Water Management Trust Fund grant. The study
31 should be complete in early 2012, and we have received preliminary approval to extend the grant deadline from
32 January 31, 2012 to April 30, 2012.
33

34 **Eastern Emerald Isle Storm Water Outfall Removal**

35 CAMA permits for all locations are finally in-hand, and NCDOT has granted approval. We have received an extension
36 from the NC Clean Water Management Trust Fund, and all work must be complete by September 30, 2012. Public
37 Works staff will be working on storm water and public access improvements at sound-side street ends over the next
38 several months.
39

40 **Gordie McAdams Memorial Planned for New Public Boat Launching Facility**

41 This project was delayed due to my leave of absence, and I am now awaiting design drawings from Moffatt & Nichol
42 that will be sufficient to secure necessary building permits. A volunteer woodworking group led by Howard Pinner of
43 Lands End will be constructing a covered picnic table structure in Gordie McAdams' honor. We will also add nice
44 landscaping around the covered picnic table. I hope to have this completed before the spring.
45

46 **Russell Overman, New County Manager**

47 Russell Overman was originally scheduled to attend the December 13 meeting, but has a conflict and has been
48 rescheduled for January 10.
49

50 **Potential NC Parks and Recreation Trust Fund Grant Application**

51 Applications for the 2012 grant cycle for the NC Parks and Recreation Trust Fund are due on January 31, 2012, and I
52 am considering proposing a new grant application to purchase land adjacent to the new public boat launching facility
53 and also the development of other recreation facilities at that site. I may present a resolution for Board consideration at
54 the January 10 meeting.

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1
2 **Potential Proposal for Boat Storage Facility**

3 Kevin Reed, Planning and Inspections Director, has received several inquiries about a potential boat storage facility to
4 be located on Emerald Drive just east of the Emerald Isle Baptist Church. The location is between Emerald Drive and
5 Woodpecker Lane. The specific location is shown on the attached aerial map and is labeled "this portion". To date, no
6 plans have been submitted for Planning Board review, however, Kevin Reed has had conversations with a design
7 professional about the project.
8

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

10
11 Commissioner Hoover wished everyone Merry Christmas.
12

13 There were no further comments from the Board of Commissioners or Mayor.
14

15 **18. Adjourn**

16
17 ***Motion was made by Commissioner Messer to adjourn the meeting. The***
18 ***Board voted unanimously 5-0 in favor. Motion carried.***
19

20 **The meeting was adjourned at 8:10 pm.**
21

22 Respectfully submitted:
23
24
25

26 Rhonda C. Ferebee, CMC
27 Town Clerk
28
29