

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, SEPTEMBER 13, 2011 – 7:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**

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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 Attorney Richard Stanley, Asst.  
19                  Town Manager/Finance Officer Mitsy Overman, and Town Clerk Rhonda  
20                  Ferebee.

21  
22                  Town Manager Frank Rush was absent from the meeting due to the sudden  
23                  critical illness of his wife Suzanne that occurred on August 30, 2011.

24  
25                  **3. Opening Prayer**

26  
27                  Bernie Whalley, local resident and businessman, as well as Emerald Isle Parks  
28                  and Recreation Association, Inc. board member offered the Opening Prayer for  
29                  the meeting.

30  
31                  **4. Pledge of Allegiance**

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

34  
35                  **5. Adoption of Agenda**

36  
37                  Mayor Schools requested that a Governor's Highway Safety Program Resolution  
38                  be added to the agenda as Item 11a.

39  
40                  ***Motion was made by Commissioner Hoover to adopt the Agenda with the***  
41                  ***addition of Item 11a – Governor's Highway Safety Program Resolution. The***  
42                  ***Board voted unanimously 5-0 in favor. Motion carried.***

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1  
2 **6. Proclamations / Public Announcements**  
3

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

- 6 • **Beach Jive After 5 – Thurs. Sept 15, - 5:30 pm – 7:30 pm – Western**
- 7 **Ocean Regional Access – “David Dixon”**
- 8 • **Emerald Isle Walk to D’Feet ALS – Saturday, September 17 – 9 am –**
- 9 **Holiday TravLPark**
- 10 • **Emerald Isle 6<sup>th</sup> Annual Day4Kids – Saturday, September 17 – 10 am**
- 11 **– 2 pm – Community Center**
- 12 • **Bike and Pedestrian Committee meeting – Tuesday, September 20 –**
- 13 **9 am – Community Center**
- 14 • **5<sup>th</sup> Annual Flounder Surf Fishing Tournament – September 24-**
- 15 **October 8**
- 16 • **Planning Board Meeting – Monday, September 26 – 6 pm – Town**
- 17 **Board Meeting Room**
- 18 • **8<sup>th</sup> Annual Emerald Isle Triathlon – Saturday, October 15 – 8am –**
- 19 **Eastern Ocean Regional Access**
- 20

21 **7. Consent Agenda**  
22

- 23 a. **Minutes of August 9, 2011**
- 24 b. **Tax Refunds / Releases**
- 25

26 ***Motion was made by Commissioner Hedreen to approve the items on the***

27 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***

28 ***carried.***

29

30 **Clerks Note: A copy of all Consent Agenda items as noted above are incorporated herein by**

31 **reference and hereby made a part of these minutes.**

32

33 **8. Public Comment**  
34

35 **Brief Summary:** The public has the opportunity to address the Board about any

36 items of concern not on the agenda.

37

38 Bernie Whalley, 5306 Ocean Drive, noted that the total contributions for the

39 Veterans Memorial to date were approximately \$2,700 and thanked all who had

40 contributed and encouraged everyone to remind their friends, neighbors, and

41 those they do business with that they are seeking funds to erect a Veterans

42 Memorial monument.

43

44

45

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1  
2 In addition, Mr. Whalley appreciated the trucks in convoy picking up yard waste  
3 following the recent hurricane. He said he appreciated their efforts though  
4 pointed out that they were not quite as neat and quick as the Town's own  
5 employees.

6  
7 **9. Artie Dunn, Public Works Director Update on Debris Cleanup / Mosquito**  
8 **Spraying / DOT Clean up on Hwy 58**  
9

10 Public Works Director Artie Dunn addressed the Board regarding this agenda  
11 item. The following excerpt from Asst. Town Manager/Finance Officer Mitsy  
12 Overman's memo to the Board is provided for additional background:

13  
14 Debris Clean Up

15  
16 Artie will update the Board on the progress of debris removal by Disaster Recovery Group. As of 9/5/11, DRG has  
17 picked up approximately 3,500 cubic yards of debris. DRG worked all last weekend and I understand they picked up a  
18 large amount of debris even with the weather.

19  
20 Artie feels good about the work DRG is doing, but feels like we need to move a little faster to get the Town cleaned up.  
21 He contacted DRG and asked them to put on an additional two (2) crews. These two additional crews will start on the  
22 east end of Town and work west and will begin by the weekend. He will give you a more definite schedule at  
23 Tuesday's meeting.

24  
25 Mosquito Spraying

26  
27 Mosquito spraying began last week between the hours of 11 PM and 4 AM when wind conditions are low enough. The  
28 Town has free Mosquito Larvacide available for pick up by Emerald Isle property owners at the Public Works  
29 Department, located behind Fire Station One, 7508 Emerald Drive. Before you stop by to pick up however, you must  
30 first call the Public Works Department at 252-354-4450.

31  
32 Artie will give you further information on their spraying schedule.

33  
34 DOT cleanup along Highway 58 (Emerald Drive)

35  
36 DOT has advised they were given the go ahead on clearing of debris along State roads. DOT advised us on Friday  
37 they will begin picking up debris in Carteret County early next week. We don't know when they will get to Emerald Isle.  
38 Artie will try and get a more definite schedule.

39  
40 Public Works Director Artie Dunn updated the Board about the ongoing debris  
41 cleanup following Hurricane Irene. Mr. Dunn stated that on August 30, Disaster  
42 Recover Group (DRG) began removing yard waste and had completed their first  
43 pass today. Mr. Dunn said they collected 643 truckloads for a total of 27,520  
44 cubic yards. Mr. Dunn said that Public Works staff also with Town equipment  
45 removed 66 truckloads, 2,000 cubic yards from the gated communities on Coast  
46 Guard Road and Crew Drive. Mr. Dunn said the second pass would begin the  
47 following morning and would also include the collection of construction and  
48 demolition debris. A final assessment will be done and if needed a punch list  
49 given to DRG before releasing them.  
50

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1  
2 The Board appreciated Mr. Dunn's diligence and felt it was certainly noteworthy.

3  
4 Mr. Dunn briefly described the efforts in controlling and treating for mosquitoes.  
5 Larvacide had also been provided to property owners to treat standing water in  
6 their yards. Mr. Dunn said they missed the first hatching of mosquitoes but they  
7 had now sprayed the Town twice with the Point area being sprayed 3 times.  
8 Landing count numbers were decreasing and he felt within the next week they  
9 would be able to control better with treatment of standing water.

10  
11 Finally, Mr. Dunn stated that DOT started the previous day picking up debris in  
12 Carteret County and it was still unclear when they may come to Emerald Isle.  
13 Mr. Dunn said he planned to discuss with the Town Manager, Asst. Town  
14 Manager, FEMA and DOT, but if everyone agreed he planned to dedicate Town  
15 equipment to Highway 58 right-of-way and start collecting before it began  
16 blowing in the road or having more added to the piles to more quickly get things  
17 back to normal.

18  
19 Asst. Town Manager/Finance Officer Mitsy Overman discussed the estimated  
20 total truckloads of vegetative and construction and demolition debris with Mr.  
21 Dunn for FEMA purposes.

22  
23 **10. Performance Bond with Disaster Recovery Group**

24  
25 Asst. Town Manager/Finance Officer Mitsy Overman addressed the Board  
26 regarding this agenda item. The following excerpt from Asst. Town  
27 Manager/Finance Officer Mitsy Overman's memo to the Board is provided for  
28 additional background:

29  
30 The Disaster Recovery Group, Inc. is the contractor that is picking up all the debris in Emerald Isle. Our bidding  
31 contract required, once the project was given the "Notice to Proceed" to produce a Performance Bond in the amount of  
32 \$500,000. DRG, Inc. is requesting permission to reduce the amount of the bond to \$250,000. This is mainly because  
33 they also have the contract with the Town of Atlantic Beach, and I understand last week, they were given the go ahead  
34 to start at Cape Carteret.

35  
36 I have touched base with Barry Johnson, our FEMA Consultant, and we both agree that the cost of the debris cleanup  
37 should not exceed \$250,000.

38  
39 I have placed a copy of the bond in your packet and recommend approval of the \$250,000 bond amount.

40  
41  
42 Asst. Town Manager/Finance Officer Mitsy Overman and Town Attorney Richard  
43 Stanley discussed this item with the Board. Mr. Stanley stated that based on  
44 current projections the end total for vegetative and C&D would equal  
45 approximately \$283,000. Mr. Stanley said the only reason you had a bond was  
46 in case they defaulted you would have the money to hire someone else to finish,  
47 in this case the contractor had done the great majority of the work. Ms. Overman

1  
2 stated that she had in her possession a bond for \$250,000. The Board  
3 discussed this issue and the fact that the work that remained to be done was less  
4 than \$250,000. Mr. Stanley felt this was the reason the contractor was  
5 requesting a reduction in the amount of the performance bond. Mr. Stanley  
6 stated that when you go out for bids you don't know what kind of storm you will  
7 get which was one of the reasons that the bond requirement was set so high.

8  
9 ***Motion was made by Commissioner Wootten to reduce the Performance***  
10 ***Bond amount for Disaster Recover Group, Inc. from \$500,000 to \$250,000.***  
11 ***The Board voted unanimously 5-0 in favor. Motion carried.***

12  
13 **Clerks Note: A copy of Performance Bond as noted above is incorporated herein by reference and**  
14 **hereby made a part of these minutes.**

15  
16 **11. FEMA Resolutions / State Agreement**

17  
18 Asst. Town Manager/Finance Officer Mitsy Overman addressed the Board  
19 regarding this agenda item. The following excerpt from Asst. Town  
20 Manager/Finance Officer Mitsy Overman's memo to the Board is provided for  
21 additional background:

- 22  
23 **a. Designation of Applicants Agent**  
24 **b. Request for Federal Assistance**  
25 **c. State-Applicant for Disaster Assistance Agreement**

26  
27 **Designation of Applicant's Agent**

28  
29 A resolution is required by FEMA designating a primary and secondary contact to act on behalf of the Town of Emerald  
30 Isle. Further, it authorizes the contacts to execute and file applications for federal and/or state assistance. It has been  
31 policy in the past to designate Frank Rush, Town Manager as the primary contact and Georgia N. Overman as the  
32 secondary contact. **It is my recommendation that these designations remain the same.** In Frank's absence, I will  
33 file and submit all paperwork per FEMA's requirements.

34  
35 **Request for Public Assistance**

36  
37 This is basically an additional form requesting public assistance from FEMA with the same primary and secondary  
38 contact information. **It is my recommendation that the contacts be the same as the designations above and the**  
39 **Board approve the Request for Public Assistance.**

40  
41 **State-Applicant Disaster Assistance Agreement**

42  
43 This assistance agreement is made between the State of North Carolina, the Department of Crime Control and Public  
44 Safety, Division of Emergency Management and the Town of Emerald Isle. The agreement shall apply to all disaster  
45 assistance funds provided by or through the State to the Applicant as a result of Hurricane Irene.

46 1) The agreement authorizes the Town's representatives to apply for assistance, 2) Provide all necessary financial and  
47 managerial resources to meet the terms and conditions of receiving Federal and State disaster assistance, 3) the  
48 applicant must use funds solely for the purpose for which these funds are provided and as approved by the Governor's

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1  
2 Authorized Representative, 4) The applicant is aware of and shall comply with cost-sharing requirements for Federal  
3 and State disaster assistance, specifically that the Federal assistance is limited to 75% of eligible expenditures, and  
4 that State assistance is limited to 25% of the eligible costs. I recommend approval of the State Disaster  
5 Assistance Agreement.  
6

7 ***Motion was made by Commissioner Wright to designate Frank A. Rush, Jr.,***  
8 ***Town Manager as primary contact and Georgia N. Overman, Asst. Town***  
9 ***Manager / Finance Officer as secondary contact to execute and file***  
10 ***applications for federal/state assistance. The Board voted unanimously 5-0***  
11 ***in favor. Motion carried.***  
12

13 ***Motion was made by Commissioner Hoover to approve the "Request for***  
14 ***Public Assistance" designating Frank A. Rush, Jr. Town Manager as***  
15 ***primary contact and Georgia N. Overman, Asst. Town Manager / Finance***  
16 ***Officer as secondary contact. The Board voted unanimously 5-0 in favor.***  
17 ***Motion carried.***  
18

19 ***Motion was made by Commissioner Hedreen to approve the State of NC***  
20 ***Disaster Assistance Agreement. The Board voted unanimously 5-0 in***  
21 ***favor. Motion carried.***  
22

23 **Clerks Note: A copy of all FEMA documents as noted above are incorporated herein by reference**  
24 **and hereby made a part of these minutes.**  
25

26 **11a. Governor's Highway Safety Program Resolution**  
27

28 Asst. Town Manager/Finance Officer Mitsy Overman addressed the Board  
29 regarding this agenda item. The following excerpt from Asst. Town  
30 Manager/Finance Officer Mitsy Overman's memo to the Board is provided for  
31 additional background:  
32

33 At the regular meeting of the Board of Commissioners Meeting in April 2011, the Board passed a resolution authorizing  
34 a police grant application for in-car digital video cameras. (See copy of Resolution attached from the April meeting).  
35

36 These grant funds will be matched with \$9,000 of dedicated Police funding from the FY 11-12 budget.  
37

38 The Governor's Highway Safety Program is requesting that this resolution be dated after July 1, 2011 and on their  
39 Local Government Resolution form.  
40

41 ***Motion was made by Commissioner Wootten to approve the Governor's***  
42 ***Highway Safety Program Grant for In-Car Digital Video Cameras. The***  
43 ***Board voted unanimously 5-0 in favor. Motion carried.***  
44

45 **Clerks Note: A copy of Governor's Highway Safety Program Resolution as noted above is**  
46 **incorporated herein by reference and hereby made a part of these minutes.**  
47  
48

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**12. Comments from Town Clerk, Town Attorney, and Town Manager**

There were no further comments from the Town Clerk or Town Attorney.

Asst. Town Manager / Finance Officer Mitsy Overman updated the Board on several important issues including that they were getting closer to opening the Public Boat Launch Facility restroom; and the NC 58 bike path segment was complete. The following is an excerpt from her comments memo to the Board providing additional background information for all items of importance:

**Update on Emerald Isle Woods-Damage from Hurricane Irene**

Alesia sent out informal bids to have tree work done at Emerald Isle Woods. She received three bids for this work.

Starnes Tree Service	\$2,500.
Disaster Recovery Group, Inc.	\$7,500
Absolute Professional Services	\$11,900

Starnes Tree Service was disqualified due to the fact they had no liability insurance, which is required under the Town's policy.

I have give Alesia authorization to proceed with Disaster Recovery Group to have the trees removed.

Work will begin on Friday, September 9<sup>th</sup> and they should complete the work by Tuesday of next week.

The cost of this proposal will be submitted to FEMA for reimbursement.

Once these trees are removed the staff can access the pier damage and will tentatively have plans to reopen the park, although the pier may be closed off until necessary repairs are made.

**Regional Access Parking Fees**

The Town has collected approximately ~~\$92,698~~ in parking fees since the inception of the program in mid-April. The fees will remain in effect until the end of September. Our budget estimate for the entire season is \$111,000.

(Note: amount of \$92,698 above was a typographical error – correct amount collected is \$107,300.)

**NC 58 Bike Path Segment New Eastern Regional Access**

Town Manager Frank Rush commented at last meeting that the bike path project was almost complete, with the exception of markings, bollards, signage and landscaping. Alesia advises the work is now complete.

**Boating Access Area Restroom Building**

The fire hydrant has been relocated to the west end of the Boat Launch facility. Tom Elmore with Sunland advises the hydrant has been installed, pressure tested and passed. The chlorination was installed yesterday and the sample will be pulled Monday and expect test results back Tuesday, September 13<sup>th</sup>. Tom has coordinated the work with Bogue Banks Water. Alesia advised me today that it will be at least the end of next week or the following week before the bathroom facility opens.

**Community Center Roof Replacement**

Artie Dunn, Public Works Director, is seeking bids for a full roof replacement at the Community Center.

He hopes to have those informal bids completed by the end of September and we can award a contract in October.

**Fundraising Efforts for New Veterans Memorial**

We have a donation page on the Town website for the future Veterans Memorial to be located at the new public boating access facility. Our goal is to raise \$20,000 dollars, and we have already received \$2,400. to date.

**Fundraising Effort for Future Dog Park**

We have a donation page on the Town website for a future Dog Park to be located at the new public boating facility. Our goal is to raise \$50,000. We have received a total of \$547 to date.

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1  
2 **Beach Driving Season**

3 The 2011-2012 beach driving season begins on Thursday, September 15<sup>th</sup>. Beach permits went on sale on Tuesday,  
4 September 6<sup>th</sup>.

5  
6 **13. Comments from Board of Commissioners and Mayor**

7  
8 Mayor Schools commented concerning the funding proposal for the Bogue Inlet  
9 dredging noting that the Towns of Bogue and Peletier had declined to participate.  
10 Cape Carteret, Cedar Point, and Swansboro had not yet made their decisions,  
11 the Carteret County Board of Commissioners would meet and discuss on the  
12 following Monday, but that Onslow County had approved.

13  
14 Commissioner Wootten asked about driving on the beach as he understood that  
15 Artie Dunn and Commissioner Hoover were going to survey the beach to see if  
16 the high tides had subsided enough to open beach driving without restriction on  
17 September 15 as planned. Commissioner Hoover having surveyed the beach  
18 said there was no reason to delay the opening. Mayor Schools added that  
19 according to Greg "Rudi" Rudolph, Shore Protection Manager, the high tides of  
20 the previous week were actually the result of a mini tsunami.

21  
22 Commissioner Hedreen thanked the Town staff for the extra effort and  
23 outstanding work during the temporary absence of Town Manager Frank Rush,  
24 and certainly for the prayers offered the family but also the support, and that she  
25 was proud and amazed at the good work. The Board echoed these sentiments.

26  
27 **14. Adjourn**

28  
29 ***Motion was made by Commissioner Messer to adjourn the meeting. The***  
30 ***Board voted unanimously 5-0 in favor. Motion carried.***

31  
32 ***The meeting was adjourned at 7:25 pm.***

33  
34 Respectfully submitted:

35  
36  
37  
38 Rhonda C. Ferebee, CMC  
39 Town Clerk