

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, AUGUST 9, 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 Attorney Richard Stanley,  
19 Town Manager Frank Rush, and Town Clerk Rhonda Ferebee.

20  
21   **3. Opening Prayer**

22  
23 Mason Flythe, youth member from Emerald Isle Chapel by the Sea offered the  
24 Opening Prayer for the meeting.

25  
26   **4. Pledge of Allegiance**

27  
28 All who were present recited the Pledge of Allegiance.

29  
30   **5. Adoption of Agenda**

31  
32 Mayor Schools recognized Carteret County Commissioner Robin Comer who  
33 was in attendance tonight at his invitation. Mayor Schools felt it would be  
34 interesting for Mr. Comer to hear the discussion scheduled on the agenda  
35 concerning Bogue Inlet dredging.

36  
37   ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***  
38   ***Board voted unanimously 5-0 in favor. Motion carried.***

39  
40   **6. Proclamations / Public Announcements**

41  
42 Mayor Schools noted the following announcements for the public:

- 43  
44       • **Board of Adjustment Meeting CANCELLED – Wednesday, August 10**  
45       • **Summer Day Camp Science & Art Show – Friday, August 12 – 1 pm –**  
46       **3 pm – Community Center**

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- 1
- 2 • **Friday Free Flick – Friday, August 12 – 7 pm – Community Center**
- 3 • **Bicycle and Pedestrian Advisory Committee – Tuesday, August 16 –**
- 4 **9 am – Community Center**
- 5 • **Beach Jive After 5 – Thurs, August 18 – 5:30 pm – 7:30 pm – Western**
- 6 **Ocean Regional Access – “Wild Honey”**
- 7 • **Blood Drive – Friday, August 19 – 2 pm – 7 pm – Community Center**
- 8 • **Scrapbooking Workshop – Saturday, August 20 – 10 am –**
- 9 **Community Center**
- 10 • **Planning Board Meeting CANCELLED – Monday, August 22**
- 11 • **NC Coastal Resources Commission Meeting – Wednesday, August**
- 12 **24 & Thurs, August 25 – Beaufort**
- 13 • **Walking Club – Tuesday, August 30 – 6 pm – Meet at Community**
- 14 **Center**
- 15 • **Labor Day Holiday – Monday, September 5 – Town Offices Closed,**
- 16 **Community Center Closed**
- 17 • **Friday Free Flick – Friday, September 9 – 7 pm – Community Center**
- 18 • **Town Board Meeting – Tuesday, September 13 – 7 pm – Town Board**
- 19 **Meeting Room**
- 20 • **Beach Jive After 5 – Thurs, Sept 15 – 5:30 pm – 7:30 pm – Western**
- 21 **Ocean Regional Access – “David Dixon”**
- 22 • **Emerald Isle Walk to D’Feet ALS – Saturday, September 17 – 9 am –**
- 23 **Holiday TravLPark**
- 24 • **Emerald Isle 6<sup>th</sup> Annual Day4Kids – Saturday, September 17 – 10 am**
- 25 **– 2 pm – Community Center**
- 26

27 Mayor Schools added that the Annual Bike Rally would also be taking place  
28 September 8 – 11 at the Bogue Inlet Pier. In addition, Mayor Schools noted that  
29 the Buddy Pelletier Surfing Tournament was held in Emerald Isle the weekend of  
30 July 30-31, a fantastic event that he hoped would return to Emerald Isle next  
31 year.

32  
33 **7. Consent Agenda**

- 34
- 35 a. **Minutes – July 12, 2011 Regular Meeting**
- 36 b. **Minutes – July 12, 2011 Closed Session Minutes**
- 37 c. **Tax Refunds / Releases**
- 38 d. **Resolution Rescinding Emergency Generator Rental Contract**
- 39 **(11-08-09/R1)**
- 40 e. **Resolution Authorizing New Emergency Rental Contract (11-08-09/R2)**
- 41 f. **Resolution of Support for Carteret Community College (11-08-09/R3)**
- 42 g. **Resolution Opposing the Proposed PCS Phosphate Sulfur Melting**
- 43 **Facility at the Port of Morehead City Until More Information is**
- 44 **Provided(11-08-09/R4)**

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1  
2 ***Motion was made by Commissioner Wootten to approve the items on the***  
3 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***  
4 ***carried.***

5  
6 **Clerks Note:** A copy of Resolutions 11-08-09/R1, 11-08-09/R2, 11-08-09/R3, 11-08-09/R4 and all other  
7 **Consent Agenda** items as noted above are incorporated herein by reference and hereby made a part  
8 of these minutes.

9  
10 **Public Comment**

11  
12 **Brief Summary:** The public has the opportunity to address the Board about any  
13 items of concern not on the agenda.

14  
15 Bernie Whalley, 5306 Ocean Drive, spoke on behalf of the Emerald Isle Parks &  
16 Recreation Association, Inc. (EIPRA) regarding plans to erect a Veterans  
17 Memorial in Emerald Isle to be located at the new public boat access. Mr.  
18 Whalley said he had been collecting money from various merchants for the  
19 Veterans Memorial. He stated that he thought when the Emerald Isle Parks and  
20 Recreations Association, Inc. (EIPRA) decided to erect a monument to recognize  
21 our Veterans who made this country what it is today and for the freedoms we  
22 enjoy because of their sacrifices, that there would be a tremendous response  
23 following the information announced in the news and on the radio. Mr. Whalley  
24 encouraged everyone to ask their friends and neighbors, and business  
25 associates to donate to this good cause as he knew that the Veterans they were  
26 trying to honor would appreciate it.

27  
28 Town Manager Rush noted that a special page had also been added to the Town  
29 website with information about the Veterans Memorial as well as providing  
30 information about various ways donations could be made including the option of  
31 donating online.

32  
33 Mr. Whalley indicated their goal to erect a monument, flag pole and benches was  
34 \$20,000. Mr. Whalley said they want visitors to this area to know how much we  
35 appreciate our Veterans.

36  
37 Mike Jones, 8811 Janell Court, asked the Board to consider loosening  
38 restrictions on golf carts to allow them to operate on side streets at night as the  
39 golf carts are required to have headlights and taillights.

40  
41 Wayne Cunningham, 2001 Emerald Drive, spoke of the leafy vines that take over  
42 the trees and whether there was any way of clearing those out, any type of  
43 sprays that may work for getting rid of those types of vines.

44  
45  
46

1  
2 **9. Funding Strategy for Bogue Inlet Connecting Channel Dredging**

3  
4 **a. Discussion**

5 **b. Resolution Authorizing Request for State and Local Funding**  
6 **(11-08-09/R5)**

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

11  
12 In the absence of Federal funding, the Board of Commissioners is scheduled to discuss a potential strategy to provide  
13 State and local funding for maintenance dredging of the Bogue Inlet connecting channel at the August 9 meeting. If  
14 the Board approves of this concept, the Board is asked to approve the attached resolution formally authorizing a State  
15 funding request that would be matched with funding from area local governments in Carteret and Onslow counties,  
16 including \$16,000 from the Town of Emerald Isle.

17  
18 **Background – The Difference Between the Bogue Inlet Connecting Channel and the Bogue Inlet AIWW**  
19 **Crossing**

20 As you know, the US Army Corps of Engineers (“the Corps”) has historically maintained the Bogue Inlet connecting  
21 channel (“the connecting channel”) and the Atlantic Intracoastal Waterway in our area (“the Bogue Inlet AIWW  
22 crossing”), and these navigable waterways are enjoyed by many area businesses, residents, property owners, and  
23 visitors. It is important to understand that these are actually two separate projects for the Corps, and that they are  
24 dredged with different types of dredges and funded with different Federal appropriations.

25  
26 **The Bogue Inlet Connecting Channel**

27 The Bogue Inlet connecting channel is the approximately 20,000 linear ft channel that leads from the AIWW south to  
28 the Atlantic Ocean, and includes the 7,000 linear ft. channel dredged by the Town of Emerald Isle in 2005. (A map  
29 depicting the connecting channel is attached.) The connecting channel has been historically maintained by the Corps  
30 with government-owned sidecast dredges, which simply dredge the material from the bottom and cast it approximately  
31 100 – 150 ft. to the side away from the channel. The sidecast dredge does not have the capability to place dredged  
32 material on the beach, and is intended solely to provide short-term navigation benefits with an expectation that  
33 repeated dredging will be necessary to keep the channel open when shoaling occurs. The authorized depth of the  
34 connecting channel is 6 ft. at mean low water.

35  
36 The Corps has historically dredged the connecting channel several times per year as needed, depending on shoaling  
37 conditions and the availability of the government-owned sidecast dredges. It is important to note that the entire 20,000  
38 linear ft. channel is not dredged during each dredging cycle or even each year. In fact, some areas of the connecting  
39 channel have likely been dredged very infrequently, as shoaling conditions in certain areas of the connecting channel  
40 are minimal and have not required significant dredging. In recent years, most sidecast dredging in the connecting  
41 channel has occurred across the ocean bar (at the extreme southern end of the connecting channel) and at various  
42 intermittent locations between the AIWW and Dudley Island.

43  
44 Federal funding for dredging the Bogue Inlet connecting channel is usually budgeted as a specific line item in the  
45 Corps’ annual budget, and is not grouped with other dredging work. Over the last 10 years, the Corps has received  
46 approximately \$300,000 - \$400,000 per year for this work, and this amount has generally been sufficient to maintain a  
47 reasonable navigation channel through Bogue Inlet. A similar funding amount is believed to be sufficient to meet future  
48 annual needs.

49  
50 As you recall, there was no Federal funding provided for Bogue Inlet in 2006, and the Town and other area local  
51 governments worked cooperatively with the State to provide a total of \$380,000 for dredging of the Bogue Inlet  
52 connecting channel at that time. Those funds enabled the Corps to continue normal dredging activities and keep the  
53 channel open to boaters in 2006, and we were fortunate that the Corps received Federal funding again in subsequent

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1  
2 years (through a combination of Congressional "add-ons" during the Federal budget process or via supplemental  
3 appropriations bills during the Federal fiscal year as a result of hurricane impacts and the economic stimulus program)  
4 to maintain the Bogue Inlet connecting channel. In fact, there is still approximately \$160,000 remaining from the 2006  
5 funding provided by the State and local governments, and these funds are specifically reserved for Bogue Inlet.  
6

7 There is no Federal funding included in the Federal FY 11 budget or early versions of the Federal FY 12 budget for  
8 dredging the Bogue Inlet connecting channel. Given the current budget climate in Washington, DC and the impending  
9 era of unprecedented Federal budget reductions, the short-term prospects for Bogue Inlet funding are not very good.  
10 The long-term prospects are also not good, unless a dedicated or alternative funding source for dredging NC's shallow-  
11 draft inlets can be identified and implemented.  
12

13 The Bogue Inlet AIWW Crossing

14 The Bogue Inlet AIWW crossing is an approximately 5,000 linear ft. segment of the AIWW located adjacent to Cedar  
15 Point at its intersection with the Bogue Inlet connecting channel. (A map depicting the Bogue Inlet AIWW crossing is  
16 attached.) The Bogue Inlet AIWW crossing is one of 8 AIWW crossings in North Carolina maintained every 2 - 3 years  
17 by the Corps, and is usually dredged with a privately-owned pipeline dredge that is under contract to the Corps. The  
18 pipeline dredge uses suction to remove dredge spoils and then pumps the spoils away to a designated disposal site on  
19 the beach at or near The Point. The Corps usually groups the work at several AIWW crossings into one competitively-  
20 bid contract to achieve an economy of scale and minimize expensive dredge mobilization costs. As such, when the  
21 Bogue Inlet AIWW crossing is dredged it is usually part of a much larger, state-wide contract. The authorized depth of  
22 the Bogue Inlet AIWW crossing is 12 ft. at mean low water.  
23

24 Appropriations for the Bogue Inlet AIWW crossing are usually included in a larger appropriation for the entire AIWW in  
25 North Carolina, and are not typically budgeted separately (due to the interdependent grouping of multiple AIWW  
26 crossings into one contract). In recent years, the Corps has utilized anywhere from \$4 million - \$6 million annually to  
27 dredge multiple AIWW crossings in North Carolina. Assuming a proportional distribution of the dredge mobilization  
28 costs, and the estimated quantity of material to be dredged every 2 - 3 years (usually anywhere from 30,000 - 80,000  
29 cubic yards of material), the estimated cost of the Bogue Inlet AIWW crossing work per dredging event is  
30 approximately \$400,000 - \$1,000,000.  
31

32 The Bogue Inlet AIWW crossing was last dredged in early 2010, and is scheduled for additional dredging in early 2012  
33 (with placement of the spoils on the beach at The Point). The Corps has the necessary Federal funds appropriated for  
34 this work, and all permit approvals have been granted and a contract has been executed. After completion of this  
35 dredging, the Bogue Inlet AIWW crossing will likely not need dredging again until 2014 or 2015. At this point, we are  
36 uncertain about the likelihood of future Federal funding for the AIWW in North Carolina, however, Bogue Inlet AIWW  
37 crossing would appear to be taken care of for the next few years. As such, the dredging of the Bogue Inlet AIWW  
38 crossing is not within the scope of this agenda item, however, there is potential for the Bogue Inlet AIWW crossing to  
39 become an issue of concern in future years.  
40

41 Resolution Authorizing Request for State and Local Funding for  
42 Bogue Inlet Connecting Channel Dredging

43 The attached resolution formally authorizes a State funding request and authorizes the Town Manager to coordinate  
44 with other area local governments to provide the required local match.  
45

46 As noted above, there is no Federal funding available to perform maintenance dredging of the Bogue Inlet connecting  
47 channel in the Federal FY 11 budget or early versions of the Federal FY 12 budget. Again, given the current Federal  
48 budget climate, it does not appear likely that funding will be available in the short-term, and perhaps the long-term also.  
49

50 As noted above, there remains approximately \$160,000 available from the 2006 State-local funding partnership for  
51 Bogue Inlet, and these funds are available for any immediate dredging needs. Based on an average daily dredging  
52 cost of approximately \$13,000 per dredging day, this amount is expected to be sufficient for approximately 12 days of  
53 sidecast dredging. Based on historical dredging needs, the Bogue Inlet connecting channel is expected to require  
54 more than 12 days worth of dredging over the next year, and if additional funds are not provided, the result is that there

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1  
 2 will be no sidecast maintenance dredging in Bogue Inlet at some point in 2012 when the remaining \$160,000 is  
 3 exhausted.

4  
 5 As was the case in 2006, the State of North Carolina has contingency funding available in the NC Division of Water  
 6 Resources budget in FY 11-12 that may be available for dredging of NC's shallow-draft inlets. In fact, local  
 7 communities adjacent to Carolina Beach Inlet and New Topsail Inlet have already submitted funding requests, and  
 8 other communities will likely follow suit. If the Board concurs, I would like the Town of Emerald Isle to take the lead on  
 9 this issue for Bogue Inlet by submitting a funding request for \$100,000 from the State, to be matched with \$100,000  
 10 from Carteret-Onslow area local governments. This additional \$200,000 would be sufficient for an additional 15 days  
 11 of sidecast dredging, and would augment the \$160,000 remaining from the 2006 request. As a result, a total of  
 12 \$360,000 would be available that would allow for a total of 27 days of sidecast dredging during the remainder of 2011  
 13 and during 2012.

14  
 15 As was the case in 2006, the Town would take the lead in securing funding from area local governments for the  
 16 proposed 2011 funding request to the State. The proposed cost-sharing is as follows:

17

18	NC Division of Water Resources	\$ 100,000	50%
19	Carteret-Onslow area local governments		50%
20	Onslow County	30,000	
21	Carteret County	30,000	
22	Town of Emerald Isle	16,000	
23	Town of Swansboro	6,000	
24	Town of Cape Carteret	6,000	
25	Town of Cedar Point	6,000	
26	Town of Bogue	3,000	
27	Town of Peletier	<u>3,000</u>	
28			
29	TOTAL	\$ 200,000	

30  
 31 The amounts indicated from each of the area local governments are nearly identical to the amounts provided in 2006,  
 32 with a few minor exceptions. First, the towns of Bogue and Peletier were not asked to contribute to the Bogue Inlet  
 33 connecting channel funding in 2006, but did contribute \$3,000 each to the separate initiative to provide State and local  
 34 funding for the Bogue Inlet AIWW crossing later in 2006. In the interest of fairness to other area local governments,  
 35 Bogue and Peletier would be asked to contribute \$3,000 each to the 2011 Bogue Inlet connecting channel funding  
 36 proposal. Second, the amount requested from Swansboro has been reduced from \$8,000 in 2006 to \$6,000 in 2011 –  
 37 the same amount as Cape Carteret and Cedar Point. Each of the three towns has a similar sized population and tax  
 38 base. Third, Emerald Isle's contribution has been increased from \$15,000 in 2006 to \$16,000 in 2011 in order to  
 39 provide an even \$100,000 combined from the area local governments.

40  
 41 The amounts provided in 2006 and the new 2011 proposal are roughly based on the relative population and total tax  
 42 base of each local government. Although there are likely alternative formulas that could be used to determine the  
 43 relative contribution from each area local government, the proposed amounts for 2011 were selected because 1) they  
 44 represent relatively small sums of money for each local government, and 2) they are nearly identical to the amounts  
 45 approved in 2006.

46  
 47 If the Board approves the attached resolution, I envision sending a formal funding request to each of the area local  
 48 governments for their formal consideration sometime between now and October 1. If necessary, I can be available to  
 49 attend the meetings of these elected bodies to further explain this funding proposal. Actual remittance of funds could  
 50 likely be delayed until after January 1, and perhaps later.

51  
 52 As noted, the Town of Emerald Isle's contribution is \$16,000. These funds are not currently budgeted, but would be  
 53 included in a subsequent General Fund budget amendment at a later date. Funds would be provided either from  
 54 General Fund balance and/or higher-than-anticipated General Fund revenues as the year progresses.

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1  
2 Long-Term Funding for the Bogue Inlet Connecting Channel?

3 As noted above, the funding proposal included in the attached resolution would result in a total of \$360,000 (or 27  
4 days' worth) for maintenance dredging of the Bogue Inlet connecting channel. Based on historical needs, this amount  
5 is expected to be sufficient though most, if not all of the 2012 boating season. This funding proposal obviously only  
6 addresses the short-term, and it will be important for Emerald Isle, other local governments, and others concerned  
7 about maintenance dredging to work on a long-term solution over the course of the next year.

8  
9 Regardless of what one believes is right or wrong, or whose responsibility it should be, the reality is that it will be  
10 increasingly challenging, if not impossible, to secure Federal funding for Bogue Inlet connecting channel dredging in  
11 the long-term. Potential long-term solutions include 1) a dedicated State funding source for shallow-draft inlet dredging  
12 (perhaps incorporated with a dedicated State funding source for beach nourishment), 2) the incorporation of Bogue  
13 Inlet connecting channel dredging into the multi-decade project plan / permit authorization for future Bogue Banks  
14 beach nourishment activities, or 3) some combination of State and local funding on an annual appropriation basis.  
15 There are also likely other solutions that can / should be explored in the future.

16  
17 Town Manager Rush added that he had just learned that there may be the  
18 possibility of securing an additional \$45,000 from the Division of Water  
19 Resources if needed. Mr. Rush didn't recommend pursuing that now though  
20 because that was an extra \$45,000 that would be required from the locals, but  
21 something to keep in mind if they found they were going through the dredging  
22 money quicker than hoped.

23  
24 Mr. Rush noted for the benefit of Commissioner Comer regarding the County  
25 request that the funds would have to come from the County's general fund and  
26 could not come from the Beach Commission as there were no beach  
27 nourishment components in this dredging and those funds were statutorily  
28 restricted.

29  
30 Commissioner Wootten felt we had to do it and would be lucky to get through this  
31 year. Commissioner Hoover noted that people were not getting out, they were  
32 refusing to go out.

33  
34 Mr. Rush said there was no dredging scheduled for the new few months and  
35 spoke of the current problem with the channel and crossing the bar; and that no  
36 more dredging was planned for this year. He felt the Town's boating community,  
37 and Corps of Engineers needed to be judicious and strategic in the future about  
38 when they actually do dredge in terms of lining up for the fishing season. Mr.  
39 Rush stressed that this was a short term solution that hopefully would get us  
40 through the next year. As part of the coastal community he felt we all should try  
41 to find a longer term funding solution as he didn't envision the Federal budget  
42 getting any easier going forward and they may be dealing with this same issue  
43 again in a year.

44  
45 Commissioner Comer commented that the inlets were a big deal when it came to  
46 revenue generators for people in this end of the County, and a big deal when it  
47 came to people making decisions, particularly the boating and fishing community.

48

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1  
2 If there was no ingress or egress to the ocean people would veer to other places  
3 so he felt it was very vital to the economic growth and stability here that they had  
4 water access to the Atlantic Ocean. Commissioner Comer said as a voter and  
5 fisherman this was a big deal and while he couldn't speak for the County  
6 Commissioners he felt what was presented was a good plan.

7  
8 ***Motion was made by Commissioner Wright to approve the Resolution***  
9 ***Authorizing Request for State and Local Funding for Bogue Inlet***  
10 ***Connecting Channel Dredging. The Board voted unanimously 5-0 in favor.***  
11 ***Motion carried.***

12  
13 **Clerks Note: A copy of Resolutions 11-08-09/R5 as noted above is incorporated herein by reference**  
14 **and hereby made a part of these minutes.**

15  
16 **10. Discussion – Residential Recycling Containers**

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

21  
22 I have scheduled time on the Board's August 9 meeting agenda to discuss a potential future amendment to the Town's  
23 solid waste ordinance regarding recycling container requirements. If the Board decides to pursue amendments to the  
24 ordinance, any proposed amendments would be reviewed with vacation rental companies this fall and presented for  
25 Board consideration prior to the 2012 season.

26  
27 The Town provides weekly residential recycling collection (on Wednesdays) from approximately 5,700 single-family  
28 and duplex collection points, and also from centralized recycling containers in multi-family residential complexes. All  
29 single family and duplex residential units are required to "provide a sufficient number of containers for each residential  
30 unit in which shall be deposited all recyclables existing or generated at such premises". The ordinance further  
31 stipulates that all residential units must utilize a minimum of one 18-gallon recycling container, and requires that units  
32 used as vacation rentals utilize a minimum of one 35/40-gallon roll-out recycling container. These standards were  
33 generally sufficient when the ordinance was adopted in 2003 and in subsequent years, but with the increasing  
34 emphasis on recycling in recent years we have been experiencing more overflow from recycling containers at vacation  
35 rental units. Additionally, increased recycling by non-rental units that utilize the open-top 18-gallon recycling containers  
36 has resulted in more instances of recyclables blowing out of the containers.

37  
38 On average, the Town collects and disposes of approximately 3,500 tons of residential garbage each year, with  
39 approximately 2/3 of this total disposed between April 1 and September 30 in an average year. The Town has  
40 averaged approximately 500 tons of recyclables each year from 2004 to 2009, however, the total volume of recyclables  
41 increased to 618 tons in calendar year 2010, and we are on track for a larger volume in 2011. Approximately 2/3 of the  
42 total is also collected between April 1 and September 30.

43  
44 Town staff encourage property owners to voluntarily utilize larger roll-out containers for recycling if desired, and we  
45 recently ordered special recycling stickers that can be placed on the 90-gallon roll-out containers to easily identify them  
46 as recycling containers. We intend to distribute a significant number of these stickers to the vacation rental companies  
47 in the coming weeks in an effort to promote voluntary upgrades to 90-gallon recycling containers, and will also have  
48 these stickers available at the Town Administration Building for other property owners. The Board may also wish to  
49 consider a future ordinance amendment that requires vacation rental units to utilize a minimum of one 90-gallon roll-out  
50 recycling container per unit, and that requires all other property owners to utilize a minimum of one 35/40-gallon roll-out  
51 recycling container per unit. A requirement for non-rental property owners to utilize the 35/40-gallon roll-out containers

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1  
2 would eliminate the use of the open-top 18-gallon recycling containers, and reduce the incidence of recyclables blown  
3 out of the containers.

4  
5 Commissioner Wootten said he spent some time driving the streets from the  
6 7500 block to the 6800 block from Seagull to Pinta on the oceanfront and he  
7 confirmed that at least 30% of the rental homes recycling containers looked like  
8 the photos provided in the packets, all of the rental homes were overflowing, not  
9 the primary or secondary residences. In addition he drove the side roads and  
10 saw the same pattern; the rental properties were the problem.

11  
12 Town Manager Rush said there was language in our current ordinance that  
13 stated for regular trash as well as recycling that you had to have enough  
14 containment capacity to meet your needs, so one option could be that they speak  
15 with the rental companies and remind them of that.

16  
17 Commissioner Wright suggested a similar requirement of the rental units as for  
18 regular garbage containers depending on the number of bedrooms.  
19 Commissioner Hoover felt if they were required now to take care of what they  
20 generate then we had an enforcement problem.

21  
22 Following further discussion of this issue the direction provided the Town  
23 Manager was to enforce the existing ordinance and be sure everyone understood  
24 the requirements.

25  
26 **11. Comments from Town Clerk, Town Attorney, and Town Manager**

27  
28 There were no comments from the Town Clerk or Town Attorney.

29  
30 Town Manager Rush updated the Board on several important issues. The  
31 following is an excerpt from the Town Manager Comments memo to the Board  
32 providing additional background information for all items of importance:

33  
34 **Lands End Oceanfront Parcel Dispute**

35 I have attached copies of the following to inform the Board of a current dispute over the ownership and use of the  
36 oceanfront dune field and flat beach in the Lands End subdivision:

- 37  
38
- 39 • A letter from Mr. James Conner, Ragsdale-Liggett Lawyers (Raleigh, NC) dated July 19, 2011 informing the  
40 Town that the original developer of Lands End has deeded the oceanfront parcel that consists of the dune  
41 field and flat beach along the entire frontage of Lands End to a new non-profit called LE Oceanfront, Inc. and  
42 intends to further subdivide the property and convey the new parcels to the adjacent oceanfront owners. Mr.  
43 Conner asserts that the Lands End HOA does not have permission to discharge pumped storm water / pond  
44 water to this parcel.
  - 45 • An email (with a subsequent clarification) from me to Mr. Conner on July 28, 2011 that explains that the  
46 Town acknowledges his concerns, but that the Town's assistance to Lands End HOA in the past has been  
47 limited to providing guidance on NC DWQ regulations regarding discharge to the dune field. The Town has  
48 not been involved in determining ownership, but rather has left that determination to the Lands End HOA,

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1  
2 and will continue to do so in the future. As you know, Lands End HOA has discharged pumped storm water /  
3 pond water to the dune field in front of their clubhouse / pool area, and there is no regulatory or land  
4 ownership concern with this approach. The concern stems from the recent assertion by the Lands End HOA  
5 that they own a strip of land along the entire frontage of the Lands End subdivision that includes the dune  
6 field and the flat beach, and they intend to discharge a greater volume of pumped storm water / pond water  
7 to that area when flooding occurs. The adjacent oceanfront property owners object to this plan, resulting in  
8 their actions to have that property deeded to the new LE Oceanfront, Inc. and the letter from Mr. Conner.

- 9  
10 • A letter mailed by Mr. and Mrs. John and Janie Pope, oceanfront residents in Lands End, to others in Lands  
11 End that encourages others to oppose the Lands End HOA. The letter makes reference to the Town's  
12 previous funding strategy for beach nourishment, and the recent false claim by others that the Town intends  
13 to create a "roadway" on the beach strand.

14  
15 Beyond the email I sent to Mr. Conner on July 28, 2011, I don't intend for the Town to get involved in this land  
16 ownership dispute any further. As you know, the Town works closely with the Lands End HOA to resolve storm water  
17 flooding concerns when they arise, and we will continue to assist Lands End HOA in any way possible in the future.  
18 We will, however, continue to advise Lands End HOA that it is their responsibility to insure ownership or permission to  
19 discharge pumped waters in selected locations.

20  
21 On a related note, we continue to plan for the eventual addition of 2 new Town storm water pumps in the Lands End  
22 ponds, with connections to the Town's pipe system in Spinnakers Reach with eventual discharge at Emerald Isle  
23 Woods Park in the future. The timetable for these improvements remains uncertain, and will depend on the Town's  
24 budget position in the coming years.

25  
26 **Regional Access Parking Fees**

27 The Town has collected approximately \$89,000 in parking fees since the inception of the program in mid-April. The  
28 weekend fees will remain in effect until the end of September. The Town's budget estimate for the entire season is  
29 \$111,000. With 2 months remaining, we appear to be easily within reach of the budget estimate.

30  
31 For July 2011, we have collected approximately \$31,000, which is just slightly below the budget estimate for the month  
32 of July.

33  
34 **New Portable Electronic Sign**

35 The Fire Department expects to take delivery of the new grant-funded portable electronic sign any day now. At this  
36 time, we will plan to utilize the sign for emergency and traffic control purposes only, and will not plan to use it to display  
37 general Town or non-profit event information unless an ordinance amendment is approved by the Board of  
38 Commissioners in the future. As you know, the Town's UDO does not allow electronic message signs for commercial  
39 uses. An electronic governmental sign that is used for emergency or traffic control purposes is exempt from the  
40 prohibition.

41  
42 **Island Circle Storm Water Pump**

43 Bell and Phillips Surveying has completed the survey work associated with the new storm water pump, and Moffatt &  
44 Nichol is finalizing plans and specifications. I hope to solicit informal quotes later in August and September, and have  
45 a construction contract recommendation for the Board on the October meeting agenda.

46  
47 **Boating Access Area Restroom Building**

48 We expect to take delivery of the pre-fabricated restroom building later this month. SunLand Development will handle  
49 the site preparation, utility connections, etc. We are also coordinating the relocation of an existing fire hydrant near the  
50 western boundary of the property in order to comply with Fire Department requirements.

51  
52 **NC 58 Bike Path Segment Near Eastern Ocean Regional Access**

53 This 1,000 ft. long segment is substantially complete now, and is being used by the public. Remaining work includes  
54 installation of markings, bollards, and signage, and landscaping, which should be complete within the next week or so.

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1  
2 **Aquarium Pier at Emerald Isle**

3 I recently attended an update meeting with the architects, engineers, and NC Aquariums staff. Design work is  
4 approximately 60% complete, and they expect to be ready to solicit bids by early 2012 (although that will not occur until  
5 State construction funding is identified). At this point, my goal is to have the project "ready to go" when construction  
6 funding is available, hopefully in the next couple of years. I will be working with NC Aquariums staff on potential  
7 funding strategies in the meantime.

8  
9 The NC Aquariums are moving forward with construction of a new soundside pier at the site later this year. I am  
10 awaiting a site plan from the NC Aquariums and the architects / engineers to share with nearby property owners. The  
11 site plan will indicate future parking and landscaping plans for the soundside portion of the project.

12  
13 **Eastern Emerald Isle Storm Water Outfall Removals**

14 Unfortunately, there is no new progress on this project, and we are still awaiting NCDOT and NC Division of Coastal  
15 Management approvals before we can proceed. We have discussed a grant extension with the NC Clean Water  
16 Management Trust Fund, and don't expect any difficulty securing an extension.

17  
18 **Archers Creek Storm Water Study**

19 Survey work is complete, and Moffatt & Nichol continues its work on this grant-funded study. I expect a final report late  
20 in 2011.

21  
22 **Eastern Emerald Isle Beach Nourishment Project**

23 At its July 25 meeting, the Carteret County Beach Commission approved the amendment to their contract with Moffatt  
24 & Nichol to complete the additional permitting work associated with this project, and also approved the required  
25 additional funding. We are targeting an early 2013 date to place approximately 300,000 cy of sand on the beach in the  
26 general area between the Indian Beach town line and the Eastern Ocean Regional Access. The exact locations that  
27 will receive sand are yet to be determined.

28  
29 **Landscaping at New Boating Access Area**

30 Several of the plantings at the new facility are dying or have died due to the lack of rainfall. The NC WRC's contract  
31 with SunLand Development and Yardworks includes a 1-year guarantee on the plantings, and they will be working with  
32 the contractors to replace the dead plantings later this fall or early spring.

33  
34 **Deer Population Estimate**

35 An updated deer population estimate is scheduled for September. The Police Department will again be assisting the  
36 Regional Biologist from the NC Wildlife Resources Commission. I will present the results, and options for additional  
37 deer population management efforts, to the Board in November.

38  
39 **Community Center Roof Replacement**

40 The FY 11-12 budget includes funding to replace the full roof at the Community Center, and I have asked Town staff to  
41 secure informal quotes during August. I hope to have a contract awarded in September.

42  
43 **Ocean Oaks / Cape Emerald Storm Water Pipe Repairs**

44 We have not forgotten about this project. I hope to work with Artie Dunn, Public Works Director, this fall to determine  
45 the most cost-effective approach to resolve the issues with this storm water pipe. My goal is to present a  
46 recommendation to the Board before the end of the year, and implement any solution prior to the 2012 summer  
47 season.

48  
49 **Fundraising Efforts for Coast Guard Road Bike Path**

50 The Bicycle and Pedestrian Advisory Committee is hard at work on a capital campaign to fund further extensions of the  
51 bicycle path. Rhonda Ferebee, Town Clerk and our website manager, has been assisting the group with a special  
52 page(s) on the Town's website, and we plan to unveil that site in the coming weeks.

53  
54

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1  
2 **Fundraising Efforts for New Veterans Memorial**

3 We are also working on a special donations page on the Town website for the future Veterans Memorial to be located  
4 at the new public boating access facility. We hope to unveil this website in the coming weeks. The fundraising goal is  
5 \$20,000, and we've already received a couple of donations.  
6

7 **Fundraising Efforts for Future Dog Park**

8 We are also working on a special donations page on the Town website for the future Dog Park to be located at the new  
9 public boating access facility. We also hope to unveil this website in the coming weeks. The fundraising goal for this  
10 project is \$50,000.  
11

12 **Gordon McAdams Memorial at New Boating Access Area**

13 The Town has received a contribution from the NC Community Foundation, in conjunction with the family of late Town  
14 Commissioner Gordon McAdams, for \$1,867. We are planning to use these funds to construct a memorial to  
15 Commissioner McAdams at the new boating access area. We are planning to erect a covered picnic table with nice  
16 landscaping in the grassy area just north of the boat launch ramps. I have attached pictures of potential covered picnic  
17 table designs. I hope to have this completed in the next month or two, and include Commissioner McAdams' family in  
18 the process. Mayor Schools and Commissioner Hoover have been my key contacts on this project.  
19

20 **June 30, 2011 Audit Report**

21 Williams, Smith, Scarborough, and Gray have begun work on the Town's June 30, 2011 audit, and are making good  
22 progress. Mitsy Overman, Finance Officer, and I have been very pleased with WSSG thus far, and everything remains  
23 on schedule for presentation of the audit report to the Board at the October meeting.  
24

25 **Information Technology Services**

26 As you know, I have been concerned about the Town's internal information technology service needs for some time  
27 now, and have been working on strategies to improve support for our employees' IT needs, identify more efficient and  
28 cost-effective IT solutions for the organization, and identify opportunities to better serve the public electronically in the  
29 future. Paul Cheshire, a full-time Police Lieutenant and our part-time IT specialist, has done a great job for the Town  
30 over the years, but I believe we continue to move beyond the time and expertise he has available to serve the Town.  
31

32 I have secured a quote from Cybersharks, a Greenville, NC IT company to provide IT services for the Town, and Paul  
33 Cheshire and I have met with them on multiple occasions. I am generally pleased with their proposal and their  
34 company, and the price appears reasonable and affordable for the Town. I am planning to seek additional proposals  
35 from other IT service companies in the Wilmington – Jacksonville – Emerald Isle - Morehead City – New Bern –  
36 Greenville geographic area, and will continue to review them.  
37

38 I may return to the Board later this fall with a recommendation to contract the Town's IT services.  
39

40 **Police Vehicles**

41 The Police Department had been operating with 2 spare patrol vehicles, however, one of our older patrol vehicles  
42 recently failed and is not worth repairing at this time. There is funding in the FY 11-12 budget to replace 3 patrol  
43 vehicles, and when these are replaced we will again have 2 spare vehicles. Due to timing issues, however, we don't  
44 expect to take delivery of the 3 new vehicles until this winter or spring. The Police Dept and I are hopeful that we can  
45 make do with only 1 spare patrol vehicle in the meantime. In addition to the 1 spare patrol vehicle, we also have the  
46 Beach Patrol vehicle, close-contact Gator vehicle, and an undercover vehicle available if necessary.  
47

48 **EMS Financial Administration**

49 With the exception of the remaining transfer of a CD set to mature later in August, and some additional minor cash  
50 transfers, the transition to the Town providing financial administration services for Emerald Isle EMS, Inc. is nearly  
51 complete and has gone relatively smoothly thus far. I greatly appreciate the cooperation from EI EMS, Inc., and  
52 especially the hard work of Mitsy Overman, Finance Officer, and Rhonda Ferebee, Town Clerk / HR Officer, to make  
53 this happen.  
54

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1  
2 **Transition to BB&T for Town Banking Services**

3 Mitsy Overman and Rhonda Ferebee continue to gradually shift the Town's banking services from First Citizens Bank  
4 to BB&T. I have advised Mitsy and Rhonda to make this transition slowly as their schedule allows (due to other  
5 significant activities going on currently – EMS transition, June 30 audit report, tax bills set to go out soon, etc). I expect  
6 to complete the full transition to BB&T after we get through the June 30 audit and mailing of tax bills, likely later in  
7 September or October.  
8

9 **Beach Walkway Replacements – 3<sup>rd</sup> Street and 5<sup>th</sup> Street**

10 The FY 11-12 budget includes funding to replace the walkways at the 3<sup>rd</sup> Street and 5<sup>th</sup> Street beach accesses. Our  
11 goal is to have informal quotes in hand by the end of October and have a construction contract recommendation on the  
12 Board's November meeting agenda.  
13

14 **Employee Cell Phone Stipends / Mobile Phone Policy**

15 The Town provides a \$55 monthly cell phone stipend to all department heads and other leadership personnel in Town  
16 departments. A total of 12 employees receive the stipend, and have signed an agreement that they must keep a  
17 working mobile phone in service and use it for Town business. Under the agreement, the phone is the employee's  
18 phone, the employee's account, and available for personal use, but it must also be available and used for Town  
19 business. The Town has used this approach for several years, and it has worked well. The Town of Emerald Isle was  
20 one of the first local government employers to take this approach, and most others now use something similar.  
21

22 With the widespread availability of mobile phones in this day and age, nearly every Town employee has a mobile  
23 phone. Although they are not required to do so, nor are they compensated, many Town employees routinely use their  
24 personal mobile phones for Town business when it is convenient and more efficient to do so. This means of  
25 communication usually winds up being to the Town's benefit by enabling the employee to complete work more  
26 efficiently.  
27

28 I have been considering implementing a new mobile phone allowance for all full-time employees with the same terms  
29 as described above. Because the need for the use a mobile phone would be less than potentially required for a  
30 department head or other leadership position, I am contemplating a \$20 - \$30 mobile phone allowance for all  
31 employees. This would provide an additional \$240 - \$360 of annual compensation to 42 employees, and would result  
32 in an annual cost to the Town of approximately \$10,000 - \$15,000. This cost would be spread out among all Town  
33 departments, and could likely be absorbed in existing departmental budgets. The mobile phone allowance would be  
34 taxable income, as it is for the other employees.  
35

36 In conjunction with this idea, I have also been considering a formal mobile phone policy for Town employees. I am  
37 becoming increasingly concerned about the use of personal mobile phones by Town employee while they are at work  
38 for the Town, and believe I need to clarify the Town's expectations regarding the use of mobile phones while at work. I  
39 will be working on this policy in the coming weeks.  
40

41 Please let me know your thoughts on these ideas.  
42

43 **2011 Property Tax Bills**

44 Town staff have received the necessary computer files from Carteret County, and we expect to be mailing the 2011  
45 property tax bills within the next week. Property taxes are technically due in September, but penalties do not begin to  
46 accrue until January 2012.  
47

48 **Code of Ordinances**

49 The Town has made many amendments to the various chapters of the Code of Ordinances over the past 3 decades,  
50 and some chapters have been completely rewritten (Unified Development Ordinance, Solid Waste, etc.). Some of the  
51 provisions of our Code are likely outdated, and others would benefit from the elimination and condensing of some  
52 ordinances, consolidation of others, and clarification of others. I am hoping to begin a systematic and ongoing process  
53 to completely review each chapter of the Code over the next year +. The goal will not be to make policy changes, but  
54

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1  
2 rather to eliminate, condense, consolidate, and clarify. The Board of Commissioners will ultimately be presented with  
3 the appropriate ordinance amendments for consideration and adoption over time.  
4

5 **Internal Improvements**

6 I am hoping to focus my attention to several internal improvements over the coming months, including the following:  
7

- 8
- 9 • more reader-friendly formatting, additional and more meaningful information, and better comparisons for the  
10 monthly reports submitted by the department heads each month,
  - 11 • an improved employee travel policy and approval forms, and
  - 12 • the development of an employee performance evaluation system.

13 **Beach Driving Season**

14 The 2011-12 beach driving season begins on Thursday, September 15. Beach driving permit stickers have been  
15 ordered, and should be delivered within the next few weeks. Beach driving permits are expected to go on sale in late  
16 August.  
17

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

19  
20 There were no further comments from the Board of Commissioners or Mayor.  
21

22 **13. Adjourn**

23  
24 ***Motion was made by Commissioner Messer to adjourn the meeting. The***  
25 ***Board voted unanimously 5-0 in favor. Motion carried.***  
26

27 **The meeting was adjourned at 7:45 pm.**  
28

29 Respectfully submitted:  
30  
31

32  
33 Rhonda C. Ferebee, CMC  
34 Town Clerk  
35  
36  
37  
38