

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, MARCH 8, 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, John Wootten, and Maripat Wright.

17  
18                  Mayor Schools noted that Commissioner Messer had been delayed for the start  
19                  of the meeting. ***Motion was made by Commissioner Hedreen to excuse the***  
20                  ***absence of Commissioner Messer. The Board voted unanimously 4-0 in***  
21                  ***favor. Motion carried.***

22  
23                  (Clerks note: Commissioner Messer arrived at the meeting at 7:25 pm during discussion of Agenda  
24                  Item 12 and was counted present at that time)

25  
26                  Others present during the regular meeting: Town Attorney Richard Stanley,  
27                  Town Manager Frank Rush, Town Clerk Rhonda Ferebee, and Parks and  
28                  Recreation Director Alesia Sanderson.

29  
30                  **3. Opening Prayer**

31  
32                  Maddie Pake, youth member from Emerald Isle Baptist Church, performed the  
33                  Opening Prayer.

34  
35                  **4. Pledge of Allegiance**

36  
37                  All who were present recited the Pledge of Allegiance.

38  
39                  **5. Adoption of Agenda**

40  
41                  Town Attorney Richard Stanley recommended that Consent Agenda Item 7d –  
42                  Resolution Amending Solid Waste Services Contract to Provide Fuel Adjustment  
43                  be removed from the consent agenda and placed on the regular agenda.  
44                  Town Manager Frank Rush also requested that Item 11 – 2011 Street  
45                  Resurfacing Program be removed from the agenda due to bidding irregularities.  
46                  Bids would be re-solicited with a new contract brought before the Board either at  
47

1  
2 a special meeting within the next few weeks or at the April 12 regular meeting.  
3 Mayor Schools requested that Closed Session be added to the agenda at the  
4 end of the meeting pursuant to NCGS 143-318-11(6) to discuss personnel  
5 issues.

6  
7 ***Motion was made by Commissioner Wootten to adopt the agenda as***  
8 ***modified. The Board voted unanimously 4-0 in favor. Motion carried.***

9  
10 **6. Proclamations / Public Announcements**

11  
12 Mayor Schools read the following announcements for the public:

- 13
- 14 • **Board of Adjustment Meeting – Wednesday, March 9 – 9 am – Town**
- 15 **Administration Building**
- 16 • **Friday Free Flick – Friday, March 11 – 7 pm – Community Center**
- 17 • **20<sup>th</sup> Annual St. Patrick’s Festival – Saturday, March 12 – 9 am – 5 pm**
- 18 **Emerald Plantation**
- 19 • **EMT Basic Class – Mon, Wed, Fri Through April 25- 5:30 pm – 9:30**
- 20 **pm – EMS**
- 21 • **Free Computer Training – Tuesdays Through March 22 – 5:30 pm –**
- 22 **Community Center**
- 23 • **Winter Tennis Clinics – Mondays and Fridays Through March 25 –**
- 24 **1 pm – 2:30 pm – Tennis Courts**
- 25 • **Bicycle and Pedestrian Advisory Committee – Tuesday, March 15 – 9**
- 26 **am – Community Center**
- 27 • **Free Genealogy 101 Workshop – Wednesday, March 16 – 1 pm –**
- 28 **3 pm – Community Center**
- 29 • **Healthy Cooking for Kids – Saturdays, March 19 and 26, April 2 –**
- 30 **9 am – 10:30 am – Community Center**
- 31 • **Planning Board Meeting – Monday, March 28 – 6 pm – Town Board**
- 32 **Meeting Room**
- 33 • **High School Tennis Clinic – Wednesday, April 6 – 6 pm – Tennis**
- 34 **Courts**
- 35 • **Friday Free Flick – Friday, April 8 – 7 pm – Community Center**
- 36 • **Free Youth Tennis Clinic – Tuesday, April 12 – 6 pm – Tennis Courts**
- 37 • **Town Board Meeting – Tuesday, April 12 – 7 pm – Town Board**
- 38 **Meeting Room**

39  
40 Alesia Sanderson, Parks and Recreation Director, provided an update on the St.  
41 Patrick’s Festival, encouraging everyone to attend.

42  
43  
44

1  
2 Diane Schools provided information about the upcoming Annual Friends of the  
3 Library Homes Tour and Craft Show scheduled to take place on Saturday, April  
4 16.

5  
6 **7. Consent Agenda**

- 7  
8 a. Minutes – February 8, 2011 Regular Meeting  
9 b. Tax Refunds / Releases  
10 c. Order to Advertise Tax Liens  
11 ~~d. Resolution Amending Solid Waste Services Contract to Provide Fuel~~  
12 ~~Adjustment~~ Item removed from Consent Agenda and placed on  
13 Regular Agenda for discussion as Item 8a  
14 e. Resolution Authorizing Surplus Items for Auction (11-03-08/R1)  
15 f. Resolution Authorizing Banking Services Agreement (11-03-08/R2)  
16

17 Town Manager Rush pointed out that a replacement document had been  
18 provided at the Board's places tonight for Item 7c – Order to Advertise Tax Liens.  
19 Mr. Rush said this was an updated list of delinquent property and also included a  
20 list of properties that had transferred. Mr. Rush said the current total provided  
21 was 167 total taxpayers with a total outstanding balance of \$130,978 which was  
22 typical for this time each year, the advertisement was scheduled to be in the  
23 Carteret County News-Times on Sunday, March 13 and anyone who paid by  
24 Friday, March 11 would be removed from the list.

25  
26 ***Motion was made by Commissioner Wright to approve the items on the***  
27 ***Consent Agenda (with the exception of Item 7d). The Board voted***  
28 ***unanimously 4-0 in favor. Motion carried.***

29  
30 Clerks Note: A copy of Resolutions 11-03-08/R1, 11-03-08/R2, and Tax Refunds / Releases are  
31 incorporated herein by 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 There were no comments from the public.

39  
40 **8a – Resolution Amending Solid Waste Services Contract to Provide Fuel**  
41 **Adjustment – (Removed from Consent Agenda as Item 7d for discussion)**  
42 **(11-03-08/R3)**

43  
44 Town Manager Frank Rush addressed the Board regarding this agenda item.  
45 The following excerpt from his memo to the Board is provided for additional  
46 background:

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1  
2 The Board of Commissioners is scheduled to consider the attached resolution amending the Town's contract with  
3 Simmons & Simmons Management for solid waste services. If approved, the Town's monthly payment for solid waste  
4 services would increase from \$63,932 to \$64,682. On an annual basis, this amounts to a \$9,000, or 1.2%, increase in  
5 solid waste contract costs. The proposed increase is related to significantly higher diesel fuel costs than anticipated  
6 when the contract was executed in 2006.

7  
8 The Town's contract with Simmons & Simmons calls for a fixed monthly payment, adjusted annually on January 1 for  
9 inflation, with no other adjustments for fuel costs. It is somewhat common in municipal solid waste contracts to include  
10 a formula for a contract adjustment due to changing fuel costs, however, the Town's contract does not include such a  
11 clause. In recognition of this fact, Simmons & Simmons' quality service over the past 4+ years, and in the interest of  
12 maintaining this service quality in the future, the Board is asked to consider the proposed increase.

13  
14 Simmons & Simmons' contract was originally based on an estimated cost of \$3.10 per gallon for diesel fuel. According  
15 to the US Energy Information Administration, diesel fuel costs as of February 28, 2011 for the "Lower Atlantic" region  
16 are averaging approximately \$3.70 per gallon, and have increased from approximately \$3.00 per gallon at the  
17 beginning of 2011. There is widespread belief that diesel prices will continue to increase in the coming months, and  
18 the calculation used to determine the recommended contract adjustment assumes a diesel cost of \$4.00 per gallon.  
19 Simmons & Simmons uses approximately 20,000 gallons of diesel fuel per year, thus the diesel fuel price increase  
20 from \$3.10 to \$4.00 equates to \$18,000 per year. The proposed increase in the Town's monthly payment (\$750 per  
21 month, or \$9,000 annually) is intended to essentially meet Simmons & Simmons "half-way" on this issue, recognizing  
22 that the Town has no contractual obligation to adjust the payment amount, but also reflecting the Town's interest in  
23 Simmons and Simmons remaining financially viable in the future.

24  
25 The Board may recall that a similar adjustment to the Simmons & Simmons contract was made in October 2008, but  
26 was then rescinded just a few months later when diesel prices returned to lower levels. The attached resolution also  
27 includes language that both parties will consider additional adjustments (either up or down) in the future if / when diesel  
28 fuel prices deviate significantly from the \$4.00 per gallon range.

29  
30 Town Attorney Richard Stanley stated that it was his duty to bring to the Board's  
31 attention issues that may cause a commissioner to recuse themselves and he  
32 wanted to note that at the time that Simmons & Simmons contract was let and  
33 granted they were leasing property in Peletier, since then they had lost that  
34 location and had moved to Swansboro and happened to now be leasing from  
35 Commissioner Messer making it impossible for Commissioner Messer to vote on  
36 this issue as the Board was granting possible fuel adjustments to Simmons and  
37 Simmons. Attorney Stanley felt the Board should recuse Commissioner Messer  
38 from any participation in this matter whatsoever.

39  
40 Commissioner Messer was not yet in attendance at the meeting but to formally  
41 address the issue for the record ***motion was made by Commissioner Hedreen***  
42 ***to recuse Commissioner Messer from discussion or voting on Resolution***  
43 ***Amending Solid Waste Services Contract. The Board voted unanimously***  
44 ***4-0 in favor. Motion carried.***

45  
46 ***Motion was made by Commissioner Hedreen to approve Resolution***  
47 ***Amending Solid Waste Services Contract to Simmons & Simmons to***  
48 ***Provide Fuel Adjustment from \$63,932/month to \$64,682/month. The Board***  
49 ***voted unanimously 4-0 in favor. Motion carried.***  
50

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1  
2 Town Manager Rush said they would continue to monitor fuel prices and be  
3 prepared to adjust that amount back down hopefully at some point in the future.

4  
5 **Clerks Note: A copy of Resolution 11-03-08/R1 is incorporated herein by reference and hereby made**  
6 **a part of these minutes.**

7  
8 **9. NC 58 Multi-Use Path Extension**

- 9  
10 **a. Resolution Authorizing Construction Contract (11-03-08/R4)**  
11 **b. Capital Project Ordinance Amendment – NC 58 Multi-Use Path**  
12 **Extension**  
13 **c. Budget Amendment – General Fund**

14  
15 Parks and Recreation Director Alesia Sanderson addressed the Board regarding  
16 this agenda item. The following excerpt from the Town Manager’s memo to the  
17 Board is provided for additional background:

18  
19 The Board of Commissioners is scheduled to consider three items that would authorize the construction of a new .2  
20 mile segment of bicycle path along the south side of NC 58 at the March 8 meeting. The Board will consider a  
21 Resolution Authorizing a Construction Contract with Thomas Simpson Construction, Inc., Morehead City, NC in the  
22 amount of \$69,802, along with a related capital project ordinance amendment and General Fund budget amendment.

23  
24 As you know, the Town has been fortunate to receive significant grant funding from NCDOT in recent years to  
25 construct approximately 4 miles of dedicated bicycle path along the south side of NC 58 between Coast Guard Road  
26 and Hurst Drive. The Town’s goal is to eventually extend the bicycle path along the entire remaining length of NC 58 in  
27 Emerald Isle from Hurst Drive to the Indian Beach town line, a distance of approximately 5 miles. The Town was  
28 recently awarded an additional \$50,000 grant from NCDOT for a new .2 mile segment of bicycle path along the south  
29 side of NC 58 from the Ocean Drive “dog-leg” intersection east to the Eastern Ocean Regional Access, and the  
30 completion of this new segment will bring the Town one step closer to realizing its long-term goal. A map indicating the  
31 route of the new .2 mile segment is attached.

32  
33 With the assistance of Withers & Ravenel, the Town’s engineers for this project, the Town solicited construction bids  
34 for this project in February and opened bids on March 3. The Town received a total of 6 bids ranging from \$69,802 to  
35 \$89,419, and Thomas Simpson Construction was the lowest responsive bidder. A complete bid tabulation is attached  
36 for your review. The Town has utilized Thomas Simpson Construction for previous storm water projects, and was  
37 pleased with the working relationship and quality of their work. The attached resolution authorizes the Town Manager  
38 to execute a construction contract with Thomas Simpson Construction. The construction contract includes nearly all  
39 components of the work associated with the bicycle path extension, including grading, rock base, asphalt overlay,  
40 bollards, striping, and reseeding disturbed areas. Town staff would be responsible for installing appropriate signage.

41  
42 After considering the \$50,000 grant from NCDOT, a previous Town contribution, and the cost of engineering services,  
43 there is currently a total available budget of \$57,500 for this construction contract. The attached capital project  
44 ordinance amendment and General Fund budget amendment would appropriate an additional \$13,000 of unanticipated  
45 surplus property sale proceeds for this work, resulting in a total construction budget of \$70,500.

46  
47 If the Board approves, we expect Thomas Simpson Construction to begin work later this month or early next month.  
48 Because the project is partially funded with NCDOT grant funding, derived from Federal funding, we will need to secure  
49 authorization from NCDOT before issuing a notice-to-proceed. We hope to complete construction of this project prior  
50 to Easter weekend in late April.  
51

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1  
2 The completion of this new .2 mile segment of bicycle path would provide a convenient and safe link to the Eastern  
3 Ocean Regional Access for bicyclists and pedestrians traveling from the west. Upon completion of this segment, it will  
4 be possible for someone to ride a bicycle from Coast Guard Road all the way to the Eastern Ocean Regional Access  
5 (by way of the existing NC 58 bicycle path and Ocean Drive) without ever having to travel on the NC 58 shoulder.  
6

7 Mayor Schools asked for any comments from the public.

8  
9 There were no comments from the public.

10  
11 Ms. Sanderson noted for clarification, based on questions she and members of  
12 the Bicycle and Pedestrian Advisory Committee had received, that none of the  
13 funds raised as part of the fundraisers were being used towards this project on  
14 NC 58. Those funds were earmarked totally for multi-use path construction on  
15 Coast Guard Road and had not and would not be used for creation of paths  
16 along NC 58. They would rely on NCDOT and Federal funding for those  
17 projects.  
18

19 ***Motion was made by Commissioner Wootten to adopt the Resolution***  
20 ***Authorizing Construction Contract for the NC 58 Multi-Use Path Extension.***  
21 ***The Board voted unanimously 4-0 in favor. Motion carried.***  
22

23 ***Motion was made by Commissioner Wright to adopt the Capital Project***  
24 ***Ordinance Amendment – NC 58 Multi-Use Path Extension. The Board voted***  
25 ***unanimously 4-0 in favor. Motion carried.***  
26

27 ***Motion was made by Commissioner Hoover to adopt the General Fund***  
28 ***Budget Amendment. The Board voted unanimously 4-0 in favor. Motion***  
29 ***carried.***  
30

31 Clerks Note: A copy of Resolution 11-03-08/R4, Capital Project Ordinance amendment and General  
32 Fund Budget Amendment as noted above are incorporated herein by reference and hereby made a  
33 part of these minutes.  
34

35 **10. Coast Guard Road Multi-Use Path Extension**  
36

- 37 a. Resolution Authorizing Multi-Use Path Paving Contract (11-03-08/R5)  
38 b. Capital Project Ordinance Amendment – Coast Guard Road Multi-Use  
39 Path Extension  
40 c. Budget Amendment – General Fund  
41

42 Town Manager Frank Rush addressed the Board regarding this agenda item.  
43 The following excerpt from his memo to the Board is provided for additional  
44 background:  
45  
46  
47

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1  
2 The Board of Commissioners is asked to approve three items that would authorize the asphalt overlay work associated  
3 with a new .3 mile segment of bicycle path along the south side of Coast Guard Road at the March 8 meeting. The  
4 new bicycle path segment would extend from the terminus of the existing bicycle path at Deer Horn Drive west to the  
5 entrance of Emerald Isle Woods Park.  
6

7 As you know, the Board previously appropriated fundraising proceeds and additional Town funds for the grading and  
8 rock base construction of the new .3 mile segment of bicycle path. That work will begin this week, and should be  
9 complete before the end of March. When discussed in November 2010, it was noted that the Town intended to include  
10 the asphalt overlay work for the new path in the 2011 street resurfacing bid process. Town staff recently completed the  
11 2011 street resurfacing bid process, and recommends awarding that contract to Onslow Grading and Paving,  
12 Jacksonville, NC. The amount included in Onslow Grading and Paving's bid for the Coast Guard Road bicycle path  
13 extension is \$12,246, and the attached resolution would authorize a separate contract with Onslow Grading and  
14 Paving for that amount. If both the bike path and street resurfacing contracts are approved, this work would likely be  
15 completed in late March or April.  
16

17 In November, we initially discussed using Powell Bill funds for the asphalt overlay work associated with the new bike  
18 path extension, however, there was discussion by the Board about using General Fund revenues instead (in order to  
19 preserve Powell Bill funds for street resurfacing). The attached capital project ordinance amendment and General  
20 Fund budget amendment appropriate an additional \$12,500 of unanticipated beach driving permit proceeds for this  
21 contract.  
22

23 As you know, the Town's bicycle path projects have been extremely well-received, and there remains great interest in  
24 the eventual extension of the bicycle path along the entire length of Coast Guard Road. This segment is especially  
25 strategic, as it will provide a direct link with Emerald Isle Woods Park and allow for safer bicycle and pedestrian travel  
26 to the park.  
27

28 Mayor Schools asked for comments from the public.  
29

30 Ken Stone, Bicycle and Pedestrian Advisory member said they were extremely  
31 grateful for the fundraising efforts and the Town's support. The Board felt the  
32 gratitude was due the committee members who made this happen by their  
33 efforts.  
34

35 ***Motion was made by Commissioner Wootten to adopt the Resolution***  
36 ***Authorizing Multi-Use Path Paving Contract. The Board voted unanimously***  
37 ***4-0 in favor. Motion carried.***  
38

39 ***Motion was made by Commissioner Wright to adopt the Capital Project***  
40 ***Ordinance Amendment – Coast Guard Road Multi-Use Path Extension. The***  
41 ***Board voted unanimously 4-0 in favor. Motion carried.***  
42

43 ***Motion was made by Commissioner Hoover to adopt the General Fund***  
44 ***Budget Amendment. The Board voted unanimously 4-0 in favor. Motion***  
45 ***carried.***  
46

47 **Clerks Note: A copy of Resolution 11-03-08/R5, Capital Project Ordinance amendment and General**  
48 **Fund Budget Amendment as noted above are incorporated herein by reference and hereby made a**  
49 **part of these minutes.**  
50

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~~11. 2011 Street Resurfacing Program (Item 11 Removed from Agenda)~~

- ~~a. Resolution Authorizing 2011 Street Resurfacing Contract~~
- ~~b. Budget Amendment – Powell Bill Fund~~

**12. Resolution Amending Personnel Policy to Eliminate One Employee Holiday and to Reduce the 401(k) Contribution for Town Employees (11-03-08/R6)**

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

The Board of Commissioners is asked to approve the attached resolution amending the Town's Personnel Policy to implement two cost-saving measures prior to the end of FY 10-11. Specifically, the attached resolution would eliminate the annual Employee Appreciation Day / President's Day holiday, and would also reduce the Town's contribution to full-time employees' 401(k) accounts from 6% of annual salary to 5%.

These measures would result in total annual savings to the Town of approximately \$26,000, and will better position the Town to avoid a General Fund tax rate increase in FY 11-12. The elimination of the Employee Appreciation Day / President's Day holiday will result in direct annual savings of approximately \$4,000 by eliminating one day of holiday pay for Police Department and Fire Department shift workers, and will also generate additional productivity by Town employees. The elimination of this holiday will make the Town's holiday schedule identical to the State of North Carolina's holiday schedule. The 1% reduction in the Town's 401(k) contribution will result in direct annual savings of approximately \$22,000, and will still maintain a 401(k) contribution rate that is comparable to other NC local governments.

By implementing these measures now, as opposed to waiting until the start of the new fiscal year on July 1, the Town will also realize savings of approximately \$7,000 in the current (FY 10-11) budget.

Although I do not like recommending reductions in Town employee benefits, I believe it is necessary "in the big picture". I also believe that our employees recognize the current budget climate for the Town and other units of government, and will understand the need to implement these reductions. I have reminded our employees that the Board of Commissioners has historically treated Town employees very fairly, and that these benefits have been at higher levels than many other local governments for the past several years. You may recall that the Board authorized the Veteran's Day holiday in 2003 to make the Town's holiday schedule consistent with the State of North Carolina, but did not eliminate the Employee Appreciation Day / President's Day holiday (which is not recognized by the State or many other local governments) at that time. You may also recall that the Board authorized an increase in the 401(k) contribution from 5% to 6% in 2008 in an effort to reward Town employees and also to improve our ability to recruit and retain good employees. The Town is one of only a handful of local governments with a 6% 401(k) contribution. These additional benefits were reasonable at the time, however, in light of the Town's current budget challenges, it is also reasonable to reduce these benefits. The implementation of these cost-saving measures will also make it easier for the Town to balance the FY 11-12 budget without any additional actions that will impact Town employees in a negative manner.

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1  
2 (Clerks note: Commissioner Messer arrived at 7:25 pm during discussion of this Item 12 and was  
3 noted as present as of this time.)  
4

5 Mayor Schools recommended that if the Board approved the reduction of the  
6 401(k) contribution from 6% to 5% that they consider making that change  
7 effective July 1<sup>st</sup> rather than as of today.  
8

9 Commissioner Hedreen expressed concerns with removing the employee holiday  
10 because there would probably be no raises this year and for just the  
11 approximately \$80 per employee that would be saved. Commissioner Wootten  
12 understood Commissioner Hedreen's concern but said the savings would be  
13 more than \$4,000 and the actual savings couldn't be quantified until the audit  
14 process at the end of the year.  
15

16 ***Motion was made by Commissioner Hoover to approve the Resolution***  
17 ***Amending Personnel Policy to Eliminate One Employee Holiday and to***  
18 ***Reduce the 401(k) Contribution starting the 1<sup>st</sup> of July for Town Employees.***  
19 ***The board voted 4-1 in favor – Hedreen opposed. Motion carried.***  
20

21 Clerks Note: A copy of Resolution 11-03-08/R6 is incorporated herein by reference and hereby made  
22 a part of these minutes.  
23

24 **13. Resolution Supporting Continued Maintenance of the Atlantic**  
25 **Intracoastal Waterway and Shallow Draft Inlets by the US Army Corps of**  
26 **Engineers (11-03-08/R7)**  
27

28 Town Manager Frank Rush addressed the Board regarding this agenda item.  
29 The following excerpt from his memo to the Board is provided for additional  
30 background:  
31

32 The Board of Commissioners is asked to approve the attached resolution urging the United States Congress to include  
33 sufficient funding in the Federal FY 2012 budget and beyond for maintenance dredging for the Atlantic Intracoastal  
34 Waterway and the 5 shallow-draft inlets in North Carolina (including Bogue Inlet) by the US Army Corps of Engineers.  
35

36 The President's recently released FY 2012 Federal budget proposal does not include new funding for any work in the  
37 Atlantic Intracoastal Waterway (AIWW) or the 5-shallow draft inlets, and it will be up to the Congress to provide  
38 sufficient funding for navigation maintenance dredging in FY 2012. The President's budget has often not included  
39 sufficient funding for navigation maintenance dredging in the past, and historically the Congress has acted to include at  
40 least some funding for these activities in the final Federal budget each year. Because the addition of funding for these  
41 activities by Congress could be considered "earmarks", and because of the Federal government's current budget  
42 challenges and the negative perception of and significant rhetoric regarding "earmarks", there is some concern that the  
43 AIWW and the NC shallow-draft inlets may not receive funding in FY 2012. This lack of funding could have significant  
44 negative impacts for the Bogue Inlet connecting channel and ocean bar crossing in Federal FY 2012, and for the  
45 Bogue Inlet AIWW crossing in future years, if funding is not provided.  
46

47 As you know, the US Army Corps of Engineers ("the Corps") has historically maintained the Bogue Inlet connecting  
48 channel and ocean bar ("the connecting channel") and the Atlantic Intracoastal Waterway in our area ("the Bogue Inlet  
49 AIWW crossing"), and these navigable waterways are enjoyed by many area businesses, residents, property owners,  
50

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1  
2 and visitors. It is important to understand that these are actually two separate projects for the Corps, and that they are  
3 dredged with different types of equipment and funded with different Federal appropriations.  
4

5 The Bogue Inlet Connecting Channel

6 The Bogue Inlet connecting channel is the approximately 20,000 linear ft channel that leads from the AIWW south to  
7 the Atlantic Ocean, and includes the ocean bar. (A map depicting the connecting channel is attached.) The  
8 connecting channel has been historically maintained by the Corps with government-owned sidecast dredges, which  
9 simply dredge the material from the bottom and cast it approximately 100 – 150 ft. to the side away from the channel.  
10 The sidecast dredge does not have the capability to place dredged material on the beach, and is intended solely to  
11 provide short-term navigation benefits with an expectation that repeated dredging will be necessary to keep the  
12 channel open when shoaling occurs. The authorized depth of the connecting channel across the ocean bar is 8 ft. at  
13 mean low water, and 6 ft. in the other areas of the connecting channel.  
14

15 The Corps has historically dredged the connecting channel several times per year as needed, depending on shoaling  
16 conditions and the availability of the government-owned sidecast dredges. It is important to note that the entire 20,000  
17 linear ft. channel is not dredged during each dredging cycle or even each year. In fact, some areas of the connecting  
18 channel have likely been dredged very infrequently, as shoaling conditions in certain areas of the connecting channel  
19 are minimal and have not required significant dredging. In recent years, most sidecast dredging in the connecting  
20 channel has occurred across the ocean bar (at the extreme southern end of the connecting channel) and at various  
21 intermittent locations between the AIWW and Dudley Island. The ocean bar has been an area of particular concern in  
22 recent months, and has been dredged by sidecast dredge several times recently.  
23

24 The amount of Federal funding appropriated for dredging the Bogue Inlet connecting channel has varied greatly in  
25 recent years (from \$0 to over \$1 million), and has also been aided by various hurricane-related spending bills and the  
26 American Recovery and Reinvestment Act (the "stimulus" program) in years when regular Federal appropriations were  
27 less than desired. Based on recent history (less dredging has been required since the Town completed the relocation  
28 of the main channel in 2005), an annual appropriation in the \$300,000 - \$500,000 range would likely be sufficient to  
29 maintain the Bogue Inlet connecting channel in the future. This annual appropriation would allow for approximately 25  
30 – 40 days of sidecast dredging per year.  
31

32 As you know, the Town partnered with the State of North Carolina and other area local governments in 2006 to provide  
33 emergency dredging funds for the Bogue Inlet connecting channel. Fortunately, not all of the \$380,000 provided at that  
34 time has been used, and the balance has been held in reserve by the US Army Corps of Engineers for the past 5  
35 years. There is currently a balance of approximately \$150,000 remaining that should allow for dredging during summer  
36 2011. There is also another \$59,000 of remaining Federal funds available to the Corps this summer. This total  
37 amount should allow for approximately 17 days of sidecast dredging.  
38

39 Unless Congress acts to include sufficient funding for the Bogue Inlet connecting channel in the Federal FY 2012  
40 budget, there will likely be no funds available for navigation maintenance dredging after this summer. This will result in  
41 increased shoaling, greater safety concerns, more inconvenience, and a greater demand for the State and local  
42 governments to find a solution, which will obviously be much more difficult than 2006 due to the stark differences in  
43 State and local budgets now compared to 2006.  
44

45 The Bogue Inlet AIWW Crossing

46 The Bogue Inlet AIWW crossing is an approximately 5,000 linear ft. segment of the AIWW located adjacent to Cedar  
47 Point at its intersection with the Bogue Inlet connecting channel. (A map depicting the Bogue Inlet AIWW crossing is  
48 attached.) The Bogue Inlet AIWW crossing is one of 8 AIWW crossings in North Carolina maintained every 2 - 3 years  
49 by the Corps, and is usually dredged with a privately-owned pipeline dredge that is under contract to the Corps. The  
50 pipeline dredge uses suction to remove dredge spoils and then pumps the spoils away to a designated disposal site –  
51 in recent years on the beach at The Point. The Corps usually groups the work at some or all of the 8 AIWW crossings  
52 into one competitively-bid contract to achieve an economy of scale and minimize expensive dredge mobilization costs.  
53 As such, when the Bogue Inlet AIWW crossing is dredged it is usually part of a much larger, state-wide contract. The  
54 authorized depth of the Bogue Inlet AIWW crossing is 12 ft. at mean low water.

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1  
2 Appropriations for the Bogue Inlet AIWW crossing are usually included in a larger appropriation for the entire AIWW in  
3 North Carolina, and are not typically budgeted separately (due to the interdependent grouping of the various AIWW  
4 crossings into one contract). In a typical year, the Corps requires approximately \$4 - \$6 million to perform necessary  
5 AIWW dredging throughout its route in North Carolina.  
6

7 The Bogue Inlet AIWW crossing was last dredged in spring 2010, and the dredged material was deposited on the  
8 beach at The Point. The Bogue Inlet AIWW crossing was originally scheduled to be dredged again in spring 2011, but  
9 that work has been delayed until spring 2012. Dredge spoils from the spring 2012 work will also be placed on the  
10 beach at The Point. The Corps currently has sufficient funds in reserve to enable the 2012 AIWW dredging to proceed,  
11 however, there remains concern for future AIWW dredging needs. The Bogue Inlet AIWW crossing would likely not be  
12 dredged again until 2014 or 2015, so the needs are not as critical for the AIWW now as compared to the Bogue Inlet  
13 crossing.  
14

15 Resolution Supporting Continued Maintenance of the Atlantic Intracoastal Waterway and Shallow-Draft Inlets by the  
16 US Army Corps of Engineers

17 The attached resolution presented for the Board's consideration is designed to convey the Town's concerns about the  
18 need for future Federal funding for both the shallow-draft inlets (including Bogue Inlet connecting channel) and the  
19 AIWW (including the Bogue Inlet AIWW crossing). If approved by the Board, the resolution will be forwarded to  
20 Congressman Jones and Senators Burr and Hagan, and also to other coastal NC communities and other advocacy  
21 groups.  
22

23 As noted above, there does not appear to be any great cause for concern for 2011, however, the remaining funds will  
24 soon be depleted and the urgency will only increase if Federal funding is not provided in Federal FY 2012. With the  
25 current Federal budget challenges, and the negative perception and rhetoric regarding "earmarks", it will be important  
26 for us to make the case that appropriations for these projects should not be considered "earmarks" and also to highlight  
27 the need for and importance of these waterways to our region.  
28

29 Mayor Schools asked for comments from the public.

30  
31 There were no comments from the public.  
32

33 ***Motion was made by Commissioner Wootten to approve the Resolution***  
34 ***Supporting Continued Maintenance of the Atlantic Intracoastal Waterway***  
35 ***and Shallow Draft Inlets by the US Army Corps of Engineers. The Board***  
36 ***voted unanimously 5-0 in favor. Motion carried.***  
37

38 **Clerks Note: A copy of Resolution 11-03-08/R7 is incorporated herein by reference and hereby made**  
39 **a part of these minutes.**  
40

41 **14. Resolution Authorizing Consulting Contract – Archers Creek**  
42 **Stormwater Outfall Removal / Best Management Practices Study (11-03-08/R8)**  
43

44 Town Manager Frank Rush addressed the Board regarding this agenda item.  
45 The following excerpt from his memo to the Board is provided for additional  
46 background:  
47

48 The Board of Commissioners is asked to approve the attached resolution authorizing a consulting contract with Moffatt  
49 & Nichol Engineers, Raleigh, NC for the development of a comprehensive plan for the removal of up to 19 existing  
50 storm water outfalls and/or the construction of storm water "best management practices" (BMP) features at these  
51

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1  
2 outfall locations along the entire length of Archers Creek. The development of this plan will provide a blueprint for  
3 future capital improvements (and future grant applications) that will hopefully result in improved water quality in Archers  
4 Creek and eventual elimination of the designation of Archers Creek as "closed to shellfishing". The total amount of the  
5 contract is \$93,867.  
6

7 Emerald Isle is fortunate that the vast majority of the waters in and around Emerald Isle have excellent water quality.  
8 In addition, the Town has a multi-faceted storm water management program that is aimed at maintaining and improving  
9 water quality. This program, which includes a stringent local storm water management ordinance, major storm water  
10 capital projects, and routine maintenance of the Town's storm water management system, has served the Town well  
11 over the years, and has been recognized by the NC Environmental Management Commission (EMC). The only  
12 significant concern about water quality in Emerald Isle pertains to Archers Creek, as the entire creek is closed to  
13 shellfishing due to the presence of 19 existing storm water outfalls. During the EMC's review of Emerald Isle for  
14 potential inclusion in the Federal Phase II storm water program in 2007, the Town committed to pursue strategies to  
15 improve water quality in Archer's Creek, and this consulting contract represents the Town's follow-through on that  
16 commitment. In addition, and more importantly, the Town's 2004 CAMA Land Use Plan indicates the Town's desire to  
17 improve water quality in Archers Creek: *"As part of the comprehensive stormwater program, the Town will investigate*  
18 *the feasibility and cost associated with the restoration of water quality in Archers (Piney) Creek to the point that the*  
19 *creek may be opened to shellfishing."* This consulting contract represents the first step to the future achievement of  
20 this goal.  
21

22 A map indicating the locations of the 19 storm water outfalls that drain to Archers Creek is attached for your  
23 information. The 19 storm water outfalls range in size from very small (6 – 12 inch plastic pipe discharges, sheet flow  
24 "flumes", etc.) to large (36" concrete pipe discharges). Of these 19 outfalls, 14 are owned and controlled by private  
25 developments (mobile home parks, Emerald Plantation), 3 are owned and controlled by NCDOT (Bogue Inlet Drive,  
26 Cedar Street, Lee Street area), and 2 are owned and controlled by the Town (Reed Drive outfall drains at Emerald  
27 Landing, asphalt "flumes" at Old Ferry Road). There are likely a wide range of alternatives to remove the remaining 19  
28 outfalls and/or construct storm water BMPs, and Moffatt & Nichol will identify different alternatives for each location,  
29 perhaps with some locations sharing a common solution. Some locations will likely be relatively easy to address (for  
30 example, some of the smaller outfalls in mobile home parks), while others will be more complex (for example, the  
31 Town's Reed Drive outfall, NCDOT outfalls, and Emerald Plantation outfalls). One potentially ambitious solution that I  
32 have asked Moffatt & Nichol to consider involves the "damming" of the discharge from Archer's Creek into Bogue  
33 Sound at Forest Hills Mobile Home Park, and the conversion of the entire segment of the creek from Old Ferry Road to  
34 Forest Hills to a freshwater pond that could also be used to address storm water management for future  
35 redevelopment in this area. This segment of the creek was largely man-made, and the "damming" of the discharge to  
36 Bogue Sound (perhaps with an emergency overflow device), would essentially resolve the vast majority of the  
37 concerns with one solution. Water levels in the converted freshwater pond could potentially be managed through the  
38 use of pumps that could be used to irrigate the NC 58 right of way and improve landscaping in that area.  
39

40 The consulting contract with Moffatt & Nichol would be funded primarily by a NC Clean Water Management Trust Fund  
41 (CWMTF) grant awarded to the Town in 2008. This \$75,000 grant was placed "on hold" by Governor Perdue due to  
42 State budget challenges until August 2010, when the "hold" on these funds was removed and the official grant  
43 agreement was executed. The grant is matched by \$25,000 that was appropriated by the Board of Commissioners in  
44 FY 08-09, and has been reserved in the Town's capital project ordinance for this project since that time. The Town  
45 would have moved forward with this study earlier if the CWMTF grant funds had not been placed "on hold", however,  
46 we are grateful that these grant funds were ultimately released and the project can now move forward.  
47

48 **Mayor Schools asked for comments from the public.**

49  
50 **There were no comments from the public.**  
51  
52  
53

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1  
2 Commissioner Hedreen asked whether this would improve the quality of the  
3 water in the creek. Mr. Rush said that they were basically looking at pollutants  
4 that were draining off the streets and parking lots so not sure if there would be a  
5 marked change in the clarity but they should see change in the whole  
6 composition and quality of the water.

7  
8 In response to a question posed by Commissioner Wootten, Mr. Rush stated that  
9 there was no surface water flow under Old Ferry Road, there was an old culvert  
10 there that had been plugged for many years and there was no connection to  
11 Archers Creek.

12  
13 ***Motion was made by Commissioner Hedreen to adopt the Resolution***  
14 ***Authorizing Consulting Contract – Archers Creek Stormwater Outfall***  
15 ***Removal / Best Management Practices Study. The Board voted***  
16 ***unanimously 5-0 in favor. Motion carried.***

17  
18 **Clerks Note:** A copy of Resolution 11-03-08/R8 is incorporated herein by reference and hereby made  
19 a part of these minutes.

20  
21 **15. Comments from Town Clerk, Town Attorney, and Town Manager**

22  
23 There were no further comments from the Town Clerk or Town Attorney.

24  
25 Town Manager Rush briefed the Board on several important issues including  
26 Eastern Emerald Isle Beach Nourishment project, the status of the new public  
27 boat launching facility and update on the NC 58 paving progress.

28  
29 The following is an excerpt from the Town Manager Comments memo to the  
30 Board providing additional background information for all items of importance:

31  
32 **Eastern Emerald Isle Beach Nourishment Project**

33 We are currently working through significant hurdles associated with this project.

34  
35 We recently learned that the US Army Corps of Engineers will likely not allow the placement of Morehead City Harbor  
36 dredge spoils on the beach in Emerald Isle because it is "outside the area covered by their draft Dredged Materials  
37 Management Plan", which only allows placement of these spoils in Atlantic Beach, Pine Knoll Shores, or in the  
38 nearshore disposal area off of Atlantic Beach. They indicated that the placement of these spoils in Emerald Isle would  
39 be contrary to the relief sought by the County's lawsuit to "keep the material in the littoral system", which the Corps has  
40 defined as extending only to the Pine Knoll Shores / Indian Beach town line. As a backup plan, we are working to gain  
41 permission to utilize the old dredge spoils that were deposited in the ODMS (offshore dredged materials disposal  
42 area) that were used for the Town's 2004 Isabel and 2007 Ophelia nourishment projects. This borrow source is likely  
43 to be more expensive than simply transporting the new dredge spoils from the Morehead City Harbor to Emerald Isle,  
44 and we may be required to secure a Federal permit, which was not anticipated to be needed if the new dredge spoils  
45 were to be used. We are still investigating this issue.

46  
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49

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1  
2 The State CAMA permit application has been submitted for the project, and has been structured to allow for the use of  
3 either the new dredge spoils from the Morehead City Harbor project or the ODMDS.  
4

5 Additionally, we learned that Governor Perdue's FY 11-12 State budget proposal does not include State funding for this  
6 project. The Town had requested \$2,250,000 from the State to fund 50% of the project cost in early 2012. The  
7 Governor's budget proposal did not include funding for any projects that are not Federally-sponsored. We will continue  
8  
9 to work with Senator Preston and Representative McElraft to attempt to have the required funding included in the  
10 General Assembly's version of the budget later this spring.  
11

12 **Update – New Public Boat Launching Facility**

13 Construction continues to move forward at a good pace on the new facility. The ramps and docks are complete, and  
14 SunLand Development has spread the majority of the rock base for the parking area. Most of the curbing has been  
15 installed, and storm water features are mostly complete. There have been no major setbacks thus far, and we are still  
16 on target for completion at the end of March. I hope to schedule an opening ceremony for sometime in April and open  
17 the facility to the general public at that time.  
18

19 We are still working through the bathroom building issue, and have not made as much progress as I would have liked  
20 by now. We have received two quotes for pre-fabricated bathroom facilities, and are working to refine the low quote to  
21 insure an attractive building and gain NC WRC approval of the cost involved. The bathroom facility will not be in place  
22 by the time the facility opens, and we will temporarily rely on port-a-johns until a new bathroom facility can be installed.  
23

24 **Update – Aquarium Pier at Emerald Isle**

25 Moffatt & Nichol continues work on the design of the new Pier, which should be complete by August 2011.  
26

27 The purchase of the land adjacent to Flip-Flops Mini-Mart has been abandoned by the State due to the current State  
28 budget climate. We have informed the seller, the Little Bank, that the purchase will not proceed at this time. I am  
29 hopeful that we can revisit this land purchase at a later date. There is also some possibility that the NC Aquarium  
30 Society, the non-profit booster group, may get involved in the land purchase as a temporary holder of the property.  
31

32 Unfortunately, Governor Perdue's FY 11-12 State budget proposal eliminates the NC Aquariums' Admissions Fund  
33 that was targeted for future debt service associated with the Aquarium Pier at Emerald Isle. We will be working with  
34 Senator Preston and Representative McElraft to attempt to restore these funds in the General Assembly's version of  
35 the budget later this spring, although it appears to be a daunting task.  
36

37 We will continue to seek reasonable ways to finance the new pier, maintaining the goal to open it to the public within  
38 the next 3 – 5 years.  
39

40 **Update – NC 58 Paving**

41 Onslow Grading and Paving continues to make good progress on NC 58 paving. The entire width of NC 58 has been  
42 paved from the Indian Beach town line to the entrance to Marsh Cove subdivision, a distance of approximately 5 ½  
43 miles. Temporary pavement markings are in place along the eastern half of this section. Onslow appears to be more  
44 than 50% complete at this time.  
45

46 The quality of the resurfacing work appears to be very good so far, however, there is some concern about the way the  
47 pavement ties into side streets. NCDOT will be working with Onslow Grading and Paving to resolve these issues on  
48 the section already completed, and insure that the "tie ins" for remaining side streets are smoother.  
49

50 No paving work will occur on Friday, March 11 and Saturday, March 12 due to the St. Patrick's Festival.  
51  
52  
53  
54

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1  
2 **Emerald Isle Woods Emergency Storm Water Discharge**

3 I have received design sketches from Moffatt & Nichol for the 5-pipe option discussed with the Board at the February  
4 21 meeting, and will be soliciting quotes from interested contractors this week. We expect to submit the design and  
5 management plan to the NC Division of Water Quality and NC Shellfish Sanitation  
6 Section by March 18.

7  
8 I remain hopeful that the NC Division of Water Quality and NC Shellfish Sanitation Section will grant approval within the  
9 next month, and that the emergency discharge feature can be constructed prior to June 30.

10  
11 On a related note, I am meeting with the Cape Emerald Owners Association on Friday, March 11 to discuss the  
12 proposed emergency discharge.

13  
14 **Point Emerald Villas Dune Field Easement**

15 I have been informed verbally by the Point Emerald Villas Owners' Association that they are no longer interested in  
16 providing a storm water easement to the Town. They cited concerns about the duration of standing water in the dunes,  
17 the low "per-unit" compensation (less than \$1000 per unit) offered by the Town, and a concern about the sale proceeds  
18 being taxable income for the Owners' Association.

19  
20 I am not certain how to proceed on a solution for the Island Circle area at this time, and will work to develop some cost-  
21 effective options for the Board to consider in the coming weeks. The Town has a total of \$175,000 included in the FY  
22 10-11 budget for this project, and I will seek a plan to utilize these funds to provide some relief in the Island Circle area.  
23 Please let me know if you have any ideas you'd like me to pursue.

24  
25 **EI EMS, Inc. Contract Extension**

26 I hope to have a 6-month contract extension on the Board's April meeting agenda, provided that issues associated with  
27 financial management and reporting are resolved by the Joint EMS Committee by that time. The current EMS contract  
28 expires on June 30, and there has been discussion about a 6-month extension with a provision to again review the  
29 structure of EMS services again this fall.

30  
31 **Unattended Beach Equipment Exception Stickers**

32 Beginning March 15, we will accept requests from oceanfront property owners between the Ocean Drive dog-leg (3000  
33 block) and The Point for unattended beach equipment (beach tents, etc.) exceptions. Oceanfront property owners  
34 (only) will be eligible for two stickers again this year, and these stickers will allow these owners to leave unattended  
35 beach equipment out overnight in front of their properties.

36  
37 The stickers issued last year will not be valid, and oceanfront property owners will need to secure new stickers for this  
38 summer.

39  
40 Oceanfront property owners located east of the Ocean Drive dog-leg are not eligible for exception stickers because the  
41 entire flat beach strand is owned by the State of North Carolina.

42  
43 **Regional Beach Access Parking Permits / Update – Parking Fee Implementation**

44 Free regional beach access parking permits for Emerald Isle taxpayers will be available at the Town Administration  
45 Building beginning on March 15.

46  
47 Town staff will conduct interviews with parking lot attendant candidates this week. Handheld credit card devices have  
48 been ordered. Parks Maintenance staff will be constructing small shelters for the parking lot attendants to use at the  
49 Eastern Ocean Regional Access and Western Ocean Regional Access.

50  
51 The first day that the parking fee will be collected is Saturday, April 2.

52  
53  
54

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1  
2 **July 4<sup>th</sup> Fireworks**

3 We have reached an agreement with Mike Stanley, owner of Bogue Inlet Pier, to return the fireworks to the pier this  
4 July 4<sup>th</sup>. We greatly appreciate Mike's willingness to partner with the Town, and for his willingness to limit the operation  
5 of the pier that day to comply with the State's new fireworks regulations. The total cost of the fireworks show is  
6 \$15,000, with the Town paying \$10,000 and the Pier providing \$5,000.

7  
8 **Golf Cart-Only Parking Spaces / Golf Cart Registrations**

9 Thus far, a total of 12 golf carts have registered for the Town's golf cart program. The Public Works Department will  
10 soon be installing two new "golf-cart only" parking spaces at the corner of Craig Drive and Ocean Drive and at the  
11

12 Ocean Oaks Drive beach access. We have decided to delay the installation of "golf-cart-only" parking spaces at  
13 Channel Drive for now due to concerns about the amount of available space.

14  
15 **Privilege License Fees**

16 Mitsy Overman and Gayle Parker have completed their review of the Town's privilege license fee schedule and offered  
17 recommendations. I will be reviewing their recommendations in the next few weeks, and hope to present this to the  
18 Board at the April meeting.

19  
20 **Eastern Emerald Isle Storm Water Outfall Removal**

21 Artie Dunn, Public Works Director, continues to work with NCDOT and the NC Division of Coastal Management to  
22 secure appropriate approvals for the removal of the storm water outfalls on the east end. This process is unfortunately  
23 taking more time than desired, however, we remain optimistic that we can complete all work by the March 2012 grant  
24 deadline.

25  
26 **Customer Service Assistants – Call Volumes**

27 The transfer of the E911 function to the new Carteret County consolidated E911 center has gone reasonably well thus  
28 far, with only minor issues that are being addressed by Town and County staff.

29  
30 The Town's new Customer Service Assistants have been working in the Police Station on weekdays until 11 pm, and  
31 all day on weekends until 3 am. I have attached a log of the number of calls they have received since the January 21  
32 transition date. As you can see, call volume has been relatively low, particularly after 8 pm and on weekdays. We will  
33 continue to monitor the call volumes throughout the spring and summer, and will potentially adjust the schedules in the  
34 future if the call volumes remain low.

35  
36 The large volume of calls on January 22 and 23 were attributed to the snowstorm.

37  
38 **16. Comments from Board of Commissioners and Mayor**

39  
40 There were no further comments from the Board of Commissioners or Mayor.

41  
42 **16.a – Item Added – Closed Session Pursuant to NCGS 143-318.11(6)**  
43 **Discussion of Personnel Issues**

44  
45 ***Motion was made by Commissioner Hoover to enter Closed Session***  
46 ***pursuant to NCGS 143-318.11(6) Discussion of Personnel Issues. The***  
47 ***Board voted unanimously 5-0 in favor. Motion carried.***

48  
49 ***Motion was made by Commissioner Messer to return to open session. The***  
50 ***Board voted unanimously 5-0 in favor. Motion carried.***

51

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16

There was no action taken as a result of Closed Session.

**17. Adjourn**

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

***The meeting adjourned at 8:35 pm***

Respectfully submitted:

Rhonda C. Ferebee, CMC  
Town Clerk