

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, SEPTEMBER 14, 2010 – 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, Asst. Town Manager /Finance Officer Mitsy
20 Overman, and Town Clerk Rhonda Ferebee.
21

22 **3. Opening Prayer**
23

24 Mayor Schools spoke about the upcoming Honor Veterans Flights scheduled for
25 September 22 taking World War II Veterans to Washington, DC to see the World
26 War II Memorial and called for a moment of silence to honor all World War II
27 Veterans.
28

29 **4. Pledge of Allegiance**
30

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

33 **5. Adoption of Agenda**
34

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

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

40 Mayor Schools announced the following proclamations and announcements for
41 the public:
42

- 43 • **Proclamation – Sickle Cell Awareness Month – September 2010**
44 (10-09-14/P1)
- 45 • **Beach Jive After Five – “Kicking Machine” – Thurs, September 16 –**
46 **5:30 pm – Western Ocean Regional Access**
47

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- 1
- 2 • **5th Annual Day 4 Kids – Saturday, September 18 – Community Center**
- 3 **– 10 am – 2 pm**
- 4 • **Walking Club – Tuesdays – 6 pm – Community Center (2-3 mile walk**
- 5 **each Tuesday evening)**
- 6 • **4th Annual Flounder Surf Fishing Tournament – September 17 – 26**
- 7 • **Pet First Aid and CPR – Saturday, September 25 – 10 am – EMS**
- 8 **Station (must pre-register 354-6350)**
- 9 • **Household Hazardous Waste Collection – Saturday, September 25 –**
- 10 **8 am – 1 pm – Carteret Co. Health Dept**
- 11 • **Planning Board Regular Meeting – Monday, September 27 – 6 pm –**
- 12 **Town Board Meeting Room**
- 13 • **Flu Shots – Friday, October 1 – 9 am – 11 am – Community Center**
- 14 • **Friday Free Flick – Friday, October 8 – 7 pm – Community Center**
- 15 • **Board of Commissioners Regular Meeting – Tues, October 12 – 7 pm**
- 16 **– Town Board Meeting Room**
- 17 • **8th Annual Emerald Isle Triathlon – Saturday, October 16 – 8 am –**
- 18 **Eastern Ocean Regional Access**
- 19

20 Mayor Schools noted that activities organizing the Town's Christmas parade had
21 begun. The Christmas parade was scheduled for Saturday, November 27 at
22 3 pm. Mayor Schools urged everyone to get with their neighbors and other
23 groups and come up with a float and to please contact Diane Schools the parade
24 organizer to participate.

25
26 **Clerks Note: A copy of Proclamation 10-09-14/P1 is incorporated herein by reference and hereby**
27 **made a part of these minutes.**

28
29 **7. Consent Agenda**

- 30
- 31 **a. Minutes – August 10, 2010 Regular Meeting**
- 32 **b. Tax Refunds / Releases**
- 33 **c. Resolution Amending Personnel Policy (10-09-14/R1)**
- 34 **d. Resolution Designating Authorized Agent for Hurricane Earl FEMA**
- 35 **Assistance (10-09-14/R2)**
- 36

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

40
41 **Clerks Note: A copy of Resolution 10-09-14/R1, 10-09-14/R2 and all Consent Agenda items as noted**
42 **above are all incorporated herein by reference and hereby made a part of these minutes.**

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1
2 **8. Public Comment**
3

4 Floyd Mitchell, 127 Ocean Oaks, thanked the Board for their expediency in
5 addressing the matter of a golf cart ordinance. Mr. Mitchell appreciated their
6 taking it seriously not only for the handicapped citizens, parents and
7 grandparents with young children, as well as the general public, but he came
8 specifically tonight from Wilmington because people come to complain about
9 things but when you come to ask for support and help as well as give support
10 and help, he felt it was important to come back afterwards and thank them for
11 their good work. Mr. Mitchell said he thanked the Board not only for the golf cart
12 issue but the good work they had done on many issues for the Town of Emerald
13 Isle; it's a beautiful town.
14

15 **9. Resolution Authorizing Contract with Moffatt & Nichol for Engineering**
16 **Analysis and Permitting Services for Phase IV of the Coast Guard Road**
17 **Storm Water Project (10-09-14/R3)**
18

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

23 The Board of Commissioners is asked to approve the attached resolution authorizing a contract with Moffatt & Nichol
24 Engineers, Raleigh, NC for engineering analysis and permitting services for Phase IV of the Coast Guard Road Storm
25 Water Project. The total amount of the contract is \$29,869, and involves work associated with Emerald Isle Woods
26 Park and the large dune field at The Point.
27

28 Emerald Isle Woods Park

29 If approved, Moffatt & Nichol will complete engineering tasks and submit permit applications for the construction of
30 additional improvements at the Emerald Isle Woods Park storm water receiving site that will ultimately enable the Town
31 to connect additional pumps that discharge to Emerald Isle Woods.
32

33 Specifically, Moffatt & Nichol will develop a conceptual design for a containment berm along the northwestern (Cape
34 Emerald) boundary of Emerald Isle Woods Park, and for the enhancement of a natural drainage swale from the
35 Emerald Isle Woods Park wetlands to Bogue Sound that would serve as an emergency discharge. In order to
36 complete the conceptual design, Moffatt & Nichol will analyze the flows associated with existing and additional storm
37 water pumps, the additional storage capacity created by the installation of the containment berm, and will determine
38 the optimal elevation of the natural drainage swale that would serve as an emergency discharge. The goal of the
39 analysis will be to develop a conceptual design that results in the emergency discharge being engaged only after
40 extreme rainfall events, ideally only when Bogue Sound is closed to shellfishing activities. If Moffatt & Nichol's
41 analysis and conceptual design can confirm this, I believe that the Town can secure a permit for this work from the
42 appropriate State agencies and can construct the necessary improvements in a very cost-effective manner.
43

44 The construction of these improvements at Emerald Isle Woods Park would then negate the need for a more
45 expensive spreader-bar emergency discharge system at Emerald Isle Woods Park in the future, and would enable the
46 Town to eventually connect two planned pumps for the Lands End community to the Emerald Isle Woods storm water
47 receiving site in the future. Without these improvements, it will likely not be possible to connect additional pumps to
48 Emerald Isle Woods.
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2 The construction of the containment berm along the Cape Emerald boundary will also restrict and/or prevent flows from
3 Emerald Isle Woods Park into Cape Emerald in the future, and is supported by the leadership of the Cape Emerald
4 homeowners association.

5
6 Dune Field at The Point

7 The Moffatt & Nichol contract also includes an analysis of the large dune field in front of Point Emerald Villas near The
8 Point to determine if this site is suitable to receive storm water pumped from the Island Circle / Coast Guard Road
9 intersection. Moffatt & Nichol will review topographical survey data and soil infiltration rates to determine the receiving
10 capacity of this site, and will also prepare a conceptual design of discharge features.

11
12 If Moffatt & Nichol's analysis is favorable, at the Board's direction, I will make a formal offer to the Point Emerald Villas
13 Property Owners Association to purchase a storm water easement in the dune field. I have been working closely with
14 Point Emerald Villas over the past several weeks, and they have informally expressed interest in selling an easement
15 to the Town for this purpose. I have forwarded the attached summary sheet ("Potential Point Emerald Villas Dune
16 Infiltration Area – Conceptual Arrangement") to Point Emerald Villas, and I expect them to formally express their
17 willingness to work in good faith with the Town at their meeting on September 9. Assuming Point Emerald Villas
18 concurs, the Town would direct Moffatt & Nichol to complete this work and I will also ask the Town Attorney to draft
19 appropriate easement language for Point Emerald Villas to review.

20
21 Moffatt & Nichol expects to complete all work by December 2010. If Moffatt & Nichol's analysis is favorable, the Town
22 could potentially extend a formal easement purchase offer to Point Emerald Villas in December or January.

23
24 Survey Work

25 The attached proposal from Moffatt & Nichol does not include required topographical surveys for both areas. I am
26 seeking separate survey proposals, and this cost will be in addition to the Moffatt & Nichol contract cost. I do not
27 expect survey costs to be excessive.

28
29 Budget

30 The FY 10-11 budget includes a total of \$375,000 for the design, permitting, and construction of the Emerald Isle
31 Woods Park improvements and the purchase of the dune field easement(s). Of this amount, only \$15,000 was
32 originally earmarked for design and permitting work, which is less than the \$29,869 included in the attached resolution.
33 I remain optimistic, however, that the total amount budgeted for construction will not be necessary and that sufficient
34 funds will be available to cover this contract and future construction costs.

35
36 ***Motion was made by Commissioner Wootten to adopt the Resolution***
37 ***Authorizing Contract with Moffatt & Nichol for Engineering Analysis and***
38 ***Permitting Services for Phase IV of the Coast Guard Road Storm Water***
39 ***Project. The Board voted unanimously 5-0 in favor. Motion carried.***

40
41 **Clerks Note: A copy of Resolution 10-09-14/R3 is incorporated herein by reference and hereby made**
42 **a part of these minutes.**

43
44 **10. Resolution Authorizing East Carolina University Ground Water / Water**
45 **Table Study – Coast Guard Road Area (10-09-14/R4)**

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

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1
2 The Board of Commissioners is asked to approve the attached resolution authorizing a contract with East Carolina
3 University (ECU) to study ground water flows and the water table in the Coast Guard Road area. The total cost of the
4 study is \$18,000.

5
6 As you know, much of the Coast Guard Road area has a high water table relative to existing development, and this
7 sometimes results in storm water flooding in some locations. The Town has constructed 5 storm water / ground water
8 pump stations in some of the worst problem areas in recent years, and these pump stations have been effective in
9 resolving problems in these locations. There are, however, other locations that experience storm water problems, and
10 it would be helpful to expand our knowledge of ground water flows and the water table in the Coast Guard Road area.
11 A better understanding of these issues, particularly in the areas where additional fixed pump stations are not planned
12 or are not feasible, will help the Town to develop alternative solutions for other problem locations and also help us to
13 respond more effectively to future storm water flooding events.

14
15 The proposed study will be led by Dr. Richard Spruill, a leading hydrologist at ECU, and will also involve students in the
16 ECU Department of Geological Sciences. The study is expected to occur over a two-year period, and the final report
17 will include information on the "water budget" (an accounting of water flowing in and out of an area over time, factoring
18 in precipitation, evapotranspiration, evaporation, runoff, and groundwater flows), the position of the water table, the
19 direction of groundwater flows, and suggestions for lowering the water table and/or resolving storm water flooding
20 problems in certain areas.

21
22 The FY 10-11 budget does not include funding specifically for this study, but there are funds budgeted for storm water
23 improvements that may be available. The cost of the study would be split over two years, with \$10,800 due in the first
24 year, and \$7,200 due in the second year. I believe that the FY 10-11 budget can likely absorb the first year cost if the
25 Board authorizes this study.

26
27 Commissioner Hedreen asked about the administrative cost rate and whether
28 that was a typical rate being charged. Mr. Rush stated that had been the source
29 of some consternation but it had been reviewed and questioned and it was fairly
30 standard for these types of research studies.

31
32 Commissioner Messer asked what this study would tell us that Moffatt & Nichol
33 could not. Mr. Rush stated this study would give a better understanding of the
34 ground water flow in more localized areas. Mr. Rush felt this would add to the
35 knowledge base and would provide one more tool.

36
37 Commissioner Wootten remembered that some of the earlier money spent with
38 Moffatt & Nichol concentrated on the area up at the head of Coast Guard Road,
39 and what he was really interested in seeing was what was going on at the Point.

40
41 ***Motion was made by Commissioner Wright to adopt the Resolution***
42 ***Authorizing an East Carolina University Ground Water / Water Table Study***
43 ***of the Coast Guard Road Area. The Board voted unanimously 5-0 in favor.***
44 ***Motion carried.***

45
46 **Clerks Note: A copy of Resolution 10-09-14/R4 is incorporated herein by reference and hereby made**
47 **a part of these minutes.**
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1
2 **11. Formal Agreement With NC Wildlife Resources Commission for**
3 **Construction, Operation, and Maintenance of New Public Boat Launch**
4 **Facility**
5

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

10 The Board of Commissioners is scheduled to consider a formal agreement with the NC Wildlife Resources
11 Commission (NC WRC) for the new public boat launching facility at the September 14 meeting. As you may recall, the
12 Board approved a draft version of this agreement in August 2009, and the attached agreement includes all of the same
13 substantive provisions, but the language has been amended based on comments from the NC Attorney General's
14 Office.
15

16 As you know, the Town and NC WRC have developed an excellent partnership on this project, and the attached
17 agreement formalizes this partnership for the construction, operation, and maintenance of the new public boat launch
18 facility. The key provisions of the attached agreement are as follows:
19

- 20 • The Town will lease the combined site (23 acres - 7 lots in Shell Cove North plus McLean Park site) to the NC
21 WRC for 97 years and 4 months (to coincide with the separate lease arrangement between the Town and EI
22 Parks and Recreation Association, Inc. for McLean Park), with 3 automatic 50-year renewals.
23
- 24 • The annual rent payment from WRC to the Town is \$1.
25
- 26 • NC WRC will design, permit, construct, operate, and maintain (major maintenance only) the new public boat
27 launching facility on the site at its expense.
28
- 29 • The facility will be an official NC WRC public boat launching facility, and will be operated according to standard
30 NC WRC rules and regulations. The facility will allow free public boat access at the site, including vehicle and
31 trailer parking, and will be open 24 hours a day 7 days a week with no closure of the site, except for repair and
32 improvements or emergency situations.
33
- 34 • NC WRC will be responsible for major maintenance items, including boat ramps, bulkheads, docks, canal
35 dredging, parking lot, storm water features, lights, buildings, and other major improvements, unless otherwise
36 agreed to or developed by the Town.
37
- 38 • NC WRC will be responsible for utility costs associated with the new public boat launch facility.
39
- 40 • The Town will be responsible for daily and routine maintenance, including landscaping, mowing, cleaning of
41 restrooms, trash collection, and any major improvements agreed to or developed by the Town.
42
- 43 • The Town will have the ability to develop other soundfront park features as funds permit over time on those areas
44 of the overall site not used by the NC WRC.
45
- 46 • NC WRC will assume liability for any claims arising on or about the premises, within the coverage of the Tort
47 Claims Act. The Town will be liable for any loss or damages which are a direct result of the Town's actions under
48 this agreement.
49

50 The Board should note that the NC Attorney General's Office has already commented once on the agreement
51 language, and their comments have been incorporated into the attached agreement. We are, however, awaiting their
52 formal approval of the final version attached. As of September 10, I have not yet received their final approval. NC

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2 WRC staff are comfortable with the attached agreement, and I do not expect any significant changes from the NC
3 Attorney General's Office. If the Board is comfortable, I would like the Board to authorize the Mayor to execute the
4 agreement with any minor changes that might be required by the NC Attorney General's Office. If, for some reason,
5 there are any substantive changes, the agreement would return to the Board for further review.
6

7 NC WRC expects to begin construction of the water-based improvements on or about September 22 using its own
8 staff. The State is currently soliciting construction bids for the parking area and storm water system, and will hold a
9 pre-bid meeting on September 14. Bids for this work will be opened on September 30, and construction should begin
10 soon thereafter.
11

12 I am also working with the NC Wildlife Resources Commission on the formal establishment of a No Wake Zone directly
13 adjacent to Archers Point. The Board must conduct a public hearing and approve an official resolution in order for NC
14 WRC to create the No Wake Zone, and these actions will be on the Board's October 12 meeting agenda.
15

16 I also continue to work on the potential future dredging of a new boat route from Archers Point to the AIWW. I met
17 recently with representatives of several Federal and State regulatory agencies, and will now be seeking a proposal for
18 assistance from an environmental consulting firm. I will present this proposal to the Board at a later date.
19

20 Town Manager Rush pointed out that the Wildlife Resources Commission held a
21 pre-bid meeting earlier this morning with 8-9 contractors learning about the
22 project. Wildlife Resources Commission would be opening bids for the
23 construction on September 30, and they expect a contractor would begin within a
24 few weeks after that date.
25

26 Mr. Rush also noted that Wildlife Resources Commission was working on
27 establishing the No Wake Zone around Archers Point. Mr. Rush said their goal
28 was to have the No Wake Zone formalized and in place by the time the new
29 facility opened. In addition, after meeting a few weeks ago with different
30 agencies from both federal and state level about the idea of dredging an
31 alternate boat route through the second cut east of Island Harbor Marina he had
32 gotten a lot of good feedback. Mr. Rush said he felt this would be a complicated
33 undertaking requiring a fair amount of documentation but he would like to get a
34 quote from consultants and see what could be done in that regard going forward.
35

36 ***Motion was made by Commissioner Hoover to approve the Formal***
37 ***Agreement with the NC Wildlife Resources Commission for the***
38 ***Construction, Operation, and Maintenance of the New Public Boat Launch***
39 ***Facility, and to authorize the Mayor to execute such agreement with any***
40 ***minor amendments suggested by the NC Attorney General's Office. The***
41 ***Board voted unanimously 5-0 in favor. Motion carried.***
42

43 **Clerks Note: A copy of the Formal Agreement as noted above is incorporated herein by reference**
44 **and hereby made a part of these minutes.**
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2 **12. Local Golf Cart Program**
3

- 4 **a. Ordinance Amending Chapter 11 – Motor Vehicles and Traffic – of**
5 **the Code of Ordinances – To Permit and Regulate the Operation of**
6 **Golf Carts on Public Streets**
7 **b. Fee Schedule Amendment**
8

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

12
13 The Board of Commissioners is scheduled to consider the attached ordinance to formally establish a local golf cart
14 program at the September 14 regular meeting. The Board is also scheduled to consider the attached amendment to
15 the Town's fee schedule to formally establish an annual registration fee for the program.
16

17 As you know, North Carolina law prohibits the use of golf carts on public streets unless the golf cart is registered with
18 the NC Division of Motor Vehicles (NC DMV) as "street-legal". In order to be registered with the NC DMV, the golf cart
19 must be manufactured to certain specifications, including a specified vehicle identification number similar to that issued
20 for a traditional motor vehicle. A "street-legal" golf cart must also be equipped with a more powerful motor that
21 enables the golf cart to travel at approximately 25 miles per hour, and the golf cart must be equipped with a
22 speedometer. In addition, "street-legal" golf carts must also be equipped with headlights, stoplights, turn signals,
23 taillights, reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, and seat belts. It is difficult and
24 expensive (approximately \$2,000 or more) to modify a typical golf cart to make it "street-legal", and this can only be
25 completed by a certified manufacturer on certain newer golf carts.
26

27 Although "non-street legal" golf carts are not permitted on public streets, North Carolina law does allow a municipality
28 to adopt a local golf cart program and regulate the use of golf carts on public streets within the municipality. Emerald
29 Isle was one of a handful of municipalities granted this authority several years ago, and this authority was eventually
30 extended to all NC municipalities in 2009. As you know, the Town has received various requests over the past few
31 years to establish a local program whereby golf carts could legally be operated on public streets. In response to a
32 recent request at the Board's July 13 meeting, the Board directed Town staff to draft an ordinance to establish a local
33 golf cart program, and to place appropriate emphasis on safety concerns.
34

35 I drafted the attached ordinance after reviewing numerous ordinances adopted by other NC municipalities and
36 regulations adopted by private property owner associations. Most of the ordinances reviewed included similar
37 provisions, but the attached draft was based primarily on ordinances adopted by the City of Morganton and the Town
38 of Blowing Rock. I also solicited input from the Town Attorney, Police Chief, the owners of two local golf cart
39 dealerships, and Mr. Floyd Mitchell, the property owner who made the request to the Town at the July 13 Board
40 meeting.
41

42 The attached ordinance establishes a local golf cart program and allows the use of golf carts on all public streets (with
43 two exceptions) and land owned or leased by the Town, provided the golf cart is registered with the Town and the golf
44 cart and driver adhere to the provisions of the attached ordinance. In order to register a golf cart with the Town, the
45 owner must be at least 16 years old and possess a valid drivers license, and must maintain liability insurance. The
46 registered golf cart must not have been modified to exceed a speed of 20 mph and must have an identifiable
47 identification number (different from a vehicle identification number). The registered golf cart must also include the
48 following safety features:
49

- 50 • headlights,
51
52 • tail lights,

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- brake signals,
- turn signals,
- a rearview mirror,
- side reflectors,
- a parking brake,
- a windshield, and
- seatbelts.

In addition, the golf cart may have no more than 3 rows of seats. The attached ordinance incorporates all of the same requirements that NC DMV specifies for "street-legal" golf carts, with the exception of the need for a traditional vehicle identification number, a 25 mph motor, a speedometer, windshield wiper, and rear reflectors. The local golf cart dealerships have indicated that many typical golf carts already include many of the safety features required in the attached ordinance, and that the cost to add seat belts and turn signals is approximately \$300 - \$400. Town staff would complete an inspection of each golf cart to insure that it meets these requirements prior to the issuance of a registration decal that will be required on the windshield of all golf carts operating on public streets under the Town's program.

The attached ordinance also outlines the regulations that pertain to the operation of golf carts on public streets. The most significant provisions are as follows:

- golf carts can not be operated on any portion of NC 58 (Emerald Drive) or any portion of Coast Guard Road, so as not to create traffic backups and/or create safety concerns when traditional motor vehicle drivers attempt to pass a golf cart,
- golf carts are permitted to cross NC 58 and Coast Guard Road, but must do so in a straight line and not travel along NC 58 or Coast Guard Road,
- the driver of the golf cart must be at least 16 years of age and have a valid drivers license in his / her possession (an adult who knowingly allows an underage driver to operate a golf cart will be charged with contributing to the delinquency of a minor),
- seat belts must be used by all drivers and passengers in the golf cart,
- golf carts must be operated in accordance with all applicable State and local traffic laws and ordinances, including those pertaining to alcoholic beverages,
- golf carts are subject to the same parking regulations as traditional motor vehicles, and can not park in areas with No Parking signs, but would be permitted to park in specially designated "golf-cart-only" parking spaces to be created by the Town,
- golf carts may not be operated on any sidewalks, multi-use paths, or bicycle paths,
- golf carts could not be driven at night (not allowed from one half hour after sunset to one half hour before sunrise), and
- all golf carts will be required to yield the right of way to traditional motor vehicles.

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2 The ordinance also stipulates that NC motor vehicle laws will also apply to the operation of golf carts under this
3 ordinance, and our intention is that the majority of violations (including the operation of an unregistered golf cart) will be
4 issued as violations of NC motor vehicle laws, although Police Officers will also have the ability to issue a civil citation
5 for violating the Town's ordinance. The ordinance also stipulates that a golf cart permit can be revoked or the Town
6 may refuse to issue a permit if the owner and/or the golf cart have been involved in 3 or more violations over a 3-year
7 period.
8

9 The Board should note that the prohibition on operating a golf cart on NC 58 and Coast Guard Road, along with the
10 unique geography of Emerald Isle, will limit the locations that some golf cart operators may visit and will restrict their
11 operation to certain areas of Emerald Isle. For example, everyone with a golf cart who lives off of Coast Guard Road
12 will not be able to travel very far from their own neighborhood due to the fact that some communities can only be
13 accessed from Coast Guard Road. As a case in point, golf carts could not leave Lands End, Dolphin Ridge, Royall
14 Oaks, or Spinnakers Reach because they'd have no option but to travel on Coast Guard Road. Likewise, the owner of
15 a golf cart in Cape Emerald could travel across Coast Guard Road and drive to the beach or to Deer Horn Dunes or
16 Sea Dunes, but could not drive the golf cart to Emerald Plantation because such a trip requires the use of Coast Guard
17 Road. Similarly, residents who live east of Nina Street will not be able to travel west of that point because of the break
18 in Ocean Drive and the prohibition on the use of golf carts on bicycle paths. Golf cart operators east of Nina Street and
19 west of Coast Guard Road will be allowed to travel in many areas, including to and along the beach strand, but will be
20 prevented from traveling beyond those points. Additionally, property owners who live on NC 58 and Coast Guard Road
21 will not be able to operate a golf cart anywhere other than on their own property. Golf cart operators between Coast
22 Guard Road and Nina Street will have many more travel options due to the presence of low-speed side streets that will
23 enable legal travel to Emerald Plantation, Bogue Inlet Pier, the Western Ocean Regional Access, other neighborhood
24 public beach accesses, and other commercial locations.
25

26 The Board should also note that golf carts would be subject to the same parking regulations as traditional motor
27 vehicles, and as such would generally not be allowed to park near neighborhood public beach accesses. The attached
28 ordinance does permit golf carts to park in special "golf-cart-only" parking spaces that could be specifically created by
29 the Town in the future in areas where they would not impact adjacent property owners in any significant way. For
30 example, the Ocean Oaks public beach access has a paved area that could easily be identified as "golf-cart-only"
31 parking. It may also be easy to create "golf-cart-only" parking spaces at the Channel Drive walkway, and perhaps
32 others over time. I envision that these "golf-cart-only" parking spaces would be created on a case by case basis in the
33 future.
34

35 The Board should also note that the attached ordinance would not apply to "street-legal" golf carts registered with NC
36 DMV, and any such vehicles with NC license plates would not be required to register with the Town nor would be
37 subject to the regulations in the attached ordinance. These vehicles will continue to operate under NC motor vehicle
38 laws. For example, "street-legal" golf carts may continue to utilize Coast Guard Road and the 35 mph zone of NC 58,
39 as they always have. Additionally, the attached ordinance will not apply to golf carts operated exclusively within private
40 subdivisions. For example, a golf cart that never leaves the Lands End community would have no need or reason to
41 register with the Town.
42

43 The attached ordinance would not be effective until January 1, 2011. This delay would provide ample time to establish
44 the program, order decals, and would set us up nicely for an annual registration process. The attached ordinance
45 provides for an annual registration process and fee.
46

47 The attached fee schedule amendment establishes a \$75 annual registration fee for golf carts in Emerald Isle. These
48 fees would enable the Town to recover the costs associated with administering this program, and excess revenues
49 could be earmarked for the future creation of "golf-cart-only" parking spaces.
50

51 **Town Manager Rush also noted that any street legal golf carts that already had a**
52 **North Carolina license plate and were registered with the DMV would not be**
53 **subject to this ordinance but would be treated and subject to any traditional motor**

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1
2 vehicle regulation. Mr. Rush stated in regard to golf carts currently operated in
3 private subdivisions such as Lands End, Spinnakers Reach, etc. that if an
4 individual were simply going to operate a golf cart on private streets as they were
5 currently allowed to do, there would be no need for them to register with the
6 Town. If for example they were in Cape Emerald and they were operating within
7 Cape Emerald but they wanted to cross over and go down Ocean Oaks Drive or
8 Ocean Drive they would need to be registered with the Town if operating outside
9 of Cape Emerald. Mr. Rush said another key point the Board and community
10 needed to understand was that based on the draft of this ordinance with the
11 restrictions on driving a golf cart on Coast Guard Road and Highway 58 just by
12 the nature of the geography of Emerald Isle this would result in some people not
13 being able to drive their golf carts anywhere other than their neighborhood; for
14 example those in Lands End could only access Lands End by way of Coast
15 Guard Road and the ordinance doesn't allow golf carts on Coast Guard Road,
16 you should not see any of those golf carts in Lands End coming out of Lands End
17 and driving down Coast Guard Road, likewise on the east end of town because
18 of the various breaks in Ocean Drive along the oceanfront such as in the 3000
19 block because in order to go anywhere they would have to get out on Highway
20 58 and that would not be allowed. This ordinance does not address everyone's
21 wishes or desires but could certainly be tweaked in any way the Board felt best.
22 Mr. Rush concluded that the practice in Emerald Isle had been that if a golf cart
23 was operated as a handicap mobility device and had a handicap placard and was
24 operated by the handicapped individual the same way as a wheel chair or small
25 scooter it was not subject to the NC Motor Vehicle laws and was treated like a
26 pedestrian, that would not change as part of this ordinance but would continue to
27 be the practice.

28
29 Mayor Schools asked for comments from the public.
30

31 Paul Schwartz, 10550 Wyndtree, spoke of his concerns of golf carts on Coast
32 Guard Road noting he had clocked a golf cart going 18 mph. He felt they were
33 very dangerous, Coast Guard Road was very curvy and had he been coming
34 around a curve at 35 mph that could have been a disaster. He wondered if there
35 was anything that could be incorporated in this ordinance that would include
36 eliminating street ready golf carts from Coast Guard Road. Mayor Schools said,
37 and the Town Attorney concurred, that they were governed by State motor
38 vehicle laws. Town Attorney Stanley said you could certainly provide for a
39 minimum speed limit. Town Manager Rush said that if you did adopt an
40 ordinance that set the minimum speed to be traveled as 25 mph that would be
41 applicable to all vehicles whether a street legal golf cart or a traditional motor
42 vehicle.
43
44
45

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1
2 Doje Marks, 134 Sandcastle, said she had read through the proposed ordinance
3 and it covered a lot of her concerns but it did not require children under 16 to
4 wear a helmet. Ms. Marks stated that the rate of deaths from head injuries was
5 extremely high. Ms. Marks noted that an ordinary bicycle can hit 13 – 15 mph
6 and if people were doing that speed with kids on their bikes they must have
7 helmets on their children, and the proposal was for the golf carts to travel 20 mph
8 with no protection for children. Ms. Marks provided the Board with a handout
9 regarding the Child Bicycle Safety Act/Helmet Law of NC (a copy is attached).

10
11 Mayor Schools noted that the difference he saw between a bicycle and golf cart
12 was that the golf cart ordinance would require seat belts.

13
14 Bob Horner, Green Glen Road, had several concerns; the first was about not
15 requiring windshield wipers and he didn't understand why wipers would not be
16 required as a safety feature for the occupants as well as other vehicles on the
17 road. Mr. Horner also mentioned ID tags; he said they talked about small
18 stickers, but he felt that license plates were a certain size for a reason so that if a
19 vehicle did something they weren't happy with, as individuals they could write
20 down a tag number and make a report. He felt a small sticker on a golf cart
21 would not be easily seen by other people. He thought there should be something
22 big enough to be seen easily so that if a golf cart was doing something
23 inappropriately they could at least get an identification number and identify the
24 vehicle involved. Mr. Horner also mentioned proof of insurance and wondered
25 how that would be addressed. Mr. Horner said he had insurance but he had no
26 way to prove that he had additional insurance on his golf cart so if the insurance
27 company didn't provide him anything he wondered what the Town would require
28 for proof. Mr. Horner said if people had appropriately registered golf carts and
29 they were out driving around Town a visitor from out of state renting a home
30 down on Coast Guard Road seeing someone driving through the Food Lion
31 parking lot may think they could take theirs up to Food Lion too and wondered
32 how the Town would identify to visitors coming in that certain areas were not golf
33 cart approved roadways. Lastly, Mr. Horner spoke about the issue of speed,
34 noting the ordinance required golf carts not to exceed 20 mph but be limited to a
35 35 mph zoned area, that to him was a really big safety concern. If he was driving
36 35 mph and doing everything right and there was a vehicle that was very small,
37 motorcycle conditions, small lights, and they were doing 20 mph, the potential for
38 a problem was very high.

39
40 Mr. Rush stated that the rationale with the windshield wipers was that certainly
41 you could choose to require windshield wipers. When he spoke with the golf cart
42 companies and some residents, the comments that he received were that the
43 windshield wipers were more dangerous than not having them because they
44 were manual wipers and forced the driver to pay attention to operating the wiper
45 as opposed to focusing on driving the vehicle, but the Board may choose to

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1
2 require the golf carts to have a windshield wiper, they could also investigate the
3 cost of electric windshield wipers. Mr. Rush said they would require
4 documentation of insurance when someone registered a golf cart. Mr. Rush
5 stated the ordinance did not allow golf cart driving on Coast Guard Road and
6 Emerald Drive which had 35 mph and 45 mph zones, and just about every other
7 street in Emerald Isle had a 20 or 25 mph limit.

8
9 Sharon Lewis, 104 West Summer Place, spoke about the 3 bike path breaks
10 between Nina and East Summer Place, and they had witnessed golf carts and
11 motorcycles driving through their bike connectors so she felt the more golf carts
12 on Ocean Drive the worse it would get.

13
14 Mr. Rush said there were some communities that indicated that there was more
15 interest in a golf cart program before it was actually established, and when
16 actually established not as many people as they thought signed up for it. Mayor
17 Schools said he didn't know how many they would have register but hopefully
18 with these regulations they would be safer than just any kind of golf cart, and
19 certainly the Police would work on enforcement.

20
21 Ms. Lewis said it was very hard for the Police to monitor. She said she had many
22 times seen golf carts on the bike path going by Wings and if the Police weren't
23 there they weren't going to stop it, and she couldn't say how many times they
24 had tried to call with the golf carts, motorcycles, and the Police say if they don't
25 see it they can't do anything. She understood the Police would do something if
26 they saw it.

27
28 Floyd Mitchell, 127 Ocean Oaks, agreed that it was more dangerous to have the
29 manual windshield wipers, and he said that he and his wife walk to the beach
30 most of the time, so it is when the grandchildren are here that they use the golf
31 cart to take everyone and he felt it was fine to put seatbelts in, they put the
32 grandchildren in the middle between the two adults and with the rod structure
33 and roof structure it would be safer. He felt you can't do everything to make
34 everybody happy. Mr. Mitchell also noted that the street legal golf carts will go
35 25 mph with one person in the cart but when you weigh it down with more people
36 it will go 16 – 18 mph. Mr. Mitchell also asked for clarification of section f –
37 whether the cart or the person would be in violation.

38
39 Mayor Schools felt it should mean the cart because it's the owner's responsibility
40 to know that whoever is using it is operating it properly. Mr. Rush agreed that
41 was the intent of that provision.

42
43 Mr. Mitchell wondered if that was the case would the rental agencies have the
44 responsibilities to tell the renters where they can drive or not drive, and if an
45

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1
2 individual rents out their house or condo they would be responsible for telling the
3 renters.

4
5 Mayor Schools felt that this should not be the rental agencies problem. It would
6 be the person who owned the cart that needed to be sure whoever used their
7 cart used it properly. Mayor Schools pointed out that assuming the ordinance
8 was adopted they would do as much as possible to publicize the rules.

9
10 Lastly, Mr. Mitchell applauded the Board for their focus on safety, but felt you had
11 to be reasonable and that you could only implement so many things, adding also
12 that the Police couldn't be everywhere.

13
14 Mayor Schools suggested that they table this item until October for further citizen
15 comment.

16
17 Commissioner Hedreen said if possible she would like to see an 18 year old
18 minimum driving age for golf carts, feeling that an 18 year old would have, in
19 general, more maturity and more driving experience.

20
21 Commissioner Wright added that she agreed with the idea presented tonight that
22 the registration that is provided should be the size of a license plate and put
23 where a license should be so they could be identified.

24
25 Commissioner Wootten also stated that he didn't want a rental agency registering
26 carts for rental properties. Town Manager Rush asked for clarification whether
27 the Board meant they would not want commercial operations to start renting golf
28 carts or that they wouldn't want a vacation rental unit to offer a golf cart as an
29 amenity. Commissioner Wootten felt it wouldn't be in the Town's best interest to
30 have the golf cart companies transporting and renting golf carts on a weekly
31 basis. He was not in favor of the golf cart companies getting permits for carts to
32 be used week after week.

33
34 ***The Board was in agreement with tabling this issue until the next regular***
35 ***meeting in October.***

36
37 **13. Discussion – Potential Elimination of Annual Solid Waste Fee and Levy**
38 **of Additional Property Tax For Solid Waste Services in FY 11-12**

39
40 Town Manager Frank Rush addressed the Board regarding this agenda item.
41 The following excerpt from his memo to the Board is provided for additional
42 background:

43
44 The Board of Commissioners is scheduled to discuss the potential elimination of the Town's annual solid waste fee in
45 FY 11-12, with a corresponding revenue-neutral tax rate increase, at the September 14 meeting.
46

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1
2 Although an official decision by the Board would not be made until the adoption of the FY 11-12 budget in June 2011, it
3 is advantageous for the Board to provide an indication of its preference now so that appropriate budget planning can
4 occur and so that the Town can fully explore other issues associated with this change.
5

6 Projected Decrease of Sales Tax Revenues in FY 12-13

7 As discussed several times in recent years, the Town expects to see a significant decrease in annual sales tax
8 revenues in FY 12-13. This expected decrease is associated with the "sunset" of the current special district taxes for
9 beach nourishment after FY 10-11, and would reduce the Town's annual sales tax revenues by an estimated \$630,000
10 per year. (As discussed previously, the Town's share of sales tax revenues is directly correlated with the amount of
11 property taxes levied by the Town.) With the Board's planned implementation of new beach nourishment special
12 district taxes in FY 11-12 (3-cents oceanfront and 1-cent non-oceanfront), the total anticipated reduction in sales tax
13 revenues would decrease to approximately \$430,000.
14

15 As discussed by the Board over the last few years, most of this anticipated decrease can be avoided if the Town
16 "converts" the annual solid waste fee (\$180, which is collected with the annual property tax bill) to an equivalent
17 property tax rate increase. (This simple change, essentially a "stroke of the pen", would have a positive impact on the
18 Town's share of sales tax revenues, which is based on the amount of property tax levied. The Town does not get
19 "credit" for the annual solid waste fee, because it is a fee and not a tax, in the calculation of the Town's share of sales
20 tax revenues.) The Town generates nearly \$1.2 million annually from the \$180 solid waste fee, and a tax rate increase
21 of 2.8 cents (based on the current tax values) would generate nearly \$1.2 million annually. The levy of this additional
22 2.8 cents on the property tax rate would preserve approximately \$370,000 of the projected \$430,000 reduction in sales
23 tax revenues.
24

25 To characterize this impact simplistically, assuming that the Board implements the new beach nourishment special
26 district taxes in FY 11-12, the Town is facing an estimated \$430,000 decrease in sales tax revenues that will need to
27 be addressed in one of three ways:
28

29 Option 1 - increase the property tax rate by approximately 1 cent (based on current tax values) on all
30 properties, which would generate approximately \$425,000,
31

32 Option 2 - eliminate the annual solid waste fee and enact a corresponding revenue-neutral tax rate increase,
33 which would preserve approximately \$370,000 of sales tax revenue, or
34

35 Option 3 - identify budget reductions of \$370,000 - \$430,000, which will likely require a fundamental
36 reprioritization and reorganization of Town services, programs, and projects.
37

38 As noted above, the decrease in sales tax revenues would occur mostly in FY 12-13, however, due to the timing of
39 sales tax distribution formula adjustments, the potential solid waste fee / property tax "conversion" would need to occur
40 in the FY 11-12 budget in order to impact the sales tax distribution in FY 12-13.
41

42 Impact on Developed Residential Property Taxpayers if the Solid Waste Fee / Property Tax "Conversion" is
43 Implemented

44 The potential solid waste fee / property tax "conversion" would be revenue-neutral overall, but some property owners
45 would experience a net cost increase while others would experience a net decrease. As you know, the annual \$180
46 solid waste fee is charged to all developed residential properties.
47

48 The owner of a developed residential property valued at approximately \$645,000 would pay the same net combined
49 amount of annual property tax plus the solid waste fee. Developed residential properties valued at less than \$645,000
50 would realize a net savings, while developed residential properties valued at more than \$645,000 would see a net
51 increase on their annual bill. To put this in perspective, the owner of a \$400,000 home would save approximately \$68
52 per year (additional property tax = +\$112, but elimination of solid waste fee = - \$180). The owner of an \$800,000 home
53 would pay an additional \$44 (additional property tax = +\$224, but elimination of solid waste fee = -\$180). The owner of
54

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1
2 a \$1.2 million home would pay an additional \$156 per year (additional property tax = +\$336, but elimination of solid
3 waste fee = -\$180).

4
5 There are nearly 5,700 developed residential properties in Emerald Isle. This total includes single family homes,
6 duplexes, condominium units, and mobile homes located on individual lots. The median value of a developed
7 residential property is approximately \$520,000, and the average value is approximately \$643,000.

8
9 If this "conversion" is implemented, approximately 63% of the developed residential properties would experience a net
10 decrease in their annual combined bill (property tax + solid waste fee). Said another way, approximately 63% of
11 developed residential properties have a tax value less than the \$645,000 break-even point. Accordingly, 37% of
12 developed residential property owners have a tax value greater than the \$645,000 break-even point, and would
13 experience a net increase.

14
15 Approximately 24% of developed residential property owners have a tax value between \$645,000 and \$1 million, and
16 would experience a net increase of \$1 - \$100 per year.

17
18 Approximately 7% of developed residential property owners have a tax value between \$1 million and \$1.5 million, and
19 would experience a net increase of \$100 - \$240 per year.

20
21 Approximately 4% of developed residential property owners have a tax value between \$1.5 million and \$2 million, and
22 would experience a net increase of \$240 - \$380 per year.

23
24 Approximately 2% of developed residential property owners have a tax value greater than \$2 million, and would
25 experience an increase greater than \$380 per year.

26
27 The Board should note that the increases reported above do not take into account the alternative 1-cent tax rate
28 increase that is presented as Option 1 to address the projected sales tax revenue decrease discussed above. For
29 example, if the "conversion" is implemented, the owner of a \$1 million developed residential property will pay an
30 additional \$100 per year, however, if the "conversion" is not implemented, and the Board instead increases the tax rate
31 by 1 cent, the owner of the \$1 million developed residential property would also pay an additional \$100 per year. Thus,
32 if the Board breaks down this issue to a choice between the "conversion" and a 1-cent tax rate increase for everyone,
33 the break-even point for a developed residential property owner is a \$1 million tax value.

34
35 Impact on Vacant Lots if the Solid Waste Fee / Property Tax "Conversion" is Implemented

36 Because vacant lot owners do not pay the Town's annual \$180 solid waste fee, the "conversion" will essentially equate
37 to a 2.8 cent tax rate increase on vacant lot owners. There are approximately 950 vacant lot owners in Emerald Isle.

38
39 The median tax value of the vacant lots is approximately \$328,000, thus a 2.8 cent tax rate increase results in an
40 increased annual cost of \$92 for the median value vacant lot. The average tax value of the vacant lots is
41 approximately \$409,000, thus a 2.8 cent tax rate increase results in an increased annual cost of \$114 for the average
42 value vacant lot.

43
44 Approximately 14% of the vacant lots in Emerald Isle are valued at \$200,000 or less. A lot valued at \$200,000 would
45 pay an additional \$56 per year.

46
47 Approximately 49% of the vacant lots are valued at \$200,000 - \$400,000. A lot valued at \$400,000 would pay an
48 additional \$112 per year.

49
50 Approximately 20% of the vacant lots are valued at \$400,000 - \$600,000. A lot valued at \$600,000 would pay an
51 additional \$168 per year.

52
53 Approximately 11% of the vacant lots are valued at \$600,000 - \$800,000. A lot valued at \$800,000 would pay an
54 additional \$224 per year.

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1
2 Approximately 3% of the vacant lots are valued at \$800,000 - \$1 million. A lot valued at \$1 million would pay an
3 additional \$280 per year.
4

5 Approximately 3% of vacant lots are valued at \$1 million or more. The highest valued typical residential lot is
6 approximately \$2.1 million, and there is one large undeveloped residential tract valued at \$3.7 million.
7

8 Given the options to address the projected sales tax decrease outlined above, one can safely assume that the owner
9 of a vacant lot would prefer a 1 cent tax rate increase (Option 1) over the "conversion" (Option 2).
10

11 Overall Impact on Developed Residential Properties and Vacant Lots

12 When both developed residential properties and vacant lots are considered, approximately 54% of Emerald Isle
13 property owners would experience a net decrease in their annual cost, while 46% would experience an increase in
14 their annual cost. Those developed residential properties with lower property values would experience greater
15 savings, while those properties with higher values would experience greater increases.
16

17 Impact on Commercial Properties if the Solid Waste Fee / Property Tax "Conversion" is Implemented

18 The Town does not currently provide commercial solid waste services, and as such, commercial property owners do
19 not pay the annual \$180 solid waste fee. The "conversion" will also equate to a 2.8 cent tax rate increase for all
20 commercial property owners.
21

22 There are approximately 125 commercial properties in Emerald Isle. (I use the term "approximately" because property
23 ownership patterns and lease relationships are complicated, and may lead to a slightly different total count.) In total,
24 the commercial properties in Emerald Isle represent only approximately \$35,000 (or nearly 3%) of the total \$1.2 million
25 that would be generated by the potential 2.8 cent tax rate increase.
26

27 Many commercial entities in Emerald Isle operate in leased space, and have relatively small tax values. As a result,
28 the direct impact on these commercial entities will likely be minor, however, the impact on the owners of the actual
29 buildings will be significant, and this additional cost will likely be passed on to the commercial tenants. For many of the
30 smaller commercial entities who own their own building, the additional cost per year associated with the "conversion"
31 ranges from \$35 to \$500, with many in the \$150 - \$200 range.
32

33 There are, however, a total of 10 commercial property owners who will experience a direct annual cost increase in
34 excess of \$500 per year. Two of these property owners offer much of the leased commercial space in Emerald Isle,
35 and could theoretically pass this additional cost on to their tenants. Four of these properties are recreational vehicle
36 parks with a large number of permanent tenants.
37

38 The additional annual cost for these 10 commercial property owners ranges from approximately \$500 to \$4,000, and is
39 quite significant. Of these 10 commercial property owners, two will experience cost increases greater than \$3,500 per
40 year, two will experience cost increases between \$3,000 and \$3,500 per year, and three will experience cost increases
41 of approximately \$2,000 per year.
42

43 Given the options to address the projected sales tax decrease outlined above, one can safely assume that commercial
44 property owners would prefer a 1 cent tax rate increase (Option 1) over the "conversion" (Option 2).
45

46 Potential Strategy to Mitigate or Negate the Impact of the "Conversion" on Commercial Property Owners

47 Over the past several months, we have investigated different strategies to mitigate or negate the impact of the potential
48 solid waste fee / property tax conversion on commercial property owners.
49

50 It has previously been suggested that perhaps the Town could refund commercial property owners the amount of the
51 additional tax, however, we are not aware of any legal mechanism that can be used to provide a refund to commercial
52 property owners only. We also considered the idea of establishing a new special tax district for solid waste services
53 (which would purposely exclude commercial properties), however, the establishment of a special tax district for solid
54 waste services is not authorized in the NC General Statutes.

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1
2 One potential strategy that would completely negate the impact of the "conversion" on commercial properties, and
3 would likely result in significant overall savings for commercial properties, is the provision of commercial solid waste

4
5 services by the Town. We have invested considerable time and effort to determine the total cost for the Town to
6 provide commercial solid waste services, and estimate the total annual cost at approximately \$175,000, with the
7 potential to reduce the annual cost to approximately \$150,000 or less by consolidating dumpsters and other containers
8 and seeking one competitive bid vs. multiple individual service contracts between commercial property owners and
9 private solid waste companies.

10
11 If the Town provides commercial solid waste services, I believe this would be very well received by the Emerald Isle
12 business community and would likely negate any concerns about the solid waste fee / property tax "conversion". If the
13 Town implements the "conversion" and also provides commercial solid waste services, the Town would preserve
14 approximately \$370,000 of sales tax revenues, but would spend approximately \$150,000 to provide commercial
15 service, resulting in a net of approximately \$220,000 of preserved sales tax revenue.

16
17 Impacts on Individual Property Owners

18 We have several large databases that indicate the savings / cost impact for each individual property owner, and we are
19 happy to provide this information to any property owner upon request.

20
21 Impact of 2011 Revaluation

22 The Board should note that all references to property values, a 2.8 cent tax rate increase, a 1 cent tax rate increase,
23 etc. are based on the 2007 tax values assigned by the Carteret County Tax Office. If the Board decides to implement
24 the solid waste fee / property tax "conversion" it would occur in FY 11-12, which is the first year that the new 2011 tax
25 values will be used.

26
27 It is widely anticipated that tax values will decrease as a result of the 2011 revaluation, thus, the amounts of described
28 tax rate increases would be higher, however, the overall costs would be the same. For example, if the Town's total tax
29 base decreases by 30% from \$4.25 billion to \$3 billion, the associated tax rate increase for the "conversion" would be 4
30 cents rather than 2.8 cents. Because everyone's tax values would likely be decreased by similar percentages, the net
31 impacts should be relatively comparable, although some property owners' tax values will decrease more than others.

32
33 The solid waste fee / property tax "conversion" will have similar impacts on property owners' annual tax bills as a
34 typical tax revaluation. The "conversion" will be revenue-neutral, and I believe the Board's goal will be to make the FY
35 11-12 tax rate revenue-neutral with respect to the 2011 revaluation, so the total amount of money generated by the
36 Town would be approximately identical to FY 10-11. As is the case for every revaluation, there will be a redistribution
37 of the cost burden among property owners, with some paying more and some paying less. In this sense, FY 11-12 is
38 likely the best possible time to implement the solid waste fee / property tax "conversion", if the Board ultimately decides
39 to implement this strategy.

40
41 Timetable for Decision

42 As noted above, if the Board decides to implement the "conversion", it would not formally make this decision until June
43 2011 when the FY 11-12 budget is adopted. However, if the Board wishes to consider also providing commercial solid
44 waste services in conjunction with the solid waste fee / property tax "conversion", the Board should schedule a meeting
45 in October or November 2010 to specifically discuss this aspect of the decision.

46
47 According to NC law, the Town must advertise the meeting at which it will discuss the potential displacement of a
48 private solid waste contractor (the Town's provision of commercial solid waste services would displace existing private
49 solid waste contractors who have arrangements with individual commercial entities) at least 30 days prior to the
50 meeting. The advertisement must run at least once per week for four consecutive weeks. The Town must also send a
51 written notice to affected companies if they have requested such notice through the Town Clerk. As a matter of
52 courtesy, the Town would also send a notice to Waste Industries and Republic Services (the two known contractors),
53 regardless. If the Board wants to consider providing commercial solid waste services, I will schedule this discussion for
54 either a special Board meeting in late October or the November 10 regular meeting.

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1
2 If the Board ultimately decides to provide commercial solid waste services, I recommend that the Town begin providing
3 service on February 15, 2012 so this transition can occur during the off-season. February 15, 2012 is 15 months from
4 November 15, 2010. If the Town does not provide 15 months notice, it will be required to provide 6 months of gross
5 revenues to any displaced private solid waste companies, which is not advised.
6

7 Direction Requested from the Board at the September 14, 2010 Meeting

8 For the September 14 meeting, I am seeking an opportunity to explain these issues to the Board and the public, and to
9 gauge the Board's interest in implementing the solid waste fee / property tax "conversion" so that appropriate budget
10 planning can occur. Additionally, I am seeking an indication from the Board whether or not you would like to consider
11 providing commercial solid waste services to that I can schedule the appropriate meeting, place the required
12 advertisements, and contact the known solid waste companies providing commercial service in Emerald Isle.
13

14 Town Manager Rush responded to a question posed by Commissioner Messer
15 that there were 3 options to close the budget gap from the lost sales tax –
16 1) making this switch, 2) a 1 cent tax increase, or 3) making about \$370,000 in
17 budget cuts. Commissioner Messer asked if they didn't do the switch and then
18 had to add the 1 cent did that move the break even value from \$645,000 to \$1
19 million, so a guy with a \$1 million property would basically break even as the end
20 result. Town Manager Rush said yes with one exception – if the Board said that
21 they didn't think they could cut the budget by \$370,000, and they rejected that as
22 an option and it was just between the other two options then the break even point
23 was \$1,000,000 for developed properties.
24

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

27 Paul Schwartz, 10550 Wyndtree Drive, asked why the Town couldn't just charge
28 a tax that was \$180 plus "x" amount over that. Town Manager Rush responded
29 that it was not legal to do that; the Town must charge the same tax rate to all
30 classes of property.
31

32 Commissioner Hedreen added that was why we had to include commercial
33 properties because you couldn't have two different rates for the residential and
34 commercial property owner. Mr. Rush said the simplest solution would be to just
35 raise taxes on developed residential properties only but that wasn't legal.
36

37 Commissioner Hoover said he had concerns for those who owned lots, there
38 were many who had invested in the town and may own 3 lots, or even a
39 subdivision and that was a lot of money. Commissioner Hoover said he also
40 couldn't see supplementing Food Lion with the amount of trash and garbage they
41 have, as well as the other commercial businesses they would need to
42 supplement in order to make it fair to them.
43

44 Town Manager Rush said because of that concern they looked at different ways
45 to mitigate that impact and the only legal mechanism would be to provide the
46 solid waste service, there could be variations of that' perhaps the Town could
47 provide only the commercial recycling service.

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1
2 Commissioner Hoover also didn't think it would be a fair tax for the fact that
3 people with property values above \$645,000 would pay more than those below
4 \$645,000, feeling that people in a home worth \$645,000 or below could generate
5 approximately the same amount of trash.

6
7 Commissioner Hedreen said with the differences in the size of homes and values
8 of property it would be very hard to come up with the perfect rate, even with the
9 \$180 fee there are people that need two rollouts twice a week and people who
10 need only one every two weeks.

11
12 Commissioner Hoover said the only fair thing if they want to provide the services
13 they were providing now was to raise the taxes by 1 cent.

14
15 Commissioner Wootten disagreed somewhat with Commissioner Hoover, but
16 couldn't get away from the fact that making this change kept at the revenue level
17 - \$370,000 in the taxpayers pockets, if they don't do this that money would go to
18 other towns in the county because of the sales tax distribution. He had never
19 been comfortable with the flat rate in the town as terms of the garbage pickup
20 because you could see some of the huge homes had 2 or 3 trashcans and the
21 person owning a trailer on the east end of town was paying the same amount as
22 someone with a large home. Commissioner Wootten said this didn't solve that
23 but it was better. Commissioner Wootten said that using Town Manager Rush's
24 numbers, he had calculated that 4,950 homes out of 5,700 would do no worse,
25 either breakeven or get a tax break, that was 87% of the homes. The
26 disadvantage was that the remaining 750 residents would have higher taxes but
27 many of those residences were rental and they had the means to recoup the
28 money, realizing that there were a certain amount that were not rentals.

29
30 Commissioner Wootten said every vacant lot owner would get an increased cost
31 because that cost was not passed to them now but of the 950 lots, 63% or 600
32 lots were going to end up paying \$112 or less, and if you put the 1 cent tax they
33 were going to pay \$40 anyway, so 63% of lot owners would pay the equivalent of
34 \$83. He felt the precedent was already set as they charge vacant lot owners for
35 police and fire. Commissioner Wootten said as far as commercial property, as
36 indicated by the Town Manager, there were about 10 big commercial property
37 owners for which they would in his opinion have to provide services.

38
39 Commissioner Hedreen stated that she leaned toward Commissioner Wootten,
40 realizing that commercial property owners would take a hit, but she wasn't sure
41 they wanted to get into the business of taking care of trash for restaurants for
42 example, and she was not excluding that, but with that said, it was a whole
43 different arena when you try keeping the trash emptied during the summer
44 months for a restaurant.

45

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1
2 Commissioner Messer said the only thing he disliked about it was the additional
3 tax on the lot owners but he couldn't see a perfect scenario. Commissioner
4 Messer said he was in favor of not losing \$370,000 in sales tax just because a
5 number was here instead of here.

6
7 Commissioner Wright also said she was in favor of making the switch.

8
9 Mayor Schools stated that it sounded like there was not agreement on exactly
10 what the outcome would be but that it seemed there was interest in eliminating
11 the \$180 trash fee and replacing it with the 2.8 cent tax increase, and maybe
12 commercial garbage services or not.

13
14 Town Manager Rush said this was a difficult decision and that was what he was
15 looking for; he could understand people arguing both sides equally well. He felt
16 at this point he had gotten the direction he needed and would schedule the
17 additional discussions over the next couple of months, understanding the Board
18 may certainly change their minds after going through the process.

19
20 **14. Resolution Adopting a Code of Ethics for the Mayor and Board of**
21 **Commissioners (10-09-14/R5)**

22
23 Town Clerk Rhonda Ferebee addressed the Board regarding this agenda item.
24 The following excerpt from her memo to the Town Manager is provided for
25 additional background:

26
27 Attached please find a draft version of a Resolution Adopting a Code of Ethics for the Board to consider. As you and
28 the Board are aware Session Law 2009-403 (attached) enacted a new statute, G.S. 160A-83 requiring all North
29 Carolina cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-
30 counties to adopt a resolution or policy containing a code of ethics on or before January 1, 2011.

31 The resolution or policy adopted must address at least the following five areas:

- 32 1. The need to obey all applicable laws regarding official actions taken as a board member.
33 2. The need to uphold the integrity and independence of the board member's office.
34 3. The need to avoid impropriety in the exercise of the board member's official duties.
35 4. The need to faithfully perform the duties of the office.
36 5. The need to conduct the affairs of the governing board in an open and public manner, including complying
37 with all applicable laws governing open meetings and public records.

38 Session Law 2009-403 also enacted a new G.S. 160A-84 regarding ethics education. All Board members successfully
39 completed the initial training as required earlier this year. Two clock hours of ethics education will be required again
40 within 12 months after each subsequent election or appointment to the Board.

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1

2 The proposed Resolution adopting a Code of Ethics presented for the Board's consideration is based on a model code
3 prepared by A. Fleming Bell, II of the UNC School of Government, and is consistent with policies recently adopted by
4 other towns and counties, to ensure that the code of ethics meets all aspects of the current statutory requirements. An
5 optional section may be included which details the limited measures a Board may take if it feels that one or more of its
6 members has violated its ethical code. This section is not statutorily required and it is entirely up to the Board's
7 discretion as to whether they wish to consider including censure language in their adopted Code. Censure procedures
8 are not included in this version prepared for the Board's consideration but if the Board would like to include a section in
9 their Code of Ethics I will be glad to prepare an amended version for their review.

10 ***Motion was made by Commissioner Messer to adopt the Resolution***
11 ***Adopting a Code of Ethics for the Mayor and Board of Commissioners. The***
12 ***Board voted unanimously 5-0 in favor. Motion carried.***

13
14
15
16

Clerks Note: A copy of Resolution 10-09-14/R5 is incorporated herein by reference and hereby made a part of these minutes.

17 **15. Ordinance Amending Chapter 11 – Motor Vehicles and Traffic – of the**
18 **Code of Ordinances Regarding the Penalty for Parking Violations (10-09-14/O1)**

19
20
21
22

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:

23
24
25
26

The Board of Commissioners is scheduled to consider the attached ordinance amendment that would increase the penalty for parking violations in Emerald Isle.

27 The Town's current penalty, established in 2001, is \$20, but that penalty increases to \$50 if not paid within 8 days.
28 The attached ordinance amendment increases the penalty to \$50, and the penalty would increase to \$75 if not paid
29 within 14 days.

30
31
32
33
34
35

The attached ordinance is presented for Board consideration after a recent discussion with residents in the Oceanview Drive area who believe the Town's parking penalties are too low and may not effectively deter illegal parking. After considering this issue, I believe it is reasonable for the Board to consider increasing the penalty to the \$50 and \$75 amounts indicated.

36
37
38

Between January 1 and July 31, 2010, the Police Department issued a total of 277 parking tickets. Of these 277, a total of 203 paid the \$20 penalty and 1 paid a \$50 penalty. A total of 73 tickets had not been paid as of August 2.

39 The Town collected total parking fine revenues of approximately \$6,800 in FY 09-10. The adoption of the attached
40 ordinance amendment could potentially increase parking fine revenues to approximately \$15,000.

41
42
43

The Police Department recently surveyed other coastal communities, and the parking fines in those communities are as follows:

44
45
46
47
48
49
50

Atlantic Beach	\$20
Kitty Hawk	\$50
Manteo	\$100
Morehead City	\$50
Pine Knoll Shores	\$50.

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1
2 Mayor Schools asked for any comments from the public.

3
4 Doug Warren, 7903 Forest Drive, asked where parking was allowed.

5
6 Town Manager Rush stated that parking was allowed in several places; the
7 eastern and western regional beach accesses, the Station Street parking lot, 3rd
8 Street parking lot, a few permitted spaces on Islander Drive, and in other
9 locations in town there were a few permitted parking spaces. Mr. Rush said if an
10 area had a no parking sign you could not park there and you were subject to a
11 potential parking fine as outlined by the ordinance.

12
13 Mr. Warren asked if private property owners could put no parking signs in there
14 yard to prevent people to park there; and Mr. Rush stated that they could and
15 that there were quite a few no parking signs in Emerald Isle.

16
17 Mr. Warren said it seemed that parking was not allowed in more places than it
18 was allowed and he felt all the signs along Ocean Drive were unsightly. Mr.
19 Warren asked the Board to consider a different approach rather than have no
20 parking signs everywhere.

21
22 Commissioner Wootten asked who received the money from the fines. Town
23 Manager Rush said that up until about 8-9 years ago the money went to the
24 school system and now it comes to the Town of Emerald Isle; last year there was
25 about \$7,000 of parking fine revenue; if the ordinance change was implemented
26 it could reach as high as \$15,000.

27
28 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
29 ***Amending Chapter 11 – Motor Vehicles and Traffic – of the Code of***
30 ***Ordinances Regarding the Penalty for Parking Violations. The Board voted***
31 ***unanimously 5-0 in favor. Motion carried.***

32
33 **Clerks Note:** A copy Ordinance Amendment 10-09-14/O1 is incorporated herein by reference and
34 hereby made a part of these minutes.

35
36 **16. Appointment – Emerald Isle Parks and Recreation Association, Inc. –**
37 **One Vacancy**

38
39 **Brief Summary:** There is one vacancy on the Emerald Isle Parks and
40 Recreation Association, Inc. for a term that expires in August 2013. The term of
41 current member Clay Olsen expired in August 2010 and he has expressed
42 interest in being reappointed to the EIPRA, Inc. for another 3-year term that will
43 expire in August 2013.

44
45
46

1
2 ***Motion was made by Commissioner Wright to appoint Clay Olsen to the***
3 ***Emerald Isle Parks and Recreation Association, Inc. for a term that will***
4 ***expire in August 2013. The Board voted unanimously 5-0 in favor. Motion***
5 ***carried.***

6
7 **17. Comments from Town Clerk, Town Attorney, and Town Manager**

8
9 There were no comments from the Town Clerk or the Town Attorney.

10
11 Town Manager Rush updated the Board on several issues of importance. Mr.
12 Rush spoke of the potential dog park area and the costs associated. Mr. Rush
13 stated the intention was if there were citizen groups that were interested,
14 challenging them to some sort of fundraising campaign perhaps with the Town
15 matching. The Board felt that Emerald Isle Woods Park was a better location
16 and also agreed with getting citizen participation.

17
18 In addition, Mr. Rush brought up the request by Simmons & Simmons, the
19 Town's solid waste contractor, that the Town considers eliminating or reducing
20 the amount of their Letter of Credit. Mr. Rush recommended that they not
21 completely eliminate but would recommend, if the Board was comfortable,
22 reducing the amount to perhaps \$75,000 or \$100,000. The Board agreed with
23 reducing the amount of the Letter of Credit from the current \$150,000 to
24 \$100,000 as recognition of their service.

25
26 Town Manager Rush noted that beach driving season started the next day and
27 unless the Board advised differently they planned to not open the Doe Drive
28 ramp. The Doe Drive ramp was initially opened when the ramp at the Point could
29 not be opened due to erosion, and fortunately the Point ramp was in good shape
30 now.

31
32 Lastly, Mr. Rush noted the beach house raffle was very successful generating
33 about \$18,000 of revenue for future expansion of the bike path down Coast
34 Guard Road. Mr. Rush said he would like to find a way to construct the next
35 segment on Coast Guard Road at least to Sea Dunes Drive or to Emerald Isle
36 Woods Park sometime prior to next summer season. Mr. Rush was hopeful they
37 could raise some additional money and perhaps the Town could match it in some
38 form.

39
40 Mayor Schools added that the raffle spurred some other projects such as a golf
41 tournament October 16, the Triathlon was also October 16, and they were talking
42 about having barbecues, dance, and other things to do during the winter. The
43 bicycle and pedestrian committee had a lot of good ideas being considered.

44
45

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1
2 The Board thanked Mayor Schools for all of his efforts on the beach house raffle.

3
4 The following is an excerpt from the Town Manager Comments memo to the
5 Board for additional background information provided for items of importance:

6
7 **Potential 2011 NC Parks and Recreation Trust Fund Grant Application**

8 I am considering working with the NC Aquariums to submit a 2011 grant application to the NC Parks and Recreation
9 Trust Fund for funding to construct the soundside improvements associated with the Aquarium Pier at Emerald Isle.
10 Grant applications are due January 31, 2011. The maximum grant award is \$500,000, and must be matched dollar-for-
11 dollar. I would expect to utilize either NC Aquarium funds or remaining WAMI grant funds for the match.

12
13 Soundside improvements include, among other items, construction of a new pier, lighting, kayak launching facilities,
14 additional parking, and landscaping improvements. Ideally, a project scope with a budget of \$400,000 - \$500,000
15 would be established.

16
17 Please let me know your thoughts on this idea.

18
19 **Update – Aquarium Pier**

20 The design team (Moffatt & Nichol Engineers, BJAC Architects) continues its work on design of the new facility.
21 S&ME, a subcontractor to Moffatt & Nichol, was performing geotechnical investigations on the ocean floor near the
22 Eastern Ocean Regional Access last week.

23
24 The State Property Office is still in negotiations to purchase the two vacant tracts of land adjacent to Flip-Flops Mini-
25 Mart for wastewater treatment and overflow parking for the new facility. I am hopeful that this issue will be resolved
26 shortly.

27
28 **New Potential Dog Park Location**

29 Alesia Sanderson, Parks and Recreation Director, and I have revisited the idea of locating a dog park at Emerald Isle
30 Woods Park, and have identified a potential location near the main parking lot. The location is indicated on the
31 attached aerial photo, in the area where the second storm water equalization pipe was installed. This triangular
32 shaped area is approximately ½ acre in size, is partially cleared, and is relatively level. Fill would be added to level
33 portions of the site, the cleared area would be converted into a grassy area, and underbrush would be cleared from the
34 perimeter area to provide shade for visitors.

35
36 If the Town pursues this location and project, I believe it will be important to create an attractive, well-maintained
37 facility. Alesia Sanderson has developed the attached cost estimate for durable white vinyl fencing, sod, irrigation, and
38 other dog park amenities. The total estimated cost is \$34,775 (see attached cost estimate). If the Board is interested
39 in pursuing this, it may be possible to organize a citizens group to embark on a fundraising initiative. One idea would
40 be to challenge such a group to raise 50% of the necessary funding, with the Town providing the remaining 50%.

41
42 Please let me know your thoughts on this potential location.

43
44 **Summer Season Ending**

45 The Fire Department Beach Patrol completed its last day of work on Sunday, September 12. We thank them for their
46 good service during the past 4 months.

47
48 The Police Department will continue to assign at least one officer to the Bogue Inlet Pier and Western Ocean Regional
49 Access areas for the next several weeks, and we will evaluate the need for this presence later this month.

50
51 The Public Works Department will continue to enforce the unattended beach equipment ordinance for the next few
52 weeks, and we will evaluate the need to continue this effort later this month.
53

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1
2 I will provide end of season reports (that summarize our beach activities for the entire summer) to the Board in the near
3 future.

4
5 **Removal of Sunken Shrimp Trawler at Bogue Inlet**

6 The US Army Corps of Engineers has informed us that they expect to have the sunken shrimp trawler near the Bogue
7 Inlet bar removed sometime in October. They are first seeking to have the owner remove it, but expect that they will
8 ultimately need to remove it and invoice the owner for removal costs. The Corps is concerned that the sunken vessel
9 will be a navigation hazard if the main navigation channel migrates slightly to the east in the future.

10
11 **Simmons & Simmons Letter of Credit**

12 The Town's contract with Simmons & Simmons requires them to provide the Town with a \$150,000 letter of credit to
13 insure performance of the solid waste contract in the short-term if Simmons is somehow unable to perform the
14 contract. As you know, the Town also initially required a performance bond in the amount of \$350,000 for this purpose,
15 but this requirement was eliminated in October 2007 due to good performance by Simmons.

16
17 Simmons has now requested that the Town consider eliminating or reducing the amount of the letter of credit since
18 they are now well-established and continue to provide good service to the Town. The monthly contract amount for the
19 Simmons contract is approximately \$62,500. If Simmons unexpectedly ceased to provide solid waste collection
20 service for the Town and the Town was forced to make emergency arrangements with another contractor, this letter of
21 credit could be redeemed and used to pay the anticipated higher emergency collection costs until such time that the
22 Town could secure new competitive bids and enter into a new contract with a new solid waste contractor. These funds
23 could also likely be applied to any higher overall collection costs associated with the new contract for the duration of
24 the original Simmons contract.

25
26 Please let me know your thoughts on this issue. Simmons continues to provide good service to the Town, and we
27 have maintained a very cooperative relationship. I would not be comfortable completely eliminating this requirement,
28 however, some reduction in the amount may be reasonable. The Board would need to gauge the likelihood that
29 Simmons would fail to honor the contract and the likely additional cost to the Town if they did abandon the contract. I
30 think the likelihood of Simmons abandoning the contract is extremely small, but unexpected events can certainly occur
31 for all of us.

32
33 The Town's current contract with Simmons expires in December 2011, but the Town has an option for a 2-year
34 extension at that time. Assuming Simmons continues to provide good service, I would expect the Town to exercise the
35 option at that time.

36
37 **Beach Driving Season Begins September 15; Doe Drive Beach Vehicle Ramp**

38 Beach driving season begins on Wednesday, September 15. Staff have been issuing beach driving permits for the
39 past several weeks in anticipation of the beach driving season.

40
41 The Town maintains beach vehicle ramps at the Ocean Drive "dog-leg" near mile marker 15 on NC 58, at Black
42 Skimmer Drive, at Doe Drive, and at The Point. The Doe Drive beach vehicle ramp was initially established for use by
43 emergency vehicles only, but was opened to the general beach driving public during times when the vehicle ramp at
44 The Point could not be opened due to erosion. The Point is currently very stable, and we expect to open the ramp at
45 The Point on September 15. Unless the Board feels differently, we are planning to again limit the use of the Doe Drive
46 ramp to emergency vehicles only.

47
48 Please let me know your thoughts on this issue.

49
50 **Additional NC 58 Bike Path Funds?**

51 Alesia Sanderson, Parks and Recreation Director, has been working with Federal Highway Administration (FHWA) and
52 NCDOT personnel to close out the recently completed 2-mile bicycle path project between Hurst Drive and Black
53 Skimmer Drive. FHWA and NCDOT personnel have indicated that there may be some remaining funds from other
54

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1
2 projects available in the near future, and that the Town may be able to secure these funds to extend the NC 58 bike
3 path further to the east. We will continue to explore this possibility, and hope to report some good news in the future.
4

5 **Beach House Raffle Results; Coast Guard Road Bicycle Path**

6 Thanks to the hard work of many, the recent Beach House Raffle generated approximately \$18,000 of revenue for the
7 next segment of the Coast Guard Road bicycle path. An additional \$4,000 - \$7,000 is expected from upcoming
8 fundraising efforts, which could result in as much as \$25,000 available.
9

10 The next bicycle path segment for construction is between Deer Horn Drive and Sea Dunes Drive, and perhaps further
11 west to the entrance to Emerald Isle Woods Park. We recently received quotes for the Deer Horn – Sea Dunes
12 segment that are in the \$45,000 range, with the EI Woods segment approximately \$15,000 more.
13

14 I would like to see the Town extend the Coast Guard Road bicycle path at least to Sea Dunes Drive prior to the 2011
15 tourism season if possible. All site preparation work has been done in this area in anticipation of this future path
16 extension. Unfortunately, I was somewhat surprised by the cost estimates for this work, which were much higher than I
17 anticipated. It may be possible to utilize our Public Works staff to complete the rock base for the new path segment
18 this winter to reduce costs somewhat, and it may also be possible to break out the asphalt cost (approximately \$15,000
19 - \$20,000) separately and include that work in the 2011 street resurfacing contract.
20

21 Please let me know your thoughts on this issue.
22

23 **Banking Services Proposals**

24 This project has been sidetracked by several other issues this summer, and I hope to devote some time to select a
25 banking institution in the coming weeks. The Town received a total of 6 proposals in June in response to our RFP.
26 Proposals were received from First Citizens Bank, Bank of America, BB&T, Wachovia, East Carolina Bank, and RBC
27 Bank.
28

29 **Archers Creek Storm Water Study**

30 The NC Clean Water Management Trust Fund recently granted the Town approval to proceed with this study, which is
31 funded primarily with grant funds. I plan to seek a proposal from Moffatt & Nichol for this study in the coming weeks,
32 and plan to present a contract to the Board at an upcoming meeting.
33

34 **Update - NCDOT Dynamic Messaging Sign**

35 Work has not yet begun on this project, and we are uncertain as to whether or not work will begin anytime soon. There
36 is some speculation that NCDOT may re-bid the project at a later date. Power poles were recently installed on NC 58
37 right of way near the bridge to serve the new sign.
38

39 **Update – NC 58 Resurfacing**

40 NC 58 continues to plan for a fall / winter timeframe for the complete resurfacing of NC 58, including the construction of
41 the new turn lane for the new public boat launching facility.
42

43 We learned recently that NCDOT will only resurface the travel lanes and shoulders, and does not plan to resurface the
44 small areas between the sidewalk and the travel lanes in the “downtown” area. As you know, there are several
45 commercial driveways on the north side of the NC 58 right of way between the Colors store and the Rusty Pelican
46 where there is approximately 20 – 30 feet of width between the traffic islands, and these areas will not be paved by
47 NCDOT. I am planning to ask NCDOT and/or their contractor to pave these small areas and bill the Town. I don't
48 believe the cost will be significant, and will make the entire area look much nicer.
49

50 Please let me know if you have any concerns with this approach.
51

52 **Status of Oceanview Drive Area Beach Accesses**

53 We are still awaiting an opinion from the NC Attorney General's Office on this issue, and continue to maintain these
54 beach accesses as public accesses.

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1
2 As discussed previously, if the AG's opinion is that the Town owns these beach access locations, we will continue to
3 maintain them in accordance with Town standards in perpetuity. If the AG's opinion is that the Town does not own
4 them, my intention is to abandon our maintenance of these beach access locations, and allow whomever the AG
5 believes owns them to maintain them.
6

7 **Privilege License Fee Schedule**

8 The Town utilizes the State's privilege license fee schedule, which has not been updated in several years. Most
9 privilege licenses are in the \$25 range, and many other communities charge higher fees. I have asked Mitsy Overman,
10 Finance Director, and Gayle Parker, Tax Collector, to research this issue and make a recommendation to modernize
11 the privilege license fee schedule by early 2011. I am then planning to discuss the potential increase of these fees with
12 the Board prior to the FY 11-12 budget process.
13

14 **Deer Management Efforts**

15 I expect to work on this issue in the coming weeks, and present a recommendation to the Board of Commissioners at
16 the December 14 Board meeting.
17

18 **Solid Waste Container Roll-Out Times**

19 Because the main summer tourism season is over, I plan to consult with the vacation rental companies and container
20 roll-out services in the off-season to explore possible improvements.
21

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

23
24 There were no further comments from the Board of Commissioners or Mayor.
25

26 **19. Adjourn**

27
28 ***Motion was made by Commissioner Messer to adjourn the meeting. The***
29 ***Board voted unanimously 5-0 in favor. Motion carried.***
30

31 ***The meeting was adjourned at 8:45 pm.***
32

33 Respectfully submitted:
34
35
36

37 Rhonda C. Ferebee, CMC
38 Town Clerk