

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, AUGUST 10, 2010 – 6:00 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 6:00 PM in the Emerald Isle Town Board
11 Meeting Room.
12

13 **2. Roll Call**
14

15 Present for the meeting: Mayor Art Schools, Commissioners Nita Hedreen, Tom
16 Hoover, John Wootten, and Maripat Wright.
17

18 Absent for the meeting: Commissioner Floyd Messer.
19

20 ***Motion was made by Commissioner Hoover to excuse the absence of***
21 ***Commissioner Messer. The Board voted unanimously 4-0 in favor. Motion***
22 ***carried.***
23

24 Mayor Schools noted that Commissioner Messer was being sworn in tonight as a
25 member of the Carteret Community College Board of Trustees.
26

27 Others present during the regular meeting: Town Attorney Richard Stanley,
28 Town Manager Frank Rush, Town Clerk Rhonda Ferebee, and Planning Director
29 Kevin Reed.
30

31 **3. Opening Prayer**
32

33 Morgan Flythe, youth member from Emerald Isle Chapel by the Sea offered the
34 Opening Prayer.
35

36 **4. Pledge of Allegiance**
37

38 After opening prayer all who were present recited the Pledge of Allegiance.
39

40 **5. Adoption of Agenda**
41

42 ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***
43 ***Board voted unanimously 4-0 in favor. Motion carried.***
44
45
46

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

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

- 6 • **Bicycle & Pedestrian Committee Raffle – Win A 1-Week Stay in**
7 **Emerald Isle – Proceeds for New Bike Paths**
- 8 • **Friday Free Flick – Friday, August 13 – 7 pm – Community Center**
- 9 • **Beach Jive After Five – “Lockdown Blues” – Thurs, August 19 – 5:30**
10 **pm – Western Ocean Regional Access**
- 11 • **CPR Certification – Saturday, August 21 – 10 am – EMS Station (must**
12 **pre-register 354-6350)**
- 13 • **Planning Board Regular Meeting – Monday, August 23 – 6 pm – Town**
14 **Board Meeting Room**
- 15 • **Walking Club – Tuesday, August 31 – 6 pm – Community Center (2-3**
16 **mile walk each Tuesday evening)**
- 17 • **Public Meeting – Cat Island (Wood Island) Bomb Target Range –**
18 **Wed, September 1- 4 pm – 7 pm – Community Center**
- 19 • **Labor Day Holiday – town Offices Closed, Community Center Closed**
20 **– Monday, September 6**
- 21 • **Friday Free Flick – Friday, September 10 – 7 pm – Community Center**
- 22 • **2 v 2 Volleyball Tournament – Saturday, September 11 – 9 am until –**
23 **Western Ocean Regional Access**
- 24 • **Board of Commissioners Regular Meeting – Tues, September 14 –**
25 **7 pm – Town Board Meeting Room**
- 26 • **5th Annual Day 4 Kids – Saturday, September 18 – Community Center**
27 **– 10 am – 2 pm**
- 28 • **8th Annual Emerald Isle Triathlon – Saturday, October 16 – 8 am –**
29 **Eastern Ocean Regional Access**
30

31 **7. Consent Agenda**
32

- 33 a. **Minutes – May 11, 2010 Regular Meeting**
- 34 b. **Minutes – May 18, 2010 Special Meeting**
- 35 c. **Minutes – June 1, 2010 Special Meeting**
- 36 d. **Minutes – June 8, 2010 Regular Meeting**
- 37 e. **Minutes – June 15, 2010 Special Meeting**
- 38 f. **Minutes – July 13, 2010 Regular Meeting**
- 39 g. **Capital Project Ordinance – Coast Guard Road Storm Water Project,**
40 **Phase IV**
- 41 h. **Employee Computer, Email, Internet, and Social Media Usage Policy**
42

43 Town Manager Rush pointed out replacement page #5 for Item 7h that included
44 one slight wording change in the 6th line of the 2nd paragraph.

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

5
6 **Clerks Note: A copy of all Consent Agenda items as noted above are all incorporated herein by**
7 **reference and hereby made a part of these minutes.**
8

9 **8. Public Comment**

10
11 Jerry Stockdale, 8521 Oceanview, spoke about the Town's taking of six beach
12 access walkways in the Oceanview Drive neighborhood earlier this year. Mr.
13 Stockdale said for at least 25 years property owners in that neighborhood had
14 put forth their own money to build and maintain wooden walkways at those
15 accesses, and said that until now they had never been considered by the Town
16 or anyone else as anything but for use of residents in the neighborhood. Mr.
17 Stockdale mentioned comments made some time ago by Pete Allen that
18 corroborated this. Mr. Stockdale said he had a copy of a letter Mr. Allen wrote in
19 1996 and Mr. Stockdale read from that letter quoting from Mr. Allen's letter "all
20 access points to the beach in this 10 block area are private and dedicated to the
21 property owners and their invited guests in these old subdivisions which were
22 platted before 1977 when the Town began requiring dedicated public access
23 points in any recorded subdivision". Mr. Stockdale said the Administration
24 erected public beach access signs and publicized in the Emerald Tidings that
25 they were now available for public use. Mr. Stockdale spoke about incidents that
26 had occurred in their neighborhood by the public since that time that was not
27 acceptable. Mr. Stockdale said at a recent meeting the Town's attorney had
28 offered his opinion that the walkways were public. Mr. Stockdale noted that
29 attorney's retained by neighbors didn't agree with the opinion of the Town
30 Attorney. Mr. Stockdale said they were paying a lot for past beach nourishment
31 and would be satisfied to continue that in the future and not sacrifice their
32 liberties and freedoms that would be diminished by accepting federal money. Mr.
33 Stockdale said the Town said they wouldn't take the signs down. Mr. Stockdale
34 said that the Town Attorney has asked the State Attorney General for his opinion
35 and he would be surprised if he would provide an opinion in favor of any of them.
36 Mr. Stockdale appealed to the Town to let go claim of the walkways and return to
37 status quo. Mr. Stockdale felt the Town's first duty was to the citizens and
38 property owners of Emerald Isle and not to the general public across the bridge.

39
40 Doje Marks, 134 Sandcastle Drive, spoke about comments made at the Town's
41 July meeting about the use of golf carts. Ms. Marks spoke about safety issues
42 with golf carts that don't have seatbelts and whether children would be required
43 to wear safety helmets. Ms. Marks said that golf carts had far less protection
44 than a car with seatbelts or bicycles with a bike helmet. Ms. Marks said she had
45 seen children in her neighborhood driving golf carts with no protection so she
46 urged the Board if they explored this issue that they also include these things.

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1
2 Ms. Marks said during the busy tourist season they had real problems on roads
3 like Coast Guard Road, Reed Drive, and the 35 mph section of Emerald. Ms.
4 Marks said subdivisions on the west end of Town on the ocean side of Coast
5 Guard Road were required to provide a 5 foot right-of-way on the east and the
6 west side of the subdivisions and either a 10 or 15 foot right-of-way in the center
7 of the subdivision to provide pedestrian access to the beach. She said there was
8 no provision for parking at the accesses. She noted in the last several years the
9 Parks and Recreation Department had provided bike stands at those locations
10 and to her knowledge there was no additional Town property at those sites to
11 allow for parking of cars or golf carts. She said when they purchased their
12 property here in Emerald Isle most of them knew how far they lived from the
13 ocean and had dealt with that over the years. Ms. Marks offered other options
14 for people who can or don't want to walk the distance to the beach such as the
15 western or eastern public beach accesses. She urged the Board to take a
16 careful look at allowing golf carts on Town streets in light of the safety issues.
17

18 Mayor Schools stated that all of those issues would be looked at as they were
19 talking with other towns now to see what they were doing. Mayor Schools said it
20 would be at least a couple of months before any kind of policy was ready.
21

22 **9. Ordinance Amending Chapter 3 – Zoning Districts – and Chapter 5 –**
23 **Density, Intensity, and Dimensional Standards – of the Unified**
24 **Development Ordinance to Create the Eastern End Oceanfront Overlay**
25 **District and Establish a 20 ft. Front Setback – (10-08-10/01)**
26

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

31 The Board is scheduled to conduct the second reading of the attached ordinance amendment at the August 10 regular
32 meeting.
33

34 The attached ordinance amendment creates a new zoning overlay district for oceanfront properties in eastern Emerald
35 Isle and would reduce the front yard setback from 30 feet to 20 feet. The new zoning overlay district, if created, would
36 help more oceanfront property owners in eastern Emerald Isle to regain conforming status and potentially enable the
37 reconstruction of damaged / destroyed homes and new construction on existing vacant lots.
38

39 As you know, the Board discussed this issue at the July 13 regular meeting, conducted a public hearing, and then
40 voted 3-0 to adopt the attached ordinance amendment. Because the attached ordinance amendment did not receive
41 the required 2/3 majority for adoption on first reading (due to the absence of two Board members), the ordinance
42 amendment is scheduled for second reading at the August 10 regular meeting. Only a simple majority is required for
43 passage on second reading. If the attached ordinance amendment is approved at the August 10 meeting, it will be
44 effective immediately.
45

46 I have attached copies of two memos dated July 13 (from me to the Board, and from Kevin Reed, Planning and
47 Inspections Director, to me) that provide a detailed explanation of the attached ordinance amendment. I have also
48 attached a complete listing of the estimated setbacks for existing structures in the area between 1st Street and 25th

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1
2 Street, the area targeted for the new overlay district. Additionally, I have attached hard copies of the example
3 diagrams presented by Kevin Reed at the July 13 meeting that graphically illustrate the issues addressed by the
4 attached ordinance amendment.

5
6 Mayor Schools noted that while there was no public hearing tonight, anyone
7 wishing to make additional comments could do so now.

8
9 There were no comments made by the public.

10
11 Commissioner Wootten said he understood how homes could be nonconforming
12 on the street side with the front setback but asked Mr. Reed about his comment
13 that as a result of the static line moving that there were other lots that were
14 nonconforming on the oceanside. Mr. Reed stated that while he had not done an
15 analysis on the oceanside, there were some property owners who had not seen
16 the vegetation accrete on the oceanside of their property, and had not seen the
17 benefit of additional vegetation growth on the oceanside of their property. Mr.
18 Reed said using the actual vegetation line today at that point in some cases it
19 would not allow those properties to be conforming from a CAMA perspective
20 because they wouldn't meet the 60 foot setback requirement.

21
22 Mr. Reed added that some property owners were very diligent in planting
23 vegetation and they had afforded themselves greater protection by doing that,
24 but in some cases there had been little or no attention paid by property owners
25 on the oceanside of their property and hence even the static line exception from
26 a CAMA perspective just wouldn't help those folks.

27
28 Commissioner Hedreen asked Mr. Reed about properties with a 35 or 40 foot
29 setback right now, while the property right beside it might have a 22 or 23 foot
30 setback. Mr. Reed said they honestly didn't know whether the Town at some
31 point did a poor job of enforcing development regulations or whether the age of
32 the development predated our specific develop regulations and would not have
33 had to meet a 30 foot setback.

34
35 Commissioner Wootten felt they were going too far on this ordinance. He said he
36 had read the minutes of all the comments made at the previous meeting and he
37 was sensitive of the need to protect nonconforming property owners but he felt
38 they should adjust this ordinance to allow those property owners to automatically
39 be able to rebuild using the 20 foot setback if the house were damaged in a
40 storm so that they could in fact use the 20 foot setback, but use the 20 foot
41 setback on a case by case basis as dictated by damage to property.

42 Commissioner Wootten felt they could do this by establishing these rules in the
43 overlay district ahead of time. He felt this reduced the risk to those property
44 owners, they had an out, they could sell their properties and their values would
45 even be sustained because in the rules of the Town they had the ability of using
46 the 20 foot setbacks if needed. He wasn't favor in an automatic 20 foot setback,

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1
2 remembering back to the days of beach nourishment when the opposition to
3 beach nourishment felt that all they were going to do was get the sand out in
4 front of the homes and then turn around and build big houses on top of the sand
5 put on the beach. Commissioner Wootten noted that they put the sand out there,
6 CAMA came out with the new rules that weren't as good as they would like them
7 to be and so now the Town kicks in another 10 feet into the equation.
8 Commissioner Wootten didn't feel it was the role of the Town to dictate
9 redevelopment of an area in the Town.

10
11 Commission Hedreen said she had gone back and forth on this but that they had
12 fought and said as a Board that they wanted to do what they could to help the
13 people with nonconforming lots. Commissioner Hedreen said at the end of the
14 day that was what had persuaded her.

15
16 ***Motion was made by Commissioner Hoover to adopt the Ordinance***
17 ***Amending Chapter 3 – Zoning Districts – and Chapter 5 – Density, Intensity,***
18 ***and Dimensional Standards – of the UDO to Create the Eastern End***
19 ***Oceanfront Overlay District and Establish a 20 ft. Front Setback. The Board***
20 ***voted 3-1 in favor – Wootten opposed. Motion carried.***

21
22 **Clerks Note: A copy of Ordinance Amendment 10-08-10/O1 as noted above is incorporated herein by**
23 **reference and hereby made a part of these minutes.**

24
25 **10. Proposed Rezoning – Eastern End Oceanfront Overlay District**

26
27 Planning Director Kevin Reed addressed the Board regarding this agenda item.
28 The following excerpt from his memo to Town Manager Frank Rush is provided
29 for additional background:

30
31 The Board of Commissioners is scheduled to consider the rezoning of all oceanfront properties in the eastern end of
32 Emerald Isle to the new Eastern End Oceanfront Overlay District, if the accompanying ordinance amendment (agenda
33 item #9) creating the new overlay district is approved by the Board. The proposed rezoning includes a total of 172
34 properties located on the oceanfront between the Indian Beach town line and Ocean Reef condominiums (roughly
35 between 1st St. and 25th St.). A map of the properties to be rezoned is attached.

36
37 The rationale for the proposed rezoning is included in the memoranda associated with the ordinance amendment that
38 would create the new overlay district. The specific area proposed for rezoning is recommended because it is the area
39 of Emerald Isle affected by the static line exception that can benefit most from the proposed rezoning, which would
40 reduce the required front yard setback for these properties from 30 ft. to 20 ft. and enhance their ability to regain
41 conforming status. The area includes 161 properties developed with single family homes or duplexes and 11 vacant
42 parcels.

43
44 A public hearing on the proposed rezoning was held at the July 13 meeting but the Board did not vote on the proposed
45 rezoning because the ordinance amendment to actually create the new overlay district did not receive the required 2/3
46 majority vote to become effective. If the Board approves the ordinance amendment at the August 10 meeting, the
47 Board may formally consider the proposed rezoning. A 2/3 majority vote will be required to approve the rezoning on
48 first reading.

49

1
2 Mayor Schools noted again that while a public hearing had been held during the
3 July meeting anyone wishing to speak could do so at this time.

4
5 There were no comments from the public.

6
7 ***Motion was made by Commissioner Wright to approve the rezoning of all***
8 ***oceanfront properties between the Indian Beach town line and Ocean Reef***
9 ***condominiums to the Eastern End Oceanfront Overlay District.***

10
11 ***This rezoning is both reasonable and in the public interest because:***

- 12
- 13 • ***The properties to be rezoned are consistent with the Town's Land***
 - 14 ***Use Plan, specifically the Future Land Use Map,***
 - 15 • ***The rezoning will allow for a reduced front yard setback that is***
 - 16 ***consistent with many of the existing structures,***
 - 17 • ***The rezoning will promote a location of new homes further away***
 - 18 ***from the ocean,***
 - 19 • ***The rezoning will make it easier for voluntary and involuntary***
 - 20 ***reconstruction of homes in the area, thus improving aesthetics,***
 - 21 ***structural integrity, and property values in the area, and***
 - 22 • ***The community's overall interest in maintaining a small-town***
 - 23 ***atmosphere is served.***
- 24

25 ***The Board voted unanimously 4-0 in favor. Motion carried.***

26
27 **10. 2010 Hazard Mitigation Plan Update**

28
29 **a. Public Hearing**

30 **b. Resolution Adopting 2010 Hazard Mitigation Plan Update – (10-08-10/R1)**

31
32 Planning Director Kevin Reed addressed the Board regarding this agenda item.
33 The following excerpt from his memo to Town Manager Frank Rush is provided
34 for additional background:

35
36 The Town's current Hazard Mitigation Plan was approved by the Board of Commissioners in January of 2004. The
37 Plan was subsequently approved by the NC Division of Emergency Management (NCDEM) and the Federal
38 Emergency Management Agency (FEMA) in the summer of 2005. Federal law requires that the Town, at a minimum,
39 update its plan every five years.

40
41 For comparison purposes, the following information highlights some of the changes from the current Plan to the 2010
42 update. These changes are listed by the major components found in the Plan.

43
44 *Introduction*

- 45 • Revisions to this component of the Plan include additional language to indicate that the process to update the
46 current Plan was similar to process used to develop the original Plan.
- 47

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1
2 *Community Profile*

- 3 • Revisions made to this component to reflect current population estimates and update building permit data.
4 • Revisions to the Critical Facilities section were made to reflect changes in Town staff, the construction of the
5 Town Administrative Services Building, the construction of the new EMS Building and associated movement of
6 staff based on these improvements.
7

8 *Hazard Vulnerability Analysis*

- 9 • Revisions to this component of the Plan were made in order to update hazards that have impacted the Town since
10 the adoption of the current Plan.
11

12 *Community Capability Assessment*

- 13 • Revisions to the Legal Capability section were made to reflect updates to the 2004 CAMA Land Use Plan, the
14 adoption of the Unified Development Ordinance and the Town's participation in the Universal Stormwater
15 Management Program.
16 • Revisions to the Institutional Capability section were made to reflect changes in Town staff.
17

18 *Mitigation Strategies*

- 19 • Revisions to this component of the Plan were made to reflect the completion of the Bogue Inlet Channel
20 Relocation project, commitment of the Town for a long term Beach Nourishment Strategy and in order to update
21 the partial completion and current status of the Coast Guard Road Stormwater Project.
22

23 *Prioritization of Strategies*

- 24 • Revisions to this component of the Plan were made to reflect the status of completed strategies and in order to re-
25 prioritize remaining strategies.
26

27 *Plan Maintenance Process*

- 28 • Revisions were made to this component of the Plan in order to more accurately reflect the process used to update
29 the current Plan and to clarify the update process that will be used for future updates.
30

31 *Appendix A*

- 32 • No revisions
33

34 *Appendix B*

- 35 • Revisions to this component were made to reflect the completion of the Bogue Inlet Channel Relocation Project,
36 commitment by the Town for a long term Beach Nourishment Strategy and to update the information on the Coast
37 Guard Road Stormwater Project.
38

39 Town presented a draft update of the current Plan to the Planning Board at its meeting held on May 24, 2010. During
40 the presentation staff discussed the requirements for a hazard mitigation plan and the process employed to update the
41 current document. Following the initial May presentation to the Planning Board, staff presented a revised draft to the
42 Board at its July 19, 2010 meeting. Following its discussion of the matter, the Planning Board voted unanimously (6 to
43 0) to recommend to the Board of Commissioners that the 2010 Hazard Mitigation Plan be approved. Copies of the
44 revised draft Plan are attached to this memorandum. In order to compare the 2010 update to the original plan, the
45 attached draft shows text being added in an underlined format and text being deleted in a strikethrough format.
46

47 Staff looks forward to discussing this issue with the Board of Commissioners at its August 10 meeting. Please let me
48 know if you have any questions regarding the foregoing information.
49

50 ***Motion was made by Commissioner Wright to open the Public Hearing.***
51 ***The Board voted unanimously 4-0 in favor. Motion carried.***
52

53 There were no comments from the public.

1
2 ***Motion was made by Commissioner Hedreen to close the Public Hearing.***
3 ***The Board voted unanimously 4-0 in favor. Motion carried.***
4

5 ***Motion was made by Commissioner Wootten to approve the Resolution***
6 ***Adopting the 2010 Hazard Mitigation Plan Update. The Board voted***
7 ***unanimously 4-0 in favor. Motion carried.***
8

9 **Clerks Note: A copy of Resolution 10-08-10/R1 is incorporated herein by reference and hereby made**
10 **a part of these minutes.**
11

12 **12. Potential East End Beach Nourishment Project**
13

- 14 **a. Resolution Authorizing Contract with Moffatt & Nichol for Permitting**
15 **Services – (10-08-10/R2)**
16 **b. Budget Amendment – Beach Nourishment Debt Service / Reserve**
17 **Fund**
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 scheduled to consider the approval of permitting work for a potential future beach
24 nourishment project in eastern Emerald Isle at the August 10 meeting.
25

26 The attached resolution would authorize \$12,450 for a \$24,500 contract with Moffatt & Nichol Engineers, Raleigh, NC,
27 for permitting work associated with a potential 300,000 cy +/- beach nourishment project in the general area of 10th –
28 20th Streets. The balance of the permitting contract would be funded by the Carteret County Beach Commission.
29 Funding for the Town's share would be provided by the Beach Nourishment Debt Service / Reserve Fund, and a
30 budget amendment is also presented for the Board's consideration.
31

32 As you know, the Town now has significant experience with beach nourishment, and is committed to beach
33 nourishment as the preferred strategy to address coastal erosion and provide storm protection for oceanfront property
34 and infrastructure in the future. The Town has completed 2 large scale beach nourishment projects, 2 FEMA touch-up
35 nourishment projects, and received 3 separate dredge spoil placements near The Point since 2003. As you know, the
36 Town's beaches are surveyed annually by a contractor to the Carteret County Beach Commission, and overall Emerald
37 Isle's entire beach strand is in generally good condition, with the vast majority of nourishment material still in place at
38 this time.
39

40 Recognizing that our beaches will need to be nourished periodically in the future, the Carteret County Beach
41 Commission, on behalf of the Town (and other towns on Bogue Banks), has initiated the process for a long-term beach
42 nourishment program to be funded by the State, County, and the towns. The Board has granted preliminary approval
43 to a new financing strategy to take effect in FY 11-12 to provide the Town's share of future nourishment costs. As
44 such, planning efforts are well underway for the timing, scope, and financing of future beach nourishment activities in
45 Emerald Isle.
46

47 Based on historical beach profile survey data and visual observations, eastern Emerald Isle is most in need of future
48 beach nourishment at this time. Specifically, the area generally between 10th - 20th Streets is the narrowest section of
49 beach in Emerald Isle, and has the least volume of sand in the beach profile. Fortunately, the situation is not critical at
50 this time, as a thin flat beach strand remains in place in front of a very large dune structure constructed in 2003,
51 however we would like to address this area sooner rather than later in order to avoid a more serious problem in the

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1
2 future. (Please see the attached memo from Greg Rudolph, Carteret County Shore Protection Officer, to the Carteret
3 County Beach Commission for a thorough discussion of the beach profile data for this area relative to the rest of Bogue
4 Banks.) To this end, Greg Rudolph and I have been investigating the idea of utilizing dredge spoils from planned
5 dredging of the Morehead City harbor ship channel in early 2012 to nourish the beach in this area. The US Army
6 Corps of Engineers is tentatively scheduled to dredge up to 300,000 cy of sand from the Morehead City harbor ship
7 channel in early 2012 and deposit this material in a designated offshore area. If the Board concurs, we would pursue a
8 permit to instead have this material placed on the beach in eastern Emerald Isle in early 2012. Moffatt & Nichol has
9 submitted a proposal for \$24,500 to modify permit issued for the Hurricane Ophelia touch-up nourishment project (still
10 an active permit) to allow the 2012 placement of sand in eastern Emerald Isle. The Carteret County Beach
11 Commission has already authorized \$12,450 for 50% of this cost, and if the Board concurs, the Town would provide
12 \$12,450. Permitting work would begin later in August, and is expected to take approximately 4 months.
13

14 We are very optimistic that a permit can be secured for this project relatively easily, and preliminary discussions with
15 the US Army Corps of Engineers (the Corps) suggest that they will be cooperative with the County and Town to allow
16 the placement of this material on the beach in eastern Emerald Isle rather than offshore, provided that the Corps does
17 not incur additional cost. We anticipate that the maximum additional cost to place approximately 300,000 cy of sand
18 on the beach in eastern Emerald Isle will be approximately \$4.5 million. We expect to request 50% of this amount, or
19 \$2.25 million, from the State of North Carolina's Water Resources Development Program in FY 11-12, and the
20 remaining 50% would be funded equally by the Carteret County Beach Commission and the Town at a cost of \$1.125
21 million each. (Please note that we believe this cost estimate is on the high side, and the cost could potentially be as
22 low as \$750,000 each for the County and Town.)
23

24 As you know, the State will be facing significant budget challenges in FY 11-12, and the appropriation of \$2.25 million
25 by the State for this project will require diligence on the part of the County, Town, and our legislative delegation.
26 Because of the Federal component to this project (using dredge spoils from the Morehead City harbor ship channel)
27 and the State's consistent track record of providing matching State funds for Federal – State – Local projects, we
28 believe that we have a reasonable chance of securing the necessary State funding in FY 11-12. The Carteret County
29 Beach Commission has the necessary County match (\$1.125 million) on hand in its fund balance, which has been
30 specifically accumulated over the years for exactly this kind of project. As you know, the Town intends to levy new
31 special district taxes for beach nourishment beginning in FY 11-12, and the previously discussed 3-cent oceanfront
32 rate and 1-cent non-oceanfront rate are expected to generate approximately \$655,000 per year. Due to the timing of
33 remaining bond payments for 2004 General Obligation bonds used to finance the Bogue Inlet channel / western EI
34 nourishment project in 2005, the Town will have adequate cash on hand in early 2012 to cover the estimated cost of
35 the proposed eastern Emerald Isle project described herein. From a cash-flow perspective, the collection of the new
36 special district taxes in FY 11-12 and FY 12-13 should enable the Town to fund the eastern Emerald Isle project and
37 fully retire the 2004 bonds on schedule without the need to enter into a temporary financing agreement.
38

39 The completion of this project will result in additional beach width in eastern Emerald Isle, and will maintain the storm
40 protection value of the beach in this area. As discussed in the attached memo from Greg Rudolph, the completion of
41 this project will restore the beach profile volume in eastern Emerald Isle to a level nearly consistent with other areas of
42 the beach in Emerald Isle and other areas of Bogue Banks. The completion of this project will insure that Emerald Isle
43 adheres to its Beach Monitoring and Maintenance Plan and retains eligibility for FEMA assistance to replace sand lost
44 during declared disaster events in the future. Additionally, and equally important, we believe that the completion of this
45 project will delay the need for a more comprehensive (and costly) beach nourishment project in this area in the future,
46 and will provide more time for the County and the Town to accumulate necessary funds for future beach nourishment
47 activities and enable the Town to maintain lower special district tax rates over time.
48

49 As noted earlier, the general area targeted for this project is between 10th - 20th Streets, however the Board and the
50 public should note that the exact boundaries of the project have not yet been determined, and that determination is
51 included in the scope of work to be completed by Moffatt & Nichol. In the end, the exact project boundaries may be
52 further east or west of this area, however, for general discussion purposes, we have characterized the targeted area as
53 the "general area between 10th - 20th Streets". Regardless of the exact project boundaries, it is important to note that
54

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1
2 areas directly adjacent to the ultimately selected project boundaries will also benefit greatly from this project as the
3 sand spreads to the immediate east and west.

4
5 Mayor Schools asked for any comments from the public.

6
7 There were no comments from the public.

8
9 Greg "Rudi" Rudolph, Carteret County Shore Protection Manager, and Emerald
10 Isle resident, commented following the details provided by Town Manager Rush.
11 Mr. Rudolph stated that the Moffatt & Nichol contract would be seeking a permit
12 modification to the Ophelia permit that was still active and existing on the books.
13 Mr. Rudolph also added that the long range plan was for a whole new permit for
14 the entire island, but as Mr. Rush alluded to this was a stop-gap type of project
15 which was the reason for a permit modification approach.

16
17 ***Motion was made by Commissioner Wootten to adopt the Resolution***
18 ***Authorizing Contract with Moffatt & Nichol for Permitting Services. The***
19 ***Board voted unanimously 4-0 in favor. Motion carried.***

20
21 ***Motion was made by Commissioner Hoover to adopt the Beach***
22 ***Nourishment Debt Service / Reserve Fund Budget Amendment. The Board***
23 ***voted unanimously 4-0 in favor. Motion carried.***

24
25 **Clerks Note: A copy of Resolution 10-08-10/R2 and all items as noted above are incorporated herein**
26 **by reference and hereby made a part of these minutes.**

27
28 **13. Ordinance Amending Chapter 5 – Beach and Shore Regulations – of**
29 **the Code of Ordinances to Amend the Daily Times that Beach Driving and**
30 **Horseback Riding are Permitted on the Beach Strand to be Consistent with**
31 **Daylight Savings Time –(10-08-10/O2)**

32
33 Town Manager Frank Rush addressed the Board regarding this agenda item.
34 The following excerpt from his memo to the Board is provided for additional
35 background:

36
37 The Board of Commissioners is scheduled to consider the attached ordinance amending the daily times that beach
38 driving and horseback riding are permitted on the beach strand in Emerald Isle.

39
40 The Town's current ordinance allows beach driving and horseback riding between 5 am and 9 pm daily between
41 September 15 and October 31, and also from April 1 to April 30. The current ordinance limits the daily hours from 5
42 am to 7 pm between November 1 and March 31. These daily hours were established in 2004 in order to be generally
43 consistent with daylight savings time, which at that time was in effect from the last Sunday in October until the first
44 Sunday in April. At that time, the Board determined that there was no need for beach driving to occur for very long
45 after dark. (The previous ordinance also allowed beach driving and horseback riding from 5 am to 9 pm daily between
46 November 1 and March 31.)

47
48 In 2007, daylight savings time was expanded to include additional weeks in March and November. Daylight savings
49 time is now in effect from the second Sunday in March until the first Sunday in November. In keeping with the Board's

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1
2 intent in 2004 when the daily beach driving and horseback riding times were established, the attached ordinance
3 amendment simply amends the daily beach driving times to reference daylight savings time and Eastern standard time
4 rather than specific dates. This change will enable beach drivers and horseback riders to enjoy the additional time on
5 the beach during daylight hours that would otherwise not be possible under the current ordinance.
6

7 Mayor Schools asked for any comments from the public.

8
9 There were no comments from the public.

10
11 Commissioner Wootten noted that he had asked Mr. Rush to look into this as
12 there had been instances in the fall and spring when people had been trapped
13 because they had gone onto the beach to see the sunset because of daylight
14 savings time but the ordinance said the beach closed at 7 pm and so was closed
15 at that time by the police.
16

17 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
18 ***Amending Chapter 5 – Beach and Shore Regulations – of the Code of***
19 ***Ordinances to Amend the Daily Times that Beach Driving and Horseback***
20 ***Riding are Allowed on the Beach Strand to be Consistent with Daylight***
21 ***Savings Time. The Board voted unanimously 4-0 in favor. Motion carried.***
22

23 **Clerks Note:** A copy of Ordinance 10-08-10/O2 is incorporated herein by reference and hereby made
24 a part of these minutes.
25

26 **14. Comments from Town Clerk, Town Attorney, and Town Manager**
27

28 There were no comments from the Town Clerk or the Town Attorney.
29

30 Town Manager Rush updated the Board on several issues of importance. Mr.
31 Rush also brought up the issue of a site for a dog park due to several inquiries
32 over the years with a possible location being the wooded area directly between
33 the Police Station and the tennis courts. Mr. Rush said the intention would be for
34 the Town to provide the land and those in the community interested in a dog park
35 perhaps engaging in a fund raising campaign with the Town matching dollar for
36 dollar similar to what had been done with the bike paths. The Board agreed that
37 Mr. Rush should continue to pursue other possible locations such as Emerald
38 Isle Woods Park and McLean Park.
39

40 The following is an excerpt from the Town Manager Comments memo to the
41 Board for additional background information provided for items of importance:
42

43 **Update – Aquarium Pier**

44 The design team (Moffatt & Nichol Engineers, BJAC Architects) continues its work on design of the new facility. A pre-
45 application meeting for the required permits was held on August 5, and generally went well.
46
47

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1
2 The State Property Office is in negotiations to purchase the two vacant tracts of land adjacent to Flip-Flops Mini-Mart
3 for wastewater treatment and overflow parking for the new facility. I expect to learn of the resolution to this issue in the
4 next few weeks.

5
6 The Aquarium Pier Advisory Committee will likely meet again in the next few months to review the design progress,
7 and it is likely that a public informational meeting will be scheduled for sometime later this fall.

8
9 **Update – New Public Boat Launching Facility**

10 The boat route from the site to the AIWW has been finalized, and NC Wildlife Resources Commission will mark a route
11 around Archers Point, as far away from the Emerald Isle shoreline as possible, through the cut adjacent to “Hermit’s
12 Island”. In the future, the Town agreed to explore the dredging of an alternate cut located further east. An initial
13 meeting with the appropriate regulatory agencies will likely be held in late August.

14
15 WRC staff are expected to begin construction of the water-based facilities within the next month. All permit approvals
16 have been granted, and the State Construction Office has granted authority to proceed with construction. Bids will
17 soon be solicited for the construction of the parking area and storm water features, and this work should occur later this
18 fall. I remain optimistic that the new facility will be open to the public by the end of the year.

19
20 I will be pursuing the establishment of a No Wake Zone directly adjacent to Archers Point in the next week or so. That
21 process is likely to take longer than we would like, however, I will do my best to expedite the process.

22
23 **Update – Easement Acquisition at The Point for Storm Water**

24 I continue to work on the acquisition of easements at The Point to discharge storm water / ground water from the Island
25 Circle area in the dune field. I met earlier this week on site with Moffatt & Nichol to discuss the information needed to
26 confirm the exact land area necessary, and will be retaining a local surveying firm to complete a topographic survey of
27 the area soon. Once the topographic survey is complete, Moffatt & Nichol can advise on the amount of land necessary
28 and we can determine which specific lots to make offers for dune field easements. I expect to receive a proposal from
29 Moffatt & Nichol in the next few weeks, and plan to include this on the Board’s September 14 meeting agenda.

30
31 **Update – Emerald Isle Woods Park Storm Water Improvements**

32 I also discussed the necessary engineering analysis to secure a permit to excavate an emergency discharge to Bogue
33 Sound and construct a containment berm along the west side of the EI Woods property adjacent to Cape Emerald.
34 This analysis will be included in the forthcoming proposal from Moffatt & Nichol, and will be on your September 14
35 meeting agenda. I remain optimistic that we can secure approval from the NC Division of Water Quality, NC Shellfish
36 Sanitation Section, and NC Division of Coastal Management to implement the planned improvements.

37
38 **Update – Golf Cart Ordinance**

39 Thanks to assistance from Mayor Schools and Kevin McLaughlin, Management Intern, we have assembled example
40 golf cart ordinances and other valuable information to use in drafting an Emerald Isle golf cart ordinance. I hope to
41 present a draft ordinance to the Board at either the September or October Board meeting.

42
43 **Summer Internship Ends**

44 Kevin McLaughlin completed his last day of work for the Town on August 6. Kevin will take a trip to Alaska before
45 returning to finish his final year of work toward his Master of Public Administration degree at UNC-Chapel Hill later this
46 month.

47
48 Kevin is a very bright individual who has the right attitude and perspective for a successful career in local government
49 management. Kevin was well-liked by the Town staff, and was a big help to me this summer by assisting with various
50 issues. Kevin worked on the following projects for us this summer:

- 51
52
- Creation of beach nourishment easement database to streamline the easement acquisition process for future nourishment projects (this was a long and tedious project),
 - Creation of a mobile-device optimized website that makes our website more user-friendly for smartphones,
- 53
54

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- Research into the daily volume of phone inquiries received by Town departments and potential establishment of a 311 information line or other easily recognizable phone number to contact Town staff (my plan is to implement something like this when the Police dispatch function transfers to the County early next year),
- Research on the cost to provide commercial solid waste collection and disposal in Emerald Isle (which will be helpful when the Board considers the solid waste fee / property tax switch in the coming weeks),
- Development of an Employee Computer, Email, Internet, and Social Media Usage Policy,
- Update of Town travel forms,
- Research on local golf cart programs,
- Identification and review of potential sites for a "dog park" in Emerald Isle, and
- other minor tasks as they arose.

Additionally, Kevin was able to spend some time "on the front lines" with each of the Town departments, and I tried to include him in various meetings that would be educational for him. I enjoyed having Kevin with us this summer, and I hope he found his experience as valuable as we did. I have no doubt that Kevin will be successful in his future career pursuits.

Draft Code of Ethics

Recent legislation requires the Board to adopt a Code of Ethics no later than January 1, 2011. Rhonda Ferebee, Town Clerk, has prepared the attached draft Code of Ethics for the Board to review. The draft Code of Ethics is similar to the model Code of Ethics prepared by the School of Government at UNC-Chapel Hill. We expect to include this on the Board's September 14 meeting agenda for formal consideration. Please let us know if you have any thoughts, concerns, or ideas in the meantime.

2010 Property Tax Bills

Town staff have been hard at work preparing the 2010 tax bills for mailing. We expect to get all bills mailed out prior to the August 10 meeting, and this is much earlier than recent years. Property tax bills are technically due on September 1, however, penalties and interest do not begin to accrue until January 5.

Official Comments on Draft EIS for F-35B Joint Strike Fighters

I have attached a copy of the Town's official comments submitted by the July 12 deadline. To summarize, the Town supports Alternative 1 (the Navy's Preferred Alternative) that would result in the basing of 8 squadrons of the F-35B at Cherry Point later this decade, but is requesting that the Navy and Marine Corps implement all reasonable measures to mitigate noise impacts on Emerald Isle.

Specifically, the Town requests that additional information be provided in the Final EIS about the noise impacts for a single flight operation and a typical daily flight sequence at Bogue Field, that clarification be provided about whether or not the flight pattern for the F-35B using Bogue Field will include the lower altitude pattern over Bogue Sound along the EI shoreline, and that consideration be given to utilizing the existing airfield near Pollocksville, NC. The Final EIS is expected to be released sometime in 2011.

CRS Rating Reduced to a "7"

The Insurance Services Office (ISO) recently completed its annual review of the Town's floodplain management program. The Town's CRS rating, which is used to set flood insurance rates in Emerald Isle, was reduced from an "8" to a "7", meaning EI policyholders should realize an additional 5% discount. This change is primarily attributed to the recent adoption of wind-borne debris requirements by the NC Building Code Council.

Update - NCDOT Dynamic Messaging Sign

As you recall, NCDOT's contractor was expected to begin construction of the new electronic dynamic messaging sign on both sides of the Emerald Isle bridge in mid-July. This obviously did not happen, as their contractor has been delayed on another job. The latest information we received is that work should begin later this month. Alesia Sanderson, Parks and Recreation Director, has been coordinating with NCDOT on this project.

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1
2 **Solid Waste Fee / Property Tax Switch Planned for September Meeting Agenda**

3 We have completed research on this issue, and I plan to include a discussion of this issue on the Board's September
4 14 meeting agenda for direction from the Board. If the Board chooses to implement this switch and decides to have
5 the Town provide commercial solid waste services, it is advantageous for the Board to make this decision in
6 September or October so that appropriate notice can be provided to private solid waste companies. If the Board does
7 not decide to provide commercial solid waste services, a decision on this issue can be delayed until the FY 11-12
8 budget is adopted in June 2011.

9 **NC Coastal Resources Commission Considering Changes to Inlet Hazard Areas for all NC Inlets** The NC

10 Coastal Resources Commission (CRC) is currently considering potential changes to "Inlet Hazard Area"
11 boundaries and regulations for all of NC's developed inlet shorelines. The CRC is still relatively early in this process
12 and has completed an initial review of proposed new boundary delineations. Work to develop appropriate new
13 regulations for Inlet Hazard Areas will occur later this year and next year.

14 In Emerald Isle, the area between the Wyndtree Drive public beach access and Bogue Court, including interior
15 lots, is currently included in an Inlet Hazard Area, and is subject to more stringent development restrictions than other
16 locations on the oceanfront. The proposed new boundary delineation expands this area further east along the
17 oceanfront to the boundary between Spinnakers Reach and Dolphin Ridge. A map of the current and proposed new
18 Inlet Hazard Area boundary delineations can be viewed on the NC Division of Coastal Management's website at
19 http://www.nccoastalmanagement.net/Hazards/proposed_IHA.htm .

20 We will continue to monitor this issue, and the Town should comment as appropriate as the new boundary delineations
21 and associated regulations move forward in the coming months. It is important to note that the ramifications of these
22 changes, both positive and negative, for Emerald Isle and our property owners are not yet known, and will depend on
23 the content of any proposed new regulations.

24 **Potential Dog Park Location**

25 As you know, we've had interest expressed in the past and recently about establishing a dog park in Emerald Isle.
26 Kevin McLaughlin and Alesia Sanderson reviewed potential sites already owned by the Town, and have recommended
27 using the approximately ½ acre land plot between the Police Station and the tennis courts for a dog park (see attached
28 map). As you know, this site was identified for the new Town Administration Building before the decision to purchase
29 the land on which the building is currently located.

30
31 If this site is used, additional clearing of underbrush would be undertaken by Town staff, and appropriate fencing would
32 be installed. If the Town pursues this location and project, I believe it will be important to create an attractive, well-
33 maintained facility. Alesia Sanderson has developed the attached cost estimate for durable white vinyl fencing and
34 other dog park amenities. The total estimated cost is \$18,775 (see attached cost estimate). If the Board is interested
35 in pursuing this, it may be possible to organize a citizens group to embark on a fundraising initiative. One idea would
36 be to challenge such a group to raise 50% of the necessary funding, with the Town providing the remaining 50%.

37
38 Please let me know your thoughts on this issue.

39
40 **Status of Oceanview Drive Area Beach Accesses**

41 As you know, we recently met with a group of property owners in this area who object to the Town's perceived
42 ownership of these beach access locations. As a result of that meeting, Town Attorney Richard Stanley sent the
43 attached letter to the NC Attorney General's Office for a formal opinion on this matter. If the AG's opinion is that the
44 Town owns these beach access locations, we will continue to maintain them in accordance with Town standards in
45 perpetuity. If the AG's opinion is that the Town does not own them, my intention is to abandon our maintenance of
46 these beach access locations, and allow whomever the AG believes owns them to maintain them. Please let me know
47 if you disagree with this approach.

48
49
50

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1
2 **Deer Management Efforts**

3
4 The winter months are fast approaching, and I would like to receive direction from the Board about potential deer
5 management efforts for 2011 in the near future. Please let me know your thoughts on this issue in the coming weeks.

6
7 The NC Wildlife Resources Commission estimated the Emerald Isle deer population at nearly 150 deer last year. The
8 Town's controlled hunt in Emerald Isle Woods Park in January and February 2010 resulted in the elimination of 11
9 deer. The Board should consider whether or not this approach was cost-effective, and should determine whether or
10 not additional actions are warranted.

11
12 I believe the Town has the following options in the future: a) do nothing, b) conduct a controlled hunt at Emerald Isle
13 Woods Park again, and also add additional private properties on a voluntary basis, or c) plan to implement a Town-
14 wide urban archery season in 2012. Option b) will require a significant amount of coordination prior to January 2011.
15 Option c) can not be implemented in 2011 as the Town's application is due in April prior to the urban archery season
16 the following January and the Town has missed the deadline for 2011.

17
18 **Increase Parking Fines?**

19 The fine for a parking violation in Emerald Isle is \$20 if paid within the first 8 days, and \$50 if paid after 8 days. I am
20 planning to ask the Board to consider an increase in the parking fine to \$50 if paid in the first 14 days, and \$100 if paid
21 after 14 days. It has been suggested that a higher parking fine may be helpful in deterring illegal parking. This item
22 may appear on the Board's agenda in September.

23
24 **Solid Waste Container Roll-Out Times**

25 The Town's solid waste ordinance stipulates that solid waste containers should not be rolled-out to the street side any
26 earlier than 3 pm the day before collection. The 3 pm time works fairly well in the offseason, but can be problematic for
27 vacation rentals during the summer. Because of the sheer number of containers, it is not uncommon for vacation
28 rental companies to roll containers out several hours prior to the 3 pm time. I am considering presenting an ordinance
29 amendment to the Board at the September meeting that would remove the 3 pm time and simply indicate that solid
30 waste containers should not be rolled out any earlier than the previous day.

31
32 **Use of Parking Fee Revenues from Regional Beach Accesses**

33 The Board previously discussed the idea of implementing a fee for daily parking at the Eastern Ocean Regional Access
34 and Western Ocean Regional Access next year. As you may recall, these facilities were at least partially acquired and
35 improved with grant funding from the NC Division of Coastal Management. I recently checked with staff at the NC
36 Division of Coastal Management to determine if the Town could begin charging this fee and use the proceeds to fund
37 additional personnel, perhaps including lifeguards, at these facilities. They have advised that parking fee revenues can
38 not be used for salaries, and can only be used for site maintenance costs, additional site improvements, or the creation
39 of new access sites. We need to complete additional research to determine what current costs could be shifted to fee-
40 supported to "free up" General Fund money for other purposes, potentially including lifeguards or other staffing.

41
42 **Personnel Law Changes**

43 The NC General Assembly recently approved legislation that requires State and local government to make more
44 personnel information available to the public in the future. We expect to present an amendment to the Town's
45 Personnel Policy to the Board at the September or October meeting to incorporate the requirements of the new
46 legislation.

47
48 **Room Occupancy Tax Collections**

49 I have attached a comparison of Carteret County room occupancy tax collections in FY 08-09 and FY 09-10 for your
50 information. The data is for all of Carteret County, but should enable one to draw general conclusions about the health
51 of the tourism industry in Emerald Isle. The first table reflects all types of accommodations, County-wide, and indicates
52 a total decrease in room occupancy tax revenues of 4.18% in FY 09-10 compared to FY 08-09. The second table
53 reflects only condos and cottages, County-wide, and indicates a total decrease of approximately 4.48%. Because
54

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1
2 most of the condos and cottages are located in Emerald Isle, this may be a more useful gauge for Emerald Isle. July
3 room occupancy tax figures are not yet available.

4
5 **Change in Regular Board Meeting Time**

6 The September 14 Board of Commissioners meeting will begin at 7 pm, and all other regular meetings will begin at 7
7 pm on the second Tuesday of each month.

8
9 **15. Comments from Board of Commissioners and Mayor**

10
11 There were no comments from the Board of Commissioners or Mayor.

12
13 **16. Adjourn**

14
15 ***Motion was made by Commissioner Hoover to adjourn. The Board voted***
16 ***unanimously 4-0 in favor. Motion carried.***

17
18 ***The meeting was adjourned at 6:55 pm.***

19
20 Respectfully submitted:

21
22
23
24 Rhonda C. Ferebee, CMC
25 Town Clerk