

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JUNE 8, 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, 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, Town Clerk Rhonda Ferebee, Planning Director Kevin Reed, Public
21 Works Director Artie Dunn, and Fire Chief Walker.
22

23 Also Present: Summer Intern Kevin McLaughlin
24

25 **3. Opening Prayer**
26

27 Cassie Weist, youth member from Emerald Isle Chapel by the Sea offered the
28 Opening Prayer for the Town Board meeting.
29

30 **4. Pledge of Allegiance**
31

32 After opening prayer all who were present recited the Pledge of Allegiance.
33

34 **5. Adoption of Agenda**
35

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

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

41 Mayor Schools announced the following Proclamations and Public
42 Announcements for the public:
43

- 44 • **Proclamation – Emergency Medical Services Week – May 16 – 22,**
45 **2010 (10-06-08/P1)**
- 46 • **Proclamation – Rip Current Awareness Week – June 6 – 12, 2010 (10-**
47 **06-08/P2)**

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- 1
- 2 • **Proclamation – Lyme Disease Awareness Month – June 2010** (10-06-
- 3 08/P3)
- 4 • **Bicycle & Pedestrian Committee Raffle – Win A 1-Week Stay in**
- 5 **Emerald isle – Proceeds for New Bike Paths**
- 6 • **Friday Free Flick – “Fantastic Mr. Fox” – Friday, June 11 – 7 pm –**
- 7 **Community Center**
- 8 • **Youth Tennis Camp – June 14 – 18 – 9 am – 10:30 am – Blue Heron**
- 9 **Park Tennis Courts – Must pre-register**
- 10 • **Special Board of Commissioners Meeting (Joint Strike Fighters) –**
- 11 **Tues, June 15 – 8 am – Town Admin Bldg**
- 12 • **Public Open House – Joint Strike Fighters EIS – Wed, June 16 – 4 pm**
- 13 **– 7 pm – Community Center**
- 14 • **Beach Jive After Five – “Conch Stew” – Thurs, June 17 – 5:30 pm –**
- 15 **Western Ocean Regional Access**
- 16 • **2 v 2 Beach Volleyball Tournament – Sat, June 19 – 9 am until –**
- 17 **Western Ocean Regional Access**
- 18 • **Summer Tennis Clinics – Mondays, 8 am – 9 am – June 21 – Aug 23 –**
- 19 **Blue Heron Park Tennis Courts**
- 20 • **Planning Board Regular Meeting – Monday, June 28 – 6 pm – Town**
- 21 **Board Meeting Room**
- 22 • **July 4th Fireworks – Sunday, July 4 – 9 pm – Chapel By The Sea**
- 23 • **Independence Day Holiday – Monday, July 5 – Town Offices Closed,**
- 24 **Community Center Closed**
- 25 • **Friday Free Flick – Friday, July 9 – 7 pm – Community Center**
- 26 • **2 v 2 Beach Volleyball Tournament – Sat, July 10 – 9 am until –**
- 27 **Western Ocean Regional Access**
- 28 • **Board of Commissioners Regular Meeting – Tues, July 13 – 6 pm –**
- 29 **Town Board Meeting Room**

30
31 Clerks Note: A copy of Proclamation 10-06-08/P1, 10-06-08/P2, and 10-06-08/P3 as noted above are
32 incorporated herein by reference and hereby made a part of these minutes.

33
34 **7. Consent Agenda**

- 35
- 36 a. **Tax Refunds / Releases**
- 37 b. **Minutes – March 9, 2010 Regular Meeting**
- 38 c. **Minutes – March 17, 2010 Special Meeting**
- 39 d. **Budget Amendment – Various Fiscal Year End Adjustments**
- 40 e. **Capital Project Ordinance Amendments – Various Fiscal Year End**
- 41 **Adjustments**
- 42

43 ***Motion was made by Commissioner Wootten to approve the items on the***
44 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
45 ***carried.***

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1
2 **Clerks Note: A copy of all Consent Agenda items as noted above are all incorporated herein by**
3 **reference and hereby made a part of these minutes.**

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5 **8. Public Comment**

6
7 **Brief Summary:** The public has the opportunity to address the Board about any
8 items of concern not on the agenda.

9
10 There were no comments from the public.

11
12 **9. Ordinance Amending Chapter 6 – Development Standards – of the**
13 **Unified Development Ordinance Regarding Planned Unit Developments**
14 **(10-06-08/O1)**

15
16 **a. Public Hearing**

17 **b. Consideration of Ordinance**

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

22
23 Town staff received a request from Steve Matthews, on behalf of Watson-Matthews Real Estate, for a possible
24 amendment to Section 6.1.4.(2) of the Town's Unified Development Ordinance (UDO) in order to reduce the minimum
25 lot size requirement for a Planned Unit Development (PUD) from ten (10) acres to five (5) acres (see attached letter).
26 Currently, the Town's UDO, specifically Section 6.1.4.(2), contains the following language pertaining to Planned Unit
27 Developments (PUDs):

28 "Subject to the provisions in this Ordinance, all planned unit developments shall contain a minimum of ten
29 (10) contiguous acres. Any addition must be at least two (2) acres, contiguous and adjacent to the existing
30 planned unit development, and subject to design standards."

31 Watson-Matthews Real Estate has indicated to Town staff they are requesting the amendment because of a change in
32 plans in how they wish to develop the parcel known as the Bell Cove Village Residential Subdivision. The Bell Cove
33 Village Subdivision previously received preliminary and final plat approval from the Board of Commissioners. The
34 infrastructure serving the proposed subdivision (water, electric, street lights, phone, cable, streets and stormwater
35 features) has been installed; however, the owners have never recorded the final plat for the subdivision. Therefore,
36 according to the Carteret County tax records the subdivision is still considered a single undivided parcel of land. The
37 owners now wish to request that Bell Cove Village be approved as a PUD which will allow them to utilize some zero
38 side yard setbacks as well as a 15-foot front yard setback. Since the Town's development regulations require that
39 PUDs contain a minimum of ten (10) acres, it is not possible for the owners to request approval as a PUD unless an
40 amendment is made to the UDO to reduce the minimum size requirement. Town staff developed a proposed
41 amendment that would incorporate the changes requested by Watson-Matthews and this potential amendment was
42 discussed with the Planning Board at its May 26, 2010 meeting.

43
44 At that meeting, Town staff also indicated to the Planning Board that the current PUD regulations, specifically Section
45 6.1.4(7) requires the following pertaining to water and sewer service for PUDs:

46 "Central water supply and central sewer service connection shall be required for all units, and the same
47 shall be approved, constructed, completed and maintained in accordance with the requirements of the
48 county health department and the state."

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2 The requirement for a central sewer system is likely based on the relatively small minimum lot seize that is permitted in
3 a PUD which is 6,250 square feet. It is anticipated that Watson-Matthews will request that the Bell Cove Village
4 Planned Unit Development be allowed to utilize individual septic systems on lots which will contain a minimum of
5 15,000 square feet. In order to allow for the possibility of individual septic systems in a PUD, the existing language in
6 Section 6.1.4(7) would need to be amended. Staff developed a proposed amendment to the UDO and also discussed
7 this second amendment with the Planning Board at its May meeting. Following its discussion of these two
8 amendments, the Planning Board voted unanimously, (5 to 0) to recommend to the Board of Commissioners that the
9 two amendments be approved. Attached to this memorandum are copies of the proposed amendments in ordinance
10 format with text being added shown in an underlined format and text being deleted shown in a strikethrough format.

11 ***Motion was made by Commissioner Hoover to open the Public Hearing.***
12 ***The Board voted unanimously 5-0 in favor. Motion carried.***

13 There were no comments from the Public.

14 ***Motion was made by Commissioner Hoover to close the Public Hearing.***
15 ***The Board voted unanimously 5-0 in favor. Motion carried.***

16 Commissioner Hedreen asked if the plan was to build the same thing as planned
17 before. Planning Director Reed stated that before they initially platted the lots to
18 be a minimum of 15,000 square feet they intended to construct duplexes. Mr.
19 Reed said they still plan a minimum of 15,000 square feet but they plan to go to a
20 single story, single family home to try to bring their product more in line with what
21 the market can bear.

22 Commissioner Wootten asked whether the current UDO gave restriction on
23 house size as part of a Planned Unit Development. Mr. Reed said there was no
24 minimum square footage other than what was indicated in the regular code itself
25 under R-2 zoning.

26 Steve Matthews, applicant, stated that they were going to try to go with a 3
27 bedroom/2 bedroom type home and stay within 1600 to 2000 square feet all on
28 one floor. Mr. Matthews said they had a septic permit for each lot.

29
30 ***Motion was made by Commissioner Wright to adopt the Ordinance***
31 ***Amending Chapter 6 – Development Standards – of the Unified***
32 ***Development Ordinance Regarding Planned Unit Developments. The***
33 ***Board voted unanimously 5-0 in favor. Motion carried.***

34
35 **Clerks Note: A copy of Ordinance 10-06-08/O1 as noted above are all incorporated herein by**
36 **reference and hereby made a part of these minutes.**

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2 **10. Carteret County Comprehensive Transportation Plan Survey**
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4 Planning Director Kevin Reed addressed the Board regarding this agenda item.
5 The following excerpt from his memo to Town Manager Frank Rush is provided
6 for additional background:
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8 At the March 2010 meeting of the Board of Commissioners, Town staff informed them of the process to develop a
9 Comprehensive Transportation Plan (CTP) for Carteret County. The plan development process being employed by the
10 North Carolina Department of Transportation (DOT), specifically the Transportation Planning Branch (TPB), includes
11 the following as its major components:
12

13 *Study Initiation*

- 14 Meet with local staff
15 Access the area to be studied

16 *Data Collection*

- 17 Collect data on existing and future land use, population, employment information, and traffic
18 volumes
19 Research environmental and cultural concerns
20 Solicit input regarding local area needs, issues, concerns, etc.

21 *Data Analysis*

- 22 Conduct existing and future deficiencies analysis
23 Generate future transportation information
24 Share findings with local government
25 Conduct public informational workshops

26 *Plan Development*

- 27 Develop alternative plans
28 Review project impacts
29 Conduct cost-benefits analysis
30 Discuss alternatives with local staff and policy boards
31 Conduct public informational workshops
32 Discuss and resolve public concerns with local staff
33 Work with local staff and policy boards to select recommended plan

34 *Plan Adoption*

- 35 Local government conducts public hearings
36 Present plan for adoption by local government and NCDOT Board of Transportation

37 *Plan Implementation*

- 38 Local government enforces land use controls
39 Local government presents project request through TIP process
40

41 Staff from NCDOT and the local CTP Steering Committee have been meeting regularly since earlier this year and have
42 now entered into the Data Collection stage of the CTP development process. An important component of the Data
43 Collection process is a community wide survey that will be used to solicit input from the public on local needs, issues
44 and other transportation related concerns. The survey will be available online and hard copies will be available at the
45 Town's Administrative Services Building. To access and complete the online version, the public needs to visit the
46 following website: <http://www.surveymonkey/s/carteretCTP>. In addition, to these efforts, the Town will also have a link
47 on its website to the survey form. The survey period will end on August 1, 2010.
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2 **11. FY 10-11 Budget**

3 **a. Budget Ordinance**

4 **b. Fee Schedule**

5 **c. 5-Year Capital Replacement / Improvement Program**

6 **d. FY 10-11 Pay Plan**

7

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

11

12 The Board of Commissioners is scheduled to formally consider the FY 10-11 budget ordinance, fee schedule, capital
13 replacement / improvement program, and the Town's official pay plan at the June 8 meeting.

14

15 FY 10-11 Budget Ordinance

16 The attached FY 10-11 budget ordinance reflects the Town Manager's Recommended Budget as presented on May 11
17 and reviewed by the Board at its May 18 and June 1 budget workshop meetings. As you know, the required public
18 hearing was held on June 1, and the FY 10-11 budget ordinance is presented for formal consideration and adoption at
19 the June 8 meeting.

20

21 The total FY 10-11 General Fund budget included in the attached budget ordinance is \$7,016,691, which is a
22 \$377,980, or 5.69% increase from the FY 09-10 adopted budget amount. As discussed previously, nearly all
23 (\$375,000) of the proposed increase is associated with pay-as-you-go storm water improvements in the Coast Guard
24 Road area. Aside from the funds budgeted for storm water improvements, the budgets for Town departments are very
25 similar to FY 09-10, with the only increases associated with employee cost-of-living increases (2%) and essentially
26 unavoidable employee benefit increases. The FY 10-11 General Fund budget includes no new positions, very limited
27 capital outlay, no new capital projects (other than Coast Guard Road storm water), and minor decreases in operating
28 expenditures across Town departments. Despite the lean nature of the FY 10-11 General Fund budget, I believe that
29 Town staff can continue to maintain service levels and service quality, although it continues to be more and more
30 difficult after the past few years of budget reductions. As you know, the Town organization continues to operate with 3
31 fewer full-time positions that were indefinitely frozen in FY 08-09. Town staff have worked hard to absorb this
32 additional workload since that time, and continue to provide exceptional service for our customers.

33

34 The General Fund budget is balanced with an 8.0 cent tax rate, which is a 1 cent tax increase over the FY 09-10 rate.
35 Nearly all of the 1 cent tax rate increase is associated with the proposed funding for Coast Guard Road storm water
36 improvements in FY 10-11, however, this 1 cent tax rate increase will also help to stabilize the Town's tax rate in future
37 years. Although a tax rate increase is never desired, I believe it is essential if the Board wishes to continue progress
38 on Coast Guard Road storm water issues and continue to provide the same level and quality of Town services in future
39 years. The Board should also be proud of the fact that the Town's General Fund tax rate will also likely remain the 2nd
40 lowest of all 21 NC beach towns in FY 10-11. The annual solid waste fee charged to all developed properties in
41 Emerald Isle is again unchanged for FY 10-11, and would remain the same at \$180 per developed property.

42

43 The attached FY 10-11 budget ordinance also includes appropriations for the Town's various Other Funds, including
44 the Beach Nourishment Debt Service / Reserve Fund. The Beach Nourishment Debt Service / Reserve Fund includes
45 sufficient appropriations to meet debt service requirements for the beach nourishment bonds, and is balanced with a
46 16.2-cent Primary Benefit District (oceanfront) tax rate, and a 1.1-cent Secondary Benefit District (non-oceanfront) tax
47 rate. Both of these rates are equal to the FY 09-10 rates. FY 10-11 represents the 9th and final year of special district
48 taxes for the Town's 2003 and 2005 beach nourishment projects. These special district taxes will be eliminated in FY
49 11-12, however, as you know, the Board has given preliminary approval to new special district taxes of 3 cents for
50 oceanfront properties and 1 cent (based on 2007 tax values) for all others beginning in FY 11-12. These new special
51 district taxes are expected to be sufficient to fund the Town's beach nourishment needs in perpetuity.

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2 Fee Schedule

3 The Town's official fee schedule for FY 10-11 is presented in conjunction with the budget ordinance. The fee schedule
4 includes no changes to any Town fees from FY 09-10 fee amounts.
5

6 5-Year Capital Replacement / Improvement Program

7 I have also attached an updated copy of the 5-Year Capital Replacement / Improvement Program in the agenda
8 packet, and request that the Board formally adopt this plan in conjunction with the budget ordinance and fee schedule.
9 The attached plan is identical to the plan included in the Recommended Budget.

10
11 The total investment included in the 5-Year Capital Replacement / Improvement Program is approximately \$5.6 million,
12 and is funded with a mixture of pay-as-you-go funding, grant funding, and installment financing proceeds. The updated
13 plan is much less aggressive than previous years, due to the accomplishment of many beneficial projects in recent

14
15 years, and due to the new economic reality and the Town's desire to maintain a stable tax rate in future years. The
16 most significant items in the plan include the purchase of the final lot for the new public boat launching facility (with a
17 combination of grant funding and pay-as-you-go funding) and the construction of additional storm water improvements
18 in the Coast Guard Road area (with a preliminary plan to finance these improvements in two installments over the next
19 five years).

20
21 The 5-Year Capital Replacement / Improvement Program also includes planned future funding for replacement
22 vehicles in various Town departments (including an ambulance, the brush truck, and a Fire Engine), annual funding for
23 sidewalk and bicycle path projects and beach walkway replacements, and the future construction of a new façade on
24 Fire Station 1.

25
26 FY 10-11 Pay Plan

27 I have also attached a copy of the proposed FY 10-11 Pay Plan, and request that the Board formally adopt this plan,
28 effective at the start of the new fiscal year. The proposed FY 10-11 Pay Plan incorporates a 2% cost-of-living increase
29 for all pay ranges, consistent with the FY 10-11 budget. No other changes are included in the FY 10-11 Pay Plan.
30

31 Additional FY 10-11 Budget Information

32 I have again included summary information about the FY 10-11 Budget in your agenda packets. This summary
33 information is consistent with the budget totals included in the FY 10-11 budget ordinance and the 5-Year Capital
34 Replacement / Improvement Plan.
35

36 The following information is attached:

- 37
38
- "Quick Summary" of the FY 10-11 Budget
 - "All Funds" Summary
 - General Fund Budget Summary
 - Net Change in Property Tax Bill (for selected property values)
 - Graph – General Fund Property Tax Rate History
 - Town Organization Chart and Summary of Authorized Positions
 - General Fund 5-Year Forecast
 - Beach Nourishment Debt Service / Reserve Fund Forecast
 - General Fund Balance Projection
 - Graph – Adjusted General Fund Balance
 - Property Tax Rate Breakdown
 - Itemized Property Tax Receipt
 - 5-Year Comparison
 - Graph – Sales Tax / Property Tax Ratio
 - Graphs – Annual Solid Waste Service Fee History and Annual Solid Waste Service Fee Revenues
 - Graph - Annual Bill – Average Value Property Owner
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- Graph – Annual General Debt Service Expenditures
- General Fund Tax Rates for NC Beach Towns
- Graph – General Fund Revenues
- Graphs – General Fund Expenditures by Function / Category.

As you know, the detailed FY 10-11 Recommended Budget was distributed under separate cover on May 11, and copies have been made available for public review at Town Hall and the Community Center since that time. The FY 10-11 Recommended Budget has also been posted on the Town's website since May 7. A full copy of the FY 10-11 Approved Budget will also be made available in Town buildings and on the Town's website.

I will distribute a bound copy of the FY 10-11 Adopted Budget booklet to the Board after the start of the new fiscal year on July 1.

Mayor Schools asked for any comments from the Public.

Pat Haut, 7411 Canal Drive, asked for clarification of the difference in the special drug fund section 7 and 8, for \$29,000, she said it looked like duplication and wondered about the difference between the two.

Town Manager Rush said one section was laying out the appropriations and the spending in the amount of \$29,000 and section 8 illustrated the revenues that are proposed to meet the appropriations. She would see one was expenditures and one was revenues. An appropriation was essentially the Board's authorization to spend that amount of money for that purpose.

Commissioner Wootten stated that he was all in favor of the budget but he had a problem with the 5-year capital replacement improvement program for year two in which the plan called for the Town to go into an additional \$421,000 of debt for the Point. Commissioner Wootten said that 50% of the debt of the Town would be for the stormwater down Coast Guard Road and he felt that was out of balance. Commissioner Wootten said not going into debt in year two didn't change the bottom line of expenditures because we don't start paying for it until year three but he felt it was too much debt and he couldn't in good conscious vote for what he didn't think was a good plan.

Town Manager Rush said the Board was under no obligation to adopt a 5-year capital replacement improvement program however it was good business practice and recommended by the Local Government Commission and the bond rating agencies; and we had done it every year for 9 years. Mr. Rush said the very first year of the capital replacement improvement program was incorporated in the budget ordinance; years 2-5 were simply a plan at this point and the Board will update that plan every year as we go along. Mr. Rush said by approving tonight they would be adopting the plan but would not formally commit to that new debt until next year at this time or later than that when they actually issue the debt. This is a spending plan and historically if they look back the Board had

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2 tweaked that plan every year and had never followed years 2, 3, 4 and 5 exactly
3 as presented. The plan was an expression to the community that this was what
4 they planned to do over the next five years and this was how they plan on paying
5 for it, but the Board was not making any final decisions at all.

6
7 Commissioner Wootten said he didn't want to send the folks on Coast Guard
8 Road and the Point a message that we were going to do something that he didn't
9 think they could do for them.

10
11 Town Manager Rush noted that if the rest of the Commissioners concurred with
12 Commissioner Wootten they could approve the plan and simply remove those
13 two items from the plan and approve the rest or you could amend in some other
14 manner – or they could bring back at the July meeting with the change.

15
16 ***Motion was made by Commissioner Messer to adopt the FY 10-11 Budget***
17 ***Ordinance. The Board voted unanimously 5-0 in favor. Motion carried.***

18
19 ***Motion was made by Commissioner Hoover to adopt the FY 10-11 Fee***
20 ***Schedule. The Board voted unanimously 5-0 in favor. Motion carried.***

21
22 ***Motion was made by Commissioner Wootten to adopt the 5-Year Capital***
23 ***Replacement / Improvement Program with the exclusion of the \$420,000 in***
24 ***year FY 11-12 for the pumps at the Point.***

25
26 Town Manager Rush said that it was his sense that Commissioner Wootten was
27 not opposed to the project and that he recognized the need for the project, but he
28 was more concerned about the way we would pay for it. Town Manager Rush
29 asked if it was fair statement to say that everyone on the Board believed it was
30 something they need to do at some point in time, but the question was exactly
31 how to pay for it and the timing of it. The Board was in general agreement with
32 this statement.

33
34 Following additional discussion Mayor Schools asked for a vote. ***The Board***
35 ***voted unanimously 5-0 in favor. Motion carried.***

36
37 ***Motion was made by Commissioner Wootten to adopt the FY 10-11 Pay***
38 ***Plan. The Board voted unanimously 5-0 in favor. Motion carried.***

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40 Clerks Note: A copy of Budget Ordinance, Fee Schedule, Revised 5-Year Capital Replacement /
41 Improvement Program, and FY 10-11 Pay Plan as noted above are all incorporated herein by
42 reference and hereby made a part of these minutes.

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2 **12. Resolution Authorizing NC Marine Resources Fund Grant Application**
3 **for New Public Boat Launching Facility (10-06-08/R1)**
4

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

9 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a NC Marine Resources
10 Fund Grant Application for New Public Boat Launching Facility at the June 8 meeting. The attached resolution
11 authorizes a \$300,000 funding request from this grant program, which is funded by proceeds from the new Coastal
12 Recreational Fishing License. Grant proceeds would be used to fund a portion of the land acquisition cost for the 7th
13 and final lot needed for the new facility.
14

15 As you know, the Town has already closed on 5 of the 7 lots needed for the new facility, and will close on the 6th lot in
16 the coming weeks. A total of \$3.64 million of State, County, and Town funds have funded the acquisition of these 6
17 lots. The purchase price for the 7th lot is \$607,143, and the Town's purchase contract requires that closing on this lot
18
19 occur no later than September 1, 2011. If awarded, these grant funds would cover nearly 50% of the total remaining
20 land acquisition cost, and a combination of other grants, County, and Town funds would provide the remaining
21 \$307,143 to complete this land acquisition.
22

23 As you know, the Town received a 2009 grant award from the NC Marine Resources Fund in the amount of \$500,000.
24 Because the Town has already received one grant award for this project from this grant program, and in an effort to
25 make our 2010 application more competitive, I am recommending a \$300,000 funding request for 2010.
26

27 To date, the Town has contributed a total of \$573,394 toward the total land acquisition cost of \$3.64 million, with the
28 remainder provided by various State grants and County contributions. Utilizing remaining County contributions and the
29 remaining balance in the NC Parks and Recreation Trust Fund grant awarded for the land acquisition, the worst-case
30 scenario for additional Town funding is \$222,232 if no additional grant funds are awarded. If the new NC Marine
31 Resources Fund grant is awarded, the Town's worst-case additional contribution would be \$72,232.
32

33 In the meantime, the Town has entered into a lease agreement with the owner for the 7th lot, and construction of the
34 new facility is still scheduled to begin in July 2010. The NC Wildlife Resources Commission hopes to complete
35 construction of the new facility by November 2010.
36

37 The 2010 grant application is due on July 31, 2010, and grant awards will be announced in late 2010 or early 2011.
38

39 ***Motion was made by Commissioner Hoover to adopt the Resolution***
40 ***Authorizing a NC Marine Resources Fund Grant Application for the New***
41 ***Public Boat Launching Facility. The Board voted unanimously 5-0 in favor.***
42 ***Motion carried.***
43

44 **Clerks Note: A copy of Resolution 10-06-08/R1 is incorporated herein by reference and hereby made**
45 **a part of these minutes.**
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2 **13. Resolution Authorizing NC Public Beach and Coastal Waterfront**
3 **Access Grant Application for New Public Boat Launching Facility (10-06-08/R2)**
4

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

8
9 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a NC Public Beach and
10 Coastal Waterfront Access Grant Application for New Public Boat Launching Facility at the June 8 meeting. The
11 attached resolution authorizes a \$200,000 funding request from this grant program, which is managed by the NC
12 Division of Coastal Management. Grant proceeds would be used to fund a portion of the land acquisition cost for the
13 7th and final lot needed for the new facility.
14

15 As you know, the Town has already closed on 5 of the 7 lots needed for the new facility, and will close on the 6th lot in
16 the coming weeks. A total of \$3.64 million of State, County, and Town funds have funded the acquisition of these 6
17 lots. The purchase price for the 7th lot is \$607,143, and the Town's purchase contract requires that closing on this lot
18 occur no later than September 1, 2011. If awarded, these grant funds would cover 33% of the total remaining land
19 acquisition cost, and a combination of other grants, County, and Town funds would provide the remaining \$407,143 to
20 complete this land acquisition.
21

22 As you know, the Town received a 2009 grant award from this program in the amount of \$358,750. The Town also
23 received \$800,000 from the NC Wildlife Resources Commission (NC WRC) that was actually from this same grant
24 program, but the funds were routed through the NC WRC. Because the Town has already received two grant awards
25
26 from this grant program, because this grant program expects to have less than \$1 million available for all 20 CAMA
27 counties, and in an effort to make our 2010 application more competitive, I am recommending a \$200,000 funding
28 request for 2010.
29

30 To date, the Town has contributed a total of \$573,394 toward the total land acquisition cost of \$3.64 million, with the
31 remainder provided by various State grants and County contributions. Utilizing remaining County contributions and the
32 remaining balance in the NC Parks and Recreation Trust Fund grant awarded for the land acquisition, the worst-case
33 scenario for additional Town funding is \$222,232 if no additional grant funds are awarded. If the new NC Public Beach
34 and Coastal Waterfront Access grant is awarded, the Town's worst-case additional contribution would be \$122,232. If
35 the Town is fortunate enough to receive both this grant and a new NC Marine Resources Fund grant for \$300,000, the
36 Town would not incur any additional expense for the land acquisition, and would actually receive a small refund from
37 Carteret County.
38

39 In the meantime, the Town has entered into a lease agreement with the owner for the 7th lot, and construction of the
40 new facility is still scheduled to begin in July 2010. The NC Wildlife Resources Commission hopes to complete
41 construction of the new facility by November 2010.
42

43 The 2010 grant application is due on July 26, 2010, and grant awards will be announced in late 2010 or early 2011.
44

45 ***Motion was made by Commissioner Wright to adopt the Resolution***
46 ***Authorizing a NC Public Beach and Coastal Waterfront Access Grant***
47 ***Application for the New Public Boat Launching Facility. The Board voted***
48 ***unanimously 5-0 in favor. Motion carried.***
49

50 **Clerks Note: A copy of Resolution 10-06-08/R2 is incorporated herein by reference and hereby made**
51 **a part of these minutes.**

1
2 **14. Hurricane Preparedness Items**
3

- 4 **a. Resolution Authorizing Pre-Positioned Debris Removal Contract for**
5 **Hurricane Debris (10-06-08/R3)**
6 **b. Resolution Authorizing Change Order to Extend Pre-Positioned**
7 **Generator Rental Contract (10-06-08/R4)**
8

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

13 With hurricane season now upon us, the Board of Commissioners is scheduled to consider two resolutions associated
14 with pre-positioned contracts to enable the Town to respond quickly in the aftermath of a hurricane in Emerald Isle.
15 The first resolution authorizes a pre-positioned debris removal contract, and the second resolution authorizes a change
16 order to extend last year's emergency generator rental contract for another year. The Town's emergency pump
17 contract is now on a 2-year cycle, and the 2009 contract is still active for 2010.
18

19 Resolution Authorizing Pre-Positioned Debris Removal Contract for Hurricane Debris

20 The Board of Commissioners is asked to approve the attached resolution authorizing the Town Manager to execute a
21 pre-positioned disaster debris removal contract with Disaster Recovery Group and Tree Services, Inc., Arden, NC
22 (DRGTS). This contract would only be activated if a hurricane strikes and the Town needs outside assistance to
23 remove storm debris.
24

25 The Town is wise to enter into a pre-positioned contract for debris removal, as it fosters a quick response in the event
26 that a storm does strike Emerald Isle. It also allows us to resolve contractual issues up-front, without the stress of
27 responding in the immediate aftermath of a hurricane. The Town has entered into a pre-positioned contract for the
28 past several years, and fortunately has only had to actually activate the contract once. The Town activated its contract
29 with Tarheel Specialties, Linden, NC, in 2005 due to debris generated by Hurricane Ophelia. The pre-positioned
30 nature of the contract enabled Tarheel Specialties to begin work almost immediately after the storm, and also saved
31 Town staff valuable time to devote to other storm-related issues. I am hopeful that we will not be impacted by a storm
32 this year and will thus not activate the debris contract, however, I am pleased that we will be prepared ahead of time.
33 The proposed contract with DRGTS requires debris removal operations to begin with 48 hours of notice to proceed.
34

35 Barry Johnson, the Town's FEMA consultant, Mitsy Overman, Assistant Town Manager, and Artie Dunn, Public Works
36 Director, coordinated the bid process for this pre-positioned contract. We received bids from 12 firms, and DRGTS is
37 determined to be the low bidder. Unit price costs are as follows:
38

39 Construction and Demolition Debris Removal	\$7.45 per cubic yard
40 (disposal at CRSWMA facility in Tuscarora, NC)	
41	
42 Construction and Demolition Debris Removal – Beach	\$7.85 per cubic yard
43 (disposal at CRSWMA facility in Tuscarora, NC)	
44	
45 Vegetative Debris Removal (disposal within 30 mile round trip)	\$6.10 per cubic yard
46	
47 Vegetative Debris Removal (disposal within 30-50 mile round trip)	\$7.10 per cubic yard .
48	

49 As noted in the attached letter from Barry Johnson, the Town's FEMA consultant, the determination of DRGTS as the
50 low bidder is based on an assumption of the amount of debris generated by a Category 2 storm, as outlined in the
51 Town's bid documents. As noted on the bid tabulation, DRGTS is the low bidder for one of the categories, the 2nd
52 lowest bidder for 2 categories, and the 3rd lowest bidder for the other category. The calculation of costs for debris

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1
2 expected from a Category 2 storm results in DRGTS being lowest overall bidder. Barry Johnson has completed a
3 thorough evaluation of DRGTS, and we are confident in their ability to complete the work in a timely and quality
4 manner.

5
6 The Board should note that the bid process was based on assumptions that the construction and demolition debris will
7 be disposed of at the Coastal Environmental Partnership's (formerly Coast Regional Solid Waste Management
8 Authority) facility in Tuscarora, NC, however, if Carteret County establishes a closer facility in the aftermath of a storm
9 this strategy and pricing will be re-evaluated. The bid process also assumed that vegetative debris would either be
10 disposed of at a new vegetative debris disposal facility located on NC 58 near Silver Creek Golf Course or in the
11 general vicinity of Newport Middle School, hence the alternate bid prices for the disposal of vegetative debris. The new
12 NC 58 location is obviously much more convenient for Emerald Isle, and should result in lower costs and overall faster
13 collection and disposal times. All costs for hurricane debris removal should be eligible for FEMA reimbursement if
14 Carteret County is declared a disaster area.

15
16 The Board should again note that FEMA and the NC Division of Emergency Management (NCEM) have ruled that
17 NCDOT is the responsible entity for the removal of vegetative debris from NC 58, and that the Town would not be
18 reimbursed by FEMA for debris collection on NC 58. We remain fearful that NCDOT will not be as timely as the
19 Town's contractor in collecting debris, thus resulting in unnecessary delays in collecting debris from the most visible
20 areas of Town. It is likely that our residents who live on NC 58 will also become frustrated if NCDOT is not as timely as
21 the Town's contractor. Additionally, NCDOT is not likely to be as flexible with our residents as the Town regarding the
22 length of time that debris can be collected. Because of these concerns, we will again be working to reach an
23 agreement with NCDOT to allow them to essentially subcontract this work to the Town and our contractor. We are
24 hopeful that NCDOT will enter into such an agreement with the Town, however, if NCDOT decides not to enter into an
25 agreement with the Town, and if NCDOT's response is significantly delayed then we may direct our contractor to also
26 pick up vegetative debris along NC 58 at Town expense. We would obviously attempt to avoid this cost, however,

27
28 depending on the volume of debris and NCDOT's response time, it may be a better strategy from a customer service
29 and community appearance perspective. This decision will be evaluated at that time as necessary.

30
31 The Board should also again note that FEMA and NCEM have ruled that the Town will not be reimbursed for collection
32 of debris from private streets. This ruling is completely illogical, in my opinion, as the residents on private streets are
33 also Federal and State taxpayers and deserve the same level of service. Regardless of our challenge (and other
34 communities' challenges) to this ruling, FEMA and NCEM have been clear on this issue. In fact, the Town did not
35 receive reimbursement for collection from private streets after Hurricane Ophelia in 2005. Fortunately, the volume of
36 debris on private streets was relatively minor, and was not a major expense for the Town. Public Works also collected
37 some debris from private streets to minimize our additional expenses. Our intention for private streets after future
38 storms is to collect all debris in the same manner as the rest of the Town. Depending on the nature of the storm and
39 the volume of debris, Public Works may be directed to collect from private streets or the Town's contractor will be
40 dispatched to private streets at Town expense. In the event of a major debris event, one option that could be pursued
41 would be to require the private street subdivisions to contract for collection internally, with placement of debris on the
42 nearest public street right of way for collection by the Town's contractor. I sincerely hope we would not evolve to this
43 approach, but it could be considered if necessary in a worst-case scenario. I feel strongly that we owe the same level
44 of service to our citizens who live on private streets as we offer to all other residents.

45
46 The attached resolution also authorizes the execution of a contract with Tag Grinding Services, Inc., Daviston, AL, as
47 the Town's second call contractor at specified unit prices. Tag Grinding was the second lowest bidder in the Town's
48 recent bid process. The contract with Tag Grinding would only be activated if DRGTS failed to perform under the
49 contract.

50
51 A copy of Barry Johnson's debris contract recommendation and the complete bid tabulation are attached for the
52 Board's information.

53
54

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1
2 Resolution Authorizing Change Order to Extend Pre-Positioned Generator Rental Contract

3 The Board of Commissioners is also asked to approve the attached resolution that simply extends the Town's 2009
4 emergency generator rental contract with Godwin Pumps of America, Inc. for another year. The Town has historically
5 experienced low bidder interest in this contract, and will be transitioning to a 2-year contract for emergency generator
6 rental to match the 2-year cycle for the emergency pump rental contract (which is also held by Godwin). As is the case
7 for the debris and pump rental contracts, this contract will only be activated if a hurricane strikes and the Town needs
8 to secure generator power for Town buildings and / or fixed storm water pumps.

9
10 The attached resolution authorizes the Town Manager to execute a change order with Godwin that calls for the delivery
11 and initial set-up of 5 generators to provide electrical power to the Town's fixed storm water pumps located at Deer
12 Horn Drive, Doe Drive, Conch Court, Shipwreck Lane, and Colonel Henson Court. These 5 fixed pumps are already
13 wired for generator power, and no modifications to these pumps are required. The contract also calls for emergency
14 generators for Fire Station #2, the Recreation Center, and the Town Administration Building. All other Town buildings
15 have permanent generators. These three buildings are now wired for generator power, and hook up should be
16 relatively easy and quick when generators are delivered in the aftermath of a storm. (An electrician's services will be
17 required for cable connection on the generator itself.) The contract also includes the rental of large fuel tanks for the
18 generators. Under the terms of the contract, all equipment would be guaranteed to be available within 24 hours of a
19 notice to proceed.

20
21 The 2009 contract was awarded to Godwin after receiving 2 bids (the other one was not responsive), and Godwin's
22 2009 bid was identical to their 2008 pricing. The 2009 pricing would be extended for 2010 if the Board approves the
23 attached resolution. The attached 2009 bid tabulation indicates the unit price costs for delivery, setup, and first day
24 rental (code A), daily rental (B), weekly rental (C), and monthly rental (D). Each number on the bid tabulation (1, 2, 3,
25 etc.) represents a different generator location. The Board should note that the change order will reflect the removal of
26 the EMS Station from this contract, as that building is now served by a permanent generator.

27
28 As noted earlier, the emergency generator rental contract will only be activated if a hurricane strikes Emerald Isle and
29 the need for this equipment exists. The Federal Emergency Management Agency (FEMA) is expected to reimburse
30 the Town for 100% of costs associated with this contract if activated.

31
32 Public Works Director Artie Dunn noted that the resolution authorizing the
33 change order to extend the pre-positioned generator rental contract was really
34 done to clear up an oversight. Mr. Dunn said the extension of the generator
35 contractor would make it a two-year contract as last year they had extended the
36 pump contract as a two-year contract in order to reduce paperwork and they
37 would like to do the same with the generator contractor.

38
39 ***Motion was made by Commissioner Wootten to approve the Resolution***
40 ***Authorizing a Pre-Positioned Debris Removal Contract for Hurricane***
41 ***Debris. The Board voted unanimously 5-0 in favor. Motion carried.***

42
43 ***Motion was made by Commissioner Wootten to approve the Resolution***
44 ***Authorizing Change Order to Extend Pre-Positioned General Rental***
45 ***Contract. The Board voted unanimously 5-0 in favor. Motion carried.***

46
47 Town Manager Rush added that the good news this year was that Coastal
48 Environmental Partnership which used to be known as CRSWMA had set up a
49 vegetative debris disposal site on Highway 58 in Peletier which would cut down
50

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1
2 on the back and forth round trip time and allow Emerald Isle to be cleaned up a
3 little quicker.

4
5 **Clerks Note: A copy of Resolution 10-06-08/R3 and 10-06-08/R4 are incorporated herein by reference**
6 **and hereby made a part of these minutes.**

7
8 **15. Ordinance Amending Chapter 12 – Offenses and Miscellaneous**
9 **Provisions – of the Code of Ordinances To Clarify that Littering on the**
10 **Beach is Unlawful (10-06-08/O2)**

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

15
16 The Board of Commissioners is scheduled to consider the attached ordinance amendment that simply clarifies that
17 littering on the beach strand is unlawful. Although this concept seems obvious, I was unable to identify any language
18 in the Town's current Code of Ordinances that specifically prohibits littering on the beach strand. The attached
19 ordinance amendment is intended to provide a clear reference for Police Officers and Fire Department Beach Patrol
20 personnel in the event that a civil citation is necessary on the beach for littering.

21
22 The language in the attached ordinance amendment simply adds "the beach strand" to the Town's existing ordinance
23 that pertains to littering, located in Chapter 12. The penalty for violating this ordinance is a \$50 civil citation, and the
24 ordinance would be enforced by both Police Officers and the Fire Department's Beach Patrol personnel.

25
26 The Board should note that there is also applicable State law that prohibits littering, with stiffer fines, and that law may
27 also be invoked by our Police Officers if necessary. From a Town enforcement perspective, it is our intent to initially
28 rely on a verbal warning and appropriate correction of the littering by the offender. The offender would likely only be
29 charged with a civil violation in cases where he or she refuses to pick up the litter and dispose of it properly after being
30 advised by a Police Officer or Beach Patrol personnel. In extreme cases of uncooperative behavior, a State citation
31 could be issued by a Police Officer.

32
33 Town Manager Rush noted that the revised version provided the Board tonight
34 simply added a definition of beach strand which was consistent with the definition
35 used in other town ordinances.

36
37 Commissioner Hoover questioned the fine of only \$50. Town Manager Rush
38 said in this particular situation he chose to recommend retaining the \$50 civil
39 penalty. The Police Department did have the opportunity to invoke State
40 Statutes with more severe fines. Mr. Rush said they first try to rely on education
41 and warnings, and if someone was that obstinate and uncooperative then he
42 would suggest they invoke State Statute for those situations. Mr. Rush felt sure
43 our officers would remind the public they could face stiffer penalties if they were
44 not cooperative.

45
46
47
48

1
2 ***Motion was made by Commissioner Wright to adopt the Ordinance***
3 ***Amending Chapter 12 – Offenses and Miscellaneous Provisions – of the***
4 ***Code of Ordinances to Clarify that Littering on the Beach is Unlawful. The***
5 ***Board voted unanimously 5-0 in favor. Motion carried.***

6
7 **Clerks Note:** A copy of Ordinance 10-06-08/O2 is incorporated herein by reference and hereby made
8 a part of these minutes.
9

10 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

11
12 There were no comments from the Town Clerk or the Town Attorney.

13
14 Town Manager Rush updated and discussed with the Board the status of various
15 items of importance and projects. Included in discussions was the potential
16 implementation of parking fees at the eastern and western ocean regional
17 accesses. The consensus of the Board was to look into this issue in more detail
18 and not do anything this year.

19
20 Fire Chief Walker was in attendance and at the request of Mayor Schools spoke
21 to the Board about how the beach patrol program and how they operate.

22
23 The following is an excerpt from the Town Manager Comments memo to the
24 Board for additional background and items of importance:

25
26 **Potential Impacts from Deepwater Horizon Oil Spill**

27 The State's official position continues to be that there is a relatively small chance that NC's coast will be significantly
28 impacted by the oil spill, however, a recent computer model and recent media reports suggest that NC might be at a
29 greater risk than first believed.

30
31 Although the risk remains small, we continue to monitor the spread of oil from the Gulf of Mexico, and will be
32 maintaining a dialogue with potential resource providers to be as well-prepared as possible in the event that Emerald
33 Isle is impacted in the future. The Town will remain in contact with the Carteret County Emergency Management
34 Office, other Towns on Bogue Banks, the US Coast Guard, the NC Division of Emergency Management, the NC
35 Division of Coastal Management, and all other appropriate State and Federal agencies to secure as many helpful
36 resources as possible if Emerald Isle is impacted. We will also seek to assemble volunteer teams as needed to help
37 address any impacts that might occur.

38
39 **Recent Drownings in Emerald Isle**

40 All of us at the Town are deeply saddened by the two recent drownings that occurred in Emerald Isle last week, and
41 our hearts go out to the families of the victims. Our Beach Patrol, Fire Department, EMS squad, and Police
42 Department have all worked extremely hard over the past week, and their efforts are greatly appreciated.

43
44 The Fire Department continues to monitor surf conditions on a daily basis, and consults with the National Weather
45 Service about the rip current risk each morning. Although surf conditions and rip current risks were somewhat higher
46 than normal last week, the conditions were not significantly different than many other times in Emerald Isle, and did not
47 warrant the "red flagging" of the beach and closure to swimmers. Our Beach Patrol remains active in performing water
48 rescues and educating the public about rip current safety, and we have rip current signage in place at all public beach
49 accesses.
50

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1
2 Our staff will continue to work as hard as they can to promote safety in the ocean and on the beach strand, and we
3 welcome any suggestions to improve our effectiveness.
4

5 **Disposal of Recycling Materials**

6 Simmons & Simmons, the Town's solid waste contractor, was just informed by Coastal Enterprises, the recipient and
7 sorter of the Town's recyclables, that they will no longer accept the Town's recyclables. They initially informed
8 Simmons & Simmons on June 3 that June 2 was the last day they would accept the Town's recyclables. Upon
9 questioning by Simmons & Simmons, they agreed to accept the Town's June 9 recyclables, but have not committed
10 beyond that date.
11

12 I will be attempting to convince Coastal Enterprises to extend the cutoff date as long as possible while the Town seeks
13 an alternate recipient of the Town's recyclables. This sudden and unexpected decision by Coastal Enterprises is very
14 frustrating, but we will do our best to secure a new recipient within a reasonable distance from Emerald Isle.
15

16 **Implementation of New Beach Services Improvement Plan and Enforcement of Unattended Beach Equipment
17 Ordinance**

18 With the exception of the two unfortunate drownings, the implementation of the new Beach Services Improvement Plan
19 has gone very well so far this summer. I've received a number of positive reports from our staff and the public, and
20 obviously hope this will continue throughout the summer.
21

22 The Public Works Department has been enforcing the new unattended beach equipment ordinance since May 21, and
23 the first week relied solely on warnings. The enforcement process has gone much smoother than anticipated, and
24 Public Works reports that there have been very few items left out overnight, and that almost all of those who have
25 received warnings have heeded those warnings. To date, they've only confiscated a few pieces of equipment. The
26 reception from the public has also been generally positive as well.
27

28 **Fireworks – Potential Return to Bogue Inlet Pier in 2011?**

29 We are working with the owner of Bogue Inlet Pier on the potential return of the fireworks to Bogue Inlet Pier. Because
30 the Town already has a fireworks contractor lined up for the Chapel By The Sea this year, and because of more
31 involved permitting requirements (in the wake of the Ocracoke explosion last year), it is not possible to launch the
32 fireworks from Bogue Inlet Pier this year. We are, however, investigating that possibility for 2011 and beyond, but
33 need to reach an amicable agreement with the pier owner and also research the risks of firing the fireworks from the
34 pier, the ramifications of new fireworks regulations (resulting from Ocracoke explosion), and identify a willing fireworks
35 contractor. I will keep the Board posted on our progress on this issue.
36

37 **Potential Implementation of Parking Fees at the Western Ocean Regional Access and Eastern Ocean Regional
38 Access**

39 We have completed some additional research on this issue after the Board's recent discussion at the June 1 budget
40 workshop meeting. In summary, I believe that we could implement a \$5 per car fee at each location on weekends only
41 during the summer months, and likely net approximately \$35,000 or more of revenue annually. Assuming that the
42 Town could recruit suitable employees for these jobs in short order, we could potentially implement this in the coming
43 weeks if so directed by the Board.
44

45 Before the Board makes a decision on this matter, I encourage you to carefully consider and balance the need for
46 additional revenue to provide beach services vs. the benefits and importance of providing free parking and access (for
47 moral reasons, public relations reasons, and future beach nourishment funding reasons). I have attached a summary
48 of the fee policies of other NC beach towns for your review.
49

50 The Board may also wish to delay any discussion / decision on this issue until next spring prior to the 2011 season.
51
52
53
54

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1
2 **Eastern Emerald Isle Front Setbacks – Oceanfront Properties**

3 The Planning Board has preliminarily endorsed an amendment to the UDO to create a new overlay district for
4 oceanfront properties in eastern Emerald Isle to reduce the front yard setback from 30 feet to 20 feet. This ordinance
5 amendment will likely appear on the Board's July meeting agenda.

6
7 This change would make it easier for oceanfront property owners on the east end to regain conforming status and
8 reconstruct their homes in the future.

9
10 **Internet Sweepstakes Cafes**

11 The NC League of Municipalities has indicated that they expect a bill to be introduced in the General Assembly within
12 the next week that would make these uses illegal. The NCLM believes that such a bill will have good support in the
13 General Assembly and that it would have a reasonable chance of being approved. We will continue to monitor this
14 issue, which will obviously impact the Board's ultimate decision on how to regulate these uses.

15
16 The Planning Board has preliminarily endorsed an amendment to the Town's UDO that would 1) allow these uses in
17 the Business, Village East, and Village West zoning districts, 2) require that no two such uses be within 1,500 feet of
18 each other, 3) limit the hours of operation to 8 am – 10 pm, 4) require sufficient parking capacity, and 5) limit the age
19 of persons who can patronize these uses.

20
21 If the General Assembly does not take action to ban internet sweepstakes cafes altogether, the Board of
22 Commissioners will likely consider a formal ordinance amendment later this summer or early fall.

23
24 **Hazard Mitigation Plan Update**

25 As you know, the Board adopted a formal Hazard Mitigation Plan in 2005, and this plan must be updated every 5
26 years. Kevin Reed, Planning and Inspections Director, has been working on the update of this plan, and the update
27 will be presented to the Board at an upcoming meeting.

28
29 **Bogue Sound Drive Boat Ramp**

30 The new boat ramp for the Bogue Sound Drive area should be complete later this week. The water-based portion of
31
32 the ramp was poured approximately 3 weeks ago, and has sufficiently cured to meet CAMA permit requirements. The
33 contractor will push this portion of the ramp into place this week, and will complete remaining land-based concrete
34 work this week. We hope to reopen the ramp to this neighborhood by the end of the week.

35
36 **Interest in a Dog Park**

37 I have been working with the owner of the Sweet Spot ice cream shop / gift shop on the potential establishment of a
38 dog park in Emerald Isle. As you know, this idea has come up a few times in the past, but has not been pursued due
39 to the lack of suitable land. I recently pursued an idea to locate a fenced in dog park on the wide NC 58 right-of-way
40 near Emerald Plantation, but NCDOT is not receptive to this idea. We are considering other locations, including the
41 potential use of any remaining land at the new public boat launching facility after construction is complete later this
42 year. The Sweet Spot owner has committed to assist with a fundraising campaign to raise necessary funds for fence
43 construction and other improvements.

44
45 Please let me know if you have any thoughts or ideas about a potential dog park, particularly a low cost land area.

46
47 **East End Storm Water Outfall Removal**

48 As you know, the NC Clean Water Management Trust Fund recently released the grant funds awarded to construct
49 storm water infiltration basins and public access improvements at 17 soundside locations in eastern Emerald Isle.
50 Public Works will begin work on this project after the 2010 summer season, and we will be working to complete all 17
51 locations over the next 2 – 3 years. We are, however, proceeding with work at the 14th Street location this summer, as
52 the adjacent property owner is installing a bulkhead on private property and we are partnering on the extension of that
53 bulkhead across the 14th Street right of way. This work is being fully funded by grant proceeds. A new bulkhead will
54

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1
2 be installed by a contractor, and Town staff will construct a stormwater infiltration basin and steps to the water, and
3 also improve the aesthetics of this area.
4

5 **Skateboarding Enforcement**

6 In response to a repeat request from the owner of many commercial properties in the downtown area (Sea Oats
7 Village, Wings, The Planet, Veranda Square, Great Wall / Sweet Spot / etc. property, K & V Plaza, and others), the
8 Police Department is stepping up enforcement efforts against skateboarders who trespass on these properties, which
9 are clearly marked with signage indicating skateboarding is not authorized.
10

11 The Police Department will rely on stern warnings initially, and will charge repeat violators with trespassing if they do
12 not heed the warnings. Violators who are charged will be required to appear in court, and the Police Department will
13 also seek to involve the violators' parents in an effort to prevent future violations.
14

15 **COPS Grant Application**

16 The Police Department applied for this grant in 2009 after the vacant Police Officer / Investigator position was
17 indefinitely frozen due to budget concerns. The Town's application was denied in 2009, however, the Town has been
18 invited to apply again in 2010. I have directed the Police Department to pursue this grant again, which would provide
19 100% Federal funding for 3 years, with a commitment from the Town to continue to fund the position for at least 1 year
20 after the initial 3-year period. I am hopeful that the Town will receive this grant, which would enable the Police
21 Department to return to full staffing.
22

23 **Joint Strike Fighters - Draft EIS**

24 The Draft EIS for the new Joint Strike Fighters has been released by the Department of Defense, and indicates that the
25 majority of the new aircraft will be based at MCAS Cherry Point. The JSF squadrons would replace the AV-8B Harrier
26 and other aircraft within the next decade, and would utilize Bogue Field for training activities. A preliminary review of
27 the Draft EIS suggests that flight activity would decrease slightly, and that noise levels would be similar to that
28 experienced with the use of the AV-8B Harrier.
29

30 A public open house event for the public to learn about the Draft EIS, ask questions, and register comments, has been
31 scheduled for Wednesday, June 16 from 4 pm – 7 pm at the Emerald Isle Community Center.
32

33 **NC 58 Bicycle Path**

34 The NC 58 bicycle path project is essentially complete, with only limited bollard, marking, and signage work remaining.
35 Thus far, the Town has received reimbursement from NCDOT for approximately \$300,000 of the \$500,000 awarded for
36 the project, and will be working to secure the remaining reimbursement as soon as possible.
37

38 The new path is enjoying heavy usage, and has been well-received by our residents and visitors.
39

40 **New Public Boat Launching Facility**

41 The NC Wildlife Resources Commission is still awaiting award of the required CAMA permit and storm water permit for
42 the construction of the project, and is still hoping to begin construction of water-based improvements in July. NC
43 Wildlife Resources Commission staff is working with the State Construction Office now to get plans submitted early for
44 parking lot and storm water construction in an effort to expedite construction of these improvements. The NC WRC is
45 still working toward a late 2010 opening date.
46

47 **Aquarium Pier at Emerald Isle**

48 The NC Aquariums are awaiting final approval from the WAMI grant administrators to allocate a portion of the WAMI
49 grant for land acquisition. This is expected to be approved very soon, and the Aquariums and the State Property Office
50 will begin the process to make an offer on the vacant land adjacent to Flip Flops Mini-Mart. This land, if acquired,
51 would be used for wastewater disposal and overflow parking, and enable the construction of more parking spaces on
52 the main site at the Eastern Ocean Regional Access.
53

54 Design work continues by Moffatt & Nichol and BJAC Architects.

1
2 **17. Comments from Board of Commissioners and Mayor**

3
4 There were no further comments from the Board of Commissioners or Mayor.

5
6 **18. Closed Session – Pursuant to NCGS 143-318.11(6), for the Purpose of**
7 **Evaluating the Town Manager’s Performance**

8
9 ***Motion was made by Commissioner Hedreen to go into Closed Session.***
10 ***The Board voted unanimously 5-0 in favor. Motion carried.***

11
12 ***Motion was made by Commissioner Hedreen to return to Open Session.***
13 ***The Board voted unanimously 5-0 in favor. Motion carried.***

14
15 ***Motion was made by Commissioner Wootten to increase the Town***
16 ***Manager’s annual salary by \$4,200. The Board voted unanimously 5-0 in***
17 ***favor. Motion carried.***

18
19 **Adjourn**

20
21 ***Motion was made by Commissioner Hedreen to adjourn. The Board voted***
22 ***unanimously 5-0 in favor. Motion carried.***

23
24 **The meeting was adjourned at 7:45 pm.**

25
26 Respectfully submitted:

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30 Rhonda C. Ferebee, CMC
31 Town Clerk
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