

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, MARCH 9, 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, and Planning Director Kevin Reed.
21

22 **3. Opening Prayer**
23

24 Maddie Pake, youth member from Emerald Isle Baptist Church offered the
25 Opening Prayer for the Town Board meeting.
26

27 **4. Pledge of Allegiance**
28

29 After opening prayer all who were present recited the Pledge of Allegiance.
30

31 **5. Adoption of Agenda**
32

33 Mayor Schools said there was a request to switch Items 10 and 11 on the
34 agenda. ***Motion was made by Commissioner Messer to approve the agenda***
35 ***as amended. The Board voted unanimously 5-0 in favor. Motion carried.***
36

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

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

- 42 • **Proclamation – National Multiple Sclerosis Awareness Week – March**
43 **8 – 14, 2010 (10-03-09/P1)**
- 44 • **2010 Census Questionnaires – Return by Mid-April**
- 45 • **Friday Free Flick – “Where The Wild Things Are” – Friday, March 12 –**
46 **7 pm – Community Center**

- 1
- 2 • **19th Annual St. Patrick's Festival – Saturday, March 13 – 9 am – 5 pm**
- 3 **– Emerald Plantation Shopping Center**
- 4 • **Planning Board Regular Meeting – Monday, March 22 – 6 pm – Town**
- 5 **Board Meeting Room**
- 6 • **Special Board Meeting – Ethics Training – Thursday, March 25 –**
- 7 **4 pm – Town Administration Building**
- 8 • **Easter Egg Hunt – Sunday, March 28 – 1 pm – Community Center**
- 9 • **Joint EMS Committee Meeting – Wednesday, March 31 – 4:30 – pm –**
- 10 **Town Administration Building**
- 11 • **No Beach Driving Allowed – Friday, April 2 through Sunday, April 11**
- 12 • **Good Friday Holiday – Friday, April 2 – Town Offices & Community**
- 13 **Center Closed**
- 14 • **Blood Drive – Friday, April 2 – 2 pm – 7 pm – Community Center**
- 15 **(open only for Blood Drive activity)**
- 16 • **Friday Free Flick – Friday, April 9 – 7 pm – Community Center**
- 17 • **Race The Waves 8k Run – Saturday, April 10 – 8 am – Eastern Ocean**
- 18 **Regional Access**
- 19 • **Board of Commissioners Regular Meeting – Tuesday, April 13 – 6 pm**
- 20 **– Town Board Meeting Room**

21
22 Clerks Note: A copy of Proclamation 10-03-09/P1 as noted above are all incorporated herein by
23 reference and hereby made a part of these minutes.

24
25 **7. Special Presentation – Ron Mizesko, Public Works – 20 Year Employee**

26
27 Mayor Art Schools and Town Manager Frank Rush presented a Certificate of
28 Appreciation Plaque to Ron Mizesko, Public Works Supervisor, in recognition of
29 his 20 years of dedicated service to the Town of Emerald Isle.

30
31 **8. Consent Agenda**

- 32
- 33 a. **Tax Refunds / Releases**
- 34 b. **Order to Advertise Tax Liens**
- 35 c. **Minutes – January 12, 2010 Regular Meeting**
- 36 d. **Minutes – February 9, 2010 Regular Meeting**
- 37 e. **Minutes – February 26, 2010 Budget Workshop**
- 38 f. **Resolution Authorizing Internet Auction of Surplus Vehicles**
- 39 **(10-03-09/R1)**
- 40

41 ***Motion was made by Commissioner Wright to approve the items on the***
42 ***consent agenda. The Board voted unanimously 5-0 in favor. Motion***
43 ***carried.***

44
45

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1
2 **Clerks Note: A copy of Resolution 10-03-09/R1, and all Consent Agenda items as noted above are all**
3 **incorporated herein by reference and hereby made a part of these minutes.**
4

5 **9. Public Comment**
6

7 **Brief Summary:** The public will have the opportunity to address the Board about
8 any items of concern not on the agenda.
9

10 There were no comments from the public.
11

12 **10. Proposed Rezoning – Portion of Island Harbor Marina Subdivision,**
13 **Tract A, from Mobile Home-1 (MH-1) to Marina Village (MV)**
14

15 **a. Public Hearing**

16 **b. Consideration of Rezoning**
17

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

22 A request has been submitted by Maritime Siblings, LLC, for the rezoning of a portion of Tract A of the Island Harbor
23 Marina Subdivision from Mobile Home-1 (MH-1) to Marina Village (MV). The subject property contains approximately
24 4,620 square feet and is located at Island Harbor Marina along the eastern boundary Tract A. The property to be
25 rezoned was recently added to Tract A through a lot line adjustment with an adjacent property (Tract B) which was
26 zoned MH-1. The property to be rezoned will be used to provide an access road to a proposed restaurant building that
27 will be constructed as part of the redevelopment activities for Island Harbor Marina. The portion to be rezoned also
28 provides access to leased mobile homes located on Tract B.
29

30 The Town's 2004 CAMA Land Use Plan (LUP), specifically the Future Land Use Map (FLUM), indicates that the
31 property subject to the rezoning is projected to be of the Marina Village area. Therefore, this rezoning request is
32 consistent with the Town's CAMA Land Use Plan. The Planning Board considered this request at its meeting held on
33 February 22, 2010. Following its discussion of the request, the Board voted unanimously (7 to 0) to recommend to the
34 Board of Commissioners that the property be rezoned.
35

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

39 There were no comments from the public.
40

41 ***Motion was made by Commissioner Messer to close the Public Hearing.***
42 ***The Board voted unanimously 5-0 in favor. Motion carried.***
43

44 ***Motion was made by Commissioner Wright to approve the rezoning of a***
45 ***portion of Island Harbor Subdivision, Tract A, from Mobile Home – 1 to***
46 ***Marina Village because the rezoning is both reasonable and in the public***
47 ***interest because – a large adjacent property is currently zoned Marina***
48 ***Village; the Town's Land use Plan projects that the property is part of the***

1
2 ***Marina Village area; the overall community benefits associated with the***
3 ***provision of a marina facility; and the community's overall interest in***
4 ***adequate boating access to Bogue Sound. The Board voted unanimously***
5 ***5-0 in favor. Motion carried.***
6

7 **11. Commercial Site Plan Review – Island Harbor Marina Redevelopment**
8

9 Planning Director Kevin Reed addressed the Board and provided visual images
10 regarding this agenda item. The following excerpt from his memo to Town
11 Manager Frank Rush is provided for additional background:
12

13 A request has been submitted by Maritime Siblings, LLC for commercial review of the proposed redevelopment
14 activities of Island Harbor Marina located on the north side of Sound Drive. The property is currently zoned Marina
15 Village (MV) and the proposed marina, dry stack boat storage facility, swimming pool, restaurant and the ship
16 store/marina services building are all permitted uses in the Marina Village Zoning District. The proposed dry stack
17 building will contain 250 spaces; the marina will have 65 wet slips; the restaurant will have 75 seats and there will be a
18 ship store building containing 7,000 square feet of space. The existing marina building will remain and other structures
19 will be demolished or removed as part of the development activity. The owners are requesting for commercial review
20 and approval for the entire project which will be constructed in two phases.
21

22 You will find attached a copy of a site plan for the project which includes the lighting plan for the development. Also
23 attached are copies of the proposed building elevations including building colors and an architectural rendering of the
24 dry stack building showing both Phase I and Phase II construction. The Town's Technical Review Committee (TRC)
25 reviewed the project at its meeting held on February 3, 2010. Following that meeting, Town staff requested several
26 revisions to the plan and additional information.
27

28 As previously indicated, the redevelopment activities are expected to be constructed in two phases. Phase I will
29 consist of the following:
30

- 31 1. Construction of a 130' x 211' dry stack boat storage building that will contain 125 dry slips and 30 valet
32 parking spaces.
- 33 2. Construction of a 7,000 square foot marina services building to be attached to and part of the Phase I dry
34 stack building.
- 35 3. Construction of new marina docks that will contain 65 wet slips including fuel pumps and the associate fuel
36 storage facilities.
- 37 4. Construction of a 75 seat restaurant building.
- 38 5. Construction of 104 wood surfaced parking spaces and paved travel/access ways.
- 39 6. Construction of a 25' x 50' swimming pool.
- 40
- 41
- 42
- 43
- 44
- 45

46 Phase II construction will consist of the following:
47

- 48 1. Construction of a 130' x 211' dry stack boat storage building that will contain 125 dry slips.
- 49 2. Construction of an additional 86 wood surface parking spaces with paved travel/access ways.
- 50
- 51
- 52

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1
2 The lighting portion of the site plan for the project shows 5 pole lights located along the western boundary of the
3 property. While these pole lights may be important for effectively illuminating the parking area, Town staff believes
4 they may also contribute to spillover lighting to the Sunset Harbor condominiums located immediately west of the
5 marina. Staff believes that shielding the western side of these fixtures should reduce or eliminate any unnecessary
6 spillover.
7

8 Section 6.1.2(1) of the Town's Unified Development Ordinance (UDO) requires a buffer between properties zoned
9 mixed use and properties zoned for a residential use. Since the marina property is zoned Marina Village (MC) and the
10 adjacent properties are zoned Residential Multi-Family (RMF) and Mobile Home-1 (MH-1), then a buffer will be
11 required along the western and eastern boundaries of the marina property. The applicants are proposing a 6-foot
12 privacy fence along the entire western boundary of the property which would meet the buffer requirements. Along the
13 eastern boundary of the property, the applicants are proposing a 6-foot privacy fence from the southernmost point of
14 the eastern boundary and extending in a northerly direction for approximately 160 feet. No other portion of the eastern
15 boundary is proposed for a buffer since it would impede vehicular traffic to adjacent mobile homes and would interfere
16 with the installation of stormwater measures.
17

18 It should also be noted that on the eastern boundary of the property that the owners recently completed a lot line
19 adjustment that added approximately 4,620 square feet to the parcel which was taken from an adjacent, contiguous
20 parcel. This 30' x 154' parcel addition is currently zoned Mobile Home-1 (MH-1) and the applicants have requested
21 that it be rezoned to Marina Village (MV). The Planning Board, at its meeting held on February 22, 2010, found the
22 rezoning request to be consistent with the Town's CAMA Land Use Plan and has unanimously (7 to 0) recommended
23 to the Board of Commissioners that the rezoning be approved.
24

25 The Town's Unified Development Ordinance (UDO), specifically Chapter 6, Section 6.1.3(4)(B), requires that
26 commercial structures have building offsets or architectural features every 20 feet in order to avoid buildings having the
27 appearance of being large box type structures. This requirement applies to all sides of the structure including those
28 visible from the water. The applicants are proposing the use of offsets and architectural design features as an
29 approach to complying with this requirement of the UDO for the dry stack, ship store and restaurant buildings. In
30 addition, the UDO, specifically Chapter 6, Section 6.1.3(5)(A), requires that dry stack boat storage facilities, with a roof
31 pitch of less than 4:12, incorporate architectural features and building finishes that make the structure appear less like
32 a flat roof structure. The proposed dry stack has a 0.5:12 roof pitch therefore it is required to meet this standard. The
33 applicants are proposing the use of architectural features and building finishes as an approach to complying with this
34 requirement of the UDO for the dry stack building. The proposed ship store and restaurant buildings both have the
35 necessary 4:12 roof pitch; therefore, those structures are not required to meet this requirement of the UDO.
36

37 Town staff is comfortable in concluding that the current site plan and other submitted materials are consistent with the
38 Town's requirements for building setbacks, building colors, building height limitations, parking, and vegetated area
39 requirements.
40

41 To date, the Town has received information from the Carteret-Craven Electric Cooperative and Bogue Banks Water
42 Corporation that they can serve the proposed development. The applicants have applied for the necessary permit from
43 the Carteret County Health Department for the on-site septic disposal system; however, to date no permit has been
44 received for the septic disposal system to serve the proposed development. The Town's consulting engineer has
45 previously reviewed a stormwater plan for the proposed redevelopment activities and has indicated that it is consistent
46 with the Town's stormwater regulations. In addition, the State has issued a stormwater permit and erosion and
47 sediment control permit for the proposed redevelopment. The applicants have also received a Major CAMA Permit for
48 the redevelopment activities. It should be noted that changes to the site plan that have been incorporated after the
49 issuance of the CAMA permit and local/State stormwater permits will require the applicants to seek and receive a
50 modification to these permits.
51

52 The Planning Board discussed the request for Commercial Review at its meeting held on February 22, 2010.
53 Following its discussion of the request, there was a motion to recommend to the Board of Commissioners that the
54 Commercial Review be denied because the east and west building elevations of the dry stack did not meet the

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1
2 requirements set forth in Section 6.1.3(5)(A) of the UDO. This motion failed by a 5 to 2 vote. A second motion was
3 made to recommend to the Board of Commissioners that the Commercial Review be approved. This motion was
4 approved by the Planning Board with a 5 to 2 vote with the following four conditions:
5

- 6 1. Approval for the on-site septic disposal system from the Carteret County Health Department.
- 7 2. Approval from the NC Division of Coastal Management for a modification to the Major CAMA permit.
- 8 3. Approval from the Town's consulting engineer that modifications to the site plan are consistent with the
9 Town's stormwater regulations.
- 10 4. Approval from the NC Division of Water Quality that the modifications to the site plan are consistent with their
11 previously issued permit.
12

13 In addition to these conditions, Town staff recommends that any approval granted by the Board of Commissioners
14 include a condition that the pole lighting on the western portion of the property be shielded in order to reduce the
15 impact on the adjacent residential property.
16

17 Andy Harris, speaking on behalf of his clients Island Harbor Marina described the
18 architectural features of the proposed drystack facility. Mr. Harris spoke about
19 the revised drawings provided to the Board and features added following the
20 Planning Board meeting. Mr. Harris provided additional renderings of the
21 architectural features for the Board and public to view.
22

23 The project architect Stephanie Van Noordt was present to answer questions and
24 outlined in further detail the feature elements, colors, and elevations that were
25 incorporated into the project design and provided material samples of the siding,
26 roof and shingles.
27

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

30 Ben Moss, 316 Deer Trail/317 Old Ferry Road stated that he was all for it and he
31 felt that the building being white would make it look smaller.
32

33 There was considerable discussion among the Board and the representatives for
34 the Island Harbor Marina expressing concerns about whether the submitted
35 plans complied with the ordinance particularly as it pertained to the roofline.
36 Commissioner Hedreen noted that there would be an entire community living
37 right beside this and they were trying to make it better for them.
38

39 Mayor Schools in summarizing the Board's requests for the applicants asked that
40 they prepare complete color drawings showing the features above the roofline;
41 including windows, and all dimensions shown with notation as to how far they
42 protrude to be further reviewed by the Board. The Board would set a time to
43 meet again to review the drawings submitted with those features and information
44 incorporated once the applicant was able to provide a timeframe for completion
45 of the drawings.
46

47 (Mr. Harris after consulting with Ms. Van Noordt determined that they could have
48 the requested drawings ready by Monday, March 17).

1
2 **12. Presentation – New Carteret County Comprehensive Transportation**
3 **Plan**
4

5 Planning Director Kevin Reed addressed the Board and provided a PowerPoint
6 presentation regarding this agenda item. The following excerpt from his memo to
7 Town Manager Frank Rush is provided for additional background:

8
9 The North Carolina Department of Transportation (DOT), specifically the Transportation Planning Branch (TPB),
10 recently began the process of creating a Comprehensive Transportation (CTP) for Carteret County. The TPB was not
11 previously scheduled to create a CTP for the county for several years; however, recent changes in planning efforts in
12 other counties allowed Carteret County to become the next priority for CTP development. The primary persons at DOT
13 responsible for this effort are Carlos Moya-Astudillo and his supervisor, James Upchurch. While this is a "county plan"
14 it also includes all of the municipalities within the county. A local steering committee has been created to work with NC
15 DOT staff and all of the municipalities in the county have representation on the committee. In addition, there are
16 representatives on the committee from the Down East Rural Transportation Planning Organization (RPO), NC DOT
17 Ferry Division, state ports, the Carteret County Area Transportation System (CCAT) and the Down East area. I am
18 serving as the committee representative for the Town and as vice-chairman for the steering committee. The steering
19 committee chairperson is Morehead City Planning Director Linda Staab.

20
21 **What is a CTP?**
22

23 A Comprehensive Transportation Plan (CTP) is the latest approach being utilized by the NC DOT for transportation
24 planning and came about as a result of changes in state transportation planning law adopted by the General Assembly
25 in 2001. When a CTP is ultimately adopted by the state Board of Transportation (BOT) it represents the state's
26 concurrence with locally identified transportation needs. The CTP also is an important document because it is used as
27 technical support when requesting projects from the Board of Transportation, the Division Engineer or the
28 Transportation Improvement Program (TIP). The CTP can also be used to support other local planning efforts. A CTP
29 differs from a thoroughfare plan because it is a multi-modal plan that identifies the existing and future transportation
30 system including highways, public transportation, rail, bicycle and pedestrian facilities needed to serve the anticipated
31 travel demand.

32
33 **What are the benefits of a CTP?**
34

35 According to NC DOT, benefits of a CTP include:

- 36
37 It supports community adopted vision and goals by integrating land use and transportation.
38 It allows communities to consider all modes, not just road improvements, for the future
39 transportation system.
40 It is more environmentally sound through an early and explicit consideration of sensitive
41 environmental resources.
42 It is more accountable to the public through the formal stakeholder involvement process.
43

44 Additionally, the CTP process provides a direct link to project development. Once a project is funded, it must go
45 through an extensive project development process, including an environmental review. Relevant transportation,
46 environmental, and stakeholder information collected and analyzed during the CTP process can supplement or replace
47 information needed during project development. A CTP does not make promises to build new roads or determine a
48 pinpoint location of new roads.
49
50
51

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1
2 What is the process that will be used to develop the CTP?
3

4 The following are the major components of the CTP development process:
5

6 *Study Initiation*

- 7 Meet with local staff
8 Access the area to be studied

9 *Data Collection*

- 10 Collect data on existing and future land use, population, employment information, and traffic
11 volumes
12 Research environmental and cultural concerns
13 Solicit input regarding local area needs, issues, concerns, etc.

14 *Data Analysis*

- 15 Conduct existing and future deficiencies analysis
16 Generate future transportation information
17 Share findings with local government
18 Conduct public informational workshops

19 *Plan Development*

- 20 Develop alternative plans
21 Review project impacts
22 Conduct cost-benefits analysis
23 Discuss alternatives with local staff and policy boards
24 Conduct public informational workshops
25 Discuss and resolve public concerns with local staff
26 Work with local staff and policy boards to select recommended plan

27 *Plan Adoption*

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

30 *Plan Implementation*

- 31 Local government enforces land use controls
32 Local government presents project request through TIP process
33

34 The CTP development process formally began with a meeting of the steering committee leadership in January. The
35 first full steering committee meeting was held on February 4, 2010 and the committee will meet monthly during the
36 initial phases of the process and other times throughout the process as necessary. The goal is to complete the
37 process including plan adoption by the state Board of Transportation by mid-2011. There are no costs to the county or
38 the municipalities for the CTP development process.
39

40 **13. Interlocal Agreement – Master Beach Nourishment Plan / Programmatic**
41 **EIS**
42

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

47 The Board of Commissioners is scheduled to formally consider the attached formal Interlocal Agreement between
48 Carteret County and the towns of Emerald Isle, Indian Beach, Pine Knoll Shores, and Atlantic Beach at the March 9
49 meeting. The attached agreement was prepared by Town Attorney Richard Stanley and Carteret County Shore
50 Protection Officer Greg "Rudi" Rudolph after considering input from multiple Federal, State, and Town officials over the
51 past several months. The governing bodies of the other towns are also expected to consider the agreement in March
52 and April.

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1
2 The attached agreement is essentially a formalization of the current working relationships in place now among the
3 County and the towns on Bogue Banks, but is requested at this time because the Beach Commission / Shore
4 Protection Office is moving forward with the development of a "Master Beach Nourishment Plan" and "Programmatic
5 Environmental Impact Statement" (EIS) for future beach nourishment activities on Bogue Banks over the next several
6 decades. As you know, Emerald Isle is represented on the Beach Commission by Commissioner Tom Hoover and
7 resident Buck Fugate. Mayor Art Schools also serves on the Beach Commission in a slot designated for the Tourism
8 Development Authority.
9

10 The intent behind the "Master Plan" and "Programmatic EIS" is to secure a multi-decade, "blanket"-type permit for
11 future beach nourishment activities on Bogue Banks. The "Master Plan" and "Programmatic EIS" will essentially
12 complete all of the detailed analyses up-front, secure the "blanket"-type permit for future nourishment activities based
13 on pre-approved strategies (sand sources, dredging methods, timing issues, environmental mitigation efforts, etc.), and
14 then allow the County and the towns to secure greatly-expedited permit authorizations prior to each future nourishment
15 event. The completion of this process, with the ultimate outcome the award of the "blanket"-type permit, will insure that
16 the County and the towns can meet our future beach nourishment needs in the most economical, expedited, and
17 responsive manner.
18

19 The Beach Commission / Shore Protection Office has been working closely with the appropriate Federal and State
20 permitting agencies on this effort, and these agencies have requested that the County and the towns enter into a
21 formal interlocal agreement in order to facilitate this process. The lead Federal (US Army Corps of Engineers) and
22 State (NC Division of Coastal Management) permitting agencies recognize the proactive efforts in Carteret County and
23 recognize the value of the Beach Commission / Shore Protection Office model, but believe that a formal interlocal
24 agreement will strengthen our efforts and provide greater confidence among the full array of Federal and State
25 permitting agencies involved in beach nourishment activities.
26

27 The Beach Commission / Shore Protection Office recently approved a contract with Moffatt & Nichol, Raleigh, NC for
28 the development of the "Master Plan" and "Programmatic EIS", and initial work is underway. The total value of the
29 contract is approximately \$1.4 - \$1.7 million +/- and is funded completely by the Beach Commission / Shore Protection
30 Office. Work is expected to be complete within a 3-year period.
31

32 The attached Interlocal Agreement essentially formalizes what is already a very positive, cooperative relationship
33 between the County and the towns on Bogue Banks. The agreement was drafted in that same cooperative spirit, and
34 includes the following significant provisions:
35

- 36 • Emerald Isle, Indian Beach, and Pine Knoll Shores are the expected main beneficiaries of this effort, along
37 with unincorporated areas of Salter Path.
38
- 39 • Atlantic Beach is expected to continue to receive sand from spoils disposal associated with the regular
40 dredging of the Morehead City Harbor Federal Navigation Project, however, Atlantic Beach is included in the
41 agreement in the event that sand becomes unavailable or limited in the future in any way.
42
- 43 • The "Master Plan" and "Programmatic EIS" will outline sand sources, nourishment "triggers", dredging
44 methods, timing issues, environmental mitigation efforts, and other aspects of future nourishment activities.
45 The final product is expected to contemplate all reasonably foreseeable potential sand sources and
46 nourishment activities.
47
- 48 • Each town is responsible for providing necessary right-of-way, easements, staging areas, etc. for future
49 nourishment events in its jurisdiction.
50
- 51 • Each town is responsible for meeting applicable public beach access and parking requirements in its
52 jurisdiction.
53
54

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- Each town is responsible for providing any costs not provided by Federal, State, or County room occupancy tax funds for future nourishment activities and events. As you know, the Board recently endorsed a plan to levy new special district taxes (3 cents oceanfront and inlet-front / 1 cent for all other properties) for the Town's projected future costs.
- The County or a particular town is authorized to be the lead administrator for future nourishment events in a particular town. For example, Emerald Isle could either receive room occupancy tax funding from the County and oversee its own construction events in the future (as has been the case in the past) or could choose to delegate this responsibility to the County (i.e, the Beach Commission / Shore Protection Office), depending on local preference at the time.
- In general, if a project involves more than one jurisdiction, all nourishment costs for that event will be divided on a pro-rata basis among the parties receiving nourishment. The specific cost-sharing details will be negotiated among the parties prior to the construction event, including potential disruptions during construction, inability to complete the nourishment event, etc. (turtles, tires, weather, etc.)
- Because the towns are the main beneficiaries, the agreement indemnifies the County.
- Any town has the ability to withdraw from the agreement at any time, but must provide a 12-month notice. This would appear to be an extreme action, as that town would then become ineligible for use of room occupancy tax funds earmarked for future beach nourishment activities.
- The Beach Commission, which has fair representation from each of the towns, plays the lead role in determining when and where nourishment events will occur. It is expected that these decisions will occur with great cooperation and coordination among the towns.

The Board should note that the attached Interlocal Agreement is intended to be a flexible document, and will likely be amended from time to time in the future as uncertainties become clearer over time. As noted above, there will also be more specific agreements executed among the parties for specific nourishment events.

As noted above, the attached Interlocal Agreement simply formalizes and reinforces the already excellent, cooperative relationship that exists among the towns and the Beach Commission / Shore Protection Office. We have every expectation that this positive relationship will continue in the future. If for some unexpected reason this relationship deteriorates, the Town's interests will likely be protected by its strong representation on the Beach Commission, and can also be revisited politically with the affected parties at such time.

The attached Interlocal Agreement is very similar to the version originally presented to the Board at the February 9 meeting. Minor amendments have been made to few sections of the agreement since that time. All of the incorporated amendments are improvements over the previous language, do not affect the overall substance or spirit of the agreement, and are not detrimental to Emerald Isle's interests in any way.

Motion was made by Commissioner Wootten to approve the Interlocal Agreement for the Master Beach Nourishment Plan and Programmatic EIS. The Board voted unanimously 5-0 in favor. Motion carried.

Clerks Note: A copy of the Interlocal Agreement for the Master Beach Nourishment Plan and Programmatic EIS as noted above is incorporated herein by reference and hereby made a part of these minutes.

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14. 2010 Street Resurfacing Program

Public Works Director Artie Dunn addressed the Board regarding this agenda item. The following excerpt from the Town Manager's memo to the Board is provided for additional background:

The Board of Commissioners is asked to approve the 2010 street resurfacing program at the March 9 meeting. The attached resolution authorizes the Town Manager to execute a contract with Onslow Grading and Paving, Inc. at specified unit costs for a total amount not-to-exceed \$136,349. This contract amount is within the budget established this contract, however, the Board should note that the total street mileage to be resurfaced is only 1.18 miles, significantly below our 2.3 mile annual goal.

Artie Dunn, Public Works Director, prepared the bid packages and requested bids to resurface approximately 2.1 miles of various public street segments (including initial paving of a new bicycle path segment along Coast Guard Road). You may recall that our goal has been to resurface at least 2.3 miles of public streets annually in order to remain on a 20-year life-cycle for all Town streets. (The Town has a total of 46 miles of public streets.) The 2.1 mile total was requested initially because we had been hopeful that we could at least get somewhat close to the 2.3 mile goal, but we obviously did not. Onslow Grading and Paving was the low bidder for the total 2010 street resurfacing package with a total bid of \$224,899 for the approximately 2.1 mile package, and the amount authorized in the attached resolution has been reduced to remain within the Town's budget. The Town received only one other bid for this project. Barnhill Contracting Company submitted a total bid of \$233,420 for the approximately 2.1 mile package. A copy of the bid minutes is attached for your information.

The Town's FY 09-10 Powell Bill Fund budget includes a total of approximately \$133,000 for this contract. The Town received approximately \$5,500 more Powell Bill revenues than anticipated in the original FY 09-10 budget, so these additional funds are also available for this contract. The attached Powell Bill Fund budget amendment formally recognizes these additional revenues and appropriates them for the resurfacing contract.

The low bid submitted by Onslow Grading and Paving was approximately \$86,000 more than the amount available. Artie Dunn and I have reviewed the approximately 2.1 miles of street segments included in the 2010 package, and have eliminated a length of .86 miles of street segments and the bicycle path segment to reduce the total cost of the 2010 street resurfacing contract to the \$136,349 included in the attached resolution. A list of the specific street segments to be resurfaced in 2010 and maps are attached, along with a list of the segments that were included in the bid package but that are not recommended for inclusion in the contract at this time. The Board should note that our primary strategy in preparing this recommendation is to focus on a relatively compact area, in this case the Coast Guard Road area, and also to complete the section of Coast Guard Road between Bell Cove Village and Emerald Isle Woods Park to address recent deterioration, resurface previous patches, and prepare for a future bicycle path extension in this area (hopefully later this fall or next spring).

As noted, it is now essentially impossible to reach our 2.3 mile annual street resurfacing goal. The actual miles of Town streets resurfaced in recent years is indicated below:

2010 (recommended)	1.18 miles
2009	1.45 miles
2008	1.80 miles
2007	2.15 miles
2006	2.00 miles
2005	2.30 miles
2004	2.37 miles
2003	2.40 miles.

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1
2 For all practical purposes, we have essentially abandoned the 2.3 mile annual goal, and the only way this goal can be
3 met in the future is to supplement annual Powell Bill revenues with a General Fund contribution. In order to meet the
4 2.3 mile goal for the 2010 resurfacing contract, more than \$100,000 of additional funding would need to be added.
5 Because of the Town's current budget situation this year, I am not comfortable recommending the use of General Fund
6 balance at this time. It is also highly unlikely that the FY 10-11 General Fund budget will be capable of providing
7 additional funds for street resurfacing. Despite the fact that Powell Bill revenues have been declining and street
8 resurfacing costs have been increasing, the good news is that overall the Town's street are in fairly good condition.
9 We again did not identify any one Town street in dire need of resurfacing in 2010, although the condition of some
10 streets is less than ideal. The relatively harsh winter we have experienced this year has led to an increase in the
11 number of potholes, however, we have not experienced a significant increase in street surface quality complaints.
12

13 All resurfacing work will be completed in March and April, and the Easter holiday will be avoided.

14
15 Mayor Schools asked for any comments from the public.

16
17 Paul Schwartz, Wyndtree Drive, was curious why they didn't stay with the goal of
18 having everything redone within 20 years. He felt if they knock off 15% or 30%
19 each year they would wind up with bad streets.
20

21 Town Manager Rush said they would like to resurface more than 1.2 miles but
22 the issue was they only had funding available from the Powell Bill funding source,
23 and there was only sufficient funding to allow 1.2 miles. Mr. Rush said
24 historically the cost of asphalt has increased significantly and Powell Bill
25 revenues have gone down significantly.
26

27 ***Motion was made by Commissioner Hoover to adopt the plan as approved.***

28
29 Commissioner Hedreen mentioned that last year when it was noted there were
30 streets that really didn't need to be redone they used the money for additional
31 bike path and wondered if they were sure they couldn't do anything else with that
32 money. Mr. Dunn confirmed that those funds couldn't be used for anything else.
33

34 ***Commissioner Hoover revised his motion as follows- motion to approve***
35 ***the Resolution Authorizing the 2010 Street Resurfacing Contract with***
36 ***Onslow Grading and Paving, Inc. The Board voted unanimously 5-0 in***
37 ***favor. Motion carried.***

38
39 ***Motion was made by Commissioner Wootten to approve the Budget***
40 ***Amendment for the Powell Bill Fund. The Board voted unanimously 5-0 in***
41 ***favor. Motion carried.***
42
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1
2 **15. Bicycle and Pedestrian Transportation Plan**
3

4 Mayor Art Schools presented the Bicycle and Pedestrian Plan to the Board. The
5 following excerpt from the Town Manager's memo to the Board is provided for
6 additional background:

7
8 The Board of Commissioners is scheduled to review and consider a revised version of the Bicycle and Pedestrian
9 Transportation Plan that was originally presented to the Board at the January 12 meeting.

10
11 Based on direction from the Board at the January 12 meeting, the draft plan has been revised by Mayor Schools with
12 input from Commissioner Wright, Parks and Recreation Director Alesia Sanderson, me, and members of the Town's
13 Bicycle and Pedestrian Advisory Committee. Rob Will, Community Planner for the Down East Regional Planning
14 Organization, and Robert Mosher, NCDOT Division of Bicycle and Pedestrian Transportation, also reviewed the Plan

15
16 and provided helpful input. The revised Plan is modeled after the Town of Oak Island's Bicycle and Pedestrian
17 Transportation Plan.

18
19 As you know, the Town has placed a high priority on bicycle and pedestrian facilities in recent years. The Town has
20 constructed a total of 4.8 miles of new bicycle paths and sidewalks since 2004, and an additional 2.0 miles is currently
21 under construction. The vast majority of these 6.8 miles has been funded by various grants and contributions. The
22 Town's bicycle path network is among the most heavily utilized amenities in Emerald Isle, and has been very well-
23 received by our residents, visitors, and businesses. The Bicycle and Pedestrian Advisory Committee has also been
24 hard at work on other initiatives intended to promote bicycling and walking over that time. The attached Bicycle and
25 Pedestrian Transportation Plan seeks to continue our past success and further expand the opportunities for bicyclists
26 and pedestrians in Emerald Isle.

27
28 The attached plan identifies a total of 9.2 miles of desired bicycle path improvements targeted for the foreseeable
29 future depending on the availability of funding, and an additional 7 miles of sidewalk and .5 miles of bicycle path over
30 the very long-term and/or as redevelopment occurs in particular areas. The central goal of the plan is the availability of
31 a dedicated bicycle path along the entire length of Coast Guard Road and NC 58, extending from The Point to the
32 Indian Beach town line. The following priorities are outlined in the plan:

- 33
34
- 35 1. 10 ft. wide bicycle path along Coast Guard Road from Deer Horn Drive to Sea Dunes Drive - .2 miles
 - 36 2. 10 ft. wide bicycle path along NC 58 from the Ocean Drive "dog-leg" to 25th Street - .5 miles
 - 37 3. 10 ft. wide bicycle path along Coast Guard Road from Sea Dunes Drive to Lands End - 1 mile
 - 38 4. 10 ft. wide bicycle path along Coast Guard Road from Lands End to Ring Street - .5 miles
 - 39 5. 10 ft. wide bicycle path along NC 58 from Hurst Drive to Ocean Drive "dog-leg"
 - 40 6. 10 ft. wide bicycle path along NC 58 from 25th Street to the Indian Beach town line
 - 41 7. 10 ft. wide bicycle path along NC from Coast Guard Road to the B. Cameron Langston Bridge - .5 miles.

42 It should be noted that the plan includes a very important caveat on this priority list. The actual order in which projects
43 are completed will be dependent on any restrictions on funding when it becomes available. For example, if NCDOT
44 funding become available, but must be used on an NCDOT route, then NC 58 projects will become a higher priority.

45
46 The Bicycle and Pedestrian Transportation Plan, if adopted by the Board, will provide clear guidance for the Bicycle
47 and Pedestrian Advisory Committee, Town staff, and the Board in moving forward on future initiatives. As you know,
48 the desire for additional bicycle and pedestrian facilities is nearly universal, and it is likely that the only limiting factor
49 will be the availability of funding for future improvements. The attached plan encourages the aggressive pursuit of
50 grant funding for bicycle and pedestrian improvements. The adoption of the plan will likely enhance the Town's future
51 grant applications, as many grant programs require that communities have an active plan. All grant applications and
52 Town funding decisions for future improvements, will, however, be considered by the Board at the appropriate time.
53

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1
2 The attached plan also encourages the Bicycle and Pedestrian Advisory Committee to become an active fundraising
3 group, with a goal to emulate the fundraising successes of the Friends of the Western Carteret Library and other local
4 groups. As you know, the initial segment of the Coast Guard Road bicycle path was made possible partially as a result
5 of fundraising activities led by the Emerald Isle Business Association, and additional fundraising activities will enable
6 the Town to expedite our progress on the goals outlined in the plan.

7
8 Mayor Schools asked for comment from the public.

9
10 Mark Brennesholtz, 9322 Ocean Drive, also a member of the Bicycle and
11 Pedestrian Advisory Committee, asked about the creation of bike routes around
12 town that was low budget that was in the original draft but not included in the
13 current plan. Mr. Brennesholtz said these bike routes would not require new
14 construction and could be publicized by bike and pedestrian maps at the visitor
15 center. Mr. Brennesholtz said all it would take was little colored signs that could
16 be deployed with bike routes taking people to the marina, the pier, or a number of
17 other places.

18
19 The Mayor and Board agreed this was something that could be looked into.
20 Parks & Recreation Director Alesia Sanderson added that it was her thought that
21 the plan was being done to DOT standards and she said the bike routes as
22 discussed didn't meet the definition of a bike route from DOT standards. Mayor
23 Schools agreed they should leave the plan as is but would like to talk further with
24 DOT about the issue of bike routes.

25
26 The Board expressed appreciation for the work Mayor Schools and
27 Commissioner Wright put into the plan.

28
29 ***Motion was made by Commissioner Wright to adopt the Bicycle and***
30 ***Pedestrian Transportation Plan. The Board voted unanimously 5-0 in favor.***
31 ***Motion carried.***

32
33 **Clerks Note:** A copy of the Bicycle and Pedestrian Transportation Plan as noted above is
34 incorporated herein by reference and hereby made a part of these minutes.

35
36 **16. Appointments – Planning Board – 3 Vacancies**

37
38 **Brief Summary:** There will soon be 3 vacancies on the Planning Board. The
39 Board should appoint 3 individuals to serve terms that expire in March 2012.

40
41 Commissioner Hoover nominated Bill Keadey. Commissioner Messer nominated
42 Pete Wachter. Commissioner Wootten nominated Jim Craig.

43
44 ***Motion was made by Commissioner Wootten to appoint Jim Craig, Bill***
45 ***Keadey and Pete Wachter to terms on the Planning Board that expire in***
46 ***March 2012. The Board voted unanimously 5-0 in favor. Motion carried.***
47

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1
2 **17. Comments from Town Clerk, Town Attorney, and Town Manager**

3
4 There were no comments from the Town Clerk or Town Attorney.

5
6 Town Manager Frank Rush said he was recently informed by DOT that they plan
7 to resurface the entire length of NC 58 through Emerald Isle later this year from
8 Coast Guard Road into about the middle of Indian Beach. They will be doing that
9 work the same time they construct the turn lane into the new boat ramp facility.

10
11 Town Manager Rush updated the Board on the status of the Town's static line
12 exception request and the progress on the boat launching facility.

13
14 The following is an excerpt from the Town Manager Comments memo to the
15 Board for additional background and items of importance:

16
17 **NC 58 Resurfacing**

18 I have been informed by Dwayne Alligood, NCDOT Division 2, that the entire length of NC 58 from Coast Guard Road
19 to the middle of Indian Beach will be resurfaced later this year. The resurfacing will also include the new turn lane
20 planned for the new public boat launch facility. I expect this work to occur this fall. This is great news!

21
22 **19th Annual Emerald Isle St. Patrick's Festival**

23 Final preparations are being made for the annual festival, and everything is falling into place nicely. I appreciate the
24 Parks and Recreation Department's and the Emerald Isle Business Association's hard work in organizing this
25 outstanding annual event.

26
27 **Required Ethics Training**

28 We have scheduled this required training on Thursday, March 25 from 4 pm – 6 pm in the Town Administration
29 Building Conference Room. We can make other arrangements for anyone who can not make it that day – just let us
30 know.

31
32 **NC 58 Bicycle Path Extension**

33 SunLand Development and Construction continues to make good progress on the bike path. SunLand has completed
34 all required clearing work, and has completed approximately 35% of the length of the path with the required grading
35 and rock base in place. We have been very pleased with the quality of the work and the relationship with SunLand
36 thus far.

37
38 **Aquarium Pier at Emerald Isle**

39 Preliminary soil testing results on the potential use of the property adjacent to Flip Flops for wastewater treatment were
40 positive, and additional testing will occur in the next couple of weeks. If this land can be purchased for wastewater
41 needs, the number of parking spaces at the Aquarium Pier site may reach nearly 200 parking spaces, which would be
42 a very good number.

43
44 The next Advisory Committee meeting is scheduled for April 15, and the Committee will receive a presentation similar
45 to the one received by the Board on February 26.

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1
2 **New Public Boat Launching Facility**

3 I will be meeting with Mark Hamlett, Project Engineer on Tuesday, March 9, and will update the Board on the status of
4 permit applications at the March 9 meeting.
5

6 **Residents and Visitors Guide**

7 We continue to work toward the publication of a new "Residents and Visitors Guide" this spring to better educate
8 residents and visitors about town services and regulations. I hope to have this printed and distributed to the vacation
9 rental agencies no later than late April.
10

11 **Banking Services RFP**

12 We are currently working on an RFP for banking services, and I hope to release this to interested banks by mid-April.
13

14 **Investment of Idle Town Funds**

15 We expect to transfer a significant amount of the Town's cash (\$2 - \$3 million) to CDs and higher yield money market
16 accounts early this week. We hope to increase our yield to approximately .75% - 1%, which is much higher than recent
17 interest earnings.
18

19 **Potential Emerald Isle Woods Earth Berm?**

20 I have directed Parks and Recreation staff to clear a new park trail along the western edge of El Woods Park in the
21 area where the potential earth berm would be located as part of future storm water improvements in the park. I am
22 hopeful that once this area is opened up that it may generate more cost effective ideas to complete the earth berm that
23 will be necessary for storm water reasons. The new trail will also be a nice addition to the overall trail network in the
24 park, and will connect an existing trail on the soundfront dune ridge with the access road near the main entrance to the
25 park.
26

27 **Resolution of Opposition to Evaluating and Revising the NC Transportation Equity Formula**

28 I have attached a letter and resolution from the Down East Rural Planning Organization's Transportation Advisory
29 Committee that formally opposes any revisions to the NC Transportation Equity Formula. I don't know much about this
30 issue, however, it is my understanding that there may be some effort by the largest cities in NC to modify funding
31 formulas for NCDOT projects that would help the larger urban areas and harm areas like ours. Please let me know if
32 you'd like me to learn more about this and present a Town resolution for future Board consideration.
33

34 **Static Line Exception**

35 The Town's request for a static line exception for the eastern Emerald Isle oceanfront area will be considered by the
36 CRC at their meeting in Sunset Beach on Wednesday, March 24. Richard Stanley and I will attend on behalf of the
37 Town.
38

39 **Summer Intern**

40 Kevin McLaughlin, a first-year graduate student seeking his Master of Public Administration from UNC-Chapel Hill, and
41 an aspiring future Town Manager, has accepted a summer internship with the Town. Kevin's hometown is Loveland,
42 Ohio, but his relatives own property in Emerald Isle. Kevin will begin work in the Town Administration Building on May
43 24 and will be with us until August 6.
44

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

46
47 There were no further comments from the Board of Commissioners or Mayor.
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19. Adjourn

Town Manager Rush suggested the Board adjourn rather than recess and schedule a special meeting for March 17.

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

The meeting was adjourned at 7:50 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk