

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, NOVEMBER 10, 2009 – 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, Police Chief Bill Hargett, and Parks and
21 Recreation Director Alesia Sanderson.
22

23 **3. Opening Prayer**
24

25 Maddie Pake, youth member from Emerald Isle Baptist Church offered the
26 Opening Prayer for the Town Board meeting.
27

28 **4. Pledge of Allegiance**
29

30 After opening prayer all who were present recited the Pledge of Allegiance.
31

32 **5. Adoption of Agenda**
33

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

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

39 Mayor Schools announced the following public announcements for the public:
40

- 41 • **Veterans Day Holiday – Wednesday, November 11 – Town Offices**
42 **Closed, Community Center Open**
- 43 • **Friday Free Flick – Friday, November 13 – 7 pm – “Up” – Community**
44 **Center**
- 45 • **Joint EMS Committee Meeting – Tuesday, November 17 – 4 pm –**
46 **Town Administration Building**

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- 2
- 3 • **Blood Drive – Friday, November 20 – 2 pm – 7 pm – Community**
- 4 **Center**
- 5 • **Planning Board Regular Meeting – Monday, November 23 – 6 pm –**
- 6 **Town Board Meeting Room**
- 7 • **Thanksgiving Holiday – Town Offices Closed, Community Center**
- 8 **Closed – Thursday, November 26 and Friday, November 27**
- 9 • **6th Annual Emerald Isle Christmas Parade – Saturday, November 28 –**
- 10 **4 pm – Emerald Drive**
- 11 • **Photos With Santa – December 1, 2, and 3 – Appointment Only –**
- 12 **Community Center**
- 13 • **Board of Commissioners Regular Meeting – Tuesday, December 8 –**
- 14 **6 pm – Town Board Meeting Room**
- 15

16 **7. Introduction of New Employee**

17

18 **a. Erin Saylor, Police Officer**

19

20 Police Chief Bill Hargett introduced new Police Officer Erin Saylor. Chief Hargett

21 stated that Ms. Saylor was born in North Carolina, her family later relocating to

22 Georgia. Ms. Saylor received her law enforcement training at Atlantic Armstrong

23 College in Savannah, Georgia, graduating in 2004. Chief Hargett also spoke of

24 Ms. Saylor's previous law enforcement experience in Georgia. The Board and

25 public welcomed Officer Saylor to Emerald Isle.

26

27 **8. Consent Agenda**

- 28
- 29 **a. Tax Refunds / Releases**
 - 30 **b. Minutes – October 13, 2009 Regular Meeting**
 - 31 **c. Resolution Declaring Surplus Items for Internet Auction (09-11-10/R1)**
 - 32 **d. Budget Amendment – General Fund – Fire Department**
 - 33

34 Mayor Schools spoke about the budget amendment on the consent agenda

35 noting that the 6th annual Emerald Isle Bike Rally donated \$4,000 to the Fire

36 Department and \$4,000 to EMS this year.

37

38 ***Motion was made by Commissioner Hoover to approve the items on the***

39 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***

40 ***carried.***

41

42 **Clerks Note: A copy of Resolution 09-11-10/R1 and all other Consent Agenda items as noted above**

43 **are all incorporated herein by reference and hereby made a part of these minutes.**

44

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1
2 **9. Public Comment**
3

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

6
7 There were no comments from the public.
8

9 **10. Ordinance Amending Chapter 6 – Development Standards – of the**
10 **Unified Development Ordinance Regarding Exterior Walls of Commercial**
11 **Structures Viewable from the Water – 2nd Vote (09-11-10/01)**
12

- 13 a. **Public Hearing**
14 b. **Consideration of Ordinance**
15

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

19
20 The Board of Commissioners is scheduled to conduct the 2nd vote on the attached ordinance amendment that would
21 require exterior walls of commercial structures that are viewable from the water to meet the Town's design
22 requirements for exterior walls.
23

24 The attached ordinance was approved by the Board by a 3-1 vote at the October 13 meeting (excerpt from meeting
25 minutes attached), however, because it did not receive the required 2/3 majority (of the full Board, or 4 votes) on 1st
26 vote it must be scheduled for a 2nd vote in order to become effective. The 2nd vote has been scheduled for the Board's
27 November 10 meeting. Although a public hearing was held at the October meeting, and is likely not legally required for
28 the November meeting, we have scheduled another public hearing to err on the side of caution and also to provide
29 maximum opportunity for the public to comment on the proposed ordinance amendment.
30

31 The text of the proposed ordinance amendment is identical to that presented to and approved by the Board at the
32 October meeting. I have attached copies of an October 13 memo from me to the Board, and also an October 13
33 memo from Kevin Reed, Planning and Inspections Director, to me. These memos include a detailed explanation of the
34 proposed ordinance amendment. As you know, the attached ordinance amendment is presented to address issues
35 associated with a proposed dry stack boat storage facility on Bogue Sound. The Board should note that the attached
36 ordinance amendment would require the use of architectural design features to create a visual break at least every 20
37 feet along all 4 exterior walls of a dry stack boat storage facility, but that there are several different methods that can be
38 used to achieve the required visual break. The methods used to meet this requirement on one side of the building
39 would not necessarily be used on other sides of the building, and different methods would be acceptable provided they
40 meet the criteria outlined in the attached ordinance amendment.
41

42 ***Motion was made by Commissioner Wright to open the Public Hearing.***
43 ***The Board voted unanimously 5-0 in favor. Motion carried.***
44

45 There were no comments from the public.
46

47 ***Motion was made by Commissioner Messer to close the Public Hearing.***
48 ***The Board voted unanimously 5-0 in favor. Motion carried.***
49

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1
2 **Motion was made by Commissioner Messer to adopt the Ordinance**
3 **Amending Chapter 6 – Development Standards – of the Unified**
4 **Development Ordinance Regarding Exterior Walls of Commercial**
5 **Structures Viewable from the Water.**
6

7 Commissioner Hedreen said that concerns had been expressed by adjacent
8 property owners in Sunset Harbor and asked Andy Harris, representing Island
9 Harbor Marina, if this ordinance passed - what was currently planned to face the
10 sound. Mr. Harris said they were currently in the design phase and there was
11 nothing concrete in place but adding the additional architectural features around
12 the water side of the building cost money. Mr. Harris said the point he tried to
13 make at the meeting last month was that they were not trying to have bare walls
14 but they were concerned that they were really going to be concentrating efforts
15 on dressing up the sides of the building that face the streets and where patrons
16 of the marina would be coming into the property. While they would have stuff
17 along the other sides of the building it wouldn't be to the same degree of what
18 would be on those sides. Mr. Harris noted that Attorney Stanley said at the last
19 meeting that the ordinance didn't necessarily require you to do the same things
20 all around the building, they don't have an objection to it, but that was their
21 concern last month.
22

23 Commissioner Hedreen asked Mr. Harris about the setback of the building that
24 would be viewable from the water if that would be in front of the homes or behind
25 the homes. Mr. Harris said the building would have to be set off at least 75 feet
26 from the shoreline and part of what is being proposed ultimately was that the
27 building would be set back into the dune. Rhett Ricks, owner of Island Harbor
28 Marina added that the dry storage would be behind the existing marina building
29 substantially and the way the building will be pivoted will help their neighbors
30 maintain their view.
31

32 Commissioner Hedreen said she wanted to be sure they weren't unnecessarily
33 asking Island Harbor Marina to do this because this was the only project she
34 knew that would be affected by this ordinance.
35

36 Mayor Schools asked for the vote on Commissioner Messer's motion. **The**
37 **Board voted 4-1 in favor, Hedreen opposed. Motion carried.**

38
39 **Clerks Note: A copy of Ordinance 09-11-10/O1 is incorporated herein by reference and hereby made**
40 **a part of these minutes.**
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1
2 **11. Ordinance Amending Chapter 5 – Density, Intensity, and Dimensional**
3 **Standards, and Chapter 6 – Development Standards – of the Unified**
4 **Development Ordinance Regarding Roof Pitch and Roof Design for Dry**
5 **Stack Boat Storage Facilities – 2nd Vote (09-11-10/02)**
6

- 7 **a. Public Hearing**
8 **b. Consideration of Ordinance**
9

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

14 The Board of Commissioners is scheduled to conduct the 2nd vote on the attached ordinance amendment that would
15 enable dry stack boat storage facilities in the “regular” Marina Village (MV) district and the Marina Village Conditional
16 Zoning Overlay (MV-C) district to utilize a low-slope roof design (as low as .5:12 roof pitch). The Town’s Unified
17 Development Ordinance (UDO) currently requires all roof designs in the MV district and the MV-C district to utilize a
18 4:12 roof pitch or greater, and the attached ordinance amendment creates an exception for dry stack boat storage
19 facilities due to the unique nature of these structures.
20

21 The attached ordinance amendment was approved by the Board by a 3-1 vote at the October 13 meeting (excerpt from
22 meeting minutes attached), however, because it did not receive the required 2/3 majority (of the full Board, or 4 votes)
23 on 1st vote it must be scheduled for a 2nd vote in order to become effective. The 2nd vote has been scheduled for the
24 Board’s November 10 meeting. Although a public hearing was held at the October meeting, and is likely not legally
25 required for the November meeting, we have scheduled another public hearing to err on the side of caution and also to
26 provide maximum opportunity for the public to comment on the proposed ordinance amendment.
27

28 The UDO currently allows commercial buildings in the “regular” Marina Village zoning district, including dry stack boat
29 storage facilities, to have a maximum mean roof height of 50 feet, and requires all buildings to utilize a high slope roof
30 pitch of 4:12 or greater. The UDO also allows the Board to increase the maximum mean roof height of commercial
31 buildings to 60 feet if a property is rezoned to the Marina Village Conditional Zoning Overlay district, but still requires a
32 roof pitch of 4:12 or greater. Over the past several months, the developers of a potential new dry stack boat storage
33 facility to be located at the site of the existing Island Harbor Marina have been seeking an amendment to the Town’s
34 UDO that would enable dry stack boat storage facilities to utilize a roof pitch of .5:12, rather than the 4:12 roof pitch
35 required in the UDO. The developers cite changes in the dry stack boat storage industry, the need to maximize interior
36 storage space, and structural and cost issues associated with the utilization of a high slope roof pitch as the reasons
37 for needing the flexibility to utilize a low-slope, .5:12 roof pitch design. The attached ordinance amendment would
38 accommodate the developers’ request in both the “regular” Marina Village district and the Marina Village Conditional
39 Zoning Overlay district.
40

41 As discussed by the Board at the October meeting, the attached ordinance amendment does remove the ability to
42 increase the maximum mean roof height for commercial structures in the Marina Village Conditional Zoning Overlay
43 district to 60 feet. This provision was initially included in the UDO when it was originally adopted in 2008 in an earlier
44 attempt to accommodate a new dry stack boat storage facility. If the Board formally adopts the roof pitch changes
45 included in the attached ordinance amendment, the 60 ft. mean roof height provision would appear to be unnecessary
46 and can be eliminated.
47

48 The Board should also note that in addition to the ability to utilize a .5:12 roof pitch for a dry stack boat storage facility,
49 the UDO would also be amended to require the roof design for such a facility to incorporate design features that make
50 a low-slope, .5:12 roof appear less like a flat-roof structure. These roof design features would be approved as part of
51 the commercial review process for a dry stack boat storage facility. Examples of acceptable roof design features
52 include the use of mansard roofs, decorative peaks and gables, and variable roof pitches. The intent behind this

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1
2 amendment is to attempt to make dry stack boat storage facilities look as attractive as possible when they utilize a low-
3 slope roof design.
4

5 Finally, the Board should also note that the attached ordinance amendment applies to dry stack boat storage structures
6 in all zoning districts, which would also include the Business (B) district in addition to the MV and MV-C districts. From
7 a practical standpoint, there is only one other tract zoned B on Bogue Sound, and it is not suitable for a future marina
8 or dry stack boat storage facility. Staff intend to propose the removal of marinas and/or dry stack boat storage facilities
9 from the list of permitted uses in the B zone at a future Planning Board meeting and this amendment could appear on a
10 future Board of Commissioners meeting agenda. This approach would further limit the roof pitch exception included in
11 the attached ordinance amendment.
12

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

16 Andy Harris, speaking on behalf of his clients Island Harbor Marina, stated that
17 they had no objection to the proposed amendment to the ordinance. He said
18 they had no intention of building a building to 60 feet. Mr. Harris updated the
19 Board on the project status and how they envisioned proceeding. Mr. Harris said
20 that right now the marina was subject to a lease that expires at the end of the
21 year and at that point they need to be able to dredge and remove the existing
22 docks; with the moratorium on being able to dredge that ends in April they are
23 under a time constraint to get in there and do those things. Mr. Harris said the
24 goal was to do the water side improvements first and then focus on the upland
25 improvements after and as part of that the goal was to keep the existing ships
26 store and boat ramp open, and on their timeline that looked to be well into late
27 fall or early winter of next year. Mr. Harris said the architect was putting
28 together plans now as to what this will look like and the goal was to submit
29 something to the Town next month or the first part of January for the Board's
30 review, part of that was dependent on the roof pitch. Mr. Harris said that
31 assuming that they go through that process it looked like it would be probably
32 April or May when they get through that process; the ships store that is there
33 right now is one of the things that will be renovated to match what is planned for
34 the dry stack so as to all tie in together. Several questions by the Board were
35 answered by Mr. Harris with the conclusion being that the boat ramp and fuel
36 services would continue throughout the end of the year 2010 with the exception
37 of the ships store during the time of its renovation. Mr. Harris said they felt they
38 were finally getting to the point where they can move forward.
39

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

43 Attorney Richard Stanley stated that North Carolina law doesn't allow contract
44 zoning and that the Board could not base their vote or adopt this amendment on
45 what had been heard or said; but it must stand entirely on its own.
46
47

1
2 ***Motion was made by Commissioner Messer to adopt the Ordinance***
3 ***Amending Chapter 5 – Density, Intensity, and Dimensional Standards, and***
4 ***Chapter 6 – Development Standards – of the UDO Regarding Roof Pitch***
5 ***and Roof Design for Dry Stack Boat Storage Facilities. The Board voted***
6 ***unanimously 5-0 in favor. Motion carried.***

7
8 **Clerks Note:** A copy of Ordinance 09-11-10/O2 is incorporated herein by reference and hereby made
9 a part of these minutes.

10
11 **12. NC 58 Bicycle Path Extension**

- 12
13 **a. Resolution Authorizing Construction Contract with Sunland Builders,**
14 **Inc. (09-11-10/R2)**
15 **b. Resolution of Intent to Condemn Bicycle Path Easements (09-11-10/R3)**
16

17 Parks and Recreation Director Alesia Sanderson addressed the Board regarding
18 this agenda item. The following excerpt from Town Manager Rush's memo to
19 the Board is provided for additional background:

20
21 The Board of Commissioners is scheduled to consider authorizing a construction contract for a 2-mile extension of the
22 NC 58 bicycle path at the November 10 meeting. The attached resolution authorizes a \$415,801 construction contract
23 with SunLand Builders, Inc., Cape Carteret, NC. The Board is also scheduled to consider the attached Resolution of
24 Intent to Condemn Bicycle Path Easements. Any Board-authorized condemnation proceedings would only occur if
25 they are absolutely necessary to complete the NC 58 bicycle path extension.

26
27 As you know, the Town has worked very hard over the past 6 years to construct an extensive bicycle path and
28 sidewalk network in Emerald Isle. These projects have been extremely well-received by our residents, property
29 owners, and visitors. The Town continues to pursue long-term goals for bicycle paths and sidewalks along the entire
30 length of NC 58 and Coast Guard Road, and at other strategic locations. Because of the Town's past success and
31 future goals, the NC Department of Transportation (NCDOT) awarded the Town a total of \$500,000 from Federal
32 American Recovery and Reinvestment Act (ARRA) funds earlier this year for this project.

33
34 The planned 2 mile bicycle path extension would extend the existing 2.3 mile NC 58 bicycle path from its current
35 terminus at Black Skimmer Drive east to Hurst Drive. The new bike path extension would be located on the south side
36 of NC 58, and would be located entirely within the NC 58 right of way. We expect that the new bicycle path extension,
37 when completed, will have an appearance very similar to its appearance in front of the new Town Administration
38 Building. The Town awarded a design contract to Withers & Ravenel, a Cary engineering firm, in May and they
39 completed the design for this project and coordinated the recent bid process.

40
41 The Town solicited construction bids in late September and October, and opened bids on October 23. The Town
42 received a total of 5 construction bids ranging from \$415,801 to \$662,262. A complete bid tabulation and breakdown
43 of project costs is attached for your review. The lowest responsive bidder is SunLand Builders, Inc., and the Board is
44 asked to authorize the Town Manager to execute a construction contract with SunLand Builders in the amount of
45 \$415,801. The Board should note that the construction contract may not be executed until the NCDOT grants formal
46 approval. We are not aware of any deficiencies in SunLand Builders' bid package, and expect NCDOT to approve the
47 contract in the coming weeks.

48 The contract includes a total construction time of 150 days, however, SunLand Builders does not anticipate that
49 construction will require the full amount of time allowed. I am hopeful that SunLand Builders can begin construction
50 later in November and finish construction no later than Easter weekend (Easter is April 4, 2010).

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2 As noted, NCDOT awarded the Town a total of \$500,000 for the construction of the bicycle path extension. In addition
3 to the \$415,801 contract with SunLand Builders, the Town expects to incur utility relocation (telephone, cable TV,
4 power poles, and water infrastructure) expenses of approximately \$30,000 +/- . Additionally, NCDOT will have
5 construction inspectors on site during the majority of the construction period, and we expect this cost to be
6 approximately \$10,000 - \$15,000 +/- .

7
8 As noted above, the entire new bicycle path extension will be located within the NC 58 right of way. There will,
9 however, be minor incidental construction impacts to adjacent property owners during construction. These impacts
10 may include grading, clearing, and removal of vegetation on a narrow strip of private property adjacent to the path. In
11 most cases, the area affected is only approximately 3-5 feet wide. Because of these incidental construction impacts,
12 the Town has been working hard to secure temporary construction easements from a total of 72 adjacent property
13 owners. In the case of 2 additional properties, significant fill and/or cuts into the slope require permanent slope
14 easements (but the actual path will be entirely on the NC 58 right of way). As of November 5, the Town has secured
15 67 of the 72 necessary temporary construction easements, and 1 of the 2 necessary permanent slope easements. Of
16 the 5 remaining temporary construction easements, we expect to receive 1 more voluntarily in the next week. There is
17 1 property owner who has indicated that they will not provide the requested easement, and there are 3 others that we
18 simply have not been able to make contact with. We do expect, however, to receive the 1 remaining permanent slope
19 easement voluntarily prior to construction (within the next week).

20
21 I have included maps and excerpts from the construction plans for each of the 6 properties for which we have not yet
22 secured the necessary easement. As you will see, the impacts on these properties are relatively minor. We have also
23 committed to all property owners that the Town will absolutely restore the disturbed areas to a condition as good as or
24 better than pre-construction condition after the bicycle path is constructed. This may involve the relocation of
25 ornamental plantings, new plantings, sod, or other improvements. As noted above, we remain hopeful that we will be
26 able to secure the remaining necessary easements voluntarily prior to the start of construction later this month. In the
27 event that we are unsuccessful, however, the Board is asked to approve the attached Resolution of Intent to Condemn
28 Bicycle Path Easements. If the Board approves the attached resolution, the Town Attorney would have the authority to
29 file the necessary actions such that the Town could secure these easements within 30 days.

30
31 The Board should note that if the attached resolution is approved that the condemnation proceedings will only be
32 initiated if there is no other alternative. We will continue to seek the voluntary easements, and will also explore
33 alternatives to condemnation with SunLand Builders, Withers & Ravenel, and NCDOT.

34
35 Alesia Sanderson, Parks and Recreation Director, is the lead staff person on this project and will present this item to
36 the Board on November 10. Both Alesia and Mayor Schools have made a great effort to secure the necessary
37 easements over the past several weeks, and their efforts are greatly appreciated.

38
39 ***Motion was made by Commissioner Wright to approve the Resolution***
40 ***Authorizing Construction Contract with Sunland Builders, Inc. The Board***
41 ***voted unanimously 5-0 in favor. Motion carried.***

42
43 Ms. Sanderson explained the request for the Resolution of Intent to condemn
44 bicycle path easements. Ms. Sanderson said as a very last resort they would like
45 the Board to consider condemnation for those easements they could not obtain
46 by the time needed to do the construction. Ms. Sanderson said they didn't feel
47 this would have a negative impact and part of the process of eminent domain
48 would be to have the property appraised by a certified appraiser. She felt that
49 would essentially show in their opinion that there would be no negative value and
50 it may be an enhancement as additional recreational opportunity. Mr. Rush
51 added that of the three outstanding at this time, two are vacant lots and the

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1
2 impacts are minor and they would absolutely restore with sod or new plantings.
3 Ms. Sanderson noted that they had already been out relocating palm trees,
4 decorative landscaping fences and the property owners can rest assured they
5 would take care of things. Ms. Sanderson said she had agreed for different
6 plantings where people were having their sound buffer removed, not through any
7 fault of their own, but the trees were planted in the right-of-way when they bought
8 the property.

9
10 Mayor Schools added that they were not talking about taking anyone's property
11 but going on the property, doing some land disturbance and then fixing it back
12 the way it was; so it was not taking in the normal sense that you hear about
13 eminent domain, the bike path will be located entirely within the right-of-way.
14 Ms. Sanderson said that NCDOT standards require they be as far to the south of
15 the right-of-way as possible for the separation between Highway 58's edge of
16 pavement and where the bike path will begin for safety reasons.

17
18 Mr. Rush said hopefully they would be able to secure the three easements
19 voluntarily and they wouldn't need to file the appropriate condemnation
20 documents, this was requested of the Board as a last resort if they cannot secure
21 them voluntarily, and they can't find some way to work around the issue and the
22 DOT says they need to get this temporary construction easement; then they
23 would go forward with the condemnation.

24
25 Ms. Sanderson thanked Mayor Schools for his help in obtaining these
26 easements.

27
28 ***Motion was made by Commissioner Wootten to approve the Resolution of***
29 ***Intent to Condemn Bicycle Path Easements. The Board voted unanimously***
30 ***5-0 in favor. Motion carried.***

31
32 **Clerks Note: A copy of Resolutions 09-11-10/R2 and 09-11-10/R3 are incorporated herein by**
33 **reference and hereby made a part of these minutes.**

34
35 **13. Resolution Authorizing Grant Application for Curbside Roll-Out**
36 **Recycling Containers**

37
38 Town Manager Frank Rush addressed the Board regarding this agenda item.
39 The following excerpt from Town Manager Rush's memo to the Board is provided
40 for additional background:

41
42 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a Grant Application for
43 Curbside Roll-Out Recycling Containers at the November 10 meeting. If approved, the Town would seek a \$25,000
44 grant to fund approximately half of the cost of 1,000 new roll-out recycling containers for free distribution to Emerald
45 Isle property owners. The required local match for the grant is an amount up to \$25,000, depending on the actual
46 costs of the containers selected.
47

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1
2 The NC Division of Pollution Prevention and Environmental Assistance is offering this grant funding for local
3 governments to provide large size roll-out recycling containers (45-gallons or greater, and preferably 60 gallons or
4 greater). In Emerald Isle, vacation rental units are already required to utilize 40/45-gallon roll out recycling containers,
5 but permanent homes and second homes are allowed to utilize 18-gallon open recycling bins. The 18-gallon open
6 recycling bins obviously don't hold as many recyclables, can sometimes be messy by spilling over the sides, and can
7 sometimes be more difficult for our solid waste contractor to lift, carry, and dump in the truck. With the Town's recent
8 efforts to promote recycling and recent State law changes, we are expecting greater recycling participation and greater
9 recycling volumes. Town staff have been discussing the idea of moving exclusively to roll-out recycling containers for
10 all of the reasons noted above, and this new grant program appears to be an attractive opportunity for the Town to
11 pursue.

12
13 The new grant program will provide \$25 per recycling container, up to a maximum of \$100,000. We have secured
14 recent quotes for new 65-gallon and 95-gallon roll-out recycling containers, and these quotes range from \$44 to \$50
15 each depending on size and type. Thus, if the Town receives grant funding through this program, the Town would
16 need to pay the remaining \$19 - \$25 for each container. The attached resolution envisions the purchase of 1,000
17 containers at a cost of up to \$50,000, with \$25,000 provided by grant funding and up to \$25,000 from the Town. If the
18 Town's grant is successful, the Town would first make the new containers available for free to our property owners who
19 trade-in an existing 18-gallon open recycling bin. The new free containers would be provided on a first-come, first-
20 served basis while supplies last. The Town would then either sell the old 18-gallon open recycling bins or perhaps
21 donate them to a less fortunate community that may be initiating its first recycling program.

22
23 The Town has approximately 5,700 curbside garbage / recycling collection points. Of these, approximately 1,500 are
24 vacation rental units that should already be utilizing 40/45-gallon roll out recycling containers. This leaves a total of
25 approximately 4,200 permanent and second homes that may be utilizing 18-gallon open recycling bins. (Many of our
26 permanent and second homes have likely not participated in our recycling program in the past, and may not have any
27 containers. Additionally, some may already be using larger roll-out recycling containers. Thus it is unrealistic to expect
28 that there is anywhere close to 4,200 of the 18-gallon open recycling bins currently in use by permanent and second
29 homes.) If the Town can secure 1,000 new roll-out recycling containers and swap out the 18-gallon open recycling
30 bins, we can likely eliminate most if not all of the 18-gallon open recycling bins currently in use in Emerald Isle. The
31 Town could then implement a new policy moving forward that requires the use of large size roll-out recycling containers
32 for all permanent homes, second homes, and vacation rental properties. If after some period of time the Town still has
33 the new roll-out recycling containers remaining (i.e., less than 1,000 18-gallon open recycling bins are swapped out),
34 the Town could make the remaining new containers available free of charge to anyone on a first-come, first-served
35 basis.

36
37 The Board should note that the grant program will not allow the Town to charge a fee for the new containers, and they
38 must be distributed free of charge. I have structured the proposed grant application for 1,000 containers mostly for
39 budgetary reasons – to limit the Town's General Fund expense to approximately \$25,000. The Town could apply for
40 up to 4,000 roll-out recycling containers if the Board wishes to seek a larger number, however, the local match would
41 increase by an additional \$25,000 for each 1,000 containers.

42
43 **Following the Board's discussion of this issue with Town Manager Rush no**
44 **action was taken.**

45
46
47
48
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2 **14. Comments from Town Clerk, Town Attorney, and Town Manager**
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4 There were no comments from the Town Clerk or Town Attorney.
5

6 Town Manager Rush updated the Board on several issues. Town Manager Rush
7 included in the Board packets a menu listing 12 potential Town Board Meeting
8 Room improvements for the Board to consider. It was the consensus of the
9 Board to proceed with Items 1 through 5 on the list, excluding monitors.
10

11 Town Manager Rush also requested Board input on cost-sharing with
12 neighborhoods for beach access walkway replacements. Mr. Rush said he
13 recently learned that several beach access walkways along Ocean View Drive
14 that were long believed to be private and owned by the residents of those
15 neighborhoods were actually owned by the Town. At about the same time they
16 received a request by residents in the Shorerush Drive area to assist with the
17 reconstruction of that walkway. The residents to date had raised approximately
18 \$10,000 toward reconstruction of the walkway. They approached the Town to
19 see if the Town would be willing to contribute the balance. Mr. Rush thought it
20 might be beneficial for the Town to develop a policy whereby if a neighborhood
21 group would provide 50% of the cost the Town would provide the other 50% of
22 the cost. Mr. Rush said on the plus side when a group of citizens work hard to
23 come up with the funding and makes that effort that's a very good gesture on
24 their part and felt it would appropriate for the Town to help those folks achieve
25 their goals, perhaps enabling the Town to get better quality walkways out there a
26 little sooner. Mr. Rush said a potential negative aspect would be if you honor this
27 type of request you are potentially diverting funds away from the next walkway
28 that would have been replaced anyway.
29

30 Commissioner Wright felt they deserved to go up on the list if they raised half the
31 money, but felt they should set a policy. Parks and Recreation Director Alesia
32 Sanderson pointed out that some of the older walkways they had graded are in
33 bad shape and she didn't want them to get overlooked because they are safety
34 hazards right now, they were last year when she recommended they replace
35 them, she wanted to be sure there was a fair balance between replacing
36 walkways and maintaining public safety. Ms. Sanderson asked that the Board
37 keep in mind at budget time and not let the fact of getting matching contributions
38 trump what obviously needed to be done.
39

40 Ed Fulford, 102 Shorerush Drive, talked about how they first thought the walkway
41 was private and that he spent months sending letters and emails and had 30
42 people who had donated money. Mr. Fulford said they had it surveyed and an
43 architectural design that looks good. Mr. Fulford said the walkway had loose
44 boards and the steps were terrible. Mr. Fulford said he had raised all the money
45 he possibly could and would love to do this and they would appreciate the

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1
2 Board's consideration. They would match half of it and do whatever they had to
3 do if approved. The Board was in favor of proceeding with 50% projects. Town
4 Manager Rush stated that his goal would be to bring a formal policy for the
5 Boards consideration at the December meeting.

6
7 Mr. Rush also brought up the issue of the blue public directional signs for
8 businesses not located on NC 58. Mr. Rush stated that the Town, in an effort to
9 be helpful to Bogue Inlet Pier and Bushwhackers Restaurant after the issue
10 involving non-conforming signs, culminating with the judges order that the
11 privately owned Bogue Inlet Pier / Bushwhacker sign be removed, had placed
12 the blue public directional signs as a voluntary helpful gesture. Consequent to
13 that they had put a sign up for Island Harbor Marina thinking that it was a very
14 similar situation, a water dependent business which would not be located on the
15 main highway. Mr. Rush said since that time he had received requests from
16 several other business owners not located on Highway 58 who would also like a
17 sign for their business. Mr. Rush said he wanted to get the Board's feedback on
18 exactly what type of policy they would like to be drafted for their consideration.
19 Mr. Rush said they modeled this program after the NCDOT's Tourist Oriented
20 Directional Signs Program (TODS). Mr. Rush said one option could be to allow
21 all business owners to have that kind of sign; another option would be to limit it to
22 water dependent businesses only, noting that the one for Bushwhackers
23 Restaurant is not really a water dependent business, or a third option could be
24 not to allow at all and remove those signs. The consensus of the Board was to
25 take the Bushwhacker sign down leaving only the Bogue Inlet Pier and Island
26 Harbor Marina signs. Commissioner Hedreen added that in conversation with
27 pier owner Mr. Stanley he said that it would help him for the sign to not be in
28 such a congested area. Mr. Rush said they could certainly look into that matter.

29
30 The following is an excerpt from the Town Manager Comments memo to the
31 Board for additional background and items of importance:

32
33 **Town Board Meeting Room Improvements**

34 We have prepared the attached "menu" of potential improvements to the Town Board Meeting Room (and other
35 facilities) for the Board to consider. Estimated costs are presented, and most are based on quotes secured by the
36 Public Works Department for these items. The total cost of all items is \$45,900, and there is a total of \$50,000
37 included in the budget for the new Town Administration Building for these items if the Board chooses to proceed.
38 Ideally, I would like to complete all of these improvements, but the Board may choose to fund all, some, or none of the
39 proposed improvements.

40
41 Please let me know how you'd like us to proceed on this issue.

42
43 **Beach Access Walkway Reconstruction – Neighborhood Contributions**

44 The Town recently learned that several beach access walkways along Ocean View Drive that were long believed to be
45 private and owned by the residents of the nearby neighborhoods are actually owned by the Town. Parks Maintenance
46 staff is currently in the process of assimilating these beach access walkways into the Town's beach access program for
47 routine maintenance, etc.

48

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2 One of these walkways is an existing beach access walkway near the end of Shorerush Drive. This walkway is
3 believed to be more than 25 years old and is in a less than desirable condition. Several residents in this neighborhood
4 have contributed funds to reconstruct a new beach access walkway at this location, and have raised nearly \$10,000,
5 which is only approximately half the cost. The Town has been approached about contributing the remaining funds for
6 the walkway reconstruction. This is the first instance that I can recall where a group of residents has offered to
7 contribute toward the replacement of a Town-owned beach access walkway, and I am seeking the Board's guidance
8 on how to handle this request and potential future requests.
9

10 As you know, up until the current recession and associated budget reductions, the Town had been attempting to
11 replace 2 or 3 existing, aging beach access walkways each year as funds permitted. The Parks and Recreation
12 Department has completed an inventory of all walkways and assigned a condition rating for each beach access
13 walkway. The Parks and Recreation Department previously identified a list of the most necessary replacements, and
14 the Town has replaced several on this list in recent years. The most recent beach access walkway replacements were
15 completed at Ocean Oaks Drive and Gregg Street in 2008 at a cost of approximately \$20,000 each. The Shorerush
16 Drive walkway is slightly longer than these, and could be expected to cost more, but there may also be other design
17 adjustments to bring the cost down somewhat.
18

19 The Shorerush Drive walkway was rated a 5 out of a 10 by the Parks and Recreation Department (with 10 representing
20 excellent condition). The residents in the neighborhood would like to have the walkway completely replaced as
21 opposed to repairs or routine maintenance. If the walkway is simply added to the Town's system for routine
22 maintenance (and not replaced), we do not anticipate that the Town will fund a complete replacement for at least the
23 next five years, if not longer.
24

25 This is an interesting request. We have pondered whether or not it might be beneficial for the Town to develop a policy
26 whereby if a neighborhood contributes 50% of the cost of a walkway replacement that the Town would provide the
27 balance and expedite the reconstruction. Such a policy would enable the Town to stretch our resources further, and
28 complete the replacement of some aging beach walkways sooner rather than later. It would also seem to be difficult
29 for the Town to reject such an offer from a group of residents that is willing to fund what could be argued is the Town's
30 sole responsibility. On the other hand, such a policy could possibly result in delayed replacements of some walkways
31 that are in greater need of replacement if funds are allocated instead for a replacement walkway that is partially funded
32 by a particular neighborhood.
33

34 Please let me know your thoughts on this issue.
35

36 **Blue Public Directional Signs for Businesses Not Located on NC 58**

37 As you know, the blue public directional signs for Bogue Inlet Pier and Bushwhackers Restaurant were placed by the
38 Town in an effort to be helpful to these businesses after their non-conforming sign was destroyed in 2006 and their
39 illegal replacement sign was ordered to be removed by a Judge in late 2008. The Town installed these signs in late
40 2008, and then added another for Island Harbor Marina in spring 2009.
41

42 The placement of these signs was not initiated through NCDOT (there is a strong argument that NCDOT should have
43 been consulted, but we did not consult with them), but the Town's actions were loosely modeled after NCDOT's Tourist
44 Oriented Directional Signs Program (TODS). I have attached a flyer describing the TODS program for your
45 information.
46

47 Since that time, the Town has received requests for similar blue public directional signs from other businesses not
48 fronting on NC 58. I have not approved any additional signs, and have informed these business owners that I intended
49 to consult with the Board of Commissioners on an official policy for these signs in the near future. I am planning to
50 bring a policy to the Board for formal consideration at an upcoming meeting.
51

52 As you will note in the attached flyer, restaurants are not eligible for a TODS sign through the NCDOT program, and
53 there are also other TODS guidelines. One option I am considering presenting to the Board is for the Town to allow
54 such signs only for water-dependent tourism facilities that are not located on NC 58. This option would result in the

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1
2 Bushwhackers sign being removed, but would allow the Bogue Inlet Pier and Island Harbor Marina (or its successor
3 facility) signs to remain.

4
5 Please let me know your thoughts on this issue.

6
7 **June 30, 2009 Audit Report**

8 We have received a draft of the 2009 audit report, and have completed an initial review. The Town's finances remain
9 in good shape, and the Town received a clean audit. I am currently working on the "Management's Discussion and
10 Analysis" document for inclusion in the report, and it will be formally presented to the Board at the December meeting.

11
12 **Static Line Exception Report**

13 Coastal Planning & Engineering has completed a draft of the Town's static line exception report, and I am in the
14 process of reviewing the document, with assistance from Greg Rudolph, Carteret County Shore Protection Officer. I
15 expect to present this report to the Board at the December meeting. If the Board approves this report, it will be formally
16 presented to the NC Coastal Resources Commission at either their January or March regular meeting.

17
18 **Meeting With Vacation Rental Companies**

19 Mayor Schools, Mayor Pro-Tem Messer, and I recently met with representatives of Emerald Isle vacation rental
20 companies to discuss various issues and provide an update on Town initiatives on October 21. As a result of this
21 meeting, I am currently investigating different options regarding trash container roll-out and roll-back for vacation rental
22 properties, and plan to discuss these issues with the vacation rental agencies again in the coming weeks. Depending
23 on what I learn about this issue in the coming weeks, I may bring a recommendation to the Board for formal discussion
24 at an upcoming Board meeting. The other key result of this meeting was a general consensus among the vacation
25 rental agencies that the Town should require that beach tents be removed from the beach strand each evening and not
26 be permitted to remain overnight. The general consensus appeared to be that the enforcement of any new ordinance
27 should be friendlier at the beginning, and gradually become more forceful as time goes by. I am currently assessing
28 the most cost-effective, visitor-friendly approach to this issue. I expect to bring a formal ordinance amendment and
29 enforcement strategy to the Board for consideration in the next few months.

30
31 **Ordinance Amending Chapter 6 – Development Standards – of the Unified Development Ordinance Regarding
32 LED-LCD and Electronic Message Signs**

33 This ordinance amendment, which would have prohibited electronic message signs, was discussed by the Board at the
34 October meeting. Several concerns were raised, and no action was taken on the proposed ordinance amendment.
35 Kevin Reed, Planning & Inspections Director, and I are considering other options, and may bring this issue back to the
36 Board at the December regular meeting.

37
38 **Potential Eastern Emerald Isle Touch-Up Beach Nourishment Project**

39 We continue to experience small-area erosion issues in the vicinity of 12th – 14th Street in eastern Emerald Isle. The
40 large dune remains, but the beach width is very narrow at high tide. I am working with Greg Rudolph, Carteret County
41 Shore Protection Manager, on a potential plan for a small-scale beach nourishment project in this general area. We
42 are still investigating the issues, but at this point we envision a project that could place approximately 250,000 cy of
43 dredge spoils from the Beaufort Harbor navigation dredging in winter 2010-2011 on approximately 1 mile of beach in
44 this area. Permitting issues appear to be relatively minor and easy to address, and we are working on a realistic and
45 equitable financing plan. A very preliminary ballpark cost estimate is approximately \$2.5 - \$3 million, hopefully with a
46 significant State contribution. Remaining costs would be shared between the County and the Town. More information
47 will be presented if and when this idea moves further along.

48
49 **Update – The Point**

50 The Point continues to improve, and we are still on track for AIWW dredge spoils this winter. I anticipate that any
51 standing water areas near the sandbags will be filled, the beach will be widened, and all sandbags will be covered with
52 these dredge spoils. I remain hopeful that the vehicle access ramp can be reopened this spring after the placement of
53 dredge spoils this winter.
54

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1
2 **Update – New Public Boat Launching Facility**

3 The Town has completed the acquisition of the 5th of the 7 lots that comprise the new public boat launching facility site,
4 and we have executed a lease agreement for the use of the remaining 2 lots until such time that the Town formally
5 acquires these two lots.

6
7 The NC Wildlife Resources Commission has nearly finalized the layout of the new facility, and a map is attached. The
8 attached map indicates a new center turn lane for vehicles turning left into the site from eastbound NC 58. This
9 proposed new turn lane is being reviewed by NCDOT, and we are attempting to secure NCDOT funding for the
10 construction of the new turn lane. Mayor Schools and I are scheduled to meet with Hugh Overholt, our region's
11 NCDOT Board of Transportation member, on November 12 to discuss this issue.

12
13 The exact schedule has not yet been finalized, but we are expecting that construction of the new facility will begin late
14 spring / early summer 2010, and that the new facility will open in early fall 2010.

15
16 **Update – Aquarium Pier at Emerald Isle**

17 The design team (Moffatt & Nichol Engineers, BJAC Architects, etc.) continues to refine the scope of work. We are
18 also still considering the benefits of purchasing an adjacent vacant lot for additional parking and/or wastewater
19 treatment needs.

20
21 Mayor Schools and I are hoping to meet with Governor Perdue in the near future to discuss ideas for construction
22 financing for the new facility.

23
24 **New Guardrail Markings on NC 58 Bridge**

25 NCDOT recently installed new guardrail markings on the NC 58 bridge to improve visibility of the guardrails at night.
26 They have asked the Town for any feedback, good or bad. Please let me know if you have any thoughts about the
27 new markings. The NC 58 bridge is apparently a pilot project for this new marking system.

28
29 **NCDOT Electronic Message Sign**

30 Alesia Sanderson, Parks and Recreation Director, and I recently met with NCDOT to finalize the location for their new
31 electronic traffic information sign. NCDOT accepted all of our sign location recommendations, and has selected a
32 location on the west side of the bridge (facing traffic leaving the island) that will have a cluster of trees as the
33 background for the new sign. This location eliminated the need to remove approximately 20 crape myrtle trees from
34 the right of way on the east side. NCDOT expects to install the new signs (there will also be one on the mainland side
35 of the bridge) this winter.

36
37 **New Deer Population Count**

38 In response to recent concerns about deer issues, I have requested that the NC Wildlife Resources Commission
39 complete a new deer population count for the Coast Guard Road area. The last population count (attached) was
40 completed in 2005, and estimated a population of 65 – 91 deer in this area, which was not considered to be significant.

41
42 Robbie Norville, NC WRC District 2 Wildlife Biologist, will work with the Police Department to complete a new count
43 later this month. I will present the results to the Board in December.

44
45 **Bogue Inlet Channel Relocation Project Monitoring Officially Complete**

46 The Town recently received notice from the US Army Corps of Engineers that all required post-project monitoring for
47 the Bogue Inlet channel relocation project has been completed and the Town has satisfied its requirements. The total
48 cost of all monitoring efforts associated with the project over the past nearly 5 years is in excess of \$750,000. With a
49 few minor exceptions, the various monitoring reports did not indicate any significant environmental impacts associated
50 with the project.

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15. Comments from Board of Commissioners and Mayor

Commissioner Wootten suggested for future meetings the podium be moved to the side so the speaker can face the Board and the public.

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

16. Adjourn

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

The meeting was adjourned at 7:10 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk