

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, OCTOBER 13, 2009 – 6:00 P.M.**
4 **TOWN MEETING ROOM**

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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
11 Meeting Room.

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13 **2. Roll Call**
14

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

17
18 Absent for the meeting: Commissioner Tom Hoover.

19
20 Others present during the regular meeting: Town Attorney Richard Stanley,
21 Town Manager Frank Rush, Town Clerk Rhonda Ferebee, Planning Director
22 Kevin Reed, Parks and Recreation Director Alesia Sanderson, and
23 Administrative Assistant Kelly Gamble.

24
25 ***Motion was made by Commissioner Hedreen to excuse the absence of***
26 ***Commissioner Hoover. The Board voted unanimously 4-0 in favor. Motion***
27 ***carried.***
28

29 **3. Opening Prayer**
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31 Shane Bierly, youth member from Emerald Isle Chapel by the Sea offered the
32 Opening Prayer for the Town Board meeting.

33
34 **4. Pledge of Allegiance**
35

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

37
38 **5. Adoption of Agenda**
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40 ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***
41 ***Board voted unanimously 4-0 in favor. Motion carried.***
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2 **6. Proclamations / Public Announcements**
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4 Mayor Schools announced the following Proclamation and public
5 announcements for the public:
6

- 7 • **Proclamation – 4-H Month – October 2009 (09-10-13/P1)**
- 8 • **6th Annual Emerald Isle Triathlon – Saturday, October 17 – 8 am –**
9 **Eastern Ocean Regional Access**
- 10 • **7th Annual Gordie McAdams Speckled Trout Surf Fishing**
11 **Tournament – Begins Saturday, October 24**
- 12 • **Planning Board Regular Meeting – Monday, October 26 – 6 pm –**
13 **Town Meeting Room**
- 14 • **Halloween Carnival – Friday, October 30 – 6 pm – 8 pm – Community**
15 **Center**
- 16 • **Trick Or Treat – Saturday, October 31 – 6 pm – 8:30 pm**
- 17 • **Election Day – Tuesday, November 3 – Community Center**
- 18 • **Open House – New Town Administration Building – Tuesday,**
19 **November 10 – 4 pm – 5:30 pm (tentative)**
- 20 • **Board of Commissioners Regular Meeting – Tuesday, November 10 –**
21 **6 pm – Town Meeting Room**
- 22 • **Veteran’s Day Holiday – Wednesday, November 11 – Town Offices**
23 **Closed – Community Center Open**
- 24 • **6th Annual Emerald Isle Christmas Parade – Saturday, November 28 –**
25 **4 pm – Emerald Drive**
26

27 Mayor Schools expressed condolences to Mayor Richard Stanley for the recent
28 death of his mother who was 92 years old.
29

30 **Clerks Note: A copy of Proclamation 09-10-13//P1, is incorporated herein by reference and hereby**
31 **made a part of these minutes.**
32

33 **7. Consent Agenda**
34

- 35 **a. Tax Refunds / Releases**
- 36 **b. Minutes – August 11, 2009 Regular Meeting**
- 37 **c. Minutes – August 31, 2009 Special Meeting**
- 38 **d. Minutes – September 8, 2009 Regular Meeting**
- 39 **e. Ordinance Amending Chapter 5 – Beach and Shore Regulations –**
40 **Regarding Beach Driving Permits (09-10-13/O1)**
41

42 ***Motion was made by Commissioner Wootten to approve the items on the***
43 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***
44 ***carried.***
45

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1
2 **Clerks Note: A copy of Ordinance 09-10-13/O1 and all other Consent Agenda items as noted above**
3 **are all incorporated herein by reference and hereby made a part of these minutes.**
4

5 **8. 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 **9. Preliminary / Final Subdivision Plat – Sunspray Properties, LLC**
13 **Subdivision, Canal Drive**
14

15 Planning Director Kevin Reed addressed the Board regarding this agenda item.
16 The following excerpt from his memo to the Town Manager is provided for
17 additional background:
18

19 Greg Dennis is requesting preliminary and final plat approval for the proposed Sunspray Properties, LLC, Subdivision.
20 The property to be subdivided is located on the north side of Canal Drive just east of its intersection with Craig Drive.
21 The applicant desires to re-configure three existing lots (62, 63 and 64) and create a fourth lot (65). The property is
22 currently zoned Residential-2 (R-2). All of the lots exceed the minimum lot size requirements for the R-2 District. No
23 new streets will be constructed; therefore, a comprehensive stormwater plan is not required and each lot will be
24 required to submit the required stormwater information as part of the building permit review process. All of the lots
25 have frontage along Canal Drive.
26

27 The Bogue Banks Water Corporation and the Carteret-Craven Electric Cooperative have both indicated they can serve
28 the proposed development. In addition, the applicant has provided information from the Carteret County Health
29 Department (CCHD) that lots 62, 63 and 64 are suitable for on site septic systems and they have issued an
30 improvement permit for these three lots. Also, the CCHD has issued a letter that Lot 65 is provisionally suitable for an
31 on site septic disposal system. The Town's Technical Review Committee (TRC) conducted a review of the proposed
32 subdivision at its meeting held on September 2, 2009. The TRC recommended the subdivision plat be forwarded to
33 the Planning Board for review provided several changes/revisions were made to the plat.
34

35 The Planning Board considered the request at its meeting held on September 28, 2009. At that meeting it was
36 explained to the Board that the applicants had meet all requirements of the Town's Unified Development Ordinance
37 pertaining to a new subdivisions except for providing proof of septic suitability for Lot 65. The Planning Board voted
38 unanimously (6 to 0) to recommend to the Board of Commissioners that the preliminary and final plats be approved
39 subject to the following condition:
40

- 41 The applicant shall provide proof that Lot 65 is suitability for the installation of a septic system.
42

43 Following the Planning Board's meeting on September 28, the applicant has provided Town staff with a copy of an
44 Improvement Permit from the CCHD for Lot 65. The Board of Commissioners is asked at this time to consider granting
45 preliminary and final plat approval. Staff looks forward to discussing this proposed amendment with the Board of
46 Commissioners at its October 13 meeting. Please do not hesitate to contact me if you have any questions or
47 concerns.
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2 ***Motion was made by Commissioner Wootten to approve the preliminary***
3 ***and final plat for Sunspray Properties, LLC subdivision located on Canal***
4 ***Drive. The Board voted unanimously 4-0 in favor. Motion carried.***
5

6 **10. Ordinance Amending Chapter 6 – Development Standards – of the**
7 **Unified Development Ordinance Regarding LED – LCD and Electronic**
8 **Message Signs**
9

10 **a. Public Hearing**

11 **b. Consideration of Ordinance**
12

13 Planning Director Kevin Reed addressed the Board regarding this agenda item.
14 The following excerpt from his memo to the Town Manager is provided for
15 additional background:
16

17 The Planning Board, at its meeting held on August 24, 2009, discussed the issue of LED-LCD and Electronic Message
18 Signs. During that discussion it was explained by Town staff that these types of signs are becoming common place
19 and many businesses are utilizing these types of signs for advertising. Currently, the Town's Unified Development
20 Ordinance (UDO) contains the following regarding one type of prohibited sign:
21

- 22 (2) Signs that display flashing, blinking or intermittent lights, or lights of changing intensity. No moving
23 signs or moving parts of signs will be allowed. No sign shall purposefully emit sound, odor, or vapor
24 and every sign must incorporate the latest technology to eliminate the same.
25

26 Staff believes that this above language on prohibited signs could be interpreted to mean that LED-LCD and Electronic
27 Message Signs are prohibited in the Town; however, the prohibition is not clear. Town staff requested that the
28 Planning Board, at its August 24 meeting, provide clear direction on how, or if, these types of signs should be
29 permitted. Also during this meeting, the Planning Board and staff heard a presentation by Mr. Barry Taylor who is a
30 provider of electronic message boards. Following Mr. Taylor's presentation and discussion by the Board, the Planning
31 Board members directed staff to prepare an amendment to the UDO that would prohibit the use of LED-LCD and
32 Electronic Message Signage. The Planning Board made it clear that this prohibition should not apply to any such sign
33 erected by the Town, the state or other governmental entity.
34

35 Following its discussion of this matter at its August 24, 2009 meeting, the Planning Board voted unanimously (6 to 0) to
36 recommend to the Board of Commissioners that the UDO be amended to prohibit LED-LCD and Electronic Message
37 Board signs. Again, this prohibition would not apply to any such sign erected by the Town or erected by another
38 governmental entity with the permission of the Town. I have attached to this memorandum a copy of the proposed
39 changes to the UDO in ordinance format. Any language being added is shown in the ordinance as underlined text and
40 any language to be deleted is shown in a strikethrough text.
41

42 Staff looks forward to discussing this proposed amendment with the Board of Commissioners at its October 13
43 meeting. Please do not hesitate to contact me if you have any questions or concerns.
44

45 ***Motion was made by Commissioner Wright to open the Public Hearing.***
46 ***The Board voted unanimously 4-0 in favor. Motion carried.***
47

48 There were no comments from the public.
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1
2 ***Motion was made by Commissioner Wootten to close the Public Hearing.***
3 ***The Board voted unanimously 4-0 in favor. Motion carried.***
4

5 Commissioner Hedreen commented about previous non-conforming signs that
6 had created controversy, noting that the current sign ordinance that had actually
7 been tightened in some places was actually approved in the 2001-2002
8 timeframe during a commission that was pretty anti-business and anti-
9 development. Commissioner Hedreen didn't feel that they wanted to be seen
10 that way and felt they needed to be out asking the business community, the
11 town's customers, what they could do to help them succeed here. Commissioner
12 Hedreen felt this could be an opportunity to take a look at the whole sign
13 ordinance and see if it fits with the Board's current philosophy. Commissioner
14 Hedreen felt they could find a way to embrace technology without being tacky.
15

16 Commissioner Wootten agreed he would like to have input from the business
17 community. Commissioner Wootten and Messer also expressed concern about
18 the language that exempted and allowed government entities to have these types
19 of signs while businesses were prohibited.
20

21 Town Manager Rush noted they would discuss this issue further with the
22 business community. Mr. Rush also in response to comments made about the
23 language that exempts any governmental entity – clarified that the language was
24 there primarily for every sign within Town and was an attempt to be consistent
25 with what was in the ordinance now – that could also be changed if the Board
26 was not comfortable with that language.
27

28 Mr. Rush in ascertaining the direction of the Board on this issue stated that the
29 existing ordinance would probably be construed to not allow these types of signs
30 but it seemed that the Board would like to allow these types of signs with some
31 parameters on size, frequency of flashing, etc. Mr. Rush said after also taking
32 into consideration feedback from the business community that he would proceed
33 in that direction.
34

35 **11. Ordinance Amending Chapter 6 – Development Standards – of the**
36 **Unified Development Ordinance Regarding Exterior Walls of Commercial**
37 **Structures Viewable from the Water**
38

- 39 **a. Public Hearing**
40 **b. Consideration of Ordinance**
41

42 Planning Director Kevin Reed addressed the Board regarding this agenda item.
43 The following excerpt from his memo to the Town Manager is provided for
44 additional background:
45

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1
2 As you know, the Town recently conducted several informal meetings among Town staff, members of the Board of
3 Commissioners, and Planning Board members to discuss roof pitch requirements for dry stack boat storage buildings
4 in the Marina Village and Marina Village Conditional Zoning Overlay Districts. During these meetings, it was noted that
5 commercial structures are required to incorporate design features along all exterior walls of the a building that are
6 "...viewable from any street or road...". This requirement is intended to make the structures more aesthetically
7 pleasing so that they do not have a "box like" appearance. Several of those in attendance at these aforementioned
8 meetings were concerned that sides of commercial structures that are viewable from the water do not have to meet
9 these design standards.

10
11 Based on these concerns, Town staff developed a proposed amendment to the Unified Development Ordinance (UDO)
12 and it was presented to the Planning Board at its meeting held on September 28, 2009. The amendment would be to
13 Chapter 6, "Development Standards", Section 6.1.3(4)(B) and would require that all sides of a commercial meet the
14 current design standards set forth in the UDO including the sides that are viewable from Bogue Sound. Following the
15 Planning Boards discussion of this request, the Board voted unanimously (6 to 0) to recommend to the Board of
16 Commissioner that the UDO be amended as presented. Following the Planning Board meeting, staff is suggesting
17 additional language be added to the proposed amendment that would require the sides of a commercial structure
18 viewable from the Atlantic Ocean or beach strand to also meet the building offset and design requirements.
19

20 I have attached to this memorandum a copy of the proposed changes to the UDO in ordinance format. Any language
21 being added is shown in the ordinance as underlined text and any language to be deleted is shown in a strikethrough
22 text. Staff looks forward to discussing this proposed amendment with the Board of Commissioners at its October 13
23 meeting. Please do not hesitate to contact me if you have any questions or concerns.
24

25 ***Motion was made by Commissioner Messer to open the Public Hearing.***
26 ***The Board voted unanimously 4-0 in favor. Motion carried.***
27

28 Andy Harris, speaking on behalf of his clients Island Harbor Marina, pointed out
29 that this was moving the ball from where it was before, and when you talk about
30 dressing up a building, especially a dry stack building as proposed by his clients,
31 this was adding expense to the cost of construction. Mr. Harris said he was told
32 at the very beginning that the fact that the project would be viewable from the
33 bridge would not require during the commercial review process that they have
34 offsets at the back of the building; now it was an issue and their concern now
35 was whether the same architectural design on the façade of the building facing
36 the street and the residences in the Town of Emerald Isle would be the same
37 type of façade required for the back of the building facing Cape Carteret. Mr.
38 Harris said they wanted some assurance that the offsets and design to the back
39 of the building would not have to be to the same scale as what would be
40 viewable from the street.
41

42 ***Motion was made by Commissioner Wootten to close the Public Hearing.***
43 ***The Board voted unanimously 4-0 in favor. Motion carried.***
44

45 Planning Director Reed in response to a question posed by Commissioner
46 Messer to clarify these requirements stated that the amendment before the
47 Board tonight would require the same standards be met for the water side of
48 structures as for the street side.
49

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1
2 Commissioner Wootten said what he heard during Planning Board discussions
3 that he attended was that they had been trying to avoid the Dudley's look from
4 the Intracoastal Waterway. Mr. Rush explained that there was conversation early
5 on in the process with Mr. Harris and at that time the existing ordinance did not
6 require facades viewable from the water to meet the standards and during recent
7 informal discussions about marina village this issue came up for discussion, was
8 presented to the Planning Board for their review; they looked at this issue and
9 made the recommendation to go ahead and include water sides of commercial
10 buildings with these requirements also. The Board could choose to accept or not
11 accept that recommendation or amend in any way.

12
13 Commissioner Wootten said that looking at the preliminary plans for the location
14 of the building his concern was that there would be more of the building visible
15 from the water side than from the road because of the topography. Mr. Andy
16 Harris stated there would be excavation done to bring that bluff down but from a
17 realistic standpoint the side facing the water was where you have the doors and
18 they would be open; he felt decoration on the doors and changing materials to
19 give some contrast to the structure would be fine. Commissioner Wootten felt
20 that should be left up to the commercial review process. Commissioner Messer
21 felt this would be a lot more expense for Mr. Harris's clients than they were led to
22 believe in the beginning and he was assuming according to Mr. Harris's
23 comments that they would be willing to do something to make it look different.
24 Mr. Harris agreed that it was a question of degrees and that was why he asked
25 whether it would be the same around the building versus on the back of the
26 building; just having changes in contrast and materials which would be easy
27 enough to do; so that you are not looking at a Dudley's; versus having to put all
28 the same fenestrations on the back as they were talking about on the street side.

29
30 Town Attorney Stanley said he didn't interpret this amendment as requiring that
31 what is on the front is what would have to be on the back but there had to be
32 some way to make it eye pleasing on the back. Mr. Stanley felt you could do that
33 by changing the design or building materials; there are five or six variations that
34 could be used. Mr. Harris said the point they were making was that the detail
35 would be on the front and sides of the building facing the street side, on the back
36 of the building there would be changes in materials, which was why the question
37 as to whether changes would be required on the back of the building to the same
38 extent.

39
40 Town Manager Rush added that if the Board adopts this ordinance there would
41 have to be something, from any of those choices or maybe others, and they
42 would have to be provided every 20 feet along that outside wall.

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1
2 ***Motion was made by Commissioner Wright 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. The Board voted 3-1 in favor, Hedreen***
6 ***opposed.***

7
8 ***(Based on the 3-1 vote by the Board not meeting the required two-thirds of***
9 ***the full governing body's voting membership on introduction, a second***
10 ***vote is required in order for this ordinance to be adopted and enacted. The***
11 ***2nd reading on this issue will take place at the next regular board meeting***
12 ***November 10, 2009.)***

13
14 **12. Ordinance Amending Chapter 5 – Density, Intensity, and Dimensional**
15 **Standards, and Chapter 6 – Development Standards – of the Unified**
16 **Development Ordinance Regarding Roof Pitch and Roof Design for Dry**
17 **Stack Boat Storage Facilities**

- 18
19 **a. Public Hearing**
20 **b. Consideration of Ordinance**

21
22 Planning Director Kevin Reed addressed the Board regarding this agenda item.
23 The following excerpt from his memo to the Town Manager is provided for
24 additional background:

25
26 An item similar to this one was discussed by the Planning Board at its February 23, 2009 meeting and again at its
27 March 23, 2009 meeting. At that time, proposed amendments were being considered by the Planning Board at the
28 request of the owners of Island Harbor Marina who are working on plans to redevelop the marina. Following the March
29 23, 2009 meeting, the Planning Board recommended to the Board of Commissioners that the Unified Development
30 Ordinance (UDO) be amended to allow for the roof of a dry stack boat storage building in the Marina Village (MV)
31 Zoning District to have a roof pitch of .5:12 rather than the required 4:12 pitch. This proposed amendment was
32 forwarded to the Board of Commissioners and they, subsequently, took no action on the amendment. Since that time,
33 Town staff has had several discussions with the owners of the marina and their representatives on how the Town could
34 potentially amend the UDO to assist with their redevelopment efforts. Following several informal meetings among
35 Town staff, members of the Board of Commissioners and Planning Board members; Town staff developed two
36 proposed amendments to the UDO. These amendments were presented to the Planning Board at its meeting held on
37 September 28, 2009.

38
39 The first amendment would be to Chapter 5, "Density, Intensity and Dimensional Standards", Table 5.1, "Table of
40 Dimensional Standards". This amendment would allow for the roof pitch of a dry stack boat storage building to be
41 reduced from its current requirement of 4:12 to as low as .5:12, as a condition of rezoning property from Marina Village
42 (MV) to Marina Village Condition (MV-C) Zoning Overlay District. The alteration of the roof pitch from 4:12 to a lesser
43 standard would only be allowed as a condition of rezoning to MV-C and would not be allowed in the MV District.

44
45 The second amendment would be to Chapter 6, "Development Standards", Section 6.1.3 and would require that the
46 roof and façade design for dry stack boat storage structures, whose roof pitch had been altered as a condition of
47 rezoning to the MV-C District, be required to incorporate design standards and building finishes that made the roof
48 appear less like a flat roofed structure. This requirement can be met through the use of mansard-style roofs,
49

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2 decorative peaks or other similar architectural/roof features and fenestrations. The final design of the roof would be
3 approved by the Board of Commissioners as part of the commercial review process.
4

5 Following the Planning Board's discussion of these two amendments at its September 28 meeting, the Board voted
6 unanimously (6 to 0) to recommend to the Board of Commissioners that the proposed amendments be approved. I
7 have attached to this memorandum a copy of the proposed changes to the UDO in ordinance format. Any language
8 being added is shown in the ordinance as underlined text and any language to be deleted is shown in a strikethrough
9 text. Staff looks forward to discussing these proposed amendments with the Board of Commissioners at its October 13
10 meeting. Please do not hesitate to contact me if you have any questions or concerns.
11

12 ***Motion was made by Commissioner Messer to open the Public Hearing.***
13 ***The Board voted unanimously 4-0 in favor. Motion carried.***
14

15 Andy Harris, speaking on behalf of his clients Island Harbor Marina, stated they
16 appreciated what the Town and staff had done trying to put something together
17 that would help them accomplish bringing a dry stack to Emerald Isle. Mr. Harris
18 said the issue has always been with the height and roof pitch, one of storage
19 space along the side of the building, which was how the boats are stacked, with
20 the eave height being most important. Mr. Harris said those hired to design the
21 building are the ones that say they need about 47 or 48 foot eave height and
22 typically these buildings are built now with .5:12 roof pitch to be the most
23 economical. Mr. Harris agreed that the amendment before the Board gives the
24 .5:12 that they need but there was a requirement that it be part of a conditional
25 use application. Mr. Harris said he had not seen a lot of difference going through
26 the conditional use process versus going through the commercial review
27 process. Mr. Harris said that the way the ordinance was drafted they had
28 deferred a lot of the review about how the building must look if you do go .5:12
29 roof to the commercial review process so it was not being reviewed under a
30 conditional use process but under the commercial review process. Mr. Harris
31 said the only issue they had was regarding the height of the building with roof
32 pitch and the way they proposed to the Town was to do .5:12 roof pitch with a 50
33 foot eave height as being the maximum that works out to a roof peak of 56 to 57
34 feet in comparison under the 4:12 roof requirement if they went that way they
35 would end up with a roof peak up around 70 feet. They felt if they could go with a
36 shorter building but as a concession dress up the façade; this language was very
37 similar to the language proposed when taken to the Planning Board earlier this
38 year so they had no objection at all to that language. His question now was
39 whether anything was accomplished by going through a conditional use zone
40 rather than just saying if you do a .5:12 roof you have to meet the commercial
41 review guidelines that deal with dry stacks; the provision for the Board to
42 consider tonight says for a dry stack with less than a 4:12 you have to
43 incorporate these architectural features and building finishes into the structure.
44 Mr. Harris said they were fine with that but they didn't want to have to run through
45 a conditional use zone. Mr. Harris asked if the Board adopted this ordinance
46
47

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1
2 tonight that they would do so by saying in the Marina Village District or in the
3 Marina Village Conditional Use District if you go to .5:12 you have to comply with
4 the commercial review process requirements regarding dry stacks.

5
6 Commissioner Wootten noted that the ordinance does not drop the roof height to
7 60 feet.

8
9 Mr. Harris said that when the conditional use zone was adopted the increased
10 height was the bait to get someone to go through the conditional use zone in
11 order to go higher and that was a benefit but they don't need to go higher, they
12 want to be at 50 feet so whether the Board eliminated the 60 foot height
13 altogether didn't matter. Mr. Harris said they didn't want to have to rezone their
14 property to the conditional use zone and the way the ordinance was drafted right
15 now the only reason they would have to do that was to go .5:12 and even if they
16 go .5:12 they still have to follow the aesthetic requirements through the
17 commercial review process. He said the discussion all the way through the
18 Planning Board up through Council has been what the building will look like. He
19 said it didn't make sense that this would be pushed into a conditional use zone
20 when there was no benefit since they are not going 60 feet high and you can
21 build a building 50 feet in the Marina Village district.

22
23 Commissioner Messer said he couldn't imagine restricting them to 50 feet and
24 letting someone else build a 60 foot building. Commissioner Wootten agreed but
25 felt they still want to take the language out about the 60 feet.

26
27 Mr. Harris said he was fine with that coming out but just again asked the Board to
28 change the roof pitch requirement applied to the Marina Village district as well.

29
30 ***Motion was made by Commissioner Messer to close the Public Hearing.***
31 ***The Board voted unanimously 4-0 in favor. Motion carried.***

32
33 Commissioner Wootten stated that the purpose of the overlay district, going back
34 to Village East and Village West, was to establish zones so that you could do
35 things differently that would fit those areas in those zones, that could then not be
36 applied across the board throughout the Town. Mr. Wootten said he felt the
37 reason for the overlay district at the marina was to preclude someone coming
38 back in the future if just changed in the regular zone or not in the overlay district,
39 and ask what the difference between a marina and a motel, they want the 50 foot
40 flat roof on their motel. He felt this needed to stay in the overlay district.

41
42 Commissioner Hedreen said they had changed the Land Use Plan to have the
43 marina district, not even with the overlay to protect it; so they already have a
44 zone area just for the marina. Commissioner Wootten said in terms of just
45 putting a building up what was the difference between a marina village and a

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2 business district, and if they had a hotel for example someone could say they
3 want the same consideration because they get more rooms under a 50 foot roof.

4
5 Planning Director Reed stated that the provisions behind a conditional zoning
6 overlay district whether Marina Village, Village East or Village West, was that if
7 you go to the overlay district there are certain concessions in some cases;
8 building heights, density, etc.; but the premise behind it was you offer some
9 public benefit or some public recreational need as part of the rezoning to the
10 overlay district so there was a carrot there for the developers to get some
11 incentives but at the same time they had to give something to the Town which
12 was the concept of the overlay district.

13
14 Commissioner Hedreen asked if the marina didn't already have everything the
15 Board would have potentially given them in the overlay. Mr. Reed said that the
16 Marina Village district doesn't make them offer anything to the public where the
17 overlay district does. Commissioner Hedreen said so they could have the same
18 building identical in Marina Village if they modify the ordinance to allow in that
19 particular zoning or it could only be allowed in the overlay and then the Town
20 would get something of public benefit in return.

21
22 Town Manager Rush added that the conditional overlay districts were essentially
23 set up to give the Board more flexibility in dealing with projects and then the
24 project specific details of that particular plan become the zoning ordinance for
25 that zoning district. Mr. Rush said another key thing to keep in mind was that by
26 moving someone into the Marina Village, Village East or Village West conditional
27 zoning overlay district that was a rezoning that would trigger more public
28 involvement in the process, notices to adjacent property owners, and a more
29 direct way of seeking their public input as plans go forward. If it is something that
30 is just a permitted use by right in the Marina Village, Village East, Village West,
31 or business district they simply go through the commercial review process and
32 you may not get as much direct notification to adjacent property owners.

33
34 Commissioner Messer felt that if someone were to come with a motel he felt they
35 would give the same consideration as given the marina, if they make it look good.
36 Commissioner Wootten said that was going against the Land Use Plan.

37
38 ***Motion was made by Commissioner Messer to approve an amendment that***
39 ***will allow them to build their building with .5:12 pitch with a 50 foot eave***
40 ***height in the regular Marina Village District. The Board voted 3-1, Wootten***
41 ***opposed.***

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1
2 ***(Based on the 3-1 vote by the Board not meeting the required two-thirds of***
3 ***the full governing body's voting membership on introduction, a second***
4 ***vote is required in order for this ordinance to be adopted and enacted. The***
5 ***2nd reading on this issue will take place at the next regular board meeting***
6 ***November 10, 2009.)***
7

8 **13. Resolution Supporting the NCLM Green Challenge (09-10-13/R1)**
9

10 Parks and Recreation Director Alesia Sanderson and Administrative Assistant
11 Kelly Gamble addressed the Board regarding this agenda item. The following
12 excerpt from Town Manager Rush's memo to the Board is provided for additional
13 background:
14

15 The Board of Commissioners is asked to approve the attached Resolution Supporting the NCLM Green Challenge at
16 the October 13 meeting. Alesia Sanderson and Kelly Gamble, co-chairs of the Town's staff-level Green Challenge
17 Committee, will update the Board on the committee's efforts over the past year and future plans.
18

19 The Town signed up for the NC League of Municipalities' Green Challenge program in September 2008, and the Green
20 Challenge Committee, with representatives from each department, was formed soon thereafter. Members of the
21 Green Challenge Committee include the following:
22

23 Administration – Kelly Gamble
24 Planning and Inspections – Peggy Grammer
25 Police – Nick Gottuso
26 Fire – Jeff Strawser
27 Public Works – Joe Smith
28 Parks and Recreation – Alesia Sanderson, Laura Lee Davis.
29

30 The Committee has been working diligently to identify, promote, and implement activities designed to reduce energy
31 consumption, improve recycling, and protect the environment over the past year, and plans to continue its efforts in the
32 future. The attached report from Alesia Sanderson and Kelly Gamble outlines the committee's activities and plans.
33

34 It is interesting to note that the Town has been implementing many of the activities included in the NCLM's Green
35 Challenge for a long time, including recycling, storm water management, and vegetation protection. These activities,
36 along with other recently initiated activities and future plans have enabled the Town to qualify for the Green Challenge
37 Advanced Level. The Town will be recognized for this at the upcoming NCLM annual conference later this month.
38

39 Parks and Recreation Director Alesia Sanderson updated the Board and outlined
40 the progress the Town has made and continued to make with the NCLM Green
41 Challenge. Ms. Sanderson also pointed out that through education they had
42 been able to do a lot of things but the Town of Emerald Isle was already doing a
43 lot of things right which had catapulted the Town to the advanced level in the
44 League's Green Challenge.
45

46 Mayor Schools thought this was a great thing to do and complemented Ms.
47 Sanderson, Ms. Gamble and the committee for their efforts.
48
49

1
2 ***Motion was made by Commissioner Wright to approve the Resolution***
3 ***Supporting the NCLM Green Challenge. The Board voted unanimously 4-0***
4 ***in favor. Motion carried.***
5

6 Mayor Schools also mentioned the oyster collection site at the Western Ocean
7 Regional Access. Ms. Gamble noted that the site in Emerald Isle was the first
8 oyster recycling facility to be located on Bogue Banks. Ms. Sanderson also
9 noted the success of the experimental recycling on the beach this summer at the
10 eastern and western accesses.

11
12 **Clerks Note: A copy of Resolution 09-10-13/R1 is incorporated herein by reference and hereby made**
13 **a part of these minutes.**
14

15 **14. New Public Boat Launching Facility**
16

- 17 **a. Resolution Accepting Parks and Recreation Trust Fund Grant for**
18 **New Public Boat Launching Facility (09-10-13/R2)**
19 **b. Vacant Lot Lease Agreement – Lots 3 and 5, Shell Cove North**
20 **c. Resolution Authorizing Partial Land Acquisition Closing – Lot 6,**
21 **Shell Cove North (09-10-13/R3)**
22

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

26
27 The Board of Commissioners is scheduled to consider 3 separate actions associated with the acquisition of land for
28 and development of a new public boat launch facility at the October 13 meeting.
29

30 Resolution Accepting Parks and Recreation Trust Fund Grant for New Public Boat Launching Facility

31 As you know, the NC Parks and Recreation Trust Fund (PARTF) has awarded the Town a \$500,000 grant for land
32 acquisition for the new public boat launching facility. This funding source is a critical component of the Town's
33 financing plan for the remaining 3 lots in the Shell Cove North subdivision that are necessary for the full development
34 of the new public boat launching facility. The attached resolution formally authorizes the acceptance of this grant for
35 the new public boat launching facility.
36

37 The grant project agreement allows for the reimbursement of Town funds expended only after November 1, 2009 for
38 this project. As such, if the Board concurs, the next lot closing would likely be scheduled for November 2, 2009. The
39 Town would expend Town and County funds initially for the lot purchase (\$607,143, as stipulated in the land purchase
40 contract) on November 2, and would then immediately file for reimbursement from PARTF. Because the grant project
41 agreement allows for only a 50% grant reimbursement for expenditures only after November 1, the maximum amount
42 the Town can file for reimbursement in November is \$303,571, or 50% of the Lot 6 purchase price. A total of \$303,572
43 of Town and County funds would provide the remainder of the purchase price at this time. Because the County's first
44 year contribution is capped at \$500,000, and the County has already provided \$384,625 for the September 1 closing,
45 the amount from the County in November is expected to be \$115,375. This leaves a balance of \$188,197 from the
46 Town in November.
47

48 As you recall, the Board previously approved an installment financing instrument (inter-fund loan from the Beach
49 Nourishment Debt Service / Reserve Fund) in September that included a total of \$53,367 for the anticipated November
50

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1
2 closing on Lot 6, and this amount would be applied to the \$188,197 required from the Town in November. This leaves
3 a balance of \$134,830 required from the Town in November that must be identified for temporary use until the Town is
4 eligible for additional cash-flow from the County and/or PARTF. My recommendation is to temporarily rely on General
5 Fund balance and then reconcile this timing issue prior to the end of FY 09-10.
6

7 The Town would remain eligible for reimbursement on the remaining \$196,429 from PARTF (\$500,000 minus
8 \$303,571) when future lot closings occur. According to the PARTF agreement, the Town must complete all land
9 acquisition no later than October 31, 2012. As you know, the Town is required under the land purchase contract to
10 complete the entire land acquisition no later than September 1, 2011, so this deadline will not be an issue.
11

12 The Board and the Town Attorney should note that the use of PARTF grant funds will require the inclusion of
13 appropriate language in the deeds for all 7 lots that the property must be used for public recreation use in perpetuity.
14 This will require an amendment to the deeds for the 4 lots acquired in September, and the inclusion of this language in
15 all future deeds. A similar provision is already included in the draft long-term agreement between the Town and the
16 NC Wildlife Resources Commission for the development and operation of the new facility.
17

18 In the interest of moving expeditiously to utilize these grant funds, Mayor Schools has already executed the grant
19 project agreement for this grant, and the Board is asked to approve this resolution retroactively. If the Board chooses
20 not to accept the grant, the grant project agreement will be terminated immediately.
21

22 Vacant Lot Lease Agreement

23 Assuming that the Town proceeds with the closing on Lot 6 in November, the Town will be the owner of 5 of the 7 lots
24 included in the land purchase contract at that time. The closing on the remaining two lots (Lot 3 and Lot 5) will occur
25 sometime prior to September 1, 2011.
26

27 In an effort to expedite the development of the property as a new public boat launching facility, it is advantageous for
28 the Town to lease the remaining two lots for the interim period prior to final closing (no later than September 1, 2011).
29 An interim lease would allow the NC Wildlife Resources Commission to seek permits for the entire site at one time and
30 move forward with full construction sometime in early or mid-2010. If an interim lease is not executed, the NC Wildlife
31 Resources Commission will be forced to permit and develop the site in a phased manner, resulting in a longer delay
32 until the full facility is open to the public and also resulting in logistical issues that are best avoided if possible.
33

34 The attached Vacant Lot Lease Agreement includes a term from November 1, 2009 until September 1, 2011, but would
35 be terminated at such time that the Town completes the closing on the lots. In exchange for the lease, the Town would
36 be responsible for all County property taxes due on these lots after November 1, 2009. (The Town is already
37 responsible for payment of Town property taxes as a condition of the amended land purchase contract.) The total
38 amount of County property taxes due on these two lots is approximately \$3,000 per year.
39

40 Also in exchange for the lease, the Town would commit to close on Lot 5 no later than September 1, 2010, with the
41 deadline for Lot 3 still set as September 1, 2011. If the Town is awarded the requested grant from the NC Marine
42 Resources Fund (saltwater fishing license program) in March 2010, there will be no difficulty meeting the September 1,
43 2010 deadline for Lot 5. If the Town's grant request is denied, the Town can still complete the closing on Lot 5 by
44 September 1, 2010 by utilizing the remaining PARTF grant funds, the next round of County funding, and additional
45 Town funding.
46

47 Resolution Authorizing Partial Land Acquisition Closing – Lot 6, Shell Cove North

48 The attached resolution formally authorizes the Town Manager and Town Attorney to proceed with the proposed
49 closing on Lot 6 in November, as described above. If the Board concurs, the closing will likely be scheduled for
50 November 2, 2009.
51
52
53
54

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1
2 Brief Update on Associated Issues

3 NC Wildlife Resources Commission (NC WRC) staff continue to work on finalizing the layout of the new facility, and
4 have shared multiple options with me in recent weeks. Preliminary conversations about permitting issues and the need
5 for additional turn lane(s) on NC 58 are also ongoing, and are being factored into decisions about the layout of the new
6 facility. I hope to have a preferred layout from the NC WRC staff within the next week. Pertinent design issues being
7 considered are:

- 8
9
- 10 • the ability to achieve the maximum number of vehicle / trailer parking spaces,
 - 11 • the ability to meet the 25% total impervious cap as per CAMA regulations,
 - 12 • the ability to treat more storm water runoff than required,
 - 13 • the best location for the 4 boat ramps (south side or east side of existing boat basin),
 - 14 • the provision of adequate stacking area for vehicles / trailers waiting to access the ramps (within the facility),
 - 15 • minimization of impacts on the Chapel By The Sea and the Marsh Cove neighborhood,
 - 16 • the number of and best location(s) for entrance and exit driveways, and
 - 17 • the length and dimensions of required turn lanes on NC 58.

18 The exact turn lane requirements have not yet been determined by the NC Department of Transportation (NCDOT),
19 however, preliminary discussion indicates that a new left-turn lane into the facility will be required, and perhaps
20 additional features. The cost of required improvements to NC 58 could be significant, and the Town will be seeking
21 financial assistance from NCDOT for this work. If NCDOT funding can not be obtained, the NC WRC will be forced to
22 bear this cost and this could impact the opening date and/or overall quality of the new facility.

23
24 NC WRC staff have prepared a preliminary schedule for the project, and it indicates the opening of the new facility in
25 September 2010. Please note that this schedule is very preliminary in nature, and we are working to (hopefully)
26 expedite the opening if at all possible. Much will depend on the selected site layout and the permitting process, as well
27 as the Town's ability to secure the interim lease from the owners of the two remaining lots.

28
29 Commissioner Wootten spoke of his concerns if they didn't receive Marine
30 Fisheries grant funds. Mr. Rush stated that he was trying to do whatever they
31 could to expedite and that the Town was looking at about 11 months from now
32 the facility being open – if they don't have a lot lease agreement right now that
33 might be pushed back a little bit further. Mr. Rush said the risks they were taking
34 were such that by approving the vacant lot lease agreement and bumping up the
35 closing on the one lot to September 1, 2010, if they received the grant from the
36 NC Marine Resources Fund, saltwater fishing license program, then no risk to
37 the Town because that money would be available with no additional expense. If
38 the Town didn't receive that grant then they were looking at spending about
39 \$193,000 next September that would push the Town's total contribution up to the
40 \$750,000 to \$760,000 range. Mr. Rush said if they didn't get the grant from the
41 saltwater license fishing program there was probably a good chance they may
42 find themselves putting in that much anyway. Mr. Rush wanted them to
43 understand the trade-off.

44
45 Commissioner Messer said that he would gamble that the Town gets the grant
46 against not waiting until 2011 to open. He felt that a saltwater fishing grant was a
47 no-brainer for that project. He was willing to take that risk to get it open sooner.

48
49

1
2 ***Motion was made by Commissioner Wright to Accepting the Parks and***
3 ***Recreation Trust Fund Grant for the New Public Boat Launching Facility.***
4 ***The Board voted unanimously 4-0 in favor. Motion carried.***

5
6 Greg Dennis, Emerald Isle business owner, commented that he felt the Town
7 would get the grant funds from Marine Fisheries but if the Town waited on the
8 ramp much longer more businesses would shut down. Mr. Dennis said the
9 marina would be closed and they wouldn't be able to put boats in there and they
10 had to have somewhere to go.

11
12 ***Motion was made by Commissioner Hedreen to approve the Vacant Lot***
13 ***Lease Agreement. The Board voted unanimously 4-0 in favor. Motion***
14 ***carried.***

15
16 ***Motion was made by Commissioner Messer to adopt the Resolution***
17 ***Authorizing Partial Land Acquisition Closing. The Board voted***
18 ***unanimously 4-0 in favor. Motion carried.***

19
20 **Clerks Note: A copy of Vacant Lot Lease Agreement as noted above and Resolutions 09-10-13/R2**
21 **and 09-10-13/R3 are all incorporated herein by reference and hereby made a part of these minutes.**

22
23 **15. Discussion – Old EMS Station**

24
25 Town Manager Frank Rush addressed the Board regarding this agenda item.
26 The following excerpt from Town Manager Rush's memo to the Board is provided
27 for additional background:

28
29 I have scheduled time on the October 13 meeting agenda for the Board to discuss the current status of the old EMS
30 Station property located at 218 Cedar Street.

31
32 As you know, this Town-owned property has been for sale for more than a year overall, and for approximately 8
33 months since comprehensive interior renovations were completed in January 2009. The asking price for the property
34 is currently \$397,500, and that price was reduced from an initial asking price of \$450,000 earlier this year. The
35 property has been marketed as an "open listing", and the Town has indicated it will pay a 6% commission to the
36 successful agent(s) involved in arranging a sale. A copy of the sale flyer describing the property is attached for your
37 review.

38
39 It has been several weeks since the property has been shown, and there are no potential buyers actively discussing a
40 potential purchase with the Town. In light of this situation, the Board may wish to consider the following options:

- 41
42 1. Continue to market the property for sale at the current asking price of \$397,500. It is possible that additional
43 potential buyers will emerge in spring 2010.
44
45 2. Continue to market the property for sale with a reduced asking price. The property immediately across the
46 street is currently listed for \$389,000, and although it appears to have a somewhat nicer interior, it has less
47 heated sq. ft. (1,564 sq. ft., compared to 2,400 sq. ft. at the old EMS station; sale flyer attached). Perhaps
48 the Board could consider reducing the asking price to somewhere in the \$350,000 - \$380,000 range, +/-.
49

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- 1
2
3 3. Offer the property as an annual rental through a local real estate rental agency. It is likely that the property
4 could rent for somewhere in the \$1,000 - \$1,200 per month range, and the Town could expect to generate
5 approximately \$10,000 - \$12,000 in annual rental income, +/-, after deducting the management fee.
6 Although this would result in some normal "wear and tear" on the property, it would also reduce the need for
7 Town staff to look after the property for minor routine issues. The Town could reconsider marketing the
8 property for sale at some point in the future when the sales market is more favorable. The Town could also
9 consider a "rent-to-own" scenario from the right tenant / buyer.
- 10
11 4. Offer the property as an annual rental through a local real estate rental agency, as described in #3 above,
12 but continue to market the property for sale and include a 60-day or 90-day notice clause for the tenants to
13 move in the event the property is sold. The Board should also determine whether or not to also reduce the
14 asking price.
15

16 The Town would certainly benefit from the sale of the property, and would likely use the sale proceeds to retire
17 existing debt on a new Fire Engine, add to General Fund balance, and/or apply the sale proceeds to the new public
18 boat launch facility land acquisition cost. Although all of these scenarios are desirable, none are time-sensitive or
19 critical at this time, and the Town can likely afford to delay the sale if desired.
20

21 The Board indicated the Town Manager should try leasing the home as an
22 annual rental property through a rental agent.
23

24 **16. Comments from Town Clerk, Town Attorney, and Town Manager**
25

26 There were no comments from the Town Clerk. Town Attorney Stanley
27 expressed his appreciation of the flowers from the Mayor, Board and staff.
28

29 Town Manager Rush updated the Board on several issues including the areas
30 recently closed on the beach for driving at high tide and that Public Works had
31 placed signage.
32

33 The following is an excerpt from the Town Manager Comments memo to the
34 Board for additional background and items of importance:
35

36 **Open House – New Town Administration Building**

37 I have tentatively scheduled an Open House for the public to visit the new building on Tuesday, November 10 from 4
38 pm – 5:30 pm. This is right before the regular Board meeting for November. My thought is to offer light snacks and
39 refreshments, formally dedicate the new building, and receive a special donation from the Emerald Isle homemakers
40 club. It will be an informal, drop-in type gathering.
41

42 **Update – NC 58 Bicycle Path Extension**

43 The NC 58 bicycle path extension is currently out for bid. A mandatory pre-bid meeting is scheduled for October 15,
44 and bids will be opened on October 23. Staff is in the process of securing the necessary temporary construction
45 easements, and we have secured 45 of the 77 required thus far (as of October 6). The response from adjacent
46 property owners has been very positive thus far. We plan to have a construction contract on the Board's November 10
47 meeting agenda, with work beginning soon thereafter.
48

49 **Update – Aquarium Pier at Emerald Isle**

50 The design team (Moffatt & Nichol Engineers, BJAC Architects) continues to refine the scope of the project with
51 Aquarium and Town representatives, and by incorporating the Advisory Committee's input. Like most projects, the pre-

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1
2 design and programming phase yielded many more "wants" than are affordable, and the project scope and estimated
3 cost is being revised down. The key priorities for the design are: 1) maintain a 1,000 ft. long pier, 2) maintain an
4 acceptable pier width, and 3) keep the pier house at or below 10,000 sq. ft. (initial plans indicated nearly 13,000 sq. ft.).
5 The estimated construction budget is in the \$16 million - \$17 million range.
6

7 Mayor Schools and I have been working with Aquarium staff on strategies for securing construction funding to enable
8 construction sooner (hopefully) rather than later. There is some discussion about a potential debt issue for both the
9 Emerald Isle and Carolina Beach piers, with Aquarium operating receipts being used to retire the debt. This is an
10 evolving discussion, however.
11

12 Mayor Schools has been working to arrange a meeting for us with Governor Perdue to discuss the pier project. We
13 expect to meet with her sometime when she is in this part of the State in the coming weeks.
14

15 **2010 Parks and Recreation Trust Fund Grant Applications**

16 The deadline for 2010 Parks and Recreation Trust Fund grant applications is February 1, 2010. Please let me know if
17 there are any projects for which you'd like us to consider applying for grant funding. The maximum grant amount is
18 \$500,000, and must be matched dollar-for-dollar.
19

20 I am currently investigating a way to apply for grant funding for the soundside improvements associated with the
21 Aquarium Pier project. This may be a good project to apply for, but may also be hampered by the fact that the local
22 match would come from the NC Aquariums. More research is necessary to determine if this idea will be eligible.
23

24 **End of Season Beach Patrol Report, Tent Count**

25 I have attached the end of season report of the Fire Department's Beach Patrol for your information.
26 I have also attached a final report showing the numbers of beach tents left out overnight along the beach strand. This
27 count was accomplished by Beach Patrol staff twice per week during weekday early morning rides on the beach
28 strand. As you will see, the count for the prime summer weeks was in the range of 200 - 300 tents per night. Over the
29 Town's 12 miles of beach, this equates to an average of 16 - 25 tents per mile per day during the peak season. The
30 tents also appear to be fairly evenly distributed along the entire beach strand, in general. I am planning to discuss the
31 beach tent issue with the vacation rental companies later this month, and will likely schedule Board discussion about
32 the beach tent issue sometime this winter.
33

34 **Meeting With Vacation Rental Companies**

35 I am scheduled to meet with the vacation rental companies on October 21 to discuss various issues. Issues to be
36 discussed include trash can roll-out and roll-back, beach tents, public education efforts, and likely others. Please let
37 me know if there are other issues you'd like me to discuss with this group.
38

39 **Update - The Point**

40 The Town is still on track to receive dredge spoils from the AIWW dredging to be contracted by the Corps of Engineers
41 this winter. I expect work to begin sometime in January 2010.
42

43 I have attached a conceptual plan for the spoil placement based on the latest detailed survey work completed by
44 Geodynamics in September. This plan indicates that a volume of approximately 73,000 cubic yards would be sufficient
45 to stabilize the oceanfront area at The Point. The Corps is estimating somewhere in the range of 75,000 cubic yards
46 will be placed. The Board should note that conditions will likely change between now and January (hopefully improve
47 further), so the exact placement of sand will be determined at that time. I have also attached a copy of the September
48 survey that shows very shallow depths in all areas near The Point.
49

50 **New Ethics Requirements**

51 Session Law 2009-403 was approved by the NC General Assembly during the 2009 session, and requires local
52 governing boards to 1) adopt an ethics policy for its members and 2) complete a minimum of 2 hours of ethics training
53 by January 2011.
54

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1
2
3 I have attached information from the NC League of Municipalities (NCLM) about this requirement. Various training
4 opportunities will be available during 2010, and we will attempt to schedule the most convenient training session for the
5 Board. We are also awaiting a model code of ethics from the NCLM, and will prepare a draft for the Board to consider
6 sometime in 2010.

7
8 **Wood Island / Cat Island Bomb Target Study**

9 I have attached an email with an update on this study being performed by consultants for MCAS Cherry Point. The
10 consultants are still reviewing data and preparing reports to determine the next steps. A public meeting is being
11 planned for early 2010.

12
13 **Formal Conveyance of Land at McLean Park to Chapel By The Sea**

14 A .83 acre tract will be formally conveyed from the Emerald Isle Parks and Recreation Association, Inc. (EIPRA) to the
15 Chapel By the Sea within the next couple of weeks. All approvals have been granted, and a deed will be recorded
16 later this month. The deed includes a reverter clause that requires the land to be returned to EIPRA if not used for
17 Church purposes. A map indicating the tract to be conveyed is attached.

18
19 **Employee Assistance Program**

20 Staff are in the process of implementing the new Employee Assistance Program (EAP) with the selected contractor,
21 Frank Horton Associates. Meetings will be held later this month to orient supervisors and employees to the new EAP.

22
23 The annual contract cost for the EAP is \$2,000. The Town was recently awarded a \$2,000 grant from the NC League
24 of Municipalities that will fully cover the cost of this program for the first year.

25
26 **Clean Water Management Trust Fund (CWMTF) Grants Delayed**

27 The CWMTF Board of Trustees recently met and distributed funding for 2008 grant awards with a reduced amount of
28 2009 funding. Unfortunately, the Town's two 2008 grant awards (\$75,000 for Archer's Creek study, \$97,000 for
29 eastern Emerald Isle outfall removal) did not have funding released at this time. We still expect to eventually receive
30 these grant funds, however, it is not likely until the latter part of 2010 at the earliest.

31
32 **Municipal Star Inspection**

33 The Town is one of only 5 local government entities in NC that has received the Municipal Star designation from the
34 NC Department of Labor for its commitment to workplace safety. The NC Department of Labor will conduct a periodic
35 inspection on November 12 and 13. The Town's Safety Committee has and continues to work hard to make sure our
36 employees are as safe as possible when performing their duties.

37
38 **NCDOT Electronic Message Sign**

39 Alesia Sanderson and I are scheduled to meet again with NCDOT on October 15 to discuss potential locations for
40 NCDOT's electronic message sign near the bridge. We continue to work toward a location that will not impact the
41 vegetation in the "Gateway" area.

42
43 **Town Meeting Room Improvements**

44 Artie Dunn and I are working on cost estimates for the various improvements we'd like to make to the Town Meeting
45 Room. We plan to present a menu of possible improvements, with a cost estimate for each, at the November meeting.
46 Items under consideration include the following:

- 47
48
- replacement doors to the meeting room,
 - new flooring in the meeting room, kitchens, foyer, and bathrooms,
 - new tile in the bathrooms,
 - new cabinets in the kitchen, and also in the small Planning and Inspections kitchen,
 - elevate the Board meeting table by 1 ft +/-,
 - install computer projector in ceiling and computer monitors at Board table,
 - replace windows at Planning and Inspections,
- 54

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- replace rear door to Planning and Inspections, and
- paint walls.

17. Comments from Board of Commissioners and Mayor

There were no further comments from the Commissioners or Mayor.

18. Adjourn

Motion was made by Commissioner Messer to adjourn the meeting. The Board voted unanimously 4-0 in favor. Motion carried.

The meeting adjourned at 7:25 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk