

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, SEPTEMBER 8, 2009 – 6:00 P.M.**
4 **TOWN 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
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 Director Mitsy
20 Overman, Town Clerk Rhonda Ferebee, and Police Chief Bill Hargett.

21
22 **3. Opening Prayer**

23
24 Mary Howard Higgins, youth member from Emerald Isle Baptist Church offered
25 the Opening Prayer for the Town Board meeting.

26
27 **4. Pledge of Allegiance**

28
29 After opening prayer all who were present recited the Pledge of Allegiance.

30
31 **5. Adoption of Agenda**

32
33 ***Motion was made by Commissioner Hedreen to adopt the Agenda. The***
34 ***Board voted unanimously 5-0 in favor. Motion carried.***

35
36 **6. Proclamations / Public Announcements**

37
38 Mayor Schools announced the following Proclamations and public
39 announcements for the public:

- 40
41 • **Proclamation – Sickle Cell Awareness Month – September 2009**
42 (09-09-08/P1)
43 • **Friday Free Flick – Friday, September 11 – 7 pm – Community Center**
44 – “Tales of Despereaux”
45 • **4v4 Volleyball Tournament – Saturday, September 12 9 am until –**
46 **Western Ocean Regional Access**
47

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- **Beach Jive After Five – Thursday, September 17 – 5:30 pm – Western Ocean Regional Access**
- **Blood Drive – Friday, September 18 – 2 pm – 7 pm – Community Center**
- **Walk To D’Feet ALS – Saturday, September 19 – 9 am – Holiday TravLPark**
- **4th Annual Emerald Isle Day 4 Kids / Crime Free Event – Saturday, September 19 – 10 am to 2 pm – Community Center**
- **Household Hazardous Waste and Electronics Collection – Saturday, September 26 – 8 am to 1 pm – Carteret County Health Department, Morehead City**
- **Flounder Surf Fishing Tournament – September 26 – October 3 – See Parks and Recreation for details**
- **Planning Board Regular Meeting – Monday, September 28 – 6 pm – Town Meeting Room**
- **Surf Fishing Seminar – Monday, October 5 – 6 pm – Community Center**
- **Friday Free Flick – Friday, October 9 – 7 pm – Community Center**
- **Board of Commissioners Regular Meeting – Tuesday, October 13 – 6 pm – Town Meeting Room**
- **6th Annual Emerald Isle Triathlon – Saturday, October 17 – 8 am – Eastern Ocean Regional Access**

Mayor Schools noted that long time Emerald Isle resident Louise Rhodes, who was in attendance, had recently turned 90 years old, also mentioning a rocker that was purchased for her with a plaque by her friends and family that is located on the porch of the new Town Administrative Building.

Mayor Art Schools and Town Manager Frank Rush then presented a Certificate of Appreciation to Jeff Strawser, Fire Captain for his 20 years of service to the Town of Emerald Isle. In addition, a Certification of Appreciation was presented to Asst. Fire Chief Don Askew recognizing his 20 years of service that was actually effective the previous July 2008. Mr. Askew has now served the Town for 21 years and both were recognized for their dedicated service to Town of Emerald Isle.

Clerks Note: A copy of Proclamation 09-09-08/P1, and copies of Certification Plaques presented to Jeff Strawser and Don Askew are all incorporated herein by reference and hereby made a part of these minutes.

1
2
3 **7. Introduction of New Employee**
4

5 **a. Clayton Pittman, Police Officer**
6

7 Police Chief Bill Hargett introduced new Police Officer Clayton Pittman. Chief
8 Hargett noted that Officer Pittman was born in Carteret County, graduated from
9 West Carteret High School. Chief Hargett noted that Mr. Pittman had achieved
10 an Associates Degree from Carteret Community College, and graduated top of
11 his class in Basic Law Enforcement Training at Carteret Community College in
12 2009. The Board and public welcomed Officer Pittman.
13

14 **8. Consent Agenda**
15

16 **a. Tax Refunds / Releases**

17 **b. Interlocal Agreement – Hurricane Vegetative Debris Disposal**
18

19 ***Motion was made by Commissioner Hoover to approve the items on the***
20 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
21 ***carried.***
22

23 **Clerks Note:** A copy of Consent Agenda items as noted above are all incorporated herein by
24 reference and hereby made a part of these minutes.
25

26 **9. Public Comment**
27

28 **Brief Summary:** The public will have the opportunity to address the Board about
29 any items of concern not on the agenda.
30

31 There were no comments from the Public.
32

33 **10. Alcohol and Drug-Free Workplace Policy**
34

35 Town Clerk Rhonda Ferebee addressed the Board regarding this agenda item.
36 The following excerpt from Town Manager Rush's memo to the Board is provided
37 for additional background:
38

39 The Board of Commissioners is scheduled to consider the attached new Alcohol and Drug-Free Workplace Policy
40 again at the September 8 meeting. The attached new policy is similar to the version discussed by the Board at the
41 August 11 meeting, and has been amended slightly since the August 11 meeting in an effort to address specific
42 concerns raised by individual Board members. We are hopeful that the September 11 version will now be acceptable
43 to all Board members.
44

45 As discussed at the August 11 meeting, the proposed policy replaces the Town's current alcohol and drug policy that
46 was adopted in 1992. The new policy was written by Town Clerk / Human Resources Officer Rhonda Ferebee after
47 extensive research, and with significant input from Town department heads. The new policy is modeled after a recent
48 policy adopted by the City of Washington, NC, but also includes input from Professional Nursing, the local alcohol and

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2 drug testing laboratory that serves the Town. Policies from several other municipalities, including Kitty Hawk, Nags
3 Head, Oak Island, Clinton, Farmville, and Atlantic Beach, were also reviewed and incorporated into the final policy
4 presented to the Board. The new policy has also been reviewed by Town Attorney Richard Stanley.
5

6 I have attached two memos from Rhonda Ferebee that include a summary of the key provisions and significant
7 changes included in the new policy. Rhonda Ferebee's August 11 memo is included again, along with a new
8 September 8 memo that explains the changes made since the Board's August 11 meeting. These changes are also
9 indicated with a highlight / underline / strikethrough feature in the text of the new policy.
10

11 The primary goals of the new policy are:

- 12
- 13 • to protect the public that we serve by insuring that our employees are not under the influence of alcohol or
14 drugs,
- 15 • to provide a safe and healthy workplace for our employees that is free of alcohol and drug use,
- 16 • to ensure that Town services are provided in a responsible manner by a respectable work force,
- 17 • to comply with Federal regulations for commercial driver license holders, and
- 18 • to promote the overall health and wellness of our employees.
19

20 The basic philosophy of the new policy is that alcohol and drug abuse will not be tolerated by the Town of Emerald Isle.
21 I firmly believe that our residents, property owners, and visitors have every right to expect that their Town employees
22 will be responsible, law-abiding individuals who are not under the influence of alcohol or drugs. The new policy is clear
23 that a positive alcohol and/or drug test is grounds for dismissal on the first offense, whether it is associated with a
24 prospective employee, as a result of reasonable suspicion, after an accident, or simply a random test. In actual past
25 practice, and as envisioned in this new policy, dismissal will be the outcome in nearly every case involving alcohol
26 and/or drug issues involving Town employees. The new policy does reserve the Town Manager's authority to make
27 special exceptions in cases involving special circumstances.
28

29 The new policy outlines specific expectations of Town employees and specific procedures for pre-employment,
30 random, and reasonable suspicion alcohol and drug testing. In the past, the Town's current policy has not always
31 been implemented as thoroughly and consistently as I would like. The new policy clarifies the list of employees that
32 are subject to alcohol and drug testing, and should improve the effectiveness and consistency of the Town's alcohol
33 and drug testing program in the future. The new policy clarifies that the following employees are subject to alcohol and
34 drug testing:
35

- 36 • reasonable suspicion – all Town employees are subject to immediate testing in cases where there is
37 reasonable suspicion that an employee is using or is under the influence of alcohol or drugs,
38
- 39 • pre-employment testing - all final applicants for vacant safety-sensitive positions, including transfers and
40 promotions,
41
- 42 • random testing – all safety-sensitive positions are required to submit to random alcohol and drug testing.
43

44 A complete list of safety-sensitive positions is included in Appendix A of the new policy, and this list is much broader
45 than past practice. This list generally includes all Police, Fire, Public Works, and Parks Maintenance positions. With
46 only a few exceptions, other positions in Parks and Recreation, Planning and Inspections, and Town Administration are
47 not considered safety-sensitive positions, and the law does not allow random testing of these positions.
48

49 In general, the Town of Emerald Isle is fortunate to have a qualified, dedicated, and respected group of individuals
50 providing services for our residents, property owners, and visitors. I would not expect to have to utilize this new policy
51 very often in the future, however, I believe the new policy will be helpful to our employees, supervisors, and me in
52 addressing these issues in the future.
53
54

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2 The Board should also note that the Town organization is committed to helping our employees deal with personal
3 problems in their lives, whether they are alcohol or drug related, or other problems. You will note that the new policy
4 references an Employee Assistance Program (EAP). Although the Town's current policy references an EAP, the Town
5 does not currently offer an EAP to our employees. We are currently considering an agreement with an EAP contractor
6 in conjunction with the implementation of this new policy, and he has also reviewed the new policy. The availability of
7 a Town EAP will hopefully provide a mechanism for our employees to receive help with their problems at an early
8 stage before it has a significant impact on their work performance or job status, and hopefully before any punitive
9 actions would ever need to be taken against an employee.

10
11 Rhonda Ferebee and I will be available to discuss the new policy in general and the changes made since the August
12 11 meeting with the Board at the September 8 meeting.

13
14 Town Clerk Rhonda Ferebee and Town Manager Frank Rush answered
15 questions posed by Commissioner Wootten concerning the random testing
16 procedures, and policy inclusion of an Employee Assistance Program.

17
18 ***Motion was made by Commissioner Wright to adopt the Alcohol and Drug-***
19 ***Free Workplace Policy. The Board voted unanimously 5-0 in favor. Motion***
20 ***carried.***

21
22 **Clerks Note: A copy of Alcohol and Drug-Free Workplace Policy is incorporated herein by reference**
23 **and hereby made a part of these minutes.**

24
25 **11. Static Line Exception Report / 25-Year Beach Nourishment Plan**

- 26
27 **a. Budget Amendment – Beach Nourishment Debt Service / Reserve**
28 **Fund**
29 **b. Resolution Authorizing Contract with Coastal Planning &**
30 **Engineering (09-09-08/R1)**
31

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

35
36 The Board of Commissioners is scheduled to consider a contract for the development of a "Static Line Exception"
37 Report at the September 8 meeting. The attached resolution authorizes a contract with Coastal Planning &
38 Engineering (CPE), Wilmington, NC, in the amount of \$13,775. A budget amendment is also attached for Board
39 consideration, and appropriates fund balance in the Beach Nourishment Debt Service / Reserve Fund for this
40 expenditure.

41
42 As you know, the Town completed a large-scale beach nourishment project along 6 miles of oceanfront in eastern and
43 central Emerald Isle in 2003. This project resulted in a significantly wider beach in these areas, and also included the
44 construction of a new dune structure in eastern Emerald Isle. Under previous CRC regulations, the Town was required
45 to survey in the actual first line of stable vegetation just prior to beach nourishment, and this line became the "static
46 vegetation line", to be used for determining oceanfront setbacks in perpetuity. The "static line" has been in place since
47 2003, and because nearly all of the properties along the eastern 2 miles of oceanfront were non-conforming at that
48 time (because there was not sufficient land area on the lot to meet the required 60 ft. setback on the ocean side), the
49 application of the "static line" means that these properties are non-conforming in perpetuity. The application of the
50 "static line" prohibits reconstruction of structures if they are damaged more than 50% by fire or storm, prohibits
51 redevelopment of older structures, and discourages major renovation projects, and would likely result in a decline in

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2 the overall appearance of this area over time. The application of the "static line" also results in lower property values in
3 this area, riskier investments by property owners, and, lately, the inability of potential buyers to secure financing to
4 purchase properties in this area.

5
6 Fortunately, after much hard work by several NC beach towns (including Emerald Isle), staff at the NC Division of
7 Coastal Management, and the NC Coastal Resources Commission, a new rule recently became effective that provides
8 an opportunity for relief from the "static line". Under the new rule, the Town may petition the NC Coastal Resources
9 Commission (CRC) for a "static line exception", which if granted would allow the Town's property owners to again
10 utilize the actual first line of stable vegetation to determine oceanfront setbacks. Because of the success and durability
11 of the Town's 2003 beach nourishment project (and subsequent touch-up nourishment events after Hurricanes Isabel
12 and Ophelia), the dunes and dune vegetation have migrated further seaward in many locations in this area. If property
13 owners in eastern Emerald Isle are able to utilize the actual first line of stable vegetation again, many (but likely not all)
14 of the 168 non-conforming properties could regain conforming status again and reverse the negative implications
15 discussed above.

16
17 In order to qualify for a "static line exception", the Town must submit a "Static Line Exception" Report that includes a
18 25-year future beach nourishment plan. The report must include the following information:

- 19
20 1. a history of previous nourishment activities,
21 2. a description of future nourishment plans,
22 3. an assessment of available sand sources to cover the need over a 25-year planning horizon, and
23 4. a financial plan for the 25-year planning horizon.

24
25 The report will be a thorough and technical document, and must be certified by a licensed coastal engineer. The
26 attached proposal from Coastal Planning & Engineering (CPE) includes the research, analysis, and preparation of the
27 report with all of the required information. Greg "Rudi" Rudolph, Carteret County Shore Protection Manager, and I will
28 also provide significant input into the plan, and the draft plan will be consistent with previous Board discussions about
29 future beach nourishment activities and future planning efforts underway by the Carteret County Beach Commission.

30
31 Tom Jarrett, PE, is the lead person from CPE, and is well qualified to prepare the report. CPE recently completed
32 similar reports for Wrightsville Beach and Carolina Beach, and these reports and "static line exceptions" were approved
33 by the CRC last month. It should be noted that Wrightsville Beach and Carolina Beach are the beneficiaries of a
34 Federal 50-Year Shore Protection Project, and their plans were easier to gain CRC approval than perhaps ours and
35 other communities relying solely on State and local funding. Despite the absence of a Federal 50-Year Shore
36 Protection Project in Emerald Isle, I remain optimistic that the Town can develop a sound and responsible plan to
37 nourish our beaches for the next 25 years.

38
39 If the Board approves the attached resolution, I expect CPE to begin work on the Town's "static line exception" report
40 later this month and complete an initial draft by November. I expect to present a final draft report to the Board of
41 Commissioners for your consideration at your December 8 regular meeting. If the Board approves the report and
42 associated 25-year plan, it will then be submitted to the CRC for formal review in either January or March 2010. If the
43 CRC ultimately approves the Town's plan, our property owners in eastern and central Emerald Isle would again use
44 the actual first line of stable vegetation to determine oceanfront setbacks. The Board should note that if the property
45 owner can meet the 60 ft. setback from the actual first line of stable vegetation, the new rule would limit development
46 or redevelopment in this area to a maximum of 2,500 heated sq. ft. and also would not allow the structure to be located
47 any further seaward than adjacent structures. In eastern Emerald Isle, the vast majority (86%) of existing structures
48 (with the exception of Ocean Reef and Pier Pointe) are smaller than 2,500 heated sq. ft., and all are generally in the
49 same line. Thus, these additional restrictions would not appear to create any significant hardships for our property
50 owners. Despite these limitations, the new rule is obviously much more favorable than the old rule, which did not allow
51 any development or redevelopment.

52
53 It is important to note that we expect many of our oceanfront property owners in eastern Emerald Isle to benefit
54 tremendously from the new rule if the Town's "static line exception" report is approved by the CRC, however, the rule

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2 will likely not restore conformity to all properties in this area. Differences in the configuration of lots, and more
3 importantly, the level of effort that individual property owners have made to restore and improve dunes and dune
4 vegetation, will determine which property owners regain conforming status and which do not.
5

6 The discussion of this issue in this memo has focused on the eastern 2 miles of oceanfront property in Emerald Isle
7 because that area is the only area that is perpetually non-conforming because of the application of the "static line".
8 This area extends from the Indian Beach town line to Pier Pointe. The area west of the Ocean Drive "dog-leg" ramp is
9 subject to the "static line", however, these properties can meet the required oceanfront setback from the "static line"
10 already and are still conforming. The application of the new rule would simply provide more buildable area for these
11 property owners.
12

13 If the Board is comfortable with the CPE contract for the development of the "static line exception" report, a budget
14 amendment is necessary to fund the contract. The attached budget amendment appropriates \$13,775 from the Beach
15 Nourishment Debt Service / Reserve Fund for this purpose. The Board should note that this expenditure will require
16 formal NC Local Government Commission (LGC) approval, and is tentatively scheduled for the LGC's October
17 meeting. Based on discussion with LGC staff, we expect this expenditure to be approved. In the event that it is not,
18 the Town would need to identify General Fund revenues for this expenditure.
19

20 ***Motion was made by Commissioner Messer to approve the Budget***
21 ***Amendment – Beach Nourishment Debt Service / Reserve Fund. The Board***
22 ***voted unanimously 5-0 in favor. Motion carried.***
23

24 ***Motion was made by Commissioner Wootten to approve the Resolution***
25 ***Authorizing Contract with Coastal Planning & Engineering for a Static Line***
26 ***Exception Report. The Board voted unanimously 5-0 in favor. Motion***
27 ***carried.***
28

29 **Clerks Note: A copy Resolution 09-09-08/R1 and Budget Amendment Beach Nourishment Debt**
30 **Service / Reserve Fund is incorporated herein by reference and hereby made a part of these**
31 **minutes.**
32

33 **12. Ordinance Amending Chapter 15 – Solid Waste Management –**
34 **Requiring Recycling (09-09-08/O1)**
35

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

40 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would make recycling
41 mandatory in Emerald Isle. The proposed ordinance amendment is presented to the Board in order to comply with
42 State law prohibiting the disposal of certain items in landfills.
43

44 NCGS 130A-309.10 (copy attached) includes a comprehensive list of items banned from landfills, with new items
45 added to this list effective October 1, 2009. Items on this list include the following:
46

- 47
- 48 • yard debris,
 - 49 • used oil,
 - 50 • white goods,
 - 51 • aluminum cans,
 - tires,

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- batteries,
- rigid plastic containers,
- wood pallets,
- electronics,
- and others.

Among the new items on this list are "rigid plastic containers", or typical plastic bottles with a neck smaller than the body of the container (soft drink bottles, detergent bottles, milk bottles, etc.). The new ban on "rigid plastic containers" and the previous ban on aluminum cans are the impetus behind the proposed ordinance amendment that would make recycling mandatory in Emerald Isle. With these items banned from landfills, the only remaining disposal alternative for these items is recycling.

The Town's current solid waste management ordinance "encourages" recycling, but does not make it mandatory, and could be viewed as inconsistent with State law. As you know, the Town has offered curbside collection of many of the recyclables on the State list, including aluminum cans, rigid plastic containers, yard debris, and white goods for several years. Although not on the list, the Town has also collected recyclable paper and cardboard for several years. The Town pays a fixed monthly fee for the collection of aluminum cans, rigid plastic containers, and paper through its monthly contract with Simmons & Simmons Management. These recyclables are collected at curbside each Wednesday throughout the Town.

According to data provided by Simmons & Simmons, in the peak summer months approximately 30% - 40% (2,000 +/- units) of the residential units in Emerald Isle are placing recyclables at curbside. In the winter months, approximately 15% - 20% (1,000 +/- units) of the residential units are placing recyclables at curbside. This placement rate probably underestimates the percentage of residential units actually recycling because many of the residential units may not be occupied at certain times and are therefore not generating any residential trash or recyclables. Recycling volumes also tend to be smaller, and may not be placed at curbside each week (i.e., perhaps some residents only place them every other week, etc.)

The Town's Public Works Department collects yard debris weekly throughout the year, and white goods once per month. The Town does not collect the other recyclables included on the State list (i.e., tires, electronics, batteries, etc.) and there are no plans to initiate curbside collection of these recyclables in Emerald Isle. The Carteret County convenience site located at the corner of NC 58 and West Firetower Road near Peletier is the closest location to Emerald Isle where many of these items can be disposed. In addition, the Coastal Environmental Partnership (also known as the Coastal Regional Solid Waste Management Authority, or CRSWMA), accepts many of these items at their Tuscarora facility, regional transfer stations, and at annual household hazardous waste and electronics collection events.

As noted in the attached email from Scott Mouw, State Recycling Director, the State does not intend to be overly aggressive on the enforcement of this ban, and they do recognize municipal recycling programs as compliant with this State law. Similarly, I would not envision the Town being overly aggressive in its enforcement of mandatory recycling against our property owners, and the new ordinance amendment is primarily intended to comply with State law and promote greater awareness and participation in recycling in our community. Over time, it is possible that the State and the Town will take a more aggressive approach toward recycling enforcement, however, I believe that approach will evolve over several years, if ever.

I do not envision any immediate significant cost impacts to the Town associated with this ordinance amendment. With regard to yard debris and white goods, I believe nearly 100% of these materials generated in Emerald Isle are already being recycled and not ultimately being disposed in landfills, thus I do not perceive any additional cost associated with the ordinance change pertaining to yard debris and white goods. With regard to aluminum cans, plastic bottles, and others, I expect improved participation rates, but not enough to cause Simmons & Simmons to seek any adjustments to the Town's fixed monthly cost for all garbage and recycling collection services. Theoretically, an increase in recycling volume should decrease residential garbage volumes. There will, however, likely be more collection points

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2 for recycling on Wednesdays without a corresponding decrease in residential trash collection points on other days of
3 the week. There would also be more recycling containers for Simmons & Simmons' personnel to roll back on
4 Wednesdays. At this point, I would not expect that impact to be significant, but if it proves to be it may be necessary to
5 adjust Simmons & Simmons' contract and/or the collection schedule for recyclables at some point in the future.
6 Additionally, every ton of recyclables diverted from the landfill will save the Town approximately \$23.50. For example,
7 if recycling volumes double from approximately 500 tons per year to 1000 tons per year, this will result in relatively
8 small savings of approximately \$12,000 per year that could at least partially offset any contract implications with
9 Simmons & Simmons.

10
11 There may be some additional cost for vacation rental property owners who do not currently recycle. First, these
12 property owners would need to purchase suitable recycling containers for use (permanent residents and second home
13 owners would also bear this cost if they are not currently recycling). Second, and perhaps more significantly, the need
14 to insure that recycling containers are placed at curbside may result in some additional cost. My understanding of the
15 roll-out service provided for vacation rental companies (by the largest service provider) is that there is a flat weekly rate
16 (\$5.75 per week) regardless of whether or not a vacation rental property participates in recycling or not. I am not
17 certain if additional recycling participants will result in any changes to their pricing structure or not.

18
19 Another by-product of the State law is the provision of recycling services at Town facilities, including the Town's beach
20 accesses, parks, and public buildings. With the exception of the beach accesses, many Town facilities have recycling
21 opportunities, and it will not be difficult to expand recycling to other locations. The Public Works Department and Parks
22 and Recreation Department have operated pilot recycling programs on the beach strand this year, and the pilot
23 programs have been well-received. We expect to expand recycling opportunities on the beach strand next year.

24
25 I look forward to discussing this issue with the Board at the September 8 meeting. Although the ban on additional
26 items in landfills takes effect on October 1, I believe that the Board can certainly delay consideration of this issue until
27 later this fall or winter if desired.

28
29 ***Motion was made by Commissioner Hoover to approve the Ordinance***
30 ***Amending Chapter 15 – Solid Waste Management – Requiring Recycling.***
31 ***The Board voted unanimously 5-0 in favor. Motion carried.***

32
33 **Clerks Note: A copy of Ordinance 09-09-08/O1 is incorporated herein by reference and hereby made**
34 **a part of these minutes.**

35
36 **13. Resolution Authorizing Inter-Fund Investment of Beach Nourishment**
37 **Debt Service / Reserve Funds (09-09-08/R2)**

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

42
43 The Board of Commissioners is scheduled to consider the attached resolution that would authorize the investment of
44 Beach Nourishment Debt Service / Reserve Fund balance in an inter-fund loan to the General Fund. If approved, the
45 General Fund would borrow \$235,000 from the Beach Nourishment Debt Service / Reserve Fund for a portion of the
46 land acquisition cost for the new public boat launching facility.

47
48 This \$235,000 inter-fund loan would be repaid over a 3-year term at a variable interest rate equal to all other
49 investments in the Beach Nourishment Debt Service / Reserve Fund. The estimated maximum annual debt service
50 payment from the General Fund to the Beach Nourishment Debt Service / Reserve Fund is approximately \$85,000 in
51 year 1 (conservatively assumes a 3% interest rate), and would decrease slightly in each of the two following years (as
52 the amount of outstanding principal decreases).

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2 As you know, the Town's recent partial closing on the land purchase for the new public boat launch facility relied on a
3 planned debt issue of \$181,633 (in addition to grant funding and other General Fund revenue sources) to finance the
4 land purchase. In addition, the Town intends to complete another partial closing in November 2009, primarily with
5 grant funds, and will need to provide an additional \$53,000 of Town funds at that time. The sum of \$181,633 and
6 \$53,000 is \$234,633, and this inter-fund loan would provide the necessary Town funds for the recent partial closing
7 and the November partial closing.
8

9 The Town could choose to enter into an installment financing agreement with a private banking institution for these
10 funds, however, it is advantageous to the Town to enter into the proposed inter-fund loan. The Town's Beach
11 Nourishment Debt Service / Reserve Fund currently has a fund balance of approximately \$2.2 million and will retain
12 most of this fund balance over the next 3 years. The Town is currently earning less than 1% by investing this fund
13 balance in the NC Capital Management Trust. If the Town entered into an installment financing agreement with a
14 private banking institution, the likely interest rate would be in the 3.5% range or higher. By executing the proposed
15 inter-fund loan, the Town will reduce its interest cost (General Fund expense) for the land purchase, and will also
16 ensure that the Beach Nourishment Debt Service / Reserve Fund continues to earn interest at the same rate it would
17 have otherwise earned. Additionally, the Town is paying this interest to itself rather than a private banking institution.
18 The use of Beach Nourishment Debt Service / Reserve Fund balance for this inter-fund loan will not compromise the
19 Town's ability to repay its outstanding beach nourishment bonds in any way.
20

21 As indicated in the attached letter from Town Attorney Richard Stanley, the investment of Beach Nourishment Debt
22 Service / Reserve Fund balance in this inter-fund loan is authorized under NCGS 159-30(c), subject to the approval of
23 the NC Local Government Commission (LGC). The proposed inter-fund loan has been reviewed by staff to the LGC,
24 and they are comfortable with the terms of the inter-fund loan. If the Board approves the attached resolution, a formal
25 note setting forth the terms of the inter-fund loan will be reviewed by the full NC Local Government Commission at their
26 October meeting. We do not expect any difficulty securing LGC approval, but in the event this approval is not granted
27 the Town would solicit financing proposals from private banking institutions.
28

29 ***Motion was made by Commissioner Wootten to approve the Resolution***
30 ***Authorizing Inter-Fund Investment of Beach Nourishment Debt Service /***
31 ***Reserve Funds. The Board voted unanimously 5-0 in favor. Motion carried.***
32

33 **Clerks Note: A copy Resolution 09-09-08/R2 is incorporated herein by reference and hereby made a**
34 **part of these minutes.**
35

36 **14. Appointments – Firemen's Relief Board – 2 Vacancies**
37

38 **Brief Summary:** There are two vacancies on the Firemen's Relief Board for
39 terms that expire in September 2011. The two vacancies are the Board of
40 Commissioner's appointments, while the other three members of this Board are
41 appointed by the Fire Chief and the State Fire Marshal.
42

43 Commissioner Wootten stated that as noted in their packets Jack Weidman was
44 interested in being reappointed and he suggested for the other vacancy Hank
45 Mahns, 108 Jackson Street, Emerald Isle, retired civil engineer with FAA, and
46 most recently retired from the Washington Airport Authority.
47
48
49
50

1
2 ***Motion was made by Commissioner Wootten to appoint Jack Weidman and***
3 ***Hank Mahns to the Emerald Isle Firemen's Relief Board for terms that will***
4 ***expire in September 2011. The Board voted unanimously 5-0 in favor.***
5 ***Motion carried.***
6

7 **15. Comments from Town Clerk, Town Attorney, and Town Manager**
8

9 There were no comments from the Town Clerk. Town Attorney Stanley, also
10 Town of Beaufort's Mayor, in response to a question from Mayor Schools
11 mentioned Town of Beaufort's upcoming 300th Anniversary with events to take
12 place that weekend.
13

14 Town Manager Rush spoke about beach driving season and the status of the
15 Point area. Mr. Rush also updated the Board on the status of the County E911
16 status, and the NC 58 Bike Path project.
17

18 The following is an excerpt from the Town Manager Comments memo to the
19 Board for additional background and items of importance:
20

21 **Beach Driving Season – Status of The Point Area**

22 Beach driving season begins next week. The Town's vehicle access ramps at the Ocean Drive "dog-leg", Black
23 Skimmer Drive, and Doe Drive will be open, however, the ramp at The Point is closed due to erosion issues in the
24 vicinity of The Point.
25

26 The oceanfront area near The Point continues to suffer from recent erosion between the Channel Drive walkway and
27 the vehicle ramp, and is not suitable for vehicles. Fortunately, the area is in the process of recovering, and the area
28 continues to accrete. Due to these concerns, Town staff will erect signage and post-and-rope fencing in the vicinity of
29 the Channel Drive walkway to prohibit driving further west.
30

31 It is unfortunate that The Point is not accessible for fall fishing. I am hopeful that recent accretion will continue rapidly
32 so that the vehicle ramp may be reopened later this year or early next year. Additionally, the placement of expected
33 dredge spoils from the AIWW this winter may also enable the ramp to reopen.
34

35 **Update – County E911 Consolidation**

36 Police Chief Walker and Fire Chief Walker continue to serve on the County's committee charged with establishing a
37 consolidated E911 center in Morehead City. As you know, all municipalities and fire and EMS squads in Carteret
38 County will be dispatched through the new E911 center, with the possible exception of the Town of Emerald Isle, which
39 has not yet made a decision on whether or not to participate.
40

41 It is our understanding that construction will begin in the coming weeks on the new Morehead City Police Department /
42 Carteret County E911 – Emergency Operations Center building to be located at the site of the old Charles Wallace
43 High School on Bridges Street near downtown Morehead City. The new facility is expected to be operational by
44 January 2011, and Carteret County staff and the County's committee are working on protocols and training associated
45 with the new consolidated E911 center. It is our understanding that Emerald Isle's decision on whether or not to
46 participate in the new consolidated E911 center will not impact the County's plans or costs in any significant way, and
47 that the new E911 center can easily accommodate Emerald Isle if we choose to participate now or in the future. With
48 that said, there is no deadline or timetable for Emerald Isle to make a decision, however, the County would like for
49 Emerald Isle to participate.
50

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1
2 At this point, Chief Hargett remains concerned about customer service and management issues if the Town no longer
3 provides this service. Chief Walker is open to the idea of a consolidated E911 center if managed properly. I continue
4 to believe that a consolidated E911 center is the most cost-effective way for local government to provide emergency
5 communications services, as long as proper emphasis is placed on serving Emerald Isle's needs – recognizing that
6 Emerald Isle is at the far end of the County, that its demographics are such that a high customer service level is
7 expected, and that County personnel are trained adequately so that they are familiar with Emerald Isle.

8
9 Emerald Isle would lose some of the customer service value provided by our own E911 service, but would also reduce
10 its costs if the County provides this service. Depending on whether or not the Town maintains a physical presence at
11 the Emerald Isle Police Department for non-emergency customer service issues, the Town could save approximately
12 \$90,000 - \$150,000 per year by joining the consolidated E911 center. In addition, the Town would not have any future
13 central dispatch equipment costs, as the County would be responsible for these costs. (The Town would continue to
14 incur radio costs, etc. for our personnel and vehicles.) I have been unable to get a good handle on these costs – they
15 could be significant and in the near-term or could be several years away.

16
17 The key question that the Board will need to consider when it makes a decision on the Town's participation is: Is it
18 worth an additional \$90,000 - \$150,000 (plus the cost of future central dispatch equipment) for a higher service level?
19 Service level considerations include greater familiarity with our land area, streets, and people and more personalized
20 service, balanced against the absence of emergency medical dispatch services that will be provided by the
21 consolidated E911 center.

22
23 **New Town Administration Building**

24 Town staff are settling in to the new building, and we are very pleased with the new building. We will prepare a punch
25 list of items to be addressed by Bluewater Builders later this week, and will also be working to address other minor
26 issues not associated with Bluewater Builders.

27
28 The most significant outstanding concern with the building is the tide clock. The tide clock is not functioning properly,
29 and Bluewater Builders and Verdin Company (the clock manufacturer) are committed to making it right. A
30 representative from the Verdin Company will visit Emerald Isle this Friday to attempt to resolve this issue.

31
32 **Update – Aquarium Pier**

33 The design team (Moffatt & Nichol Engineers, BJAC Architects) continues to work on the overall scope of the project,
34 and we expect to receive a final programming report very soon. This report will finalize the overall scope of the work,
35 and will allow the design team to proceed with more detailed design work.

36
37 **New Public Boat Launching Facility**

38 I will be meeting with staff from the NC Wildlife Resources Commission later this week to formally begin the design and
39 permitting process for the new facility. I will be seeking to make at least a portion of the facility open to the public as
40 soon as possible, hopefully by sometime next spring. I expect to discuss different strategies with WRC staff for
41 opening the facility sooner rather than later. Options include leasing the remaining property from the Farringtons in the
42 interim, developing half of the site now and half later, and/or completing the ramps now and parking lot later.

43
44 **Redevelopment of Island Harbor Marina**

45 Planning Director Kevin Reed and I are working on the development of different options for the Board to consider that
46 would enable the owner of the Island Harbor Marina land to redevelop the site with a new dry-stack facility. We plan to
47 organize small group meetings involving Town Board members and Planning Board members together over the next
48 few weeks to discuss various options.

49
50 **NCDOT Planning to Install Electronic Message Signs at Emerald Isle Bridge**

51 NCDOT is planning to install new electronic message signs on both sides of the Emerald Isle bridge sometime this
52 winter. The new signs will inform motorists about traffic conditions further ahead on NC 58. Likely messages may
53 include warnings for stopped traffic ahead, warnings for slow moving traffic ahead, or an indication that traffic is flowing
54 freely. The signs may also be used for hurricane evacuation information, bridge closings, etc.

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1
2 The exact location of the sign planned for the Emerald Isle side of the bridge has not yet been determined. Alesia
3 Sanderson, Parks and Recreation Director, and I will be meeting with NCDOT representatives this week to learn more
4 about their plans. Depending on the option chosen, the new sign could be either 10 feet high off the ground or up to 25
5 feet high. We will be working with NCDOT to mitigate any aesthetic impacts associated with the sign, and also to
6 maintain an attractive landscape appearance near the sign.

7
8 I have attached a copy of preliminary plans for these signs for your review.
9

10 **Update – NC 58 Bike Path Project**

11 The Town's plans for the bike path project have all been approved by NCDOT, and we are now awaiting approval from
12 the Federal Highway Administration to solicit construction bids. We hope to solicit construction bids in October and
13 present a contract award to the Board at the November Town meeting.
14

15 The scope of the project has been revised, and now includes only 2 miles of new bike path from Black Skimmer Drive
16 to Hurst Drive (between mile marker 19 and mile marker 17 on NC 58). The entire path will be located within the NC
17 58 right of way, however, there will be some incidental construction impacts on adjacent property owners. Alesia
18 Sanderson is currently working to notify these property owners, and is also coordinating any utility relocation issues
19 with the affected utilities.
20

21 We hope to begin construction of the new path in December and complete construction by Easter 2010.
22

23 **16. Comments from Board of Commissioners and Mayor**

24
25 There were no further comments from the Board of Commissioners or Mayor.
26

27 **17. Adjourn**

28
29 ***Motion was made by Commissioner Messer to adjourn the meeting. The***
30 ***Board voted unanimously 5-0 in favor. Motion carried.***

31
32 ***The meeting was adjourned at 6:45 pm.***
33

34 Respectfully submitted:
35
36
37

38 Rhonda C. Ferebee, CMC
39 Town Clerk
40