

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, MAY 12, 2009 – 6:00 P.M. – COMMUNITY CENTER**
4

5
6 **1. Call To Order**
7

8 The regular monthly meeting of the Emerald Isle Board of Commissioners was
9 called to order by Mayor Art Schools at 6:00 PM in the Emerald Isle Community
10 Center.
11

12 **2. Roll Call**
13

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

17 Others present during the meeting: Town Attorney Richard Stanley, Town
18 Manager Frank Rush, Asst. Town Manager/Finance Director Mitsy Overman,
19 Town Clerk Rhonda Ferebee, Planning Director Kevin Reed, and Police Chief Bill
20 Hargett.
21

22 **3. Opening Prayer**
23

24 Trey Ricks youth member from Emerald Isle Baptist Church offered the Opening
25 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 Hoover 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 public announcements:
39

- 40 • Board of Adjustment Meeting – Wednesday, May 13 – 9 am – Community
41 Center
- 42 • Blood Drive – Friday, May 15 – 2 pm – 7 pm – Community Center
- 43 • 4x4 Volleyball Tournament – Saturday, May 16 – 9 am until – Western
44 Ocean Regional Access
- 45 • Aquarium Pier Advisory Committee Meeting – Monday, May 18 – 10 am –
46 PKS Aquarium

- 1
- 2 • Budget Workshop Meeting – Tuesday, May 19 – 6 pm – Community
- 3 Center (tentative)
- 4 • Beach Jive After Five – Thursday, May 21 – 5:30 pm – 7:30 pm – Western
- 5 Ocean Regional Access
- 6 • Memorial Day Holiday – Town offices, Community Center closed –
- 7 Monday, May 25
- 8 • Planning Board Regular Meeting – May – Cancelled
- 9 • Budget Workshop Meeting – Tuesday, May 26 – 6 pm – Community
- 10 Center (tentative)
- 11 • Budget Public Hearing / Workshop Meeting – Tuesday, June 2 – 6 pm –
- 12 Community Center (tentative)
- 13 • Board of Commissioners Regular Meeting – Tuesday, June 9 – 6pm –
- 14 Community Center
- 15

16 **7. Introduction of New Employee**

- 17
- 18 **a. Tim Camp, Police Officer**
- 19 **b. Joshua MacDonald, Police Officer**
- 20

21 Police Chief Bill Hargett introduced Police Officer Joshua MacDonald. Officer
22 MacDonald graduated BLET at Maryland Community College, and began his
23 career in law enforcement in 2003. Chief Hargett noted his prior service in law
24 enforcement and that Officer MacDonald was pursuing his BS in Criminal
25 Justice. Chief Bill Hargett also introduced Police Officer Tim Camp. Officer
26 Camp graduated BLET at Lenoir Community College. Chief Hargett noted
27 Officer Camp's prior service in law enforcement and noted his certifications.

28
29 The Board and public welcomed the new Police Officers.

30
31 **8. Consent Agenda**

- 32
- 33 **a. Tax Refunds / Releases**
- 34 **b. Minutes – February 17, 2009 Special Meeting**
- 35 **c. Minutes – March 10, 2009 Regular Meeting**
- 36 **d. Minutes – April 14, 2009 Regular Meeting**
- 37

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

41
42 **Clerks Note: A copy of Consent Agenda items are all incorporated herein by reference and hereby**
43 **made a part of these minutes.**

1
2 **9. Public Comment**
3

4 **Brief Summary:** The public will have the opportunity to address the Board about
5 any items of concern not on the agenda.
6

7 There were no comments from the Public.
8

9 **10. Ordinance Amending Chapter 6 of the Unified Development Ordinance**
10 **– Development Standards – Regarding Outside Wall Facings for**
11 **Commercial Structures – (09-05-12/O1)**
12

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

16 Planning Director Kevin Reed addressed the Board regarding this agenda item.
17 The following excerpt from Town Manager Rush’s memo to the Board is provided
18 for additional background:
19

20 The Board is scheduled to consider the attached Ordinance Amending Chapter 6 of the Unified Development
21 Ordinance – Development Standards – Regarding Outside Wall Facings for Commercial Structures at the May 12
22 meeting. The attached ordinance amendment would continue to require the use of architectural design features to
23 avoid a “box-like” appearance for new commercial structures, but would allow for greater flexibility to meet the Town’s
24 appearance goals than the current ordinance.
25

26 The attached ordinance amendment is similar to an ordinance amendment presented at the April 14 meeting. The
27 ordinance amendment presented at the April 14 meeting was associated with plans to develop a new dry stack facility
28 at the Island Harbor Marina, however, it would have applied to all commercial structures in the Town. Although the
29 Board took no action on either of the two ordinance amendments requested by the owners of Island Harbor Marina at
30 the April 14 meeting, this ordinance amendment is presented for Board consideration again at the May 12 meeting
31 because of its applicability to all commercial structures and because it represents a change that is desired regardless
32 of whether or not plans move forward for the redevelopment of Island Harbor Marina.
33

34 In an attempt to promote aesthetically-pleasing, architecturally-diverse commercial structures, the Town’s current
35 ordinance requires that all exterior walls of commercial structures incorporate building offsets along every 20 ft of wall,
36 and that these offsets be a minimum of 8 ft long and 4 ft deep. The existing ordinance includes language indicating
37 that a projecting porch, gable, or other similar structure may serve as an offset if it creates a visual break in the exterior
38 wall. The rigid dimension requirements (20 ft, 8 ft, 4 ft) included in the current ordinance have created some practical
39 difficulties for recent commercial buildings, and this rigidity is likely not necessary to achieve the desired architectural
40 goals (to have exterior walls that include visual breaks to avoid a “box-like” appearance). The proposed ordinance
41 amendment removes the rigid dimension requirements (20 ft, 8 ft, 4 ft) for building offsets and simply requires the use
42 of any of a wide range of architectural features to create visual breaks and avoid a “box-like” appearance. The
43 proposed ordinance amendment retains the ability to utilize building offsets, a projecting porch, or gable to meet this
44 requirement, and also authorizes the use of the following: variation in roof lines, balconies, building fenestrations,
45 building recesses, variation of building materials and colors, and other ornamental features.
46

47 This issue has been discussed with the Board in the past, and Town staff support this ordinance amendment. The
48 Planning Board recommended approval of the April 14 version of the ordinance amendment after reviewing the issue
49
50

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1
2 at two Planning Board meetings. The April 14 version included specific language allowing the use of other features
3 (variation in roof lines, balconies, etc.) to meet the building offset requirements, but still referenced the rigid dimension
4 requirements (20 ft, 8 ft, 4 ft). Additional discussion after the April 14 meeting led to this new May 12 version that
5 removes the rigid dimension requirements altogether to eliminate any confusion about the Town's requirements. In
6 many cases, it may not be practical to use projecting porches, gables, variation in roof lines, balconies, etc. that meet
7 the rigid dimension requirements (20 ft, 8 ft, 4 ft), and the incorporation of such features with other more flexible
8 dimensions will likely achieve the same architectural goals (visual breaks that avoid the appearance of "box-like"
9 structures).

10
11 ***Motion was made by Commissioner Hedreen to open the Public Hearing.***
12 ***The Board voted unanimously 5-0 in favor. Motion carried.***

13
14 There were no comments from the Public.

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

18
19 Commissioner Wootten agreed with the wording that would give visual breaks
20 and do different things to get the same effect, but felt that the language should
21 still include the 20 foot breaks, being concerned that if someone had a 100 foot
22 wall visible from the road they could in fact do some kind of visual break about 10
23 feet in from each end and meet the ordinance the way it is written which he felt
24 was not their intent.

25
26 Planning Director Reed suggested potential change to the 1st sentence in
27 paragraph (B) that would read as follows:

28
29 ***Each exterior wall of a building that is viewable from any street or road***
30 ***shall incorporate architectural design features to create a visual break at***
31 ***least every twenty (20) feet along the exterior wall in order to avoid a box***
32 ***like appearance.***

33
34 Commissioner Hedreen agreed with the twenty foot intervals but said that she
35 didn't like fact that you could do a variation of building materials and colors,
36 because if you look at it from the side it will still give the appearance of no break,
37 she felt there still needed to be some projection.

38
39 Planning Director Reed said that ultimately the Town Board would have the
40 ability to approve all exterior commercial plans, and if there was a building as
41 described and it was proposed to simply use color changes or minor variation
42 changes in design features, and the Board felt that it didn't meet the intent of truly
43 breaking up the box-like structure of the building they would have the opportunity,
44 as they would through the Planning Board and Technical Review stages, to have
45 changes and modifications made.
46

1 **Motion was made by Commissioner Wootten to approve the ordinance as**
 2 **modified by Planning Director Reed’s wording: Each exterior wall of a**
 3 **building that is viewable from any street or road shall incorporate architectural**
 4 **design features to create a visual break at least every twenty (20) feet along**
 5 **the exterior wall in order to avoid a box like appearance. The Board voted**
 6 **unanimously 5-0 in favor. Motion carried.**

7
 8 **Clerks Note: A copy of Ordinance 09-05-12/O1 is incorporated herein by reference and hereby made**
 9 **a part of these minutes.**

10
 11 **11. New Public Boat Launching Facility**

- 12
 13 **a. Public Hearing – Final Grant Application, NC Division of Coastal**
 14 **Management’s Public Beach and Coastal Waterfront Access Grant**
 15 **Program**
 16 **b. Resolution Authorizing Final Grant Application (09-05-12/R1)**

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

21
 22 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a Final Grant Application to
 23 the NC Division of Coastal Management for the acquisition of land for the proposed new public boat launching facility.
 24 The attached resolution authorizes a \$250,000 funding request that is critical to the Town’s efforts to secure the land
 25 for the new public boat launching facility.

26
 27 As discussed several times in recent months, the Town has executed a purchase contract for a 16-acre tract (5 acres
 28 of upland area) of land in the Shell Cove North subdivision. The tract (actually 7 separate lots) is located directly west
 29 of and adjacent to the Chapel By The Sea and the Town-controlled McLean Park site (8 acres total; 4 upland acres).
 30 The tract includes a recently dredged canal and boat basin with access to deep water in Bogue Sound and the Atlantic
 31 Intracoastal Waterway (AIWW). The purchase price for the land is \$4.25 million, and the contract is contingent upon
 32 the Town’s receipt of \$3.75 million of funding from various State and County sources, with at least a partial closing
 33 projected on or before May 31, 2009.

34
 35 The Shell Cove North land and McLean Park would be combined, and would be conveyed to the NC Wildlife
 36 Resources Commission (WRC). WRC would construct and maintain a new public boat launching facility on the site. A
 37 conceptual plan prepared by WRC engineers indicates as many as 125 vehicle / trailer parking spaces on the site,
 38 which would make the site the largest public boat launching facility in coastal North Carolina. The site would also likely
 39 include other soundfront park amenities, including a new pier, picnic shelter, bathhouse, and potentially other
 40 amenities.

41
 42 As you know, the Town’s financing plan targets 5 separate State and County funding sources for the purchase price:

43

44	NC Wildlife Resources Commission	\$ 500,000	approved February 2009
45	Carteret County	\$ 1,500,000	request pending
46	NC Division of Coastal Management	\$ 250,000	request pending
47	NC Division of Water Resources	\$ 1,000,000	request pending
48	NC Parks and Recreation Trust Fund	<u>\$ 500,000</u>	request pending
49			
50	TOTAL	\$ 3,750,000	.

51

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2 A decision is expected on the 4 pending funding requests within the next 3 months. The Town of Emerald Isle would
3 contribute \$500,000 necessary to complete the land purchase, as previously discussed by the Board.

4
5 The Town submitted a preliminary grant application to the NC Division of Coastal Management's Public Beach and
6 Coastal Waterfront Access grant program in January 2009. The preliminary grant application requested a total of
7 \$750,000. The Town's request received a favorable review, however, due to a reduction of funding available in the
8 grant program, the Town has been asked to submit a final grant application for only \$250,000. The NC Division of
9 Coastal Management expects to award approximately \$1.5 million of grant funds in late May / early June, and has
10 remaining grant requests totaling \$2.3 million.

11
12 A grant award of \$250,000 is still very helpful to the Town's overall effort to acquire the land for the new public boat
13 launching facility, and I recommend that the Board approve the attached resolution authorizing the final grant
14 application. The grant program rules require a public hearing on any final grant applications, and the public hearing
15 has been scheduled for the May 12 meeting. If approved, the final grant application will be submitted prior to the May
16 15, 2009 deadline.

17
18 ***Motion was made by Commissioner Messer to open the Public Hearing.***
19 ***The Board voted unanimously 5-0 in favor. Motion carried.***

20
21 There were no comments from the Public.

22
23 ***Motion was made by Commissioner Messer to close the Public Hearing.***
24 ***The Board voted unanimously 5-0 in favor. Motion carried.***

25
26 ***Motion was made by Commissioner Wright to approve the Resolution***
27 ***Authorizing a Final Grant Application to the NC Division of Coastal***
28 ***Management. The Board voted unanimously 5-0 in favor. Motion carried.***

29
30 **Clerks Note: A copy of Resolution 09-05-12/R1 is incorporated herein by reference and hereby made**
31 **a part of these minutes.**

32
33 **12. Ordinance Amending Chapter 10 of the Code of Ordinances – Licenses**
34 **and Business Regulations – Regarding Itinerant Merchants and Satellite**
35 **Merchants (09-05-12/O2)**

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

40
41 The Board of Commissioners is scheduled to consider the attached ordinance amendment that establishes new,
42 clearer regulations for itinerant merchants and satellite merchants in Emerald Isle. The attached ordinance
43 amendment would clarify that all itinerant merchants and satellite merchant activities are prohibited in Emerald Isle,
44 with only a few exceptions. The attached ordinance amendment was drafted after significant input from Town staff, the
45 local business community, the Town Attorney, and the Board over the past three months.

46
47 The Town's existing itinerant merchants ordinance was adopted in 1984 and was amended in 1997 and 1998. The
48 existing ordinance has been difficult for Town staff and the business community to understand at times, and this
49 confusion may have resulted in incorrect interpretations on a few occasions. It is extremely important to me that the
50 Town enforces its ordinances fairly and consistently, and I believe it will be helpful to Town staff and the business

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2 community to update and clarify this ordinance so that everyone has a common understanding of what is permitted and
3 what is not permitted. Town staff receive inquiries and complaints about these issues each year, and there seem to
4 have been more instances in recent years. Given the current state of the economy and heightened competitiveness in
5 the business community, I believe it is important to clarify the Town's requirements prior to this summer's tourism
6 season.

7
8 In an effort to address these concerns, I began a dialogue with the Emerald Isle business community. I have spoken to
9 the EI Business Association on two occasions, had Town staff compile an email list for all businesses, emailed a short
10 survey to all members of the EI business community, emailed multiple versions of a potential new ordinance to the
11 business community, held two special meetings that were open to any members of the business community with an
12 interest in these issues, and have had several individual conversations with members of the business community - all
13 in an effort to make sure that any new ordinance will (hopefully) represent a consensus of the EI business community.
14 As you know, the Board of Commissioners also discussed this issue at its April meeting, and I have received
15 considerable feedback from the Board both collectively and individually over the past several weeks. Based on the
16 input received from all parties (including Town staff and the Town Attorney), the clear overall consensus is that any
17 new, updated ordinance should prohibit all, or nearly all, itinerant merchants and satellite merchant activities in
18 Emerald Isle. There has been considerable discussion about providing a few limited exemptions, and the attached
19 ordinance amendment does incorporate limited exemptions.

20 The attached draft ordinance includes the following key provisions:

- 21
- 22 • the draft ordinance defines and makes a distinction between *itinerant merchants* and *satellite*
23 *merchants*,
 - 24 • itinerant merchants are defined as businesses or individuals who operate in a public location (street, right-
25 of-way, or beach strand) in a temporary, outside fashion and/or continually move from place to place,
 - 26 • satellite merchants are defined as businesses or individuals who operate in a temporary, outside fashion
27 but associate with an established fixed business in Emerald Isle with permission from the property owner,
 - 28 • all itinerant merchants are prohibited,
 - 29 • for the most part, satellite merchants are also prohibited, with the following activities exempt from the
30 ordinance –
 - 31 ○ bona-fide charitable, religious, civic, etc. organizations engaged in fundraising activities,
 - 32 ○ satellite merchants participating in special events or festivals sponsored by or permitted by the
33 Town,
 - 34 ○ licensed seafood dealers currently in operation and that sell locally caught seafood only (there is
35 only one currently in operation, and this would be "grandfathered" until it went out of business),
 - 36 ○ any special events or competitions of a temporary nature that occur within the Atlantic Ocean or
37 on the beach strand, whether for profit or not for profit (for example, surfing contests, volleyball
38 tournaments, etc.), and
 - 39 ○ satellite merchants operating on private property, with permission from the property owner, at
40 oceanfront commercial properties only (ocean fishing piers, hotels, motels, campgrounds,
41 recreational vehicle parks, or public beach access facilities)
 - 42
 - 43
 - 44
 - 45
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 - 51

52 The Board should note that the exemption for satellite merchants operating on private property at oceanfront
53 commercial properties has been included in an effort to allow these properties to offer convenient access to goods and
54 services for beach visitors at these locations. These locations generally have a more transient visitor base, and

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1
2 satellite merchant activities may be more acceptable and contained in these locations. The Board should note that the
3 ordinance specifically prohibits any satellite merchant activities on the beach strand itself, and any such activities would
4 occur within the confines of the owner's property boundaries. Additionally, any satellite merchant activities at these
5 locations would need to register with the Town (the Police Department will be the appropriate agency to register these
6 limited satellite merchants).

7
8 The Board should note that the draft ordinance does not address the outdoor display of goods and services for
9 established businesses on their own property or for the limited exemption for satellite merchants at oceanfront
10 commercial properties. The Town does not currently have any regulations pertaining to this issue. The development
11 of any new regulations, if desired by the Board and/or the business community, will likely be complicated and require
12 considerable time and input from the local business community. Town staff are happy to pursue that issue separately
13 if so directed by the Board, but those issues are not included in the scope of this ordinance.

14
15 Mayor Schools asked for any comments from the Public on this issue.

16
17 Tara Campbell, Emerald Isle business owner, asked for clarification about vendor
18 carts being allowed. Town Manager Rush clarified the differences between
19 itinerant merchant versus satellite merchant. Ms. Campbell wondered why
20 satellite merchants would be allowed on oceanfront properties but not on other
21 non-oceanfront properties. Commissioner Wootten said that the thought
22 process behind establishing the oceanfront for satellite merchants was that
23 facilities like the pier, and the campgrounds had a high turnover of the public and
24 the ability for those owners to provide some type of services more as a public
25 service to a greater portion of the public going to the ocean than the normal
26 business would in the business district in Town. Mayor Schools stated that if Ms.
27 Campbell herself opened up a hot dog stand at her permanent business location
28 with the appropriate permits from the health department, then that would be
29 allowed – the idea being that someone else couldn't come to Ms. Campbell's
30 business and open up a hot dog stand and pay her rent.

31
32 Karen Carpenter, Emerald Isle business owner, asked whether this ordinance
33 had anything to do with putting merchandise for sale on the sidewalk. Town
34 Manager Rush noted that no business was allowed to put merchandise on the
35 Town's sidewalk or bike path, but certainly on a sidewalk outside of her store on
36 private property, the Town's ordinances do not address that and therefore it is
37 not prohibited, and this proposed ordinance did not address that either so that
38 would not change.

39
40 Commissioner Hedreen asked Town Manager Rush about the exemption at
41 public beach accesses, with the owner being the Town, under what circumstance
42 did he think that would be considered. Town Manager Rush noted that he had
43 included that language simply as an option for the Town in the future.

44
45 Commissioner Hedreen discussed with Town Manager Rush the wording in
46 Section 10-57 that called for immediate ceasing of business activity using an
47 example of the seafood stand selling seafood not caught locally and whether that

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2 would mean ceasing all activity. Mr. Rush stated that his assessment would
3 mean that they would be asked to cease selling Alaskan king crab legs for
4 example. Mr. Rush felt that if there were repeated violations of that provision
5 then they would get into shutting them down completely. Commissioner Messer
6 felt a warning the first time for a violation was in order, and if not adhered to, then
7 close them down.

8
9 Commissioner Hoover said he agreed with everything except the exemption for
10 satellite merchants operating on private property, he didn't think we needed that.
11 Commissioner Hoover agreed with grandfathering in the seafood stand as it is
12 now, and allowing the charities and the other exemptions, but he felt that the
13 ordinance should be a clean break from itinerant or satellite merchants.

14
15 Commissioner Messer said he looked at this a little differently because of the
16 masses of people gathered at the pier, and accesses, not as a convenience for
17 the merchants but for the convenience of the large groups of people that gather
18 there.

19
20 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
21 ***Amending Chapter 10 – Licenses and Business Regulations – Regarding***
22 ***Itinerant Merchants and Satellite Merchants. The Board voted 4-1 in favor,***
23 ***Commissioner Hoover opposed. Motion carried.***

24
25 **Clerks Note:** A copy of Ordinance 09-05-12/O2 is incorporated herein by reference and hereby made
26 a part of these minutes.

27
28 **13. FY 09-10 Recommended Budget**

- 29
30 **a. Presentation**
31 **b. Schedule for Review and Adoption**

32
33 Town Manager Frank Rush addressed the Board regarding this agenda item,
34 providing a PowerPoint presentation for the Board and public. The following
35 excerpt from Town Manager Rush's memo to the Board is provided for additional
36 background:

37
38 The FY 09-10 Recommended Budget is complete and will be formally presented to the Board and the public at the May
39 12, 2009 regular meeting. In an effort to better educate the Board and the public about the Town's budget, I will make
40 a detailed presentation summarizing the FY 09-10 Recommended Budget, and will provide handouts for the public at
41 the May 12 meeting.

42
43 I have attached a copy of the "Budget Message", which provides a comprehensive discussion of the issues associated
44 with the FY 09-10 budget. A "Quick Summary", "All Funds (Summary)", "General Fund Budget Summary", and other
45 materials are also attached. The full budget document is provided to you under separate cover.

46
47

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2 The total FY 09-10 Recommended Budget is \$9,137,983, a \$1,483,744, or 14% decrease from the adopted FY 08-09
3 budget. The proposed General Fund tax rate for FY 09-10 is 7 cents per \$100 of assessed value, which is the same
4 as FY 08-09. The proposed beach nourishment special district tax rates are also unchanged, with a 16.2 cent rate
5 proposed for oceanfront property owners and a 1.1 cent rate proposed for all other property owners. The
6 recommended annual solid waste fee is also unchanged at \$180. The FY 09-10 Recommended Budget does not rely
7 on the use of General Fund balance to balance the budget.
8

9 We have tentatively scheduled two special budget workshop meetings to review and discuss the Recommended
10 Budget. The first one is tentatively scheduled for Tuesday, May 19 at 6:00 pm, and the second is tentatively scheduled
11 for Tuesday, May 26 at 6:00 pm. The legally required public hearing is scheduled for Tuesday, June 2 at 6:00 pm.
12 Each meeting will likely be held at the Community Center. If these dates and times are not acceptable, we can
13 certainly adjust to fit the Board's schedule. Additionally, if additional or fewer meetings are desired, we can certainly
14 adjust the schedule to meet the Board's needs.
15

16 I am hopeful that the Board will formally approve the FY 09-10 budget at your regularly scheduled meeting on
17 Tuesday, June 9 at 6:00 pm.
18

19 Town Manager Rush noted that he was pleased to present the FY 09-10
20 Recommended Budget with no tax rate increases, no solid waste fee increase,
21 which he felt would please the Board and the community at a time when things
22 were challenging. Mr. Rush noted there were two budget workshop meetings,
23 and a combination budget workshop/public hearing tentatively scheduled, and
24 hopefully the Board would adopt the budget on June 9 at their regular meeting.
25

26 **14. Appointments – Board of Adjustment – 4 Vacancies**
27

28 **Brief Summary:** There will soon be 4 vacancies on the Board of Adjustment.
29 The Board should appoint 3 individuals to serve terms as regular members that
30 will expire in May 2012, and 1 individual to serve a term as first alternate to a
31 term that will expire in May 2011.
32

33 ***Motion was made by Commissioner Wootten to reappoint Jerry Stockdale,***
34 ***John Kilgore, and Russell Adams to terms as regular members of the***
35 ***Board of Adjustment that expire in May 2012. The Board voted***
36 ***unanimously 5-0 in favor. Motion carried.***
37

38 ***Motion was made by Commissioner Wootten to reappoint Sally Waters to a***
39 ***term as first alternate member of the Board of Adjustment that expires in***
40 ***May 2011. The Board voted unanimously 5-0 in favor. Motion carried.***
41

42 **15. Comments from Town Clerk, Town Attorney, and Town Manager**
43

44 There were no comments from the Town Clerk or the Town Attorney.
45

46 Town Manager Rush made note of the nice contributions received for the Kids
47 Fishing Derby spearheaded by Jim Woolard at Island Harbor Marina, and his
48 efforts were appreciated as well as the folks at Reel Outdoors, Emerald Club,

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2 Jordan's Seafood, and Oceanside Auto Sales. Mr. Rush also gave a preview of
3 things to come for the June meeting in addition to the budget. The following is
4 an excerpt from the Town Manager Comments memo to the Board for additional
5 items of importance:

6
7 **Update – Town Administration Building**

8 The covered porch is nearing completion. Wallboard is complete inside, and cabinet installation is nearly complete.
9 The project continues to go well with no significant issues or concerns. Bluewater Builders' official schedule continues
10 to indicate the new building be completed by the end of July / beginning of August. I hope to have staff occupy the
11 new building by early August.

12
13 **Update - The Aquarium Pier at Emerald Isle**

14 The design team for the project, led by Moffatt & Nichol, will meet with the Aquarium Pier Advisory Committee for the
15 first time on May 18. There will be a groundbreaking ceremony for the new Aquarium Pier at Nags Head on May 22,
16 and Mayor Schools and I plan to attend. Please let me know if anyone else would like to attend.

17
18 **Federal Funding Request for New Public Boat Launch Facility**

19 May 15 is the deadline for Senator Hagan and Senator Burr to submit their personal funding requests to the US Senate
20 leadership, and Marlowe & Company (our lobbyist), me, and others continue to work to have one or both of our
21 Senators include our \$1 million request among their projects for consideration.

22
23 **Kids Fishing Derby at Bogue Inlet Pier**

24 In past years, the owner of Bogue Inlet Pier has allowed the Town to conduct the annual Kids Fishing Derby at Bogue
25 Inlet Pier at no charge for the participants. This year, due to other issues, the Pier owner is charging the Town a \$4 fee
26 per participant (half-price) for the event. The Town is expecting a total of approximately 100 participants. In order to
27 insure that the event continues, several local businesses offered, unsolicited, to donate to sponsor the event. The
28 event is being sponsored by Island Harbor Marina, The Reel Outdoors, Emerald Club, Jordan's Seafood, and
29 Oceanside Auto Sales, with each contributing \$100. We greatly appreciate the support of these businesses for this
30 event, and I just wanted to make sure the Board is aware of their donation.

31
32 **Improved Rating – Building Code Effectiveness Grading Schedule (BCEGS)**

33 I'm happy to report a small piece of good news about insurance rates at a time when there's not been much good news
34 about insurance rates! The Town's Planning and Inspections Department recently received a new BCEBS evaluation
35 by the ISO. The BCEGS evaluation reviews the Town's building codes and the Town's enforcement efforts. The
36 results of this periodic evaluation are used by insurance companies in offering credits. The most direct correlation for
37 the BCEGS rating is associated with the Town's flood insurance ratings and rates. The Town's BCEGS rating recently
38 improved from a 5 to a 4, and this caused our flood insurance rating to improve from a 8 to a 7. This improved rating
39 will result in an additional 5% premium reduction for flood insurance policyholders in Emerald Isle.

40
41 **Fireworks Update**

42 Town staff are continuing to plan for the July 4th Fireworks at McLean Park (Chapel By The Sea). We are waiting to
43 learn if the EI Business Association will augment the Town's \$7,500 contribution .

44
45 **CBRS Zone Changes**

46 The US Fish and Wildlife Service is proposing the expansion of the Coastal Barrier Resources System (CBRS)
47 currently in place at Hammocks Beach and in the western part of Bogue Inlet. The proposed expansion extends all the
48 way across Bogue Inlet, hugs The Point and Bogue Sound shorelines in Emerald Isle all the way to the EI bridge, and
49 includes all of Bogue Sound back to the west. This expansion of the CBRS zone could potentially prohibit Federal
50 expenditures (ie., FEMA funding, 50-Year Shore Protection Project funding) in this area in the future, and may also
51 make permitting for beach nourishment and/or Bogue Inlet dredging projects more problematic in the future. I will be
52 working with the Carteret County Shore Protection Office and others on this issue in the coming weeks to attempt to
53 remove this area from consideration.

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1
2 **Emerald Isle 25-Year Beach Nourishment Plan**

3 With the upcoming adjournment of the General Assembly's 2009 session, the status of the "static line exception" rule
4 should come into clearer focus. I will soon begin work in earnest on the Town's 25-year beach nourishment plan to
5 submit to the Coastal Resources Commission later this year. This plan could potentially enable oceanfront lots in
6 eastern Emerald Isle to become conforming again in the future.

7
8 **Upcoming Agenda Items – June**

9 Town staff are working on several items now that may be presented on the Board's June 9 meeting agenda:

- 10
11 • Possible acceptance of the Fairfax Drive beach access walkway - This walkway is currently technically
12 owned by the Howe Family, and its use is for the property owners in that block. The Town has received a
13 request from the property owners to take over the walkway for future maintenance. (I have attached a copy
14 of letters and other documentation.) The Howe Family has granted the appropriate easement to the Town
15 for this to occur if the Town is willing to accept the walkway for maintenance. The walkway is an older
16 walkway, and there is some concern from staff about its condition, however, I am also sympathetic to the
17 property owners in this area, many of whom are elderly and no longer able to maintain the walkway. The
18 walkway has the appearance of being a Town walkway, but it is technically not. If the property owners don't
19 maintain it over time, then no one will, and I don't want it to become an eyesore or hazard. There are also
20 other instances where it would have been advantageous for the Town to have ownership of some private
21 walkways, and it may be helpful to take this walkway while the opportunity presents itself. If the Town does
22 accept the walkway, I would not envision replacing it completely for several years and have advised the
23 residents in this area that it would not be replaced in the near future.
- 24 • Year-End Budget Amendments and Capital Project Ordinance Amendments - There will be several end-of-
25 year amendments presented for the Board's consideration in anticipation of the close of the fiscal year on
26 June 30.
- 27 • "Red Flag" Policy – The Town is required to implement procedures to prevent identity theft via Town
28 records, and Town staff is working on this policy for the June meeting.
- 29 • Internal Control Policy – The need for this new policy was highlighted during the recent financial audit. Town
30 staff is working on this policy for the June meeting.
- 31 • Updated Employee Substance Abuse Policy – Town staff are working on updating this policy, which has not
32 been updated for 15 – 20 years. I hope to present it to the Board at the June or July meeting.
- 33 • Pre-Positioned Debris, Generator, and Storm Water Pump Contracts – Bids were recently opened for these
34 contracts in anticipation of the 2009 hurricane season. Contract recommendations will be included on the
35 June agenda.
- 36

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

38
39 Commissioner Messer spoke about the great job that the Parks & Recreation
40 office staff had done putting pine straw out and how good it looked.

41 Commissioner Messer said he had told them personally how good it looked and
42 the girls were working so hard he took pictures and gave them to Alesia
43 Sanderson today and told her how much it was appreciated.

44
45 There were no other comments from the Board of Commissioners or Mayor.

46
47 **17. Closed Session – Pursuant to NCGS 143-318.11(5), for the Purpose of**
48 **Discussing Potential Real Estate Acquisition**

49
50 ***Motion was made by Commissioner Messer to enter Closed Session. The***
51 ***Board voted unanimously 5-0 in favor. Motion carried.***

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Motion was made by Commissioner Messer to return to Open Session. The Board voted unanimously 5-0 in favor. Motion carried.

There was no action taken as a result of Closed Session.

18. Adjourn

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

The meeting was adjourned at 8:05 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk