

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, JANUARY 13, 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, and Maripat Wright.  
16

17                  Absent for the meeting: Commissioner John Wootten  
18

19                  Others present during the meeting: Town Attorney Richard Stanley, Town  
20                  Manager Frank Rush, Asst. Town Manager/Finance Director Mitsy Overman,  
21                  Town Clerk Rhonda Ferebee, and Planning Director Kevin Reed.  
22

23                  ***Motion was made by Commissioner Messer to excuse the absence of***  
24                  ***Commissioner Wootten. The Board voted unanimously 4-0 in favor.***  
25                  ***Motion carried.***  
26

27                  **3. Opening Prayer**  
28

29                  Madison Pake youth member from Emerald Isle Baptist Church offered the  
30                  Opening Prayer for the Town Board meeting.  
31

32                  **4. Pledge of Allegiance**  
33

34                  After opening prayer all who were present recited the Pledge of Allegiance.  
35

36                  **5. Adoption of Agenda**  
37

38                  ***Motion was made by Commissioner Hoover to adopt the Agenda. The***  
39                  ***Board voted unanimously 4-0 in favor. Motion carried.***  
40

41                  **6. Proclamations / Public Announcements**  
42

43                  Mayor Schools expressed sympathy for Police Chief Bill Hargett whose father  
44                  William Addison Hargett, Sr. had passed away at home on Monday afternoon  
45                  following a long illness.  
46

1  
2 Mayor Schools also noted the following public announcements for the public:  
3

- 4 • **Martin Luther King, Jr. Holiday – Town Offices Closed, Community**
- 5 **Center Open – Monday, January 19**
- 6 • **Bicycle and Pedestrian Advisory Committee Meeting – Tuesday,**
- 7 **January 20 – 9 am – Community Center**
- 8 • **Blood Drive – Friday, January 23 – 2 pm to 7 pm – Community Center**
- 9 • **Planning Board Regular Meeting – Monday, January 26 – 6 pm –**
- 10 **Community Center**
- 11 • **4 x 4 CoEd Volleyball Tournament – Saturday, February 7 – 8 am –**
- 12 **Community Center**
- 13 • **Board of Commissioners Regular Meeting – Tuesday, February 10 –**
- 14 **6 pm – Community Center**
- 15 • **18<sup>th</sup> Annual Emerald Isle St. Patrick’s Festival – Saturday, March 14 –**
- 16 **All Day – Emerald Plantation**
- 17

18 Town Manager Rush stated that the Planning Board meeting scheduled for  
19 January 26, 2009 had been cancelled due to lack of business to come before the  
20 Board.  
21

## 22 **7. Consent Agenda**

- 23
- 24 a. **Tax Refunds / Releases**
- 25 b. **Minutes – November 12, 2008 Regular Meeting**
- 26 c. **Minutes – December 9, 2008 Regular Meeting**
- 27 d. **Revised – Resolution Authorizing Funding Request to NC Division of**
- 28 **Water Resources for Land Acquisition for a Public Boat Launching**
- 29 **Facility (09-01-13/R1)**
- 30 e. **Resolution Amending Contract for Old EMS Station Renovations (09-**
- 31 **01-13/R2**
- 32 f. **Budget Amendment – General Fund**
- 33

34 ***Motion was made by Commissioner Messer to approve the items on the***  
35 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***  
36 ***carried.***

37  
38 **Note: A copy of Resolutions 09-01-13/R1, 09-01-13/R2, and of all above noted Consent Agenda items**  
39 **are incorporated herein by reference and hereby made a part of these minutes.**  
40  
41  
42  
43  
44  
45  
46  
47

1  
2 **8. Public Comment**

3  
4 **Brief Summary: The public will have the opportunity to address the Board**  
5 **about any items of concern not on the agenda.**

6  
7 Mark Brennesholtz, 9322 Ocean Drive, commented that in FY 2008-2009 the  
8 Town found it necessary to increase the tax rate by one half cent to create a  
9 viable budget, the budget included nearly \$1 million dollars in capital  
10 expenditures on public buildings and no expenditures beyond maintenance on  
11 projects that boost the community's economy. Mr. Brennesholtz noted that it had  
12 also been necessary to cut the operating expenditures from this year's budget  
13 based on shortfalls and sales tax revenues. Mr. Brennesholtz said that followed  
14 FY 2007-2008 – a fiscal year that also included substantial expenditures on  
15 public buildings with no expenditures on tourist related attractions. Mr.  
16 Brennesholtz said there had been a lot of serious conversation about a new pier  
17 and also new launching grounds. Mr. Brennesholtz said those items were not on  
18 the five year capital plan or in the Land Use Plan. Mr. Brennesholtz agreed that  
19 the pier and ramp would be tourist attractions, as would the additions to the  
20 sidewalks and bikepaths. Mr. Brennesholtz expressed concern with two things –  
21 one being that the Town would have a difficult time supporting all three or any of  
22 the proposed projects in the next year or two without raising taxes again at a time  
23 when raising taxes is not particularly fashionable, and second, if only one project  
24 could be funded he felt it should be the sidewalks and bikepath proposals on  
25 Coast Guard Road and on the east end of Highway 58. He felt these were  
26 proven winners, and major safety and welfare enhancements. Mr. Brennesholtz  
27 added that we have a pier now, as uncertain as its future may be, another pier in  
28 the near term would add little marginal business to the Town in the near term.  
29 Mr. Brennesholtz also noted we have a ramp now, also with an uncertain future,  
30 but building the largest ramp in the State would also have marginal near term  
31 benefit. He asked the Board of Commissioners and Town Manager to look  
32 carefully at these projects when budgeting for the new year, requesting if there  
33 are funds they strongly consider expanding the sidewalk and the bikepath grid  
34 per the Land Use Plan and based on the very positive experience they have  
35 provided residents and guests so far.

36  
37 **9. Discussion – Coastal Insurance Premium Increases**

38  
39 Town Manager Frank Rush noted that Sherry Edwards owner of Emerald Isle  
40 Insurance, and Robert Outten, Assistant County Manager and Dare County  
41 Attorney were both present tonight to speak to the Board regarding the coastal  
42 insurance premium increases expected for coastal and beach property owners  
43 as well as the appeal effort being led by Dare County and other coastal local  
44 governments. Ms. Edwards provided an article she had written for the Island  
45 Review Magazine in 2006 for the Board's review. (A copy of the article is

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 4 of 18

1  
2 attached to and incorporated into these minutes). In addition, the following  
3 excerpt from Mr. Rush's memo to the Board is also provided as additional  
4 background:

5  
6 I have scheduled time on the Board's January 13 meeting agenda to learn more about recently approved increases in  
7 coastal homeowners insurance premiums. The issue is complex, and my intention in having this on the agenda is to  
8 increase awareness of the issue, and also provide the Board an opportunity to learn about appeals currently underway  
9 that are being led by Dare County and other coastal local governments. If the Board deems it appropriate, the Board  
10 can consider joining Dare County and others in financing the legal expenses associated with the appeals.

11  
12 I have invited two guest speakers to the Board's January 13 meeting to share information and thoughts with the Board,  
13 and I will also attempt to summarize the key points later in this memo. Sherry Edwards, owner of Emerald Isle  
14 Insurance, has agreed to address the Board and answer any questions about this complex issue. Robert Outten, Dare  
15 County Attorney / Assistant County Manager, is coordinating the appeal efforts, and has agreed to speak to the Board  
16 about these efforts, and is seeking a unified voice and financial contributions from NC coastal local governments on  
17 this issue. If the Board supports the appeal efforts, I would recommend a Town contribution in the \$5,000 - \$10,000  
18 range.

19  
20 I learned a great deal about this issue by discussing it with several knowledgeable individuals, including Sherry  
21 Edwards and Robert Outten. I also discussed the issue with Keith Kapp, an attorney at Williams Mullen (the firm  
22 retained to file the appeals), and reviewed the legal appeal documents. I also had a lengthy conversation with Lee  
23 Dunn, the Assistant General Manager for the NC Insurance Underwriting Association.

24  
25 General Background

26 Coastal homeowners insurance in Emerald Isle is provided by either private insurance companies or a State-  
27 sponsored plan known as the "Beach Plan". The Beach Plan is intended to be the "insurer of last resort" for coastal  
28 homeowners, and should only be made available if a private insurance company will not write an insurance policy.

29  
30 Over the years, many private insurance companies have stopped writing policies in the coastal areas, and it is now  
31 rare to find a new policy written by a private company. There are still some private companies who will renew existing  
32 policies, and some of our homeowners likely still have insurance through a private company. Many of our homeowners  
33 are covered by the Beach Plan because it is the only insurance provider available.

34  
35 In North Carolina, the NC Rate Bureau established base rates that are used by all private insurance companies and  
36 the Beach Plan. Different companies and the Beach Plan then make various adjustments to the base rates in the form  
37 of credits (i.e., for protective measures likely to mitigate loss) or in the form of surcharges (i.e., the Beach Plan does  
38 not compete with private companies and imposes a surcharge, or some private companies use "consent to rate"  
39 provisions to charge higher rates when the homeowner explicitly agrees as a condition of maintaining the coverage  
40 that might otherwise be eliminated).

41  
42 Private insurance companies charge the rates established by the NC Rate Bureau with the various adjustments offered  
43 by their company. The Beach Plan, as the intentional insurer of last resort, charges an automatic surcharge that is  
44 currently 15% higher than the base rate (for full peril policies; the surcharge is only 5% for wind-only policies).

45  
46 There are also differences in the premiums based on the deductible. The base rate for premiums is based on flat  
47 deductibles of \$250, with lower premiums for higher deductibles. Common Beach Plan deductibles are \$500 to  
48 \$2,000, with various premium decreases for higher deductibles.

49  
50 I have attached an example of a simple premium calculation for a \$175,000 structure currently insured by the Beach  
51 Plan for homeowners and wind. This sheet is labeled "Prior to 2/1/09". The annual premium with a \$500 other peril  
52 deductible and a \$1,000 wind deductible is \$2,499. Please note that this calculation includes the Beach Plan  
53 surcharge, but does not include other credits that may be factored in for loss mitigation activities. The attached

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 5 of 18

1  
2 example was generated from a Beach Plan website tool, and is helpful in understanding how the premiums change  
3 based on higher deductibles (see "Deductible Factor – Chart B").  
4

5 Approved Increases / Changes to the Beach Plan

6 There has been considerable media coverage and controversy surrounding the recent insurance premium increases.  
7 There are actually 3 different changes occurring that will impact our homeowners. Two of these changes are being  
8 made by the Beach Plan, while the third change (the actual rate increase) is being made by the NC Rate Bureau.  
9

10 The Beach Plan is administered by the NC Insurance Underwriting Association, and is governed by a 14 member  
11 Board of Directors. The Board consists of 7 members appointed by insurance companies, and 7 members appointed  
12 by the Commissioner of Insurance. The 7 members appointed by the Commissioner of Insurance include 4 insurance  
13 agents and 3 at-large members from the 18 coastal counties. The Board must approve the changes to the Beach  
14 Plan.  
15

16 I have attached a summary sheet prepared by the Beach Plan that summarizes the two changes. For new policies,  
17 these changes are effective February 1, 2009. For renewals, these changes are effective April 1, 2009. First, the  
18 surcharge charged by the Beach Plan (over the private insurance rates) will increase from 15% to 25% for full peril  
19 policies, and from 5% to 15% for wind-only policies. This equates to an 8.7% to 9.5% increase in Beach Plan  
20 premiums as a result of the change in the surcharge. The second change is an increase in the deductible for wind  
21 events (for all peril policies and wind-only policies) to 2% of the value of the structure. This increase in the deductible  
22 will likely result in a decrease in the premium because of the higher deductible. Of course, the homeowner is faced  
23 with a much larger out-of-pocket expense if damages occur.  
24

25 I have also attached an example of a simple premium calculation for a \$175,000 structure insured by the Beach Plan  
26 for homeowners and wind after these two changes go into effect on February 1 or April 1. This sheet is labeled  
27 "Effective 2/1/09". The annual premium with a \$500 other peril deductible and a 2% wind deductible is \$2,626. Please  
28 note that this calculation includes the higher Beach Plan surcharge and the impact of the deductible change, but does  
29 not include other credits that may be factored in for loss mitigation activities. The attached example was generated  
30 from the same Beach Plan website tool, and in this particular example the end result is a net increase in the premium  
31 of 5.1%.  
32

33 Approved Increases by the NC Rate Bureau

34 The third change, and the one with most media coverage, is the increase in the base rates for coastal insurance  
35 premiums charged by private insurance companies and the Beach Plan. For Emerald Isle, and all southern coast  
36 barrier islands, a 17.5% increase will occur for all policies on May 1. (Mainland areas of Carteret County will  
37 experience a 30% increase.) This increase is in addition to the changes made by the Beach Plan discussed above.  
38

39 Continuing our earlier example of the \$175,000 home, the premium would increase by another 17.5% for new and  
40 renewal policies after May 1. The actual math is much more complicated, but a rough estimate would increase the  
41 cost of the example policy from the current \$2,499 to approximately \$3,086, or an increase of 23.5% (for this example)  
42 when the impact of all three changes is included.  
43

44 It is important to note that premium changes occur only once per year, thus if a policy is renewed in January 2009, the  
45 impact of these changes will not be experienced until January 2010. Similarly, if a policy is renewed in June 2009, the  
46 full impact will be experienced at that time.  
47

48 Disclaimer

49 The Board should note that the example provided above is a simplistic example, and there are many factors that go  
50 into the calculation of the insurance premium. The above example is provided only to provide a rough idea of the  
51 impacts that our homeowners can expect. In reality it is likely that the final \$3,086 estimate is slightly high due to  
52 calculation methods, however, my intention is only to provide a simplistic example.  
53  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 6 of 18

1  
2 The Legal Appeals

3 The group led by Dare County has retained Williams Mullen, a Raleigh law firm, to file four appeals aimed at reversing  
4 the increases. I have attached copies of the legal briefs filed for three of the appeals. Robert Outten can explain the  
5 nature of these appeals in more detail at the January 13 meeting, but they are intended to reverse or curb the changes  
6 outlined above.

7  
8 Dare County is seeking a unified approach from coastal local governments on this issue, and is seeking the Town's  
9 moral and financial support. Dare County has contributed \$10,000 toward legal expenses for this effort, and the Towns  
10 of Kill Devil Hills and Nags Head have also contributed \$10,000 each. Similar requests have been or will be made to  
11 other coastal counties and municipalities. The estimated cost of the appeals process is expected to exceed 6 figures.  
12 Robert Outten will be making a similar request to the Carteret County Commissioners on January 12.

13  
14 As noted above, if the Board supports this effort, I would recommend a contribution in the \$5,000 - \$10,000 range, due  
15 mostly to general budget concerns and other similar contributions (i.e., terminal structures) under consideration. The  
16 Board can certainly increase or decrease this amount as desired.

17  
18 Other Pertinent Considerations

19 There are other pertinent issues for the Board to consider in reviewing this issue, and Sherry Edwards and Robert  
20 Outten will likely touch on all or some of these in their comments.

- 21  
22
- 23 • The planned insurance premium increases are dramatic, and have justly caused concern among coastal  
24 homeowners. These increases follow two other large increases earlier in this decade, which have resulted in  
25 coastal insurance premiums nearly doubling in recent years. It is becoming increasingly expensive to  
26 maintain a home at the coast - making it much more difficult for our residents to live in Emerald Isle and  
27 making it more expensive for vacationers to rent beach homes.
  - 28 • The insurance industry, insurance regulators, and others believe that the recent and planned premium  
29 increases and deductible changes are vital to the long-term availability of insurance in coastal North  
30 Carolina, and perhaps other parts of North Carolina. Because of perceived inadequate premiums for coastal  
31 policies, it may cause some private companies to stop offering insurance in North Carolina at all, reducing  
32 competition, and driving up premiums even further in the future. Some point to the Florida experience as an  
33 example of what North Carolina does not want to become. Insurance premiums are extremely high in  
34 Florida. The higher deductibles will reduce exposure, and the higher premiums will enhance the ability to  
35 award claims in large-scale events.
  - 36 • The insurance industry and insurance regulators point to the significant growth in the exposure on the NC  
37 coast in the past decade, and the vulnerability to a major hurricane event that could wipe out all reserves and  
38 lead to costly assessments of all insurance companies doing business in North Carolina, thus increasing the  
39 likelihood that they will simply not do business in North Carolina in the long term.
  - 40 • There is also a special legislative commission currently examining the Beach Plan, and this may lead to  
41 additional adjustments in the coming months.
  - 42 • It is important for coastal local governments to work in partnership on the various issues that we face, and  
43 the Town should strive to support common issues whenever feasible.
  - 44
  - 45
  - 46
  - 47

48 Ms. Edwards, Emerald Isle Insurance spoke to the Board about the recently  
49 approved increases in coastal homeowner's insurance premiums.

50  
51 Mr. Outten provided background information, details about legal steps taken thus  
52 far in the appeal effort being led by Dare County and other coastal local  
53 governments, request for the Board to consider a financial contribution to the

1  
2 appeal effort, and then he and Ms. Edwards followed up by answering questions  
3 posed by the Board.

4  
5 ***Motion was made by Commissioner Messer to support appeals of coastal***  
6 ***insurance premium increases being led by NC coastal local governments in***  
7 ***the amount of \$5,000. The Board voted unanimously 4-0 in favor. Motion***  
8 ***carried.***  
9

10 Mr. Outten recommended the Board make one additional motion that would  
11 authorize the Town Manager to sign, after consulting with our attorney, conflict  
12 waiver letter(s) that the Town would receive regarding multiple party litigation.

13  
14 ***Motion was made by Commissioner Messer giving the Town Manager the***  
15 ***aforementioned authority. The Board voted unanimously 4-0 in favor.***  
16 ***Motion carried.***  
17

18 **10. Ordinance Amending Chapter 6 – Development Standards – of the**  
19 **Unified Development Ordinance Regarding Commercial Parking Surfaces**  
20 **(09-01-13/O1)**  
21

- 22 **a. Public Hearing**  
23 **b. Consideration of Ordinance**  
24

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

28  
29 A request has been received (see attached letter) from R. Andrew Harris requesting an amendment to Chapter 6,  
30 Development Standards, Section 6.7.1(7) of the Town's Unified Development Ordinance (UDO) in order to allow  
31 commercial parking areas to be constructed of wood. Currently, the UDO limits the surfaces of commercial parking areas  
32 to asphalt, concrete or permeable construction blocks only. Specifically, Section 6.7.1(7) of the UDO reads as follows:  
33

34 "No commercial parking lot shall be made of materials other than asphalt, concrete, or permeable  
35 construction blocks. No types of temporary materials, such as landing mats or boards shall be used for the  
36 construction of commercial or residential parking facilities."  
37

38 As indicated in Mr. Harris' letter, he represents the owners of Island Harbor Marina and they are currently working on a  
39 redevelopment plan for the property that would include parking areas constructed of wood. Since the UDO limits  
40 commercial parking as noted above, the current plans for the redevelopment of the marina would not be consistent  
41 with the requirements of the Town's UDO. According to Mr. Harris, the use of wood for their redevelopment project will  
42 significantly reduce their "built upon area" (BUA) because a 100% credit is given by the Division of Coastal  
43 Management (DCM) and other State agencies for open wood slatted decking since it is considered a pervious surface.  
44 Mr. Harris has indicated that a reduction in the BUA is favorable to his client's plans for redevelopment of the marina  
45 property from a stormwater management perspective. The owners of the marina have received a State stormwater  
46 permit for the redevelopment project. That stormwater plan is currently being reviewed by the Town's consulting  
47 engineer for consistency with the Town's requirements. Please note that the State permit and the submittal for local  
48 review took place prior to the Town adopting its Unified Development Ordinance and since the Town began  
49 participating in the State's Universal Stormwater Management Program (USMP).

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 8 of 18

1  
2 This request was initially discussed by the Planning Board at its November 24, 2008 meeting. At that meeting the  
3 Board began its discussions of the request; however, since Mr. Harris was unable to attend the meeting due to an  
4 unavoidable conflict, the Planning Board delayed its discussion of the request until its December 15, 2008 meeting. At  
5 the Planning Board's December meeting, Mr. Harris presented the Planning Board with examples of how wood, or a  
6 wood substitute, has been used for parking and vehicular travel areas. Specifically, Mr. Harris presented pictures of  
7 the Sea Dreams Subdivision in Atlantic Beach, NC which shows a wood substitute being used for the driveways of  
8 residential properties. Attached to this memorandum is a picture of driveways in the Sea Dreams Subdivision. Mr.  
9 Harris also provided pictures of a wood bridge which serves a residential development located in Oak Island, NC.  
10 Attached to this memorandum is a picture of the wood bridge.

11  
12 Town staff also contacted the planning department at Carteret County and was informed by their staff that the County's  
13 development regulations would permit a commercial parking surface to be constructed of wood since it allows such  
14 surfaces to be constructed of "innovative materials". The Planning Board did decide to limit the use of wood or a wood  
15 substitute to the parking spaces only and not allow it to be used for travel lanes or access aisles within the parking lot.  
16 Mr. Harris indicated that he and his clients had no problem with limiting the use of such materials to the "parking space"  
17 only since their redevelopment plan incorporated the use of wood only in the standing parking space.

18  
19 Following the Planning Board's discussion of the request, it voted unanimously (5 to 0) to recommend to the Board of  
20 Commissioners that the UDO be amended to permit commercial parking areas to be constructed of wood or a wood  
21 substitute. Attached to this memorandum is a copy of the proposed amendment in ordinance format which shows  
22 existing language in the UDO to be deleted in as strikethrough format and new language to be added in an underlined  
23 format. As previously noted, open wood (or wood substitute) decking is considered pervious by State guidelines. It  
24 has been staff's experience that open decking can become clogged with debris and sand which reduces its  
25 effectiveness as a pervious surface; therefore, staff has suggested additional language to the proposed amendment  
26 which would require such surfaces to remain clear of debris and accumulated sand.

27  
28 ***Motion was made by Commissioner Wright to open the Public Hearing.***  
29 ***The Board voted unanimously 4-0 in favor. Motion carried.***  
30

31 Andy Harris, representing owners of Island Harbor Marina, spoke concerning the  
32 request. Mr. Harris noted that the applicants had gotten a storm water permit for  
33 a redevelopment project at Island Harbor incorporating wood slat decking as far  
34 as the parking spaces, not in the travel lanes. He said in reviewing the Town's  
35 ordinance it came to their attention that there was an ordinance that required  
36 asphalt parking lots. He said that they came to the conclusion that the Town's  
37 goal was to make sure there was a uniform appearance in the parking lots, safety  
38 being a concern as well, not wanting mud puddles in the commercial parking lots  
39 throughout the Town. Mr. Harris said that with that in mind, Mr. Reed asked him  
40 to investigate whether there were other locations that used wood slat decking for  
41 parking areas. Mr. Harris noted projects here in Carteret County, Oak Island and  
42 elsewhere that use wood or wood substitute material. Mr. Harris said that with  
43 storm water rule changes, impervious surface is at a premium, and this was a  
44 way to be able to use as a parking lot but also preserve the pervious nature and  
45 not have a parking lot take up the allowed impervious coverage.

46  
47 ***Motion was made by Commissioner Hoover to close the Public Hearing.***  
48 ***The Board voted unanimously 4-0 in favor. Motion carried.***  
49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 9 of 18

1  
2 Commissioner Hedreen asked how maintenance of these surfaces, keeping  
3 them clean and clear of debris, would be enforced. Planning Director Reed  
4 stated that there were two options; one being if related to commercial  
5 development they would be required to have a storm water plan, the engineered  
6 storm water plan would be predicated upon the open wood slatted decking being  
7 considered a pervious surface, so therefore, because of the annual maintenance  
8 requirements and upkeep requirements, if that were to become filled then  
9 effectively their storm water plan would not be working as designed. Secondly,  
10 the language in the UDO itself, says that it must be kept free and clear of debris,  
11 giving a second option, simply Town staff making a site visit, finding such a  
12 facility completely filled and not functioning, and then pursuing that as a violation  
13 of the UDO.

14  
15 ***Motion was made to adopt the Ordinance Amending Chapter 6 –***  
16 ***Development Standards of the Unified Development Ordinance (UDO)***  
17 ***Regarding Commercial Parking Surfaces. The Board voted unanimously***  
18 ***4-0 in favor. Motion carried.***

19  
20 **Note: A copy of Ordinance 09-01-13/O1 is incorporated herein by reference and hereby made a part**  
21 **of these minutes.**

22  
23 **11. Discussion – Terminal Structures Adjacent to Inlets**

24  
25  
26 Town Manager Frank Rush introduced this item, stating that he had asked Greg  
27 Rudolph, Carteret County Shore Protection Manager to come tonight to educate  
28 the Board about terminal structures (terminal groins). The following excerpt from  
29 Mr. Rush's memo to the Board is provided as additional background:

30  
31 I have scheduled time on the January 13 meeting agenda for the Board to learn more about terminal structures and to  
32 also consider making a contribution toward efforts to legalize terminal structures adjacent to inlets in North Carolina.  
33 Greg "Rudi" Rudolph, Carteret County Shore Protection Officer, will give a brief educational presentation about  
34 terminal structures before Board consideration of a financial contribution.

35 A terminal structure (or terminal groin) is a shoreline protection structure placed perpendicular to the shoreline in an  
36 area adjacent to an inlet. A terminal structure stabilizes the beach in the area near the inlet by temporarily trapping  
37 sand before it reaches the inlet. Once the sand forms an "accretion fillet" to protect the shoreline, sand continues its  
38 normal flow by moving over, through or around the structure. Terminal structures are designed to be relatively  
39 unobtrusive - they are limited in length and built as low as possible to the waterline. A terminal structure is not a  
40 seawall that runs parallel to the beach, nor is it the type of structure that is typically shown along the ocean beach  
41 shoreline in New Jersey (with a series of ocean shoreline groins placed perpendicular to the ocean beach). A good  
42 example of a terminal structure is located adjacent to Beaufort Inlet at Fort Macon in Atlantic Beach.

43 As you know, North Carolina law prohibits all hardened structures, including seawalls, groins, and jetties, along the  
44 ocean and inlet shorelines. There are only a few locations in North Carolina where such structures exist, all of which  
45 were constructed many years ago. Over the past few years, there has been increasing interest among NC beach

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 10 of 18

1

2 communities to explore the use of terminal structures adjacent to inlets. With several NC beach communities  
3 experiencing erosion problems along inlet shoulders, the use of a terminal structure potentially represents the most  
4 cost-effective long-term solution for stabilizing developed areas adjacent to inlets. If properly designed and  
5 constructed, terminal structures do not appear to cause erosion of downdrift beaches.

6 The Board has previously gone on record in support of previous efforts pertaining to terminal structures. At the  
7 February 12, 2008 meeting, the Board approved a Resolution Supporting Senate Bill 599 – Inlet Stabilization Pilot  
8 Program (copy attached). That resolution expressed the Town of Emerald Isle's support for Senate Bill 599, which  
9 would have provided a regulatory mechanism to allow the construction of a terminal groin adjacent to an inlet in North  
10 Carolina as a pilot project. Senate Bill 599 was approved by the North Carolina Senate in May 2007 by a vote of 41-8,  
11 but was not considered by the NC House of Representatives during the 2008 short session.

12  
13 Several NC beach communities are again seeking legislation in the 2009 session that would allow the use of terminal  
14 structures in North Carolina adjacent to inlets. A key difference is that the group is now seeking general authorization  
15 for the use of terminal structures at any inlet, provided an Environmental Impact Statement is favorable and  
16 appropriate permits are issued by the NC Division of Coastal Management. The group intends to engage professional  
17 services to assist with the legislative process. The group's goal is to raise \$140,000 for this effort. Several NC beach  
18 communities have already contributed, including Dare County (\$15,000), Nags Head (\$10,000), Ocean Isle Beach  
19 (\$10,000), and Topsail Beach (\$2,500). Several other beach communities will be considering a contribution in the  
20 coming weeks – most are considering something in the \$5,000 - \$10,000 range. If the Board chooses to join this effort,  
21 I recommend a contribution in the \$5,000 - \$10,000 range.

22 The Board is obviously very familiar with our historical challenges at Bogue Inlet, our response to those challenges,  
23 and the current stability at Bogue Inlet and The Point. A terminal structure was never seriously considered when the  
24 EIS was prepared for the Bogue Inlet channel project, however, it may be a viable option in the future. Personally, I  
25 don't foresee the Town pursuing a terminal structure anytime soon, and I am hopeful that the Town will never have the  
26 need to consider a terminal structure at Bogue Inlet – particularly if our long term management goal of stabilizing the  
27 main ebb channel in the center of Bogue Inlet by periodic dredging and use of Bogue Inlet shoals for future beach  
28 nourishment is implemented. This management strategy will likely be sufficient to insure the continued stability of The  
29 Point at Bogue Inlet. However, as Town Manager of a beach community, I believe it is important to have multiple  
30 management tools available for these situations, and I would like to see legislation approved to add this potential tool  
31 for NC beach communities in the future. Although it does not appear to be needed in the near future, it may be helpful  
32 to Emerald Isle 10, 20, 30 years or more from now. It may also provide an immediate solution for inlet-related  
33 problems facing other NC beach communities.

34 It is important to note that the proponents of this new legislation do not support the use of other types of hardened  
35 structures along the NC coast, nor the use of groins at locations other than inlet shoulders.

36 Greg "Rudi" Rudolph, Carteret County Shore Protection Manager, spoke to the  
37 Board and provided an educational presentation about terminal structures for the  
38 Board and public.

39  
40 Town Manager Rush noted that contributions being requested from various  
41 communities would fund a lobbying effort to try to bring this issue to fruition.  
42 Town Manager Rush in response to a question from Commissioner Hedreen also  
43 stated that the effort was being led by local elected officials, managers, etc. from  
44 southern areas of the coast working together on the issue. Town Manager Rush  
45 reiterated that he didn't foresee a need for this at Bogue Inlet any time soon but it  
46

1  
2 may be something that would be helpful to our successors down the road, one  
3 more tool in the toolbox that could potentially help going forward.

4  
5 Following general discussion ***there was no action taken by the Board. It was***  
6 ***the consensus of the Board that more discussion was needed before***  
7 ***making a decision.***

8  
9 **12. Public Boat Launching Facility**

- 10  
11 **a. Resolution Authorizing Funding Request to NC Clean Water**  
12 **Management Trust Fund for Innovative Storm Water Management (09-**  
13 **01-13/R3)**  
14 **b. Resolution Authorizing Funding Request to the United States**  
15 **Congress for Land Acquisition (09-01-13/R4)**  
16 **c. The Trust for Public Land**

17  
18 Town Manager Frank Rush presented the details of this agenda item to the  
19 Board. The following excerpt from Mr. Rush's memo to the Board is provided as  
20 additional background:

21  
22 The Board of Commissioners is scheduled to consider 2 additional formal requests for outside funding for the proposed  
23 new public boat launching facility at the January 13 meeting. These 2 additional funding requests combined seek a  
24 total of \$1,500,000 of funding for the project. These requests are in addition to the 5 requests (totaling \$3,875,000)  
25 already approved by the Board at the November and December 2008 meetings.

26  
27 Additionally, the Board is scheduled to discuss a potential partnership with the non-profit Trust for Public Land, through  
28 which the property may be able to be purchased and reserved for use as a public boat launching facility now, with the  
29 payment of land acquisition costs spread over a longer period of time

30  
31 Resolution Authorizing Funding Request to the NC Clean Water Management Trust Fund for Innovative Storm Water  
32 Management

33 The attached resolution formally authorizes a funding request to the NC Clean Water Management Trust Fund  
34 (CWMTF) for up to \$500,000 to enable the Town and the NC Wildlife Resources Commission (WRC) to construct the  
35 best possible storm water management features at the public boat launching facility. The adjacent waters are of  
36 excellent quality and are classified as Outstanding Resource Waters, and the nature of this project presents a unique  
37 opportunity for the Town and the WRC to set a positive example for storm water management at this kind of facility.

38  
39 Specific storm water management strategies are yet to be determined, however, the goal will be to far exceed the  
40 existing State and Town storm water requirements through the use of innovative features, and will also include the  
41 application of Low Impact Development techniques (using the natural features of the site as much as possible to  
42 infiltrate storm water). I will be working closely with WRC and the NC Coastal Federation to design and implement the  
43 best possible strategies. Potential strategies include the use of pervious concrete for the parking stalls in addition to  
44 the delineation of natural basins on-site to infiltrate a significant volume of storm water, and/or the use of bioretention  
45 areas, and/or the use of other redundant and innovative strategies to handle the largest volume of storm water  
46 possible.

47  
48 If the Town's grant application is successful, the end result is very positive in two important ways. First, the new public  
49 boat launching facility could include perhaps the best overall storm water management system of any WRC facility on  
50 the coast, thereby maintaining the excellent water quality that exists currently. Second, the award of CWMTF grant

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 12 of 18

1  
2 funds for the construction of the facility could in turn "free up" some WRC construction funding that could be reallocated  
3 for the land purchase. This additional funding could be extremely helpful if one or more of the Town's other funding  
4 requests is not successful, and would help to insure the future realization of the project.  
5

6 The CWMTF grant application is due by February 2, 2009, and grant decisions are expected by September 2009. The  
7 Board should note that the attached resolution has been written to include a request up to \$500,000. This amount may  
8 decrease depending on a more detailed cost estimate for the selected storm water management strategies. Because  
9 there are no scheduled Board meetings prior to February 2, the resolution has been written for an amount up to  
10 \$500,000. The resolution may be revised when a more detailed cost estimate is available for the actual application.  
11 Any revisions will be communicated to the Board prior to the February 2 submittal.  
12

13 Resolution Authorizing Funding Request to the United States Congress for Land Acquisition

14 The attached resolution formally authorizes a funding request to the United States Congress, through the offices of US  
15 Representative Walter B. Jones, Jr., US Senator Richard Burr, and US Senator Kay Hagan, for \$1,000,000 for a  
16 portion of the total land acquisition cost.  
17

18 This funding request would be submitted for consideration in the forthcoming "economic stimulus package" and/or the  
19 FY 09-10 Federal appropriations cycle. In order to enhance chances for success as part of the "economic stimulus  
20 package", a request needs to be sent ASAP. In order to be considered for the FY 09-10 appropriations cycle, a  
21 request should be submitted no later than February 1. I will be working hard to complete a formal request ASAP, and  
22 may also enlist the help of Marlowe & Company, a Washington, DC lobbying firm that assists us with beach  
23 nourishment issues.  
24

25 This additional funding could be extremely helpful if one or more of the Town's other funding requests is not  
26 successful, and would help to insure the future realization of the project. If we are successful in securing all requested  
27 State funds and this Federal funding, the Town could seek to also purchase the remaining 2 lots in the Shell Cove  
28 North subdivision to further enhance the project, or the amount required from Carteret County and Emerald Isle could  
29 potentially be decreased.  
30

31 I am not certain when the Town will learn the outcome of the Federal funding request. A final decision is probably  
32 highly uncertain due to the fluidity of the political process in Washington, DC.  
33

34 The Trust for Public Land

35 I have attached a copy of a letter from the non-profit Trust for Public Land (TPL) indicating their interest in assisting the  
36 Town with the land acquisition. I have also attached additional information about TPL for your review.  
37

38 TPL is a national non-profit organization working to protect land as parks and open space. TPL assists local  
39 communities and government agencies with land acquisition, including the temporary purchase of identified land until it  
40 can be permanently protected by a government agency or community land trust. In this case, TPL may be willing to  
41 step in and purchase the Shell Cove North site from the Farrington brothers now, and subsequently agree to sell it to  
42 the Town over a 3-year period. The key advantage of this approach is that the Town could continue to apply for  
43 additional grants over the next 3 years, providing significantly more grant funding opportunities. The Town could also  
44 begin using the property through a lease-purchase agreement as soon as TPL acquires the land. The disadvantage is  
45 that there is an interest cost associated with TPL holding the land, and also the payment of a fee for TPL's services.  
46 The advantage to the Farrington brothers is significant in that they would have absolute certainty of the sale and would  
47 have access to the sale proceeds sooner rather than later.  
48

49 The attached letter from Frederick Lewis, Project Manager at TPL's North Carolina Office (Raleigh), indicates TPL's  
50 willingness to assist the Town with this land acquisition. The letter indicates that TPL would charge an annual interest  
51 rate of prime plus 1% for TPL to hold the land, which is higher than the Town could secure on its own but not  
52 unreasonable. (If the Town purchases the property outright by financing it through a private lending institution, the  
53 Town would lose its eligibility for future grant programs, whereas a scenario involving TPL would have the Town  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 13 of 18

1  
2 purchasing the land from TPL in the future, thereby retaining grant eligibility.) The letter also indicates that TPL will  
3 seek a charitable contribution from the Farrington brothers to cover TPL's expenses associated with the transaction.  
4

5 I have scheduled a meeting between the Town, TPL, and the Farrington brothers for Tuesday, January 20 to pursue  
6 this option. If a viable partnership emerges, I will return to the Board for additional discussion in the near future.  
7

8 ***Motion was made by Commissioner Messer to approve the Resolution***  
9 ***Authorizing a Funding Request to the NC Clean Water Management Trust***  
10 ***Fund. The Board voted unanimously 4-0 in favor. Motion carried.***  
11

12 ***Motion was made by Commissioner Wright to approve the Resolution***  
13 ***Authorizing a Funding Request to the United States Congress. The Board***  
14 ***voted unanimously 4-0 in favor. Motion carried.***  
15

16 **Note:** A copy of Resolutions 09-01-13/R3 and 09-01-13/R4 are incorporated herein by reference and  
17 hereby made a part of these minutes.  
18

19 **13. Fee Schedule Amendment – Community Center Fees**  
20

21 Mayor Schools addressed the Board concerning this agenda item. Mayor  
22 Schools noted that it was brought to his attention by a citizen that there was no  
23 age limit on membership fees charged at the Emerald Isle Community Center.  
24 Mayor Schools compared that to driving on the beach permits being free for  
25 everyone over age 65. Mayor Schools noted that after seeing staff's review of  
26 the significant lost revenue for free membership if offered to those over age 65,  
27 he requested staff look at over age 75 or 80 as a possible age cut-off for free  
28 membership. Mayor Schools stated that the revenue loss associated with over  
29 age 75 would be approximately \$2,700 versus over age 80 being a revenue loss  
30 of approximately \$800. Mayor Schools wanted to bring this to the Board's  
31 attention should they be interested in modifying the fee schedule.  
32

33 Commissioner Wright felt it would be as important to lower the fees there as for  
34 driving on the beach. Mayor Schools pointed out the free membership would  
35 pertain to Emerald Isle residents only.  
36

37 ***Motion was made by Commissioner Hoover that Emerald Isle residents***  
38 ***over age 75 are permitted free to the Community Center. The Board voted***  
39 ***unanimously 4-0 in favor. Motion carried.***  
40

41 **Note:** A copy of Fee Schedule Amendment is incorporated herein by reference and hereby made a  
42 part of these minutes.  
43  
44  
45  
46  
47  
48  
49

1  
2 **14. Appointments – The Aquarium Pier at Emerald Isle Advisory**  
3 **Committee**  
4

- 5 a. **Town Commissioner**  
6 b. **Avid Pier Fisherman**  
7 c. **Nearby Property Owner**  
8 d. **At-Large**  
9

10 **Brief Summary:** The Board is scheduled to make appointments for the  
11 Town's 4 slots on the Aquarium Pier Advisory Committee at the January 13  
12 meeting. The Town's appointments include one Town Commissioner, one  
13 avid pier fisherman, one nearby property owner, and one at-large member.  
14 The Board may consider replacing the Town Commissioner slot with another  
15 at-large member if desired. There were a total of 31 applicants for the 8 slots  
16 on the committee (4 appointments by the Aquariums and 4 by the Town).  
17

18 Mayor Schools noted that following his discussion with the Town  
19 Commissioners they were in agreement to replace the Town Commissioner  
20 slot with another at-large member position on the Aquarium Pier Advisory  
21 Committee.  
22

23 ***Motion was made by Commissioner Wright to nominate:***  
24

- 25 • ***Richard Ehrenkaufner (Dr. Bogus) for the avid fisherman slot***  
26 • ***Jim Woolard for at-large slot***  
27 • ***Mal Boyette for at-large slot***  
28 • ***Don Eglinton for nearby property owner slot***  
29

30 ***The Board voted unanimously 4-0 in favor of these four nominations.***  
31 ***Motion carried.***  
32

33 Mayor Schools noted that there were 27 excellent candidates following the  
34 Aquariums selections.  
35

36 Commissioner Messer also added, referencing back to opening the Town  
37 Commissioner slot up to another at-large candidate that it wasn't that the  
38 Commissioners did not want to serve on the Advisory Board, but felt that they  
39 would be involved in it anyway and this would open up another slot for another  
40 at-large member for their input.  
41  
42  
43  
44  
45

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 15 of 18

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

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

5  
6 Town Manager Frank Rush asked the Board about setting a date for the annual  
7 budget planning workshop. The Board agreed on Tuesday, February 17<sup>th</sup> at 8am  
8 in the conference training room in the new EMS Station.

9  
10 Town Manager Rush updated the Board about the Nags Head pier project with  
11 the low bid unfortunately coming in above budget.

12  
13 Mr. Rush provided the latest details concerning architectural bids for the  
14 Aquarium Pier at Emerald Isle.

15  
16 Mr. Rush noted the status of the new Fire Engine which is scheduled for delivery  
17 sometime in February.

18  
19 In addition, the following is an excerpt from the Town Manager Comments memo  
20 to the Board for additional items of note:

21  
22 **Annual Budget Planning Workshop**

23 It's that time of year again! This year's budget process will likely be our most challenging one yet. I would like to  
24 schedule a half day+ workshop with the Board again this year to review our budget situation, discuss priorities for next  
25 fiscal year, and discuss other long-term goals.

26  
27 Late February is the optimal time for this meeting due to regular meeting dates, other workload issues, and personal  
28 commitments. Potential dates that would work well include the following:

- 29  
30
- Tuesday, February 17
  - Wednesday, February 18
  - Thursday, February 19
  - Tuesday, February 24
  - Wednesday, February 25
  - Thursday, February 26
  - Friday, February 27
  - Saturday, February 28
  - Monday, March 2.
- 31  
32  
33  
34  
35  
36  
37  
38  
39

40 If it's helpful, we could also schedule this meeting for 2-3 weeknights during the week of February 24 – 26.

41  
42 Please let me know which of these dates work best for you. I believe we can probably keep the meeting to a half day,  
43 and certainly no more than 5-6 hours.

44  
45 **Grant Applications for New Public Boat Launching Facility**

46 The remainder of January will primarily be spent preparing the remaining grant applications for the new public boat  
47 launching facility, which are due by the end of January. Applications to the Parks and Recreation Trust Fund and the  
48 NC Division of Coastal Management will require a great deal of effort, and a new application to the Clean Water  
49 Management Trust Fund is also due at the end of January. I will also be preparing a formal request for Federal  
50

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 16 of 18

1  
2 assistance to send to our Congressional delegation. This is the primary reason why the annual budget workshop can  
3 not be held in January.

4  
5 **Update - The Aquarium Pier at Emerald Isle**

6 Letters of interest and qualifications for architectural services were due to the State by January 8. My understanding is  
7 that there is a tremendous level of interest in the project from the architectural / engineering community. The  
8 submittals will be reviewed and the top firms will be interviewed in the next several weeks. The State Construction  
9 Office maintains strict control over this process, and it is not known what, in any, involvement the Town and the  
10 Aquariums will have in this process. We hope to have an architect selected and on-board by March.

11  
12 I am not certain of the status of the transfer of the Eastern Ocean Regional Access property to the State. The Council  
13 of State has approved the transfer, but I am not certain if the State Property Office has completed its work and  
14 recorded the deed. I will attempt to have this information at the January 13 meeting.

15  
16 Unfortunately, construction bids for the Aquarium Pier at Nags Head came in significantly over the \$15 million budget  
17 for the project. Negotiations are underway with the low bidder, Clancy & Theys, however, the gap between the low bid  
18 (\$21million+) and the budget is likely too large, and the project will likely be redesigned and re-bid later this spring or  
19 summer.

20  
21  
22 **Renovated Westgate Plaza Receives Certificate of Merit from the Chamber of Commerce**

23 The Town nominated the exterior renovations to the Westgate Plaza building (Bits N Pieces; adjacent to new EMS  
24 Station) for a development award sponsored by the Carteret County Chamber of Commerce. The project was  
25 recognized with a Certificate of Merit.

26  
27 **Town Staff Working on Green Challenge Initiative**

28 I have appointed Alesia Sanderson, Parks and Recreation Director, and Kelly Gamble, Town Hall Administrative  
29 Assistant to lead the Town's efforts for the NC League of Municipalities' Green Challenge initiative. They are working  
30 with representatives from each department to find ways to improve the Town's operations to save energy and promote  
31 other "green" practices. A copy of their most recent progress report is attached.

32  
33 **Town Staff Investigating Options for 2009 4<sup>th</sup> of July Fireworks**

34 Town staff are investigating several options to allow the Town to continue a 4<sup>th</sup> of July fireworks show in light of Bogue  
35 Inlet Pier's recent decision to cease its partnership with the Town. I plan to discuss these options with the Board at the  
36 annual budget workshop in February.

37  
38 **Tax Collections Look Good So Far**

39 As of the January 5 deadline for property tax payments (to avoid penalties), the Town has collected 91.5% of all billed  
40 property tax and solid waste fees for 2008. The total outstanding balance at January 5 is approximately \$540,000,  
41 which is less than the amount outstanding on January 5 in previous years.

42  
43 **New Fire Engine**

44 The Town's new Fire Engine is nearing completion, and should be delivered to Emerald Isle sometime in February.

45  
46 **Bike Path Extension?**

47 As discussed at the December meeting, there is an outstanding balance of approximately \$21,000 in old capital project  
48 accounts for bike paths and sidewalks. We are also expecting an additional \$3,000 - \$5,000 from the Emerald Isle  
49 Triathlon proceeds in the coming weeks. I would like the Board to consider authorizing the use of these funds to  
50 extend the Coast Guard Road bike path from Pebble Beach to Deer Horn Drive prior to the 2009 summer season.

51  
52 I have received a quote from Johnson Contracting, Inc. (the same contractor who completed the previous bike paths)  
53 for this segment for \$29,845. The total length of this segment is approximately 900 linear feet, and there are some  
54 challenging obstacles and topography.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JANUARY 13, 2009  
Page 17 of 18

1  
2 The completion of this segment would help to improve safety on Coast Guard Road, and would link the Town's existing  
3 bike path segment to residential streets in Deer Horn Dunes. A person could then ride a bike down the bike path, onto  
4 Deer Horn Drive and take Ocean Drive all the way to Ocean Oaks without having to go on Coast Guard Road.  
5

6 The Bicycle and Pedestrian Advisory Committee will be meeting on January 20 and may discuss this issue at that  
7 meeting.  
8

9 **Update – Replacement of Beach Walkways**

10 Deane Rice Construction will begin demolition of the existing walkway at Ocean Oaks Drive next week, and will begin  
11 construction soon thereafter. Gregg Street will begin when Ocean Oaks Drive is completed.  
12

13 **Update – Town Administration Building**

14 The block foundation is complete, floor trusses have been installed, and framing of exterior walls is nearly complete.  
15 The new building is beginning to take shape! Bluewater Builders' official schedule indicates the new building be  
16 completed by the end of July / beginning of August.  
17

18  
19 **Update – Old EMS Station Renovations**

20 The renovations to the old EMS Station and the repairs associated with the water line rupture are essentially complete,  
21 with only punch list items remaining. I will soon be updating the sale flyer for the old EMS Station and re-sending it to  
22 all Emerald Isle real estate agencies as an open listing. Please let me know if you have any interest in reducing the  
23 asking price.  
24

25 **Update – Bogue Inlet AIWW Crossing Dredging**

26 The Corps of Engineers will hold a pre-construction meeting with the contractor (Southwind Construction) on January  
27 15, and we should have a better idea of their strategy and schedule after that meeting. I remain hopeful that the  
28 contractor will complete the Bogue Inlet AIWW work in March or April. If work does not occur by April, it will likely be  
29 delayed until November or December 2009.  
30

31 The Point continues to look good.  
32

33 **Update – Parks Maintenance Building**

34 Construction of office space is nearly complete, and Parks Maintenance staff should fully occupy the new space by  
35 January 20.  
36

37 **Itinerant Merchants / Outdoor Display of Merchandise**

38 I have not yet had an opportunity to schedule a meeting with the local business owners about these issues, but still  
39 plan to do so. My goal is to have proposed ordinance amendments for Board consideration prior to the summer. This  
40 meeting will not happen in January, but I hope to schedule it for February or March.  
41

42 **Surfing / Pier Ordinance Amendment**

43 Mayor Schools, Chief Hargett, and I continue to work with the local surfing community and Mike Stanley, owner of  
44 Bogue Inlet Pier, to develop mutually agreeable amendments to the Town's surfing ordinance. I hope to have a draft  
45 amendment for the Board's consideration at the February or March meeting.  
46

47 **Time Warner Cable Fee Increases**

48 A letter from Time Warner Cable outlining planned fee increases is attached.  
49  
50  
51  
52  
53  
54

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

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

Mayor Schools commented that Town Manager Frank Rush in a recent marathon came in 607<sup>th</sup> place out of 15,000.

There were no further comments from the Board of Commissioners.

Mayor Schools also noted that on January 22, the North Carolina League of Municipalities would be meeting in Morehead City at Capt. Bill's at 4 pm for any Commissioners who may wish to attend. Senator Jean Preston and Representative Pat McElraft were also going to be recognized at the meeting.

Mayor Schools recognized and thanked Jim Woolard who was in attendance tonight, having been appointed an at-large slot on the Aquarium Pier Advisory Committee.

**17. Adjourn**

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

***The meeting was adjourned at 7:50 pm.***

Respectfully submitted:

Rhonda C. Ferebee, CMC  
Town Clerk