

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, DECEMBER 9, 2008 – 6:00 P.M. – COMMUNITY CENTER
4

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

9 Present for the meeting: Mayor Art Schools, Commissioners Nita Hedreen, Tom
10 Hoover, Floyd Messer, John Wootten, and Maripat Wright.
11

12 Others present during the meeting: Town Attorney Richard Stanley, Town
13 Manager Frank Rush, Asst. Town Manager/Finance Director Mitsy Overman,
14 Town Clerk Rhonda Ferebee, Planning Director Kevin Reed, Police Chief Bill
15 Hargett, and Parks and Recreation Director Alesia Sanderson.
16

17 After roll call all who were present recited the Pledge of Allegiance.
18

19 **4. ADOPTION OF AGENDA**
20

21 *Motion was made by Commissioner Hoover to adopt the Agenda. The*
22 *Board voted unanimously 5-0 in favor. Motion carried.*
23

24 **5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS**
25

26 Mayor Schools noted the following Proclamation and public announcements for
27 the public:
28

- 29 • **Proclamation – Silver Star Banner Day (May 1, 2009) (08-12-09/P1)**
- 30 • **Friday Free Flick – “Polar Express” – Friday, December 12 – 7 pm –**
31 **Community Center**
- 32 • **Breakfast With Santa – Saturday, December 13 – 10 am – Community**
33 **Center (must pre-register by Dec 12)**
- 34 • **Emerald Isle Holiday Parade – Saturday, December 13 – 4 pm –**
35 **Emerald Drive**
- 36 • **Board of Adjustment Meeting – Wednesday, November 19 – 9 am –**
37 **Community Center**
- 38 • **Planning Board Regular Meeting – Monday, December 15 – 6 pm –**
39 **Community Center**
- 40 • **Teen Night – Surf Movie “The Pursuit” – Friday, December 19 – 7 pm**
41 **– Community Center**
- 42 • **Christmas Holiday – Town Hall and Rec Center Closed – Wednesday,**
43 **December 24, Thursday, December 25, and Friday, December 26**
- 44 • **Board of Commissioners Regular Meeting – Tuesday, January 13 –**
45 **6 pm – Community Center**
46

1
2 **Note:** A copy of Proclamation 08-12-09/P1 is incorporated herein by reference and hereby made a
3 part of these minutes.
4

5 **6. INTRODUCTION OF NEW EMPLOYEE**
6

7 **a. James Stepp, Police Officer**
8

9 Police Chief Bill Hargett introduced the Town's newest Police Officer James
10 Stepp. Chief Hargett noted that Officer Stepp was born in Williamson, West
11 Virginia. Officer Stepp entered the United States Navy after graduating high
12 school, where he served at the Naval Air Station in Sicily until he was honorably
13 discharged in 1992. Chief Hargett added that Officer Stepp began his career in
14 law enforcement with the Scott County Sheriff's Office in Georgetown Kentucky
15 in 1994 where he served as a shift supervisor until recently coming to work in
16 Emerald Isle. Officer Stepp has received over 900 hours of training in his
17 career in areas like investigations, advanced latent print identification, crime
18 prevention, defensive tactics, gang awareness training and drug enforcement
19 training.
20

21 The Board and public welcomed Officer Stepp to his new position with the Town.
22

23 **7. CONSENT AGENDA**
24

- 25 **a. Tax Refunds / Releases**
26 **b. Budget Amendment – General Fund, Disaster Recovery Fund**
27 **c. Capital Project Ordinance Amendments**
28 **d. 2009 Meeting Schedules – Board of Commissioners, Planning Board**
29

30 ***Motion was made by Commissioner Wootten to approve the items on the***
31 ***Consent Agenda. The Board voted unanimously 5-0 in favor. Motion***
32 ***carried.***
33

34 **Note:** A copy of all above noted Consent Agenda items are incorporated herein by reference and
35 hereby made a part of these minutes.
36

37 **8. PUBLIC COMMENT**
38

39 **Brief Summary: The public will have the opportunity to address the Board**
40 **about any items of concern not on the agenda.**
41

42 Linda Ferragut, 403 Emerald Landing Drive voiced concerns that she had
43 included in a previous letter sent to the Board regarding a request to make the
44 thoroughfare from Emerald Landing on the north side of Crew Drive safer for
45 handicapped persons, mothers with children, and others walking to the Emerald
46 Plantation Shopping Center. Ms. Ferragut noted the lighting, and other issues

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1
2 such as tractor trailers using Crew Drive and Mallard Drive to access the
3 shopping center. Ms. Ferragut also referenced the letter she had sent the Board
4 regarding taxicab fares. She requested the Board please read her letter again
5 and let her know what could be done.
6

7 **9. COMMERCIAL PLAN REVIEW – PROPOSED H & S HOTEL, CREW**
8 **DRIVE / ISLANDER DRIVE / NC 58**
9

10 Planning Director Kevin Reed addressed the Board regarding this agenda item.
11 The excerpt from Mr. Reed's memo to Town Manager Rush is provided for
12 additional background:
13

14 A request has been submitted by the H & S Hotel Properties LLC for commercial review of the proposed H & S Hotel to
15 be located at 9001 Crew Drive. The property is currently zoned Business (B) and the proposed hotel is a permitted
16 use in the Business district. The proposed three story hotel will contain 53 rooms and a swimming pool. The owners
17 have indicated that they are proposing to construct a "traditional" hotel for overnight accommodations and not a
18 condominium hotel or condotel.
19

20 You will find attached a copy of a site plan for the project. Also attached are copies of a plan showing building
21 elevations, proposed building colors and the layout of a typical guest room. The Town's Technical Review Committee
22 (TRC) reviewed the project at its meeting held on November 5, 2008. Following that meeting, Town staff requested a
23 revised site plan which was presented to the Planning Board at its November 24 meeting. During its presentation to
24 the Planning Board, Town staff indicated that the current plan was consistent with the Town's requirements for building
25 setbacks, building colors, building height limitations, parking, exterior lighting, and natural area requirements. The
26 Town's Unified Development Ordinance (UDO), specifically Chapter 6, Section 6.1.3(4), requires that commercial
27 structures have building offsets in order to avoid buildings having the appearance of being large box type structures. It
28 was noted to the Planning Board that the first floor of the structure had no offsets. On the second and third stories, the
29 applicant are proposing the use of offsets and projecting porches to comply with the building offset requirement of the
30 UDO. The Planning Board had considerable discussions on the design of the building and attached you will find a draft
31 copy of the minutes from the Planning Board meeting. The consensus of the Planning Board members present at the
32 meeting was that the combination of building materials, porches, building offsets and gables in the roof structure
33 created an architecturally pleasing building that generally conforms to the requirements of the UDO.
34

35 To date, the Town has received information from the Carteret-Craven Electric Cooperative and Bogue Banks Water
36 Corporation that they can serve the proposed development. The Town's consulting engineer has reviewed the
37 stormwater plan for the proposed development and has indicated that it is consistent with the Town's stormwater
38 regulations. In addition, the State has issued a stormwater permit and erosion and sediment control permit for the
39 proposed development. The applicant has not received approval for the on-site septic disposal system to serve the
40 proposed development.
41

42 After its review and discussion of the request, the Planning Board voted unanimously (4 to 0) to recommend approval
43 of the commercial review to the Board of Commissioners, subject to the following condition:
44

- 45 1. Approval for the on-site septic disposal system.
46

47 Mr. Reed noted that at this time the only outstanding issue is they are awaiting
48 receipt of their permit for the on-site septic disposal system.
49
50

1
2 Commissioner Wright commented that she thought the plan was very attractive.
3 Commissioner Wright asked about the issue of crossing Highway 58 to get to the
4 beach and whether that would be a problem for people. Mr. Reed said it was
5 convenient that Islander Drive and the Town's Western Ocean Regional Access
6 are so closely located. Mr. Reed said there was not a discussion at the Planning
7 Board stage regarding pedestrian safety and the only alternative to crossing the
8 highway there would be to use a signalized intersection with the closest being
9 Coast Guard Road.

10
11 Applicants, Larry and Daisy Spell, H & S Hotel Properties, LLC, indicated that
12 they had already considered this issue and planned to either lease or buy a golf
13 cart that holds about 10 people to run on a schedule as a shuttle to the beach
14 access.

15
16 Town Manager Rush added that in the past the Town had requested a painted
17 crosswalk at that location but the NCDOT indicated they would not stripe and
18 allow that because it is not a signalized intersection and it would be confusing to
19 vehicles traveling on NC 58. Mr. Rush also felt the idea of a shuttle service was
20 terrific adding if it is a golf cart it should be a licensed golf cart.

21
22 ***Motion was made by Commissioner Messer to approve the site plan,***
23 ***building elevations, and exterior color scheme for the H & S Hotel project.***
24 ***The Board voted unanimously 5-0 in favor. Motion carried.***

25
26 **10. PROPOSED CAMA LAND USE PLAN AMENDMENTS**

27
28 **a. Public Hearing**

29 **b. Consideration of LUP Amendments**

- 30
31 **1. Bell Cove Estates / Bell Cove Village – Map**
32 **2. Reed Drive (Bluewater Tract) – Map**
33 **3.a. Marina Village – Text**
34 **3.b. Marina Village – Map**
35 **4. Bogue Banks Water – Map**
36 **5. Chapel By The Sea / McLean Park – Map**
37 **6. 2412, 2414 Emerald Drive – Map**
38

39 Planning Director Kevin Reed addressed the Board and provided a PowerPoint
40 presentation of this agenda item. The excerpt from Mr. Reed's memo to Town
41 Manager Rush is provided for additional background:

42
43 The Board of Commissioners is asked to consider several amendments to its 2004 CAMA Land Use Plan (LUP). The
44 primary reason for these amendments is the fact that the Town adopted a new Unified Development Ordinance (UDO)
45 and revised Official Zoning Map on September 9, 2008. The adoption of the UDO and associated Zoning Map has
46

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1
2 made it necessary to make several adjustments to the Town's 2004 CAMA Land Use Plan including the Future Land
3 Use Map (FLUM).

4
5 The Planning Board was asked to review the specifics of the amendments at its October 27, 2008 meeting. Following
6 that meeting, the Planning Board voted unanimously to recommend to the Board of Commissioners that the
7 amendments be approved. Also, the amendments have been submitted to Maureen Meehan-Will, District Planner for
8 the Division of Coastal Management (DCM), and she has determined that the amendments are consistent with DCM
9 requirements. A public hearing for the Board of Commissioners to consider these amendments has been scheduled

10
11 for its December 9, 2008 meeting. Action by the Board of Commissioners on the proposed amendments needs to be
12 in the form of a resolution for each amendment; therefore, I have prepared a resolution for the Board to consider for
13 each of the amendments listed below. Since amendments to the LUP must ultimately be certified by the Coastal
14 Resources Commission (CRC), the goal for the Town is to have these amendments considered by the CRC at its
15 February 2009 meeting. The amendments are as follows:

16
17 Amendment 1

18 Revise the Future Land Use Map in order to show the 11.75 acre tract and the 5.79 acre tract located on the north side
19 of Coast Guard Road, and known as the Bell Cove Estates and Bell Cove Village Subdivisions respectively, as
20 Single/Dual Family Residential rather than its current designation as Mixed Residential. These two tracts have been
21 subdivided into individual building lots for one and two-family dwellings. In addition, the Board of Commissioners
22 rezoned these properties to Residential-2 (R-2) as part of the UDO adoption process. The proposed amendment
23 would make the Future Land Use Map designation consistent with local zoning. The proposed FLUM amendment is
24 shown on Attachment 1.

25
26 Amendment 2

27 Revise the Future Land Use Map in order to show a parcel located at 8604 Reed Drive as Commercial Corridor rather
28 than its current designation as Mixed Residential. This parcel was rezoned by the Board of Commissioners at the
29 request of the property owner from Residential-2 (R-2) to Business (B). The proposed amendment would make the
30 Future Land Use Map consistent with local zoning. The proposed FLUM amendment is show on Attachment 2.

31
32 Amendment 3

33 Revise the Future Land Use Map in order to expand the boundaries of the Marine Commercial Area located at the
34 northern terminus of Old Ferry Road. In addition, the FLUM would be changed to reflect the 14 acre parcel, which is
35 divided into a Tract A and a Tract B, as Marina Village rather than its current designation as Marine Commercial and
36 Mixed Residential. The owners of the property had requested that Parcel A be rezoned from Business (B) and Mobile
37 Home-1 (MH-1) to Marina Village (MV). The rezoning was approved by the Board of Commissioners at its November
38 12, 2008 meeting. In addition, the Marine Commercial Area will be renamed as the Marina Village Area. Also Part 3,
39 "Land Use Plan- Goals, Policies and Future Land Use Map" of the Plan would be amended to reflect the name change
40 from Marine Commercial to Marina Village. The proposed amendment would make the Future Land Use Map
41 designation consistent with local zoning. The proposed amendment to the text portion of the Plan is shown on
42 Attachment 3A and the FLUM amendment is shown on Attachment 3B.

43
44 Amendment 4

45 Revise the Future Land Use Map in order to show the 1.25 acre parcel located on the north side of Emerald Drive, and
46 the current location of Bogue Banks Water Corporation (BBWC), Single/Dual Family Residential rather than its current
47 designation as Commercial Corridor. The zoning of the property was changed to Residential-2 (R-2) at the request of
48 BBWC when the Town adopted its new UDO and Official Zoning Map. The proposed amendment would make the
49 Future Land Use Map designation consistent with local zoning. The proposed FLUM amendment is shown on
50 Attachment 4.

51
52 Amendment 5

53 Revise the Future Land Use Map in order to show an approximately 9 acre area located on the north side of Emerald
54 Drive as Single-Dual Family Residential rather than its current designation as Mixed Residential. The area contains

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1
2 the Chapel by the Sea property and land owned by the Town and designated as the location for McLean Park. The
3 Board of Commissioners rezoned these properties to Residential-2 (R-2) and Government (G) as part of the UDO
4 adoption process. The proposed amendment would make the Future Land Use Map designation consistent with local
5 zoning. The proposed FLUM amendment is shown on Attachment 5.
6

7 Amendment 6

8 Revise the Future Land Use Map in order to show an approximately 1 acre area, located at 2412 and 2414 Emerald
9 Drive, as Mixed Residential rather than its current designation as Single/Dual Family Residential. The zoning of the
10 property was changed to Residential Multi-Family (RMF) at the request of the property owner when the Town adopted
11

12 its new UDO and Official Zoning Map. The proposed amendment would make the Future Land Use Map designation
13 consistent with local zoning. The proposed FLUM amendment is shown on Attachment 6.
14

15 Commissioner Wootten asked Mr. Reed about the procedural requirements and
16 whether they would have to continually be doing this for what is a future land use
17 plan. Commissioner Wootten felt the plan was to lay out the future. Mr. Reed
18 said that the CAMA Land Use Plan was a living, breathing document and that it
19 was a good testament to the Board and Town that we are going through our 3rd
20 amendment since its initial certification in 2004. Mr. Reed said that on both
21 occasions that he had appeared before the CRC and talked about certifying their
22 amendments his impression was they were pleased the Town had a document
23 they were using on a regular basis and adjusting as necessary based on
24 changes in the community.
25

26 Mayor Schools said the feedback he had received from the CRC was that they
27 thought the Town's Land Use Plan was one of the best. Mr. Reed also pointed
28 out that the Town of Emerald Isle doesn't have any other comprehensive plan or
29 land use plan, but only a CAMA Land Use Plan, and he felt it was important to
30 keep the document up-to-date and mindful of the changing situations.
31

32 Mayor Schools asked for any comments from the Public.
33

34 There were no comments from the Public.
35

36 ***Motion was made by Commissioner Wright to adopt the Resolution***
37 ***Amending the Town's 2004 CAMA Land Use Plan - #1 Bell Cove Estates /***
38 ***Bell Cove Village. The Board voted unanimously 5-0 in favor. Motion***
39 ***carried.***
40

41 ***Motion was made by Commissioner Wootten to adopt the Resolution***
42 ***Amending the Town's 2004 CAMA Land Use Plan - #2 Reed Drive***
43 ***(Bluewater Tract). The Board voted unanimously 5-0 in favor. Motion***
44 ***carried.***
45
46
47

1
2 **Motion was made by Commissioner Hedreen to adopt the Resolution**
3 **Amending the Town's 2004 CAMA Land Use Plan - #3 Marina Village. The**
4 **Board voted unanimously 5-0 in favor. Motion carried.**

5
6 **Motion was made by Commissioner Messer to adopt the Resolution**
7 **Amending the Town's 2004 CAMA Land Use Plan - #4 Bogue Banks Water**
8 **Corporation. The Board voted unanimously 5-0 in favor. Motion carried.**

9
10 **Motion was made by Commissioner Hoover to adopt the Resolution**
11 **Amending the Town's 2004 CAMA Land Use Plan - #5 Chapel By The Sea /**
12 **McLean Park. The Board voted unanimously 5-0 in favor. Motion carried.**

13
14 **Motion was made by Commissioner Wright to adopt the Resolution**
15 **Amending the Town's 2004 CAMA Land Use Plan - #6 2412, 2414 Emerald**
16 **Drive. The Board voted unanimously 5-0 in favor. Motion carried.**

17
18 **Note: A copy of Resolutions 08-12-09/R1, 08-12-09/R2, 08-12-09/R3, 08-12-09/R4, 08-12-09/R5, and**
19 **08-12-09/R6 are incorporated herein by reference and hereby made a part of these minutes.**

20
21 **11. RESOLUTION AUTHORIZING BEACH WALKWAY REPLACEMENT**
22 **CONTRACTS – GREGG STREET, OCEAN OAKS DRIVE (08-12-09/R7)**

23
24 Parks and Recreation Director Alesia Sanderson addressed the Board regarding
25 this agenda item. The excerpt from Frank Rush, Town Manager's memo to the
26 Board is provided for additional background:

27
28 The Board of Commissioners is scheduled to consider a resolution authorizing construction contracts with Deane Rice
29 Construction for the replacement of beach access walkways at Gregg Street and Ocean Oaks Drive. The total amount
30 of both contracts is \$41,600.

31
32 Alesia Sanderson, Parks and Recreation Director, solicited price quotes for both walkways in November. The Town
33 received a great deal of interest from contractors, with a total of 18 quotes received for the Gregg Street walkway and
34 17 quotes received for Ocean Oaks Drive. Deane Rice Construction provided the lowest quote for both walkways. A
35 complete tabulation of the price quotes received is attached.

36
37 Alesia Sanderson has reviewed the project scope with Deane Rice Construction, and has confirmed that they have a
38 complete understanding of the scope and quality expectations. The Town has received favorable references on Deane
39 Rice Construction, a local Emerald Isle contractor. CAMA permits have been submitted for each walkway, and should
40 be in hand in the near future. Work will begin no later than early January, and each walkway should take 3-4 weeks to
41 complete. We expect all work to be complete by March 1.

42
43 The FY 08-09 budget includes \$56,000 for this work, thus the Town has realized savings of \$14,400 compared to the
44 budget amount. These savings will remain in the Parks and Recreation Department budget to cover the cost of
45 unexpected expenses in the Parks and Recreation budget this year (attendant for Western Ocean Regional Access,
46 landscaping improvements at the old EMS station, and others) and to cover a portion of the cost of the Channel Drive
47 walkway repairs.

48
49

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1
2 The Town was pleased to receive favorable price quotes for this work. If the Town is pleased with Deane Rice
3 Construction's performance, we may ask them to provide a change order estimate to also replace the 3rd Street
4 walkway and may consider doing this work this year if the price is attractive. Gregg Street, Ocean Oaks Drive, and 3rd
5 Street are the beach access walkways at the top of the replacement list, however, the 3rd Street location was delayed
6 during the budget process in an effort to minimize expenditures in the FY 08-09 budget.
7

8 ***Motion was made by Commissioner Wootten to adopt the Resolution***
9 ***Authorizing Beach Walkway Replacement Contracts for Gregg Street and***
10 ***Ocean Oaks Drive. The Board voted unanimously 5-0 in favor. Motion***
11 ***carried.***
12

13 Ms. Sanderson commented that there was a substantial savings and that Town
14 Manager Rush had addressed the issue of possibly looking at doing another
15 walkway while the prices are lower and they had originally considered 3rd Street
16 Walkway. Ms. Sanderson said that she would like to rescind that
17 recommendation because that walkway was located in a nourished area with a
18 static line of vegetation and she was afraid they would lose too much parking.
19 Ms. Sanderson said she would rather they wait on the CRC ruling before doing
20 anything in those far eastern areas. Ms. Sanderson said her recommendation
21 would be to look at the Sea Dunes Walkway if they do another.
22

23 Mayor Schools asked that the Board consider the possibility of replacing two
24 additional walkways with the understanding that the money would be added back
25 to Fund Balance in next year's budget. Mayor Schools said he couldn't imagine
26 prices getting lower than they are now.
27

28 Town Manager Rush said their thinking was to evaluate the first walkway
29 constructed by Deane Rice Construction and if they were satisfied with the
30 quality of the workmanship and timeliness, solicit a change order from that firm
31 for construction at one of the other walkways. He said they would see if that
32 came back as a real favorable price, and perhaps come back to the Board and
33 suggest they do the one early for next year and take advantage of that, if not it
34 could be considered in next years budget process. Mr. Rush said the Town is at
35 a point where money needs to be invested each year to replace the walkways
36 and he was very pleased to get such good quotes this time.
37

38 **Note: A copy of Resolution 08-12-09/R7 is incorporated herein by reference and hereby made a part**
39 **of these minutes.**
40

41 **12. PRESENTATION – JUNE 30, 2008 FINANCIAL REPORT**
42

43 Asst. Manager / Finance Director Mitsy Overman addressed the Board, providing
44 an overhead presentation regarding this agenda item. The following excerpt
45 from Frank Rush, Town Manager's memo to the Board is provided for additional
46 background:
47

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1
2 Thompson, Price, Scott, & Adams (TPSA) CPAs has completed the Town's FY 07-08 audit, and a copy of the June 30,
3 2008 Financial Report is attached for your review. Mitsy Overman, Assistant Town Manager / Finance Officer, will brief
4 the Board on the highlights of the financial audit at the December meeting. The Board-appointed Audit Committee will

5
6 meet on Tuesday, December 9 prior to the Board meeting to review the audit report with TPSA and Town staff, and will
7 also be available to comment on the audit report at the December 9 meeting.
8

9 I am pleased to report that the Town has received a clean audit report. TPSA did not identify any major concerns with
10 our financial operations, and expressed their opinion that the Town's assets are well-managed by our staff. I am again
11 pleased to report that the Town maintains an excellent financial position, and staff and I are committed to maintain and
12 improve that financial position in the future.
13

14 Some of the highlights of the June 30, 2008 Financial Report include:

15
16 OVERALL FINANCIAL POSITION
17

- 18 • The Town had officially reported net assets of \$7,215,372 as of June 30, 2008. The Board should note, however,
19 that the calculation of net assets does not include the Town's investment in two significant beach nourishment
20 projects.
21

22 The calculation of net assets includes \$8,275,000 of outstanding General Obligation Bonds issued to finance the
23 Town's beach nourishment projects, and the additional sand placed on the beach as part of this project is not
24 included as a capital asset. If the additional sand placed on the beach was capitalized and depreciated with a 10-
25 year life cycle, the Town's net assets would be approximately \$20 million.
26

27 The Town's total capital assets are valued at \$11,504,515.
28

- 29 • As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances
30 of \$6,062,398, an increase of \$977,497 in comparison with the prior year. The Board should note that the majority
31 of this increase is temporary in nature, as the majority of the increase represents installment financing proceeds
32 for in-progress capital projects at June 30, 2008.
33

- 34 • The Town had \$5,678,798 of cash and cash equivalents on hand as of June 30, 2008. This cash (and cash
35 equivalents) on hand makes it possible for the Town to meet cash-flow needs in the summer and fall months
36 when expenditures routinely exceed revenue collections (prior to receipt of annual property taxes in December
37 and January).
38

- 39 • The Town's total outstanding debt decreased by \$240,000 during the fiscal year. Total outstanding debt at June
40 30, 2008 was \$10,160,000. The Town made principal payments of \$2,125,000 on the outstanding beach
41 nourishment bonds during FY 07-08, but also issued \$1,885,000 of new installment financing debt for the new
42 EMS Station (\$500,000), Emerald Drive land purchase (\$585,000), and the Coast Guard Road Storm Water
43 Project (\$800,000).
44

- 45 • The Town's outstanding debt at June 30, 2008 is equal to 0.24% of the total assessed value in Emerald Isle,
46 based on the 2007 taxable value. The Town's officially adopted Fiscal Policy establishes a debt limit of 2% of
47 total taxable value. North Carolina General Statutes limit the amount of General Obligation debt that a unit of
48 government can issue to 8% of the total assessed value.
49

- 50 • The Town maintained an outstanding property tax collection percentage of 99.65%. The Town is responsible for
51 the collection of all property taxes, with the exception of property taxes on motor vehicles, which are collected by
52 Carteret County. The Town's property tax collection rate is 99.72%, while the County's motor vehicle tax
53 collection rate in Emerald Isle is 93.22%.
54

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GENERAL FUND

- As of June 30, 2008, the Town's General Fund had a total fund balance of \$2,067,908. A total of \$1,471,921 is available as undesignated fund balance. The Town's total General Fund balance increased by \$196,059 over the course of the fiscal year, due primarily to a direct appropriation of \$150,000 to General Fund balance to replace funds used for capital projects during the previous year.
- The total General Fund balance of \$2,067,908 is equal to 28.56% of total General Fund expenditures (including transfers out) during the previous year (\$7,244,235). This percentage is up slightly from the previous year (27.267%). Total General Fund balance represents 26.65% percent of the FY 08-09 adopted budget of \$7,758,977. Total General Fund balance is now at its highest level since FY 04-05.
- The undesignated General Fund balance is \$1,471,921. This amount is equal to 20.32% of total General Fund expenditures (including transfers out) during the previous year (\$7,244,235). Undesignated General Fund balance represents 18.98% of the FY 08-09 adopted budget of \$7,758,977.
- General Fund revenues (not including transfers in) in FY 07-08 totaled \$7,309,193, and came in \$131,351 short of budget estimates. The main reason for this shortfall was the fact that actual sales tax revenues were only \$1,826,516, or \$156,484 less than the budgeted amount of \$1,983,000. Fortunately, General Fund expenditures (not including transfers out) totaled \$6,261,985 and were \$177,409 less than budgeted. After considering transfers in and transfers out for various capital projects, the General Fund ended FY 07-08 with a net surplus of \$196,059. This amount is primarily the result of the direct \$150,000 appropriation to General Fund balance included in the adopted FY 07-08 budget.
- The Town's two largest sources of General Fund revenue are property taxes and sales taxes. General Fund property tax revenues were \$2,875,717, while sales tax revenues totaled \$1,826,516. Solid waste fees are the third largest revenue source, with \$1,149,130 collected in FY 07-08. Together, these three sources represent approximately 80% of General Fund revenues.
- Public Safety expenditures (Police, Fire, and EMS) continue to represent the largest portion of the General Fund budget. Total expenditures were \$2,717,487 in FY 07-08, or approximately 38% of total General Fund expenditures (including transfers out for various capital projects).
- The Town invested a significant sum on various capital projects during FY 07-08, with a total of \$982,250 of pay-as-you-go funds transferred from the General Fund to various capital project accounts. Projects funded during FY 07-08 included portions of the Emerald Drive land purchase, the Coast Guard Road Storm Water Project, the new EMS Station, the Police Station project, the new Town Administration building, and others.

BEACH NOURISHMENT DEBT SERVICE FUND

- The Town's Beach Nourishment Debt Service Fund had a year-ending fund balance of \$2,387,434. This amount decreased by \$238,013 from the previous year, in accordance with the financial plan established to retire the Town's beach nourishment bonds. The Town intentionally maintains a large fund balance in the Beach Nourishment Debt Service Fund in the early years of the debt service payments for the beach nourishment bonds and will gradually deplete this balance over the 8-year term of the bonds. Fund balance levels in this fund peaked in FY 06-07, and will be gradually depleted until the final bond payments in FY 12-13.
- The Town continues to make timely principal and interest payments on the beach nourishment bonds. The Town made the 5th annual principal payment (\$1,175,000) on the 2002 bonds and the 3rd annual principal payment (\$950,000) on the 2004 bonds.

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1
2 OTHER FUNDS
3

- 4 • The Regional Access Fund had a negative ending balance of (\$6,890). This negative balance is solely due to the
5 fact that a CAMA grant reimbursement for the new handicapped walkways and observation decks at the two
6 regional beach accesses was not received prior to June 30, 2008.
7
- 8 • The Special Drug Fund had an ending fund balance of \$33,112 as of June 30, 2008. These funds are restricted
9 for Police Department expenses only.
10
- 11 • The Town utilizes several capital project funds for ongoing, multi-year capital projects. All capital project accounts
12 have a positive ending balance as of June 30, 2008. In most cases, work is ongoing and remaining project funds
13 are earmarked for remaining project expenses.
14
- 15 • There is currently a total balance of \$20,961 in two capital project funds established for bicycle path and sidewalk
16 projects. These funds are not earmarked for any specific project, and are available for future appropriation at the
17 Board's discretion. I would like the Board to consider (in the future) authorizing the use of these funds to extend
18 the bike path along Coast Guard Road from Pebble Beach to Deer Horn Drive.
19
- 20 • The Town has a total balance of \$63,727 in the Special Separation Allowance Fund that is being accumulated for
21 future, statutorily-mandated separation payments to law enforcement officers. This amount is sufficient to cover
22 anticipated future liabilities at this time.
23

24 Asst. Town Manager / Finance Director Mitsy Overman highlighted the key
25 components from the June 30, 2008 Financial Report.
26

27 Town Manager Rush added a few closing comments noting the Town remains in
28 very good financial position and has been for many years, a little better this year
29 than last year. Mr. Rush said the Town had ample fund balance, manageable
30 debt levels, very good budget planning and capital planning for the foreseeable
31 future, and the auditors expressed a clean opinion on the audit, identifying no
32 problems with the Town's financial procedures or processes.
33

34 ***Motion was made by Commissioner Hoover to accept the June 30, 2008***
35 ***Financial Report. The Board voted unanimously 5-0 in favor. Motion***
36 ***carried.***
37

38 Mayor Schools noted that during the Audit Committee Meeting earlier in the day
39 the auditor was very complimentary of the Town's procedures and how well
40 organized the Town was as compared to a lot of towns.
41

42 **Note: A copy of the June 30, 2008 Financial Report is incorporated herein by reference and hereby**
43 **made a part of these minutes.**
44
45
46
47
48
49

13. PUBLIC BOAT LAUNCHING FACILITY

- a. **Resolution Authorizing Funding Request to NC Division of Coastal Management for Land Acquisition (08-12-09/R8)**
- b. **Resolution Authorizing Funding Request to NC Division of Water Resources for Land Acquisition (08-12-09/R9)**
- c. **Resolution Authorizing Funding Request to NC Parks and Recreation Trust Fund for Land Acquisition (08-12-09/R10)**

Town Manager Frank Rush addressed the Board concerning this agenda item. The following excerpt from Mr. Rush's memo to the Board is provided as additional background:

The Board of Commissioners is scheduled to consider 3 separate formal requests for State funding for the proposed new public boat launching facility at the December 9 meeting. The 3 requests included on the December 9 meeting agenda are in addition to the first 2 funding requests approved by the Board at the November 12 meeting, and if all 5 requests are approved the Town will have sufficient funds available to purchase the land for the new facility.

The Town has executed a purchase contract for a 16-acre tract (5 acres of upland area) of land in the Shell Cove North subdivision. The tract (actually 7 separate lots) is located directly west of and adjacent to the Chapel By The Sea and the Town-controlled McLean Park site (8 acres total; 4 upland acres). The tract includes a recently dredged canal and boat basin with access to deep water in Bogue Sound and the Atlantic Intracoastal Waterway (AIWW). The purchase

price for the land is \$4.25 million, and the contract is contingent upon the Town's receipt of \$3.75 million of funding from various State and County sources, with closing projected on or before May 31, 2009.

The Shell Cove North land and McLean Park would be combined, and would be conveyed to the NC Wildlife Resources Commission (WRC). WRC would construct and maintain a new public boat launching facility on the site. A conceptual plan prepared by WRC engineers indicates as many as 120 vehicle / trailer parking spaces on the site, which would make the site the largest public boat launching facility in coastal North Carolina. The site would also likely include other soundfront park amenities, including a new pier, picnic shelter, bathhouse, and potentially other amenities.

The Town's financing plan targets 5 separate State and County funding sources for the purchase price:

	NC Wildlife Resources Commission	\$ 500,000	approved by Board on November
12	Carteret County	\$ 1,125,000	approved by Board on November
12	NC Division of Coastal Management	\$ 750,000	on December 9 agenda
	NC Division of Water Resources	\$ 1,000,000	on December 9 agenda
	NC Parks and Recreation Trust Fund	<u>\$ 500,000</u>	on December 9 agenda
	TOTAL	\$ 3,875,000 .	

A decision is expected on all 5 funding requests by the projected May 31, 2009 closing date for the land purchase. The Town of Emerald Isle would contribute the remaining \$375,000 necessary to complete the land purchase. The Town's contribution could potentially increase to \$500,000 if necessary to make up for a shortfall in one or more of the

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1
2 funding requests. The Town will also continue to explore other funding opportunities at the Federal and State level in
3 the coming months to enhance the Town's ability to secure the necessary funds for the land purchase.
4

5 If everything goes according to plan, the Town would take possession of the Shell Cove North land in May 2009, and
6 would convey the entire site to WRC soon thereafter. WRC would then begin detailed design work for the new facility,
7 and construction could occur soon thereafter. A summer 2010 date is targeted to open the new facility, however, that
8 date could easily be pushed back depending on many circumstances. All parties will, however, be working to open the
9 new facility as soon as possible.
10

11 The new public boat launching facility in Emerald Isle will provide significant benefits for the boating public in Emerald
12 Isle, the rest of Bogue Banks, western Carteret County, eastern Onslow County, and our visitors. There is already a
13 lack of public boat launching facilities in our area, and the planned redevelopment of Island Harbor Marina and likely
14 elimination of its fee-based public ramp in the next 1-2 years will only exacerbate this problem.
15

16 A brief explanation of each of the 3 funding requests for Board consideration on December 9 is included below:
17

18 Resolution Authorizing Funding Request to the NC Division of Coastal Management for Land Acquisition

19 The attached resolution formally authorizes a funding request to the NC Division of Coastal Management (DCM) for
20 \$750,000 for the acquisition of the property. The request to DCM is for annual funding available through its Public
21 Water Access grant program. The Town has benefited from this grant program on many occasions in the past, most
22 recently for the construction of handicapped-accessible ramps and observation decks at the Town's two regional beach
23 accesses.
24

25 This grant application will be submitted to DCM before the stipulated January 30, 2009 grant deadline. A decision on
26 the Town's grant application for the new public boat launching facility is expected in April or May 2009. DCM may
27 award as much as \$3.5 million in total grants along the NC coast in the upcoming grant cycle.
28

29 Resolution Authorizing Funding Request to the NC Division of Water Resources for Land Acquisition

30 The attached resolution formally authorizes a funding request to the NC Division of Water Resources (DWR) for
31 \$1,000,000 for the acquisition of the property. The request to DWR is for annual funding available through their Water
32 Resources Development Grant Program. The Town has also benefited greatly from this program in the past, most
33 notably when DWR provided \$3.8 million for the Bogue Inlet channel project in 2004.
34

35 This grant application will be submitted to DWR before the stipulated January 1, 2009 grant deadline. A decision on
36 the Town's grant application for the new public boat launching facility is expected in April or May 2009. There is some
37 uncertainty about the amount of funding available through this grant program this year, however, DWR staff have
38 indicated that a \$1,000,000 request is not unreasonable.
39

40 Resolution Authorizing Funding Request to the NC Parks and Recreation Trust Fund for Land Acquisition

41 The attached resolution formally authorizes a funding request to the NC Parks and Recreation Trust Fund (PARTF) for
42 \$500,000 for the acquisition of the property. The Town has also benefited greatly from the PARTF program in the past,
43 most notably when a \$250,000 grant was awarded for construction of Emerald Isle Woods Park in 2003.
44

45 This grant application will be submitted to PARTF before the stipulated February 2, 2009 grant deadline. A decision on
46 the Town's grant application for the new public boat launching facility is expected in May 2009. PARTF has historically
47 awarded more than \$10 million per year for beneficial recreation projects in NC.
48

49 The Town has placed advertisements in the Carteret News-Times and the Jacksonville Daily News to solicit public
50 comment on the proposed project and funding strategy at the December 9 meeting. The Board should provide an
51 opportunity for the public to comment during discussion of this agenda item.
52
53
54

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1
2 Town Manager Rush noted that it was beneficial to the Town's grant application
3 process to solicit public comment on these grant applications and we had
4 advertised for public comment tonight.

5
6 Mayor Schools called for public comments on the grant applications.

7
8 There were no comments from the Public.

9
10 ***Motion was made by Commissioner Hoover to approve the Resolution***
11 ***Authorizing a Funding Request to the NC Division of Coastal Management.***
12 ***The Board voted unanimously 5-0 in favor. Motion carried.***

13
14 ***Motion was made by Commissioner Wootten to approve the Resolution***
15 ***Authorizing a Funding Request to the NC Division of Water Resources.***
16 ***The Board voted unanimously 5-0 in favor. Motion carried.***

17
18 ***Motion was made by Commissioner Hedreen to approve the Resolution***
19 ***Authorizing a Funding Request to the NC Parks and Recreation Trust Fund.***
20 ***The Board voted unanimously 5-0 in favor. Motion carried.***

21
22 **Note:** A copy of Resolutions 08-12-09/R8, 08-12-09/R9, and 08-12-09/R10 are incorporated herein by
23 reference and hereby made a part of these minutes.

24
25 **14. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
26 **MANAGER**

27
28 There were no comments from the Town Clerk or Town Attorney.

29
30 Town Manager Rush mentioned to the Board that our contract with Simmons &
31 Simmons for trash collection specified that there would be no collection on
32 Thanksgiving Day, Christmas Day, and New Years Day, and for this past
33 Thanksgiving they had also cancelled collection for the Friday after Thanksgiving
34 in order to provide those employees with a longer holiday, and because there is
35 very little trash generated following that Tuesday collection. Mr. Rush said there
36 would be the same issue coming up for Christmas this year falling on a
37 Thursday, a normal oceanside collection day. Mr. Rush said they were trying to
38 decide whether they should cancel collection on the Friday after Christmas. Mr.
39 Rush said if they do cancel that Friday collection it would mean that folks would
40 go basically a whole week with Christmas waste picked up on Monday and
41 Tuesday following Christmas.

42
43 Commissioner Hedreen asked if that wasn't the way the winter schedule was 2
44 years ago, and Commissioner Wootten remembered that we used to always
45 have to wait a couple of days in the past. Town Manager Rush said if no one
46

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1
2 objected he would cancel the collection on Thursday and Friday of Christmas
3 week.

4
5 Commissioner Hedreen added that they do a great job, hardly ever causing
6 concerns; they address anything we bring to them.

7
8 Town Manager Rush also provided a brief update for the Board on the status of
9 other various projects. The following is an excerpt from the Town Manager
10 Comments memo to the Board for additional information:

11
12 **Terminal Groin Legislation**

13 In February, the Board approved a Resolution Supporting Senate Bill 599 – Inlet Stabilization Pilot Program. Senate
14 Bill 599 would have allowed the NC Coastal Resources Commission to permit a terminal groin pilot project somewhere
15 in NC despite the previous adoption of a State law banning hardened structures from ocean and inlet shorelines. The
16 NC Senate approved Senate Bill 599 by a 42-8 margin, but the bill was never considered by the NC House.

17
18 Several NC beach towns are currently organizing an effort to get this legislation, or perhaps similar legislation with
19 wide-ranging applicability, approved in the 2009 session. The Town will likely be asked to contribute to a lobbying
20 effort for this issue – perhaps in the \$10,000 range.

21
22 I have attached a copy of the Board's February 2008 resolution for your review, and also the cover memo I wrote at
23 that time to refresh the Board on this issue. Although The Point continues to improve and there is no perceived need
24 for a terminal groin at Bogue Inlet at this time, it would helpful to have another tool at the Town's disposal in the future
25 should the need arise.

26
27 **Update - The Aquarium Pier at Emerald Isle**

28 The official solicitation for architectural services has been issued, and letters of interest and qualifications are due to
29 the State by January 8, 2009. The submittals will then be reviewed and the top firms will be interviewed early next
30 year. Mayor Schools and I may participate in the architect selection process.

31
32 Applications for the Pier Advisory Committee are currently being solicited, and are due to Rhonda Ferebee, Town
33 Clerk, by December 19. I am planning for the Board to appoint the Town's 4 members at the January 13 meeting.

34
35 A groundbreaking ceremony for the Aquarium Pier at Nags Head is tentatively scheduled for Friday, December 19.
36 Mayor Schools and I will plan to attend. Others are welcome if interested.

37
38 **Update – Town Administration Building**

39 Concrete footings have been poured for the new building and block for the foundation is on site. Construction of the
40 block foundation should begin soon.

41
42 **Update – Old EMS Station Renovations**

43 Island Home Care is approximately 50% complete with interior renovations. Old flooring has been removed, all walls
44 have been repaired, and ceilings have been repaired. Work should be complete before Christmas.

45
46 **Update – Bogue Inlet AIWW Crossing Dredging**

47 The Corps of Engineers received good bids for this work all along the NC coast, and will award the contract to
48 Southwind Construction Corporation, Evansville, Indiana, by mid-December. The only hurdle to having the work at
49 Bogue Inlet AIWW crossing completed this winter is the contractor's production rate. We are hopeful that they will
50 make good progress and will complete Bogue Inlet before April. If there are delays and they are unable to complete
51 Bogue Inlet by April, a permit extension will be sought. If the permit extension is not approved, work would not be done
52

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1
2 until November 2009. I will be communicating regularly with the Corps of Engineers in the coming months to stay on
3 top of this issue.

4
5 **Inlet Drive Vehicle Ramp Is Now Open**

6 The Inlet Drive ramp is now open for both pedestrians and vehicles. The Point continues to improve, and the
7 additional sand from Bogue Inlet AIWW crossing will only expedite the ongoing accretion.

8
9 **Static Line Exception Rule Delayed**

10 The NC Coastal Resources Commission (CRC) approved new rules in September that allow for an exception to the
11 "static vegetation line" if a community can demonstrate a long-term commitment to protecting the shoreline with beach
12 nourishment. The new "static line" rule is linked to another rule change approved at the same time that requires
13 structures greater than 5,000 sq. ft. to meet a larger oceanfront setback (the "graduated setback" rule). Although the
14 Town did not object to the "graduated setback" rule, there were some objections from other municipalities,
15 development groups, and property owners. Under State rules, if 10 letters of objection are filed, the rules adopted by
16 the CRC must go to the NC General Assembly for review. This is expected to happen in the 2009 legislative session.

17 Most of the objections appear to be associated with the "graduated setback" rule. There are a few potential outcomes
18 associated with the General Assembly review. One outcome is that the General Assembly could void the rules
19 altogether. Another outcome is that additional negotiations could occur that result in compromise rules,
20 hopefully keeping the "static line" provisions intact. Another outcome is that the General Assembly could choose not to
21 review the rules and allow them to become effective without General Assembly review.

22 We will be monitoring the General Assembly's review very carefully and will participate in any process made available.
23 We should have a clearer understanding of how this issue will unfold after the General Assembly convenes in late
24 January.

25 I have not yet had an opportunity to begin detailed work on the Town's long-term beach nourishment plan that would
26 enable us to qualify for the static line exception. I will delay work on the plan until there is some indication of how the
27 General Assembly will proceed. In addition, the Carteret County Shore Protection Office is working on a Bogue Banks-
28 wide plan and the State is working on a Statewide Beach and Inlet Management Plan, and I believe it will be important
29 for our Town plan to link to these other plans in a logical manner. I will be working closely with the County and the
30 State in the coming weeks and months to prepare a draft Emerald Isle plan for the Board's review and consideration.

31
32 **New Recycling Requirements Mandated by State**

33 State law now prohibits plastic bottles and aluminum from being disposed of in a landfill. The Town's residential
34 garbage is transported to a regional landfill in Tuscarora, just west of New Bern, and the Town must comply with this
35 new requirement.

36 The Town already operates a curbside recycling program, with recyclables collected once per week on Wednesdays.
37 Plastic bottles and aluminum are among the recyclables collected by the Town. All Emerald Isle residents, property
38 owners, and visitors should now be participating in the Town's recycling program to enable the Town to adhere to the
39 new law

40
41 **Beach Vitex Eradication Effort Postponed Until Next Fall**

42 The Town's beach vitex eradication efforts did not get started early enough, and the optimal eradication window (fall
43 months) was missed. The Town will continue to coordinate with the Carolinas Beach Vitex Task Force on this issue,
44 and will plan eradication efforts for Fall 2009.

45
46 **Update – Parks Maintenance Building**

47 Construction of office space is nearly complete. Remaining work includes painting, ceiling tiles, and flooring. Parks
48 Maintenance staff should be able to fully occupy the new Parks Maintenance Building before Christmas.

49

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1
2 **Bushwhackers / Bogue Inlet Pier Sign**

3 The Bushwhackers / Bogue Inlet Pier sign has been removed as required by the courts. Public Works has installed
4 blue public directional signs near the intersection of Bogue Inlet Drive. Unfortunately, Mike Stanley, owner of Bogue
5 Inlet Pier, has now informed Alesia Sanderson, Parks and Recreation Director, that he will no longer allow the use of
6 the Pier for the annual fireworks display and a youth fishing derby. We will be investigating other options for these
7 events in the future.
8

9 **Community Center Schedule – Closed December 23, 24, and 25**

10 The Community Center is always closed on major holidays, and will be closed again on Christmas Day this year. In
11 recent years we have opened the Community Center on the days before and after Christmas in order to provide the
12 best possible service for our customers. Attendance has generally been low on those days, however, and we are not
13 planning to open the Community Center on those days this year.
14

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

16 I have not yet had an opportunity to schedule a meeting with the local business owners about these issues, but still
17 plan to do so. My goal is to have proposed ordinance amendments for Board consideration prior to next summer.
18

19 **Surfing / Pier Ordinance Amendment**

20 Mayor Schools, Chief Hargett, and I continue to work with the local surfing community and Mike Stanley, owner of
21 Bogue Inlet Pier, to develop mutually agreeable amendments to the Town's surfing ordinance. I hope to have a draft
22 amendment for the Board's consideration at the January or February meeting.
23

24 **Coastal Resources Advisory Council (CRAC) Appointment**

25 I was reappointed to the CRAC at its meeting in November. Thank you to Mayor Schools for soliciting support from
26 other coastal towns.
27

28 **Letter from Time Warner Cable**

29 The attached letter from Time Warner Cable dated November 20 indicates that they may be forced to stop offering
30 several popular cable channels. This seems highly unlikely to occur, and it has not occurred yet. It seems likely that
31 an agreement will be reached to keep most, if not all, of these channels in the local cable lineup.
32

33 **15. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**

34
35 Commissioner Wootten wished to commend the EMS Squad and our Fire
36 Department for their Christmas decorations.
37

38 Commissioner Hoover complemented Gayle Parker and Mitsy Overman on their
39 collection rates again this year.
40

41 Mayor Schools wished everyone a Merry Christmas and asked that they please
42 come out to the parade on Saturday for a great time.
43

44 There were no other Board comments.
45
46
47
48
49
50

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16. ADJOURN

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

The meeting was adjourned at 7:08 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk