

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, FEBRUARY 12, 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.
7

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

11 Others present: Town Attorney Richard Stanley, Town Manager Frank Rush,
12 Town Clerk Rhonda Ferebee, Parks and Recreation Director Alesia Sanderson,
13 and Police Chief Bill Hargett.
14

15 After roll call all who were present recited the Pledge of Allegiance.
16

17 **4. ADOPTION OF AGENDA**
18

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

22 **5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS**
23

24 Mayor Schools noted the following proclamations and public announcements:
25

- 26 • **Proclamation - Scouting For Food Good Turn – (08-02-12/P1)**
- 27 • **Board of Adjustment Meeting – Wednesday, February 13 – 11 am**
28 **– Community Center**
- 29 • **Employee Appreciation Day / President’s Day Holiday – Monday,**
30 **February 18 – Town Hall Closed, Community Center Open**
- 31 • **Board of Commissioners – Budget Planning Retreat – Friday,**
32 **February 22 – 8:30 am – Community Center**
- 33 • **Planning Board Regular Meeting – Monday, February 25 – 6 pm –**
34 **Community Center**
- 35 • **Youth Recreational Opportunities Committee – Monday, March 3 –**
36 **6 pm – Community Center**
- 37 • **Friday Free Flicks – Friday March 7 – 7 pm – Community Center**
- 38 • **Board of Commissioners Regular Meeting – Tuesday, March 11 –**
39 **6 pm – Community Center**
- 40 • **17th Annual St. Patrick’s Day Festival Concert – Act To Be**
41 **Announced – Friday, March 14 – Time To Be Announced –**
42 **Community Center**
- 43 • **17th Annual St. Patrick’s Day Festival – Saturday, March 15 – 9 am**
44 **– 5 pm – Emerald Plantation Shopping Center**
- 45 • **St. Patrick’s Festival Road Race – Saturday, March 15 – 8 am –**
46 **Eastern Ocean Regional Access**

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Note: A copy of Proclamation 08-02-12/P1 is incorporated herein by reference and hereby made a part of these minutes.

6. INTRODUCTION OF NEW EMPLOYEE

a. Dawn Nelli, Telecommunicator

Police Chief Bill Hargett introduced Dawn Nelli, new Telecommunicator, to the Board and public. Chief Hargett noted that Ms. Nelli was born in Long Island, New York. Chief Hargett stated that Dawn graduated with an Associates Degree in Business Administration from Columbia-Greene Community College. Dawn worked in the travel industry before starting her career as a Communications Specialist with the New York State Police in Albany, New York where she worked until coming here to Emerald Isle to be near her parents who are Emerald Isle business owners. Chief Hargett added that Dawn was already an (EMD) Emergency Medical Dispatcher, and CPR Certified, and is currently scheduled to attend her DCI Certification class this month.

The Board and public welcomed Dawn Nelli to the Town of Emerald Isle.

7. CONSENT AGENDA

- a. Minutes – January 15, 2007 Regular Meeting**
- b. Tax Refunds / Releases**
- c. Order to Advertise Tax Liens**
- d. Resolution Amending Vehicle Use Policy – (08-02-12/R1)**
- e. Attorney-Client Contract for Legal Services – Stanley and Phillips, PLLC**
- f. Resolution Authorizing State Aid for Mosquito Control Application – (08-02-12/R2)**
- g. Capital Project Ordinance Amendment – New EMS Station**

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

Note: A copy of above noted Consent Agenda items including Resolutions 08-02-12/R1 and 08-12-12/R2 are incorporated herein by reference and hereby made a part of these minutes.

8. PUBLIC COMMENT

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

There were no comments from the Public.

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1
2 **9. FY 08-09 BUDGET**

3
4 **a. Budget Calendar**

5 **b. Public Hearing – Early Citizen Comment on FY 08-09 Budget**

6
7 Town Manager Frank Rush addressed the Board concerning this agenda item.
8 The following excerpt from Town Manager Rush’s memo to the Board is provided
9 as background:

10
11 The Board is scheduled to formally initiate the FY 08-09 budget process with two budget-related items scheduled for
12 the February 12 meeting. First, the Board is asked to adopt the official FY 08-09 Budget Calendar, and second, the
13 Board is scheduled to conduct a public hearing to receive early citizen input on the FY 08-09 budget.

14
15 FY 08-09 Budget Calendar

16 A copy of the suggested FY 08-09 Budget Calendar is attached for the Board’s review. This calendar outlines the
17 Town’s budget process and includes key target dates in the process.

18
19 Please note that the FY 08-09 Recommended Budget will be presented to the Board at the May 13 regular meeting,
20 and that 3 special budget workshop meetings are tentatively scheduled for May 22, May 29, and June 2. The official
21 public hearing on the budget is planned for the June 2 workshop meeting, with Board adoption planned for the June 10
22 regular meeting. The Board should note that I am tentatively scheduled for surgery on May 15, and will be out of work
23 for 3-5 work days, hence the time gap between the May 13 and proposed May 22 meeting dates.

24
25 The Board has the flexibility to adjust this schedule as we go through the budget process if necessary and/or desired,
26 however, the establishment of the FY 08-09 Budget Calendar will help to keep this lengthy process on track.

27
28 Public Hearing – Early Citizen Input on FY 08-09 Budget

29 We have scheduled and advertised a public hearing on the upcoming FY 08-09 budget for the February 12 meeting.

30
31 NC General Statutes require the Town to conduct a public hearing on the annual budget after the Town Manager
32 presents the Recommended Budget in May, but many communities also hold a public hearing prior to the start of the
33 annual budget process in order to get citizen input at the front-end of the budget process. The purpose of the February
34 12 public hearing is simply to receive comments or suggestions from our citizens regarding budget priorities for the
35 coming fiscal year before we begin the budget process. The hearing will give citizens a chance to voice their concerns
36 about the tax rate, suggest funding for certain programs or projects, encourage the Board and staff to address new
37 issues that require funding, etc.

38
39 I have attached some basic background budget information, and I will have this information available for the public to
40 review.

41
42 I will be happy to answer any questions about the FY 07-08 budget, the FY 08-09 budget process, and the preliminary
43 outlook for the FY 08-09 budget at the February 12 meeting. The Board will also receive a detailed presentation on the
44 Town’s overall financial position and budget status at the special Board meeting scheduled for February 22.

45
46 ***Motion was made by Commissioner Hedreen to adopt the FY 08-09 Budget
47 Calendar. The Board voted unanimously 5-0 in favor. Motion carried.***

48
49 ***Motion was made by Commissioner Messer to open the Public Hearing.
50 The Board voted unanimously 5-0 in favor. Motion carried.***

51

1
2 There were no comments from the Public.

3
4 ***Motion was made by Commissioner Wright to close the Public Hearing.***
5 ***The Board voted unanimously 5-0 in favor. Motion carried.***

6
7 **Note: A copy of the Budget Calendar is incorporated herein by reference and hereby made a part of**
8 **these minutes.**

9
10 **10. REGIONAL BEACH ACCESS IMPROVEMENTS – HANDICAPPED**
11 **ACCESSIBLE RAMPS AND OBSERVATION DECKS**

- 12 a. **Resolution Authorizing CAMA Public Water Access Grant**
13 **Agreements – (08-02-12/R3)**
14 b. **Resolution Authorizing Construction Contract – Western Ocean**
15 **Regional Access – (08-02-12/R4)**
16 c. **Resolution Authorizing Construction Contract – Eastern Ocean**
17 **Regional Access – (08-02-12/R5)**
18

19 Alesia Sanderson, Parks and Recreation Director presented information to the
20 Board concerning this agenda item. The following excerpt from Town Manager
21 Rush's memo to the Board is provided as background:

22
23 The Board of Commissioners is scheduled to consider three action items associated with the construction of
24 handicapped-accessible improvements at the Eastern Ocean Regional Access and Western Ocean Regional Access
25 at the February 12 meeting.

26
27 If approved, the end result will be the award of construction contracts for the construction of new, 6ft. wide wheelchair-
28 accessible ramps to the sandy beach at both regional access facilities. The contracts also include the construction of
29 large, 480 sq. ft. wheelchair-accessible observation decks near the crest of the dune at both regional access facilities.
30 Both recommended contracts are significantly lower than the amount budgeted, and CAMA grant funds will cover 75%
31 of construction costs.

32
33 This project will greatly enhance handicapped-accessibility to the beach in Emerald Isle by providing safe and practical
34 access facilities. At present, the only similar ramp feature in Emerald Isle is located at the end of Page Place in Ocean
35 Oaks, and the only large-scale observation areas are located on Bogue Inlet Pier and at the Town's 3rd Street access.

36
37 Resolution Authorizing CAMA Public Water Access Agreements

38 The attached resolution authorizes the Town Manager to execute new grant agreements with the NC Division of
39 Coastal Management for this project.

40
41 The new grant agreements essentially "renew" the previous grant agreements executed for these projects in February
42 2006. As you may recall, the Town previously solicited bids for this project in 2007, and received only one bid that was
43 significantly over budget. The project was delayed as a result, and the original grant agreements expired (after 18
44 months). Rather than extending the existing agreements, the NC Division of Coastal Management has requested that
45 the Town execute new grant agreements, under the same terms, for this project. The new grant agreements stipulate
46 that all work must be completed within 18 months, and we (obviously) don't envision any difficulty meeting the new
47 deadline.

48
49 The first new grant agreement is for \$60,000 for improvements at the Western Ocean Regional Access. The local
50 match is \$20,000, and results in a total project budget of \$80,000. The second new grant agreement is for \$47,250 for

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1
2 improvements at the Eastern Ocean Regional Access. The local match is \$15,750, and results in a total project budget
3 of \$63,000. The required, combined local match of \$35,750 is included in the FY 07-08 budget.

4
5 Resolution Authorizing Construction Contract – Western Ocean Regional Access

6 The attached resolution authorizes the Town Manager to execute a contract with Monroe Johnson Construction,
7 Morehead City, NC, in the amount of \$32,975 for the improvements at the Western Ocean Regional Access. This
8 contract amount is significantly less than the \$80,000 budgeted for these improvements.

9
10 A site plan for the proposed improvements at the Western Ocean Regional Access (WORA) is attached for your

11
12 information. The new observation deck will be 30 ft. x 16 ft. (480 sq. ft.), and will be located approximately 20 ft west of
13 the existing beach walkway at the WORA. The ramp to the beach strand extends straight out from the observation
14 deck for approximately 20 ft, then runs approximately 80 ft to the west, parallel to the dune, and then doubles back to
15 the east for approximately 60 ft. The slope on the ramp is 1:12. The observation deck and ramp will be accessed off
16 of the existing beach walkway near the location of the existing outdoor showers.

17
18 The new ramp and observation deck will provide safe and practical access for handicapped individuals, and should
19 also relieve other pedestrian congestion on the existing walkway to the beach at the WORA.

20
21 The Town received a total of 16 price quotes for the work at the WORA, and Monroe Johnson submitted the lowest
22 price quote. (A complete bid tabulation is attached.) The Board should note the Monroe Johnson intends to
23 subcontract with B&P Services, Cape Carteret, NC, the same company that completed recent work on soundside piers
24 damaged during Hurricane Ophelia.

25
26 The price quotes for work at the WORA ranged from a low of \$32,975 to a high of \$98,444, which initially caused some
27 concern. A closer review of the price quotes reveals that 8 of the 16 quotes were below \$50,000. The Town's
28 engineer, Ashton Engineering, and Alesia Sanderson, Parks and Recreation Director, have also completed a detailed
29 review of the price quote with Monroe Johnson / B&P Services, and they are confident that the price quote is
30 consistent with the plans and specifications.

31
32 We are very pleased that this project has come in significantly less than the budgeted amount, however, we are in the
33 unusual position of returning unused grant funds to the NC Division of Coastal Management. A portion of the
34 remaining grant funds will be used to cover engineering expenses associated with the project, and there will also likely
35 be a few change orders issued during construction to enhance the project.

36
37 I recommend approval of the attached resolution, which awards the construction contract for the WORA to Monroe
38 Johnson Construction, in the amount of \$32,975.

39
40 Resolution Authorizing Construction Contract – Eastern Ocean Regional Access

41 The attached resolution authorizes the Town Manager to execute a contract with SF Ballou Construction, Morehead
42 City, NC, in the amount of \$31,750 for the improvements at the Eastern Ocean Regional Access. This contract amount
43 is significantly less than the \$63,000 budgeted for these improvements.

44
45 A site plan for the proposed improvements at the Eastern Ocean Regional Access (EORA) is attached for your
46 information. The new observation deck at the EORA will also be 30 ft. x 16 ft. (480 sq. ft.), and will be located on the
47 Park Drive right-of-way at the far western end of the EORA, near Pier Pointe condominiums.
48 The EORA ramp to the beach strand extends straight out from the observation deck for a distance of approximately 50
49 ft, then turns to the west parallel to the dune for a distance of approximately 65 feet, and then doubles back to the east
50 for approximately 40 ft. The slope on the EORA ramp is also 1:12. The observation deck and ramp will be accessed
51 off of the existing paved turn-around at the end of the Park Drive right-of-way near the monument commemorating the
52 former Emerald Isle Pier. This location was chosen to avoid any future conflicts between these improvements and the
53 proposed "Aquarium Pier at Emerald Isle", which will be constructed further to the east on the EORA site.
54

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1
2 As was the case for the WORA, the Town received a total of 16 price quotes for the work at the EORA. SF Ballou
3 submitted the lowest price quote, with a total cost of \$31,750. (A complete bid tabulation is attached.) The price
4 quotes for work at the EORA ranged from a low of \$31,750 to a high of \$95,709, which initially caused some concern.
5 A closer review of the price quotes reveals that 10 of the 16 quotes were below \$50,000. Ashton Engineering and
6 Alesia Sanderson have also completed a detailed review of the EORA price quote with SF Ballou, and they are
7 confident that the price quote is consistent with the plans and specifications.
8

9 As is the case with the WORA, we are very pleased that this project has come in significantly less than the budgeted
10 amount, however, we are in the unusual position of returning unused grant funds to the NC Division of Coastal
11

12
13 Management. A portion of the remaining grant funds will be used to cover engineering expenses associated with the
14 project, and there will also likely be a few change orders issued during construction to enhance the project.
15

16 I recommend approval of the attached resolution, which awards the construction contract for the WORA to SF Ballou
17 Construction, in the amount of \$31,750.
18

19 If approved on February 12, all improvements should be complete no later than April 30.
20

21 Ms. Sanderson, in response to a sub-contractor concern noted by Commissioner
22 Wootten, assured him that they would hold the contractor accountable for the
23 project. In addition, Ms. Sanderson noted that engineer, Brynn Ashton, would be
24 asked to review the projects on a regular basis as well.
25

26 ***Motion was made by Commissioner Wright to adopt the Resolution***
27 ***Authorizing CAMA Public Water Access Grant Agreements. The Board***
28 ***voted unanimously 5-0 in favor. Motion carried.***
29

30 ***Motion was made by Commissioner Messer to adopt the Resolution***
31 ***Authorizing a Construction Contract for the Western Ocean Regional***
32 ***Access with Monroe Johnson Construction. The Board voted unanimously***
33 ***5-0 in favor. Motion carried.***
34

35 ***Motion was made by Commissioner Wootten to adopt the Resolution***
36 ***Authorizing a Construction Contract for the Eastern Ocean Regional***
37 ***Access with S. F. Ballou Construction. The Board voted unanimously 5-0***
38 ***in favor. Motion carried.***
39

40 Note: A copy of Resolutions 08-02-12/R3, 08-02-12/R4, and 08-02-12/R5 are incorporated herein by
41 reference and hereby made a part of these minutes.
42

43 **11. BOGUE INLET MONITORING ACTIVITIES**
44

- 45 a. Update – Remaining Bogue Inlet Monitoring Activities
46 b. Capital Project Ordinance Amendment – Beach Nourishment
47 Monitoring
48

49 Town Manager Frank Rush addressed the Board concerning this agenda item.

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1
2 The following excerpt from Town Manager Rush's memo to the Board is provided
3 as background:

4
5 The Board of Commissioners is scheduled to receive an update on the remaining monitoring commitments associated
6 with the Town's beach nourishment projects at the February 12 meeting. The Board will also consider an amendment
7 to the Capital Project Ordinance (budget) established for beach nourishment monitoring activities.

8
9 Update – Remaining Bogue Inlet Monitoring Activities

10 The Town's Eastern Phase beach nourishment project included the area between the Indian Beach town line and the
11 6800 block (Pinta Drive), and was completed in March 2003. The Town partnered with the towns of Pine Knoll Shores
12 and Indian Beach on a 5 year monitoring plan with 10 sampling events, with the Town being financially responsible for
13 the final 5 sampling events (over 2 ½ years). This monitoring effort was completed in November 2005, and the Town's
14 total expense for this monitoring was approximately \$175,000. Coastal Science & Engineering (CSE) was the lead
15 consultant for this monitoring work.

16
17 The Town's Western Phase beach nourishment project included the area between the 6800 block (Pinta Drive) and
18 Land's End, and also involved the realignment of the main channel in Bogue Inlet. This project was completed in April
19 2005. All monitoring associated with the Western Phase project is associated with potential impacts in the Bogue Inlet
20 complex, and we are nearing completion of these post-project monitoring commitments. Coastal Planning &
21 Engineering (CPE) is the lead consultant for these monitoring efforts. To date, the following required monitoring work
22 has been completed:

- 23
24
- 6 month, 18 month, and 27 month aerial photography and analysis,
 - the completion of a research project involving methods and techniques for collecting, holding, and
25 reproducing Donax (coquina clams) for potential reintroduction to nourished beaches,
 - the first 3 years of a Waterbird Management Plan (of a 4-year plan),
 - the first 2 years of salt marsh and macroinvertebrate monitoring (of a 3-year commitment), and
 - the first 3 years of beach profile surveying on Bear Island (of a 5-year commitment; funded by the Carteret
30 County Shore Protection Office).

31
32 Additionally, the Town has voluntarily completed other physical monitoring in the Bogue Inlet complex to better
33 understand the physical changes occurring at The Point. Work has included the following:

- 34
- a June 2005 bathymetric (underwater) survey of the sea floor in Bogue Inlet (by Geodynamics, LLC),
 - a June 2007 bathymetric survey, and
 - a January 2008 bathymetric survey.

35
36
37
38 In general, the required monitoring has not indicated any significant environmental impacts associated with either the
39 Eastern Phase beach nourishment project, Western Phase beach nourishment project, or the Bogue Inlet channel
40 realignment. Typical biological recovery periods have been observed on the beach and in the borrow areas. There
41 have been many changes in the Bogue Inlet complex, however, there are no known or documented environmental
42 impacts that are of any significance. In most cases, the main benefit of the monitoring activities is a greater knowledge
43 base for the scientific and regulatory communities, and this knowledge has value for future, similar projects in North
44 Carolina.

45
46
47 The remaining required monitoring commitments, all associated with the Bogue Inlet channel realignment, are as
48 follows:

- 49
- the 36-month aerial photography and analysis, and ground-truthing of photo results,
 - the 4th and final year of the Waterbird Management Plan,
 - the 3rd and final year of salt marsh and macroinvertebrate monitoring efforts, and
- 50
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53

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- the remaining 2 years of Bear Island beach profile surveys (to be funded by the Carteret County Shore Protection Office).

The Town has necessary funds budgeted for all remaining monitoring work, except for year 3 of salt marsh and macroinvertebrate monitoring. The total cost for year 3 of this monitoring is approximately \$111,000, and appropriate funding will need to be identified if the Town is required to complete this work. The Board may recall that the November 2005 monitoring contract with CPE indicated that year 3 of salt marsh and macroinvertebrate monitoring was not included, and that requests would be submitted to the US Army Corps of Engineers and the NC Division of Coastal Management to forego year 3 if the results from year 1 and year 2 did not indicate any significant impacts. CPE has initiated this request on behalf of the Town, and we hope to have a response in the next 30 – 45 days.

If year 3 monitoring is not required, then the Town will not be faced with any additional costs. If year 3 monitoring is required, there are funds available in the Beach Nourishment Debt Service / Reserve Fund for this expense, and my recommendation would be to seek permission from the NC State Treasurer's Office (Local Government Commission) to use these funds for monitoring. As of June 30, 2007, there is a net surplus of more than \$500,000 projected after all beach nourishment bonds are retired. I am hopeful that year 3 monitoring will not be required, as I believe there is greater value in additional monitoring of the physical changes occurring at The Point. As noted above, Geodynamics

LLC recently completed a January 2008 bathymetric survey, and I'd like to update this survey again in June 2008 and beyond as necessary.

I will provide additional information to the Board about this issue as it evolves. A meeting is tentatively scheduled for Tuesday, March 4 to discuss the status of the Bogue Inlet project, the remaining monitoring commitments, and the Town's recent permit modification request to complete touch-up dredging in the Bogue Inlet channel with placement of the sand at The Point.

Capital Project Ordinance Amendment – Beach Nourishment Monitoring

The attached capital project ordinance amendment makes several adjustments to the line items in this project account, and also formally allocates additional interest earnings for voluntary monitoring activities.

The net increase in expenses is \$17,000, and is supported by additional, unanticipated interest earnings in the project account. Increases and decreases in various line items are included, with the largest increase in the "Miscellaneous Monitoring" line item. This line item includes expenses associated with the bathymetric surveys of The Point completed by Geodynamics, LLC, and also includes legal expenses associated with the Town's upcoming variance request to enable sandbags to remain at The Point for an additional 2 years.

The attached capital project ordinance amendment does not include any of the \$111,000 that may be required for year 3 of salt marsh and macroinvertebrate monitoring.

Town Manager Rush in response to a question posed by Commissioner Wootten regarding the monitoring in the event of a hurricane event, stated that the fact that a hurricane impacted us does not relieve us of the monitoring, but it does have an impact on any mitigation that they might require. The plan is to look at all of the results of the monitoring efforts, and if it is determined that the Town's project has caused any harm there may be requirements for mitigation; the hurricane clause basically impacts what mitigation we are required to do. Mr. Rush added at this point in time he did not foresee the Town having to provide any sort of mitigation because the project has not had any negative environmental impact.

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1
2 Town Manager Rush noted a tentative meeting scheduled for March 4th to
3 discuss the status of the Bogue Inlet project, the remaining monitoring
4 commitments, and the Town's recent permit modification request to complete
5 touch-up dredging in the Bogue Inlet channel with placement of the sand at The
6 Point.

7
8 Following further discussion ***motion was made by Commissioner Wootten to***
9 ***adopt the Capital Project Ordinance – Beach Nourishment Monitoring***
10 ***Activities. The Board voted unanimously 5-0 in favor. Motion carried.***

11
12 **Note: A copy of the Capital Project Ordinance is incorporated herein by reference and hereby made**
13 **a part of these minutes.**

14
15 **12. RESOLUTION SUPPORTING SENATE BILL 599 – INLET**
16 **STABILIZATION PILOT PROGRAM – (08-02-12/R6)**

17
18 Town Manager Frank Rush addressed the Board concerning this agenda item.
19 The following excerpt from Town Manager Rush's memo to the Board is provided
20 as background:

21
22 The Board of Commissioners is scheduled to consider the attached Resolution Supporting Senate Bill 599 – Inlet
23 Stabilization Pilot Program at the February 12 meeting. If approved, the resolution will express the Town of Emerald
24 Isle's support for Senate Bill 599, which would provide a regulatory mechanism to allow the construction of a terminal
25 groin adjacent to an inlet in North Carolina as a pilot project. A copy of Senate Bill 599 is attached for your information.

26
27 The resolution is presented for the Board's consideration at the request of the Figure 8 (Island) Beach Homeowners'
28 Association, Inc. and the Town of Ocean Isle Beach. It is widely believed that one or both of these communities is
29 (are) the likely location of such a pilot project. Senate Bill 599 was approved by the North Carolina Senate in May
30 2007 by a vote of 41-8, and may be considered by the NC House of Representatives during the 2008 short session.

31 North Carolina law prohibits hardened structures, including seawalls, groins, and jetties along the ocean and inlet
32 shorelines. There are only a few locations in North Carolina where such structures exist, all of which were constructed
33 many years ago. Over the past few years, there has been increasing interest among North Carolina beach
34 communities to explore the use of "terminal groins" adjacent to inlets. With several NC beach communities
35 experiencing erosion problems along inlet shoulders, the use of a terminal groin potentially represents the most cost-
36 effective long-term solution for stabilizing developed areas adjacent to inlets. If properly designed and constructed,
37 terminal groins do not appear to cause erosion of downdrift beaches.

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

46 Senate Bill 599 and the terminal groin issue has been somewhat controversial, and will likely become even more so as
47 the NC House considers the bill. It is important to note that the legislation simply allows the NC Coastal Resources

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1

2 Commission to issue a permit for a pilot project, and only after an Environmental Impact Statement (EIS) has been
3 prepared, and only if the permittee commits to removing the terminal groin if the project is not successful. The
4 legislation sets a very high standard to actually construct a project, and it will likely take considerable effort to secure a
5 permit.

6 The Board is obviously very familiar with our historical challenges at Bogue Inlet and our response to those challenges.
7 A terminal groin was never seriously considered when the EIS was prepared for the Bogue Inlet channel project,
8 however, it may be a viable option in the future. The approval of Senate Bill 599 could result in a pilot project that if
9 successful could result in more widespread use of terminal groins at other inlets, possibly including Bogue Inlet if
10 desired and necessary in the future. As Town Manager of a beach community, I believe it is important to have multiple
11 management tools available for these situations, and I would like to see the pilot project occur. The proponents of
12 Senate Bill 599, nor I, do not support the use of other types of hardened structures along the NC coast, nor the use of
13 groins at locations other than inlet shoulders.

14 I have attached several pieces of information for the Board's review as you consider the attached resolution:

- 15
- 16 • A copy of Senate Bill 599 – Inlet Stabilization Pilot Program.
 - 17 • A brief explanation of terminal groins from the Inlet Solutions website.
 - 18 • A PowerPoint presentation entitled "Tidal Management Issues", presented by Tom Jarrett, PE, at a recent
19 NC Beach, Inlet, and Waterway Association conference.
 - 20 • A statement from the Western Carolina University Program for the Study of Developed Shorelines that
21 opposes Senate Bill 599.
 - 21 • A statement from Tom Jarrett, PE in response to the Western Carolina University statement.

22 ***Motion was made by Commissioner Hoover to adopt the Resolution***
23 ***Supporting Senate Bill 599 – Inlet Stabilization Pilot Program. The Board***
24 ***voted unanimously 5-0 in favor. Motion carried.***

25

26 **Note: A copy of Resolution 08-02-12/R6 is incorporated herein by reference and hereby made a part**
27 **of these minutes.**

28

29 **13. DISCUSSION – TRANSFER OF EASTERN OCEAN REGIONAL ACCESS**
30 **PROPERTY TO NC AQUARIUMS FOR "THE AQUARIUM PIER AT EMERALD**
31 **ISLE"**

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

35

36 I have scheduled time on the February 12 meeting agenda to solicit input from the Board about issues associated with
37 the pending transfer of the Eastern Ocean Regional Access (EORA) property to the NC Aquariums for future
38 construction of "The Aquarium Pier at Emerald Isle".

39

40 I have provided initial direction on this issue to Town Attorney Richard Stanley, who is drafting a Memorandum of
41 Agreement (MOA) to be executed by the Town and the NC Aquariums prior to the actual deed transfer. The purpose
42 of this discussion is to discuss the likely substantive provisions to be included in the agreement, receive the Board's
43 concurrence or concerns about these provisions, and identify any other issues that the Board believes should be
44 addressed.

45

46

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1
2 I have attached a survey of the property for the Board's information. Overall, the entire site consists of approximately
3 4.2 acres, with approximately 1.4 acres consisting of the Park Drive right-of-way (a Town street), and approximately
4 2.8 acres consisting of the EORA property titled to the Town ("proper"). The entire property consists of the area
5 typically identified as the EORA on the ocean side (the entire parking area, both paved and gravel), and also includes
6 the soundside portion of the Park Drive right-of-way that runs from NC 58 to Bogue Sound. The total ocean frontage of
7 the property is 231 feet, and the total sound frontage is 60 feet.

8
9 The EORA property "proper" (with gravel parking) and the Park Drive right of way together comprise the full 4.2 acre
10 site. Due to NC statutes governing public street right-of-ways, the Park Drive right-of-way will not be deeded to the NC
11 Aquariums. Instead, Park Drive will likely either remain a Town street but be reserved for parking for the future Pier
12 facility and the construction of the planned soundfront pier, or be assigned to the State and perhaps become a State
13 road. The remaining 2.8 acres of the EORA site will be deeded from the Town to the NC Aquariums for the future
14 construction of the Pier facility and all associated improvements.

15
16 Work on the Memorandum of Agreement is ongoing, but the likely substantive provisions / issues are as follows:

- 17
18 • The 2.8 acre property will be deeded from the Town to the NC Aquariums after award of the Waterfront
19 Access and Marine Industry (WAMI) Fund grant, if our grant application is successful. If the grant application
20 is not successful, the transfer of the property will likely be delayed until initial project funding can be
21 identified.
- 22
23 • The Board would likely approve the Memorandum of Agreement at the March 11 regular meeting, and the
24 MOA would be approved by the NC Aquariums in March or April. The Memorandum of Agreement would
25 essentially serve the purpose of a typical real estate purchase contract, and the actual transfer of the
26 property would likely occur in April, May, or later. The transfer of the property will likely need to be approved
27 by the NC Council of State, a committee of the State's top officials. We are currently working with the NC
28 State Property Office on these issues to insure compliance with State requirements.
- 29
30 • The deed would likely include a reverter clause that indicates that the property will be returned to the Town if,
31 for whatever reason, the new Pier facility is not constructed within X time frame, unless a longer time frame is
32 approved by both parties in the future. The current project plan includes a target completion date of spring
33 2012, slightly more than 4 years from now. Any time frame associated with a reverter clause should be more
34 flexible than 2012, and perhaps a more reasonable time period is 5 – 7 years. The need for the reverter
35 clause is viewed as a worst-case scenario and precautionary measure for the Town. We remain very
36 optimistic about our ability to fund and complete the "Aquarium Pier at Emerald Isle" in a reasonable time
37 frame.
- 38
39 • The NC Aquariums would become legally responsible for the EORA property upon completion of the transfer.
40 If the WAMI grant is awarded, work will begin this summer (2008) on the design of the new facility. Site
41 improvements (new parking area, storm water features, soundside pier, other functional and aesthetic
42 improvements) would begin in fall 2009, and would be complete by spring 2010, at which time Pier facility
43 construction would theoretically begin. The construction of site improvements will require all or a portion of
44 the beach access facility to be closed temporarily, however, efforts will be made to keep the beach access
45 open to the public to the maximum extent practical.
- 46
47 • The Memorandum of Agreement will stipulate operating and maintenance responsibilities and expectations
48 after completion of the Pier facility, and also in the interim period prior to completion of the Pier facility. The
49 NC Aquariums will be fully responsible for all operations and maintenance of the completed facility, and the
50 quality is expected to be consistent with the quality of other NC Aquarium facilities, which is outstanding. In
51 the interim, the Town and the NC Aquariums need to reach agreement on the best way to insure proper
52 operation and maintenance of the property as a beach access facility. It will be important to the Town for the
53 beach access facility to be kept clean and functional for beach visitors with at least the same quality standard
54 as is currently provided by the Town. The options are as follows:

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1. The NC Aquarium at Pine Knoll Shores dedicates appropriate personnel and resources to operate and maintain the beach access facility at a high quality level.
 2. The NC Aquarium at Pine Knoll Shores contracts with the Town of Emerald Isle to operate and maintain the beach access facility at the historical quality level. The Town's current annual expenditure to operate and maintain the Eastern Ocean Regional Access is approximately \$29,000. The actual amount of compensation would be negotiated between the two parties, depending on other considerations.
- The Memorandum of Agreement will clarify any technical issues that must be resolved pertaining to the Certificates of Participation (COPs) financing method being used by the State for the WAMI Fund, if necessary. COPs typically require the pledging of the asset financed as collateral, and this may result in additional requirements on the transfer of the property to the State.

The provisions / issues outlined above appear to be the most substantive at this time, however, the Board should note that additional coordination is required with the NC State Property Office, and additional issues or challenges may arise. Based on preliminary conversations with the NC State Property Office, we have not identified any additional issues.

The Board should provide direction to the Town Attorney and me at the February 12 meeting. We will continue to draft the Memorandum of Agreement in the coming weeks, and will seek appropriate reviews by the NC State Property Office, NC Aquariums, and WAMI Fund administrators before presenting a final version to the Board for consideration. We are hopeful that a final version can be presented to the Board at the March 11 meeting.

Town Manager Rush highlighted the key features of the Memorandum of Agreement, pointing out the most significant aspect for the Town is having protection in place if for whatever reason the project never happens the property would then revert back to the Town. Mr. Rush said that based on conversation with the Aquarium staff and also the State Property Office he didn't see any hurdles associated with that aspect; the State Property Office indicated that a reverter clause should be acceptable.

Mr. Rush stated that he envisioned receiving Board comments tonight that he and Town Attorney Richard Stanley could use to incorporate and address any concerns as they draft the Memorandum of Agreement. Mr. Rush said they would share the draft Memorandum of Agreement with the Aquarium personnel, and then bring back to the Board for approval and ultimately formal execution beyond that with the State.

Commissioner Hoover stressed that the deed *should* include a reverter clause. Commissioner Wright also felt that the Town needed to be clear about the actual operation of the eastern access during construction; that it needed to be open and available as much as possible during that time.

Town Manager Rush agreed that once the property is actually transferred but before anything starts happening the Town needs to make sure it is still maintained at the same quality level that we are accustomed.

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2 Commissioner Hoover asked whether the Town would keep Park Drive. Mr.
3 Rush said that Park Drive is a 60 foot Town street right-of-way that goes from the
4 sound to the ocean; and more than likely the Town will keep Park Drive as a part
5 of the Town street system. Town Attorney Stanley stated that the agreement
6 being contemplated will give them an easement to build a pier at the end of the
7 street, with the Town maintaining control.

8
9 Commissioner Hedreen asked if the property came back to the Town would there
10 need to be a repayment of the \$2 million grant. Town Manager Rush said that
11 question would have to be explored further. Commissioner Wootten asked about
12 the Town having representation onboard during the decisions in terms of timing,
13 approving designs, etc.

14
15 Town Manager Rush stated they have talked about setting up a citizen's advisory
16 committee to oversee this pier project and provide guidance to the Aquariums
17 and the Town; the committee having an equal number of people appointed by the
18 Aquariums and the Town. Town Attorney Stanley said that we could require
19 consultation between the Town and Aquarium.

20
21 Town Manager Rush noted that the grant application is due Friday, and they
22 expect a decision around the beginning of April.

23
24 **14. APPOINTMENTS**

25
26 **Brief Summary:** There will soon be 3 vacancies on the Planning Board. The
27 Board should appoint 3 individuals to serve terms that expire in March 2010.

28
29 The term of Mayor Pro-Tem Messer on the Eastern Carolina Council's General
30 Membership Board is also expiring, and the Board should reappoint Mayor Pro-
31 Tem Messer or designate a replacement.

32
33 ***Motion was made by Commissioner Messer to reappoint Jim Craig, Linda***
34 ***Hughs, and Pete Wachter to two-year terms on the Planning Board that***
35 ***expire in March 2010. The Board voted unanimously 5-0 in favor. Motion***
36 ***carried.***

37
38 ***Motion was made by Commissioner Hedreen to appoint Floyd Messer to***
39 ***serve on the Eastern Carolina Council's General Membership Board. The***
40 ***Board voted 5-0 in favor. Motion carried.***

41
42 **15. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
43 **MANAGER**

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

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1
2 Town Manager Rush updated the Board on various issues of importance. The
3 following is an excerpt from his Manager Comments memo to the Board for
4 additional background:

5
6 **FY 08-09 General Planning Workshop**

7 The Board is scheduled to meet on Friday, February 22 to discuss the FY 08-09 Budget, review the Town's 5-Year
8 Capital Replacement / Improvement Program, and discuss other challenges and opportunities facing the Town in the
9 coming years.

10
11 The meeting will begin at 8:30 am and will last until approximately 2:30 pm. The meeting will be held in the Lounge at
12 the Community Center, and lunch will be provided. Coffee, juice, and breakfast snacks will be available at 8:00 am
13 and during breaks.

14
15 I have attached a draft agenda for the meeting. Please review the draft agenda and let me know if there's anything
16 you'd like to add, delete, or modify. My goal is to have an agenda packet prepared and distributed to the Board by the
17 close of business on Tuesday, February 19 to provide a few days for your review before the February 22 meeting.

18
19 **Coast Guard Road Storm Water Project**

20 The Town is now soliciting construction bids for Phase II of the Coast Guard Road Storm Water Project (two
21 Spinnakers Reach pumps, additional improvements at El Woods). The bid advertisement was published on February
22 4, and the bid opening is scheduled for February 28 at 2:00 pm. A pre-bid meeting will be held on February 14 at
23 10:00 am.

24
25 I will distribute a revised cost estimate to the Board at the February 22 meeting. Assuming that the bids are favorable,
26 a contract award will be on the Board's March 11 meeting agenda, along with a proposed installment financing
27 agreement. Assuming a March 11 contract award, construction would likely begin sometime in early April, and
28 continue for approximately 4 months. Although this schedule extends into the summer tourism season, we do not
29 expect significant disruption due to the fact that the majority of storm water pipe will be installed via a boring technique,
30 with only limited open cuts. I will work closely with the contractor to minimize impacts in neighborhoods and sequence
31 the work in the most practical manner. It is likely that portions of Emerald Isle Woods will need to be closed to the
32 public during construction, and appropriate public notice will be provided.

33
34 I have discussed the required storm water easements with all affected property owners along the pipeline route, and I
35 do not expect any difficulty securing the easements. The Town Attorney has drafted the easements, and they will be
36 mailed out within the next week.

37
38 **Universal Storm Water Management Program (USMP) Ordinance Revisions**

39 Kevin Reed, Planning Director, and I have received a draft of the suggested ordinance revisions to comply with USMP
40 from the Town's engineers. We will be reviewing this draft in the coming weeks, and will then present the ordinance for
41 Planning Board and Board of Commissioners review thereafter.

42
43 **Unified Development Ordinance (UDO) Update**

44 The UDO Committee has completed its initial review of the UDO, and Kevin Reed is currently making suggested
45 revisions. The UDO Committee is scheduled to meet again on March 12 to begin final review before presentation to
46 the Planning Board and Board of Commissioners.

47
48 **The Point**

49 The Town's sandbag variance request will be submitted to the NC Division of Coastal Management by the February 27
50 deadline. The Coastal Resources Commission is expected to consider the variance request at their meeting in Kill
51 Devil Hills on March 27. The variance request is seeking a 2-year extension for the sandbags in place in order to
52 provide ample time for recovery of the ocean beach near The Point.
53

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1
2 The ocean beach continues to improve in this area, and I will distribute the results of the most recent bathymetric
3 (underwater) survey to the Board within the next week.

4
5 Additionally, a meeting is tentatively scheduled for March 4 to review the project with the various regulatory agencies
6 and discuss the Town's request to complete "touch-up" dredging in the new channel in order to secure sand for
7 placement on the beach at The Point.

8
9 **Doe Drive Pump Connection to Deer Horn Pond**

10 The contractor is expected to begin work on the pipe connection from the Doe Drive pump to the Deer Horn Drive pond
11 on February 11. Work is expected to take approximately 2-3 weeks to make the connection and restore any
12 disturbances.

13
14 **Bicycle and Pedestrian Committee Status**

15 Mayor Schools, Parks and Recreation Director Alesia Sanderson, and I are scheduled to meet with the Bicycle and
16 Pedestrian Committee on February 11 to discuss the Committee's status and future direction, if any. I will report the
17 results of that meeting to the Board on February 12.

18
19 **2008 Street Resurfacing**

20 We are currently soliciting bids for the 2008 Street Resurfacing contract. Bids will be opened on February 29 at 1:00
21 pm, and a contract award will appear on the Board's March 11 meeting agenda.

22
23 Commissioner Wootten requested that during the February 22nd Planning
24 Workshop the Board be brought up to date on what the UDO Committee has
25 been doing with the Ordinances, as far as policy type of changes.

26
27
28 Town Manager Rush provided the results of the meeting with members of the
29 Bicycle and Pedestrian Committee. The ultimate outcome of the meeting was
30 that Jill Searcy will work with other members to come up with a defined mission
31 moving forward and will come back with either a recommendation to disband or a
32 to continue.

33
34 **16. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**

35
36 There were no further comments from the Board of Commissioners or Mayor.

37
38 **17. ADJOURN**

39
40 ***Motion was made by Commissioner Messer to adjourn the meeting. The***
41 ***Board voted unanimously 5-0 in favor. Motion carried.***

42
43 ***The meeting was adjourned at 7:15 pm.***

44
45 Respectfully submitted:

46
47
48 Rhonda C. Ferebee, CMC
49 Town Clerk