

1                   MINUTES OF THE REGULAR SCHEDULED MEETING  
2                   OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
3                   TUESDAY, JANUARY 15, 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 Asst. Town Manager/ Finance Officer Mitsy Overman, Town Clerk Rhonda  
13 Ferebee, Public Works Director Artie Dunn, Parks and Recreation Director Alesia  
14 Sanderson, Fire Chief Bill Walker, and Police Chief Bill Hargett.  
15

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

18 **4. ADOPTION OF AGENDA**  
19

20 Town Manager Frank Rush requested that Item 13. Potential Emerald Drive Land  
21 Purchase & Sale be removed from the Agenda. Mr. Rush noted that this item is  
22 completely separate from the property that was just purchased and closed on  
23 earlier in the day.  
24

25 ***Motion was made by Commissioner Messer to adopt the Agenda except for***  
26 ***Item 13. The Board voted unanimously 5-0 in favor. Motion carried.***  
27

28 **5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS**  
29

30 Mayor Schools recognized County Commissioner Pete Allen who was in the  
31 audience tonight. County Commissioner Allen had requested that Mayor  
32 Schools announce the many Boards on which the County is looking for citizens  
33 to serve; County Commissioner Pete Allen is very interested in getting people  
34 from our District 1 to serve on these boards. Mayor Schools encouraged  
35 interested citizens to contact County Commissioner Pete Allen. Commissioner  
36 Messer who recently resigned from the Carteret County Board of Adjustment  
37 after serving for 15 years encouraged anyone to participate and serve on these  
38 boards if they are interested in doing what they think is right and enjoy helping  
39 people.  
40

41 Mayor Schools also noted the DARE graduation scheduled at White Oak  
42 Elementary the following night. Lieutenant Jeff Waters and Police Chief Bill  
43 Hargett have been instrumental in offering the DARE program and Mayor  
44 Schools encouraged everyone to attend, noting this would be the first time that  
45 he would miss; Commissioner Hoover would be attending in his place.  
46

1  
2 Mayor Schools noted the following proclamations and public announcements:  
3

- 4 a. **Photography Exhibit – January and February – Community Center**
- 5 b. **Martin Luther King, Jr. Holiday – Monday, January 21 – Town Hall**  
6 **Closed, Community Center Open**
- 7 c. **Planning Board Regular Meeting – Monday, January 28 – 6 pm –**  
8 **Community Center**
- 9 d. **Blood Drive – Friday, February 1 – 2 pm – 7 pm – Community Center**
- 10 e. **Friday Free Flick – Friday, February 8 – 7 pm – Community Center**
- 11 f. **Board of Commissioners Regular Meeting – Tuesday, February 12 –**  
12 **6 pm – Community Center**

13  
14 **6. INTRODUCTION OF NEW EMPLOYEES**  
15

16 Mitsy Overman, Asst. Town Manager / Finance Officer introduced Kelly Gamble,  
17 Town Hall Administrative Assistant. Ms. Overman noted that Ms. Gamble started  
18 full-time on January 2<sup>nd</sup>. Ms. Overman stated that Ms. Gamble graduated high  
19 school in Wilson, NC. Ms. Gamble attended Barton College graduating in 1993  
20 with a Bachelors Degree in Studio Art. Previously Ms. Gamble worked for  
21 Emerald Isle Realty in reservations and with Advantage Coastal Properties as a  
22 real estate broker. Ms. Gamble currently holds a NC real estate license. Ms.  
23 Gamble, her husband and young daughter have lived in Emerald Isle for the past  
24 five years. Mayor Schools added that Kelly and her husband previously owned  
25 the South Banks Grill so she has restaurant experience too.  
26

27 Fire Chief Bill Walker introduced Dakota Hines, Fire Engineer. Chief Walker  
28 stated that Mr. Hines is a graduate of Croatan High School. Mr. Hines has gone  
29 through school and received training to be a certified fire fighter and EMT. Chief  
30 Walker noted that Dakota worked with the Wildwood Fire Department until an  
31 opening came up with the Emerald Isle Fire Department.  
32

33 Police Chief Bill Hargett introduced Billy Wells, Police Officer. Chief Hargett  
34 stated that Billy attended Wayne County Schools. Following high school Mr.  
35 Wells attended Basic Law Enforcement Training at Wayne Community College.  
36 Mr. Wells began his career in law enforcement as a part-time Police Officer, also  
37 working as Corrections Officer for the Department of Corrections. Mr. Wells  
38 became a full-time deputy with the Wayne County Sheriffs office in 2002 where  
39 he served as both Patrolman and later as a K-9 officer before coming to Emerald  
40 Isle as full-time Police Officer in December 2007.

41  
42 The Board and public welcomed the new employees to the Town of Emerald Isle.  
43  
44  
45

1  
2 Mayor Schools thanked Chief Hargett for the great open house for the newly  
3 renovated police station. Chief Hargett thanked the Board and encouraged  
4 anyone to stop by for a personal tour of the facilities.

5  
6 **7. CONSENT AGENDA**

- 7  
8 a. Minutes – November 13, 2007 Regular Meeting  
9 b. Minutes – December 11, 2007 Regular Meeting  
10 c. Tax Refunds / Releases  
11 d. Capital Project Ordinance Amendment – Crew Drive Extension  
12 Project  
13 e. Budget Amendment – General Fund  
14

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

18  
19 **Note: A copy of above noted Consent Agenda items are incorporated herein by reference and**  
20 **hereby made a part of these minutes.**

21  
22 **8. PUBLIC COMMENT**

23  
24 **Brief Summary: The public will have the opportunity to address the Board**  
25 **about any items of concern not on the agenda.**

26  
27 There were no comments from the Public.

28  
29 **9. RESOLUTION AMENDING BOUNDARIES OF THE PRIMARY BENEFIT**  
30 **MUNICIPAL SERVICE DISTRICT AND SECONDARY BENEFIT MUNICIPAL**  
31 **SERVICE DISTRICT – 119 BOGUE COURT – (08-01-15/R1)**

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

36  
37 The Board of Commissioners is asked to consider the attached resolution amending the boundaries of the Primary  
38 Benefit and Secondary Benefit municipal service districts. The proposed amendments would transfer the property at  
39 119 Bogue Court from the Primary Benefit district to the Secondary Benefit district.

40  
41 The property at 119 Bogue Court was the very last property considered as inlet-front when the boundaries of the  
42 Primary Benefit district were drawn in 2002. This distinction was made because the adjacent property to the east (116  
43 Bogue Court) was clearly considered estuarine, with a boat dock and navigable water. The area in front of 119 Bogue  
44 Court was primarily sand and dunes and was more similar to other inlet-front properties to the southwest, with a similar  
45 threat from the migrating Bogue Inlet channel. The property owner at 119 Bogue Court recently requested that the  
46 property be removed from the Primary Benefit district due to the fact that the property has experienced significant  
47 physical changes since Hurricane Ophelia re-opened the Coast Guard Channel in September 2005. The property is  
48

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1  
2 now considered to be estuarine by the NC Division of Coastal Management, and a permit for a seawall / bulkhead was  
3 issued for the property in 2007.

4  
5 The Board has discussed this request several times, and adopted a resolution of intent to amend these boundaries at  
6 the December 11 meeting. In order to formally amend the boundaries, the Board must first conduct a public hearing,  
7 which has been scheduled for the January 15 meeting, and then consider the attached resolution. The affected  
8 property owner has also received notice of the public hearing and the Board's consideration of the attached resolution.  
9

10 If approved by the Board, the change in the service district boundaries will be effective on July 1, 2008. The 2008  
11 property tax bill would reflect the Secondary Benefit district tax rate (1.1 cent for the current year; expected to remain  
12 the same in FY 08-09) rather than the Primary Benefit district tax rate (16.2 cents for the current year; expected to  
13 remain the same for FY 08-09). This change would result in annual tax savings of approximately \$1,390 per year for  
14 the next 3 years for the property owner.

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

18  
19 There were no comments from the Public.

20  
21 ***Motion was made by Commissioner Wootten to close the Public Hearing.***  
22 ***The Board voted unanimously 5-0 in favor. Motion carried.***

23  
24 ***Motion was made by Commissioner Hedreen to adopt the Resolution***  
25 ***Amending the Boundaries of the Primary Benefit Municipal Service District***  
26 ***and Secondary Benefit Municipal Service District – 119 Bogue Court. The***  
27 ***Board voted unanimously 5-0 in favor. Motion carried.***

28  
29 **Note: A copy of Resolution 08-01-15/R1 is incorporated herein by reference and hereby made a part**  
30 **of these minutes.**

31  
32 **10. MCLEAN PARK DEVELOPMENT –(08-01-15/R2)**

33  
34 Parks and Recreation Director Alesia Sanderson addressed the Board and  
35 provided an overhead presentation of the site plan concerning this agenda item.  
36 The following excerpt from Town Manager Rush's memo to the Board is provided  
37 as additional background:

38  
39 The Board of Commissioners is scheduled to consider two actions pertaining to the development of McLean Park, the  
40 Town's new 8-acre soundfront park located adjacent to the Chapel By The Sea. First, the Board will consider a  
41 resolution authorizing a NC Parks and Recreation Trust Fund (PARTF) grant application for additional park  
42 development at McLean Park. Second, the Board will consider a long-term lease agreement with the Emerald Isle  
43 Parks and Recreation Association, Inc, the legal owners of the park land, to allow for the development, operation, and  
44 maintenance of the new Town park.

45  
46 Resolution Authorizing Parks and Recreation Trust Fund Grant Application for McLean Park Development

47 The attached resolution authorizes a \$150,000 grant application to the NC Parks and Recreation Trust Fund for the  
48 development of McLean Park. The required local match for the grant is \$150,000, and would be provided by funds  
49 already appropriated for McLean Park and an additional \$5,000 contribution by the Town. The total project budget for  
50 park development would be \$300,000.

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1  
2 The Town has just received notice that we have been awarded a public water access grant from the NC Division of  
3 Coastal Management for the construction of a new soundside pier and bathhouse / picnic shelter facility at McLean  
4 Park. The total grant award is \$108,750, and the required local match of \$36,250 is included in the FY 07-08 budget.  
5 Because the PARTF grant program does not require the local match to be provided from local tax revenues, this grant  
6 amount is eligible for the local match for the PARTF grant. As such, these funds represent \$145,000 of the required  
7 \$150,000 local match for the PARTF grant. An additional \$5,000 appropriation to provide the full \$150,000 local match  
8 for the PARTF grant would be included in the FY 08-09 budget.  
9

10 If awarded, PARTF grant funds will be used to construct additional park amenities at McLean Park. Planned amenities  
11 include a new multi-purpose playing field that can accommodate ball sports and also serve as an outdoor concert  
12 venue (with a beautiful view looking out at Bogue Sound), associated irrigation and fencing, a new 100 ft. x 100 ft.  
13 playground structure, park grilles, picnic tables, and trash receptacles. The total estimated cost of these amenities is  
14 \$155,000, and would be funded by the PARTF grant (\$150,000) and the additional local match (\$5,000).  
15

16 The attached memo from Alesia Sanderson, Parks and Recreation Director, includes additional information about the  
17 grant application. A proposed site plan for the layout of the new park is also attached. The PARTF grant application  
18 has been considered by the Emerald Isle Parks and Recreation Association, Inc., and they have indicated their support  
19 for the grant application.  
20

21 The Board should note that the proposed parking lot for McLean Park will be shared with Chapel By The Sea (though a  
22 previously approved lease agreement), and will be constructed by the Church in conjunction with their planned new  
23 worship facility. In the meantime, the existing parking lot at Chapel By The Sea will be made available for visitors to  
24 McLean Park.  
25

26 Lease Agreement with Emerald Isle Parks and Recreation Association, Inc.

27 As noted earlier, the Emerald Isle Parks and Recreation Association, Inc. is the legal owner of the 8-acre tract of land  
28 to be developed as McLean Park. This public, non-profit corporation was established in 2004 to hold title to the land in  
29 order to reduce the Town's liability for the abandoned landfill located on the site.  
30

31 The Emerald Isle Parks and Recreation Association, Inc. is not an eligible applicant for grant funding through PARTF.  
32 In order for the Town to be eligible for PARTF grant funds at McLean Park, the Town must have a long-term lease  
33 agreement to insure that the property will be used as a public park. As such, the Board is scheduled to consider the  
34 attached long-term lease agreement with the Emerald Isle Parks and Recreation Association, Inc. for the development,  
35 operation, and maintenance of the park. It has always been the Town's intention that any new park developed at this  
36 site would be developed, operated, and maintained by the Town's Parks and Recreation Department, thus the  
37 proposed lease agreement merely formalizes that relationship.  
38

39 The attached lease agreement limits the use of the site for the park, and includes a 50 year term with three automatic  
40 renewals for 50 years each. The lease agreement is a standard agreement with typical provisions found in a property  
41 lease, and also includes provisions reflecting the joint use of the property by the Town and the Chapel By The Sea  
42 (which has a separate lease with the Emerald Isle Parks and Recreation Association, Inc. to locate their planned new  
43 parking lot on the site; to be shared with McLean Park). The lease was drafted by Town Attorney Richard Stanley for  
44 the Emerald Isle Parks and Recreation Association, Inc. and the Town.  
45

46 **Bernie Whalley, 5306 Ocean Drive, resident and member of the Emerald Isle  
47 Parks and Recreation Association, Inc. stated that as a group looking at McLean  
48 Park they not only felt this was another attractive feature of Emerald Isle,  
49 something to be enjoyed by residents and vacationers, but once again shows the  
50 intent to share the beauty of Emerald Isle that we have to offer with the other  
51 residents of Carteret County. Mr. Whalley said that people have criticized and  
52 said there is no way to get to the water in Emerald Isle, driving on Highway 58**

1  
2 they cannot see many avenues to the beach or to the sound; this will be very  
3 much in evidence right by the Chapel By The Sea, wide open with a beautiful  
4 view. He felt that once the initial phase of McLean Park was completed that  
5 Emerald Isle should let Onslow and Carteret County residents know that they are  
6 welcome to come out here and enjoy the scenic places we have to offer. Mr.  
7 Whalley felt this would be a wonderful place to bring the children, schools and  
8 church groups, picnics, clamming, and watching the kids catch a few crabs, and  
9 would add so much to what Emerald Isle has to offer. He thanked the Board for  
10 all they had done to support this and put it into place.

11  
12 Commissioner Wright felt they had done a really good job to essentially fund one  
13 grant with another, almost a free park. Commissioner Hedreen added that she  
14 was always amazed at Ms. Sanderson's creativity. Ms. Sanderson said that all  
15 of the ideas were a collaborative effort between herself, Town Manager Frank  
16 Rush and the Parks and Recreation Association, Inc.

17  
18 ***Motion was made by Commissioner Wright to approve the Resolution***  
19 ***Authorizing a Parks and Recreation Trust Fund Grant Application for***  
20 ***McLean Park Development. The Board voted unanimously 5-0 in favor.***  
21 ***Motion carried.***

22  
23 ***Motion was made by Commissioner Hoover to approve the Lease***  
24 ***Agreement with the Emerald Isle Parks and Recreation Association, Inc.***  
25 ***The Board voted unanimously 5-0 in favor. Motion carried.***

26  
27 **Note:** A copy of Resolution 08-01-15/R2 and Lease Agreement with Emerald Isle Parks and  
28 Recreation Association, Inc. is incorporated herein by reference and hereby made a part of these  
29 minutes.

30  
31 **11. RESOLUTIONS AUTHORIZING CLEAN WATER MANAGEMENT TRUST**  
32 **FUND GRANT APPLICATIONS – (08-01-15/R3 and 08-01-15/R4)**

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

37  
38 The Board of Commissioners is scheduled to consider two separate grant applications to the NC Clean Water  
39 Management Trust Fund (CWMTF) for storm water projects designed to maintain and improve water quality in Archers  
40 Creek and Bogue Sound.

41  
42 The first resolution authorizes a grant request of \$75,000, which would be matched with \$25,000 from the Town, to  
43 fund the Archer's Creek Storm Water Outfall Removal / BMP Study. The second resolution authorizes a grant request  
44 of \$97,000 to fund the Eastern Emerald Isle Storm Water Outfall Removal project. The local match for the second  
45 grant request is \$36,000 in the form of in-kind labor provided by the Town's Public Works Department.

46  
47  
48

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1  
2 Resolution Authorizing Clean Water Management Trust Fund Grant Application – Archer’s Creek Storm Water Outfall  
3 Removal / BMP Study

4 This grant, if approved, would provide a total of \$100,000 to develop a comprehensive plan that identifies storm water  
5 outfall removal and/or “best management practice” (BMP) alternatives and conceptual plans for the entire length of  
6 Archer’s Creek. Funding would be used to contract with an experienced engineering firm to develop a plan to address  
7 all of the 19 remaining storm water outfalls (see attached map) that drain to Archer’s Creek. This plan would become  
8 the basis for future action by the Town, and would also be used as the basis for future funding requests from  
9 appropriate Federal and State agencies.

10  
11 Emerald Isle is fortunate that the vast majority of the waters in and around Emerald Isle have excellent water quality.  
12 In addition, the Town has a comprehensive storm water management plan that is aimed at maintaining and improving  
13 water quality. This program has been recognized by the NC Environmental Management Commission (EMC), and is a  
14 key reason why the Town was recently exempted from Federal Phase II Storm Water requirements. The only  
15 significant concern about water quality in Emerald Isle pertains to Archer’s Creek, as the entire creek is closed to  
16 shellfishing – presumably due to the presence of the 19 remaining storm water outfalls. During the EMC’s review of  
17 Emerald Isle for Phase II, the Town committed to pursue strategies to improve water quality in Archer’s Creek, and the  
18 attached grant request follows through on that commitment.

19  
20 As you know, the vast majority of the storm water outfalls along Archer’s Creek are not owned or controlled by the  
21 Town (this was also a key factor in the EMC’s decision to exempt Emerald Isle from Phase II). The 19 outfalls range in  
22 size from very small (6 – 12 inch plastic pipe discharges, sheet flow “flumes”, etc.) to large (36” concrete pipe  
23 discharges). Of these 19 outfalls, 14 are owned and controlled by private developments (mobile home parks, Emerald  
24 Plantation), 3 are owned and controlled by NCDOT (Bogue Inlet Drive, Cedar Street, Lee Street area), and 2 are  
25 owned and controlled by the Town (Reed Drive outfall drains at Emerald Landing, asphalt “flumes” at Old Ferry Road).  
26 Our initial idea was to attempt to work with private property owners to identify those outfalls that could be removed  
27 relatively easily and proceed, however, it has now become apparent that the ultimate solutions are likely more complex  
28 and a comprehensive analysis is recommended. The proposed grant application is the result of that determination.

29  
30 There are likely a wide range of alternatives to remove the remaining 19 outfalls, and the selected engineering firm  
31 would identify different alternatives for each location, perhaps with some locations sharing a common solution. Some  
32 locations will likely be relatively easy to address (for example, some of the smaller outfalls in mobile home parks), while  
33 others will be more complex (for example, the Town’s Reed Drive outfall, NCDOT outfalls, and Emerald Plantation  
34 outfalls). One potentially ambitious solution that I would like an engineering firm to analyze involves the “damming” of  
35 the discharge from Archer’s Creek into Bogue Sound at Forest Hills Mobile Home Park, and the conversion of the  
36 entire segment of the creek from Old Ferry Road to Forest Hills to a freshwater pond that could also be used to  
37 address storm water management for future redevelopment in this area. This segment of the creek was largely man-  
38 made, and the “damming” of the discharge to Bogue Sound (perhaps with an emergency overflow device), would  
39 essentially resolve the vast majority of the concerns with one solution. Water levels in the converted freshwater pond  
40 could be managed through the use of pumps that could be used to irrigate the NC 58 right of way and improve  
41 landscaping in that area. This potential solution is obviously very complex and would require significant analysis and  
42 cooperation from private property owners, however, one goal of the proposed study would be to complete initial  
43 feasibility analysis of this option, in addition to identifying other cost-effective alternatives for each location.

44  
45 As noted earlier, a total of \$75,000 would be requested from the CWMTF, and the Town would provide a \$25,000 local  
46 match. This local match would be included in the FY 08-09 budget, or perhaps spread over two budget years.  
47 CWMTF grant applications are due on February 1, and grant awards are typically approved in the summer and fall. If  
48 the Town’s application is successful, work on the study would likely begin in late 2008 or early 2009, and take up to 1  
49 year to complete.

50  
51 Resolution Authorizing Clean Water Management Trust Fund Grant Application – Eastern Emerald Isle Storm Water  
52 Outfall Removal

53 This grant, if approved, would provide a total of \$97,000 to fund engineering and materials costs for the removal of  
54 storm water outfalls and direct sheet flows at various locations at soundside street ends in eastern Emerald Isle. The

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1  
2 Town's Public Works Department would complete the work at 17 locations over a 3-year period, and the total value of  
3 these in-kind services is estimated at \$36,000. These in-kind services are proposed as the local match for this grant  
4 request.  
5

6 The Town's Public Works and Parks and Recreation Departments have completed similar projects at 7 locations in  
7 recent years. Typical solutions at each location include the restoration of an above ground natural infiltration area or  
8 construction of an underground storm water infiltration device, a bulkhead positioned in such a manner that prevents  
9 sheet flow runoff into the sound, storm water velocity controls, and public access improvements. Work has previously  
10 been completed at the following locations:  
11

- 12 • 1<sup>st</sup> Street
- 13 • 4<sup>th</sup> Street
- 14 • 11<sup>th</sup> Street
- 15 • 19<sup>th</sup> Street
- 16 • 23<sup>rd</sup> Street
- 17 • 24<sup>th</sup> Street
- 18 • Park Street.

19  
20 Photos of work completed at 4<sup>th</sup> Street are attached to provide an idea of a typical location. The Board should note  
21 that work completed at the above locations addressed runoff from Town streets, and did not seek to eliminate NCDOT  
22 outfalls.  
23

24 As noted in the list below, a few of the previous locations are proposed for additional work in order to also remove  
25 NCDOT outfalls. The 17 remaining locations that would be addressed with CWMFT grant funds are as follows:  
26

- 27 • 1<sup>st</sup> Street (NCDOT outfall removal only)
- 28 • 4<sup>th</sup> Street (NCDOT outfall removal only)
- 29 • 5<sup>th</sup> Street (Town street only)
- 30 • 6<sup>th</sup> Street (Town street and NCDOT outfall)
- 31 • 7<sup>th</sup> Street (Town street only)
- 32 • Arden Street (Town street and NCDOT outfall)
- 33 • 10<sup>th</sup> Street (Town street only)
- 34 • Washington Street (Town street only)
- 35 • 11<sup>th</sup> Street (NCDOT outfall removal only)
- 36 • Raleigh Street (Town street only)
- 37 • 14<sup>th</sup> Street (Town street only)
- 38 • 15<sup>th</sup> Street (Town street and NCDOT outfall)
- 39 • 19<sup>th</sup> Street (NCDOT outfall removal only)
- 40 • 20<sup>th</sup> Street (Town street only)
- 41 • 23<sup>rd</sup> Street (NCDOT outfall removal only)
- 42 • Burlington Street (Town street only)
- 43 • Asheville Street (Town street only).

44  
45 The attached summary prepared by Artie Dunn, Public Works Director, outlines the strategy for each specific location  
46 and the associated cost estimate. We recently met with NCDOT officials to review these plans with NCDOT, and they  
47 are supportive of the Town's efforts provided that the proposed solutions will be sufficient to insure positive drainage  
48 from NC 58, will not divert storm water runoff to adjacent property owners, and will not undermine the road surface.  
49 We believe we can address NCDOT's concerns, and have included additional funding at NCDOT outfall locations for  
50 engineering assistance to satisfy their concerns. In reality, many of the outfalls are currently blocked and storm water  
51 infiltrates into the sandy ditch area, so we do not expect great difficulty satisfying NCDOT's concerns. NCDOT has  
52 indicated that they will need to review and approve each location's plan prior to work commencing.  
53

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1  
2 Contrary to the Archer's Creek situation, the solutions proposed for eastern Emerald Isle are easier to implement  
3 because the drainage basins are very small, the topography is favorable, and the soils are very sandy. Because of our  
4 success with the previous 7 locations, we do not believe a significant engineering study is necessary to address the  
5 issues in eastern Emerald Isle as appears to be required for Archer's Creek.  
6

7 The completion of improvements at these 17 locations has multiple benefits for the Town and our residents. First, the  
8 removal of these storm water outfalls and installation of other "best management practices" will help to maintain the  
9 excellent water quality in Bogue Sound. Second, the completion of this work represents another proactive effort by the  
10 Town to address storm water concerns in Emerald Isle, and should be viewed favorably by the EMC and the NC  
11 Division of Water Quality. Third, these projects will greatly improve the function and aesthetics of these soundside  
12 public access points. Quite honestly, I am somewhat embarrassed by a few of the locations on our list in terms of their  
13 aesthetic and functional quality. Finally, the removal of the storm water outfalls and direct sheet flows into Bogue  
14 Sound will improve the overall aesthetics of our Bogue Sound shoreline in this area.  
15

16 CWMTF grant applications are due on February 1, and grant awards are typically approved in the summer and fall. If  
17 the Town's application is successful, work on these 17 locations would begin in late 2008 or early 2009, and would be  
18 completed gradually over the next 3 years by the Public Works Department.  
19

20 The CWMTF typically awards tens of millions of dollars of grant funding each year, and we believe the relative small  
21 dollar amount of the Town's requests will make our applications competitive for funding in 2008. The Town has not  
22 received funding from the CWMTF since 2001 (Emerald Isle Woods land purchase).  
23

24 Public Works Director Artie Dunn added that he felt this was a wonderful  
25 opportunity to improve sound access and to beautify the end of the streets that  
26 are currently very unattractive. He felt they had a good change to get this  
27 funding. Commissioner Wootten stated that he was impressed with the amount  
28 of detail that Mr. Dunn had provided on the locations.  
29

30 ***Motion was made by Commissioner Wootten to approve the Resolution***  
31 ***Authorizing a Clean Water Management Trust Fund Grant Application for***  
32 ***the Archer's Creek Storm Water Outfall Removal / Best Management***  
33 ***Practice (BMP) Study. The Board voted unanimously 5-0 in favor. Motion***  
34 ***carried.***  
35

36 ***Motion was made by Commissioner Messer to approve the Resolution***  
37 ***Authorizing a Clean Water Management Trust Fund Grant Application for***  
38 ***the Eastern Emerald Isle Storm Water Outfall Removal Project. The Board***  
39 ***voted unanimously 5-0 in favor. Motion carried.***  
40

41 **Note:** A copy of Resolution 08-01-15/R3 and 08-01-15/R4 are incorporated herein by reference and  
42 hereby made a part of these minutes.  
43

44 **12. RESOLUTION AUTHORIZING LAND SWAP WITH EMERALD ISLE**  
45 **REALTY – 7507 EMERALD DRIVE FOR 7515 EMERALD DRIVE -(08-01-15/R5)**  
46

47 Town Manager Frank Rush addressed the Board and provided an overhead  
48 presentation of the property concerning this agenda item. The following excerpt  
49 from Town Manager Rush's memo to the Board is provided as additional  
50 background:

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1  
2 The Board of Commissioners is scheduled to consider the attached resolution authorizing a land swap with Emerald  
3 Isle Realty. If approved, the Town would transfer the majority of a Town-owned lot at 7507 Emerald Drive (Lot 6, BB,  
4 Surfside Subdivision) to Emerald Isle Realty in exchange for their lot located at 7515 Emerald Drive (Lot 2, BB,  
5 Surfside Subdivision). A map indicating the lots involved in the land swap is attached, along with a topographical  
6 survey.

7  
8 The Town's lot at 7507 Emerald Drive (Lot 6) is approximately 80 feet wide by 163 feet deep, and has a total land area  
9 of approximately 13,040 sq. ft. Emerald Isle Realty's lot at 7515 Emerald Drive is also 80 feet wide by 163 feet deep,  
10 but has an angled property line in the southwest corner that results in a total lot area of approximately 12,604 sq. ft. In  
11 order to insure an equal swap, the Town would only convey the easternmost 77.5 feet of 7507 Emerald Drive (Lot 6) to  
12 Emerald Isle Realty, and would retain the western 2.5 feet. The result is that Emerald Isle Realty would acquire a lot  
13 that is 77.5 feet wide by 163 feet deep, with a total land area of 12,632 sq. ft. The land swap involves two lots with  
14 similar dimensions, size, character, and value. As such, there is no additional compensation to be provided by either  
15 the Town or Emerald Isle Realty.

16  
17 The completion of the land swap will result in the Town's ownership of 7509 (Lot 5), 7511 (Lot 4), 7513 (Lot 3), and  
18 7515 (Lot 2) Emerald Drive. The total frontage of the Town's property will be approximately 323 feet wide (on Emerald  
19 Drive) and approximately 163 feet deep, with the exception of the southwest corner (angled property line).

20  
21 The proposed land swap is advantageous for both the Town and Emerald Isle Realty. The land swap enables Emerald  
22 Isle Realty to consolidate its property on the eastern end of the Seagull - Black Skimmer block, and will allow for future  
23 expansion of Emerald Isle Realty. The land swap also enables the Town to position its property closer to the  
24 intersection of Seagull Road and Emerald Drive, and would allow a favorable property configuration if 7517 Emerald  
25 Drive (Lot 1) is also acquired by the Town.

26  
27 The Board approved a resolution of intent to complete the proposed land swap at the December 11 meeting. A public  
28 hearing is required prior to Board consideration, and has been scheduled for the January 15 meeting. If the Board  
29 approves the attached resolution, the Town Attorney will draft the necessary documents to execute the land swap and  
30 a closing would occur in the next few weeks.

31  
32 ***Motion was made by Commissioner Messer to open the Public Hearing.***  
33 ***The Board voted unanimously 5-0 in favor. Motion carried.***

34  
35 There were no comments from the Public.

36  
37 ***Motion was made by Commissioner Messer to close the Public Hearing.***  
38 ***The Board voted unanimously 5-0 in favor. Motion carried.***

39  
40 Julia Wax, Emerald Isle Realty, stated that she was excited to get such great  
41 neighbors.

42  
43 ***Motion was made by Commissioner Hoover to adopt the Resolution***  
44 ***Authorizing a Land Swap with Emerald Isle Realty – 7507 Emerald Drive for***  
45 ***7515 Emerald Drive. The Board voted unanimously 5-0 in favor. Motion***  
46 ***carried.***

47  
48 **Note: A copy of Resolution 08-01-15/R5 is incorporated herein by reference and hereby made a part**  
49 **of these minutes.**  
50  
51

1  
2 **13. POTENTIAL EMERALD DRIVE LAND PURCHASE & SALE**

3  
4 This item was removed with the Adoption of the Agenda.

5  
6 **14. NEW TOWN ADMINISTRATION BUILDING – (08-01-15/R6)**

7  
8 Town Manager Frank Rush addressed the Board and provided an overhead  
9 presentation of the potential design changes concerning this agenda item. The  
10 following excerpt from Town Manager Rush’s memo to the Board is provided as  
11 additional background:

12  
13 The Board of Commissioners is scheduled to consider the idea of re-designing the proposed new Town Administration  
14 Building as a 1-story building at the January 15 meeting. The Board will also consider an amendment to the Town’s  
15 existing contract with Burnette Architecture for additional design services associated with the relocation of the new  
16 building to the Town’s new site, and potentially for re-design work if a 1-story building is pursued by the Board.

17  
18 Potential Redesign of Building – One Story Building

19 In an effort to reduce the cost of the new building, and also as a result of the decision to move the building to the new  
20 site across NC 58, there is interest among the Board in considering a redesign of the building as a 1-story building.

21  
22 As you know, the bid process for the completed 2-story building design yielded bids that were significantly higher than  
23 the budget for the project. The low bid (adjusted) was approximately \$950,000, and the Town’s budget for the project  
24 is \$800,000. The total heated sq. ft. of the 2-story building design is approximately 4,000 sq. ft. If the Town constructs  
25 a 1-story building, there will be a savings of approximately \$50,000 due to the elimination of the elevator required for a  
26 2-story building. There may also be an opportunity to reduce the total heated sq. ft. of the building with a 1-story  
27 design, as there will no longer be a need for an elevator or stairwell, and this reduction in size could generate  
28 additional savings.

29  
30 The recent decision to purchase land across NC 58 from Town Hall and to locate the new building on that site occurred  
31 after the bid process was complete. The new site is much larger than the original site located behind Town Hall near  
32 the tennis courts. The original site was limited in size, and the small size essentially forced the Town to pursue a 2-  
33 story building design. Based on recent conversations with Board members, it is evident that a larger original site would  
34 have resulted in the Board’s direction to design a 1-story building.

35  
36 The Board now has two options for moving forward with the new building. These options are outlined below:

37  
38 Option 1: Maintain the 2-story design for the new Town Administration Building, and make  
39 appropriate design modifications to bring the cost of the building within budget. I have  
40 attached a copy of a letter from Burnette Architecture outlining potential design changes  
41 to reduce the cost, along with an email response to Burnette with my direction regarding  
42 the proposed design changes.

43  
44  
45  
46 There is no additional design cost associated with changes to the 2-story design that are  
47 intended to reduce the construction cost. There are, however, additional design costs  
48 associated with locating the building on the new site. The foundation will need to be  
49 redesigned for the new site, a new site plan and storm water plan must be prepared, and  
50 a 13-car parking lot must be designed. The attached proposal from Burnette Architecture  
51 includes an additional cost of \$18,000 for these design services.  
52

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Option 2: Redesign the building as a 1-story building to be located on the new site. This option represents a more significant design effort, and the attached proposal from Burnette Architecture indicates a total additional cost of \$35,200 to redesign the building as a 1-story building, prepare a new site plan and storm water plan, and design a 13-car parking lot.

The additional design services indicated in Option 1 are included in the cost for Option 2, thus the net additional cost to redesign the building as a 1-story building is \$17,200. The Board should note that Option 2 will result in the elimination of the elevator, and a corresponding savings of approximately \$50,000 in the building cost.

I have attached a floor plan sketch and building elevation sketches for a proposed 1-story building for the Board's review. These plans were drawn by me, and are intended to reflect a preliminary design only, primarily for the purpose of communicating the Town's expectations to the architect in an effort to reduce the architect's cost associated with the redesign. The attached plans indicate a 1-story building consisting of approximately 4,000 sq. ft. of heated space. The design is coastal in nature, with a skylight dormer over the lobby area and a covered front porch.

If the Board decides to pursue a 1-story design, the Board should provide feedback on these plans, which can and should be modified further to result in the most cost-effective building that will meet the Town's needs. If a 1-story design is chosen, I would make the appropriate changes to these plans and convey them to the architect for the development of official plans and specifications.

Option 1 obviously involves less work for Burnette Architecture, and it is likely that the Town would be ready to re-solicit construction bids in March, with a construction contract likely awarded in April. Option 2 will require more effort, and I would not expect to re-solicit construction bids until April or May, with a construction contract awarded in May or June, and perhaps later.

As the Town Manager, I am comfortable with either Option 1 or Option 2, and await the Board's decision on this matter. I believe that Town staff will also be comfortable with either option.

Resolution Authorizing Amendment to Design Contract

The attached resolution formally authorizes an amendment to the Town's existing design contract with Burnette Architecture. The existing contract was approved by the Board in March 2007, with a total contract cost of \$56,000.

As noted above, the Board has two options to consider regarding the remaining design work for the new building. I have attached two versions of the Resolution Authorizing an Amendment to the Design Contract for the Board's consideration. The selected version is dependent upon the Board's decision on the redesign of the building.

Following discussion the general consensus of the Board was to pursue a 1-story building. The Board as direction for the Town Manager also indicated their preference for placing the building on the eastern side of the property.

***Motion was made by Commissioner Messer to approve the Resolution Authorizing Amendment to Design Contract for a 1-story design. The Board voted unanimously 5-0 in favor. Motion carried.***

**Note: A copy of Resolution 08-01-15/R6 is incorporated herein by reference and hereby made a part of these minutes.**

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1  
2 **15. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**  
3 **MANAGER**  
4

5 There were no further comments from the Town Clerk or Town Attorney.

6  
7 Town Manager Rush updated the Board on various issues of importance. The  
8 following is an excerpt from his Manager Comments memo to the Board for  
9 additional background:

10  
11 **FY 08-09 General Planning Workshop**

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

15  
16 The meeting will begin at 8 am and will last until approximately 3 pm. The meeting will be held in the Lounge at the  
17 Community Center, and breakfast and lunch will be provided.

18  
19 I will prepare a draft agenda for your review in the coming weeks. Please let me know if there are any specific items  
20 you'd like to see on the agenda for this meeting.

21  
22 **Coast Guard Road Bicycle Path – Pebble Beach to Emerald Isle Woods**

23 I had initially intended to ask the Board to authorize a grant request to the NC Recreational Trails Program at the  
24 January 15 meeting to fund the first .43 miles of a dedicated Coast Guard Road Bicycle Path, however, I am still not  
25 certain whether or not I'd like to pursue this grant program this year. The grant applications are due on February 1,  
26 and I intend to investigate this potential application further in the next week or so. If I decide to pursue this, I may ask  
27 the Board to hold a special meeting to consider a potential grant application.

28  
29 The NC Recreational Trails Program awards up to \$75,000 toward off-road trails, bicycle paths, and multi-use paths to  
30 successful applicants. I am still reviewing surveys of this segment of Coast Guard Road to determine the most cost-  
31 effective approach, and I am not certain yet whether or not the project can be completed for a reasonable amount of  
32 money, including grant funds. I also have questions about how competitive our grant application would be, and need  
33 to learn more before investing a great deal of time and effort into this application.

34  
35 If the grant is not pursued, I would like to begin some clearing and grading of the right of way in this area and take an  
36 incremental approach to completing the project. It may be possible to complete the project in stages, perhaps with  
37 some portions completed by Town staff. I don't envision that this effort would disrupt traffic on Coast Guard Road to  
38 any great degree, and believe it can be done with minimal aesthetic consequences.

39  
40 Please let me know your thoughts on this. It is a high priority of mine to try to link the existing bike path with Emerald  
41 Isle Woods in the near future.

42  
43 **Coast Guard Road Storm Water Project Update**

44 I have attached the latest monthly report from Moffatt & Nichol. Moffatt & Nichol is committed to completing plans and  
45 specifications later this month in order to solicit bids in February. If all goes as planned, a construction contract may  
46 appear on the Board's March meeting agenda. At the latest, I believe a contract would be presented to the Board in  
47 April.

48  
49 We will soon begin seeking easements from affected property owners in Spinnakers Reach and Dolphin Ridge. A total  
50 of 5 or 6 easements will be necessary, including one from the Dolphin Ridge HOA to run the storm water line along a  
51 private street. Based on the strong support from residents in this area, I don't expect great difficulty in securing the  
52 easements.

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1  
2 **Town Soliciting Price Quotes for Eastern Ocean Regional Access and Western Ocean Regional Access**  
3 **Handicapped Observation Decks and Beach Access Ramps**

4 The Town's engineers have completed the redesign of these beach observation decks and ramps, and we are  
5 currently soliciting separate price quotes for each location.

6  
7 The layout of the decks and ramps have been adjusted, the structural design has been revised, and the specified  
8 construction techniques have been amended. We are optimistic that we will receive quotes for this work that are within  
9 the Town's budget. As you know, this work was bid in 2007 and the lone bid was significantly over budget. The  
10 construction budget for both locations is approximately \$130,000.

11  
12 Price quotes are due on January 28, and we hope to have construction contract awards on the Board's February 12  
13 meeting agenda.

14  
15 **EMS Station Progressing**

16 I have attached the most recent construction report submitted by EDA-Morehead about the new EMS Station project.  
17 Not including the delay associated with Fire Code issues (that were resolved with minimal difficulty or expense), the  
18 project is on schedule for a September 2008 completion. EDA-Morehead, Ben Dadd (Emerald Isle EMS), and I meet  
19 monthly with Bluewater Builders to review the project, and thus far the project is progressing well.

20  
21 **Unified Development Ordinance Update**

22 The committee that includes Commissioner Wootten and Hoover, Planning Board Members Jim Craig and Ken  
23 Sullivan, and Planning Director Kevin Reed and me continues to meet almost weekly to review the draft Unified  
24 Development Ordinance. The group is approximately halfway through its review, and hopes to make considerable  
25 progress in January and February. I am hopeful that a revised draft can be presented to the Planning Board in March.  
26 We also intend to schedule an educational session for local real estate and development professionals in that  
27 timeframe, before the document reaches the full Board of Commissioners.

28  
29 **Waterfront Access and Marine Industry Fund Grant Application – The Aquarium Pier at Emerald Isle**

30 The grant application submitted by the NC Aquariums in partnership with the Town received a favorable review, and  
31 now moves on to the final round. Additional information is due to the NC Division of Marine Fisheries by February 15,  
32 and final grant decisions are expected in March or April. We remain optimistic about our chances for grant funding,  
33 which would enable the Aquariums and the Town to begin detailed planning and design and complete necessary site  
34 work over the next couple of years.

35  
36 We are in the process of drafting a Memorandum of Agreement for the transfer of the property from the Town to the  
37 NC Aquariums, and I hope to present that MOA to the Board at the February or March meeting. The MOA will include  
38 necessary provisions to insure that the property reverts back to the Town in as good if not better condition if the Pier /  
39 Aquarium facility is never constructed for some reason.

40  
41 **The Point**

42 I have attached a color photo of The Point area that was taken at low tide on January 5. The migration of offshore  
43 sandbars toward the island is evident, as is the continuing migration of the oceanfront "spit" of sand from east to west  
44 toward The Point. This photo appears to suggest that things are continuing to improve naturally, as hoped.

45  
46 In the meantime, we continue to pursue efforts to expedite the natural recovery by placing additional sand on the  
47 oceanfront in this area. I am scheduled for a conference call with the US Army Corps of Engineers for January 16 to  
48 discuss possible approaches using Federal money earmarked for navigation maintenance in Bogue Inlet (to also place  
49 those dredge spoils on the beach). I will report the results of this discussion to the Board after our discussion.

50  
51 Additionally, I am currently pursuing a variance request to allow sandbags located at the Town's vehicle ramp and the  
52 Almond, Mess, and Brew residences to remain. These sandbags were installed more than 7 years ago when the  
53 encroaching Bogue Inlet channel threatened the Point, and were then completely covered with sand after the Town  
54

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1  
2 completed the Bogue Inlet project in 2005. With the oceanfront erosion over the past several months, the sandbags  
3 have become exposed again, and technically should be removed.

4  
5 We have learned that these sandbags are not subject to the blanket May 2008 removal deadline, and will be seeking a  
6 variance from the CRC to allow them to remain. Technically, the bags were supposed to be removed this past August  
7 (2007). I am optimistic that we'll secure the necessary extension to hopefully allow the natural (or perhaps expedited)  
8 recovery that we expect to occur.

9  
10 **Universal Storm Water Management Program (USMP) Update**

11 Moffatt & Nichol and Crystal Coast Engineering, the Town's consulting engineers for storm water issues, are working  
12 on a draft amendment to the Town's storm water ordinance that should comply with the USMP. I had hoped to have  
13 the draft back by now, however, I directed Moffatt & Nichol to focus more on the Coast Guard Road Storm Water  
14 Project at this time, as that project is a higher priority. I hope to have a draft ordinance for Kevin Reed and me to  
15 review in the next month or so. Assuming that Kevin and I are comfortable, the ordinance will be presented to the  
16 Planning Board and ultimately the Board of Commissioners later this spring.

17  
18 On a related note, the Environmental Management Commission did approve the new Coastal Storm Water Rules on  
19 January 10, however, they are still subject to review the NC General Assembly and will not become effective until at  
20 least August 2008.

21  
22 Commissioner Wootten recommended that they hold off on doing anything with  
23 the bike path until further discussion in the upcoming Board Workshop on  
24 February 22nd.

25  
26 **16. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**

27  
28 Commissioner Hoover commented favorably on the additional microphones and  
29 speaker system improvements.

30  
31 There were no further comments from the Board of Commissioners or Mayor.

32  
33 **17. ADJOURN**

34  
35 ***Motion was made by Commissioner Messer to adjourn the meeting. The***  
36 ***Board voted unanimously 5-0 in favor.***

37  
38 ***The meeting adjourned at 7:09 pm.***

39  
40 Respectfully submitted:

41  
42  
43  
44 Rhonda C. Ferebee, CMC  
45 Town Clerk