

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, NOVEMBER 13, 2007 – 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, Planning and Inspections Director Kevin Reed, and Police Chief Bill
14 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 asked the Board to add to Agenda Item 16, an
21 additional item for discussion during Closed Session pursuant to NCGS 143-
22 318.11(a)(3) – Attorney Client Privilege.
23

24 ***Motion was made by Commissioner Wright to adopt the Agenda. The***
25 ***Board voted unanimously 5-0 in favor. Motion carried.***
26

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

29 Mayor Schools noted the following public announcements:
30

- 31 • **Bicycle and Pedestrian Advisory Committee – Monday, November 19**
32 **– 6 pm – Community Center**
- 33 • **Thanksgiving Holiday – Thursday, November 22 – Town Hall Closed,**
34 **Community Center Closed**
- 35 • **Thanksgiving Holiday – Friday, November 23 – Town Hall Closed,**
36 **Community Center Open**
- 37 • **4th Annual Emerald Isle Holiday Parade – Saturday, November 24 – 4**
38 **pm – NC 58 from Mangrove to Town Hall**
- 39 • **Planning Board Regular Meeting – Monday, November 26 – 6 pm –**
40 **Community Center**
- 41 • **Youth Recreational Opportunities Committee – Monday, December 3**
42 **– 6 pm – Community Center**
- 43 • **American Red Cross Blood Drive – Friday, December 7 - 2 – 7 pm**
44 **– Community Center**
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- 2 • **Breakfast With Santa – Saturday, December 8 – 10 am – Community**
- 3 **Center**
- 4 • **Board of Commissioners Regular Meeting – Tuesday, December 11 –**
- 5 **6 pm – Community Center**
- 6

7 **6. INTRODUCTION OF NEW EMPLOYEE**

8

9 **a. Bill Craig, Police Officer**

10

11 Police Chief Bill Hargett introduced Police Officer Bill Craig to the Board and

12 public. Chief Hargett noted that Bill Craig served in the Navy until 1977, after

13 which he worked in the private sector for many years before deciding to begin his

14 career in law enforcement. Officer Craig graduated BLET in 1996, serving 10

15 years with the West Jefferson Police Department as Patrol Officer and Detective

16 Sergeant. He achieved his advanced law enforcement certificate from the North

17 Carolina Department of Justice, and his criminal investigation certificate from the

18 North Carolina Justice Academy. Officer Craig is currently pursuing his

19 associate's degree in criminal justice. Chief Hargett stated he is pleased to have

20 Officer Craig on board. The Board and public gave a warm welcome to Officer

21 Craig.

22

23 **7. CONSENT AGENDA**

- 24
- 25 **a. Minutes – October 9, 2007 Regular Meeting**
 - 26 **b. Tax Refunds / Releases**
 - 27 **c. Resolution Declaring Surplus Property – Fuel Pump, Tank (07-11-13/R1)**
 - 28 **d. Resolution Requesting Construction of NC 58 Bicycle Paths by**
 - 29 **NCDOT (07-11-13/R2)**
 - 30

31 Commissioner Wootten asked about the sale of the fuel pump and tank, and

32 what is being done in place of that operation. Town Manager Rush noted that for

33 the past 6 – 9 months they have been using the Wright Express Fuel Card, a

34 credit card system used at several gas stations. Instead of the Town buying fuel

35 in bulk and fueling up at the Town Hall complex they now use fuel from the

36 various gas stations in Emerald Isle. Mr. Rush said this is actually cheaper

37 because it was costing more to have the fuel delivered to Emerald Isle than what

38 is being paid at the pumps here in the community.

39

40 ***Motion was made by Commissioner Wootten to approve the Consent***

41 ***Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

42

43 **Note: A copy of above noted Consent Agenda items including Resolutions 07-11-13/R1 and 07-11-**

44 **13/R2 are incorporated herein by reference and hereby made a part of these minutes.**

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2 **8. PUBLIC COMMENT**
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4 **Brief Summary: The public will have the opportunity to address the Board**
5 **about any items of concern not on the agenda.**
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7 There were no comments from the public.
8

9 **9. COMMERCIAL REVIEW – EMERALD PLANTATION SHOPPING CENTER**
10 **IMPROVEMENTS**
11

12 Kevin Reed, Planning Director addressed the Board concerning this agenda
13 item. The following excerpt from Planning Director Kevin Reed's memo to the
14 Town Manager is provided as background:
15

16 A request has been submitted by Phillips Architecture, on behalf of York Properties, for commercial review for the
17 proposed exterior improvements to the Emerald Plantation Shopping Center located at 8700 Emerald Drive. The
18 applicants are requesting approval of the proposed exterior improvements which will consists of a new exterior paint
19 scheme, selective demolition of the existing standing seem roof canopy, replacement of under canopy lighting and the
20 replacement of freestanding and building signage. Section 19-71 of the Town Code requires that "...any repairs,
21 modifications, alterations reconstruction and/or additions to existing commercial structures that exceed 15% of the fair
22 market value of the existing commercial structure..." be required to go through the commercial review process outlined
23 in the Code. The applicants have indicated that the planned improvements will exceed 15% of the fair market value of
24 the building; therefore, they are required to seek approval through the commercial review process.
25

26 The proposed renovations do not include the construction of any additional square footage to the existing shopping
27 center. Attached to this memorandum is a rendering of the renovations including proposed building colors. As you will
28 note on the attached rendering, no changes are being proposed for the space occupied by the Food Lion. Food Lion is
29 preparing to seek approval for interior and exterior renovations to the store and will address the exterior portion of the
30 space they occupy at that time. The Planning Board considered this request at its meeting held on October 22, 2007.
31 Following its discussion of the request, the Board voted unanimously (4 to 0) to recommend to the Board of
32 Commissioners that the commercial review request be approved subject to the following condition:
33

- 34 1. The exterior facade renovations for the portion of the shopping center occupied by Food Lion shall be
35 consistent with the color scheme for the remainder of the shopping center as approved by this commercial
36 review.
37

38 ***Motion was made by Commissioner Wright to approve the planned exterior***
39 ***improvements to the Emerald Plantation Shopping Center. The Board***
40 ***voted unanimously 5-0 in favor. Motion carried.***
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2 **10. COMMERCIAL REVIEW – WESTGATE SHOPPING CENTER**
3 **RENOVATIONS**
4

5 Kevin Reed, Planning Director addressed the Board concerning this agenda
6 item. The following excerpt from Planning Director Kevin Reed's memo to the
7 Town Manager is provided as background:

8
9 A request has been received by Edwin Holt General Contractor, Inc., on behalf of Irlanthia, LLC, for commercial review
10 for the proposed exterior improvements to the West Gate Shopping Center located at 7702 Emerald Drive. The
11 applicants are requesting approval of the proposed exterior improvements which will consists of the construction of a
12 new building façade, a new exterior paint scheme, the addition of approximately 100 square feet of enclosed space
13 within the building and the replacement of building signage.

14
15 Section 19-71 of the Town Code requires that "...any repairs, modifications, alterations reconstruction and/or additions
16 to existing commercial structures that exceed 15% of the fair market value of the existing commercial structure..." be
17 required to go through the commercial review process outlined in the Code. The applicants have indicated that the
18 planned improvements will exceed 15% of the fair market value of the building; therefore, they are required to seek
19 approval through the commercial review process.

20
21 As noted above, the proposed renovations do include the construction of an additional 100 square feet of enclosed
22 space to the existing building by enclosing existing covered space on the west and east ends of the building. The
23 additional square footage within the building will not require additional parking to be provided on site; therefore, Town
24 staff has not requested a site plan, stormwater plan or lighting plan be submitted as part of this review process.
25 Attached to this memorandum is a rendering of the proposed renovations, survey of the property and proposed
26 building colors. The proposed building colors appear to be in compliance with Section 19-73 of the Town Code which
27 requires that "...exterior colors for facades and walls be of low reflectance, subtle, neutral, or earth tone colors." The
28 Planning Board considered this request at its meeting held on October 22, 2007. Following its discussion of the
29 request, the Board voted unanimously (4 to 0) to recommend to the Board of Commissioners that the commercial
30 review request be approved.

31
32 ***Motion was made by Commissioner Hoover to approve the planned***
33 ***renovations to the Westgate Shopping Center. The Board voted***
34 ***unanimously 5-0 in favor. Motion carried.***
35

36 **11. RESOLUTION AUTHORIZING CONSTRUCTION CONTRACT FOR NEW**
37 **PARKS MAINTENANCE BUILDING**
38

39 Town Manager Frank Rush asked the Board if they would consider delaying
40 action on this item until a future meeting. Mr. Rush stated that because of
41 additional information just learned, causing them to revisit this issue, they would
42 like to bring this back at a later date.

43
44 ***Motion was made by Commissioner Messer to table Item 11. The Board***
45 ***voted unanimously 5-0 in favor. Motion carried.***
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2 **12. DISCUSSION – CREW DRIVE IMPROVEMENTS / GATEWAY**
3 **CONSERVATION EASEMENT**
4

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

8
9 The Board of Commissioners is scheduled to again discuss the status of the Crew Drive Improvements project and the
10 associated acquisition of the Gateway Conservation Easement at the November 13 meeting. As you know, the Board
11 has had several discussions about this project in recent months as we attempt to complete the road design in a
12 manner that is satisfactory to the adjacent property owners, who will in turn provide a 30 ft. wide conservation
13 easement along NC 58 in the “Gateway” area near the B. Cameron Langston Bridge.
14

15 I have worked closely with Crystal Coast Engineering, our new engineering consultants for this project, on 3 design
16 options that are intended to satisfy the concerns of the adjacent property owner, the Howe Family. The main concern
17 expressed by the Howe Family is the ability to access the soundfront portion of their adjacent property from the new
18 road constructed in the Crew Drive right of way. As you know, the road design is impacted by State regulations that
19 limit the total amount of impervious surface within 575 feet of Bogue Sound to 25% of the total land area. These
20 regulations resulted in an initial road design that located the new Crew Drive cul-de-sac approximately 225 feet from
21 Bogue Sound, which was not acceptable to the Howe Family.
22

23 The road design options outlined below are all acceptable to the Town from my perspective as Town Manager. These
24 options have been formulated in an attempt to address the Howe Family’s concerns. The 3 road design options are as
25 follows:
26

27 Option 1A – This option involves the construction of a traditional asphalt road in the Crew Drive right of way with a
28 60 ft. diameter cul-de-sac located 236 feet from Bogue Sound. This option represents the most waterward
29 location of the road utilizing traditional asphalt and complying with the 25% impervious surface limitation.
30 This option calculates the 25% impervious surface limitation within the 60 ft. Crew Drive right of way within
31 the 575 ft. area of environmental concern.
32

33 I believe this option is consistent with the language of the June 2006 agreement (attached), and that it is
34 consistent with the spirit of the negotiations that led to that agreement. The Howe Family has previously
35 indicated that this option is not acceptable to them.
36

37 The total estimated cost of this option is approximately \$109,500, not including design fees. The Town’s
38 established budget for the project is \$115,000. In presenting this option to the Howe Family, the Town would
39 accept full responsibility for the cost of the road construction.
40

41 Option 1B - This option involves the construction of a new road in the Crew Drive right of way, but utilizes a
42 combination of traditional asphalt and pervious pavement. Traditional asphalt would be used for all but the
43 last 275 ft. +/- of the road surface, with the last 275 ft. +/- utilizing pervious pavement. This option would
44 comply with the 25% impervious surface limitation and enable the placement of the cul-de-sac within 125 feet
45 of Bogue Sound because of “credits” granted for the use of pervious pavement.
46

47 Based on previous discussions with the Howe Family, I believe that this road design would be acceptable to
48 them. However, this option carries a significantly higher cost due to the use of pervious pavement. The total
49 estimated cost of this option is approximately \$168,000, or approximately \$58,500 more than option 1B. The
50 Board should note that there are also additional maintenance requirements associated with the use of
51 pervious pavement that would ultimately fall on the Town’s shoulders because Crew Drive is a public road.
52
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1
2 I don't believe the June 2006 agreement requires the use of an innovative road design, thus I would envision
3 that this option would be presented to the Howe Family with a requirement that they bear the additional cost
4 associated with the use of pervious pavement. Based on the attached cost estimates prepared by Crystal
5 Coast Engineering, the amount contributed by the Howe Family would be approximately \$58,500. The Town
6 would accept responsibility for any future maintenance requirements associated with the new road.
7

8 Option 2 – This option, based on previous comments from the Howe Family, may be the best overall option for the
9 Town to satisfy the Howe Family's concerns. This option involves the construction of a traditional asphalt
10 road in the Crew Drive right of way with a 60 ft. diameter cul-de-sac located approximately 125 feet from
11 Bogue Sound. The same 25% impervious surface limit applies to this option, however, the difference
12 between this option and Option 1 is that this option considers the Town's right of way and the Howe Family's
13 property as one project, providing a larger land area to serve as the denominator in the 25% impervious
14 calculation.
15

16 This option would result in a total area within the 575 ft. area of environmental concern of approximately
17 126,920 sq. ft. (combining the road and the Howe property). The total impervious surface of the new road
18 would be 10,837 sq. ft., which is equal to 8.5% of the total land area. The 25% impervious limitation applied
19 to the entire 126,920 sq. ft. area results in total allowable impervious surface of 31,730 sq. ft., of which
20 10,837 sq. ft. would be allotted to the new road. This would leave the Howe Family with a remaining
21 allotment of 20,893 sq. ft. of impervious surface for the future development of their property within the 575 ft.
22 area of environmental concern. On a percentage basis, this equates to a maximum impervious surface
23 coverage of 22.6% (instead of 25%) on the Howe Family's property when it is developed in the future.
24 Stated differently, approximately 2,186 sq. ft. of the Howe Family's impervious surface allotment would be
25 used by extending the road to a location 125 feet from Bogue Sound. The Howe Family's property would
26 most likely have a deed restriction placed up on it to insure that future impervious surface on the site would
27 not exceed 22.6% within the 575 ft. area of environmental concern.
28

29 The estimated cost of Option 2 is \$119,000, not including design fees. Although this amount is
30 approximately \$9,500 more than Option 1, in the spirit of cooperation this option would be presented with the
31 Town accepting full responsibility for the cost of road construction.
32
33

34 In addition to the road design options outlined above, a 4th option would be presented to the Howe Family. This 4th
35 option would simply offer the Howe Family a \$115,000 cash payment in exchange for the 30 ft. wide conservation
36 easement along the "Gateway". Future road construction would become the responsibility of the development that is
37 served by the road. Crew Drive would remain a public right of way.
38

39 My recommendation to the Board of Commissioners is to present the 4 options to the Howe Family and allow them to
40 pick whichever option is most acceptable to them. If none of the 4 options is acceptable to the Howe Family, the Town
41 would either 1) proceed with one of the 4 options and legally compel the required transfer of the conservation
42 easement upon completion as per the Town's June 2006 agreement, or 2) the Town would cancel the June 2006
43 agreement altogether. If the Board concurs with this recommendation, the Board should provide direction regarding
44 the Town's position (proceed despite their objection or cancel) if the Howe Family rejects all 4 options. The Board
45 should seek the Town Attorney's input in making this decision.
46

47 As you know, the Town has invested considerable financial, legal, and staff resources to complete this project in a
48 manner that is acceptable to all parties. The Town has made a good faith effort to accommodate the concerns
49 expressed by the Howe Family, and it now appears that a final decision is in order. If the Board concurs, I would
50 establish a November 30 deadline for a final response from the Howe Family.
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2 I remain that hopeful that this project can be completed in a manner that is acceptable to all parties, as it represents
3 the achievement of the important Town goal of preserving the "Gateway" area in a natural state.
4

5 Town Manager Rush outlined all options for the Board and stated that if the
6 Board is comfortable with these options he would like to present them to the
7 Howe family allowing them to choose. Mr. Rush said in his opinion, looking out
8 for the Towns best interests, that each of these 3 alternatives would be
9 acceptable to the Town and hopefully the family would find at least one of these
10 options acceptable. Mr. Rush added that one other option not included in the
11 written material would simply be to offer cash payment of \$115,000 for the
12 conservation easement. Mr. Rush added that they had worked very hard to
13 satisfy the concerns expressed by the family being sensitive to their concerns as
14 property owners and also committed to the ultimate goal of preserving the
15 conservation easement, the gateway natural area in Emerald Isle, a key goal in
16 the Town's Land Use Plan and an important issue for the citizens. Mr. Rush said
17 he would like to establish a November 30 deadline for response on these 4
18 options.
19

20 Andy Harris, Attorney in Morehead City, speaking on behalf of the Howe family,
21 stated that they have worked together long on this and his client is willing and
22 ready to do this conservation easement. Mr. Harris described the concerns with
23 the initial option from the Town which had them 225 – 230 feet away from the
24 water, the result being that it would not provide any access to the sound front
25 property. They would then have to use their impervious space putting in a long
26 driveway. Mr. Harris spoke about the use of semi-pervious materials. Mr. Harris
27 said that the agreement states they will pave to the terminus of Crew Drive at
28 Bogue Sound, adding that they have good reasons for wanting it to go down past
29 225 feet; one of the primary reasons for agreeing to give this easement to the
30 Town was the benefit of a paved Crew Drive. Mr. Harris said his client is willing
31 to do the conservation easement, they are willing to accept the option with the
32 semi-pervious concrete, but they do not feel it is fair to expect them to pay for the
33 cost of that, so they do not agree to that part of the proposal.
34

35 Following further discussion the Board directed Town Manager Rush to send a
36 letter with these 4 options outlined to the Howe family with a November 30
37 response deadline and bring this item back to the Board at the December
38 meeting.
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2 **13. APPOINTMENTS**
3

4 **a. Recommendation for NC Coastal Resources Commission**
5 **Appointment – Marine Ecology Slot**
6

7 **Brief Summary: Governor Easley has requested recommendations from**
8 **local governments to fill a vacancy on the CRC for the Marine Ecology**
9 **representative. Recommendations are due by November 15.**

10
11 Mayor Schools shared his impressions of Dr. Carolyn Currin, a potential
12 candidate, with the Board.

13
14 ***Motion was made by Commissioner Wootten to recommend Dr. Carolyn***
15 ***Currin for appointment to the NC Coastal Resources Commission as the***
16 ***Marine Ecology representative. The Board voted unanimously 5-0 in favor.***
17 ***Motion carried.***
18

19 **14. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
20 **MANAGER**
21

22 There were no comments from the Town Clerk or the Town Attorney.
23

24 Town Manager Rush discussed with the Board the request made at the October
25 9 meeting by Ms. Nell Johnson, property owner at 119 Bogue Court, for removal
26 of her property from the Primary Benefit District. The following excerpt from
27 Town Manager Rush's memo to the Board is provided as background:

28
29 The key question raised by the Board at the October 9 meeting was "would 119 Bogue Court have qualified for the
30 installation of a bulkhead (and be considered estuarine by CAMA) when the Primary Benefit District was established in
31 January 2002?" I spoke to two senior officials with the NC Division of Coastal Management and presented them with
32 grainy aerial photos from September 2001 (the closest date available to January 2002). Both indicated that it is very
33 difficult to make a determination from an aerial photo of that quality, and were reluctant to make a definitive statement.
34 The "gut feeling" of one official was that Ms. Johnson would not have qualified for a bulkhead in September 2001, and
35 the "gut feeling" of the other was that she would have qualified. With that said, I don't think it's fair to rely on either
36 response.
37

38 The decision to draw the boundary line of the Primary Benefit District between 119 Bogue Court and 116 Bogue Court
39 was made in January 2002 and was based on judgment that 119 Bogue Court was more similar to the properties along
40 the "inlet-front" than to the properties fronting on Coast Guard Channel, and that Ms. Johnson's property would
41 ultimately be saved by the relocation of the main channel in Bogue Inlet (along with others along Bogue Court). 116
42 Bogue Court was clearly estuarine, with a boat dock in place on deep water at the "dead-end" of the Coast Guard
43 Channel, and was identical in character to all of the other properties fronting on the Coast Guard Channel. 116 Bogue
44 Court was clearly different in character than the other homes on Bogue Court that were considered "inlet-front". The
45 boundary line had to be drawn somewhere, and this was the logic used at that time. Others may agree or disagree
46 with that logic, which is understandable, but I want to make sure the Board is clear on the logic that was used.
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1
2 I had a follow up conversation with Ms. Johnson since the Board's October 9 meeting, and I have attached additional
3 correspondence from Ms. Johnson. Ms. Johnson indicates that she is not seeking a retroactive decision to 2002, and
4 that the ability of her property to qualify for a bulkhead at that time is not the relevant question, in her opinion. Ms.
5 Johnson asserts that the current condition of her property is the relevant concern, and that since conditions have
6 changed and her property is now protected by a bulkhead (and considered estuarine by CAMA) that she should be
7 removed from the Primary Benefit District for the remaining 3 years.
8

9 My discussions with Ms. Johnson about this issue have all been respectful and civil, and I am sympathetic to her
10 situation, however, the Board should carefully consider its decision on this request. The Board's decision will likely
11 have ramifications for other property owners in the Primary Benefit District (both near The Point and on the entire 12
12 miles of oceanfront) who believe that conditions have changed and that they are entitled to also be removed from the
13 Primary Benefit District. Although I don't believe there are many that can make a legitimate claim, there are some
14 property owners that have an equally strong case, if not stronger case, than Ms. Johnson. The Board should carefully
15 consider the bigger picture when making a decision on this matter.
16

17 I believe that the Board can employ two potential approaches to resolve this issue:

- 18
- 19 1) If the Board believes that certain property owners should be removed from the Primary Benefit District
20 because of changing conditions, then the Board should remove Ms. Johnson from the district. The Board
21 should also be prepared, however, to also remove others from the Primary Benefit District.
22
- 23 2) If the Board believes that certain property owners should not be removed from the Primary Benefit District
24 because of changing conditions, then the Board should either deny Ms. Johnson's request OR should make
25 a determination that Ms. Johnson should not have been included in the Primary Benefit District from the
26 beginning (in January 2002).
27

28 Commissioner Messer felt that if a property is deemed to be able to put in a
29 bulkhead then he would assume that is not an oceanfront property, adding as far
30 as other properties, if the permit issuance agencies will permit to build a
31 bulkhead he would feel they are not oceanfront property. Commissioner Hoover
32 concurred, noting that it is a changing situation, with the fact of the bulkhead.
33

34 Commissioner Wootten said he felt that the decision was right when it was made
35 back in 2001, the right place to draw the boundary, and those property owners
36 should have been in the higher district because they had the threat of losing their
37 homes. Commissioner Wootten said he agreed that we should do this now, if we
38 are limited to just these 5 or 6 houses with the potential of getting a bulkhead and
39 thereby dropping out of the district.
40

41 Town Manager Rush noted that the Board tonight is asked to provide direction in
42 order to move forward, there is a formal process required in order to remove
43 property from the Primary Benefit District, which involves notices, public hearing,
44 with any changes taking effect July 1, 2008.
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2 Commissioner Hedreen and Wright both expressed their agreement with this
3 change, feeling that the decision while right at the time, changed when CAMA by
4 issuing the permit, made the decision that it is no longer oceanfront property.

5
6 Town Manager Rush stated he would proceed with that direction and schedule
7 the public hearing for the December or January meeting.

8
9 Town Manager Rush updated the Board on the status of the Police Station
10 project, EMS Station Project, and New Town Administrative Building Project.

11
12 Mr. Rush mentioned the Town Employee Appreciation Luncheon being provided
13 by the Emerald Isle Business Association on Thursday, inviting and encouraging
14 the Board to attend.

15
16 Mr. Rush also provided an update regarding the Coast Guard Road Storm Water
17 Project discussing the permitting requirements and progress based on the
18 Moffatt & Nichol monthly report.

19
20 **15. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**

21
22 There were no other comments from the Board of Commissioners or Mayor.

23
24 **16. CLOSED SESSION**

- 25
26 a. Pursuant to NCGS 143-318.11(a)(5)- Potential Acquisition of Real
27 Property
28 b. Review of Previous Closed Session Minutes
29 c. (ADDED Item – Pursuant to NCGS 143-318.11(a)(3) – Attorney-Client
30 Privilege

31
32 ***Motion was made by Commissioner Messer to enter Closed Session. The***
33 ***Board voted unanimously 5-0 in favor. Motion carried.***

34
35 ***Motion was made by Commissioner Wootten to return to Open Session.***
36 ***The Board voted unanimously 5-0 in favor. Motion carried.***

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The following action was taken following Closed Session:

Motion was made by Commissioner Messer to accept the Minutes of previous Closed Sessions. The Board voted unanimously 5-0 in favor. Motion carried.

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

The meeting was adjourned at 7:35 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC
Town Clerk