

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, FEBRUARY 13, 2007 – 6:00 P.M. – TOWN HALL
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, Planning Director Kevin Reed, Fire Chief Bill
13 Walker, Police Chief Bill Hargett, Parks and Recreation Director Alesia
14 Sanderson, and Public Works Director Artie Dunn.
15

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

18 **4. ADOPTION OF AGENDA**
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20 *Motion was made by Commissioner Hedreen to adopt the Agenda. The*
21 *Board voted unanimously 5-0 in favor. Motion carried.*
22

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

25 Mayor Schools announced the following Proclamation:
26

- 27 • **Scouting For Food Good Turn – Scouting For Food Week was**
28 **February 3-11, 2007 –(07-02-13/P1)**
29
- 30
- 31 • **Presentation of Emerald Isle Triathlon Proceeds - \$3,295 by Emerald**
32 **Isle Business Association – Funds to be reserved for future bike path**
33 **and sidewalk projects**
34

35 Jill Hauser, Emerald Isle Business Association, co-sponsor with the Town of the
36 3rd Annual Emerald Isle Triathlon presented to Parks & Recreation Director
37 Alesia Sanderson for the Town a check for one-half of the proceeds of the 3rd
38 Annual Triathlon - \$3,295. Ms. Hauser stated that over 200 runners attended this
39 Triathlon and they looked for an ever bigger turnout next time.
40

41 Mayor Schools noted the following announcements for the public:
42

- 43 • **President’s Day – Monday, February 19 – Town Hall Closed,**
44 **Community Center Open**
- 45 • **Bicycle and Pedestrian Advisory Committee Meeting – Thursday,**
46 **February 22, 6 pm, Community Center**

- 50th Birthday Celebration Event – 50s Sock Hop – Friday, February 23, 6-8 pm, Community Center
- Planning Board Meeting – Monday, February 26, 6 pm – Town Hall Meeting Room
- 50th Birthday Celebration Event – Irish Potluck Dinner – Thursday, March 8, 6 pm, Community Center
- Board of Commissioners Meeting – Tuesday, March 13, 6 pm, Town Hall Meeting Room
- 16th Annual St. Patrick’s Festival – Friday & Saturday, March 16 & 17 – Community Center & Emerald Plantation

Note: A copy of Proclamation 07-02-13/P1 is incorporated herein by reference and hereby made a part of these minutes.

Mayor Schools mentioned that former Commissioner Pete Allen recently had surgery and everyone wished him well.

6. CONSENT AGENDA

- a. Tax Refunds / Releases
- b. Order to Advertise Tax Liens
- c. Minutes – December 12, 2006 Regular Meeting
- d. Resolution Authorizing CAMA Public Water Access Grant Application – (07-02-13/R1)

Town Manager Frank Rush pointed out that an updated list of current delinquent taxpayers had been placed before them.

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

Note: A copy of Resolution 07-02-13/R1 and all other Consent Agenda items are incorporated herein by reference and hereby made a part of these minutes.

7. PUBLIC COMMENT

There were no comments from the public.

8. FY 07-08 BUDGET PROCESS

- a. Budget Calendar
- b. Public Hearing – Early Citizen Input on FY 07-08 Budget

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

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8 The Board is scheduled to continue the FY 07-08 budget process with two budget-related items scheduled for the
9 February 13 meeting. First, the Board is asked to adopt the official FY 07-08 Budget Calendar, and second, the Board
10 is scheduled to conduct a public hearing to receive early citizen input on the FY 07-08 budget.

11
12 FY 07-08 Budget Calendar

13 A copy of the suggested FY 07-08 Budget Calendar is attached for the Board's review. This calendar outlines the
14 Town's budget process, and includes key target dates in the process.

15
16 Please note that the FY 07-08 Recommended Budget will be presented to the Board at the May 8 regular meeting, and
17 that 3 special budget workshop meetings are tentatively scheduled for May 14, May 21, and June 4. The official public
18 hearing on the budget is planned for the June 4 workshop meeting, with Board adoption planned for the June 12
19 regular meeting.

20
21 The Board has the flexibility to adjust this schedule as we go through the budget process if necessary and/or desired,
22 however, the establishment of the FY 07-08 Budget Calendar will help to keep this lengthy process on track.

23
24 Public Hearing – Early Citizen Input on FY 07-08 Budget

25 We have scheduled and advertised a public hearing on the upcoming FY 07-08 budget for the February 13 meeting.

26
27 NC General Statutes require the Town to conduct a public hearing on the annual budget after the Town Manager
28 presents the Recommended Budget in May, but many communities also hold a public hearing prior to the start of the
29 annual budget process in order to get citizen input at the front-end of the budget process. The purpose of the February
30 13 public hearing is simply to receive comments or suggestions from our citizens regarding budget priorities for the
31 coming fiscal year before we begin the budget process. The hearing will give citizens a chance to voice their concerns
32 about the tax rate, revaluation, suggest funding for certain programs or projects, encourage the Board and staff to
33 address new issues that require funding, etc.

34
35 ***Motion was made by Commissioner Wootten to adopt the FY 07-08 Budget***
36 ***Calendar. The Board voted unanimously 5-0 in favor. Motion carried.***

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

40
41 Wendy Routson, 9721 Green Glen Road, speaking for herself, her husband Clint,
42 and several of their neighbors unable to attend, stated that they support the
43 Town spending money toward the Coast Guard Road storm water project.

44
45 Bert Speicher, 9708 Lord Berkeley Drive, speaking on behalf of the homeowners
46 association in Dolphin Ridge and Royall Oaks, stated that they would like to see
47 the storm water project as presented years ago as "the plan" by the engineers for
48 pump stations, piping, and the 40 acres in order to get rid of storm water flooding
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3 and runoff down Coast Guard Road be funded. Mr. Speicher said they need to
4 get this going to solve this problem.

5
6 Tom Minnick, 9803 Sandy Court, regarding storm water, said they want to make
7 sure that this is put in the budget and authorized this year. Mr. Minnick stated
8 they also supported the original idea. Mr. Minnick discussed the worsening
9 conditions in Dolphin Ridge since the project started versus now. Mr. Minnick
10 talked about the bulkheading being allowed in Spinnakers Reach and Spinnakers
11 Bluff. Mr. Minnick also said he wished the Town would make a commitment to
12 adopt the scarcity mentality on spending money. He felt a lot of tax dollars go to
13 the County and he didn't know what the Town got back. Mr. Minnick said he
14 would like to see the County contribute more to Emerald Isle.

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

18
19 **Note: A copy of the FY 07-08 Budget Calendar is incorporated herein by reference and hereby made**
20 **a part of these minutes.**

21
22 **9. PRESENTATION – PHASE II STORM WATER PROGRAM / NC COASTAL**
23 **STORM WATER RULE CHANGES**

24
25 Tom Reeder with the North Carolina Division of Water Quality, along with Mike
26 Randall also with NC Division of Water Quality, provided a PowerPoint
27 presentation and updated the Board and public regarding the Phase II Storm
28 Water Program / NC Coastal Storm Water Rule Changes.

29
30 **(A copy of the PowerPoint presentation handout is attached in its entirety and hereby incorporated**
31 **into these minutes).**

32
33 The following excerpt from Town Manager Rush's memo to the Board is provided
34 as background:

35
36 The Board of Commissioners is scheduled to receive two presentations from staff at the NC Division of Water Quality
37 regarding significant changes to Federal and State storm water programs. First, Tom Reeder, head of NC DWQ's
38 Wetlands and Storm Water Branch, will update the Board on upcoming changes to State storm water regulations
39 resulting from the implementation of the Federal Phase II Storm Water Program and changes to the State's Coastal
40 Storm Water Program. Second, Mike Randall, a member of Tom Reeder's staff, will update the Board on the
41 implementation of other aspects of the Federal Phase II Storm Water Program.

42
43 New Phase II / Coastal Storm Water Regulations for New Development

44 The State of NC has been regulating storm water runoff associated with new development in the coastal area for
45 several years, and the current State rules (as applied in Emerald Isle) are summarized below:
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3 WITHIN 575 FEET OF BOGUE SOUND

- 4 • Land disturbance greater than 1 acre requires State storm water permit
- 5 • New development within 575' of estuarine waters must limit impervious surface to 25% or less
- 6 • 30 ft. setback from estuarine waters
- 7 • NOT required to contain 1.5 inches of rainfall (low density option), but must utilize vegetated swales

8
9 MORE THAN 575 FEET FROM BOGUE SOUND

- 10 • Land disturbance greater than 1 acre requires State storm water permit
- 11 • Can utilize low density option with 25% or less impervious surface; no controls required but must utilize vegetated swales
- 12 • More than 25% impervious surface must contain 1.5 inches of rainfall; no limit on impervious surface coverage.

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17 There are new storm water rules coming into effect in many areas of NC, and these rules are referred to as the Phase II storm water rules. Phase II requires more stringent storm water standards for new development, and the State is in the process of amending its regulations to be compliant with Phase II. Additionally, there are amendments scheduled to be made to the State's Coastal Storm Water Program, in part associated with the Phase II program. In Emerald Isle, any new development will certainly be subject to the new Coastal Storm Water regulations. Additionally, because Emerald Isle has more than 4,000 housing units (as specified in Session Law 2006-246), Emerald Isle is very likely to be designated as a Phase II local government later this year, which means that new development in Emerald Isle will be subject to more stringent storm water regulations, and that the Town must undertake additional activities to reduce the impact of storm water on water quality.

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27 The result is that new development in Emerald Isle is likely to be required to comply with the following new storm water regulations:

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30 WITHIN HALF MILE OF BOGUE SOUND

- 31 • Land disturbance greater than 10,000 square feet requires State storm water permit
- 32 • New development within half mile of estuarine waters can either limit impervious surface to 12% or less and utilize vegetated swales OR
- 33 • New development within half mile of estuarine waters can utilize storm water controls for the 1-year, 24-hour storm event if impervious surface is between 12% and 25%; can not exceed a maximum of 25% impervious surface
- 34 • Cannot discharge any storm water from 1-year, 24-hour storm event
- 35 • 30 ft. setback from estuarine waters

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40 MORE THAN HALF MILE FROM BOGUE SOUND

- 41 • Land disturbance greater than 10,000 sq. ft. requires State storm water permit
- 42 • New development more than half mile from estuarine waters can either limit impervious surface to 24% or less and utilize vegetated swales OR
- 43 • New development more than half mile from estuarine waters can utilize storm water controls for 1.5 inches of rainfall if impervious surface exceeds 24%; no limit on maximum impervious surface
- 44 • 30 ft. setback from estuarine waters.

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49 In addition to the new regulations outlined above, the NC Division of Water Quality is implementing the Universal Storm Water Management Program (USMP). The USMP would take the place of the new regulations described above, and would enable a local government to become the permitting agency for the State's storm water permit program. A local government's storm water regulations would need to be certified by the NC Division of Water Quality in order to participate in the USMP. The requirements of the USMP essentially "blend" the Phase II and new Coastal Storm

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3 Water regulations together, and in some ways are more stringent than those outlined above while in other ways are
4 less restrictive. The USMP regulations are outlined below:
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6 ALL DEVELOPMENT IN THE LOCAL GOVERNMENT'S JURISDICTION WITH USMP

- 7
- 8 • Land disturbance greater than 10,000 sq. ft. requires State / local storm water permit
 - 9 • All new development, regardless of distance from Bogue Sound, with greater than 10,000 sq. ft. disturbance
10 must utilize storm water controls for first 1.5 inches of rain
 - 11 • New development within 575 feet of Bogue Sound can not exceed 36% impervious surface; no maximum for
12 development more than 575 feet from Bogue Sound
 - 13 • Can not discharge storm water associated with 1-year, 24-hour storm event
 - 14 • 30 ft. setback from estuarine waters.

15
16 As you know, the Town of Emerald Isle has one of the most stringent local storm water ordinances of any local
17 government in coastal North Carolina. This ordinance has been in place for several years, and Town staff believe that
18 the Town's existing storm water ordinance is already either more stringent than or nearly as stringent as the
19 requirements of the Universal Storm Water Management Program (USMP). We still need to confirm the answer to a
20 question about the volume of storm water that is associated with the 1-year, 24-hour storm event, however, if the
21 answer to that question is favorable then it appears that the Town's existing storm water ordinance would qualify for
22 USMP with minimal amendments necessary. The Town's participation in the USMP would enable the Town to act as
23 the State's storm water permitting agent, and would eliminate a layer of duplicated services between Town and State
24 government (as the Town's engineer already reviews storm water plans for nearly everything that disturbs more than
25 10,000 sq. ft.). The Town's participation in the USMP would also likely reduce the permitting time frame for our local
26 developers for State storm water permits.
27

28 The Town's existing storm water ordinance is summarized below:
29

30 ALL DEVELOPMENT IN EMERALD ISLE

- 31
- 32 • Storm water plan and controls required for all development, including single-family homes
 - 33 • Single family homes do not require engineer's seal
 - 34 • Amount of land disturbance is irrelevant
 - 35 • Must provide a suitable area to store the volume of storm water resulting from first 2 inches of rainfall; no
36 allowance for gradual percolation
 - 37 • No maximum limit on impervious surface, however, development in Emerald Isle is subject to appropriate
38 State limits (25% within 575 feet of Bogue Sound)
 - 39 • 30 ft. setback from estuarine waters.

40
41 The Board should note that there is a difference in the Town's and State rules regarding the calculation of rainfall that
42 must be accommodated in the storm water plan. In the Town's ordinance, this calculation is very conservative in that it
43 is merely a storage volume, with no allowance for gradual percolation. The State regulations do factor in gradual
44 percolation. As noted above, there remains a question about the storm water generated by the 1-year, 24-hour storm
45 event. The calculation is somewhat complicated, but we believe that the 1-year, 24-hour storm event equates to
46 approximately 3.6 inches of rainfall for our area. Town Engineer Greg Meshaw is currently performing an exercise for
47 us to determine if the Town's 2-inch storage volume rule is sufficient to meet the requirements for the 1-year, 24-hour
48 storm event, and we will report that information to the Board at the February 13 meeting.
49

50 In summary, assuming a favorable answer to the 1-year, 24-hour storm event question, it appears to be advantageous
51 for the Town to seek certification for the Universal Storm Water Management Program. If the answer to the 1-year, 24-
52 hour storm event question reveals that the Town's ordinance is lacking, then it may still be advantageous to amend the
53 Town's ordinance to address this issue and participate in the USMP. If the Town does not participate in the USMP, it
54 appears that the Town will likely be faced with the new Phase II / Coastal Storm Water regulations anyway, and the

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3 Board may wish to consider joining efforts to appeal the new rules. As you know, Carteret County is among the local
4 governments that have expressed concerns about the new storm water regulations.
5

6 The Board discussed and asked questions of Mr. Reeder concerning various
7 aspects of this issue. Town Manager Rush summarized the status up to this
8 point. Mr. Rush said they believe that the Town's ordinance is as stringent, if not
9 more stringent than the Universal Storm Water Management Program (USMP),
10 with a couple of possible exceptions. Mr. Rush said that pending guidance from
11 the state level, at staff level it appeared that it may be advantageous to the Town
12 to pursue the USMP Program. Mr. Rush added that they didn't feel that the
13 existing ordinance would be approved verbatim, but felt it could probably be
14 approved with some minor modifications. Mr. Rush said he envisioned coming
15 back to the Board at the March meeting with some definitive comments for the
16 Board about what the Town's position should be on Phase II.
17

18 **10. COMMERCIAL REVIEW – ISLANDER MOTEL RENOVATIONS /**
19 **REDEVELOPMENT**
20

21 Kevin Reed, Planning Director addressed the Board concerning this agenda
22 item. Mr. Reed stated that this is a continuation of last month's meeting and he
23 briefly highlighted the nature of the project for the benefit of the public. The
24 following excerpt from Planning Director Kevin Reed's memo to the Town
25 Manager is provided as background:
26

27 Islander Ventures of Emerald Isle, LLC is requesting commercial review for its proposed renovation and expansion
28 plans for the existing Islander Motel property. The applicants are proposing to demolish the existing brick one-story
29 office/restaurant building and the existing wood framed structure located on the northern portion of the property. These
30 demolition activities will make land available for the construction of an additional three-story office/motel building and
31 provide open space to accommodate an on-site septic disposal system. The net result of the demolition and
32 construction activities is that the number of motel units will increase from 80 to 100. According to the applicants, the
33 renovations and expansion will take place in two phases. The first phase will involve demolition activities as well as the
34 renovations to the existing motel building and improvements to the on-site septic disposal system. Phase One will
35 result in 80 upgraded motel rooms. The second phase will involve the construction of three additional buildings which
36 will be connected to each other. These buildings will house office/laundry facilities and additional guest rooms. Phase
37 Two will result in the construction of new office/laundry facilities as well as 20 additional motel rooms.
38

39 It is staff's understating that the developers intend to operate the motel as a condotel. The proposed layout of the
40 rooms meets the Town's definition of motel/hotel as found in Section 19-62 of the Town Code. Furthermore, this
41 definition will require that all units be available for transient guests and that the owners of each unit may only occupy
42 them as transient guests. The developers have submitted materials to the Town in order to satisfy the Town's
43 stormwater requirements. The Town's consulting engineer, Greg Meshaw, has reviewed that information and has
44 indicated that the proposed development is consistent with the Town's stormwater regulations. The development will
45 actually result in a net decrease of approximately 33,000 square feet of impervious area. In addition, the developers
46 will be required to receive approval from the state for its on-site wastewater disposal system. The Islander property
47 currently consists of several separate parcels of land. The owners will be required to recombine those separate
48 parcels into a single parcel for setback purposes.
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3 The Town's Technical Review Committee reviewed the proposed project at its meeting held on November 1, 2006.
4 Following the TRC meeting the developers were asked to submit revised plans to address several issues. The
5 Planning Board discussed the request at its December 18, 2006 meeting. Following its discussion of the matter, the
6 Planning Board voted unanimously (6 to 0) to recommend to the Board of Commissioners that approval of the
7 commercial review be granted subject to the following conditions:
8

- 9
- 10 1. Preparation of satisfactory condominium documents to ensure that the condotel operates as a
 - 11 transient motel/hotel.
 - 12 2. Preparation and recordation of a combination survey creating a single parcel of land.
 - 13 3. Approval from the state for the proposed on-site wastewater disposal system.
 - 14 4. Approval of any other necessary State permits for the planned construction activities, i.e. CAMA.

15 This project was discussed by the Board of Commissioners at its meeting held on January 9, 2007. Following its
16 discussion of the request, the Board voted to table the matter. The Board's action to table the request was done in
17 order to allow time for the developers, their attorneys and the Town Attorney, to develop condominium documents that
18 contained language satisfactory to all parties. It is anticipated that satisfactory revisions to these documents will be
19 completed prior to the Board's February meeting.
20

21 Mr. Reed said it was the staff's understanding that the developer and town
22 attorneys' had reached an agreement as to satisfactory condominium documents
23 to insure that the rooms will be transient use.
24

25 Commissioner Hedreen commented that having looked at this from every angle
26 and scenario she could anticipate, she now felt satisfied that things are set for
27 this to be a transient situation and she supported this project. Commissioner
28 Hedreen posed the question, if Town Attorney Stanley is convinced that the
29 documents are in order, as to whether the Town should entertain the idea that if
30 the developers want to do some 1 and 2 bedroom, the Town would be willing to
31 look at the definition of condo-tel before the developers build their first three
32 buildings in order to meet future needs as well.
33

34 Town Attorney Stanley clarified that the current definition of condo-tel allows one
35 bedroom but the Board may consider an amendment in the future that would
36 allow more than one bedroom.
37

38 Commissioner Wootten suggested that any change should first be reviewed by
39 the Planning Board. Town Manager Rush advised that the Planning Board is
40 scheduled at their February 26 meeting to take a first look at draft regulations for
41 Village West zoning district, and that issue may be an opportunity to address
42 Commissioner Hedreen's request.
43

44 ***Motion was made by Commissioner Wootten to approve the plans for the***
45 ***renovation and redevelopment of the Islander Motel, contingent upon the***
46 ***recombination of the total site into one parcel, the granting of appropriate***
47 ***wastewater system approvals, and the issuance of any other required State***
48 ***permits. The Board voted unanimously 5-0 in favor. Motion carried.***

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3 **11. 2007 STREET RESURFACING PROGRAM**
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- 5 **a. Resolution Authorizing Contract with Onslow Paving and Grading,**
6 **Inc. – (07-02-13/R2)**
7 **b. Budget Amendment – General Fund**
8

9 Artie Dunn, Public Works Director addressed the Board concerning this agenda
10 item. The following excerpt from Town Manager Rush's memo to the Board is
11 provided as background:
12

13 The Board of Commissioners is asked to approve the 2007 street resurfacing program at the February 13 meeting.
14 The attached resolution authorizes the Town Manager to execute a contract with Onslow Grading and Paving, Inc. at
15 specified unit costs for a total amount not-to-exceed \$185,000. This contract amount is slightly higher than the budget
16 established this contract, and the Board is also asked to approve the attached General Fund budget amendment
17 appropriating an additional \$13,000.
18

19 Artie Dunn, Public Works Director, prepared the bid packages and requested bids to resurface approximately 2.35
20 miles of various public street segments. (A memo from Artie Dunn to me is attached for your information.) You may
21 recall that our goal is to resurface at least 2.3 miles of public streets annually in order to remain on a 20-year life-cycle
22 for all Town streets. Onslow Grading and Paving was the low bidder for the total 2007 street resurfacing package with
23 a total bid of \$203,641 for the 2.35 mile package. The Town received one other bid for this project from Barnhill
24 Contracting Corporation (\$226,815). A copy of the bid tabulation is attached for your information.
25

26 The Town has a total budget of \$172,000 available for the 2007 street resurfacing contract. As noted above, the low
27 bid submitted by Onslow Grading and Paving was nearly \$32,000 more than budgeted. Artie Dunn has reviewed the
28 2.35 miles of street segments included in the 2007 bid package, and has eliminated a net length of .2 miles of street
29 segments to reduce the total cost of the 2007 street resurfacing contract to the \$185,000 included in the attached
30 resolution. A list of the specific street segments to be resurfaced in 2007 is attached, along with a list of the segments
31 that were included in the bid package but that are not recommended for inclusion in the contract at this time.
32 (Adjustments to the street list were made after further review of pricing and condition after the bid packages were
33 released in mid-January.)
34

35 As noted above, the attached resolution authorizes a \$185,000 contract with Onslow Grading and Paving, Inc. This
36 amount is \$13,000 more than budgeted, and the attached budget amendment appropriates General Fund balance for
37 this additional expense. I am reluctant to recommend the additional appropriation of General Fund balance, however,
38 in this case we are attempting to at least get close to the established goal of 2.3 miles per year. The Board should
39 note that the total street resurfacing package authorized by the attached resolution is 2.15 miles.
40

41 We will continue to strive to meet the 2.3 mile goal in 2008 and beyond, however, it is becoming more and more
42 difficult as asphalt prices continue to rise while the Town's annual Powell Bill distribution remains relatively constant.
43 To help put the cost increase in perspective, the 2006 street resurfacing contract included a unit price of \$4.90 per
44 square yard of asphalt, and that unit price has increased to approximately \$6.00 per square yard in 2007 (an increase
45 of approximately 22%).
46

47 It is expected to become increasingly difficult in the future to maintain the 2.3 mile per year, or 20-year life-cycle goal
48 for all Town streets in the future. The Board should give serious consideration to appropriating additional General
49 Fund monies in the annual budget process for street resurfacing needs in FY 07-08 and beyond. Although we are not
50 in a crisis situation, we continue to be more and more concerned about the overall condition of Town streets. I suspect
51 that the Board may be experiencing the same concern and that we may begin to hear more complaints about street
52 surface quality in the future.

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3 The Board should also note that the 2007 street resurfacing contract does not include funding for the realignment of
4 the Old Ferry Road / Sound Drive intersection that was discussed previously. This project, with a \$7,7000 cost, is one
5 segment that was eliminated from the contract package to help reduce the overall cost. While we would like to see the
6 Town construct this project at some point, it is not as high a priority at this time as some of the other street segments
7 included in the 2007 contract.

8
9 ***Motion was made by Commissioner Messer to adopt the Resolution***
10 ***Authorizing a Contract with Onslow Grading and Paving, Inc. The Board***
11 ***voted unanimously 5-0 in favor. Motion carried.***

12
13 ***Motion was made by Commissioner Wright to approve the General Fund***
14 ***Budget Amendment appropriating an additional \$13,000 for the 2007 street***
15 ***resurfacing program. The Board voted unanimously 5-0 in favor. Motion***
16 ***carried.***

17
18 **Note: A copy of Resolution 07-02-13/R2 and Budget Amendment – General Fund are incorporated**
19 **herein by reference and hereby made a part of these minutes.**

20
21 Commissioner Hoover noted the deterioration of Emerald Drive and requested
22 that Town Manager Rush write a letter to Senator Jean Preston, who is serving
23 on the Transportation Committee, requesting to be placed on their schedule. Mr.
24 Dunn said that according to the local Department of Transportation office in
25 Newport he was assured that the Town is on schedule for some leveling.

26
27 **12. DISCUSSION / CONSIDERATION – FIRE MARSHALL POSITION**

28
29 Bill Walker, Fire Chief addressed the Board concerning this agenda item. The
30 following excerpt from Town Manager Rush's memo to the Board is provided as
31 background:

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34 The Board of Commissioners is scheduled to discuss and consider the potential creation of a new Fire Marshal
35 position in the Fire Department at the February 13 meeting. As you recall, the Board discussed this issue at the
36 January 25 meeting, and requested additional information and time to consider this issue.

37
38 As noted in the attached memo from Fire Chief Bill Walker, he is seeking the creation of a dedicated Fire Marshal
39 position in the Emerald Isle Fire Department. This proposal is rooted in the three recent personnel changes in the Fire
40 Department and a continuing desire to improve our fire inspections program, public education and prevention
41 programs, and fire pre-planning activities. A Senior Fire Engineer who doubled as our Fire Inspector (and possessed
42 the required certifications) recently left employment with the Town to pursue other interests. Additionally, another
43 Senior Fire Engineer who specialized in public education and fire prevention programs also resigned for family
44 reasons. Finally, another Senior Fire Engineer was recently limited to "light duty" work only and can not continue to
45 serve as a firefighter. The Fire Chief's proposal is to create a new Fire Marshal position and assign the "light duty"
46 Senior Fire Engineer to this new Fire Marshal position. The FY 07-08 cost of this new position is \$42,819, and future
47 years' costs would increase slightly dependent upon salary increases. This position would be funded by the General
48 Fund.

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3 I have asked Chief Walker to provide additional justification for this position and provide a list of businesses subject to
4 Fire inspections. The Town is required to perform Fire inspections on all businesses at least once every 3 years. With
5 a total of approximately 280 businesses in Emerald Isle, this would require the Fire Department to complete an
6 average of approximately 8 inspections per month. The Board should note that the Town does require all new
7 businesses to have a Fire inspection completed prior to the issuance of a CO for the business, and many of the recent
8 Fire inspections have been completed just prior to opening of the business.
9

10 As you know, it is highly unusual to consider a new position in the middle of the fiscal year. This position is being
11 considered at this time because Chief Walker had intended to request the position during the upcoming FY 07-08
12 budget process, but the request was moved forward due to the situation involving the "light duty" Senior Fire Engineer.
13 Although that situation merits some consideration, the decision on whether or not to add the proposed Fire Marshal
14 position should be based primarily on the need and relative priority of this position compared with other items that merit
15 consideration for funding. As you know, the Town is facing a challenging budget process for FY 07-08, and the Board
16 should consider the costs and benefits of this position in the larger context of the budget issues that were recently
17 discussed at your January 25 meeting.
18

19 From my perspective, there are 3 options available to meet the need for timely fire inspections, public education and
20 fire prevention duties, and the development of fire pre-plans:
21

- 22 • Option 1 – Create the proposed Fire Marshal position at an annual cost of \$42,819. The new position would
23 work a standard 40-hour workweek, and focus on the tasks described above.
24
- 25 • Option 2 – Fill the vacant firefighter shift positions in the Fire Department and continue to perform these tasks
26 in the same manner as the past, with certain members of the Fire Department focusing on Fire inspections,
27 public education and fire prevention, and fire pre-plans as part of their regularly scheduled shift work. This
28 would require specific training and certifications of one or more members of the department.
29
- 30 • Option 3 – Consider reassignment of various duties among existing Fire Department personnel to insure the
31 completion of these tasks in a timely and quality manner.
32

33 In the short-term, Fire Chief Bill Walker is provisionally certified to perform Fire inspections and will continue in that
34 role. It may also be possible to utilize Senior Code Enforcement Officer Mike Morris (who possesses the required
35 certifications for Fire inspections) to meet the immediate needs.
36

37 The Board may also wish to defer consideration of this proposal until the entire FY 07-08 budget is presented to enable
38 the proposal to be judged against all other budget issues.
39

40 Following considerable discussion, with the Board asking questions of Chief
41 Walker and Town Manager Rush, no action was taken at this time.
42

43 **13. RESOLUTION AUTHORIZING GOVERNORS HIGHWAY SAFETY**
44 **PROGRAM GRANT APPLICATION – TRAFFIC MANAGEMENT UNIT**
45 **(07-02-13/R3)**
46

47 Bill Hargett, Police Chief addressed the Board concerning this agenda item. The
48 following excerpt from Town Manager Rush's memo to the Board is provided as
49 background:
50

51 Attached for the Board's consideration is a resolution authorizing a grant application to the NC Governors Highway
52 Safety Program (GHSP) for the establishment of a new, 2-man Traffic Management Unit in the Police Department.

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1
 2
 3
 4 The total amount of grant funding requested is \$277,693 over a 3-year period, and would be matched with a total of
 5 \$97,527 over the 3-year period. If approved, a total of \$25,350 would be budgeted for the local match in the FY 07-08
 6 budget.

7
 8 The attached memo prepared by Police Lieutenant Tony Reese to Police Chief Bill Hargett includes an excellent
 9 description of the proposed grant application. I have also attached another memo from the Police Department that
 10 includes additional justification for the new Traffic Management Unit, along with other statistical information about the
 11 Police Department that was included in the FY 06-07 budget document.

12
 13 The addition of the new Traffic Management Unit will enable the Police Department to more effectively enforce traffic
 14 laws and promote traffic safety in Emerald Isle. The addition of the two new officers will also bolster the Police
 15 presence in our community by adding an additional officer to certain shifts and by allowing existing officers to spend
 16 more time on proactive police patrol and response to other (non traffic-related) calls for service. As you know, the
 17 Police Department currently operates with a Sergeant and 2 patrol officers on duty at all times, plus a Lieutenant or
 18 Investigator during most times. This level of staffing becomes problematic during the tourism season, when the
 19 volume of calls increases significantly. Assignment of personnel would be directed by the Police Chief as needed,
 20 however, he has indicated that the additional personnel would primarily be added to bolster staffing on weekends and
 21 evenings. The new officers will focus on traffic issues, however, they are also eligible to respond to all police calls and
 22 will function in a manner similar to other officers on duty.

23
 24 The Board should note that the initial local cost for the 2 new officers is very minimal, but escalates gradually over the
 25 next few years. The grant program would result in the Town bearing the full cost of the 2 new officers in the fourth
 26 year. A detailed cost estimate is presented below:

27
 28
 29
 30

<u>FY</u>	<u>Grant</u>	<u>Town</u>	<u>Total</u>	<u>Notes</u>
31 FY 07-08	\$ 161,754	\$ 25,350	\$ 187,104	salaries, buy vehicles, equip
32 FY 08-09	\$ 69,043	\$ 24,481	\$ 93,524	salaries, etc.
33 FY 09-10	\$ 46,896	\$ 47,696	\$ 94,592	salaries, etc.
34 FY 10-11	\$ 0	\$ 97,074	\$ 97,074	salaries, etc.

35
 36
 37 A decision on whether or not to apply for the grant must be made by March 31, so this item can also be discussed
 38 again at the March Board meeting if necessary.

39
 40 Commissioner Wootten expressed concern that the Town is signing up for two
 41 additional people and in year four the Town would be picking up the whole tab,
 42 noting the current situation in the budget cycle with issues such as storm water,
 43 EMS, Police Expansion. Commissioner Wootten felt he would rather delay and
 44 take this up in the budget process.

45
 46 Town Manager Rush stated that if the Town applies for this round, the grant
 47 application needed to be in by March 31, the cost would not hit the Town until
 48 next fiscal year at a cost of approximately \$27,000. That number grows to close
 49 to \$100,000 in year four when the Town takes on the full cost. Mr. Rush said if
 50 the Board approves this tonight, the cost would be in next year's budget, if the
 51 Board decided not to apply this year they could certainly consider that expense

1
2 during the budget process as next years budget is prepared and if the Board
3 wanted to move forward at that time the Police Department would apply for a
4 grant in March 2008 and it would therefore take effect in FY 08-09.

5
6 ***Motion was made by Commissioner Messer to approve the Resolution***
7 ***Authorizing a Governors Highway Safety Program Grant Application for the***
8 ***establishment of a new Traffic Management Unit. The Board voted 2-3 with***
9 ***Commissioners Hoover and Messer in favor, Commissioners Hedreen,***
10 ***Wootten, and Wright opposed. Motion failed.***

11
12 ***Motion was made by Commissioner Hedreen to reconsider. The Board***
13 ***voted 4-1, Commissioners Hedreen, Hoover, Messer, and Wright in favor.***
14 ***Commissioner Wootten opposed. Motion carried.***

15
16 The Board discussed this issue further and following that discussion ***motion was***
17 ***made by Commissioner Messer to approve the Resolution Authorizing a***
18 ***Governors Highway Safety Program Grant Application for the***
19 ***establishment of a new Traffic Management Unit. The Board voted 4-1,***
20 ***Commissioners Hedreen, Hoover, Messer, and Wright in favor.***
21 ***Commissioner Wootten opposed. Motion carried.***

22
23 Note: A copy of Resolution 07-02-13/R3 is incorporated herein by reference and hereby made a part
24 of these minutes.

25
26 **14. APPOINTMENTS – PLANNING BOARD (4 VACANCIES)**

27
28 Commissioner Messer thanked the current Planning Board members for their
29 past help on the Planning Board.

30
31 ***Motion was made by Commissioner Messer to reappoint Ed Barber, Bob***
32 ***Conrad, Bob Smith, and Ken Sullivan to the Planning Board for terms that***
33 ***expire in March 2009. The Board voted unanimously 5-0 in favor. Motion***
34 ***carried.***

35
36 **15. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
37 **MANAGER**

38
39 There were no comments from the Town Clerk or the Town Attorney.

40
41 Town Manager Rush updated the Board on the FEMA Beach Nourishment
42 project stating that it continues to go well. The Contractor is on the eastern most
43 segment of Reach II and expects to finish in the next 10 days, and then move on
44 to Indian Beach.

45
46

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1
2 Town Manager Rush provided the status of the Coast Guard Road Traffic
3 project, noting the goal is to finish the entire project prior to March 15.

4
5 Mr. Rush noted that the Police Department had been awarded a \$10,000 grant
6 from the Governor's Highway Safety Program for traffic safety equipment.
7 During a periodic meeting of law enforcement agencies our folks attended
8 recently and were lucky enough to win the raffle of the \$10,000 grant.
9

10 Mr. Rush mentioned a law that allows law enforcement and municipal employees
11 to operate ATV's on public streets and highways. Emerald Isle has been doing
12 this for many years, unless the Board objected Mr. Rush stated he would like to
13 ask Senator Preston, and Representative McElraft to have Emerald Isle added to
14 that enabling legislation.

15
16 Mr. Rush concluded with a brief recap on the entire storm water project to date.
17

18 **16. COMMENTS FROM MAYOR AND BOARD OF COMMISSIONERS**

19
20 There were no further comments from the Mayor or Board of Commissioners.
21

22 **17. CLOSED SESSION – PURSUANT TO NCGS 143-318.11 (3), ATTORNEY-**
23 **CLIENT PRIVILEGE**

24
25 ***Motion was made by Commissioner Hedreen to go into closed session,***
26 ***pursuant to NCGS 143-318.11 (3), to discuss legal issues with the Town***
27 ***Attorney. The Board voted unanimously 5-0 in favor. Motion carried.***
28

29 ***Motion was made by Commissioner Wootten to return to open session.***
30 ***The Board voted unanimously 5-0 in favor. Motion carried.***

31
32 There was no action taken as a result of Closed Session.
33

34 **18. ADJOURN**

35
36 ***Motion was made by Commissioner Hedreen to adjourn. The Board voted***
37 ***unanimously 5-0 in favor. Motion carried.***

38
39 ***The meeting adjourned at 7:55 pm.***

40
41 Respectfully submitted:
42

43
44 Rhonda C. Ferebee, CMC
45 Town Clerk