

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, OCTOBER 10, 2006 – 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 Pete Allen, Nita
9 Hedreen, 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, Parks & Recreation
13 Director Alesia Sanderson, Public Works Director Artie Dunn, Police Chief Bill
14 Hargett and Fire Chief Bill Walker.
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 consider two changes to the
21 agenda. The first change would be to reverse the order of Items 10 and 11 in
22 order of sequence on the agenda to accommodate the representatives from the
23 Department of Transportation here tonight from Greenville. The second change
24 would be to add a Closed Session as Item 17.5 – Pursuant to General Statute
25 143.318.11 (5) Potential Acquisition of Real Property.
26

27 ***Motion was made by Commissioner Messer to accept the Agenda. The***
28 ***Board voted unanimously 5-0 in favor. Motion carried.***
29

30 **5. PROCLAMATIONS / PUBLIC ANNOUNCEMENTS**
31

32 Mayor Schools noted the following announcements for the public:
33

- 34 • **Board of Adjustment – Wednesday, October 11 at 9 am – Town Hall**
- 35 • **Friday Free Flicks – Friday, October 13 at 7 pm – Community Center**
- 36 • **Bogue Inlet Pier Benefit Concert – Saturday, October 14 from 3 pm –**
37 **9:30 pm – Bogue Inlet Pier**
- 38 • **Bicycle and Pedestrian Advisory Committee – Monday, October 16 at**
39 **6 pm – Community Center**
- 40 • **3rd Annual Emerald Isle Triathlon – Saturday, October 21 at 8 am –**
41 **Eastern Ocean Regional Access**
- 42 • **4th Annual Gordie McAdams Speckled Trout Surf Fishing**
43 **Tournament – October 21 – December 2**
- 44 • **Planning Board – Monday, October 23 at 6 pm – Town Hall**
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- 3 • **Halloween Carnival – Friday, October 27 from 6 pm to 8 pm –**
- 4 **Community Center**
- 5 • **Halloween Trick-Or-Treating – Tuesday, October 31 from 6 pm to 9**
- 6 **pm**
- 7 • **Bicycle Rodeo – Saturday, November 4 from 9 am to 12 noon – CVS**
- 8 **Parking Lot**
- 9 • **Board of Commissioners – Tuesday, November 14 at 6 pm – Town**
- 10 **Hall**
- 11 • **3rd Annual Emerald Isle Holiday Parade – Saturday, November 25 at 4**
- 12 **pm – NC 58**
- 13

14 **6. INTRODUCTION OF NEW EMPLOYEES**

- 15
- 16 **a. Elizabeth Lawrence, Administrative Assistant**
- 17 **b. Ricky Lanier, Parks Maintenance Worker**
- 18

19 Town Manager Rush formally introduced new full-time Administrative Assistant
20 Elizabeth Lawrence to the Board and public. Mr. Rush noted that Ms. Lawrence
21 had been here since earlier this summer and was doing a fantastic job. Mr. Rush
22 noted that she previously worked for United Parcel Service. She is a local girl
23 and graduate of Croatan High School. She has attended classes at Southern
24 Wesleyan University and Carteret Community College studying business
25 courses.

26

27 Parks and Recreation Director Alesia Sanderson formally introduced new full-
28 time Parks Maintenance Worker Ricky Lanier to the Board and public. Ms.
29 Sanderson stated that Mr. Lanier came on board the first of August. Mr. Lanier
30 too is an original North Carolinian coming from LaGrange, attending Pitt
31 Community College, graduating with an Associate Degree. Mr. Lanier went on to
32 work for Proctor & Gamble in Greenville for 15 years, and after moving here to
33 the coast Mr. Lanier was owner-operator of Fishin' Fever in Salter Path for 5
34 years prior to closing the business.

35

36 Mayor Schools added an announcement about the Emerald Isle Community
37 Night scheduled to take place at the Core Sound Waterfowl Museum in Harkers
38 Island on October 17th encouraging people to attend to hear an informal
39 discussion about Emerald Isle in years gone by.

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3 **7. CONSENT AGENDA**
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- 5 a. Minutes – September 12, 2006 Regular Meeting
6 b. Minutes – September 12, 2006 Special Meeting
7 c. Tax Refunds / Releases
8

9 *Motion was made by Commissioner Wootten to approve the items on the*
10 *Consent Agenda. The Board voted unanimously 5-0 in favor. Motion*
11 *carried.*
12

13 **8. PUBLIC COMMENT**
14

15 There were no comments from the public.
16

17 **9. BOGUE INLET PIER ISSUES**
18

19 Town Manager Frank Rush updated the Board on the status of the Clean Water
20 Management Trust Fund Grant Application. Mr. Rush noted the application was
21 submitted in June, and revised on September 1st. Mr. Rush stated that the Storm
22 Water Restoration Committee of the Board of Trustees of the Clean Water
23 Management Trust Fund met over the last few days, and reviewed projects so
24 they could make a recommendation to the full Board of Trustees. Mr. Rush said
25 he was happy to report that we did receive a favorable recommendation from the
26 staff of the Clean Water Management Trust Fund, and also a favorable
27 recommendation from the Storm Water Restoration Committee to the full Board
28 of Trustees. The full Board of Trustees will meet on November 12th & 13th. Mr.
29 Rush added that he also had a very favorable conversation with the Division of
30 Coastal Management today about the grant application the Town has talked
31 about submitting for this project.
32

33 Mr. Rush noted that Joyce Pearson, Pier Supporter, spoke to the Board at an
34 earlier meeting about her efforts to generate awareness and support for
35 preserving Bogue Inlet Pier, and is here tonight to talk to the Board about some
36 additional petition results that she has secured.
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3 Joyce Pearson addressed the Board noting that on August 8, 2006 she
4 presented the first phase of the paper petition to Save the Bogue Inlet Fishing
5 pier which included at that time 6,466 signatures. Ms. Pearson stated that
6 following that she proceeded with her efforts collecting signatures until
7 September 13, 2006. Ms. Pearson noted that she learned that morning of
8 September 13th watching the news broadcast about the agreement between the
9 Town of Emerald Isle and the prospective new owner of the property for the
10 Town to acquire the Bogue Inlet Fishing Pier and was delighted as were many
11 people on the Pier who had also heard the news. Ms. Pearson presented tonight
12 the Phase Two petition signature results of 3,107 and thanked her husband Phil
13 for the time spent analyzing the signature results in order to provide statistics.
14 Ms. Pearson stated that the combined total of signatures came to 9,573 from
15 May 2nd through September 13th. Ms. Pearson personally thanked the Mayor,
16 Town Commissioners, Town Manager Frank Rush, and Town staff for their
17 efforts in preserving the history, culture, and heritage of a public fishing pier for
18 generations to come. She concluded by saying that we could be proud that the
19 Town of Emerald Isle has had the vision to have the Bogue Inlet Fishing Pier
20 continue as a focal point of our community.

21
22 The Mayor and Board thanked Joyce and Phil Pearson for their presentation.
23 Commissioner Hedreen added that Joyce and Phil were positive examples of
24 passion portrayed in such a positive manner and they had really done a great
25 thing for this community.

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27 **10. PRESENTATION – STATUS OF TRAFFIC SIGNAL SYSTEM**
28 **IMPROVEMENTS PROJECT**

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30 Town Manager Frank Rush introduced Dwayne Alligood, PE, NCDOT Division 2
31 Operations Engineer, and Steve Hamilton, Traffic Engineer in the NCDOT office
32 in Greenville who were both here tonight to brief the Board on the proposed
33 traffic signal system improvement project that has been discussed on a few
34 occasions in the past.

35
36 The following excerpt from Town Manager Rush's memo to the Board is provided
37 as background:

38
39 Dwayne Alligood, PE, NCDOT Division 2 Operations Engineer, will attend the Board's October 10 meeting to discuss
40 the status of the proposed Traffic Signal System Improvements Project in Emerald Isle. As you know, this NCDOT
41 project has been on hold for the past 3 – 4 years due to NCDOT funding constraints, and NCDOT is seeking local
42 funding to assist in completing this project.

43
44 This NCDOT project involves the installation of an all-new electronically-linked traffic signal system at Emerald Isle's 4
45 signalized intersections along NC 58. The project would improve the synchronization of Emerald Isle's traffic signals
46 resulting in more efficient traffic flow through the town. The project also involves the installation of new dedicated steel

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1 signal support arms that would replace the current system of cables strung between creosote poles, and would
2 improve the appearance of the signal system. I am unclear as to whether or not it was ever finalized, but the Town had
3

4 also sought the inclusion of pedestrian crossing signals as part of this project, in anticipation of the NC 58 bicycle path
5 and sidewalk system.
6

7 The project had been previously funded by NCDOT approximately 3 – 4 years ago, and design work was completed
8 and plans and specifications prepared for the solicitation of bids. Unfortunately, budget challenges prevented the
9 project from being released for bids, and the project has been on hold indefinitely until additional funding is identified. I
10 do not have a detailed project budget estimate from NCDOT for this project, but verbal conversations have yielded an
11 estimate of \$1 million, which was initially anticipated to be funded 100% by NCDOT.
12

13 In late July, I received a phone call from Neil Lassiter, NCDOT Division 2 Engineer, indicating that approximately
14 \$625,000 was available to fund this project, leaving a shortfall of approximately \$375,000. Mr. Lassiter indicated that it
15 may be possible to utilize discretionary funds available in the NCDOT budget for approximately \$175,000 - \$200,000 of
16 this shortfall, leaving a remaining shortfall of approximately \$175,000 - \$200,000 that could be provided by the Town if
17 so desired. Mr. Lassiter indicated that NCDOT was increasingly relying on local participation to complete its projects
18 due to continued budget challenges at the State level, and was aware of the Town's strong interest in seeing this
19 project completed. The nature of Mr. Lassiter's inquiry was completely of a helpful nature, and represents his desire to
20 assist the Town in completing this project.
21

22 As a result, I requested that Mr. Lassiter send a representative from NCDOT to explain this issue to the Board of
23 Commissioners at an upcoming Board meeting. Mr. Dwayne Alligood has been tasked to discuss this issue with the
24 Board, and will attend on October 10. The Board may wish to pose the following questions of Mr. Alligood if these
25 details are not included in his presentation:
26

- 27 • What is the exact total estimated cost of the project?
- 28 • What amount is available from non-local sources to fund this project?
- 29 • What amount is needed from the Town of Emerald Isle to complete this project?
- 30 • What are the noticeable benefits of this project for drivers in Emerald Isle?
- 31 • If the Town provides funding, when would the project be constructed? How long would construction take?
- 32 • What level of disruption / inconvenience would occur, and how would it affect the busy summer season?
- 33 • Does the project scope include the installation of pedestrian crossing signals at each of the 4 intersections?
- 34 • Does the project scope include adjustments to signal cycles and turn lane modifications at the Coast Guard
35 Road intersection?
- 36 • If the Town provides funding, can this contribution be provided over multiple fiscal years?
- 37 • What is the likelihood of the State identifying the needed additional funds in the near future? What can the
38 Town do to encourage the State to provide the needed additional funds?
39

40 The Board should note that the Town has not previously allocated local funding for NCDOT projects in the past. There
41 are no funds currently identified in the Town's 5-Year Capital Replacement / Improvement Program for this
42 expenditure.
43

44 The Board is fortunate to have Mr. Alligood in attendance at the October 10 meeting, and may wish to seek an update
45 on other NCDOT-related issues on October 10, including the following:
46

- 47 • The status of the installation of 35 mph speed limit signs between Loblolly Street and Seagull Drive, as
48 requested by the Town more than one year ago,
- 49 • The potential for the resurfacing of NC 58 at the base of the Cameron Langston bridge on the Emerald Isle
50 side,
- 51 • The effect of planned Coast Guard Road traffic improvements on the traffic signal at that intersection (if the
52 NCDOT project is not completed or is further delayed), and
- 53 • The status of efforts to locate a new boat access ramp at the base of the Cameron Langston bridge on the
54 Cape Carteret side.

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The Board should also take the opportunity to publicly thank NCDOT for their financial assistance in the recent bicycle path and sidewalk projects. NCDOT has provided approximately \$300,000 toward these efforts over the past 3 – 4 years from its Transportation Enhancement Grant Program and Division 2 Sidewalk funds.

Mr. Alligood described the proposed coordinated signal system, noting that a coordinated system takes the 4 signal locations and makes a line in a coordinated pattern with the intent being to increase the efficiency of the existing roadway system without having to make physical improvements such as turn lane additions. Mr. Alligood said they are looking at this project in two phases, the first being coordinating the signals, which will include the 4 signals on the Island and some minor revisions to the signal at NC 24 and NC 58. Mr. Alligood said they have that funding secured and that work will proceed.

Secondly, Mr. Alligood said what they are here to ask the Board to consider is the additional possibility of installing metal poles with mast arms, that is the portion of the project for which they do not have funding. Mr. Alligood stated the estimated cost is about \$75,000 per intersection to install the metal poles with mast arms, for a total of \$375,000. Mr. Alligood said \$300,000 is for the intersections within Emerald Isle, and they are asking the Town of Emerald Isle to consider paying half of that cost which would be \$150,000 to upgrade from wood poles with span wire to metal poles with mast arms. Mr. Alligood stated that if the Town decides they do not want to participate that they will still put in the coordinated system but it will be on the wood poles with span wiring.

Mr. Alligood also noted that the plans developed now include pedestrian heads at Bogue Inlet Drive. Mr. Rush stated that there is also money in the current years budget to build stubs from the sidewalks and the bike path at each of the intersections in anticipation of hopefully getting the pedestrian signals, the Board has already allocated the funding for that and it will be done this fiscal year. It was noted that the coordinated signal system work would be done this winter.

Doje Marks, resident of Sea Dunes, urged the Board to put pedestrian crossings ahead of pretty poles, noting the dangers for pedestrians trying to cross any of the intersections. Mayor Schools stated that pedestrian crossings are already planned and Mr. Rush reiterated that there is money in this year's budget for that work.

Following further discussion, the Board thanked Mr. Alligood and Mr. Hamilton with NCDOT for their information concerning this project and other NCDOT issues.

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4 **11. ORDINANCE AMENDING CHAPTER 19 – ZONING – TO CREATE THE**
5 **VILLAGE EAST ZONING DISTRICT AND THE VILLAGE EAST CONDITIONAL**
6 **OVERLAY ZONING DISTRICT** – (06-10-10/O1)
7

- 8 **a. Public Hearing**
9 **b. Consideration of Ordinance**
10

11 Kevin Reed, Planning Director addressed the Board, providing a PowerPoint
12 presentation concerning this agenda item. Mr. Reed provided the Board and
13 public a brief summary outlining the history beginning with the original concept
14 and vision for the Village-East district, the work done by the CAMA Land Use
15 Plan Steering Committee, culminating in the presentation tonight. The following
16 excerpt from Planning Director Kevin Reed’s memo to the Town Manager is
17 provided as background:
18

19 The Planning Board, at its meeting held on September 25, 2006, considered possible amendments to Chapter 19,
20 Zoning, of the Town Code in order to create the Village-East (VE) Zoning District and the Village-East Conditional (VE-
21 C) Zoning Overlay District. The amendments presented to the Planning Board were prepared as part of the
22 implementation process for the 2004 CAMA Land Use Plan. The concept and vision for the Village-East district is
23 outlined and supported by specific policies in the land use plan. The vision for the Village-East focus area was further
24 refined as part of the design workshops held on June 3, 2006 for the Village-East and Village-West focus areas. The
25 results of these workshops are contained in the Design Concepts Report prepared by Clarion Associates. The Land
26 Use Plan and Design Concepts Report provided the basis for establishing the proposed amendments.
27

28 The primary reason for only addressing the Village-East focus area at this time first is twofold. One, the Bogue Inlet
29 Pier properties are under contract to be sold and the potential new owners are seeking guidance from the Town on
30 how any potential new land development regulations will impact their proposed redevelopment plans. Two, the Town
31 has been working with the potential new owners of the pier properties on the preservation and protection of Bogue Inlet
32 Pier as a recreational amenity and public beach access. It is anticipated that amendments for the Village-West area
33 will be incorporated into the Town Code later this year and into next year as part of the current efforts to update and
34 consolidate the Town’s land development regulations.
35

36 Town staff members, Planning Consultant Roger Waldon and Town Attorney Richard Stanley had several discussions
37 on the best approach to amending the Town’s development regulations in order to implement the plans for Village-
38 East. The Town Attorney advised that the best approach in addressing this issue from a planning and land
39 development regulation standpoint, particularly in light of the legal framework the Town must operate in under the
40 General Statutes of North Carolina, would be to: (1) create a new zoning district; and (2) create a conditional zoning
41 overlay district. The new zoning district, called Village-East, would create the baseline standards (permitted uses,
42 special uses, building setbacks, density, etc) that would apply to all proposed development activities for properties
43 zoned Village-East. The overlay district, called the Village-East Conditional Zoning Overlay District, would create a
44 somewhat flexible land development regulation tool that allows particular uses to be established in accordance with
45 specific standards and conditions pertaining to each individual development approved by the Town under the overlay
46 district procedure. No specific properties will be rezoned to the Village-East Zoning District or the Village-East
47 Conditional Zoning Overlay District at this time. The Town is expecting to receive a specific rezoning request to the
48 new Village-East districts from the potential new owners of the Bogue Inlet Pier area in early October. It is possible
49 that other rezoning requests may be forthcoming in the coming months after the establishment of these new districts.
50

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1 You will find attached proposed amendments, to the Chapter 19, Zoning, of the Town Code in ordinance format.
2 Please note that on the attachment, any existing text in the Town Code to be deleted is shown in a strikethrough format
3 and any text to be added is shown in an underlined format. In summary these amendments accomplish the following:
4

- 5 1. Amend Section 19-21 to create the Village-East (VE) Zoning District and create the Village-East Conditional
6 (VE-C) Zoning Overlay District.
- 7 2. Amend Section 19-62 to create a definition for the term *mixed use and bed and breakfast*.
- 8 3. Amend Section 19-82 in order to establish the permitted and special uses for the Village-East Zoning District.
- 9 4. Create Section 19-88 in order to establish specific criteria for the Village-East Conditional Zoning Overlay
10 District.
- 11 5. Create Section 19-108 in order to establish the dimensional requirements for the Village-East Zoning District.

12
13 The Planning Board, following its discussion of the proposed amendments, voted (5 to 1) to recommend to the Board
14 of Commissioners that the amendments be approved. During the Planning Board's discussion of the proposed
15 amendments several changes were made which are reflected in current draft. In addition, staff has incorporated other
16 changes since the Planning Board's meeting. The changes initiated by staff include the following:
17

- 18 1. Revise the wording in Section 19-88 to include stronger language to reflect that the Conditional Zoning
19 Overlay District will only be considered based on a significant creation of public access, parking and
20 recreational amenities.
- 21 2. Revise Section 19-108, Paragraph 3, to change the maximum height of mixed use structures from 50 feet to
22 40 feet. This section has also been changed to allow mixed use structures to be as high as 50 feet, if
23 changed by the application of the Village-East Conditional Zoning Overlay District. The Planning Board
24 attempted to decrease the height to 40 feet; however, the effort failed by a vote of the Board (3 in favor and 4
25 opposed).
- 26 3. Revise the language in Section 19-108, Paragraph 8, to use the phrase "vegetated area" rather than "natural
27 area".
- 28 4. Revise the wording in 19-88, Paragraph (2), b., to strengthen the language that any change in the proposed
29 use of a structure must be approved by the Town pursuant to changes in the conditional zoning overlay
30 district.

31
32 Based on the proposed amendments, both the Village-East Zoning District and the Village-East Conditional Zoning
33 District could only be applied to those properties identified as being part of the Village-East area in the Town's 2004
34 CAMA Land Use Plan. Again, no properties would be rezoned to Village-East at this time. I look forward to discuss
35 the proposed amendments in greater detail at the October meeting of the Board of Commissioners.
36

37 Mr. Reed responding to a question from Commissioner Messer stated that the
38 approval process for the overlay district is laid out and would still involve the
39 Technical Review Committee, the Planning Board, and ultimately the Town
40 Board for final approval. Mr. Reed pointed out that in the overlay district concept
41 any variation of the development standards set forth become binding not only to
42 that property and owner, but to any future owners of that property.
43

44 The Board had questions and discussed with staff and Town Attorney Stanley
45 the Village-East focus area and the possible need to amend the Land Use Plan
46 and Future Land Use Maps to more clearly define the Village-East "focus area".
47

48 ***Motion was made by Commissioner Messer to open the Public Hearing.***
49 ***The Board voted unanimously 5-0 in favor. Motion carried.***
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Hank Mahns, 108 Jackson, expressed his concern with the requirement of 25% retention of greenery, and the fact that there will be no side to side setbacks.

Doje Marks, 134 Sandcastle, member of the former CAMA Land Use Plan Steering Committee, spoke about the CAMA Land Use Plan that was crafted and she was proud to say has made positive changes in zoning in residential areas. Ms. Marks said she strongly supports the Village-East concept with two reservations – the first being the possibility of having a number of 50' buildings on either side of Bogue Inlet Drive creating a city canyon like appearance – she felt 40' would be much more acceptable. Ms. Marks also noted her second concern being the need for access for ambulances, and responding EMT's and Paramedics to provide ease of access to buildings and parking lot.

Wally Bowles, 128 Eastview, said he was excited about the Village-East concept but still had reservations about the proximity of the buildings and the height requirements. Mr. Bowles asked why it was felt that commercial should be higher than residential. He also noted his concerns with the mixed use classification and with a possible canyon effect in this small area. Mr. Bowles spoke about the pier, and his love/hate relationship, because the pier is one of the biggest contributors of beach litter and the need for this to be addressed in the future.

Town Attorney Stanley pointed out that in the overlay district an applicant must submit a survey, building plans, renderings, landscaping plans, streets, how many uses, etc. Only after the Board is satisfied can the Board approve it and at that point it becomes a permit, and basically a contract with the developer that is signed, recorded in the Register of Deeds, binding on that developer. If the property is sold, whoever buys the property must carry this out; even if a piece of the property is sold it is binding on that piece. Attorney Stanley stated there will be numerous opportunities including public hearings to find out what will take place in the overlay district, many opportunities to negotiate; an overlay is not a given thing.

Mark Brennesholtz, 9322 Ocean, commented that he was involved in the Land Use Planning process from the beginning, and even before that on the Highway 58 Committee, and he felt strongly in favor of the mixed use plan. He said the objective in the Land Use Plan was to encourage upgrading where viable and appropriate. Mr. Brennesholtz said that he understood that the commercial building height today is 50 feet, but on the mixed use under the overlay provisions, why not just say 40 feet and be done with it, eliminate doubt and ambiguity. Mr. Brennesholtz suggested the ordinance apply to the area envisioned by the Land Use Plan Steering Committee at that time. Also as

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1 mentioned in the Land Use Plan, Mr. Brennesholtz said if there is opportunity in
2 this redevelopment to create some sort of connector to provide at least
3 pedestrian foot traffic, bike traffic, preferably to also allow vehicular traffic just as
4 a safety valve; this being the only congested area of town where there is not a
5 parallel option.

6
7 Eddie Barber, Planning Board Member and former Land Use Plan Committee
8 member, discussed the height issue, stating that 40 feet is much better than 50
9 feet, and stated that he is in favor of 40 feet for the mixed use. Mr. Barber added
10 that at the meeting this morning there was also discussion about the CAMA Land
11 Use and property north of 58, noting that he knew of two properties on the north
12 side of 58 that would be ideal candidates for the mixed use plan, asking that the
13 Board look at the original intent as noted in the CAMA Land Use presentation.

14
15 Margaret Tally, 130 Eastview, asked how this change would affect the current
16 homeowners in this area and their property. Planning Director Reed stated that
17 the zoning of the property is not going to change, the owners can continue to use
18 and enjoy their property the way they do currently. Mr. Reed stated that the
19 amendments tonight will only allow someone wishing to redevelop their property
20 to either apply for the Village-East zoning district and / or additionally potentially
21 apply for the overlay district, but it doesn't affect existing landowners now.

22
23 Delano Dedmon, 139 Bogue Inlet Drive, wondered how his septic system would
24 be affected if the road is widened or sidewalks placed on Bogue Inlet Drive.
25 Commissioner Messer said the Town would operate only within the right-of-way,
26 and hopefully his septic system is not in the right-of-way.

27
28 Donna Smith, 128 Eastview, reiterated that she is in favor of limiting everything to
29 40 feet to maintain the small town, small village kind of look.

30
31 ***Motion was made by Commissioner Messer to close the Public Hearing.***
32 ***The Board voted unanimously 5-0 in favor. Motion carried.***

33
34 There followed considerable discussion by the Board with town staff and town
35 attorney concerning the proposed amendments. Town Attorney Stanley
36 reviewed the full scope of detail regarding the Village-East Zoning District and
37 the Village-East Conditional Overlay Zoning District.

38
39 Town Attorney Stanley and the Board commended Planning Director Reed for
40 his work on this project.

41
42 ***Motion was made by Commissioner Hedreen to adopt the Ordinance***
43 ***Amending Chapter 19 – Zoning – To Create the Village East Zoning District***
44 ***and the Village East Conditional Overlay Zoning District with the***

1 ***modification of a maximum 40 foot building height for mixed use. The***
2 ***Board voted unanimously 5-0 in favor. Motion carried.***
3

4 Town Manager Rush restated for his understanding that the motion means there
5 is no opportunity to go beyond 40 feet with a conditional overlay for a mixed use
6 building. Commercial buildings are still at 50 feet.

7
8 **Note: A copy of Ordinance 06-10-10/O1 is incorporated herein by reference and hereby made a part**
9 **of these minutes.)**

10
11 **12. ORDINANCE AMENDING CHAPTER 10 – LICENSES AND BUSINESS**
12 **REGULATIONS – REGARDING TAXICABS / LIMOS / DESIGNATED DRIVER**
13 **SERVICES**

- 14
15 **a. Consideration of Ordinance – (06-10-10/O2)**
16 **b. Fee Schedule Amendment**
17

18 Bill Hargett, Police Chief addressed the Board concerning this agenda item. The
19 following excerpt from Town Manager Rush’s memo to the Board is provided as
20 background:
21

22 The Board of Commissioners is scheduled to consider the attached ordinance amending Chapter 10 of the Town Code
23 to clarify and simplify the process used by the Town for permitting drivers for hire in Emerald Isle. If the Board
24 approves the attached ordinance amendment, the Board is also asked to approve an amendment to the Town’s FY 06-
25 07 Fee Schedule to establish a permit fee.
26

27 The attached ordinance was drafted by Police Chief Bill Hargett, and a detailed explanation of the proposed changes is
28 included in his memo to me dated October 2. The proposed changes have been reviewed by the FBI and the SBI, and
29 have received their approval. The proposed changes have also been reviewed by Town Attorney Richard Stanley,
30 who is comfortable with the changes but also suggests broadening the language “taxicabs / limos / designated driver
31 services” to include all “vehicles for hire”. Chief Hargett and I agree with this suggestion but have not included it in the
32 attached ordinance at this time due to the need for the FBI and SBI to also review these changes again, a process
33 which can take several weeks. For this reason, Chief Hargett and I are recommending that the Board consider
34 adoption of the attached ordinance at this time, with future consideration of the changes suggested by Town Attorney
35 Richard Stanley after FBI and SBI review and approval. The interim adoption of the attached ordinance would allow
36 the Police Department to greatly simplify and clarify the Town’s policy regarding taxicabs, limos, and designated driver
37 services, which is sometimes confusing for Town staff and drivers of these vehicles. We would expect to return to the
38 Board of Commissioners with additional amendments in the future.
39

40 The Board is also asked to approve the attached Fee Schedule amendment that establishes a \$38 fee for the
41 processing of each applicant for a taxicab / limo / designated driver service permit. This fee is intended to cover the
42 Town’s costs associated with background checks provided by the FBI and the SBI, and would simply be passed
43 through to the applicant.
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4 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
5 ***Amending Chapter 10 – Licenses and Business Regulations – Regarding***
6 ***Taxicabs / Limos / Designated Driver Services. The Board voted***
7 ***unanimously 5-0 in favor. Motion carried.***

8
9 ***Motion was made by Commissioner Messer to adopt the Fee Schedule***
10 ***Amendment as proposed. The Board voted unanimously 5-0 in favor.***
11 ***Motion carried.***

12
13 Commissioner Wootten thanked Chief Hargett for an outstanding job with his
14 presentation in Board packets.

15
16 **Note: A copy of Ordinance 06-10-10/O2 and Fee Schedule as amended are incorporated herein by**
17 **reference and hereby made a part of these minutes.)**

18
19 **13. FEMA Ophelia Beach Nourishment Project**

- 20
21 **a. Resolution Authorizing Construction Contract**
22 **b. Budget Amendment – Disaster Recovery Fund**
23 **c. Capital Project Ordinance Amendment – FEMA Ophelia Beach**
24 **Nourishment Project**
25 **d. Revised Interlocal Agreement with Pine Knoll Shores and Indian**
26 **Beach**

27
28 Town Manager Rush stated that the bid opening for this project took place the
29 past Wednesday, unfortunately only one bid was received, requiring per statute
30 that it be re-advertised for an additional week. The bid opening will take place
31 this Friday at 11:00 am. Mr. Rush asked that the Board meet to consider this
32 item prior to their November meeting.

33
34 **14. DISCUSSION – BEACH DRIVING VEHICLE RAMPS**

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

39
40 Based on direction from the Board at the September 12 meeting, I have scheduled time on the October 10 agenda for
41 the Board to discuss the results of the Town's decision to reopen the vehicle access ramp at the end of Inlet Drive (at
42 The Point) and efforts to prohibit vehicles from entering protected beach areas. Additionally, I have scheduled time for
43 the Board to discuss the potential opening of the Doe Drive vehicle access ramp to all vehicles for the remainder of the
44 beach driving season.

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MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
OCTOBER 10, 2006
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3
4 Inlet Drive Vehicle Access Ramp (at The Point)

5 As directed by the Board, Town staff reopened this vehicle access ramp at the start of beach driving season on
6 September 15. Due to concerns about erosion on the front beach near the Channel Drive beach access, an
7 approximately 1,500 linear ft. reach of beach was closed to driving in this area and signage and post-and-rope barriers
8 were erected. Additionally, the area north of the Inlet Drive ramp where sand was recently placed by the US Army
9 Corps of Engineers was also closed to beach driving, with appropriate signage and barriers. A map of the closed
10 areas and photos of the signs and barriers are attached for your information.
11

12 The Town Manager, Police Department, and Public Works Department have been monitoring this situation closely over
13 the past few weeks in an effort to provide maximum protection for the closed areas of the beach. Public Works has
14 adjusted signage and barriers in this area as a result of initial concerns and suggestions, and the Police Department
15 has maintained a presence in this area. Although there have likely been a few violators initially that were not caught,
16 the public appears to be adhering to the Town's rules in these areas. The Police Department has not issued any
17 citations to drivers violating these rules, and has reported only a handful of complaints received from residents in this
18 area.
19

20 The Board should discuss this issue and provide guidance to Town staff as to whether or not the Inlet Drive ramp
21 should remain open, be closed, and / or if other areas of the beach strand should be closed to vehicular traffic.
22

23 Public Works Director Artie Dunn and Police Chief Bill Hargett will attend the October 10 meeting to review these
24 issues with the Board of Commissioners.
25
26

27 Doe Drive Vehicle Access Ramp

28 The Doe Drive ramp has remain closed to the general public this beach driving season due to the reopening of the Inlet
29 Drive ramp. As you know, the Board had previously committed to close the Doe Drive ramp at such time that the Inlet
30 Drive ramp was reopened, and the Town honored this commitment when the Inlet Drive ramp was opened.
31

32 Town staff have received several complaints and concerns from beach drivers regarding the closure of the Doe Drive
33 vehicle access ramp. In hindsight, it may not have been prudent to close the Doe Drive ramp at this time due to the
34 closure of the beach strand near Channel Drive to vehicle traffic. Had the beach near Channel Drive not been closed
35 to vehicles, it would have been easy for beach drivers to access the western ocean beach (along the Coast Guard
36 Road corridor) from the Inlet Drive ramp, thus negating the need for the Doe Drive ramp. However, as you know, the
37 Channel Drive area is closed, which means that beach drivers wishing to access the western ocean beach must drive
38 on the beach from Black Skimmer Drive (through the Bogue Inlet Pier area and Western Ocean Regional Access area)
39 all the way to the western beach, a distance of up to 4 miles. This is sometimes difficult and inconvenient for drivers,
40 and may not be in the Town's overall interest in maintaining an acceptable balance between beach drivers and
41 recreational beach users.
42

43 Because the western ocean beach is not accessible to beach drivers via Inlet Drive, it is my recommendation that the
44 Town reopen the Doe Drive vehicle access ramp until such time that the entire western beach area is again open to
45 beach vehicle traffic. The reopening of the Doe Drive ramp will enable beach drivers to more easily access the
46 western beach and reduce beach driving traffic between Black Skimmer Drive and Doe Drive. I recognize and respect
47 the commitment made to the property owners near Doe Drive and the potential for some to be upset, however, I
48 believe this recommendation remains consistent with the Town's commitment due to the closure of the Channel Drive
49 beach area to vehicles. I do recommend that the Doe Drive ramp be closed again at such time that the full western
50 beach area is open (and the Inlet Drive ramp remains open) to beach vehicles.
51

52 ***It was the consensus of the Board that under current circumstances the***
53 ***Doe Drive Ramp should be reopened.***

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4 **14. APPOINTMENTS – BOARD OF ADJUSTMENT – 1 ALTERNATE**

5
6 **Summary of this Item:** There is currently a vacancy in the Alternate #2 position
7 on the Board of Adjustment, and the Board should appoint an individual to fill this
8 vacancy. This position's term expires in May 2008.

9
10 ***Town staff will continue to advertise this Board of Adjustment vacancy.***

11
12 **16. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
13 **MANAGER**

14
15 There were no comments from the Town Clerk, Town Attorney, or Town
16 Manager.

17
18 **17. COMMENTS FROM MAYOR AND BOARD OF COMMISSIONERS**

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

21
22 **17.5 CLOSED SESSION PURSUANT TO GENERAL STATUTE 143.318.11 (5)**
23 **POTENTIAL ACQUISITION OF REAL PROPERTY**

24
25 ***Motion was made by Commissioner Hedreen to enter Closed Session***
26 ***pursuant to General Statute 143.318.11 (5) Potential Acquisition of Real***
27 ***Property. The Board voted unanimously 5-0 in favor. Motion carried.***

28
29 ***Motion was made by Commissioner Hedreen to return to Open Session.***
30 ***The Board voted unanimously 5-0 in favor. Motion carried.***

31
32 No formal action was taken following Closed Session.

33
34 ***Motion was made by Commissioner Messer to recess the meeting until***
35 ***5:00 pm on Monday, October 16, 2006 for the purposes of considering***
36 ***actions associated with the FEMA Ophelia Beach Nourishment Project.***
37 ***The Board voted unanimously 5-0 in favor. Motion carried.***

38
39 Respectfully submitted:

40
41
42
43 Rhonda C. Ferebee
44 Town Clerk
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