

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, AUGUST 8, 2006 – 6:00 P.M. – TOWN HALL
4
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6 The regular monthly meeting of the Emerald Isle Board of Commissioners was
7 called to order by Mayor Art Schools at 6:00 PM.
8

9 Present for the meeting: Mayor Art Schools, Commissioners Pete Allen, Nita
10 Hedreen, John Wootten, and Maripat Wright.
11

12 Absent for the meeting: Commissioner Floyd Messer.
13

14 ***Motion was made by Commissioner Hedreen to excuse the absence of***
15 ***Commissioner Messer. The Board voted unanimously 4-0 in favor. Motion***
16 ***carried.***
17

18 Others present: Town Attorney Richard Stanley, Town Manager Frank Rush,
19 Asst. Town Manager & Finance Officer Mitsy Overman, Town Clerk Rhonda
20 Ferebee, Planning Director Kevin Reed, and Public Works Director Artie Dunn.
21

22 After roll call all who were present recited the Pledge of Allegiance.
23

24 **4. ADOPTION OF AGENDA**
25

26 ***Motion was made by Commissioner Allen to adopt the Agenda. The Board***
27 ***voted unanimously 4-0 in favor. Motion carried.***
28

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

31 Mayor Art Schools noted the following announcements for the public:
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- 33 • **Beach Jive After Five – Pauline Smith – Thursday, August 17 at 5:30**
34 **pm – Western Ocean Regional Access**
- 35 • **Bicycle and Pedestrian Advisory Committee Meeting – Monday,**
36 **August 21 at 6:00 pm – Community Center**
- 37 • **Planning Board Regular Meeting – Monday, August 28 at 6:00 pm –**
38 **Town Hall Meeting Room**
- 39 • **Town Hall Closed – Monday, September 4 – Labor Day Holiday**
- 40 • **Recreation Center Closed – Monday, September 4 – Labor Day**
41 **Holiday**
- 42 • **Emerald Isle Bike Rally – September 7-10 – Bogue Inlet Pier and**
43 **Emerald Club**
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- 2 • **Board of Commissioners Regular Meeting – Tuesday, September 12**
- 3 **at 6:00 pm – Town Hall Meeting Room**
- 4 • **1st Annual Day 4 Kids – Saturday, September 16 – 10:00 am to 2:00**
- 5 **pm – Community Center Parking Lot**
- 6

7 **6. SPECIAL RECOGNITION – MIKE JOHNSON, BOARD OF ADJUSTMENT**

8

9 Mayor Schools recognized Mike Johnson, current Chairman of the Board of
10 Adjustment who recently resigned after nearly 18 years of service to the Town.
11 Mayor Schools noted that Mr. Johnson is believed to be the longest continuous
12 serving elected or appointed member in the history of the Town. Mayor Schools
13 added that Mr. Johnson was moving to Tennessee and was unable to attend
14 tonight, however a Service Award will be presented to him expressing the Town's
15 appreciation of his excellent service to the Town.

16

17 **7. CONSENT AGENDA**

- 18
- 19 a. **Tax Refunds / Releases**
- 20 b. **Minutes – May 17, 2006 Special Meeting**
- 21 c. **Minutes – June 13, 2006 Regular Meeting**
- 22 d. **Minutes – July 10, 2006 Regular Meeting**
- 23 e. **Order Directing 2006 Tax Levy and Collection**
- 24 f. **Budget Amendment – Cape Emerald Pipe Repairs**
- 25 g. **Resolution Requesting Federal Funds for Bogue Inlet Connecting**
- 26 **Channel Dredging – (06-08-08/R1)**
- 27

28 *Motion was made by Commissioner Wootten to approve the Consent*
29 *Agenda. The Board voted unanimously 4-0 in favor. Motion carried.*

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31 Note: A copy of above agenda items including Resolution 06-08-08/R1 is incorporated herein by
32 reference and hereby made a part of these minutes.)

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34 **8. PUBLIC COMMENT**

35

36 There were no comments from the public.

37

38

39 **9. BOGUE INLET PIER**

- 40
- 41 a. **Presentation – Petition to Save Bogue Inlet Pier**
- 42 b. **Memorandum of Understanding with NC Aquarium Society for**
- 43 **Contributions**
- 44
- 45

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1
2 Joyce Pearson, 2904 Misty Lane, Emerald Isle resident and proponent of efforts
3 to save Bogue Inlet Pier, addressed the Board with information about her efforts
4 and the results of a paper petition in local businesses. Ms. Pearson stated that
5 she and her husband Phil had relocated to Emerald Isle in February of 2002.
6 She said one of the first things they did was to purchase season passes for the
7 Bogue Inlet Fishing Pier, and had done so every year since. Ms. Pearson said
8 when they learned earlier in the year about the pending sale of the pier, she and
9 her husband felt that something should be done to save the pier because too
10 many fishing piers along our coast were being lost not to storms but to
11 development. On May 2nd, Ms. Pearson and her husband began a paper petition
12 to save the Bogue Inlet Pier. She thanked the many business owners who
13 allowed the petitions to be placed in their establishments in order to obtain
14 signatures. Ms. Pearson stated that Mayor Schools contacted her on May 21st to
15 tell her about his intention to begin an on-line petition which everyone knows as
16 www.saveourpier.com. She noted that the internet petition has been a huge
17 success with approximately 10,576 signatures to date, and a goal of 15,000. Ms.
18 Pearson said that the people who took the time to sign the paper petitions
19 supporting efforts to save the Pier were people here in Town, spending money
20 and supporting our businesses. Ms. Pearson presented to the Mayor and Board
21 of Commissioners the signed paper petitions to save the Bogue Inlet Fishing Pier
22 which according to Mr. Phil Pearson's analysis consisted of 6,466 signatures.
23 Signatures of support according to their analysis came from people in our Town,
24 our state, other states, and even other countries. Ms. Pearson said they are
25 continuing to gather signatures and will do so until the Mayor or Town Manager
26 advise them that they should discontinue their efforts. Ms. Pearson stated that
27 she had served as secretary to the Finance Director for the City of Raleigh before
28 retiring, mentioning the various financing mechanisms for projects funded over
29 the year, adding that she would be glad to assist in future funding efforts. Ms.
30 Pearson ended by saying that the Town needed to do everything it could to keep
31 the Bogue Inlet Fishing Pier and continue the existence of this landmark facility
32 within the center of our community, it being vital that the Pier remains to allow
33 access to our ocean for the public's use and enjoyment.

34
35 The Mayor and Board of Commissioners expressed their appreciation of Ms.
36 Pearson's efforts. Commissioner Hedreen thanked Ms. Pearson for her hard
37 work and efforts on behalf of all of us, noting that everyone wants this to work
38 and she said they will do everything they can to make it happen, and appreciate
39 her personal interest and time invested, it being quite a contribution to our
40 citizens.

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42 Mayor Schools spoke to the Board concerning the Memorandum of
43 Understanding between the Town of Emerald Isle and North Carolina Aquarium
44 Society, (a copy of which is attached to these minutes). Mayor Schools asked if
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2 the Board was in agreement with this document or whether they wished to make
3 changes. The Memorandum of Understanding indicates that any donations
4 made to the NC Aquarium Society will be earmarked specifically for the
5 preservation of Bogue Inlet Pier, and if that does not succeed then the funds will
6 be earmarked for the future construction of a new pier in Emerald Isle. In the
7 event that neither effort succeeds, any funds contributed will be used for another
8 beneficial waterfront project in Emerald Isle. ***The Board expressed their***
9 ***agreement with this Memorandum of Understanding.***

10
11 **10. PROPOSED REZONING – RESIDENTIAL MOTEL HOTEL (RMH) TO**
12 **RESIDENTIAL MULTI-FAMILY (RMF) – QUEENS COURT**

- 13
14 a. Public Hearing
15 b. Consideration of Rezoning
16

17 Kevin Reed, Planning Director provided an overhead presentation as he
18 addressed the Board concerning this agenda item. The following excerpt from
19 Planning Director Kevin Reed's memo to the Town Manager is provided as
20 background:

21
22 As you will recall, staff recently began working with the Planning Board on another implementation measure identified
23 in the 2004 CAMA Land Use Plan. This effort involves the rezoning of certain properties from RMH to RMF.
24 Specifically, that recommendation is to amend the Town's Zoning Map to rezone existing condominium developments
25 from RMH to RMF where they have been designated as "mixed-residential" on the Future Land Use Map. The
26 Planning Board was asked at its July 24, 2006 meeting to consider the rezoning of the next of these areas which
27 encompasses the Queens Court condominium development located off of Reed Drive. The area is designated as
28 mixed residential on the Future Land Use Map. You will find attached a map showing the area to be rezoned.
29

30 Following its discussion of the matter, the Planning Board voted unanimously (5 to 0) to recommend to the Board of
31 Commissioners that the property be rezoned.
32

33 ***Motion was made by Commissioner Allen to open the Public Hearing. The***
34 ***Board voted unanimously 4-0 in favor. Motion carried.***

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36 There were no comments from the public.
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38 ***Motion was made by Commissioner Allen to close the Public Hearing. The***
39 ***Board voted unanimously 4-0 in favor. Motion carried.***

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41 ***Motion was made by Commissioner Allen to approve the rezoning of***
42 ***Queens Court from RMH to RMF, for reasons indicated on the attached***
43 ***record which are: the Town's Land Use Plan projects this area as suitable***
44 ***for mixed-residential uses; the RMF district allows single-family, dual-***
45 ***family, and multi-family residential uses; the need for a variety of housing***
46 ***types in Emerald Isle; and the community's overall interest in maintaining a***
47

1
2 ***small-town atmosphere. The Board voted unanimously 4-0 in favor.***
3 ***Motion carried.***

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5 **Note: (A copy of the Record of Zoning Amendment indicating the reasons for the approved rezoning**
6 **of Queens Court from RMH to RMF is incorporated herein by reference and hereby made a part of**
7 **these minutes)**

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9 **11. ORDINANCE AMENDING CHAPTER 19 – ZONING – REGARDING SIGNS**
10 **ADVERTISING REAL ESTATE OPEN HOUSES – (06-08-08/O1)**

- 11
12 **a. Public Hearing**
13 **b. Consideration of Ordinance Amendment**

14
15 Kevin Reed, Planning Director addressed the Board concerning this agenda
16 item. Mr. Reed stated earlier in the summer he sent a letter to the local real
17 estate community advising them of the town's current regulations regarding the
18 advertisement of open houses for the sale of real estate. He said open house
19 signs are only permitted on the premises of the open house while the agent or
20 owner is on duty. Mr. Reed described the considerable time spent on a previous
21 weekend collecting a number of open house signs which prompted the letter to
22 the real estate community reiterating to them again the town's current restrictions
23 for such signs. Mr. Reed said that following subsequent conversation with
24 several members of the real estate community, and hearing their concerns of the
25 need to create, in some limited fashion, off-premises directional signs so that
26 open houses could actually be found while being conducted, Mr. Reed took this
27 issue to the Planning Board. The following excerpt from Planning Director Kevin
28 Reed's memo to the Town Manager is provided as additional background:

29
30 The Planning Board, at its meeting held on June 26, 2006, heard a report from Town staff regarding the Town's
31 regulations in the Zoning Ordinance as they pertain to signs that advertise "open houses" for the sale of real estate.
32 Currently, Section 19-134, Paragraph 6(f) of the Ordinance reads as follows:

- 33
34 f. The signs are removed within thirty (30) days after the sale or lease of the premises. Open house
35 signs are permitted on the premises only while the real estate agent is on the premises and shall
36 be removed when the agent leaves the premises.

37
38 After discussing the current regulations, the Planning Board directed staff to prepare possible amendments to the
39 Ordinance that would allow for the limited use of off-premise directional signs for open houses. Draft amendments
40 were presented to the Planning Board at its meeting held on July 24, 2006. Following its discussion of the matter, the
41 Planning Board voted unanimously (5 to 0) to recommend to the Board of Commissioners that the amendments be
42 approved. You will find attached a copy of the proposed amendments in ordinance format. Text which is to be
43 deleted is shown in a strikethrough format and text that is to be added is shown in an underlined format. Staff looks
44 forward to the opportunity to discuss the proposed amendments with the Board of Commissioners.

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ORDINANCE AMENDING CHAPTER 19 – ZONING –
REGARDING SIGNS ADVERTISING REAL ESTATE OPEN HOUSES

WHEREAS, the Town of Emerald Isle previously adopted requirements for the advertising of real estate open houses, and

WHEREAS, the Town's current requirements do not allow for off-premise directional signs for open houses, and

WHEREAS, the Town now desires to amend Chapter 19 in order to allow for the limited use of off-premise directional signs for open houses,

NOW, THEREFORE, BE IT ORDAINED by the Emerald Isle Board of Commissioners that

1. Chapter 19- Zoning – Section 19-134, Paragraph (6) is hereby amended to read as follows:

f. ~~The signs are removed within thirty (30) days after the sale or lease of the premises. Open house signs are permitted on the premises only while the real estate agent is on the premises and shall be removed when the agent leaves the premises.~~

g. Open house signs for the sale of real estate are permitted under the following restrictions and conditions:

1. Open houses may be conducted at any time; however, the use of off-premise directional signs shall be limited to one (1) open house per premise per week and no such signs are permitted unless the owner or real estate agent is present on site during the open house.

2. A maximum of four (4) signs may be erected, one (1) on the property at which the open house is being conducted and the remaining three (3) may be placed at appropriate intersections to provide direction to the premises on which the open house is being conducted.

3. Do not exceed four (4) square feet in area and must be of similar construction as a typical real estate sign. No banners are permitted

4. Signs may be installed no more that one (1) hour before the commencement of the open house and must be removed within one (1) hour following the end of the open house, with a maximum duration of six (6) hours.

5. No balloons, streamers, banners or other wind activated devices may be attached to the signs.

6. Signs may not be located on the beach side of any oceanfront property.

2. The Board of Commissioners has determined that the above subject amendment is both reasonable and in the public interest for the following reasons:

- The amendment is consistent with the Town's practice to limit off-premise signs,
- The amendment will provide for the opportunity for the real estate industry to effectively market properties; and,
- The Town will not allow such signs to be located anywhere permanently.

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1 3. The Town Clerk is authorized to amend the sections as set forth above.
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6 4. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase
7 of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent
8 jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
9

10
11 Adopted this the _____ day of _____, 2006, by a vote of

12 Commissioner(s) _____ voting for,

13 Commissioner(s) _____ voting against, and

14
15 Commissioner(s) _____ absent.
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22 _____
Arthur B. Schools, Jr., Mayor

23 ATTEST:

24
25
26 _____
Rhonda Ferebee, Town Clerk
27
28

29 ***Motion was made by Commissioner Wootten to open the Public Hearing.***
30 ***The Board voted unanimously 4-0 in favor. Motion carried.***
31

32 There were no comments from the public.
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34 ***Motion was made by Commissioner Allen to close the Public Hearing. The***
35 ***Board voted unanimously 4-0 in favor. Motion carried.***
36

37 ***Motion was made by Commissioner Wootten to adopt the Ordinance***
38 ***Amending Chapter 19 – Zoning – Regarding Signs Advertising Real Estate***
39 ***Open Houses. The Board voted unanimously 4-0 in favor. Motion carried.***
40

41 **Note: A copy of Ordinance Amendment 06-08-08/O1 is incorporated herein by reference and hereby**
42 **made a part of these minutes.)**
43

44 **12. RESOLUTION AUTHORIZING PRE-POSITIONED EMERGENCY**
45 **GENERATOR AND EMERGENCY PUMP CONTRACT – (06-08-08/R2)**
46

47 Artie Dunn, Public Works Director, addressed the Board concerning this agenda
48 item. Mr. Dunn gave a brief background of this contract and its contents. Mr.
49 Dunn stated that this contract is very similar to the debris removal contract, being
50 that in time of disaster as needed, the contract is activated, giving the contractor

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1 a set amount of time to have certain pieces of equipment delivered and set up in
2 Town for our use. Mr. Dunn said that in event of disaster the contract calls for
3 three portable emergency generators to operate our stormwater systems at Deer
4 Horn Drive, Conch Court and Doe Drive. In addition, there would be three 6"
5 trash pumps set up to the three historically worst places in town flood-wise,
6 Spinnakers Reach, Dolphin Ridge, and Island Circle. The contractor would also
7 be responsible for laying the discharge hose and the suction hose from the pump
8 to the point of discharge. The contract is only activated if necessary. Mr. Dunn
9 recommended the contract with Godwin Pumps of America, Inc.

10
11 ***Motion was made by Commissioner Wright to approve the Resolution***
12 ***Authorizing Emergency Generator and Emergency Pump Contract. The***
13 ***Board voted unanimously 4-0 in favor. Motion carried.***

14
15 **Note:** A copy of Resolution 06-08-08/R2 is incorporated herein by reference and hereby made a part
16 of these minutes.)

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18 **13. APPOINTMENTS**

19
20 **a. Board of Adjustment – 5 vacancies**

21 **b. Emerald Isle Parks and Recreation Association, Inc. – 2 vacancies**

22
23 **Summary of this Item:** The Board is scheduled to make 5 appointments to the Board of
24 Adjustment and 2 appointments to the Emerald Isle Parks and Recreation Association, Inc. at the
25 August 8 meeting.

26
27 **Board of Adjustment**

28 The terms of Jerry Stockdale, Russell Adams, Bob Stanley, and Linda Hughs (Alternate #2) all
29 expired in May 2006. Also, Chairman Mike Johnson has resigned due to his upcoming move to
30 Tennessee, creating a fifth vacancy.

31
32 As such, the Board needs to appoint the following:

- 33
34
- One person to serve in Mike Johnson's unexpired term ending in May 2008,
 - Three persons to serve new terms expiring in May 2009 (due to expiration of current terms of Stockdale, Adams, and Stanley), and
 - One person to serve in the Alternate #2 position in a new term expiring in May 2008 (due to the expiration of the current term of Hughs).
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40 Stockdale, Adams, and Hughs have all expressed interest in being reappointed if so desired by
41 the Board. If the Board chooses to reappoint Stockdale and Adams and also elevate Hughs
42 (Alternate #2) and John Kilgore (Alternate #1 – term expires in May 2007) to full members of the
43 Board of Adjustment, then the Board would also need to appoint one person to fill the unexpired
44 term of Kilgore (Alternate #1), which expires in May 2007.

45
46 The Town is currently soliciting letters of interest for the Board of Adjustment, and established an
47 August 7 deadline for these letters of interest. Copies of all letters received will be forwarded to
48 the Board prior to the August 8 meeting.

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Emerald Isle Parks and Recreation Association, Inc.

As you know, the EI Parks and Recreation Association, Inc. is charged with overseeing the development and future operation of McLean Park. This non-profit association was created by the Town in 2004 for this purpose.

Due to an already-expired and expiring term, the Board needs to appoint two individuals as follows:

- One person to serve in an already-expired term that would now serve in a new term until August 2008, and
- One person to serve in a new term that will expire in August 2009.

These two positions are currently occupied by Bernie Whalley and Linda Hughs, and both have expressed interest in being reappointed if the Board so desires.

Motion was made by Commissioner Allen to appoint Linda Hughs to fill Mike Johnson's unexpired term expiring in May 2008. The Board voted unanimously 4-0 in favor. Motion carried.

Motion was made by Commissioner Allen to promote John Kilgore from Alternate to full-time member, and reappoint Jerry Stockdale and Russell Adams to full-time terms expiring May 2009. The Board voted unanimously 4-0 in favor. Motion carried.

The Board directed that staff solicit applicants for the resulting two alternate member vacancies.

Motion was made by Commissioner Wright to appoint Bernie Whalley to a new term on the Emerald Isle Parks and Recreation Association, Inc. that expires in August 2008; and to appoint Linda Hughs to serve the term that expires in August 2009. The Board voted unanimously 4-0 in favor. Motion carried.

14. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN MANAGER

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

Town Manager Rush mentioned that a raccoon had been found in Lands End today believed to be rabid, sent to the lab for testing, and results should be received within the next few days. Mr. Rush pointed out that if it does turn out to be rabid, this will be the third case in Emerald Isle this year.

Mr. Rush said he was pleased to report that the Town just received an approximately \$80,000 payment in the form of a drug seizure. Mr. Rush said this

1
2 money will be earmarked for future Police Department needs, possibly including
3 some work on the building, furnishings and so forth.

4
5 Mr. Rush reminded the Board that the Chamber of Commerce Legislative
6 luncheon is scheduled for August 24 at Captain Bill's in Morehead City if they
7 wished to attend.

8
9 In response to a question from Commissioner Wootten about the stormwater
10 monitoring plan, Mr. Rush said that the plan is being coordinated by Moffatt &
11 Nichol, some of the work will be done by EcoScience which is one of their
12 subcontractors, the other part will be done by a firm in Jacksonville that will
13 actually test the samples of water taken. In addition, town staff will be doing
14 some of the basic work, measuring water levels, and test wells at the 40 acre
15 site. Mr. Rush said the contract with the full scope of work broken out will be
16 provided at the September board meeting.

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

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

21
22 **16. CLOSED SESSION – PURSUANT TO NCGS 143-318.11(5), POTENTIAL**
23 **ACQUISITION OF REAL PROPERTY**

24
25 ***Motion was made by Commissioner Hedreen to go into Closed Session.***
26 ***The Board voted unanimously 4-0 in favor. Motion carried.***

27
28 ***Motion was made by Commissioner Wootten to re-enter open session. The***
29 ***Board voted unanimously 4-0 in favor. Motion carried.***

30
31 There was no action taken as a result of the Closed Session.

32
33 **17. ADJOURN**

34
35 ***Motion was made by Commissioner Hedreen to adjourn the meeting. The***
36 ***Board voted unanimously 4-0 in favor. Motion carried.***

37
38 Respectfully submitted:

39
40
41
42 Rhonda C. Ferebee
43 Town Clerk

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45