

1 MINUTES OF THE REGULAR SCHEDULED MEETING  
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
3 TUESDAY, JULY 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 Asst. Town Manager & Finance Officer Mitsy Overman, Town Clerk Rhonda  
13 Ferebee, Planning Director Kevin Reed, Public Works Director Artie Dunn, and  
14 Police Lieutenant Tony Reese.  
15

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

18 **4. ADOPTION OF AGENDA**  
19

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

23 **5. PROCLAMATION / PUBLIC ANNOUNCEMENT**  
24

25 Mayor Art Schools noted the following announcements for the public:  
26

- 27 • **Board of Adjustment Meeting – Tuesday, July 11 at 9 am – Town Hall**
- 28 • **Beach Volleyball Tournament – Saturday, July 15 at 9 am – Western**  
29 **Ocean Regional Access**
- 30 • **Bicycle and Pedestrian Advisory Committee Meeting – Monday, July**  
31 **17 at 6 pm – Community Center**
- 32 • **Beach Jive After Five – Spiritual Therapy – Thursday, July 20 at**  
33 **5:30 pm – Western Ocean Regional Access**
- 34 • **Emerald Isle Woods Park Dedication – Friday, July 21 at 10 am –**  
35 **Emerald Isle Woods Park**
- 36 • **Planning Board Regular Monthly Meeting – Monday, July 24 at 6 pm**  
37 **– Town Hall**
- 38 • **Phase II Bicycle Path Dedication – Friday, July 28 at 10 am –**  
39 **Merchants Park**
- 40 • **Board of Commissioners Regular Monthly Meeting – Tuesday,**  
41 **August 8 at 6 pm – Town Hall**  
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2 **6. INTRODUCTION OF NEW EMPLOYEES**  
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- 4     **a. Matt Helm, Police Officer**  
5     **b. Fred Smith, Police Officer**  
6

7 Lieutenant Tony Reese introduced the Town's two newest full-time employees,  
8 Police Officer Fred Smith and Police Officer Matt Helm. Lt. Reese noted that  
9 both Officer Smith and Officer Helm were part-time reserve officers just recently  
10 promoted to full-time officer status. Lt. Reese noted that Officer Fred Smith  
11 started part-time in Emerald Isle in April of 2005. He noted that Fred has a  
12 Masters Degree in Music from John Hopkins University, and prior to law  
13 enforcement was a music teacher. Lt. Reese noted that Officer Matt Helm just  
14 finished BLET this year and started part-time with Emerald Isle in April of this  
15 year. He noted that Matt moved here from Key West Florida. Lt. Reese stated  
16 they were doing a great job for the department. The Board and members of the  
17 public welcomed and expressed their appreciation of the new officers.  
18

19 **7. CONSENT AGENDA**  
20

- 21     **a. Minutes – May 30, 2006 Special Meeting**  
22     **b. Minutes – June 1, 2006 Special Meeting**  
23     **c. Minutes – June 27, 2006 Special Meeting**  
24     **d. Resolution Authorizing Contract for Storm Water Pipe Repairs –**  
25         **Cape Emerald – (06-07-10/R1)**  
26

27 Commissioner Wootten asked what the budget was for the repairs to the  
28 pipeline. Mr. Rush stated that there was a budget of \$115,000, and the contract  
29 before the Board is \$97,500, a little savings, some of which will be necessary for  
30 landscaping and clean up work.  
31

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

35  
36 **Note: A copy of Resolution 06-07-10/R1 is incorporated herein by reference and hereby made a part**  
37 **of these minutes.)**  
38

39 **8. PUBLIC COMMENT**  
40

41 Jackie Foster, 113 Santa Maria Drive, Columbus Square Subdivision, spoke for a  
42 group of citizens in attendance concerning the boardwalk at the end of Santa  
43  
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1  
2 Maria. Ms. Foster said the walkway was in terrible disrepair. She said they  
3 understood that originally it was built by the neighborhood and donated to the  
4 Town with the agreement that the Town would keep it up. Town Manager Rush  
5 said that he would have the Parks & Recreation staff out this week to look at it  
6 and see when repairs could be scheduled, certainly trying to get to it as quickly  
7 as possible. Ms. Foster said they were anxious to do anything they could to help  
8 expedite the situation.  
9

10 **9. PROPOSED REZONING – RESIDENTIAL MOTEL HOTEL (RMH) TO**  
11 **RESIDENTIAL MULTI-FAMILY (RMF) – POINT EMERALD VILLAS**  
12

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

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

26 Following its discussion of the matter, the Planning Board voted unanimously (6 to 0) to recommend to the Board of  
27 Commissioners that the property be rezoned.  
28

29 ***Motion was made by Commissioner Wootten to open the Public Hearing.***  
30 ***The Board voted unanimously 5-0 in favor. Motion carried.***  
31

32 There were no comments from the public.  
33

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

37 ***Motion was made by Commissioner Wright that we rezone the area of Point***  
38 ***Emerald Villas to be consistent with the CAMA Land Use Plan. The Board***  
39 ***voted unanimously 5-0 in favor. Motion carried.***  
40

41 **Note: (A copy of the Record of Zoning Amendment indicating the reasons for the approved rezoning**  
42 **of Point Emerald Villas from RMH to RMF is incorporated herein by reference and hereby made a**  
43 **part of these minutes)**  
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3 **10. PROPOSED REZONING – RESIDENTIAL MOTEL HOTEL (RMH) TO**  
4 **RESIDENTIAL MULTI-FAMILY (RMF) – PEBBLE BEACH**  
5

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

10  
11 As you will recall, staff recently began working with the Planning Board on another implementation measure identified  
12 in the 2004 CAMA Land Use Plan. This effort involves the rezoning of certain properties from RMH to RMF.  
13 Specifically, that recommendation is to amend the Town's Zoning Map to rezone existing condominium developments  
14 from RMH to RMF where they have been designated as "mixed-residential" on the Future Land Use Map. The  
15 Planning Board was asked at its June 26, 2006 meeting to consider the rezoning of the second of these areas which  
16 encompasses the Pebble Beach development located off of Coast Guard Road. The area is designated as mixed  
17 residential on the Future Land Use Map. You will find attached a map showing the area to be rezoned.  
18

19 Following its discussion of the matter, the Planning Board voted unanimously (6 to 0) to recommend to the Board of  
20 Commissioners that the property be rezoned.  
21

22 ***Motion was made by Commissioner Messer to open the Public Hearing.***  
23 ***The Board voted unanimously 5-0 in favor. Motion carried.***  
24

25 There were no comments from the public.  
26

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

30 ***Motion was made by Commissioner Messer to approve the rezoning of***  
31 ***Pebble Beach from RMH to RMF for reasons indicated on the zoning***  
32 ***attachment to be consistent with the Land Use Plan. The Board voted***  
33 ***unanimously 5-0 in favor. Motion carried.***  
34

35 **Note: (A copy of the Record of Zoning Amendment indicating the reasons for the approved rezoning**  
36 **of Pebble Beach from RMH to RMF is incorporated herein by reference and hereby made a part of**  
37 **these minutes)**  
38

39 **11. FINAL PLAT – SEA OATS SUBDIVISION**  
40

41 Kevin Reed, Planning Director provided an overhead presentation as he  
42 addressed the Board concerning this agenda item. The following excerpt from  
43 Planning Director Kevin Reed's memo to the Town Manager is provided as  
44 background:  
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1  
2 A request has been received from Block 39, LLC for final plat approval for the proposed Sea Oats Subdivision. The  
3 subdivision is located on the south side of Reed Drive and consists of 46 lots plus one neighborhood amenity site. The  
4 development will be served by private streets. As you will recall, the development had previously received approval of  
5 the preliminary plat by the Board of Commissioners. Since that approval was granted, the developers have been  
6 constructing the infrastructure that will serve the development. The Subdivision Ordinance requires that prior to  
7 receiving final plat approval that (1) the developer must complete all of the required improvements, or (2) the developer  
8 must substantially complete the improvements, with only a punch list of items remaining, and guarantee completion by  
9 posting a letter-of-credit or cashiers check in an amount equal to 150% of the estimated costs of the remaining  
10 improvements. Block 39, LLC is requesting that the plat be approved pursuant to #2 noted above. The developers  
11 have indicated they will be able to provide Town staff with an estimate on the cost of completing the remaining  
12 improvements prior to the Board meeting on July 10. Staff will be able to advise the Board on an amount for the  
13 letter-of-credit after receiving this information from the developers.  
14

15 As of July 6, 2006, the status of constructing the various improvements for the development is as follows:

- 16  All streets have been graded and the base course of rock has been installed.
- 17  Water lines, hydrants and services for each lot have been installed and preliminary testing is  
18 complete.
- 19  Stormwater measures for the development's infrastructure (streets) are being installed including  
20 the final grading of all ditches and swales.
- 21  Electric system installation is underway (approximately 90% complete) including the setting of  
22 transformers. Bases for the street lights are being placed and the lights will be installed once they  
23 are received (currently backordered).  
24

25  
26 Please note that work is progressing daily on the installation of the infrastructure. The owners have indicated to Town  
27 staff that all of the work should be completed in July 2006. The developers have provided evidence of an established  
28 line of credit (in excess of \$800,000) for installation of the improvements to the serve the subdivision. The amount and  
29 expiration date of the line-of-credit will be established by the Board of Commissioners at the time of final plat approval.  
30

31 You will find attached a copy of the final plat which is in conformance with the preliminary plat. Likewise, in accordance  
32 with the Subdivision Ordinance, the developers have provided copies of the Articles of Incorporation, Annual Budget  
33 for the Homeowners Association (including 10-year capital replacement), By-Laws of the Association and Restrictive  
34 Covenants. In addition, the developers have provided Town staff with copies of septic permits for all of the lots in the  
35 subdivision. The developers have also indicated they are comfortable with the language that will provide for the  
36 potential dedication of public parking and beach access. The final plat contains language that indicates the potential  
37 dedication of these areas to the Town.  
38

39 The Planning Board was asked at its June 26, 2006 meeting to consider making a recommendation to the Board of  
40 Commissioners on approval of the final plat. Following its discussion of the matter, the Board voted unanimously (6 to  
41 0) to recommend to the Board of Commissioners that the final plat be approved subject to the following conditions:  
42

- 43 1. that an agreement be reached between the Town and developer regarding the dedication of 2 parking  
44 spaces and the beach access near the western end of Oceanview Drive; and,
- 45 2. that the construction of improvements be substantially complete at the time of final plat approval with the  
46 posting of an appropriate bond amount.  
47

48 The Board had questions for the developers, Block 39 LLC. Commissioner  
49 Wootten expressed his concerns based on language in the town ordinance that  
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1  
2 specifies that the work be considered substantially complete. David Barefield  
3 and Vann Parker were in attendance and were able to answer and address the  
4 Board's concerns regarding the remaining subdivision improvements. Mr.  
5 Parker stated that as of today the electrical work had been completed with the  
6 exception of 3 street lights, and the paving should be complete by this Friday or  
7 Monday. Commissioner Messer stated that if they approve the final plat subject  
8 to the contingencies it would be Planning Director Reed's decision at such time  
9 the paving is finished and the power is complete to issue the final plat. Mr. Rush  
10 added that upon completion of the paving, the developers would go to Mr. Reed,  
11 he would receive the letter of credit for anything else outstanding, and the Mayor  
12 would sign the final plat.

13  
14 Following further discussion ***motion was made by Commissioner Messer to***  
15 ***approve the Final Plat for Sea Oats subdivision, contingent upon the***  
16 ***completion of the paving of the roads and electrical system, and posting of***  
17 ***a letter of credit to expire January 10, 2007 for 150% of the value of all***  
18 ***remaining subdivision improvements, and the execution of the public***  
19 ***access and parking agreement, and completion of the emergency access***  
20 ***area, not to be paved. The Board voted unanimously 5-0 in favor. Motion***  
21 ***carried.***

22  
23 **12. SOLID WASTE COLLECTION AND DISPOSAL CONTRACT**

- 24  
25 **a. Resolution Authorizing Contract with Simmons & Simmons**  
26 **Management, Inc. – (06-07-10/R2)**  
27 **b. Amendment to FY 06-07 Fee Schedule – Annual Solid Waste Fee**  
28 **c. Budget Amendment – General Fund**  
29

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

33  
34 The Board of Commissioners is scheduled to consider 3 items pertaining to the Town's solid waste collection and  
35 disposal contract at the July 10 meeting. The approval of these 3 items will represent significant improvements in the  
36 Town's solid waste collection and disposal system.

37  
38 First, the Board is asked to approve the attached Resolution Authorizing a Contract with Simmons & Simmons  
39 Management, Inc., Clinton, NC for solid waste collection and disposal services. The attached resolution authorizes a  
40 5-year contract at an initial monthly all-inclusive cost of \$64,519. Second, the Board is asked to approve an  
41 amendment to the Town's FY 06-07 Fee Schedule to increase the annual solid waste fee from \$150 to \$170 in order to  
42 finance the service improvements included in the Simmons & Simmons contract. Finally, the attached budget  
43 amendment reflects the additional costs associated with the contract and the additional revenues expected to be  
44 generated by the solid waste fee increase.  
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1 As you know, I prepared a detailed memorandum about the Town's Request for Proposals (RFP) process and results  
2 and distributed that information to the Board at the June 27 special meeting. That memorandum is attached for your  
3 information if you need to refresh yourselves on the process used, and this new memorandum does not include a  
4 discussion about the RFP process and results.

5  
6 Resolution Authorizing Contract with Simmons & Simmons Management, Inc.

7 The attached resolution authorizes the Town Manager to execute a 5-year contract with Simmons & Simmons that  
8 reflects the terms and conditions outlined in the Town's RFP and the "Alternate Proposal" submitted by Simmons &  
9 Simmons. Town Attorney Richard Stanley is in the process of drafting the official contract, and this contract would be  
10 executed shortly after Board approval.

11  
12 If authorized by the Board, the contract will call for service to be provided according to the following service plan:

- 13
- 14 • All areas of Town located south of NC 58 and Coast Guard Road, including The Point subdivision, will have  
15 residential garbage collected twice per week on Mondays and Thursdays year-round;
  - 16
  - 17 • All areas of Town located north of NC 58 and Coast Guard Road will have residential garbage collected twice  
18 per week on Tuesdays and Fridays year-round;
  - 19
  - 20 • Recyclables will be collected from the entire Town every Wednesday;
  - 21
  - 22 • Simmons & Simmons' personnel will be responsible for rolling-BACK the garbage and recycling containers to  
23 the house or, if the house is located more than 50 feet from the edge of the right-of-way, to a location at least  
24 30 feet from the edge of the right-of-way.
  - 25
  - 26 • Condominium complexes will have residential garbage dumpsters emptied each Monday and Friday (if more  
27 than 30% full).
  - 28
  - 29 • Simmons & Simmons will provide recycling containers for condominium complexes, and will collect these  
30 recyclables each Wednesday.
  - 31

32 I have also attached a copy of Simmons & Simmons' service plan again for your review. As noted, Simmons &  
33 Simmons plans to purchase 4 new and one used (late model) garbage truck to provide service in Emerald Isle. It  
34 should also be noted that Simmons & Simmons is still investigating its options to provide dumpster service, and may  
35 either subcontract this piece of work or purchase a new front-end loader truck to provide this service.

36  
37 As you know, the only significant concern about Simmons & Simmons has been that they are new to the solid waste  
38 business, and that they are a relatively smaller company. After the June 27 meeting, Simmons & Simmons appears to  
39 have laid these concerns to rest. It is my sincere belief that Simmons & Simmons can and will provide high quality  
40 service for the Town of Emerald Isle. The Board should note that following the June 27 meeting, Simmons & Simmons  
41 has agreed to post a \$150,000 irrevocable letter of credit and \$350,000 performance bond for this contract. Town  
42 Attorney Richard Stanley, consultant Dallas Goodwin, and I are all very comfortable with this approach, and believe it  
43 provides adequate protection for the Town in the event that Simmons & Simmons should fail to perform the contract.  
44 Although we believe it is extremely unlikely that Simmons & Simmons will fail to perform, it is important to have this  
45 protection for our residents and property owners in a worst-case scenario.

46  
47 As noted above, the contract would be for 5 years, and there will be a Town option for an additional 2 years. The initial  
48 monthly all-inclusive cost is \$64,519, and the contract will stipulate that this amount be adjusted annually on January 1  
49 based on the change in the Consumer Price Index (typically in the 2.5% -4% range). The contract will also stipulate  
50 additional charges if additional residential customers are added over time. The contract will run from January 1, 2007  
51 until December 31, 2011, and if the 2-year option is exercised the contract would expire on December 31, 2013.

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1 If the Board authorizes the contract, the Town Attorney will complete the actual contract document and it will be  
2 executed shortly thereafter. Simmons & Simmons will then proceed with ordering new trucks and hiring personnel.  
3 We are fortunate to have a lengthy lead time for these activities to occur, and this long lead time should result in fewer  
4 kinks initially. We are also fortunate that the new contract will begin in the middle of winter, thereby allowing Simmons  
5 & Simmons to gain valuable field experience prior to the busy summer season.

6  
7 Davis Benton, the primary point of contact with Simmons & Simmons will attend the Board meeting on July 10, and he,  
8 the Town Attorney, and I will be happy to answer any questions about the proposed contract.

9  
10 Amendment to FY 06-07 Fee Schedule

11 The attached amendment to the Fee Schedule would increase the annual solid waste fee by \$20 annually, from the  
12 current \$150 to \$170. A \$170 annual solid waste fee would result in a monthly solid waste cost of \$14.16 per  
13 developed residential property in Emerald Isle, up from the current \$12.50 per month.

14  
15 The total initial annual cost of the contract with Simmons & Simmons is expected to be approximately \$175,000 more  
16 than the FY 06-07 adopted budget includes for the continuation of the Waste Industries contract. Factoring in revised  
17 budgets for tipping fees, seasonal labor (due to elimination of in-house responsibility for roll-back of containers), and  
18 operating expenses, the additional net increase for implementation of the Simmons & Simmons contract on January 1,  
19 2007 (half of fiscal year only) is \$73,139 in FY 06-07. In order to generate the additional revenue to cover these  
20 expenses, an increase in the solid waste fee is proposed.

21  
22 The proposed \$20 solid waste fee increase would generate an additional \$130,201 in FY 06-07, and this amount would  
23 cover the half-year additional cost associated with the Simmons & Simmons contract. As is obvious, this increase  
24 would also result in a surplus of \$57,062 in FY 06-07. Although the additional contract expenses will occur for only half  
25 of the fiscal year, I am recommending that the Board establish the annual solid waste fee at \$170 in FY 06-07, and that  
26 the projected surplus be used in two ways. First, a total of \$30,000 would be earmarked to finance the replacement of  
27 a pickup truck in the Public Works Department that is used for solid waste purposes and that is scheduled for  
28 replacement in FY 07-08. The early replacement of this truck late in FY 06-07 would enable the Town to limit solid  
29 waste expenditures in FY 07-08 and enhance the likelihood that the \$170 annual fee would remain unchanged in FY  
30 07-08. The remaining \$27,062 would be reserved in a "solid waste reserve" to offset any future solid waste expenses,  
31 and would also assist in maintaining the \$170 annual solid waste fee in the future.

32  
33 Based on preliminary projections, if the Board establishes a \$170 annual solid waste fee in FY 06-07, I believe that it is  
34 likely that the Town can maintain the \$170 fee in FY 07-08. The stabilization of this fee would certainly be a key  
35 budget goal heading into FY 07-08. Depending on the actual increase in tons of residential garbage collected, the  
36 actual change in the Consumer Price Index, and actual growth in solid waste customers, the fee potentially would need  
37 to increase to \$175 in FY 07-08. As noted, however, the goal would be to stabilize the annual fee at \$170.

38  
39 The attached Fee Schedule amendment reflects a \$170 annual solid waste fee. If the Board would like to minimize the  
40 fee increase in FY 06-07, it would be possible to establish a \$161 annual solid waste fee to cover the additional  
41 contract costs but delay the purchase of the replacement truck and eliminate the "solid waste reserve". The Board  
42 should note that the annual solid waste fee would need to increase to at least \$170 in FY 07-08 to cover the full-year's  
43 worth of expense for the new contract, and perhaps up to \$175.

44  
45 Budget Amendment – General Fund

46 The attached budget amendment formally appropriates the additional projected revenue generated by a \$170 annual  
47 solid waste fee. As noted, solid waste fee revenues would increase by \$130,201, and expenditures would increase by  
48 \$130,201. The \$130,201 would be spent as indicated above - \$73,139 for additional contract costs, \$30,000 for a  
49 replacement pickup truck, and \$27,062 would be reserved for future solid waste expenditures.

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1 If the Board chooses to adopt a \$161 annual solid waste fee in FY 06-07, the associated budget amendment would  
 2 appropriate an additional \$73,139.  
 3  
 4  
 5

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EMERALD ISLE FEE SCHEDULE  
 FY 2006-2007

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	<u>FY 06-07 ADOPTED</u>		<u>FY 06-07 AMENDED</u>	
<b>SOLID WASTE</b>				
RESIDENTIAL	150.00	PER UNIT PER YEAR	170.00	PER UNIT PER YEAR
REFUSE CONTAINERS	40.00		Discontinued	
RECYCLE BINS	5.00		5.00	
WHITE GOODS	10.00	PER COLLECTION	10.00	PER COLLECTION

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**BUDGET AMENDMENT  
 FY 2006-07**

The budget for FY 2006-2007 is hereby amended as follows:

**GENERAL FUND**

	Increase	Decrease
<u>Revenues</u>		
Solid Waste Fees	130,201	-
TOTAL	130,201	-
<u>Expenditures</u>		
Solid Waste	130,201	-
TOTAL	130,201	-

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Copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Town Clerk, to be kept on file by them for their direction in the disbursement of Town funds for this project.

1

2 Mr. Rush noted that Estal Simmons and his son David Simmons of Simmons &  
3 Simmons Management, Inc. were in attendance tonight to answer any questions.

4

5 Commissioner Allen expressed his concerns with this change being from the old  
6 school way of thinking if it's not broke don't fix it, and you get what you pay for,  
7 pointing out that Emerald Isle is a different ballgame from other areas due to the  
8 fluctuating population. He noted the Town has done business with Waste  
9 Industries for many years and been pleased with their service, and that he would  
10 certainly expect the same service from Simmons & Simmons.

11

12 Commissioner Wootten said that he was impressed that Simmons & Simmons  
13 planned to establish a local facility here and hire local crews and local people  
14 and he hoped they planned to follow through on this.

15

16 ***Motion was made by Commissioner Wright to adopt the Resolution***  
17 ***Authorizing a Contract with Simmons & Simmons Management, Inc. The***  
18 ***Board voted unanimously 5-0 in favor. Motion carried.***

19

20 ***Motion was made by Commissioner Wootten to adopt the Amendment to***  
21 ***the FY 06-07 Fee Schedule as presented. The Board voted unanimously 5-0***  
22 ***in favor. Motion carried.***

23

24 ***Motion was made by Commissioner Hedreen to adopt the General Fund***  
25 ***Budget Amendment as presented. The Board voted unanimously 5-0 in***  
26 ***favor. Motion carried.***

27

28 **Note: A copy of Resolution 06-07-10/R2 is incorporated herein by reference and hereby made a part**  
29 **of these minutes.)**

30

31 **13. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**  
32 **MANAGER**

33

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

35

36 Town Manager Rush commented on several items. He reminded the Board of a  
37 Workshop for elected and appointed officials on the National Incident  
38 Management System (NIMS) required training by FEMA in order for the Town to  
39 remain eligible for FEMA reimbursements in the future scheduled for July 19 at  
40 the Crystal Coast Civic Center from 1:00 pm until 5:00 pm.

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1  
2 Mr. Rush reminded everyone again about the grand opening of the Emerald Isle  
3 Woods Park scheduled for July 21 at 10 am. Mr. Rush noted that progress is  
4 being made on the Cedar Street pier repair, apologizing for the delays. He noted  
5 they would be soliciting bids for the other work at Bluewater Drive, Cape Emerald  
6 and a few other locations as one big package within the next month.

7  
8 Mr. Rush discussed previous correspondence provided to the Board regarding  
9 the Planning Board's review of the issue of condo-tels. Mr. Rush noted that  
10 following the Planning Board's analysis, looking at alternative definitions for  
11 motels and hotels, the Planning Board after considerable thought and discussion  
12 recommended that the Board keep the Town's current ordinances the same. Mr.  
13 Rush clarified that staff's intention is to continue enforcing the ordinances as they  
14 have in the past. Our ordinances allow, whether a condo-tel or regular hotel,  
15 only one bedroom, one bathroom, one kitchenette area. Mr. Rush said under the  
16 current definition, after speaking with Town Attorney Stanley, it is the opinion that  
17 our current ordinance does allow these one bedroom motel-hotel units to be  
18 condominiumized if people want to have individual ownership of the units,  
19 provided they are like a typical motel-hotel with a front desk and all of the typical  
20 motel-hotel services. In addition, the current ordinance does not limit the number  
21 of units in a B-3 zone, while there is a limit of 32 units per acre in RMH zone;  
22 noting RMH zone is in the process of being eliminated all together. Attorney  
23 Stanley said as a safeguard the condominium declaration should state that the  
24 owner may not reside in the unit other than as a paying guest; thereby  
25 distinguishing a condo-tel from a condominium. Mr. Rush wanted to make the  
26 Board aware of this and to determine if the Board is comfortable with the  
27 Planning Board's recommendation. Mr. Rush stated that the fundamental  
28 question for the Board is whether they want to allow condominiums in the B-3  
29 zone, and if they don't then the ordinance that the Town has now is the way to  
30 go, if they do then the Board should come up with a definition for a condo-tel that  
31 would explicitly allow condominiums in the B-3 zone. The Board discussed this  
32 issue in great detail, and Mr. Rush said that his purpose tonight was to inform the  
33 Board of the Planning Board's decision, let them know how staff will proceed,  
34 and if the Board wants to propose amendments he and Mr. Reed will work on  
35 that for the Board.

36  
37 **14. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**

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39 Commissioner Wootten noted that the Joint EMS Committee, of which he and  
40 Commissioner Hedreen are part of, met this afternoon and picked three potential  
41 architects to design the EMS building, interviews will take place in July, and they  
42 hope to have a recommendation for the Board's concurrence at the August  
43 meeting.

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MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
JULY 10, 2006  
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There were no further comments from the Board of Commissioners or Mayor.

**15. ADJOURN**

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

***The meeting adjourned at 6:57 pm.***

Respectfully submitted:

Rhonda C. Ferebee  
Town Clerk

DRAFT