

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, APRIL 18, 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, and Parks & Recreation Director Alesia
14 Sanderson
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 ANNOUNCEMENTS**
24

25 Mayor Art Schools noted the following proclamations and announcements for the
26 public:
27

- 28 • **Certificates of Appreciation – Former Bicycle and Pedestrian**
29 **Committee Members Bill Trahman and Bob Hines**
- 30 • **Proclamation – Bicycle Month in Emerald Isle –(06-04-18/P1)**
- 31 • **Proclamation – Recognizing Small Business Week in Emerald Isle –**
32 **(06-04-18/P2)**
- 33 • **Proclamation – See America Week/National Tourism Week - (06-04-18/P3)**
- 34 • **Planning Board Regular Meeting – Monday, April 24, 2006 – 6:00 pm**
35 **– Town Hall Meeting Room**
- 36 • **Board of Commissioners Regular Meeting – Tuesday, May 9, 2006 –**
37 **6:00 pm – Town Hall Meeting Room**
38

39 Mayor Schools recognized former Bicycle and Pedestrian Committee Members
40 Bill Trahman and Bob Hines, both of whom were unable to attend, with Service
41 Award plaques for their commitment and service on this committee. Mayor
42 Schools reminded everyone of the CPE pig pickin' on Friday, April 21 at the Point
43 to celebrate the one year anniversary of the Bogue Inlet Project. Mayor Schools
44 noted that the Annual Homes Tour would take place over the coming weekend.
45
46

Note: A copy of Proclamation 06-04-18/P1, 06-04-18/P2, and 06-04-18/P3 are all incorporated herein by reference and hereby made a part of these minutes.)

6. CONSENT AGENDA

- a. Tax Refunds / Releases
- b. Minutes – January 10, 2006 Regular Meeting
- c. Minutes – January 30, 2006 Special Meeting
- d. Minutes – February 14, 2006 Regular Meeting
- e. Minutes – February 17, 2006 Special Meeting
- f. Resolution Authorizing Wellness Grant Application – (06-04-18/R1)
- g. Resolution Authorizing Change Order – Emerald Isle Woods Park – (06-04-18/R2)
- h. Capital Project Ordinance Amendment – Emerald Isle Woods Park
- i. Resolution Authorizing Internet Auction of Surplus Property – (06-14-18/R3)

Commissioner Wootten had questions about the change order for Emerald Isle Woods Park. Town Manager Rush answered questions concerning the changes outlined. In addition, Ms. Sanderson, Parks and Recreation Director addressed Commissioner Wootten’s concern with meeting the completion date for the project.

Town Manager Rush pointed out to the Board a replacement copy of the January 30, 2006 special meeting minutes reflecting one slight change made as highlighted.

Motion was made by Commissioner Wootten to adopt the Consent Agenda reflecting the revised minutes. The Board voted unanimously 5-0 in favor. Motion carried.

Note: A copy of Resolution 06-04-18/R1, 06-04-18/R2, and 06-04-18/R3 are all incorporated herein by reference and hereby made a part of these minutes.)

7. PUBLIC COMMENT

There were no comments from the public.

8. PROPOSED REZONING – CERTAIN SOUND DRIVE PROPERTIES FROM MOBILE HOME-1 (MH-1) TO RESIDENTIAL-2 (R-2)

- a. Public Hearing
- b. Consideration of Rezoning

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1
2 Kevin Reed, Planning Director addressed the Board concerning this agenda
3 item. The following excerpt from Planning Director Kevin Reed's memo to the
4 Town Manager is provided as background:

5
6 Town staff recently received a letter from the owners of the property in the Stillwater Cove Subdivision requesting that
7 the property be rezoned from Mobile Home 1 (MH-1) to Residential-2 (R-2). The 2004 CAMA Land Use Plan,
8 specifically the Future Land Use Map, designates the property as Single/Dual Family Residential; therefore, the
9 request is consistent with the continued implementation of the Town's Land Use Plan. In addition, staff requested that
10 the properties that extend in an easterly direction from Stillwater Cove also be considered in this rezoning action, since
11 they are also designated at Single/Dual Family Residential. The Planning Board was asked at its meeting held on
12 March 27, 2006 to consider the rezoning of the area shown on the attached map from MH-1 to R-2. The rezoning
13 action will not affect any properties that currently have a manufactured home located on them; therefore, no such
14 homes will be made non-conforming by this proposed rezoning action. Following its discussion of the matter, the
15 Planning Board voted unanimously (6 to 0) to recommend to the Board of Commissioners that the rezoning be
16 approved.

17
18 ***Motion was made by Commissioner Allen to open the Public Hearing. The***
19 ***Board voted unanimously 5-0 in favor. Motion carried.***

20
21 There were no comments from the public.

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

25
26 ***Motion was made by Commissioner Wright that as it is consistent with the***
27 ***Land Use Plan that the rezoning of the Sound Drive properties from MH-1***
28 ***to R-2, as indicated on the maps presented be approved. The Board voted***
29 ***unanimously 5-0 in favor. Motion carried.***

30
31 **9. ORDINANCE AMENDING CHAPTER 18 – SUBDIVISIONS – REGARDING**
32 **PRELIMINARY PLAT APPROVAL REQUIREMENTS – (06-04-18/O1)**

- 33
34 **a. Public Hearing**
35 **b. Consideration of Ordinance**
36

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

40
41 As you will recall, the Board of Commissioners met in a special called meeting on March 30, 2006 in order to consider
42 approval of the preliminary plat for the proposed Sea Oats Subdivision. At that meeting, the Board did vote to
43 conditionally approve the preliminary plat. During its deliberation of the matter, the Board was advised of a recent
44 change in practice by the Carteret County Health Department. County Health Department officials have advised staff
45 that they will no longer issue letters of septic suitability for proposed subdivisions. These letters of suitability are a
46 requirement of preliminary plat approval. The following is an excerpt from the Subdivision Ordinance regarding this
47 requirement.
48

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3 Section 18-21, Paragraph (d) (2) reads as follows:
4

- 5 (2) *Health department approval. Where public water and/or public sewage is not available for*
6 *extension to each lot in the subdivision, a written report from the county health department shall be*
7 *submitted as to the adequacy of the land area, and the suitability as to the soil and topography of*
8 *the proposed subdivision to accommodate the proposed methods of water supply and sewage*
9 *disposal.*
10

11 This change in practice is critical to the approval process for a preliminary plat since developers are required to obtain
12 unconditional approval of a preliminary plat prior to beginning the construction activities associated with installing a
13 subdivision's infrastructure (streets, waterlines, etc.). Since the Health Department will no longer issue letters of
14 suitability, a developer must receive a septic permit for each lot within the development in order to meet the
15 requirement of the above referenced section of the Subdivision Ordinance. Given staffing and work load requirements
16 at the Health Department, developers may be subject to a delay of many months prior to receiving their septic permits
17 for each lot. As you know, there are several subdivisions (Sea Oats, Sunset Landing) currently proposed in the Town
18 that are in the process of receiving preliminary plat approval. Regrettably, the approval process for the preliminary plat
19 for these new subdivisions is now at a stand still because of this change in practice by the Health Department.
20

21 The Planning Board is scheduled to hold a special called meeting on April 17, 2006 in order to consider possible
22 amendments to the Subdivision Ordinance to address the above noted problem. Staff anticipates having a
23 recommendation from the Planning Board prior to the Commissioner's meeting on April 18.
24
25

26 Mr. Reed noted that the Planning Board met the previous night, April 17, at a
27 special called meeting in order to consider a possible amendment to Section 18
28 of the subdivision ordinance. Mr. Reed noted that procedurally it is not a
29 substantive change, the Town is still requiring a preliminary assessment of the
30 property for septic suitability; the only change in practice is that the preliminary
31 assessment now will be provided by a licensed soil scientist, licensed by the
32 North Carolina Board of Licensing and Soil Scientists. Mr. Reed said that during
33 the Planning Board discussion, they added the additional language to the
34 previous amendment which specifically indicated that the soil scientist must be
35 licensed by the NCBLSS. Mr. Reed said in addition, the draft that the Board had
36 before them tonight included a couple of additional changes as suggested by the
37 Town Attorney as follows:
38

- 39 1) communicate that the developer assumes the risk of constructing required
40 subdivision improvements prior to receiving septic permits from the
41 Carteret County Health Department and;
42
43 2) that the failure of proposed lots to receive a septic permit prior to final plat
44 approval will require either the reconfiguration of lot lines or a notation on
45 the final plat indicating that certain lots have not received a septic permit.
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1
2 Mr. Reed stated that the Planning Board at their special called meeting of April
3 17, voted unanimously to recommend to the Board of Commissioners that the
4 amendments to the subdivision ordinance be approved.

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

8
9 There were no comments from the public.

10
11 ***Motion was made by Commissioner Wootten to close the Public Hearing.***
12 ***The Board voted unanimously 5-0 in favor. Motion carried.***

13
14 ***Motion was made by Commissioner Wright - in that it is consistent with the***
15 ***2004 Land Use Plan and the relation of the amendment to the overall public***
16 ***interest to adopt the Ordinance Amending Chapter 18 – Subdivision –***
17 ***Regarding Preliminary Plat Approval Requirements. The Board voted***
18 ***unanimously 5-0 in favor. Motion carried.***

19
20 **Note: A copy of Ordinance 06-04-18/O1 is incorporated herein by reference and hereby made a part**
21 **of these minutes.)**

22
23 **10. PRELIMINARY PLAT – SUNSET LANDING**

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

27
28 A request has been received from Crew Drive, LLC for preliminary plat approval for the proposed Sunset Landing
29 Subdivision. The property to be subdivided is located on the north side of Crew Drive and consists of approximately
30 13.17 acres. The property is the former location of the Bridgeview Campground. The applicants wish to subdivide the
31 property in order to create 31 building lots. The property is currently zoned Residential-2 (R-2) and all of the proposed
32 lots meet the minimum size requirement 12,500 square feet for a single-family. The subdivision will be served by
33 private streets. The Town's 2004 CAMA Land Use Plan, specifically the Future Land Use Map, projects the property
34 as Single/Dual Family Residential; therefore, the proposed subdivision is consistent with the Plan.

35
36 The Carteret-Craven Electric Cooperative and Bogue Banks Water Corporation have indicated that they can serve the
37 proposed development. The applicants have provided copies of all the applications they have submitted to State
38 agencies and the Carteret County Health Department for the proposed project. To date, the applicants have received
39 their Erosion and Sediment Control Permit, State Stormwater Permit and an Authorization to Construct for the water
40 system. The Town's consulting engineer, Greg Meshaw, has reviewed the stormwater plan for the proposed
41 development and has determined that it meets the Town's requirements.

42
43 The Planning Board considered the request at its meeting held on February 27, 2006. Following its discussion of the
44 request, the Planning Board voted unanimously (6 to 0) to recommend to the Board of Commissioners that the
45 preliminary plat be approved subject to several conditions. As of this date, staff has determined that all of the
46 conditions have been met except for the following:

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1. Provide evidence of septic suitability from the Carteret County Health Department.
2. Provide copy of Major CAMA Permit.

Commissioner Wootten questioned Mr. Reed about the outstanding provisions and why the developers were coming for approval now rather than wait. Mr. Reed felt it was due to a timing standpoint for the developers so that once they have their approvals in hand, the conditions have been satisfied, the final plat then is deemed approved, and they can begin the installation of improvements without having to wait for an additional meeting of the Board of Commissioners.

David Barefield, member of Crew Drive, LLC, stated that the CAMA permit should be received within a few days, and he felt they should have septic permits shortly, adding that they may, however, choose to follow the new ordinance just passed, and agreed that timing was the issue.

Motion was made by Commissioner Messer to approve the preliminary plat for the Sunset Landing Subdivision, contingent upon the issuance of a Major CAMA Permit and report from a licensed soil scientist or septic permits. The Board voted unanimously 5-0 in favor. Motion carried.

Town Manager Rush said that he had planned for the Bicycle and Pedestrian Committee to provide a short presentation following the proclamations and public announcements portion of the agenda, and asked that they be allowed to speak at this time.

Mark Brennesholtz, 9322 Ocean Drive, member of the Bicycle and Pedestrian Advisory Committee, spoke to the Board and provided an update and report about the current status and future priorities as envisioned by the committee for the bike paths and sidewalks in Emerald Isle. Mr. Brennesholtz spoke about the committee goals, plans for future projects, and also asked that the Board consider funds in next years budget to support even modest continued expansion of the bike path and sidewalk system. Mr. Brennesholtz spoke of the various methods the Bicycle & Pedestrian Advisory committee has raised awareness of the benefits of walking and biking, noting the very favorable feedback received from visitors to their booth at this year's St. Patrick's Day Festival about the new paths. Mr. Brennesholtz thanked the Board and Town Manager for keeping this a Town priority by providing matching funds for continued new projects, and Alesia Sanderson, Parks and Recreation Director for her diligence in working to promote and complete these projects. Chairman Linda McGowen, and member David Slyck were also present from the Bicycle & Pedestrian Advisory Committee. Ms. McGowen added that the request heard time and again was for Coast Guard Road bike paths or walkways, and noting the many compliments

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4 made about the existing paths. Ms. McGowen said there was also an interest in
5 maps of the paths which may be something for the committee to work on in the
6 future.

7
8 Mayor Schools thanked the committee for their comments and for the work they
9 do on the Bicycle and Pedestrian Advisory Committee, adding that the Town had
10 many priorities, and the bike paths were certainly one they hoped to see
11 improved upon.

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

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

17
18 Town Manager Rush briefed the Board on the Corps of Engineers plan to dredge
19 the Intracoastal Waterway at the Bogue Inlet crossing. To follow is an excerpt
20 from Town Manager Rush's memo to the Board concerning the AIWW
21 Maintenance Dredging / Placement of Spoils at the Point:

22
23 **AIWW Maintenance Dredging / Placement of Spoils at The Point**

24 As you know, the Corps of Engineers has awarded a contract to dredge the AIWW crossing at Bogue Inlet this summer
25 and place an estimated 55,000 – 80,000 cy of dredge spoil sand at The Point in front of the sandbags to expedite the
26 natural accretion that is occurring at that location.

27
28 Up until April 12, it was my understanding that this work would be completely funded by the Federal and State
29 governments, however, I recently learned that the NC Division of Water Resources is seeking an approximate
30 \$200,000 local contribution for this work. This figure represents approximately 20% of the total cost of this work, with
31 the Federal government contributing approximately 60% and the State approximately 20%.

32
33 Although I was disappointed to learn of this expectation by the NC Division of Water Resources, I believe that the
34 Town should pursue a plan to provide this funding in conjunction with Carteret County and Onslow County. The
35 navigation benefits associated with dredging the AIWW in this area are significant, and will accrue to the entire region.
36 These navigation benefits are essentially identical to the benefits associated with maintaining the Bogue Inlet
37 connector channel that will be jointly funded by several area local governments and the State this year. Additionally,
38 Emerald Isle will benefit by receiving sand at The Point, which will only strengthen the likelihood of full recovery of that
39 area. Finally, and most importantly, the Town has benefited from an excellent partnership with the NC Division of
40 Water Resources over the past few years, and we look forward to continuing that excellent partnership in the future.
41 The Town's financial participation in the Bogue Inlet AIWW crossing would communicate our continued commitment to
42 the NC Division of Water Resources.

43
44 With the Board's concurrence, I plan to pursue a strategy whereby the Town of Emerald Isle, Carteret County, and
45 Onslow County would each contribute 33% of the local contribution. Under this strategy, Emerald Isle's estimated cost
46 would be approximately \$67,000. I would propose using funds in the Town's Beach Nourishment Debt Service /
47 Reserve Fund to meet this obligation. I believe there is a sufficient contingency available in that fund without
48 negatively impacting the Town's ability to retire the beach nourishment bonds.
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3 The NC Division of Water Resources has indicated that it intends to provide both the State and local contribution up-
4 front, and would then seek reimbursement from the local governments either later this fiscal year or in FY 06-07. This
5 timetable would allow sufficient time to pursue funding from Onslow County and Carteret County, and perhaps other
6 area local governments.
7

8 Mr. Rush stated for the benefit of the audience that this work is completely
9 different from the work that the Town entered into a partnership with other towns
10 and counties, and state government about 3-4 months ago, that work was for the
11 connector channel and the ocean bar in Bogue Inlet. The issue being discussed
12 now is a different kind of work involving a pipeline dredge in the Intracoastal
13 Waterway near where Bogue Inlet meets the Intracoastal Waterway. Mr. Rush
14 said at this point he is considering a scenario whereby Carteret County, Onslow
15 County, and the Town of Emerald Isle share in the \$200,000 contribution to fund
16 this work, basically because there are beneficiaries from navigation benefits in
17 each of those jurisdictions; Emerald Isle's share is slightly higher than in the
18 previous project because an added bonus with this work is that the sand would
19 be placed at the Point directly in front of the sandbags which would expedite the
20 natural accretion and be a bonus for the Town. Mr. Rush said that we could also
21 seek funding from Swansboro, Cape Carteret, and Cedar Point again as done in
22 the past.
23

24 ***The Board concurred with Mr. Rush's plan to make formal requests to all of***
25 ***the other local governments stated following the same model as used***
26 ***previously.***
27

28 Town Manager Rush mentioned the Pig Pick'n at the Point on Friday at noon
29 sponsored by Coastal Planning & Engineering to celebrate the one year
30 anniversary of the Bogue Inlet Project to commemorate the completion noting it
31 is open to the public.
32

33 Mr. Rush spoke of the meeting the day before with Commissioners Wootten and
34 Hedreen, along with Ben Dadd from the EMS committee. Mr. Rush said there is
35 strong support among Emerald Isle EMS to proceed with plans for constructing a
36 new EMS station in Emerald Isle. Mr. Rush said it was the consensus of the
37 committee to proceed with seeking qualification statements from architects and
38 attempt to hire an architect in the July timeframe to start working on the design.
39

40 Mr. Rush finished by adding that 2007 will be the 50th birthday of the Town of
41 Emerald Isle, and he wanted to bring this up to see if there was interest in
42 forming a committee to plan a celebration. The Board agreed they should
43 recognize this important milestone for the Town. Mr. Rush said that he and
44 Alesia Sanderson, Parks & Recreation Director would work on putting something
45 together.
46

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2 Jay Barnes, Director of the North Carolina Aquarium in Pine Knoll Shores was
3 present and commented on the upcoming Grand Opening of the new Aquarium
4 on May 19th, with a ribbon cutting ceremony to take place at 10:30 am. He
5 advised they prepare for a big crowd that day. Mr. Barnes added that this has
6 been 2 years in the making, and they were excited to get the doors open.
7

8 **12. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR**
9

10 There were no further comments from the Board of Commissioners or the Mayor.
11

12 **13. CLOSED SESSION – PURSUANT TO NCGS 143-318.11 (5), POTENTIAL**
13 **ACQUISITION OF REAL PROPERTY**
14

15 *Motion was made by Commissioner Hedreen to go into Closed Session.*
16 *The Board voted unanimously 5-0 in favor. Motion carried.*
17

18 *Motion was made by Commissioner Messer to come out of the Closed*
19 *Session. The Board voted unanimously 5-0 in favor. Motion carried.*
20

21 There was no action taken as a result of the Closed Session.
22

23 **14. ADJOURN**
24

25 *Motion was made by Commissioner Wootten to adjourn the meeting. The*
26 *Board voted unanimously 5-0 in favor. Motion carried.*
27

28 *Meeting was adjourned at 7:40 pm.*
29

30 Respectfully submitted:
31
32
33

34 Rhonda C. Ferebee
35 Town Clerk
36