

1 MINUTES OF THE REGULAR SCHEDULED MEETING
2 OF THE EMERALD ISLE BOARD OF COMMISSIONERS
3 TUESDAY, JANUARY 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 P.M.
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, and Planning Director Kevin Reed.
14

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

17 **4. ADOPTION OF AGENDA**
18

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

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

24 **a. Presentation of Emerald Isle Triathlon Proceeds**
25

26 Karen Preston, President of the Emerald Isle Business Association, and Judi
27 Williams, Treasurer, announced that in 2004 the 1st Triathlon was held in
28 Emerald Isle raising enough money to be able to share half of those proceeds
29 with the Town, about \$2,100. Ms. Preston stated that in 2005 because of the
30 additional help of the Parks & Recreation Department and grant money from the
31 Tourism Development Authority they were able to almost double the proceeds
32 and the participants. Ms. Preston said it was her pleasure to present to the
33 Town, and especially the Parks & Recreation Department a check in the amount
34 of \$4,005.60.
35

36 Mayor Schools and the Board thanked the Emerald Isle Business Association
37 and Alesia Sanderson, Parks & Recreation Director and her staff for a fantastic
38 event.
39

40 Mayor Art Schools noted the following announcements for the public:
41

- 42 • January 16 – Martin Luther King, Jr. Holiday – Town Hall closed,
43 Recreation Center open
- 44 • January 16 – Bicycle and Pedestrian Advisory Committee Meeting – 6:00
45 pm – Recreation Center
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- January 23 – Planning Board Meeting – 6:00 pm – Town Hall Meeting Room
- February 14 – Board of Commissioners Meeting – 6:00 pm – Town Hall Meeting Room

Janet Grainge with Janet Grainge Public Relations and Events announced that the Carolina Chocolate Festival will take place February 3-5, 2006. She added that the Chocolate Festival has raised over \$100,000 for local charities over the past 3 years. Ms. Grainge noted that this year the festival will benefit the Salvation Army, victims of the 2005 hurricanes, as well as the Carteret County Domestic Violence program, and other local charities.

6. CONSENT AGENGA

- **Tax Refunds / Releases**
- **Minutes – November 15 Regular Meeting**
- **Minutes – December 5 Special Meeting**

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

7. PUBLIC COMMENT

Rick Lang, 8907 Dune Ridge Court, expressed his concerns about the deer population, noting the damage to vegetation, and asked about what was being done.

Town Manager Rush talked about the recent survey results, noting that according to Mr. Norville with the Wildlife Resources Commission, it comes down to a local preference, how many complaints, how real the problem is perceived to be within the community.

Mayor Schools said he felt that communities would need to come to an agreement that something needed to be done in their particular area, because as of now according to experts they don't feel there is overpopulation.

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4 **8. PROPOSED REZONING – RESIDENTIAL MOTEL HOTEL (RMH) TO**
5 **RESIDENTIAL-2 (R-2) – EMERALD PLANTATION**
6

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

10
11 As you will recall, staff has been proceeding with the implementation measure identified in the 2004 CAMA Land Use
12 Plan that involves the rezoning of certain properties from RMH to R-2. Specifically, the measure is to amend the
13 Town's Zoning Map to rezone all developed areas which are currently RMH to R-2, except where the Future Land Use
14 Map designates the areas as "mixed-residential". The Planning Board, at its meeting held on December 19, 2005, was
15 asked to consider the next area. The area encompasses properties contained in the Emerald Plantation residential
16 development with one exception. The exception is the townhouse portion of the development. Following its
17 discussion of the matter, the Planning Board voted unanimously (6 to 0) to recommend to the Board of Commissioners
18 that the rezoning be approved.
19

20
21 ***Motion was made by Commissioner Wootten to open the Public Hearing.***
22 ***The Board voted unanimously 5-0 in favor. Motion carried.***
23

24 There were no comments from the public.
25

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

29 Following discussion ***Commissioner Messer stated that the proposed***
30 ***rezoning is consistent with the Town's Land Use Plan, which projects this***
31 ***area as suitable for single and dual-family residential uses, and the***
32 ***proposed rezoning is reasonable and in the public interest due to the***
33 ***community's overall interest in maintaining a small-town atmosphere. The***
34 ***Board expressed their concurrence with this statement.***
35

36 ***Motion was made by Commissioner Allen to approve the rezoning of***
37 ***certain properties in Emerald Plantation from RMH to R-2, as depicted on***
38 ***the attached map. The Board voted unanimously 5-0 in favor. Motion***
39 ***carried.***
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4 **9. BOGUE INLET NAVIGATION MAINTENANCE DREDGING- (06-01-10/R1 &**
5 **06-01-10/R2)**
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7 Town Manager Frank Rush discussed this item with the Board. An excerpt from
8 Town Manager Rush's memo to the Board is provided as background:
9

10 The Board of Commissioners is asked to approve two resolutions pertaining to 1) the short-term maintenance of the
11 Bogue Inlet connecting channel in 2006 and 2) the long-term maintenance of the Atlantic Intracoastal Waterway and
12 the 5 shallow-draft inlets in North Carolina (including Bogue Inlet) by the US Army Corps of Engineers.
13

14 **Background – The Difference Between the Bogue Inlet Connecting Channel and the Bogue Inlet AIWW**
15 **Crossing**

16 As you know, the US Army Corps of Engineers ("the Corps") has historically maintained the Bogue Inlet connecting
17 channel ("the connecting channel") and the Atlantic Intracoastal Waterway in our area ("the Bogue Inlet crossing"), and
18 these navigable waterways are enjoyed by many area businesses, residents, property owners, and visitors. It is
19 important to understand that these are actually two separate projects for the Corps, and that they are dredged with
20 different types of dredges and funded with different Federal appropriations.
21

22 **The Bogue Inlet Connecting Channel**

23 The Bogue Inlet connecting channel is the approximately 20,000 linear ft channel that leads from the AIWW south to
24 the Atlantic Ocean, and includes the 7,000 linear ft. channel dredged by the Town of Emerald Isle in 2005. (A map
25 depicting the connecting channel is attached.) The connecting channel has been historically maintained by the Corps
26 with government-owned sidecast dredges, which simply dredge the material from the bottom and cast it approximately
27 100 – 150 ft. to the side away from the channel. The sidecast dredge does not have the capability to place dredged
28 material on the beach, and is intended solely to provide short-term navigation benefits with an expectation that
29 repeated dredging will be necessary to keep the channel open when shoaling occurs. The authorized depth of the
30 connecting channel is 6 ft. at mean low water.
31

32 The Corps has historically dredged the connecting channel several times per year as needed, depending on shoaling
33 conditions and the availability of the government-owned sidecast dredges. It is important to note that the entire 20,000
34 linear ft. channel is not dredged during each dredging cycle or even each year. In fact, some areas of the connecting
35 channel have likely been dredged very infrequently, as shoaling conditions in certain areas of the connecting channel
36 are minimal and have not required significant dredging. In recent years, most sidecast dredging in the connecting
37 channel has occurred across the ocean bar (at the extreme southern end of the connecting channel) and at various
38 intermittent locations between the AIWW and Dudley Island. Although the approximately 7,000 linear ft. channel
39 dredged by the Town in 2005 is part of the connecting channel, there will likely be little, if any, need to dredge in this
40 area in the near future. This area of the inlet complex has required little dredging in the past, plus the current depths in
41 that segment of the connecting channel range from 10 – 25 ft. deep. (The Corps did not conduct any dredging in the
42 "old channel" near the sandbags at The Point in the last several years, as the depths in that area did not require
43 dredging.)
44

45 The President and Congress have historically appropriated approximately \$600,000 - \$700,000 per year for this work.
46 As you know, there was no Federal funding appropriated initially in Federal FY 04-05, however, the Corps was able to
47 identify approximately \$300,000 in March 2005 to perform 2 dredging cycles this past summer in the connecting
48 channel. There is also no Federal funding appropriated in the Federal FY 05-06 budget, and the first resolution that
49 the Board is asked to consider represents a State-local plan to provide funding for dredging of the Bogue Inlet
50 connecting channel in 2006.
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5 The Bogue Inlet AIWW Crossing

6 The Bogue Inlet AIWW crossing is an approximately 5,000 linear ft. segment of the AIWW located adjacent to Cedar
7 Point at its intersection with the Bogue Inlet connecting channel. (A map depicting the Bogue Inlet AIWW crossing is
8 attached.) The Bogue Inlet AIWW crossing is one of 8 AIWW crossings in North Carolina maintained every 2 - 3 years
9 by the Corps, and is usually dredged with a privately-owned pipeline dredge that is under contract to the Corps. The
10 pipeline dredge uses suction to remove dredge spoils and then pumps the spoils away to a designated disposal site,
11 often the ocean beach. The Corps usually groups the work at all 8 AIWW crossings into one competitively-bid contract
12 to achieve an economy of scale and minimize expensive dredge mobilization costs. As such, when the Bogue Inlet
13 AIWW crossing is dredged it is usually part of a much larger, state-wide contract. The authorized depth of the Bogue
14 Inlet AIWW crossing is 12 ft. at mean low water.
15

16 Appropriations for the Bogue Inlet AIWW crossing are usually included in a larger appropriation for the entire AIWW in
17 North Carolina, and are not typically budgeted separately (due to the interdependent grouping of the 8 AIWW crossings
18 into one contract). In Federal FY 05-06, the Corps had identified a need for approximately \$5 - \$6 million for the entire
19 AIWW in North Carolina, however, the Federal FY 05-06 budget includes only \$1.3 million, and is not sufficient to
20 perform any dredging of the AIWW this year. Assuming a proportional distribution of the dredge mobilization costs,
21 and the estimated quantity of material to be dredged every 2 - 3 years, the estimated cost of the Bogue Inlet AIWW
22 crossing work is approximately \$600,000 - \$800,000.
23

24 The Bogue Inlet AIWW crossing was last dredged in spring 2003, and the dredged material was deposited on the
25 ocean beach in the vicinity of Wyndtree Drive, where the Corps has an authorized disposal site. The Town has been
26 working with the Corps for the past several months to have the material from the next dredging of the Bogue Inlet
27 AIWW crossing placed directly at The Point in front of the sandbags, and agreements and permits are in place for this
28 to occur if this work is funded.
29

30 **Resolution Authorizing Request for State and Local Funds for Bogue Inlet Connecting Channel Dredging**

31 As noted above, there is no Federal funding available to perform maintenance dredging of the Bogue Inlet connecting
32 channel in the Federal FY 05-06 budget. The result is that there will be no sidecast maintenance dredging in Bogue
33 Inlet in 2006 unless alternative funding sources are identified. To its credit, the NC Division of Water Resources
34 anticipated Federal funding difficulties this year, and has earmarked a \$2.5 million dredging contingency in its FY 05-06
35 budget. At a recent meeting with representatives of many coastal local governments, the NC Division of Water
36 Resources offered to make this funding available to local governments on a cost-share basis to perform maintenance
37 dredging of the AIWW crossings and shallow-draft inlets. Recent discussions with the NC Division of Water Resources
38 and area local government officials indicate support for a joint effort to finance the dredging of the Bogue Inlet
39 connecting channel, and the attached resolution authorizes Emerald Isle's participation in this joint effort.
40

41 The fact that Bogue Inlet was the only NC shallow-draft inlet that did not receive any Federal funding in Federal FY 05-
42 06 makes it a high priority for the NC Division of Water Resources' dredging contingency. As such, Mayor Schools and
43 I have been talking with the NC Division of Water Resources staff and other area local government officials about
44 submitting a joint proposal to finance the dredging of the Bogue Inlet connecting channel. We have received positive
45 feedback from officials with Carteret County, Onslow County, and the Towns of Swansboro, Cape Carteret, and Cedar
46 Point thus far, and have drafted a financing proposal for consideration by the full governing bodies of these local
47 governments, which would then be submitted to the NC Division of Water Resources for consideration. The proposal
48 is summarized as follows:
49

- 50 • Provide sufficient funding for 40 days of sidecast dredging to be performed by the US Army Corps of
51 Engineers with government-owned sidecast dredges. This scope of work is comparable to the Corps' effort
52 in 2005 after supplemental funding was identified, and should be sufficient to maintain adequate depths in
53 the connecting channel in 2006.
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- Work would occur as needed on a schedule determined by the Corps based on shoaling conditions in the connecting channel between now and September 30, 2006 (the end of the Federal fiscal year).
- Total estimated cost of this work is \$380,000, based on Corps' estimate of \$9,500 per day of dredging.
- Cost of this work would be shared as follows:

NC Division of Water Resources	\$ 285,000	75%
Onslow-Carteret area local governments		25%
Onslow County	30,000	
Carteret County	30,000	
Town of Emerald Isle	15,000	
Town of Swansboro	8,000	
Town of Cape Carteret	6,000	
Town of Cedar Point	<u>6,000</u>	
TOTAL	\$ 380,000	

As noted above, the attached resolution authorizes Emerald Isle's participation in this effort at a cost of \$15,000. If the Board approves, the other local government governing bodies approve, and this proposal is accepted by the NC Division of Water Resources, I will present a budget amendment to appropriate \$15,000 from the Town's General Fund balance at a future Board meeting. Based on recent discussions, we are very optimistic that each of the local governing bodies will approve, and that the NC Division of Water Resources will also approve this proposal.

The Board should note that this proposal is intended to be a one-year proposal only, and that additional efforts will be made to restore Federal funding for the dredging of the Bogue Inlet connecting channel in Federal FY 06-07. We are hopeful that Bogue Inlet's exclusion from funding in Federal FY 05-06 (the only inlet not to receive any funding) is an anomaly, and that at least some Federal funding will be included for Bogue Inlet in the future.

Resolution Supporting Continued Maintenance of the Atlantic Intracoastal Waterway and Shallow-Draft Inlets by the US Army Corps of Engineers

The second resolution presented for the Board's consideration is designed to convey the Town's concerns about the need for future Federal funding. As noted above, we are hopeful that Federal funding for the dredging of the Bogue Inlet connecting channel, the other 4 shallow-draft inlets in North Carolina, and the entire AIWW will be included in the Federal FY 06-07 budget and beyond, despite the difficult Federal budget challenges that exist currently.

As you know, these waterways are critical to the State's commercial barge traffic, commercial fishermen, recreational boaters, and the residents of these areas. We are hopeful that the collective voice of these interest groups will be heard by the President and Congress. The attached resolution formally adds the voice of Emerald Isle, and will be sent to Congressman Jones, Senator Burr, and Senator Dole if approved by the Board of Commissioners.

Potential State-Local Proposal to Fund Bogue Inlet AIWW Crossing Dredging

As is now obvious, there is no State-local proposal presented to fund the dredging of the Bogue Inlet AIWW crossing at this time. There are many more variables at play that affect the drafting of a proposal for this work, including the interdependence of the 8 AIWW crossings on a single dredging contract and the tight regulatory deadlines involved with this work. (The sidecast dredges used for the Bogue Inlet connecting channel can be used throughout the year, however, the pipeline dredge typically must complete work no later than March 31 or April 30 each year.)

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2 I will continue to be in contact with the NC Division of Water Resources and other area local governments over the next
3 couple of weeks, and if feasible, I may present a proposal for this work to the Board of Commissioners in the near
4 future. Until some of the other variables come into focus, it is not possible to develop a specific proposal for this work.
5
6

7 As noted above, the dredge spoils from the Bogue Inlet AIWW crossing would be placed in front of the sandbags at
8 The Point and used to expedite the natural accretion that is occurring at that location. Because this work would involve
9 a beach nourishment component, it is possible that Carteret County room occupancy tax funds could assist in funding
10 this project.
11

12 Mr. Rush said he was happy to report that so far Onslow County, Carteret
13 County, and the Town of Swansboro's governing bodies have all approved
14 similar resolutions and contributions towards this effort. The remaining are
15 Emerald Isle, Cape Carteret and Cedar Point. Mr. Rush said he hoped to put the
16 entire plan together within the next couple of weeks, with the request to the State
17 Division of Water Resources, and hopefully have the entire issue resolved by
18 early February so the Corps of Engineers could begin planning for getting the
19 dredging done this year.
20

21 ***Motion was made by Commissioner Messer to adopt the Resolution***
22 ***Authorizing a Request for State and Local Funds for Bogue Inlet***
23 ***Connecting Channel Dredging. The Board voted unanimously 5-0 in favor.***
24 ***Motion carried.***
25

26 ***Motion was made by Commissioner Wootten to adopt the Resolution***
27 ***Supporting Continued Maintenance of the Atlantic Intracoastal Waterway***
28 ***and Shallow-Draft Inlets by the US Army Corps of Engineers. The Board***
29 ***voted unanimously 5-0 in favor. Motion carried.***
30

31 **Note: A copy of Resolution 06-01-10/R1 and 06-01-10/R2 is incorporated herein by reference and**
32 **hereby made a part of these minutes.)**
33

34 **10. DISCUSSION – NON-CONFORMING OCEANFRONT LOTS**
35

36 Town Manager Frank Rush discussed this item with the Board. An excerpt from
37 Town Manager Rush's memo to the Board is provided as background:
38

39 There have been several inquiries from oceanfront property owners on the east end in recent months about the
40 potential for State and/or local regulation changes that would make these lots conforming again, and eligible to be
41 reconstructed either voluntarily or in the event of a fire or other disaster. Additionally, the Board of Adjustment recently
42 considered a variance request seeking a reduced front setback, and the Board of Adjustment suggested that any
43 adjustment of front setbacks should be accomplished via an across-the-board ordinance amendment rather than
44 through the granting of variances. Finally, the NC Coastal Resources Commission will soon be considering potential
45 amendments to their regulations pertaining to the static vegetation line that is used in eastern Emerald Isle.
46

47 Background – CAMA Setbacks, Front Setbacks, and "Building Envelopes"

48 As you know, new construction on the oceanfront is subject to a Coastal Area Management Act (CAMA) setback from
49 the first line of stable vegetation on the beach, and it is also subject to the Town's front setback requirements from the

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2 street. In most places in Emerald Isle, the CAMA setback is 60 ft. The Town's front setback in residential zoning
3 districts is 30 ft. from the road right of way. This means that 90 ft. of the depth of oceanfront lots can not have a home
4 within that area, and only the remaining area, the "building envelope", is suitable for constructing a home. The
5 "building envelope" is the area located between the 30 ft. front setback line and the 60 ft. CAMA setback line.
6

7 Most oceanfront lots in Emerald Isle located west of Ocean Reef / Pier Pointe condominiums have a sufficient "building
8 envelope" to allow the construction of a new home on the lot. As such, new homes can be built on any vacant lots, and
9 older homes can be removed or demolished and replaced with new homes without regulatory difficulty. On the east
10 end of Town between the Indian Beach town line and Ocean Reef / Pier Pointe condominiums, most of the oceanfront
11 lots do not have a sufficient "building envelope" to allow new homes to be constructed, and therefore they are
12 considered non-conforming lots. The consequences of this designation are that if the lot is currently vacant, nothing
13 can be built on it. If the lot currently has a home on it, it cannot be replaced with a new structure. Perhaps most
14 important to the current owners, if the home on the lot is destroyed more than 50% by fire or storm, it can not be
15 repaired or reconstructed, and the property value decreases significantly.
16

17 The Market and Community Appearance

18 The market recognizes the distinction between conforming oceanfront lots and non-conforming oceanfront lots, and
19 homes on non-conforming oceanfront lots appear to be valued at approximately 50% or less of those on conforming
20 oceanfront lots. The tax values assigned to oceanfront lots also reflect this difference, and the tax value of the
21 oceanfront on the east end is significantly less than other oceanfront areas of Emerald Isle.
22

23 The non-conforming status of the east end oceanfront also contributes to a somewhat less attractive community
24 appearance in this area of Town. Due to the fact that the lots are non-conforming, there is little enticement for the
25 homeowners to invest in improving the appearance of the homes in this area, and there is absolutely no opportunity for
26 redevelopment. The re-establishment of conforming status to the oceanfront lots on the east end would likely
27 encourage significant re-development of that area, resulting in new homes built to today's building codes, a more
28 aesthetically pleasing community, greater tax base, and more equity for those property owners.
29

30 Impact of the 2003 Beach Nourishment Project

31 The Town's beach nourishment project completed in this area in 2003 has had a significant impact on this area of
32 Town. The beach is approximately 150 ft. wider than pre-nourishment, and a substantial new dune with significant
33 vegetation now exists in front of nearly all of the homes between the Indian Beach town line and Ocean Reef / Pier
34 Pointe condominiums. The homes in this area are now among the best-protected homes in Emerald Isle when a major
35 storm impacts the Town, and the damages prevented during Hurricanes Isabel and Hurricane Ophelia were obvious -
36 areas that once experienced significant washover did not even suffer any damaged beach walkways.
37

38 In most cases, the actual first line of stable vegetation in this area has migrated further seaward than where it existed
39 prior to the 2003 beach nourishment project, even with the effects of Hurricane Ophelia factored in. Additional
40 plantings and the use of sand fencing by property owners also create the possibility of further growth seaward in the
41 future. The seaward movement of the first line of stable vegetation could eventually result in some, and perhaps many
42 of the currently non-conforming lots regaining conforming status - if not for the NC Coastal Resources Commission's
43 rule that requires nourished beaches to survey in the first line of stable vegetation that existed prior to beach
44 nourishment and the use of that static vegetation line in perpetuity.
45

46 The NC Coastal Resources Commission (CRC) does currently have a rule that allows the static vegetation line to be
47 adjusted if the following conditions exist:
48

- 49 • the beach nourishment project occurred within 3 years after erosive impacts of a hurricane (there is some
50 question as to whether or not Emerald Isle's project would qualify after Hurricane Floyd's impacts in 1999),
51 and
- 52 • an eight year time period elapses, at which time a statistically revised line (not necessary the actual first line
53 of stable vegetation) could be implemented.
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7 The practical reality for the east end of Emerald Isle is that the application of this rule is unlikely to result in the
8 oceanfront lots on the east end regaining conforming status in the future. As of now, Town staff has advised property
9 owners and interested parties that these lots will be considered non-conforming in perpetuity.

10
11 Potential Mechanisms to Regain Conforming Status

12 There appear to be two potential mechanisms that could possibly restore these non-conforming lots to conforming
13 status. The first is a potential reduction of the Town's front setback (currently 30 ft.) in this area, and the second is an
14 amendment to the CRC's regulations regarding the static vegetation line used after beach nourishment projects.

15
16 After a thorough review, it appears that a reduction of the Town's front setback would only restore a small percentage
17 of the lots on the east end to conforming status. Kevin Reed, Planning and Inspections Director, has completed a lot-
18 by-lot review of the estimated building envelopes available on each lot with the current 30 ft. front setback, and also
19 with hypothetical 20 ft., 15 ft., 10 ft., 5 ft. and 0 ft. front setbacks. A copy of Kevin's analysis is attached for your
20 information. The Board should note that this analysis is based on the use of the actual static vegetation line, and the
21 estimated location of the front property line relative to Ocean Drive in this area. The figures presented in Kevin Reed's
22 analysis are not exact, but are believed to be relatively accurate within a margin of error of +/- 5 – 7 ft.

23
24 For purposes of this analysis a conforming lot is defined as a lot with at least a 25 ft. building envelope. Of the 171
25 properties located between the Indian Beach town line and Ocean Reef condominiums, Kevin estimates that there are
26 actually 3 properties (2%) that currently could be considered conforming. If the front setback is reduced to 20 ft., 7
27 properties (4%) could potentially be considered conforming. If the front setback is reduced to 15 ft., 12 (7%) properties
28 could potentially be considered conforming, and a 10 ft. front setback would result in 19 properties (11%) potentially
29 considered conforming. A 5 ft. front setback would result in 26 properties (15%) potentially considered conforming.
30 When this analysis was assigned, I was hopeful that the 15 ft. or 20 ft. setback would yield perhaps 50% of the lots
31 being considered conforming, however, that it obviously not the case.

32
33 The Board should note that there are currently many homes in this area that do not meet the 30 ft. setback requirement
34 anyway, as these homes were likely constructed prior to this requirement. A change to the Town's front setback would
35 likely help a small percentage of the property owners, and can be pursued if the Board so directs staff. The
36 determination of the reduced setback should primarily consider the aesthetic implications of a reduced setback. The
37 Board should also note that there may also be wastewater drain field issues that limit the ability of the owner to
38 redevelop a currently non-conforming lot, and we have not assessed these limitations in this analysis. If the 30 ft. front
39 setback is reduced, the Board may also wish to consider appropriate limits on the size of any redeveloped structures,
40 requirements that parking be provided under the homes, and/or other requirements designed to limit any negative
41 impacts of a reduced front setback.

42
43 As noted above, the second potential mechanism is a change in the NC Coastal Resources Commission's rule
44 regarding the use of the static vegetation line after beach nourishment projects. At the November 2005 CRC meeting,
45 the CRC unanimously directed staff of the NC Division of Coastal Management to research this issue and potentially
46 provide amendments for their future consideration. At this point, it appears possible that some change will occur, but
47 how the rule will change and whether or not it will result in the lots in eastern Emerald Isle regaining conforming status
48 is uncertain. Potential ideas that could be considered include the following:

- 49
50
- allowing the re-construction of fire or storm damaged homes on non-conforming lots on the same footprint or
51 in the same line with other existing homes,
 - a waiting period of X years after a nourishment project is completed, at which time the actual first line of
52 stable vegetation would be used,
- 53
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- a waiting period, combined with a limit on the footprint size of the home or the total heated sq. ft.,
- allowances for re-construction associated with a long-term commitment to beach nourishment activities.

A change to this CRC rule will likely generate spirited debate and opposition from groups typically opposed to beach nourishment activities. Any change will likely take several months to be enacted. I am seeking the Board's input on this issue so that I can accurately convey the Town's position to the CRC and the NC Division of Coastal Management as this issue is debated.

Town Manager Rush said he was bringing this issue up in order to get feedback from the Board, hear their thoughts and see if this is something that should be pursued further.

Commissioner Messer asked if the Board could change the setbacks. Mr. Rush stated that the Town Board of Commissioners has the sole authority to change the front setbacks in the Town's zoning ordinances. Mr. Rush said the Board can change the setbacks within particular zoning districts, probably the mechanism to do that would be to create a new zoning district that would consist of those 171 properties on the east end. Mr. Rush said the Board would have no direct control over the CRC's CAMA setback line.

Mr. Rush pointed out that the Board of Adjustment had a variance request about this same issue a few months ago. The request was for a variance from the front setback so they could create a building envelope on a lot and the Board of Adjustment denied that request. One of the comments that the Board of Adjustment made was that they thought the issue should be addressed by a general ordinance change and not by people coming for individual variances, which is another reason this issue was brought to the forefront.

Commissioner Allen said he has seen for a long time the struggle the people on the east end have had and didn't know what it would take but felt the Town should make every effort to help those on the east end.

Mayor Schools said that he understood the CRC is looking into this issue again. Mr. Rush said that at the last CRC meeting in November there was clear consensus that they needed to do something different than what they do now as far as how they treat setback lines after beach nourishment projects. They need to decide if it is working and if it is fair.

Commissioner Messer asked about the 50% rule and who could change that. Mr. Rush said that was a Division of Coastal Management rule promulgated by the CRC. Town Attorney Stanley added that there is also a provision in the Town's ordinance that says basically the same thing.

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Commissioner Messer felt if a person has a house and it is damaged 50, 60 or 80%, and they have owned the land and have a house there he has always believed they should be able to build it back. Commissioner Messer felt they could help more people by eliminating the 50% rule than by setbacks.

Commissioner Wootten felt the Board could help our citizens most by trying to influence the CRC, the controlling party.

Commissioner Messer said he could not see where rebuilding the same house within the same footprint would be a problem and why people should be penalized because of misfortune.

Doje Marks, 134 Sandcastle Drive, stated that she served on the Board of Adjustment for 10 years and that 12-15 years ago they had requested the Board of Commissioners then in power grant a blanket variance from 25th Street to 1st Street because they were receiving so many requests for variances because they didn't meet setbacks. Ms. Marks also said very few properties in that area have added any more sandfencing or vegetation. She felt people had been encouraged and shown the right way to put up sandfencing to accrete more sand and most of them had not taken advantage of that. She believed this was because so many of these people are investors and not residents. Ms. Marks also spoke to the issue of the oceanfront setbacks and said since the erosion rate was set and since all of the hurricanes in the 90's and this year the loss has been more than 2 feet per year. Ms. Marks said the house setbacks are determined by 30 times the 2 feet per year which would mean that most of those houses that were endangered on the east end, that we did the renourishment for because these people would lose their houses, were over 30 years old, which meant they should have been in the ocean, we shouldn't have been bailing them out.

Commissioner Messer asked Ms. Marks if he understood that she was saying they should have let these people's homes wash away. Ms. Marks said yes they have spent millions of dollars to protect a handful of homes that were already over 30 years old when they knew they were going to wash away.

Commissioner Hedreen said while we can't do anything about extreme acts of nature we can try to preserve and protect what we have here in Emerald Isle, adding that on her watch she would do everything she could to keep houses from falling into the ocean.

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6 Following their discussion ***the consensus of the Board was to direct Town***
7 ***Manager Rush to convey on behalf of the Town to the CRC that they are***
8 ***looking for some changes in rules that would allow people to rebuild***
9 ***homes and possibly amend the static vegetation line.***

10
11 **11. DISCUSSION – OCEANFRONT PUBLIC ACCESS AND PARKING**
12 **REQUIREMENTS**

13
14 Town Manager Frank Rush discussed this item with the Board. An excerpt from
15 Town Manager Rush's memo to the Board is provided as background:

16
17 I have scheduled time on the January 10 agenda for the Board to discuss the possibility of amending the Town's
18 ordinance regarding oceanfront public access and parking requirements, and I am seeking your direction on this issue.
19 Several issues have come together to cause me to place this item on the Board's January 10 meeting agenda.

20
21 First, as you know, the Town continues to seek approval for a Federal Shore Protection Project (the 50-year beach
22 nourishment project), and the Feasibility Study phase of this project should conclude sometime this year. The Town
23 has previously received guidance from the US Army Corps of Engineers that it will need to provide a minimum of 10
24 parking spaces per half-mile along the beach strand in order to fully qualify for Federal funding for this project. These
25 parking spaces will be required to be in place prior to the actual construction of the first beach nourishment event, likely
26 still several years away. As it stands now, there are only approximately 2 ½ miles of the Town's 12 miles of ocean
27 beach that would meet this requirement, and the Town will need to construct additional public parking spaces at some
28 point before the first beach nourishment event is constructed. The previous Board of Commissioners preliminarily
29 endorsed the concept of constructing necessary parking spaces along the Ocean Drive right-of-way at strategic
30 locations in August 2003. Town staff have been working on preliminary parking plans to implement this concept since
31 that time, however, no plans have been presented to the Board of Commissioners to date due to the fact that the
32 Feasibility Study has not yet been completed.

33
34 Second, the Planning Board has been reviewing a sketch plan for a proposed new private subdivision on a vacant 18-
35 acre tract of land located on the oceanfront near Reed Drive across from Emerald Plantation. There were discussions
36 at the Planning Board level and an attempt was made to convince the developers of this subdivision to voluntarily
37 dedicate sufficient land for the construction of a 10-car public parking area, in anticipation of the future need for 10
38 spaces every half-mile. Unfortunately, the developers of the proposed subdivision have rejected this request, and
39 have instead chosen to simply meet the minimum requirement of the Town's subdivision ordinance (although no
40 preliminary plat has been submitted to date).

41
42 Third, there exists a strong possibility that existing mobile home parks and RV parks on large oceanfront tracts of land
43 may be redeveloped at some point in the future as land prices continue to escalate. The existing mobile home parks
44 and RV parks that are located on large oceanfront tracts include Holiday Trav-L-Park, Boardwalk RV Park, McCabe I
45 Mobile Home Park, Camp Ocean Forest, and Beachfront West and East RV Parks (on both sides of Bogue Inlet Pier).
46 Under the Town's current subdivision ordinance, as is the case with the 18-acre vacant tract, any new subdivisions
47 would only be required to dedicate one, two, or three (depending on the amount of ocean frontage) 10 ft. wide public
48 access easements to the Town. If any of these tracts were redeveloped as private subdivisions it is likely that the
49 public access easements would be used by relatively few people (as is the case with the very long, undeveloped public
50 access easements adjacent to Lands End, Spinnakers Reach, and Dolphin Ridge, and the likely easement for the 18-
51 acre vacant tract).

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6 Finally, the Town has been a leader in improving public beach access and parking over the past 15 years, and there
7 remains a goal to enhance the general public's ability to enjoy Emerald Isle's beautiful beaches. The Town is always
8 seeking new opportunities to improve public beach access and parking.
9

10 The combination of all four of these issues have led me to seek the Board's direction on any potential changes to the
11 Town's subdivision ordinance regarding public access. Section 18-61, subsection (8) of the Town's subdivision
12 ordinance reads as follows:
13

14 *Sec. 18-61. Generally.*

15 All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the
16 entire neighboring area and shall bear a sensible relationship to the existing or amended plans of the town.
17

- 18 (8) *Access.* Within all proposed subdivisions, group housing and special developments, and all
19 other developments subject to the terms of this chapter, a minimum public access width of
20 ten (10) feet shall be provided from each street right-of-way to the high-water mark of both
21 the Atlantic Ocean and Bogue Sound at both the east and west boundaries and center in
22 each of the town's fifty-four (54) blocks starting at the western limits of Indian Beach and
23 proceeding in a westerly direction to Bogue Inlet. Provided, the board of commissioners
24 may eliminate, vary or change the location or width of any of the public accesses within a
25 block following consideration by the town planning board based upon topography, good
26 land use planning, or similar consideration.
27

28 As each of the Town's original 54 blocks were 1,100 feet wide, this has generally resulted in public access easements
29 approximately every 500 feet along the Town's beach strand. This regulation is perhaps the single most beneficial
30 regulation in the history of the Town, as it has insured plentiful public access for everyone who does not live in or rent
31 an oceanfront unit, and has contributed significantly to the excellent quality of life and strong real estate and vacation
32 rental markets in Emerald Isle. In this day and age, however, it appears that it may be in the Town's and public's best
33 interest to amend this ordinance, for the following reasons:
34

- 35 • nearly the entire oceanfront has been subdivided and / or developed, and the ordinance has served its initial
36 purpose well,
37
38 • the remaining oceanfront subdivisions (other than the 18-acre vacant tract) will be redevelopments,
39
40 • the recent trend has been to establish private communities providing only very long, undeveloped public
41 access easements that for all practical purposes are "token" easements that will likely never be used,
42
43 • the Town is now faced with the 10 parking spaces per half-mile requirement, and
44
45 • the Town is seeking new ways to enhance the public's ability to enjoy the beach strand.
46

47 The Board may wish to consider amending this ordinance to remove the requirement for three public beach access
48 easements per original 1,100 ft. block, and instead implement a requirement for only one public beach access
49 easement AND the dedication of sufficient space for 10 public parking spaces within ¼ mile of the beach access (as
50 required by the US Army Corps of Engineers). Such a requirement should likely only apply to oceanfront subdivisions
51 that are greater than a certain land area (perhaps 5 acres?) or a certain amount of ocean frontage (perhaps 300 ft?).
52 Depending on the design, it is likely that approximately 4,000 sq. ft. of area would be required to provide 10 public
53 parking spaces. Such an amendment would likely serve the public interest much better than the Town's current
54 regulation when it is applied to any remaining new oceanfront subdivisions.

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6 As noted earlier, a preliminary plat has not yet been submitted for the 18-acre vacant oceanfront tract. Town Attorney
7 Richard Stanley has advised that any new requirement would be applicable to that new subdivision, or any other new
8 subdivision, only if the new requirement is adopted prior to the approval of a preliminary plat.
9

10 The Board should note that the Town's current regulation also applies to the soundfront. An amendment similar to the
11 one described above that also applied to the soundfront would also serve the public interest, as there are many in our
12 community who also enjoy Bogue Sound. If such an amendment was adopted by the Board, it would likely affect any
13 new subdivisions proposed for the 14-acre vacant tract known as Osprey Bluff, the 13-acre vacant tract near Chapel
14 By The Sea, and the redevelopment of Bridgeview Campground, Forest Hills Mobile Home Park, the Island Harbor
15 Marina mobile home park, the Waters Edge mobile home park, and the Sound Mist mobile home park.
16

17 Commissioner Wright felt this would be an opportunity to solve a problem before
18 it even becomes one, knowing the direction we need to go, and that it would be
19 reasonable if someone is developing a large area to ask them to set aside certain
20 areas for public access.
21

22 Commissioner Messer felt that parking is more important than an access.
23

24 Commissioner Wootten said that part of the problem is the private subdivisions;
25 with private subdivisions the Town loses the ability to gain parking places which
26 is what they need to focus on and address. Commissioner Wootten pointed out
27 that if someone is developing a public subdivision, it will have public streets with
28 a wider right-of-way and the Town does have the ability to put parking along the
29 right-of-way in some controlled method.
30

31 Town Manager Rush said that basically the Town's approach to this point and of
32 previous Commissioners preliminarily endorsed the concept of adding the
33 required parking along the public right-of-way and realistically that is the only
34 option they will have because they can't afford to buy land on the oceanfront.
35

36 Town Attorney Stanley stated that the subdivision enabling statute of the State
37 says that in lieu of requiring that they provide facilities you can require that they
38 pay based upon a formula, so that would work with a private subdivision. They
39 pay the Town and the Town provides it somewhere else which is the whole idea.
40

41 Mr. Rush said the other issue is that it will be a challenge to provide public
42 parking in Spinnakers, Dolphin Ridge, Lands End to meet the requirements, and
43 if they can't come up with a workable plan those residents in those
44 neighborhoods may find themselves paying 100% of the cost of beach
45 nourishment or perhaps no nourishment at all.
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4 Mr. Rush said the other issue is that when it gets to the point of adding parking
5 spaces on the public right-of-way, if that is what they do, that it is likely to be an
6 issue that causes some debate in the community and then you will be dealing
7 with every property owner in the block as opposed to one property owner
8 developing a subdivision.
9

10 Doje Marks, 134 Sandcastle Drive, commented that over the years they have
11 looked at parking access to the beach having to be on the beach and it doesn't.
12 She said if there is a lot further in that is not buildable for some reason it's
13 possible that it could be used as a parking lot.
14

15 Commissioner Wootten said the discussion is future subdivisions right now.
16

17 Ms. Marks felt that every single mobile home park in this Town is going to
18 become a subdivision at some point. She suggested to the Board that they
19 consider if they need to acquire property that it doesn't always have to be
20 oceanfront property.
21

22 Following their discussion ***the consensus of the Board was to direct the Town***
23 ***Manager to explore changing the ordinance to require parking as part of a***
24 ***waterfront subdivision, and proceed to work on this with the Planning***
25 ***Board at their January meeting.***
26

27 **12. DISCUSSION – ON-STREET PARKING ORDINANCES**
28

29 Town Manager Frank Rush discussed this item with the Board. An excerpt from
30 Town Manager Rush's memo to the Board is provided as background:
31

32 I have scheduled time on the January 10 agenda for the Board to discuss the possibility of amending the Town's
33 ordinances regulating on-street (or "on the public right-of-way") parking, and I am seeking your direction on this issue.
34

35 There are several public streets in Emerald Isle that have numerous "No Parking" signs erected along the side of the
36 street, most notably Ocean Drive and many of the nearby side streets close to the ocean. In some cases, there are
37 signs every 100 – 200 feet, and this results in a certain degree of visual sign clutter. There are also many other areas
38 of Town, including along Ocean Drive, that do not have a "No Parking" sign in place, but the common expectation of
39 residents in these areas is that parking is not allowed. However, if there is no sign present, it is difficult for the Police
40 Department to enforce a prohibition. In fact, the guidance provided to and by the Town's Police Officers is that if
41 there's no sign nearby, then there's no violation. This enforcement difficulty has likely contributed to the various
42 requests received over time for more "No Parking" signs, and these signs are routinely installed by the Public Works
43 Department upon request, often resulting in several "No Parking" signs per block, as noted above. Past and current
44 practice in Emerald Isle has been that requests for "No Parking" signs have been reviewed administratively (by the
45 Public Works Director, Police Chief, and/or Town Manager). In the absence of any formal guidance, the Town's
46 historical practices and the interest in satisfying the resident making the request have led Town staff to grant most
47 requests for "No Parking" signs.
48

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I recently reviewed the Town Code of Ordinances regarding "No Parking" zones, which read as follows:

Sec. 11-93. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of such streets. A schedule of streets where parking is prohibited at all times is on file in the town clerk's office.

Sec. 11-94. Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of such streets. A schedule of such restricted parking areas is on file in the town clerk's office.

As noted, there is a reference to a schedule of streets where parking is prohibited and/or restricted that is on file in the Town Clerk's office. Staff is unable to locate this schedule, and it has not been updated for at least the past 4 ½ years.

In order to address these issues, I would like the Board to consider amending these ordinances to include a provision that simply prohibits parking on public right-of-ways on all public streets in Emerald Isle, except in specifically designated public parking spaces. This appears to be the de facto result of all of the "No Parking" signs in the vicinity of Ocean Drive and nearby streets, and appears to be the desire for the various other neighborhood streets throughout Emerald Isle. This new approach would be implemented in the following manner:

- Erection of several strategically placed signs with language to the effect of "Parking Prohibited on All Town Street Right-of-Ways, Except in Designated Areas", or something similar and uniform. Such signs might be placed on NC 58 at each entrance to Town, at various locations along NC 58, Ocean Drive, Coast Guard Road, Sound Drive, Reed Drive, Crew Drive, Lee Street, Bogue Inlet Drive, and other heavily traveled streets.
- Removal of some, but likely not all, of the existing "No Parking" signs to eliminate some of the sign clutter on Ocean Drive.
- Posting of information on the Town's website, on the Town Hall bulletin boards, and in the Town's monthly newsletter.
- Direct mailing of information to the real estate rental agencies.

The specifically designated public parking spaces that would be marked as legal on-street parking areas would include the following:

- The Town's various handicapped parking spaces along Ocean Drive and other streets.
- The designated parking spaces adjacent to Jordan's Seafood on Bogue Inlet Drive.
- The designated parking spaces on Boardwalk Avenue near Reed Drive (near Dr. Floyd Campen's office).
- The designated parking spaces on NC 58 near Eastview Drive (near the building housing Island Automation and other professional offices; will likely be eliminated during construction of the Phase II bicycle path later this spring).
- Any others that the Board wishes to specifically designate.

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- Any future public parking spaces constructed on the Ocean Drive right-of-way specifically to meet Federal and/or State beach parking guidelines associated with the receipt of Federal and/or State funding for beach nourishment.

While this is obviously not a pressing or major issue, the amendment of the Town's ordinances would achieve the following:

- A simpler, more straightforward ordinance for use by Town staff and the public.
- The elimination of any confusion for Police Officers charged with enforcing the "No Parking" ordinances.
- More aesthetically pleasing street right-of-ways with fewer "No Parking" signs.
- Clear ordinance language to prevent the construction of parking areas on the public right-of-ways that are intended to serve private homes. We have recently noticed more attempts by builders and property owners of very large homes, mostly on Ocean Drive, to install additional private parking areas on the public right of way. From staff's perspective, these are not desirable from an aesthetic and safety standpoint. Further, the proliferation of these private parking areas on public right-of-ways would reduce the Town's options for locating designated public parking spaces associated with beach nourishment efforts in the future.

Tom Youngblood, Operations Director with Emerald Isle Realty, endorsed what the Town is discussing. Mr. Youngblood said that this year Emerald Isle Realty is going to limit parking at their houses. He said they will be issuing parking passes to the renters that come in and limit the number of cars they put on the property. Mr. Youngblood added they would like for this to be equally enforced that the utility trailers and boats on Sound Drive, would also have to be taken off of the right-of-way of the road. Mr. Youngblood said that it should be done across the board.

Doje Marks, 134 Sandcastle Drive, added that the Board should start dealing with the contractors and all their trucks that park on either side of the road and make it almost impossible for emergency vehicles to get through.

Bob Conrad, Planning Board member, commented that this has been an ongoing problem. Mr. Conrad stated that Town Attorney Richard Stanley has pointed out many times over the years that unless you have a uniform no parking ordinance or a designated list of streets with no parking it is not enforceable.

Following further discussion ***the Board agreed that the Town Manager should work on an ordinance that would not allow parking in the right-of-way anywhere in Town unless it is a specifically designated space like a handicap space or a specifically designated public space and bring this item back to them for review in the future.***

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5 **13. DISCUSSION – SOLID WASTE SERVICES**
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7 Town Manager Frank Rush discussed this item with the Board. An excerpt from
8 Town Manager Rush's memo to the Board is provided as background:
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10 I have scheduled time on the January 10 agenda for the Board to begin considering any desired changes to the Town's
11 solid waste services prior to engaging in a competitive bid process for these services later this year. No formal
12 decisions are requested from the Board, as this item is on the agenda only to initiate Board discussion about this issue.
13

14 Timetable

15 As you know, the Town's long-standing contract with Waste Industries expires on December 31, 2006, and the Town
16 intends to seek competitive bids for this service for the first time in approximately 15 years. The upcoming competitive
17 bid process is an opportune time to make any desired changes to the Town's solid waste services, and I would like to
18 explore possible changes with the Board over the coming months. My timetable for exploring changes, completing the
19 bid process, and gearing up for the new contract is as follows:
20

21 Determine any desired changes to the Town's services	January – May 2006
22 Solicit bids from solid waste companies	June 2006
23 Open bids	July 2006
24 Award contract	August 2006
25 Prepare for (potential) transition to new services and company	August – December 2006.

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31 Review of Current Solid Waste Services

32 The Town currently provides the following solid waste services, either through the Town's contract with Waste
33 Industries or with Town crews:

34 Residential trash collection	Waste Industries contract
35 Recycling collection	Waste Industries contract
36 Recycling drop-off point (Merchants Park)	Town / Waste Industries contract
37 Bulky item collection	Waste Industries contract
38 Yard waste collection	Town crews
39 White goods collection	Town crews
40 Beach strand trash collection	Town crews
41 Ocean Drive street-side trash collection at public accesses	Town crews
42 Container roll-back service	Town crews / private companies.

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Frequency of Current Solid Waste Services

The Town provides these services on the frequency indicated below:

Residential trash collection	
East end (Black Skimmer to Indian Beach line)	Mondays year-round, also Thursdays in summer
West end (Black Skimmer to The Point)	Tuesdays year-round, also Fridays in summer
Recycling collection	
East end (Black Skimmer to Indian Beach line)	Thursdays year-round
West end (Black Skimmer to The Point)	Fridays year-round
Recycling drop-off point (Merchants Park)	Weekly collection by Waste Industries
Bulky item collection	Same as residential trash collection
Yard waste collection	Mondays year-round (must be on list)
White goods collection	2 nd Friday of each month (must be on list)
Beach strand trash collection	Twice (and more) weekly in peak summer, Weekly in shoulder seasons, none in winter
Ocean Dr street-side trash collection at public accesses	Weekly
Container roll-back service	Same as residential trash, recycling collection
Solid waste service for commercial properties is the responsibility of the individual business, and the Town does not have a role.	

Current Waste Industries Contract Costs

The Town's current contract, which usually has prices adjusted once annually in relation to the consumer price index, includes the following prices:

Residential trash collection at the frequency noted above	\$5.35 per housing unit per month
Recycling collection at the frequency noted above	\$1.09 per housing unit per month
Dumpster service (for condominium complexes; currently 35 dumpsters; 37 dumpsters in August 2005)	\$4,666.13 per month currently - 1x week \$9,911.97 for August 2005 – 2x week
Mass recycling collection (Merchants Park, condominium complexes, etc.; currently 78 containers)	\$39.28 per container

The Board should note that the Town is currently billed for 5,884 monthly collection points, regardless of whether or not trash is picked up at each location each week. There are obviously many residential units in the off-season that do not generate trash and recyclables, and Waste Industries' price reflects an average of the busy summer season and the less busy off-season. The largest portion of the Town's monthly bill with Waste Industries is calculated by multiplying the number of monthly collection points by the \$5.35 and \$1.09 cost per housing unit per month. The number of housing units increases slightly each month as new construction is completed and services begin.

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The Board should note that the Town currently pays \$46.50 per ton for residential trash hauled to the Newport Transfer Station. Waste Industries bills the Town and remits this payment to the Coastal Regional Solid Waste Management Authority on the Town's behalf. The Town disposes of approximately 3,300 tons of residential trash per year, on average.

FY 05-06 Budget Amounts

The total FY 05-06 budget for the Solid Waste cost center, which includes all of the services noted above, is \$923,827. These expenses are funded by the Town through the levy of a \$150.00 annual fee on all developed residential housing units in Town (vacant lots and commercial businesses do not pay the fee, as they do not receive services). For FY 05-06, we anticipate approximately \$948,163 from this revenue source, thus making the Town's solid waste services completely supported by the annual solid waste fee. (The slightly higher amount of revenue is intended to cover indirect costs such as the Administration office's time spent dealing with solid waste billing and service issues.)

The Town's FY 05-06 budget for the services noted above can be broken down as follows:

Waste Industries services:	Residential trash collection	\$581,360
	Recycling collection	
	Recycling drop-off point (Merchants Park)	
	Bulky item collection	
Residential trash tipping fees:		\$185,120
Town crews services:	Yard waste collection	\$157,347
	White goods collection	
	Beach strand trash collection	
	Ocean Drive street side trash collection at public accesses	
	Container roll-back service.	

Potential Opportunities to Improve Solid Waste Services

Overall, I am generally pleased with the Town's solid waste services, and I believe that most in our community are also relatively pleased. I do believe, however, that there are potential opportunities to improve the design of our services, and I am seeking the Board's input on the idea below, as well as any additional ideas that you may have to improve our services.

Based on my involvement in these issues over the past 4 ½ years, my general knowledge of the community, and my suspicions about what is realistically possible given the financial constraints, my vision of the ideal solid waste service for Emerald Isle is as follows:

- Provide weekly residential trash collection year-round on Mondays in the entire Town; do not split the Town into east and west. This would enable the Town to have all weekend visitor-generated trash collected immediately after the weekend, and would expedite the collection on the western end of Town by one day.
- Provide a second residential trash collection during the summer months only on Fridays for the entire Town; do not split the Town into east and west. This would enable the Town to have all trash collected immediately prior to the weekend, and would insure adequate capacity for the trash generated over the weekend.

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- Provide weekly recycling collection year-round on either Mondays or Tuesdays in the entire Town; do not split the entire Town into east and west. This would enable the Town to have all weekend visitor-generated recyclables collected immediately after the weekend. Mondays would be ideal, however, it may not be feasible to do both trash and recycling on the same day. Thus, Tuesdays would be an acceptable alternative.
- Include the roll-back of all containers (permanent residents, rental units, and second home-owners) in the solid waste contract. Residents, rental companies, and/or visitors would be responsible for getting the container to the street, however, the contractor would roll it back under the home or adjacent to the home after collection. It would likely be very inefficient to have the contractor roll-out the containers from under the homes or adjacent to the homes to the street for collection, as there would likely be many homes that would not need to have the containers rolled out each week (particularly during the off-season).
- Install and secure standard 90-gallon containers on the street-side of the public beach accesses, and task the contractor with collecting this trash each week instead of having Town crews collect this trash.
- Town crews would continue to provide beach strand trash collection, yard waste collection, and white goods collection.
- The Town should continue to use the standard 40, 65, and 90 gallon roll-out and back containers, and should not revert back to street-side trash racks.

The Board should note that this is my "ideal" solution for Emerald Isle's solid waste needs, and this solution is presented only to generate additional thought and discussion among the Board. As you know, there are many variables in these services, and surprisingly many emotional opinions about these services. Obviously, cost will be the major issue driving the Board's decision, and the contractors' available truck fleet, human resources, and other service contracts with other local governments will also greatly impact the cost of the Town's services. The potential challenges to my "ideal" solution above include limited trucks and human resources to accomplish the collection from the entire Town in one day, the schedules already established for the contractors' other clients, and the additional effort and cost associated with the roll-back of all containers. Without the benefit of detailed cost analysis, my suspicion is that my "ideal" solution above would cost more than our current services, however, I believe the improvements would outweigh the additional cost.

The Board may also wish to eventually bid out more than one service design – perhaps one likely to result in equal or lower costs than the current contract, and one that reflects the Board's "ideal" solution. Another factor to consider is the potential for the use of newer technologies (i.e., automated trucks with only one worker per truck), and how that might impact the cost to the Town. Finally, the Board may also want to consider exploring the idea of not contracting these services and providing all solid waste services with Town personnel. This would obviously be a major undertaking, and would require significant research and consideration over the coming months.

There are likely many different ways to improve the Town's solid waste services, and I look forward to hearing your ideas and the community's ideas as we attempt to redefine our services prior to soliciting bids. There are many variables involved in this issue, and I suspect that we will have several discussions and will need to perform additional research prior to finalizing the design of the new service. Again, this item on the January 10 agenda is simply to begin the discussion.

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
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6 Tom Youngblood, Emerald Isle Realty, said that they love the rollout cans and
7 that no one would want to go back to trash racks. He said their residential rental
8 customers spend about \$120,000 year extra to roll cans in and out. He said this
9 is a headache with the 692 homes they keep up with but he endorsed the rollout
10 feature. If they roll it out and the Town rolls it back he felt that was the best way
11 to go. He felt the idea of having trash collected all in one day would be ideal but
12 they would need to go with a provider with the equipment to do the job, sweep
13 through the Island and take care of it all at one time.

14
15 Commissioner Messer said he would like to look at the rollback as an option.

16
17 Commissioner Wootten questioned shifting the expense of roll back from the
18 rental properties back to the Town.

19
20 Commissioner Allen asked about recycling requirements. Town Manager Rush
21 said he would get more information concerning the mandate and cost of this
22 service to discuss in the future.

23
24 **14. COMMENTS FROM TOWN CLERK, TOWN ATTORNEY, AND TOWN**
25 **MANAGER**

26
27 There were no comments from the Town Clerk or Town Attorney.

28
29 Town Manager Rush suggested Friday, February 17, 2006 beginning at 8:30 am
30 as the date for the Board's Annual Planning Workshop to begin the budget
31 process. The Board agreed with this date.

32
33 Mr. Rush said there is \$20,000 in this year's budget to hire a consultant to help
34 with a comprehensive re-write of the development ordinances. Mr. Rush said
35 they are preparing to release the Request for Qualifications for consultant firms
36 and the goal is to hopefully have the Board approve with a consulting firm at the
37 March meeting. Mr. Rush said his goal is to incorporate the drafting of
38 ordinances for the Village East / Village West new zoning districts as part of that
39 process. Mr. Rush said in terms of selecting a consultant firm he would like to
40 have himself, Kevin Reed, one Planning Board member and one Town Board
41 member be the selection committee to review the submissions. The Board was
42 in agreement that Commissioner Wright serve as the Town Board member on
43 this committee.

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15. COMMENTS FROM BOARD OF COMMISSIONERS AND MAYOR

Commissioner Allen, Hedreen, Messer, and Wright had no further comments.

Commissioner Wooten commented that he was pleased with Emerald Isle Woods Park following a tour with the supervisor on site.

Mayor Schools had no further comments.

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

The meeting adjourned at 7:30 pm.

Respectfully submitted:

Rhonda C. Ferebee
Town Clerk

