

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, SEPTEMBER 9, 2014 – 6:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6  
7

8    **1. Call To Order**  
9

10 The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
11 order by Mayor Eddie Barber at 6:00 PM in the Town Board Meeting Room.  
12

13    **2. Roll Call**  
14

15 Present for the meeting: Mayor Eddie Barber, Commissioners Floyd Messer, Jim  
16 Normile, John Wootten, and Maripat Wright.  
17

18 Absent for the meeting: Commissioner Tom Hoover.  
19

20    ***Motion was made by Commissioner Messer to excuse the absence of***  
21    ***Commissioner Hoover. The Board voted unanimously 4-0 in favor. Motion***  
22    ***carried.***  
23

24 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
25 Richard Stanley, Town Clerk Rhonda Ferebee, Parks and Recreation Director Alesia  
26 Sanderson, and Interim Planning Director Jim Jennings.  
27

28    **3. Moment of Silence for Commissioner Nita Hedreen**

29 The Board, staff, and public present observed a moment of silence for Emerald Isle  
30 Town Commissioner Nita Hedreen who passed away on Monday, August 18, 2014,  
31 after a long and courageous battle with cancer. Commissioner Hedreen was only 61  
32 years old at the time of her death and everyone at the Town of Emerald Isle were  
33 saddened by her passing.

34 Commissioner Hedreen truly loved the Town of Emerald Isle, and was first elected as a  
35 Town Commissioner in 2003, serving her community for more than 10 ½ years. Her  
36 thoughtful insights, caring nature, and wisdom will be sorely missed by our community  
37 and the entire Town organization.

38    **4. Opening Prayer**  
39

40 The opening prayer was offered by Mayor Eddie Barber.  
41  
42  
43

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1  
2 **5. Pledge of Allegiance**  
3

4 All who were present recited the Pledge of Allegiance led by Mayor Barber.  
5

6 **6. Adoption of Agenda**  
7

8 ***Motion was made by Commissioner Wright to adopt the Agenda. The Board***  
9 ***voted 4-0 in favor. Motion carried.***  
10

11 **7. Service Award – 25 Years – Alesia Sanderson, Parks and Recreation Director**  
12

13 Mayor Eddie Barber and Town Manager Frank Rush recognized the 25 years of service  
14 of Parks and Recreation Director Alesia Sanderson who began her employment with the  
15 Town in August 1989. Parks and Recreation Director Sanderson developed the Parks  
16 and Recreation Department from its infancy to the first class operation (with many  
17 significant public parks, community facilities, programs, and special events) that it is  
18 today. Director Sanderson as she was presented with a 25 Year Service Award  
19 received a standing ovation from all present in appreciation for her dedicated service  
20 and significant accomplishments. Mayor Barber and Town Manager Rush  
21 congratulated Director Sanderson for her all she had done and continued to do for the  
22 Town.  
23

24 Parks and Recreation Director Alesia Sanderson stated that her service to the Town of  
25 Emerald Isle had been an honor and privilege.  
26

27 **8. Proclamations / Public Announcements**  
28

29 Mayor Barber noted the following announcements for the public:  
30

- 31 • Walking Club – Fridays – September 12 – October 24 – 9 am – Community  
32 Center
- 33 • Friday Free Flick – Friday, September 12 – 7 pm – Community Center – “Rio 2”
- 34 • (Sand) Sculpt for Wildlife – Saturday, September 13 – 9 am – 2 pm – Eastern  
35 Ocean Regional Access
- 36 • 9/11 Memorial Ride – Saturday, September 13 – Through Emerald Isle at around  
37 2 pm – NC 58
- 38 • Swansboro – Emerald Isle Flavor – Saturday, September 13 – 12 noon – 5 pm –  
39 the Islander Suites
- 40 • Bicycle and Pedestrian Advisory Committee Meeting – Tuesday, September 16 –  
41 9 am – Community Center
- 42 • Police Educating the Public – Tuesday, September 16 – 10 am – Town Board  
43 Meeting Room
- 44 • 9<sup>th</sup> Annual Day4Kids – Saturday, September 20 – 10 am - 2 pm – Community  
45 Center

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- 1  
2     • Flounder Fishing Tournament – September 20 – October 4 – Register at  
3     Community Center  
4     • Household Hazardous Waste Collection – Sat. Sept. 20 – 8 am – 1 pm – Carteret  
5     County Health Department  
6     • Planning Board Regular Meeting – Monday, September 22 – 6 pm – Town Board  
7     Meeting Room  
8     • CPR and First Aid Class – Tuesday, September 23 – 4 pm – 8 pm – Community  
9     Center  
10    • Coffee With a Cop – Thursday, September 25 – 9 am – Ben & Jerry’s  
11    • Free Surf Fishing Seminar – Monday, October 6 – 6 pm – Community Center  
12    • Bus Trip – Durham Performing Arts Center – “Phantom of the Opera” – Thurs.  
13    Oct 9 – Leave EI at 8am  
14    • Friday Free Flick – Friday, October 10 – 7 pm – Community Center – “Muppets  
15    Most Wanted”  
16    • Board of Commissioners Regular Meeting – Tuesday, October 14 – 6 pm – Town  
17    Board Meeting Room  
18    • Emerald Isle Triathlon – Saturday, October 18 – 8 am – Eastern Ocean Regional  
19    Access  
20

21 Mayor Barber recognized Carteret County News-Times reporter Anna Harvey, who  
22 faithfully reports for Emerald Isle, announcing her upcoming wedding planned for  
23 October and wishing her all the best.  
24

25 **9. Public Comment**  
26

27 **Brief Summary:** The public has the opportunity at this time to address the Board about  
28 any items of concern not on the agenda.  
29

30 There were no comments from the public.  
31

32 **10. Consent Agenda**  
33

- 34     a. Tax Releases  
35     b. Minutes – August 12, 2014 Regular Meeting  
36     c. Minutes – August 12, 2014 Closed Session  
37     d. Minutes – August 27, 2014 Special Meeting  
38     e. Minutes – August 27, 2014 Closed Session  
39     f. Resolution Declaring Surplus Property (14-09-09/R1)  
40     g. Resolution Supporting Current School Calendar (14-09-09/R2)  
41     h. Resolution Regarding NC Governor’s Highway Safety Program Grant (14-09-  
42         09/R3)  
43

44 ***Motion was made by Commissioner Messer to approve the items on the Consent***  
45 ***Agenda. The Board voted unanimously 4-0 in favor. Motion carried.***

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Clerks Note: A copy of Resolutions 14-09-09/R1, 14-09-09/R2, and 14-09-09/R3 as noted above is incorporated herein by reference and hereby made a part of these minutes.

**11. Ordinance Amending Chapter 3 – Zoning Districts – of the Unified Development Ordinance – to Expand the Boundaries of the Eastern End Oceanfront Overlay District to Ocean Reef Condominiums (14-09-09/O1)**

- a. Public Hearing
- b. Consideration of Ordinance

Interim Planning Director Jim Jennings addressed the Board concerning this agenda item. The following excerpt from Town Manager Rush’s memo to the Board is provided for additional background:

The Board of Commissioners is scheduled to consider the attached ordinance amendment that would expand the boundaries of the Eastern End Oceanfront Overlay District to the west to also include Ocean Reef condominiums. This expansion would effectively reduce the front (street side) setback for the 10 oceanfront structures in Ocean Reef from 30 feet to 20 feet, and would provide greater opportunity and flexibility for the reconstruction of the existing structures if they are damaged more than 50% in the future.

As you know, the entire oceanfront on the eastern end of Emerald Isle is subject to the “static line”, which represents the first line of stable and natural vegetation that existed in this area prior to the Town’s first beach nourishment project in 2003. CAMA regulations required that this line be surveyed in prior to nourishment, and this line would then be used to measure oceanfront setbacks in this area after the nourishment project. The application of the static line resulted in nearly all properties in this area being classified as nonconforming (they were also nonconforming prior to nourishment), which meant they could not be reconstructed if damaged by more than 50%. The Town sought and received a “static line exception” from the NC Coastal Resources Commission in 2010, and because the Town demonstrated its commitment to future beach nourishment, the actual first line of stable and natural vegetation is again used for oceanfront setback purposes in this area, and many of these properties became conforming again. However, CAMA regulations limit the size of any new structures using the “static line exception” to 2,500 sq. ft. or less. The “static line exception” was a tremendous help to the vast majority of oceanfront property owners between 1<sup>st</sup> St. and 25<sup>th</sup> St., as nearly all of the existing structures are less than or very close to 2,500 sq. ft., and these property owners can essentially replace what they already have. In order to further promote the ability for existing structures to be reconstructed, the Town also created the Eastern Oceanfront Overlay District later in 2010, which simply reduced the front (street side) setback for these properties from 30 feet to 20 feet, thereby providing an additional 10 feet in the building envelope. For some properties, this additional 10 feet represents the difference between conforming and nonconforming.

As noted, the “static line exception” limits new structures to 2,500 sq. ft. or less. The 10 oceanfront buildings in Ocean Reef Condominiums are each approximately 4,400 sq. ft., thus if one of those buildings is damaged more than 50%, the owners (collectively) could only reconstruct a 2,500 sq. ft. structure. To some degree, the “static line exception” is helpful to the Ocean Reef owners because they could at least retain economic value from the oceanfront lot (i.e., a 2,500 sq. ft. structure is more valuable than a lot with no opportunity for a new structure), however, the CAMA regulations would not allow the reconstruction of the existing oceanfront buildings at the same size (4,400 sq. ft.) and configuration as currently exists.

After discussing this issue at length with several Ocean Reef property owners in recent years, a new oceanfront survey (attached) was completed for Ocean Reef in late 2013. In order to reconstruct a new building with 4,400 sq. ft., the building would need to meet a 60 ft. setback from the “static line” (the surveyed-in line from 2003). The new survey indicates that, particularly for buildings 5 through 10, an additional 10 feet of front setback area may result in a sufficient building envelope to meet the “static line” setback and enable reconstruction of a 4,400 sq. ft. building with a similar configuration as the existing building. The additional 10 feet of front setback area for buildings 1 through 4 would also provide additional flexibility for these areas, and could potentially enable a similar size structure to be reconstructed if necessary, albeit with a different configuration.

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1  
2 The result is that several, but likely not all, of the oceanfront Ocean Reef lots could be considered conforming again. In addition  
3 to providing peace of mind for existing unit owners, this would also make for an easier process for homeowners insurance,  
4 mortgages, and real estate sales.  
5

6 This amendment is supported by the Ocean Reef Homeowners Association, and a letter from Russ Yeager, President of the  
7 HOA, is attached. I have also attached a letter from another Ocean Reef property owner objecting to this change.  
8

9 A public hearing is required before the Board may consider the attached ordinance amendment, and has been scheduled for the  
10 September 9 meeting. The Planning Board reviewed this issue at its August 25 meeting, and unanimously recommends  
11 approval of the attached ordinance amendment.  
12

13 ***Motion was made by Commissioner Wright to open the Public Hearing. The***  
14 ***Board voted unanimously 4-0 in favor. Motion carried.***  
15

16 Diane Parsons-Salem, Ocean Reef property owner, commented that she bought her  
17 unit in 1987 when it was built with the intention of retiring there. She said she wouldn't  
18 have bought had she ever expected there to be such a change by the CRC not allowing  
19 her unit or building to be rebuilt as she understood if there were to be a fire or natural  
20 disaster that if the damage was more than 50% of the building they would not be able to  
21 rebuild and the property would be unbuildable. She said the unit would no longer  
22 generate the same real estate taxes for Emerald Isle or the County. Ms. Parsons-  
23 Salem felt it was like having property taken without benefit of eminent domain. Ms.  
24 Parsons-Salem said if they did rebuild instead of an 1100 square foot unit they would  
25 have a 600 square foot unit. She would appreciate the Town extending for Ocean Reef  
26 the way they had extended for the rest of Ocean Drive as step one and then they  
27 needed to go to the CRC and request help from them.  
28

29 Lyla Washburn, Ocean Reef HOA representative, confirmed their support of the  
30 expansion of the eastern end overlay district to include Ocean Reef condominiums. Ms.  
31 Washburn said they knew that this was not the perfect solution for all but if a disaster  
32 were to occur they would at least have a starting point in the rebuild process. Ms.  
33 Washburn said as things currently stood there were no oceanfront building in Ocean  
34 Reef which could be rebuilt if more than 50% destroyed no matter the cause; fire,  
35 hurricane. They felt that allowing the extra 10 feet of setback from Ocean Drive would  
36 dramatically improve the reconstruction outlook for most of the oceanfront buildings.  
37 Ms. Washburn felt that most understood the difficulties associated with rebuilding on the  
38 oceanfront in todays world, meeting all the criteria from agencies, boards, building  
39 codes. Ms. Washburn felt that applying the eastern end overlay district to Ocean Reef  
40 would be a positive move in what they considered the right direction.  
41

42 ***Motion was made by Commissioner Messer to close the Public Hearing. The***  
43 ***Board voted unanimously 4-0 in favor. Motion carried.***  
44

45 Town Manager Rush provided additional explanation that the front setback everywhere  
46 east of Ocean Reef was 20 feet from the street, and that used to be 30 feet and the  
47 Board took action several years ago reducing the setback to 20 feet from the street to

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1  
2 provide more flexibility for those home to be reconstructed. Town Manager said that  
3 would be the same thing that would happen at Ocean Reef along the private portion of  
4 Ocean Drive. Mr. Rush wanted to be clear for the Board and public that the Board had  
5 been very committed to beach nourishment, increasing the potential ability for homes in  
6 that part of town to be reconstructed due to fire or storms. Mr. Rush said this was a  
7 continuation of those policies, but he wanted to make sure that everyone was aware  
8 that this change in and of itself did not enable those units to be reconstructed; they  
9 thought it could potentially be of assistance particularly to certain units that were more  
10 to the western side of the property closest to the Eastern Regional Access. Mr. Rush  
11 said that if the setbacks were reduced from 30 feet to 20 feet there was a good chance  
12 they might be able to meet the required CRC setback from the static line, which was the  
13 line that existed prior to nourishment. Mr. Rush didn't think it would have the same  
14 positive effect on the area from buildings 1- 4, however it certainly provided additional  
15 flexibility and perhaps what might be helpful in that area if there was a fire or storm, and  
16 they had to push the building back with either a slightly different shape or configuration  
17 but it increased the potential that they could be rebuilt with a 4-unit 4400 square foot  
18 building, and the next item on the agenda to be discussed would hopefully go a step  
19 further beyond the Town Board's control. Mr. Rush wanted to stress that this action  
20 wouldn't necessarily guarantee the units could be rebuilt but it gave them a much better  
21 chance than they currently had under the current ordinance. Mr. Rush said this was the  
22 only thing that the Town Board could control as the Town of Emerald Isle Board of  
23 Commissioners.

24  
25 Commissioner Wootten asked why they didn't do this when they originally did the  
26 overlay district. Mr. Rush said that when the initial overlay district was created with the  
27 static line exception which allowed the use of the first line of actual stable vegetation it  
28 limited structures to 2500 square feet. Mr. Rush noted that almost all of the 171  
29 properties east of Ocean Reef were homes less than 2500 square feet or just slightly  
30 over that and they knew Ocean Reef structures were 4400 square feet and that wasn't  
31 going to work. Mr. Rush said in recent years in talking with the owners at Ocean Reef  
32 and learning of their struggles as far as insurance, mortgages, and even resale to  
33 potential buyers. Mr. Rush said one of the things Ocean Reef did about a year ago was  
34 to secure a survey which showed exactly where the buildings were in relation to the  
35 street, the setbacks, static line, static line exception, and when they looked closer at the  
36 survey they realized that maybe the 20 foot setback could help some of those units.

37  
38 Mr. Rush noted that in the Board's packets they had a letter from the HOA that did  
39 endorse this request, but there was also a letter from a property owner objecting to this  
40 as well, and that individual could not be here tonight.

41  
42 ***Motion was made by Commissioner Wootten to adopt the Ordinance Amending***  
43 ***Chapter 3 – Zoning Districts – of the Unified Development Ordinance to Expand***  
44 ***the Boundaries of the Eastern End Oceanfront Overlay District to Ocean Reef***  
45 ***Condominiums. The Board voted unanimously 4-0 in favor. Motion carried.***

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1  
2 **Clerks Note: A copy of Ordinance 14-09-09/O1 as noted above is incorporated herein by reference and**  
3 **hereby made a part of these minutes.**

4  
5 **12. Resolution Requesting the NC Coastal Resources Commission to Amend**  
6 **Oceanfront Setback Rules in Areas With a Static Line Exceptions (14-09-09/R4)**

7  
8 Town Manager Frank Rush addressed the Board concerning this agenda item. The  
9 following excerpt from Town Manager Rush's memo to the Board is provided for  
10 additional background:

11  
12 The Board of Commissioners is scheduled to consider the attached resolution formally requesting that the NC Coastal  
13 Resources Commission (CRC) amend its rules regarding the "static line exception".

14  
15 The attached resolution requests a change that would ultimately result in the ability for all structures on the oceanfront in  
16 eastern Emerald Isle to be reconstructed if damaged more than 50% by fire, storms, or other events. This resolution is  
17 intended primarily to assist the Ocean Reef, Pier Pointe, and Pier Pointe West condominium complexes, but would also benefit  
18 other oceanfront structures in eastern Emerald Isle subject to a "static line".

19  
20 Background - "Static Line"

21 A "static line" is required by CRC rules for any significant beach nourishment project, and requires that the actual first line of  
22 stable and natural vegetation that exists immediately before a nourishment project be surveyed in and used in perpetuity for  
23 oceanfront setback determinations, regardless of the location of the actual first line of stable and natural vegetation after the  
24 nourishment project (which often moves further seaward).

25  
26 In Emerald Isle, the Town was required to survey in the first line of stable and natural vegetation before construction of the  
27 Town's 2003 beach nourishment project in eastern Emerald Isle, and that line was used for oceanfront setback purposes for  
28 several years. The typical oceanfront setback in Emerald Isle is 60 feet, and nearly all oceanfront structures were closer than  
29 60 feet to the pre-nourishment first line of stable and natural vegetation and the subsequent "static line", and thus were  
30 nonconforming. More importantly, the oceanfront lots in that area are such that there was not sufficient depth on the lot to meet  
31 the oceanfront setback, the front (street side) setback, and have enough remaining land area for a normal sized structure. The  
32 result is that any oceanfront structures that were nonconforming prior to the nourishment project remained nonconforming after  
33 the nourishment project, and nearly all of the lots were also nonconforming (no new structures could be built on them), and thus  
34 had little economic value (but many had outstanding mortgages).

35  
36  
37 Background - "Static Line Exception"

38 To its credit, upon request from Emerald Isle and other beach towns, the CRC amended its rules in 2009 and created the "static  
39 line exception". The "static line exception" created a mechanism in the regulations where a local community that is committed  
40 to beach nourishment in the future (and can demonstrate future plans, sand sources, and funding sources) could qualify for a  
41 "static line exception", and could again use the first line of stable and natural vegetation for oceanfront setback determinations  
42 in areas that had received beach nourishment. The new regulations included a limit of 2,500 sq. ft. for any new or replacement  
43 structures constructed with a "static line exception", and also prohibited new or replacement structures from being located  
44 further seaward than the landward-most adjacent structure. These limitations were included to address concerns from certain  
45 CRC members and environmental groups that beach nourishment projects should not encourage larger structures or the  
46 placement of additional structures at risk of storm and erosion damage. Emerald Isle and other beach towns actually worked  
47 with the CRC to increase the limit from 2,000 sq. ft. to 2,500 sq. ft. at the time the new regulations were developed.

48  
49 The Town applied for and received a "static line exception" from the CRC in 2010, and this restored conforming status to most  
50 of the single family homes and duplexes (and more importantly, the lots on which they are located) between 1<sup>st</sup> St. and 25<sup>th</sup> St.  
51 Because nearly all of the structures in this area were less than 2,500 sq. ft. or only slightly larger than 2,500 sq. ft., this  
52 limitation was not problematic for most property owners. Similarly, because most of the structures in this area are in a relatively  
53 straight line, the "landward-most adjacent structure" limit was not problematic for most property owners.

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1  
2 Condominium Buildings Larger than 2,500 Sq. Ft.

3 These limitations were problematic, however, for the Ocean Reef, Pier Pointe, and Pier Pointe West condominium buildings, all  
4 of which are larger than 2,500 sq. ft. The “static line exception” resulted in the oceanfront lots on which these buildings are  
5 located regaining conforming status, but only for a 2,500 sq. ft. structure, not for a 4,400 – 6,000+ sq. ft. structure. The good  
6 news for these property owners was that the lot would still have some economic value (as opposed to very little value without  
7 the “static line exception”) if the structure was damaged more than 50%, however, the bad news was that the 2 or 4 or 6 condo  
8 unit owners in each building would have to share the 2,500 sq. ft. structure in some way, and could not replace exactly what  
9 they had prior to the damage. Nonetheless, the “static line exception” was a positive development for the condo unit owners in  
10 Ocean Reef, Pier Pointe, and Pier Pointe West.  
11

12 Over the past few years, Town staff have discussed the 2,500 sq. ft. limitation with Ocean Reef owners on several occasions.  
13 The uncertainty regarding whether or not the condo units were conforming or nonconforming created many questions for  
14 potential buyers and sellers, homeowners insurance, and mortgage companies, and led Town staff to seek out a better solution  
15 for these condominium complexes.  
16

17 Eastern End Oceanfront Overlay District

18 The proposed ordinance amendment to expand the boundaries of the Eastern End Oceanfront Overlay District will provide  
19 some benefit to the oceanfront condo unit owners at Ocean Reef, but not all, and is also not the ultimate desired outcome for  
20 the Ocean Reef owners. The ultimate desired outcome for these condo unit owners is to simply have the ability to reconstruct  
21 what currently exists if the structures are damaged more than 50% by fire, storm, or other event. As evidenced by prior Board  
22 of Commissioners’ decisions, the Town shares this goal.  
23

24 Potential Changes to CRC Oceanfront Setback Rules to Assist Ocean Reef, Pier Pointe, and Pier Pointe West

25 The attached resolution formally requests CRC consideration of 3 potential rule changes to achieve the Town’s goal. The 3 rule  
26 changes are presented in order of preference, however, the adoption of any of the 3 should enable the condominium structures  
27 at Ocean Reef, Pier Pointe, and Pier Pointe West to be reconstructed if necessary or desired in the future.  
28

29 The first potential rule change outlined in the attached resolution would simply eliminate the “static line” requirement (and  
30 therefore the need for a “static line exception”) altogether. Those areas would then simply utilize the actual first line of stable  
31 and natural vegetation, wherever it exists, for the determination of oceanfront setbacks, or the same approach used for non-  
32 nourished beaches. This would be the simplest solution for all parties concerned, but it is likely to meet with resistance from  
33 some stakeholders who don’t believe beach nourishment is as durable as the natural beach or who don’t believe the community  
34 will maintain its commitment to beach nourishment in the long-term.  
35

36 The second potential rule change would maintain the “static line” requirement and “static line exception” process. The rule  
37 would continue to utilize the actual first line of stable and natural vegetation, wherever it exists, for the determination of  
38 oceanfront setbacks, but with no other limitations. The 2,500 sq. ft. limit and “landward-most adjacent structure” limit would be  
39 eliminated. This would still be a relatively simple solution for CRC staff, Town staff, and oceanfront property owners, and  
40 theoretically would eliminate the potential resistance from those who don’t believe beach nourishment is durable or who don’t  
41 believe the community will maintain its commitment to beach nourishment. In essence, the CRC would still review the  
42 community’s future beach nourishment plans, sand sources, and funding sources, and would make a determination to grant the  
43 static line exception. Thus, a demonstrated commitment to beach nourishment in the long-term is required in order to be able  
44 to use the first line of stable and natural vegetation for oceanfront setbacks.  
45

46 The third potential rule change outlined in the attached resolution would maintain the “static line” requirement and “static line  
47 exception” process, but would allow the reconstruction of an existing structure of the same size, in the same location, and with  
48 the same configuration as existed prior to 50% or greater damage. A 2,500 sq. ft. limit would remain in place for new structures  
49 on previously undeveloped lots, thus preventing very large, new structures on nourished beaches. Essentially, this approach  
50 simply allows existing structures to replace what they’ve always had in place.  
51

52 Additionally, regardless of which of the 3 options is pursued, the attached resolution requests a provision that clarifies that a  
53 new or replacement structure can not be physically located within the area where sand was placed as part of a beach  
54 nourishment project. Essentially, this would make it clear that structures would not be allowed on the nourishment material.

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1  
2 The Town's beach nourishment projects have been designed to protect existing structures and lots, not to create new land for  
3 development. I am hopeful that this provision will demonstrate to those with concerns about the proposed rule changes that the  
4 Town of Emerald Isle is reasonable, and is simply interested in protecting our existing property owners.  
5

6 It is my understanding that some of these ideas have been floated informally to the CRC in recent months, however, no formal  
7 initiative is currently underway. If the Board approves the attached resolution, I will present this request to the CRC at their next  
8 meeting and ask them to formally consider the requested changes, and hopefully the CRC will begin a formal rule amendment  
9 process soon thereafter. Any such process is likely to take several months, and perhaps more than a year, however, I am  
10 optimistic that we can ultimately affect a change in the CRC's regulations and achieve the Town's goals for the benefit of the  
11 property owners in Ocean Reef, Pier Pointe, and Pier Pointe West. I also expect that other NC oceanfront towns will support  
12 this effort, and I will also reach out to those towns if the Board approves the attached resolution.  
13

14 Town Manager Rush indicated that this was essentially Part Two regarding the  
15 oceanfront setback issue and what the Board had in their packets tonight was an official  
16 request to the Coastal Resource Commission asking them to change their rules with  
17 regard to the static line exception. Mr. Rush said that prior to their nourishment project  
18 in 2003 the CRC rules required the Town to survey the first line of stable natural  
19 vegetation and that was done. Mr. Rush said in most cases that line was pretty much in  
20 a line with the seaward side of the existing homes of the Ocean Reef buildings, that  
21 became the static line in perpetuity and that was where the setback was measured from  
22 until 2010 when the Town secured what's called a static line exception. Mr. Rush said  
23 the Board adopted a plan, went before the CRC and put forth the plan for future beach  
24 nourishment in that area, demonstrated the Town's commitment to beach nourishment,  
25 identified the sand source, financing sources, and upon presentation the CRC  
26 approved that static line exception request. Mr. Rush said since that time they were  
27 now allowed to use the first line of stable natural vegetation in the entire eastern end  
28 area. Mr. Rush said the rule does come with a limit of 2500 square feet for any new  
29 structure in that area, again it helps nearly all the existing homes from 1<sup>st</sup> Street and 25<sup>th</sup>  
30 Street, unfortunately it doesn't quite help Ocean Reef as much as we would like as they  
31 are about 4400 square feet. Mr. Rush said he had a lot of conversations with other  
32 towns, property owners, and with CRC members about this issue and the resolution  
33 before the Board tonight makes specific request to the CRC to amend the static line  
34 exception rule in such a way that it would enable existing structures to be rebuilt in the  
35 same general location, same configuration, same size they currently were within  
36 reason, and the resolution puts forth 3 different suggested language changes in order of  
37 preference and in order of simplicity. Mr. Rush pointed out that there was a revised  
38 version of the resolution provided for the Board tonight that was almost identical to the  
39 version in their packets, the changes were underlined on page 2 of the resolution. Mr.  
40 Rush stated that if the Board approved the Resolution tonight, they would go forward to  
41 the CRC probably at their October meeting in Wilmington, present the Resolution, and  
42 ask them to change their rules. Mr. Rush outlined the options as presented in the  
43 Resolution as follows:  
44

- 45  
46 1. the complete elimination of the "static line" requirement (and therefore the need for a "static line exception"), and  
47 reliance on the actual first line of stable and natural vegetation, wherever it exists, for the determination of oceanfront  
48 setbacks, along with the implementation of a "development line" consistent with the line of existing structures, seaward

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1  
2  
3 of which no new structures could be constructed; i.e, the same approach used for non-nourished beaches but with a  
4 seaward limit,

5  
6 OR

- 7  
8 2. the continuation of the "static line" requirement and "static line exception" process, with amendments to allow the use  
9 of the actual first line of stable and natural vegetation, wherever it exists, for the determination of oceanfront setbacks,  
10 with no other limitations, along with the implementation of a "development line" consistent with the line of existing  
11 structures, seaward of which no new structures could be constructed; i.e., a future commitment to beach nourishment  
12 allows the use of the first line of stable and natural vegetation for oceanfront setbacks, period,

13  
14 OR

- 15  
16 3. the continuation of the "static line" requirement and "static line exception" process, with amendments to allow the  
17 reconstruction of an existing structure of the same size, in the same location, and with the same configuration as  
18 currently exists or existed prior to 50% or greater damage, and a 2,500 sq. ft. limit for any new structures on previously  
19 undeveloped lots; i.e., allow existing structures to replace what they've always had in place,

20  
21 AND

- 22  
23 4. the addition of a provision that clarifies that a new or replacement structure can not be physically located within the  
24 area where sand was placed as part of a beach nourishment project; i.e., protect existing structures and lot owners, do  
25 not create new land for development.

26  
27 Mr. Rush stated that this Resolution puts forth the official request and there had been  
28 informal discussion at the CRC level about this issue over the last several months. Mr.  
29 Rush felt there was some strong support for these concepts among some of the CRC  
30 members, and the Chairman. Mr. Rush said he felt they realized the Town was not  
31 trying to put more property in harms way, increase density, over construct the  
32 oceanfront but that we were trying to help those with existing homes or condominium  
33 units put back what they had and continue to enjoy their property. Mr. Rush cautioned  
34 the Board and public that this would be a long process as CRC would probably take  
35 upwards of a year or longer depending on the debate around this issue.

36  
37 Commissioner Wootten said that he hoped the property owners would realize that the  
38 1<sup>st</sup> option suggested in the Resolution was a major change for the CRC and he would  
39 love it if they agreed to that but he couldn't imagine they would. Mr. Rush responded  
40 that as there had been a shift in philosophy in the general assembly there had also  
41 been a shift at the CRC level as well and he felt they were more open to these ideas but  
42 Commissioner Wootten's point was well taken.

43  
44 ***Motion was made by Commissioner Wright to adopt the Resolution Requesting***  
45 ***the NC Coastal Resources Commission to Amend Oceanfront Setback Rules in***  
46 ***Areas with a Static Line Exception. The Board voted unanimously 4-0 in favor.***  
47 ***Motion carried.***

48  
49 **Clerks Note: A copy of Resolution 14-09-09/R4 as noted above is incorporated herein by reference and**  
50 **hereby made a part of these minutes.**

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1  
2 **13. Ordinance Amending Chapter 3 – Zoning Districts – and Chapter 5 – Density,**  
3 **Intensity, and Dimensional Standards – of the Unified Development Ordinance –**  
4 **to Create the Reed Drive Overlay District (to Allow Reduced Rear Yard Setbacks)**  
5 **(14-09-09/O2)**  
6

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

10 Interim Planning Director Jim Jennings addressed the Board concerning this agenda  
11 item. The following excerpt from Town Manager Rush’s memo to the Board is provided  
12 for additional background:  
13

14 The Board of Commissioners is scheduled to consider the attached ordinance amendment that would essentially reduce the rear  
15 yard setbacks for all residential properties fronting Reed Drive and NC 58 between Emerald Forest Miniature Golf and East  
16 Seaview Drive. The attached ordinance amendment would reduce the setback from NC 58 for these properties from 30 feet to  
17 15 feet, and would provide additional flexibility for these property owners.  
18

19 The attached ordinance amendment would create a new overlay district, the Reed Drive Overlay District, and a total of 35  
20 properties would be included in the overlay. All but 4 of these properties are currently zoned Residential-2 (R2) or Mobile Home  
21 (MH), while the remaining 4 (Bluewater Real Estate) are zoned Business (B). As is the case for most residential properties with  
22 through / double frontage lots, the R2 and MH properties are subject to a 30 ft. setback from both Reed Drive (the front of  
23 existing developed properties) and NC 58 (the rear of existing developed properties). This setback requirement is completely  
24 appropriate for properties that have double frontage, as it prevents structures from being located too close to a public street (with  
25 typical street right of ways of 50 – 100 feet).  
26

27 In the Reed Drive area, however, the presence of the adjacent 200 ft. wide NC 58 right of way likely negates the need for a 30 ft.  
28 setback in this area of Emerald Isle. As you know, the NC 58 vehicle lanes are located on the northern side of the NC 58 right of  
29 way in this area, and there is more than 100 feet of vegetated right of way between the NC 58 vehicle travel lanes and the  
30 properties in the proposed Reed Drive overlay district. Additionally, the lots in this area are typically shallow, and range from  
31 approximately 90 – 130 feet deep from the south to the north property line, thus leaving a very small building envelope if a 30 ft.  
32 setback is applied from both sides. The 30 ft. setback on the NC 58 side also makes it difficult to locate accessory buildings in  
33 an unobtrusive location on the lot.  
34

35 The setback from the Reed Drive right of way would remain at 30 feet, as that is the “true” front for these properties. The only  
36 potential negative associated with this change is that if NC 58 is ever widened to 4 or 5 lanes, the new lanes will take up much of  
37 the remaining right of way, and structures will be located within 15 feet of the NC 58 right of way line. Given the community’s  
38 general objection to the widening of NC 58, and the likelihood of far greater transportation improvement priorities for NCDOT,  
39 this widening is unlikely to occur in our lifetimes. In the event that such widening does occur many years from now, it is likely  
40 that the 200 ft. wide right of way will still be sufficient to prevent the appearance of residential structures being too close to NC 58  
41 in this area.  
42

43 The 4 properties zoned Business are subject to a special NC 58 setback that can be as little as 5 feet (1 and 2 story buildings),  
44 and in most cases is 15 feet (3 story buildings). The proposed reduction in the NC 58 setback for the residential properties in  
45 this area to 15 feet is generally consistent with that allowed for the properties zoned Business in this area.  
46

47 A public hearing is required before the Board may consider the attached ordinance amendment, and has been scheduled for the  
48 September 9 meeting. The Planning Board reviewed this issue at its August 25 meeting, and unanimously recommends  
49 approval of the attached ordinance amendment.  
50

51 ***Motion was made by Commissioner Messer to open the Public Hearing. The***  
52 ***Board voted unanimously 4-0 in favor. Motion carried.***

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1  
2 Paul Rhodes, 8522 Reed Drive, commented about his situation with a 30 foot setback  
3 from Reed Drive and a 30 foot setback from his back property line because it backed up  
4 to Emerald Drive (Hwy 58). Mr. Rhodes said according to his measurements Hwy 58  
5 was over 108 feet from his back property line. He hoped the Board approved taking it  
6 back to a 10 or 15 feet setback the way it used to be. Mr. Rhodes said that if you take  
7 30 feet from the front and 30 feet from the back they were restricted as to what they  
8 could do with their property. Mr. Rhodes gave example of another neighbor whose lot  
9 was only 87 feet deep which left only 27 feet to build a home. Mr. Rhodes felt because  
10 they were not actually on Hwy 58 or another road if the Board could reduce the required  
11 rear setback.

12  
13 ***Motion was made by Commissioner Wright to close the Public Hearing. The***  
14 ***Board voted unanimously 4-0 in favor. Motion carried.***

15  
16 ***Motion was made by Commissioner Wright to adopt the Ordinance Amending***  
17 ***Chapter 3 – Zoning Districts – and Chapter 5 – Density, Intensity, and***  
18 ***Dimensional Standards – of the Unified Development Ordinance to Create the***  
19 ***Reed Drive Overlay District. The Board voted unanimously 4-0 in favor. Motion***  
20 ***carried.***

21  
22 **Clerks Note: A copy of Ordinance 14-09-09/O2 as noted above is incorporated herein by reference and**  
23 **hereby made a part of these minutes.**

24  
25 **14. Purchase of Lot 1 – Shell Cove North (Adjacent to Emerald Isle Public**  
26 **Boating Access Area)**

- 27  
28 a. **Public Hearing**  
29 b. **Resolution Accepting NC PARTF Grant (14-09-09/R5)**  
30 c. **Resolution Authorizing Installment Financing Contract (14-09-09/R6)**  
31 d. **Capital Project Ordinance Amendment – Public Boat Launching Facility**  
32 e. **Budget Amendment – General Fund**  
33 f. **Resolution Authorizing Real Property Purchase (14-09-09/R7)**  
34

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

38  
39 The Board of Commissioners is scheduled to consider several actions associated with the purchase of a vacant soundfront lot  
40 adjacent to the Emerald Isle Public Boating Access area at the September 9 meeting. The vacant lot is Lot 1 – Shell Cove North,  
41 and would be combined with Lot 2 (already owned by the Town) to become the future site of the proposed Jean Preston  
42 Memorial Playground. The total purchase price is \$172,154.

43  
44 The tax parcel card for Lot 1 Shell Cove North is attached, and indicates a total tax value of \$339,812. The total land area is  
45 approximately 2 acres, of which approximately ½ acre is upland area and 1 ½ acres is marsh area. The upland area is 75 feet  
46 wide by approximately 325 feet deep. Lot 1 is located to the west of the Emerald Isle Public Boating Access Area, and when  
47 combined with Lot 2 will provide a total upland area of approximately 150 feet by approximately 325 feet, or slightly more than 1

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1  
2 acre of usable upland area. This land area is sufficient for the future installation of new playground equipment, the development  
3 of additional single-vehicle parking spaces, a potential future restroom building, and/or a small grassy field area in the future.  
4

5 The Town previously entered into a purchase contract for Lot 1 in November 2012, and executed a contract extension in January  
6 2014. The contract was scheduled to expire on August 31, 2014, however, an additional extension executed on August 26, 2014  
7 extends the contract to September 30, 2014 (contingent on formal Board approval on September 9). The purchase price for Lot  
8 1 is \$172,154, and the contract is also contingent upon the Town securing a NC Parks and Recreation Trust Fund (PARTF) grant  
9 for at least \$86,077, or 50% of the purchase price. The Town was recently informed that the FY 14-15 State budget includes a  
10 provision awarding a \$75,000 PARTF grant to the Town for this land purchase, and PARTF officials have confirmed this grant  
11 award. Although the PARTF grant is slightly less than the \$86,077 amount included in the purchase contract, the Town has  
12 sufficient funds available to provide the full \$86,077 included in the purchase contract at closing. The purchase contract calls for  
13 the remaining \$86,077 to be financed by the sellers (William and Terri Farrington) via a new installment financing contract. The  
14 installment financing contract includes a 10-year term at an annual interest rate of 0.82%. This equates to equal monthly  
15 payments of \$750 for the 10-year period.  
16

17 The purchase price of \$172,154 is identical to the Town's purchase price for Lot 2 – Shell Cove North in January 2012, and is a  
18 reasonable purchase price for this vacant soundfront lot. As of August 28, there were 29 vacant soundfront lots on the market in  
19 Emerald Isle. One lot is available for \$97,500 (7010 Emerald Drive), and the remaining 28 lots range in price from \$205,000 -  
20 \$650,000, with the majority priced above \$300,000.  
21

22 Public Hearing – Installment Financing Contract

23 A public hearing is required prior to entering into an installment financing contract under NCGS 160A-20, and has been  
24 scheduled for the September 9 meeting.  
25

26 Resolution Accepting NC PARTF Grant

27 The attached resolution formally accepts the \$75,000 NC Parks and Recreation Trust Fund grant awarded for the Jean Preston  
28 Memorial Playground, and commits the Town to provide a local match of \$97,154, the remaining amount necessary to complete  
29 the purchase of Lot 1 – Shell Cove North under the terms of the Town's purchase contract.  
30

31 As is standard for PARTF grant funds, the grant funds will be provided to the Town on a reimbursement basis. The Town will be  
32 required to “up-front” the cash, but will file for reimbursement soon after closing, and we would expect to receive the grant funds  
33 within a few months.  
34

35 Resolution Authorizing Installment Financing Contract

36 The attached resolution formally authorizes the Town Manager and other Town officials to execute an installment financing  
37 contract with the sellers subject to the terms described above. Monthly payments of \$750 would be due each month for a period  
38 of 10 years, beginning in July 2015. The FY 14-15 adopted General Fund budget includes \$9,000 for FY 14-15 payments (that  
39 will now not begin until July 2015), thus there is \$9,000 of annual budget “capacity” available for future debt service payments.  
40

41 Capital Project Ordinance Amendment

42 The attached amendment to the capital project ordinance established for the public boat launching facility formally appropriates  
43 \$172,154 for the purchase of Lot 1 - Shell Cove North. A total of \$75,000 is appropriated from the NC PARTF grant, and  
44 \$86,077 of installment financing proceeds is appropriated. The remaining \$11,077 is in the form of a transfer from the FY 14-15  
45 General Fund budget. As noted earlier, the FY 14-15 budget includes \$9,000 for previously anticipated debt service for this land  
46 purchase.  
47

48 Budget Amendment – General Fund

49 The attached General Fund budget amendment re-allocates \$9,000 previously appropriated for debt service for this land  
50 purchase, and also appropriates an additional \$2,077 to provide a total transfer of \$11,077 from the General Fund to the capital  
51 project ordinance. The additional \$2,077 is derived from higher than anticipated revenues from the sale of surplus property.  
52  
53  
54

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1  
2 Resolution Authorizing Real Property Purchase

3 The attached resolution formally authorizes the closing on the purchase of Lot 1 Shell Cove North for \$172,154. If approved, the  
4 closing would occur sometime prior to September 30, 2014.  
5

6 A copy of the official Offer to Purchase and Contract is attached, along with 3 addenda. The Board should note that Addendum  
7 #3 (extends the contract to September 30) is contingent upon approval by the Board at the September 9 meeting. If the Board  
8 chooses not to purchase the property, the contract is null and void.  
9

10 The Board should also note that I have not secured a new wastewater permit for Lot 1 Shell Cove North, however, a letter of  
11 suitability was previously issued in October 2004 when the Shell Cove North subdivision was originally developed. (This was  
12 required prior to Board approval of the subdivision at that time.) I am confident that the soils on both Lots 1 and 2 will support a  
13 wastewater system if / when the Town chooses to develop this property with a facility that includes restrooms.  
14

15 As noted earlier, the combination of Lots 1 and 2 will eventually become the proposed Jean Preston Memorial Playground. To  
16 date, the volunteer fundraising committee led by Judy Wilgus has remitted approximately \$6,000 to the Town, with additional  
17 commitments in hand. The committee's goal is \$25,000. After the closing on Lot 1 is complete, I expect the committee to ramp  
18 up its fundraising efforts and communicate to donors that Lots 1 and 2 will be the official site of the new playground. I would not  
19 envision any significant improvements at the site until the fundraising goal is met, hopefully within the next year.  
20

21 I anticipate that the committee will return to the Board of Commissioners at a future meeting with a formal playground plan. One  
22 component I would like to see incorporated is a new walking trail between the existing parking lot at the Emerald Isle Public  
23 Boating Access Area and the marsh that would connect Lots 1 and 2 with the Town's new soundfront pier. I am hopeful that  
24 much, if not all, of this work can be completed by Town staff in the future. I also expect to work with the committee and Town  
25 staff on ideas to provide additional single vehicle parking spaces on the site, and connect the existing asphalt driveway on Lots 1  
26 and 2 to the existing parking lot at the Emerald Isle Public Boating Access Area. I envision eliminating the driveway connection  
27 to Canal Drive at some point in the future.  
28

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

31  
32 There were no comments from the Public.  
33

34 ***Motion was made by Commissioner Messer to close the Public Hearing. The***  
35 ***Board voted unanimously 4-0 in favor. Motion carried.***  
36

37 Commission Wootten asked Manager Rush about the proposed trail and wanted to  
38 clarify that it would be a trail and not a road. Mr. Rush pointed out an old residential  
39 driveway that connected to Canal Drive and then headed in the direction of Pinta Drive,  
40 the current line of thinking was to eliminate that driveway connection so that people  
41 could not access the park from Canal Drive by vehicle and then try to create a driveway  
42 connection coming off another area at the boat ramp facility that would lead to the same  
43 area, using the same existing asphalt and create maybe 10-12 single vehicle parking  
44 spaces for the park patrons, and it could be additional single vehicle spaces for people  
45 using the boat launching facility as well. Commissioner Wootten said he thought the  
46 last thing they would want would be connectivity from the parking lot with the boats to  
47 the park. Mr. Rush said at this point these were just ideas and he said they did not  
48 anticipate boat traffic in that area but only single vehicles. Mr. Rush said they needed  
49 this type of feedback and this item would come back before the Board. Commissioner  
50

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Wootten still cautioned that if the boat traffic had access to the playground parking lot they would park there.

***Motion was made by Commissioner Wright to adopt the Resolution Accepting a NC PARTF Grant. The Board voted unanimously 4-0 in favor. Motion carried.***

***Motion was made by Commissioner Messer to adopt the Resolution Authorizing Installment Financing Contract. The Board voted unanimously 4-0 in favor. Motion carried.***

***Motion was made by Commissioner Wootten to adopt the Capital Project Ordinance Amendment – Public Boat Launching Facility Fund. The Board voted unanimously 4-0 in favor. Motion carried.***

***Motion was made by Commissioner Normile to adopt the General Fund Budget Amendment. The Board voted unanimously 4-0 in favor. Motion carried.***

***Motion was made by Commissioner Normile to adopt the Resolution Authorizing Real Property Purchase. The Board voted unanimously 4-0 in favor. Motion carried.***

Bernie Whalley added his comments about the efforts for establishing the Jean Preston Memorial Playground that they had been working on because of all that Jean Preston had done for eastern North Carolina, especially for Emerald Isle and Bogue Banks. Mr. Whalley said one of the things they wanted to honor Jean Preston for was all she did for the education of young children who were the future leaders of our country. Mr. Whalley spoke of the campaign they had started and were up to about \$9,000, and they were seeking \$25,000 in funds in order to build the memorial playground, purchase the equipment and a commemorative stone there for Jean Preston. Mr. Whalley said they liked the idea of adding something else to the community to further our image of a family friendly beach. Mr. Whalley said there were now more things to do in Emerald Isle bringing families together than anyplace else on Bogue Banks. He encouraged everyone to look for future information about this project, and he appreciated what the Town had done to get this additional space for the playground.

**Clerks Note: A copy of Resolutions 14-09-09/R5, 14-09-09/R6,14-09-09/R7, as well as Capital Project Ordinance Amendment, and General Fund Budget Amendment as noted above are incorporated herein by reference and hereby made a part of these minutes.**

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**15. Revised Welcome Center Construction and Lease Agreement**

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

The Board of Commissioners is asked to approve a slightly revised agreement between the Town and the Carteret County Tourism Development Authority (TDA) for the construction and lease of a new Welcome Center in Emerald Isle. The TDA has reviewed the draft agreement that was approved by the Board of Commissioners in May 2014 and has requested a few changes, all of which have been incorporated into the revised agreement and are delineated with underline and ~~strike through~~ text.

The specific changes incorporated are as follows:

- the official name of the TDA has been corrected from "Crystal Coast" to "Carteret County",
- a survey of the area available for the new Welcome Center at Merchants Park has been completed (attached), and the total area available has been increased from approximately 32,000 sq. ft. (.73 acres) to 36,000 sq. ft. (.83 acres),
- the agreement now provides (paragraph 7) an option for the TDA to purchase the structure from the Town at the conclusion of the initial 10-year term, rather than Carteret County (it was previously believed that the TDA could not own the structure, however, that ability has since been clarified), and
- additional language has been added in paragraph 8 to further clarify that the TDA shall have sole authority over the hours of operation, display of brochures, etc., and other aspects of the operation of the Welcome Center.

I believe the changes requested by the TDA are reasonable. There are no other changes to the draft agreement that was approved by the Board in May 2014, and I have again attached a copy of my May 2014 memo to the Board that includes a summary of the key provisions of the agreement. As discussed in May, the Town will finance and construct the new building, and the TDA will lease it from the Town for a period of 10 years, during which time the Town will recover its full cost associated with the construction of the new Welcome Center. The new building will be approximately 1,400 sq. ft. and will have a similar appearance as the Town Administration Building. The estimated construction cost is \$240,000.

If approved by the Board, I will begin work on site and building design, and will return to the Board and the TDA later this fall with proposed plans. I will also return to the Board with official financing documents (for an inter-fund loan) and the amended NCDOT encroachment agreement (for the use of Merchants Park) at the same time. I hope to finalize the remaining action items in the next two months, and begin construction soon thereafter. I remain optimistic that the new Welcome Center will open to the public by Memorial Day 2015.

I am currently investigating the use of a design-build contracting option available under NCGS 143-128, and may ultimately return to the Board and the TDA with a contract using this option if it is advantageous to do so.

Town Manager Rush said that he envisioned if the Board approved the agreement tonight they would begin work on the design aspect of the new building, and as noted in the Board documents they were still investigating the possibility of a design-build contract which had a different procedure authorized in the general statutes which would essentially enable us to select a designer and construction contractor all at the same

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1  
2 time. Mr. Rush said the goal with that approach was to get a better cost for the overall  
3 project and hopefully expedite things in order to have open for the public by Memorial  
4 Day 2015.

5  
6 Mayor Barber thought this was a win-win for everyone and would be great for the  
7 community.

8  
9 Mayor Barber asked for comments from the public.

10  
11 There were no comments from the public.

12  
13 ***Motion was made by Commissioner Wright to approve the revised Welcome  
14 Center Construction and Lease Agreement. The Board voted unanimously 4-0 in  
15 favor. Motion carried.***

16  
17 Clerks Note: A copy of the Revised Lease Agreement as noted above is incorporated herein by reference  
18 and hereby made a part of these minutes.

19  
20 **16. Appointments**

21  
22 **Brief Summary: The Board will appoint two individuals to fill vacant seats on the  
23 Planning Board with terms that expire in March 2015.**

24  
25 **The Board will also appoint one individual to fill a vacant seat on the Emerald Isle  
26 Parks and Recreation Association, Inc. that expires in August 2017.**

27  
28 Commissioner Wright nominated Paul Schwartz for a position on the Planning Board.

29  
30 Commissioner Wootten nominated Ryan Ayre for a position on the Planning Board.

31  
32 ***Motion was made by Commissioner Messer to close the nominations. The Board  
33 voted unanimously 4-0 in favor. Motion carried.***

34  
35 ***Motion was made by Commissioner Wright to appoint Paul Schwartz and Ryan  
36 Ayre to terms on the Planning Board that expire in March 2015. The Board voted  
37 unanimously 4-0 in favor. Motion carried.***

38  
39 ***Motion was made by Commissioner Wright to reappoint Bernie Whalley to the  
40 Emerald Isle Parks and Recreation Association, Inc. to a term that expires in  
41 August 2017. The Board voted unanimously 4-0 in favor. Motion carried.***

42  
43 **17. Comments from Town Clerk, Town Attorney, and Town Manager**

44  
45 There were no comments from the Town Clerk or Town Attorney.

46

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1  
2 Town Manager Rush advised the Board that he planned to advertise for the new  
3 Finance Director and new Planning and Inspections Director with the hopes of having  
4 both positions filled by the end of the year. Mr. Rush also pointed out several grant  
5 programs coming in the spring and wanted to mention the possibility of considering  
6 some grant applications for purchasing some property on Islander Drive that was not  
7 very aesthetically pleasing and was located adjacent to the Western Ocean Regional  
8 Access. Mr. Rush lastly mentioned that the Police Department was currently  
9 investigating the purchase of surveillance cameras that would be located at the base of  
10 the Emerald Isle bridge and also at the east end entrance to Emerald Isle; relatively low  
11 expense but would be a very significant help to the Police Department particularly in  
12 identifying any fleeing suspects leaving the island. Mr. Rush said that Chief Waters  
13 would be providing additional information for the Board as part of the budget workshop  
14 in February for their consideration.  
15

16 The following is an excerpt from the Town Manager Comments memo to the Board  
17 providing additional background information for all items of importance:  
18

19 **Parking Lot Improvements – Eastern Ocean Regional Access / Future Ocean Fishing Pier Site**

20 I had originally hoped to have a construction contract recommendation for these improvements on the September 9 meeting  
21 agenda, however, we have pushed back the bid opening date until later in September in order to resolve permitting concerns. I  
22 hope to have a construction contract recommendation on the October 14 meeting agenda, and begin work soon thereafter. Our  
23 goal is to complete this project no later than April 1, 2015.  
24

25 **June 30, 2014 Audit Report**

26 Williams, Scarborough, Smith, & Gray, the Town's auditors, continues their work, and should have the June 30, 2014 report  
27 ready for presentation to the Board at the October 14 meeting.  
28

29 **County Sales Tax Referendum – 1/4% Increase for Navigation Dredging**

30 The County has scheduled a November 4 referendum on whether or not to increase the local sales tax by 1/4%, which is  
31 expected to generate up to \$2.5 million annually for navigation dredging needs in the County. At this time, we are certain that  
32 Bogue Inlet will be eligible for funding from this new revenue source, but are awaiting additional details. I am planning to have a  
33 Resolution of Support for this initiative on the Board's October 14 meeting agenda.  
34

35 **Coast Guard Road Resurfacing**

36 We are currently soliciting quotes for the resurfacing of Coast Guard Road from Dolphin Ridge Road to Ring Street, and I plan to  
37 present a contract recommendation to the Board at the October 14 meeting. I hope to have this resurfacing completed by mid-  
38 November.  
39

40 **Beach Driving Season**

41 The beach will be open to vehicles (by permit only) beginning on Monday, September 15. The Emerald Isle Police Department  
42 will be active on the beach strand enforcing the Town's ordinances.  
43

44 **Finance Director Recruitment**

45 Mitsy Overman has announced her retirement date for January 6, 2015. I intend to place advertisements for a new Finance  
46 Director this week, and hope to select her replacement by early November, and then have that individual work with Mitsy for  
47 some time before her retirement. The salary range for this position is \$51,576 - \$76,332, and the exact salary for the new person  
48 will depend upon his / her qualifications.  
49  
50  
51

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**MINUTES OF THE REGULAR MEETING  
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1  
2 **Planning and Inspections Director Recruitment**

3 I have spent considerable time over the past few weeks considering the appropriate replacement(s) for Kevin Reed. I am  
4 planning to advertise for a new Planning and Inspections Director, and will place advertisements this week. The salary range for  
5 this position is \$51,576 - \$76,332, and I am targeting the low end of this range for the new Planning and Inspections Director.  
6 Kevin Reed's annual salary was \$68,381, and I intend to use any salary savings for additional building inspections assistance.  
7

8 I am scheduled to meet with County officials this week to discuss the possibility of the County providing building inspections  
9 assistance on a more formal basis, and want to explore the possibility of basing one of their inspectors here in Emerald Isle. I  
10 may also attempt to hire a new entry level building inspector to enable the Planning and Inspections Department to improve  
11 customer service. I also intend to task the new Planning and Inspections Director with basic level inspections, as had been the  
12 recent approach with Kevin Reed before his departure in July.  
13

14 **New Traffic Signal Poles**

15 I have had very encouraging conversations with Senator Sanderson's office and NC Board of Transportation member Gus  
16 Tulloss (who has also spoken with NC Board of Transportation member Hugh Overholt) about securing funding for the new traffic  
17 signal poles. John Rouse, NCDOT Division 2, is developing more formal plans and cost estimates for this project, and once  
18 complete this information will be submitted to the appropriate entities as a formal funding request. I am hopeful that the  
19 necessary funds can be identified by our local legislative delegation and local Board of Transportation members to make this  
20 project a reality in the next year. I am planning to reach out directly to Representative McElraft this week to discuss further.  
21

22 **Town Granted Summary Judgment in Nies Case**

23 Superior Court Judge Jack Jenkins has granted summary judgment in favor of the Town in the Nies case. A copy of Judge  
24 Jenkins order is attached. As you know, the Nies made several claims against the Town pertaining to the Town's beach  
25 nourishment projects, special tax districts for beach nourishment, beach driving ordinance, and emergency vehicle travel on the  
26 public trust beach strand, among others.  
27

28 **County Sales Tax Distribution**

29 The County recently clarified that any vote to change the County sales tax distribution formula may only occur during the month  
30 of April. As a result, the County has delayed any public consideration of this issue until after January 1, and perhaps later this  
31 winter or next spring. I remain hopeful that the County will not consider this issue any further at that time, but if this issue is  
32 considered in 2015 the Town will be ready to engage our property owners to oppose any change that is harmful to Emerald Isle  
33 taxpayers.  
34

35 As you know, there are only two distribution formula methods available in the NC General Statutes: per capita and ad valorem.  
36 A change from the current ad valorem method to the per capita method (relies on permanent population figures only, and does  
37 not account for second home owners, vacation rental owners, or visitors) would likely cost Emerald Isle up to \$600,000 annually,  
38 or the equivalent of up to 2 cents on the Town's property tax rate. These funds would be shifted to the 7 mainland municipalities'  
39 budgets.  
40

41 **Remaining Bogue Inlet State-Local Funds**

42 As of September 1, we currently estimate a balance of approximately \$270,000 of remaining State-local funds for periodic  
43 sidecast dredging in Bogue Inlet. This funding is estimated to be sufficient for approximately 18 days +/- of dredging work in the  
44 future.  
45

46 **The Islander Suites – New Building**

47 We expect the Planning Board to review plans for the new building at The Islander Suites at either their September 22 or  
48 October 27 meeting, and these plans would likely be presented to the Board of Commissioners at the following month's Board  
49 meeting.  
50

51 **Vegetative Debris Collection**

52 The Town's debris truck has been back in service for the past few weeks, and Public Works staff is slowly catching up on the  
53 backlog. We have still not achieved our goal of collecting all areas of Town within one week, but we are getting closer. We  
54 appreciate our customers' patience on this issue.

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**NC 58 Bicycle Path – Indian Beach to Eastern Ocean Regional Access**

Town staff is in the process of repairing 7 washout locations along the new bike path segment, and we hope to have these locations fully repaired within the next week or two.

We continue to discuss the most cost effective way to address NCDOT's concerns about the structural integrity of the hog-slat drainage features, and I hope to meet with John Rouse, NCDOT Division 2, in the field sometime soon. If ultimately required, we will utilize Town staff to remove the hog-slat drainage features over a period of several months during the offseason.

We also intend to install underground infiltration devices in the 1400 block along the new bicycle path to address chronic storm water concerns that have persisted for several years, and that have likely been exacerbated by the new bicycle path. Town staff will complete these improvements later this fall or winter.

**Eastern Ocean Drive Resurfacing Repairs**

Onslow Grading and Paving will return later in September or October to repair 9 locations identified by Town staff that were not satisfactory after the 2013 resurfacing of eastern Ocean Drive. The Town is still holding \$60,000 of the total contract amount, and will remit these funds upon satisfactory completion of the work.

**Emerald Isle Christmas Parade**

We are currently considering alternate routes for the Emerald Isle Christmas Parade this year. Assuming no other significant changes to the route, at a minimum we will almost certainly reverse the route, and begin the parade at the Town Hall complex and finish either at Merchants Park or at the intersection of Mangrove Drive and NC 58.

The parade will be held on Saturday, November 29. Don Wells is the 2014 parade coordinator, and will be working hard over the next few months to maintain the quality of this Emerald Isle tradition.

We are also considering whether or not to discontinue the practice of throwing candy to spectators, due to potential safety concerns. Please let me know your thoughts on this issue.

**Potential Future Grant Applications – Islander Drive Properties**

I am currently planning to investigate the possibility of securing grant funding to enable the Town to acquire blighted properties along Islander Drive for the potential expansion of the Town's Western Ocean Regional Access in the future. Ideally, I would like to see the Town acquire the old go-kart track, bumper boat, and batting cage areas for additional beach parking and to improve aesthetics. I will provide additional information for the Board at future Board meetings this winter.

**Police Department Exploring Purchase of Surveillance Cameras**

The EIPD is currently exploring the idea of purchasing and installing surveillance cameras near the Emerald Isle bridge and the east end town limits to aid in identifying potential suspects in criminal activity in Emerald Isle. They are also considering a portable elevated camera for surveillance at special events (i.e., the St. Patrick's Festival). We are also considering broadcasting images of traffic conditions on NC 58 on the Town's website. I expect to present this information to the Board at your 2015 budget planning workshop.

**Update of Town's Land Use Plan**

The Town's Land Use Plan (LUP), which was mandated by CAMA at the time, was completed in 2004 after a significant public involvement process. As you know, the Town has actively used the LUP for the past 10 years, amending as desired, and always referencing when making land use decisions. I believe that the policy goals outlined in the LUP are still mostly accurate in 2014, and I suspect that there will be few significant changes made in any new update of the LUP. The fact that the plan is now 10 years old, however, suggests that it is somewhat out of date, and the Town may benefit from a new planning process.

I am planning to include an update to the Land Use Plan on the work program for the new Planning and Inspections Director when he / she is on board later this year or early next year, and may also attempt to include funding in the budget for consulting assistance.

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1  
2 **Commercial Slips at Public Boating Access Area**

3 Due to other priorities, I have not yet submitted the permit applications for this project, but hope to do so in the coming weeks.  
4 As discussed previously, the preliminary response from Federal and State permitting staff was generally favorable.  
5

6 **Non-Profit Sign / Banner Holders**

7 When time permits this fall, Town staff will be installing attractive, fixed poles (similar to those that support the Town Government  
8 Complex signs) at key locations that are designed for non-profit banners.  
9

10 I expect to have the poles set at Coast Guard Road / NC 58, Loon / NC 58, Mangrove / NC 58, Town complex, and perhaps at  
11 the Eastern Ocean Regional Access and/or the eastern Town limits. I envision that we will simply require these groups to  
12 coordinate with Planning and Inspections before installing their banners / signs, and require them to be securely fastened with a  
13 professional appearance.  
14

15 **Potential Golf Cart Committee?**

16 Commissioner Hoover mentioned the idea of possibly appointing a citizens committee to explore ways to open up more areas of  
17 the Town for golf cart travel in the future, particularly those who live in the far east end, along Coast Guard Road, and those who  
18 live directly on NC 58. These areas are geographically unable to reach the main destinations in Emerald Isle, and perhaps there  
19 are some good ideas out there. Please let me know your thoughts on this idea.  
20

21 **FEMA Irene Beach Nourishment Project Close-Out**

22 Finally! I received an email earlier this month indicating that we should receive final reimbursement of approximately \$270,000 in  
23 the next few weeks. Of this amount, the Town will need to reimburse Carteret County approximately \$150,000.  
24

25 **Group Picture of Mayor and Board**

26 We would like to take an official group photo of the Mayor and Board prior to the October 14 Board meeting, so please dress in  
27 the manner you deem best for that photo. We plan to display these photos over time in either the Town Admin Building or the  
28 Town Board Meeting Room.  
29

30 **Island Harbor Marina Rezoning**

31 I am scheduled to meet this week with the owners of the Island Harbor Marina property to discuss future plans and the timetable  
32 for any future Board consideration of zoning, plans, etc. I am also scheduled to meet with a group of property owners from the  
33 Island Harbor Marina area to answer their questions and learn about their concerns moving forward. At this time, I am not  
34 certain when the Boards will reconsider these issues, however, I don't expect it to come before the Planning Board and Board of  
35 Commissioners for at least a few months.  
36

37 **2014 Beach Monitoring Report**

38 Moffatt & Nichol Engineers, under contract with the County Shore Protection Office, recently released the 2014 beach monitoring  
39 report. Overall, the beach remains in overall good condition in Emerald Isle, and no additional nourishment activities are planned  
40 at this time.  
41

42 It is interesting to note the significant seaward migration of the dunes along the entire beach strand. In many areas, the  
43 vegetated dune field extends out more than 60 feet from the base of beach access walkway steps.  
44

45 **18. Comments from Town Clerk, Town Attorney, and Town Manager**

46  
47 Mayor Barber welcomed Jim Normile as our newest Commissioner, noting that  
48 Commissioner Normile had joined the Board under difficult circumstances replacing Nita  
49 Hedreen and because of that Jim had wanted no fanfare. Mayor Barber said he knew  
50 that Commissioner Normile would do an outstanding job, as he had done in the past on  
51 the Board of Adjustment and Planning Board.  
52

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1  
2 Mayor Barber publicly thanked the many different fire departments who turned out to  
3 assist with the fire that occurred the past Saturday morning, our own Fire Department  
4 and EMS did an outstanding job, and it was good to see such a great response from all  
5 of our neighboring communities.

6  
7 There were no other comments from the Board of Commissioners.

8  
9 **19. Adjourn**

10  
11 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***  
12 ***voted unanimously 4-0 in favor. Motion carried.***

13  
14 ***The meeting was adjourned at 7:00 pm.***

15  
16 Respectfully submitted:

17  
18  
19  
20 Rhonda C. Ferebee, CMC, NCCMC  
21 Town Clerk