

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, AUGUST 12, 2014 – 6:00 P.M.**
4 **TOWN BOARD MEETING ROOM**
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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 Tom Hoover, Floyd
16 Messer, John Wootten, and Maripat Wright.
17

18 Absent for the meeting: Commissioner Nita Hedreen.
19

20 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney
21 Richard Stanley, Town Clerk Rhonda Ferebee, Fire Chief Bill Walker, Police Chief Jeff
22 Waters, and Police Major Tony Reese.
23

24 **3. Opening Prayer**
25

26 Opening prayer was offered by the Town of Emerald Isle’s Administrative Assistant Gail
27 Knapp. Mayor Barber noted that Gail Knapp was the friendly voice on the phone and
28 the person who greeted you when you first came into the town office and what a
29 pleasure it was to work with her.
30

31 **4. Pledge of Allegiance**
32

33 All who were present recited the Pledge of Allegiance led by Mayor Barber.
34

35 **5. Adoption of Agenda**
36

37 ***Motion was made by Commissioner Messer to amend the Agenda to include a***
38 ***Closed Session pursuant to NCGS 143-318.11(3), for the Purpose of Maintaining***
39 ***Attorney-Client Privilege. The Board voted unanimously 4-0 in favor. Motion***
40 ***carried.***
41
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1
2 **6. Proclamations / Public Announcements**
3

4 Mayor Barber announced Proclamations and notices for the public:
5

- 6 • **Proclamation – Constitution Week – September 17 – 23, 2014** (14-08-12/P1)
- 7 • **EmeraldFest Concert – Scarce & Ketner – Thurs. August – 6:30 – 8:00 pm**
- 8 • **– Western Ocean Regional Access**
- 9 • **Blood Drive – Friday, August 15 – 2 pm – 7 pm – Community Center**
- 10 • **Beach Safety Course – Monday, August 18 – 1 pm – Town Board Meeting**
- 11 • **Room**
- 12 • **PEP Program – Seniors and Crime Prevention – Tuesday, August 19 – 10**
- 13 • **am – Town Board Meeting Room**
- 14 • **EmeraldFest Concert - Big Drink – Thursday, August 21 – 6:30 – 8:00 pm –**
- 15 • **Western Ocean Regional Access**
- 16 • **Planning Board Regular Meeting – Monday, August 25 – 6 pm – Town**
- 17 • **Board Meeting Room**
- 18 • **Coffee With a Cop – Thursday, August 28 – 9 am – Rucker Johns**
- 19 • **EmeraldFest Concert – Morgan Comer Band – Thurs, Aug 28 – 6:30 – 8:00**
- 20 • **pm – WORA**
- 21 • **Labor Day Holiday – Monday, September 1 – Town Offices, Community**
- 22 • **Center Closed**
- 23 • **Board of Commissioners Regular Meeting – Tuesday, September 9 – 6 pm –**
- 24 • **Town Board Meeting Room**

25
26 **Clerks Note:** A copy of Proclamation 14-08-12/P1 as noted above is incorporated herein by reference and
27 hereby made a part of these minutes.
28

29 **7. Public Comment**
30

31 **Brief Summary:** The public has the opportunity at this time to address the Board about
32 any items of concern not on the agenda.
33

34 There were no comments from the public.
35

36 **8. Consent Agenda**
37

- 38 a. **Order Directing 2014 Tax Levy and Collections**
- 39 b. **Minutes – May 12, 2014 Regular Meeting**
- 40 c. **Minutes – May 20, 2014 Special Meeting**
- 41 d. **Minutes – May 20, 2014 Closed Session**
- 42 e. **Minutes – June 3, 2014 Special Meeting**
- 43 f. **Minutes – June 10, 2014 Regular Meeting**
- 44 g. **Minutes – June 10, 2014 Closed Session**

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- 1 **h. Minutes – July 8, 2014 Regular Meeting**
- 2 **i. Minutes – August 3, 2014 Emergency Meeting**
- 3 **j. Minutes – August 3, 2014 Closed Session**
- 4 **k. Resolution Accepting Weapons Replacement Grant (14-08-12/R1)**

5

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

8

9 **Clerks Note: A copy of Resolution 14-08-12/R1 as noted above is incorporated herein by reference and**
10 **hereby made a part of these minutes.**

11

12 **9. Special Use Permit Request – The Islander Suites**

- 13
- 14 **a. Public Hearing**
- 15 **b. Consideration of Special Use Permit**

16

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

20

21 The Board of Commissioners is scheduled to consider a special use permit request from Islander Ventures, LLC to enable the
22 construction of a mixed use structure at The Islander Suites (on Islander Drive) with a mean roof height not to exceed 50 feet.
23 The Board should note that the applicants are only requesting the special use permit associated with the roof height for the
24 mixed use structure at the August meeting, and will return to a future Board of Commissioners meeting for full commercial plan
25 review.

26

27 The applicants are proposing a new, 4-story mixed use structure to be constructed on the north side of The Islander Suites
28 property. The property is zoned Village West, and building elevations and a site plan are attached. The mean roof height is
29 approximately 47 feet 3 inches, with an eave height of approximately 41 feet 8 inches and a peak height of approximately 52 feet
30 9 inches. The plans incorporate the required 4:12 roof pitch. The new building will include additional condo-tel units and
31 traditional condo units on floors 2 - 4, and will include meeting and restaurant facilities for the entire complex on the ground floor.
32 The new building will replace an existing building (and a previously demolished building) on the property, and will be oriented
33 further north on the property than the existing building. The existing parking lot will be re-oriented on the site, and the total
34 number of parking spaces exceeds the Town’s requirements. The proposed new structure is located in the same general area
35 as two previously proposed new structures (applicants’ plans have now changed) that were included in the original Islander
36 Suites renovation / redevelopment plan that was approved by the Board in 2007.

37

38 Prior to July 8, 2014, the Town’s Unified Development Ordinance permitted commercial structures up to 50 feet mean roof height
39 in the Village West zoning district by right (no special use permit required). The Town’s Unified Development Ordinance (as
40 amended on July 8, 2014) now limits commercial and mixed use structures to a mean roof height of 40 feet (by right), but does
41 allow up to 50 feet with a special use permit. The new ordinance includes the following guidance for the issuance of a special
42 use permit:

43

44 Section 4.2.11 Mixed Use and Commercial Structures with a 50 foot Mean Roof Height

45

46 All applications and permits for special uses for 50 foot mixed use and commercial structures shall meet all applicable
47 requirements of this Unified Development Ordinance, and shall be considered in the context of any of the following or
48 similar considerations that create a need for additional building height:

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- 1 1. The use of parking under the structure if site specific conditions are such that under the structure parking is
2 necessary in order to meet the minimum parking standards for the proposed use(s) of the building.
3
- 4 2. Topography of the site where the proposed building will be located.
5
- 6 3. Preservation of natural or vegetated area in order to meet the requirements set forth in the applicable zoning
7 district.
8
- 9 4. Reduction of impervious coverage and improved stormwater control provisions as dictated by site specific
10 conditions.
11
- 12 5. The provision of public or private amenities associated with hotels, motels, or similar transient lodging
13 facilities.
14

15 Special use permits must be considered using a quasi-judicial process. Under this process, the Board will consider the evidence
16 presented during the public hearing, and must base its decision to grant or deny the special use permit on the evidence
17 presented during that hearing. Individuals interested in testifying must be sworn in by the Town Clerk. The Board may approve
18 the special use permit as presented, deny the special use permit, or approve the special use permit with conditions. In approving
19 a special use permit (with or without conditions), the Board must determine that:

- 20
- 21 1. the proposed mixed use building with a higher mean roof height will not materially endanger the public health
22 or safety if located where proposed and if developed according to the plan approved,
23
- 24 2. the proposed mixed use building with a higher mean roof height meets all conditions and specifications
25 required by the Unified Development Ordinance (UDO) and other applicable Town, County, State, and
26 Federal laws and regulations,
27
- 28 3. the proposed mixed use building with a higher mean roof height will not substantially injure the value of
29 abutting or adjoining property, or that the use is a public necessity,
30
- 31 4. the location and character of the proposed mixed use building with a higher mean roof height, if developed
32 according to the plan approved, will be in harmony with the area in which it is to be located and in general
33 conformity with the Town's land use plan.
34

35 The Board may impose any conditions on the approval of the special use permit intended to aid in making the 4 determinations
36 above. Because the special use permit request pertains only to the ability to construct a mixed use structure with a mean roof
37 height of 50 feet in the Village West zoning district, and the actual commercial plan review will occur at a future meeting, the
38 Board should, at a minimum, make the special use permit conditioned upon the approval of the commercial plan review, which
39 would satisfy criteria #2 above.
40

41 Building elevations and site plans have been reviewed by Town staff. Because special use permits are considered using a
42 quasi-judicial process, the Planning Board does not review special use permit applications and these applications go directly to
43 the Board of Commissioners.
44

45 As required by law and the UDO, the required public hearing has been advertised, and all adjacent property owners have been
46 notified of the public hearing on August 12.
47

48 I look forward to discussing this special use permit request with the Board at the August 12 meeting.
49
50

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1 Town Attorney Richard Stanley outlined the quasi-judicial procedures for the Special
2 Use Hearing. Attorney Stanley stated that prior to last month's meeting structures up to
3 50 feet were permitted, now after the amendments approved last month, structures in
4 excess of 40 feet now required a special use permit and there was an application
5 pending tonight before the Board to allow a commercial structure in excess of 40 feet.
6 Attorney Stanley pointed out to the Board that in order to do so it would require that they
7 grant a special use permit and there were some considerations, and as they listened to
8 the evidence tonight they needed to listen for evidence that would have a bearing upon
9 the following factors:

- 10
11 1. The use of parking under the structure if site specific conditions are such that
12 under the structure parking is necessary in order to meet the minimum parking
13 standards for the proposed use(s) of the building.
14
- 15 2. Topography of the site where the proposed building will be located.
16
- 17 3. Preservation of natural or vegetated area in order to meet the requirements set
18 forth in the applicable zoning district.
19
- 20 4. Reduction of impervious coverage and improved stormwater control provisions
21 as dictated by site specific conditions.
22
- 23 5. The provision of public or private amenities associated with hotels, motels, or
24 similar transient lodging facilities.
25

26 Attorney Stanley stated that the Board must consider this as part of a quasi-judicial
27 process which meant that it was a public hearing and all witnesses that gave evidence
28 were sworn and interested parties may be cross-examined or asked questions of by the
29 Board and from the audience. Attorney Stanley said that at the conclusion in order for
30 the Board to issue a special use permit they must determine that:

- 31
32 1. the proposed mixed use building with a higher mean roof height will not
33 materially endanger the public health or safety if located where proposed and if
34 developed according to the plan approved,
35
- 36 2. the proposed mixed use building with a higher mean roof height meets all
37 conditions and specifications required by the Unified Development Ordinance
38 (UDO) and other applicable Town, County, State, and Federal laws and
39 regulations,
40
41

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- 1 3. the proposed mixed use building with a higher mean roof height will not
2 substantially injure the value of abutting or adjoining property, or that the use is a
3 public necessity,
4
- 5 4. the location and character of the proposed mixed use building with a higher
6 mean roof height, if developed according to the plan approved, will be in
7 harmony with the area in which it is to be located and in general conformity with
8 the Town's land use plan.
9

10 Attorney Stanley also suggested to the applicant that they needed to meet the burden of
11 proof on showing the factors that would justify a special use permit for up to 50 feet, and
12 in excess of 40 feet.
13

14 Town Manager Rush briefly explained the location and nature of the request. Manager
15 Rush said the location was at the Islander Suites currently located next to the Town's
16 Western Ocean Regional Access. Mr. Rush said the property was currently zoned
17 Village West. Mr. Rush said the applicant was requesting a special use permit and they
18 were proposing a new mixed use structure with a mean roof height of 47 feet. Mr. Rush
19 said as stated by Town Attorney Stanley, prior to last months board meeting a 50 foot
20 mean roof height building was permitted by right in the Village West district, the Board
21 took action on July 8, 2014 and actually changed the ordinance and capped the mean
22 roof height at 40 feet, but did allow for a 50 foot mean roof height with a special use
23 permit. Mr. Rush said the applicants were proposing an expansion of the existing hotel.
24 Mr. Rush said the building they were proposing would have a mean roof height of a little
25 more than 47 feet. Mr. Rush said the building would have a similar appearance as the
26 existing building, and they were proposing hotel amenities; restaurants, banquet
27 facilities, mixed uses on the ground floor, and traditional condotel units on the next two
28 floors with traditional condos not available as condotel on the top floor. Mr. Rush said
29 the question before the Board was the approval or denial of the special use permit, and
30 the ability for the applicants to go up to a 50 foot mean roof height. Mr. Rush said they
31 expected if the special use permit was approved that the applicants would return to the
32 Planning Board and ultimately back to the Board of Commissioners for the typical
33 commercial review process. It was noted that staff had reviewed the existing site plan
34 for the project and provided drawings for the Board and public to view, and noted that
35 everything was in compliance with the Town ordinances. Mr. Rush stated that if the
36 Board did choose to approve the special use permit they recommended that they would
37 include a condition that the applicants comply with all of the applicable requirements
38 during the commercial review process.
39

40 Ron Cullipher, Stroud Engineering, representing the applicants on behalf of Islander
41 Suites, was sworn in before giving testimony by Town Clerk Rhonda Ferebee.
42

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

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1
2 Ron Cullipher, engineer with Stroud Engineering in Morehead City, stated he
3 represented Island Ventures, LLC in their application. Mr. Cullipher thanked Town
4 Manager Rush and his staff for the presentation prepared for the Board for their
5 consideration for the height variance for the special use approval for the building. Mr.
6 Cullipher said his clients were proposing to modify a plan that had been approved
7 approximately 6 years ago, where they would have had 12 units and demolish the
8 existing reservation/banquet area. Mr. Cullipher said that with the space needs for their
9 waste water system their available foot print shrank and they were limited to what
10 square footage was available for a new structure. He said they had always had the
11 desire for a 4-story structure and with the changes made last month it necessitated the
12 special use request. Mr. Cullipher said they had developed a plan that showed that if
13 the Board granted the special use permit they would be underneath the 50 foot mean
14 roof height maximum, it would be 47 feet and a few inches. The bottom level of the
15 structure would be the amenity areas for motel operations, banquets, and wedding
16 parties as they had done well with providing that service to the community; with the
17 potential to have a small restaurant, mixed uses that the ordinance allows. Mr.
18 Cullipher said the second and third level would be proposed to be the same as the
19 condotel that currently existed onsite, with the upper level being traditional
20 condominiums. Mr. Cullipher said that under the condotel rules someone couldn't stay
21 there for a very long time, so if someone owned a condominium on the fourth floor they
22 could stay and not violate any type of restrictions; those rooms however, still might be
23 available for rent depending on their owner. Mr. Cullipher said if approved this was
24 roughly a \$4.5 - \$5 million dollar retail value investment into the Town of Emerald Isle by
25 his clients. His clients were hoping to receive approval by the Board so they could
26 move forward. They had made substantial progress on the waste water system; the site
27 had been approved for 17,500 gallons which was what was needed to utilize for the
28 existing facilities and the proposed facilities. Mr. Cullipher noted they had worked with
29 Mr. Freshwater, the Town's engineer on the stormwater and had actually proposed a
30 net reduction in pervious surfaces by actually deleting net impervious coverage, and
31 further reducing the impact by adding a lot of permeable pavement to get additional
32 impervious credits. Mr. Cullipher thought that Mr. Freshwater was nearing completion
33 and he should be seeing him that week to finalize, and he assumed if they come back
34 for commercial review that he could share that with the Board at that time, but there was
35 a reduction in pervious surface that goes along with that. Mr. Cullipher provided a
36 drawing to show they want to match the color scheme that was currently there with the
37 green roof and the colored siding.

38
39 Mr. Cullipher stated that the roof pitch based on the new ordinance needed to be at
40 least a 4:12 and that was what they proposed; and they were not going to the maximum
41 50 foot limit. Mr. Cullipher said the Board would be making their determination on the
42 four main criteria and they would suggest that the public health and safety was not
43 affected in any way just because of the increase in roof height; the public health and
44 safety was really a construction issue for this type of building, the roof height would be

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1 constructed in accordance with the building code, and they therefore believed there was
2 no adverse impact. Mr. Cullipher said the Board would also need to insure they were
3 meeting the requirements of the UDO and other Town rules and regulations, and as
4 Town Manager Rush indicated earlier staff had reviewed their plan and found them to
5 be in compliance, with a full commercial review to take place at another stage. Mr.
6 Cullipher said the value to abutting properties was the third item and to the west was the
7 Town parking / beach access facility and to the east was a RV park, they believed they
8 would increase the value of the Islander property by constructing this facility, and
9 believed they would not adversely impact the two uses to the east or west, and
10 potentially increase value of the private property to the east. Lastly, as to being in
11 harmony with the area, Mr. Cullipher said that the Islander had been a mainstay in
12 Emerald Isle for a long time, they remodeled 4-5 years ago, and felt this would further
13 complement that and provided potential for nice ocean views from the facility, and they
14 didn't feel it detracted or blocked anyone else's view, so in their opinion it was in
15 harmony with the neighborhood.

16
17 Mr. Cullipher said the criteria provided by Attorney Stanley was that this had to meet
18 certain criteria for the Special Use Permit to be granted, one of those was the reduction
19 of impervious surfaces and they were doing that; one was a net reduction and another
20 was an effective reduction by the use of permeable pavement. Mr. Cullipher pointed
21 these areas out on the drawings. Mr. Cullipher said the other criteria for the Special
22 Use Permit was a provision for public and private amenities with hotels and motels or
23 similar transient lodging facilities, and certainly if they didn't have the ground floor they
24 could be lower than 50 foot mean roof height, but the ground floor was certainly
25 conducive to operations of the motel, banquet facilities, any type of commercial
26 activities that would be in accordance with the rules and regulations.

27
28 Mr. Cullipher said that his clients unfortunately couldn't be in attendance but they
29 respectfully requested that the Board pass a favorable motion.

30
31 Commissioner Hoover asked whether the Fire Department had approved the plans, and
32 Town Manager Rush said that the Fire Department was involved in the commercial
33 review process, and had already actually met on this project. Mr. Rush said the issues
34 they were working through now were building code related. Mr. Rush stated they
35 expected the ladder truck to be more than sufficient to address fires, as the Sound of
36 the Sea building was 74 feet.

37
38 Commissioner Wootten commented that he wanted to remind the Board that something
39 like this was exactly why they established the Village West and they hoped to get a lot
40 more like this in that area.

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

1 **Motion was made by Commissioner Wright to approve the Special Use Permit**
2 **request for the Islander Suites to construct a mixed use structure with a mean**
3 **roof height of 50 feet, as the proposal meets the conditions in that it will not**
4 **materially endanger public health and safety, that it meets all conditions and**
5 **specifications required by the UDO and other applicable County, State, and**
6 **Federal laws, that the proposed use will not substantially injure the value of**
7 **abutting or adjoining property, and that the location and character of the use**
8 **would be in harmony with the area in which its located. The proposal also met**
9 **criteria - #4 the reduction of impervious coverage is aided by this construction,**
10 **and - #5 the provision of public and private amenities associated with motels and**
11 **hotels. The new construction is subject to final approval of the commercial**
12 **review process.**

13
14 Commissioner Messer commented that the applicants had taken an eyesore and made
15 a nice looking facility and he felt this would just enhance it.

16
17 There being no further discussion, **the Board voted unanimously 4-0 in favor.**
18 **Motion carried.**

19
20 Mayor Barber said the Islander Suites had been a benefit to the community, and they
21 did a great job promoting tourism throughout the year.

22 23 **10. Career Advancement Plans – Police and Fire Personnel**

- 24
25 **a. Consideration of Plans**
26 **b. Pay Plan Amendment**

27
28 Police Major Tony Reese addressed the Board on behalf of the Police and Fire
29 Department concerning this agenda item, including input from Chief Waters and Chief
30 Walker. The following excerpt from Town Manager Rush's memo to the Board is
31 provided for additional background:

32
33 The Board of Commissioners is asked to approve new Career Advancement Plans (CAP) for both the
34 Police Department and Fire Department at the August 14 meeting. The proposed Police and Fire CAPs
35 were discussed with the Board of Commissioners earlier this year during the FY 14-15 budget process, and
36 Police Chief Waters, Police Major Reese, and Fire Chief Walker have since developed solid plans for each
37 department. If the Board approves the CAPs, a related amendment to the Town's Pay Plan is also
38 attached for consideration.

39
40 I have attached memos (with summary charts) from both Chief Waters and Chief Walker that explain the
41 plan for their respective department. Both plans are constructed with similar mechanisms and
42 requirements designed to encourage Police and Fire personnel to enhance their knowledge, skills, and
43 abilities for the benefit of the employee and the Town. The plans outline a clear career plan for Police and
44 Fire personnel, and also result in greater salary movement through the Town's established pay grades. In

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1 the long-term, we believe the implementation of the CAPs will result in better employees, better service,
2 and greater personal growth and satisfaction for these employees.
3

4 The estimated cost associated with the implementation of the Police CAP is approximately \$4,000 in FY
5 14-15, and sufficient funds were included in the FY 14-15 Police Department budget. Future year costs are
6 expected to be similar for the foreseeable future. The estimated cost associated with the Fire CAP in FY
7 14-15 is approximately \$6,000, and were not included in the FY 14-15 Fire Department budget due to
8 uncertainty at that time, but I believe these costs can be absorbed within the FY 14-15 Fire Department
9 budget. Future year costs for the Fire Department are expected to be relatively low due to the fact that
10 many longer-serving Fire Department employees already earn higher salaries than anticipated with the Fire
11 CAP, and thus fewer increases are anticipated.
12

13 The Police CAP is expected to have more immediate benefit to the Police Department due to relatively
14 younger and newer Police employees. The Police CAP will provide clear direction to those employees, and
15 many will hopefully embrace the program and seek higher levels such as Advanced Police Officer, Master
16 Police Officer, etc. in the coming years. The benefits of the Fire CAP are expected over a longer time
17 period due to the fact that many Fire employees are long-serving employees who will soon be approaching
18 retirement age. As younger Fire employees replace these employees, the Fire CAP will provide a clear
19 path to advancement for these employees by providing the ability to attain Fire Engineer I, II, III, etc.
20

21 As noted in Chief Walker's memo, the Fire CAP includes an adjustment to the pay grade for the Firefighter,
22 Fire Engineer, and Fire Captain positions, and the elimination of the Sr. Fire Engineer position. A new
23 classification, Fire Inspector, is also created. The Firefighter class would change from a 13 to 14 to improve
24 recruitment success for reserve Firefighters, and the Fire Captain position would change from a 19 to 20 to
25 better align with similar leadership responsibilities in the Police Department. The Fire Engineer position
26 and the Sr. Fire Engineer position are essentially being collapsed together at the pay grade 16 currently
27 assigned for Sr. Fire Engineers. The new Fire Inspector classification would be assigned a pay grade 18 to
28 reflect the significant additional training and expertise required for this role, as outlined in the Fire CAP.
29

30 Major Reese outlined in detail the Career Advancement Plans via PowerPoint for the
31 Board and public – his summary presentation is provided below:
32

33 I want to thank you for the opportunity to present to you a newly developed program that we believe is necessary for the future
34 advancement of both the police and fire departments within our community. The Professional Career Advancement Program, or
35 PCAP, has been a collaborative effort between the administrations of both the police and fire departments and Manager Rush.
36 This program was specifically designed to target and address several key areas of concern that were identified as being crucial
37 to the future planning, success and effectiveness of both departments, pertaining to both the quality of services provided to the
38 citizens of Emerald Isle and the development of employees for the future stability and leadership of these departments in the
39 long term. The needs that were identified and addressed by this program were:
40

41 **(Slide: Areas of Concern)**

- 42 ● The need to implement a structured method of career progression in a way that will most benefit the needs and
43 responsibilities of the Town.
- 44 ● The need to establish a succession planning system that guarantees redundancy and prepares employees for future
45 advancement/roles within the departments.

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- 1 ● The need to address salary compression issues and develop a structured method of salary progression for employees
2 based on the current Town of Emerald Isle Pay Plan.
3

4 During the development phase of this program, several key issues were considered as being necessary and crucial to ensuring
5 that the program that was developed addressed these needs while at the same time providing equal benefit to the department
6 and the citizens of Emerald Isle.
7

8 We determined that:

9 **(Slide: Key Considerations 1)**

- 10 ● The structure of the program should implement a system that will provide redundancy and succession planning
11 capabilities to the staffing of the departments.

- 12 ● The future depends on what we do today. As with any team, a bench of backup players who are prepared and
13 ready to step in when needed is vital to the overall success of the organization.

14 **(Slide: 2)**

- 15 ● The program should place a sense of ownership and responsibility on the employee to work in partnership with the
16 town towards career advancement.

17
18 **(Slide: 3)**

- 19 ● The program should focus on rewarding specific certifications, skills and training that will:

- 20 ● Compliment the mission of the department and increase the effectiveness of the agency in delivering
21 services.

- 22 ● Increase the value, capabilities and efficiency of the employee.

- 23 ● Prepare the employee for advancement and/or reassignment in technical or supervisory positions within their
24 department.

25
26 **(Slide: 4)**

- 27 ● The program should include incentives that will both recognize the employee's achievements and reward their
28 increased value to the organization and its' mission. Recognizing the achievements and contributions of employees is
29 the key to getting them engaged and invested in the success of our organizational mission. Presently there is no
30 system in place for advancement through the Town Pay Plan and it is entirely possible for a police officer or fireman
31 with years of training and experience to be paid at the same rate as a police officer or fireman with less than 1 year of
32 experience and no specialized certifications or training.

33
34 **(Slide: 5)**

- 35 ● The program should be flexible and easily adaptable to the ever changing mission and challenges faced by the
36 departments. The challenges we face change....therefore, the program has been designed with built in variables that
37 allow us to keep the program current and relevant to the issues we are, or may be faced with in the future, in our
38 community.

39
40 Taking these factors into consideration, the following goal and objectives were created for the program:

41
42 **(Slide: Goal)**

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- 1 ● The goal of the Professional Career Advancement Program is to establish a structured, learning based, job related
2 skills program where an employee is encouraged to grow to higher levels of performance and excellence in areas that
3 are going to have the greatest impact on the effectiveness of the organization to deliver quality services to the
4 community.

5 To accomplish this goal, we will:

6 **(Slide: Objectives)**

- 7 ● Establish a clearly defined and consistent method of career progression within the organization.
- 8 ● Establish opportunities for career progression within this organization based on tangible standards that recognize and
9 reward an employee's increased value to the community.
- 10 ● Establish flexibility and diversity among staff, thereby creating a succession planning structure and redundancy within
11 the organization.
- 12 ● Establish a partnership that engages employees to become more highly trained, knowledgeable, and efficient in
13 specified areas that are going to increase the effectiveness of the organization.

14
15 **(Slide: PCAP)**

16 PCAP is divided into both the POCAP and FCAP programs. While these programs have been designed to mirror each other in
17 practice, structure and administration, they are unique to each other in that their requirements are based on the knowledge, skills
18 and abilities that are critical and relevant to the specific mission and responsibilities of each organization.

19
20 **(Slide: POCAP Overview)**

21 As you can see this overview of the POCAP, the program creates a progressive ladder for achievement within the police
22 department. At each level, officers must achieve specific requirements in certifications, training, time in grade and conduct in
23 order to advance.

24
25 **(Slide: POCAP Chart)**

26 If you will refer to the POCAP handout you have been provided, you can see that this chart outlines the progression of an officer
27 through their career in the patrol division within the department. There are certain levels in the program that will require an
28 additional promotion process to achieve, such as going from Master Police Officer to Sergeant, however this provides a
29 structured path for an officer that guides them in what they need to do to advance while, at the same time, fulfilling the needs of
30 the department.

31
32 **(Slide: FDCAP Overview)**

33 Comparatively this is an overview of the FCAP structure. You can see the obvious similarity to that of the POCAP structure.
34 Once again, if you will refer to the FCAP handout you have been provided.....

35
36 **(Slide: POCAP Chart)**

37 This chart outlines the progression of a firefighter through their career in the fire department. As with POCAP there are certain
38 levels in the program that will require an additional promotion process to achieve, (Engineer IV to Fire Inspector I) however it
39 again provides a roadmap for a firefighter that guides them along a path of career progression that is going to most benefit the
40 needs of the department.

41
42 We believe that the benefits of this program to the town to be numerous:

43

44

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1 **(Slide: Benefits to the Organization)**

2 Increased employee retention, morale and motivation, reduced civil liability , lower insurance rates, the creation of more highly
3 skilled, trained and professional workforce, a much needed succession plan for future vacancies and structured standards to
4 justify employee salaries....just to name a few.

5 The program also offers benefits to the employee:

6 **(Slide: Benefits to Employees)**

7 A clearly outlined career advancement model, recognition of personal achievement, ownership in career advancement,
8 motivation and incentives to become more skilled and knowledgeable in their profession, preparing them for future leadership
9 roles, and increased decision making capabilities are some of the benefits this program will offer employees.

10 In Summary:

11 **(Slide: Summary)**

12 ● The Professional Career Advancement Program is designed to provide the employee with a method of progressing
13 through their career in a clearly outlined and structured environment, while being guided towards increasing their
14 abilities in areas that are going to most benefit the needs of this community.

15 ● PCAP is intended to empower employees to take responsibility for their own career advancement by us sending a
16 clear message that we ["the employer"] value knowledge, skills, and abilities and we are willing to recognize and
17 reward your achievements and increased value as you progress through the program.

18 ● Finally, it is ultimately intended to plan for the future and ensure not only that the need for a succession planning
19 program and redundancy among staff are addressed, but that the citizens of Emerald Isle are provided with the
20 services of trained professionals capable of handling any emergency situation now and in the future.

21 In closing I would like to thank you again for your consideration of this program and it is my sincere hope that we have been able
22 to impress upon you the value of this program to the community that we serve, and what it means for the future success and
23 leadership of our police and fire services in the years to come.

24 Thank you for your time and we are happy to answer any questions that you may have.

25 **(POCAP and FCAP Summaries provided by Police Chief Jeff Waters and Fire Chief Bill**
26 **Walker are attached in their entirety).**

27
28 Following the presentation Chief Waters, Chief Walker, and Major Reese fielded several
29 questions from the Board.

30 Commissioner Messer thought this was great and that there was a lot of training that will
31 happen before anyone was promoted. Chief Waters in response to a question posed by
32 Commissioner Hoover said they did plan for Officers to wear their rank.

33 Chief Waters felt that this plan would place value on employees at the Fire and Police
34 Department alike, and when you have an officer wear a stripe as recognition they were
35 proud, and it meant something to them and they would be much more effective within
36 the job.

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1 Mayor Barber felt it would help morale, though morale was great and had improved so
2 much, but felt it would enhance morale even more.

3 Chief Walker in response to a question from Commissioner Hoover stated that the Fire
4 Department badges, shirt colors and titles would differentiate those who had gone
5 through the career plan. Chief Walker said they don't wear stripes because they are
6 usually wearing turn-out gear.

7 Commissioner Wootten said that when this issue was brought to the Board earlier in the
8 year he had great expectations because he thought they would be addressing the
9 turnover, and in all his corporate days you did things like this when you were trying to
10 solve turnover problems, and he was not hearing that from them.

11 Major Reese stated that he believed that this plan would create Officer retention; the
12 Officers would no longer be working in a position for 10 years without having any hope,
13 and this would provide something to work toward, so he did believe this would affect
14 Officer retention.

15 Chief Walker said he was a firm believer that employee morale was the most important
16 part of any retention program, and if they weren't happy no matter how much they made
17 they wouldn't stay here; if they could make them happy with good work conditions and a
18 road map on how they can progress, it would benefit the Town. Chief Walker said with
19 the incentives in place in this program, it would help lower the Town's fire insurance.
20 Chief Walker said that the way he was reading it they were looking at having to have at
21 least 2 or 3 fire stations that we wouldn't build, he knew that from working here, so
22 anywhere they could get points other than that to keep ISO rates down was what they
23 needed to do.

24 Town Manager Rush estimated that the first year of cost in the programs for both
25 departments was approximately \$10,000, and they would expect an average annual
26 additional cost of about \$10,000 going forward. Mr. Rush noted as what was included
27 in the written materials and details, each step along the career progression path
28 required a 2 year stay, so best case scenario for someone to advance in rank and
29 receive the additional salary adjustment was about a 2 year period, and in reality some
30 may take 3-4 years, some may not get there at all.

31 Town Manager Rush also pointed out that in conjunction with the Fire Career
32 Advancement Plan there were recommended adjustments to our Pay Plan, creating a
33 new classification of Fire Inspector that went hand in hand with the FCAP, and also
34 compresses our Senior Fire Engineer and Fire Engineer classifications into one Fire
35 Engineer classification.

36 Mayor Barber asked whether any other area towns had this in place. Town Manager
37 Rush said it was fairly common practice in police and fire departments in North
38 Carolina; these would be the first departments that would be doing something like this in
39 the Town of Emerald Isle.

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1 Major Reese in response to Commissioner Hoover said they would not have scheduling
2 problems with these classes; he stated that they were already sending employees to
3 schools now, they are sent as they can afford to and as they become available. He
4 didn't expect the number of schools they would allow them to attend to increase, they
5 wouldn't allow them to flood in; some of the required classes were only offered so many
6 times per year, you have to be one of the first to register so he didn't see an increased
7 cost to their training budget or the overtime budget to fill for Officers while in school.

8 Commissioner Wootten said he had a lot of questions and a problem with this but he
9 was coming from a corporate experience and not a civil servant experience so he was
10 cautious of that noting that the other Board members seemed to be so in favor of this
11 that he wouldn't say anymore negative, but he did point out there was longevity pay that
12 the employees received now, an annual percentage payment every year that was in the
13 scale already too.

14 ***Motion was made by Commissioner Hoover to approve the Police and Fire Career***
15 ***Advancement Plans. The Board voted unanimously 4-0 in favor. Motion carried.***

16 ***Motion was made by Commissioner Wright to approve the FY14-15 Pay Plan. The***
17 ***Board voted unanimously 4-0 in favor. Motion carried.***

18 **Clerks Note: A copy of POCAP and FCAP Summaries as well as FY14-15 Pay Plan as noted above is**
19 **incorporated herein by reference and hereby made a part of these minutes.**
20
21

22 **11. Ordinance Amending Chapter 7 – Emergency Management – of the Code of**
23 **Ordinances (Comprehensive Review) (14-08-12/O1)**

24 Fire Chief Bill Walker addressed the Board concerning this agenda item. The following
25 excerpt from Town Manager Rush's memo to the Board is provided for additional
26 background:
27

28 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is scheduled to
29 consider proposed amendments to Chapter 7 – Emergency Management - of the Code of Ordinances at the August 12 meeting.
30

31 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify, and ideally condense
32 the entire Code of Ordinances of the Town of Emerald Isle. The Town is now more than 57 years old, and numerous ordinance
33 amendments have been made over the years with input by many different groups and individuals, all likely with good intentions,
34 and sometimes there are unintended impacts on or conflicts with other ordinance provisions. State law and common practice
35 also change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may be helpful for the
36 Town to critically ask itself if it really needs certain ordinance provisions.
37

38 As discussed previously, my goal is for Town staff and me to complete a comprehensive review of all Town ordinances with a
39 critical eye. During this review, conflicting or confusing provisions are being targeted for clarification, unnecessary provisions are
40 being targeted for elimination, and in some cases out of date or un-enforced provisions are being targeted for elimination. The
41 Board previously reviewed and approved comprehensive amendments to the Town Charter, Chapter 1, Chapter 2, Chapter 3,
42 Chapter 4, Chapter 5, Chapter 6, Chapter 8, and Chapter 14, and comprehensive amendments to Chapter 7 are on the Board's
43 August 12 meeting agenda. In the case of Chapter 7, there is actually additional language included that is intended to
44 strengthen the Town's legal position, and the proposed amendment to Chapter 7 is longer than the current version.

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1
2 The attached ordinance amendment was drafted by me and Fire Chief Bill Walker, and is presented with underline and
3 ~~strike through~~ features to make it easier to examine the changes. Chapter 7 includes state of emergency powers and the
4 authority to prohibit and restrict activity in the Town during a state of emergency. This authority is delegated to the Mayor, who is
5 ultimately responsible for these determinations. In practice, these actions have been taken by the Mayor after close coordination
6 with and input from the Town Manager, Fire Chief, Carteret County, and the other municipalities on Bogue Banks. We are all
7 fortunate to have enjoyed a productive and cooperative working relationship in the past, and I

8
9 hope this this approach will continue in the future.

10
11 Our goal in presenting the proposed amendments is to insure that the Town's ordinances are consistent with NC General
12 Statutes, incorporate recent changes in law, and are legally defensible if challenged in the future. Chief Walker and I recently
13 attended a helpful workshop sponsored by the UNC Institute of Government, and the attached ordinance amendment
14 incorporates suggestions from that workshop. From a substantive standpoint, the ordinance does not make any significant
15 changes to the Town's historical practices, but hopefully strengthens the Town's legal standing when taking these actions. The
16 Board should note following significant changes in the proposed new Chapter 7:

- 17
- 18 • additional language is included to more clearly specify the prohibitions and restrictions that may be enacted during a
19 state of emergency, including:
 - 20 ○ evacuations,
 - 21 ○ curfews,
 - 22 ○ alcoholic beverage restrictions,
 - 23 ○ restrictions on dangerous weapons,
 - 24 ○ restrictions on access to certain areas, and
 - 25 ○ others that may be reasonably necessary to maintain order and protect lives or property during the state of
26 emergency,
 - 27
 - 28 • the attached ordinance amendment makes it clear that while prohibitions and restrictions may be placed on dangerous
29 weapons, this does not apply to lawfully possessed firearms and ammunition (to comply with recent change in State
30 law), and
 - 31
 - 32 • new language is included to specifically note that rescue or other emergency services may not be provided during the
33 state of emergency if conditions are so severe that the safety of the Town's emergency responders would be
34 compromised, and this language is intended to provide greater legal protection for the Town.
 - 35

36 Town Attorney Richard Stanley has not yet reviewed the proposed amendments to Chapter 7, but will have reviewed them by
37 August 12 and can offer input, suggestions, or clarification to the Board at the August 12 meeting.

38
39 Chief Walker and I look forward to discussing the attached ordinance amendment with the Board at the August 12 meeting. If
40 the Town Attorney and the Board are comfortable with the proposed amendments, the Board may consider adoption at the
41 August 12 meeting. If the Board would like more time to review the proposed amendments, formal Board action can certainly be
42 delayed until the September meeting.

43
44 Although we have strayed from the original goal to consider one chapter each month, my goal going forward is still to present at
45 least one of the 6 remaining chapters for comprehensive review and amendments each month in the future. If we stay on
46 schedule, one chapter will be presented each month, and at the end of the 6 month period the entire Code of Ordinances will
47 have been thoroughly reviewed and updated – ideally in a simpler, leaner, more user-friendly, easier-to-understand format.

48
49 Chief Walker in his comments stated that they basically took out the old general statutes
50 and made sure that the old lined up with the new. Chief Walker said they met with
51 Norma Houston, the NC League of Municipalities attorney, who specialized and taught
52 classes all over the State on the rewriting of Emergency Management ordinances.

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1 Chief Walker said the changes gave more teeth to the ordinance in the event something
2 was ever challenged.

3 Town Manager Rush added that the most significant change was dictated by a change
4 in State Law and that was that we cannot prohibit the use of lawfully possessed
5 firearms.

6 ***Motion was made Commissioner Wootten to approve the Ordinance Amending***
7 ***Chapter 7 – Emergency Management – of the Code of Ordinances. The Board***
8 ***voted unanimously 4-0 in favor.***

9 Clerks Note: A copy of Ordinance 14-08-12/O1 as noted above is incorporated herein by reference and
10 hereby made a part of these minutes.
11

12 **12. Comments from Town Clerk, Town Attorney, and Town Manager**

13
14 There were no comments from the Town Clerk or Town Attorney.

15
16 Town Manager Rush updated the Board on several issues. Mr. Rush said that following
17 the Island Harbor discussion and decision at the July meeting they didn't expect that
18 project to come back to the Planning Board until their October meeting at the earliest,
19 and possibly later, and then back to the Board of Commissioners sometime after that.
20 Mr. Rush discussed the issues with the vegetative debris collection and the problems
21 with the Brush Truck. Mr. Rush also noted the upcoming Ribbon Cuttings for the
22 Community Center Expansion and the Blue Heron Park improvements on September 9
23 at 5:30 pm just before the Town Board meeting at 6pm. Mr. Rush mentioned that Jim
24 Jennings who retired from Carteret County earlier this year was brought on to help on
25 an interim basis for 3-4 months. Mr. Rush lastly pointed out that the Town did receive a
26 Certificate of Achievement for Financial Reporting from the Government Finance
27 Officers Association which was their highest recognition for financial reporting in local
28 government; the Town tried the year before and didn't receive and resubmitted again
29 this year and made some more improvements and were really happy they were able to
30 accomplish that, special thanks to our auditors as well as our finance staff, and also
31 former Mayor Schools who was involved the first time; hopefully that speaks well for our
32 financial management here in Emerald Isle.

33
34 The following is an excerpt from the Town Manager Comments memo to the Board
35 providing additional background information for all items of importance:

36
37 **Potential Change in County Sales Tax Distribution**

38 The Carteret County Commissioners discussed this issue at their "retreat" in March, and decided not to implement this change
39 for FY 14-15, but agreed to review the issue further this fall so that if they do make a change they will give the towns plenty of
40 time to plan for any changes.

41
42 As discussed previously, this change is potentially devastating for the beach towns, and could result in the shifting of up to \$2.1
43 million annually from the budgets of the 4 beach towns to the budgets of the 7 mainland towns. In its simplest form, it is simply a
44 redistribution of wealth from the beach towns to the mainland towns. Emerald Isle could potentially lose \$600,000 or more

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1 annually, the equivalent of 2 cents or more on the Town's tax rate. It is important to note that the County government would also
2 lose revenue by making this change, and potentially the numerous Fire and EMS squads throughout the County could also lose
3 revenue. Essentially, the property owners in the town limits of Morehead City, Beaufort, Newport, Cape Carteret, Cedar Point,
4 Bogue, and Peletier would benefit, and all other property owners in Carteret County, including unincorporated areas, would be
5 harmed. Additionally, this issue has the potential to be very divisive and harm the excellent working relationships that currently
6 exist among the local governments in Carteret County.
7

8 At the moment, I have not been made aware of any new movement on this issue, and I remain hopeful that the County will not
9 pursue this issue anytime soon. We all need to continue to monitor this issue carefully, and be prepared to engage our property
10 owners if / when necessary.
11

12 **Status of Island Harbor Marina Zoning**

13 As you know, the Board denied the applicants' request to rezone approximately half of the ~14 acre Island Harbor Marina site
14 from Mobile Home to Marina Village at the July 8 meeting. The Board's official directive was as follows:
15

16 *Motion was made by Commissioner Wootten to deny the rezoning and refer back to Planning Board for further*
17 *guidance on eliminating Marina Village (MV) and modifying Land Use Plan. Planning Board to reassess and make*
18 *recommendation to Board of Commissioners on Tract A and Tract B. The Board voted unanimously 4-0 in*
19 *favor. Motion carried.*
20

21 Prior to approving the motion, Commissioner Wootten expressed the idea of zoning the entire ~ 14 acres as Mobile Home, and
22 that is one approach for the Planning Board to consider. We are planning to present 4 or more options to the Planning Board for
23 their consideration at an upcoming meeting to assist them in making a recommendation to the Board of Commissioners.
24

25 At the request of the applicants, we don't expect to discuss this issue with the Planning Board until their October 27 meeting. We
26 will also be seeking additional input from the applicants, and perhaps some of the nearby concerned residents as we formalize
27 the options for the Planning Board to consider.
28

29 **General Status of Island Harbor Marina**

30 I received the attached letter from Andy Harris, attorney for the owners of Island Harbor Marina, that is intended to clarify the
31 status of the marina. As noted, the marina is open, and offers wet slips and dry storage for rent to its paying customers. I am
32 also pasting a November 27, 2013 article in the Emerald Tidings Newsletter that clarified this for the ~ 6,000 subscribers (at the
33 time) of the Town's newsletter:
34

Clarification - Status of Island Harbor Marina

*Island Harbor Marina continues to operate as a private membership facility offering wet slips and dry storage to its
customers. The boat launching ramps at Island Harbor Marina are no longer open for daily launching.*

*To inquire about membership, or for more information on the services offered at Island Harbor Marina, please contact their
management at 252-354-2373.*

35
36
37 **Vegetative Debris Collection**

38 Public Works staff is working as hard as possible to collect vegetative debris in a timely manner, but we are falling short of our
39 goal of collecting the entire Town at least once per week due to 1) higher than normal volumes associated with Hurricane Arthur,
40 and 2) a major repair currently underway for our yard debris collection truck. As of August 7, we are limited to using a backhoe
41 and 2 dump trucks to collect yard debris, and this operation generally takes 2 – 3 times longer than using our normal collection
42 truck. We hope to have the Town's truck back from the repair shop ASAP, and will be working hard to get back on schedule.
43 We continue to apologize to our customers for the delays, and ask for their patience as we work through these challenges.
44
45
46

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

2 Due to repeated heavy downpours, and the fact that the soil has not yet had time to stabilize, we've experienced a few washouts
3 along the new bicycle path on the east end. We are currently evaluating the best solutions for these areas, and hope to
4 implement permanent improvements in the coming weeks. Fortunately, the washouts have generally not impacted private
5 property in any significant way, with the exception of 5 or 6 properties on NC 58 between 14th St. and 15th St. Alesia Sanderson,
6 Parks and Recreation Director, is working closely with these property owners to resolve these issues, and we'll keep working on
7 it until we solve it.
8

9 NCDOT recently informed the Town that we need to remove the concrete hog slat features that were installed for drainage
10 purposes at 6 NCDOT pipe locations and approximately 70 locations adjacent to private driveways. We are proceeding with the
11 necessary improvements at the 6 NCDOT locations, and are still evaluating the best approach for the residential driveways,
12 including a possible appeal. NCDOT's local staff does not have any significant storm water concerns, however, they are
13 concerned about the structural integrity of these features. The features far exceed the structural requirements for pedestrian and
14 bicycle use, however, NCDOT is requiring them to meet similar requirements as NCDOT roads. Alesia Sanderson and I
15 continue to work through this issue, and I will update the Board appropriately as this issue progresses.
16

17 **Ribbon Cuttings – Bicycle Path Projects**

18 The Bicycle and Pedestrian Advisory Committee is meeting on September 16, and is planning a nice ribbon cutting ceremony for
19 the recently completed bike path segments on NC 58 and Coast Guard Road for sometime this fall. I will provide the specific
20 date and time when it is established.
21

22 **Ribbon Cuttings – Community Center Expansion, Blue Heron Park Playground Improvements**

23 We continue to receive very positive feedback from our customers about the recent Community Center expansion and the new
24 playground equipment at Blue Heron Park. We are tentatively scheduling a formal ribbon cutting for Tuesday, September 8 at
25 5:30 pm (just before your September meeting). Please let me know your thoughts on this idea.
26

27 **Assistant Town Manager / Finance Officer Announces Retirement Plans**

28 Mitsy Overman has informed me that she intends to retire in late 2014 or very early in 2015, and I will soon begin the recruitment
29 process for her successor. Mitsy has been with the Town for approximately 18 years, and will be missed.
30

31 **Interim Planning and Inspections Director / Recruitment of New Personnel**

32 I have appointed Jim Jennings, recently retired Carteret County Planning and Inspections Director, as interim Planning and
33 Inspections Director for the Town in the wake of Kevin Reed's departure. I expect Jim to work with us for the next 3- 4 months
34 until I can determine the best strategy to serve our customers in the future and hire the appropriate individual(s).
35

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

37 The Town's Land Use Plan (LUP), which was mandated by CAMA at the time, was completed in 2004 after a significant public
38 involvement process. As you know, the Town has actively used the LUP for the past 10 years, amending as desired, and always
39 referencing when making land use decisions. I believe that the policy goals outlined in the LUP are still mostly accurate in 2014,
40 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
41 years old, however, suggests that it is somewhat out of date, and the Town may benefit from a new planning process and update
42 to the LUP. I may approach the Board at some point in the next year to begin such a process.
43

44 **New Welcome Center**

45 The TDA is expected to formally consider the draft agreement approved by the Board in May in the next few weeks. I hope to
46 receive their feedback before the end of August, and, if necessary, will prevent a revised agreement to the Board at your
47 September 8 regular meeting.
48

49 I am hopeful that all necessary approvals will be in hand by September 8, and that construction can occur this fall and winter so
50 that the new Welcome Center can be open to the public by Memorial Day 2015.
51
52
53

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1 **Parks and Recreation Trust Fund Grant**

2 The recently approved State budget includes a provision awarding a \$75,000 PARTF grant to the Town for the proposed Jean
3 Preston Memorial Playground. This is slightly less than the \$87,500 requested, but will hopefully be sufficient to enable the
4 Town to move forward with the purchase of Lot 1 – Shell Cove North. The purchase of this lot, combined with Lot 2, would
5 provide sufficient land in a safe location at the Emerald Isle Public Boating Access Area to develop playground amenities in the
6 future. The volunteer committee leading this effort has been waiting for a decision on this issue before ramping up their
7 fundraising efforts.
8

9 At this time, I am not certain of the timetable for the disbursement of funds, but will plan to present the formal land purchase to
10 the Board at an upcoming meeting when the timetable becomes clearer.
11

12 **Potential Reed Drive Overlay District – Residential Zoning Only**

13 The Town's Unified Development Ordinance requires "double frontage" lots (frontage on a public street at the front and back of
14 the lot) to meet a 30 ft. minimum setback requirement in all residential zoning districts. This provision is sound, and has served
15 the Town well over the years, however, it creates unique challenges for residential property owners on Reed Drive that back up
16 to the wide 200 ft. NC 58 right of way. Although these properties are not close to NC 58 and most are not visible from NC 58,
17 property owners are not allowed to place accessory buildings or homes within 30 feet of their rear property line (although there
18 are many nonconformities in place today).
19

20 We recently received a request from a property owner in this area to reconsider this issue, and we are planning to present a
21 proposal to the Planning Board at their August meeting to potentially reduce the rear setback to 10 or 15 feet. There may be
22 other mechanisms to achieve this, but the most valid approach appears to be the creation of a special overlay district just for the
23 residential zoning along Reed Drive between Emerald Forest Miniature Golf and Merchants Park.
24

25 **Commercial Slips at Public Boating Access Area**

26 Due to other priorities, I have not yet submitted the permit applications for this project, but hope to do so in the coming weeks.
27 As discussed previously, the preliminary response from Federal and State permitting staff was generally favorable.
28
29

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

31 When time permits this fall, Town staff will be installing attractive, fixed poles (similar to those that support the Town Government
32 Complex signs) at key locations that are designed for non-profit banners.
33

34 I expect to have the poles set at Coast Guard Road / NC 58, Loon / NC 58, Mangrove / NC 58, Town complex, and perhaps at
35 the Eastern Ocean Regional Access and/or the eastern Town limits. I envision that we will simply require these groups to
36 coordinate with Planning and Inspections before installing their banners / signs, and require them to be securely fastened with a
37 professional appearance.
38

39 **Ocean Reef Setback Issues**

40 I am currently working with residents in the Ocean Reef condominium complex on two initiatives intended to restore the existing
41 condo buildings on the oceanfront to conforming status. First, the Planning Board and Board of Commissioners may receive a
42 request from Ocean Reef to reduce the street-side setback requirements in Ocean Reef from 30 ft. to 20 ft., as is currently
43 permitted in the Eastern Oceanfront Overlay District located between Ocean Reef and the Indian Beach town limits. Second,
44 Ocean Reef may formally request that the Town formally request that the NC Coastal Resources Commission amend its setback
45 rules to enable the ~ 4,400 sq. ft. oceanfront buildings in Ocean Reef to be reconstructed if destroyed by storm or fire. (NC CRC
46 rules currently would limit any reconstruction to 2,500 sq. ft.) There are 3 different rule amendments that may accomplish this
47 goal, and these amendments will be explained in further detail if / when Ocean Reef approaches the Board of Commissioners.
48 There is significant interest among Ocean Reef property owners to proceed in this manner, however, I am awaiting a formal
49 request from the Ocean Reef property owners association before presenting information to the Planning Board.
50

51 **Eastern Ocean Drive Resurfacing**

52 I met with the owner of Onslow Grading and Paving on July 9 to personally inspect the street resurfacing issues on Ocean Drive
53 at the east end. The owner assured me that Onslow would "make things right" for the Town, and he is contemplating the best

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1 way forward. Any additional work in that area will not be attempted until this fall. The Town continues to withhold \$60,000 of the
2 \$260,000 original contract amount, and has identified specific concerns at 9 locations (and general concerns about the quality of
3 the resurfacing overall).
4

5 **Eastern Ocean Regional Access (Future Pier Site) Parking and Storm Water Improvements**

6 The Town's contractor has submitted formal permit applications, and I hope to solicit bids later in August and present a contract
7 recommendation to the Board at your September 8 meeting. Depending on the timing, the construction contract
8 recommendation may be delayed until the October 14 meeting. Our goal is to complete all improvements this winter and have
9 the facility open to the public again by April 2015.

10
11 **Potential Golf Cart Committee?**

12 Commissioner Hoover mentioned the idea of possibly appointing a citizens committee to explore ways to open up more areas of
13 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
14 live directly on NC 58. These areas are geographically unable to reach the main destinations in Emerald Isle, and perhaps there
15 are some good ideas out there. Please let me know your thoughts on this idea.
16

17 **Lands End Pump Status**

18 Due to an issue unrelated to the Town's recent storm water pipe connection, both electric pumps in Lands End that are
19 connected to the Town's system have failed. Lands End is in the process of replacing those pumps, and we hope to have the
20 new pumps in service soon. In the meantime, Moffatt & Nichol Engineers, the Town, and Lands End worked together to divert
21 water pumped by the two diesel pumps in Lands End to the Town's new pipe connection, and this water has been discharging at
22 El Woods Park.
23

24 **Lands End Diesel Fuel Leak**

25 The diesel fuel leak from the Lands End pumphouse into the soil was reported to NCDENR, and was cleaned up very quickly.
26 Additional monitoring is likely to be required, and the need for additional remediation is still to be determined. At this point, it is
27 unknown whether or not the leak resulted from vandalism, was caused by SunLand's work in that area, or some other cause. I
28 suspect that it will take some time to determine fault, and I suspect that will be an interesting issue to resolve.
29

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

31 We have completed all necessary paperwork to close-out this project, but are still awaiting the final reimbursement of
32 approximately \$270,000. Of this amount, the Town will need to reimburse Carteret County approximately \$150,000. I am told
33 that we may receive the final reimbursement in the next few weeks.
34

35 **Internet Auction Results**

36 The recent auction of two old Police vehicles yielded a return of \$6,105, which was better than anticipated.
37

38 **Bogue Inlet Navigation Dredging Permit Transfer**

39 The NC Division of Water Resources is leading an effort to essentially transfer the Federal permit for navigation dredging in
40 Bogue Inlet to Carteret County, in anticipation of future Federal abandonment of this responsibility. Greg Rudolph, Carteret
41 County Shore Protection Officer, and I have been providing input to the State's consultants on this issue, and are attempting to
42 dovetail this new permit with the County's and the Town's longer term beach nourishment and inlet management goals.
43
44
45

46 **Remaining State-Local Dredging Funds**

47 The most recent Corps dredging work in late June / early July cost ~\$137,000. As of August 6, we estimate a total of
48 approximately \$250,000 remaining for future sidecast dredging in Bogue Inlet. No additional sidecast dredging is currently
49 scheduled in Bogue Inlet between now and September 30.
50
51
52
53

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1 **New Bulkhead at 15th St. Terminus**

2 The Town recently had a new bulkhead installed along Bogue Sound across the 15th St. right of way, in an effort to improve
3 aesthetics, public access, and storm water management in that area. Public Works still has work to do to backfill the area,
4 remove existing damaged asphalt, and make the area look more attractive.
5

6 **Town Receives Certificate of Achievement for Excellence in Financial Reporting**

7 The Town was recently notified that it has received this award from the Government Finance Officers Association. It is the
8 highest form of recognition for governmental accounting and reporting, and I am pleased that the Town received this award.
9 Special thanks are extended to Town staff, our auditors (Williams, Scarborough, Smith, and Gray), and former Mayor Schools for
10 his assistance with this effort.
11

12 **New Transportation Impact Building**

13 Transportation Impact continues to develop plans for their new building, and we expect to receive a formal submission in the next
14 few months.
15

16 **Tennis Court Resurfacing**

17 There is a total of \$14,000 in the FY 14-15 budget to resurface the Blue Heron Park tennis courts and basketball court. We are
18 currently investigating a better, but more expensive solution that will increase this cost to \$24,000 or more. We are currently
19 investigating a potential grant from the US Tennis Association that would cover much of the cost difference, and I will update the
20 Board on this issue as it progresses.
21

22 **13. Comments from Board of Commissioners and Mayor**

23 Commissioner Wootten asked about the Land Use Plan and thought it was a good idea
24 if they could simplify the process. Town Manager Rush said we had been very diligent
25 in using our Land Use Plan for the last 10 years, and updating it, he thought that the
26 policies included were still accurate today, but thought they needed to be thinking about
27 going through a new process to update it.

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

29 **14. Closed Session – Pursuant to NCGS 143-318.11(6), To Discuss a Personnel**
30 **Issue, and Pursuant to NCGS 143-318.11(3), For the Purpose of Maintaining**
31 **Attorney-Client Privilege**

32 ***Motion was made by Commissioner Messer to enter Closed Session pursuant to***
33 ***NCGS 143-318.11(3) and (6) to discuss a personnel issue, and attorney-client***
34 ***privilege. The Board voted unanimously 4-0 in favor. Motion carried.***

35 ***Motion was made by Commissioner Messer to return to open session. The Board***
36 ***voted unanimously 4-0 in favor. Motion carried.***
37

38
39 Upon returning to Open Session ***motion was made by Commissioner Wright to***
40 ***approve the revised Employment Agreement with the Town Manager. The Board***
41 ***voted unanimously 4-0 in favor. Motion carried.***
42

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1 **15. Adjourn**

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

4 ***The meeting was adjourned at 7:30 pm.***

5 Respectfully submitted:

6

7 Rhonda C. Ferebee, CMC, NCCMC

8 Town Clerk

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