

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, JULY 8, 2014 – 6:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6

7    **1. Call To Order**  
8

9    (Clerk's Note: Due to the large number of citizens in attendance exceeding the Town Board Meeting Room's occupancy  
10 capacity based on Fire Code, the meeting was temporarily relocated to the Emerald Isle Parks and Recreation Gymnasium  
11 in order to accommodate everyone in attendance)  
12

13   The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
14 order by Mayor Eddie Barber at 6:28 PM in the Emerald Isle Parks and Recreation  
15 Gymnasium.  
16

17   **2. Roll Call**  
18

19   Present for the meeting: Mayor Eddie Barber, Commissioners Tom Hoover, Floyd  
20 Messer, John Wootten, and Maripat Wright.  
21

22   Absent for the meeting: Commissioner Nita Hedreen.  
23

24   ***Motion was made by Commission Hoover to excuse the absence of***  
25   ***Commissioner Hedreen. The Board voted unanimously 4-0 in favor. Motion***  
26   ***carried.***  
27

28   Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
29 Richard Stanley, Town Clerk Rhonda Ferebee, Planning Director Kevin Reed, and  
30 Police Chief Jeff Waters.  
31

32   Also in attendance: Neighborhood Watch Committee Chair, Irving Montclova, Carteret  
33 County Shore Protection Officer Greg "Rudi" Rudolph, Moffatt & Nichol Representative  
34 Johnny Martin.  
35

36   **3. Opening Prayer**  
37

38   Opening prayer was offered by Mayor Eddie Barber  
39

40   **4. Pledge of Allegiance**  
41

42   Mayor Ronnie Wall from the City of Burlington was in attendance and led the Pledge of  
43 Allegiance.  
44  
45  
46  
47

1 **5. Adoption of Agenda**

2  
3 Town Manager Rush announced that unfortunately Kevin Reed, our Planning and  
4 Inspections Director had accepted the position as Planning and Inspections Director for  
5 the Village of Pinehurst. Mr. Rush noted this would be Mr. Reed's last meeting tonight.  
6 He further stated that they appreciated Kevin's service to the Town for the past 11+  
7 years; he had been an asset and was wished well moving forward.

8  
9 Mayor Barber noted that he served as a member of the Planning Board for 10 years  
10 with Mr. Reed and he appreciated his leadership, and his commitment to Emerald Isle.  
11 Mayor Barber said that Emerald Isle's loss was Pinehurst's gain.

12  
13 ***Motion was made by Commissioner Wootten to rearrange the agenda by starting***  
14 ***off with Item 9 Proposed Rezoning, and Item 10 Special Use Permit Request, and***  
15 ***then continue with the rest of the Agenda. The Board voted unanimously 4-0 in***  
16 ***favor. Motion carried.***

17  
18 Town Attorney Richard Stanley outlined and explained for the public the procedures for  
19 the two matters tonight involving Island Harbor; the first item involved the rezoning of  
20 one half of their existing land from Mobile Home to Marina Village. Attorney Stanley  
21 stated this had been advertised for public hearing; the Board of Commissioners would  
22 hear from both the applicant and the public, and would make the decision on whether  
23 the rezoning was appropriate for the parcel of land. Attorney Stanley further stated that  
24 the public was welcome to give comments on the matter but the comments should be  
25 concerned solely with whether the rezoning and classification from Mobile Home to  
26 Marina Village was appropriate and desirable with regards to its location, uses allowed  
27 in Marina Village zone, adjoining uses, compatibility or incompatibility with nearby uses,  
28 and land among other factors. Attorney Stanley stated that they would not be taking up  
29 the Recreational Vehicle Park special use on the first item, the first item strictly had to  
30 do with rezoning from the requested Mobile Home to Marina Village. Attorney Stanley  
31 said there was no requirement that they be sworn for that public hearing, but they would  
32 be required to sign the sheet for public comment, giving their name and primary  
33 address. Attorney Stanley stated that if the Board failed to approve the rezoning  
34 request, there would be no secondary special use request for a Recreational Vehicle  
35 Park approval; if the Board approved the rezoning request to rezone the tract to Marina  
36 Village so that all property owned by the applicant Maritime Siblings, LLC was zoned  
37 Marina Village, then the Special Use Request hearing would then be held.

38  
39 With regard to the Special Use hearing, all witnesses were required to be sworn before  
40 giving testimony as that would be a quasi-judicial hearing; they would again be required  
41 to sign the sheet for public comment, and because it was a quasi-judicial hearing the  
42 Board must make their decision on evidence submitted tonight at that hearing, any  
43 comments and emotions shown or made before the hearing are not to be considered.  
44 The decision must be based upon facts, relevant opinions, and testimony given during

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1 the hearing. Attorney Stanley stated that they would be subject to questions from the  
2 Board, and cross-examination from the applicants. Attorney Stanley reiterated that for  
3 anyone coming forward and giving testimony on the second hearing, that both the  
4 applicant and Board had the right to ask any questions concerning the opinions and  
5 facts expressed. Attorney Stanley stated that testimony should be limited to matters  
6 with relevance or bearing on the determination to be made by the Board.

7  
8 Attorney Stanley further outlined for the public the four areas on which the Board had to  
9 make their findings:

10  
11 a) The proposed use will not materially endanger the public health or safety if located  
12 where proposed and if developed according to the plan as submitted and approved;

13  
14 b) The use meets all conditions and specification required by the Unified Development  
15 Ordinance and other applicable Town, County, State, and Federal laws and regulations;

16  
17 c) The proposed use will not substantially injure the value of abutting or adjoining  
18 property, or that the use is a public necessity;

19  
20 d) The location and character of the use, if developed according to the plan as  
21 submitted and approved, will be in harmony with the area which it is to be located and in  
22 general conformity with the Town's land use plan as updated and amended by the  
23 Town.

24  
25 Attorney Stanley concluded by stating that if there were a large number of witnesses the  
26 Board may limit the testimony of witnesses to not longer than 3 minutes, and would  
27 request that the comments and opinions be brief and based in fact as opposed to  
28 emotional. At the conclusion of the hearing, once testimony had been received, the  
29 Board would then deliberate, and no further comment or opinions were to be received.  
30 Deliberations, if they occurred, would be in open public session and the resulting vote  
31 would be open to the audience.

32  
33 **(Item 9 – moved forward on Agenda) – Proposed Rezoning – Tract B, Island**  
34 **Harbor Marina Subdivision – From Mobile Home (MH) to Marina Village (MV)**

35  
36 **a. Public Hearing**

37 **b. Consideration of Rezoning**

38  
39 Planning Director Kevin Reed addressed the Board concerning this agenda item. The  
40 following excerpt from Town Manager Rush's memo to the Board is provided for  
41 additional background:

42  
43 The Board of Commissioners is scheduled to consider a request from Maritime Siblings, LLC to rezone Tract B of the Island  
44 Harbor Marina subdivision from Mobile Home (MH) to Marina Village (MV) at the July 8 meeting.  
45

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1 Tract B includes approximately 6.11 acres on the soundfront on Sound Drive in the area near Spell Drive, Parkins Drive, and  
2 Miller Street. Tract B is the eastern tract of the overall Island Harbor Marina property that also includes an approximately 7.73  
3 acre tract known as Tract A (on the western side of the property). Tract A is currently zoned Marina Village, and the rezoning of  
4 Tract B to Marina Village would result in a total of 13.84 acres zoned Marina Village. The properties to the east and south of  
5 Tract B are residential, and are currently zoned Mobile Home.  
6

7 The following uses are permitted in the Marina Village zoning district by right:  
8

- 9 • single family, two-family, multifamily dwellings
- 10 • townhouses and condominiums
- 11 • group housing projects
- 12 • planned unit developments
- 13 • government uses, parks, police and fire stations, public utilities, wastewater treatment facilities
- 14 • yacht basins, dock slips, boat ramps
- 15 • bars and lounges, indoor
- 16 • bicycle sales and repair
- 17 • clothing sales
- 18 • convenience stores
- 19 • food or grocery stores
- 20 • mixed use structures
- 21 • restaurants, seafood markets
- 22 • barber, beauty, and other similar services
- 23 • fishing piers
- 24 • marinas, watercraft related facilities
- 25 • various accessory buildings and uses
- 26 • bed and breakfast lodging
- 27 • incidental home occupations.

28  
29 The following uses are permitted in the Marina Village zoning district with a special use permit granted by the Board of  
30 Commissioners:  
31

- 32 • mobile home parks
- 33 • bars and lounges, outdoors
- 34 • campers, campgrounds and travel trailer parks
- 35 • recreational vehicle parks.  
36

37 The applicants have indicated that they hope to construct a recreational vehicle park on the entire 13.84 acre tract, and have  
38 submitted a special use permit request that will also be considered at the July 8 meeting.  
39

40 As you know, the Marina Village zoning district was created in 2008 in an attempt to accommodate an earlier dry-stack / marina  
41 redevelopment plan at Island Harbor Marina. The Board of Commissioners approved the plans for dry-stack / marina  
42 redevelopment in 2010, but the applicants never constructed the project. The Marina Village zoning district was created to  
43 provide greater flexibility for new development projects, and was modeled after the Village East and Village West zoning districts.  
44 Tract A is currently the only property in Emerald Isle that is zoned Marina Village, and the combined area of Tract A and Tract B  
45 is the only area in Emerald Isle projected in the Town's Land Use Plan as "Marina Village".  
46

47 There has been some question recently as to whether or not the Marina Village zoning district is truly necessary in Emerald Isle  
48 given the changing plans for the Island Harbor Marina site. If the Board concurs with the applicants' plan to develop an RV park  
49 at this site, but is no longer comfortable with the Marina Village zoning district, the following Town zoning districts allow  
50 recreational vehicle parks as a special use: Business (B), Village East (VE), and Village West (VW). The Camp (C) zoning  
51 district allows recreational vehicle parks as a permitted use by right. Recreational vehicle parks are not allowed in the Mobile  
52 Home (MH) zoning district (or any other residential district), however, the Board could also consider authorizing recreational

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1 vehicle parks in the Mobile Home district with a special use permit if the Board seeks to accommodate the applicants' request but  
2 also eliminate the Marina Village zoning district.  
3

4 Adjacent property owners have been informed about the rezoning request. A public hearing is required before Board  
5 consideration, and has been scheduled for the July 8 regular meeting. The Planning Board voted unanimously at their June  
6 meeting to recommend the rezoning to the Board of Commissioners.  
7

8 Planning Director Kevin Reed stated that the request submitted from Maritime Siblings,  
9 LLC was to rezone Tract B of Island Harbor Marina subdivision from Mobile Home to  
10 Marina Village. Mr. Reed stated that the action tonight for consideration of rezoning did  
11 not guarantee the construction of a RV Park as there was a related item on the agenda  
12 to follow pertaining to a special use permit request. Mr. Reed stated that the subject  
13 property contained approximately 6.11 acres and occupied the eastern portion of the  
14 Island Harbor Marina property; and was immediately located east of Tract A which was  
15 currently zoned Marina Village and contained approximately 7.73 acres, for a total of  
16 both parcels being approximately 13.84 acres. Mr. Reed said that the portion of the  
17 property to be rezoned as well as a portion of the adjacent parcel was currently being  
18 used as a Mobile Home park; the owners intend to seek a special use permit in order to  
19 redevelop both parcels as a RV park. Mr. Reed noted that the Town's 2004 CAMA  
20 Land Use Plan, specifically the Future Land Use map, indicated that the property  
21 subject to the rezoning request was projected to be a part of the Marina Village area;  
22 therefore this rezoning request was consistent with the Town's 2004 CAMA Land Use  
23 Plan. Mr. Reed stated that the Planning Board considered this request at its June 23,  
24 2014 meeting recommending unanimously to the Board of Commissioners that the  
25 rezoning be approved. Mr. Reed pointed out that the recommendation by the Planning  
26 Board did not pertain to the issue of whether or not a special use permit should be  
27 issued for a RV park.  
28

29 Andy Harris, Attorney representing applicants Maritime Siblings, LLC, stated that the  
30 Island Harbor Marina property was originally zoned Mobile Home with a small section  
31 around where the marina was located being zoned B1. Mr. Harris said in the mid-  
32 2000's they worked with the Town in creating the Marina Village district that provided  
33 water type uses, at that time there was a dry stack proposed for the property along with  
34 the marina. Mr. Harris said they rezoned half of the property to the Marina Village use  
35 leaving the eastern side, roughly about 6+ acres as remaining zoned Mobile Home. Mr.  
36 Harris said they were now requesting that both parcels be given the same zoning; the  
37 Marina Village, and as Mr. Reed indicated it was consistent with the Land Use Plan, and  
38 they desired the property to be rezoned.  
39

40 ***Motion was made by Commissioner Wright to open the Public Hearing. The***  
41 ***Board voted unanimously 4-0 in favor. Motion carried.***  
42

43 Robert Panoff, 8607 Marina Drive, stated they were owners of a trailer that was in the  
44 Mobile Home Park currently, and the issue he would like to speak to was procedure.  
45 Mr. Panoff said that everyone was notified that were adjacent but none that lived there

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1 were given any notice. The only reason he knew this hearing was happening was that  
2 he came down to get a reentry permit for the hurricane because of the good  
3 communication they had from the newsletter sent out indicating they needed to have  
4 their reentry permit, and then he had seen the big Z on the zoning sign and started  
5 asking around about what was going on. He felt the people actually living there who  
6 would be affected should have been notified and had some prior notification before this  
7 late date. Mr. Panoff took the opportunity to say that the communication from the Town  
8 about Hurricane Arthur was outstanding, and if you had signed up for the newsletter,  
9 Twitter, and all the information that came out was tremendous. He felt that set a  
10 standard for communication that wasn't met when they found out very lately that the  
11 hearing would be held to change the zoning that would affect the value of what they  
12 owned. Mr. Panoff stated they were leasing the property from Spell-Howe, and he knew  
13 they had the right to not renew the lease but it would have been nice to have known.  
14

15 Steve Carver, 8601 Sound Drive, spoke on behalf of the Carver siblings, saying that  
16 their one lot was everything to their family. Mr. Carver said that it was for his retirement,  
17 a place for his children to come to hopefully for many years. He too concurred with the  
18 last speaker that they may have met the letter of the law about notification of this  
19 meeting but the spirit in Emerald Isle was lost because even people living in the trailers  
20 affected, and all those in the neighborhood had no idea this was going on. Mr. Carver  
21 said the fact was that the way of notifying people for such an important event was really  
22 awful, and hoped that in the spirit of the law they would take this into consideration.  
23 Next, he said that one of the things that would be a major consideration for the public  
24 was whether public safety and health was an issue, and he felt it would be, he couldn't  
25 imagine any way you could put high density or any change to increase the population in  
26 that area without a lot more traffic on the narrow streets, without lighting, without  
27 drainage, more foot traffic, it all added up to a serious public safety and probably a  
28 crime issue. Mr. Carver said he also didn't know what all the UDO rules were but he  
29 knew if you leveled out the high dune bluff on Sound Drive....  
30

31 Commissioner Wootten interjected that we were talking about rezoning, and if he could  
32 relate his comments to the rezoning.  
33

34 Mr. Carver continued that if the zoning ended up with what they saw on the plan  
35 submitted, and he had spoken with 7 real estate professionals and appraisers, all said  
36 they would not only see their values drop but plummet immediately. Mr. Carver said  
37 the zoning issues they were facing with the present land owners, the way they were  
38 handling the zoning and the trailer parks, gave no incentive for improvement. He felt  
39 there was no incentive for anyone to improve or upgrade and therefore they were  
40 ending up with properties looking worse and worse each year.  
41

42 Mike Stanley, owner Bogue Inlet Fishing Pier, said he had a mixed bag of emotions on  
43 the whole picture, and he had been here for 42 years and had seen the island grow  
44 from what would pretty much be Hammocks Beach to what it was today, and he would

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1 like to say that he thought the Town Board had done a remarkable job. Mr. Stanley said  
2 back in the day when the Village concept was produced, at that time they were at a  
3 point when they were going to sell their property and the concept was almost going to  
4 be realized, then the money dried up and that was the end of that, but the initial plan of  
5 having three separate areas where the public could go and ride their bicycles, take their  
6 children, areas commercial and also residential, was brilliant and wasn't stepping on  
7 anyone's toes because these were commercial entities generally speaking that could be  
8 turned into a really unique concept. Mr. Stanley said he believed genuinely that the  
9 Mobile Home parcel in question that was proposed should be changed to Marina  
10 Village; he felt it was a wonderful concept.

11  
12 Larry Holyfield, 303 Miller Street, stated that he wanted to buy the lot beside them and  
13 leave it, cut down the big trees and let it grow up, and thought no more could be taken  
14 off. Mr. Holyfield said that now that lot had been sold and half of the sand dune was  
15 gone so they got a little damage from the last hurricane. Mr. Holyfield stated that that  
16 sand dune protected them a lot from storms and that was his main concern – he felt if  
17 they would do that to Miller Street if this was to go through – put down speed bumps, no  
18 big trucks, not even people pulling boats as there were too many of them down there  
19 now and they park halfway in the street.

20  
21 Bill Reist, 8520 Woodcliff Drive, said he was one of 3 property owners that abutted the  
22 sibling's property. Mr. Reist said he had lived there for 25 years and had always  
23 enjoyed the nature on the side. Mr. Reist referenced the RV park map, and was  
24 advised by the Board that the map he referenced was for the next item not the rezoning.

25  
26 Mr. Reist said in any case he had 15 feet from his property line, looking at the map it  
27 would give him 5 more feet before he was looking into the RV next door, so there was  
28 20 feet from his property and a RV park so he would literally be part of the RV park so  
29 he had an interest. Mr. Reist said there were three other property owners who were  
30 notified and they would also be virtually sitting in the RV Park.

31  
32 Commissioner Wootten hated to interrupt but they were talking about the zoning, and  
33 that the comments he was making should be held for the next item on the agenda.

34  
35 Mr. Reist said his comments were leading into something. Mr. Reist said that two other  
36 people also abutted the marina and they had a 10 day notice, he gave his notice to  
37 other property owners and friends in the neighborhood and they could see what this had  
38 expanded into. Mr. Reist felt that the property value of his property would diminish, and  
39 he was sure a real estate agent could understand this; not only his property value but  
40 the property values of people on Sound Drive throughout the entire neighborhood would  
41 be depreciated and he didn't think any realtor would dispute that fact. Mr. Reist said it  
42 would have a ripple effect all the way from Bogue Inlet Drive to Old Ferry Drive,  
43 everyone would be affected. Mr. Reist said he had a property for sale and he was sure  
44 the people driving by were not interested in his property given what was happening

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1 here. Mr. Reist spoke about safety, and said when you put this RV park in there you  
2 would create a lot of congestion, danger on Old Ferry Road, vehicles driving in and out,  
3 and the other issue was a safety issue with the RV's going in that were not in any way  
4 specified for wind.

5  
6 Commissioner Wootten advised that Mr. Reist was a very revered citizen but his  
7 comments were not relating to rezoning, he would get another chance to speak about  
8 these issues when the next item came up.

9  
10 Attorney Stanley asked Planning Director Reed to read aloud for the public what uses  
11 were currently permitted in the present zoning of Mobile Home, and then he would read  
12 the uses permitted with the rezoning to Marina Village. Attorney Stanley said to keep in  
13 mind the applicants didn't necessarily have to build a RV park, all of the uses Mr. Reed  
14 would read that were in the Marina Village would be applicable too if rezoned and he  
15 wanted the public to be able to compare the two.

16  
17 Planning Director Reed read aloud the following:

18  
19 First of all with regard to the current zoning Mobile Home property owners had the right  
20 as a permitted use to construct:

- 21  
22
- 23 • dwellings
  - 24 • mobile homes
  - 25 • planned unit developments
  - 26 • and, other associated residential uses

27 Under Mobile Home they did not have the right to construct:

- 28  
29
- 30 • recreational vehicle parks
  - 31 • or, any type of mixed use commercial structure

32 Under the proposed zoning of Marina Village property owners were afforded the same  
33 rights with regard to residential development, placement of homes, however, Mobile  
34 Homes were not permitted, and Mobile Home Parks were only permitted by special use  
35 permit.

36  
37 It was important to note that mixed use structures were permitted by right in the Marina  
38 Village District; and again he wanted to emphasize that Recreational Vehicle parks if the  
39 property were to be rezoned Marina Village were not permitted by right but the applicant  
40 must seek a special use permit in order to construct a RV park.

41  
42 Planning Director Reed confirmed following a question from the audience that if the  
43 property was rezoned Marina Village that Mobile Homes were not an allowed use. Mr.  
44 Reed answered a question from the audience about whether that meant all the mobile

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1 homes that were there right now would be removed. Mr. Reed stated that would be  
2 entirely up to the property owners; by changing the zoning, the existing mobile homes  
3 on that property would be grandfathered and allowed to remain in place; they would not  
4 enforcedly be removed by the Town of Emerald Isle or required to be simply because of  
5 the change in zoning. Mr. Reed stated again, if the property currently zoned Mobile  
6 Home was rezoned to Marina Village, the existing mobile homes did not become a by  
7 right use anymore, however the grandfathering allowed them to remain in place, they  
8 would not be required or requested to be removed by the Town of Emerald Isle. The  
9 only opportunity where the mobile home could not be reestablished was if they were  
10 damaged by more than 50%.

11  
12 Bill Shrout, 8624 Sound Drive, just moved here about 3 years ago, rented a unit for  
13 about 2 years on the island and loved it so much he bought one. He did a lot of due  
14 diligence and none of this came up or he probably wouldn't have bought the property.  
15 He saw someone looking at a property for sale yesterday and said they had heard  
16 about this new development and thought why would they want to be there with all those  
17 people there, if this Town was going to be this way they didn't want to live in this Town.  
18 Mr. Shrout asked for Steve Carver to take the remainder of his comment time as he had  
19 just heard about this Saturday and had no time to prep for any of this.

20  
21 Steve Carver 8601 Sound Drive said speaking of rezoning, if the end result plan was for  
22 the siblings to end up with the next thing on the agenda, then they were against  
23 rezoning.

24  
25 Anne Paugh, 8632 Sound Drive, said she was speaking on behalf of the residents of  
26 Sunset Harbor. Ms. Paugh said they had a lot of folks very concerned about what was  
27 going on and they appreciated all the Commissioners had done over the 13 years they  
28 had the good fortune of living here because they had enhanced the island in many  
29 ways. Ms. Paugh said about 4 years ago they heard that Island Harbor Marina was  
30 going to be adding a dry stack storage for boats, restaurant, pool, they were all thrilled  
31 at their end that that was going to happen, but they waited and waited and the next  
32 thing they found out was that not only was that not going to happen but they were  
33 looking at rezoning, and they were very concerned about adding additional acreage and  
34 increasing the density of the people who would be there, more infrastructure and the  
35 worst part they had seen proposed would be right next door to Sunset Harbor. Ms.  
36 Paugh said they were opposed to the rezoning. Ms. Paugh said she believed the Board  
37 had received a letter from several of their residents stating all of their concerns and  
38 issues, and that the residents of Sunset Harbor asked the Board to vote no to rezoning  
39 Tract B of Island Harbor Marina.

40  
41 Deborah Smith, 8507 Sound Drive, said she and her husband had lived here for two  
42 years, and they enjoyed their quiet neighborhood but if they rezoned, any of the  
43 permitted uses she noted from a letter – single family, two-family, multi-family,  
44 townhouses, condominiums, group housing projects, any structure of that sort would

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1 add more traffic, and it was already busy on the weekends. She let her great niece ride  
2 her bike on the street but would not feel safe letting a child riding on a bicycle if there  
3 were greater density in that area. She stated that Ordinance 5.40 protection of frontal  
4 dunes stated it was necessary to provide storm protection, preserve wild life habitat,  
5 and preserve of the oceanfront area; the frontal dune area was defined as the area  
6 between the oceanfront and Bogue Sound so that would go right along with that  
7 ordinance. She said the ordinance said it shall be unlawful to remove frontal dune  
8 vegetation, and other activities that reduce the stability of the frontal dune system and  
9 potentially decrease storm protection, wildlife habitat, and aesthetic values. She  
10 thought high density use would also do that. She referenced general provisions of  
11 Appendix A – Development Ordinance of Emerald Isle 1.4 – Item 2 said the purpose of  
12 the appendix was to lessen congestion in the streets, Item 5 of that ordinance said  
13 preserve the character and quality of our residential neighborhoods, Item 10 said  
14 protect development and residences from flooding and natural hazards. Ms. Smith felt if  
15 you rezoned to high density you would definitely have destruction of some of the dunes  
16 and the vegetation, and even since the Maritime Siblings had owned that property, it  
17 had been heavily damaged by wind and / or flood, and high density would cause  
18 potential for more loss of life and damage.

19  
20 Jenny Madorsky, 317 Parkins Street, felt her comments were for the next agenda item,  
21 but she was against the rezoning because of Item 10 on the agenda.

22  
23 Paxon Holz, 6715 Ocean Drive, stated that she owned property on Sound Drive as well  
24 as other locations in Emerald Isle and thanked the Board for having the public hearing.  
25 She also wanted to stick up for the Planning Board, as all of the Board were in a sense  
26 volunteers, they worked very hard, it was a thankless task, and the Planning Board's job  
27 was even more thankless. Ms. Holz said that the Planning Board had approved this  
28 request for rezoning and passed it on to the Board of Commissioners. Ms. Holz said  
29 she had long been a proponent of mobile home living, she loved her mobile home  
30 people that she knew, they were the best folks, they didn't come down and spend a  
31 million dollars for a place, they didn't spend \$500,000, and they shouldn't have to; she  
32 felt they should have the flexibility of being able to rent a lot and not have to buy a lot  
33 and put a mobile home on it and enjoy life on Emerald Isle; whether full-time or part-  
34 time. Ms. Holz felt they needed more mobile home zoning, and if they chose at the  
35 request of the owners to rezone their property to be in conformity with side by side  
36 property there was another 30 acres behind Town Hall that they could rezone to mobile  
37 home and then let all those people bring their mobile homes there and buy or rent lots.  
38 Ms. Holz said she could be nostalgic and remember when her house was the only one  
39 of the island and none of them were there but that wasn't the way to be – they needed  
40 to share the island and to share with every socio-economic group, mobile home owners,  
41 condo owners, townhouse owners, oceanfront owners, and not discriminate against fine  
42 people who loved there mobile homes and wanted to stay here in mobile homes. She  
43 thought they should rezone because that was the property owner's request, but she  
44 thought they should also provide an alternative for the people.

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1

2 James Heatherly, 8512 Woodcliff Drive, said he had been a property owner and  
3 resident since 1972, and had been at his present site for 20 years. Mr. Heatherly said  
4 his place was about 200 feet from the east boundary of Island Harbor Marina property,  
5 and he stated that he was against the rezoning because of what they planned to do.  
6 Mr. Heatherly stated that all of the people here were against rezoning for that purpose,  
7 and when the notices were published and put out it was all on one paper.

8

9 Jeff Bell, 8606 Canal Drive, said he was reading this for the first time as well as he was  
10 sure some others were. Mr. Bell said he didn't have all the facts but what he did know  
11 was that in reading the zoning and all the different uses listed in the zoning he believed  
12 that was a big part of the issue. Mr. Bell objected to the rezoning because of the way it  
13 was written, it was very broad and he thought most people here would not object to  
14 having a very nice restaurant, or a marina with docks and slips, fishing piers. He didn't  
15 feel they would get an objection to having something that upgraded the quality of the life  
16 there on that tract of land, but he felt most people would object to the high density  
17 population there also included in that zoning and the uses contained within that zoning.  
18 Mr. Bell said if they want to separate the two things, there was zoning and then there  
19 was the special use, but you couldn't get the special use without the zoning. He  
20 believed that they would need to rewrite the zoning because you couldn't have that  
21 disparity of use within the same type of zoning requirement.

22

23 Al Kuwhalik, 8630 Sound Drive, said his concerns and he hoped this would pertain to  
24 the rezoning, was the septic system. Mr. Kuwhalik said if they rezoned for the RV park  
25 the septic system was 49 feet away from the shore, and in the 14 years he had been  
26 here he had been through 3 hurricanes; Ophelia, Irene, and Arthur. Mr. Kuwhalik said  
27 that Ophelia destroyed the marina, Irene destroyed it with Ophelia putting 3 feet of  
28 water in their backyard, which meant that marina was flooded and the way the septic  
29 system looked if you had a major hurricane it would be under water and you were  
30 looking at an environmental disaster, and from the looks of it building lots 1-67 would be  
31 underwater which is why he thought they should not rezone.

32

33 Hope McLawhorn, 505 Marina Drive said she felt she had been deceived by the people  
34 who owned the land as she had been there only 3 months; she had no idea this was  
35 planned and had been going on for a year. She said no one had told her anything and  
36 she was against the rezoning.

37

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

40

41 Commissioner Wootten said he thought they needed to look back at where the Marina  
42 Village came from and what that zoning was designed to do. Commissioner Wootten  
43 said the Town had been all in favor because they were very interested in developing a  
44 business center in that area that revolved around the marina; thus the consideration of

1 the dry stack, restaurant, bars and all kinds of things and that was what was planned 6  
2 years ago. Tonight there was no marina, there was not going to be a marina, and he  
3 would submit that there was no purpose for a Marina Village. Commissioner Wootten  
4 urged the Board to say no to the rezoning request on the tract to the east of the Marina  
5 Village and right now he would take steps to have the Marina Village rezoned to Mobile  
6 Home to have consistency within that whole area of that tract of land. Commissioner  
7 Wootten said to do that they would need to send the issue back to the Planning Board  
8 because they would also need to consider the Land Use Plan to make any adjustments  
9 to meet the mobile home zoning. Commissioner Wootten said that years ago they  
10 planned to have a vibrant marina there. Commissioner Wootten said that the property  
11 owners still had rights to use their property but they should not be piggybacking on the  
12 Town's intentions for Marina Village.

13  
14 ***Motion was made by Commissioner Wootten to deny the rezoning and refer the***  
15 ***issue back to the Planning Board for further guidance on eliminating Marina***  
16 ***Village and modifying the Land Use Plan, reassessing and making***  
17 ***recommendation to the Board of Commissioners on Tract A and Tract B. The***  
18 ***Board voted unanimously 4-0 in favor. Motion carried.***

19  
20 **(Item 10 – moved forward on Agenda) – Special Use Permit Request – Proposed**  
21 **Recreational Vehicle park – Island Harbor Marina Subdivision**

22  
23 Following denial of the proposed rezoning this issue was not considered by the Board.

24  
25 (Clerks note: At the conclusion of Item 9 at approximately 7:30pm the Town Board Meeting was relocated back to the  
26 Town Board Meeting Room to continue)

27  
28  
29  
30  
31  
32  
33  
34

35 **Item 6. Proclamations / Public Announcements**

36  
37 Mayor Barber announced Proclamations and notices for the public:

- 38  
39
- 40 • **Proclamation – Emerald Isle Parrothead Weekend – August 1 – 3, 2014**  
(14-07-08/P1)
  - 41 • **EmeraldFest Concert – Justin Castellano – Thurs, July 1 – 6:30 – 8:00 pm –**
  - 42 **Western Ocean Regional Access**
  - 43 • **Friday Free Flick – Frozen – Friday, July 11 – 7 pm – Community Center**
  - 44 • **Youth Tennis Camp – July 14 – 18 – Blue Heron park ( must pre-register)**
  - 45 • **EmeraldFest Concert – Hank Barbee – Thursday, July 17 – 6:30 – 8:00 pm**
  - 46 **Western Ocean Regional Access**

- 1 • **PEP Program – Cyber Safety – Tuesday, July 22 – 10 am – Town Board**
- 2 **Meeting Room (rescheduled)**
- 3 • **Beach Safety Course – Tuesday, July 22 – 1 pm – Town Board Meeting**
- 4 **Room**
- 5 • **Coffee With a Cop – Thursday, July 24 – 9 am – Location to Be Announced**
- 6 • **EmeraldFest Concert – Redneck Juliet – Thurs, July 24 – 6:30 – 8:00 pm –**
- 7 **Western Ocean Regional Access**
- 8 • **Planning Board Regular Meeting – Monday, July – 6 pm – Town Board**
- 9 **Meeting Room**
- 10 • **CPR Class – Thursday, July 31 – 10 am – 2 pm – Community Center (must**
- 11 **pre-register)**
- 12 • **EmeraldFest Concert – Dependable Taxi – Thurs, July 31 – 6:30 – 8:00 pm –**
- 13 **Western Ocean Regional Access**
- 14 • **Beach Safety Course – Monday, August 4 – 1 pm – Town Board Meeting**
- 15 **Room**
- 16 • **EmeraldFest Concert – Wild Honey – Thurs, August 7 – 6:30 – 8:00 pm –**
- 17 **Western Ocean Regional Access**
- 18 • **Friday Free Flick – The Lego Movie – Friday, August 8 – 7 pm – Community**
- 19 **Center**
- 20 • **Board of Commissioners Regular Meeting – Tuesday, August 12 – 6pm –**
- 21 **Town Board Meeting Room**

22  
23 **Clerks Note: A copy of Proclamation 14-07-08/P1 as noted above is incorporated herein by reference and**  
24 **hereby made a part of these minutes.**

25  
26  
27 **7. Public Comment**

28  
29 There were no comments from the public.

30  
31  
32 **8. Consent Agenda**

- 33
- 34 **a. Tax Releases**
- 35 **b. Resolution Authorizing COPS Grant Application (14-07-08/R1)**
- 36 **c. Budget Amendment – Police Department**
- 37 **d. Resolution Authorizing Surplus Auction (14-07-08/R2)**
- 38

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

41  
42 **Clerks Note: A copy of Resolutions 14-07-08/R1, 14-07-08/R2, and all other items on the Consent Agenda as**  
43 **noted above are incorporated herein by reference and hereby made a part of these minutes.**

1 **Item 11 – Ordinance Amending Chapter 4 – Use Regulations – and Chapter 5 –**  
2 **Density, Intensity, and Dimensional Standards – of the Unified Development**  
3 **Ordinance in Order to Amend Building Height Regulations (14-07-08/O1)**  
4

- 5 **a. Public Hearing**  
6 **b. Consideration of Ordinance Amendment**  
7

8 Planning Director Kevin Reed 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 ordinance amendment that would establish a uniform  
13 building height limit for all new buildings in the Town’s commercial, governmental, and mixed use zoning districts. If approved,  
14 nearly all buildings in these zoning districts would be limited to a maximum mean roof height of 40 feet, regardless of the type of  
15 construction or the slope of the roof.  
16

17 The Town’s UDO currently allows flat/low slope roof buildings (3:12 roof pitch or less) in the Business and Government zoning  
18 districts up to 35 feet. The UDO currently allows high slope roof buildings(4:12 roof pitch or greater) in the Business,  
19 Government and mixed use zoning districts (Village East, Village West, Marina Village, etc.) up to 50 feet mean roof height  
20 (measured peak to eave). The UDO does not currently allow flat/low slope roof buildings in mixed use zoning districts, and also  
21 makes a distinction between wood-framed buildings and concrete/steel-framed buildings. The attached ordinance amendment  
22 seeks to simplify the Town’s building height limits by establishing a maximum mean roof height of 40 feet in all of these zoning  
23 districts. The Board should note that the attached ordinance amendment does retain the current exemption for dry-stack boat  
24 storage facilities to be constructed up to 50 feet with a flat/low slope roof, and it also retains the ability for a high slope roof  
25 building to be constructed up to 50 feet with a special use permit issued by the Board of Commissioners. Although the special  
26 use permit option could apply to any commercial or mixed use structure, this provision is intended primarily for the construction of  
27 any new hotels or motels in the future.  
28

29 The attached ordinance amendment is intended to accomplish 3 goals, all of which I believe are in the community’s best interest.  
30 First, the attached ordinance amendment would enable the construction of a more attractive, lower height building that better  
31 meets the needs of the applicant for the planned Transportation Impact mixed use structure to be constructed in the coming  
32 months. Second, the attached ordinance amendment simplifies the Town’s building height ordinances, and should eliminate the  
33 potential for confusion. Third, and perhaps most importantly, the attached ordinance amendment furthers the key community  
34 goal of relatively low building heights. The net effect of the attached ordinance amendment is that future flat/low slope roof  
35 buildings could be 5 feet higher, but future high slope roof buildings would be 10 feet lower than currently permitted. It is  
36 important to note that other than the Sound of the Sea condominium towers, there are no other buildings anywhere in Emerald  
37 Isle that are higher than 40 feet (mean roof height).  
38

39 A public hearing is required before Board consideration of the attached ordinance amendment, and has been scheduled for the  
40 July 8 meeting. The Planning Board reviewed the amendment at its June meeting, and unanimously recommends approval.  
41

42 Commissioner Wootten asked about the 5 foot parapet and the offset requirement so as  
43 not to be constructed as a flat straight wall. Mr. Reed said that it would be anticipated  
44 that that would be part of the commercial review process and as they looked at the type  
45 of building materials and the way the building was constructed, whether through  
46 fenestrations or building colors, they would assure that they were meeting the  
47 requirements.  
48

1 **Motion was made by Commissioner Messer to open the Public Hearing. The**  
2 **Board voted unanimously in favor. Motion carried.**

3  
4 Sam Hamad, a developer of the Islander said he agreed with the plan, he just wanted to  
5 state that they had already been in the process and had done a lot of investment in  
6 doing a new Phase II. Mr. Hamad said when they heard about the mixed use it was  
7 something he thought was a great idea but he did want the Board to understand that  
8 they had a lot invested in this and while he knew that it was made for hotels, and they  
9 were a hotel, he hoped they were happy with what they had done so far.

10  
11 The Board indicated that they were happy with what they had done so far and they  
12 appreciated it.

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

16  
17 **Motion was made by Commissioner Hoover to approve the Ordinance Amending**  
18 **Chapter 4 – Use Regulations – and Chapter 5 – Density, Intensity, and**  
19 **Dimensional Standards – of the Unified Development Ordinance in Order to**  
20 **Amend Building Height Regulations. The Board voted unanimously 4-0 in favor.**  
21 **Motion carried.**

22  
23 Clerks Note: A copy of Ordinance Amendment 14-07-08/O1 as noted above are incorporated herein by  
24 reference and hereby made a part of these minutes.

25  
26 **12. Presentation – Neighborhood Watch Program**

27  
28 Police Chief Jeff Waters along with Neighborhood Watch Committee Chair, Irving  
29 Montclova addressed the Board concerning this agenda item. The following excerpt  
30 from Police Chief Jeff Waters' memo to Town Manager Rush as provided in Board  
31 packets is provided for additional background:

32  
33 **Town of Emerald Isle**  
34 **NEIGHBORHOOD WATCH PROGRAM**

35 2014

36 In the later part of the 1970's, Emerald Isle residents implemented a Community Watch Program where they would meet in the  
37 evenings to conduct night patrols of the town. The citizens would install CB radios in their vehicles and the Police Department  
38 placed a base station inside the police department where the dispatcher was able to communicate with the citizens while they  
39 were on patrol. By 1985 this program had diminished to nothing and the community watch in Emerald Isle was no more. My  
40 belief is that a lack of interest and the possible dangers associated with this type of program, made the possible benefits of this  
41 type of program less appealing to residents.

42 In January of this year, the department implemented the Police Educating the Public (PEP) program and the first topic presented  
43 was on the Neighborhood Watch Program. There were approximately 16 people in attendance and a strong interest to restart  
44 this type of program in Emerald Isle was voiced by several of residents and encouraged by the Mayor, Eddie Barber. The

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1 enthusiasm for the program was so great that a Neighborhood Watch Committee was formed at that meeting to investigate  
2 implementing this program in Emerald Isle. Mr. Irving Monclova was selected to serve as the Chairman of the Neighborhood  
3 Watch Committee.

4 Over the next several weeks, additional members were named to the committee including: Tony Brilakis-Vice Chairman;  
5 Committee Members: Howard Lewis, Al Smith, Don Wells, Irene Bailey- Wells, Bob Lopes, Betty Lopes, Jay Thomas and Irma  
6 Thomas. Since that time, these members have done an outstanding job in the promotion and organization of this program  
7 through neighborhood watch meetings, socials and increasing public awareness as to what the benefits of a tremendous  
8 program like this could mean for the town of Emerald Isle.

9 During the course of the past seven months, the program has enlisted Street Captains who are responsible for maintaining the  
10 contact information of homeowners and rentals for each property in their area. Street Captains play a vital role in ensuring that  
11 information is obtained and maintained correctly and that information is relayed to residents and property owners in their area in  
12 a timely fashion. This position requires a motivated person who will need to maintain records of current owners and renters and  
13 contact new owners and enlist new residents to become part of the program.

14 The following are some statistical facts based on the 2010 Census regarding Emerald:

- 15 • Permanent Population: 3,655 Estimated
- 16 • Peak Summer Population: 40,000 +/-
- 17 • Total # of Housing Units: 6,735
- 18 • 2010 Census data; more housing units than any other municipality in Carteret County
- 19 • Total Land Area: 5.2 square miles
- 20 • Length of Ocean Beach: 12+ miles
- 21 • Approximate 48 miles of total streets

22 In order to ensure the viability and sustainability of the program over the long term, the Neighborhood Watch Committee has  
23 instituted a goal of complete certification of 80% of all viable streets in the Town of Emerald Isle by December 2015. In order to  
24 become a certified street, 85% of resident owners, distant owners, and long term renters must have been contacted and issued  
25 the Quick Reference Checklist (QRL). Committee members have evaluated the number of streets which can be certified at an  
26 estimate of 290 streets. Based on that figure, when 230 streets are certified (which is 80% of 290), a recommendation will be  
27 made to me by the Committee that the Town of Emerald Isle be certified as a Neighborhood Watch Community.

28  
29 At present, 261 streets are in the process of being surveyed, evaluated and in some stage of organization by the Committee  
30 Members in their respective areas of responsibility. As of May 31, 2014, 100% of Neighbor Residents (NR) had received the  
31 QRL's on 142 streets. As of today, 90 streets have been certified by the corresponding committee member(s). The Coordinators  
32 of these streets and communities have been presented with credentials from the Police Department identifying them as Street  
33 Captains for their area.

34  
35 Once the goals set above have been reached, I will be recommending that the Town of Emerald Isle erect two primary  
36 Neighborhood Watch Signs on the island. One being placed near the bridge in a designated area and the other placed at the  
37 east ends city limits so that both are visible to vehicles entering Emerald Isle. Smaller versions of these signs (about the size of a  
38 No Parking Sign), would be placed on designated streets throughout the community to advertise the fact that our Neighborhood  
39 Watch Program is in effect.

40  
41 I want to ensure the Board that we have stressed throughout this process that this type of program is NOT a vigilante program or  
42 a program where we will have citizens and residents riding around looking for trouble or problems. We have promoted a passive  
43 program where the residents will become a helpful hand to the community by being the eyes and ears of the police department  
44 and reporting suspicious activity whenever they come across it. The program is most effective when the department and citizens  
45 work together to combat issues that arise in a community. This program further promotes the community concept because it is

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1 about neighbors helping neighbors through actions such as watching out for their property when they are out of town or letting  
2 them know information when there has been a catastrophic event such as a hurricane and they are out of town.

3 Success in sustaining this program will require the support of elected officials, full time leaders, employees and volunteers of the  
4 Town. The allocation of funding and resources to support long term viability of the program is also essential to the success of the  
5 program. Efforts to improve communication with the citizens through programs such as the PEP program and Coffee with a Cop,  
6 are an example of the type of long term efforts and methods that will be required to create a better relationship and attain a better  
7 understanding and support from the community in order to effectively address crime prevention and the maintenance of safety  
8 and security in Emerald Isle.

9 The volunteers who are dedicating time, effort, and resources to this effort are a typical sample of the kind of Town we are: the  
10 most wonderful family oriented community of the Crystal Coast

11  
12 Mr. Montclova, spoke of the history of the Neighborhood Watch Program, noting that the  
13 program would be a passive program to educate the residents, occupants, and the  
14 visitors that the great number of crimes and thefts were not necessarily unavoidable.  
15 Mr. Montclova also introduced some of the volunteers who were in attendance - Jay and  
16 Irma Thomas, Al Smith, Betty and Bob Lopes, and Steve Finch.

17  
18 Police Chief Jeff Waters also presented a PowerPoint for the Board and public. Chief  
19 Waters noted that they all valued a sense of security and people who were willing to join  
20 together to increase neighborhood safety and be a helping hand to each other was what  
21 Neighborhood Watch was all about. Chief Waters spoke of the groups efforts to date  
22 and their plans for the future.

23  
24 Mayor Barber thanked Mr. Montclova and Chief Waters for the wonderful job they had  
25 done, he felt this would be a great blessing for Emerald Isle.

26  
27  
28 **13. Bogue Banks Master Beach Nourishment Plan**

29  
30 **a. Presentation**

31 **b. Resolution Approving Master Plan (14-07-08/R3)**

32  
33 Carteret County Shore Protection Officer Greg "Rudi" Rudolph, and Johnny Martin,  
34 Moffatt & Nichol addressed the Board concerning this agenda item. The following  
35 excerpt from Town Manager Rush's memo to the Board is provided for additional  
36 background:

37  
38 The Board of Commissioners is scheduled to receive a presentation regarding the Bogue Banks Master Beach Nourishment  
39 Plan at the July 8 meeting, and will also consider a formal resolution approving the Master Plan. Greg "Rudi" Rudolph, Carteret  
40 County Shore Protection Officer, and Johnny Martin, Moffatt & Nichol Engineers (consultant for the Master Plan) will address the  
41 Board.

42  
43 As you know, the Town executed an interlocal agreement with Carteret County and the other municipalities on Bogue Banks for  
44 the development of the Master Plan in 2010. The intent behind the Master Plan is to provide a comprehensive, locally-managed  
45 50-year plan for future beach nourishment efforts on Bogue Banks and, perhaps more importantly, secure the appropriate

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1 permitting authority for future beach nourishment projects up-front in order to expedite future construction events and minimize  
2 future permitting expenses. Essentially, the final “deliverable” from this effort will be 50-year permitting authority for future beach  
3 nourishment projects on Bogue Banks, including Emerald Isle. Additionally, the Master Plan will also become the Town’s FEMA  
4 Beach Monitoring and Maintenance Plan (and thus maintain the Town’s eligibility for future FEMA Public Assistance funding to  
5 replace sand lost during future hurricane events) and the Town’s Static Line Exception Report (used to demonstrate the Town’s  
6 commitment to beach nourishment to the Coastal Resources Commission for oceanfront setback determinations).  
7

8 Greg “Rudi” Rudolph and Johnny Martin will go into significant detail about the Master Plan in their presentation at the July 8  
9 meeting, however, the following are perhaps the most significant components in the plan relative to Emerald Isle:

- 10 • The Master Plan incorporates 4 management “reaches” for Emerald Isle, including Bogue Inlet Ocean (The Point - ~  
11 Dolphin Ridge), EI West (~ Dolphin Ridge - ~ Columbus Square), EI Central (~ Columbus Square - ~ Pier Pointe), and  
12 EI East (~ Pier Pointe – Indian Beach town limits). There are also sub-reaches.  
13
- 14 • The Master Plan assumes that EI East will be nourished every 3 years, Bogue Inlet Ocean will be nourished every 6  
15 years, portions of EI West will be nourished every 6 years, other portions of EI West will be nourished every 9 years,  
16 and EI Central will be nourished every 9 years. The Board should note that these intervals were determined based on  
17 historical erosion rates and the level of protection needed for each reach, and are included for planning purposes only.  
18 The reality is that the Master Plan will essentially enable the beach to be nourished when needed, where needed, as  
19 needed in the future (within reason) based on actual beach conditions.  
20
- 21 • The Master Plan assumes an average annual sand volume need of approximately 140,000 cy of sand for all of  
22 Emerald Isle. The average annual cost for future nourishment events in Emerald Isle is approximately \$2.1 million.  
23 The Master Plan assumes that the County Beach Commission will fund approximately 67% (perhaps more) of this  
24 average annual cost in the future, or approximately \$1.4 million annually. County funding is derived from room  
25 occupancy tax revenues, of which Emerald Isle vacation accommodations represent more than 60% of the total  
26 amount collected in Carteret County. The Town’s contribution is expected to be approximately 33% of this average  
27 annual cost in the future, or approximately \$700,000 annually. As you know, the Town is currently reserving  
28 approximately \$680,000 annually in the Future Beach Nourishment Fund, and these funds are derived from the  
29 Primary Benefit District (oceanfront and inlet-front properties) property taxes and an annual contribution from the  
30 Town’s General Fund.  
31
- 32 • Sand for future nourishment events in Emerald Isle will be dredged from the Offshore Dredged Materials Disposal Site  
33 (ODMDS) off Atlantic Beach near the Morehead City Harbor shipping channel and from Bogue Inlet shoals. Both sand  
34 sources are of excellent quality, and adequate sand volume is available for the entire island for the 50-year planning  
35 horizon.  
36
- 37 • The Master Plan includes the establishment of a “safe box” for the main ebb channel in Bogue Inlet that is  
38 approximately 5,000 feet wide (the entire inlet complex is approximately 7,000 feet wide). If the main ebb channel  
39 meanders outside of the “safe box” (i.e., within 1,000 feet of the vehicle ramp at The Point), the Town would have the  
40 authority to relocate the main ebb channel to a central location in the inlet complex (approximately 3,500 feet from The  
41 Point). Sand dredged from the channel relocation event would be used to nourish the oceanfront beach. This  
42 approach essentially duplicates the Town’s 2005 channel relocation project in the future as needed, likely on a 10 – 15  
43 year cycle or longer.  
44

45  
46 At this time, the oceanfront beach and The Point remain in generally good condition, and I do not foresee any beach nourishment  
47 or inlet relocation projects within the next few years (major storm events notwithstanding). The final issuance of Master Plan  
48 permits is anticipated in summer / fall 2015, and I expect that the next Emerald Isle project will be constructed under the  
49 auspices of the Master Plan and the associated 50-year permitting authority.  
50

51 The Master Plan represents a reasoned, responsible, and efficient approach to the Town’s future beach nourishment and inlet  
52 management needs, and I recommend approval of the attached resolution. The implementation of the Master Plan will insure  
53 that Emerald Isle continues to protect its most important economic, recreational, and quality of life asset for the next 50 years.

1  
2  
3 Mr. Rudolph and Mr. Martin fielded several questions from the Board.  
4

5 ***Motion was made by Commissioner Wright to adopt the Resolution Approving***  
6 ***Bogue Banks Master Beach Nourishment Plan. The Board voted unanimously 4-0***  
7 ***in favor. Motion carried.***

8  
9 **Clerks Note: A copy of Resolution 14-07-08/R3 as noted above is incorporated herein by reference and**  
10 **hereby made a part of these minutes.**

11  
12 **14. 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 stated how much he appreciated the Town Staff and their work  
17 before, during, and after Hurricane Arthur, and he especially wanted to recognize  
18 Simmons and Simmons, our solid waste contractor, as well as Ritchie Creech and his  
19 crew that rolled out containers for the rental companies, so they were able to get the  
20 trash picked up before the storm.

21  
22 The following is an excerpt from the Town Manager Comments memo to the Board  
23 providing additional background information for all items of importance:

24  
25 **Hurricane Arthur Vegetative Debris to Be Collected by Town Staff**

26 Fortunately, the Town did not experience any significant impacts from Hurricane Arthur, and vegetative debris appears to be  
27 relatively minimal. The Town will not active a separate debris collection contract, and will instead collect Arthur's vegetative  
28 debris as part of the normal yard waste collection program. Due to the likely increased number of stops, I expect Town staff to  
29 get slightly behind schedule, however, we will be working hard to return to our normal goal of collecting all areas at least once  
30 each week. Please encourage our property owners to be patient and understanding if we do fall behind somewhat.

31  
32 **Police and Fire Career Advancement Plans**

33 Chief Waters, Major Reese, Chief Walker, Town Clerk / Human Resources Specialist Rhonda Ferebee, and I are in the process  
34 of finalizing formal career advancement plans for Police and Fire personnel, and I expect to present the recommendations to the  
35 Board at the August meeting.

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

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

44  
45 **Golf Cart Regulations**

46 With the increasing popularity of the Town's golf cart program, and the normal influx of summer visitors, we have been receiving  
47 more concerns about golf carts operating illegally on Coast Guard Road and the Town's bicycle path network. The Police  
48 Department is keeping a closer eye on these areas to deter this behavior. Please note that golf carts with NC license plates  
49 issued by NC DMV are treated like regular vehicles and are permitted on Coast Guard Road. Additionally, a golf cart operator

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1 with a handicapped placard (for the operator only) is permitted to travel anywhere that a person can walk, including the bicycle  
2 path and sidewalks. This exception in State law sometimes results in confusion and frustration for some citizens, and I have  
3 even considered approaching the Board to request special legislation from the NC General Assembly to prevent ALL (including  
4 handicapped placard operators) golf carts from operating on the Town's bicycle path.  
5

6 Additionally, we have received inquiries from property owners whose property fronts on NC 58 who cannot access a Town street  
7 without traveling along NC 58 or the bicycle path. In cases where it is possible to travel a short distance on the north side of NC  
8 58 (opposite side as the bicycle path) to reach a side street, we have allowed that travel in an attempt to accommodate as many  
9 golf cart owners as possible. In cases where the only option is to travel on the bicycle path on the south side of NC 58, we have  
10 not permitted the golf cart to travel on the bicycle path or on the grassy swale between the bicycle path and the NC 58 travel  
11 lane. This has prevented some golf cart owners (with significant investments) from utilizing their golf cart in Emerald Isle. I had  
12 hoped to come up with a solution for these instances, but have not yet identified a workable solution. Unfortunately, due simply  
13 to the street network, not all Emerald Isle property owners can participate in the Town's golf cart program.  
14

15 **Ocean Reef Setback Issues**

16 I am currently working with residents in the Ocean Reef condominium complex on two initiatives intended to restore the existing  
17 condo buildings on the oceanfront to conforming status. First, the Board may receive a request from Ocean Reef to reduce the  
18 street-side setback requirements in Ocean Reef from 30 ft. to 20 ft., as is currently permitted in the Eastern Oceanfront Overlay  
19 District located between Ocean Reef and the Indian Beach town limits. Second, Ocean Reef may formally request that the Town  
20 formally request that the NC Coastal Resources Commission amend its setback rules to enable the ~ 4,400 sq. ft. oceanfront  
21 buildings in Ocean Reef to be reconstructed if destroyed by storm or fire. (NC CRC rules currently would limit any reconstruction  
22 to 2,500 sq. ft.) There are 3 different rule amendments that may accomplish this goal, and these amendments will be explained  
23 in further detail if / when Ocean Reef approaches the Board of Commissioners.  
24

25 **Parks and Recreation Trust Fund Grant Application**

26 The PARTF Authority will meet on July 11 to review the 2014 grant applications. I am hopeful that the Town's request for  
27 \$87,500 to purchase the vacant lot adjacent to the Emerald Isle Public Boating Access Area will be approved, and the Town can  
28 then proceed with the land purchase.  
29  
30

31 **Recycling Container Supplies Nearly Gone**

32 All 90-gallon recycling containers purchased in bulk by the Town and distributed by SoundACE have now been sold, and  
33 SoundACE has discontinued the special sale price on the 90-gallon containers. The Town provided more than 1,200 of the 90-  
34 gallon containers to SoundACE during the past year. There are now less than 100 of the 40-gallon containers available at the  
35 special sale price, and the special sale price for the 40-gallon containers will expire when these containers have been sold. More  
36 than 300 of the 40-gallon containers have been sold to date.  
37

38 **Emerald Tidings in Island Review**

39 As discussed during the FY 14-15 budget process, no funding is included in the FY 14-15 budget to publish Emerald Tidings in  
40 Island Review magazine, and the Town intended to publish Emerald Tidings in an electronic format only after July 1. I have  
41 discussed this issue with the publishers of Island Review, and they have agreed to reduce the Town's monthly cost from \$600  
42 per month to \$300 per month. I agreed to this reduction in the interest of keeping our non-internet reading property owners  
43 informed about Town issues and activities, and believe we can identify sufficient funds for this expense in the FY 14-15 budget.  
44 If the Board is not comfortable with this approach, we can certainly discontinue the print version in the next month or two.  
45

46 **Monitors for Board Table**

47 With the recent transition to the new computer system, the Town has a few surplus monitors. We plan to install these monitors  
48 on the Board's table in the meeting room so that the same images shown on the screen to the public can be viewed by the Board  
49 at the same time they are projected on the screen above the Board's table. I hope to have the new monitors installed by the  
50 August 12 meeting.  
51

52 **Emerald Isle Marathon, Half-Marathon, and 5K Races – March 28, 2015**

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1 The volunteer organizing committee plans to add a full marathon (26.2 miles) course to next year's half-marathon and 5k race  
2 courses, and has begun planning for the 2015 event. By expanding the number of entries and adding the full marathon course,  
3 the committee hopes to nearly double the 2014 net proceeds of \$42,000.  
4

5 The committee also plans to provide 50% of the net proceeds to the Town each year for future bicycle path and park  
6 improvements, with the remaining 50% earmarked for a different charitable organization each year. For 2015, the committee has  
7 selected the American Heart Association. Additionally, the committee has approved a small stipend, equal to 10% of the net  
8 proceeds, for the race director for the 2015 event and beyond.  
9

10 **Commercial Vehicle Access to Beach Strand During Summer**

11 I have received another request for temporary, short-term vehicle beach access from a paddleboard / kitesurfing company during  
12 summer months. The goal of the request would be to deliver patrons and equipment to The Point, and would only involve short-  
13 term vehicle access. Please let me know if you'd like us to develop a plan to accommodate these types of requests in the future.  
14

15 **Proposed Change in County Sales Tax Distribution – August Meeting Agenda**

16 The Carteret County Commissioners discussed this issue at their "retreat" in March, and decided not to implement this change  
17 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  
18 time to plan for any changes. They will also apparently be reviewing potential "hybrid" approaches.  
19

20 As discussed previously, this change is potentially devastating for the beach towns, and could result in the shifting of up to \$2.1  
21 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  
22 redistribution of wealth from the beach towns to the mainland towns. Emerald Isle could potentially lose \$600,000 or more  
23 annually, the equivalent of 2 cents or more on the Town's tax rate.  
24

25 I have not yet had time to focus on this issue this summer, but plan to devote significant time toward this issue later in July to put  
26 forth the best arguments possible against such a change in the distribution formula so the Town is prepared to discuss this issue  
27 with the County and others this fall. I am planning to present this information to the Board at the August 12 meeting, and also to  
28 begin to engage our property owners on this issue at that time.  
29  
30

31 **New Welcome Center**

32 I have formally transmitted the draft agreement to the TDA, and expect the TDA Board of Directors to formally consider the  
33 agreement in the coming weeks. I am hopeful that all necessary approvals will be in hand by the end of the summer, and that  
34 construction can occur this fall and winter so that the new Welcome Center can be open to the public by Memorial Day 2015.  
35

36 **Parking Improvements at Public Boating Access Area**

37 The Town had a park attendant in place at the Emerald Isle Public Boating Access area on July 5 and 6, and the park attendant,  
38 signage, and strategic placement of boulders around landscaping areas enabled the Town to avoid a repeat of the parking  
39 issues from Memorial Day weekend. The parking area was full both days, and Chapel By The Sea was used for overflow  
40 parking on July 5.  
41

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

43 Due to other priorities, I have not yet submitted the permit applications for this project, but hope to do so in the coming weeks.  
44 As discussed previously, the preliminary response from Federal and State permitting staff was generally favorable.  
45

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

47 When time permits, Town staff will be installing attractive, fixed poles (similar to those that support the Town Government  
48 Complex signs) at key locations that are designed for non-profit banners.  
49

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

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1  
2 I hope to have the new poles in place by the end of summer.  
3

4 **Update – NC 58 Bicycle Path – Eastern Ocean Regional Access to Indian Beach Town Limits**

5 All paving is complete, and Barnhill Contracting continues to work on finish grading and seeding of the disturbed areas and the  
6 drainage swales. We are anxious to stabilize the disturbed area with new vegetation, as we've unfortunately experienced a few  
7 wash-outs of the soil and rock adjacent to the bike path. These areas will be repaired and stabilized, and any damaged asphalt  
8 will be repaired before final completion of the new path. Barnhill will also be installing bollards, pavement markings, and signage  
9 in the next few weeks.

10  
11 As mentioned in June, NCDOT recently expressed concerns about the structural integrity of the hog-slat drainage features, and  
12 the Town retained a structural engineer to review the loading capacity for these features with the hope this information will  
13 address NCDOT's concerns. This analysis indicates that the hog-slat drainage features are sufficient for the intended use, and  
14 we will be submitting this information to NCDOT in the near future. I will provide additional information on this issue as it  
15 develops.  
16

17 Town staff are also working to address drainage issues with property owners in the 1400 block of Emerald Drive, many of whom  
18 have experienced soil and rock washing onto their property from the bike path project. Some of these issues will be resolved  
19 when finish grading is complete and vegetation is established, while others may require additional drainage improvements. All of  
20 the affected property owners have been assured that the Town will resolve any drainage issues resulting from the new bicycle  
21 path.  
22

23 I am hopeful that we can complete all remaining work and resolve all outstanding concerns with this project by the end of July.  
24

25 **Lands End, Island Circle Storm Water Pump Connections**

26 All work is now complete, and the new pumps and pipelines were utilized before and during Hurricane Arthur. Moffatt & Nichol  
27 Engineers and Town staff are performing additional tests on July 8 to fully review the new improvements and optimize the  
28 settings of the various pumps.  
29

30 **Ribbon Cutting Events for New Projects**

31 We have not yet organized any ribbon-cutting events to celebrate the completion of the new bicycle path segments, new  
32 playground equipment, or the Community Center expansion, but plan to do so later this summer once the final segment of the  
33 NC 58 bicycle path is fully complete.  
34

35 **Eastern Ocean Drive Resurfacing**

36 I am scheduled to meet with Onslow Grading and Paving on July 9 to review the Town's lingering concerns with the quality of  
37 this paving work on this segment of Ocean Drive (9 specific locations, and general concerns about the quality of resurfacing  
38 overall). To date, the Town has paid \$200,000 of the \$260,000 contract amount, and the Town is still holding \$60,000.  
39

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

41 We have completed all necessary paperwork to close-out this project, but are still awaiting the final reimbursement of  
42 approximately \$270,000. Of this amount, the Town will need to reimburse Carteret County approximately \$150,000.  
43

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

45 The Town's contractor has submitted formal permit applications, and I expect to have all necessary permits in hand by late  
46 summer. I expect to present a construction contract recommendation to the Board by early fall, and to have the improvements  
47 constructed this winter.  
48

49 **New Kayak-Friendly Launching Docks**

50 Alesia Sanderson, Parks and Recreation Director, is proceeding with plans to install a new kayak-launching dock at Emerald Isle  
51 Woods Park, and we hope to have this installed in July or August.  
52

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1 We have met some permitting resistance from the NC Division of Coastal Management for the new kayak-launching dock at the  
2 El Public Boating Access Area, and continue to work through this issue. Due to other more pressing projects, we have placed  
3 this project on-hold temporarily, and will continue work on this issue later this summer or fall.  
4

5 **Surplus Fire Engine**

6 The Town finally disposed of the surplus 1989 Fire engine via internet auction in late June, and received a total of \$4,100 from  
7 the sale. I am disappointed in the low sale price, but other efforts to sell the Fire engine for a higher price were not successful.  
8

9 The Town also received a total of \$295 from the sale of surplus radar units, lights, sirens, and VHS in-car video units removed  
10 from Police vehicles.  
11

12 **15. Comments from Board of Commissioners and Mayor**

13  
14 Mayor Barber thanked the Town Staff, as he attended the meetings before the  
15 hurricane and he was so proud of the Town Staff and the way they worked together and  
16 worked overtime. Mayor Barber said that Frank had done another outstanding job  
17 keeping everyone informed.  
18

19 Mayor Barber noted that he would be in Greenville on Friday for surgery and would  
20 appreciate everyone's prayers while he was gone.  
21  
22  
23  
24  
25  
26

27 **16. Adjourn**

28  
29 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***  
30 ***voted unanimously 4-0 in favor. Motion carried.***  
31

32 ***The meeting was adjourned at 8:42 pm.***  
33

34 Respectfully submitted:  
35  
36  
37

38 Rhonda C. Ferebee, CMC, NCCMC  
39 Town Clerk