

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, APRIL 8, 2014 – 7:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6

7    **1. Call To Order**  
8

9    The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
10 order by Mayor Eddie Barber at 7:00 PM in the Emerald Isle Town Board Meeting  
11 Room.  
12

13   **2. Roll Call**  
14

15 Present for the meeting: Mayor Eddie Barber, Commissioners Nita Hedreen, Tom  
16 Hoover, Floyd Messer, John Wootten, and Maripat Wright.  
17

18 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
19 Richard Stanley, Town Clerk Rhonda Ferebee, Fire Chief Bill Walker, and Planning  
20 Director Kevin Reed.  
21

22 Also in attendance: Candace Dooley, Emerald Isle Half-Marathon & 5K Race Director,  
23 and Ken Stone, Bicycle and Pedestrian Advisory Committee Chair  
24

25   **3. Opening Prayer**  
26

27 Opening prayer was offered by Mrs. Jean Dollar, an Emerald Isle resident.  
28

29 Mrs. Dollar took the time to brag on all the things that the Town Departments had done  
30 for her. She thanked the Police Department, Fire Department, EMS, and she was truly  
31 thankful and wanted to share that with everyone, and that she felt truly special to live on  
32 this beautiful island.  
33

34 Mayor Barber said the Town was privileged to know her and love her and that she was  
35 a very special person.  
36

37   **4. Pledge of Allegiance**  
38

39 The Pledge of Allegiance was led by Croatan High School students Catherine Holloway,  
40 Coley Howard, and Morgan King.  
41

42 Mayor Barber thanked the students for gracing the Town with their presence and  
43 appreciated the fact they were all outstanding students at Croatan High School.  
44  
45  
46

1 **5. Adoption of Agenda**  
2

3 ***Motion was made by Commissioner Hedreen to approve the Agenda. The Board***  
4 ***voted unanimously 5-0 in favor. Motion carried.***  
5

6 **6. Proclamations / Public Announcements**  
7

8 Mayor Barber announced the following Proclamation and notices for the public:  
9

- 10 • Certificate of Appreciation – Liam Friel, Eagle Scout
- 11 • Proclamation - Municipal Clerks Week – May 4 – 10, 2014 (14-04-08/P1)
- 12 • Proclamation - Bicycle Month in Emerald Isle – May 2014 (14-04-08/P2)
- 13 • Proclamation - National Day of Prayer – May 1, 2014 (14-04-08/P3)
- 14 • Proclamation - National Travel & Tourism Week – May 3 – 11, 2014 (14-04-08/P4)
- 15 • Spring Walking club – Fridays, April 11 – May 23 – 9 am – Community Center
- 16 • Friday Free Flick – Friday, April 11 – 7 pm – Community Center – “Despicable  
17 Me 2”
- 18 • Tie Dye Dash – Saturday, April 12 – 9 am – 1 pm – Eastern Ocean Regional  
19 Access
- 20 • Easter Egg Hunt – Sunday, April 13 – 12 noon – Community Center
- 21 • Police Educating the Public – Tuesday, April 15 – 10 am – town Board Meeting  
22 Room – “Road Rage”
- 23 • Coffee With A Cop – Thursday, April 24 – 9 am – Emerald Grill
- 24 • American Red Cross Blood Drive – Friday, April 25 – 2 pm – 7 pm – Community  
25 Center
- 26 • Planning Board Regular Meeting – Monday, April 28 – 6 pm – Town Board  
27 Meeting Room
- 28 • Emerald Isle Homes Tour and Art Show – Saturday, May 3 – 10 am – 4 pm –  
29 Various Locations
- 30 • Summer Day Camp Registration – Monday, May 5 – 8 am – Community Center
- 31 • Friday Free Flick – Friday, May 9 – 7 pm – Community Center – “Turbo”
- 32 • Board of Commissioners Regular Meeting – Tuesday, May 13 – 7 pm – Town  
33 Board Meeting Room

34  
35 **Clerks Note:** A copy of Proclamation 14-04-08/P1, 14-04-08/P2, 14-04-08/P3, and 14-04-08/P4 as noted above  
36 are all incorporated herein by reference and hereby made a part of these minutes.  
37

38 **7. Introduction of New Employee**  
39

40 **a. Joshua Harrell, Fire Engineer**  
41

42 Fire Chief Bill Walker introduced the Town’s newest full-time Fire Engineer to the Board  
43 and public. Chief Walker noted that Josh Harrell had served as a Reserve Firefighter

1 with the Town since September 2008, and was recently promoted to full-time Fire  
2 Engineer in January 2014. Chief Walker noted that Josh was born and raised on a farm  
3 in Snow Hill, NC, was a graduate of Wilson Fire and Rescue Academy, co-owner of  
4 Greg Harrell Construction Company, and outside of fire service he competed on a semi-  
5 pro level in archery as well as hunting and fishing, and would be married in June. Chief  
6 Walker also added that he served as ordained deacon in his church for the past four  
7 years and was a master Mason. Josh Harrell thanked everyone for the opportunity and  
8 looked forward to serving the Town of Emerald Isle for many years to come. Josh  
9 received a warm welcome from the Board and public.

10  
11 **8. Presentation – Emerald Isle Half-Marathon & 5K Race Proceeds**

12  
13 Candace Dooley, Race Director for the Emerald Isle Half-Marathon & 5K introduced the  
14 members of the organizing committee which included Town Manager Frank Rush,  
15 Annita Best, Amy Reardon, Dorla Pake, Patrick Dooley, Emily Sylvester, Noelle Ricks,  
16 and Bryson McLean. Ms. Dooley thanked the committee for all their help, noting it  
17 couldn't have happened without them. She said they raised a lot of money for the Town  
18 and the inaugural race was an amazing success. She also thanked the great  
19 community and all the volunteers that had supported them.

20  
21 Ms. Dooley provided some statistics for the race, noting just over 1,300 runners  
22 registered between the half-marathon and the 5k. She said there were 831 females and  
23 469 males, 1,100 registered runners from the State of North Carolina, 55 from Virginia,  
24 2 from Canada and 1 from the United Kingdom.

25  
26 Ms. Dooley said they were honored to present a \$42,000 check to the Town of Emerald  
27 Isle for the preservation and extension of the bike path.

28  
29 The Mayor and Board expressed their thanks and amazement for the success of the  
30 race, and the wonderful job by all.

31  
32 **9. Public Comment**

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

36  
37 There were no comments from the public.  
38  
39  
40  
41  
42  
43

1 **10. Consent Agenda**

- 2  
3 a. Tax Releases  
4 b. Capital Project Ordinance Amendments – 2013 “Community Improvements  
5 Package”  
6 c. Capital Project Ordinance Amendment – Coast Guard Road bicycle Path  
7 (Fundraising Account)  
8

9 ***Motion was made by Commissioner Messer to approve the items on the Consent***  
10 ***Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

11 **Clerks Note:** A copy of all consent agenda items as noted above are incorporated herein by reference and  
12 hereby made a part of these minutes.  
13  
14

15 **11. Potential Naming of Emerald Isle Multi-Use Path**

16  
17 Ken Stone, Chair of the Bicycle & Pedestrian Advisory Committee addressed the Board  
18 concerning this agenda item. The following excerpt from Town Manager Rush’s memo  
19 to the Board is provided for additional background:  
20

21 The Board of Commissioners is scheduled to consider a request from the Town’s Bicycle and Pedestrian Advisory Committee to  
22 formally name the Town’s multi-use path as “The Emerald Path”. I have attached an email from Ken Stone, Committee Chair,  
23 that communicates this request.  
24

25 The Town’s NC 58 and Coast Guard Road multi-use path segments currently run a total of approximately 7 miles from Ocean  
26 Reef condominiums on NC 58 all the way to Dolphin Ridge Road on Coast Guard Road. An additional, nearly 4 miles of multi-  
27 use path segments are currently under construction, and are expected to be complete within the next 2 months. The nearly 11  
28 miles of multi-use path have been constructed in several different segments over the past 10 years, and have been funded by a  
29 combination of NCDOT grant funds, Town funds, and donations and fundraising proceeds raised through the efforts of the  
30 Bicycle and Pedestrian Advisory Committee.  
31

32 As you know, the multi-use path network is very popular with the Town’s residents and visitors, and has been made possible  
33 through strong community support, strong support from the Mayors and Commissioners, and hard work by many individuals over  
34 the past 10 years. The multi-use path network provides 1) an alternative transportation choice to access commercial areas and  
35 public facilities, 2) a safe exercise area for walkers, runners, and bicyclists, 3) a safe environment for families on a leisurely bike  
36 ride, 4) makes it safer and easier for soundside residents to access the beach, 5) has enhanced the aesthetics of the main  
37 commercial areas, and 6) enhances the Town’s desirability as a tourism destination.  
38

39 Many people simply refer to the multi-use path as “the bike path”, the “multi-use path”, or “the path”. The Bicycle and Pedestrian  
40 Advisory Committee has discussed the idea of naming the multi-use path on a few occasions in recent years, and has  
41 considered a few different names. The Committee met recently, and formally decided on “The Emerald Path”, in recognition of  
42 the “Emerald” name and a desire to keep the name relatively simple. The Committee also believes that a formal name will be  
43 more marketable, and they have produced some promotional stickers (copies attached). The Committee is seeking formal Board  
44 approval of this name, and if approved by the Board the Town will begin using this moniker exclusively.  
45

46 Ken Stone, Chair of the Bicycle & Pedestrian Advisory Committee spoke to the Board  
47 concerning the potential formal naming of the bike path which is really a multi-use path.  
48 Mr. Stone said it had been an incredible boon to the community and he was thrilled it

1 was starting to reach a conclusion now. Mr. Stone said that thanks to the Town, and  
2 people like Candace Dooley, and other donors they had raised about \$160,000 just in  
3 donations and that pleased him also as a taxpaying citizen. Mr. Stone said that they  
4 were hoping to call this "The Emerald Path", because this was Emerald Isle, and in  
5 keeping with the color green, and environmental green, and that it was the  
6 recommendation of the committee, and he hoped the Board would see it the same. Mr.  
7 Stone said it was a community project, and if they do some marketing they wanted to  
8 have a simple name for people to refer to and to also use the Town's logo since this  
9 was the Town's path.

10  
11 Commissioner Hedreen loved the name and hoped there could be the Town logo or  
12 name also included. Commissioner Wootten added that he liked the name for the  
13 tourism aspect of it.

14  
15 ***Motion was made by Commissioner Wright to approve the name "The Emerald***  
16 ***Path" for the Town's multi-use path network. The Board voted unanimously 5-0***  
17 ***in favor. Motion carried.***

## 18 19 **12. Potential Changes to Board of Adjustment**

20  
21 Planning Director Kevin Reed addressed the Board concerning this agenda item. The  
22 following excerpt from Town Manager Rush's memo to the Board is provided for  
23 additional background:

24  
25 The Board of Commissioners is scheduled to consider potential changes to the Town's Unified Development Ordinance that  
26 would result in the designation of the Board of Commissioners as the Town's Board of Adjustment. This potential change is  
27 being presented due to the fact that the Board of Adjustment meets so infrequently, and has not met since October 2011.

28  
29 The NC General Statutes authorize the Board of Commissioners to appoint a separate Board of Adjustment or for the Board of  
30 Commissioners to serve in that capacity. As you know, the Board of Adjustment considers requests for variances to the Town's  
31 Unified Development Ordinance (UDO) and also considers appeals of the Planning and Inspections Department's interpretation  
32 of the UDO provisions. Historically, most action items brought before the Board of Adjustment have been variance requests.  
33 The Board of Adjustment must conduct its business using a quasi-judicial procedure, and must base its decisions on the specific  
34 evidence presented at a formal hearing. In the case of variances, there are specified criteria that must be met in order for the  
35 Board to legally grant a variance.

36  
37 Kevin Reed, Planning and Inspections Director, has drafted the attached amendment to the Town's Unified Development  
38 Ordinance to make this change if the Board concurs with this approach. The attached amendment includes the following key  
39 provisions:

- 40  
41
- 42 • an explicit statement indicating that the Board of Commissioners is the Board of Adjustment,
  - 43 • deletion of all language pertaining the Board of Adjustment's membership, meetings, etc.,
  - 44 • a requirement for variance requests and appeals requests to be filed with the Town Clerk rather than the Planning  
45 Director,
  - 46
  - 47

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- 1 • clarification of the 4/5 majority vote required to grant variances, and
- 2
- 3 • implementation of a recent change in State law so that appeals of the Planning and Inspections Department's
- 4 decisions or interpretations now only require a simple majority vote (instead of a 4/5 majority vote).
- 5

6 The current Board of Adjustment includes 5 regular members and 2 alternate members. A copy of the current membership is  
7 attached. Under the proposed UDO amendments, there would be no alternate members, and decisions would be made by a  
8 quorum of the Board present at the meeting.

9  
10 The Board of Adjustment has met a total of 19 times in the past 10 years:

- 11 • 2004 – 2 meetings
- 12
- 13 • 2005 – 1 meeting
- 14
- 15 • 2006 – 5 meetings
- 16
- 17 • 2007 – 1 meeting
- 18
- 19 • 2008 – 5 meetings
- 20
- 21 • 2009 – 1 meeting
- 22 • 2010 – 1 meeting
- 23
- 24 • 2011 – 3 meetings
- 25
- 26 • 2012 – 0 meetings
- 27
- 28 • 2013 – 0 meetings
- 29
- 30 • 2014 – 0 meetings (through April 8).
- 31
- 32

33 The potential benefits of the Board of Commissioners serving as the Board of Adjustment include the following:

- 34 • less coordination needed to appoint, organize, and support the Board of Adjustment,
- 35
- 36 • minor cost savings (no need to pay the BOA members for meeting attendance - \$50 per member per meeting), and
- 37
- 38 • greater certainty about future meeting dates (no need to cancel each month), and less inconvenience for Board of
- 39 Adjustment appointees.
- 40
- 41
- 42

43 The potential cons of the Board of Commissioners serving as the Board of Adjustment include the following:

- 44 • the Board of Commissioners may receive political backlash for variance and appeal decisions, or may be involved in
- 45 potential conflicts of interest,
- 46
- 47 • additional training for Board of Commissioners on variance and appeals procedures and criteria, and additional time at
- 48 regular Board of Commissioners meetings, and
- 49
- 50 • need to transition to a quasi-judicial proceeding at a regular Board of Commissioners meeting.
- 51

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1  
2 If the Board is comfortable with making this change, the attached UDO amendment will be presented to the Planning Board at an  
3 upcoming meeting, and will then be presented to the Board of Commissioners at a subsequent meeting for the required public  
4 hearing and formal consideration.  
5

6 Commissioner Wootten asked about the reason two alternates were required. Planning  
7 Director Reed said he felt that was because of the four-fifth majority required, and that  
8 as the Board of Adjustment did meet during the day that the idea was to be sure to have  
9 a quorum present.

10  
11 Commissioner Messer felt the Board of Adjustment served a purpose, and had always  
12 served a purpose and he would leave it as is.

13  
14 ***The Board concurred with Commissioner Messer's comments, and direction***  
15 ***provided to staff was to make no changes to the Board of Adjustment.***  
16

17 Planning Director Reed thanked the Board for their guidance and advised that he would  
18 be discussing with the Planning Board changes to some of the language in the Board of  
19 Adjustments conduct simply to put in place requirements required by recent State law  
20 but it would not include removal of the Board of Adjustment.  
21

22 Mayor Barber asked for comments from the public on this issue.

23  
24 There were no comments from the public.  
25

26 **13. Development of Commercial Slips at Emerald Isle Public Boating Access**  
27 **Area**  
28

29 Town Manager Frank Rush addressed the Board concerning this agenda item. The  
30 following excerpt from his memo to the Board is provided for additional background:  
31

32 The Board of Commissioners is scheduled to review plans for the potential development of commercial slips at the Emerald Isle  
33 Public Boating Access Area at the April 8 meeting. If the Board concurs with these plans, permit applications will be submitted to  
34 the appropriate Federal and State regulatory agencies later this spring or summer.  
35

36 As you know, Island Harbor Marina has converted to a private facility and is also no longer allowing commercial vessels to moor  
37 at their facility. The result is that commercial vessels no longer have available commercial docking space in Emerald Isle, and  
38 have been forced to either relocate to a facility in another town, identify a private residential docking facility to use in Emerald  
39 Isle, put boats in and out of the water on a daily basis, moor in the open waters of Bogue Sound off Emerald Isle, or simply not  
40 operate. I believe all of these alternatives are detrimental to Emerald Isle, as it results in lost economic opportunity for these  
41 commercial operators, decreased efficiency and greater inconvenience for commercial operators, and lost recreational activities  
42 for visitors to Emerald Isle.  
43

44 As you know, the Town has consistently worked hard to provide other, non-beach recreational opportunities for our visitors in an  
45 effort to enhance the overall desirability of Emerald Isle as a vacation destination and to enhance the quality of life for our  
46 residents and second home-owners. The availability of boating tours, charter fishing opportunities, kiteboarding or kayak  
47 support, and other activities provides additional enjoyable activities for our visitors to experience while in Emerald Isle. It is

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1 beneficial to have these opportunities available in Emerald Isle, as opposed to our visitors traveling off the island to partake in  
2 these activities. In addition, the availability of commercial slips in Emerald Isle would provide convenient mooring for the few  
3 commercial fishermen in Emerald Isle, and would enhance the long-term viability of these operations.  
4

5 The absence of commercial mooring availability in Emerald Isle has also led to minor conflicts between soundfront property  
6 owners and the owners of commercial vessels who moor their boats just offshore, usually in close proximity to a public water  
7 access. These conflicts would likely be eliminated in the future if commercial slips are available for lease in Emerald Isle.  
8

9 Town staff have been researching the potential development of commercial slips at the Emerald Isle Public Boating Access Area  
10 for the past several months. The attached plan was prepared by the NC Wildlife Resources Commission, and includes the  
11 development of 10 commercial slips on the north side of the existing launch basin, just east of the entry canal. The 10 slips  
12 would be 10 – 12 ft. wide and 40 – 50 ft. long, and the area would be dredged to a depth of - 4 ft at low water (same depth as the  
13 launch basin and entry canal). The 10 slips would be surrounded by vinyl sheetpile bulkhead and new wooden pier facilities.  
14 The area to be dredged is approximately 6,000 sq. ft., with about 3,000 sq. ft. of upland area to be excavated, and another 3,000  
15 sq. ft. of open water and fringe marsh to be excavated. I recently met with representatives from Federal and State regulatory  
16 agencies about the proposed excavation, and the response was generally favorable.  
17

18 If the Board concurs with this plan, we will work to submit the appropriate permit applications in the next few months, with a goal  
19 to have permits in hand by early fall. The cost to secure the necessary permits is negligible. Any dredging activities will be  
20 restricted to the winter and early spring months, and if an acceptable financing plan is approved by the Board, the new facility  
21 could potentially be constructed in early 2015 and open for public use by spring or summer 2015.  
22

23 The estimated cost for the required dredging and excavation, bulkhead installation, and pier construction is approximately  
24 \$125,000 - \$150,000. This cost would be financed with grant funding and/or annual slip lease proceeds. The estimated annual  
25 lease per slip is approximately \$2,000 - \$4,000, and if all 10 slips are leased, the Town could expect \$20,000 - \$40,000 annually  
26 and could recover the full cost of the new commercial slips in a very short time period. If the Board concurs with this plan, a  
27 more detailed financing plan will be prepared and presented to the Board prior to proceeding with construction.  
28

29 I am not certain of the demand for these commercial slips at this time, although potential lessees have inquired about this  
30 concept in recent months. If the demand exceeds the projected number of 10 slips available, I would envision the Town utilizing  
31 a lottery-type or random approach to make the slips available for a multi-year period. If there is not sufficient demand for the 10  
32 slips from commercial operators, it may be possible for the Town (with appropriate permission from the regulatory agencies) to  
33 lease a few slips for visitors who bring their boat to Emerald Isle for a week or longer.  
34

35 The Board should also note that the addition of 10 commercial slips will result in additional demand for single-vehicle parking at  
36 the Emerald Isle Public Boating Access Area, and may ultimately result in more of the vehicle-trailer spaces being occupied by  
37 single-vehicles. On most days, this will likely not create any problems, however, it may become problematic on busy boating  
38 days when the lot is full or nearly full. One alternative approach would be for the commercial operators to direct their customers  
39 to park at the Town Hall complex, and then shuttle customers back and forth to the Emerald Isle Public Boating Access Area.  
40

41 Town Manager Rush said at this point he was looking for the Board's blessing of the  
42 concept and their authority to go forward with the permit applications. He felt it would  
43 be a 3-4 month permitting process. Town Manager Rush said if the Board was  
44 comfortable with that he would also like to return to the Board with a detailed financing  
45 plan for the project for their consideration.  
46

47 Town Manager Rush said that in terms of the money to pay for the improvements the  
48 mindset was clearly to come up with a plan that did not rely on tax revenues from the  
49 Town of Emerald Isle, there were grant opportunities they may be able to pursue, in

1 addition to that he felt the lease fees would probably generate \$20,000-\$40,000 per  
2 year and the cost could be recovered over a short period of time.

3  
4 ***The Board's direction to staff was to proceed with the required permit***  
5 ***applications, and Town Manager Rush stated he would develop a formal***  
6 ***financing plan for the Boards consideration.***  
7

8 **14. Ordinance Amending Chapter 6 – Buildings and Building Regulations – and**  
9 **Chapter 10 – Licenses and Business Regulations – of the Code of Ordinances to**  
10 **Create New Chapter 6 – Planning and Inspections / Building Regulations**  
11 **(Comprehensive Review) (14-04-08/01)**  
12

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

15  
16 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is scheduled to  
17 consider proposed amendments to Chapter 6 – Buildings and Building Regulations at the April 8 meeting. The proposed  
18 amendments also incorporate certain articles from Chapter 10 – Licenses and Business Regulations, and the new Chapter 6 is  
19 entitled "Planning and Inspections / Building Regulations".  
20

21 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify, and condense the  
22 entire Code of Ordinances of the Town of Emerald Isle. The Town is now nearly 57 years old, and numerous ordinance  
23 amendments have been made over the years with input by many different groups and individuals, all likely with good intentions,  
24 and sometimes there are unintended impacts on or conflicts with other ordinance provisions. State law and common practice  
25 also change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may be helpful for the  
26 Town to critically ask itself if it really needs certain ordinance provisions.  
27

28 As discussed previously, my goal is for Town staff and me to complete a comprehensive review of all Town ordinances with a  
29 critical eye. During this review, conflicting or confusing provisions are being targeted for clarification, unnecessary provisions are  
30 being targeted for elimination, and in some cases out of date or un-enforced provisions are being targeted for elimination. The  
31 Board previously reviewed and approved comprehensive amendments to the Town Charter, Chapter 1, Chapter 2, Chapter 3,  
32 Chapter 5, Chapter 8, and Chapter 14, and comprehensive amendments to Chapter 6 are on the Board's April 8 meeting  
33 agenda. (Certain articles from Chapter 10 are also incorporated into the new version of Chapter 6.) Although we have strayed  
34 from the original goal to consider one chapter each month, my goal going forward is still to present at least one of the 7  
35 remaining chapters for comprehensive review and amendments each month or every other month in the future. If we stay on  
36 schedule, within a 1-year period the entire Code of Ordinances will have been thoroughly reviewed and updated – ideally in a  
37 simpler, leaner, more user-friendly, easier-to-understand format.  
38

39 The attached ordinance amendment is presented as a "clean" version that indicates the proposed new language. I have also  
40 attached a separate version with underline and ~~strike through~~ features to make it easier to examine the changes.  
41

42 Chapter 6 includes the Town's formal adoption of the State building codes, and also outlines other permit, enforcement, and  
43 inspection functions. My goal in presenting the proposed amendments is to simplify the Town's requirements, eliminate  
44 unnecessary or repetitive provisions, and make it easier for Town staff and the public to locate (and clearly understand) all of the  
45 ordinance provisions associated with the Town's implementation of the State building code and the Planning and Inspections  
46 Department in one place in the Town Code. The intent behind the attached draft is not to recommend any substantive policy  
47 changes, however, the Board should note the following significant changes in the proposed new Chapter 6:  
48

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- 1 • Repetitive language referencing each of the State building codes has been deleted and consolidated into one new  
2 section.
- 3
- 4 • Out of date language regarding the creation of the Planning and Inspections Department has been modernized.
- 5
- 6 • Repetitive language referencing each different type of permit required has been deleted and consolidated into one new  
7 section. This change also deletes out of date thresholds that are covered by the State codes.
- 8
- 9 • The very specific list of items to be included on the permit applications has been deleted and replaced with more  
10 generic language.
- 11
- 12 • The sections regarding penalties for failing to secure the appropriate permit has been drastically shortened to be  
13 consistent with current and historical practice. The deleted provisions are overly detailed, and appear to be more  
14 focused on the penalties for violating the Town's Dunes and Vegetation Protection Ordinance. The penalties for  
15 violating the Dunes and Vegetation Ordinance are outlined in detail in the Town's Unified Development Ordinance.
- 16
- 17 • The distinct article referencing piers in Bogue Sound has been deleted. Piers are regulated by the NC Division of  
18 Coastal Management, and the Town does not apply additional requirements.
- 19
- 20 • The distinct article referencing beach walkway structures has been deleted. These walkways are regulated by the NC  
21 Division of Coastal Management, and the Town does not apply additional requirements.
- 22
- 23 • Provisions regarding the movement of mobile homes and stick-built homes within the Town have been moved from  
24 Chapter 10 – Licenses and Business Regulations to the new Chapter 6, and have also been clarified. The Planning  
25 and Inspections Department enforces these provisions.
- 26
- 27 • Provisions regarding itinerant and satellite merchants have been moved from Chapter 10 to the new Chapter 6. The  
28 Planning and Inspections Department has primary enforcement responsibility for these provisions, in conjunction with  
29 the Police Department.
- 30
- 31 • Provisions regarding yard sales, garage sales, etc. have been moved from Chapter 10 to the new Chapter 6. The  
32 Planning and Inspections Department has primary enforcement responsibility for these provisions. These regulations  
33 have also been simplified.
- 34

35 The proposed amendments have reduced the length of these ordinance provisions from approximately 17 pages to  
36 approximately 7 pages.

37  
38 The proposed amendments were drafted with the assistance of Kevin Reed, Planning and Inspections Director, and will have  
39 been reviewed by Town Attorney Richard Stanley prior to the April 8 meeting.

40  
41 Town Manager Rush said the main goal as had been the case during their  
42 comprehensive review of the ordinances was to simplify, clarify, and eliminate  
43 unnecessary provisions. Mr. Rush said there were no significant policy changes in the  
44 draft but mostly unnecessary and out of date language deleted. The chapter had been  
45 cut from 17 pages to 7 pages and primarily it referred to a lot of permit provisions in the  
46 North Carolina Building Code and the other State codes that our Planning and  
47 Inspections Department enforced.

48

1 Mayor Barber asked for any comments from the public on this issue. There were no  
2 comments from the public.

3  
4 ***Motion was made by Commissioner Messer to adopt the Ordinance Amending***  
5 ***Chapter 6 – Buildings and Building Regulations – and Chapter 10 – Licenses and***  
6 ***Business Regulations – of the Code of Ordinances to Create New Chapter 6 –***  
7 ***Planning and Inspections / Building Regulations.***

8  
9 Commissioner Hedreen asked Town Manager Rush if this wasn't the chapter that  
10 caused the most angst. Town Manager Rush said that in terms of permitting activities  
11 for new construction, or repairs to their existing homes, in that sense sometimes folks  
12 were frustrated by that, but that was all governed by the North Carolina Building Code  
13 and other associated codes and this chapter simply referenced the North Carolina  
14 Building Code, the actual requirements would not change with the adoption of this  
15 ordinance. Commissioner Wootten said he had spoken with Mr. Rush about the  
16 requirements for a permit for doing repairs, and felt it was the building code itself that  
17 caused the angst, and not this chapter.

18  
19 ***Following discussion the Board voted unanimously 5-0 in favor. Motion carried.***

20  
21 **Clerks Note: A copy of Ordinance 14-04-08/O1 as noted above is incorporated herein by reference and**  
22 **hereby made a part of these minutes.**

23  
24 **15. Resolution Requesting New Traffic Signal Poles on NC 58 (14-04-08/R1)**

25  
26 Town Manager Frank Rush addressed the Board concerning this agenda item. The  
27 following excerpt from his memo to the Board is provided for additional background:

28  
29 The Board of Commissioners is scheduled to consider the attached resolution formally authorizing a request to the North  
30 Carolina Department of Transportation for the installation of new steel traffic signal poles at the Town's 4 signalized intersections  
31 along NC 58.

32  
33 The Town's 4 signalized intersections at Coast Guard Road, Loon Drive, Old Ferry Road, and Bogue Inlet Drive currently utilize  
34 traffic signals suspended by wire from creosote poles. These traffic signals are not as attractive as the steel traffic signal poles  
35 that are now utilized by NCDOT for most new highway improvements, and the addition of the steel traffic signal poles in Emerald  
36 Isle would further enhance the aesthetics of the main commercial area in Emerald Isle. In addition, the steel traffic signal poles  
37 will be more durable and are less likely to be damaged during future hurricane events.

38  
39 The Town has previously inquired about the potential installation of steel traffic signal poles in Emerald Isle, and NCDOT staff  
40 has estimated the total cost at approximately \$125,000 per intersection, or approximately \$500,000. If the Board approves the  
41 attached resolution, I will present a formal request to NCDOT staff, the Town's representatives on the NC Board of  
42 Transportation, and NC Representative McElraft and NC Senator Sanderson. I remain hopeful that sufficient funding can be  
43 identified within or provided in NCDOT's budget to make these improvements within the next 1 – 2 years.

44  
45 A good example of the steel traffic signal poles is at the intersection of NC 24 and Taylor Notion Road in Cape Carteret. I have  
46 attached a photo of this intersection to illustrate the expectation at each of the 4 signalized intersections in Emerald Isle.  
47

1 Town Manager Rush said what the Board had before them tonight was a formal  
2 resolution that if approved formally requested that the NC Department of Transportation  
3 identify funding and install these new traffic signal poles in Emerald Isle. The request  
4 communicated in the resolution was for 100% funding by NCDOT and he would not  
5 envision any town funding going toward this project. Mr. Rush said hopefully DOT's  
6 leadership would see the request and see the merits and appropriate funding. Mr. Rush  
7 said this would formally get the request before them. Mr. Rush said he hoped that DOT  
8 would receive this request and start working on a way to make this happen in the next  
9 few years for Emerald Isle.

10  
11 Mayor Barber asked for any comments from the public on this issue. There were no  
12 comments from the public.

13  
14 ***Motion was made by Commissioner Hoover to approve the Resolution***  
15 ***Requesting New Traffic Signal Poles on NC 58. The Board voted unanimously 5-0***  
16 ***in favor. Motion carried.***

17  
18 **Clerks Note:** A copy of Resolution 14-04-08/R1 as noted above is incorporated herein by reference and  
19 hereby made a part of these minutes.

20  
21 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

22  
23 There were no comments from the Town Clerk or the Town Attorney.

24  
25 Town Manager Rush briefly updated the Board on the various ongoing projects, noting  
26 that the storm water pipe improvements, Highway 58 bicycle path, and the Coast Guard  
27 Road bicycle path, all continued to go well thus far and that he felt optimistic they would  
28 meet the Memorial Day deadline.

29  
30 The following is an excerpt from the Town Manager Comments memo to the Board  
31 providing additional background information for all items of importance:

32  
33 **Proposed Change in County Sales Tax Distribution**

34 The Carteret County Commissioners discussed this issue at their "retreat" in March, and decided not to implement this change  
35 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  
36 time to plan for any changes. They will also apparently be reviewing potential "hybrid" approaches, and also agreed to invite all  
37 towns to the table to discuss.

38  
39 As discussed previously, this change is potentially devastating for the beach towns, and could result in the shifting of up to \$2.1  
40 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  
41 redistribution of wealth from the beach towns to the mainland towns. I will be working hard, along with the managers of the other  
42 beach towns, to put forth the best arguments possible against such a change in the distribution formula.

43  
44 It is important to note that even if the County Commissioners make a change sometime later this year that it would still impact the  
45 Town's FY 14-15 budget due to the timing of sales tax distributions. The Town would see a dramatic decrease in sales tax  
46 revenues for April, May, and June 2015.

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1 **FY 14-15 Budget**

2 I have received all budget requests from Town departments, and will be working on the FY 14-15 Recommended Budget in  
3 earnest over the next month. The FY 14-15 Recommended Budget will be formally presented to the Board at the May 13  
4 meeting. We are working hard to maintain the same 12.5 cent General Fund tax rate.  
5

6 **Update – NC 58 Bicycle Path – Fairfax to Ocean**

7 This project is essentially complete, with only minor clean up remaining. Public Works staff will install bollards and signage in the  
8 next couple of weeks. The path is currently being used by the public.  
9

10 **Purple Heart Community Signs**

11 Unless the Board has concerns, we are planning to order a few signs to be placed along NC 58 to designate Emerald Isle as a  
12 Purple Heart community. I have attached a picture of signs in place in River Bend.

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

14 Barnhill Contracting continues to make very good progress on this bike path segment, and we expect the project to be complete  
15 by Memorial Day weekend. Alesia Sanderson, Parks and Recreation Director, has met with several adjacent property owners in  
16 this area to attempt to address their concerns, and for the most part has been able to accommodate the concerns. We work very  
17 hard to implement solutions to mitigate the impacts on adjacent property owners. If you know of someone who has a concern,  
18 please ask them to contact me or Alesia, and we will try our best to address their concern.  
19

20 **Update – Island Circle Storm Water Pipe Connection**

21 All pipe segments are in the ground, and the only work remaining is to connect the segments, connect the pipe to the pump  
22 station, and install air release valves. I expect all work associated with this project to be complete within the next week or two.  
23

24 **Update – Coast Guard Road / Lands End Storm Water Pipe Connection**

25 Rough grading is complete along Coast Guard Road, and the pipe is fused in place and ready to be placed in the ground. I  
26 expect the pipe to be placed in the ground within the next week or two.  
27

28 The underground boring subcontractor is currently working in Lands End, and is making good progress. I expect the pipe to be  
29 in the ground within the next week, and then all that will remain is the connection of the pipe segments, connection to the Lands  
30 End pump house, and the installation of air release valves. There has been very minimal disturbance in Lands End.  
31

32 **Update – Coast Guard Road Bike Path**

33 SunLand Builders plans to begin construction of the bike path soon after the new storm water pipe on Coast Guard Road is  
34 installed (within the next week or two). The rough grading associated with the new bike path will essentially be complete from  
35 Dolphin Ridge to the main Lands End entrance, so I am hopeful work will proceed relatively quickly in mid / late April. I still  
36 believe we can finish all work by Memorial Day weekend.  
37

38 **Community Center Expansion**

39 The Community Center expansion has been delayed by a combination of weather and permitting issues in the past 2 months,  
40 and I am disappointed that we are not further along at this point in time. I believe the permitting issues are now resolved, and I  
41 expect the connecting corridor and outside siding to be complete within the next couple of weeks. After that work is complete,  
42 Public Works will assign electrical and HVAC contractors to complete those components in the building expansion. At this point,  
43 I think it is unlikely we will be ready to open to the public by May 1, but we will be working to open as soon as possible.  
44

45 **Eastern Ocean Drive Resurfacing**

46 Artie Dunn, Public Works Director, and I toured Ocean Drive with Onslow Grading & Paving on April 3, and they have agreed to  
47 come back to fix the problem areas on the recently resurfaced segment of Ocean Drive. I expect them to be make these  
48 corrections before the end of April. The Town's contract with Onslow for this work was \$260,000, and the Town has remitted  
49 payment of \$200,000 to date. The remaining \$60,000 will be remitted when the outstanding issues are addressed satisfactorily.  
50  
51  
52

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1 **New Monthly Department Head Narrative Reports**

2 We have implemented a new monthly narrative report for each Town department, and the March reports are attached for your  
3 review. The report is intended to present a brief written summary of each department's significant accomplishments during the  
4 past month, plans for the next month, and any other noteworthy items. Each department's report is in the same format.  
5

6 **Update – Jean Preston Memorial Playground Site**

7 Judy Wilgus, leader of the volunteer group working on this project, will meet with her group later in April to discuss alternative  
8 approaches for the Jean Preston Memorial Playground.  
9

10 **Update – New Welcome Center**

11 The Carteret County Tourism Development Authority met in Emerald Isle on March 13, and I presented a concept whereby the  
12 Town would finance the construction of a new Welcome Center at Merchants Park and then lease it to the TDA for a period of 8  
13 years or more. Lease payments would be structured to enable the Town to recover its full cost to construct the new building.  
14 The TDA membership seemed receptive to this concept, and I expect to engage in more detailed negotiations with TDA  
15 representatives in the coming weeks. Any formal proposal will require Board of Commissioners approval, and will be presented  
16 for Board consideration at a future meeting.  
17

18 **Beach Access Walkway Replacements**

19 The beach access walkways at Fawn Drive and Sea Dunes Drive are essentially complete, and construction is underway on the  
20 Deer Horn Drive walkway. We hope to have Deer Horn complete by Easter weekend.  
21

22 **Regional Access Parking Fees**

23 We will begin charging parking fees on Friday, April 18 (Good Friday), and will continue every weekend and holiday through  
24 September 14. Resident / taxpayer parking permits are available at the Town Administration Building.  
25

26 **Unattended Beach Equipment Exception Stickers**

27 These stickers are available at the Town Administration Building for all oceanfront property owners located between the Ocean  
28 Drive "dog-leg" and The Point. Oceanfront property owners located east of the "dog-leg" are not eligible for these stickers due to  
29 the fact that the entire flat beach strand is under public ownership in that area (as a result of significant beach nourishment).  
30

31 The 2014 stickers are identical to those used in 2011, 2012, and 2013, and the old stickers are still valid.  
32

33 **Eastern Emerald Isle Storm Water Outfall Project**

34 Work is complete at all locations except for 1<sup>st</sup> St., 15<sup>th</sup> St., and Arden Road. Public Works staff will gradually complete  
35 improvements at these 3 locations as time permits over the course of the next 6 months.  
36

37 **New Phones**

38 The new phone system is now in place, and Town staff continue to get used to the new system. For the most part, the new  
39 phone system is functioning as intended, however, we've had to work through a few glitches and still have a few more  
40 outstanding. Please let me know if you experience any problems yourself, or if you hear about problems from our customers. I  
41 want to make sure we are providing the best possible customer service for callers.  
42

43 **New IT Services**

44 VC3 is installing the new computer workstations over the weekend of April 4 – 7, and Town employees should be "live" when  
45 they arrive at work on April 7. I expect we'll have a few glitches to overcome that first day and first week, however, we will work  
46 through them as quickly as possible.  
47

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

49 We have completed all necessary paperwork to close-out this project, but are still awaiting the final reimbursement of  
50 approximately \$270,000. Of this amount, the Town will need to reimburse Carteret County approximately \$150,000.  
51  
52

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1 **Still Waiting on Executed WAMI Grant Agreement**

2 I am still waiting for the fully executed WAMI grant agreement (\$726,000) for the construction of parking area and storm water  
3 improvements at the future ocean fishing pier site at the Eastern Ocean Regional Access. I am told that all associated  
4 documents are in process, and hope to receive the fully executed documents any day.

5  
6 **Update to Residents & Visitors Guide**

7 Town staff are currently updating the Residents & Visitors Guide, and I hope to have the new version complete and distributed in  
8 May. The new guide will also be posted to the Town's website.

9  
10 **Investigation of Off-Base Surface Danger Zones – Sanders Island**

11 The Marine Corps is conducting an investigation of off-base munitions at Sanders Island (behind Browns Island and Bear Island,  
12 near Bear Inlet). I have attached a copy of the information brochure about this investigation. Although this area is far from  
13 Emerald Isle, it may be of interest to Emerald Isle boaters who may frequent that area.

14  
15 **New Kayak-Friendly Launching Docks**

16 We will soon be ordering and installing new kayak-friendly launching docks for Emerald Isle Woods Park and the Emerald Isle  
17 Public Boating Access Area. We hope to have these in place by Memorial Day weekend or soon after in June.

18  
19 The new dock at EI Woods Park will connect to the existing pier facility. The new dock at the EI Public Boating Access Area will  
20 be located in the southwest corner of the launch basin, as far away from the ramps as possible.

21  
22 **Bogue Inlet Navigation Dredging Funding**

23 To date, Carteret County (\$55,000) and Emerald Isle (\$15,000) have approved funding for the Bogue Inlet State-local  
24 partnership, and requests have been communicated to Onslow County, Swansboro, Cedar Point, and Cape Carteret by Greg  
25 Rudolph, Carteret County Shore Protection Officer. Onslow County will consider their funding as part of their FY 14-15 budget  
26 process, and the County Manager intends to include the requested \$75,000 in his recommended budget. Also, it appears that  
27 the Corps of Engineers has delayed the planned March dredging event to July, which will help to preserve the remaining  
28 \$132,000 of "old" State-local funds for that work.

29  
30 On a related note, the Carteret County Beach Commission approved funding for the transfer of the Bogue Inlet navigation  
31 dredging permit to local government. Ideally, the permit will be transferred to the County, however, it may be necessary to  
32 transfer the permit to the Town of Emerald Isle. I think it makes more sense to transfer it to the County, but I don't see any  
33 problem with EI holding the permit if necessary.

34  
35 **Water Tower Park**

36 A volunteer group is currently working to install new plantings at the base of the former water tower adjacent to the Police  
37 Station. This project is on property owned by Bogue Banks Water Corporation. This project will be a nice addition for this area.

38  
39 **17. Comments from Board of Commissioners and Mayor**

40  
41 There were no comments from the Board of Commissioners.

42  
43 Mayor Barber thanked everyone for attending the meeting tonight and he noted that the  
44 free cone day at Ben & Jerry's had been a success as they tried to raise \$2,500 to  
45 benefit Hope for the Warriors.

46  
47 ***Motion was made by Commissioner Hedreen to adjourn the meeting. The Board***  
48 ***voted unanimously 5-0 in favor. Motion carried.***

49

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1 ***The meeting was adjourned at 7:40 pm.***

2

3 Respectfully submitted:

4

5

6

7 Rhonda C. Ferebee, CMC, NCCMC

8 Town Clerk

DRAFT