

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JANUARY 14, 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
10 called to order by Mayor Eddie Barber at 7:00 PM in the Emerald Isle Town
11 Board Meeting Room.
12

13 **2. Roll Call**
14

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

18 Also present during the regular meeting: Town Manager Frank Rush, Town
19 Attorney Richard Stanley, Town Clerk Rhonda Ferebee, Planning Director Kevin
20 Reed, and Parks and Recreation Director Alesia Sanderson.
21

22 **3. Opening Prayer**
23

24 Opening prayer was offered by Mayor Eddie Barber.
25

26 **4. Pledge of Allegiance**
27

28 The Pledge of Allegiance was led by James Garman, 4 year old son of Jen &
29 Matt Garman of Emerald Isle, who are also both teachers at Broad Creek Middle
30 School.
31

32 **5. Adoption of Agenda**
33

34 ***Motion was made by Commissioner Messer to adopt the Agenda. The***
35 ***Board voted unanimously 5-0 in favor. Motion carried.***
36

37 **6. Proclamations / Public Announcements** (14-01-14/P1)
38

- 39 a. Purple Heart Community
40

41 Mayor Barber read aloud a Proclamation Honoring the Military Order of the
42 Purple Heart in Emerald proclaiming the Town of Emerald Isle to be a “Purple
43 Heart Town” in the State of North Carolina.
44

45 Present to accept the Proclamation was Kevin Hynes, Adjutant, Chapter 639, of
46 the Military Order of the Purple Heart. Mr. Hynes thanked the Board and citizens

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1
2 on behalf of all members of the Military Order of the Purple Heart for the
3 awareness and help in keeping the spirit alive with hopes that there would not be
4 many more recipients of the Purple Heart.

5
6 Mayor Barber announced the following announcements for the public:

- 7
8 • **Martin Luther King, Jr. Holiday – Monday, January 20 – Town Offices**
9 **Closed, Community Center Open**
10 • **Bicycle & Pedestrian Advisory Committee Meeting – Tuesday,**
11 **January 21 – 9 am – Community Center**
12 • **Police Educating The Public (PEP) – Tuesday, January 21 – 10 am –**
13 **Town Board Meeting Room**
14 • **Planning Board Regular Meeting – Monday, January 27 –**
15 **CANCELLED**
16 • **Board of Commissioners Regular Meeting – Tuesday, February 11 –**
17 **7 pm – Town Board Meeting Room**
18 • **Board of Commissioners Annual Budget Planning Workshop – Fri,**
19 **Feb 21 – 8:30 am – Town Admin Building**
20 • **22nd Annual St. Patrick’s Festival – Saturday, March 15 – 9 am – 6 pm**
21 **– Emerald Plantation Shopping Center**
22 • **Inaugural Emerald Isle Half-Marathon & 5K Race – Saturday, March**
23 **29 – 7 am – Western Ocean Reg Access**

24
25 **Clerks Note:** A copy of Proclamation 14-01-14/P1 as noted above is incorporated herein by reference
26 and hereby made a part of these minutes.

27
28 **7. Public Comment**

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

32
33 There were no comments from the public.

34
35 **8. Consent Agenda**

- 36
37 a. **Tax Refunds / Releases**
38 b. **Resolution Opposing Proposed Mill Pond Wind Power Facility**
39 **(14-01-14/R1)**
40 c. **Resolution Opposing Morehead City Harbor Dredged Materials**
41 **Management Plan (14-01-14/R2)**
42 d. **Resolution Accepting Public Waterfront Access Grant – Kayak**
43 **Launching Docks (14-01-14/R3)**
44
45
46

1
2 ***Motion was made by Commissioner Hoover to approve the items on the***
3 ***Consent Agenda.***
4

5 Commissioner Wootten asked about the location of the kayak launching docks,
6 feeling it would be better located at the public boat launching facility than
7 Emerald Isle Woods Park. Town Manager Rush said that the plan was to do two
8 kayak launching docks, the grant was actually awarded for Emerald Isle Woods
9 Park, but they felt with the grant match included in the budget they would have
10 enough to also place one in the southwest corner near the new pier at the public
11 boat launching facility.

12
13 ***The Board voted on Commissioner Hoover's motion unanimously 5-0 in***
14 ***favor. Motion carried.***

15
16 **Clerks Note: A copy of Resolutions 14-01-14/R1, 14-01-14/R2, 14-01-14/R3 and all other consent**
17 **agenda items as noted above are incorporated herein by reference and hereby made a part of these**
18 **minutes.**

19
20 **9. Presentation – Proposed Jean Preston Memorial Playground**

21
22 Judy Wilgus, Emerald Isle resident, and chairperson of the volunteer group
23 seeking to raise funds to establish a new playground to memorialize the late NC
24 Senator Jean Preston addressed the Board regarding this agenda item. The
25 following excerpt from the Town Manager's memo is provided for additional
26 background:

27
28 The Board of Commissioners is scheduled to receive a presentation from Judy Wilgus, an Emerald Isle resident, about
29 efforts to raise funds for the establishment of a new playground to memorialize the late NC Senator Jean Preston at
30 the January 14 meeting.

31
32 As you know, Senator Preston passed away in January 2013, and was a strong advocate for children, education, and
33 Emerald Isle. A volunteer group that includes Judy Wilgus, NC Representative Pat McElraft, Emerald Isle Parks and
34 Recreation Association, Inc. Board member Bernie Whalley, with assistance from Parks and Recreation Director Alesia
35 Sanderson, is seeking to raise \$25,000 or more for the purchase and installation of new playground equipment at the
36 Emerald Isle Public Boating Access Area. The group is just beginning their fundraising efforts, and is seeking the
37 Board's endorsement of the project and is also seeking to create public awareness.

38
39 The new playground would be located in the grassy area between the Gordie McAdams Memorial Picnic Shelter and
40 the boat ramps, and would be a nice addition to the overall soundfront park facility.

41
42 Mrs. Wilgus said that many of us in this area fondly remembered our neighbor
43 and special friend Senator Jean Preston. Mrs. Wilgus proposed to the Board a
44 plan for a lasting memorial for Jean Preston. She said that a committee of
45 Jean's friends from Emerald Isle including Representative Pat McElraft, Alesia
46 Sanderson, Bernie Whalley, and herself had been working on a plan which had
47 evolved into a children's park to be established here in Emerald Isle. Mrs. Wilgus
48

1
2 said the committee, in conjunction with the Emerald Isle Parks and Recreation,
3 had identified a suitable parcel of town property in the area adjacent to the Public
4 Boating Access area. Mrs. Wilgus provided the Board with drawings of what the
5 committee felt was a truly appropriate memorial to Senator Preston.

6
7 Mrs. Wilgus said that throughout her life in public education and as our elected
8 NC State Representative and Senator for 20 years, Jean Preston always put
9 matters regarding children first. The committee estimated the project would cost
10 approximately \$25,000 and the entire cost would be borne by tax deductible
11 donations. Donations to the project would be payable to the Town of Emerald
12 Isle. Mrs. Wilgus noted that the project would also include an engraved school
13 bell with Senator Preston's name and other information to be determined. The
14 bell would be a working bell which children would be able to ring.

15
16 Mrs. Wilgus said they planned to begin asking for donations this month and
17 would be reaching out not only to the citizens of Emerald Isle and Carteret
18 County, but to other friends statewide by mail, local media and presentations to
19 civic and other local groups. She said that letters to the editors of local
20 newspapers would be encouraged to get the word out about the memorial.

21
22 Mrs. Wilgus said that exact plan with dates to break ground, construction details,
23 and the dedication would be given to the Board at a later date. Mrs. Wilgus
24 added that they thought they may possibly raise more money that needed for the
25 project and if so would like to use that money to increase the size of the
26 playground.

27
28 Commissioner Wright asked about the possibility of fencing the area as it is so
29 near the boat launching area. Parks and Recreation Director Alesia Sanderson
30 said that fencing was included along with the bell, and mulch.

31
32 The Board thanked Mrs. Wilgus for her presentation.

33
34 ***Motion was made by Commissioner Wright to endorse volunteer efforts to***
35 ***raise funds for the establishment of the Jean Preston Memorial Playground***
36 ***at the Emerald Isle Public Boating Access Area. The Board voted***
37 ***unanimously 5-0 in favor. Motion carried.***

38
39 **10. Land Acquisition – Emerald Isle Public Boating Access Area**

- 40
41 a. Public Hearing
42 b. Resolution Authorizing NC Parks and Recreation Trust Fund Grant
43 Application (14-01-14/R4)
44 c. Land Acquisition Contract Extension
45

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1
2 Town Manager Frank Rush addressed the Board concerning this agenda item.
3 The following excerpt from his memo to the Board is provided for additional
4 background:

5
6 The Board of Commissioners is scheduled to consider two actions associated with the purchase of a vacant 2-acre lot
7 adjacent to the Emerald Isle Public Boating Access Area at the January 14 meeting.
8

9 As you know, the Town previously executed a contract to purchase Lot 1 – Shell Cove North in November 2012, and
10 that contract was contingent upon receipt of grant funds for approximately 50% of the purchase price. The contract
11 included an August 1, 2013 deadline for the receipt of grant funds. The Town applied for a NC Parks and Recreation
12 Trust Fund (PARTF) grant in January 2013, and unfortunately was not awarded grant funds in the 2013 grant cycle.
13

14 Based on feedback from PARTF staff, I believe that the Town has a reasonable chance for a PARTF grant award in
15 the 2014 grant cycle, and would like to submit a 2014 PARTF grant application for the purchase of Lot 1 – Shell Cove
16 North.
17

18 The Town's estimated cost to acquire the adjacent lot, Lot 1 - Shell Cove North, is \$175,000 (\$172,154 purchase price
19 plus closing expenses), and the Board will consider the attached resolution authorizing a grant application for 50% of
20 this cost, or \$87,500. The Board will also consider an extension of the Town's previous contract to purchase Lot 1 –
21 Shell Cove North that is again contingent upon the receipt of grant funds, with an August 1, 2014 deadline for the
22 receipt of grant funds.
23

24 As discussed previously, the Town's goal is to develop the Emerald Isle Public Boating Access Area as a
25 comprehensive soundfront park facility with both passive and active recreational amenities. Boat ramps and
26 associated parking are in place, and a new Veterans Memorial, picnic shelter, and soundside pier have been
27 constructed in the past 18 months. Additionally, a volunteer group is currently raising funds for the construction of a
28 new memorial playground in honor of the late NC Senator Jean Preston. Other potential future recreational amenities
29 considered for this facility include a small athletic field, outdoor concert venue, walking trail, and/or tennis courts.
30 Toward the realization of this goal, the Town acquired the adjacent vacant Lot 2 - Shell Cove North in January 2012,
31 with a goal to also eventually acquire Lot 1 for the development of future park amenities.
32

33 Lot 1 and Lot 2 each consist of approximately 2 acres total, with approximately ½ acre of upland area on each lot.
34 Combined, the two lots would yield a usable upland area of approximately 150 feet x 325 feet, and this land area
35 would be suitable for the development of a youth soccer field or other all-purpose athletic field that could be utilized by
36 our residents and visitors. As you know, the Town currently has no athletic fields of any kind, nor owns any land that
37 would be suitable for an athletic field. If the Town completes the acquisition of Lot 1, the entire upland area could be
38 graded and sodded for use as an all-purpose athletic field, potentially with soccer goals, and could also be used for any
39 number of field sports. Additionally, the open grassy area could potentially be used as a soundfront venue for outdoor
40 concerts, or other formal or informal gatherings. I envision that much of this work could be completed by Town staff at
41 relatively minimal expense in the future, as funds and time permit. The combination of Lot 1 and Lot 2 could also be
42 used for other desired park amenities as determined by the Board of Commissioners and/or the Emerald Isle Parks
43 and Recreation Association, Inc.
44

45 The attached land purchase contract includes a new addendum that extends the previous contract until August 2014.
46 All other terms and conditions are identical to the original contract executed in November 2012. The purchase price is
47 \$172,154, which is the same price that the Town paid to acquire Lot 2 – Shell Cove North in January 2012. The land
48 purchase contract is contingent upon the Town's receipt of grant funds equal to 50% of the purchase price. The
49 remaining 50% of the purchase price would be financed by the owner at a cost of \$750 per month (or \$9,000 per year)
50 for a 10-year period. This equates to an interest rate of approximately 0.82% on the Town's 50% cost-share.
51

52 A public hearing is required for the NC PARTF grant application, and has been advertised for the January 14 meeting.
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Motion was made by Commissioner Messer to open the Public Hearing. The Board voted unanimously 5-0 in favor. Motion carried.

Bernie Whalley, 5306 Ocean Drive, resident, local businessman, and Emerald Isle Parks and Recreation Association, Inc. director spoke to the Board and stated that the Town of Emerald Isle has taken many steps to create a pleasant environment for those who would visit our part of Carteret County. In the matter of a few years we have developed large parking areas with bath facilities in the Eastern and Western parts of our town for people visiting Emerald Isle. We have built a 160 foot dock facility with a special Kayak ramp and developed a beautiful area for the placement of a large boat ramp and parking for 112 trucks with trailers. We have erected a Veterans Memorial, a 1,000 foot walkway with dock on the west side of the channel leading to the Bogue Sound waters. There are Memorial benches for those who wish to drink in the beauty of the Intracoastal Waterway. And now there is a group raising money to construct a children's playground in memory of Senator Jean Preston. It is not hard to envision the beauty and usefulness of a soccer field and potential concert area on the west side of the new walkway. Each of these steps have been taken to carry on the tradition of Emerald Isle being a Family Beach. It really amounts to another feather in the cap of Coastal Carolina. I urge the Board to support the proposed 2014 application for a NC Parks and Recreation Trust Fund Grant.

Mr. Whalley read aloud comments from Clay Olsen, Pastor of Emerald Isle Chapel by the Sea, and director of the Emerald Isle Parks and Recreation Association, Inc. as follows - "Just want to add my support to the proposal of the addition of land for future park amenities. Great recommendation...simply more benefits for the town and all who visit this area. "

Mr. Whalley also read aloud comments from Linda Hughs, director of the Emerald Isle Parks and Recreation Association, Inc. as follows - "I am in full support of the town making an application for a grant to purchase additional property in order to help the town further its mission to make Emerald Isle a Family Beach. The thought of additional land to build a soccer field or area for other outdoor events merits support from all of us."

Motion was made by Commissioner Wootten to close the Public Hearing. The Board voted unanimously 5-0 in favor. Motion carried.

Motion was made by Commissioner Messer to adopt the Resolution Authorizing NC Parks and Recreation Trust Fund Grant Application. The Board voted unanimously 5-0 in favor. Motion carried.

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2 ***Motion was made by Commissioner Hedreen to approve the Land***
3 ***Acquisition Contract Extension. The Board voted unanimously 5-0 in favor.***
4 ***Motion carried.***

5
6 **Clerks Note: A copy of Resolution 14-01-14/R4 as noted above is incorporated herein by reference**
7 **and hereby made a part of these minutes.**
8

9 **11. Ordinance Amending Chapter 6 – Development Standards – of the**
10 **Unified Development Ordinance Regarding Political Campaign Signs**
11 **(14-01-14/O1)**

- 12
13 **a. Public Hearing**
14 **b. Consideration of Ordinance**
15

16 Planning Director Kevin Reed addressed the Board concerning this agenda item.
17 The following excerpt from his memo to the Town Manager is provided for
18 additional background:

19
20 During the November 25, 2013 meeting of the Planning Board, Town staff discussed with the members a possible
21 amendment to Chapter 6, "Development Standards", Section 6.6, "Signs", Paragraph 6.6.2(6)(H) of the Town's Unified
22 Development Ordinance (UDO) in order to amend the regulations for political signs. Town staff believes the
23 amendment to the UDO is necessary in order to remove differences between how political signs are regulated along
24 Highway 58 (Emerald Drive) and the remaining streets in Town. Currently, State law and the Town's Unified
25 Development Ordinance include provisions regulating campaign signs and there are different requirements for: 1) NC
26 58; and, 2) all other Town streets. This difference is due to a 2011 State law that no longer allows cities and towns to
27 regulate campaign signs along State highway right-of-ways. The following is a brief summary of current regulations for
28 political signs.
29

30 **State Law - Applies on NC 58**

- 31
32 1. Campaign signs may be placed within the NC 58 right of way, but you must have the permission of the
33 adjacent private property owner.
34
35 2. Signs must be placed at least 3 feet from the edge of the NC 58 pavement, and can not be more than 42
36 inches higher than the asphalt roadway surface.
37
38 3. Campaign signs may not be displayed earlier than 30 days prior to the start of "one-stop" voting and for more
39 than 10 days after the election
40
41 4. Care should be taken to make sure campaign signs in the NC 58 right of way do not obstruct a driver's sight
42 distance at an intersection or create an unsafe condition for motorists, pedestrians, or bicyclists.
43 5. Signs can not be larger than 6 square feet (864 square inches).
44
45 6. There is no limit on the number of campaign signs, provided that all other regulations are followed.
46
47 7. Signs can not obscure or replace other signs.
48
49 8. No campaign signs are permitted on or in front of Town-owned property.
50
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Town Ordinance - Applies Everywhere Else in Emerald Isle (Including Private Property Fronting on NC 58)

1. Campaign signs are allowed on private property only (with the property owner's permission), and are not permitted in the public street right of ways.
2. Campaign signs may not be displayed earlier than 90 days prior to the election and for more than 10 days after the election.
3. Campaign signs may not be larger than 16 square feet per sign (2,304 square inches).
4. No banners are permitted.
5. There is no limit on the number of campaign signs, provided that all other regulations are followed.
6. No campaign signs are permitted on or in front of Town-owned property.

Having two sets of regulations pertaining to political signs within the Town can be confusing for candidates and the property/business owners and residents who support them. Town staff proposed that the UDO be amended to include one set of regulations that would pertain to all political signs. At the November 2013 meeting of the Planning Board, Town staff presented a potential amendment to the UDO that follows the guidelines established by the State for political signs and makes it applicable to all streets within the Town whether they are Town streets or State roadways. It is important to note that the changes would allow for signs to be placed in all street and highway right-of-ways. The

changes would also reduce the size of all political signs along Town streets to six (6) square feet. In addition, instead of allowing signs to be erected 90 days before an election; it would restrict them to 30 days prior to the start of "one-stop" voting. Following its discussion of the amendment, the Planning Board voted unanimously (6 to 0) to recommend to the Board of Commissioners that the amendment be approved.

Commissioner Hoover suggested a shorter period of time than 10 days following the election for removal of signs. Planning Director Reed responded that they could enforce that shorter time frame along town streets, but would not be able to enforce a shorter time period on Highway 58. Town Attorney Stanley confirmed that State law preempted local on Highway 58. Planning Director Reed noted if it provided any comfort that in the 10 years he had been here he may have picked up a handful of signs beyond the 10 day period following an election and it was generally for a statewide office.

Motion was made by Commissioner Messer to open the Public Hearing. The Board voted unanimously 5-0 in favor. Motion carried.

There were no comments from the public.

Motion was made by Commissioner Hoover to close the Public Hearing. The Board voted unanimously 5-0 in favor. Motion carried.

Motion was made by Commissioner Wright to adopt the Ordinance Amending Chapter 6 – Development Standards – of the Unified Development Ordinance Regarding Political Campaign Signs. The Board voted unanimously 5-0 in favor. Motion carried.

1
2 **Clerks Note: A copy of Ordinance Amendment 14-01-14/O1 as noted above is incorporated herein by**
3 **reference and hereby made a part of these minutes.**
4

5 **12. Coast Guard Road Storm Water Improvements**
6

- 7 **a. Resolution Authorizing Construction Contract – Island Circle Storm**
8 **Water Pipe Connection (14-01-14/R5)**
9 **b. Resolution Authorizing Construction Contract – Lands End Storm**
10 **Water Pipe Connection (14-01-14/R6)**
11 **c. Storm Water Management Agreement – Lands End of Emerald Isle**
12 **Association**
13 **d. Declaration of Official Intent to Reimburse (from Installment**
14 **Financing Proceeds)**
15 **e. Capital Project Ordinance Amendment – Island Circle Storm Water**
16 **Pipe Connection**
17 **f. Capital Project Ordinance Amendment – Lands End Storm Water**
18 **Pipe Connection**
19

20 Town Manager Rush addressed the Board concerning this Agenda item. The
21 following excerpt from the Town Manager's memo is provided for additional
22 background:
23

24 The Board of Commissioners is scheduled to consider six items that would authorize the construction of new storm
25 water pipe connections from the Island Circle pump station and the Lands End pump station to the Town's storm water
26 system that eventually discharges at Emerald Isle Woods Park. These projects were included in the 2013 "community
27 improvements package" and FY 13-14 budget approved by the Board in June 2013, and will fully complete the overall
28 Coast Guard Road Storm Water Project envisioned by the Town when Emerald Isle Woods Park was purchased to
29 serve as the Town's storm water receiving site in 2002.
30

31 In total, the Board actions to be considered at the January 14 meeting result in total expenditures of \$640,000, which is
32 just slightly higher than the \$635,000 included in the 2013 "community improvements package" and FY 13-14 budget
33 for these projects. In order to provide the additional \$5,000 necessary for these projects, I am (at least temporarily)
34 recommending that the amount of installment financing proceeds issued for these projects be increased by \$5,000.
35 This small increase, combined with lower than anticipated interest rates, is not expected to have a significant impact on
36 the annual debt service payments associated with the 2013 "community improvements package". If there are savings
37 in other projects included in the 2013 "community improvements package", however, these savings will be utilized
38 instead.
39

40 An explanation of each of the six items for Board consideration is presented below.
41

42 Resolution Authorizing Construction Contract – Island Circle Storm Water Pipe Connection

43 The Board will consider a Resolution Authorizing a Construction Contract with Thomas Simpson Construction,
44 Morehead City, NC in the amount of \$268,560 for the installation of 8" HDPE storm water pipe via horizontal directional
45 drilling (i.e., boring underground) from the Town's Island Circle pump station to the main entrance to Lands End. The
46 total length of pipe to be installed is approximately 4,400 linear feet. This new pipe would tie into the Town's overall
47 storm water system at the main entrance to Lands End.
48

49 The Town solicited bids for this work in December and January, and received bids from 5 contractors. The Town
50 requested two separate bids for this work – a base bid and an alternate bid – and the bid documents indicated that the

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Town would select the best option for the Town. The base bid involves the installation of approximately 2,600 linear ft. using the directional drilling method (from Island Circle to Point Emerald Villas) and the installation of approximately 1,800 linear ft. (from Point Emerald Villas to Lands End main entrance) using the open-cut method. The Town received the following bids for the base bid:

- SunLand Builders, Newport, NC \$ 233,100,
- Thomas Simpson Construction, Morehead City, NC \$ 271,560,
- T&H Construction, Hampstead, NC \$ 295,486,
- AC Schultes, Wallace, NC \$ 298,500, and
- TA Loving, Goldsboro, NC \$ 416,500.

The alternate bid involves the installation of the entire 4,400 linear ft. using the directional drilling method (from Island Circle to the Lands End main entrance). The Town received the following bids for the alternate bid:

- Thomas Simpson Construction, Morehead City, NC \$ 271,560,
- AC Schultes, Wallace, NC \$ 291,300,
- SunLand Builders, Newport, NC \$ 296,000,
- T&H Construction, Hampstead, NC \$ 397,286, and
- TA Loving, Goldsboro, NC \$ 454,500.

SunLand Builders is the lowest responsive bidder based on the base bid, and Thomas Simpson Construction is the lowest responsive bidder based on the alternate bid. After considering several factors (outlined below), I am recommending that the Board authorize a construction contract with Thomas Simpson Construction for the alternate bid utilizing the directional drilling method for the entire project. The total contract amount recommended is \$268,560, as I have negotiated a \$3,000 price reduction with Thomas Simpson Construction. The attached resolution authorizes this contract. The Town has enjoyed a productive and cooperative relationship with Thomas Simpson Construction on several past projects, and I am confident that they can complete this project in a successful manner for the Town.

For this contract, I am recommending the alternate bid utilizing the directional drilling method for the entire project for the following reasons:

- the cost difference between the base bid and the alternate bid is relatively small and manageable, with a total additional cost of approximately \$35,000,
- the use of the directional drilling method in this entire project area will likely result in a faster completion time, as the directional drilling method is usually faster,
- with this approach, the Town would use a different contractor for the Island Circle project than the Lands End project, enabling two contractors to be working simultaneously (we are planning to install a bicycle path in this area after installation of the storm water pipe and before Memorial Day weekend),
- the use of directional drilling will install the pipe at a depth of 7 – 8 ft. below grade, below utilities, resulting in less potential for utility conflicts,
- the use of directional drilling will result in less disruption along this segment of Coast Guard Road, and
- the use of directional drilling will avoid the need for any dewatering that could potentially be required using the open-cut method.

If the Board is not comfortable with the additional \$35,000 expense associated with this recommendation, the Board has the authority to select SunLand Builders to complete the work outlined in the base bid, and the attached resolution can be easily modified.

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I hope to execute a contract for this work within the next week, and have the contractor begin work as soon as possible. My goal is to have this work completed by April 1 so that construction of a new bicycle path can begin in this area immediately thereafter and ideally be complete by Memorial Day weekend. In addition, I plan to investigate the possibility of executing a change order with the contractor to also include some or all of the planned bicycle path work in this area. I need to complete more work on this idea in the coming weeks, and may make that recommendation to the Board in February or March.

Resolution Authorizing Construction Contract – Lands End Storm Water Pipe Connection

The Board will consider a Resolution Authorizing a Construction Contract with SunLand Builders, Newport, NC in the amount of \$369,333 for the installation of 8" HDPE storm water pipe via horizontal directional drilling (i.e., boring underground) from the existing Lands End pump station to the main entrance to Lands End and the installation of 12" HDPE storm water pipe using the open-cut method along Coast Guard Road from the main entrance to Lands End to the intersection of Coast Guard Road and Dolphin Ridge Road. The contract also includes the use of directional drilling of the 12" HDPE pipe underneath of Spinnakers Reach Road and Dolphin Ridge Road.

The Town solicited bids for this work in December and January, and received bids from 4 contractors. The Town requested two separate bids for this work – a base bid and an alternate bid – and the bid documents indicated that the Town would select the best option for the Town. The base bid involves the installation of approximately 2,800 linear ft. using the directional drilling method and the installation of approximately 2,600 linear ft. using the open-cut method. The Town received the following bids for the base bid:

- | | |
|--|-----------------|
| • SunLand Builders, Newport, NC | \$ 369,333, |
| • T&H Construction, Hampstead, NC | \$ 391,535, |
| • Thomas Simpson Construction, Morehead City, NC | \$ 392,866, and |
| • TA Loving, Goldsboro, NC | \$ 543,561. |

The alternate bid involves the installation of the entire 5,400 linear ft. using the directional drilling method. The Town received the following bids for the alternate bid:

- | | |
|--|-----------------|
| • Thomas Simpson Construction, Morehead City, NC | \$ 463,066, |
| • SunLand Builders, Newport, NC | \$ 465,833, |
| • TA Loving, Goldsboro, NC | \$ 570,061, and |
| • T&H Construction, Hampstead, NC | \$ 594,535. |

SunLand Builders is the lowest responsive bidder based on the base bid, and Thomas Simpson Construction is the lowest responsive bidder based on the alternate bid. After considering several factors (outlined below), I am recommending that the Board authorize a construction contract with SunLand Builders for the base bid utilizing both the open-cut method (along Coast Guard Road) and the directional drilling method (within Lands End subdivision and underneath of Spinnakers Reach Road and Dolphin Ridge Road). The total contract amount recommended is \$369,333, and the attached resolution authorizes this contract with SunLand Builders. The Town has enjoyed a productive and cooperative relationship with SunLand Builders on several past projects, and I am confident that they can complete this project in a successful manner for the Town.

For this contract, I am recommending the base bid (utilizing both the open-cut and directional drilling methods) for the following reasons:

- the cost difference between the base bid and the alternate bid is relatively large and not feasible given the Town's budget constraints, with a total additional cost of approximately \$94,000,
- the use of the open-cut method along Coast Guard Road between Lands End and Dolphin Ridge, with some significant trees and dunes, is expected to make the eventual construction of the bike path easier in this area, and

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- with this approach, the Town would use a different contractor for the Lands End project than the Island Circle project, enabling two contractors to be working simultaneously (we are planning to install a bicycle path in this area after installation of the storm water pipe and before Memorial Day weekend).

This contract includes a connection to the Lands End pump station that essentially involves disconnecting the two existing Lands End electric pumps (they also have two diesel pumps) from the Lands End system (that discharges to their dune field) and connecting these two pumps to the Town's system. The project involves the installation of a "gate valve" on the Tradewinds Drive private street right-of-way that can be used to direct flow to EITHER the Town system OR back to the Lands End system (via another connection on Tradewinds Drive). The attached agreement (described below) with Lands End outlines the key provisions for the operation and maintenance of this system. This approach is expected to provide additional (and theoretically unlimited) capacity for Lands End to pump to the Town's system.

I hope to execute a contract for this work within the next week, and have the contractor begin work as soon as possible. For future bicycle path reasons, the contract for this project specifically requires the work along Coast Guard Road (the open-cut work between Lands End and Dolphin Ridge) to be completed first, with the work within the Lands End subdivision occurring later. My goal is to have the work along Coast Guard Road completed by April 1 so that construction of a new bicycle path can begin in this area immediately thereafter and ideally be complete by Memorial Day weekend. In addition, I plan to investigate the possibility of executing a change order with the contractor to also include some or all of the planned bicycle path work in this area. I need to complete more work on this idea in the coming weeks, and may make that recommendation to the Board in February or March.

Storm Water Management Agreement – Lands End of Emerald Isle Association

As you know, Lands End operates and maintains an extensive private system of ponds, pipes, and pumps within Lands End that discharges to the dune field within Lands End. This connection of the two existing electric Lands End pumps to the Town's system is intended to provide additional receiving capacity (at Emerald Isle Woods) for Lands End, and the intent of both the Town and Lands End is for the two parties to work cooperatively to maximize the effectiveness of both the Lands End system and the Town's system in the future.

In the simplest sense, the system that will be constructed this winter / spring is intended to function whereby the two existing Lands End diesel pumps would continue to discharge to the Lands End dune field, and the two existing Lands End electric pumps would now discharge to the Town's system (Emerald Isle Woods). The design does include, intentionally, a "gate valve" that can be used to direct the flow from the two electric pumps back to the Lands End system if necessary or desired in certain circumstances.

The attached agreement includes the following key provisions regarding the Town's partnership with Lands End:

- Lands End will continue to own, operate, and maintain all pumps, pipes, and other features currently in place,
- Lands End will grant easements to the Town to install, operate, and maintain the new pipe in Lands End on common areas and along Tradewinds Drive (as noted above, this pipe will be installed via directional drilling to minimize impacts on property owners within Lands End),
- Town will own, operate, and maintain the new pipe installed in Lands End,
- The default setting on the "gate valve" will be to direct water pumped by the two electric pumps to the Town's system,
- Town and Lands End will work cooperatively to address storm water flooding concerns, however, Town reserves final decision-making authority on the setting of the "gate valve".

Town Attorney Richard Stanley has reviewed and approved the attached agreement, and the leaders of the Lands End of Emerald Isle Association have reviewed and approved the attached agreement. If approved by the Board, we will formally execute the document within the next week or two.

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1
2 Declaration of Official Intent to Reimburse

3 The attached declaration is required to comply with US Treasury regulations and maintain the tax-exempt status of the
4 Town's upcoming installment financing agreement, and is procedural in nature.
5

6 As you know, the 2013 "community improvements package" includes the issuance of \$2.35 million of new installment
7 debt over a 9-year term, and the proceeds will be used to finance the construction of several projects. The Town can
8 not seek NC Local Government Commission approval nor issue the new debt until construction bids are in hand for the
9 majority of the projects included in the 2013 "community improvements package". We expect to have the majority of
10 construction bids in hand no later than February, and the new installment debt will be issued soon thereafter. In the
11 meantime, in order to finance the construction of these two projects and remain on schedule to complete all projects
12 included in the 2013 "community improvements package" by Memorial Day weekend, the Town must "up-front" the
13 cash for the construction of these two projects. The attached declaration will then legally allow the Town to reimburse
14 itself from the proceeds of the installment debt to be issued in March or April 2014.
15

16 The Town is fortunate to be in a good cash position, and has the available cash to temporarily "up-front" the cash
17 necessary to honor the two storm water pipe contracts.
18

19 Capital Project Ordinance Amendment – Island Circle Storm Water Pipe Connection

20 The attached capital project ordinance amendment is procedural in nature, and formally amends the project budget for
21 the Island Circle Storm Water Pipe Connection. The original capital project ordinance adopted by the Board in August
22 2013 envisioned a different division of the combined scope of the Island Circle and Lands End projects, and the
23 attached amendment simply adjusts the project budget to match the scope of the recommended contract with Thomas
24 Simpson Construction.
25

26 The attached capital project ordinance amendment formally decreases the amount of installment financing proceeds
27 allocated for construction by \$200,000, resulting in an amended construction budget of \$270,000. As noted earlier, the
28 combined contracts are \$5,000 greater than the combined budget established by the Board for these projects in
29 August 2013.
30

31 Capital Project Ordinance Amendment – Lands End Storm Water Pipe Connection

32 The attached capital project ordinance amendment is also procedural in nature, and formally amends the project
33 budget for the Lands End Storm Water Pipe Connection. As noted above, the original capital project ordinance
34 adopted by the Board in August 2013 envisioned a different division of the combined scope of the Island Circle and
35 Lands End projects, and the attached amendment simply adjusts the project budget to match the scope of the
36 recommended contract with SunLand Builders.
37

38 The attached capital project ordinance amendment formally increases the amount of installment financing proceeds
39 allocated for construction by \$205,000, resulting in an amended construction budget of \$370,000. As noted earlier, the
40 combined contracts are \$5,000 greater than the combined budget established by the Board for these projects in
41 August 2013.
42

43 Mayor Barber asked for any comments from the public.
44

45 Paul Schwartz, Wyndtree Drive, asked whether the timing of this would affect
46 having the project complete by Memorial Day. Town Manager Rush explained
47 that they had to go through design process, the schedule was set for work to
48 begin within the next week or two, the contracts stipulate this work should be
49 completed by April 1, 2014, and his intent was to come back at the March
50 meeting with a contract for the bicycle path construction to come in over the pipe
51 by Memorial Day. Mr. Rush said it was an ambitious schedule, and would be
52 tight but he felt right now they were on track.

1
2 A resident from Lands End spoke from the audience on behalf of Lands End and
3 thanked Frank Rush, Town Manager for all he had done and thanked the Board
4 for their help in rectifying the problems.

5
6 **Motion was made Commissioner Messer to:**

- 7
8 • **Approve the Resolution Authorizing Construction Contract – Island**
9 **Circle Storm Water Pipe Connection;**
10 • **Approve the Resolution Authorizing Construction Contract – Lands**
11 **End Storm Water Pipe Connection;**
12 • **Approve the Storm Water Management Agreement – Lands End of**
13 **Emerald Isle Association, Inc. (to include the additional provision**
14 **amendment);**
15 • **Approve the Declaration of Official Intent to Reimburse**
16 **Expenditures;**
17 • **Approve the Capital Project Ordinance Amendment – Island Circle**
18 **Storm Water Pipe Connection; and to**
19 • **Approve the Capital Project Ordinance Amendment – Lands End**
20 **Storm Water Pipe Connection.**

21
22 **The Board voted unanimously 5-0 in favor. Motion carried.**

23
24 Clerks Note: A copy of Resolutions 14-01-14/R5, 14-01-14/R6 and all other related items as noted
25 above are incorporated herein by reference and hereby made a part of these minutes.

26
27 **13. Resolution Authorizing Playground Equipment Contract – Blue Heron**
28 **Park (14-01-14/R7)**

29
30 Parks and Recreation Director Alesia Sanderson addressed the Board
31 concerning this agenda item. The following excerpt from the Town Manager's
32 memo to the Board is provided for additional background:

33
34 The Board of Commissioners is scheduled to consider the attached resolution authorizing a contract with American
35 Park and Recreation Company, Tampa, FL for the purchase and installation of new playground equipment at Blue
36 Heron Park. The total amount of the contract is \$99,550.

37
38 The Town's existing playground equipment at Blue Heron Park is heavily utilized by the children and grandchildren of
39 Emerald Isle property owners and visitors. The existing playground equipment is now approximately 14 years old, and
40 continues to deteriorate, resulting in potentially unsafe conditions and a less-than-desired playground experience for
41 the users of this facility.

42
43 Recognizing the need for new playground equipment, the Board of Commissioners included a total of \$100,000 in the
44 2013 "community improvements package" approved as part of the FY 13-14 budget. Alesia Sanderson, Parks and
45 Recreation Director, has solicited proposals from 8 different playground equipment companies. These 8 companies
46 submitted a total of 11 proposals. Town staff reviewed the 11 proposals in recent weeks, narrowing the list to the top 3
47 proposals. The top 3 proposals were then reviewed by the children and parents involved in the Town's preschool and
48

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1
2 afterschool programs. Based on this input, Town staff recommend "Proposal B" from American Park and Recreation
3 Company, as outlined in the attached documents.

4
5 I have attached graphical illustrations of the top 3 proposals for the Board's review. All 3 proposals range in cost from
6 \$99,550 to \$99,995. If the Board prefers one of the other 2 proposals, the attached resolution can be amended to
7 reflect the proposal selected.

8
9 If approved by the Board, the new playground equipment is expected to be installed and open to the public by April.
10 The vast majority of the existing playground equipment will be disposed of, however, a few smaller components may
11 be salvaged for re-use at Ocean Oaks Park and the Emerald Isle Public Boating Access Area. The existing
12 playground borders at Blue Heron Park will remain in place, and Town staff will coordinate the placement of new mulch
13 in the playground area later this spring.

14
15 Alesia Sanderson will present the top 3 proposals to the Board and be available to answer questions at the January 14
16 meeting.

17
18 Parks and Recreation Director Alesia Sanderson spoke to the Board about staff's
19 recommendation to award the contract for the new playground equipment at Blue
20 Heron Park as shown in their packets as "Proposal B" from American Park and
21 Recreation Company, Tampa, Florida for \$99,550. Ms. Sanderson explained the
22 process used to narrow down the proposals involving the Town's preschool and
23 afterschool children and parents.

24
25 Ms. Sanderson said that when she initially started the process she tried to
26 include a splash pad component but it was not best practice to put a splash pad
27 directly adjacent to a playground.

28
29 Ms. Sanderson said that the components from the existing playground if usable
30 would be recycled elsewhere but cautioned that very little of that was usable.

31
32 A citizen from the audience spoke of taking her children to splash pads in other
33 communities and how wonderful they were for children on hot days.

34
35 Commissioner Hoover asked if benches and fencing for safety could be added,
36 and Ms. Sanderson said they would be adding memorial benches and she would
37 be happy to look at fencing in that area.

38
39 Commissioner Wootten pointed out that this effort was coming from the \$100,000
40 earmarked from the Community Improvements Package that had been approved
41 by the public.

42
43 **Motion was made by Commissioner Hedreen to approve the Resolution**
44 **Authorizing Playground Equipment Contract – Blue Heron Park. The Board**
45 **voted unanimously 5-0 in favor. Motion carried.**

46
47
48

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Clerks Note: A copy of Resolution 14-01-14/R7 as noted above is incorporated herein by reference and hereby made a part of these minutes.

14. Future New Ocean Fishing Pier – Initial Site Improvements

- a. **Resolution Authorizing Contract with Moffat Nichol Engineers**
(14-01-14/R8)
- b. **Capital Project Ordinance**

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

The Board of Commissioners is scheduled to consider two items associated with the initial site improvements (parking area and storm water management features) for the Town's future new ocean fishing pier (at the Eastern Ocean Regional Access) at the January 14 meeting.

The Board will first consider the attached resolution authorizing a contract with Moffatt & Nichol Engineers, Raleigh, NC for minor design modifications and permit, bid coordination, and construction administration services for the parking area and storm water management features. Second, the Board will formally consider the establishment of a new capital project ordinance for the project.

Resolution Authorizing Contract With Moffatt & Nichol Engineers

As you know, Moffat & Nichol Engineers previously completed the detailed design of the new ocean fishing pier, ~ 13,000 sq. ft. pier house, and associated site improvements. This work was funded by the NC Aquariums, and the design documentation has been transferred to the Town for future use.

With the recent release of the remaining \$726,000 of Waterfront Access and Marine Industry (WAMI) grant funds from the NC Department of Environment and Natural Resources to the Town, the Town is now ready to proceed with the

parking area and storm water management features. Although Moffatt & Nichol has completed the design work for the parking area and storm water management features, minor design modifications are necessary to proceed, and the Town will also need to secure necessary permits and solicit construction bids. In addition, construction administration services will be required to insure the contractor's compliance with the project design.

The attached resolution authorizes a contract with Moffatt & Nichol in the amount of \$51,350. This contract amount breaks down as follows:

Design modifications, including permit coordination	\$15,650	
Wastewater treatment and electrical subconsultants	\$10,000	
Bid coordination and construction administration services	<u>\$25,700</u>	
TOTAL		\$51,350

This contract would be funded by WAMI grant proceeds, and the remaining \$674,650 would be available for construction. Planned improvements include the following:

- construction of a new 160 vehicle parking lot with asphalt travel lanes, pervious paving blocks for the parking spaces, and concrete curb and gutter,
- construction of significant subsurface storm water management features,

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- resurfacing of the Park Drive right-of-way on the soundside portion of the property, including the paving of a gravel cul-de-sac area, and
- the addition of 3 parking spaces on the soundside portion, along with a paved walkway to the new soundside pier.

Copies of the plans for these features are attached for the Board's review. The Board should note that the proposed Moffatt & Nichol contract does not include services associated with the construction of the soundside improvements at the future ocean fishing pier site. These improvements are relatively minor, and will be managed directly by Town staff.

If the Board approves the attached resolution, I expect Moffatt & Nichol to begin work on this project within the next few weeks. My goal is to have all required permits in hand by August 1, and to have construction bids in hand by September 1. The Board would then be asked to authorize a construction contract at the September 2014 meeting, and work would begin soon thereafter and be completed during the winter / spring of 2014 - 2015. Ideally, all improvements will be complete by April 1, 2015, prior to the main tourism season.

As you know, the construction of the new ocean fishing pier is still several years away, and the Town will also likely construct a much smaller (1,000 – 2,000 sq. ft.) pier house than originally designed (~13,000 sq. ft.). Based on discussions with Moffatt & Nichol, I believe that the initial site improvements are laid out and can be constructed in such a manner that they will not be negatively impacted by the eventual construction activities associated with a new ocean fishing pier and pier house. Great care would be taken to avoid or minimize any construction impacts at that time.

Capital Project Ordinance

The attached capital project ordinance formally establishes a multi-year budget for this project. The total project budget included in the attached capital project ordinance is \$726,000, and is completely supported by anticipated WAMI grant revenues.

The attached capital project ordinance formally appropriates \$51,350 for the Moffatt & Nichol contract, with the remaining \$674,650 appropriated for construction.

Mayor Barber asked for comments from the public.

There were no comments from the public.

Motion was made by Commissioner Wootten to approve the Resolution authorizing Contract with Moffat & Nichol Engineers. The Board voted unanimously 5-0 in favor. Motion carried.

Motion was made by Commissioner Hoover to approve the Capital Project Ordinance. The Board voted unanimously 5-0 in favor. Motion carried.

Clerks Note: A copy of Resolution 14-01-14/R8 as noted above is incorporated herein by reference and hereby made a part of these minutes.

1
2 **15. Resolution Opposing Coastal Homeowners Insurance Rate Increases**
3 **(14-01-14/R9)**
4

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

9 The Board of Commissioners is scheduled to consider the attached resolution formally expressing the Town's
10 opposition to recently requested homeowners insurance rate increases. The NC Rate Bureau, working on behalf of
11 the insurance companies in NC, has requested a 35% increase in the base rates for homeowners insurance in many
12 areas of NC, including Territory #8 that includes all barrier islands in the southern area of NC. The requested increase,
13 if granted, would result in significant additional cost for Emerald Isle homeowners, and comes on top of four other
14 significant rate increases since 2005.
15

16 The "base rate" for \$75,000 worth of homeowners insurance coverage for Emerald Isle homeowners is currently
17 \$1,823, and if the requested increase is granted it would increase to \$2,461. It is important to note that the base rate is
18 the most relevant comparison factor, however, the base rates are adjusted up and down based on numerous factors
19 (type of construction, deductibles, etc.). It is also important to note that the base rate is for \$75,000 worth of coverage,
20 and most homes in Emerald Isle are likely valued in the \$150,000 - \$300,000 range and higher. Actual annual
21 premiums vary, but the typical annual cost for homeowners insurance in Emerald Isle is likely between \$2,000 - \$5,000
22 annually, and is a significant cost for any homeowner, regardless of economic status. The requested increase will
23 likely add \$1,000 or more to the annual homeowners insurance premiums for many Emerald Isle homeowners.
24

25 The requested 35% rate increase follows four other significant rate increases since 2005:
26

- 27 • 2005 – 15% increase approved,
- 28 • 2007 – 25% increase approved,
- 29 • 2009 – 17.5% increase approved,
- 30 • 2013 – 19.8% increase approved,
- 31 • 2014 – 35% increase REQUESTED.

32
33 The cumulative effect of these increases is that current base rates are 75% more than the approved 2005 rate (after
34 the 15% increase went into effect). If the 2014 increase is approved, rates will have increased by 138% since 2005. I
35 suspect there are very few consumer products or services anywhere, for anyone that have increased as significantly
36 during that time.
37

38 It is perhaps more alarming that homeowners in Territory #8 already pay the highest base rates in North Carolina, with
39 rates that are 4 – 5 times higher than many other areas in North Carolina. If the requested rate increase is approved,
40 the base rates in Territory #8 will be nearly 6 times higher than some other areas. The attached sheet compares the
41 base rates for all territories in NC. The basic premise of insurance is to spread risk and share recovery costs to
42

43 minimize risk and cost for all participants, and it appears that the assignment of homeowners on barrier islands in one
44 distinct group is contributing to the unfair and unreasonable increases. Through the assignment of rates, it appears
45 that homeowners in other parts of NC are willing to have coastal homeowners share in the risk and costs associated
46 with typical inland perils, but are not willing to share in the risk and costs associated with coastal perils. The narrower
47 the territory area, the greater the cost for the homeowners within that territory.
48

49 As you know, there is overwhelming public sentiment in coastal North Carolina against the previous and currently
50 requested rate increases. It is interesting to note that the percentage increases for the entire state are relatively
51 significant in the current request, as opposed to previous coastal rate increases that were coupled with reductions for
52 many other areas in the State. I suspect there will be more public outcry all over NC over the 2014 request, however, it
53 is important to recognize that a 35% increase on a \$336 base rate (Cabarrus and Rowan counties – additional cost of

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1
2 \$118 annually) is much more tolerable than a 35% increase on a \$1,823 base rate (barrier islands in southern coastal
3 NC – additional cost of \$638 annually), especially when one considers that the base rates are for \$75,000 worth of
4 coverage only.

5
6 If the Board approves the attached resolution, I intend to send a copy of the resolution and the attached cover letter
7 signed by Mayor Barber as the Town's official public comment, which is due by January 31. I encourage all Emerald
8 Isle homeowners to also submit comments to 2014homeowners@ncdoi.gov by the January 31 deadline, and I plan to
9 send out a mass email to the Town's newsletter subscribers on January 15 with a sample comment letter (attached)
10 that can be submitted to 2014homeowners@ncdoi.gov if so inclined. I also plan to attend the scheduled public
11 comment meeting in Raleigh on January 24 to verbally express the Town's opposition, and I encourage any concerned
12 Emerald Isle homeowners to do the same if so inclined.

13
14 I am also planning to forward copies of this information to Representative McElraft and Senator Sanderson, and also to
15 other coastal local governments. I suspect that many, if not all, of them are planning similar efforts.

16
17 Town Manager Rush stated that the attached resolution would formally express
18 the Town's opposition to the requested 35% increase in coastal homeowners'
19 insurance rates by the NC Rate Bureau and it asks them to reject the increase
20 outright and to work toward a fairer structure in the long term for homeowners
21 insurance for the coastal areas. Mr. Rush noted that this increase if implemented
22 would likely result in additional annual costs of \$1,000 or more for many Emerald
23 Isle homeowners. Mr. Rush said this requested increase followed previous
24 double digit increases in 2005, 2007, 2009, and 2013.

25
26 Town Manager Rush said if approved they planned to send out a mass email to
27 their newsletter subscribers with a sample letter they could cut and paste asking
28 them to send their comments in opposition by the January 31 date. They would
29 also include this information on the Town website.

30
31 Commissioner Wootten thought it was important to clarify that this increase was
32 for homeowners' wind and hail insurance coverage.

33
34 Mayor Barber asked the public for comments.

35
36 There were no comments from the public.

37
38 ***Motion was made by Commissioner Wright to approve the Resolution***
39 ***Opposing Requested Coastal Homeowners / Wind and Hail Insurance Rate***
40 ***Increases. The Board voted unanimously 5-0 in favor. Motion carried.***

41
42 **Clerks Note:** A copy of Resolution 14-01-14/R9 as noted above is incorporated herein by reference
43 and hereby made a part of these minutes.
44
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50

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1
2 **16. Appointments**
3

- 4 **a. Planning Board – 1 Vacancy**
5 **b. Board of Adjustment – 1 Vacancy**
6 **c. Bicycle and Pedestrian Advisory Committee – 3 Vacancies**
7

8 **Brief Summary:**
9

10 The Board of Commissioners is scheduled to consider appointments to three Town boards and committees at the
11 January 14 meeting.

12
13 Planning Board – 1 Vacancy

14 As a result of Mayor Barber's election, there is currently one vacancy on the Planning Board for a term that expires in
15 March 2015.

16
17 The Town advertised for applicants for this position, and received letters / emails of interest from 10 Emerald Isle
18 residents. These letters / emails of interest were previously distributed to the Board of Commissioners under separate
19 cover.

20
21 Due to the large number of applicants, we are recommending the use of a written ballot to select the new Planning
22 Board member. A copy of the ballot is attached, and multiple copies will be available at the January 14 meeting.

23
24 The selection process will be as follows:

- 25
26 1. One Commissioner makes a motion to nominate all 10 individuals who submitted an application.
27 2. Mayor Barber distributes the blank ballots to each Commissioner.
28 3. Each Commissioner selects one individual, and returns the ballots to Mayor Barber.
29 4. Mayor Barber reviews the ballots to determine if any individual received a majority vote (3 votes if either 4 or
30 5 Commissioners are present). If one individual has received a majority vote, that individual is appointed.
31 5. If no one has received a majority vote, all individuals who received no votes will be removed from the ballot,
32 and a new ballot will be distributed to all Commissioners for a second vote.
33 6. The process will repeat itself as many times as necessary until one individual receives a majority vote.
34 7. Mayor Barber will announce the individual appointed.
35

36 Board of Adjustment – 1 Vacancy

37 With the relocation of member Russell Adams, there is now one vacancy on the Board of Adjustment for a term that
38 expires in May 2015. There are also two current members of the Board of Adjustment who have applied for the vacant
39 Planning Board seat, and if one of those individuals is appointed to the Planning Board there would be 2 vacancies on
40 the Board of Adjustment.

41
42 The Town did not solicit applications for the Board of Adjustment vacancy, but Town Clerk Rhonda Ferebee contacted
43 the 10 applicants for the Planning Board seat to determine their interest in serving on the Board of Adjustment if not
44 appointed to the Planning Board. Of the 10, 2 are already on the Board of Adjustment, 1 is not interested, and 1 did
45 not respond, leaving a total of 6 applicants for the Board of Adjustment. Due to the large number of applicants, we are
46 also recommending the use of a written ballot for the Board of Adjustment vacancy. A copy of that ballot is also
47 attached, and multiple copies will be available at the January 14 meeting. The same process used for the Planning
48 Board will be used for the Board of Adjustment.
49

50 The Board of Adjustment consists of 5 regular members and 2 alternates. The Board of Commissioners has
51 historically "promoted" the alternates when there is a vacancy in a regular member slot. If the Board continues this
52

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1
2 practice, the Board should promote alternate #1 to the vacant Board of Adjustment seat, promote alternate #2 to
3 alternate #1, and then appoint a new individual to the alternate #2 seat.

4
5 Bicycle and Pedestrian Advisory Committee – 3 Vacancies

6 There are currently 2 vacancies on the Bicycle and Pedestrian Advisory Committee that expire in December 2015, and
7 one vacancy that expires in December 2014.

8
9 The Town has received emails of interest from 2 individuals for this Committee – Deborah Styron and Brandon Staton.

10
11 ***Motion was made by Commissioner Hedreen to nominate the 10 Planning***
12 ***Board applicants included on the written ballot for a vacant seat on the***
13 ***Planning Board that expires in March 2015. The Board voted unanimously***
14 ***5-0 in favor. Motion carried.***

15
16 Commissioner Hoover noted that all 10 candidates were qualified to serve on the
17 Planning Board. Commissioner Hoover felt that this had been one of the hardest
18 things he had done in the 17 years he had been associated with the Town. He
19 hoped that this didn't discourage the ones who were not selected tonight. They
20 would like everyone to be involved. The Mayor and Board concurred.

21
22 The written ballot process was conducted for the Planning Board vacancy.
23 ***Commissioners Hedreen, Hoover, and Messer voted in favor of candidate***
24 ***Fred Fremaux, Commissioner Wootten and Wright voted in favor of***
25 ***candidate Jim Osika. Town Clerk Rhonda Ferebee announced that the***
26 ***individual appointed to the Planning Board by majority vote was Fred***
27 ***Fremaux.***

28
29 ***Motion was made by Commissioner Wright to move Board of Adjustment***
30 ***Alternate #1 Henry Mahns to a vacant regular seat on the Board of***
31 ***Adjustment that expires in May 2015. The Board voted unanimously 5-0 in***
32 ***favor. Motion carried.***

33
34 ***Motion was made by Commissioner Wright to move Board of Adjustment***
35 ***Alternate #2 Malcolm Boartfield to the Alternate #1 position. The Board***
36 ***voted unanimously 5-0 in favor. Motion carried.***

37
38 ***Motion was made by Commissioner Wright to nominate the 7 Board of***
39 ***Adjustment applicants included on the written ballot for the vacant***
40 ***“alternate” #2 seat on the Board of Adjustment. The Board voted***
41 ***unanimously 5-0 in favor. Motion carried.***

42
43 The written ballot process was conducted for the Board of Adjustment Alternate
44 #2 vacancy. ***Commissioners Hedreen, Messer, Wootten, and Wright voted***
45 ***in favor of candidate Jim Osika. Commissioner Hoover voted in favor of***
46
47

1
2 ***candidate Ryan Ayre. Town Clerk Rhonda Ferebee announced that the***
3 ***individual appointed to the Board of Adjustment Alternate #2 by majority***
4 ***vote was Jim Osika.***
5

6 Mayor Barber congratulated everyone on their appointments and said the Town
7 should be honored to have so many qualified applicants. Mayor Barber noted
8 that in talking with other communities they couldn't believe we received 10
9 applicants for the Planning Board and thanked them all for their willingness to
10 serve.

11
12 ***Motion was made by Commissioner Wootten to appoint Deborah Styron***
13 ***and Brandon Staton to terms on the Bicycle and Pedestrian Advisory***
14 ***Committee that expire in December 2015. The Board voted unanimously***
15 ***5-0 in favor. Motion carried.***
16

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

19 There were no comments from the Town Clerk or the Town Attorney.
20

21 Town Manager Rush updated the Board on the status of the controlled deer hunt.
22 Mr. Rush also noted that the Corps of Engineers contractor would begin dredging
23 at the crossing near Cedar Point the following weekend with the sand going on
24 the Point, and stated that the bid packages had been released for the NC 58
25 Bicycle Path Extension to the Indian Beach town line and he hoped to have a
26 construction contract recommendation at the Board's February 11 meeting.
27

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

31 **Update – Controlled Deer Hunt**

32 As of January 10, the Town's hunters have taken a total of 7 deer (carrying 6 fetuses) in the first week of the Town's
33 controlled hunt. No significant problems have been encountered thus far.
34

35 **Annual Budget Planning Workshop – Potential Dates**

36 The annual budget planning workshop will be held on Friday, February 21 at 8:30 am in the Town Administration
37 Building conference room. I expect the meeting to last until early afternoon. We will have continental breakfast foods
38 available, and may also have lunch catered. I will be drafting an agenda for this meeting in the next couple of weeks,
39 and will have it available for Board review at the February 11 regular meeting. Please let me know if there are any
40 specific items you'd like to include on the agenda.
41

42 **Update - Community Center Expansion**

43 After an unexpected permit-related delay, work has begun on the foundation for the Community Center expansion.
44 The metal building components were delivered on January 8, and assembly will begin when foundation work is
45 complete. We expect the building to be erected by late January or early February. Town staff will then coordinate
46 electrical and HVAC improvements and interior finish work. We hope to open the new expansion in April.
47
48

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1
2 **Update – NC 58 Bicycle Path Extension – Fairfax to Ocean Drive**

3 The Town's contractor, Thomas Simpson Construction, continues to make good progress on the new path, and has the
4 rock base in place from Fairfax to Joel. Additional grading work has been completed between Joel and Melanie, and
5 more rock base will be added in the next two weeks. Weather permitting, we remain on schedule for completion in
6 mid-February.

7
8 I have executed a change order to extend the path across the frontage of the Eastern Ocean Regional Access so that
9 it will be possible for bicyclists from Ocean Reef to reach the bicycle path when this work is complete. The cost of this
10 change order is \$9,000, and would have been included in the next NC 58 bicycle path contract. I have also executed a
11 change order for the construction of a small connection across from Olde Cove Road to make it easier for residents on
12 that street to reach the bicycle path. Olde Cove Road is offset from other street intersections, and the new "stub" from
13 the bicycle path to the edge of NC 58 will make it easier and safer for these residents to access the bicycle path. The
14 cost of this change order is \$3,000.

15
16 **Update – NC 58 Bicycle Path Extension – Eastern Ocean Regional Access to Indian Beach Town Limits**

17 We are still awaiting a few permits, but expect to have necessary permits in hand by early February. The bid package
18 for this ~ 2.7 mile segment has been released, and bids are due on January 31. I hope to have a construction contract
19 recommendation on the Board's February 11 meeting agenda.

20
21 **Installment Financing Agreement**

22 The NC Local Government Commission requires that construction bids be in hand for most of the projects included in
23 the 2013 "community improvements package" before they will approve the Town's debt issue. With the NC 58 bicycle
24 path bids due on January 31, I plan to have the Town's application submitted to the NC Local Government
25 Commission for their March meeting. The Board will formally consider the debt issue at the March 11 regular meeting.

26
27 **Special Meeting With Emerald Isle Businesses**

28 Mayor Barber and I have tentatively scheduled this meeting for Monday, March 3 at 9 am, and I will be sending
29 invitations to all business in Emerald Isle later this month or early in February. It would be great if 1 or 2 of the
30 Commissioners could also attend. Chief Waters, Chief Walker, and Planning Director Kevin Reed will also attend.

31
32 The purpose of the meeting is receive feedback from local businesses on ways that the Town can better serve their
33 interests, update the business community on various Town initiatives, and also attempt to encourage more of the EI
34 businesses to join and get more involved in the Emerald Isle Business Association. The Town is fortunate to maintain
35 a productive dialogue with the vacation rental agencies and with the Emerald Isle Business Association, however, it
36 has been difficult to maintain a dialogue with Emerald Isle businesses collectively because many of them are not active
37 in the Emerald Isle Business Association. My hope is that this meeting will be the beginning of an ongoing dialogue
38 and better overall communication between Emerald Isle businesses and the Town.

39
40 **White Oak Elementary School Resource Officer**

41 The Town may soon receive a request to contribute toward the cost of a new School Resource Officer at White Oak
42 Elementary School. It is likely that the Town's contribution would be based on the total number of Emerald Isle
43 students at White Oak, and is expected to be in the \$3,000 - \$5,000 range. During the 2012-2013 school year, there
44 were a total of 168 students at White Oak from Emerald Isle. I will provide more details as this issue develops.

45
46 **Beach Driving Permits**

47 The Town has issued 1,246 paid beach driving permits and 521 free beach driving permits through December 31. The
48 Town has already collected more than \$78,000 of permit fees through December 31, which is \$8,000 more than the
49 previous high of \$70,000 for all of FY 12-13. The Town's annual fees are \$40 for EI residents & taxpayers and \$80 for
50 non-taxpayers. I am considering recommending that the Board increase these fees to \$50 and \$100 for 2014.

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MINUTES OF THE REGULAR MEETING
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1
2 **Eastern Ocean Drive Resurfacing**

3 All work is complete, however, we still have some lingering concerns about the quality of the new pavement. Onslow
4 Grading and Paving has agreed to return in the spring to correct the deficiencies, and the Town will withhold a portion
5 of the payment for this work until the deficiencies are corrected in the spring.
6

7 **EDC Municipal Initiative - Update**

8 Staff from the NC Department of Commerce have completed a draft of the final report, and are meeting with the
9 steering committee on January 14 to review the draft. I am planning to have a presentation on this report on either the
10 Board's February 11 regular meeting agenda or the February 21 budget planning workshop agenda.
11

12 **Potential Establishment of Commercial Mooring Facilities at Emerald Isle Public Boating Access Area**

13 I have not yet received any feedback from the NC Division of Coastal Management (DCM) on the draft design, and
14 plan to follow up with DCM staff in the next week or so. I will continue to pursue this issue over the next several
15 months, and will be working toward a plan that does not involve the expenditure of any general tax revenues and that
16 can hopefully be constructed prior to the 2015 tourism season.
17

18 **EmeraldFest Concert Series**

19 I am scheduled to meet with Emerald Isle resident Debbie Peel and performer Angie Cooper on January 14 to begin
20 work on plans for the 2014 EmeraldFest concert series.
21

22 **2014 Emerald Isle Christmas Parade**

23 We are seeking a lead volunteer or volunteers to coordinate the 2014 Emerald Isle Christmas Parade. Please let me
24 know if you know of anyone interested in this role, or ask that person to reach out to me or Alesia Sanderson.
25

26 **Potential Relocation of Western Carteret Visitors Center**

27 Mayor Barber and I met recently with Representative McElraft about this idea, and she reiterated her support for the
28 project and recommends that Tourism Development Authority revenues be used to construct the new building.
29 Additional discussion is needed with TDA representatives and Emerald Isle vacation rental companies. I will continue
30 to pursue this issue in the coming months, and will be working toward a new building being constructed and open to
31 the public prior to the 2015 tourism season.
32

33 **New Phone System and New IT Services**

34 We are nearing implementation of the new phone system, and I hope to have it in place by the end of January. The
35 new computer system will likely be a few weeks behind the phone system. The planning for the transition has been
36 more involved than I had originally anticipated, but we are making progress.
37

38 **Channel Drive Beach Access Walkway**

39 Town staff have completed the excavation of the dune adjacent to the walkway and have installed new retaining walls
40 along the edge of the walkway structure. There are no outstanding safety concerns at this time.
41

42 **AIWW Dredging / Spoils Placement**

43 We expect the US Army Corps of Engineers' contractor to begin dredging the AIWW crossing near Cedar Point later
44 this month, with placement of approximately 60,000 cy of sand at The Point. Some areas will be closed to beach
45 driving near The Point during construction, however, we expect the areas to be relatively small and of relatively short
46 duration.
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.
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1
2 **18. Comments from Board of Commissioners and Mayor**

3
4 There were no comments from the Board of Commissioners.

5
6 Mayor Barber said since their last meeting he had enjoyed his first month as
7 Mayor. He had participated in two Christmas parades, attended over 25
8 meetings, and judged a middle school science fair project. He thanked the Town
9 and staff for reaching out to his grandson Eli when he was in the hospital for
10 surgery. He also expressed his sincere thanks to the citizens for this wonderful
11 opportunity allowing him to serve as Mayor of Emerald Isle

12
13 **19. Closed Session – Pursuant to NCGS 143-318.11(5), for the Purpose of**
14 **Discussing Potential Real Estate Acquisition**

15
16 ***Motion was made by Commissioner Messer to enter Closed Session. The***
17 ***Board voted unanimously 5-0 in favor. Motion carried.***

18
19 ***Motion was made by Commissioner Hedreen to return to Open Session.***
20 ***The Board voted unanimously 5-0 in favor. Motion carried.***

21
22 Upon returning to Open Session no action was taken as a result of closed
23 session.

24
25 **20. Adjourn**

26
27 ***Motion was made by Commissioner Hoover to adjourn the meeting. The***
28 ***Board voted unanimously 5-0 in favor. Motion carried.***

29
30 ***The meeting was adjourned at 8:30 pm.***

31
32 Respectfully submitted:

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34
35
36 Rhonda C. Ferebee, CMC, NCCMC
37 Town Clerk
38
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44
45

DRAFT