

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, OCTOBER 8, 2013 – 7:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**

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7                                   **1. Call To Order**

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

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13                                   **2. Roll Call**

14  
15                                   Present for the meeting: Mayor Art Schools, Commissioners Tom Hoover, Floyd  
16                                   Messer, John Wootten, and Maripat Wright.

17  
18                                   Absent for the meeting: Commissioner Nita Hedreen.

19  
20                                   ***Motion was made by Commissioner Messer to excuse the absence of***  
21                                   ***Commissioner Hedreen. The Board voted unanimously 4-0 in favor.***  
22                                   ***Motion carried.***

23  
24                                   Also present during the regular meeting: Town Manager Frank Rush, Town  
25                                   Attorney Richard Stanley, Asst. Town Manager/Finance Officer Mitsy Overman,  
26                                   Town Clerk Rhonda Ferebee, Parks and Recreation Director Alesia Sanderson,  
27                                   and Public Works Director Artie Dunn.

28  
29                                   Also in attendance: Charles Smith, with Williams, Scarborough, Smith & Gray  
30                                   (WSSG) CPAs

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32                                   **3. Opening Prayer**

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34                                   Mayor Schools offered the opening prayer for the meeting.

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36                                   **4. Pledge of Allegiance**

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38                                   All who were present recited the Pledge of Allegiance.

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40                                   **5. Adoption of Agenda**

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42                                   ***Motion was made by Commissioner Hoover to adopt the Agenda. The***  
43                                   ***Board voted unanimously 4-0 in favor. Motion carried.***

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2 **6. Proclamations / Public Announcements**  
3

4 Mayor Schools noted the following Proclamations and announcements for the  
5 public:  
6

- 7 • Walking Club – Wednesdays, October 9 – October 23 – 9 am –  
8 Community Center
- 9 • Open Play Wii Bowling – Wednesdays – 6 pm – 8 pm – Community  
10 Center
- 11 • Friday Free Flick – Friday, October 11 – 7 pm – Community Center –  
12 “Epic”
- 13 • Blood Drive – Friday, October 18 – 2 pm – 7 pm – Community Center
- 14 • 10<sup>th</sup> Annual EI Triathlon – Saturday, October 19 – 8 am – Eastern Ocean  
15 Regional Access
- 16 • Mayor Candidates Forum – Tuesday, October 22 – 6:30 – 8:30 pm –  
17 Community Center
- 18 • Halloween Carnival – Friday, October 25 – 6 pm – 8 pm – Community  
19 Center
- 20 • Planning Board Regular Meeting – Monday, October 28 – 6 pm – Town  
21 Board Meeting Room
- 22 • Trick or Treat – Thursday, October 31 – 6 pm – 8:30 pm
- 23 • Classic Movie Night – Friday, November 1 – 7 pm – Community Center
- 24 • Election Day – Tuesday, November 5 – Community Center
- 25 • Veterans Day Holiday – Monday, November 11 – Town Offices Closed,  
26 Community Center Open
- 27 • EDC Municipal Initiative Meeting – Tuesday, November 12 – 3 pm – Town  
28 Board Meeting Room
- 29 • Board of Commissioners Regular Meeting – Tuesday, November 12 –  
30 7:00 pm – Town Board Meeting Room
- 31 • Special Reception for Mayor Schools – Thursday, November 14 – 7:00 pm  
32 – Town Board Meeting Room
- 33 • Bus Trip to Durham Performing Arts Center – “Ghost” – Saturday,  
34 November 16
- 35 • Emerald Isle Christmas Parade – Saturday, November 30 – 3 pm – NC 58  
36

37 Town Manager Rush invited everyone to attend a special reception planned for  
38 Mayor Schools on Thursday, November 14 at 7 pm in the Town Board Meeting  
39 Room. Mr. Rush said this was a public event and hoped everyone in the  
40 community would turn out to wish Mayor Schools well.  
41  
42  
43  
44

1  
2 **7. Public Comment**  
3

4 Jim Hackett, Ocean Drive, commented that his hometown was Baltimore, MD,  
5 but he loved Emerald Isle and had been coming here for 14 years. Mr. Hackett  
6 said that he had known Art Schools as Mayor during that whole time and that  
7 Mayor Schools always tried to get public comments so he wanted to be prepared  
8 for that tonight. Mr. Hackett mentioned three things that were famous – Mayor  
9 Schools, Maryland crabcakes, and Berger cookies. He wanted to thank Mayor  
10 Schools for everything he had been involved with over the past years including  
11 the Town Hall, boat ramp, bike path, western beach access. Mr. Hackett said  
12 that Emerald Isle was truly a gem on the Atlantic Coast. Mr. Hackett had brought  
13 Mayor Schools a nice bag of the famous Berger cookies, but said that the one  
14 person who deserved them the most was his lovely wife Diane who had stood  
15 behind him through these past years, the real power behind the Town.  
16

17 Mayor Schools thanked Mr. Hackett for his comments adding that it had always  
18 been a team effort and had been that way since 1957.  
19

20 Mayor Schools also thanked Mr. Hackett for his contributions as he knew he was  
21 always picking up trash on his walks throughout the Town.  
22

23 **8. Consent Agenda**  
24

- 25 a. Tax Refunds / Releases
- 26 b. Resolution Authorizing Final Public Waterfront Access Grant  
27 Application (Resolution 13-10-08/R1)
- 28 c. Resolution Authorizing Surplus Items for Internet Auction (13-10-08/R2)  
29

30 ***Motion was made by Commissioner Wright to approve the items on the***  
31 ***Consent Agenda. The Board voted unanimously 4-0 in favor. Motion***  
32 ***carried.***  
33

34 **Clerks Note:** A copy of Resolutions 13-10-08/R1, 13-10-08/R2, and all other consent agenda items as  
35 noted above are incorporated herein by reference and hereby made a part of these minutes.  
36

37 **9. Presentation – June 30, 2013 Comprehensive Annual Financial Report**  
38

39 Town Manager Rush introduced Charles Smith, CPA, WSSG who addressed the  
40 Board concerning this agenda item. The following excerpt from the Town  
41 Manager's memo is provided for additional background:  
42

43 Williams, Scarborough, Smith, & Gray (WSSG) CPAs has completed the Town's FY 12-13 audit, and a copy of the  
44 June 30, 2013 Comprehensive Annual Financial Report is attached for your review.  
45  
46  
47

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 4 of 17

1  
2 Charles Smith, WSSG, will brief the Board on the highlights of the financial statements and audit report at the October  
3 meeting. Because Charles Smith is attending the October 8 meeting, the Board-appointed Audit Committee did not  
4 meet prior to the October 8 meeting to review the report.  
5

6 The Town received an unqualified opinion from WSSG, and I am again pleased to report that the Town maintains a  
7 solid financial position. Town staff and I are committed to maintain and improve that financial position in the future.  
8 WSSG also did not identify any major concerns with our financial operations, and again expressed their opinion that  
9 the Town's assets are well-managed by our staff.  
10

11 For a detailed explanation of the June 30, 2013 financial statements and audit report, please read the "Management's  
12 Discussion and Analysis" section in the report.  
13

14 Some of the highlights of the June 30, 2013 financial statements and audit report include:  
15

16 OVERALL FINANCIAL POSITION  
17

- 18 • The Town had an officially reported net position of \$18,981,669 as of June 30, 2013. Total net position decreased  
19 by \$513,390 from the prior year due primarily to the intentional use of remaining fund balance in the Beach  
20 Nourishment Debt Service Reserve Fund for the final principal and interest payments associated with the Town's  
21 2005 beach nourishment project, and also the planned use of fund balance in the Future Beach Nourishment  
22 Fund for the Town's portion of costs associated with the FEMA Irene Project.  
23
- 24 • The Town had total revenues of \$16,309,462 across all funds during FY 12-13. The Town had total expenditures  
25 of \$18,284,099 across all funds during FY 12-13, resulting in the Town's utilization of \$1,974,637 of fund balance.  
26 All utilization of fund balance was planned and intentional, and nearly all was associated with the Town's full  
27 retirement of the 2005 beach nourishment bonds and the FEMA Irene Project.  
28
- 29 • As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances  
30 of \$1,931,526, a decrease of \$1,974,637 in comparison with the prior year. As noted earlier, this decrease is  
31 primarily associated with planned and intentional use for beach nourishment purposes. The Town has fully retired  
32 the 2005 beach nourishment bonds, and all previously accumulated fund balance for this purpose has been  
33 exhausted. The Town also utilized previously accumulated fund balance in the Future Beach Nourishment Fund  
34 for the FEMA Irene project, and has temporarily drawn that fund down to a near-zero balance (\$7,640). With no  
35 currently planned projects, the Future Beach Nourishment Fund is expected to be replenished over the next few  
36 years, and is expected to grow by nearly \$700,000 annually.  
37
- 38 • The Town had \$2,097,460 of cash and cash equivalents on hand as of June 30, 2013. The Town also had net  
39 receivables of \$62,734 and \$111,055 of restricted cash and cash equivalents as of June 30, 2013. Additionally, a  
40 total of \$1,507,460 was due from other governments, most of which was associated with anticipated FEMA  
41 reimbursements associated with the FEMA Irene Beach Nourishment Project completed in spring 2013.  
42
- 43 • The Town's Total outstanding debt at June 30, 2013 is \$1,400,000, the principal amount of a January 2013  
44 refinancing that combined previous debt issues into one new debt instrument at a significantly lower interest rate.  
45 The Town's total outstanding debt is equal to approximately 0.05% of the Town's total assessed valuation at June  
46 30, 2013, a very low percentage. The Town's officially adopted Fiscal Policy establishes a debt limit of 2.00%  
47 of total taxable value. North Carolina General Statutes limit the amount of General Obligation debt that a unit of  
48 government can issue to 8.00% of the total assessed value.  
49
- 50 • The Town's property tax collection rate for FY 12-13 was 99.31%, which is an excellent collection rate. A total of  
51 \$28,587 of 2012 property taxes was uncollected as of June 30, 2013.  
52  
53  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 5 of 17

GENERAL FUND

- As of June 30, 2013, the Town's General Fund had a total fund balance of \$2,106,953, of which a total of \$1,414,169 is classified as unassigned fund balance.
- The total General Fund balance of \$2,106,953 is equal to 28.5% of total General Fund expenditures during FY 12-13 (\$7,389,663, including transfers out). This percentage is up from the previous year (26.0%). Total General Fund balance represents 25.4% percent of the FY 13-14 adopted budget of \$8,284,239 (including transfers out).
- The total unassigned General Fund balance amount of \$1,414,169 is equal to 19.1% of total General Fund expenditures during FY 12-13 (\$7,389,663, including transfers out). Unassigned General Fund balance represents 17.1% of the FY 13-14 adopted budget of \$8,284,239 (including transfers out).
- The General Fund, the Town's primary annual operating fund, had total revenues of \$7,445,399, and total expenditures of \$7,243,663 during FY 12-13. After considering transfers to other funds for capital projects (\$146,000), the Town added \$55,736 to General Fund balance as of June 30, 2013.
- The Town's two largest sources of General Fund revenue are property taxes and sales taxes. General Fund property tax revenues were \$3,460,154, while sales tax revenues totaled \$1,408,346. Solid waste fees are the third largest revenue source, with \$1,302,810 collected in FY 12-13. Combined, these three revenue sources represent nearly 83% of General Fund revenues.
- Public Safety expenditures (Police, Fire, and EMS) continue to represent the largest portion of the General Fund budget. Total expenditures were \$3,033,066 in FY 12-13, or approximately 41% of total General Fund expenditures.
- Total debt service expenditures in FY 12-13 were \$300,866. Total debt service expenditures were equal to 4.1% of total General Fund expenditures (\$7,389,663, including transfers out), a very low percentage.

BEACH NOURISHMENT DEBT SERVICE FUND

- The bonds used to finance the Town's 2003 and 2005 beach nourishment projects are now fully retired, with the final \$978,500 payment made in February 2013. The Beach Nourishment Debt Service Fund had a year-end fund balance of \$0, and will be closed out.
- After the final bond payments were made in February 2013, the Beach Nourishment Debt Service Fund had a fund balance of \$111,952, and these funds were initially transferred to the Future Beach Nourishment Fund and ultimately to the capital project fund for the FEMA Irene Beach Nourishment Project completed in March 2013.

FUTURE BEACH NOURISHMENT SPECIAL REVENUE FUND

- The Future Beach Nourishment Fund had an opening balance of \$667,333, and an additional \$671,962 of revenues was added in FY 12-13. In addition, the remaining balance of \$111,952 in the Beach Nourishment Debt Service Fund was transferred to the Future Beach Nourishment Fund in order to provide \$1,443,607 for the Town's portion of the cost of the FEMA Irene project. The use of the fund balance, the FY 12-13 revenues, and the transfer from the Beach Nourishment Debt Service Fund was all planned and intentional.
- At June 30, 2013, the Future Beach Nourishment Fund had an ending fund balance of \$7,640. These funds will be added to future years' special district tax revenues, and reserved for future beach nourishment projects.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 6 of 17

OTHER FUNDS

- The Special Drug Fund had an ending fund balance of \$11,732 as of June 30, 2013. These funds are restricted for Police Department expenses only, and most of this amount has been appropriated for the Police Department in FY 13-14.
- The Town utilizes several capital project accounts for ongoing, multi-year capital projects. Capital project funds still active as of June 30, 2013 include the FEMA Irene Beach Nourishment Project, the Public Boat Launching Facility project, the NC 58 Bicycle Path Phase 3C project, the Coast Guard Road Storm Water Phase IV project, the Archers Creek Storm Water Project, the Eastern Emerald Isle Storm Water project, and the Coast Guard Road Multi-Use Path project.
- The capital project account for the FEMA Irene Beach Nourishment Project was used for the FEMA Irene project completed in March 2013 that replaced approximately 625,000 cubic yards of sand lost during Hurricane Irene. Total project expenditures were \$9,891,899, with the bulk of project revenues provided by FEMA and Carteret County. The capital project account reports a negative fund balance of \$268,926 as of June 30, 2013, and this negative balance is solely associated with the timing of anticipated FEMA reimbursements. This amount is expected from FEMA within the next month or two.
- The capital project account for the new Public Boat Launching Facility reports a balance of \$35,000 as of June 30, 2013. These funds are specifically reserved for the Town's grant match for the new soundside pier currently under construction at this facility.
- The capital project account for the NC 58 Bicycle Path Phase 3C project (recently completed segment from Hurst Drive to Fairfax Drive) reports a balance of \$17,064 as of June 30, 2013. This balance is temporary due to the timing of contract payments and anticipated NCDOT reimbursements. We expect this capital project fund to have a near-zero balance at the end of FY 13-14, and the fund will be closed out.
- The capital project account for the Coast Guard Road Storm Water Phase IV project reports a balance of \$0 as of June 30, 2013, and this fund will be closed out. This fund was used for the Island Circle pump station and EI Woods emergency discharge.
- The capital project account for the Archers Creek Storm Water Project reports a balance of \$0 as of June 30, 2013, and this fund will be closed out. This fund was used for the preparation of a study analyzing options to eliminate and/or modify storm water outfalls into Archers Creek.
- The capital project account for the Eastern EI Storm Water Outfall project reports a temporary negative fund balance of \$9,739 due solely to the timing of grant reimbursements. Additional grant reimbursements are anticipated in FY 13-14, and will eliminate the negative fund balance. This project is not yet complete, however, nearly all grant funds have been exhausted and Town staff are reviewing options for the ultimate completion and financing of the full project scope.
- The Coast Guard Road Multi-Use Path capital project fund reports a balance of \$31,802 as of June 30, 2013. This fund accounts for fundraising proceeds and path construction expenses. These funds are available for appropriation for future bicycle path expenses.
- The Town has a total balance of \$63,727 in the Special Separation Allowance Fund that is being accumulated for future, statutorily-mandated separation payments to law enforcement officers. The Town currently has one officer eligible for these payments, and a total of \$21,831 of this fund balance was appropriated in the FY 13-14 budget. The remaining amount is expected to be sufficient to meet projected liabilities for the next 2-3 years, however, the Town must soon consider making additional contributions to this fund in order to insure adequate reserves are available in future years.

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 7 of 17

1  
2 The Board should note that the June 30, 2013 report is a "Comprehensive Annual Financial Report", or CAFR. This is  
3 the first year that a CAFR has been presented to the Board, and the CAFR includes additional narrative about the  
4 community, additional historical financial data, and additional statistical data that is intended to provide the reader with  
5 a greater understanding of the Town's financial position, the local community and economy, and the Town  
6 organization. The preparation of a CAFR is considered a "best practice" by local government professionals, and is  
7 encouraged and reviewed by the national Government Finance Officers' Association (GFOA). Thanks to Mayor  
8 Schools' efforts earlier this year, the Town added CAFR information to the June 30, 2012 report in January 2013, and  
9 submitted the report to GFOA for consideration for the "Certificate of Achievement for Excellence in Financial  
10 Reporting" in February 2013. As of October 4, we have still not learned the outcome of this application, but expect to  
11 be notified any day now. For the year ended June 30, 2011, a total of 85 NC municipalities received this certificate (out  
12 of approximately 550 municipalities in North Carolina), including Morehead City, Atlantic Beach, and Swansboro.

13  
14 Charles Smith, Williams, Scarborough, Smith & Gray (WSSG) CPAs provided a  
15 PowerPoint presentation of the June 30, 2013 Comprehensive Annual Financial  
16 Report for the Board and public.

17  
18 Mr. Smith stated that the Town received an unqualified opinion from WSSG, and  
19 maintained a solid financial position. Mr. Smith thanked the staff for their help  
20 and the Board for asking them to present the 2013 audit as he felt it was always  
21 good to hear an independent 3<sup>rd</sup> party account of what is going on and felt it  
22 demonstrated that the Board was very transparent to the public with the Town  
23 finances.

24  
25 Mayor Schools asked for comments from the public.

26  
27 There were no comments from the public.

28  
29 Commissioner Wootten asked for a round of applause for Frank Rush, Town  
30 Manager, and Mitsy Overman, Finance Officer/Asst. Town Manager.

31  
32 The Board thanked Charles Smith for his presentation and audit services.

33  
34 **10. Community Center Expansion**

35  
36 **a. Resolution Authorizing Construction Contract (13-10-08/R3)**

37 **b. Budget Amendment – General Fund**

38  
39 Artie Dunn, Public Works Director and Alesia Sanderson, Parks and Recreation  
40 Director addressed the Board concerning this agenda item. The following  
41 excerpt from the Town Manager's memo is provided for additional background:

42  
43 The Board of Commissioners is asked to approve two items associated with the planned expansion of the Community  
44 Center to create additional space for the weight room and aerobics / exercise programs. The attached resolution  
45 authorizes a contract with GA Jones Construction, Morehead City, NC in the amount of \$46,950 for a new 1,200 sq. ft.  
46 metal building expansion of the Community Center. The attached General Fund budget amendment formally  
47 appropriates previously authorized funds for this project.  
48

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 8 of 17

1  
2 Resolution Authorizing Construction Contract

3 As you know, the Board authorized a total of \$100,000 in the "community improvements package" for the expansion of  
4 the Community Center to provide additional space for the weight room and aerobics / exercise programs. These  
5 programs remain very popular, and these facilities are heavily utilized by our residents and visitors. The weight room  
6

7 and aerobics / exercise programs currently occupy a combined area of approximately 1,600 sq. ft. on the east side of  
8 the Community Center. The two areas are generally open to one another, with a sliding separating wall that can be  
9 utilized as necessary or desired. Both areas are often very crowded, and the proximity to one another adds to the  
10 overcrowded perception.  
11

12 The Community Center is a metal building that was constructed in the early 1990s. While the appearance of the large  
13 metal building is not unattractive, it is not as attractive as the new Town Administration Building and new EMS Station  
14 that were constructed within the last 6 years and front directly on NC 58. Because the Community Center does not  
15 front directly on NC 58, and because the proposed expansion will not be visible from NC 58, Town staff are proposing  
16 a matching metal building expansion on the northwest corner of the existing Community Center building. The new  
17 expansion would be ~ 1,200 sq. ft. (30 ft x 40 ft.), and would actually be a separate new building approximately 8 – 9  
18 feet west of the existing building that will connect to the existing building via a new 6 ft. wide corridor. The exterior  
19 appearance of the building will match the existing exterior appearance of the Community Center. The new expansion  
20 will be a large open room that will become the aerobics / exercise room. The weight room will then expand into the  
21 current aerobics / exercise room.  
22

23 The Board should note that the proposed contract with GA Jones Construction includes only the foundation, metal  
24 building materials and erection, and insulation, and does not include any interior improvements. Town staff will  
25 complete and/or coordinate the required electrical, HVAC, interior finish, and storm water improvements after the new  
26 building expansion is complete, and the remaining budget of \$53,150 is expected to be more than sufficient for these  
27 items. As noted on the attached plans, the new corridor will connect the new building expansion to the existing  
28 building through what is currently the Parks and Recreation Director's office (Alesia Sanderson). This area will be  
29 modified to serve as the main lobby area for the entire Community Center, and the Parks and Recreation Director's  
30 office will be relocated to the area currently used for free weight storage (an alcove off of the existing weight room).  
31 These modifications are relatively minor, and can be accommodated within the remaining budget for the Community  
32 Center expansion project.  
33

34 Artie Dunn, Public Works Director, solicited informal bids from 3 contractors who have completed quality work for the  
35 Town in the past. One contractor chose not to submit a bid, and the other bid received was from Smithson, Inc., Rocky  
36 Mount, NC in the amount of \$65,780. In addition, the Town also solicited a quote to purchase a metal building  
37 package from Armstrong Steel Buildings, Greenwood Village, CO, for an ~ 1,600 sq. ft. building for \$18,300. This price  
38 included shipping but did not include erection of the building or the foundation. In an effort to avoid the cost and  
39 coordination of hiring a contractor to erect the building, Town staff recommends award of the construction contract to  
40 GA Jones Construction. The Board may recall that GA Jones Construction completed the Police Station renovation /  
41 expansion project in 2008, and the Town enjoyed a cooperative and productive working relationship with GA Jones  
42 Construction for that project.  
43

44 The Board should note that the new building expansion will be constructed approximately 1 ft. higher than the elevation  
45 of the existing building in order to comply with flood damage prevention requirements. The existing building is  
46 approximately 9 ft. above sea level, and an elevation approximately 10 ft. above sea level is now required. The floor in  
47 the connecting corridor will be slightly ramped to achieve the necessary elevation change.  
48

49 Town staff's goal is to have all components of the Community Center expansion project complete by late spring 2014.  
50

51 Budget Amendment – General Fund

52 The attached FY 13-14 General Fund budget amendment reduces the amount appropriated for debt service by  
53 \$100,000, and re-allocates these funds to the Parks and Recreation Department for the Community Center expansion.  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 9 of 17

1  
2 As you know, the Board endorsed the issuance of up to \$2.65 million of installment financing debt to finance the  
3 projects included in the 2013 "community improvements package". The Board committed to a 10-year term for the new  
4 debt with a 1-cent tax increase specifically earmarked to service the debt. The Board established a sunset provision  
5 whereby the 1-cent tax increase would be eliminated at such time the debt was fully retired or in 10 years, whichever  
6 comes first. The FY 13-14 budget includes approximately \$300,000 (generated by the 1-cent tax increase) for the first  
7 year of debt service payments.  
8

9 As discussed at the August and September 2013 Board meetings, because the new debt will not be issued until later in  
10 2013 or in early 2014 when most or all construction bids are in hand, there will be no scheduled debt service payments  
11 due in FY 13-14. I recommended, and the Board approved, that the Town utilize the \$300,000 included in the FY 13-  
12 14 budget for the recently approved storm water pipe design contracts (\$65,000), the recently approved Coast Guard  
13 Road shoulder removal (\$30,000), the planned Community Center expansion (\$100,000), and the planned Blue Heron  
14 Park playground improvements (\$100,000), and then issue only \$2.35 million of new debt for construction of the  
15 planned storm water and bicycle path projects with a 9-year term. This approach enables the Town to utilize current  
16 funds for the smaller components of the 2013 "community improvements package", slightly reduce interest expense,  
17 and adhere to the Board's commitments to the public. In summary, the \$300,000 in FY 13-14 is used as "down-  
18 payment" rather than for the first year of debt service payments. The attached General Fund budget amendment  
19 formally appropriates \$100,000 of these funds for the Community Center expansion.  
20

21 Town Manager Rush said in response to a question from Commissioner Wootten  
22 that the heating and air conditioning work would be contracted out and his hope  
23 would be that they would contract out the interior finish work as well, if the  
24 numbers came back higher than expected they may need to use Public Works  
25 but he hoped not to use Public Works staff for the interior finish.  
26

27 Mayor Schools asked for comments from the public.  
28

29 There were no comments from the public.  
30

31 ***Motion was made by Commissioner Wright to approve the Resolution***  
32 ***Authorizing a Construction Contract for Community Center Expansion.***  
33 ***The Board voted unanimously 4-0 in favor. Motion carried***  
34

35 ***Motion was made by Commissioner Wootten to approve the General Fund***  
36 ***budget amendment. The Board voted unanimously 4-0 in favor. Motion***  
37 ***carried.***  
38

39 **Clerks Note:** A copy of Resolution 13-10-08/R3 and Budget Amendment-General Fund as noted  
40 above are incorporated herein by reference and hereby made a part of these minutes.  
41

42 **11. Ordinance Amending Chapter 5 – Beach and Shore Regulations – of**  
43 **the Code of Ordinances (Comprehensive Review) (13-10-08/01)**  
44

45 Frank Rush, Town Manager addressed the Board concerning this agenda item.  
46 The following excerpt from the Town Manager's memo is provided for additional  
47 background:  
48  
49

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 10 of 17

1  
2 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is  
3 scheduled to consider proposed amendments to Chapter 5 – Beach and Shore Regulations - of the Code of  
4 Ordinances at the October 8 meeting.

5  
6 As you know, the Town is undertaking a comprehensive process that is intended to review, clarify, and condense the  
7 entire Code of Ordinances of the Town of Emerald Isle. The Town is now more than 56 years old, and numerous  
8 ordinance amendments have been made over the years with input by many different groups and individuals, all likely  
9 with good intentions, and sometimes there are unintended impacts on or conflicts with other ordinance provisions.  
10 State law and common practice also change over time, and this sometimes leads to out of date provisions or  
11 confusion. In other cases, it may be helpful for the Town to critically ask itself if it really needs certain ordinance  
12 provisions.

13  
14 As discussed previously, my goal is for Town staff and me to complete a comprehensive review of all Town ordinances  
15 with a critical eye. During this review, conflicting or confusing provisions are being targeted for clarification,  
16 unnecessary provisions are being targeted for elimination, and in some cases out of date or un-enforced provisions are  
17 being targeted for elimination. The Board previously reviewed and approved comprehensive amendments to the Town  
18 Charter, Chapter 1, Chapter 2, Chapter 3, Chapter 8, and Chapter 14, and comprehensive amendments to Chapter 5  
19 are on the Board's October 8 meeting agenda. Although we have strayed from the original goal to consider one  
20 chapter each month, my goal going forward is still to present at least one of the 10 remaining chapters for  
21 comprehensive review and amendments each month in the future. If we stay on schedule, one chapter will be  
22 presented each month, and at the end of the 10 month period the entire Code of Ordinances will have been thoroughly  
23 reviewed and updated – ideally in a simpler, leaner, more user-friendly, easier-to-understand format.

24  
25 Unlike previous amendments that were presented with underline and ~~strikethrough~~ features to make it easier to  
26 examine the changes, the proposed amendments to Chapter 5 are presented only as a "clean" version in the attached  
27 ordinance amendment. The reason for this approach is that the entire chapter has been drafted "from scratch", thus it  
28 would be difficult to show the specific changes. For comparison, I have attached a copy of the current Chapter 5 to  
29 enable the Board to review the Town's current ordinance provisions.

30  
31 Chapter 5 includes perhaps the most well-known and most frequently utilized ordinances in Emerald Isle, as it pertains  
32 to personal conduct on the beach strand, beach and dune preservation, and beach driving, among other subjects. My  
33 goal in presenting the proposed amendments is to simplify the Town's requirements, eliminate unnecessary or  
34 repetitive provisions, and make it easier for Town staff and the public to locate (and clearly understand) all of the  
35 Town's beach and water-based regulations in one place in the Town Code. The intent behind the attached draft is not  
36 to recommend any substantive policy changes, however, the Board should note the following significant changes in the  
37 proposed new Chapter 5:

- 38  
39
- 40 • the chapter is organized in 6 articles: Applicability, Personal Conduct, Beach and Dune Protection, Horses  
41 on the Public Trust Beach Area, Motor Vehicles on the Public Trust Beach Area, and Dogs,
  - 42 • the first article, Applicability (Secs. 5-1 – 5-4), makes it clear up front that all of the ordinance provisions in  
43 Chapter 5 apply on the public trust beach area (between the water and the base of the frontal dunes, as  
44 defined in NCGS 77-20 and referenced in S151 approved by the NC General Assembly earlier this year), in  
45 the waters of the Atlantic Ocean and Bogue Inlet, and in the waters of Bogue Sound,
  - 46
  - 47 • the provisions regulating the use of personal watercraft, jet skis, and wave runners (Sec. 5-17) are greatly  
48 shortened, but still accomplish the main goals of the current ordinance,
  - 49
  - 50 • the unattended beach equipment ordinance (Sec. 5-18) has been tweaked to prohibit unattended items on  
51 the beach between 8 pm and 8 am; the current ordinance prohibits these items between 7 pm and 8 am,  
52  
53  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 11 of 17

- the provision requiring a 20 ft. wide emergency vehicle travel lane (Sec 5-19) has been tweaked to only apply from May 1 until September 14 to be exactly opposite the timeframe for beach driving (September 15 – April 30); the current ordinance applies between May 1 and September 30,
- provisions regarding business activities (Sec. 5-21), alcoholic beverages (Sec. 5-22), and dogs (Secs. 5-80 – 5-82) that are currently in other chapters have also been added to Chapter 5,
- a new section prohibiting public nudity on the beach strand, including female topless sunbathing, is added (Sec. 5-23); Town staff receive inquiries on this issue every year, and does not currently prohibit topless sunbathing, however, it is not considered consistent with the Town's "family beach" image,
- the provisions regarding horseback riding on the beach (Secs. 5-50 – 5-54) have been greatly shortened, but still accomplish the main goals of the current ordinance,
- the provisions regarding beach driving (Secs. 5-60 – 5-66) have been greatly shortened, but still accomplish the main goals of the current ordinance and do not relax the protections currently in place in any way, and
- the opportunity for an individual who has had his / her beach driving permit revoked to appeal that decision to the Board of Commissioners has been eliminated; in the past 12 years this has never been requested, and can be easily addressed administratively if the need arises.

The proposed amendments have been reviewed by Town Attorney Richard Stanley, special attorney Brian Edes, Chief Waters, and other Town staff, and their input has been incorporated.

I look forward to discussing the attached ordinance amendment with the Board at the October 8 meeting. If the Board is comfortable with the proposed amendments, the Board may consider adoption at the October 8 meeting. If the Board would like more time to review the proposed amendments, formal Board action can certainly be delayed until the November meeting.

Town Manager Rush highlighted the key changes specifically the reference to NCGS 77-20 which defined the public trust beach area as the area between the water and the base of the frontal dunes as the area in which the Town's beach regulations apply. Mr. Rush said the new version was intended to include all Town regulations that pertained to the beach strand, the Atlantic Ocean, Bogue Inlet, and Bogue Sound in one location in the Town Code. Mr. Rush said there was a new section added that prohibited public nudity on the beach strand, and the new provision would include female topless sunbathing. Mr. Rush said Town Staff received questions about this every year and they had borrowed language for the ordinance from the Town of Carolina Beach, and it had also been reviewed by the Town Attorney Richard Stanley as well as Attorney Brian Edes.

Mayor Schools asked for public comments.

Paul Schwartz, speaking from the audience commented that he would miss the nude sunbathing.

***Motion was made by Commissioner Hoover to approve the Ordinance Amending Chapter 5 – Beach and Shore Regulations – of the Code of Ordinances. The Board voted unanimously 4-0 in favor. Motion carried.***

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 12 of 17

1  
2 **Clerks Note: A copy of Ordinance 13-10-08/O1 as noted above is incorporated herein by reference**  
3 **and hereby made a part of these minutes.**

4  
5 **12. Comments from the Town Clerk, Town Attorney, and Town Manager**  
6

7 Town Clerk Rhonda Ferebee pointed out to the Board the new Soniclear digital  
8 recording system recently purchased to replace the old Dictaphone system used  
9 for years to record meetings. Mayor Schools said he was pleased to hear this  
10 since he had suggested to the Town Clerk for years that she needed a better  
11 recording system and complimented her for making the purchase.  
12

13 There were no comments from the Town Attorney.  
14

15 Town Manager Rush updated the Board on several issues including the drainage  
16 improvements completed by Public Works on eastern Ocean Drive noting the  
17 paving work should be done before the Triathlon. Mr. Rush spoke of the status  
18 of the new pier at the boat launch facility, and that they had put out a request for  
19 bids for the next segment of the bike path from Fairfax to the dogleg at Ocean  
20 Drive. Mr. Rush also noted that Transportation Impact, a local company, was  
21 making plans for the construction of a new office building to be located on NC 58  
22 near Bert's Surf Shop, and he had also spoken with the owners of the Islander  
23 and they were looking at going forward with the construction of their additional  
24 two buildings within the next year.  
25

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

29 **Mayor Candidate Forum – October 22**

30 The Emerald Isle Business Association and Swansboro Chamber of Commerce are sponsoring a candidate forum for  
31 the 4 Emerald Isle Mayor candidates on Tuesday, October 22 from 6:30 pm – 8:30 pm. The forum will be held in the  
32 Community Center.  
33

34 **Special Reception for Mayor Schools**

35 We have scheduled a special public reception for Mayor Schools for Thursday, November 14 at 7 pm in the Town  
36 Board meeting room. We will begin publicizing the reception next week, and will also send invitations to other  
37 government officials that have worked closely with Mayor Schools during his 12 years as Mayor of Emerald Isle.  
38 Refreshments and snacks will be served.  
39

40 **Eastern Ocean Drive Resurfacing, Drainage Improvements**

41 Public Works has completed planned drainage improvements (underground infiltration systems and shoulder grading)  
42 at several locations along Ocean Drive between the Indian Beach town line and 25<sup>th</sup> Street. Street resurfacing work is  
43 tentatively scheduled to occur during the week of October 14, and all resurfacing work should be complete by October  
44 18. Work will proceed west to east from 25<sup>th</sup> Street to the Indian Beach town line.  
45

46 **Emerald Isle Triathlon – October 19**

47 The 10<sup>th</sup> annual Emerald Isle Triathlon will be held on Saturday, October 19 at 8 am at the Eastern Ocean Regional  
48 Access. This event continues to be very popular, with an average of more than 150 participants annually.  
49

**MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 13 of 17**

**Emerald Isle Half-Marathon & 5k – March 29**

Planning continues for this new event, which will be held on Saturday, March 29 at 7 am. The event will begin at the Western Ocean Regional Access.

**New Soundside Pier at Emerald Isle Public Boating Access Area**

Cahoon Construction has begun construction of the new pier. We expect all work to be complete by mid-November. All boat ramps and the entry canal will remain open during construction.

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

I met recently with NC Division of Coastal Management staff to review potential locations near the existing boat basin that could be excavated to create 6 – 10 commercial slips that would be leased and managed by the Town. There are two locations (depicted on the attached aerial photograph) that appear to be possible to secure necessary permits: one upland area on the southern edge of the boat basin (between the boat basin and the storm water basin) and one on the northeast edge of the boat basin where there is currently shallow water and upland areas. The southern option represents an easier permitting path.

I am planning to research the potential excavation costs and bulkhead replacement costs to determine if such a project would be feasible, and may then return to the Board with a financing plan before proceeding with any formal permit and grant applications.

**Potential Relocation of Western Carteret Visitors Center**

I met recently with John Rouse, new NCDOT Division 2 director to discuss the possibility of relocating the Western Carteret Visitors Center from NCDOT right of way on NC 58 near NC 24 to the NCDOT right of way at Merchants Park in Emerald Isle. NCDOT is supportive of this idea, as are the Emerald Isle vacation rental agencies and the TDA Director.

The existing modular units that house the Visitors Center are not compliant with NC Building Code requirements for high winds (must be certified for 130 mph winds, but are only certified for 100 mph winds), and can not be relocated. I am planning to research potential funding sources for a new, moveable, attractive stick-built structure (approximately 1,000 sq. ft., ideally in the same style as the new Town Administration Building) in the coming months, and will be working closely with Woody Warren, Bluewater Real Estate and a local member of the TDA, on this idea.

**Inventory of Golf Cart Parking Spaces**

Public Works has gradually added golf cart parking spaces at various locations around Town as requested by property owners. We now have a total of 30 golf cart parking spaces at the following locations:

Location	Number of Spaces
Ocean Oaks	6
Deer Horn Dr.	2
Fawn Dr	1
Lee Ave.	2
Sound & Piney St.	2
Craig St	3
James St.	1
Eagles Nest	1
Blue Water	1
Pinta	1
White Water	2
Beachview Rd.	2

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 14 of 17

Clark	2
Georgia	2
Hubert - Rhett	2
Total spaces as of 9/27/13	30 spaces

1  
2 Additional parking spaces will be added in the future as requests are received, suitable locations can be identified, and  
3 as resources permit. The golf cart program continues to increase in popularity.  
4

5 **New Phone System and New IT Services**

6 I have executed both contracts, and all Town buildings were recently connected with fiber optic line in preparation for  
7 the transition to the new phone system and IT services. We have also ordered a stronger, more reliable fiber optic  
8 internet connection from Time Warner Cable, and are awaiting this connection in the next couple of months. The  
9 transition to the new phone system and IT services can not occur until the new Time Warner connection is in place.  
10

11 A "project kickoff" meeting with VC3 has been scheduled for October 24.  
12

13 **Release of WAMI Grant Funds for Emerald Isle Ocean Pier Project**

14 I had initially hoped to have the formal WAMI grant agreement for the release of the remaining ~ \$700,000 of grant  
15 funds to the Town (and also a revised "termination agreement" with the NC Aquariums) on the Board's October 8  
16 meeting agenda, but I did not receive the WAMI grant agreement from the NC Division of Marine Fisheries in time to  
17 place this item on the meeting agenda. I have received a revised "termination agreement" from the NC Aquariums, and  
18 I believe it is acceptable to the Town, but would like to bring both agreements to the Board at the same time. It now  
19 appears that the Eastern Ocean Regional Access property will revert to the Town when the two agreements are  
20 executed, instead of waiting until 2015 as I was advised in August.  
21

22 I expect to receive the WAMI grant agreement within the next week, and will likely have both agreements on the  
23 Board's November 12 meeting agenda.  
24

25 **EDC Municipal Initiative- Update**

26 I have attached a memo from Kevin Reed, Planning and Inspections Director, that includes an update on this process.  
27 I have also attached a copy of a brief survey that will be available online on the Town's website sometime this week.  
28 The online survey will be available for approximately 30 days, and this feedback will be used by the steering committee  
29 as they develop an economic development plan for Emerald Isle.  
30

31 **New Deer Population Estimate**

32 NC Wildlife Resources Commission staff conducted field observations in September, and we expect to receive the  
33 updated deer population estimate within the next week. Chief Waters and I will then review the results and develop  
34 options for addressing the deer population, and will present this information to the Board at the November 12 meeting.  
35

36 As you know, the use of deer contraceptives is not authorized in North Carolina. With Mayor Schools' and others'  
37 assistance, the NC Wildlife Resources Commission is conducting a pilot program to study the effectiveness of deer  
38 contraceptives in Bald Head Island. I have attached a copy of a recent press release from the group leading this effort  
39 in Bald Head Island.  
40

41 **NC 58 Bicycle Path Extension – Fairfax to Ocean Drive Dog-Leg**

42 NCDOT has reviewed preliminary plans for this project, and has verbally indicated their concurrence with the Town's  
43 plans. Formal NCDOT approval is expected within the next few weeks. We will be soliciting informal bids for the  
44 construction of this 1.35 mile segment next week, and plan to have a construction contract recommendation on the  
45 Board's November 12 meeting agenda. I am hopeful that construction will begin soon thereafter.  
46  
47  
48

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 15 of 17

1  
2 **NC 58 Bicycle Path Extension – Eastern Ocean Regional Access to Eastern Town Limits**

3 Project plans and permit applications will be submitted in November for this 2.7 mile segment, and we hope to have all  
4 approvals in place by January. Our goal is to solicit informal construction bids for this project in January, and then  
5 award the contact in February, with construction ideally beginning soon after the Fairfax to Ocean Drive dog-leg  
6 segment is complete.

7  
8 **Coast Guard Road Shoulder Removal**

9 SunLand Builders is tentatively scheduled to begin this work during the week of October 21. The southern asphalt  
10 shoulder (approximately 3 feet) will be removed to provide additional area for a planned new storm water pipe and new  
11 bicycle path to be constructed this coming winter and spring.

12  
13 **Island Circle Storm Water Pipe Connection**

14 Survey work has been completed, and Moffatt & Nichol Engineers is working on the design. I continue to push Moffatt  
15 & Nichol to have the Town in a position to award a construction contract no later than the January Board meeting, with  
16 construction beginning soon thereafter.

17  
18 **Lands End Storm Water Pipe Connection**

19 Survey work has been completed, and Moffatt & Nichol Engineers is working on the design. The timeframe for  
20 construction of this connection is not as critical as the Island Circle pipe connection, however, my goal is to have  
21 construction completed prior to Memorial Day 2014.

22  
23 **Blue Heron Park Playground Improvements**

24 Alesia Sanderson, Parks and Recreation Director, is currently soliciting playground equipment proposals, and we plan  
25 to present a contract recommendation to the Board at the November 12 meeting. As noted previously, I intend for the  
26 Town to use a portion of the \$300,000 budgeted for debt service for the 'community improvements package' in FY 13-  
27 14 for the new playground equipment, and then issue a smaller amount of debt over a 9-year term.

28  
29 **Installment Financing Agreement for Community Improvements Package**

30 I expect to solicit financing quotes and present appropriate Board action items for consideration later this fall or winter  
31 after most or all construction bids are in hand. The Town will need approval of the NC Local Government Commission  
32 to issue the debt, and I expect approval sometime in early 2014.

33  
34 **FEMA Close-Out for Hurricane Irene Beach Nourishment Project**

35 We have not yet completed the FEMA close-out for this project, but expect to do so in the next couple of weeks. To  
36 date, FEMA has reimbursed the Town for approximately \$3.85 million of project expenses, and we expect to receive an  
37 additional reimbursement of approximately \$270,000 after close-out. After receiving the final reimbursement, the Town  
38 expects to reimburse Carteret County approximately \$150,000 of its contribution to the Town that was not ultimately  
39 needed (because contingency funds were not necessary for turtle "down-time").

40  
41 **Transportation Impact Planning New Building**

42 Transportation Impact, a fast growing Emerald Isle company providing parcel shipping negotiation services, is making  
43 plans for the construction of a new office building (potentially with other uses) to be located between Crew Drive and  
44 NC 58 near Bert's Surf Shop. A rezoning request from Business to Village West may appear on the Planning Board's  
45 October 28 meeting agenda and the Town Board's November 12 meeting agenda.

46  
47 **Eastern Emerald Isle Storm Water Outfall Removal Project**

48 Unfortunately, we have expended nearly all Clean Water Management Trust Fund grant funds (\$97,000), and still have  
49 5 of the 17 locations left to complete. Artie Dunn, Public Works Director, has requested additional funding to complete  
50 the final 5 locations, however, we are uncertain as to the likelihood of receiving these funds. We are still awaiting a  
51 final decision from the Clean Water Management Trust Fund on this request, and State changes to this program are  
52 likely to delay a decision for at least the next few months.

53  
54

MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 16 of 17

1  
2 The cost overruns are associated with NCDOT outfall locations and resulted from more significant requirements from  
3 NCDOT than originally anticipated. Although it is likely that CWMTF will not require us to complete the remaining  
4 locations, we are committed to completing the remaining 5 locations because I feel strongly that we need to keep our  
5 word to residents in these areas who expect the projects to be completed. I will be working with Artie Dunn to come up  
6 with a feasible, affordable strategy to complete the remaining locations if we are not awarded additional CWMTF grant  
7 funds.  
8

9 **AIIWW Crossing Dredging Planned for Winter 2014**

10 The Corps of Engineers recently informed the Town that they will be dredging the AIIWW crossing this coming winter,  
11 and will place the spoils on the beach at The Point. We will be working on appropriate permits to have this sand  
12 placed in the areas likely to provide the most benefit at the time. Fortunately, the entire area at The Point is in very  
13 good shape, and the additional spoils will likely be used to increase elevations in this area  
14

15 **Annual NC Beach, Inlet, and Waterway Association Meeting**

16 The annual NCBIWA meeting will be held on November 18 and 19 in Wrightsville Beach. Please let me know if you'd  
17 like to attend and we will coordinate registration and lodging.  
18

19 **Retirement of Ron Mizesko, Public Works Supervisor**

20 Ron Mizesko's last day with the Town will be Tuesday, November 5. Ron has served the Town well for more than 23  
21 years, and we wish him well in his retirement. A reception will be held for Ron in the Town Administration Building  
22 conference room at 3 pm on November 5, and the Board is invited to drop by to wish Ron well.  
23

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

25  
26 There were no further comments from the Board of Commissioners.  
27

28 Mayor Schools commented that he felt the Biggert Waters Flood Insurance  
29 Reform Act was legislation that the Town needed to stay on top of and as he  
30 currently serves as President of the NC League of Municipalities (NCLM) he  
31 knew that the League was actively working with the NC Delegation (Senators  
32 and Representatives) and the National League of Cities (NLC) which the Town  
33 was a member of to get modifications to the bill. The League deals with those  
34 people on a regular basis and they had the right contacts to make the Town's  
35 voice heard. He knew the League would do a good job with it and the Town  
36 would continue to stay informed on this issue and be aware of what they were  
37 doing on this issue.  
38

39 Town Manager Rush added that Emerald Isle properties may not be as adversely  
40 affected as first thought and that much of that depended on the new flood maps  
41 that they were waiting on that should be out in 2014.  
42  
43  
44  
45  
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MINUTES OF THE REGULAR MEETING  
OF THE EMERALD ISLE BOARD OF COMMISSIONERS  
OCTOBER 8, 2013  
Page 17 of 17

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**14. Adjourn**

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

***The meeting was adjourned at 8:10 pm.***

Respectfully submitted:

Rhonda C. Ferebee, NCCMC, CMC  
Town Clerk

DRAFT