

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, JANUARY 12, 2016 – 6:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6

7    **1. Call To Order**  
8

9    The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
10 order by Mayor Eddie Barber at 6:00 PM in the Town Board Meeting Room.  
11

12   **2. Roll Call**  
13

14 Present for the meeting: Mayor Eddie Barber, Mayor Pro-Tem Floyd Messer,  
15 Commissioners Candace Dooley, Steve Finch, Jim Normile, and Maripat Wright.  
16

17 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
18 Richard Stanley, Finance Director Laura Rotchford, Town Clerk Rhonda Ferebee,  
19 Police Chief Jeff Waters, Parks and Recreation Director Alesia Sanderson, and Town  
20 Planner Josh Edmondson.  
21

22   **3. Opening Prayer**  
23

24 Emerald Isle resident and business person Bernie Whalley offered the opening prayer.  
25

26   **4. Pledge of Allegiance**  
27

28 Mayor Barber led the Pledge of Allegiance.  
29

30   **5. Adoption of Agenda**  
31

32   ***Motion was made by Commissioner Wright to adopt the Agenda. The Board***  
33   ***voted unanimously 5-0 in favor. Motion carried.***  
34

35   **6. Special Presentation – Irving Monclova, Neighborhood Watch Committee**  
36

37 Mayor Barber and Chief Waters formally recognized the contributions of Irving  
38 Monclova as Chairman of the Town's Neighborhood Watch Committee. Chief Waters  
39 presented an engraved plaque to Col. Monclova and spoke of how instrumental Col.  
40 Monclova had been in establishing the Neighborhood Watch Program in Emerald Isle.  
41 Col. Monclova stated that he felt that Emerald Isle had the best police department in the  
42 United States, crediting Chief Waters and the leadership of the Town. Col. Monclova  
43 urged the Board to provide the resources to continue to sustain the program.  
44  
45  
46

1 **7. Proclamations / Public Announcements**

2  
3 **a. Advanced Law Enforcement Certificate – Paul Cheshire, Police Captain**

4  
5 Chief Waters congratulated Police Captain Paul Cheshire for the significant  
6 achievement of receiving the Advanced Law Enforcement Certificate, the highest award  
7 issued by the State of North Carolina. Chief Waters thanked Captain Cheshire for his  
8 efforts, years of experience, and work, as well as his dedication and knowledge for the  
9 Town of Emerald Isle Police Department. Commissioner Messer added that this award  
10 was a big deal and the Board and public applauded Captain Cheshire.

11  
12 Mayor Barber noted the following announcements for the public:

- 13  
14
- 15 • **Martin Luther King, Jr. Holiday – Monday, January 18 – Town Offices**
  - 16 • **Closed, Community Center Open**
  - 17 • **Police Educating the Public (PEP) – Tuesday, January 19 – 10 am –**
  - 18 • **Town Board Meeting Room**
  - 19 • **Bicycle & Pedestrian Advisory Committee Regular Meeting – Wed,**
  - 20 • **January 20 – 9 am – Community Center**
  - 21 • **Planning Board Regular Meeting – Monday, January 25 – 6 pm – Town**
  - 22 • **Board Meeting Room**
  - 23 • **Coffee With A Cop – Thursday, January 28 – 9 am – Hwy 55 Burgers,**
  - 24 • **Shakes, and Fries**
  - 25 • **Board of Commissioners Regular Meeting – Tuesday, February 9 – 6 pm**
  - 26 • **– Town Board Meeting Room**
  - 27 • **Comp Plan / Land Use Plan Steering Committee Meeting – Thurs. Feb 11**
  - 28 • **– 4 pm – Town Board Meeting Room**
  - 29 • **Board of Commissioners Annual Budget Planning Workshop – Fri, Feb**
  - 30 • **19 – 8:30 am – Town Admin Building**
  - 31 • **24<sup>th</sup> Annual El St. Patrick’s Festival – Saturday, March 12 – 9 am – 6 pm**
  - 32 • **– Emerald Plantation Shopping Center**
  - 33 • **3<sup>rd</sup> Annual Emerald Isle Marathon, Half-Marathon, & 5K – Saturday, April**
  - 34 • **9 – Western Ocean Regional Access**

35 **8. Public Comment**

36  
37 **Brief Summary:** The public will have the opportunity to address the Board about any  
38 items of concern not on the agenda.

39  
40 Jim Hackett, 6410 Ocean Drive, noted that last year was the year he finally moved to  
41 Emerald Isle full-time. Mr. Hackett said the bad news was he hadn't been back to  
42 Baltimore so he didn't have any Berger cookies for the Board this time but promised

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1 them sometime this year. Mr. Hackett said that the good news was that as a proud  
2 father he wanted to announce that his daughter had opened a brand new local business  
3 as of January 1 this year, a new mobile grooming service, Sunny's Mobile Pet Spa,  
4 making it easier for folks who couldn't get out and get their pets to the shops for  
5 grooming.

6  
7 **9. Consent Agenda**  
8

- 9       **a. Minutes – December 8, 2015 Regular Meeting**  
10       **b. Tax Releases**  
11       **c. Resolution of Support to End Economic Development Tier System in North**  
12       **Carolina (16-01-12/R1)**  
13       **d. Resolution of Support for Connect NC Bond Referendum (16-01-12/R2)**  
14       **e. Resolution Authorizing Information Technology Services Contract**  
15       **Extension (16-01-12/R3)**  
16       **f. Resolution Authorizing Sale of Surplus Items (16-01-12/R4)**  
17

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

20  
21 **Clerks Note: A copy of Resolutions 16-01-12/R1, 16-01-12/R2, 16-01-12/R3, 16-01-12/R4 and all other Consent**  
22 **Agenda items as referenced above are incorporated herein by reference and hereby made a part of these**  
23 **minutes.**  
24

25 **10. Commercial Review – Former Mike's Place Restaurant Renovations**  
26

27 Town Planner Josh Edmondson addressed the Board regarding this Agenda item. The  
28 following excerpt from his memo to the Town Manager is provided for additional  
29 background:

30  
31 A request has been submitted by Larry Watson for the exterior renovation of the commercial structure at 8306 Emerald Dr. The  
32 project will consist of stone masonry work, siding, metal roofing and additional features to enhance the exterior of the building. In  
33 order to aid in the review of the proposal, the following sections of the UDO will help formulate your conclusion as to whether the  
34 project as proposed meets the regulations set forth in the UDO. These are as follows Chapter 2: Administration Subsection 2.4.8  
35 – Commercial Structures and Chapter 6: Development Standards Subsection 6.1.3 – Commercial Structures. I have attached  
36 pictures of the current building, the front, rear, and side elevations of the renovations and pictures of the color samples and  
37 stone. Please note that the colors on the elevation sheet have changed to an ivy green siding and a sand dune metal roof color.  
38 I will have the originals at the meeting for the Commissioners to review.  
39

40 The main items to highlight are the new coverings of the exterior walls which will be ivy green siding and cedar shakes as well as  
41 stone facing to a height of about 36". Additionally, the roof line will be extended along on the front of the building to coincide with  
42 the existing rear roof section. This is to create additional area for seating outside. A new gable roof will be placed over the front  
43 entrance of the building which will create a visual break looking across the front building elevation. All the roofing material will be  
44 metal. The last items to highlight are the two non-structural towers/spires on the roof. I think this creates an interesting visual  
45 break as you scan the roof line and acts as a type of building offset as found in Section 6.1.3 (4)(C). These are the larger areas  
46 of focus but there are smaller scale design elements we can discuss as well.  
47

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1 The Planning Board discussed this issue at their December 29, 2015 special meeting. Following discussion the board voted  
2 unanimously to recommend to the commissioners to approve the proposal as submitted. I look forward to discussing this matter  
3 with the Commissioners at their January 12, 2015 meeting.  
4

5 Town Planner Josh Edmondson noted that because the proposed exterior renovation  
6 exceeded 15% of the value of the structure that triggered that the Planning Board  
7 review and recommend approval to the Board of Commissioners. Town Planner  
8 Edmondson outlined the major improvements planned for the exterior renovation of the  
9 commercial structure at 8306 Emerald Drive, formerly Mike's Place, as included in his  
10 memo provided above, including the stone facing, new cedar shake vinyl siding that  
11 was ivy green, and a sand dune colored metal roof, all of which were neutral and earth  
12 tone and met the requirements of the ordinance. In addition, the proposed renovations  
13 included the required visual breaks every 20 feet. Planner Edmondson stated there  
14 was an additional roof area on the western front side of the building over an existing  
15 impervious surface so there would not be an increase in the impervious surface on the  
16 site. Town Planner Edmondson also noted the new gabled roof over the entrance, and  
17 lastly it was mentioned that the cupolas on top were consistent with the Town  
18 requirements not to be higher than 4 feet from the existing roofline. Town Planner  
19 Edmondson stated that the Planning Board had voted to recommend to the Board of  
20 Commissioners approval of the proposal, and that the improvements would  
21 tremendously enhance the downtown area in Emerald Isle.  
22

23 Larry Watson, owner of the commercial site, was in attendance and said that he had  
24 been here in Emerald Isle for a long time and felt that anyone who knew him would  
25 know that it would be a big improvement of the property.  
26

27 ***Motion was made by Commissioner Messer to approve the building elevations***  
28 ***and building colors for the planned exterior renovations of the former Mike's***  
29 ***Place Restaurant. The Board voted unanimously 5-0 in favor. Motion carried.***  
30

31 **11. Proposed Demolition of the Rusty Pelican Inn, 8104 Emerald Drive**  
32

- 33 **a. Resolution and Ordinance Authorizing Demolition and Imposition of Lien to**  
34 **Recover Town Costs (16-01-12/R5)**  
35 **b. Budget Amendment – General Fund**  
36

37 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
38 following excerpt from his memo to the Board is provided for additional background:  
39

40 The Board of Commissioners is scheduled to consider two formal actions at the January 12 meeting that will result in the  
41 demolition of The Rusty Pelican Inn located at 8104 Emerald Drive. The Rusty Pelican Inn, owned by Barbara A. Smith, has  
42 been in an unsafe condition since at least September 2014, and has not been occupied since that time. Despite numerous  
43 attempts by Town staff (both informally and formally) in recent years to have the owner resolve the outstanding life safety issues,  
44 the unsafe condition has not been resolved. As a result, I recommend that the Board approve the attached resolution and  
45 ordinance formally authorizing the demolition and imposing a lien on the property to enable the Town to eventually recover the

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1 \$21,875 expense associated with demolition and disposal. The attached General Fund budget amendment formally  
2 appropriates this amount for this purpose.  
3

4 As noted in the text of the attached resolution and ordinance, and in the attached memo prepared by Josh Edmondson, Town  
5 Planner, the Town has been attempting to resolve electrical deficiencies, fire hazards, mold, structural deficiencies, and other  
6 code violations at The Rusty Pelican Inn since at least 2009. As is the case in nearly all Town enforcement actions, we initially  
7 attempt to resolve concerns in a helpful, cooperative manner, and that approach was utilized repeatedly in previous dealings with  
8 the owner of The Rusty Pelican Inn. Due to the seriousness of the current deficiencies and the clear life safety hazards, the ~ 16  
9 months that have elapsed since September 2014 with no progress, and the ceasing of return communications from the owner or  
10 her agents, the Town is left with no alternative than to proceed with the Town-initiated demolition of the structure. The attached  
11 resolution and ordinance outlines the various deficiencies and life safety concerns, outlines the process undertaken by the Town  
12 (in accordance with applicable NC General Statutes and the Town Code of Ordinances) up to this point, and formally authorizes  
13 the demolition of the structure. Because the Town will incur a significant expense to demolish and dispose of the structure, the  
14 attached resolution and ordinance also authorizes the imposition of a lien on the real property at 8104 Emerald Drive and the  
15 accrual of interest at a rate of 8% per annum. The attached resolution and ordinance also authorizes the Town to foreclose its  
16 lien in the future if desired.  
17

18 Town staff have secured three quotes for the demolition and disposal of the structure, and the lowest bid was submitted by  
19 Garrison Construction Co., Inc., Morehead City, NC, in the amount of \$21,875. The other two bids received include prices of  
20 \$23,500 and \$37,500. The Board should note that the bids do not include any expenses associated with asbestos evaluation or  
21 abatement, however, Josh Edmondson is in possession of a report that indicates that asbestos is not present in the structure.  
22 Thus, if the Board approves the attached resolution and ordinance and budget amendment we intend to award the demolition  
23 and disposal contract to Garrison Construction Co., Inc. in the amount of \$21,875. The scope of work is such that the end  
24 product will be a vacant lot, with the existing asphalt parking lot remaining in place.  
25

26 The Town is on pace to exceed the FY 15-16 revenue estimate for development permit fees, and the attached budget  
27 amendment formally appropriates additional anticipated development permit fees for the demolition and disposal of The Rusty  
28 Pelican Inn. The Board should note that the timing for the reimbursement of the \$21,875 expense is highly uncertain. Town staff  
29 will invoice the owner for this cost after the work is complete, and a lien will be imposed on the real property at 8104 Emerald  
30 Drive. Depending on the eventual disposition of the real property at 8104 Emerald Drive, the Town may find itself waiting for  
31 several months or perhaps years to recover this cost. As noted, interest will accrue at a rate of 8% annually, or \$1,750 for the  
32 first year. Additionally, the Town may decide to foreclose its lien in the future to recover the full amount of the Town's cost, plus  
33 interest. I am hopeful that the accrual of interest and the threat of foreclosure will encourage the owner to reimburse the Town  
34 for this expense sooner rather than later.  
35

36 The Board should note that Josh Edmondson was informed several weeks ago by a demolition contractor that he had tentatively  
37 scheduled the demolition to begin on January 11, 2016. We remain hopeful that may yet occur, however, we have received no  
38 communication from the owner or the contractor in several weeks. If the Board approves the attached resolution and ordinance,  
39 I will task Josh Edmondson with contacting the owner and her contractor one more time before the Town executes the demolition  
40 contract. If there is no response, the Town will then direct Garrison Construction Co., Inc. to proceed.  
41

42 The entire formal process associated with the demolition of The Rusty Pelican Inn has been coordinated with Town Attorney  
43 Richard Stanley, and I believe the Town has far exceeded the minimum legal requirements to undertake this action. Josh  
44 Edmondson, Richard Stanley, and I look forward to discussing this issue with the Board at the January 12 meeting.  
45

46 Town Manager Rush discussed the two formal actions being considered by the Board  
47 that would ultimately result in the demolition of the Rusty Pelican Inn. Town Manager  
48 Rush outlined the concerns expressed about the structure over the past 3-4 years  
49 involving code violations, some of which were addressed cooperatively in the last few  
50 years. Town Manager Rush noted that until September 2014 there had been

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1 complaints received and inspections done by building inspection staff and fire  
2 department staff, and at that time the structure was declared unsafe and was no longer  
3 permitted to be occupied, and had not been occupied since that time. Mr. Rush said  
4 they continued to try to work cooperatively with the owner of the property over the next  
5 8-10 months and were unfortunately unable to make that happen. Mr. Rush said that  
6 earlier in the summer of 2015 they underwent a formal process, holding a hearing led by  
7 Town Planner Josh Edmondson with the assistance of the Fire Department and  
8 Carteret County Building Inspection staff with representatives of the owner of the  
9 structure, providing a total of six months to either correct all of the deficiencies or  
10 demolish the structure. Mr. Rush said when that deadline was established they  
11 requested an update within 60 days, and they received an update in July that indicated  
12 the owner intended to proceed with repairs to bring the structure up to code. Mr. Rush  
13 said that did not happen, and again later in the fall they received word that the owner  
14 intended to proceed with demolition of the structure and hoped that would have  
15 occurred by now; the deadline had now come and gone for the structure to come into  
16 compliance. Mr. Rush said at this point we were about six weeks beyond the deadline  
17 and for that reason and for the fact that there had been no direct communication with  
18 the owner since late October this item was being brought to the Board for consideration.  
19

20 Mr. Rush noted that the first item was a formal Resolution and Ordinance that would  
21 authorize the demolition of the structure due to various life safety concerns. Mr. Rush  
22 stated that quotes had been secured from three demolition contractors with the low  
23 quote being \$21,875 submitted by Garrison Construction Co., Inc. Secondly, there was  
24 a budget amendment for the Board to consider that would appropriate funds for that  
25 expense, and it was recommended, as building permit fees were tracking ahead of our  
26 estimates, that the budget amendment appropriate additional anticipated building  
27 inspection fees to cover the expense.  
28

29 Mr. Rush stated that they had attempted throughout this process to work cooperatively  
30 with the owner and they still hoped to work cooperatively with the owner. Mr. Rush  
31 noted that Town Planner Josh Edmondson had recent conversations with a demolition  
32 contractor who was scheduled to proceed and demolish the structure at the direction of  
33 the owner, and from a staff perspective it was hoped that would occur and could occur  
34 later this week or next. Mr. Rush said they would certainly prefer that the owner move  
35 forward which would achieve the goals of the Town which were to ensure the safety of  
36 the public using that structure as well as overall aesthetic concerns. Mr. Rush said if  
37 the Board approved they would still reach out to the owner and learn of their intentions  
38 hoping the demolition would proceed on their own accord and the Town's involvement  
39 would be over.  
40

41 Commissioner Normile asked when the last time there was contact with the owner and  
42 whether demolition by the Town was ever discussed with the owner.  
43

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1 Town Planner Edmondson stated that they had discussed that process with the owner  
2 when they held the first hearing near the end of May, and the last contact he had with  
3 the owner was the end of October when she came in and obtained a demolition permit  
4 for the demolition contractor. Mr. Edmondson said since that time he had emailed her  
5 and left voice messages with no response. Mr. Edmondson said in the last few weeks  
6 he had been in communication with the demolition contractor who had informed him of  
7 the timeframe moving forward, and based on his conversation of the previous day with  
8 the contractor, he indicated he would be starting this week or next week. Mr.  
9 Edmondson said that he felt that once the owner got the estimates on repairing the  
10 structure and bringing up to code felt it was not worth it. Mr. Edmondson confirmed in  
11 response to Commissioner Normile's question that the owner was aware of the action  
12 being taken by the Board tonight, having been advised by voicemail and her contractor  
13 has also been informed.

14  
15 ***Motion was made by Commissioner Finch to approve the Resolution and***  
16 ***Ordinance Authorizing Demolition of the Rusty Pelican Inn, 8104 Emerald Drive***  
17 ***and Imposition of Lien to Recover Town Costs. The Board voted unanimously 5-0***  
18 ***in favor. Motion carried.***

19  
20 ***Motion was made by Commissioner Wright to approve the Budget Amendment –***  
21 ***General Fund. The Board voted unanimously 5-0 in favor. Motion carried.***

22  
23 **Clerks Note:** A copy of Resolution 16-01-12/R5 and Budget Amendment as referenced above are  
24 incorporated herein by reference and hereby made a part of these minutes.

25  
26 **12. Proposed Demolition of 7405 Archers Creek Court (Single-Family Residence)**

- 27  
28 **a. Resolution and Ordinance Authorizing Demolition and Imposition of Lien to**  
29 **Recover Town Costs (16-01-12/R6)**  
30 **b. Budget Amendment – General Fund**

31  
32 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
33 following excerpt from his memo to the Board is provided for additional background:

34  
35 The Board of Commissioners is scheduled to consider two formal actions at the January 12 meeting that will result in the  
36 demolition of an existing single family residence at 7405 Archers Creek Court. This structure, owned by Flynn T. Thrash, has  
37 been in an unsafe condition for the past few years, and has not been occupied in several months. Despite numerous attempts  
38 by Town staff (both informally and formally) since 2012 to have the owner resolve the outstanding life safety issues, the unsafe  
39 condition has not been resolved. As a result, I recommend that the Board approve the attached resolution and ordinance formally  
40 authorizing the Town-initiated demolition and imposing a lien on the property to enable the Town to eventually recover the  
41 \$5,500 expense associated with demolition and disposal. The attached General Fund budget amendment formally appropriates  
42 this amount for this purpose.

43  
44 As noted in the text of the attached resolution and ordinance and in the attached memo prepared by Josh Edmondson, Town  
45 Planner, the Town has been attempting to resolve water intrusion, rot, ceiling collapse, severe mold growth, deck deterioration,  
46 and other code violations at 7405 Archers Creek Court since 2012. As is the case in nearly all Town enforcement actions, we

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1 initially attempt to resolve concerns in a helpful, cooperative manner, and that approach was utilized repeatedly in previous  
2 dealings with the owner of 7405 Archers Creek Court. Due to the seriousness of the current deficiencies and the clear life safety  
3 hazards, the long period of time that has elapsed with no progress, and the ceasing of return communications from the owner,  
4 the Town is left with no alternative than to proceed with the Town-initiated demolition of the structure. The attached resolution  
5 and ordinance outlines the various deficiencies and life safety concerns, outlines the process undertaken by the Town (in  
6 accordance with applicable NC General Statutes and the Town Code of Ordinances) up to this point, and formally authorizes the  
7 demolition of the structure. Because the Town will incur a significant expense to demolish and dispose of the structure, the  
8 attached resolution and ordinance also authorizes the imposition of a lien on the real property at 7405 Archers Creek Court and  
9 the accrual of interest at a rate of 8% per annum. The attached resolution and ordinance also authorizes the Town to foreclose  
10 its lien in the future if desired.

11  
12 Town staff have secured three bids for the demolition and disposal of the structure, and the lowest bid was submitted by  
13 SunLand Development and Construction, Cape Carteret, NC, in the amount of \$5,500. The other bids received include prices of  
14 \$7,950 and \$11,000. Due to the relatively new age of the structure, we do not expect any asbestos issues. Thus, if the Board  
15 approves the attached resolution and ordinance and budget amendment we intend to award the demolition and disposal contract  
16 to SunLand Development and Construction in the amount of \$5,500. The scope of work is such that the end product will be a  
17 vacant lot, with the exposed ground re-seeded.

18  
19 The Town is on pace to exceed the FY 15-16 revenue estimate for development permit fees, and the attached budget  
20 amendment formally appropriates additional anticipated development permit fees for the demolition and disposal of 7405 Archers  
21 Creek Court. The Board should note that the timing for the reimbursement of the \$5,500 expense is highly uncertain. Town staff  
22 will invoice the owner for this cost after the work is complete, and a lien will be imposed on the real property at 7405 Archers  
23 Creek Court. Depending on the eventual disposition of the real property at 7405 Archers Creek Court, the Town may find itself  
24 waiting for several months or perhaps years to recover this cost. As noted, interest will accrue at a rate of 8% annually, or \$440  
25 for the first year. Additionally, the Town may decide to foreclose its lien in the future to recover the full amount of the Town's  
26 cost, plus interest. I am hopeful that the accrual of interest and the threat of foreclosure will encourage the owner to reimburse  
27 the Town for this expense sooner rather than later.

28  
29 The Board should note that Josh Edmondson was informed several weeks ago by a local private agent that he was assessing  
30 7405 Archers Creek Court on behalf of an Oregon lending institution. We remain hopeful that the owner and/or the lending  
31 institution may yet resolve the outstanding concerns without Town action, however, we have received no communication from  
32 the owner, agent, or lending institution in recent weeks. If the Board approves the attached resolution and ordinance, I will task  
33 Josh Edmondson with contacting the owner and the agent one more time before the Town executes the demolition contract. If  
34 there is no response, the Town will then direct SunLand Development and Construction to proceed.

35  
36 The entire formal process associated with the demolition of 7405 Archers Creek Court has been coordinated with Town Attorney  
37 Richard Stanley, and I believe the Town has far exceeded the minimum legal requirements to undertake this action. Josh  
38 Edmondson, Richard Stanley, and I look forward to discussing this issue with the Board at the January 12 meeting.

39  
40 Town Manager Rush discussed the two formal actions being considered by the Board  
41 that would ultimately result in the demolition of 7405 Archers Creek Court. Town  
42 Manager Rush stated this was a very similar process to the previous demolition item as  
43 was just described with the Rusty Pelican Inn. Mr. Rush said they had taken a very  
44 cooperative and patient approach by the Town with the owner of the property, really  
45 going all the way back to 2012 when they first started receiving complaints and  
46 concerns expressed by the neighbors. Mr. Rush said they initially believed they had  
47 some limited cooperation with the owner but unfortunately the structure was now the  
48 same or much worse condition as when complaints were first received in 2012. Mr.  
49 Rush said they began a formal process in September of 2014, after several informal

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1 processes with the owner being provided a 90 day deadline to either repair the structure  
2 or bring it up to code or to demolish the structure on his own accord. Mr. Rush said at  
3 the hearing with the owner he had initially indicated he intended to sell the property, but  
4 unfortunately the 90 day period expired the past week. Mr. Rush noted the home was  
5 in very poor condition with broken windows, broken doors, water intrusion, rot, ceiling  
6 collapse, severe mold growth on the interior, deteriorated decks, and trash in the yard;  
7 very much an unsafe and uninhabitable structure that ultimately led to the initiation of  
8 the formal process for this property. Mr. Rush said that town staff solicited bids for the  
9 demolition with the low quote of 3 bids received being \$5,500 by Sunland Construction.  
10 Mr. Rush noted that the budget amendment included appropriated \$5,500 of additional  
11 permit fee revenues. Mr. Rush noted that this would again be a very similar legal  
12 situation where the Town would demolish the structure, bill the owner for the \$5,500  
13 cost, and if not paid within 30 days a lien would be placed on the property and ultimately  
14 whenever the property was disposed the Town would recover those funds, with the  
15 possibility if necessary of foreclosure at some point in the future. Mr. Rush said that  
16 their intention if the Board approved would be to reach out again to the owner one last  
17 time, inform him that this action had been taken and that the Town intended to proceed  
18 with the demolition and give the owner the opportunity to proceed with the demolition on  
19 his own accord, they would prefer that be the case, but if that does not happen then the  
20 Town would then proceed with the demolition.

21  
22 Commissioner Normile asked whether the owner had been notified of the matter being  
23 considered by the Board tonight.

24  
25 Town Planner Josh Edmondson confirmed that he had finally been able to speak with  
26 the owner today and the owner was aware of the meeting and what was taking place.  
27 Mr. Edmondson said the owner indicated that he still intended to take care of it himself  
28 but we are a week past the deadline. Town Manager Rush noted that at one point in  
29 time they discussed with the owner using the structure as a fire training exercise and  
30 the owner had been interested in pursuing that but unfortunately he never responded  
31 back with information on how to make that happen.

32  
33 John Hall, 7408 Archers Creek, stated that even though 2012 was the first that the  
34 Town became aware, the property had been in disrepair several years before that with  
35 siding stripped off, vermin running around, mold, wide open with anything living inside.  
36 Mr. Hall said he had tried being patient about this and noted Mr. Rush had been very  
37 good about communicating with him. Mr. Hall said this house had to go and felt that  
38 none of the Board would put up with what they had put up with these last several years.  
39 He felt it was an abomination and he couldn't see anything other than the structure  
40 being burned or salvaged and removed.

41

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1 Commissioner Messer replied to Mr. Hall's comments that the Town would fix it finally,  
2 and as he told Mr. Hall a couple of years ago there was a long process but they would  
3 get it done and thanked him for his patience.

4  
5 ***Motion was made by Commissioner Wright to approve the Resolution and***  
6 ***Ordinance Authorizing Demolition of 7405 Archers Creek Court and Imposition of***  
7 ***Lien to Recover Town Costs. The Board voted unanimously 5-0 in favor. Motion***  
8 ***carried.***

9  
10 ***Motion was made by Commissioner Messer to approve the Budget Amendment –***  
11 ***General Fund. The Board voted unanimously 5-0 in favor. Motion carried.***

12  
13 **Clerks Note:** A copy of Resolution 16-01-12/R6 and Budget Amendment as referenced above are  
14 incorporated herein by reference and hereby made a part of these minutes.

15  
16 **13. 2016 Comprehensive Plan / Land Use Plan Update**

- 17  
18 **a. Resolution Authorizing Consulting Services Contract (16-01-12/R7)**  
19 **b. Appointment of Steering Committee**

20  
21 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
22 following excerpt from his memo to the Board is provided for additional background:

23  
24 The Board of Commissioners is scheduled to consider two important actions to begin the process of updating the Town's 2004  
25 Land Use Plan at the January 12 meeting.

26  
27 First, the Board will consider the award of a consulting services contract to Holland Consulting Planners, Wilmington, NC, in the  
28 amount of \$29,000 to assist the Town in the development of the 2016 Comprehensive Plan / Land Use Plan Update over the  
29 next 12 months +/- . Second, the Board will formally appoint individuals to serve on a diverse 13-member steering committee that  
30 will be tasked with guiding the development of the plan, including providing their input on future policies and goals, and  
31 overseeing and integrating a significant public input process.

32  
33 At the end of the process, I am hopeful that the 2016 Comprehensive Plan / Land Use Plan Update will provide the Town with a  
34 clear consensus of our community's future vision, with clear policies and goals that will guide future new development and  
35 investment in public infrastructure. I believe the Town's 2004 Land Use Plan has been an accurate statement of the  
36 community's vision for Emerald Isle and has been a valuable tool over the past 12 years, and I expect the 2016 update to be just  
37 as valuable over the next decade or more.

38  
39 **2004 Land Use Plan**

40 The Town has diligently relied on the 2004 Land Use Plan in all land use decisions over the past 12 years, and has also taken  
41 action on many initiatives identified in the 2004 plan. The Town has also amended the 2004 plan several times over the past 12  
42 years as needed to reflect changing conditions and/or changing priorities. The Town is fortunate that the 2004 plan did not "just  
43 sit on the shelf", and that it has been an actively used tool over the years.

44  
45 I have attached excerpts from the 2004 plan that include the overall vision outlined in the plan, along with the policies and goals  
46 included in the plan. Much of the Town's success over the past 12 years can, in some way, be traced back to the community  
47 consensus that was concisely articulated in the 2004 plan. The Town's major achievements rooted in the 2004 plan include:  
48

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- 1 • the development of a unified development ordinance to implement the goals and policies in the plan,
- 2
- 3 • the elimination of the old Residential-Motel-Hotel (RMH) zoning district and the rezoning of approximately half of the
- 4 Town from the RMH zoning to Residential-2 (R-2) zoning,
- 5
- 6 • effective management of beach erosion and inlet migration threats through beach nourishment and channel
- 7 realignment projects,
- 8
- 9 • the construction of a significant bicycle path and sidewalk network,
- 10
- 11 • the creation of an additional ocean access parking area and improvements to existing ocean access facilities,
- 12 including significant handicapped ramps at WORA and EORA,
- 13
- 14 • consistent enforcement of storm water management regulations,
- 15
- 16 • construction of significant storm water management infrastructure along the Coast Guard Road corridor,
- 17
- 18 • improvements to soundside access facilities,
- 19
- 20 • construction of a new public boat launching facility,
- 21
- 22 • creation of the Village East, Village West, and Marina Village zoning districts to encourage flexible and quality
- 23 redevelopment in those areas,
- 24
- 25 • ordinance amendments to promote the disclosure of noise impacts and accident potential zones in the Bogue Field
- 26 flight pattern, and encouragement of noise attenuation construction techniques in these areas,
- 27
- 28 • maintenance of low building height limits,
- 29
- 30 • the preservation of commercially zoned areas in eastern Emerald Isle for future commercial development to serve
- 31 that area,
- 32
- 33 • attractive landscaping along the NC 58 corridor, and
- 34
- 35 • most importantly, the preservation of Emerald Isle's "small-town atmosphere".
- 36

37 My general sense from our community is that the majority of the development policies and community goals outlined in the 2004  
38 LUP remain valid in 2016, however, the 2016 update should strive to:

- 39
- 40 • confirm (or refute) that the policies and goals outlined in the 2004 plan are still valid, and/or
- 41
- 42 • amend the policies and goals in a way that is more consistent with current conditions in 2016 and the current
- 43 sentiments of our community members, and/or
- 44
- 45 • eliminate out-of-date or no longer valid policies and goals, and
- 46
- 47 • identify new policies and goals to guide the Town's development and investment in public infrastructure over the next
- 48 decade or more.
- 49

50 I am excited for the Town to undertake this process, and look forward to significant public input in the development of the 2016  
51 plan.

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1  
2 Resolution Authorizing Consulting Services Contract

3 The attached resolution authorizes a contract with Holland Consulting Planners, Wilmington, NC, in the amount of \$29,000 to  
4 guide the planning process, research and summarize important community data to aid in the development of policies and goals,  
5 coordinate the steering committee, secure meaningful public input, and prepare the written document for formal consideration by  
6 the Planning Board and the Board of Commissioners in late 2016 or early 2017.

7  
8 The Town solicited proposals from planning consulting firms in October and November, and received 5 proposals from the  
9 following firms:

- 10  
11 • CIII Associates, Wilmington, NC,  
12  
13 • Community Planning Partners, Richmond, VA,  
14  
15 • Holland Consulting Planners, Wilmington, NC,  
16  
17 • N-Focus Planning & Design, Kannapolis, NC, and  
18  
19 • Vital Clarity, Asheville, NC.

20  
21 An ad-hoc committee consisting of Mayor Pro-Tem Floyd Messer, Planning Board Chairman Ken Sullivan, Town Planner Josh  
22 Edmondson, and I reviewed the proposals and interviewed 2 firms in December: Holland Consulting Planners and Vital Clarity.  
23 The ad-hoc committee considered the 2 firms' experience, approach, and overall capabilities, and recommends that the Town  
24 contract with Holland Consulting Planners.

25  
26 I have attached a copy of Holland Consulting Planners' proposal for your information, along with a copy of the Town's Request  
27 for Qualifications. Holland Consulting Planners has significant planning experience in North Carolina, including the coastal area,  
28 and has developed numerous plans in accordance with CAMA guidelines over the past nearly 30 years. They are a full-service  
29 firm with comprehensive planning, mapping, and public participation capabilities.

30  
31 I have attached a 1-page summary of Holland's suggested public participation process, which includes 6 meetings of the steering  
32 committee, an electronic survey, two larger public input meetings, and interviews with key stakeholders in the community.  
33 Additionally, Holland plans to implement a dedicated, interactive project website that will allow our residents, property owners,  
34 and businesses to track the project online and offer additional input. The ad-hoc committee views the dedicated, interactive  
35 project website as a key tool in the upcoming planning process.

36  
37 The FY 15-16 Planning and Inspections budget includes sufficient funds for the Town's contract with Holland Consulting  
38 Planners.

39  
40 Landin Holland, Senior Planner for Holland Consulting Planners, and a key member of the project team, will attend the Board's  
41 January 12 meeting.

42  
43 Appointment of Steering Committee

44 The Board will formally appoint 13 members to a steering committee that will be tasked with guiding the development of the plan,  
45 including providing their input on future policies and goals, and overseeing and integrating a significant public input process.

46  
47 The Board should note that the suggested composition of the steering committee is similar to the recommendation provided to  
48 the Board in November, however, there have been a few adjustments based on community input, Board input, and Holland  
49 Consulting Planners' input. As such, the Board is asked to appoint a diverse group of individuals to represent the following  
50 perspectives:

51  
52

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- 1
- 2 • 1 member of the Board of Commissioners
- 3
- 4 • 1 member of the Planning Board,
- 5
- 6 • 2 retail / restaurant business owners (fishing, gift shops, food establishments, etc.),
- 7
- 8 • 1 tourism-oriented business owner (adventures, equipment rentals, etc.),
- 9
- 10 • 1 real estate agent / developer / contractor,
- 11
- 12 • 1 vacation rental company owner / manager,
- 13
- 14 • 1 campground / RV park / mobile home park owner / manager,
- 15
- 16 • 2 second home owners, and
- 17
- 18 • 3 permanent residents.
- 19

20 The Board should note that nearly all of the individuals appointed for the various “slots” should be Emerald Isle residents,  
21 however, it is perfectly acceptable to appoint an individual who owns a business in Emerald Isle but is not a permanent resident if  
22 the Board identifies someone from the business community with a helpful perspective. In addition to the categories identified  
23 above, the Board may find value in appointing a healthy mix of male and female, young and old, and native North Carolinians  
24 and individuals originally from other states.

25  
26 We have tentatively scheduled the first steering committee meeting for Thursday, February 10 at 4 pm in the Town Board  
27 Meeting Room. The steering committee and Holland will determine the schedule for future meetings, but generally speaking we  
28 anticipate that the committee will meet 6 times over the course of the next 12 months, in addition to attending the two significant  
29 public input events during that time. Each steering committee meeting is expected to last for approximately 90 minutes +/-.

30  
31 I expect that the DRAFT plan will be reviewed by the steering committee and the community in late 2016, followed by formal  
32 review and approval by the Planning Board and Board of Commissioners in late 2016 or early 2017.

33  
34 CAMA Land Use Planning Requirements

35 Although the primary goal of the 2016 Comprehensive Plan / Land Use Plan Update is to serve as a valuable tool to guide future  
36 development and public infrastructure investment, the 2016 plan will also be structured to meet CAMA land use planning  
37 requirements. Several positive changes have recently been incorporated in the CAMA land use planning program, and Emerald  
38 Isle will be among the first municipalities to develop its plan under the new guidelines.

39  
40 Town Manager Frank Rush recommended two actions for the Board to consider. Town  
41 Manager Rush noted that the first action was a Resolution authorizing a consulting  
42 services contract to Holland Consulting Planners in the amount of \$29,000 to help the  
43 Town through the planning process over the course of the next 10-12 months. Mr.  
44 Rush stated the consulting service would lead the steering committee, solicit public  
45 input, coordinate the efforts of the steering committee, and ultimately draft the plan that  
46 would be presented to the Planning Board to recommend to the Board of  
47 Commissioners for approval. Mr. Rush outlined the process taken by the ad-hoc  
48 subcommittee that consisted of himself, Town Planner Josh Edmondson, Planning

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1 Board Chairman Ken Sullivan, and Mayor Pro-Tem Floyd Messer as described in detail  
2 in his memo to the Board noted above in their selection of the consulting firm.

3  
4 Town Manager Rush stated that the general belief was that many of the policies and  
5 development goals of the existing 2004 Land Use Plan were still accurate and valid  
6 today but they were going through this process to confirm that, deny that, or identify  
7 new policies/goals going forward.

8  
9 Mr. Rush stated that the Board also had the opportunity tonight to appoint the 13  
10 members of the steering committee. Mr. Rush noted that as they had discussed over  
11 the past months they had tried to identify a group of residents and business owners in  
12 Emerald Isle that would bring different perspectives to the table. Town Manager Rush  
13 also outlined Holland Consulting Service's suggested public participation process.

14  
15 Town Manager Rush introduced Landon Holland, Holland Consulting Planners, who  
16 made a few brief remarks to the Board. Mr. Holland thanked the Board for considering  
17 his firm for the project, and hoped during the process to be able to address shifts in  
18 CAMA rules and policies, but also to engineer a document that was reflective of the  
19 desires of the citizens of Emerald Isle, not only permanent residents but transient  
20 residents, and second home owners. Mr. Holland felt that the project website idea they  
21 had been utilizing really gave the opportunity to establish the outreach and engage all  
22 facets of the public and citizenry throughout the planning process.

23  
24 **Motion was made by Commissioner Messer to approve the Resolution**  
25 **Authorizing Consulting Services Contract. The Board voted unanimously 5-0 in**  
26 **favor. Motion carried.**

27  
28 *Steering Committee Appointments – 13 total:*

29  
30 **Motion was made by Commissioner Wright to appoint Commissioner Jim Normile**  
31 **to the Board of Commissioners slot. The Board voted unanimously 5-0 in favor.**  
32 **Motion carried.**

33  
34 **Motion was made by Commissioner Finch to appoint Planning Board Member**  
35 **Ken Sullivan to the Planning Board slot. The Board voted unanimously 5-0 in**  
36 **favor. Motion carried.**

37  
38 **Motion was made by Commissioner Messer to appoint Larry Watson and Bruce**  
39 **Hedreen to the retail / restaurant business slots. The Board voted unanimously**  
40 **5-0 in favor. Motion carried.**

41  
42

1 **Motion was made by Commissioner Dooley to appoint Carole Lanier to the**  
2 **tourism-oriented business slot. The Board voted unanimously 5-0 in favor.**  
3 **Motion carried.**

4  
5 **Motion was made by Commissioner Normile to appoint Malcolm Boartfield to the**  
6 **real estate / developer / contractor slot. The Board voted unanimously 5-0 in**  
7 **favor. Motion carried.**

8  
9 **Motion was made by Commissioner Wright to appoint Nathan Wax to the vacation**  
10 **rental company slot. The Board voted unanimously 5-0 in favor. Motion carried.**

11  
12 **Motion was made by Commissioner Finch to appoint Georgia Murray to the**  
13 **campground / RV park / mobile home park owner / manager slot. The Board**  
14 **voted unanimously 5-0 in favor. Motion carried.**

15  
16 **Motion was made by Commissioner Messer to appoint Amy Reardon and Ron**  
17 **Harkless to the second home owner slots. The Board voted unanimously 5-0 in**  
18 **favor. Motion carried.**

19  
20 **Motion was made by Commissioner Dooley to appoint Mike Campbell, Chad**  
21 **MacAvery, and Randy Campbell to the permanent resident slots. The Board**  
22 **voted unanimously 5-0 in favor. Motion carried.**

23  
24 Following appointments, Town Manager Rush suggested that the corrected tentative  
25 date for the first meeting of the committee be Thursday, February 18.

26  
27 **Clerks Note: A copy of Resolution 16-01-12/R7 as referenced above is incorporated herein by reference and**  
28 **hereby made a part of these minutes.**

29  
30 **14. Proposed Sign Ordinance Amendments – Non-Profit Event Signs**

31  
32 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
33 following excerpt from his memo to the Board is provided for additional background:

34  
35 The Board of Commissioners will review proposed amendments to the Town's sign ordinance regarding non-profit event signs at  
36 the January 12 meeting. The proposed amendments outline new regulations regarding the material, quality, and placement of  
37 signs for non-profit events in the NC 58 right of way (and other Town right of ways), and seek to balance 1) the strong desire to  
38 support and promote these events with 2) community aesthetics goals and 3) a desire to be consistent with commercial sign  
39 ordinances in the Town.

40  
41 The proposed amendments are presented after previous Board discussions in August 2015 and December 2015 regarding the  
42 desired installation of new, electronic community information signs at strategic locations along NC 58 to replace the currently  
43 allowed non-profit event signs in the NC 58 right of way. (As you know, the FY 15-16 budget includes \$10,000 for the purchase  
44 and installation of such signs.) After learning this past fall that the NC Department of Transportation would not allow the new,  
45 electronic community information signs in the NC 58 right of way (and lacking strategic private land along NC 58) and reviewing

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1 other alternatives, the Board directed Town staff to proceed with minor amendments to the Town's sign ordinance to achieve the  
2 desired balance between support for these events, community aesthetics, and consistency with commercial sign ordinances.  
3

4 The Town's current ordinance regarding non-profit event signs declares the following to be exempt from the Town's sign  
5 ordinance:  
6

7 **SIGN, TEMPORARY**

8 A sign that is an advertising display constructed of cloth, canvas, fabric, plastic, paper, plywood, or other material  
9 intended to be displayed to inform the public of an unusual or special event sponsored by a non-profit, public,  
10 charitable or religious organization. Such signs shall not exceed thirty-two (32) square feet in area per display surface.  
11 The signs may be erected not more than thirty (30) days prior to the event and must be removed within ten (10) days  
12 following the completion of the event. Each such event shall be limited to a maximum of six (6) signs. Such signs may  
13 be placed in a street right-of-way; provided that the sign is placed in such a manner as to not obstruct driver vision of  
14 any vehicle entering a roadway from any street, alley, driveway, or parking lot.  
15

16 The proposed amendments would continue to treat these signs as exempt from the Town's sign ordinance, but with the changes  
17 noted below:  
18

19 **SIGN, TEMPORARY**

20 A sign that is an advertising display constructed of ~~cloth, canvas, fabric, plastic, paper, plywood, wood, metal, vinyl,~~ or  
21 other rigid material intended to be displayed to inform the public of an unusual or special event sponsored by a non-  
22 profit, public, charitable, or religious organization. Each such event shall be limited to a maximum of ~~six (6)~~ eight (8)  
23 signs. Three (3) of these signs shall not exceed thirty-two (32) square feet in area per display surface. The other  
24 five (5) of these signs shall not exceed six (6) square feet in area per display surface. Such signs shall be  
25 professionally fabricated and installed in a neat and attractive manner. The signs may be erected not more than thirty  
26 (30) days prior to the event and must be removed within ~~ten (10)~~ three (3) days following the completion of the event.  
27 Such signs may be placed in a street right-of-way; provided that the sign is placed in such a manner as to not obstruct  
28 driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.  
29

30 The proposed amendments accomplish the following key goals:  
31

- 32 • the Town would continue to support these beneficial non-profit events,
- 33
- 34 • banners would no longer be permitted, which is consistent with the Town's current ordinance prohibiting banners from  
35 being used by commercial businesses in Emerald Isle, and which would eliminate the often unsightly appearance of  
36 flapping banners,  
37
- 38 • the non-profit event signs would be required to be professionally fabricated, improving the appearance of such signs,  
39
- 40 • the maximum size of the signs would remain at 32 sq. ft., however, only 3 (as opposed to 6 in the current ordinance)  
41 could be that large,
- 42
- 43 • an additional 5 signs that are essentially the size of typical campaign signs (up to 6 sq. ft.) would be allowed, resulting  
44 in a net increase in the number of permitted signs from 6 to 8, and  
45
- 46 • the signs would be required to be removed within 3 days after the event, as opposed to 10 days.  
47

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1 The Board should note that Town staff opted to retain the "30 days prior" language to accommodate significant special events  
2 (i.e., the St. Patrick's Festival) that people often plan weeks in advance to attend. If the Board believes the time frame should be  
3 reduced to a shorter time period (i.e., 14 days), that adjustment can be made very easily.  
4

5 It is important to note that the proposed amendments would not allow banners to simply be mounted firmly on a rigid (i.e., plastic,  
6 metal, wood, vinyl) surface and be displayed. The Town's current sign ordinance does not allow commercial businesses to  
7 utilize banners in this way. If the Board is interested in allowing this practice, I recommend that the Board also amend the  
8 Town's ordinance for commercial businesses in the same manner.  
9

10 The Board should also note that, while NCDOT frowns on the placement of such temporary signs in the NC 58 right of way, I  
11 believe they will continue to be lenient if the signs are in place for a very limited duration and promote a "good cause".  
12 Additionally, although there is great uncertainty about this recent ruling, I am hopeful that the proposed amendments do not run  
13 afoul of a recent US Supreme Court ruling (Reed v. Town of Gilbert, AZ) because they allow messages for a wide variety of  
14 special events (the Gilbert case dealt with the differential treatment of church signs).  
15

16 Josh Edmondson, Town Planner, and I look forward to discussing this issue with the Board at the January 12 meeting. If the  
17 Board is comfortable with the proposed amendments, they will be presented to the Planning Board at its January 25 meeting and  
18 may appear on the Board of Commissioners' February 9 meeting for public hearing and potential adoption.  
19

20 I have attached copies of the supporting information provided to the Board at the August 2015 and December 2015 meetings in  
21 case it's helpful to review the previous information presented on this issue.  
22

23 Town Manager Rush summarized the proposed amendments to the Town's sign  
24 ordinance regarding non-profit signs as outlined in his memo above, answering  
25 questions posed by the Board and public. Town Manager Rush asked the Board if they  
26 were comfortable with the proposed amendments to express that and they would then  
27 send the proposed amendments to the Planning Board for later this month and it may  
28 return to the Board of Commissioners for formal adoption and public hearing at their  
29 February meeting. Mr. Rush also asked the Board to make it known if they were not  
30 comfortable with the amendments as proposed or would like to tweak certain provisions.  
31 Town Manager Rush said they wanted to take their time on this being sure that the non-  
32 profit, charitable organizations knew that they want to continue supporting and  
33 promoting them but with a little better sign quality.  
34

35 Commissioner Wright stated that she was generally in favor of the concept, giving a lot  
36 of leeway to groups having different sizes and types of signs.  
37

38 Commissioner Finch confirmed with Town Manager Rush that the sign ordinance  
39 proposal was for everywhere in the Town and not just limited to the 58 corridor.  
40

41 Jim Hackett, resident, speaking from the audience, felt the whole concept of advertising  
42 had changed dramatically with phones, iPads, and he would like to see the Town at  
43 some point get to the point where they didn't need any of these kinds of signs. He  
44 hoped over the next 10-15 years with technology changing the need for these types of  
45 signs they could get ahead of the curve where the concept for our beach town was not  
46 having what he called sign clutter.  
47

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1 Town Manager Rush noted that he actually had mentioned in his Managers comments  
2 information that the Town was currently working on the development of the Emerald Isle  
3 app that would have a directory of every business with maps to their locations which  
4 would be along the same lines as what Mr. Hackett suggests.  
5

6 Mr. Rush said that initially when they started discussing the community electronic  
7 information signs the thought process at that time was to put those signs up and not  
8 allow any temporary signs in the highway 58 right of way – so we had evolved all the  
9 way from that concept back to what was now presented.  
10

11 Commissioner Normile suggested and the rest of the Board agreed that the proposed  
12 amendments be sent to the Planning Board.  
13

14 **15. Proposed Regional Beach Access Food Vendor Program**  
15

16 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
17 following excerpt from his memo to the Board is provided for additional background:  
18

19 I have scheduled time on the January 12 meeting agenda for the Board to review the proposed framework for a new regional  
20 beach access food vendor program planned for summer 2016. If the Board is comfortable with the framework outlined in the  
21 attached “Regional Beach Access Food Vendor Opportunities – Summer 2016” document, Town staff will solicit applications  
22 from Emerald Isle food businesses interested in offering meals and dessert foods for sale at the Eastern Ocean Regional Access  
23 (EORA) and Western Ocean Regional Access (WORA) this summer.  
24

25 As you know, there have been several discussions in recent months about offering this additional service at the Town’s two  
26 regional beach access facilities. The EORA includes parking for 160 vehicles, and the WORA includes parking for 165 vehicles,  
27 and these parking lots are often at or near capacity during weekend summer days, with the WORA parking spaces often “turning  
28 over” once or twice throughout the day. Other than drink vending machines (which sometimes do not function properly), there  
29 are currently no food sales available at these facilities.  
30

31 The proposed framework was developed by me and Alesia Sanderson, Parks and Recreation Director, after significant input  
32 from others, including a special meeting with interested Emerald Isle food businesses on December 16. Mayor Barber,  
33 Commissioner Dooley, Commissioner Normile, Alesia Sanderson, and I met with several businesses to discuss various issues  
34 associated with the program, and much of that input has been incorporated into the proposed framework. It is important to note  
35 that the proposed framework is based on the following goals, and all components of the plan reflect these goals:  
36

- 37 • offer additional convenience to guests of the two regional beach access facilities by offering meals and dessert foods  
38 for purchase on-site,  
39
- 40 • provide additional business opportunities for Emerald Isle food businesses,  
41
- 42 • provide a fair opportunity for all Emerald Isle food businesses to participate, and  
43
- 44 • generate additional revenue for future enhancement of the two regional beach access facilities.  
45

46 It is important to note that this program is intended to provide additional opportunities for Emerald Isle food businesses only, and  
47 would not allow food businesses that do not have a “brick and mortar” presence in Emerald Isle to participate in this program, at

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1 least during the first year. If there is insufficient interest from Emerald Isle food businesses during the first year and/or the Board  
2 wishes to expand the program in future years, arrangements can be made to invite food businesses from outside our community  
3 to participate. For 2016, however, the program is proposed to be open only to Emerald Isle food businesses. Based on the  
4 criteria in the attached document, we believe that the following existing food businesses would be eligible:  
5

- 6 • Jackie's American Grille
- 7 • Lazzara's Pizza
- 8 • Village Ice Cream and Candies
- 9 • El Wine Market
- 10 • Speedway
- 11 • Ice cream shop (at Holiday TravLPark)
- 12 • El Zarape
- 13 • 4Js Coffee Shop and Bakery
- 14 • Stir It Up Coffee Shop
- 15 • Food Lion
- 16 • Hwy 55 Burgers
- 17 • Rucker Johns
- 18 • Shark's Den
- 19 • Michaelangelo's Pizza
- 20 • Yeti Ice
- 21 • Poppa's Candy Cupboard (Grandma's ToyBox)
- 22 • Flipperz
- 23 • Emerald Grill
- 24 • K&V One Stop
- 25 • Mike's Place (successor restaurant)
- 26 • Ben & Jerry's Ice Cream
- 27 • Dairy Queen
- 28 • Sweet Spot Ice Cream
- 29 • Great Wall Chinese
- 30 • Plaza Mexico
- 31 • Jordan's Seafood
- 32 • New donut shop (near Bogue Inlet Pier)
- 33 • Shaved ice shop (near Bogue Inlet Pier)
- 34 • Kathryn's Bistro
- 35 • BP / Pizza Inn
- 36 • ChowdaHeads Restaurant
- 37 • Village Market
- 38 • Circle Pizza
- 39 • Flip Flops Market.

40  
41 The Board should note that additional restaurants, convenience stores, ice cream shops, or other dessert providers could  
42 become eligible in the future if / when they open in Emerald Isle. Although I believe the list above includes all eligible food

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1 businesses currently in operation (or planned) in Emerald Isle, please note that we may have inadvertently overlooked a  
2 business.

3  
4 The attached document includes the other details of the program, however, I want to call the Board's attention to a few key  
5 details:

- 6  
7 • the program is for food only, although incidental sunblock, sunglasses, lip balm, etc. products could also be sold by the  
8 vendor if they currently offer those products at their "brick and mortar" location,  
9  
10 • all eligible businesses must apply by February 29, 2016 to be considered for the 2016 summer season; any business  
11 that does not apply by that date will need to wait until the 2017 application period (likely in February 2017),  
12  
13 • we envision two vendors operating at the EORA and two vendors operating at the WORA at a time, with one selling  
14 "meals" (i.e., sandwiches, pizza, etc.) and one selling "desserts" (ice cream, cookies, etc.); therefore, on any given day  
15 there may be a total of 4 vendors operating,  
16  
17 • the vendors would set up in grassy areas at the EORA and the WORA, and no sales, advertising, or delivery would be  
18 allowed on the beach strand,  
19  
20 • vendors could sell product from a vehicle, tent, table, or other acceptable method, provided they have the applicable  
21 Federal, State, and/or local food permits,  
22  
23 • the vendors would be charged \$50 per day for Fridays, Saturdays, Sundays, and holidays, and \$25 per day for  
24 Mondays, Tuesdays, Wednesdays, and Thursdays; these fees would be payable to the Town on the first day of each  
25 month for the days the vendor intends to set up during that month,  
26  
27 • the selected vendors will be identified no later than March 31, 2016, and (ideally) Town staff will establish the summer  
28 2016 schedule at that time, in conjunction with the selected vendors, in a manner that provides an equal number of  
29 "prime" days for each vendor (if the response is greater than anticipated, Town staff will utilize a lottery procedure to  
30 allocate the "prime" days),  
31  
32 • assuming a total of 14 weeks, with 4 vendors operating on the 3 "prime" days each week, the Town would generate a  
33 total of \$8,400 of additional revenue; if 4 vendors also operate for 14 weeks on the other 4 days of the week, the Town  
34 would generate an additional \$5,600 of revenue,  
35  
36 • recognizing that not every vendor "slot" will be filled each day, a conservative revenue estimate for the new program  
37 would be \$6,000 - \$8,000 annually,  
38  
39 • any new revenue would be earmarked for future capital improvements at the EORA (a new shade pavilion?) and the  
40 WORA (a new concert stage?).  
41

42 If the Board is comfortable with proposed framework, we will solicit applications from Emerald Isle food businesses during  
43 January and February and proceed as outlined. I envision Town staff selecting the vendors sometime in March in order to  
44 provide ample time to meet with the selected vendors to plan the 2016 schedule and allow the vendors to prepare to begin sales

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1 in May 2016. If the Board is not comfortable with the proposed framework, please identify any areas that you believe need  
2 revision, and we will proceed as expeditiously as possible to implement the program for this summer.

3  
4 Town Manager Rush stated that he and Parks and Recreation Director Alesia  
5 Sanderson had been working to develop a regional beach access food vendor program  
6 whereby the Town as the owner of both the western and eastern ocean regional access  
7 would allow Emerald Isle food vendors to set up and offer sandwiches, ice cream,  
8 candy, snacks at those two facilities during the summer months, basically making those  
9 physical locations available to those businesses. Mr. Rush said they had reached out to  
10 the businesses in Emerald Isle to get their input on how to structure the program, and  
11 recently he, Parks and Recreation Director Sanderson, Commissioner Dooley, Normile  
12 and Mayor Barber had met with a group of businesses in Emerald Isle that came and  
13 shared their thoughts. Mr. Rush said much of the recommendations came out of those  
14 discussions as well as the historic experience that Ms. Sanderson had with those beach  
15 accesses and other practical considerations in terms of the Town managing this  
16 program going forward.

17  
18 Mr. Rush noted the biggest component of the program was that it would be limited to  
19 only Emerald Isle food establishments, food establishments with a brick and mortar  
20 presence in the Town of Emerald Isle. Mr. Rush said they had established criteria as to  
21 food businesses that would qualify under that definition. Mr. Rush stated that if  
22 approved by the Board they would extend an invitation to all Emerald Isle food  
23 businesses in with a deadline of February 29 to apply and then he and Ms. Sanderson  
24 would go through the applications and hopefully assign each business a certain number  
25 of days at each location. Mr. Rush said they envisioned having one vendor selling  
26 typical meal foods and one vendor selling typical snack food at each location during the  
27 summer. Mr. Rush said they had proposed that the vendor pays a fee of \$50 per day  
28 for the privilege of setting up at those facilities on Friday, Saturday, Sunday, and  
29 holidays, and a fee of \$25 per day on Monday through Thursday. Mr. Rush said the  
30 goals of the program were primarily to provide additional convenience for our patrons at  
31 those beach access facilities, also to provide additional business opportunities for our  
32 existing Emerald Isle brick and mortar food establishments, and finally to generate  
33 additional revenue for the Town. Mr. Rush said the additional revenue generated would  
34 be earmarked specifically for future improvements at both of those facilities.

35  
36 ***Motion was made by Commissioner Dooley to endorse the Proposed Regional***  
37 ***Beach Access Food Vendor Program, and direct staff to solicit applications from***  
38 ***interested Emerald Isle food businesses. The Board voted unanimously 5-0 in***  
39 ***favor. Motion carried.***

40  
41  
42  
43

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

2  
3 Town Manager Frank Rush pointed out the February 19 draft budget planning workshop  
4 agenda in Board packets. Mr. Rush looked forward to hearing the Board's priorities and  
5 input on the various items on the agenda. Mr. Rush said that they were also scheduling  
6 for the Board's February 9 meeting an official public hearing for the public to comment  
7 with their ideas about the budget, expenditures, tax rate at the beginning of the budget  
8 process.

9  
10 Mr. Rush briefly updated the Board on the status of the continuing work of the  
11 downtown street lights, tree plantings, and wayfinding signs.

12  
13 Mr. Rush, in response to a question from a citizen in the audience about the sound side  
14 Lee Street access to the sound, stated that they had talked about the status of the  
15 walkways at Lee, Piney, and Ridge, very old and in poor condition, and ultimately made  
16 the decision to remove them and restore back to dirt paths due to the immediate safety  
17 concerns. Mr. Rush said they intended to leave them as dirt paths and staff would  
18 continue to maintain them as public accesses. Mr. Rush said if the Board wanted to  
19 pursue new walkways in the future they would look at identifying funds.

20  
21 The following is an excerpt from the Town Manager Comments memo to the Board  
22 providing additional background information for all items of importance:

23  
24 **Annual Budget Planning Workshop – Friday, February 19 – 8:30 am until?**

25 This meeting will be held in the Town Administration Building Conference Room, and will likely last most of the day. I have  
26 attached a copy of the DRAFT meeting agenda for your review. Please let me know if you'd like us to add any other topics for  
27 discussion, or if you believe any items should be removed. I look forward to receiving the Board's preliminary feedback on these  
28 items as we begin the FY 16-17 budget process.

29  
30 **Senator Jean Preston Memorial Playground**

31 We expect to present a recommendation for the purchase of playground equipment at the February 9 Board meeting, with  
32 installation of the playground equipment planned for March or April. Fundraising proceeds will be used for the purchase of the  
33 playground equipment.

34  
35 We are currently awaiting the issuance of the necessary CAMA permit for the park construction, and expect to have the permit in  
36 hand in the coming weeks. Upon receipt of the permit, SunLand Development and Construction will connect the existing asphalt  
37 roadway to the existing parking lot at the Emerald Isle Public Boating Access Area (and also remove the connection to Canal  
38 Drive to the west). Much of this labor and material is being donated by SunLand. Donated materials and labor (Yardworks, Task  
39 Contracting) will then be used to construct paver block parking spaces adjacent to the existing roadway.

40  
41 We should be on target for a late May opening and dedication ceremony, in time for Senator Preston's birthday and the summer  
42 2016 season.

43  
44 **Beach Access Walkway Replacements**

45 We expect to present a contract recommendation for the replacement of the existing beach access walkways at 18<sup>th</sup> Street,  
46 Bryan Street, and Nina Street at the February 9 Board meeting. Our goal is to have the 3 new walkways constructed and open  
47 to the public by April. The FY 15-16 budget includes funding for these walkway replacements.

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1  
2 **Early Public Input – FY 16-17 Budget**

3 We are planning to schedule a public hearing for the February 9 Board meeting to provide an opportunity for the public to offer  
4 their comments and suggestions for the FY 16-17 budget at the beginning of the budget process. There will also be additional  
5 opportunities for the public to comment on the FY 16-17 Recommended Budget in May and June.  
6

7 **2016 Street Resurfacing Contract**

8 We are currently working on a list of recommended street segments for resurfacing this spring. We expect to solicit bids later in  
9 January and February, and present a contract recommendation to the Board at either the February 9 or March 8 Board meeting.  
10

11  
12 **New Flood Insurance Rate Maps**

13 As noted previously, we expect the new flood maps (prepared by the State for FEMA) to be released to the public later this  
14 spring. Town Planner Josh Edmondson will make a presentation to the Board and the public at the earliest meeting after the  
15 maps are released to highlight the map changes that will impact Emerald Isle property owners. Overall, the new maps are very  
16 favorable for Emerald Isle property owners, however, we do expect some property owners to be negatively impacted, and want  
17 to offer as much information and assistance as possible to these property owners. There will be an opportunity for formal  
18 appeals after the maps are released to the public.  
19

20 **EMS Quick Response Vehicle**

21 Emerald Isle EMS, Inc. has ordered a new 4 x 4 truck and camper shell to replace the existing 2005 Chevrolet Suburban that  
22 serves as a quick response vehicle. Upon receipt of the new vehicle I may consider purchasing this vehicle (which has  
23 approximately 50,000 miles) for use by Town Planner Josh Edmondson. If so, the 2003 Chevrolet S-10 pickup truck currently  
24 used by the Town Planner would likely be surplus, or perhaps held as a backup vehicle.  
25

26 **Controlled Deer Hunt Underway**

27 The EIPD has begun the 2016 controlled deer hunt, and will be using bow-and-arrow (only) to remove 30 – 50 deer from Town  
28 properties and public street right of ways during January. All hunting activities are closely supervised by EIPD leadership, and  
29 conducted only on certain weeknights in the middle of the night. All deer meat will be donated to the Hope Mission in Morehead  
30 City to help feed the hungry in our county. The NC Wildlife Resources Commission recommends that the Town remove 30 – 50  
31 deer annually to control the deer population in Emerald Isle.  
32

33 **Nies v. Emerald Isle**

34 As you know, the Town prevailed in this case at the NC Court of Appeals. The Nies have recently filed a petition to the NC  
35 Supreme Court to appeal that decision, and we expect a decision from the NC Supreme Court on whether or not they will  
36 consider the Nies' appeal in the next 1 – 2 months. Because the NC Court of Appeals' decision was unanimous, the NC  
37 Supreme Court is not required to hear their appeal. If the NC Supreme Court decides to hear their appeal, it will likely be  
38 considered later in 2016 or 2017.  
39

40 As discussed previously, this case has significant consequences for all NC beach communities, as it essentially involves the  
41 public's right to use the flat, dry-sand beach between the base of the dunes and the water. The Nies have argued that the public  
42 trust beach area does not include the flat, dry-sand beach area, while the Town contends that NCGS 77-20 includes this area in  
43 the delineation of the public trust beach area.  
44

45 **Cape Emerald Pond Pipe Replacement / Expansion**

46 We have ordered survey data to be used to determine the appropriate size pipe and pipe elevations for the discharge from the  
47 Cape Emerald pond. We expect to work with Moffatt & Nichol Engineers in the coming weeks to develop a recommendation to  
48 discuss with the Board at the February 19 budget planning workshop meeting.  
49  
50  
51  
52

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1 **Osprey Ridge Storm Water Issue**

2 We have also ordered survey data to be used to determine the most cost-effective solution to chronic storm water flooding in the  
3 Osprey Ridge neighborhood. We expect to work with Moffatt & Nichol Engineers in the coming weeks to develop a  
4 recommendation to discuss with the Board at the February 19 budget planning workshop meeting.  
5

6 **New Wayfinding Signs**

7 I am currently reviewing price quotes for the new "wayfinding" signs discussed last fall, and hope to place the sign order in the  
8 coming weeks. My goal is to have the new signs installed by April.  
9

10 **New Sidewalk Stubs – Mangrove Drive, Emerald Plantation Shopping Center**

11 This work has been ordered, and we expect the contractor to complete these short sidewalk stubs in January or February. The  
12 new sidewalk stubs will allow for a safer pedestrian access to Food Lion, Sound Ace Hardware, K&V Plaza, and CVS.  
13

14 **New Beach Vehicle Ramp Gates**

15 The fabrication of the new, more attractive and durable gates has been delayed due to a health concern for the contractor. We  
16 hope to have the new gates in place at the Ocean Drive dog-leg, Black Skimmer Drive, and The Point vehicle ramps later in  
17 January or February. I also hope to eventually add similar gates at the Doe Drive and 16<sup>th</sup> Street vehicle ramps, and also at the  
18 Western Ocean Regional Access and Emerald Isle Woods Park in the future as funds permit. The new gates are similar to the  
19 gates installed last spring at the Eastern Ocean Regional Access.  
20

21 **New Plans Submitted for The Islander Suites**

22 As you may recall, the Board previously approved the site plan and building elevations for the construction of a new building  
23 (accommodations and meeting space) on the north side of The Islander Suites property. The owners of The Islander Suites  
24 have abandoned that plan, and recently submitted a new plan to add a 3<sup>rd</sup> story (with additional guest rooms) on the existing  
25 main building. The Planning Board is expected to review the plans at their January 25 meeting, and this may appear on the  
26 Board of Commissioners' February 9 meeting agenda.  
27

28 **Downtown Decorative Lighting**

29 Carteret-Craven Electric Cooperative continues to make good progress installing the necessary underground power lines  
30 associated with the new decorative lights. We expect the actual light poles and fixtures to be installed and functioning later in  
31 January.  
32

33 **Downtown Street Trees**

34 NCDOT staff has completed the installation of new crape myrtle trees in the NC 58 right of way near Islander Drive, Loon Drive,  
35 and Mangrove Drive, and we are pleased with the new trees. NCDOT staff is expected to plant the remaining trees along the  
36 bike path and sidewalk between the new Welcome Center and Black Skimmer Drive later in January.  
37

38 **Playground Damage – Blue Heron Park**

39 The tubular slide on the playground equipment at Blue Heron Park was damaged last fall, and the slide has been unusable since  
40 that time. Town staff have attempted to repair the damage, which we believe may be the result of vandalism, but have been  
41 unable to repair it. Town staff have since filed an insurance claim, and we are awaiting a decision on that claim. The  
42 replacement slide component is approximately \$14,000.  
43

44 **New Fall Music and Food Festival - on the Beach?**

45 Based on input from the Town's Economic Development Steering Committee in 2014 and ideas expressed during the 2015  
46 campaign for Town Commissioner, we are considering the possible creation of a fall music and food festival on the beach strand  
47 in the future.  
48

49 Preliminary ideas include renting a stage to be placed at the Western Ocean Regional Access near the top of the dune, facing  
50 the ocean, with the crowd enjoying the music from the beach strand. The music festival would be held in late September, when  
51 the air and water temperatures are still very warm, in an effort to lure a large crowd to Emerald Isle for the entire weekend. The  
52 parking lot at the Western Ocean Regional Access would be used to host various food vendors and food trucks, and public

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1 parking would be located on the NC 58 right of way. It is expected that visitors would arrive via the beach strand and via the  
2 street, and visitors could pass freely between the beach strand and the parking lot.  
3

4 Beach music is an obvious theme for the event, along with other popular genres. Alcohol would be permitted, but would be  
5 monitored by law enforcement. It will be necessary to determine the best mechanism to fund the musical entertainment (charge  
6 a fee for vendors to set up and/or use a beer tent area to generate sufficient funds to pay for the stage rental and music acts?  
7 contributions from sponsors? – please note that I do not envision tax revenue funding this event). With the proper planning (and  
8 the luck of good weather!) this could become a second signature event (along with the St. Patrick's Festival) for Emerald Isle  
9 each fall.

10  
11 I am planning to discuss this idea with the Emerald Isle Business Association in the coming weeks, and hope to secure buy-in  
12 from that group, and from other Emerald Isle businesses to take a lead role on such an event.  
13

14 **3-Way STOP Signs - 12<sup>th</sup> St. / Ocean Dr.**

15 Public Works will soon install new 3-way STOP signs at this intersection to test their effectiveness in slowing down traffic on  
16 Ocean Drive. We will initially install the STOP signs only, and if the signs are effective we will add STOP bar pavement markings  
17 later this spring or summer.  
18

19 **Beach Patrol / Lifeguard Recruitment**

20 The Emerald Isle Fire Department will soon begin recruitment of beach patrol / lifeguard personnel, with a goal to have much of  
21 the summer 2016 staff selected by March or April. We expect to begin providing services on the beach strand in mid / late May.  
22

23 **Drones?**

24 We continue to research the applicable laws, potential equipment, and other issues associated with the Town possibly utilizing  
25 drones in the future. Drones may eventually be helpful to Town staff to monitor beach erosion and inlet migration, identify rip  
26 currents, monitor crowds at public events, photograph construction projects, assess Fire scenes, and even deliver floatation  
27 devices to distressed swimmers, among many other potential applications. A demonstration was previously scheduled for  
28 December, but was cancelled due to travel difficulties by the vendor. A new demonstration is scheduled for January 15 if you are  
29 interested in attending.  
30

31 **Promotional Video**

32 We have contracted with Playa Graphics, an Emerald Isle graphic arts firm (Brad Styron), to produce a 3 – 5 minute promotional  
33 video about Emerald Isle that will highlight all of the great things about our community. I expect to showcase the attractiveness  
34 of Emerald Isle to potential future permanent residents (families and retirees), second homeowners, and visitors. The video will  
35 initially be utilized on the Town's website, Facebook, and Twitter applications, and could potentially become a television  
36 commercial for Emerald Isle.  
37

38 **The Emerald Isle "App"**

39 We have contracted with Bar-Z, an app development firm, for the creation of a smartphone "app" that could be used by our  
40 residents and visitors to learn about the Town, request Town services, report problems, identify local businesses, and more. We  
41 hope to unveil the new app by April.  
42

43 **Emerald Isle Logo T-Shirts ON SALE Soon**

44 T-shirts with the new Town logo (including Nice Matters!) will soon be on sale at the Town Administration Building and the new  
45 Welcome Center. The 100% cotton beefy-Ts will be available for \$15 each.  
46  
47  
48  
49  
50  
51  
52

1 **17. Comments from Board of Commissioners and Mayor**

2  
3 There were no further comments from the Board of Commissioners.

4  
5 Mayor Barber thanked the entire staff for how hard they worked, all of the departments  
6 were outstanding and the Town was blessed with such a great staff.

7  
8 **18. Adjourn**

9  
10 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***  
11 ***voted unanimously 5-0 in favor. Motion carried.***

12  
13 ***The meeting was adjourned at 7:05 pm.***

14  
15 Respectfully submitted:

16  
17  
18  
19 Rhonda C. Ferebee, CMC, NCCMC  
20 Town Clerk  
21  
22