

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, MARCH 8, 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, Town
19 Planner Josh Edmondson, Parks and Recreation Director Alesia Sanderson, and Public
20 Works Director Artie Dunn.

21
22 **3. Opening Prayer**

23
24 Mayor Barber 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 Messer to adopt the Agenda. The Board***
33 ***voted unanimously 5-0 in favor. Motion carried.***

34
35 Commissioner Wright recognized a special visitor Joey Harbolt, a Croatan High School
36 student who was observing and taking notes as part of his Civics class requirement.

37
38 **6. Proclamations / Public Announcements**

39
40 Mayor Barber noted the following announcements for the public:

- 41
42 • **25th Annual El St. Patrick's Festival – Fri, March 11 – 5 pm – 10 pm and Sat,**
43 **March 12 – 9 am – 6 pm Emerald Plantation Shopping Center**
44 • **North Carolina Primary Election Voting – Tuesday, March 15 – Community**
45 **Center**

- 1 • **Police Educating the Public (PEP) – Tuesday, March 15 – 10 am – Town**
- 2 **Board Meeting Room**
- 3 • **Bicycle & Pedestrian Advisory Committee Regular Meeting – Wed, March**
- 4 **16 – 9 am – Community Center**
- 5 • **Comp Plan / Land Use Plan Steering Committee Meeting – Wed, March 16 –**
- 6 **3 pm – Town Board Meeting Room**
- 7 • **Real Estate 101 (Presented by EI Realtors) – Friday, March 18 – 9:30 am –**
- 8 **Town Board Meeting Room**
- 9 • **Easter Egg Hunt – Sunday, March 20 – 12:00 pm – Community Center**
- 10 • **Planning Board Regular Meeting – Monday, March 21 – 6 pm – Town Board**
- 11 **Meeting Room**
- 12 • **Coffee With A Cop – Thursday, March 24 – 9 am – Stir It Up**
- 13 • **Good Friday Holiday – Friday, March 25 – Town Offices Closed, Community**
- 14 **Center Closed**
- 15 • **Emerald Isle EMS Pancake Breakfast – Saturday, March 26 – 7 am – 11 am –**
- 16 **EMS Station**
- 17 • **3rd Annual Emerald Isle Marathon, Half-Marathon, & 5K – Saturday, April 9 –**
- 18 **Western Ocean Regional Access**
- 19 • **Board of Commissioners Regular Meeting – Tuesday, April 12 – 6 pm –**
- 20 **Town Board Meeting Room**
- 21 • **2nd Annual Crystal Coast Lighthouse Challenge – Bike the Banks –**
- 22 **Saturday, May 7**

23

24 **7. Public Comment**

25

26

27 **Brief Summary:** The public will have the opportunity to address the Board about any

28 items of concern not on the agenda.

29

30 Jim Hackett, Emerald Isle resident commented that they had done a wonderful job with

31 the Town Board Meeting Room and that it looked fantastic.

32

33 Pat Sheldon, 120 Sandcastle, spoke of problems with water mitigation on his property

34 and neighboring properties on Sandcastle Drive caused by fill dirt that had been placed

35 by builder/developers that had caused ponding where there had not before been

36 ponding problems. Mr. Sheldon also had questions about what constituted incidental fill

37 in our ordinances. Town Manager Rush stated that he would meet with Mr. Sheldon at

38 his convenience and further discuss the ordinances regarding storm water and the

39 problems in more detail as described by Mr. Sheldon. Mr. Sheldon also as a former

40 owner of an elevator business expressed his concern with cargo-lifts that he had seen

41 three of installed in just in his block alone that he said were illegal and didn't comply

42 with any code in this country. He felt someone was going to get killed and he felt if a

1 manufacturer wanted to install them here that the manufacturer should stamp on the
2 equipment that it was not for people to ride.

3
4 **8. Consent Agenda**

- 5
6 **a. Tax Releases**
7 **b. Order to Advertise Tax Liens**

8
9 Town Manager Rush pointed out for the Board a revised list of outstanding tax
10 delinquencies left at their places tonight.

11
12 ***Motion was made by Commissioner Wright to approve the items on the Consent***
13 ***Agenda. The Board voted unanimously 5-0 in favor. Motion carried.***

14
15 **Clerks Note: A copy of all Consent Agenda items as referenced above are incorporated herein by reference**
16 **and hereby made a part of these minutes.**

17
18 **9. Senator Jean Preston Memorial Park**

- 19
20 **a. Resolution Accepting Trillium Grant for Playground Construction (16-03-08/R1)**
21 **b. Revised Site Plan**
22 **c. Resolution Authorizing Playground Construction Contract (16-03-08/R2)**
23 **d. Resolution Authorizing Walkway Construction Contract (16-03-08/R3)**
24 **e. Capital Project Ordinance Amendment**

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

28
29 The Board of Commissioners is scheduled to formally consider five separate items associated with the construction of the new
30 Senator Jean Preston Memorial Park at the March 8 meeting. Assuming Board approval, we expect to begin construction soon
31 after the March 8 meeting, and complete all work in time for a May 25 grand opening of the new park (77 days from now).

32
33 **Resolution Accepting Trillium Grant for Playground Construction**

34 The attached resolution indicates the Town's formal acceptance of a \$225,000 grant from Trillium Health Resources for
35 construction of a new playground at the Senator Jean Preston Memorial Park site.

36
37 The most significant grant requirement is that the new playground incorporate inclusive playground components that are fully
38 functional and accessible to individuals with special needs and individuals in wheelchairs. The Town is pleased to be able to
39 incorporate these play components into the new park, as the late Senator Preston had a special interest in special needs
40 children, among her other important priorities (education, the coastal environment, and Emerald Isle).

41
42 The Town will provide a total of \$50,000 in matching funds for this grant, primarily consisting of private donations received for the
43 new park. Several local businesses have also committed approximately \$25,000 of in-kind services and materials for the project.

44
45 The Town is very fortunate to secure these grant funds, and greatly appreciates Trillium's assistance with this project.
46
47
48

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1 Revised Site Plan

2 As a result of unanticipated permit challenges associated with the original parking plan for the new playground (that relied on the
3 existing asphalt roadway across the park site), a revised site plan has been prepared.
4

5 The revised site plan abandons the use of the existing asphalt roadway, and calls for the removal of approximately 2,645 sq. ft.
6 of asphalt to be replaced with sod. A new 9-vehicle parking area is now planned for southeast corner of the park site, and will
7 enable an easier connection from the main parking area of the Emerald Isle Public Boating Access Area and more effective
8 infiltration of storm water runoff. The relocated parking area will also result in an unobstructed view of Bogue Sound from the
9 playground area, and reserve additional grassy area along the coastal wetlands for any future park improvements.
10

11 A new, 6 ft. wide paver block sidewalk is included from the terminus of Canal Drive, along with a new, 6 ft. wide paver block
12 sidewalk leading from the parking area to the playground and the new wooden walkway that will link the park to the existing
13 soundside pier at the Emerald Isle Public Boating Access Area. The new wooden walkway is identical to that included in the
14 previous site plan, and will be attached to the existing retaining wall along the main parking area of the Emerald Isle Public
15 Boating Access Area.
16

17 Private contractors will construct the new playground and the new walkway, and resolutions for each of these contracts are
18 presented for Board approval on March 8. The removal of the existing asphalt roadway and construction of the new 9-vehicle
19 parking area will be completed by SunLand Builders, with a significant portion of the labor and materials contributed at no cost to
20 the Town. The paver blocks for the new sidewalks have been donated by suppliers through the efforts of Yardworks, and paver
21 block installation will be performed by Task Contracting. Sewell Turf Grass will provide sod, and Yardworks will provide labor
22 and other landscaping improvements at the site at no cost. The Town is extremely fortunate to have generous, community-
23 minded contractors assisting with this project.
24

25 Resolution Authorizing Playground Construction Contract

26 The attached resolution formally authorizes a contract with PlayWorld Preferred, Huntersville, NC in the amount of \$224,998.80
27 (net of sales tax to be refunded to the Town) for the construction of a new inclusive playground.
28

29 Town staff solicited proposals for the new playground in mid-February, and the Town received a total of 4 proposals for the new
30 playground. It is important to note that the Town's grant agreement with Trillium requires their approval of the playground
31 design, and the Town's request for proposals noted this requirement. As such, all 4 proposals were reviewed by Trillium Health
32 Resources, and Trillium indicated that 2 of the proposals (from American Park and Recreation Company, Tampa, FL and from
33 PlayNation of Western NC, Asheville, NC) did not incorporate sufficient inclusive playground components to satisfy Trillium grant
34 requirements. The other 2 proposals were submitted by PlayWorld Preferred, Huntersville, NC and Carolina Park & Play, Cary,
35 NC. Both proposals meet Trillium's requirements, and both are excellent playground designs. After a careful review, Town staff
36 believe that both proposals offer similar quantity, quality, and functionality, and we believe that both proposals would create an
37 exceptional playground experience at the Senator Jean Preston Memorial Park, but we believe that PlayWorld Preferred
38 submitted a slightly better overall proposal. Alesia Sanderson, Parks and Recreation Director, Judy Wilgus, and I all preferred
39 the PlayWorld proposal, and a random sample of parents and children that reviewed the playground graphics (attached) also
40 preferred the PlayWorld proposal. In light of these preferences, in the absence of other distinguishing differences, and in
41 accordance with NC contracting law, Town staff recommend award of the playground construction contract to PlayWorld on the
42 basis of a (very, very) slightly lower price and a better overall proposal for the Town's interests. PlayWorld's proposal is slightly
43 lower than Carolina Park & Play, by the very slimmest of margins - \$1.20 less or \$36.92 less, depending on how the sales tax is
44 factored into the equation. (Carolina Park & Play's proposal is exactly \$225,000, net of sales tax to be refunded to the Town.) A
45 summary of the 4 proposals is attached for the Board's review.
46

47 The new playground will be located on an approximately 80 ft. x 80 ft. area in the center of the park site, with numerous play
48 components designed for children between the ages of 2 and 12. Graphics of the playground design are attached, and include a
49 variety of play components, swings, and sensory equipment, along with a rubber play surface across the entire playground area.
50 The Board should note that the rubber play surface represents approximately 1/3 of the total playground cost, but is a required
51 feature.
52

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1 Town staff have stipulated that construction of the new playground should begin as soon as possible after the March 8 meeting,
2 and that all work should be complete by April 30. PlayWorld has committed to meet the April 30 deadline. As noted earlier, the
3 new park is scheduled to open on May 25, the date of Senator Preston's 81st birthday. We will be working hard to insure proper
4 coordination among the various contractors working on this project to insure that the new playground opens on May 25 as
5 planned.
6

7 Resolution Authorizing Walkway Construction Contract

8 The attached resolution formally authorizes a contract with B&P Services, Cedar Point, NC in the amount of \$29,919 for the
9 construction of a new 410 ft. long, 6 ft. wide elevated wooden walkway leading from the new playground area to the existing
10 soundside pier.
11

12 Town staff solicited informal bids in late February from 2 contractors who have successfully completed other Town walkway
13 projects in the past. B&P Services submitted the lowest bid for this project, with a total bid of \$29,919 (the other bid was
14 submitted by Barnacle Construction, Goldsboro, NC in the amount of \$38,950). The new walkway will be attached to the existing
15 retaining wall along the north boundary of the main parking lot at the Emerald Isle Public Boating Access Area, enabling the use
16 of existing piling supports for one side of the new walkway. This route is adjacent to an existing storm water wetland that serves
17 the main parking area, and should also include beautiful views of the coastal marsh and Bogue Sound. The new walkway will be
18 constructed and sloped such that it remains 30 inches or less above the existing grade, thus no railings are required (with the
19 exception of the direct wetland crossing). The new walkway will tie in seamlessly to the existing soundside pier and other
20 wooden walkways at the boat basin area, including a safe connection to the existing restroom building.
21

22 The new walkway will be constructed with funding derived from donations received from various individuals over the past 2
23 years. The generosity of many in our community and others with a personal connection to Senator Preston will enable the
24 construction of this beneficial amenity now (rather than later, as originally envisioned), and will provide a safe link to the other
25 amenities at the Emerald Isle Public Boating Access Area. The result should be a first-class park experience for visitors to the
26 new Senator Jean Preston Memorial Park.
27

28 Town staff have also stipulated that the construction of the new walkway should begin as soon as possible after the March 8
29 meeting, and that all work should be complete by April 30. B&P Services has committed to meet the Town's April 30 deadline.
30

31 Capital Project Ordinance Amendment

32 The attached capital project ordinance amendment formally recognizes the Trillium grant for this project, and also amends the
33 previously established budget to reflect the use of donations and other funding sources for the new walkway and other
34 associated project expenses.
35

36 The attached capital project ordinance amendment establishes a total amended budget of \$278,744 for the overall project. (This
37 amount does not include anticipated in-kind contributions, estimated at approximately \$25,000.) Of this total, \$225,000 is
38 anticipated from the Trillium grant, \$45,000 from donations, and \$8,744 from previously allocated Town funds.
39

40 I am excited to see the Senator Jean Preston Memorial Playground become a reality in the coming months, and look forward to a
41 fitting celebration on May 25. Alesia Sanderson and Judy Wilgus, Committee Chair (and the driving force behind the new park)
42 will be available at the March 8 meeting to answer any questions.
43

44 Mayor Barber thanked Judy Wilgus for all her hard work and the outstanding job she
45 had done helping the Town with this grant.
46

47 Town Manager Rush echoed Mayor Barber's comments thanking Ms. Wilgus and Ms.
48 Sanderson for their hard work. Mr. Rush discussed in detail the five items for the Board
49 to consider for the Senator Jean Preston Memorial Park as outlined in his memo to the
50 Board as shown above. Mr. Rush noted that in 77 days it would be Senator Preston's
51 81st birthday and they were working hard to meet that deadline and hoped to be on

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1 schedule for a May 25 celebration of the opening of the Senator Jean Preston Memorial
2 Park.

3
4 Parks & Recreation Director Alesia Sanderson described the planned playground noting
5 that there would be a poured in place rubber surfacing in the playground area. Ms.
6 Sanderson said that the playground would be completely handicap accessible, meeting
7 all fall standards for playground equipment. Ms. Sanderson noted that the units in the
8 playground itself as a requirement of Trillium and what made the playground so unique
9 was there were a lot of inclusive elements that took into account hearing impaired, sight
10 impaired, sensory handles for autistic while also making the playground challenging for
11 anyone playing, including elements that were large enough for adults to get on with
12 small children. Ms. Sanderson said they did go with the purple and gold colors because
13 of the affiliation with the late Senator Preston with East Carolina. Ms. Sanderson added
14 that this would be the last grant awarded by Trillium but it would be the first one in the
15 ground.

16
17 Judy Wilgus, Committee Chair, stated that she appreciated the support from the Mayor
18 and Board of Commissioners for this project. Ms. Wilgus recognized Bernie Whalley, a
19 committee member who was in attendance. Ms. Wilgus thanked everyone who donated
20 to the Senator Jean Preston Memorial Playground and were thankful for the \$225,000
21 grant from Trillium and all individual donors as well as contributions from some local
22 towns and organizations. Ms. Wilgus expressed her personal gratitude to the Emerald
23 Isle town staff members Frank Rush, Alesia Sanderson, and Gail Knapp who
24 generously gave their time to this project. In addition, Ms. Wilgus also acknowledged
25 Jimmy Farrington who had worked closely with the Town and the memorial committee
26 organizing a team of landscaping businesses, who through in-kind donations would
27 make the Memorial Park a beautiful place to visit. Ms. Wilgus said they still needed
28 donations to assist in finalizing the purchasing and construction of a covered picnic
29 shelter, a water fountain, and an old-fashioned engraved school bell for kids to ring as
30 well as the bell's housing. Ms. Wilgus thanked everyone, adding it had been a pleasure
31 to work with everybody.

32
33 ***Motion was made by Commissioner Wright to approve the Resolution Accepting***
34 ***Trillium Grant for Playground Construction. The Board voted unanimously 5-0 in***
35 ***favor. Motion carried.***

36
37 ***Motion was made by Commissioner Finch to approve the Revised Site Plan. The***
38 ***Board voted unanimously 5-0 in favor. Motion carried.***

39
40 ***Motion was made by Commissioner Messer to approve the Resolution***
41 ***Authorizing Playground Construction Contract. The Board voted unanimously***
42 ***5-0 in favor. Motion carried.***

43

1 **Motion was made by Commissioner Dooley to approve the Resolution**
2 **Authorizing Walkway Construction Contract. The Board voted unanimously 5-0**
3 **in favor. Motion carried.**

4
5 **Motion was made by Commissioner Normile to approve the Capital Project**
6 **Ordinance Amendment. The Board voted unanimously 5-0 in favor. Motion**
7 **carried.**

8
9 **Clerks Note: A copy of Resolutions 16-03-08/R1, 16-03-08/R2, 16-03-08/R3, and Capital Project Ordinance**
10 **Amendment as referenced above are incorporated herein by reference and hereby made a part of these**
11 **minutes.**

12
13 **10. Special Use Permit Request – Goose Creek Growlers (Mallard Drive)**

14
15 **a. Public Hearing**

16 **b. Consideration of Special Use Permit Request**

17
18 Josh Edmondson, Planning Director addressed the Board regarding this Agenda item.
19 The following excerpt from his memo to the Town Manager is provided for additional
20 background:

21
22 A request has been submitted by Brandon Rigsbee of Goose Creek Growler Company to allow for the outside consumption of
23 alcohol at 200 Mallard Dr. I have been working with Mr. Rigsbee for several months as he moves towards opening his business
24 here on Emerald Isle. His original business plan has evolved over this time to this point. This will be a multi-dimensional business
25 including retail of pottery products (growlers, pints, shirts, hats etc.), small scale pottery production and demonstration studio for
26 Goose Creek Growlers and on/off premise malt beverage sales and growler fill station. I have included several items for review
27 including the special use application, site plan, sketch of patio area (to be constructed), pictures, approval by environmental health,
28 mailing affidavit and additional maps.

29
30 The current zoning of the property is Business (B). Per the Table of Permitted Uses, partially or totally outdoor establishments
31 engaged in consumption of alcohol are permitted through the issuance of a Special Use permit. This is the reason for the
32 requested special use permit. The outside consumption will be limited to a new patio area proposed to be built along the north and
33 east exterior wall facings. The patio will be approximately 18'x35' with a walkway leading from the patio along the exterior towards
34 the front entrance. Please note on the layout plan and exterior illustrations the location of the lighting and speakers. Based on the
35 300 square feet of retail space, 15 seats and 3 employees a total of 6 parking spaces are required. This requirement is met as the
36 existing parking exceeds this number.

37
38 All proper public hearing notices have been advertised, posted and sent to adjacent property owners.

39 Special use permits must be considered using a quasi-judicial process. Under this process, the Board will consider the evidence
40 presented during the public hearing, and must base its decision to grant or deny the special use permit on the evidence presented
41 during that hearing. Individuals interested in testifying must be sworn in by the Town Clerk. The Board may approve the special
42 use permit as presented, deny the special use permit, or approve the special use permit with conditions. In approving a special use
43 permit (with or without conditions), the Board must determine that:

- 44
45 1. the proposed business with outside consumption of alcohol will not materially endanger the public health or
46 safety if located where proposed and if developed according to the plan approved,

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- 1 2. the proposed business with outside consumption of alcohol meets all conditions and specifications required by
2 the Unified Development Ordinance (UDO) and other applicable Town, County, State, and Federal laws and
3 regulations,
- 4 3. the proposed business with outside consumption of alcohol will not substantially injure the value of abutting or
5 adjoining property, or that the use is a public necessity,
- 6 4. the business with outside consumption of alcohol, if developed according to the plan approved, will be in
7 harmony with the area in which it is to be located and in general conformity with the Town's land use plan.

10 The Board may impose any conditions on the approval of the special use permit intended to aid in making the 4 determinations
11 above. I look forward to discussing this issue with the Commissioners at their March 8, 2016 meeting.

12
13
14
15 Mayor Barber noted that before the presentation could begin all those who would testify
16 should come forward to be sworn in by the Town Clerk.

17
18 ***Motion was made by Commissioner Messer to open the Public Hearing. The***
19 ***Board voted unanimously 5-0 in favor. Motion carried.***

20
21 Mayor Stanley reiterated that under these proceedings anyone wishing to testify or give
22 comments in this case must be sworn; this was not a public hearing as such in that you
23 could make comments at the conclusion.

24
25 Mayor Stanley directed to the applicant and the Town Planner that they were
26 responsible for testifying sufficiently to enable the Board to make a decision, and that
27 testimony would have to justify the findings as follows; 1) the proposed use would not
28 materially endanger the public health and safety if located where proposed; 2) the use
29 meets all conditions and specifications required by the UDO, and other applicable town,
30 county, state, and federal laws and regulations; 3) the proposed use will not
31 substantially injure the value of abutting or adjoining property; and 4) the location and
32 character of the use if developed according to the plan as submitted will be in harmony
33 with the area in which it is to be located and in general conformity with the Town's Land
34 Use Plan.

35
36 Brandon Rigsbee, Goose Creek Growlers, stated that the proposed business was
37 located at 200 Mallard. Mr. Rigsbee said that he and his wife and two kids lived in
38 Emerald Isle, new residents though they had been vacationing in Emerald Isle for many
39 years. Mr. Rigsbee provided background on his business stating that his company
40 manufactured and designed stoneware growlers, a term not everyone was familiar with
41 although they were becoming more popular. Mr. Rigsbee pointed out the pictures
42 depicted from his website as shown on the screen for all to view, which was basically a
43 ceramic beer jug, used to transport beer from the beer tap at a brewery or restaurant to

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1 wherever someone chose to enjoy it. Mr. Rigsbee said that typically growlers were
2 seen as glass, stoneware, or stainless steel and he created the handle styles and
3 started manufacturing and selling to breweries all around the country, and even
4 international over the last year or so. Mr. Rigsbee said he originally started out of his
5 basement, noting he was not a potter by trade but had worked for the Department of
6 Defense in the intelligence community as a project manager supporting Warfighter over
7 the last 7-8 years. Mr. Rigsbee said he had started this on the side and it had grown to
8 the point that he had decided to dedicate all of his time to it. Mr. Rigsbee said he had
9 always wanted to own his own business and they had also wanted to move out of the
10 DC area so everything just fell into place.

11
12 Mr. Rigsbee stated that at the location at 200 Mallard they would show how the growlers
13 were made using liquid clay poured into molds that were then set out, dried and fired in
14 the kiln. It was simple pottery but it was called slip casting which was not a very
15 common form of pottery, the molds when finished were decorated and glazed, and they
16 could do anything for different breweries or restaurants, and they also sold online direct
17 to customers. Mr. Rigsbee said they planned to sell the growlers in the retail area along
18 with t-shirts, ceramic pints, and some other related soft goods. Mr. Rigsbee said he
19 found the location at 200 Mallard and decided that it would be a unique way to show off
20 the kind of work they were doing and allow people to come in and see the process as
21 the growlers were being made.

22
23 Mr. Rigsbee said that the retail area would be in the front portion of the building, and
24 they decided to add a growler fill station, a relatively new phenomenon across the
25 country with the craft brew trends and breweries popping up everywhere. Mr. Rigsbee
26 said that growler fill stations were on the leading edge of the trend where you could
27 choose which beer to fill your growler with and take it home, to a poker game, the
28 beach, etc. Mr. Rigsbee said they would offer the growler fills and assuming ABC
29 approvals, pint and samplings of the different beers on tap. Mr. Rigsbee said that as he
30 developed this plan he started thinking about other ways to enhance the business and
31 the customer experience, and he thought about an exterior patio area that would wrap
32 around the north side of the building to the back to provide an outside seating area for
33 the folks who came in to watch the process could fill up a pint or a growler, sit outside
34 and enjoy themselves. Mr. Rigsbee thought it would improve the appearance of the
35 exterior of the building; he had been working with his landlord who was in full support of
36 the changes. Mr. Rigsbee thought the appearance would be enhanced from the road
37 as he intended to landscape and beautify the area so that anyone walking on the path
38 or driving through Town could look over and see an attractive patio area and it would
39 give visitors to the Town a unique and interesting experience.

40
41 Mr. Rigsbee then addressed 3 of the primary concerns with the special use permit:

42
43 1) protecting public health and safety; everything would be done to code to protect the
44 safety of anyone visiting. Selling alcohol in an establishment brings on a whole other

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1 risk but he was prepared to take measures to deal with that properly. Mr. Rigsbee had
2 worked with the Fire Inspector and had also spoken with Environmental Health after first
3 speaking with Town Planner Edmondson to find out how the Town would feel about an
4 idea like this, and prior to submitting an application he spoke with Carteret County
5 Environmental Health and was able to obtain approval from them with a tentative
6 approval for the exterior portion as well.

7
8 2) as to compliance with all state, federal laws Mr. Rigsbee stated he was proceeding
9 with an ABC license and would update everyone of his progress;

10
11 3) as to injuring value of surrounding area, it was noted that the surrounding area was
12 primarily undeveloped but just right next to 200 Mallard was the drainage field across
13 from the Mexican restaurant and the bike shop, directly across was a wooded lot, and
14 the closest residence was 400 feet away. It was noted that the patio he planned to build
15 would only improve the overall value of the property.

16
17 Mr. Rigsbee stated that regarding his plans being in conformity with the Town's Land
18 Use Plan, his first meeting was with Town Planner Josh Edmondson to be sure that
19 what he wanted to do on the exterior would be in conformity to the Town's Land Use
20 Plan and as far as harmony with the area, he had no intention to run a sports bar or a
21 late night establishment, this was really a way to enhance the customer experience as
22 well as an additional revenue stream for a business owner that felt like a good fit and
23 complimentary business offering to offer growler fills. Mr. Rigsbee said his vision was
24 for folks to come in and watch them make growlers, learn about what they do, and enjoy
25 beer, sitting outside on the patio enjoying the beautiful weather in the summer with
26 friends and family. Mr. Rigsbee respectfully requested approval of his application.

27
28 Town Planner Josh Edmondson said that he had been working with Mr. Rigsbee since
29 the past summer and his idea had evolved to the point where he had to have ABC
30 permits, fire inspections, building inspections, and he had already gotten permits for
31 inspections on electrical. Mr. Edmondson noted that the reason for the special use
32 permit was for the exterior portion of the business. Mr. Edmondson noted that outside
33 consumption either partially or totally outside required a special use permit. Mr.
34 Edmondson noted the property was zoned B-1, many of the adjacent properties were
35 zoned B-1, with a lot of compatible uses nearby such as El Zarape right behind this
36 property, also a number of other businesses such as Rucker Johns, Shark's Den, and
37 Carolina Wine with outside consumption areas where they served alcohol. Mr.
38 Edmondson stated that the patio was approximately 18 x 35 and met all applicable
39 setback requirements of the ordinance, approximately 20-25 feet from the bike path,
40 and 400 feet from the closest residence. Mr. Edmondson said that Mr. Rigsbee would
41 have to comply with parking regulations and based on the 300 feet of retail space and
42 15 seats, those inside and outside, designated by Environmental Health and Mr.
43 Rigsbee, including his 3 employees, there would be a requirement for at least 6 spaces
44 and he currently had 10-11 spaces. Mr. Edmondson noted that this special use permit

1 was one of Mr. Rigsbee's first steps in the ABC permitting process, following the special
2 use permit Mr. Rigsbee would continue with any required building permits, and would
3 continue to work with the fire inspectors.

4
5 ***Motion was made by Commissioner Messer to close the Public Hearing. The***
6 ***Board voted unanimously 5-0 in favor. Motion carried.***

7
8 ***Motion was made by Commissioner Wright that the proposed use will not***
9 ***materially endanger the public health and safety. The Board voted unanimously***
10 ***5-0 in favor. Motion carried.***

11
12 ***Motion was made by Commissioner Finch that the proposed use will meet all***
13 ***Federal, State, and local laws and regulations. The Board voted unanimously 5-0***
14 ***in favor. Motion carried.***

15
16 ***Motion was made by Commissioner Messer that the proposed use will not***
17 ***substantially injure the value of adjoining or abutting property. The Board voted***
18 ***unanimously 5-0 in favor. Motion carried.***

19
20 ***Motion was made by Commissioner Dooley that the proposed use will be in***
21 ***harmony with the surrounding area and conform to the Town's Land Use Plan.***
22 ***The Board voted unanimously 5-0 in favor. Motion carried.***

23
24 Commissioner Normile stated that he liked the concept and that the concept for craft
25 beer came out in their 2013 economics survey as a very much requested item from the
26 citizens to have a facility like this.

27
28 ***Motion was made by Commissioner Normile to approve the Special Use Permit***
29 ***request for Goose Creek Growlers to offer outdoor alcohol consumption on a***
30 ***newly constructed deck feature. The Board voted unanimously 5-0 in favor.***
31 ***Motion carried.***

32
33
34 **11. Proposed Sign Ordinance Amendments – Non-profit Event Signs**

- 35
36 a. **Ordinance Amending Chapter 10 – Definitions and Rules of Interpretation –**
37 **of the Unified Development Ordinance Regarding Non-Profit Event Signs**
38 **(16-03-08/O1)**
39 b. **Ordinance Amending Chapter 6 – Building Regulations – of the Code of**
40 **Ordinances Regarding Yard Sale, Garage Sale Signs (16-03-08/O2)**

41
42 Josh Edmondson, Planning Director addressed the Board regarding this Agenda item.
43 The following excerpt from the Town Manager's memo to the Board is provided for
44 additional background:

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1
2 The Board of Commissioners is scheduled to formally consider an amendment to the Town's sign ordinance (in the Unified
3 Development Ordinance) that would implement changes for temporary non-profit event signs that have been discussed by the
4 Board several times in recent months. In addition, in order to maintain consistency among various temporary sign regulations,
5 the Board will also formally consider an amendment (in Chapter 6 of the Code of Ordinances) that pertains to yard sale and
6 garage sale signs. A public hearing was previously conducted at the February 9 regular meeting.
7

8 Ordinance Amending Chapter 10 – Definitions and Rules of Interpretation – of the Unified Development Ordinance Regarding
9 Non-Profit Event Signs

10 As you recall from previous Board discussion, the proposed changes are presented in lieu of electronic community information
11 signs that the Town had considered installing along NC 58 that were ultimately not able to be permitted by NCDOT. The
12 attached ordinance amendment includes new regulations regarding the material, quality, and placement of temporary signs for
13 non-profit events in the NC 58 right of way (and other Town right of ways), and seeks to balance 1) the strong desire to support
14 and promote these events with 2) community aesthetics goals and 3) a desire to be consistent with commercial sign ordinances
15 in the Town.
16

17 The Board discussed the proposed amendment regarding temporary non-profit event signs most recently at the February 9
18 meeting, and the attached ordinance amendment (March 8 version) is mostly identical to the February 9 version. The March 8
19 version incorporates additional input received at and following the February 9 meeting, and seeks to address three concerns
20 raised by the Board and members of the community. To summarize, the March 8 version accomplishes the following, with the
21 specific changes included in the March 8 version highlighted in bold below:
22

- 23 • the Town would continue to support these beneficial non-profit events,
- 24
- 25 • banners would no longer be permitted, which is consistent with the Town's current ordinance prohibiting banners from
26 being used by commercial businesses in Emerald Isle, and which would eliminate the often unsightly appearance of
27 flapping banners,
- 28
- 29 • the non-profit event signs would be required to either be neatly prepared or professionally fabricated; **the Board**
30 **should note that this provision has been amended in the March 8 version to also allow non-professionally**
31 **fabricated signs that include stencil, commercially fabricated letters or numbers, or other methods that result**
32 **in a professional appearance (in an effort to minimize sign costs for non-profit event organizers),**
33
- 34 • the maximum size of the signs would be reduced to 24 sq. ft. from the current 32 sq. ft., however, only 3 signs
35 could be that large; **the Board should note that this provision has been amended in the March 8 version to**
36 **better incorporate Planning Board preferences,**
37
- 38 • an additional 5 signs that are essentially the size of typical campaign signs (up to 6 sq. ft.) would be allowed, resulting
39 in a net increase in the number of permitted non-profit event signs from 6 to 8,
- 40
- 41 • the signs would be required to be removed within 3 days after the event, as opposed to 10 days, and
42
- 43 • **clarifying language has been added to provide an opportunity for ONLY the immediately adjacent property**
44 **owner to have the sign removed from the street right-of-way if desired (to be consistent with the Town's**
45 **campaign sign ordinance provisions).**
46

47 It is important to note that the attached ordinance amendment would not allow banners to simply be mounted firmly on a rigid
48 (i.e., plastic, metal, wood, vinyl) surface and be displayed. The Town's current sign ordinance does not allow commercial

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1 businesses to utilize banners in this way. If the Board is interested in allowing this practice, I recommend that the Board also
2 amend the Town's ordinance for commercial businesses in the same manner.
3

4 The Board should also note that, while NCDOT frowns on the placement of such temporary signs in the NC 58 right of way, I
5 believe they will continue to be lenient if the signs are in place for a very limited duration and promote a "good cause".
6 Additionally, although there is great uncertainty about this recent ruling, I am hopeful that the proposed amendments do not run
7 afoul of a recent US Supreme Court ruling (Reed v. Town of Gilbert, AZ) because they allow messages for a wide variety of
8 special events (the Gilbert case dealt with the differential treatment of church signs).
9

10 Ordinance Amending Chapter 6 – Building Regulations – of the Code of Ordinances Regarding Yard Sale, Garage Sale Signs
11 As noted at the February 9 meeting, the Planning Board discussion included comments regarding yard sale and garage sale
12 signs. These signs are not regulated under the Unified Development Ordinance, but rather are included with the Town's overall
13 regulations for yard sales and garage sales included in Chapter 6 of the Code of Ordinances.
14

15 In an effort to promote consistency among the Town's various sign ordinances, the attached ordinance amendment to Chapter 6
16 simply adds:
17

- 18 • an identical provision to provide an opportunity for the immediately adjacent property owner to have the yard sale or
19 garage sale sign removed from the street right-of-way if desired, and
20
- 21 • a new requirement that signs for yard sales and garage sales may not be placed earlier than 3 days prior to the sale
22 (the current ordinance includes a requirement for the signs to be removed soon after the sale ends, but no time frame
23 prior to the sale).
24

25 The Board should note that yard sale and garage sale signs are not required to be professionally fabricated, and are permitted
26 within the street right-of-way.
27

28 Josh Edmondson and I look forward to discussing the proposed amendments with the Board at the March 8 meeting.
29

30 **Town Planner Edmondson discussed the concerns from the Board's February meeting**
31 **that they hoped they had addressed regarding the non-profit event signs as outlined in**
32 **the suggested text and clarified information below:**
33

34 Based on comments from the Commissioners and citizens at the February meeting, revisions have been made to the
35 proposed temporary signage language. These revisions include a better description of the desired appearance of the sign
36 and a reduction of the thirty two (32) square foot size to twenty four (24) square feet. The amendment is as follows:
37

38 **Sign, Temporary**
39

40 A sign that is an advertising display constructed of ~~cloth, canvas, fabric, plastic, paper, plywood, wood,~~
41 metal, vinyl, or other rigid material intended to be displayed to inform the public of an unusual or special
42 event sponsored by a non-profit, public, charitable, or religious organization. The sign wording, message, or
43 contents advertising or promoting the special event shall be completed using stencil, commercially
44 fabricated letters or numbers, or other methods that result in a professional appearance as opposed to free
45 hand, expedient, awkward, and unartful appearance or display. Each such event shall be limited to a
46 maximum of six (6) eight (8) signs. Three (3) of these Such signs shall not exceed thirty two (32) twenty four
47 (24) square feet in area per display surface. The other five (5) of these signs shall not exceed six (6) square
48 feet in area per display surface. The signs may be erected not more than thirty (30) days prior to the event

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1 and must be removed within ~~ten (10)~~ three (3) days following the completion of the event. Such signs may
2 be placed in a street right-of-way; provided that the property owner directly adjacent to the street right-of-
3 way where the sign is placed does not object to the sign, and provided that the sign is placed in such a
4 manner as to not obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or
5 parking lot.
6

7 Also, after reviewing the Unified Development Ordinance, I found that in Chapter 10 Definitions adjacent is defined. I
8 know this was an issue that was important to address as well. The following is our current definition of adjacent:
9

10 **Adjacent, Adjoining Lot or Land**

11
12 A lot or parcel of land that shares all or part of a common lot line or boundary with another
13 lot or parcel of land or that is directly across a public street or right-of-way.
14

15 Commissioner Wright felt that the changes addressed their concerns. Commissioner
16 Normile felt the language addition of “or other methods” allowed our local artists to still
17 do their thing on the proper materials and he was appreciative of the changes.
18

19 ***Motion was made by Commissioner Normile to adopt the Ordinance Amending***
20 ***Chapter 10 – Definitions and Rules of Interpretation – of the Unified Development***
21 ***Ordinance Regarding Non-Profit Event Signs. The Board voted unanimously 5-0***
22 ***in favor. Motion carried.***

23
24 ***Motion was made by Commissioner Messer to adopt the Ordinance Amending***
25 ***Chapter 6 – Building Regulations – of the Code of Ordinances Regarding Yard***
26 ***Sale, Garage Sale Signs. The Board voted unanimously 5-0 in favor. Motion***
27 ***carried.***

28
29 **Clerks Note: A copy of Ordinance Amendments 16-03-08/O1 and 16-03-08/O2 as referenced above are**
30 **incorporated herein by reference and hereby made a part of these minutes.**
31

32 **12. Resolution Authorizing Street Resurfacing Contract (16-03-08/R4)**

33
34 Artie Dunn, Public Works Director addressed the Board regarding this Agenda item.
35 The following excerpt from the Town Manager’s memo to the Board is provided for
36 additional background:
37

38 The Board of Commissioners is asked to approve the 2016 street resurfacing program at the March 8 regular meeting. The
39 attached resolution authorizes the Town Manager to execute a contract with Onslow Paving and Grading (Jacksonville, NC) at
40 specified unit costs of \$9.40 - \$10.55 per sq. yard of asphalt for a total street length of 1.2 miles. The total contract amount is
41 \$143,275, and is within the Powell Bill funding available in the FY 15-16 budget.
42

43 Artie Dunn, Public Works Director, requested informal quotes in February to resurface approximately 1.6 miles of various public
44 street segments. (A memo from Artie Dunn to me is attached for your information.) Onslow Grading and Paving provided the
45 lowest price quote for the 2016 street resurfacing package with a total quote of \$188,770 for the 1.6 mile package. The Town
46 received two other quotes for this project from Barnhill Contracting Company (Jacksonville, NC) in the amount of \$204,390 and
47 from Morton Trucking, Inc. (Jacksonville, NC) in the amount of \$209,669.
48

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1 The Town has a total budget of approximately \$145,000 available for the 2016 street resurfacing contract. As noted above, the
2 low quote submitted by Onslow Grading and Paving was nearly \$44,000 more than budgeted. In order to bring the contract in
3 within budget, a 0.4 mile segment of the original 1.6 mile package has been eliminated from the 2016 street resurfacing program
4 recommended to the Board, resulting in the contract amount of \$143,275 indicated in the attached resolution. The street
5 segments included in the recommended 2016 street resurfacing program include:
6

- 7 • Lee Avenue (ocean side), Jackson Avenue, and Stuart Avenue, representing approximately 0.75 mile. Lee Avenue is
8 considered to be among the worst public streets in Town, with significant deterioration in the center of the street.
9 Whenever possible, we attempt to group nearby streets together in the same contract in order to reduce mobilization
10 costs and to maintain relatively consistent street quality within a particular area / subdivision. Because Jackson
11 Avenue and Stuart Avenue are also in poor condition, all 3 streets in this subdivision are recommended for resurfacing
12 in 2016. Lee Avenue was last resurfaced in 2001, and Jackson Avenue and Stuart Avenue were last resurfaced prior
13 to 1983 (the oldest records we have on file).
14
- 15 • Eastview Drive, representing approximately 0.15 mile. Eastview Drive was last resurfaced in 2004, however, there is
16 significant deterioration in the area near the US Post Office and Murphy's Garage, and this is an area with fairly high
17 use.
18
- 19 • Fairfax Road, Elizabeth Drive, and Matt Street, representing approximately 0.25 mile. These three segments are all
20 located in succession in the central part of Emerald Isle, and were last resurfaced prior to 1983.
21
- 22 • Loon Drive, representing approximately 0.05 mile. Loon Drive was last resurfaced in 2001, however, there is
23 significant deterioration on this short street segment and it is also an area with fairly high use.
24

25 Due to budget limitations, a 0.4 mile segment of Oceanview Drive that was included in the original 1.6 mile package is not
26 included in the recommended 2016 street resurfacing program. Given its significant length and cost, and its condition relative to
27 other street segments, Artie Dunn and I believe this segment can be delayed until 2017, and perhaps longer.
28

29 Several other streets that are considered to be in somewhat poor condition (Artie Dunn maintains a limited street rating system
30 for all Town streets that was last updated in early 2015) were also reviewed for inclusion in the 2016 recommended street
31 resurfacing program, but were ultimately not included due to budget limitations. The most notable among these other streets are
32 listed below:
33

- 34 • Mallard Drive (sound side), which is in need of resurfacing but was not included due to pending new development that
35 may impact this street in the next year,
36
- 37 • Louise Avenue (at entrance to Western Ocean Regional Access), which is in need of resurfacing but was not included
38 due to planned new construction at The Islander Suites later this year that could damage the street,
39
- 40 • Fredeen Street and Fredeen Court (soundside near mile marker 17 on NC 58),
41
- 42 • Mangrove Drive and Old Ferry Road (from NC 58 to Sound Drive; a more heavily travelled street),
43
- 44 • Ocean Oaks Drive, Page Place, and Pinewood Place (the entire Ocean Oaks subdivision), and
45
- 46 • 9th Street, 10th Street, 17th Street, and 19th Street on the east end of Town.
47

48 In addition to Oceanview Drive, some of the street segments listed above will likely be included in the 2017 street resurfacing
49 program next spring.
50

51 As discussed in the past, the Town maintains a total of 46 miles of public streets, and at one time the Town had a stated goal to
52 resurface 2.3 miles of streets each year (which equates to each street being resurfaced once every 20 years). Due to declining

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1 Powell Bill revenues and significant increases in resurfacing cost, the Town has not been able to meet this goal for several years.
2 The Town's recent historical street resurfacing totals are as follows:
3

4	2015	1.3 miles (Coast Guard Road)
5	2014	2.7 miles (Ocean Drive in eastern EI)
6	2013	0.4 miles (purposely rolled money forward to 2014 for Ocean Drive)
7	2012	2.1 miles (Ocean Drive in central EI)
8	2011	1.1 miles
9	2010	1.2 miles
10	2009	1.45 miles
11	2008	1.8 miles
12	2007	2.15 miles
13	2006	2.0 miles
14	2005	2.3 miles
15	2004	2.4 miles.

16
17 If approved by the Board at the March 8 meeting, we expect all street resurfacing to occur in March or April, weather permitting,
18 with a goal to have all work completed before the 2016 tourism season.
19

20 Public Works Director Artie Dunn outlined the details of the proposed Street
21 Resurfacing Contract noting the rating system he maintained with a list of streets that he
22 felt were most in need. Mr. Dunn noted that the long term goal was to resurface every
23 street in Town within every 20 years. In order to do that would require 2.3 miles of
24 resurfacing annually and with asphalt prices rising and revenue sources for Powell Bills
25 being cut they hadn't met that goal in several years. Mr. Dunn referred the Board to the
26 list in the Board packets of the streets that he and Town Manager Rush felt were most
27 in need of attention and they were also grouped as close together as they could get
28 them in an effort to keep mobilization costs down and save the contractors time. Mr.
29 Dunn explained the bids received and adjustments made and the recommendation by
30 he and Town Manager Rush that the contract be awarded to the low bidder Onslow
31 Grading and Paving, Jacksonville, NC.
32

33 ***Motion was made by Commissioner Messer to adopt the Resolution Authorizing***
34 ***Street Resurfacing Contract. The Board voted unanimously 5-0 in favor. Motion***
35 ***carried.***

36
37 **Clerks Note: A copy of Resolution 16-03-08/R4 as referenced above is incorporated herein by reference and**
38 **hereby made a part of these minutes.**
39

40
41 **13. Resolution Authorizing Public Beach and Coastal Waterfront Access Grant**
42 **Application (16-03-08/R5)**
43

44 Town Manager Frank Rush addressed the Board regarding this agenda item. The
45 following excerpt from him memo to the Board is provided for additional background:
46

47 The Board of Commissioners is scheduled to consider the attached Resolution Authorizing a Public Beach and Coastal
48 Waterfront Access Grant Application for the construction of a new wooden walkway at the beach access location at The Point

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1 vehicle ramp, and to install new security gates at the Station Street Park parking area that serves this beach access location.
2 The total grant amount to be requested is \$21,000, and a local match of \$7,000 (25% of total cost) would be required.
3

4 As discussed at the Board's February 19 budget planning workshop meeting, the Bicycle and Pedestrian Advisory Committee
5 has indicated that a new wooden walkway at The Point vehicle ramp is among the committee's highest priorities. As you know,
6 The Point is among the most beautiful and popular beach locations in Emerald Isle, and the construction of a new wooden
7 walkway at this location would result in a safer and easier pathway for visitors at this beach access location. The Board
8 discussed the potential appropriation of funds from the Bicycle and Pedestrian Fund for this project in FY 16-17, however, it may
9 be advantageous to first attempt to secure grant funding for this project. The NC Public Beach and Coastal Waterfront Access
10 grant program, administered by the NC Division of Coastal Management, is currently accepting grant applications for FY 16-17.
11 If the Board approves the attached resolution, Town staff will submit a grant application for this project prior to the March 16
12 deadline. Grant awards are expected to be announced later this summer.
13

14 If awarded, grant funds would be used to construct a typical beach access walkway along the north side of The Point beach
15 vehicle ramp, as depicted in the attached aerial photo. The new walkway would be approximately 75 - 100 feet long, and would
16 potentially also include a sitting area / observation area. The estimated cost of the new beach access walkway is \$20,000.
17 Because the beach access location at The Point is served by the Station Street Park parking area, the proposed grant
18 application would also include new security gates for this facility. The new gates would be identical to the Town's other steel
19 gates recently installed at The Point vehicle ramp, Black Skimmer vehicle ramp, Ocean Drive "dog-leg" vehicle ramp, and the
20 Eastern Ocean Regional Access. Because the Station Street Park has two driveways, two new gates would be installed. The
21 total cost for the two new gates is \$8,000.
22

23 If the Town is fortunate to receive a grant for these improvements, the Town's \$7,000 local match would be included in the FY
24 16-17 budget, and could be derived either from the Bicycle and Pedestrian Fund or the General Fund, at the Board's discretion.
25

26 The Town has been very successful in securing grant funding from the NC Public Beach and Coastal Waterfront Access Grant
27 program in the past, and the application process is among the least bureaucratic grant application processes. Although I am not
28 certain how competitive the Town's grant application will be, I believe it is worth the limited effort required to prepare a grant
29 application for this year's process. As you know, the Town has aggressively pursued any and all grants that can benefit our
30 community in recent years, and we are constantly seeking new grant opportunities. The NC Division of Coastal Management
31 expects to award approximately \$1 million among the 20 coastal counties this year, and I am somewhat hopeful that the
32 relatively small amount of the Town's request may enhance its chances for approval.
33

34 Town Manager Rush noted that during the budget planning workshop the past month
35 one of the things discussed was the possibility of building a new wooden walkway over
36 the dunes at the Point vehicle ramp and the Bicycle and Pedestrian Advisory Committee
37 had identified that as a high priority and there was discussion about allocating funds
38 from the Bicycle and Pedestrian fund for that project potentially in next years budget.
39 Mr. Rush said the Board seemed generally supportive of that and they had also
40 discussed adding new gates at the beach vehicle ramps and also at the parks. The
41 Board indicated that the focus should be on the Western Regional Access and Emerald
42 Isle Woods Park next year and decided to wait on Station Street or perhaps not do that
43 at all.
44

45 Mr. Rush said that following the meeting on February 19 thinking about the upcoming
46 grant application process with the Division of Coastal Management, and how historically
47 this had been a relatively fruitful grant program for the Town and keeping with their goal
48 to secure any grant funds they could to make the community better, he thought if they
49 could get a grant for the walkway at the Point it would save the Bicycle and Pedestrian
50 funds for something else the Board and committee may want to tackle in the future. Mr.

1 Rush referred the Board to the grant application proposal noting that they had gone
2 ahead and folded in the Station Street gates into the grant application linking those
3 facilities together as folks visiting the Point were most likely parking at the Station Street
4 parking area. Mr. Rush said he was unsure of what the Town's chances were but on
5 the flip side it wasn't a whole lot of effort to apply for it and it would be a nice
6 improvement and it qualified for the grant program.

7
8 ***Motion was made by Commissioner Wright to adopt the Resolution Authorizing
9 Public Beach and Coastal Waterfront Access Grant Application. The Board voted
10 unanimously 5-0 in favor. Motion carried.***

11
12 Clerks Note: A copy of Resolutions 16-03-08/R5 as referenced above is incorporated herein by reference and
13 hereby made a part of these minutes.

14
15 **14. Appointments**

- 16
17 a. **Planning Board – 3 Vacancies**
18 b. **Eastern Carolina Council of Governments – 1 Vacancy**

19
20 **Brief Summary:** The terms of 3 Planning Board members expire in March, and the
21 Board should appoint 3 individuals to new 2-year terms that will expire in March 2018.

22
23 The Board should also appoint one of its own to serve on the General Membership
24 Board of the Eastern Carolina Council of Governments, a nine county regional
25 organization that includes nearly all local governments in eastern North Carolina.

26
27 ***Motion was made by Commissioner Wright to reappoint Mark Taylor, Jim Osika,
28 and Tom Minnick to terms on the Planning Board that expire in March 2018. The
29 Board voted unanimously 5-0 in favor. Motion carried.***

30
31 ***Motion was made by Commissioner Wright to appoint Commissioners Candace
32 Dooley to serve on the Eastern Carolina Council of Governments General
33 Membership Board. The Board voted unanimously 5-0 in favor. Motion carried.***

34
35
36 **15. Comments from Town Clerk, Town Attorney, and Town Manager**

37
38 There were no comments from the Town Clerk or Town Attorney.

39
40 Town Manager Rush updated the Board on several items of importance, the first being
41 the new CRC rules as written about in his memo to follow, summarizing that nearly all of
42 the buildings between 1st Street and the Eastern Regional Access were non-conforming
43 because of the static line for measured setbacks. The Town got a static line exception
44 which allowed the Town to use the first line of actual stable vegetation on that nourished
45 beach for setbacks. Mr. Rush noted that made the vast majority of structures in that

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1 area conforming again which was very important from a marketability standpoint,
2 mortgages, insurance, etc. however, there was a 2,500 square foot limit on the
3 maximum size structure that you could build in an area with a static line exception. Mr.
4 Rush said they were happy to report that 2,500 square foot limit was now gone as of
5 April 1 as part of the change in CRC rules, part of a larger rule that had to do with what
6 is called a “development line” that could potentially replace the current system used to
7 measure setbacks; essentially the Town of Emerald Isle would propose “a line in the
8 sand” beyond which folks could not construct homes in the future.

9
10 Mr. Rush also provided the status on the home at 7405 Archers Creek Court that the
11 Board had approved to be demolished during their January meeting. Mr. Rush said a
12 new buyer was set to close on the property and the contractor was hard at work
13 cleaning up the property, renovating the property and assuming they continued to make
14 good progress they did not intend to demolish the structure.

15
16 Mr. Rush stated that staff would be meeting with the 9 applicants who submitted for the
17 Regional Access Food Vendor Program by the February 29 deadline to assign certain
18 dates to certain vendors, imagining it would be mid-May before they get started but they
19 would let the vendors decide that going forward.

20
21 Lastly, Mr. Rush said the Supreme Court would have their next round of
22 announcements on March 18 and it was hoped they would get a decision at that time
23 whether or not they would hear the case of Nies v. Emerald Isle.

24
25 The following is an excerpt from the Town Manager Comments memo to the Board
26 providing additional background information for all items of importance:

27
28
29 **25th Annual Emerald Isle St. Patrick’s Festival – This Friday and Saturday!**

30 We are looking forward to a great festival this weekend, and Town staff will be working hard all week to be ready for a big crowd.
31 I am thankful for the hard work by all involved, especially Alesia Sanderson, Parks and Recreation Director, and Sarah Cutillo,
32 Recreation Program Supervisor.

33
34 **Comprehensive Plan / Land Use Plan Steering Committee Meeting – Wed, March 16 – 3 pm**

35 The committee’s second meeting will be held on March 16 at 3 pm. The meeting will be held in the Town Board Meeting Room,
36 and the public is welcome to attend.

37
38 The Committee is expected to approve the questions for an online survey at their meeting on March 16. The survey will then be
39 posted at www.emeraldisle-nc.org and www.planei.org, on the Town’s Facebook page and Twitter feed, and a special email will
40 be sent to the 6800+ email newsletter subscribers. I am optimistic that we will generate a very high survey participation rate, and
41 I look forward to significant community input.

42
43 **New CRC Rule To Take Effect in April, Effectively Restores Conforming Status to Ocean Reef Condominiums**

44 A new CRC rule is scheduled to be effective on April 1 that will remove the 2,500 sq. ft. limit on development in areas with a
45 static line exception (eastern Emerald Isle). This change will essentially restore conforming status to Ocean Reef condominium
46 buildings that previously could only be reconstructed up to 2,500 sq. ft. (the existing buildings are approximately 4,400 sq. ft.).
47 As long as the first line of natural, stable vegetation remains at least 60 feet seaward, these condominium units will again be
48 considered conforming.

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1
2 The rule change also provides benefits to any existing oceanfront homes between the Indian Beach town line and the Ocean
3 Drive "dog-leg" that are greater than 2,500 sq. ft. (there are only a handful of such existing homes). The rule change is also
4 helpful to some Pier Pointe condominium buildings by allowing them to be reconstructed up to 5,000 sq. ft. (rather than 2,500
5 sq. ft.). The existing buildings in Pier Pointe are approximately 6,600 sq. ft. A separate rule-making initiative being considered
6 by the CRC has just begun, and may ultimately provide even greater benefits for Pier Pointe in the next year or so.
7

8 A new rule establishing a "development line" will also become effective on April 1, and this rule would allow a local government,
9 with State approval, to establish what is essentially "a line in the sand" beyond which no oceanfront development could occur. In
10 Emerald Isle, I would imagine the Town proposing this line just slightly seaward of the existing row of oceanfront homes in
11 eastern Emerald Isle. Development would still be required to meet a 60 ft. setback from the first line of stable, natural vegetation,
12 so the end result is likely not any different than the Town's static line exception (particularly with the elimination of the 2,500 sq.
13 ft. limit), however, it may be easier to administer in the future and perhaps less complicated for our oceanfront property owners.
14 Town staff will be exploring the pros / cons of implementing a "development line" in the coming weeks.
15

16 **Town Board Meeting Room Flooring, Painting Work**

17 The contractor has returned to address a few problem areas, and has also replaced the vinyl baseboard with new wooden
18 baseboards. Although the stained concrete did not turn out as perfectly as I had hoped, I believe it looks good and is much
19 better than the old carpet in the room. The removal of the office, restoration of natural light, and fresh, lighter paint makes a big
20 difference, and I am pleased overall.
21

22 **7405 Archers Creek Court**

23 SunLand Builders is scheduled to begin demolition on March 16. In the meantime, the property has been sold, and the new
24 owner has begun efforts to clean up the property. Our understanding is that they intend to have the structure completely stripped
25 and prepped for a major renovation within the next week. IF they can get the property completely cleaned up by March 15, we
26 will NOT proceed with the demolition as planned and will allow the home to be renovated, which will certainly be a good outcome
27 for all parties concerned.
28

29 **NC Parks and Recreation Trust Fund Grant Applications Due on May 2**

30 The NCPARTF grant program provides grants up to \$500,000 for eligible parks and recreation projects and improvements, and
31 requires a 50% local match. The Town received significant NCPARTF grant funding for the land acquisition for the Emerald Isle
32 Public Boating Access Area and the construction of Emerald Isle Woods Park. Please let me know if there are any projects that
33 you would like us to consider submitting an application for on May 2, or in future years.
34

35 **Emerald Isle Marathon, Half-Marathon, & 5K – Saturday, April 9**

36 As of March 4, a total of 910 runners have registered for the 3 races. As of February 23, 2015, there were a total of 1106
37 runners registered, so we are closing the gap, and still hope to get close to or match last year's total of nearly 1600 runners.
38

39 **Beach Access Walkway Replacements**

40 Work continues on the Nina Street and Bryan Street walkways, and we expect Barnacle Construction to complete these
41 walkways by the end of March.
42

43 The 18th Street walkway is partially demolished, and we have asked the contractor, B&P Services, to finish demolition, clean up
44 the area, and then delay work on this walkway until after the new elevated walkway for Senator Jean Preston Memorial
45 Playground is completed.
46

47 **Regional Access Food Vendor Program**

48 The February 29 deadline has passed, and we have received applications from the following food establishments: Shark's
49 Den, Dairy Queen, Sweet Spot, Ben & Jerry's, Circle Pizza, Kathryn's Bistro, Jackie's American Grill, Flipperz, and Emerald Isle
50 Wine Market. Town staff will meet with the 9 food establishments later in March and attempt to have all parties agree on a fair
51 and balanced service schedule for the summer. With a total of 4 slots available per day (1 meal vendor and 1 dessert vendor at
52 each of the 2 regional access facilities), I am optimistic that we can come up with a schedule that everyone will be pleased with.
53

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1 **Nies v. Emerald Isle**

2 The next filing by the NC Supreme Court is scheduled for March 18, and we may then learn whether or not the NC Supreme
3 Court will hear the Nies v. Emerald Isle case. As you know, the Town prevailed at both NC Superior Court (summary judgment)
4 and the NC Court of Appeals (unanimous 3-0 ruling).
5

6 As discussed previously, this case has significant consequences for all NC beach communities, as it essentially involves the
7 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
8 trust beach area does not include the flat, dry-sand beach area, while the Town contends that NCGS 77-20 includes this area in
9 the delineation of the public trust beach area.
10

11 **Potential Partnership To Provide Staff Assistance for Emerald Isle Business Association**

12 I am planning to organize a meeting with EI Business Association leaders and TDA officials in the next few weeks to explore
13 partnership opportunities that would ultimately result in greater promotion of Emerald Isle businesses by the EIBA and the TDA.
14 I am hopeful that the end product will be paid staff assistance for the EIBA that will be able to better promote EI to our visitors
15 and potential visitors, help with existing special events (i.e., St. Patrick's Festival, Christmas Parade, etc.), help with new events
16 (i.e., new "EI Beach Music Festival", etc.), organize special shopping experiences among Emerald Isle businesses (i.e.,
17 Christmas shopping deals throughout the entire Town), and better galvanize the brick-and-mortar businesses in Emerald Isle.
18

19 **New Fall Music and Food Festival – The "Emerald Isle Beach Music Festival" Version 2.0?**

20 I plan to schedule a meeting later in March with Town staff, the Emerald Isle Business Association, the operators of "Flavor
21 Fest", and the operators of the former "Emerald Isle Beach Music Festival" to discuss the possibility of a new event to be held
22 each year in mid or late September.
23

24 **Village West Meeting**

25 I continue to devote significant time toward potential strategies to clean up the Islander Drive area, promote redevelopment, and
26 move toward the realization of the Village West vision in this area. I am planning to organize a meeting with key players in the
27 next few weeks to explore various strategies.
28

29 **"Downtown" Lighting**

30 Carteret Craven Electric Cooperative's workers have been pulled off of our lighting project for other jobs in recent weeks, but we
31 expect them to complete the remaining light installations in Emerald Isle within the next week. The entire south side (along the
32 bike path) has been installed, along with a portion of the north side (along the sidewalk). I am very pleased with the new lights,
33 and I am hopeful that they will improve safety, make people more comfortable in the "downtown" area at night, and that they
34 represent one more incremental step toward improving aesthetics and the creation of a more defined "downtown" area in
35 Emerald Isle.
36

37 **New Wayfinding Signs**

38 I am currently working on the specific sign locations and destinations to be included on each sign, and expect to place the sign
39 order later in March. My goal is to have the new signs installed by April.
40

41 **Off-Premises Non-Conforming Signs**

42 We will be presenting draft ordinance language to the Planning Board at their March 21 meeting that would essentially
43 "grandfather" the handful of off-premises, non-conforming signs in Emerald Isle in perpetuity. The draft ordinance would also
44 enable any such signs that were in place prior to January 1, 2005 to be re-installed (would allow Bogue Inlet Pier and Camp
45 Ocean Forest signs to go back up). The intent behind this ordinance is to allow for structural repairs to existing signs so that the
46 aesthetic appearance of the signs will be improved. This ordinance may appear on the Board's April 12 meeting agenda.
47

48 **Allow Golf Cart Rental / Sales Activities in EI?**

49 The Town's zoning ordinance does not currently allow golf cart rentals and sales to operate in Emerald Isle. Josh Edmondson,
50 Town Planner, will present a potential ordinance amendment to the Planning Board at its March 21 meeting to allow such
51 operations in the future. We expect to include certain limitations on the minimum rental period, the maximum number of rental
52 vehicles, and the maximum number of vehicles displayed outside. This ordinance may appear on the Board's April 12 meeting
53 agenda.

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1
2 **Roundabouts – Next Steps?**

3 The Carteret County Transportation Committee is scheduled to meet in April and May to discuss area transportation priorities for
4 the next Statewide Transportation Plan to be released by NCDOT in December. In order to accurately convey the Town's
5 position to the Carteret County Transportation Committee, I am planning to schedule additional Board discussion and
6 consideration of a formal resolution regarding proposed roundabouts and other potential traffic improvements on either the
7 Board's April 12 or May 10 meeting agenda.
8

9 **Water Tank Maintenance Work Progressing**

10 The contractor hired by Bogue Banks Water Corporation to re-paint the water tank appears to be making good progress, and we
11 are hopeful that all work will be complete later this month. Police, Fire, and EMS are anxious to have emergency
12 communications equipment re-installed on the water tank as the tourism season begins, and we are also anxious to remove the
13 temporary tower from the NC 58 right of way.
14

15 I have asked Fire Chief Bill Walker to research alternatives to having to remove our emergency communications equipment
16 every time the water tanks are painted. One option is to add a stand alone mono-pole tower, however, I am more interested in
17 potential additional equipment that could be installed on the water tanks so that future maintenance activities could "work around"
18 the emergency communications equipment and not require its removal. In addition to significant cost to remove and re-install the
19 emergency communications equipment each time, the reliability of emergency communications is compromised. I am hopeful
20 that we can identify a more cost-effective alternative in the future.
21

22 **Osprey Ridge Storm Water Pump Design**

23 Barring some unforeseen budget difficulties, I expect to be able to include sufficient funding in the FY 16-17 budget for the
24 construction of a new storm water pump to serve the Osprey Ridge neighborhood. My goal is to have the Town in a position to
25 award a construction contract in July or August (after the new fiscal year begins on July 1). Assuming the design cost is
26 manageable, I may ask the Board to approve a design contract for this project at the April 12 meeting.
27

28 **Cape Emerald Storm Water Pipe Replacement**

29 I am planning to submit a CAMA grant application for the replacement of the existing storm water outfall pipe from Cape Emerald
30 ponds to Bogue Sound in the coming weeks, and will request approval to install a 24 inch pipe. As discussed during the Board's
31 February 19 budget planning workshop meeting, this project is not as high of a priority as other budget items for FY 16-17. It is
32 likely that this work will not occur until FY 17-18, however, I would like to secure the appropriate permit sometime this summer.
33

34 **Save The Dunes Project Delayed Until Early May**

35 The Save The Dunes project team (led by volunteers Carla Stevens and Kevin Geraghty) will be installing new dune plants near
36 The Point vehicle ramp this spring. They initially hoped to do the planting in mid-April, however, they have now pushed work
37 back until early May. The Town will be purchasing the dune plants, and the volunteers will install the plants.
38

39 **Master Beach Nourishment Plan**

40 As you know, the Carteret County Beach Commission / Shore Protection Office, on behalf of the municipalities on Bogue Banks,
41 including Emerald Isle, has been working on a 50-year plan / permitting mechanism for future beach nourishment activities. This
42 effort began in early 2010, and when ultimately approved it should provide a "blanket permit" for all future beach nourishment
43 activities in Emerald Isle and the periodic realignment of the main ebb channel in Bogue Inlet. The County's consultants, working
44 with the Corps of Engineers, expect to release a Draft Environmental Impact Statement for this project later this spring or
45 summer, and this will be an important milestone. I am hopeful that the Final EIS and official permit will be issued sometime in
46 early or mid-2017.
47

48 **Bogue Inlet Navigation Dredging Permit**

49 As you know, the Town has been working with local governments adjacent to 4 other shallow-draft inlets in NC to have new
50 navigation dredging permits issued to the local governments. This effort was undertaken by the State on behalf of the local
51 governments in anticipation of potential future Federal abdication of dredging responsibility for these important channels. This
52 process is expected to culminate in the next few months with the issuance of a permit to the Town of Emerald Isle for future
53 navigation dredging in Bogue Inlet connecting channel and across the ocean bar. The permit will constrain the Town to the

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1 currently permitted channel dimensions (6 – 8 ft. deep), however, it should allow the placement of sand on the beach in the
2 future (this sand has historically been “sidecast” to the side of the dredge in the inlet, and not placed on the beach).
3

4 The new permit should not impact any dredging activities in the near future, as the Corps of Engineers is expected to continue
5 dredging activities for at least the foreseeable future. However, the permit will be advantageous if / when the Corps no longer
6 operates its sidecast dredge fleet in the future, and may also be advantageous to the Town in the future if a relatively small
7 volume of sand is necessary for a nearby beach nourishment project (i.e., at The Point).
8

9 **Save The Dunes - Beach Commission / Shore Protection Office Presentation**

10 Commissioner Normile has suggested a joint presentation by the Save The Dunes group and the Carteret County Shore
11 Protection Office. Please let me know if this is something you'd like to pursue, and if you'd like to schedule this as an item on an
12 upcoming Board meeting agenda, as a pre-meeting event, or as a stand-alone event.
13

14 **New Flood Insurance Rate Maps – Delayed Until June 30**

15 We recently were notified that the new flood maps have been delayed again, and are now scheduled to be released on June 30.
16 Town Planner Josh Edmondson will make a presentation to the Board and the public at the earliest meeting after the maps are
17 released to highlight the map changes that will impact Emerald Isle property owners. Overall, the new maps are very favorable
18 for Emerald Isle property owners, however, we do expect some property owners to be negatively impacted, and want to offer as
19 much information and assistance as possible to these property owners. There will be an opportunity for formal appeals after the
20 maps are released to the public.
21

22 **New Sidewalk Stub near Speedway Gas Station**

23 I have asked Public Works to install a new, short sidewalk stub from the existing sidewalk on the northeast corner of the Coast
24 Guard Road / Emerald Drive intersection to the Speedway driveway. As part of this work, I've also asked them to install
25 drainage features that will hopefully enable chronic ponding water to flow under the sidewalk and into the existing ditch along NC
26 58. I am hopeful that this work will be complete in the next month or so.
27

28 **Recent Surplus Auction Results**

29 The Town received a total of \$2,525 from the recent online auction of a 2005 Chevrolet Silverado pickup truck and other minor
30 items.
31

32 **New Police Vehicles**

33 The Police Department's new Dodge 4 x 4 pickup truck and new Dodge Charger are currently being outfitted with
34 communications and electronics equipment, and should be in service within the next few weeks.
35

36 **Bicycle Path Pavement Markings**

37 Public Works has completed the repainting of all bicycle path markings in the central area of Emerald Isle. I appreciate their
38 efforts to have the Town looking as good as possible as the tourism season approaches.
39

40 **Storm Water Relay Pump to Be Installed in Sea Crest (6400 Block)**

41 I have asked Public Works to make the Sea Crest neighborhood (6400 block of Ocean Drive) the first location for a new storm
42 water relay pump, and to attempt to install this new system in the next couple of months. As discussed at the Board's February
43 19 budget planning workshop, we intend to install a catch basin with a small electric pump and discharge storm water via a 3" or
44 4" PVC pipe in the nearby dune field. The new PVC pipe will follow the existing beach access walkway easement. I am anxious
45 to gauge the effectiveness of this approach, and I hope it will greatly reduce the frequency and duration of standing water on
46 Ocean Drive in this area.
47

48 **12th Street Infiltration Basin Expansion**

49 Public Works has significantly expanded the existing storm water infiltration basin near the 12th Street beach access, and we are
50 hopeful that it will reduce the frequency and duration of standing water on Ocean Drive in this area. As discussed at the
51 February 19 budget planning workshop, we are also hoping to install a small fixed pump in this area during FY 16-17 with
52 discharge into the nearby dune field.
53

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Deck Safety Program

The vacation rental companies continue to implement the new deck inspection program, and there is a considerable amount of deck repair and replacement work underway in Emerald Isle in preparation for the 2016 season. Due to the complexity of dealing with multiple condominium owners associations and management companies, and many other pressing issues in the past few months, we have STILL not yet had an opportunity to establish a similar program for condominium complexes. With the tourism season fast approaching, this project will likely have to wait until after the 2016 tourism season.

Unified Development Ordinance

As noted previously, I hope to begin work on a comprehensive review and simplification of the Town's Unified Development Ordinance in the coming months. The current UDO can be confusing for Town staff, development professionals, real estate professionals, and the public, and my goal is to create a much more user-friendly, understandable document.

The Emerald Isle "App"

Rhonda Ferebee, Town Clerk, and I continue to work with Bar-Z, an app development firm, on this project. The end product will be a smartphone "app" that can be used by our residents and visitors to learn about the Town, request Town services, report problems, identify local businesses, and more. We are very pleased with the graphics and functionality thus far, and hope to unveil the new app no later than May.

Emerald Isle Logo T-Shirts ON SALE Now

T-shirts with the new Town logo (including Nice Matters!) are currently on sale at the Town Administration Building. The 100% cotton beefy-Ts are available for \$15 each. Thus far, we have sold approximately 40 shirts.

16. Comments from Board of Commissioners and Mayor

Mayor Barber shared that his grandson Daniel who would be one year old on March 17 would have to have open heart surgery again and asked everyone to please keep them in their prayers.

There were no further comments from the Board of Commissioners.

17. Adjourn

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

The meeting was adjourned at 7:15 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC, NCCMC
Town Clerk