

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, AUGUST 13, 2013 – 7:00 P.M.**
4 **TOWN BOARD MEETING ROOM**
5
6

7 **1. Call To Order**
8

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

13 **2. Roll Call**
14

15 Present for the meeting: Mayor Art Schools, Commissioners Tom Hoover, Floyd
16 Messer, John Wootten, and Maripat Wright.
17

18 Absent for the meeting: Commissioner Nita Hedreen.
19

20 ***Motion was made by Commissioner Messer to excuse the absence of***
21 ***Commissioner Hedreen. The Board voted unanimously 5-0 in favor.***
22 ***Motion carried.***
23

24 Also present during the regular meeting: Town Manager Frank Rush, Town
25 Attorney Richard Stanley, Asst. Town Manager / Finance Officer Mitsy Overman,
26 Town Clerk Rhonda Ferebee, Parks and Recreation Director Alesia Sanderson,
27 and Asst. Police Chief Tony Reese.
28

29 **3. Opening Prayer**
30

31 Bernie Whalley, Emerald Isle resident and businessman, offered the opening
32 prayer for the meeting.
33

34 **4. Pledge of Allegiance**
35

36 All who were present recited the Pledge of Allegiance.
37

38 **5. Adoption of Agenda**
39

40 ***Motion was made by Commissioner Wright to adopt the Agenda. The***
41 ***Board voted unanimously 4-0 in favor. Motion carried.***
42
43
44
45
46

1
2 **6. Proclamations / Public Announcements**
3

4 Mayor Schools noted the following announcements for the public:
5

- 6 • **EmeraldFest Concert – Thurs. August 15 – 6:30 – 8:00 pm – Western**
- 7 **Ocean Regional Access – Bobby Webb**
- 8 • **American Red Cross Blood Drive – Friday, August 16 – 2:00 – 7:00**
- 9 **pm – Community Center**
- 10 • **EDC Municipal Initiative Committee Meeting – Tuesday, August 20 –**
- 11 **3:00 pm – Town Board Meeting Room**
- 12 • **Sock Hop Social – Thurs. Aug 22 – 1:00 – 4:00 pm – Community**
- 13 **Center**
- 14 • **EmeraldFest Concert – Thurs. Aug 22 – 6:30 – 8:00 pm – Western**
- 15 **Ocean Regional Access**
- 16 • **Planning Board Regular Meeting – Monday, August 26 – 6:00 pm –**
- 17 **Town Board Meeting Room**
- 18 • **2 v 2 Co-Ed Beach Volleyball Tournament – Sat. August 31 – 9:00 am**
- 19 **until – Western Ocean Regional Access**
- 20 • **EmeraldFest Concert – Mon. Sept 2 – 6:30 – 8:00 pm – Western**
- 21 **Ocean Regional Access**
- 22 • **EDC Municipal Initiative Committee Meeting – Tuesday, September 3**
- 23 **– 3:00 pm – Town Board Meeting Room**
- 24 • **Walking Club – Wednesday, September 4 – 9:00 am – Community**
- 25 **Center**
- 26 • **Open Play Wii Bowling – Wednesday, September 4 – 6:00 – 8:00 pm –**
- 27 **Community Center**
- 28 • **Class Movie Night – Friday, September 6 – 6:00 pm – Community**
- 29 **Center**
- 30 • **Board of Commissioners Regular Meeting – Tuesday, September 10**
- 31 **– 7:00 pm – Town Board Meeting Room**
- 32 • **Emerald Isle Day4Kids – Saturday, September 21 – 10:00 am –**
- 33 **2:00 pm – Community Center**
34

35 Commissioner Wright announced that on September 10 the Friends of the
36 Library were sponsoring a “Let’s Talk About It” series that had taken place in
37 Beaufort for several years, a book discussion and they were going to be
38 discussing North Carolina authors at the Western Carteret Public Library.
39

40 Mayor Schools introduced the candidates for Mayor, all four who were in
41 attendance – Eddie Barber, Don Wells, Ryan Ayre, and Brandon Staton. Mayor
42 Schools noted that the Swansboro Area Chamber of Commerce and the Emerald
43 Isle Business Association were planning a candidate forum that would take place
44 sometime in October.

1
2 **7. Public Comment**
3

4 **Brief Summary: The public will have the opportunity to address the Board**
5 **about any items of concern not on the Agenda.**
6

7 Steve Finch, 325 Live Oak Drive, said he was speaking on behalf of homeowners
8 on Live Oak Street regarding the nice bridge recently built by the Town on Live
9 Oak, but they felt there was one thing wrong with the bridge as it stood right now.
10 Mr. Finch said that bollards had been placed to prevent golf carts from crossing
11 the bridge. Mr. Finch noted that two other bridges, one on Loblolly and one on
12 Holly, neither of those bridges had bollards preventing golf carts. Mr. Finch said
13 he had a petition to present the Board with 67 signatures of individuals in the
14 immediate area of Live Oak requesting that the bollards be removed. Mr. Finch
15 said there may have been one or two individuals initially who wanted the bollards
16 placed to keep traffic down and he could understand that to some degree but that
17 same traffic went by his house and all the other neighbors attending tonight as
18 well. Mr. Finch asked that the Board consider their request to remove the
19 bollards and open it back up for golf carts.
20

21 Debra Styron, 324 Live Oak, asked whether the other bridges would now have
22 bollards placed too, and also what was the protocol of having the bollards placed
23 initially since they had submitted a signed petition to get the bridge built.
24

25 Mr. Finch noted that he also had with him tonight Jean Dollar on Live Oak, Harry
26 Bailey on Live Oak, and Bill Ellis on corner of Sound and Live Oak.
27

28 Mayor School stated that the Board would discuss and consider their request.
29

30 **8. Update / Information – Police Department Tasers**
31

32 Assistant Police Chief Tony Reese addressed the Board concerning this agenda
33 item. The following excerpt from Police Chief Waters' memo to the Town
34 Manager is provided for additional background:
35

36 Per your request, I am preparing this memorandum to update you on the acquisition, training and implementation of
37 the TASER X26P Electronic Control Device as an optional control measure becoming available for the officers at the
38 police department.
39

40 At this time, we have purchased and received twelve (12) TASER X26P Electronic Control Devices at a cost
41 of \$848.40 per unit. Additional accessory items such as cartridges, holsters, a digital download kit and power packs
42 were also purchased as a necessary part of implementing the use of this equipment throughout the department. At
43 this point, the total cost of this project to date is \$13,020.65. This figure includes the acquisition of the equipment and
44 the training and certification of 19 officers in the department on the equipment. Additional costs associated with the
45 implementation of the project in the field, such as replacement of spent cartridges (\$23.00 each) and the replacement
46 of power packs (\$65.00 each), are anticipated however; those costs should be minimal and will be determined by the
47

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 4 of 22

1
2 number of situations requiring the deployment and use of the equipment by officers. Estimated additional costs this
3 fiscal year are not expected to exceed \$1000.00.

4
5 The TASER X26P Electronic Control Device is newest digital TASER technology available to the law
6 enforcement community. The X26P was designed with the help of law enforcement professionals to address the use,
7 carry and effectiveness of the device in a law enforcement application. TASER technology has been in use in the law
8 enforcement community since the 1970's. Over 16,880 law enforcement agencies in the United States and abroad
9 have deployed TASER brand products. Over 7200 law enforcement agencies have purchased TASER systems for full
10 deployment. Currently in Carteret County, our agency is the last law enforcement agency to acquire and provide this
11 equipment to their officers.

12
13 So, how does the TASER work? The TASER works by sending out pulses that mimic the electrical signals used within
14 the human body to communicate between the brain and the muscles. The TASER simulates the pulsed
15 communications used within the nerves, and interferes with communication – like static on the telephone lines within
16 the body. Electrical pulses control every thought we have, every breath we take, every sensation we feel, every sight
17 we see, every sound we hear – every complex life process depends on these electrical signals within our bodies that
18 occur billions of times every second. The brain is like an incredibly complex conductor, leading a string section of
19 incomprehensible complexity. As the brain uses electrical “pings” to stimulate the nerves in a complex and highly
20 coordinated fashion, consciousness emerges and neuromuscular control becomes possible. The probes deployed
21 from a TASER carry fine wires that connect to the target and deliver the TASER into this neural network. These pulses
22 delivered by the TASER overwhelm the normal nerve traffic, causing involuntary muscle contractions and impairment
23 of motor skills. Any time an officer is forced into a physical confrontation with someone in order to perform his duties;
24 the risk of injuries and the liability to the Town, the department and the officer is very real. The TASER device provides
25 a means of safely subduing combative and uncooperative suspects with minimal risk of injury to the suspect and the
26 officer, and minimal exposure of liability to the Town. The ability of an officer to have a tool that provides them with the
27 option of controlling a situation at a safe distance will reduce the number of injuries to both our officers and the public.
28 In speaking with the other agencies in the county about the use of this equipment, I have found that they report very
29 positive and favorable results in the number of injuries reported by both officers and citizens based on the use of this
30 equipment.

31
32 Currently, every non-administrative officer (19 total) in the department has received training and certification
33 on the use of the TASER. All of the officers that received certification were required by our policy to experience the
34 effects of the TASER in order to carry the equipment. The reason for this was two-fold:

- 35 1. To give the officers confidence in the effectiveness of the equipment as a tool.
- 36 2. To provide the officers with a personal firsthand perspective of the effects of the equipment for
37 courtroom testimony and for them to be able to identify what is normal behavior for someone who has
38 been subdued with the TASER so that they can immediately identify any problems or complications that
39 may arise from a deployment.

40 Our policy on the use of the TASER was developed from researching the policies of other agencies (to include
41 accredited agencies), reviewing national CALEA standards and from reviewing liability management recommendations
42 on TASER use from national organizations. In practice, the TASER has been placed in the same position on the use
43 of force continuum as Pepper Spray for our department. This means that the equipment will only be used on those
44 individuals who are actively and physically resisting or fighting an officer; or who are posing a danger to the officer or
45 the public and are actively refusing to comply with the officer's requests or attempts to gain compliance. Our policy is
46 very restrictive on the types of individuals that the TASER may not be used on, *i.e. mentally handicapped persons,*
47 *elderly persons, children, persons with known medical conditions that may suffer adverse affects from TASER use, etc.*
48 and we are also very restrictive on where the targeting areas on an individual are. Our policy has very clear evidence
49 and data gathering requirements when a deployment is completed and we are in the process of creating a use of force
50 form that will be required to be filled out anytime the officer draws the TASER, even if it is not deployed, so that we can
51 keep track on how effective it is as a tool for our department and to show that we do not deploy the TASER on
52 individuals that comply once they have been warned. These forms will be reviewed annually by the Department
53 Training Officer to address any training needs or policy changes that may need to be implemented. We will require
54 officers to complete annual training to update and maintain their certification in the use of the TASER and department

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 5 of 22

1
2 policies regarding their use. The policy has currently been given to the Town Manger and Town Attorney for review
3 and approval.
4

5 My goal is to have the TASERS issued and in the field for use by September 1, 2013, or earlier if possible. I
6 am currently waiting on approval of the policy by Town government and training of the officers on the approved policy
7 and use of force form by the supervisors prior to issuing the equipment. I also want to get Sgt. Bailey in a TASER
8 instructors course sometime in the next year so that he will be capable of certifying and training new officers on the use
9 of the equipment, and recertifying officers annually on the equipment.
10

11 Asst. Chief Reese provided a detailed overview of the Police Department's
12 acquisition, training and implementation of the new taser devices. Asst. Chief
13 Reese pointed out the changes made to the Standard Operating Procedures as
14 provided to the Board as being consistent and the recommended terminology.
15 Asst. Chief Reese added that as with any new program they intended to closely
16 monitor, review and as necessary revise their policy to insure their officers had
17 clearly defined guidelines on the use of this equipment, and to insure they were
18 utilizing this tool in the safest manner possible for their officers and the public.
19

20 Asst. Chief Reese fielded several questions from the Board and public regarding
21 the use and effects of the taser.
22

23 The Board thanked Asst. Chief Reese for his presentation and also congratulated
24 him on his recent promotion to Asst. Police Chief.
25

26 **9. Resolution Authorizing Construction Contract for New Soundside Pier at**
27 **Emerald Isle Public Boating Access Area (13-08-13/R1)**
28

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

33 The Board of Commissioners is asked to approve the attached resolution authorizing a contract with Bobby Cahoon
34 Construction, Grantsboro, NC, for the construction of a new ~ 1,000 linear ft. soundside pier at the Emerald Isle Public
35 Boating Access Area. The total amount of the contract is \$94,917. The budget established for this project is \$110,000,
36 and we are pleased that the contract is under budget.
37

38 As you know, the Town partnered with the NC Wildlife Resources Commission to develop the Emerald Isle Public
39 Boating Access Area, and it opened to the public in spring 2011. The new facility is located on a ~ 23 acre tract of
40 soundfront land with more than 1,000 feet of frontage on Bogue Sound. The new boat ramps have been heavily
41 utilized, particularly since the closure of the private Island Harbor Marina to the public. The Town's goal is to further
42 develop the site as a comprehensive soundfront park, and a new picnic shelter and Veterans Memorial were
43 constructed in 2012. The addition of the new soundside pier will add another amenity to the facility, and will enhance
44 the public's access to the waters and beautiful views of Bogue Sound. In addition, the new pier will be located directly
45 adjacent to the entry canal leading to the boat ramps, and will enhance the safety and convenience of boaters by
46 providing an opportunity for boaters to tie up briefly while waiting to access the boat ramps.
47

48 A copy of the pier plans is attached for the Board's information. The new pier will be approximately 1,000 ft long, and
49 will be located on the west side of the entry canal leading to the boat ramps. The new pier will extend from the
50 bulkhead along the southern edge of the boat basin straight out across mixed upland and marsh areas adjacent to the

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 6 of 22

1
2 entry canal. The new pier will make a slight northwest jog once it reaches the open waters of Bogue Sound to the
3 north. The new pier will be 6 ft wide, and will be of similar quality as other Town soundfront piers. In order to create a
4 more open feeling, minimize cost, and make it easier for boaters to tie up briefly, there will be no railings on the new
5 pier. Because the new pier will only be 30 inches above the surface, there is no requirement for railings.
6

7 The Town advertised for bids and also informed area marine contractors of this contract opportunity in July. A total of
8 4 bids were received, and the bids ranged from \$94,917 to \$162,500. A copy of the bid tabulation is attached. Alesia
9 Sanderson, Parks and Recreation Director, has confirmed that Bobby Cahoon Construction fully understands the
10 scope of the work and has also contacted several references. We are confident that Bobby Cahoon Construction is
11 qualified to complete the project as designed. We expect work on the new soundside pier to begin in mid or late
12 September and take approximately 6 weeks to complete. The boat ramps will remain open during construction, and
13 boats will be able to pass by construction crews in the entry canal during construction, although there may be some
14 minor delays on heavy use days. Work will occur primarily on weekdays in September and October.
15

16 This contract will be funded primarily with a \$75,000 grant from the NC Division of Coastal Management. The Town
17 previously allocated a \$25,000 grant match and also has an additional \$10,000 available for this project, resulting in a
18 total project budget of \$110,000. The additional funds remaining in the project budget may be utilized for a floating
19 kayak launching dock at this location (if we don't receive a pending grant application for the floating kayak launching
20 dock) and/or additional minor enhancements when the project nears completion.
21

22 Mayor Schools asked for comments from the public.
23

24 There were no comments from the public.
25

26 Commissioner Wootten commented that this was a really big deal and felt it
27 would be a great asset and added safety factor.
28

29 ***Motion was made by Commissioner Wootten to adopt the Resolution***
30 ***Authorizing Construction Contract for New Soundside Pier at Emerald Isle***
31 ***Public Boating Access Area. The Board voted unanimously 4-0 in favor.***
32 ***Motion carried.***
33

34 **Clerks Note:** A copy of Resolution 13-08-13/R1 as noted above is incorporated herein by reference
35 and hereby made a part of these minutes.
36

37 **10. Coast Guard Road Storm Water Pipe Connections**
38

39 Town Manager Frank Rush addressed the Board concerning this agenda item.
40 The following excerpt from his memo to the Board is provided for additional
41 background:
42

- 43 a. **Resolution Authorizing Design Contract – Island Circle Storm Water**
44 **Connection (13-08-13/R2)**
- 45 b. **Capital Project Ordinance – Island Circle Storm Water Connection**
- 46 c. **Resolution Authorizing Design Contract – Lands End Storm Water**
47 **Connection (13-08-13/R3)**
- 48 d. **Capital Project Ordinance – Lands End Storm Water Connection**
- 49 e. **Budget Amendment – General Fund**

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 7 of 22

1
2 The Board of Commissioners is scheduled to consider 5 action items associated with the planned full completion of the
3 Coast Guard Road Storm Water Project (as envisioned in a 2001 study by Moffatt & Nichol and as incrementally
4 implemented by the Town over the past 11 years) at the August 13 meeting.
5

6 The Board will consider 2 separate design services contracts, and also 3 associated budget actions. These actions, if
7 approved by the Board will initiate design services for 1) a new ~ 7,500 linear ft fixed pipe connection from the Town's
8 existing pump station at Island Circle along Coast Guard Road to the Town's existing fixed pipe at Dolphin Ridge, and
9 2) a new ~ 2,300 linear ft. fixed pipe connection from existing private pumps in Lands End to the Town's system (i.e., a
10 connection to the new fixed pipe on Coast Guard Road at the main entrance to Lands End).
11

12 Resolution Authorizing Design Contract – Island Circle Storm Water Connection

13 The attached resolution authorizes a contract with Moffatt & Nichol Engineers, Raleigh, NC in the amount of \$27,100
14 for design services, coordination of an informal bid process, and construction administration for the planned installation
15 of a new ~ 7,500 linear ft fixed pipe connection from the Town's new Island Circle pump station to Dolphin Ridge. The
16 new pipe will be installed along the southern edge of the Coast Guard Road right of way.
17

18 Moffatt & Nichol has completed nearly all of the design work for the Town's existing pump stations and pipe
19 connections between the pump stations and Emerald Isle Woods Park. As you know, the Town has pump stations
20 located on Deer Horn Drive, Doe Drive, Conch Court, Shipwreck Lane, Col Hanson Court, and Island Circle. These
21 pumps draw pond water, storm water, and ground water from areas where the Town has experienced chronic nuisance
22 flooding problems over the years, and have been very effective in resolving flooding issues at these locations. All
23 except for the Island Circle pump station are connected via fixed pipe to the Town's receiving site at Emerald Isle
24 Woods Park.
25

26 As you know, the Board included funding in the 2013 "community improvements package" to install a fixed pipe
27 connection from the Island Circle pump station, and the Town's goal is to complete this project prior to the 2014
28 tourism season. Under the proposed contract, Moffatt & Nichol will analyze the production from the Island Circle pump
29 station and the impact of the planned Lands End connection to the same new fixed pipe to determine the appropriate
30 size of the new fixed pipe connection (in order to maximize flow volumes). The size of the pipe will likely range
31 anywhere from 8 inches to 12 inches, and may vary over the ~ 7,500 linear ft distance. Moffatt & Nichol will also
32 complete detailed plans for the actual connection points and will determine the most cost-effective installation method.
33

34 I envision that the western ~1,300 linear ft of the pipe will be installed via horizontal directional drilling ("bored" under
35 ground) to minimize construction impacts on homes near Island Circle and also avoid a significant Bogue Banks Water
36 Corporation line. I remain hopeful that the remaining ~ 6,200 linear ft of pipe can be installed via open-cut excavation
37 along the Coast Guard Road right of way in order to reduce the installation cost. Moffatt & Nichol will evaluate different
38 pipe depths and impacts on flow volumes to determine if a shallower depth can be utilized. If a relatively shallow depth
39 (~ 4ft below the surface) can be utilized without compromising flow volumes, we will likely plan on open-cut excavation,
40 as there is only one home fronting on Coast Guard Road in this area. If a shallow depth is not feasible, this section will
41 also be installed via horizontal directional drilling.
42

43 Capital Project Ordinance – Island Circle Storm Water Connection

44 The attached capital project ordinance formally establishes a project budget of \$500,000 for the Island Circle project.
45 This amount is identical to the amount approved by the Board as part of the 2013 "community improvements package"
46 and the FY 13-14 budget.
47

48 The attached capital project ordinance allocates \$30,000 for design services and \$470,000 for construction. The
49 design services would be funded by a General Fund transfer and construction will ultimately be funded by the proceeds
50 of a new installment financing agreement to be executed later in 2013 or early in 2014 (when most or all construction
51 bids are in hand). The General Fund transfer is described in more detail in the explanation of the proposed General
52 Fund budget amendment below.
53
54

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 8 of 22

1
2 Resolution Authorizing Design Contract – Lands End Storm Water Connection

3 The attached resolution authorizes a contract with Moffatt & Nichol Engineers, Raleigh, NC in the amount of \$31,855
4 for design services, coordination of an informal bid process, and construction administration for the planned installation
5 of a new ~ 2,300 linear ft fixed pipe connection from existing private pumps in Lands End to the new fixed pipe to be
6 installed along Coast Guard Road. The new pipe will be installed primarily along the private Tradewinds Drive right of
7 way within Lands End.

8
9 As you know, Lands End operates an extensive private pump system to address chronic flooding concerns within
10 Lands End. A total of 4 large pumps help to control pond levels during flood events, and the pumped water is
11 discharged to the dune field near the Lands End clubhouse. Because State regulations and the Federal Clean Water
12 Act limit the ability of Lands End to discharge to the ocean (except in extreme situations), pumping activities are often
13 limited by the receiving capacity of the dune field. In summary, Lands End has plenty of capability to pump water, but
14 sometimes simply has no place to discharge the water. In order to remove this limitation, the Town's new fixed pipe
15 will connect Lands End's existing private pumps to the Town's system, which theoretically has unlimited receiving
16 capacity in Emerald Isle Woods.

17
18 The original 2001 study by Moffatt & Nichol included the installation of 2 new Town storm water pump stations in Lands
19 End along Tradewinds Drive to be connected to Emerald Isle Woods Park. Each new fixed pump station costs
20 approximately \$125,000 - \$150,000 (pump station only, not including fixed pipe connections). In recent years, because
21 Lands End is only limited by the receiving capacity of the dune field and not by a lack of pumps, the Town began
22 considering simply connecting the existing Lands End pumps to the Town's system, thereby saving the Town
23 approximately \$250,000 - \$300,000 in pump station costs. The Town began contemplating a scenario whereby a
24 Town pipe would connect the Lands End pumps to the Town's system, and a valve would be installed to control
25 whether or not the flows from the Lands End pumps are directed to the existing dune field, the Town's system, or some
26 combination of both.

27
28 As you know, the Board included funding in the 2013 "community improvements package" to install a fixed pipe
29 connection from Lands End to the Town's system, and the Town's goal is to complete this project prior to the 2014
30 tourism season. Under the proposed contract, Moffatt & Nichol will analyze the production from the Lands End pumps,
31 determine the most appropriate connection configuration (i.e., to one of the 4 pumps, two of the 4 pumps, which
32 pumps, etc.), design the appropriate valve system, and determine the appropriate size of the new fixed pipe
33 connection. In order to minimize construction impacts for homes in Lands End and to avoid utility conflicts, the new
34 fixed pipe will be installed via horizontal directional drilling.

35
36 The Town has developed this concept in close coordination with the Lands End Board of Directors, and I envision a
37 continued strong partnership between the Town and Lands End to address storm water flooding concerns in the future.
38 I will be presenting a formal agreement to the Board and Lands End regarding the operation and maintenance of the
39 existing private pumps and the Town's new fixed pipe connection prior to construction. The parties have verbally
40 agreed to the following key points, and have pursued this concept with a common understanding that:

- 41
- 42 • the Town and Lands End will work cooperatively during the design phase to implement the most mutually
43 beneficial solution for both parties,
 - 44
 - 45 • the Town will install the new fixed pipe connection at Town expense, and will be responsible for future
46 maintenance of the pipe,
 - 47
 - 48 • Lands End will continue to be responsible for the financing, operation, and maintenance of its existing
49 pumps and private pipe,
 - 50
 - 51 • the Town and Lands End will coordinate closely during flooding events to direct the discharge from the
52 Lands End pumps to the location(s) (i.e, the dune field and/or the Town system) that offer(s) the greatest
53 receiving capacity and provide(s) the most effective and timely relief from flooding concerns within Lands
54 End and in other areas of the Coast Guard Road corridor,

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 9 of 22

- the Town will seek to allow flow from Lands End to the Town system at all times when needed, however, the Town will have the final authority to determine if the Town system will accommodate flow from Lands End at specific times,
- Lands End will provide adequate access for Town personnel to access pumps, valves, and the Town's fixed pipe connection,
- Lands End will grant the appropriate easements to the Town for the installation and maintenance of the fixed pipe connection in Lands End common areas.

Capital Project Ordinance – Lands End Storm Water Connection

The attached capital project ordinance formally establishes a project budget of \$200,000 for the Lands End project. This amount is identical to the amount approved by the Board as part of the 2013 "community improvements package" and the FY 13-14 budget.

The attached capital project ordinance allocates \$35,000 for design services and \$165,000 for construction. The design services would be funded by a General Fund transfer and construction will ultimately be funded by the proceeds of a new installment financing agreement to be executed later in 2013 or early in 2014 (when most or all construction bids are in hand). The General Fund transfer is described in more detail in the explanation of the proposed General Fund budget amendment below.

Budget Amendment – General Fund

The attached FY 13-14 General Fund budget amendment reduces the amount appropriated for debt service by \$65,000, and re-allocates these funds to be transferred from the General Fund to the two capital project ordinances described above.

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

Because the new debt will not be issued until later in 2013 or in early 2014 when most or all construction bids are in hand, there will be no scheduled debt service payments due in FY 13-14. I am recommending that the Town utilize the \$300,000 included in the FY 13-14 budget for the proposed design contracts, the planned Community Center expansion, and the planned Blue Heron Park playground improvements, and then issue only \$2.35 million of new debt for construction of the planned storm water and bicycle path projects with a 9-year term. This approach enables the Town to utilize current funds for the smaller components of the 2013 "community improvements package", slightly reduce interest expense, and adhere to the Board's commitments to the public. In summary, the \$300,000 in FY 13-14 is used as "down-payment" rather than for the first year of debt service payments.

Commissioner Hoover asked about the pumps in Lands End as far as compatibility with the size of their pipes. Town Manager Rush said that at this point they didn't expect replacement of the Lands End pumps. Mr. Rush said that Lands End had a total of 4 pumps, 2 electric and 2 diesels. There was some concern by Moffit & Nichol that the electric pumps may not be strong enough, and there was concern that the diesel pumps may be too strong. Mr. Rush said that Moffit & Nichol would be analyzing which pumps made sense to connect with which size pipes so as to maximize the flow. Commissioner Hoover just wanted

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 10 of 22

1
2 to make sure Lands End was aware they were responsible for their repair and
3 purchase of pumps.

4
5 Town Manager Rush said that based on numerous discussions with the Lands
6 End leadership he thought they were comfortable with those terms.

7
8 Paul Schwartz, Wyndtree Drive, asked whether there would be the opportunity to
9 lower the water table ahead of a storm with this system. Town Manager Rush
10 said they did some of that now indirectly with the pumps currently in place. Mr.
11 Rush said they were set for automatic float so when the ground water / surface
12 water levels reached a certain point they would kick on automatically, so yes the
13 potential was there to do that with the proposed pipes.

14
15 Cliff Owens, Lands End homeowner, noted that they had all of their ponds
16 connected and they also lowered their pond levels before storms so they could
17 help in that way too.

18
19 Town Manager Rush said there would be a valve at the Lands End pump house
20 that would enable the Town and Lands End to decide whether to send the water
21 to the dune field or to the Emerald Isle Woods system.

22
23 ***Motion was made by Commissioner Wright to adopt the Resolution***
24 ***Authorizing Design Contract – Island Circle Storm Water Connection. The***
25 ***Board voted unanimously 4-0 in favor. Motion carried.***

26
27 ***Motion was made by Commissioner Hoover to adopt Capital Project***
28 ***Ordinance – Island Circle Storm Water Connection. The Board voted***
29 ***unanimously 4-0 in favor. Motion carried.***

30
31 ***Motion was made by Commissioner Messer to adopt the Resolution***
32 ***Authorizing Design Contract – Lands End Storm Water Connection. The***
33 ***Board voted unanimously 4-0 in favor. Motion carried.***

34
35 ***Motion was made by Commissioner Wootten to adopt Capital Project***
36 ***Ordinance – Lands End Storm Water Connection. The Board voted***
37 ***unanimously 4-0 in favor. Motion carried.***

38
39 ***Motion was made by Commissioner Wright to adopt Budget Amendment –***
40 ***General Fund. The Board voted unanimously 4-0 in favor. Motion carried.***

41
42 Clerks Note: A copy of Resolution 13-08-13/R2, 13-08-13/R3, CPO – Island Circle, CPO – Lands End,
43 Budget Amendment – General Fund as noted above are all incorporated herein by reference and
44 hereby made a part of these minutes.

45
46

1
2 **11. Resolution Authorizing Information Technology Services and VOIP**
3 **Telephone Services Agreements (13-08-13/R4)**
4

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

8
9 The Board of Commissioners is scheduled to consider the attached resolution authorizing an information technology
10 (IT) services agreement and a "voice over internet protocol" (VOIP) telephone services agreement with VC3, Inc,
11 Raleigh, NC (with other offices in Columbia, SC and Atlanta, GA) at the August 13 meeting.

12
13 The attached resolution would enable the Town to implement VC3's "Virtual Office Advantage" solution (a "cloud"-
14 based, hosted IT solution) for the entire Town organization (approximately 30 computer workstations), with the
15 exception of restricted Police information technology systems and Police mobile data terminals. The implementation of
16 the "Virtual Office Advantage" for the Town organization would greatly enhance the Town organization's hardware,
17 software, support, backup, security, emergency response, and other capabilities. The total annual cost of the "Virtual
18 Office Advantage" agreement is approximately \$78,000.

19
20 The attached resolution would also enable the Town to implement VC3's "Voice Advantage" solution (a "voice over
21 internet protocol" telephone system) for the entire Town organization. The implementation of "Voice Advantage" for the
22 Town organization will enable the Town to replace its current traditional telephone system that is nearly 10 years old
23 with a more modern, internet-based telephone system with enhanced features, portability, and efficiency. The total
24 annual cost of the "Voice Advantage" agreement is approximately \$28,000.

25
26 Current Town IT Infrastructure / Evolution to the Proposed IT Services Agreement

27 The Town organization currently utilizes approximately 30 computer workstations, not including the mobile data
28 terminals (laptop computers) recently installed in Police vehicles. The Town relies on 2 servers in the Town
29 Administration Building and the Police Department, and utilizes specialized financial management / human resources
30 software, building inspections software, and Police records management software housed on Town servers. The Town
31 also utilizes "hosted" (stored on off-site servers and accessed via the internet through the software provider's website)
32 software for Fire Department records management and Parks and Recreation services. The Town's website and email
33 accounts are "hosted" off-site by a private hosting company, but are maintained and updated by Town staff. The Town
34 utilizes individual internet connections through Time Warner Cable to each Town building on our campus, and also
35 utilizes wireless internet services through Verizon for the Police vehicles. The Town also maintains certain
36 redundancies for emergency purposes.

37
38 Information technology support services are provided on an overtime basis by Police Captain Paul Cheshire. Capt
39 Cheshire has provided these services for approximately 15 years, and has provided quality support for Town staff
40 during that time. The Town's cost for Capt Cheshire's services have averaged approximately \$7,000 - \$8,000 per year
41 in the form of overtime compensation, however, Capt Cheshire also performs many IT services during his scheduled
42 work hours as a Police Captain, and his IT duties sometimes interfere with his Police duties. Additionally, for
43 understandable reasons, Capt Cheshire is sometimes unable to respond as quickly as desired by Town staff in a time
44 of crisis. Capt Cheshire's IT duties have continued to increase in quantity and complexity over the years, and I believe
45 the organization and the ever-changing technology have simply outpaced Capt Cheshire's capabilities (to some extent)
46 and, more importantly, his availability to the organization. I have believed for the past few years that the Town
47 organization is in need of and would benefit greatly from improved IT support services.

48
49 As you know, I have previously considered requesting Board authority to hire a full-time IT Director, however, I no
50 longer believe that is the most cost-effective solution for the organization, nor would it be a comprehensive solution to
51 the Town's IT needs. Capt Cheshire and I have also investigated entering into an arrangement with a private IT
52 consulting firm to essentially provide an expanded version of the services that Capt Cheshire currently provides
53 utilizing the current Town IT infrastructure. I do not believe this is the best solution, as I believe the best long-term

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 12 of 22

1
2 solution for the Town is to migrate to the "cloud" and hosted solutions like VC3's "Virtual Office Advantage" (or any
3 other "cloud"-based or hosted solution offered by other vendors).

4
5 The Board may recall granting approval for a previous agreement with VC3 in January 2013. The Board granted
6 authority for the initial migration of 11 workstations to the "Virtual Office Advantage" solution at that time, to be followed
7 by full migration of 30 workstations sometime in FY 13-14, however, I delayed the execution of an agreement with VC3
8 earlier this spring due to budget concerns in FY 12-13 and FY 13-14. I then spent considerable time earlier this spring
9 and summer exploring other lower cost alternatives, and had hoped to move forward with an alternative approach this
10 summer. Unfortunately, I am unable to identify a better comprehensive, long-term solution for the organization's IT
11 service needs than the proposed agreement with VC3, and I am now seeking re-authorization from the Board to enter
12 into an agreement with VC3 for the entire Town organization.

13
14 How the "Virtual Office Advantage" Solution Works

15 With the Town's current IT systems, the Town owns all of the hardware and most of our data is stored in a
16 decentralized manner on the Town's hardware. Each employee's files are stored on his / her computer workstation,
17 and certain employees have access to specialized software (financial system, Police records system, etc.) stored on
18 centralized servers. Each employee has an email account and access to the internet for communication and research
19 purposes.

20
21 With the "Virtual Office Advantage" solution, all software and data would be stored off-site "in the cloud" at VC3's
22 facilities in Columbia, SC (with backup at a facility near Washington, DC), and our employees would simply access
23 their workstation through the internet. It will look and function exactly the same as it does now, however, everything
24 would be hosted on VC3's servers. The employee simply needs an internet connection to access his / her entire
25 workstation, and can access it from any device at any time at any location, as long as they have internet access. The
26 employee could access their workstation from his / her office, from his / her home, on a smartphone, on an iPad, in
27 Australia, or in Stella. VC3 would provide a "thin-client" device (essentially a computer workstation that sits on the
28 desk and connects to the internet to enable access to the workstation) for each employee. The employee could use
29 that device, or any other device to access his / her workstation at any time.

30
31 With this solution, all software (Microsoft Word, Excel, etc.) is standardized and updated at the same time for all
32 employees, and license fees are included in VC3's fees. The Town would no longer need to purchase computers,
33 servers, fax machines (fax capabilities are integrated via email), or other hardware devices. The only Town hardware
34 needed in the future would be printers and any additional devices that may be desired (for example, iPads, additional
35 monitor screens, additional keyboards, scanners, etc.).

36
37 All support would be provided by VC3's personnel on call on a 24/7/365 basis. Because the software and data is
38 hosted on VC3's servers, almost all support issues can be resolved remotely. Because everything is hosted, all data is
39 backed up routinely. VC3 is responsible for system security, and is much more capable than Town personnel. If a
40 hurricane impacts Emerald Isle and damages our computers, it would not impact our data because it would all be
41 stored in Columbia, SC and Washington, DC. If Town staff need to relocate to an off-island emergency operations
42 center, all we would need to do is access the internet and have our full IT system at our fingertips.

43
44 Perhaps a simple way to think about the hosted solution is to think about your own personal online banking experience.
45 All of that data is hosted on the bank's servers, and you are simply accessing the data and making transactions via the
46 internet (with appropriate security measures). You can access that data on your home computer, your smartphone, or
47 any other computer, and it's always the same data updated in real time, and it all looks the same. Other simple ways
48 to think about the hosted solution are Facebook, iCloud, online newsletter tools such as Constant Contact, and others.
49 In essence, they are all essentially the same type of system. The "Virtual Office Advantage" offered by VC3 is
50 essentially the same thing, but expanded to include all work-related IT tools.

51
52 Additionally, VC3 would assign one of their staff to serve as the Town's IT Director. This individual would be available
53 to assist with strategic IT decisions, identify opportunities to improve Town services with new information technology,
54

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 13 of 22

1
2 and address any concerns or issues that may arise with the VC3's services. I envision this individual being a valuable
3 contributor to the Town's management team.

4
5 I have attached additional information from VC3 about the "Virtual Office Advantage" solution.

6
7 Benefits of "Virtual Office Advantage" to the Town Organization

8 The "Virtual Office Advantage" offers many benefits for the Town organization, including:

- 9
10 • a more strategic approach to IT needs for the organization; someone who is an expert in the subject field to
11 consider the "big picture" of the organization's IT needs,
12
13 • ease of management; the Town Manager can essentially rely on VC3 to "just handle" the organization's IT
14 issues,
15
16 • no more hardware or software purchases; automatically provided by VC3 when needed,
17
18 • standardized software across the entire organization; no more instances with employees on different
19 versions of software or on outdated or problematic hardware,
20
21 • improved security; VC3 has expertise, resources, and controls for computer security that the Town simply
22 does not have,
23
24 • on-call 24/7/365 support; immediate assistance for Town employees when needed, all the time; no delays,
25
26 • access to computer workstations anywhere, anytime, everything on any device as long as an internet
27 connection is available; will enable employees to access files from home, at conferences, at training, etc.
28
29 • portability of Town IT infrastructure before, during, and after emergency situations; the Town can be up and
30 running as normal from any remote location as long as internet access is available,
31
32 • guaranteed backup of Town organization computing data,
33
34 • archiving of Town email communications and other public electronic records,
35
36 • less downtime for Town employees who rely on information technology,
37
38 • greater ability to make future customer service enhancements through information technology.

39
40 Costs and Budget Implications

41 If the Board approves the attached resolution, I expect to execute an agreement with VC3 to implement "Virtual Office
42 Advantage" for the entire Town organization – approximately 30 workstations - this fall.

43
44 The base cost per workstation for all services is \$140 per month, with additional costs for various options selected by
45 the Town. There is also a \$600 per month organization-wide cost regardless of the number of workstations, and an
46 additional charge of \$190 per month for each of the Town's 2 servers. Factoring in all anticipated options,
47 organization-wide costs, and server costs, I expect the monthly cost per workstation to equate to approximately \$210
48 per month. Thus, the total annual cost for 30 workstations is approximately \$75,600. As noted above, the attached
49 resolution authorizes an annual amount not-to-exceed \$78,000 to account for unforeseen options that may be helpful
50 or desired by Town staff once the new service is implemented.

51
52 If approved by the Board, all Town staff would utilize "Virtual Office Advantage" as described above. Due to Federal
53 and State limitations regarding Police data, the Police server would not be hosted at VC3's facility but would instead
54 remain on site in the Police Department. VC3 would, however, be responsible for support, maintenance, and

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 14 of 22

1
2 replacement of the Police server as if it was "in the cloud". All other Police Department personnel would utilize "Virtual
3 Office Advantage", with the exception of the mobile data terminals located in Police vehicles. VC3 would not be
4 responsible for maintenance and replacement of the mobile data terminals, and the Police Officers would not be "in the
5 cloud". Capt Cheshire would continue to provide support services for the mobile data terminals, and this responsibility
6 would be included in his general responsibilities as a Police Captain.

7
8 The proposed agreement with VC3 is a significant expense for the Town, but I believe it is much more cost-effective
9 than hiring a full-time IT Director, and that it will ultimately provide added value and efficiency for Town staff and
10 ultimately our customers. A full-time IT Director is likely to command an annual salary of at least \$60,000 (if not more),
11 and with the additional benefits the total cost would be nearly \$80,000 annually. This cost, which does not include
12 organization-wide hardware and software costs, is more than the proposed VC3 agreement, and that individual would
13 likely not have the availability and breadth of knowledge that VC3 can provide to the Town.

14
15 The FY 13-14 budget includes a total of \$25,000 for unspecified information technology improvements. Considering
16 anticipated overtime savings associated with Capt Cheshire no longer providing organization-wide IT services (\$5,000
17 or more), annual savings for computer and server expenses (average of \$10,000 annually), the Town's budget
18 currently has a capacity of approximately \$40,000 annually for IT services. As such, the Town would need to identify
19 an additional \$38,000 annually in FY 14-15 and beyond for IT services if the Board approves the attached resolution.

20
21 With regard to the FY 13-14 budget, a total of \$25,000 is available. Considering the timing of the transition to VC3 this
22 fall, I estimate total FY 13-14 expenses of approximately \$60,000. As such, the Town would need to appropriate an
23 additional \$35,000 in the FY 13-14 budget if the Board approves the attached resolution. A budget amendment will be
24 presented for Board consideration at a future meeting if the Board approves the attached resolution. The FY 13-14
25 sales tax revenue estimate was conservative in nature and did not account for the impact of the recent 1-cent property
26 tax rate increase, and the additional sales tax revenues will more than cover the additional costs associated with the
27 VC3 agreement.

28
29 Need for Better Internet Services, Redundant Services

30 As noted earlier, the Town's internet service is currently provided through individual internet connections to each Town
31 building through Time Warner Cable. I am planning to upgrade the Town's internet service to a dedicated fiber optic
32 connection through Time Warner Cable that will be faster and more reliable in hurricane events, and also connect all
33 Town buildings with fiber optic lines (already in the ground but not hooked up). The cost associated with this upgrade
34 is minimal, and I will proceed with this change regardless of whether or not the Town transitions to VC3.

35
36 If the Town transitions to VC3, the organization will be heavily dependent on a reliable internet connection. The Town
37 will have an improved fiber optic connection through Time Warner Cable, and would also establish redundant, low cost
38 internet connections through Century Link (a standard DSL connection) and also rely on existing internet coverage
39 through wireless telephone providers. For everything short of a catastrophic hurricane event, this redundancy should
40 enable the Town to continue normal operations at all times. For catastrophic hurricane events, it is likely that the Town
41 organization would be relocated to an alternate location with some form of internet service available, and all computer
42 workstations would be accessible via the "Virtual Office Advantage" solution through VC3.

43
44 "Voice Advantage" Voice Over Internet Protocol Telephone System

45 The attached resolution authorizes the implementation of the "Voice Advantage" telephone system offered by VC3.
46 "Voice Advantage" is a voice over internet protocol telephone system, and these systems are in widespread use in
47 business and government. Essentially, the phone system operates via the internet as opposed to over standard
48 telephone lines. Additionally, many residential telephone services are now provided via the internet.

49
50 The Town's current telephone system is now nearly 10 years old, and has experienced regular problems for the past
51 few years. The Town's total telephone service, long distance service, and support costs per year (for basic telephone
52 services for the Town organization, not specialized services or wireless services) are approximately \$24,000 annually.
53 Additionally, the Town purchased all telephone equipment in FY 03-04 for approximately \$28,000.
54

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 15 of 22

1
2 The Town's implementation of VC3's "Voice Advantage" would cost the Town approximately \$27,000 annually. The
3 attached resolution includes a not-to-exceed amount of \$28,000 annually to account for unforeseen options that may
4 be helpful or desired by Town staff once the new service is implemented. VC3's "Voice Advantage" proposal includes
5 all new telephone hardware, software, and telephone devices. The VOIP system offers many additional features,
6 including the ability to route calls to any other location where internet service is available simply by unplugging the
7 phone in one location and plugging it in at another location. This system will be completely portable in the event that
8 Town staff need to relocate during a hurricane event or for some other reason. Additionally, all telephone support
9 would be provided by VC3, thereby relieving Capt Cheshire of his significant (and challenging) telephone
10 responsibilities.

11
12 Due to the age of the Town's current phone system, and the minimal cost difference involved, I recommend moving
13 forward with the "Voice Advantage" system regardless of the Town's decision regarding the "Virtual Office Advantage"
14 solution.

15
16 I have attached additional information about the "Voice Advantage" system.

17
18 Why VC3?

19 I am recommending that the Town enter into a relationship with VC3 for several reasons. Most importantly, VC3
20 places an emphasis on small and medium sized local governments, and has a keen understanding of the needs of
21 local government. VC3 has several other local government clients in North Carolina, and is endorsed by the NC
22 League of Municipalities. In fact, the NC League of Municipalities is currently utilizing some of their services and is
23 planning to expand their relationship in the future. Closer to home, the Town of River Bend has contracted with VC3
24 for the past couple of years for both the "Virtual Office Advantage" and the "Voice Advantage" solutions, and River
25 Bend has been extremely pleased with VC3's solutions and services.

26
27 Capt Cheshire and I have met with VC3 representatives several times over the past two years, and I have been very
28 impressed with their staff and services. In short, I am sold on the products and the company, and believe that a
29 relationship with VC3 for IT services and telephone services will best position the Town organization for continued
30 success and future improvement. As we all know, information technology changes quickly and often, and it would be a
31 great help to have their assistance in the future – both for the Town staff and also as we explore new ways to enhance
32 Town services using technology in the future.

33
34 Other Options if "Virtual Office Advantage" is Deemed Too Expensive

35 As noted earlier, I am convinced that a relationship with VC3 for IT services represents the best option for the Town
36 now and for the foreseeable future. The annual cost, however, is significant, but I believe that the Town organization,
37 the technology, and the expectations of our customers have evolved to the point that the Town must enhance its IT
38 capabilities. I believe we are already feeling the limits of our current approach, and IT issues will certainly not get any
39 easier going forward, particularly since Capt Cheshire is also needed for ongoing Police duties. Most importantly, I
40 continue to believe that *we can do better*.

41
42 If the Board is not comfortable with the "Virtual Office Advantage" solution and/or the significant annual cost, I will
43 continue to explore other alternatives. One alternative, less expensive approach would be to make a more incremental
44 transition to VC3 in order to keep initial annual costs closer to the \$25,000 currently budgeted. This approach would
45 be an improvement, however, there will still be a need for assistance by Capt Cheshire and continuing software and
46 hardware inconsistencies among Town departments and Town staff.

47
48 Another option I have considered is to invest the \$25,000 in new computers and software for all 30 workstations in
49 order to standardize the organization. This approach would also be an improvement, but the organization would need
50 someone to coordinate, install, and transition all of these new computers, and Capt Cheshire would need to continue to
51 support the Town's IT infrastructure. Additionally, the Town organization would continue to lack a dedicated IT Director
52 to coordinate the Town's overall IT systems.

53
54

1
2 Town Manager Rush answered several questions from the Board and public.

3
4 Mayor Schools stated that VC3 had a good track record, starting out in South
5 Carolina, and the NC League of Municipalities had been using them for over a
6 year and they were thrilled. Town Manager Rush said that several other
7 municipal clients he spoke with were very pleased and impressed with their
8 services.

9
10 Town Manager Rush responding to a question from Commissioner Wootten
11 stated that based on the federal and state guidelines for law enforcement data
12 the Police server would be housed in the Police Department however it would be
13 managed and supported by VC3 and replaced automatically by VC3, the only
14 equipment not part of this agreement were the mobile data terminals used by the
15 officers in their vehicles. All of the Police data would be housed and backed up
16 in the Police Department on their server.

17
18 ***Motion was made by Commissioner Wootten to approve the Resolution***
19 ***Authorizing Information Technology Services and VOIP Telephone***
20 ***Services Agreements. The Board voted unanimously 4-0 in favor. Motion***
21 ***carried.***

22
23 **Clerks Note: A copy of Resolution 13-08-13/R4 as noted above is incorporated herein by reference**
24 **and hereby made a part of these minutes.**

25
26 **12. Appointments – Firemen’s Relief Fund Board – 2 Vacancies**

27
28 **Brief Summary:**

29
30 The Board will consider appointments to fill 2 vacancies on the Fireman’s Relief Fund Board at the August 13 meeting.

31
32 The terms of members Jack Weidman and Hank Mahns both expire in September 2013, and the Board should appoint
33 2 individuals to new 2-year terms on the Fireman’s Relief Fund Board.

34
35 The Firemen’s Relief Fund Board meets very infrequently, only as needed to review claims for financial assistance to
36 firefighters experiencing short-term distress or to provide additional benefits for Emerald Isle firefighters. The Board
37 has not had a need to meet for the past few years, and there is currently a balance of approximately \$113,000 in the
38 Fireman’s Relief Fund administered by this Board. The balance in this fund is derived from a very small percentage of
39 fire insurance premiums paid by Emerald Isle property owners.

40
41 The Firemen’s Relief Fund Board consists of a total of 5 members, with 2 members appointed by the Fire Chief (Bruce
42 Norman and Don Askew), 1 member appointed by the State Fire Marshal (Mitsy Overman, serving as Treasurer), and
43 2 members appointed by the Town Board of Commissioners.

44
45 The Board can appoint any resident of the Town to its 2 slots. Neither Mr. Weidman nor Mr. Mahns are interested in
46 being reappointed.

47
48 ***The Board tabled this item until the September Regular Board Meeting.***

1
2
3 **13. Comments from Town Clerk, Town Attorney, and Town Manager**
4

5 There were no comments from the Town Clerk or Town Attorney.
6

7 Town Manager Rush said he was happy to report that they should be paving the
8 Highway 58 bike path from Hurst to Fairfax the next day. Mr. Rush discussed
9 soliciting quotes to go ahead and remove the shoulder on the south side of Coast
10 Guard Road now as opposed to waiting until later, since that work was so time
11 consuming, if they could get that shoulder removed now as a separate smaller
12 contract it would make it easier to complete the pipe installation, and the
13 completion of the bike path in the spring. Mr. Rush had also provided the Board
14 with a summary from the EDC Municipal Initiative Committee Meeting following
15 their first meeting. Mr. Rush was also glad to report that all recycling containers
16 were here and in stock and available for sale. Mr. Rush stated that the State was
17 in the process of sending a grant contract for the remaining Waterfront Access
18 Marine Industry grant funds for the pier project; after which the Town can
19 proceed with the parking lot and storm water improvements at the Eastern Ocean
20 Regional access, the site of the future pier. Lastly, Mr. Rush said that the Board
21 had adopted a Resolution earlier in the year in opposition to the Loggerhead Sea
22 Turtle Critical Habitat designation; at the Board's September meeting they would
23 see a similar resolution for a new designation in the water by the National Marine
24 Fisheries Service with the same basic concerns that it would lead to additional
25 regulation and additional cost associated with beach nourishment projects.
26

27 Mayor Schools said he attended the meeting that was held on this issue in
28 Morehead City and there were 30+ people who spoke against the designation
29 and one who spoke in favor.
30

31 The following is an excerpt from the Town Manager Comments memo to the
32 Board providing additional background information for all items of importance:
33

34 **NC 58 Bicycle Path Extension – Hurst to Fairfax**

35 All grading, rock base, and utility relocations are complete, and paving is scheduled to be done this week. Finish
36 grading, seeding, bollards, and markings will be done soon thereafter, and the project should be complete within the
37 next week or two.
38

39 **Channel Drive Beach Access Being Overcome By Blowing Sand**

40 In an ironic twist, we are having a very difficult time keeping blowing sand off of the Channel Drive beach access
41 walkway. Sand fencing was installed previously, and additional wood was added to try to keep sand off the walkway,
42 but the volume of sand has been too great and too quick.
43

44 The handicapped access portion of the walkway is now completely covered with sand, and a significant new dune has
45 formed in front of the outlet of the handicapped access portion of the walkway. As such, this "spur" has been closed,
46 and Town staff are considering removing the handicapped parking space signs at the street (so as not to mislead the
47 public) – at least temporarily.
48

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 18 of 22

1
2
3 Town staff have removed significant sand from the main walkway area several times this summer, and it quickly fills
4 back in with sand. Staff initially completed the work by hand, and then began renting a small excavator to complete the
5 work. We are currently considering purchasing a small excavator for these types of applications in the future.
6

7 We appreciate the public's patience on this issue. Short of building an entirely new walkway over the sand (likely cost
8 prohibitive, and the sand's not done building up), we have not yet identified a workable solution.
9

10 **Planning and Design Work Underway for NC 58 Bicycle Path Extension – Fairfax to Indian Beach Town Line**
11 Alesia Sanderson, Parks and Recreation Director, and I have been working with NCDOT, appropriate State permitting
12 agencies, and utility companies on a simplified design of the NC 58 bicycle path extension, and hope to submit permit
13 requests within the next month. At this point, we are seeking to simply provide typical design information, indicate the
14 general placement of the path along the southern edge of the NC 58 right of way, and commit to meeting certain
15 design standards. It appears that this approach will be acceptable to NCDOT and the permitting agencies, based on
16 recent discussions. This is a less intensive design process than used for previous NC 58 bicycle path extensions, but
17 more intensive than typically used by the Town along Coast Guard Road.
18

19 Between 25th Street and the Indian Beach town line, the right of way narrows slightly and there is typically 18 – 24 feet
20 available to work within, which should be sufficient. Because the homes appear closer to the right of way in this area,
21 we are considering narrowing the bicycle path to an 8 ft width in this segment to hopefully create a less intrusive
22 alignment.
23

24 **Planning and Design Work Underway for Coast Guard Road Bicycle Path Extension – Dolphin Ridge to Ring**
25 **Street**

26 As you know, the new fixed storm water pipe connection must be installed along Coast Guard Road before we can
27 proceed with the bicycle path construction. In order to expedite certain aspects of construction, and also to provide
28 more room for the installation of the storm water pipe, we are currently soliciting quotes for the removal of the ~ 3 ft
29 asphalt shoulder on Coast Guard Road in September. This work will need to be done as part of the bicycle path
30 construction anyway, and by doing this work earlier it will make the installation of the storm water pipe and the bike
31 path easier later. I expect to have a contract for the asphalt shoulder removal on the Board's September meeting
32 agenda.
33

34 We are also gathering information from utility companies in this area, and working on simplified permit submissions to
35 the appropriate State agencies. If all goes according to plan, the Board will award a storm water pipe installation
36 contract in January, that work will be done by early spring and we will be lined up for bike path construction soon
37 thereafter. Our goal is to have the storm water pipe and bicycle path completed by Memorial Day 2014.
38

39 **Installment Financing Agreement for Community Improvements Package**

40 I expect to solicit financing quotes and present appropriate Board action items for consideration later this fall after most
41 or all construction bids are in hand. The Town will need approval of the NC Local Government Commission to issue
42 the debt, and I expect approval later this year.
43

44 **Blue Heron Park Playground Improvements**

45 Alesia Sanderson, Parks and Recreation Director, is currently soliciting playground equipment proposals, and we hope
46 to present a contract recommendation to the Board later this fall. As noted earlier on the agenda, I intend for the Town
47 to use a portion of the \$300,000 budgeted for debt service for the "community improvements package" in FY 13-14 for
48 the new playground equipment, and then issue a smaller amount of debt over a 9-year term.
49

50 **Community Center Expansion**

51 Alesia Sanderson and I will be working to identify the best location for metal building expansion on the east side of the
52 Community Center, and will solicit quotes from metal building contractors later this fall. I hope to have a contract
53 recommendation for the Board in late 2013 or early 2014. As noted above, I intend for the Town to use a portion of the
54

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 19 of 22

1
2 \$300,000 budgeted for debt service for the 'community improvements package" in FY 13-14 for the Community Center
3 expansion, and then issue a smaller amount of debt over a 9-year term.
4

5 **Eastern Emerald Isle Storm Water Outfall Removal Project**

6 Unfortunately, we have expended all Clean Water Management Trust Fund grant funds, and still have 5 of the 17
7 locations left to complete. Artie Dunn, Public Works Director, has requested additional funding to complete the final 5
8 locations, however, we are uncertain as to the likelihood of receiving these funds.
9

10 The cost overruns are associated with NCDOT outfall locations and resulted from more significant requirements from
11 NCDOT than originally anticipated. Although it is likely that CWMTF will not require us to complete the remaining
12 locations, we are committed to completing the remaining 5 locations because I feel strongly that we need to keep our
13 word to residents in these areas who expect the projects to be completed. I will be working with Artie Dunn to come up
14 with a feasible, affordable strategy to complete the remaining locations.
15

16 **Bicycle and Pedestrian Advisory Committee Considering Plan to Install Lighting on Coast Guard Road Bicycle
17 Path**

18 With the Town planning to complete the remaining 1.1 miles of bike path along Coast Guard Road within the next year,
19 the Committee is considering other amenities to pursue with any fundraising proceeds remaining or raised in the future.
20 One popular idea is the addition of lighting at select locations along the existing and new bicycle path, and the
21 Committee will continue to research this idea in the coming months.
22

23 **First Meeting for EDC's Municipal Initiative Held**

24 The first meeting of the Emerald Isle committee working with the Carteret County EDC and NC Division of Commerce
25 on the "Municipal Initiative" strategic planning process was held on August 6. I have attached the agenda and minutes
26 of the meeting for the Board's review.
27

28 **Rip Current Information Distributed**

29 Town staff recently distributed nearly 2000 refrigerator magnets with rip current survival information to all vacation
30 rental companies in Emerald Isle. We are hopeful that these magnets will help our visitors learn not to panic in a rip
31 current, ride it out, and swim parallel to the beach to escape it.
32

33 **Property Tax Bills Going Out**

34 Town staff is working hard to get the 2013 tax bills in the mail. We expect to have them in the mail by Friday, August
35 16. Taxes are technically due on September 1, but penalties do not begin until January.
36

37 **Beach Driving Season Begins Sept 15**

38 Town staff are preparing for the beginning of beach driving season on Sunday, September 15. Beach driving permits
39 for 2013-14 will be available for sale beginning on Wednesday, August 28.
40

41 **S151 – Coastal Policy Reform Act of 2013**

42 This bill, which includes language requested by the Town to clarify the rights of NC municipalities to enforce
43 ordinances on the public trust beach (originally in H300 introduced by Rep McElraft), was adopted by both chambers of
44 the NC General Assembly, and has been presented to Governor McCrory. The bill contains several additional
45 provisions, and the Governor has not yet signed the bill into law. I am hopeful he will sign the bill very soon or allow it
46 to become law without his signature.
47

48 **Eastern Ocean Drive Resurfacing**

49 Public Works is currently soliciting quotes for the resurfacing of approximately 2.5 miles of Ocean Drive in eastern
50 Emerald Isle (1st St – 25th St), and we plan to have a contract on the Board's September meeting agenda for approval.
51 Resurfacing will be done later in September or October, after Public Works has installed stormwater infiltration devices
52 in several locations along Ocean Drive.
53
54

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 20 of 22

1
2
3 **Recycling Containers in Stock – Both 90 gal and 40 gal**

4 We finally received our full order of 40 gal containers in late July, and SoundACE should have both the 90 gal and 40
5 gal roll out recycling containers in stock, although quantities of the 90 gal are getting low. The Town has ordered one
6 final ½ load of the 90 gal containers, and they should arrive by mid / late August. I expect these will be the final

7
8 containers ordered by the Town, and we will then return to the normal practice of SoundACE stocking the containers
9 and offering the containers at whatever price they deem appropriate.

10
11 We don't intend to take any education / enforcement actions regarding recycling container capacity until spring 2014 at
12 the earliest.

13
14 **Room Occupancy Tax Increase**

15 The Carteret County Board of Commissioners is expected to formally increase the room occupancy tax from 5% to 6%
16 later this month, and the new 6% rate should be effective on January 1, 2014.

17
18 **Release of WAMI Grant Funds for Emerald Isle Ocean Pier Project**

19 We have not yet received the ~ \$700,000 of remaining WAMI grant funds from the State, and I have purposely not
20 pursued this over the past several weeks because I know that the NC Office of State Budget and Management has
21 been extremely busy. I recently reached out to OSBM again to inquire about the status of these funds, and will
22 proceed with the planned improvements after the funds are released.

23
24 **Live Oak Walkway Over Archers Creek**

25 This project is complete and open to the public, and now makes it much more convenient for people to travel from
26 soundside to oceanside, and vice versa. In order to address the concerns of an adjacent property owner who does not
27 support golf cart travel over the walkway, and because there are other golf cart routes available, Town staff installed
28 bollards that restrict golf carts from crossing the creek. I was recently informed by residents on Live Oak Street that
29 they would like to be able to travel via golf cart over the walkway, and that a petition to remove the bollards may be
30 presented to the Board of Commissioners at the August 13 meeting.

31
32 **AIWW Crossing Dredging Planned for Winter 2014**

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

37
38 **New Deer Population Estimate**

39 NC Wildlife Resources Commission staff will complete a new deer population estimate in late September. Results and
40 options for addressing the deer population will be presented to the Board at the November meeting, and any actions
41 would occur in January and/or February.

42
43 **New Yard Debris Collection Procedures**

44 Effective August 1, it is no longer necessary for residents and property owners to call the Town to be placed on a list
45 for yard debris collection. Town staff now make a continuous pass through all streets in the Town, and will begin each
46 week on NC 58 and the eastern limits of Town, and work west toward The Pointe. The Town's goal is to collect all yard
47 debris within one week of placement at the edge of the street. During periods with extremely high yard debris volumes
48 and collection points, it may take as much as two weeks to collect all yard debris, however, the Town will also be
49 implementing weekend collection in an attempt to meet the "within one week" goal.

50
51 **Police Department Structure**

52 Chief Waters recently implemented a new structure for the Police Department, and a copy of the organizational chart is
53 attached. We believe this new structure will clarify reporting relationships, improve communications, and enable the
54 Police Department to place more emphasis on criminal investigations.

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 21 of 22

1
2
3 Chief Waters has promoted Tony Reese to Assistant Police Chief, Paul Cheshire to Captain, and Bill Bailey to
4 Lieutenant. Promotional processes will soon begin for a Sergeant position, the Investigator position, and vacant full-
5 time Police Officer position
6

7 **Proposed Loggerhead Sea Turtle Critical Habitat Designations**

8 As you know, the US Fish and Wildlife Service is considering designating all of Bogue Banks as "critical habitat" for
9 loggerhead sea turtles. We are fearful that this will lead to additional regulation that could make it more difficult and
10 more expensive to complete important beach nourishment projects and could impact the Town's beach driving season
11 / program. The Board passed a resolution expressing concern about this issue in May. A final decision by the USFWS
12 is expected by July 2014.
13

14 The National Marine Fisheries Service is now also considering designating the waters off of Bogue Banks as "critical
15 habitat" for loggerhead sea turtles, and this potential designation raises the same concerns about future beach
16 nourishment efforts. A resolution opposing this designation will be on the Board's September meeting agenda. A final
17 decision by the NMFS is also expected by July 2014.
18

19 I have attached a brief summary of this issue by Greg Rudolph, Carteret County Shore Protection Manager.
20

21 **10th Annual Emerald Isle Triathlon**

22 The 10th annual event will be held on Saturday, October 19th at 8 am at the Eastern Ocean Regional Access, and will
23 include a 750 meter swim, 19.3 km bike, and 5 km run. The event continues to be very popular.
24

25 **8th Annual Day4Kids**

26 The 8th annual event will be held on Saturday, September 21 from 10 am – 2 pm at the Community Center. The event
27 will include vendors, activities, games, face painting, and more, and is completely free for parents and children.
28

29 **Inaugural Emerald Isle Half-Marathon & 5 km Race**

30 A volunteer organizing committee, led by resident Candace Dooley, is working on this event, which will be held on
31 Saturday, March 29 at 7 am. The course will begin at the Western Ocean Regional Access and travel through the
32 soundside areas near Sound Drive and then along Ocean Drive to the east and back.
33

34 **14. Comments from Board of Commissioners and Mayor**

35
36 There were no further comments from the Mayor or Board of Commissioners.
37

38 **15. Closed Session – Pursuant to NCGS 143-318.11(3), for the Purpose of**
39 **Maintaining Attorney-Client Privilege**

40
41 ***Motion was made by Commissioner Messer to enter Closed Session. The***
42 ***Board voted unanimously 4-0 in favor. Motion carried.***
43

44 ***Motion was made by Commissioner Messer to return to Open Session. The***
45 ***Board voted unanimously 4-0 in favor. Motion carried.***
46

47 There was no action taken as a result of Closed Session.
48
49
50

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
AUGUST 13, 2013
Page 22 of 22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

The Board discussed the issue of the petition that was submitted requesting that the bollards be removed from the Live Oak Bridge in order to allow golf carts to cross.

Motion was made by Commissioner Messer to remove the golf cart barriers from the bridge at Live Oak. The Board voted 2-2 with Commissioner Messer and Hoover in favor and Commissioner Wootten and Wright opposed resulting in a tie vote. Mayor Schools broke the tie by voting in favor resulting in a final vote of 3-2 in favor. Motion carried.

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

The meeting was adjourned at 9:10 pm.

Respectfully submitted:

Rhonda C. Ferebee, CMC, NCCMC
Town Clerk

