

1 **MINUTES OF THE REGULAR SCHEDULED MEETING**
2 **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**
3 **TUESDAY, JUNE 14, 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, Police Chief Jeff Waters, and Fire Chief Bill Walker.

20
21 **3. Opening Prayer**

22
23 Mayor Barber offered the Opening Prayer.

24
25 **4. Pledge of Allegiance**

26
27 Mayor Barber led the Pledge of Allegiance.

28
29 **5. Adoption of Agenda**

30
31 ***Motion was made by Commissioner Messer to adopt the Agenda. The Board***
32 ***voted unanimously 5-0 in favor. Motion carried.***

33
34 **6. Presentation – Ride Proceeds, Bike the Banks Crystal Coast Lighthouse**
35 **Challenge**

36
37 Ken Stone, Chairman of the Bicycle and Pedestrian Advisory Committee presented the
38 Town with a check for \$4,300. Mr. Stone noted that the Bike the Banks event was held
39 for the 2nd year on Saturday, May 7 with three organized rides that originated at the
40 Community Center, with one travelling 100 miles to Cape Lookout (29 riders), one
41 travelling 50 miles to Fort Macon (69 riders), and a 10-mile fun ride travelling to the
42 Eastern Ocean Regional Access (53 riders). Mr. Stone said he appreciated all the
43 Board had done for the Bicycle and Pedestrian Advisory Committee, and the funds
44 would go toward future bicycle and pedestrian improvements in Emerald Isle.

1 Mr. Stone thanked the Police Department for their help guiding traffic, and Alesia
2 Sanderson, Parks & Recreation Director and her staff, as well as committee members
3 working to make the event possible.
4

5 **7. Senator Jean Preston Memorial Park**
6

7 Judy Wilgus, Chair of the volunteer fundraising committee for the new park stated that on behalf
8 of the Senator Jean Preston Memorial Park committee she would like to thank the Board of
9 Commissioners and Mayor Barber for their support during the past 2 ½ years, providing both the
10 land and the opportunity to build the Senator Jean Preston Memorial Park. Ms. Wilgus noted
11 that the park had been a total community effort and would be a lasting memorial for Jean
12 Preston. Ms. Wilgus also thanked Frank Rush, Town Manager, and Alesia Sanderson, Parks &
13 Recreation Director for their unwavering support in helping to make the memorial a reality.
14

15 Mayor Barber thanked Ms. Wilgus for all of her hard work as well, as she had been so
16 instrumental in making the park a reality.
17

18 **8. Introduction of Employees**
19

- 20 **a. Police Reserve Officers**
21 **b. Lifeguard Team**
22

23 Police Chief Jeff Waters, Fire Chief Walker and Captain Bruce Norman introduced the
24 Police Department's summer team and the Fire Department's lifeguard team for the
25 benefit of the Board and the public now that the summer season had begun.
26

27 The Police Department's summer team includes the following:
28
29

30 Amin Lopez	Chris Burroughs	Mike Panzarella
31 Tina Norman	Jonathan Barratt	* Brian Probst
32 Ronnie Hall	Jessica Newman	* Jeffrey Edgerton
33 Tony Romano	Craig Shafer	* Kenny Castro
34 David Halsey	Richard Sherin	

35
36 The Fire Department's lifeguard team includes the following:
37
38

39 Supervisor Jordan East	* Anne Grimmke	* Ryan Taylor
40 Asst Supervisor Brandon Jones	* Madison Wyss	* Jeffery Ewing
41 Ryan Lundquist	* Kelsey Lyon	
42 Zachery Leonard	* Jess Norwood	

43
44 * new in 2016
45

1 The Board and public applauded the employees for their service for the Town. Mayor
2 Barber thanked all of the employees for attending. Town Manager Rush thanked Chief
3 Waters and Chief Walker for their great oversight of these programs. Mr. Rush said he
4 was pleased with the work they had done in the off-season and was pleased to have all
5 of the employees on the teams, and wished them all a good summer.
6

7 **9. Proclamations / Public Announcements**

8
9 Mayor Barber noted the following Proclamations and announcements for the public.

- 10
11 a. **Rip Current Awareness Week – June 5 – 11, 2016** (16-06-14/P1)
12 b. **Alzheimers Longest Day – June 21, 2016** (16-06-14/P2)
- 13 • **EmeraldFest Concert – Thursday, June 16 – 6:30 – 8 pm – Western Ocean**
 - 14 **Regional Access**
 - 15 • **American Red Cross Blood Drive – Friday, June 17 – 2 pm – 7 pm –**
 - 16 **Community Center**
 - 17 • **Alzheimers Association Sea Turtle Crawl – Saturday, June 18 – Sunrise at**
 - 18 **The Point**
 - 19 • **EMS Pancake Breakfast – Saturday, June 18 – 7 am – 11 am – EMS Station**
 - 20 • **Youth Tennis Camp – June 20 – 24 – Blue Heron Park Tennis Courts**
 - 21 • **CPR / AED Training Class – Monday, June 20 – 9 am – 1 pm, 6 pm – 10 pm –**
 - 22 **EI EMS Building**
 - 23 • **Police Educating the Public (PEP) – Tuesday, June 21 – 10 am – Town**
 - 24 **Board Meeting Room**
 - 25 • **Coffee with A Cop – Thursday, June 23 – 9 am – Rucker Johns**
 - 26 • **EmeraldFest Concert – Thursday, June 23 – 6:30 – 8 pm – Western Ocean**
 - 27 **Regional Access**
 - 28 • **Board of Commissioners Special Meeting – Friday, June 24 – 10 am – Town**
 - 29 **Admin Building**
 - 30 • **Planning Board Regular Meeting – Monday, June 27 – 6 pm – Town Board**
 - 31 **Meeting Room**
 - 32 • **EmeraldFest Concert – Thursday, June 30 – 6:30 – 8 pm – Western Ocean**
 - 33 **Regional Access**
 - 34 • **EMS Pancake Breakfast – Saturday, July 2 – 7 am – 11 am – EMS Station**
 - 35 • **July 4 Holiday – Monday, July 4 – Town Offices Closed, Community Center**
 - 36 **Closed**
 - 37 • **Glow Party on the Pier – Monday, July 4 – 7 pm – 11 pm – Bogue Inlet Pier**
 - 38 • **Independence Day Fireworks – Monday, July 4 – 9 pm – Bogue Inlet Pier**
 - 39 • **EmeraldFest Concert – Thursday, July 7 – 6:30 – 8 pm – Western Ocean**
 - 40 **Regional Access**
 - 41 • **Friday Free Flick – Friday, July 8 – 7 pm – Community Center**
 - 42 • **Board of Commissioners Regular Meeting – Tuesday, July 12 – 6 pm –**
 - 43 **Town Board Meeting Room**

1
2 **Clerks Note: A copy of Proclamations 16-06-14/P1 and 16-06-14/P2 as referenced above are incorporated**
3 **herein by reference and hereby made a part of these minutes**

4
5 **10. Public Comment**
6

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

9
10 There were no comments from the public.

11
12 **11. Consent Agenda**
13

- 14 a. Tax Releases
15 b. Minutes – May 10, 2016 Regular Meeting
16 c. Budget Amendments – General Fund, Half-Marathon Fund, Special Drug
17 Fund
18 d. Capital Project Ordinance Amendments – Senator Jean Preston Memorial
19 Park CPO, Bicycle and Pedestrian Fund CPO
20 e. Resolution Declaring Surplus Items for Public Auction (16-06-14/R1)
21

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

24
25 **Clerks Note: A copy of Resolution 16-06-14/R1, and all other consent items as referenced above are**
26 **incorporated herein by reference and hereby made a part of these minutes**
27

28 **12. Proposed Rezoning – Emerald Isle Public Boating Access Area / Senator**
29 **Jean Preston Memorial Park – from Residential Multi-Family (RMF) to Government**
30 **(G)**
31

- 32 a. Public Hearing
33 b. Consideration of Rezoning
34

35 Josh Edmondson addressed the Board concerning this Agenda item. The following
36 excerpt from Town Manager Frank Rush’s memo to the Board is provided for additional
37 background:

38
39 The Board of Commissioners is scheduled to consider the rezoning of the Emerald Isle Public Boating Access Area and the
40 Senator Jean Preston Memorial Park from Residential Multi-Family (RMF) to the Government (G) zoning district at the June 14
41 meeting. A public hearing has been advertised and scheduled for the June 14 meeting, and the Board may formally consider the
42 rezoning after the public hearing.
43

44 The proposed rezoning is being pursued in order to standardize the zoning of all Town-owned parcels to the Government (G)
45 zoning district. These parcels, along with Ocean Oaks Park and the Town Administration Building, are the only Town-owned
46 parcels that are not zoned G. We also plan to propose the rezoning of Ocean Oaks Park and the Town Administration Building
47 parcels in the future.

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1
2 The Government (G) zoning district allows the following uses:
3

- 4 • assembly halls, coliseums, gymnasiums
- 5 • government uses
- 6 • open air games and sports, community centers (non-profit)
- 7 • health clinics and hospitals
- 8 • libraries, museums, art galleries
- 9 • parks
- 10 • Police and Fire stations
- 11 • utility lines, utility facilities
- 12 • Post Office
- 13 • public utility storage yards
- 14 • theaters
- 15 • yacht basins, boat ramps, etc.
- 16 • athletic facilities
- 17 • musical, dance, drama programs (indoor and outdoor)
- 18 • government buildings
- 19 • racquetball and tennis facilities
- 20 • day care centers
- 21 • fishing piers
- 22 • parking lots and garages
- 23 • printing and publishing establishments
- 24 • wireless telecommunication towers (special use only)
- 25 • accessory uses
- 26 • solar panels.

27
28 As noted in the attached memo from Josh Edmondson, Town Planner, it is unlikely that the current use of these properties will
29 ever change, however, there is potential for additional uses to be added in the future. Any additional uses would need to
30 conform to the list of permitted uses above.

31
32 Town Planner Josh Edmondson stated that for consistency the Town would like to
33 rezone the Emerald Isle Public Boating Access Area and the Senator Jean Preston
34 Memorial Park from their current zoning of Residential Single / Dual Family (R-2), and
35 Residential Multi-Family (RMF) to the Government (G) zoning district. Mr. Edmondson
36 said the four parcels consisted of approximately 28 acres. Mr. Edmondson noted that
37 with the current leases in place on the property, and the grant money that was awarded
38 to the Town they didn't envision it ever being anything but the boat access and
39 playground however there could be opportunities where the Town added things to the
40 property as permitted on the Table of Uses. Mr. Edmondson said the Planning Board
41 had discussed and recommended approval of the rezoning at their May 23 meeting.
42 Mr. Edmondson said the rezoning was felt to be consistent with the Town's Land Use
43 goals and polices as outlined in the Land Use Plan. Mr. Edmondson felt that as this
44 was a larger tract the uses of the property were spread out over the tract minimizing any
45 negative impacts on the surrounding adjacent areas. Mr. Edmondson said that the
46 property had been developed over the last few years to create a community area for
47 public use, and that the use was also consistent with the Town's goal and interest in
48 maintaining that small-town feel.

1
2 Town Manager Rush noted that a replacement item had been provided at the Board
3 places tonight that added more text to the Record of Zoning Amendment that stated the
4 rezoning was consistent with plans to maintain a small-town atmosphere.

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

8
9 Bob Linder, 6803 Emerald Drive, asked if there were any plans for Chapel by The Sea
10 to do anything other than stay there, and whether that was part of the tract being
11 rezoned. Mr. Edmondson said that was not part of the tract being rezoned and that
12 property was privately owned. Town Manager Rush added he wasn't aware of any
13 plans for the church to do anything different, and that they had actually just built a new
14 building a couple years ago.

15
16 ***Motion was made by Commissioner Messer to close the Public Hearing. The***
17 ***Board voted unanimously 5-0 in favor. Motion carried.***

18
19 ***Motion was made by Commissioner Normile to approve the rezoning of the***
20 ***Emerald Isle Public Boating Access Area and Senator Jean Preston Memorial***
21 ***Park from RMF to G. The Board voted unanimously 5-0 in favor. Motion carried.***
22 ***(Reference Record of Zoning Amendment)***

23
24 **Clerks Note:** A copy of Record of Zoning Amendment as referenced above is incorporated herein by
25 reference and hereby made a part of these minutes

26
27 **13. Ordinance Amending Chapter 4 – Use Regulations – and Chapter 10 –**
28 **Definitions and Rules of Interpretation – of the Unified Development Ordinance**
29 **Regarding Incidental Outdoor Entertainment (16-06-14/O1)**

- 30
31 **a. Public Hearing**
32 **b. Consideration of Ordinance**
33

34 Josh Edmondson addressed the Board concerning this Agenda item. The following
35 excerpt from his memo to Town Manager Rush is provided for additional background:

36
37 Because of recent ownership changes of businesses and inquiries from new businesses, staff has been analyzing the Town's
38 requirements for outdoor music and/or artistic type performances. The current use is specifically listed as Musical, dance, dramatic,
39 and other artistic programs or events, outdoor. Such an outdoor use is currently permitted in the government district and by special
40 use in the camp, business and village east/west districts. The use also has additional standards which are listed below:

41
42 **4.2.3 - Musical, Dance, or Events, Outdoor Dramatic, and Other Artistic Programs**

43 All applications and permits for special uses for outdoor dances, outdoor music, outdoor drama, and similar outdoor amusements
44 must comply with the following additional requirements:
45

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- 1 (1) The application for a special use must be accompanied by a site plan showing the dimensions of the property, the
2 location and size of any proposed stages, the location and dimensions of the dance area, proposed seating
3 arrangements for customers and participants, and the location and dimensions of the parking areas. Additionally,
4 the site plans must indicate accesses to streets.
- 5
6 (2) If night activities are proposed, a lighting plan must accompany the application for a special use permit describing
7 the exterior lighting plan, location of all exterior lights, wattage, direction of illumination, and methods of shielding
8 the lighting from adjacent areas.
- 9
10 (3) The application for a special use permit must also include information concerning the type and manner of
11 amplification of music and sound, type of activities to take place on the site and the audible range of the music and
12 the sound from their amplification.
- 13
14 (4) The application for a special use permit shall contain the following information:
15 (a) The maximum capacity of the facility.
16 (b) The frequency and hours of operation for the events and facilities proposed.
17 (c) All law enforcement and public services which may be required or necessary for the events and facilities.
- 18
19 (5) If night activities are proposed, all lighting must be shielded from adjacent areas.
- 20
21 (6) The applicant shall indicate and provide off-street parking of not less than one (1) space for each three (3)
22 customers or participants. Provided, the Board of Commissioners may reduce the parking requirements or allow
23 parking off the premises on land in close proximity to the proposed use if the land is under the control of the
24 applicant.
- 25
26 (7) The special use permit will be for such length of time as set forth in the permit issued by the Board of
27 Commissioners, but shall be for a period not exceeding twelve (12) months. Provided, the special use permit may
28 be renewed for one (1) or more successive periods not exceeding twelve (12) months each by the Board of
29 Commissioners following recommendation by the Planning Board.

30
31 The current use and accompanying standards bring certain points forth about existing businesses having periodic outdoor
32 entertainment secondary to the principal use. We have several restaurants and establishments that have live music outdoors
33 periodically. None of these have requested a special use permit to do so. As I analyzed the use standards, I interpreted those
34 standards to be better applicable to a primary use of property for outdoor performances rather than an incidental/secondary use.
35 Looking at those standards, existing businesses already have many of those requirements in place and already approved by the
36 Town through an existing site plan or commercial review.

37
38 This prompted the Planning Board and I to discuss proposing a new use with standards that somewhat mirror those existing in
39 4.2.3. The new use as proposed is Incidental Outdoor Entertainment (incidental meaning accompanying but not a major part of
40 something). This new use would be found on the table of permitted and special uses under the accessory and other uses and be
41 permitted in the government, camp, business and village east/west districts. Additional use standards would be created and
42 found as 4.2.13 Incidental Outdoor Entertainment. The following are the use standards proposed:

43
44 **4.2.13 Incidental Outdoor Entertainment**

45 An application for a zoning permit for incidental outdoor entertainment shall comply with the following additional requirements:

- 46
47 (1) The application must be accompanied by a site layout showing the maximum occupancy of the facility, the
48 dimensions of the property, the location of the entertainment area and how the area is proposed to be partitioned,
49 the location and size of any stage, the location and dimensions of the dance area, proposed seating

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1 arrangements for customers and participants, and the means of ingress and egress to the outdoor entertainment
2 area.

3
4 (2) If night activities are proposed, a lighting plan must be submitted showing the location of exterior lights, wattage,
5 direction of illumination, and methods of shielding lighting from adjacent areas.

6
7 (3) Information concerning the type and manner of amplification of music and sound, and the audible range of the
8 music and the sound shall be included. Methods to minimize the migration of music and sound to nearby
9 properties shall be identified.

10
11 (4) The entertainment shall be provided for those patrons of the business conducting said activity.

12
13 (5) The frequency and hours of incidental outdoor entertainment shall comply with the Town's noise ordinance
14 requirements.

15
16 I think these are very applicable and amicable standards for the businesses and adjacent properties. It is both protecting the
17 business owner and looking out for the interest of those adjacent properties as well. The Town currently permits live
18 music/entertainment on our governmental property as permitted on the table of uses. The Town is continually striving to insure
19 we are holding ourselves to a higher standard and are in full compliance with ordinances and regulations. It would seem that we
20 should permit businesses to operate in a similar fashion by similar guidelines as the Town regarding outdoor entertainment being
21 permitted. If a particular issue/problem arises from the businesses outdoor entertainment and is found to be in violation of the
22 Ordinance and permit issued, enforcement action as outlined in Chapter 9 - Enforcement of the Unified Development Ordinance
23 could be carried out. I do feel with the proposed amendment we are more appropriately addressing these incidental outdoor
24 entertainment events that are small scale and infrequent in nature. The existing use standards would remain in place for those
25 outdoor entertainment activities that are not incidental and secondary in nature.

26
27 Lastly, I do think it will be very beneficial to include a definition of incidental outdoor entertainment in Chapter 10 Definitions. The
28 following is proposed to define this activity:

29
30 **Incidental Outdoor Entertainment**

31 Shall include music, dance, drama, or similar artistic programs that is clearly incidental and secondary to the primary commercial
32 use of the property, does not change the primary commercial property use, and meets all applicable requirements of this
33 ordinance.

34
35 The Planning Board voted to approve both amendments as submitted with a favorable recommendation to the Board of
36 Commissioners. Attached to this memorandum is an ordinance amending Chapter 4 and Chapter 10 of the UDO. I look forward
37 to discuss this with Board at their June 14, 2016 meeting.

38
39 Town Planner Josh Edmondson outlined the proposed ordinance amendments as
40 provided in detail in his memo referenced above. Mr. Edmondson noted that these
41 amendments did not pertain to private residences. He stated that there had been some
42 concern that outdoor music at private residences or clubhouses such as Land's End or
43 Dolphin Ridge couldn't have outdoor music for birthday parties or other events without
44 going through this process, and Mr. Edmondson clarified that was not the case. Those
45 type of private events would continue to be governed by the existing noise ordinance.
46 The proposed ordinance amendment pertained to commercial businesses with a
47 secondary use of their business being for incidental outdoor entertainment.
48

1 Town Planner Edmondson stated that the Planning Board discussed this issue with
2 several members of the business community who spoke that night as well. Mr.
3 Edmondson said the Planning Board discussed the idea of possibly limiting the number
4 of days but in the end did not put forward that recommendation but did approve both
5 amendments as submitted with a favorable recommendation to the Board of
6 Commissioners. Mr. Edmondson added that he had developed an application for these
7 permits similar to the special use applications, and upon receipt of the application along
8 with all required information, the applicant would be issued a zoning approval letter. Mr.
9 Edmondson said if for some reason they violated the ordinance they did have a section
10 included in the Unified Development Ordinance for permit revocation that could be
11 followed if they were found to be operating outside what was approved in their permit.

12
13 ***Motion was made by Commissioner Messer to open the Public Hearing. The***
14 ***Board voted unanimously 5-0 in favor. Motion carried.***

15
16 There were no comments from the public.

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

20
21 ***Motion was made by Commissioner Wright to adopt the Ordinance Amending***
22 ***Chapter 4 – Use Regulations – and Chapter 10 – Definitions and Rules of***
23 ***Interpretation – of the Unified Development Ordinance Regarding Incidental***
24 ***Outdoor Entertainment. The Board voted unanimously 5-0 in favor. Motion***
25 ***carried.***

26
27 **Clerks Note:** A copy Ordinance Amendment 16-06-14/O1 as referenced above is incorporated herein by
28 reference and hereby made a part of these minutes

29
30 **14. FY 16-17 Budget**

- 31
32 **a. Budget Ordinance**
33 **b. Fee Schedule**
34 **c. 5-Year Capital Replacement / Improvement Program**
35 **d. FY 16-17 Pay Plan**
36

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

39
40 The Board of Commissioners is scheduled to formally consider the FY 16-17 budget ordinance, fee schedule, capital
41 replacement / improvement program, and FY 16-17 pay plan at the June 14 meeting.

42 **FY 16-17 Budget Ordinance**

43 The attached FY 16-17 budget ordinance is identical to the Town Manager's Recommended Budget presented on May 10 and
44 reviewed by the Board at its May 12 and June 7 budget workshop meetings, with a few adjustments as directed by the Board (as
45 outlined on the attached sheet; net increase of \$27,000). As you know, the required public hearing was held on June 7, and the
46 FY 16-17 budget ordinance is presented for formal consideration and adoption at the June 14 meeting.

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1
2 The total FY 16-17 budget across all funds is \$9,472,387. The General Fund is the largest component of the Town's budget,
3 with total expenditures of \$9,103,200, which is a \$200,765, or 2.26% increase from the adopted current year budget. The Future
4 Beach Nourishment Fund budget is \$679,187, which includes a \$400,000 transfer from the General Fund, with the full amount
5 reserved for future beach nourishment activities. Appropriations are also included for the Half-Marathon Fund (\$90,000), and
6 these appropriations are completely supported by registration fees and sponsorships.
7

8 In accordance with the Board's top budget priority, the FY 16-17 budget includes no increase in property tax rates (or any fees).
9 The General Fund tax rate for FY 16-17 is unchanged at 15.5 cents per \$100 of assessed value, with 14 cents allocated for
10 general services and 1.5 cents specifically earmarked for beach nourishment. The recommended Primary Benefit District
11 (oceanfront and inlet-front properties only; for beach nourishment) property tax rate remains at 4 cents, and this rate, along with
12 the \$400,000 transfer from the General Fund, will enable the Town to reserve the historical annual amount for future beach
13 nourishment activities. There is also no change in the Town's annual solid waste fee, and this fee would remain at \$228 for all
14 developed residential properties, which equates to \$19 per month for all Town solid waste services (trash, recycling, yard debris
15 collection, beach strand collection, and more).
16

17 The FY 16-17 budget includes sufficient resources to enable Town staff to maintain the high service quality expectations of our
18 residents and visitors, and includes funding to compensate Town employees fairly, replace necessary vehicles and capital
19 equipment, meet inflationary and other service demand pressures, and enhance staff capabilities. The budget also includes a
20 few notable service enhancements, including:
21

- 22 • funding for a new Community Resources Officer in the Police Department to coordinate EIPD's popular community
23 programs, including the Neighborhood Watch program (\$52,090),
24
- 25 • additional coverage on the beach strand and improved supervision of the Fire Department's lifeguard program
26 (\$13,734), and
27
- 28 • an additional \$13,000 in Town funding (along with an additional \$30,000 of call fee revenues) to enable EI EMS, Inc.
29 to transition to the use of all full-time employees for scheduled shifts (the total EMS budget is now \$560,000), and
30
- 31 • other minor service enhancements in various Town departments.
32

33 The budget also includes funding for a few significant capital projects, including
34

- 35 • \$120,000 for the construction of a new storm water pump station to serve the Osprey Ridge neighborhood (the Board's
36 other top priority),
37
- 38 • \$70,000 for the construction of an additional bicycle path segment along Bogue Inlet Drive to link the pier with the
39 "downtown" area (funded by the Bicycle and Pedestrian Fund), and
40
- 41 • as discussed by the Board at the June 7 budget workshop meeting, the budget also now includes \$32,500 for the
42 planned replacement / expansion of an existing storm water pipe leading from Cape Emerald subdivision to Bogue
43 Sound.
44

45 In addition to the items discussed above, some of the other notable items in the FY 16-17 budget are highlighted below:
46

- 47 • a total of \$1,749,000 of sales tax revenue is anticipated in the General Fund, representing more than 19% of General
48 Fund revenues,
49
- 50 • a total of \$520,000 of electricity sales tax revenues, an increase of \$127,300 over the FY 15-16 adopted budget
51 amount, is anticipated in the General Fund, making this revenue source increasingly significant,
52

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- 1 • a total of \$175,000 of building permit fee revenues, an increase of \$40,000 over the FY 15-16 adopted budget amount,
2 is anticipated due to increasing construction activity,
3
- 4 • General Fund balance is projected at nearly \$2.1 million at June 30, 2016; no reliance on General Fund balance for FY
5 16-17 budget,
6
- 7 • a 1% cost of living adjustment is included for all Town employees, at a total additional annual cost of \$34,448,
8
- 9 • additional health insurance costs are budgeted for all full-time employees, at a total additional annual cost of \$16,625,
10
- 11 • a total of \$15,000 is included for the installation of small relay storm water pumps to address very localized storm water
12 flooding areas in 5 locations,
13
- 14 • a total of \$72,000 is included for the replacement of beach access walkways at Georgia Street, Hubert Street, and Sea
15 Crest,
16
- 17 • funding is included for the replacement of Police, Parks and Recreation, and Solid Waste vehicles (\$118,000),
18
- 19 • funding is included for the construction of a new pedestrian walkway at The Point vehicle ramp (\$15,000), to be funded
20 by the Bicycle and Pedestrian Fund,
21
- 22 • a total of \$9,500 is budgeted for the installation of new park gates at the Western Ocean Regional Access and Emerald
23 Isle Woods Park to improve the aesthetics of these features,
24
- 25 • a total of \$10,580 is included for the replacement of the lights in the gymnasium in the Community Center, and
26
- 27 • a total of \$17,000 is included for the first of 3 annual installments to upgrade and modernize the Town's financial,
28 payroll, and tax software systems (also enabling the Town to present tax payment information online).
29

30 Overall, I believe the FY 16-17 budget represents a fiscally responsible spending plan for the next year, that it addresses the
31 Board's expressed priorities, and that it will continue to move the Town forward.
32

33 Fee Schedule

34 The Town's official fee schedule for FY 16-17 is presented in conjunction with the budget ordinance. As noted above, the fee
35 schedule includes no fee increases of any kind. The Board should note that the only change is a new daily fee for indoor walkers
36 at the Community Center (\$5, which is less than the \$10 daily fee for the use of the entire Community Center that would
37 otherwise be charged).
38

39 5-Year Capital Replacement / Improvement Program

40 I have also attached an updated copy of the 5-Year Capital Replacement / Improvement Program, and request that the Board
41 formally adopt this plan in conjunction with the budget ordinance and fee schedule. The attached 5-year plan is nearly identical
42 to the plan included in the Recommended Budget and discussed at the Board's budget workshop meetings, and includes all
43 capital expenditures included in the FY 16-17 budget ordinance (Osprey Ridge storm water pump station, Bogue Inlet Drive
44 bicycle path, Cape Emerald pipe, and others).
45

46 The total investment included in the attached 5-Year Capital Replacement / Improvement Program is approximately \$19.95 million,
47 and is funded with a mixture of pay-as-you-go funding, installment financing proceeds, grant funding, and fundraising proceeds.
48 The Board should note that \$15 million of this amount is allocated for the next realignment of the main ebb channel in Bogue Inlet
49 (and associated beach nourishment in western Emerald Isle) in FY 19-20. The Board should note that the attached capital plan
50 schedules this project one year earlier than previously presented, and that it also now relies on \$10 million in State grant funds
51 (from the NC Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund). These funds would be supplemented by
52 \$3.33 million from the Carteret County room occupancy tax and \$1.67 million from the Town's Future Beach Nourishment Fund.

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1 As discussed with the Board previously, this project is primarily intended to be a “placeholder” at this time to begin Board and
2 community discussion about this project. It is possible that the timetable and funding plan will evolve over the next few years, and
3 the 5-year capital plan will be adjusted accordingly as necessary.
4

5 The other most significant projects included in the 5-year capital plan are a comprehensive renovation / expansion of Fire Station
6 1 (\$1 million, planned for FY 18-19) and the replacement of the Town’s aging Fire ladder truck (\$875,000, also planned for FY 18-
7 19). Both of these projects would be funded with a new installment financing agreement timed to coincide with the full retirement
8 of the Town’s 2013 refinancing debt, thereby freeing up sufficient budget capacity for the new debt. The attached 5-year capital
9 plan also includes \$600,000 for the potential purchase of land and expansion of the Western Ocean Regional Access in FY 17-18,
10 to be funded primarily by grant funding.
11

12 The remaining approximately \$2.48 million over the 5-year period is primarily allocated for scheduled vehicle and equipment
13 replacements, annual street resurfacing, and other relatively smaller projects.
14

15 FY 16-17 Pay Plan

16 The Board is also asked to approve the attached FY 16-17 Pay Plan at the June 14 meeting.
17

18 The attached Pay Plan includes a 1% across-the-board adjustment to the pay grades established for all Town positions, in
19 accordance with the Board’s decision to provide a 1% cost-of-living adjustment for all Town employees as part of the FY 16-17
20 budget. The hiring rate, minimum salary, mid-point, and maximum salary for each position is increased by 1%, and will insure
21 that the Town’s overall pay plan remains competitive in retaining existing employees and recruiting new employees in the future.
22

23 The Board should note that the attached FY 16-17 Pay Plan does include two specific changes, as noted:
24

- 25 • the creation of a new Facilities Coordinator position (in Parks and Recreation) at a grade 13 (the FY 16-17 budget
26 converts a ~ 30 hour per week part-time position to full-time status), and
27
- 28 • the assignment of the Police Chief and Fire Chief positions to a grade 27, which is 5% higher than the current grade 26
29 (to more accurately recognize the critical importance of these two positions and provide additional capacity for salary
30 advancement for the incumbent and future chiefs).
31

32 Additional FY 16-17 Budget Information

33 I have again included summary information about the FY 16-17 Budget in your agenda packets. This summary information is
34 consistent with the budget totals included in the attached FY 16-17 budget ordinance and the attached 5-Year Capital
35 Replacement / Improvement Plan.
36

37 The following information is attached:
38

- 39 • “Quick Summary” of the FY 16-17 Budget
- 40 • “All Funds” Summary
- 41 • General Fund Budget Summary
- 42 • Net Change in Annual Town of Emerald Isle Tax Bill (for selected property values)
- 43 • Graph – General Fund Property Tax Rate History
- 44 • Graph – Primary Benefit District Property Tax Rate History
- 45 • Town Organization Chart and Summary of Authorized Positions
- 46 • General Fund 5-Year Forecast
- 47 • Graph – Adjusted General Fund Balance
- 48 • Property Tax Rate Breakdown
- 49 • Itemized Property Tax Receipt
- 50 • Graphs – Annual Solid Waste Service Fee History and Annual Solid Waste Service Fee Revenues
- 51 • Graph - Annual Bill – Average Value Property Owner
- 52 • General Fund Tax Rates for NC Beach Towns (FY 15-16 Actual)

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- Graph – General Fund Revenues
- Graphs – General Fund Expenditures by Function / Category.

As you know, the detailed FY 16-17 Recommended Budget was distributed under separate cover on May 10, and copies have been made available for public review since that time. The FY 16-17 Recommended Budget has also been posted on the Town's website since early May. A full copy of the FY 16-17 Approved Budget will also be made available in Town buildings and on the Town's website after Board approval.

Town Manager Frank Rush discussed all four budget items for the Board's consideration as outlined in detail in his memo included above. Mr. Rush noted that the Budget Ordinance was completely consistent with the Recommended Budget discussed over the last month with the few changes as discussed by the Board at their June 7 meeting which resulted in a net increase in expenditures of \$27,000 offset by more aggressive revenue estimates, and the most notable thing added during that process was funding for the pipe replacement in the Cape Emerald subdivision. Mr. Rush noted the budget did not include any tax rate increases of any kind, or any changes in our fee schedule, so the cost of Town Government would be the same next year as it was for this year. Mr. Rush noted the most significant items in the budget were \$120,000 included for the new Osprey Ridge pump station, \$70,000 for a new bike path along Bogue Inlet Drive, and a wide variety of other things that he felt would improve our services and our staff's ability to provide quality services.

Mr. Rush also discussed the Fee Schedule, 5-Year Capital Replacement / Improvement Program, and the FY 16-17 Pay Plan. Mr. Rush noted that the FY 16-17 Pay Plan included two specific changes; the creation of a new Facilities Coordinator position at a grade 13 converting a 30-hour per week part-time position to full-time status, and the assignment of the Police Chief and Fire Chief positions to a grade 27, which was 5% higher than the current grade 26 to more accurately recognize the critical importance of those two positions and provide additional capacity for salary advancement for the incumbent and future chiefs.

Motion was made by Commissioner Messer to adopt the FY 16-17 Budget Ordinance, the FY 16-17 Fee Schedule, the 5-Year Capital Replacement / Improvement Program and the FY 16-17 Pay Plan. The Board voted unanimously 5-0 in favor. Motion carried.

Clerks Note: A copy of Budget Ordinance, Fee Schedule, 5-Year Capital Replacement / Improvement Program and FY 16-17 Pay Plan as referenced above are incorporated herein by reference and hereby made a part of these minutes

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15. Resolution Authorizing Funding Request to NC Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund for Bogue Inlet Navigation Dredging (16-06-14/R2)

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

The Board of Commissioners is scheduled to consider the attached resolution authorizing a new State-local funding partnership that seeks to generate a total of \$300,000 for navigation maintenance dredging in Bogue Inlet later in 2016 and perhaps into 2017. The proposed share for Emerald Isle is \$10,000, with \$200,000 provided by the State and \$90,000 by other Carteret-Onslow area local governments. This new partnership is necessary because there is no Federal funding available for dredging, and only \$6,000 remains from the previous State-local funding partnership.

Background and Recent History

The US Army Corps of Engineers ("the Corps") has historically maintained the Bogue Inlet connecting channel ("the connecting channel") and the Atlantic Intracoastal Waterway in our area ("the Bogue Inlet AIWW crossing"), and these navigable waterways are enjoyed by many area businesses, residents, property owners, and visitors. It is important to understand that these are actually two separate projects for the Corps, and that they are dredged with different types of dredges and funded with different appropriations.

The Bogue Inlet Connecting Channel

The Bogue Inlet connecting channel is the approximately 20,000 linear ft. channel that leads from the AIWW south to the Atlantic Ocean, and includes the 7,000 linear ft. channel dredged by the Town of Emerald Isle in 2005 as part of a major Bogue Inlet channel realignment project. (Maps depicting the connecting channel are attached.) The entire connecting channel has been historically maintained by the Corps with government-owned sidecast dredges that simply dredge the material from the bottom and cast it approximately 100 – 150 ft. to the side in shallow water. The sidecast dredge does not have the capability to place dredged material on the beach, and is intended solely to provide short-term navigation benefits with an expectation that repeated dredging will be necessary to keep the channel open when shoaling occurs. The authorized depth of the connecting channel is 6 - 8 ft. at mean low water.

The Corps has historically dredged the connecting channel multiple times per year as needed, depending on shoaling conditions and the availability of the government-owned sidecast dredges. It is important to note that the entire 20,000 linear ft. channel is not dredged during each dredging cycle or even each year. In fact, some areas of the connecting channel have likely been dredged very infrequently, as shoaling conditions in certain areas of the connecting channel are minimal and have not required significant dredging. Historically, most sidecast dredging in the connecting channel has occurred across the ocean bar (at the extreme southern end of the connecting channel) and at a few troublesome locations between the AIWW and the ocean bar.

Prior to the mid-2000s, Federal funding (approximately \$300,000 - \$400,000 annually) was routinely appropriated for dredging in Bogue Inlet. With the exception of special hurricane-relief appropriations, Congress has not appropriated funding for the dredging of the Bogue Inlet connecting channel since the mid-2000s. Due to ongoing Federal budget challenges, it is unlikely that new annual appropriations are forthcoming. Due to the absence of reliable Federal appropriations, the Town of Emerald Isle led efforts in 2006, 2011, and 2014 to assemble State and local funding for Bogue Inlet dredging. The 2006 effort provided a total of \$380,000 from the following:

<u>2006 State-Local Partnership</u>		
State of North Carolina	\$ 285,000	75%
Carteret-Onslow area local governments		25%
Onslow County	30,000	
Town of Swansboro	8,000	
Carteret County	30,000	
Town of Emerald Isle	15,000	

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1	Town of Cape Carteret	6,000
2	Town of Cedar Point	<u>6,000</u>
3		
4	TOTAL	\$ 380,000

5
 6 These funds were used to fund various dredging efforts between 2006 and 2013, and were supplemented by special hurricane-relief appropriations (Ophelia, Irene, etc.) by Congress. These supplemental appropriations essentially enabled the Corps to reserve the 2006 State-local funding, and the 2006 State-local funding was used after all hurricane-relief appropriations were exhausted.

7
 8 In 2011, just before Hurricane Irene hit in August, there was concern that the 2006 State-local funding would soon be exhausted, and a new State-local funding partnership provided a total of \$182,000 from the following:

13	<u>2011 State-Local Partnership</u>		
14	State of North Carolina	\$ 91,000	50%
15	Carteret-Onslow area local governments		50%
16	Onslow County	30,000	
17	Town of Swansboro	6,000	
18	Carteret County	30,000	
19	Town of Emerald Isle	16,000	
20	Town of Cape Carteret	3,000	
21	Town of Cedar Point	<u>6,000</u>	
22			
23	TOTAL	\$ 182,000	

24
 25 After Hurricane Irene, Congress again appropriated hurricane-relief funds for Bogue Inlet dredging, and that appropriation enabled the Corps to reserve the remaining 2006 State-local funds and the new 2011 funds for future dredging efforts. The 2006 and 2011 State-local funds were eventually exhausted by 2014, and another new State-local partnership provided a total of \$320,000 from the following:

30	<u>2014 State-Local Partnership</u>		
31	State of North Carolina	\$ 160,000	50%
32	Carteret-Onslow area local governments		50%
33	Onslow County	75,000	
34	Town of Swansboro	5,000	
35	Carteret County	55,000	
36	Town of Emerald Isle	15,000	
37	Town of Cape Carteret	5,000	
38	Town of Cedar Point	<u>5,000</u>	
39			
40	TOTAL	\$ 320,000	

41
 42 The 2014 State-local funds have been used over the past two years, and are now essentially exhausted, with only \$6,000 remaining for future maintenance dredging in Bogue Inlet. Thus, no maintenance dredging will occur in Bogue Inlet until additional funds can be identified.

43
 44 The Bogue Inlet AIWW Crossing
 45 The Bogue Inlet AIWW crossing is an approximately 5,000 linear ft. segment of the AIWW located adjacent to Cedar Point at its intersection with the Bogue Inlet connecting channel. (The Bogue Inlet AIWW crossing is also depicted on the attached map.)
 46 The Bogue Inlet AIWW crossing is one of 8 AIWW crossings in North Carolina maintained every 2 - 3 years by the Corps, and is usually dredged with a privately-owned pipeline dredge that is under contract to the Corps. The pipeline dredge uses suction to remove dredge spoils and then pumps the spoils away to a designated disposal site on the beach at or near The Point. The Corps usually groups the work at several AIWW crossings into one competitively-bid contract to achieve an economy of scale

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1 and minimize expensive dredge mobilization costs. As such, when the Bogue Inlet AIWW crossing is dredged it is usually part of
 2 a much larger, state-wide contract. The authorized depth of the Bogue Inlet AIWW crossing is 12 ft. at mean low water.
 3

4 Appropriations for the Bogue Inlet AIWW crossing are usually included in a larger Federal appropriation for the entire AIWW in
 5 North Carolina, and are not typically budgeted separately (due to the interdependent grouping of multiple AIWW crossings into
 6 one contract). In recent years, the Corps has utilized anywhere from \$4 million - \$6 million annually to dredge multiple AIWW
 7 crossings in North Carolina. Assuming a proportional distribution of the dredge mobilization costs, and the estimated quantity of
 8 material to be dredged every 2 - 3 years (usually anywhere from 30,000 – 80,000 cubic yards of material), the estimated cost of
 9 the Bogue Inlet AIWW crossing work per dredging event is approximately \$500,000 - \$1,000,000.

10
 11 The Bogue Inlet AIWW crossing was last dredged in January 2014, and approximately 48,000 cubic yards of sand was placed on
 12 the beach at The Point. This work was funded 100% by the Corps. The Bogue Inlet AIWW crossing remains in a safe condition,
 13 and will likely not need dredging again until 2017 or 2018. As of now, we expect Federal funding to be available at that time for
 14 the AIWW in North Carolina, however, it would not be surprising if continuing Federal budget challenges impact the AIWW in the
 15 future also. As such, the dredging of the Bogue Inlet AIWW crossing is not within the scope of this agenda item.
 16

17 **Resolution Authorizing Funding Request to NC Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund**
 18 **for Bogue Inlet Navigation Dredging**

19 The attached resolution formally authorizes a new State-local funding partnership for Bogue Inlet connecting channel dredging in
 20 2016. The attached resolution authorizes a State funding request in the amount of \$200,000 (67%), and also authorizes the
 21 Town Manager to coordinate with other area local governments to provide the required 33% local match (\$100,000). The Board
 22 should note that due to recent changes in State law, the required local match has decreased from 50% to 33%, and results in
 23 significant savings for Carteret-Onslow area local governments.
 24

25 The total amount of State-local funding, if approved by all parties, would be \$300,000, and this amount is expected to be
 26 sufficient to fund approximately 20 days of dredging. This amount is expected to fund a new dredging event in August, and will
 27 likely then leave a sufficient balance for one or perhaps two more dredging events later in 2016 or 2017. If a new, dedicated
 28 funding source for future navigation dredging is not identified in the meantime, it is likely that another State-local funding
 29 partnership will be contemplated sometime in 2017.
 30

31 If the Board approves the attached resolution, the Town (with assistance from the Carteret County Shore Protection Office) will
 32 present formal requests to Carteret-Onslow area local governments and to the NC Shallow Draft Navigation Channel Dredging
 33 and Lake Maintenance Fund. The proposed cost-sharing in the attached resolution is as follows:
 34

<u>Proposed 2016 State-Local Partnership</u>		
State of North Carolina	\$ 200,000	67%
Carteret-Onslow area local governments		33%
Onslow County	47,500	
Town of Swansboro	2,500	
Carteret County	35,000	
Town of Emerald Isle	10,000	
Town of Cape Carteret	2,500	
Town of Cedar Point	<u>2,500</u>	
TOTAL	\$ 300,000	

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 47 The amount indicated from each of the Carteret-Onslow area local governments is less than the amount provided in 2014 due to
 48 the reduced local cost share (33% instead of 50%), so I am hopeful that all of the Carteret-Onslow area local governments will
 49 again participate in this partnership. The proposed cost-sharing is intended to keep the amounts provided by the area
 50 municipalities at a manageable and realistic amount, and also because the municipalities are also part of each county.
 51

52 The proposal seeks to split the local government cost-share equally between Onslow County and Carteret County -- \$50,000
 53 each between each county and its municipalities. The towns of Swansboro, Cape Carteret, and Cedar Point are all similar in

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1 size, and these towns have historically made a similar contribution to Bogue Inlet dredging costs. Emerald Isle's share is larger
2 than the other municipalities due to our larger size and tax base. If the Board approves the attached resolution, I envision the
3 Town and/or the Carteret County Shore Protection Office sending a formal funding request to each of the area local governments
4 for their formal consideration sometime between now and August 1.
5

6 As noted, the Town of Emerald Isle's contribution is \$10,000. These funds are included in the FY 16-17 budget scheduled for
7 formal approval by the Board at the June 14 meeting. It is also important to note that Carteret County's contribution will need to
8 come from the County's General Fund, as this dredging does not involve sand placement and is therefore not an eligible
9 expense for the Carteret County Beach Commission.
10

11 **Potential New Delineation of Bogue Inlet Connecting Channel**

12 The Board should note that the Corps, with the Town's consent, may attempt to delineate a new connecting channel in Bogue
13 Inlet as part of the next sidecast dredging event. As noted on the attached maps, the Corps may direct the sidecast dredge
14 toward a more central alignment in the Bogue Inlet complex. Much of this route already includes deep water, and it may only
15 require limited dredging in a few key locations to fully establish a consistent deep(er) water channel with that alignment. As
16 noted on the attached maps, there is a continuing shoaling issue near buoy #8, and the new alignment would enable boaters to
17 bypass that area completely.
18

19 The Board may recall that the potential new alignment is very similar to the marked channel in Bogue Inlet prior the mid-2000s
20 when the current "western connector" alignment against Dudley Island was established. It also now appears that many
21 recreational vessels are routinely taking the new route anyway, which is quicker and more efficient.
22

23 Greg Rudolph (Carteret County Shore Protection Officer), Johnny Martin (Moffatt & Nichol Engineers), and I have discussed the
24 potential new alignment, and believe that it will also provide a more efficient ebb flow through Bogue Inlet and should generally
25 promote a more central location of the main ebb channel between Emerald Isle and Bear Island. It is our hope that this new
26 alignment will ultimately slow down the gradual migration of the main ebb channel toward Emerald Isle, and perhaps enable us to
27 delay the next major Bogue Inlet channel realignment project that is (very) tentatively scheduled for 2020 or 2021.
28

29 If the Corps does focus dredging efforts on the new alignment, the US Coast Guard would then relocate all navigation aids from
30 the current Bogue Inlet connecting channel to the new alignment soon after dredging is complete.
31

32 **Potential Future Dredging Strategy for Bogue Inlet Connecting Channel**

33 As noted in previous correspondence with the Board, the Town was recently issued a new permit to also conduct navigation
34 dredging activities in the Bogue Inlet connecting channel. The new permit is nearly identical to the existing permit held by the
35 Corps, and was obtained in case the Corps eventually abdicates its dredging responsibility in Bogue Inlet. The new permit will
36 enable the Town to contract with a private dredging company to maintain the Bogue Inlet connecting channel in the future, and
37 could potentially enable the Town to utilize a pipeline dredge with the capability of depositing material on the beach in Emerald
38 Isle rather than simply "casting it to the side" of the navigation channel.
39

40 This approach may be very beneficial in the future, as it has the potential to provide a more consistent deep(er) water channel
41 and allow for beneficial use of the sand (i.e., to strengthen The Point). Although this approach is more expensive per event, I
42 believe that the costs will be lower over the long-term, the Bogue Inlet connecting channel will be better defined and safer,
43 additional nourishment benefits would be realized, and that it would promote a more central location for the main ebb channel in
44 Bogue Inlet (away from Emerald Isle). We plan to further evaluate this option in the next year, particularly if the Corps
45 establishes the new alignment discussed above. If additional evaluation suggests this is a prudent approach, we may present a
46 recommendation to the Board and the Beach Commission next year for such an effort. Additionally, I believe that such a project
47 would be funded 67% by the State, 22% by the Beach Commission, and 11% by the Town (from the Future Beach Nourishment
48 Fund). This approach may ultimately prove to greatly extend the duration between the Town's major Bogue Inlet channel
49 realignment projects in the future.
50

51 **Long-Term Funding for the Bogue Inlet Connecting Channel?**

52 As noted above, the funding proposal included in the attached resolution would result in a total of \$300,000 (or approximately 20
53 days' worth) for maintenance dredging of the Bogue Inlet connecting channel. Based on historical needs, this amount is

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1 expected to be sufficient though 2016 and into 2017. This funding proposal obviously only addresses the short-term, and it
 2 remains important for Emerald Isle, other local governments, and others concerned about maintenance dredging to work on a
 3 long-term solution.
 4

5 The Carteret County Board of Commissioners previously considered a new ¼% sales tax dedicated for future navigation
 6 dredging needs in the entire County, however, a recent referendum was rejected by the voters. The County has just recently
 7 appointed a new Waterways Management Committee (Commissioner Dooley serves on this committee), and this committee will
 8 be tasked with reviewing navigation dredging needs throughout the County and potential future dedicated funding sources. This
 9 effort may eventually yield a dedicated funding source for future dredging in Bogue Inlet, and would likely eliminate the need for
 10 State-local funding partnerships similar to the one included in the attached resolution.
 11

12 Town Manager Rush discussed with the Board the Resolution to be considered as
 13 outlined in detail in his memo included above. Mr. Rush stated that unfortunately they
 14 had no money left to dredge Bogue Inlet in the future and neither did anyone else. Mr.
 15 Rush said they were trying to assemble partnership between State and local
 16 governments in our area to provide money to keep it dredged. Mr. Rush noted that
 17 historically Bogue Inlet had been maintained by the Army Corps of Engineers, the
 18 federal government, until 2005-2006 when there were regular federal appropriations for
 19 that but unfortunately since that time there had been no regular federal appropriations.
 20 Mr. Rush said they had been fortunate to secure some federal money in the wake of
 21 Hurricane Irene, Hurricane Ophelia, Super Storm Sandy through some hurricane relief
 22 bills approved by Congress but other than that no federal money. Mr. Rush said that
 23 three times in the past with the great partner in the State of North Carolina they had put
 24 together State and local funding partnerships to provide the money to keep up with the
 25 dredge, adding at probably a much lower expense than had historically been incurred
 26 by the federal government prior to 2005. Mr. Rush said this will be the fourth time and
 27 he explained the plan as outlined in packets which was similar to what had been done in
 28 the past with one bit of good news in that the State used to contribute fifty percent of the
 29 cost and now with change in legislation would contribute two-thirds of the cost. Mr.
 30 Rush provided the proposed cost breakdown as follows:
 31

32 The proposed cost-sharing in the attached resolution is as follows:
 33

<u>Proposed 2016 State-Local Partnership</u>		
State of North Carolina	\$ 200,000	67%
Carteret-Onslow area local governments		33%
Onslow County	47,500	
Town of Swansboro	2,500	
Carteret County	35,000	
Town of Emerald Isle	10,000	
Town of Cape Carteret	2,500	
Town of Cedar Point	<u>2,500</u>	
TOTAL	\$ 300,000	

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 46 Mr. Rush stated that if the Board approved this Resolution they would proceed with the
 47 formal requests to those other local governments and to the State.
 48

1 ***Motion was made by Commissioner Finch to approve Resolution Authorizing***
2 ***Funding Request to NC Shallow Draft Navigation Channel Dredging and Lake***
3 ***Maintenance Fund for Bogue Inlet Navigation Dredging. The Board voted***
4 ***unanimously 5-0 in favor. Motion carried.***

5
6 **Clerks Note:** A copy of Resolution 16-06-14/R2 as referenced above is incorporated herein by reference and
7 hereby made a part of these minutes
8

9
10 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

11
12 There were no comments from the Town Clerk or Town Attorney.

13
14 Town Manager Rush reminded the Board of the Special Meeting on June 24 at 10am to
15 identify the Board's "big" goals for the future. Mr. Rush noted that the non-conforming
16 off-premises signs issue as discussed at the last meeting would be brought to their July
17 12 meeting.

18
19 Mr. Rush also mentioned the issue of coyote management and the three options put
20 together by Chief Waters for the Board to consider in the future. Mr. Rush asked for the
21 Board's general direction about this issue. The consensus of the Board was to plan to
22 invite the Wildlife Resources Commission representative back and further discuss
23 options at a meeting sometime between July and September.

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 **Special Board Meeting – June 24, 10 am**

29 We have scheduled a special Board meeting for a general discussion about the Board's "big" goals for Friday, June 24 at 10 am.
30 I am hopeful that this discussion will begin to develop Board consensus on which "big" goals to pursue in the future, and provide
31 important direction to me. The meeting will be held in the Town Administration Building Conference Room.
32

33 **New Flood Insurance Rate Maps**

34 The new flood insurance maps will be released to the public on June 30. Josh Edmondson, Town Planner, will make a
35 presentation to the Board at the July 12 regular meeting and will highlight the changes in Emerald Isle. Overall, the new maps
36 are very favorable for Emerald Isle property owners, however, we do expect some property owners to be negatively impacted,
37 and want to offer as much information and assistance as possible to these property owners.
38

39 There will likely be a formal appeals process in early 2017, and the Board of Commissioners will likely be asked to adopt the new
40 maps in mid or late 2017, after which they will become the basis for flood insurance premiums and construction regulations.
41

42 **Non-Conforming Off-Premises Signs**

43 Town staff will schedule a public hearing for the July 12 meeting, and will present a proposed ordinance amendment regarding
44 off-premises non-conforming signs to the Board for consideration. The proposed amendment will essentially "grandfather" the 9
45 existing off-premises, non-conforming signs in Emerald Isle in perpetuity. The proposed amendment will also enable any such
46 signs that were in place prior to January 1, 2006 to be re-installed (would allow Bogue Inlet Pier and Camp Ocean Forest signs
47 to go back up).
48

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1 The intent behind the proposed amendment is to allow for structural repairs to existing signs so that the aesthetic appearance of
2 the signs will be improved. As currently written, the Town's ordinances simply require the signs to be removed at such time that
3 the sign structure is damaged more than 50%. The result is that there is no incentive (actually, there is harm) for the owners to
4 improve these signs, and these signs will likely remain in place for many years. The Town's ordinance has included this
5 provision since at least 2000, and perhaps longer, and nearly all of the signs that were in place at that time are still in place
6 today.

7
8 **Coyotes – Management Options**

9 The Town continues to receive concerns from residents about the presence of coyotes in Emerald Isle. In response to these
10 concerns, I tasked Police Chief Waters with developing options for addressing the coyote issue. A copy of his report is attached,
11 along with two informational sheets about coyotes.

12
13 As noted in Chief Waters' report, there are essentially 3 options: 1) monitor and react to specific threats, 2) a controlled
14 depredation hunt, or 3) a public trapping program. Additionally, private property owners have the ability to contract with a private
15 trapper to place traps on their private property during the months of December, January, and February. To date, the Town's
16 position (and the other towns in our area) has been to simply monitor the coyote population. If the Board would like to consider a
17 hunting or trapping program, I will schedule this issue for Board discussion at the July or August Board meeting, and invite
18 appropriate experts to address the Board. If the Board does decide to move forward with a hunting or trapping program, I would
19 recommend that it be scheduled for January / February 2017. I believe the public safety risks associated with either approach
20 are too great to attempt such activities prior to that time. We will also need sufficient time to educate the public about any
21 hunting (with rifles) or trapping activities (pose threats to children, pets, and other animals).

22
23 Please let me know your thoughts on this issue, and if you'd like me to schedule Board discussion for an upcoming meeting.

24
25 **Nies v. Emerald Isle**

26 The Nies' attorney has already submitted briefs to the NC Supreme Court, and the Town's briefs are due on July 27. We have
27 been working over the past few weeks to secure amicus briefs from other interested parties, and I expect that many will be filed
28 by the July 27 deadline.

29
30 This case is critically important to the entire coast and entire State of North Carolina, as it will essentially answer the following
31 questions:

- 32
- 33 • Is the public entitled to use only the wet sand beach (below mean high water) OR is the public entitled to use the wet
34 sand beach and the dry sand beach (up to the base of the dunes, as has been historical practice since time
35 immemorial)?
 - 36
37 and
 - 38
39 • Does an oceanfront property owner have the right to exclude the public (in whatever form of access they pursue –
40 sunbathing, swimming, surfing, surf fishing, driving, playing, walking, etc.) from the dry sand beach in front of their
41 home?
 - 42

43 As you know, Carteret County Superior Court and the NC Court of Appeals have previously ruled in the Town's favor, and the
44 ruling by the NC Court of Appeals is now the definitive law in North Carolina on this issue.....until the NC Supreme Court issues
45 its decision later this year or early next year. The Town obviously contends that the public is entitled to use the entire beach ---
46 wet sand and dry sand. If we lose, however, and the public is only entitled to use the wet sand beach, it could completely turn
47 NC law upside down and have devastating impacts on the tourism and real estate economies along the entire NC coast, in
48 addition to depriving many individuals the opportunity to enjoy the beach for a variety of recreational pursuits. Additionally, such
49 a ruling may very well foster and perpetuate a perception all over the eastern US that "North Carolina's beaches are private, so
50 we can't go there for vacation....."

51
52 Brian Edes, the Town's appointed attorney (by the NC League of Municipalities) and I continue to work hard on this issue with
53 other interested parties. To date, the issue has not received a great deal of attention, and I believe that's because 1) the Town

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1 prevailed at the two lower courts, and 2) nothing changed. I expect that this case will garner more State-wide media attention
2 when oral arguments are heard by the NC Supreme Court, and the public begins to understand what is at stake in this case.
3

4 **Senate Bill 846 Would Impact Sales Tax Revenues**

5 Senator Harry Brown has introduced S846 (attached), which would change the “adjustment factor” for a portion the local option
6 sales tax received by Carteret County, Emerald Isle, and all of the towns in Emerald Isle.
7

8 The ½% (of the total 2%) of local sales tax that is distributed based on relative population in NC currently includes an adjustment
9 factor that changes Carteret’s distribution from 1.0 to 1.14, and theoretically accounts for some of the seasonal population
10 impacts that are not recognized in straight population factors. Senator Brown’s S846 bill would eliminate the adjustment factors
11 and tie future adjustments to the economic development tiers. Because Carteret is a Tier 3 county, our factor would decrease to
12 0.90. We estimate that the Town could lose approximately \$74,000 annually beginning in FY 17-18 if this bill becomes law. The
13 total combined loss among the County and all 11 towns in the County is more than \$1 million.
14

15 At this time, it has not advanced, and we remain hopeful that it will not. We will continue to monitor this issue, particularly during
16 NC General Assembly budget negotiations where it has the potential to be inserted as a special provision.
17

18 **Planning Underway for Emerald Isle Beach Music Festival**

19 Town staff and volunteers have been meeting for the past month to produce the new Emerald Isle Beach Music Festival on
20 Saturday, August 27 on the beach at the Western Ocean Regional Access.
21

22 I have attached a copy of the detailed site plan for the event, which includes the construction of a new platform / stage on the
23 dunes adjacent to the main walkway to the beach. The new platform will serve as the stage for the Beach Music Festival, and
24 will also be available in the future for EmeraldFest concerts and will also serve as a new ocean viewing area for visitors to the
25 WORA. The new platform will be approximately 500 sq. ft., less than 30 inches above grade, and will not have railings. The
26 estimated cost of this improvement is approximately \$5,000. The site plan also includes a temporary sand path around the
27 existing handicapped ramp in order to provide an alternate passage between the beach strand and the restroom / vendor area.
28 This sand path will be revegetated after the event, and should not compromise the integrity of the dunes in any significant
29 manner.
30

31 All musical acts are now confirmed, and are well within our budget for the event. Town staff and volunteers are also working on
32 securing sponsors, lining up advertising, and preparing public safety plans for the event. We are looking forward to a big event
33 on August 27.
34

35 **EmeraldFest Begins June 16**

36 The first EmeraldFest concert is scheduled for Thursday, June 16 at 6:30 pm at the Western Ocean Regional Access. Pure T
37 Mommicked will perform, and subsequent concerts will be held every Thursday for the following 9 weeks.
38

39 **Land Use Plan Survey Available Online**

40 The Town’s survey is available online at www.emeraldisle-nc.org and www.planei.org, and has been advertised on the Town’s
41 website, Facebook, and Twitter. The survey will remain available for the public to complete until July 15.
42

43 The Land Use Plan Steering Committee will not meet in June, and their next meeting will be held on Wednesday, July 20. We
44 hope to hold a public “open house” to solicit additional public input on the plan sometime in August.
45

46 **18th Street Beach Access Walkway Complete**

47 The new 18th Street beach access walkway is now complete, and has been well-received by residents in that area.
48

49 **Beach Access Food Vendors**

50 A few food vendors have dropped out of the program, and Jackie’s American Grille, Ben & Jerry’s, and Dairy Queen are the only
51 remaining vendors operating during the summer.
52
53

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1 **New Small Storm Water Relay Pump – 6400 Block**

2 Public Works will be installing this new system near the Sea Crest beach access walkway this month. The new system will
3 include a catch basin and small submersible pump, and will direct storm water through a 4 inch PVC pipe along the Sea Crest
4 beach access easement to the dune field. I am anxious to see how effective this new system will be at resolving ponding water
5 concerns in this area.
6

7 **New CPR Class**

8 EIFD and EI EMS are now offering a new CPR class to the public, at a minimal cost (\$5 for Emerald Isle residents and workers,
9 \$40 for others). The first classes were held on May 23, and the next classes will be held on June 20. Classes are held at both 9
10 am and 6 pm at the EMS Station. After the June 20 class, there will be no summer classes, and they will resume again in the
11 fall. EIFD and EIEMS plan to offer the classes on the third Monday of each month at that time. We will publicize the classes via
12 the Town's email newsletter, website, Facebook, Twitter, and the EI App.
13

14 **Emerald Isle APP**

15 As of June 2, nearly 1400 people had downloaded the new Emerald Isle APP, and most feedback received has been very
16 positive thus far. We will continue to promote the new APP via signs, the Town's email newsletter, website, Facebook, and
17 Twitter.
18

19 **NC 58 Traffic Improvements Scored, To Be Prioritized This Summer**

20 Preliminary project scores for the requested NC 58 traffic improvements were released, and the improvements at the 5
21 intersections (NC 58 / NC 24, and the 4 signalized intersections in Emerald Isle) scored reasonably well. In order, from highest
22 score to lowest, the Emerald Isle projects were:

- 23 1. Bogue Inlet Drive intersection
- 24 2. Coast Guard Road intersection
- 25 3. Emerald Plantation intersection
- 26 4. NC 24 / NC 58 intersection
- 27 5. Mangrove Drive intersection

28
29 Additionally, the construction of additional turn lanes on NC 24 and NC 58 on the mainland side of the bridge are also on the list,
30 and scored reasonably well (that project's score would be 4th on list above).
31

32 The Carteret County Transportation Committee and the DownEast RPO will be assigning local priority points to the projects in
33 June and July. I am hopeful that the Town's requested projects will be included among those groups' priorities and that the
34 scores will be enhanced to a point that the projects can be included in the NCDOT's new Statewide Transportation Improvement
35 Program. Mayor Barber serves on both of these committees, and I will also be attending these meetings.
36

37 **Osprey Ridge Pump Station**

38 Design work is underway, and we expect to solicit bids for the project in August. I expect the Board to consider a construction
39 contract at the September 13 meeting, and begin construction soon thereafter.
40

41 **Cape Emerald Discharge Pipe**

42 I expect to seek the required CAMA permit to replace the existing 15" discharge pipe with a 24" pipe in the coming weeks. We
43 will also seek quotes from local contractors to complete the work, and attempt to have this work completed prior to the typical
44 rainy season this fall / winter.
45

46 **The Point Pedestrian Walkway**

47 We plan to solicit quotes for the construction of this new walkway in July, and hopefully have it constructed and open to the
48 public prior to the start of beach driving season on September 15.
49

50 **New Wooden Walkways Over Wet Areas in EI Woods Park**

51 There are two significant trails in EI Woods Park that are often flooded after prolonged periods of rainfall (directly adjacent to
52 significant storm water features in EI Woods Park), and I am planning to have small wooden walkways constructed over these
53 areas in order to 1) create a more functional trail in the park, and 2) more importantly, make it easier to monitor the Town's

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1 storm water system in El Woods Park after prolonged periods of rainfall. The cost of this work is \$7,200, and I expect work to
2 begin later this month.
3

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

5 I plan to pursue this issue with more vigor in the coming weeks. Mayor Barber and I met with EI Business Association leaders on
6 May 9 to discuss the possibility of creating a paid staff position for the EIBA, ideally in partnership with the Tourism Development
7 Authority, and there is strong interest among the EIBA.
8

9 Ideally, the new position would work out of the new Welcome Center, and would serve both the TDA and the EIBA (funded by
10 both entities). I am hopeful that such a new position would better promote EI to our visitors and potential visitors, help with
11 existing special events (i.e., St. Patrick's Festival, Christmas Parade, etc.), help with new events (i.e., new "EI Beach Music
12 Festival", etc.), organize special shopping experiences among Emerald Isle businesses (i.e., Christmas shopping deals
13 throughout the entire Town), and better galvanize the brick-and-mortar businesses in Emerald Isle.
14

15 **Municipal Service Districts Legislation Approved by General Assembly**

16 The NC General Assembly approved Session Law 2016-8 (attached) on June 1. The new law makes several changes to the
17 statutes that govern municipal service districts. (The Town's "Primary Benefit District" consisting of all oceanfront and inlet-front
18 property owners that is used to finance a portion of beach nourishment costs is a municipal service district.) Fortunately, none of
19 the changes appear to be harmful to Emerald Isle's municipal service district.
20

21 **Dumpster Service Contract Expires December 31**

22 The Town contracts with Waste Industries for dumpster service at Town facilities and at the residential condominium complexes,
23 and the amount of the contract is approximately \$80,000 annually. This contract will expire on December 31, 2016, and Waste
24 Industries has informally approached the Town about a contract extension. I am considering some minor adjustments to the
25 dumpster service and will seek competitive bids for this service later this summer and fall. I hope to present a contract
26 recommendation to the Board no later than the October 11 meeting.
27

28 **Unified Development Ordinance / USMP Program**

29 As noted previously, I hope to begin work on a comprehensive review and simplification of the Town's Unified Development
30 Ordinance in the coming months. The current UDO can be confusing for Town staff, development professionals, real estate
31 professionals, and the public, and my goal is to create a much simpler, shorter, more user-friendly, understandable document.
32

33 I also hope to complete a thorough evaluation of the Town's storm water management ordinance, and potentially withdraw from
34 the State's Universal Storm Water Management Program. At one time, it was very advantageous for the Town to participate in
35 the USMP program, however, subsequent changes to State storm water regulations have caused us to question the value of the
36 USMP program to the Town.
37

38 **New Signs Identify Public Access Locations for Kayakers and Stand-Up Paddleboarders**

39 With the increasing popularity of kayaking and stand-up paddleboarding in Bogue Sound, we have installed new, large, triangular
40 signs visible from the water at that Town's public access locations on Bogue Sound. These signs are intended to make it easier
41 to identify the public access locations from the water.
42

43 The new signs are installed on Town piers located at Park Street (near Eastern Ocean Regional Access, 2700 block - sign "27"),
44 the Emerald Isle Public Boating Access Area (6800 block, sign "68"), the Bluewater Drive pier (7000 block, sign "70"), Cedar
45 Street Park (7700 block, sign "77"), and Emerald Isle Woods Park (9400 block, two piers - signs "94" and "94A").
46

47 **Railings Around Deck Seating Areas**

48 The NC Building Code now requires a 36-inch high railing to be in place around all fixed, integrated seating areas on decks and
49 walkways (must be 36 inches higher than the seating surface). A picture of a new seating area with the higher railing is
50 attached. Town staff have researched this issue, and have learned that this higher railing is not required if the seating area is not
51 fixed and is not integrated into the railing. As such, we will be advising property owners and contractors of this option if they are
52 concerned with the appearance of the higher railings, which create a caged, jail type feel.
53

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1
2 **Satellite Merchants Ordinance**

3 Sometime this fall, we plan to review the Town's satellite merchants (i.e., mobile and temporary vendors) ordinance to determine
4 the need for any amendments. We may present recommendations to the Board this fall or winter to have any new requirements
5 in place for the 2017 summer season.
6

7 **Islander Drive Area**

8 The owners of the abandoned go-kart track and batting cage properties have removed much of the abandoned debris from these
9 properties, and the area looks somewhat better than it has in recent years. It is still unsightly, however, and I continue to
10 investigate strategies to affect improvements in this area.
11

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

13
14 Commissioner Dooley thanked Frank and Laura and all of the Department Heads for
15 their hard work on the budget.
16

17 **18. Closed Session – Pursuant to NCGS 143-318.11(6), for the Purpose of**
18 **Evaluating the Town Manager's Performance**

19
20 ***Motion was made by Commissioner Messer to enter Closed Session pursuant to***
21 ***NCGS 143-318.11(6), for the Purpose of Evaluating the Town Manager's***
22 ***Performance. The Board voted unanimously 5-0 in favor. Motion carried.***
23

24 ***Motion was made by Commissioner Messer to return to Open Session. The***
25 ***Board voted unanimously 5-0 in favor. Motion carried.***
26

27 Upon returning to Open Session, ***motion was made by Commissioner Messer to***
28 ***provide 1% COLA to Town Manager Rush, increase car allowance from \$400 to***
29 ***\$500 per month, and increase cell phone allowance from \$75 to \$100 per month.***
30 ***The Board voted unanimously 5-0 in favor. Motion carried.***
31

32 **19. Adjourn**

33
34 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***
35 ***voted unanimously 5-0 in favor. Motion carried.***
36

37 Respectfully submitted:
38
39
40

41 Rhonda C. Ferebee, CMC, NCCMC
42 Town Clerk