

1 Town Manager Rush surprised Chief Walker with a flashback to a video clip from many years
2 back when Frank Rouse, Coastal Headline News, was interviewing him. Mayor Barber also
3 announced that the Fire Department was hosting a barbecue dinner in honor of Chief Walker
4 and invited everyone to stop by after the meeting.

5

6 **7. Proclamations / Public Announcements:**

7

8 a. **Proclamation – Emerald Isle Baptist Church 25th Anniversary Celebration**
9 (17-05-09/P1)

10 b. **Proclamation – Municipal Clerks Week** (17-05-09/P2)

11 c. **Proclamation – National Travel & Tourism Week** (17-05-09/P3)

12 d. **Proclamation – National Police Week** (17-05-09/P4)

13 e. **Proclamation – National Public Works Week** (17-05-09/P5)

14 f. **Proclamation – Small Business Week in Emerald Isle** (17-05-09/P6)

15 g. **Proclamation – National EMS Week** (17-05-09/P7)

16 h. **Proclamation – Deck Safety Month** (17-05-09/P8)

17 i. **Proclamation – Bicycle Month in Emerald Isle** (17-05-09/P9)

18

19 Mayor Barber noted the following announcements for the public:

20

- 21 • Friday Free Flick – Friday, May 12 – 7 pm – Community Center
- 22 • Police Educating the Public (PEP) – Tuesday, May 16 – 10 am – Town Board Meeting
23 Room
- 24 • Board of Commissioners Special Meeting – FY 17-18 Budget – Tues, May 16 – 6 pm –
25 Town Admin Building
- 26 • Bicycle & Pedestrian Advisory Committee Regular Meeting – Wed, May 17 – 9 am –
27 Community Center
- 28 • Planning Board Regular Meeting – Monday, May 22 – 6 pm – Town Board Meeting
29 Room
- 30 • Golf Cart Rules and Regulations Class – Tuesday, May 23 – 10 am – Town Board Meeting
31 Room
- 32 • Coffee With A Cop – Thursday, May 25 – 9 am – Hwy 55 Restaurant, Emerald Plantation
- 33 • EMS Pancake Breakfast – Saturday, May 27 – 7 am – 11 am – EMS Station
- 34 • Memorial Day Holiday – Monday, May 29 – Town Offices Closed, Community Center
35 Closed
- 36 • Board of Commissioners Special Meeting – FY 17-18 Budget – Tues, June 6 – 6 pm –
37 Town Admin Building
- 38 • Friday Free Flick – Friday, June 9 – 7 pm – Community Center
- 39 • Youth Fishing Derby – Saturday, June 10 – 9 am -11 am – Bogue Inlet Fishing Pier
- 40 • Board of Commissioners Regular Meeting – Tuesday, June 13 – 6 pm – Town Board
41 Meeting Room

- First EmeraldFest Concert – Thursday, June 15 – 6:30 pm – Western Ocean Regional Access

Clerks Note: A copy of Proclamation 17-05-09/P1, 17-05-09/P2, 17-05-09/P3, 17-05-09/P4, 17-05-09/P5, 17-05-09/P6, 17-05-09/P7, 17-05-09/P8, and 17-05-09/P9 as noted are incorporated herein by reference and hereby made a part of these minutes.

8. Public Comment

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

Josie Mullins, a Newport resident, introduced herself to the Board noting that she was starting a new venture, a new newspaper for the western end of Carteret County that would serve Emerald Isle, Swansboro, Cedar Point, Cape Carteret, and Peletier. Ms. Mullins said this would be direct mailed to those zip codes entirely. Ms. Mullins said she worked many years ago for the Island Review and she planned to do public service announcements, and featuring the Mayors, Commissioners, and Managers of each Town so she could connect Town government to the Town people, also featuring festivals and events. Ms. Mullins said the name of the newspaper would be the County Line Reporter and she hoped the first issue would hit mailboxes July 1. She hoped it would be a good thing for the Towns and people to connect everyone focusing on the positive.

James Wolfe, 9100 Reed Drive, challenged the legalization of the permit given to the Islander based on the fact on the February 2016 memo they had not utilized the correct UDO requirements. Mr. Wolfe discussed the schematic of the Islander configuration and the UDO requirements for the number of parking spaces. Mr. Wolfe said that the UDO clearly stated that you could not build a building without the required parking spaces being available. Mr. Wolfe felt before the building was finalized someone needed to go back and look at the UDO and the requirements clearly stated for the Town.

9. Consent

- a. Tax Releases
- b. Minutes – March 14, 2017 Regular Meeting
- c. Minutes – March 14, 2017 Closed Session
- d. Minutes – April 11, 2017 Regular Meeting

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

Clerks Note: A copy of Consent Agenda items as noted are incorporated herein by reference and hereby made a part of these minutes.

1
2
3 **10. Ordinance Amending Chapter 5 – Density, Intensity, and Dimensional Standards – of the**
4 **Unified Development Ordinance to Eliminate Residential Density Limits in the Village East,**
5 **Village West, and Marina Village Zoning Districts (17-05-09/O1)**
6

7 **a. Public Hearing**

8 **b. Ordinance Amending Chapter 5 of the Unified Development Ordinance**
9

10 Town Planner Josh Edmondson addressed the Board concerning this Agenda item. The
11 following excerpt from the Town Manager’s memo to the Board is provided for additional
12 background:

13
14 The Board of Commissioners is scheduled to re-consider an ordinance amendment that would eliminate the residential density
15 limits in the Village East, Village West, and Marina Village zoning districts, and simply rely on the cumulative application of the
16 Town’s other development regulations to govern residential density in these districts. A public hearing is required before Board
17 consideration, and has been scheduled for the May 9 meeting.
18

19 The Town’s Unified Development Ordinance (UDO) currently allows commercial, residential, and mixed uses in the Village East,
20 Village West, and Marina Village zoning districts, and these districts were specifically created to provide additional flexibility
21 and promote quality redevelopment in these areas of Emerald Isle. The UDO limits residential density to 6 units per acre in the
22 Village East and Village West zoning districts, and 4 units per acre in the Marina Village zoning district, but allows for up to 10
23 units per acre on a case-by-case basis if “significant public amenities” for parking, access, and/or recreation are provided as part
24 of the proposed development (authorized via approval of a conditional zoning overlay district). Essentially, the developer is
25 eligible for a “density bonus” by incorporating significant public amenities in any new project. These residential density limits
26 were established in the mid-2000s when the “Village” districts were created, and were determined after considering a) the fact
27 that these areas were previously zoned Business and no residential uses were permitted, b) the desire to promote mixed-use
28 development in these areas, c) the fact that the Town’s other zoning districts limited residential density to approximately 3.6
29 units per acre, with existing condominium complexes and one large parcel allowing up to 8 units per acre, and d) to specifically
30 make redevelopment in these areas more lucrative in order to encourage quality redevelopment in these underutilized areas of
31 Emerald Isle sooner rather than later.
32

33 For whatever reasons (the real estate market crashed soon after the creation of the Village districts?), the Town has not
34 experienced the desired redevelopment of these areas over the past decade, and much of these areas remains underutilized.
35 In an effort to further promote quality redevelopment in these areas, Town staff proposed and the Board of Commissioners
36 was receptive (at the January budget planning workshop) to simply eliminating the residential density limits in these areas
37 altogether. Our hope is that the elimination of these “artificial” limits will make it feasible for a creative developer or land
38 owner to design a residential or mixed-use project that further maximizes their economic return while still adhering to the
39 Town’s other development regulations - and thus encourage redevelopment sooner rather than later. The attached ordinance
40 amendment would rely on County/ State wastewater requirements and the Town’s building height limits, storm water
41 management requirements, parking requirements, vegetation requirements, and building setback requirements to achieve the
42 desired community design, and the Town would not place any “artificial” limits on residential density. Essentially, if a building
43 complies with all other development requirements (height, parking, setbacks, etc.), then why should the Town care how many
44 residential units are included inside of the building? The Town’s ultimate goal is to create a vibrant and attractive community,
45 and the other development regulations should enable the Town to effectively achieve these goals without placing an “artificial”
46 limit on the number of residential units.
47

48 The Board should note that only approximately 125 acres of the more than 3,200 acres in Emerald Isle are zoned as Village East,
49 Village West, and Marina Village. This figure represents only 3.9% of the total land area of Emerald Isle, and each of these areas
50 is underutilized (and in some cases, not as aesthetically pleasing as the rest of our beautiful community) and specifically
51 targeted for redevelopment in the Town’s Comprehensive Land Use Plan. The elimination of the residential density limits in the

1 Village districts would not impact the other 96.1% of the Town's total land area, the vast majority of which is already developed
2 as attractive single-family residential neighborhoods. Additionally, the Board should note that this ordinance amendment
3 would not eliminate density limits that apply to any mobile home parks or recreational vehicle parks that might be proposed for
4 the Village districts. Any mobile home or recreational vehicle park proposals would be subject to the applicable minimum lot
5 sizes, density limits, and other requirements for those uses.
6

7 As noted in the attached memo from Josh Edmondson, Town Planner, the Planning Board has thoughtfully considered the
8 attached ordinance amendment at multiple meetings, and unanimously recommends approval. In response to concerns raised
9 by one property owner at the Board's April 11 meeting, the Town Planner and Planning Board have clarified the public access
10 requirement originally included in the proposed ordinance amendment. The attached ordinance amendment now includes
11 clearer language, and specifies that any projects in the Village East, Village West, and Marina Village zoning districts must
12 provide at least one public access easement to the water for each 550 feet of frontage. The public access easement must be a
13 minimum of 10 feet wide, and can be an existing or new easement. This requirement is consistent with other Town
14 requirements in other zoning districts, and is the historical standard for public access to the ocean and sound in Emerald Isle.
15

16 With the growing confidence in the local real estate and construction markets, the Town's previous efforts to promote quality
17 redevelopment in the Village districts, and new initiatives (like the proposed ordinance amendment), I remain hopeful that the
18 Town may finally realize the vision for the Village districts in the near future. I believe that the Town's careful consideration of
19 overall community values (small-town atmosphere, family beach image, low building heights, quality aesthetics, bicycle and
20 pedestrian amenities, public beach and sound access, and others), the continued application of other development regulations,
21 the recognition of the need for quality redevelopment in underutilized areas, and other creative approaches will ultimately
22 enable us to achieve a positive outcome in the Village districts that will enhance our entire community.
23
24

25 Town Planner Josh Edmondson said that following the concerns expressed by a property owner
26 at the April Town Board meeting concerning the public access requirement in the proposed
27 density eliminations in the Village East, Village West, and Marina Village the Planning Board had
28 gone back to the drawing board to address the public access requirements of the proposed
29 amendment. Town Planner Edmondson said that after staff met with a few of those property
30 owners in those areas they changed notes 2 and 3 as further outlined in the memo above to
31 more clearly identify what they were referring to when they talked about public access. Town
32 Planner Edmondson added that the Planning Board had unanimously recommended approval
33 of this amendment to the Board of Commissioners.

34 Commissioner Wright felt the Planning Board had made this nice and clear now. Commissioner
35 Normile agreed and thanked the Planning Board for cleaning that up.

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

38 James Wolfe, 9100 Reed Drive, Queens Court, spoke of the density requirements in the
39 proposed amendment citing the development density requirements according to the United
40 States green schedule regarding the 10 units per acre density proposed. Mr. Wolfe said the
41 only reason to go to a 10 unit per acre density was to build hotels; there was no other reason to
42 do it. He felt that this density increase was really only being done to put hotels and parking
43 decks in that area.

44 Town Manager Frank Rush clarified that the ordinance amendment before the Board tonight
45 applied only to residential uses noting that the Town actually currently had an ordinance that

1 allowed up to 32 hotel units per acre in Emerald Isle, so this ordinance amendment didn't
2 address hotels, but addressed condominiums, single family homes or duplexes, and actually
3 removed the 10 unit cap so that there would be no cap in those areas in the future.

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

6 **Motion was made by Commissioner Normile to approve the Ordinance Amending Chapter 5 –**
7 **Density, Intensity, and Dimensional Standards – of the Unified Development Ordinances to**
8 **Eliminate Residential Density Limits in the Village East, Village West, and Marina Village**
9 **Zoning Districts. The Board voted unanimously 5-0 in favor. Motion carried.**

10 Clerks Note: A copy of Ordinance 17-05-09/O1 as noted is incorporated herein by reference and hereby made a part of these
11 minutes.
12

13 **11. Presentation – FY 17-18 Recommended Budget**
14

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

18 The FY 17-18 Recommended Budget is complete and will be formally presented to the Board and the public at the May 9
19 regular meeting. In an effort to better educate the Board and the public about the Town's budget, I will make a detailed
20 presentation summarizing the FY 17-18 Recommended Budget, and will provide handouts for the public at the May 9 meeting.
21

22 I have attached a copy of the "Budget Message", which provides a comprehensive discussion of the issues associated with the
23 FY 17-18 budget. A "Quick Summary", "All Funds (Summary)", "General Fund Budget Summary", and other materials are also
24 attached. The full budget document will be provided to you under separate cover.
25

26 The total FY 17-18 Recommended Budget is \$9,886,167, a \$440,780, or 4.70% increase from the adopted FY 16-17 budget. The
27 General Fund is the largest component of the Town's budget, with total expenditures of \$9,454,176, which is a \$350,976, or
28 3.86% increase from the adopted current year budget. The Future Beach Nourishment Fund budget is \$747,991, which includes
29 a \$460,000 transfer from the General Fund, with the full amount reserved for future beach nourishment activities.
30 Recommended appropriations are also included for the Half-Marathon Fund (\$90,000) and the Beach Music Festival Fund
31 (\$54,000).
32

33 In accordance with the Board's top budget priority, I am pleased to report that the Recommended Budget includes no increase
34 in property tax rates and most other fees. The recommended General Fund tax rate for FY 17-18 is unchanged at 15.5 cents per
35 \$100 of assessed value, with 14 cents allocated for general services and 1.5 cents specifically earmarked for beach
36 nourishment. The recommended Primary Benefit District (oceanfront and inlet-front properties only; for beach nourishment)
37 property tax rate would remain at 4 cents, and this rate, along with the \$460,000 transfer from the General Fund, will enable
38 the Town to reserve the historical annual amount for future beach nourishment activities. There is also no change in the
39 Town's annual solid waste fee, and this fee would remain at \$228 for all developed residential properties, which equates to \$19
40 per month for all Town solid waste services (trash, recycling, yard debris collection, beach strand collection, and more).
41

42 The FY 17-18 Recommended Budget includes sufficient resources to enable Town staff to maintain the high service quality
43 expectations of our residents and visitors, and includes funding to compensate Town employees fairly, replace necessary
44 vehicles and capital equipment, meet inflationary and other service demand pressures, and enhance staff capabilities. The
45 Recommended Budget includes a few notable service enhancements, including funding for three new firefighter positions (to
46 enhance effectiveness and FD safety) primarily funded by a Federal grant and a new Parks Maintenance position (to improve
47 bicycle path maintenance and NC 58 right of way aesthetics). The Recommended Budget also includes \$60,000 for the first of 5
48 planned internal payments to finance the Islander Drive land purchase (for potential future development of a "meeting and

1 events center”), a total of \$30,000 for the construction of a new sidewalk along Old Ferry Road, and reduced debt service
2 payments as a result of the planned early retirement of a 2013 Fire Engine debt. The FY 17-18 Recommended Budget also plans
3 accordingly for an expected reduction in sales tax revenues associated with Senate Bill 126, which is currently being considered
4 by the NC General Assembly.
5

6 Overall, I believe the FY 17-18 Recommended Budget represents a fiscally responsible spending plan for the next year, and that
7 it addresses the Board’s expressed priorities. We have tentatively scheduled two special budget meetings for the Board to
8 review and discuss the Recommended Budget. The first one is scheduled for Tuesday, May 16 at 6 pm in the Town
9 Administration Conference Room, and Town department heads and EI EMS, Inc. will brief the Board on their respective
10 budgets. The second special budget meeting is scheduled for Tuesday, June 6 at 6 pm, and will also include the legally required
11 public hearing. These dates and times can be adjusted, and additional budget meetings can be scheduled as necessary or
12 desired between May 9 and June 13. I am hopeful that the Board will formally approve the FY 17-18 budget at your regularly
13 scheduled meeting on Tuesday, June 13 at 6 pm.
14

15 Town Manager Frank Rush provided a PowerPoint presentation outlining the highlights of the
16 FY 17-18 Recommended Budget. Town Manager Rush also personally acknowledged Laura
17 Rotchford, Finance Director for her great work on the budget as well as the efforts of all of the
18 department heads and staff. Town Manager Rush stated they had worked hard to put together
19 what he thought was a responsible spending plan and he believed it reflected the Board’s
20 priorities. Following the presentation, Town Manager Rush stated that the first budget
21 workshop was scheduled for the following Tuesday, May 16 at 1:30pm, and the official budget
22 public hearing / budget workshop was scheduled for Tuesday, June 6 at 6pm, both at the Town
23 Administration Building Conference Room. Town Manager Rush said if the Board was
24 comfortable with it they would then have the budget on the agenda for the June 13 regular
25 meeting for adoption, adding they could certainly have as many additional meetings as the
26 Board deemed necessary.
27

28 The Board thanked Town Manager Rush and Finance Director Rotchford for the great job.
29

30 **12. Islander Land Purchase**

- 31
- 32 **a. Satisfaction of Due Diligence Requirements**
 - 33 **b. Resolution Authorizing Memorandum of Understanding with Carteret County**
34 **(17-05-09/R1)**
 - 35 **c. Budget Amendments – General Fund, Future Beach Nourishment fund**
 - 36 **d. Capital Project Ordinance Amendment**
37

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

40
41 The Board of Commissioners is scheduled to review the satisfaction of the “due diligence” requirements associated with the
42 Town’s planned purchase of a 1.8-acre tract of land located at 203 Islander Drive, and then consider three items to enable the
43 Town to proceed with closing on the purchase no later than June 1.
44

45 If the Town acquires this property, it would be combined with the 4.4-acre Western Ocean Regional Access property (and
46 perhaps other properties in this area), and the Town would solicit proposals from potential private partners for the
47 construction of a new “meeting and events center” on the combined site. After the property is acquired by the Town, I envision

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 8 of 23

1 that the Board of Commissioners will begin a more detailed process, with significant community input, to determine the desired
2 parameters of any public-private partnership that may be negotiated in the future. I expect this process to take several
3 months, after which the Town would solicit proposals from potential private partners. This process will be focused on achieving
4 a project plan that:

- 5
- 6 • provides the desired economic benefits for Emerald Isle and western Carteret County,
- 7
- 8 • is respectful of Town and County taxpayers,
- 9
- 10 • considers the concerns of nearby property owners,
- 11
- 12 • maintains and enhances public beach access and parking at this site,
- 13
- 14 • embodies the core values of Emerald Isle (family beach image, small-town atmosphere),
- 15
- 16 • adheres to the Town’s building height limits and other development ordinances, and
- 17
- 18 • that is attractive to a private partner.
- 19

20 As discussed several times in recent weeks, this project is still in the conceptual stage and there is no specific site plan or private
21 partner at this time. The upcoming process will seek to finalize those details. The immediate issue for Board consideration is
22 whether or not the Town should proceed with the purchase of the land on or about June 1, as stipulated in the purchase
23 contract. As noted previously, if the Town is unable to identify a suitable private partner for the development of a new
24 “meeting and events center”, the Board will have three options (and perhaps more) for the property at that time:

- 25
- 26 • the Town could retain ownership of the property and develop it as expanded beach access parking,
- 27
- 28 • the Town could retain ownership of the property and reserve it for future development of a small centralized
29 wastewater system to promote redevelopment in the Village West area, or
- 30
- 31 • the Town could simply market the property for sale to a private entity.
- 32

33 From my perspective, there is very minimal risk to the Town in proceeding with the land purchase, and there are potentially
34 very significant benefits for our community in the future. Every new initiative begins somewhere, and the planned purchase of
35 this 1.8 acre tract represents the very first step of many to develop a “meeting and events center” in Emerald Isle.

36 Satisfaction of Due Diligence Requirements

37 As you know, the Board approved the purchase of this 1.8 acre tract at its March 14 regular meeting, and validated the
38 purchase contract (attached). The purchase price was initially estimated at \$656,250 pending a detailed boundary survey, and
39 as a result of that survey and stipulations in the contract the purchase price has now been reduced to \$629,647. Additionally,
40 the Town expects to incur approximately \$70,000 of additional cost to clean up the property, remove all existing concrete, and
41 restore the land to a grassy field. Thus, the total investment in the 1.8-acre tract is approximately \$700,000.

42

43 The purchase contract includes a “due diligence” period that expires on May 17. At the time of contract execution, the Town
44 provided a \$12,500 earnest money deposit that is refundable up until May 17. The purchase contract includes a June 1 closing
45 deadline. As you know, the primary requirement that needed to be satisfied prior to May 17 is the availability of Carteret
46 County economic development funding to assist the Town with the land purchase. The Town requested a total of \$450,000
47 from Carteret County, and the County Commissioners unanimously approved this funding request at its meeting on May 1,
48 subject to certain conditions outlined below:

- 49
- 50 • as part of the development of a “meeting and events center” on the combined site, the Town shall maintain at least
51 165 public beach parking spaces available for use by the general public after construction of the “meeting and events
52 center”, and
- 53

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 9 of 23

- 1 • title to the 1.8 acre tract shall be jointly held by Carteret County and the Town in proportion to the initial investment
2 (64.3% Carteret County, 35.7% Emerald Isle), until such time that Carteret County determines that it is prudent to
3 release its interest in the property, and
4
- 5 • any lease-hold improvements constructed on the eventual site of a new “meeting and events center” by a private
6 partner and/or any real property that may be transferred to a private partner shall be subject to ad valorem taxation
7 by both Carteret County and the Town, and
8
- 9 • if the Town decides to sell the property and any improvements thereon to a private party in the future, Carteret
10 County shall receive its proportional share of the proceeds of the sale, and
11
- 12 • if the Town is unable to execute a contract with a private partner to construct the new “meeting and events center”
13 before June 30, 2019, the Town shall be required to reimburse Carteret County the full \$450,000 contribution.
14

15 As Town Manager, I am comfortable with these conditions and appreciate Carteret County’s assistance with this beneficial
16 project for our town and our county.
17

18 In addition, as part of the Town’s “due diligence”, a new boundary survey was completed, and a copy of that survey is attached
19 for your review. The total land area to be acquired is 1.846 acres, which is slightly larger than originally believed. The purchase
20 contract specifically states that the Town’s purchase price would be adjusted based on the actual land area, and as a result of
21 this survey (and the companion survey of the batting cage property to the north), the Town’s purchase price decreased from an
22 expected \$656,250 to \$629,647.
23

24 Finally, the Town commissioned a Phase I Environmental Site Assessment of the property to determine if there are any
25 “recognized environmental conditions” on the site. The Town’s consultant, Land Management Group, Inc. (LMG - Wilmington,
26 NC) has indicated that there are no outstanding environmental concerns associated with the property and that no further
27 investigation is warranted. I have attached an excerpt from the Phase I report (the entire report is very lengthy, but is available
28 to you upon request) that includes LMG’s findings.
29

30 If the Board is comfortable that the appropriate “due diligence” requirements have been satisfied, the Town Attorney and I will
31 proceed with closing on the purchase of the land on or before June 1. If the Board has other concerns, I will attempt to address
32 them prior to the May 17 deadline.
33

34 If the Board is comfortable with the County’s conditions attached to its \$450,000 contribution and that all other concerns have
35 been addressed, the Board should direct the Town Attorney and I to proceed with closing on or before June 1.
36

37 Resolution Authorizing Memorandum of Understanding with Carteret County

38 The attached resolution formally authorizes the Town Manager to execute a formal Memorandum of Understanding (MOU)
39 with Carteret County that includes the conditions noted above and outlined in the attached resolution. If the Board approves
40 the attached resolution, I will confer with the Town Attorney before signing the MOU on behalf of the Town.
41

42 Budget Amendments – General Fund, Future Beach Nourishment Fund

43 As noted above, the Town’s contribution toward the land purchase and associated clean-up is \$250,000. In order to finance
44 this expenditure, an internal financing arrangement is proposed whereby the Town would simply “borrow” the money from
45 itself by temporarily adjusting the Town’s current year (FY 16-17) contribution from the General Fund to the Future Beach
46 Nourishment Fund, and then “repay” this internal financing arrangement over the next five years.
47

48 The attached General Fund budget amendment simply reduces the current year (FY 16-17) transfer to the Future Beach
49 Nourishment Fund by \$250,000, and appropriates this \$250,000 to be transferred to the capital project ordinance previously
50 established for the Islander Drive land purchase. The net effect on the cash position of the Future Beach Nourishment Fund is
51 very minor, and the Future Beach Nourishment Fund is projected to have a balance of approximately \$2.5 million at June 30,
52 2017. The Future Beach Nourishment Fund is expected to have sufficient fund balance on hand to meet anticipated future
53 beach nourishment project costs in the next five years. The FY 17-18 Recommended Budget includes the first of five annual
54 payments from the General Fund to the Future Beach Nourishment Fund to retire the proposed internal financing arrangement.
55 A total of \$60,000 is included in the FY 17-18 Recommended Budget for the first payment.

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 10 of 23

1
2 The Town used a very similar approach to finance a portion of the land purchase cost for the Emerald Isle Public Boating Access
3 Area and to finance the construction of the new Welcome Center in recent years. The Board should also note that both of
4 these prior internal financing arrangements were fully retired much earlier than initially stipulated, and that will be my goal for
5 this new internal financing arrangement also.
6

7 Capital Project Ordinance Amendment

8 The attached capital project ordinance amendment is procedural in nature, and simply formalizes the budget adjustments
9 noted above in the capital project account.
10

11 As discussed several times before, the development of a new “meeting and events center” represents a significant challenge for
12 the Town, but I am optimistic that the Town can ultimately achieve this goal in a way that benefits the entire Emerald Isle
13 community and that is consistent with our overall values.
14

15 Town Manager Frank Rush outlined the four different actions to be considered by the Board
16 associated with the purchase of a 1.8 acre tract of land on Islander Drive as outlined in further
17 detail in the memo provided above. Town Manager Rush said he was pleased to report that the
18 Carteret County Board of Commissioners approved the allocation of \$450,000 of economic
19 development funds to assist the Town with the purchase of the property, noting that was
20 probably the key due diligence requirement that was included in the purchase contract that
21 was validated by the Board in March. Town Manager Rush stated that if the Board approved
22 they would proceed with the purchase of the property no later than June 1. Town Manager
23 Rush described the conditions on the Carteret County award that he felt were reasonable and
24 hoped the Board would be comfortable with as detailed in the attached Resolution (and memo
25 above) that basically gave him the authority to execute an interlocal agreement Memorandum
26 of Understanding (MOU) with the county.
27

28 Town Manager Rush stated that if the Board approved the purchase they were getting ready to
29 embark on what he thought would be a very interesting and challenging process going forward
30 as they worked toward the future development of a meeting and event center in this area of
31 Emerald Isle. Town Manager Rush said they had talked a lot at the March meeting and in
32 recent months about the goals for that area obviously to provide additional economic activity in
33 Emerald Isle, and to hopefully be a catalyst for additional redevelopment in that area of
34 Emerald Isle which was underutilized and didn’t look as nice as they would all like. Town
35 Manager Rush said moving forward if approved he would expect that the Board would spend 6
36 months to a year determining exactly what was important to them as they worked toward the
37 future development of a meeting and event center. He thought once a comfort level was met
38 they could solicit proposals from potential private partners to enter a partnership with the
39 Town, build a facility, create the meeting and event center, and hopefully enable them to do
40 something good and have some nice investment in our community and overall enhance that
41 area.
42

43 Town Manager Rush thought they had a very good chance of making that happen but as
44 discussed many times it would be challenging and they may fail. Town Manager Rush said if
45 they went forward with the land purchase right now they had the ability to try to make

1 something very good happen in Emerald Isle in the future. He felt if they worked hard in two
2 years they could put something good together that our community would be proud of and
3 support, and would provide those economic benefits, but if they could not he thought there
4 was very minimal risk to the Town going forward. Town Manager Rush said if they were not
5 able to put together a good contract with a private partner the Board may decide to keep the
6 land and perhaps expand the regional beach access facility, or as discussed considerably during
7 the Comprehensive Land Use Plan process, work toward a small scale waste water treatment
8 plant for the Islander Drive area, again to try to promote some quality redevelopment. Town
9 Manager Rush said the final failsafe would be to sell the property which is why he was
10 comfortable making the recommendation to the Board without having a specific plan in place
11 for the meeting and event center.

12
13 Commissioner Messer commented before taking public comment that this item tonight was for
14 the land purchase, we were not building, talking about parking, or beach access. Commissioner
15 Messer said those meetings may come or may not come at a later date but tonight they would
16 welcome any comments about the land purchase.

17
18 Mayor Barber asked for public comments.

19
20 John Hofstetter (sp), Queens Court, said he attended the Carteret County Commissioner
21 Meeting in Beaufort the past week and the question came up about the meeting and event
22 center that the Islander had just completed, he thought the question was asked about three
23 times but was never answered. He said that that the Islander had a wedding there the past
24 Saturday and inside the building there was a banquet hall set up for 200-250 people with food
25 line, buffet line, and bar line, and he thought if that wasn't a meeting and event center he
26 didn't know what was. His question and lack of understanding was why did they need two on
27 the same spot.

28
29 Commissioner Messer said again they were talking about purchasing the land tonight and not
30 about building.

31
32 Angelo "Bucky" Citro, Queens Court, said he had yet to hear where the 165 parking spaces were
33 going to be located. He said they would love to see the area cleaned up and if that was where
34 the event center went then no problem but if they moved the 165 spaces there he and his wife
35 clocked it to be two-tenths of a mile from that area to the water. Mr. Citro thought the people
36 from Bogue, Cedar Point, and Swansboro, and people who lived in Emerald Isle who had to use
37 that access would be upset about having to carry their chairs and coolers that distance.

38
39 James Wolfe, 9100 Reed Drive, Queens Court, said in the land purchase there was also a
40 \$57,000 item for cleaning up the land as part of the purchase, and he had asked if there was a
41 bid to be placed out and he was just curious where the \$57,000 came up. He said he was sure it
42 was somewhere between private and public information that Frank had put together. Mr.

1 Wolfe said it was stated at the Carteret County Commissioners meeting that they would do due
2 diligence until May 17, purchase the land on June 1 and start reclamation of the land on June 2.
3 Mr. Wolfe felt between the 1st and 2nd was not a lot of time for bids and he was just curious
4 who they had decided between the 1st and 2nd of June would start the work. He thought it
5 would be nice if they had any idea of who would be doing it, how they were being paid, the bid
6 process, understanding there was no requirement to put a bid out unless there was a \$250,000
7 need, though the Town sometimes puts bids out for over \$30,000. He felt as general public
8 knowledge they should put that on the website so they would know who, what, where and
9 when these things would happen.

10
11 Town Manager Frank Rush stated there was already significant concrete on those sites that
12 needed to be removed, and as they had worked on this they wanted to make sure they had a
13 good estimate going forward to remove the concrete so the estimate was provided by one of
14 the local contractors a few months ago and there was a total of \$70,000 included in the budget
15 amendments in Board packets quoted for everything including the batting cage property. Town
16 Manager Rush had also been in conversation with two other contractors as well and if the
17 Board approved this purchase his expectation was to reach out to all three of those contractors
18 later this week to secure informal quotes which was what the law required for informal bids.
19 Town Manager Rush said they would then pick the lowest bid with the goal being to send them
20 out right after they closed on the property. Town Manager Rush said one of the key goals was
21 to get the place cleaned up and restored back to a grassy area that would ultimately enhance
22 the value. Town Manager Rush said anyone was welcome to look at the bids and he would
23 certainly make sure they had three informal bids for that work.

24
25 Ronnie Watson, 9201 Coast Guard Road, said he couldn't wait to see that area cleaned up. Mr.
26 Watson said Town Manager Frank Rush had worked hard to put this together and it would be a
27 benefit for not just the Town of Emerald Isle but for Carteret County, and he thought it was
28 money very well spent. Mr. Watson said when you drove into Emerald Isle going to the parking
29 lot it looked rough. He thanked Frank for the work he had done and told the Commissioners
30 that they were looking at the future because there would not be any more land made. Mr.
31 Watson said they had to think what would happen 10, 15, 20 years from now, and whatever
32 they did with it, whether they bought it, built an event center, it would be the best for Emerald
33 Isle. Mr. Watson also thanked the Board for their hard work keeping taxes low and that they
34 did a great job, and to Town Manager Frank Rush – job well done.

35
36 ***Motion was made by Commissioner Messer to concur that all pertinent "due diligence"***
37 ***requirements have been satisfied, and direct the Town Manager and Town Attorney to***
38 ***proceed with closing. The Board voted unanimously 5-0 in favor. Motion carried.***

39
40 ***Motion was made by Commissioner Finch to approve the Resolution Authorizing***
41 ***Memorandum of Understanding with Carteret County. The Board voted unanimously 5-0 in***
42 ***favor. Motion carried.***

1
2 **Motion was made by Commissioner Wright to approve the General Fund budget amendment**
3 **and the Future Beach Nourishment Fund budget amendment. The Board voted unanimously**
4 **5-0 in favor. Motion carried.**

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

8
9 Clerks Note: A copy of Resolution 17-05-09/R1, General Fund Budget Amendment, Future Beach Nourishment Budget
10 Amendment, and Capital Project Ordinance Amendment as noted are incorporated herein by reference and hereby made a
11 part of these minutes.

12
13 **13. Hurricane Preparedness Items**

- 14
15 **a. Resolution Authorizing Pre-Positioned Hurricane Debris Removal Contract (17-05-09/R2)**
16 **b. Resolution Authorizing Pre-Positioned Emergency Pump Rental Contract (17-05-09/R3)**
17

18 Public Works Director Artie Dunn addressed the Board concerning this Agenda item. The
19 following excerpt from the Town Manager to the Board is provided for additional background:

20
21 With hurricane season approaching, I have included 2 items aimed at insuring the Town's preparedness for any hurricane
22 threats during the 2017 season on the May 9 meeting agenda.

23
24 Resolution Authorizing Pre-Positioned Hurricane Debris Removal Contract

25 The Board of Commissioners is asked to approve the attached resolution authorizing the Town Manager to execute a pre-
26 positioned disaster debris removal contract with Custom Tree Care, Inc., Topeka, KS. This contract would only be activated if a
27 hurricane strikes and the Town needs outside assistance to remove storm debris.

28
29 The Town is wise to enter into a pre-positioned contract for debris removal, as it fosters a quick response in the event that a
30 storm does strike Emerald Isle. It also allows us to resolve contractual issues up-front, without the stress of responding in the
31 immediate aftermath of a hurricane. The Town has entered into a pre-positioned contract for the past several years, and
32 fortunately has only had to actually activate the contract twice. The Town activated its contract with Tarheel Specialties,
33 Linden, NC, in 2005 due to debris generated by Hurricane Ophelia, and activated its contract with Disaster Recovery Group and
34 Tree Services, Arden, NC, in 2011 due to debris generated by Hurricane Irene. The pre-positioned nature of the contract
35 enabled these contractors to begin work almost immediately after the storm, and also saved Town staff valuable time to devote
36 to other storm-related issues. I am hopeful that we will not be impacted by a storm this year and will thus not activate the
37 debris contract, however, I am pleased that we will be prepared ahead of time. The proposed contract with Custom Tree Care,
38 Inc. requires debris removal operations to begin with 48 hours of notice to proceed.

39
40 Barry Johnson, the Town's FEMA consultant, Artie Dunn, Public Works Director, and Laura Rotchford, Finance Director,
41 coordinated the bid process for this pre-positioned contract. We received bids from 4 firms, and Custom Tree Care, Inc. is
42 determined to be the overall low bidder. Unit price costs are as follows:

43
44

Construction and Demolition Debris Removal (disposal at Coastal Environmental Partnership facility in Tuscarora, NC)	\$59.00 per ton
Construction and Demolition Debris Removal (disposal at alternate GRS facility in Maysville, NC)	\$54.00 per ton

45
46
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MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 14 of 23

1	Construction and Demolition Debris Removal – Beach	\$73.00 per ton
2	(disposal at Coastal Environmental Partnership	
3	facility in Tuscarora, NC)	
4		
5	Vegetative Debris Removal	\$6.40 per cubic yard
6	(disposal within 30 mile round trip – Peletier site)	
7		
8	Vegetative Debris Removal	\$6.90 per cubic yard
9	(disposal within 30-50 mile round trip – Newport site)	

10
11 As noted in the attached letter from Barry Johnson, the Town’s FEMA consultant, the determination of Custom Tree Care, Inc.
12 as the low bidder is based on an assumption of the amount of debris generated by a Category 2 storm, as calculated based on
13 Federal guidance and outlined in the Town’s bid documents. As noted on the bid tabulation, Coastal Tree Care, Inc. is the low
14 bidder for all four categories, and thus there is no question about the bid results. Barry Johnson has completed a thorough
15 evaluation of Coastal Tree Care, Inc., and is confident in their ability to complete the work in a timely and quality manner.

16
17 The Board should note that the bid process was based on assumptions that the construction and demolition debris will be
18 disposed of at the Coastal Environmental Partnership’s facility in Tuscarora, NC, however, if Carteret County establishes a closer
19 facility in the aftermath of a storm this strategy and pricing will be re-evaluated. The bid process also assumed that vegetative
20 debris would either be disposed of at a County vegetative debris disposal facility located on NC 58 near Peletier or at a County
21 location in the Newport area, hence the alternate bid prices for the disposal of vegetative debris. The NC 58 location is
22 obviously much more convenient for Emerald Isle, and we are hopeful that the County will make this site available this year if
23 necessary. All costs for hurricane debris removal should be eligible for FEMA reimbursement if Carteret County is declared a
24 disaster area.

25
26 In the past, there has been some question about whether NCDOT or the Town should be responsible for debris collection along
27 NC 58. This issue has been resolved as a result of a 2016 agreement executed with NCDOT. This agreement allows the Town to
28 collect debris along NC 58 and remain eligible for FEMA reimbursement. The Town is likely better equipped than NCDOT for a
29 more timely response, and will have greater flexibility to insure that customer service and community aesthetics goals are met.

30
31 Unfortunately, the Board should again note that FEMA has indicated that the Town will not be reimbursed for collection of
32 debris from private streets. This ruling is completely illogical, in my opinion, as the residents on private streets are also Federal
33 and State taxpayers and deserve the same level of service. Our intention for private streets after future storms is to collect all
34 debris in the same manner as the rest of the Town. Depending on the nature of the storm and the volume of debris, Public
35 Works may be directed to collect from private streets or the Town’s contractor will be dispatched to private streets at Town
36 expense. We may also take a “hybrid” approach by having Public Works collect the debris from the private streets, deposit the
37 debris on public streets, and have the contractor collect from the public streets (which is reimbursable). This “hybrid” approach
38 was utilized after Hurricane Irene in 2011. I feel strongly that we owe the same level of service to our citizens who live on
39 private streets as we offer to all other residents.

40
41 The attached resolution also authorizes the execution of a contract with D&J Enterprises, Inc., Auburn, AL as the Town’s second
42 call contractor at specified unit prices. D&J Enterprises, Inc. was the second overall lowest bidder in the Town’s recent bid
43 process. The contract with D&J Enterprises, Inc. would only be activated if Custom Tree Care, Inc. fails to perform under the
44 contract.

45
46 A copy of Barry Johnson’s debris contract recommendation and the complete bid tabulation are attached for the Board’s
47 information. I recommend approval of the attached resolution.

48
49 Resolution Authorizing Pre-Positioned Emergency Pump Rental Contract

50 The Board of Commissioners is also asked to approve the attached resolution authorizing a pre-positioned emergency pump
51 rental contract with United Rentals, Jacksonville, NC, at unit prices specified in the attached bid tabulation. United Rentals
52 submitted the lowest bid, and the Town also received a proposal from Xylem Dewatering Solutions, Belville, NC.

53
54 The execution of a pre-positioned emergency pump rental contract will enable the Town to respond quicker and more
55 effectively in the event that Emerald Isle is impacted by significant flooding as a result of a hurricane. As you know, the Town
56 now relies on a total of 9 fixed pump locations in the Coast Guard Road area. These fixed pump locations (Deer Horn Drive,

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 15 of 23

1 Osprey Ridge, Doe Drive, Conch Court, Shipwreck Lane, Col Henson Court, Lands End – 2, and Island Circle) are expected to
2 effectively prevent or resolve any flooding issues in these areas, and the emergency pumps included in the rental contract
3 would provide additional portable pumping capability if necessary in other locations in the Coast Guard Road area or other
4 areas of Emerald Isle.
5

6 The attached resolution authorizes the Town Manager to execute a contract with United Rentals that calls for the delivery and
7 initial set-up of three 6” storm water pumps and associated hose for use in Spinnakers Reach and Dolphin Ridge (or other
8 locations as determined by the Town based on actual needs at the time). Additionally, the contract provides for additional 3”
9 storm water pumps and hose if necessary, and these pumps would supplement the Town’s existing pump equipment. Under
10 the terms of the contract, all equipment would be guaranteed to be available, and would be operational within 24 hours of a
11 notice to proceed. The attached bid tabulation indicates the unit price costs for delivery, setup, and first day rental (code A),
12 daily rental (B), weekly rental (C), and monthly rental (D), and each number (1, 2, 3, etc.) represents a different pump location.
13 Based on previous experience, the most likely pump rental duration is the weekly rental (C).
14

15 The Board should note that the emergency pump rental contract is a 2-year contract. The attached contract would be in effect
16 for the 2017 and 2018 hurricane seasons, and the Town would solicit new proposals prior to the 2019 hurricane season.
17

18 As is the case for the debris contract, the emergency pump rental contract will only be activated if a need for this equipment
19 exists. The Federal Emergency Management Agency (FEMA) is expected to reimburse the Town for 100% of costs associated
20 with this contract if activated due to a hurricane, however, the contract may also be activated for other severe storm water
21 flooding events not associated with a hurricane. In these instances, the Town would bear the full cost of activating the
22 contract.
23

24 The Board should note that the Town also solicited bids for a pre-positioned emergency generator rental contract for 2017 and
25 2018, however, we did not receive any bids. Barry Johnson and Artie Dunn are currently evaluating other approaches for
26 emergency generators, and we may present a recommendation to the Board in the future. These generators are intended to
27 supply power to the Town’s fixed storm water pump stations in the event that power is out for a prolonged period of time (all
28 Town buildings are equipped with fixed generators). In a worst case-scenario, the Town would first attempt to rent portable
29 generators in the aftermath of a storm event (but there may significant demand from other communities at that time, and thus
30 a lack of supply) or seek generators through the NC Division of Emergency Management. Fortunately, the power has not
31 remained out for a prolonged period of time for recent storms, and the Town’s electric-powered storm water pump stations
32 effectively resolved flooding concerns in those areas.
33

34 Artie Dunn, Public Works Director discussed the pre-positioned hurricane debris removal
35 contract and emergency pump rental contract and the bid solicitation results with the Board as
36 further outlined in the Town Manager’s memo provided above. Public Works Director Dunn
37 noted that they would typically also have an emergency generator contractor available to offer
38 at the same time however, they were unable to secure any acceptable bids on generators.
39 Director Dunn said in the event of disasters, generators were in very high demand and nobody
40 was willing to commit to having those generators just sitting waiting for him to call them.
41 Director Dunn said he was currently working to re-evaluate our generator needs and hoped to
42 be able to put something together to offer out to contractors for bids and bring back to the
43 Board sometime in the near future. Public Works Director Dunn said the generators would be
44 used to power our in ground stormwater, electric stormwater pumps in the event we were
45 without power for a significant amount of time and had flooding.
46

47 Town Manager Frank Rush added that there had been two years they actually had to activate
48 these contracts – after Ophelia in 2005, and Irene in 2011, but it was good practice to have
49 these contracts in place as they were really life savers when they were impacted by those

1 storms to have all this worked out ahead of time. Town Manager Rush said they would only
2 activate the contracts if they were impacted and the expenses should be reimbursed by FEMA.

3
4 ***Motion was made by Commissioner Messer to approve the Resolution Authorizing Pre-***
5 ***Positioned Hurricane Debris Removal Contract. The Board voted unanimously 5-0 in favor.***
6 ***Motion carried.***

7
8 ***Motion was made by Commissioner Normile to approve the Resolution Authorizing Pre-***
9 ***Positioned Emergency Pump Rental Contract. The Board voted unanimously 5-0 in favor.***
10 ***Motion carried.***

11
12 Clerks Note: A copy of Resolution 17-05-09/R2, and 17-05-09/R3 as noted are incorporated herein by reference and hereby
13 made a part of these minutes.

14
15
16 **14. Ordinance Amending Chapter 10 – Business Regulations – of the Code of Ordinances**
17 **Regarding Towing Services (17-05-09/O2)**

18
19 Police Chief Tony Reese addressed the Board concerning this Agenda item. The following
20 excerpt from his memo to the Town Manager is provided for additional background:

21
22 After learning that Cherry Point Towing had towed several vehicles this past weekend at the request of Wings, I reached out to
23 Mr. Larry Watson, the managers of Wings and Cherry Point Towing to reinforce the requirements of the towns' ordinance in
24 this regard. During my conversations with them, several concerns were expressed regarding the town's ordinance regulating
25 towing services contracted by private entities to remove unauthorized vehicles from parking lots within the town. The major
26 complaint seems to be that this is an ongoing problem in the downtown area and because of the town's ordinance, the
27 business owners have no way to address this problem on their property. Another issue that was raised was the requirement in
28 the ordinance that the signs be 24"x24", rather than accepting the 18"x24" signs that are already in place at these locations.

29
30 Mr. Watson expressed his desire to be able to allow his tenants to protect their property and stated that there are issues with
31 people parking in the parking spaces for businesses who lease from him. He stated that people constantly park in spaces
32 reserved for customers and then leave their cars to walk to the beach. This keeps customers from being able to access the
33 business. Carla, one of the managers of Wings, stated that people using their lot for beach parking is a huge problem and she
34 knows that they lose customers because of it. She cited that on Memorial Day weekend in 2015 they had to have 40 cars
35 towed from their lot and that she constantly hears complaints from customers about the lack of parking in the downtown area.
36 She also voiced her concern that the ordinance made it impossible for them to keep their relationship with Cherry Point
37 Towing, since there were no other companies out there offering this service. She assured me that all of the vehicles that were
38 towed from their lot were requested to be towed by a manager after making efforts to find and have the person move the
39 vehicle.

40
41 I can confirm that since this ordinance was passed, only two companies have submitted an application to be permitted. Roy's
42 Automotive, who is permitted, however, refuses to engage in this type of towing because he feels that it will hurt other
43 business for him, and Cherry Point Towing. The application submitted by Cherry Point Towing was reviewed and subsequently
44 denied by Chief Waters based on the fact that their storage lot is located 16.7 driving miles from the corporate limits, at 1138
45 Lake Road, Newport, NC. This distance exceeded the requirement in the ordinance that the storage location be within 15
46 driving miles of the corporate limits of Emerald Isle. I contacted the owners of Cherry Point Towing on 5/1/2017, where they
47 were informed that they were not permitted and that if they were found towing in violation of town ordinance, that they would
48 be cited. Both Mr. Tillman and his mother expressed their desire to become permitted through the town and to work with the
49 local businesses to address this issue.

1
2 They expressed understanding about the town wanting to protect the public, but stated that the businesses needed the same
3 protection and the current ordinance prohibits that. They have requested that the town consider extending the 15 mile
4 requirement for the storage lot to 20 miles, and also asked that the board consider changing the required 24"x24" size of the
5 signs to the current signage that is posted which is 18"x24", since all of the information required by the ordinance is on the
6 current signage and is clearly visible in compliance with the ordinance. They have expressed a desire to comply with the
7 ordinance and stated that they can if the town would be willing to consider these changes to the current ordinance.
8

9 Police Chief Tony Reese stated that the past week he had several conversations with the owner
10 of Wings and Larry Watson, a business owner of several downtown shopping centers. Chief
11 Reese said there was concern since the passing of the current ordinance in Emerald Isle that
12 there had been two wrecker services that had applied to tow vehicles in Emerald Isle under the
13 ordinance, one of which was permitted and chose not to provide that service to businesses, and
14 the other was denied a permit because the requirements of the ordinance required they be
15 within 15 miles of the town limits and their business was located 16.7 miles from the Town
16 limits. Chief Reese noted the second part of the ordinance that raised concerns was that there
17 were signs that had already been posted at several of the local businesses that were "18"x"24"
18 in size and the ordinance was requiring "24"x"24" in size, the concern being the replacement of
19 the signs, which there were many of, would be an excessive cost to the business owners. Chief
20 Reese as noted in his memo above recommended that consideration be given to amending the
21 ordinance to permit wrecker services up to 20 miles from the Town limits, and additionally to
22 change the ordinance for the signs from "24"x"24" to an "18"x"24" sign.
23

24 ***Motion was made by Commissioner Finch to adopt the Ordinance Amending Chapter 10 –***
25 ***Business Regulations – of the Code of Ordinances Regarding Towing Services. The Board***
26 ***voted unanimously 5-0 in favor. Motion carried.***

27
28 Clerks Note: A copy of Ordinance 17-05-09/O2 as noted is incorporated herein by reference and hereby made a part of these
29 minutes.
30

31 **15. Appointments – Board of Adjustment – 4 Vacancies**

32
33 **Brief Summary:**

34
35 There will soon be 4 vacancies on the Board of Adjustment -- three regular member slots and
36 one alternate member slot. The Board should appoint at least 2 individuals to vacant regular
37 member slots in order to insure a total of 5 members for any future meetings. The Board may
38 also wish to consider abolishing the Board of Adjustment and assigning its duties to either the
39 Board of Commissioners or the Planning Board. The Board of Adjustment has not met since
40 November 2011.

41
42 Commissioner Messer suggested letting the Planning Board also serve as the Board of
43 Adjustment since the Board of Adjustment had not met since 2011. Commissioner Normile said
44 having served on the Planning Board himself he was sure the Planning Board could do it but

1 asked the Planning Board Chairman Kenny Sullivan, who was in attendance, his opinion.
2 Planning Board Chair Kenny Sullivan stated that if the Board tabled this item he would discuss
3 the issue with the Planning Board at their next meeting. Planning Board Chair Sullivan said they
4 could certainly handle it but there were differences in what the two boards did and he thought
5 it would be fair to first discuss with the Planning Board members, as they were now an advisory
6 panel and would become quasi-judicial for Board of Adjustment.

7
8 Town Planner Edmondson said he would plan on covering this with the Planning Board at their
9 May meeting, explaining the differences between the two seats to outline the quasi-judicial
10 role for their discussion.

11

12 **16. Comments from Town Clerk, Town Attorney, and Town Manager**

13

14 There were no comments from the Town Clerk or Town Attorney.

15

16 Town Manager Frank Rush mentioned the May 24 meeting in Raleigh, a group of mostly coastal
17 local government officials were attending to meet with key leaders in the House about the sales
18 tax distribution issue. Town Manager Rush noted that the Coast Guard was not satisfied with
19 the dredging that the Corps of Engineers did in Bogue Inlet recently to the point that they can't
20 reinstall the aids to navigation. Town Manager Rush said hoped they could get them here
21 before Memorial Day though that may not happen, but as soon as they could get it tidied up a
22 little better the Coast Guard would put the aids to navigation out. Additionally, it was noted
23 that the grant applied for in December to the NC Division of Water Resources to do cleanup
24 work in Archers Creek for \$25,000 had been awarded. Town Manager Rush said there was a
25 condition in the grant that he wanted to discuss with the homeowners associations along the
26 creek before coming back with a recommendation going forward. Lastly, the Nies attorneys
27 had petitioned with the US Supreme Court to hear the Nies v. Emerald Isle case and it was
28 expected they would make a decision later this summer or fall as to whether they would hear
29 the case.

30

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

33

34 **Nies File Petition with US Supreme Court**

35 The Nies' attorneys, backed by the Pacific Legal Foundation, a California-based organization, have now petitioned the US
36 Supreme Court to review the NC courts' ruling. A copy of the petition is posted at [https://www.emeraldisle-](https://www.emeraldisle-nc.org/Data/Sites/1/media/pdfs/legal/final-nies-cert-petition.pdf)
37 [nc.org/Data/Sites/1/media/pdfs/legal/final-nies-cert-petition.pdf](https://www.emeraldisle-nc.org/Data/Sites/1/media/pdfs/legal/final-nies-cert-petition.pdf) . The Town's attorneys will submit a response to this petition
38 soon, and I will provide additional updates about this case as it evolves.

39

40 **PARTF Grant Submitted for Surfside Realty Tract**

41 This \$500,000 grant application was submitted prior to the May 1 deadline, and will be considered by PARTF later this summer.
42 We expect to receive a decision no later than September, which is when we also expect to receive decisions from the Clean
43 Water Management Trust Fund (\$545,000) and MCAS Cherry Point (\$1,500,000). I remain optimistic that funding will be
44 awarded for this strategic land acquisition.

45

MINUTES OF THE REGULAR MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
MAY 9, 2017
Page 19 of 23

1 I have attached a copy of a conceptual plan for the proposed new park for your information. The plan is VERY preliminary, but
2 indicates my general idea of how a new nature park / active park might be arranged in the future. As we discussed, if the Town
3 can acquire the land later this year, I would expect to open it up for public use of nature trails sometime next year, and that the
4 Town would undertake a public input process to determine specific active recreation facilities in the future. I don't anticipate
5 any development of future active recreation facilities for at least a few years, if not longer.
6

7 You will note that, according to the attached conceptual plan, no vehicle access is available to the site other than via the
8 Community Center. A total of 9.7 acres is reserved for future active park development near the southern boundary of the
9 property in an attempt to provide ample separation from adjacent property owners and to orient the new active park facilities
10 with the rest of the Town Government Complex.
11

12 **Senate Bill 126 – Sales Tax Distribution Changes – Approved by NC Senate**

13 This bill, which is very harmful to Emerald Isle and Carteret County, has been approved by the NC Senate and is expected to be
14 heard in the NC House in the coming weeks. The original estimate put forth by the NC General Assembly indicated Emerald Isle
15 would lose approximately \$64,000. Finance Director Laura Rotchford had estimated a total loss of approximately \$83,000, and
16 the FY 17-18 Recommended Budget takes that loss (and a little more) into account. Unfortunately, on the day after Town staff
17 completed the FY 17-18 Recommended Budget, the NC General Assembly released new estimates that show the loss for
18 Emerald Isle could be as much as \$159,000!
19

20 I have been discussing this issue with Representative McElraft for several weeks now, and she is aware of the potential for
21 additional harm to Emerald Isle and Carteret County (all municipalities in the County are impacted to a similar degree). I will be
22 working closely with Representative McElraft and others on potential strategies to derail or amend S126 in the coming weeks.
23 If the Board concurs, I may also send a mass email newsletter to our ~ 7,200 subscribers urging them to contact their local NC
24 House members to express opposition.
25

26 **Bicycle and Pedestrian Safety Campaign**

27 EIPD is working with other area Police Departments on the implementation of a bicycle and pedestrian safety campaign, with
28 particular emphasis on crosswalks. The program will include public education and enforcement components, and will begin
29 over Memorial Day weekend.
30

31 **Driveway Widths, Right of Way Parking Inventory**

32 The Town's ordinances limit residential driveway widths to 16 ft., and allow a maximum of 2 driveways per unit. As you have
33 likely noticed, there are some residential properties establishing additional residential parking spaces in the public street right
34 of way (primarily on Ocean Drive). Although some of these include attractive landscape features, they are not permitted under
35 the Town's ordinances and Town staff have received complaints.
36

37 Town Planner Josh Edmondson will be hosting an intern this summer, and we intend to task him with preparing an inventory of
38 these features so that we can get a better handle on the magnitude of this issue. Depending on the results of the inventory, we
39 may begin working with property owners to have the parking areas modified or removed, or may recommend an ordinance
40 amendment to the Board of Commissioners in the future.
41

42 **Commercial Village Zoning District**

43 Town Planner Josh Edmondson will soon begin work with the Planning Board on specific development regulations for the
44 proposed "Commercial Village" zoning district. This new district would encompass the current Business zoning district, and
45 would allow the use of complementary residential uses on upper floors. We hope to present formal ordinance amendments to
46 the Board of Commissioners later this summer.
47

48 **New EMS Board of Directors**

49 The new EMS Board of Directors has been seated, and Dr. Gerald Albright has been selected as Chairman. Jack Bunyan is the
50 Vice-Chairman, Arlayne Calhoun is the Treasurer, and Angel Hamlin is the Secretary. We look forward to working with the new
51 El EMS, Inc. Board in the future.
52

53 **Osprey Ridge Pump Station Complete**

54 SunLand Builders has essentially completed work on this project, and Artie Dunn, Public Works Director, and I are scheduled to
55 test the new pump station this week.
56

1 **Bogue Inlet Drive Improvements, Bike Path**

2 This project is nearly complete, with the exception of decorative light installation, sod installation, and bollard installation. We
3 expect these features to be installed within the next week or two.
4

5 **Street Resurfacing Complete**

6 The last street segment, Louise Avenue (the entrance to the Western Ocean Regional Access) was resurfaced on April 27, and
7 all work under the 2017 street resurfacing contract is now complete.
8

9 **Marsh Cove Road Street Request?**

10 Residents in the Marsh Cove subdivision are considering asking the Town to assume public ownership and maintenance of
11 Marsh Cove Road, and this request may be presented to the Board at a future meeting. Public Works Director Artie Dunn and I
12 have reviewed the road condition, and don't have any objection to Marsh Cove Road being added to the Town's street
13 network. The road is in generally good condition, and resurfacing is likely still many years away.
14

15 **Bogue Inlet Dredging**

16 The US Army Corps of Engineers has completed recent dredging work, and we are still awaiting the relocation of the aids to
17 navigation. I have attached a late-April survey that shows the recent work near The Point and the ocean bar. The survey for
18 the remainder of the connector channel (toward Cedar Point) has not yet been posted on the USACE website.
19

20 **New Financial Auditors**

21 Williams, Smith, Scarborough, and Gray LLP recently informed the Town that they are no longer performing municipal audits,
22 and will not be able to complete the Town's June 30, 2017 audit. Finance Director Laura Rotchford is currently soliciting
23 proposals from other firms, and we plan to present a contract recommendation to the Board at the June 13 meeting. We may
24 ask the Audit Committee to convene in late May or early June to review proposals.
25

26 **Archers Creek West Stream Restoration Project Grant Awarded**

27 The Town was recently notified that we've been awarded a \$25,000 grant from the NC Division of Water Resources for this
28 project, which would remove vegetative and other debris from the segment of Archers Creek that flows west from Old Ferry
29 Road to Forest Hills Mobile Home Park and Bogue Sound. As you may recall, the neighborhoods along this segment of the creek
30 are partnering with the Town on this project, and agreed to contribute a portion of the \$25,000 local match. The grant award
31 includes a condition that no stumps or roots be removed, and I need to learn more and discuss this condition with the
32 neighborhoods before seeking the Board's acceptance of the grant funds. If the Town proceeds, I would expect this work to
33 occur sometime this coming winter.
34

35 **Sound Drive Pavement Repairs**

36 There are a few significant "dips" in the asphalt on Sound Drive near the marina, and Public Works is working to repair those
37 areas sometime before Memorial Day weekend.
38

39 **Lifeguard Services Begin May 24**

40 The Fire Department has filled all summer lifeguard positions, and will conduct in-house training on May 13 – 14 and May 20 –
41 21. The first day of lifeguard services will be Wednesday, May 24. On the busiest days, a total of 5 lifeguards will be on the
42 beach – 1 fixed lifeguard at the Eastern Ocean Regional Access, 1 fixed lifeguard at the Western Ocean Regional Access, 2 roving
43 lifeguards on all-terrain vehicles, and 1 roving supervisor on an all-terrain vehicle.
44

45 **Save Our Dunes Initiative Volunteers Planting at WORA**

46 A group of volunteers, led by resident Carla Stevens, will be planting beach grasses on the dunes near the new Beach Music
47 Festival stage this week. We appreciate their efforts to better stabilize and improve the appearance of the dunes.
48

49 **Recent Beach Erosion**

50 We have received concerns from oceanfront owners in the Ocean Reef condominium complex in recent weeks about beach
51 erosion. Winter storms have decreased the width of the flat, dry sand beach in that area, however, we believe that most of the
52 sand has simply shifted slightly seaward in the profile, and should be just offshore in the trough. We expect the summer wind
53 and waves to push this sand back up on shore in the coming months. We will be monitoring this area, and also look forward to
54 seeing the results of a new beach profile survey planned for June.
55
56

1
2 **Publix Groundbreaking Expected Soon**

3 Town Planner Josh Edmondson recently met with engineers and grading contractors on site to review plans and Town
4 requirements. SunLand Builders is performing site work for the Publix store, and we expect work to begin very soon. Crew
5 Drive will remain open throughout construction. Planned road improvements to Crew Drive, Emerald Landing Drive, and the
6 NC 58 roundabout construction are not expected to begin until after the summer season.
7

8 **Beach Access Walkway Replacements**

9 The Town's contractor has completed the replacement walkways at Sea Crest and Georgia Street, and is now working on the
10 Hubert Street walkway. We hope to have this walkway complete and open to the public no later than Memorial Day weekend.
11

12 **House Bill 900 – Additional Municipal Revenue Options**

13 This bill has been introduced by Representative Ross and Representative Saine, and would provide a mechanism for a new
14 municipal sales tax, room tax, and prepared meals tax, if approved by the voters in a referendum. I am not sure of the
15 prognosis for this bill, but it's encouraging, and may provide the Board with alternative revenue sources in the future. A copy of
16 the bill is attached.
17

18
19 **School Calendar Bills**

20 Two bills, H375 and H389 have been passed by the NC House and may soon be considered by the NC Senate. H375 essentially
21 allows any school system to set its school start date to match the local community college, but not earlier than August 15.
22 H389 establishes a pilot program whereby 20 school systems would be permitted to begin the school year as early as August
23 10, with corresponding studies on the impact of this change on student achievement. NC Senate Committees have not yet
24 taken any action on these bills, and Senate President Pro-Tem Phil Berger has been quoted that he does not see the need for a
25 change in the school calendar law. Thus, we remain hopeful that neither bill will ultimately be approved by the NC Senate.
26

27 **New Beach Swing at the Western Ocean Regional Access**

28 The new beach swing installed near the base of the dunes at the Western Ocean Regional Access is getting a lot of use, and
29 we've had a few inquiries from property owners interested in sponsoring a beach swing at other accesses. However, we were
30 recently informed by NC Division of Coastal Management staff that we will either need to remove the swing, modify it to be
31 "moveable" (install skids?), or seek a variance from the NC Coastal Resources Commission. Town staff are still evaluating these
32 options, and NC DCM staff will not require the Town to remove the WORA beach swing until we decide on the best course of
33 action.
34

35 **Draft EIS for Beach Nourishment "Master Plan" to Be Released**

36 The Draft Environmental Impact Statement for the "Master Plan" for future beach nourishment activities in our area has finally
37 been released, and is available for public review at
38 [https://www.federalregister.gov/documents/2017/04/14/2017-07572/the-release-of-the-draft-environmental-impact-](https://www.federalregister.gov/documents/2017/04/14/2017-07572/the-release-of-the-draft-environmental-impact-statement-deis-for-the-bogue-banks-master-beach)
39 [statement-deis-for-the-bogue-banks-master-beach](https://www.federalregister.gov/documents/2017/04/14/2017-07572/the-release-of-the-draft-environmental-impact-statement-deis-for-the-bogue-banks-master-beach) . The deadline for public comment is May 29, 2017.
40

41 The Draft EIS outlines planned future beach nourishment activities for all of Bogue Banks, including Emerald Isle, and also
42 outlines future management efforts in Bogue Inlet. The Draft EIS covers a 50-year planning period, and will be followed by a
43 Final EIS later this year or early next year. The Final EIS should then enable the issuance of a 50-year Federal and State permit
44 authorization for future beach nourishment and inlet management activities in Emerald Isle.
45

46 **Citizen Recognition Program Being Developed**

47 Town staff are currently reviewing a potential "citizen recognition" program, and we may present a recommendation to the
48 Board of Commissioners at the June meeting. The program would outline the criteria and selection process for the
49 presentation of awards or special recognition to individuals who have made a significant contribution or performed a specific
50 heroic act in Emerald Isle.
51

52 **Emerald Isle Beach Music Festival Funding Request**

53 We submitted a funding request to the TDA Board of Directors for \$35,000 for the 2017 Emerald Isle Beach Music Festival
54 (BMF) on March 31, but have not yet received a decision. I am hopeful that the Town will receive a funding decision later in
55 May or June. The 2017 BMF will again be held on the beach at the Western Ocean Regional Access – on Saturday, September
56 30.

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Western Ocean Regional Access Stage Expansion

In an effort to improve the stage for performers, a Town contractor will be adding an additional 200 sq. ft. to the stage at the Western Ocean Regional Access. We hope to have this expansion completed before the EmeraldFest concert series begins on June 15, and may have some of the EmeraldFest performers use the new stage.

Comprehensive Land Use Plan

Town Planner Josh Edmondson and the Town's consultant are currently working with NC Division of Coastal Management staff to address comments and provide clarifications regarding the Town's 2017 Comprehensive Land Use Plan. We hope to resolve these concerns and present a final version of the plan for formal Board approval at the June meeting.

NC 58 Traffic Improvements Funding Request

I continue to work with Representative Pat McElraft and Senator Sanderson to hopefully secure State funding for the installation of 5 pedestrian crosswalks along NC 58 (\$75,000) and NC 58 / Bogue Inlet Drive intersection improvements (\$350,000).

Potential Closure of Old Ferry Road Between Mangrove Drive and NC 58 (Behind CVS)

I have not yet received feedback from one of the three property owners affected by a potential closure of this street segment. I remain hopeful that all three will support this closure, and if so I will present a Resolution of Intent to the Board at a future meeting.

Cape Emerald Discharge Pipe Replacement

At this point, it does not appear likely that we will be able to install a larger pipe, and may be forced to replace the existing 15 inch pipe with a new 15 inch pipe. Regardless of the pipe size, it will need to be replaced at some point in the near future due to deterioration. The FY 16-17 budget includes a total of \$32,500 for this work.

New Small Storm Water Relay Pump - Bogue Court

Public Works has finally made some progress on this project, and has installed a new drop inlet on Bogue Court. Remaining work includes the installation of the discharge line out to the dunes, and the installation of the new small pump in the catch basin. I am hopeful that this project will be completed before Memorial Day.

Town Survey

I have not yet had an opportunity to devote time to this effort, but still hope to devise a customer satisfaction survey to be offered online early this summer.

Emerald Isle Video / Commercial

Brad Styron, a local photographer / videographer, is still working on the planned Emerald Isle video / commercial, and we hope to "debut" it just before Memorial Day weekend. The new video / commercial will include footage of all the great things about Emerald Isle and will be available on the Town's website and social media platforms. I also hope to eventually create a 30-second version that could potentially air on television as a commercial.

Condominium Deck Program

Town Planner Josh Edmonson continues to work with condominium complex representatives and management companies on this program, and we hope to resolve the outstanding concerns and implement the program later this spring or summer.

Unified Development Ordinance Simplification

Josh Edmondson and I will be working on a significantly simplified UDO to present to the Planning Board and Board of Commissioners in the coming months. My goal is to eliminate all unnecessary regulations and confusing language, and create a simple, reader-friendly ordinance that achieves the Town's most important development policy goals.

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

2
3 Commissioner Wright thanked Laura for all of her work on the budget. The Board agreed and
4 said it was an excellent job.

5
6 Commissioner Dooley thanked Frank and Laura for the great work on the budget too as well as
7 thanking Frank for his hard work on the grant money recently. Commissioner Dooley also
8 thanked Ken Stone who was present for his hard work with the Bike the Banks event that she
9 heard was a great success.

10

11 **18. Adjourn**

12

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

15

16 ***The meeting was adjourned at 7:20 pm.***

17

18 Respectfully submitted:

19

20

21

22 Rhonda C. Ferebee, CMC, NCCMC

23 Town Clerk