

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, AUGUST 11, 2015 – 6:00 P.M.**  
4                                   **TOWN BOARD MEETING ROOM**  
5  
6  
7

8    **1. Call To Order**  
9

10 The regular monthly meeting of the Emerald Isle Board of Commissioners was called to  
11 order by Mayor Eddie Barber at 6:00 PM in the Town Board Meeting Room.  
12

13    **2. Roll Call**  
14

15 Present for the meeting: Mayor Eddie Barber, Commissioners Tom Hoover, Floyd  
16 Messer, Jim Normile, John Wootten, and Maripat Wright.  
17

18 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
19 Richard Stanley, Finance Director Laura Rotchford, Town Clerk Rhonda Ferebee, Fire  
20 Chief Bill Walker, Police Chief Jeff Waters, Parks & Recreation Director Alesia  
21 Sanderson, Public Works Director Artie Dunn, and Town Planner Josh Edmondson.  
22

23    **3. Opening Prayer**  
24

25 Mayor Barber offered the Opening Prayer.  
26

27    **4. Pledge of Allegiance**  
28

29 Mayor Barber led the Pledge of Allegiance.  
30

31    **5. Adoption of Agenda**  
32

33    ***Motion was made by Commissioner Wright to adopt the Agenda. The Board***  
34    ***voted unanimously 5-0 in favor. Motion carried.***  
35

36    **6. Service Award – Bruce Norman, Fire Captain – 25 Years**  
37

38 Mayor Barber, Town Manager Frank Rush and Fire Chief Bill Walker presented a  
39 service award honoring the 25 years of dedicated service to Fire Captain Bruce  
40 Norman. Mayor Barber stated that Captain Norman was a valuable employee of the  
41 Town and they were pleased to recognize his dedicated service.  
42  
43  
44  
45  
46

1 **6. Proclamation / Public Announcements**

2  
3 Mayor Barber noted the following Proclamation and announcements for the public:

- 4
- 5 • **EmeraldFest Concert – Thursday, August 13 – 6:30 – 8:00 pm – WORA –**
  - 6 **“Naked Knees”**
  - 7 • **Teen Night Club / Laser Light Dance Party – Thursday, August 13**
  - 8 • **Friday Free Flick – Friday, August 14 – 7 pm – Community Center**
  - 9 • **1-Year Anniversary of Commissioner Nita Hedreen’s Passing**
  - 10 • **Police Educating the Public (PEP) – Tuesday, August 18 – 10 am – Town**
  - 11 **Board Meeting Room “Seniors and Crime Prevention”**
  - 12 • **“The Walking Man” Presentation – Wednesday, August 19 – 7 pm – Town**
  - 13 **Board Meeting Room**
  - 14 • **Youth Surfing Competition – Thursday, August 20 – 4:15 pm – Western**
  - 15 **Ocean Regional Access**
  - 16 • **EmeraldFest Concert – Thursday, August 20 – 6:30 – 8:00 pm – WORA –**
  - 17 **“Big Drink”**
  - 18 • **Teen Night Club / Laser Light Dance Party – Thursday, August 20**
  - 19 • **Planning Board Meeting – Monday, August 24 – 6 pm – Town Board**
  - 20 **Meeting Room**
  - 21 • **Coffee With a Cop – Thursday, August 27 – 9 am – Village Market**
  - 22 • **American Red Cross – Friday, August 28 – 2 pm – 7 pm – Community**
  - 23 **Center**
  - 24 • **Do it 4 Drew 5k Color Run – Saturday, August 29 – 7:30 am – Emerald Club**
  - 25 • **Walking Club – Friday, September 4 – 9 am – Community Center**
  - 26 • **Potential EmeraldFest Make-Up Concerts – Labor Day Weekend – Western**
  - 27 **Ocean Regional Access**
  - 28 • **Labor Day Holiday – Monday, September 7 – Town Offices Closed,**
  - 29 **Community Center Closed**
  - 30 • **Board of Commissioners Regular Meeting – Tuesday, September 8 – 6 pm –**
  - 31 **Town Board Meeting Room**
  - 32 • **Household Hazardous Waste Collection Day – Saturday, September 19 –**
  - 33 **8 am – 1 pm – Morehead City**
- 34

35 The Mayor and Board made a special point of recognizing the one year anniversary  
36 date of the passing of Commissioner Nita Hedreen so missed by all.

37  
38 **8. Public Comment**

39  
40 **Brief Summary:** The public will have the opportunity to address the Board about any  
41 items of concern not on the agenda.  
42

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1 Sue Stone, Emerald Isle resident, spoke of how Emerald Isle's website said "Clean and  
2 Green' and she would like to see Emerald Isle stay that way. Ms. Stone said there had  
3 been a lot of dialogue in the past weeks about opposition to offshore oil drilling. Ms.  
4 Stone noted that there were 16 Towns in North Carolina that had passed resolutions  
5 either opposing seismic testing or oil drilling or both. Ms. Stone said that Beaufort had  
6 passed a resolution unanimously the previous night without a lot of discussion. In  
7 addition Ms. Stone noted that there were many businesses about 125 up and down the  
8 coast and Emerald Isle had 15 businesses opposed to oil drilling. Ms. Stone said that  
9 Emerald Isle had passed the Resolution in April opposing seismic testing. Ms. Stone  
10 said they respectfully requested that a resolution opposing oil drilling be placed on the  
11 agenda, and that they join with everyone else while they had the ball rolling, and the  
12 momentum, adding the time was now.

13  
14 Sellers Hardee, Emerald Isle resident, presented information from the US Census with  
15 population figures and information comparing Louisiana and North Carolina, and asked  
16 the Board to please consider a resolution opposing offshore drilling.

17  
18 **9. Consent Agenda**

- 19  
20 a. **Order Directing 2015 Tax Levy and Collections**  
21 b. **Minutes – June 9, 2015 Regular Meeting**  
22 c. **Minutes – June 9, 2015 Closed Session**  
23 d. **Minutes July 6, 2015 Special Meeting**  
24 e. **Resolution Authorizing Surplus Items for Public Auction (15-08-11/R1)**  
25 f. **Resolution Authorizing NC Coastal Recreational Fishing License Grant**  
26 **Program Request (Senator Jean Preston Memorial Playground) (15-08-11/R2)**  
27 g. **Budget Amendment – General Fund**  
28

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

31  
32 **Clerks Note:** A copy of Resolution 15-08-11/R1, 15-08-11/R2, and all consent agenda items as referenced  
33 above are incorporated herein by reference and hereby made a part of these minutes.

34  
35 **10. Resolution Supporting Current North Carolina Sales Tax Distribution Formula**  
36 **15-08-11/R3)**  
37

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

40  
41 The Board of Commissioners is asked to approve the attached resolution formally expressing the Town's opposition to a new  
42 proposal that would change the sales tax distribution formula in North Carolina. The proposed change would significantly reduce  
43 the amount of sales tax revenue distributed to Emerald Isle, Carteret County, and all of the municipalities in Carteret County.  
44 Emerald Isle would lose approximately \$150,000 - \$200,000 annually if the proposed change is ultimately approved, and that is a  
45 significant loss for Emerald Isle.

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1  
2  
3 How Sales Tax Works

4 The distribution of sales tax revenue in North Carolina is very complicated, and it is important to correctly understand the current  
5 method used to distribute sales tax revenue at both the State and county level. When a consumer makes a purchase, they pay  
6 total sales tax of 6.75% of the price. Of this 6.75%, a total of 4.75% is retained by the State for State government operations.  
7 The remaining 2% is collected by the State, and is then distributed to the 100 counties in North Carolina for county and municipal  
8 governments. Of the total sales tax generated by this 2% local rate, 75% of that total is distributed back to the specific county in  
9 which the sale occurred (based on "point of delivery", but often referred to as "point of sale"), and 25% of the total is distributed  
10 back to the 100 counties based on relative population (the State uses official population estimates based on US Census data).

11  
12 Under this mostly "point of delivery" (or "point of sale") formula, a tourism-based community like Carteret County with a significant  
13 number of second home owners and visitors (that are not counted in the official population estimate) receives adequate "credit"  
14 for the economic contributions of these second home owners and visitors (for 75% of the total sales tax collected). For the  
15 remaining 25% currently distributed based on official population estimates, there is actually a "population adjustment factor" that  
16 factors in, at least to some degree, the impact of second home owners and visitors. For Carteret County, the factor is 1.14,  
17 which helps to account for the large seasonal population influx. As you know, Emerald Isle's population increases from nearly  
18 4,000 to 40,000 during the peak season, while Carteret County's population increases from nearly 70,000 to approximately  
19 150,000. Without the significant seasonal population, there is obviously far less economic activity in Emerald Isle and Carteret  
20 County, and far less sales tax revenue generated for the State, the county, and the towns.

21  
22 Emerald Isle expects to realize more than \$1.75 million of sales tax revenue for FY 14-15 (still waiting on May and June  
23 distributions), and Carteret County expects to realize more than \$15 million. Sales tax is the Town's second largest revenue  
24 source, but it is also its most important, as it is the only significant revenue source that does and will continue to experience  
25 significant growth. (Property tax is generally static, and solid waste fees are even more so, unless rates are adjusted.) Sales tax  
26 is an equally important revenue source for Carteret County and all of the towns in Carteret County.

27  
28 Review of Different Proposals

29 The new proposal is actually the third version of a similar concept presented by the NC Senate this year. In March, Senator  
30 Harry Brown (R-Onslow) introduced a bill aimed at providing additional revenues for rural counties (unfortunately, at the expense  
31 of urban and tourism counties). That bill that would have eliminated the "point of delivery" or "point of sale" distribution method  
32 altogether, and would have relied 100% on official population estimates for local sales tax distribution. That bill also eliminated  
33 the "population adjustment factor", and also included a requirement that the distribution of sales tax revenues within every county  
34 be distributed based on official population estimates. The original sales tax bill would have been devastating, resulting in the  
35 loss of significant sales tax revenues for Carteret County and all 11 towns within Carteret County. Emerald Isle would have lost  
36 anywhere from \$850,000 - \$1.15 million annually under that bill (the equivalent of 3 - 4 cents on the Town's property tax rate),  
37 and Carteret County would have lost anywhere from \$2 million - \$4 million+ annually (the equivalent of 1.5 - 3 cents on the  
38 County's property tax rate). There were significant losses projected for many other tourism communities and urban areas at that  
39 time, and there were significant gains for rural counties. There was significant opposition to this bill, and, to his credit, Senator  
40 Brown withdrew the bill.

41  
42 In May, a revised sales tax distribution proposal was released, and was inserted as a policy provision in the NC Senate's  
43 proposed budget. That proposal was an improvement over the original proposal, but was still very harmful to Emerald Isle,  
44 Carteret County, and all of the towns in Carteret County. The May proposal would have changed the distribution method to 20%  
45 "point of delivery" or "point of sale" / 80% official population estimates, (presumably?) would have eliminated the "population  
46 adjustment factor", and (thankfully) eliminated the requirement for the internal county distribution to be based on official  
47 population estimates. The May proposal phased the changes in over a five-year period, and the eventual annual loss for  
48 Emerald Isle was estimated at \$188,000 - \$388,000. Similar losses were projected for Carteret County, the other towns in the  
49 County, and other tourism and urban areas. There remained considerable opposition to this proposal, and it became clear that  
50 this proposal was one issue that would hold up FY 15-16 budget negotiations by the General Assembly.  
51

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1 The new August proposal has been removed from the State budget, and will now be considered as a separate bill by the General  
2 Assembly in the coming days. The new proposal changes the sales tax distribution formula to a formula based on 50% "point of  
3 delivery" (or "point of sale") / 50% official population estimates. This change, by itself, would not be particularly harmful to  
4 Emerald Isle or Carteret County, however, the new proposal also eliminates the "population adjustment factor", and therefore still  
5 results in significant harm for Emerald Isle, Carteret County, and the other towns. (The new proposal also does not phase in the  
6 changes, instead making them effective on July 1, 2016; FY 16-17 budget.) As noted above, the new proposal will result in an  
7 annual loss of \$150,000 - \$200,000 for Emerald Isle, or the equivalent of ½ to ¾ cent on the Town's property tax rate. Carteret  
8 County stands to lose approximately \$1.4 million or more annually, and the collective loss for Carteret County and all 11 towns is  
9 more than \$2 million annually. The new proposal is certainly far less harmful than the two previous proposals, however, it still  
10 results in significant harm. Essentially, we may be forced to implement a property tax rate increase simply to have revenues  
11 shifted to other North Carolina counties. The NC General Assembly surely would not be pleased to raise State taxes, only to  
12 have the Federal government shift the revenues to Illinois, New Mexico, or West Virginia.

13  
14 Worth Noting

15 It is important to note that, while NC Senate leaders correctly note that 79 counties would gain revenue under this plan and 21  
16 counties would lose, that the impacts on the people of North Carolina are far different. Under the new proposal, approximately  
17 51% of the people in North Carolina would be helped, at the expense of the other 49%. Senator Brown's goal to provide  
18 additional assistance to rural counties is noble, and, in my opinion, is necessary, however, this goal should be promoted through  
19 a State-funded strategy and not by harming others (who are also the main economic drivers of North Carolina).

20  
21 Position Conveyed by Attached Resolution / Fate of New Proposal

22 The attached resolution formally conveys Emerald Isle's opposition to the new proposal, urges the General Assembly to retain  
23 the current sales tax distribution formula, and suggests that the General Assembly should develop a State-funded strategy to  
24 assist the rural counties.

25  
26 The fate of this proposal is uncertain at this time. The NC Senate is expected to approve the new proposal any day, and it will  
27 then be considered by the NC House and Governor McCrory. Governor McCrory has been very outspoken about any change to  
28 the distribution formula, so we remain hopeful that he will remain steadfast in his opposition and be able to affect a more  
29 favorable outcome for Emerald Isle and Carteret County.

30  
31 Town Manager Rush detailed the new proposal in the NC Senate and how it would  
32 change the way sales tax revenues were distributed in North Carolina from the current  
33 formula based 75% on the "point of delivery" / "point of sale" and 25% on official  
34 population estimates to a new formula that was 50% / 50% and eliminated a "population  
35 adjustment factor" as outlined further in his memo above. Mr. Rush discussed and  
36 answered questions by the Board the effects of this new proposal to Emerald Isle, as  
37 well as to Carteret County and all of the towns in Carteret County. Mr. Rush noted that  
38 collectively Carteret County and all 11 towns would lose more than \$2 million annually  
39 with Emerald Isle losing approximately \$150,000 - \$200,000 annually under the new  
40 proposal.

41  
42 Mr. Rush stated that the Board was asked to consider another resolution formally  
43 expressing Emerald Isle's opposition to this latest proposal that urges the General  
44 Assembly to maintain the current sales tax distribution, and indicates that if the General  
45 Assembly moved forward with their goal of helping the rural counties to please do that  
46 with a State funded strategy and not rely on the proposal put forth on the sales tax.

47

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1 Mr. Rush noted that a large contingent of Carteret County Mayors and Managers, along  
2 with Carteret County Commissioner Chairman Robin Comer, County Manager  
3 Overman, were heading to Raleigh the following morning to meet with Senator Brown,  
4 Senator Sanderson, Representative McElraft and several other influential members of  
5 the House and Senate.

6  
7 Mr. Rush recommended that property owners contact any legislators with phone call,  
8 email, or letters.

9  
10 ***Motion was made by Commissioner Hoover to adopt the Resolution Supporting***  
11 ***Current North Carolina Sales Tax Distribution Formula. The Board voted***  
12 ***unanimously 5-0 in favor. Motion carried.***

13  
14 **Clerks Note: A copy of Resolution 15-08-11/R3 as referenced above is incorporated herein by reference and**  
15 **hereby made a part of these minutes.**

16  
17 **11. Discussion – Installation of Community Information Sign, Policies for**  
18 **Inclusion, Potential Sign Ordinance Amendments**

19  
20 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
21 following excerpt from his memo to the Board is provided for additional background:

22  
23 I have scheduled time on the August 11 Board meeting agenda to discuss the upcoming installation of the Town's new  
24 community information sign, suggested Town policies for outside groups to have their messages included on the sign, and  
25 associated sign ordinance amendments. Several recommendations are included in this memo, and the Board's feedback and  
26 direction is requested at the August 11 meeting.

27  
28 As you know, the Town's current sign ordinance allows the placement of temporary signs for non-profit, public, charitable, or  
29 religious events within the public street right of way. These signs are exempt from the Town's sign ordinance, and the relevant  
30 language in the Town's UDO is as follows:

31  
32 **SIGN, TEMPORARY**

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

40  
41 There have been concerns raised over the years about the proliferation of these signs, and that they sometimes detract from the  
42 overall community appearance. On the other hand, the Town absolutely wants to support these worthwhile events that generate  
43 funds for worthy causes and that also help to build a greater sense of community. The Board has discussed the potential  
44 installation of a new, attractive community information sign several times in recent years, with the idea that such a sign could be  
45 used to display community information and essentially replace all of the non-profit signs.

46  
47 The FY 15-16 budget includes a total of \$10,000 for the installation of a new LED community information sign. A photo of such a  
48 sign is attached, and can be purchased for approximately \$4,000 - \$5,000 for each sign (one-sided). The attached photo

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1 includes a sign that is approximately 4 ft. high x 6 ft. wide, with the programmable lettering approximately 3 ft. high. The  
2 messages can be remotely programmed, and the size of the letters, length of time for display, and other features can all be  
3 customized. Town staff believe this sign, or a similar sign, will meet the Town's needs. The Board should note that the budget  
4 includes a total of \$10,000 in order to enable the Town to provide an attractive frame and landscaping around any new sign. I  
5 envision the attached sign being framed by white vinyl posts, and ultimately having an appearance similar to the "Town of  
6 Emerald Isle" sign located in front of the Town Administration Building.  
7

8 Recommended Location

9 As has been discussed during previous meetings, the ideal location for such a sign is likely near the Cameron Langston Bridge,  
10 as nearly all Emerald Isle residents and visitors travel through that area frequently. Town staff have considered four locations  
11 between the base of the bridge and Coast Guard Road, and these locations are:  
12

- 13 1. in the grassy, cleared area on the causeway leading to the bridge,
- 14
- 15 2. at the base of the existing "Welcome to Emerald Isle" sign,
- 16
- 17 3. on the NC 58 right of way at the southwest corner of NC 58 / Coast Guard Road, or
- 18
- 19 4. on the NC 58 right of way at the southeast corner of NC 58 / Coast Guard Road.
- 20

21 Town staff recommend the placement of the new sign in location 3 above – on the NC 58 right of way at the southwest corner of  
22 NC 58 / Coast Guard Road. This location is recommended due to the fact that it will be viewed by everyone entering Emerald  
23 Isle via the Cameron Langston Bridge, vehicles will often be stopped or traveling slowly through this area, a power source is  
24 nearby, and it does not appear to present any safety concerns. I have attached a photo showing this location. Town staff  
25 envision the new sign would be one-sided, elevated approximately 3 – 4 feet above ground elevation, and slightly angled toward  
26 NC 58. The sign would be supported with white vinyl-wrapped poles, and landscaped on the sides and back (to hopefully  
27 obscure the back of the sign), and potentially with low-profile flowers in the front.  
28

29 Location 1 above is believed to potentially detract from the natural view at the base of the bridge, and vehicles will likely be  
30 traveling at a higher rate of speed through this area, making it more difficult to read the text on the sign. Location 2 could work in  
31 a location just below the "Welcome to Emerald Isle" sign, and a photo of this potential location is also attached. However, our  
32 fear is that the sign may be further off the road than desired, and that vehicles will likely be traveling at a higher rate of speed.  
33 Location 4 on the southeast corner of NC 58 / Coast Guard Road appears to be too cluttered, the topography is not ideal, and  
34 the sign would potentially be obscured by traffic exiting Coast Guard Road.  
35

36 The Board should note that an NCDOT encroachment permit will be required for the recommended location (and the other  
37 potential locations in the NC 58 right-of-way), however, I am optimistic that the necessary permit can be secured.  
38

39 The Board should indicate its concurrence with the recommended location, or provide direction on a more preferable location.  
40  
41

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1 Potential Additional Locations

2 Ideally, it would be helpful to also have a sign located at another highly visible location in Emerald Isle, and the Board may wish  
3 to consider adding an additional sign now or at some point in the future. After considering several locations, the Board may wish  
4 to consider three additional locations:

- 5
- 6 1. on the corner of East Seaview Drive and NC 58 at the approach to the new Welcome Center (one-sided sign),
  - 7
  - 8 2. in the grassy strip between the bicycle path and NC 58 directly in front of the new Welcome Center (two-sided sign to  
9 be visible to two-way traffic)
  - 10
  - 11 3. below the existing "Town of Emerald Isle" sign in front of the Town Administration Building (two-sided sign to be visible  
12 to two-way traffic).
  - 13

14 Photos of these three locations are also attached. Location 1 is perhaps the best of the three, and can be low-profile and  
15 integrated into existing landscaping and other features, however, it is limited to a one-sided sign only. The location at the new  
16 Welcome Center is also a logical connection. Location 2 also makes a connection with the new Welcome Center, but the sign  
17 may stand out more than desired in the approximately 20 ft. wide grassy strip between the bicycle path and NC 58, and also  
18 would require two signs (additional cost). Location 3 is desirable because it would be a part of the Town government complex,  
19 making that logical connection and also enabling Town staff to monitor the sign more easily. The new sign would need to be  
20 two-sided (additional cost), and would also likely require some minor clearing along the bike path just east of the Town  
21 Administration Building to improve visibility. This location is on Town property, so there is no need for an encroachment permit,  
22 and a power source is nearby. This location would result in the Town's existing "Town of Emerald Isle" sign being elevated  
23 approximately 2 – 3 ft. in order to fit the new LED sign below.

24

25 If the Board is interested in pursuing a second location, we believe any of these three locations would be good choices. Town  
26 staff are also happy to explore other potential locations that the Board and/or others identify.

27

28 Recommended Policy for Messages Displayed

29 As discussed previously, the intent for the new community information sign is to display information about Town events and  
30 special events organized for charitable or community-building purposes. Because there will likely be several different groups that  
31 desire access to the electronic community information sign in the future (particularly if the Town prohibits the non-profit,  
32 charitable signs in the public right of way in the future), it will be necessary for the Town to develop a clear policy for the  
33 messages displayed on the new sign.

34

35 To that end, the following policy provisions are recommended:

- 36
- 37 1. events must be sponsored by the Town, the County, or other governmental entities, or be for charitable causes only,
- 38
- 39 2. charitable events must be able to demonstrate that 100% of the net proceeds will be contributed to charitable causes,
- 40

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- 1 3. the names of corporations or businesses may not be included in the message displayed (including any "title" sponsors
- 2 or locations for the event; would need to use street address or other location description),
- 3
- 4 4. requests for placement on the sign must be submitted to the Town at least one week prior to desired start of display,
- 5
- 6 5. messages would not be displayed more than 30 days in advance of the event,
- 7
- 8 6. the event must be held in Emerald Isle, western Carteret County, or Swansboro, with preference given for events
- 9 actually held in Emerald Isle,
- 10
- 11 7. no messages for political events would be permitted, either for a candidate or issue,
- 12
- 13 8. special events sponsored by religious organizations (of any faith or denomination) would be permitted, provided the
- 14 message does not pertain to a political issue or cause,
- 15
- 16 9. depending on the number of event messages at any one period in time, the Town would reserve the right to limit the
- 17 number of messages and the number of days in advance of the event that the message may run, and
- 18
- 19 10. the Town would reserve the right to edit the message copy in order to provide for an efficient message display.
- 20

21 The Board may wish to consider additional policy provisions, or delete or amend any of the policy provisions described above. I  
 22 envision that, based on the Board's feedback, a formal policy will be drafted in the coming weeks and then be presented to the  
 23 Board for formal adoption at a future meeting.

24  
 25 Based on the policy provisions above, examples of the types of special event messages that may appear on the new community  
 26 information sign may include:

27			
28	St. Patrick's Festival	July 4 Fireworks	El Marathon Races
29	EmeraldFest Concerts	Christmas Parade	Easter Egg Hunt
30	Trick or Treat	Other events by El Parks & Recreation Town Board Meeting	
31	Candidate's Forum	One Stop Voting	
32			
33	Medical fundraiser events	Swansboro Rotary Oyster Roast	EMS Pancake Breakfast
34	Do it 4 Drew Run	Island Cat Allies Yard Sale	ARC Blood Drive
35	St. Francis Episcopal Lobsters	Parrothead Club Beach Bike Poker Run	Holiday Craft Fair.
36			

37 There are likely other events not listed here that would qualify, and this is not intended to be a complete list.

38  
 39 Recommended Sign Ordinance Amendments

40 In keeping with the Town's goals for the new community information sign and the overall aesthetic goals along the NC 58  
 41 corridor, the Board may wish to consider the following sign ordinance amendments at a future meeting:

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- 1
- 2 1. eliminate the current exemption in the UDO for non-profit, charitable events to utilize temporary signs in Emerald Isle,
- 3
- 4 2. allow signs for these events on the day before and the day of the event only, at the location of the event only, and not
- 5 on the public right of way,
- 6
- 7 3. do not allow banner-type signs for these events on the day of the event (or anywhere else in Emerald Isle), require
- 8 such signs to be professionally made, and limit the size of any signs to 32 sq. ft. total.
- 9

10 The Board should also consider the likelihood that some special events that may not be aware of the Town's community  
11 information sign or that do not agree with the Town's policy may still place such signs in the public right of way prior to a special  
12 event. If the Board adopts sign ordinance amendments consistent with the ideas above, Town staff would be tasked with  
13 removing any illegally placed signs in the future.

14  
15 If the Board is comfortable with these amendments, we will schedule a formal sign ordinance amendment for Planning Board  
16 consideration in the coming weeks. If the Board has different ideas, the provisions above can be amended, and Town staff will  
17 present the Board's desired provisions to the Planning Board.

18  
19 Josh Edmondson (Town Planner), Alesia Sanderson (Parks & Recreation Director), and I look forward to discussing these issues  
20 with the Board at the August 11 meeting. Our goal is to have the new community information sign(s) completed and operational  
21 by February 2016.

22  
23 Town Manager Rush, Parks and Recreation Director Alesia Sanderson, and Town  
24 Planner Josh Edmondson discussed this issue with the Board to gain their feedback  
25 with recommendations and further direction.

26  
27 The Board discussed several scenarios including the possibility of having two signs at  
28 two separate locations, and also the possibility of two-sided signs. The Board  
29 discussed the locations of a sign near the Coast Guard Road intersection as well as  
30 another sign at the new Welcome Center, the Town Administration Building, or at the  
31 east end as a second possible location. The Board also indicated they were  
32 comfortable initially with the policy of limiting the information on the signs to Emerald  
33 Isle events and information only and could consider possibly expanding that at a later  
34 time.

35  
36 Town Manager Rush stated they would take the Board's direction and come back to the  
37 Board with a sign ordinance amendment for their consideration.

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1 **12. Ordinance Amending Chapter 11 – Motor Vehicles and Traffic – of the Code of**  
2 **Ordinances (Comprehensive Review)**  
3

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

7 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is scheduled to  
8 consider proposed amendments to Chapter 11 of the Code of Ordinances at the August 11 meeting. The new Chapter 11 is  
9 titled "Transportation", and combines provisions currently included in Chapter 11, "Motor Vehicles and Traffic" and Chapter 17,  
10 "Streets and Sidewalks".  
11

12 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify, and ideally condense  
13 and simplify the entire Code of Ordinances of the Town of Emerald Isle. The Town is now more than 58 years old, and  
14 numerous ordinance amendments have been made over the years with input by many different groups and individuals, all likely  
15 with good intentions, and sometimes there are unintended impacts on or conflicts with other ordinance provisions. State law and  
16 common practice also change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may  
17 be helpful for the Town to critically ask itself if it really needs certain ordinance provisions, and also if new policies are warranted.  
18

19 As discussed previously, my goal has been for Town staff and me to complete a comprehensive review of all Town ordinances  
20 with a critical eye. During this review, conflicting or confusing provisions are being targeted for clarification, unnecessary  
21 provisions are being targeted for elimination, and in some cases out of date or un-enforced provisions are being targeted for  
22 elimination. The Board previously reviewed and approved comprehensive amendments to the Town Charter, Chapters 1 – 10,  
23 and Chapter 14, and comprehensive amendments to Chapter 11 and Chapter 17 (combined into a new Chapter 11) are on the  
24 Board's August 11 meeting agenda.  
25

26 The attached ordinance amendment was drafted by me, with input from Town Attorney Richard Stanley, Police Chief Jeff  
27 Waters, Assistant Police Chief Tony Reese, and Public Works Director Artie Dunn. Because most of the provisions included in  
28 the current version of Chapter 11 and Chapter 17 are greatly simplified or eliminated altogether, the attached ordinance  
29 amendment is presented only in a clean version. It would have been very confusing and likely would have led to unanticipated  
30 errors to utilize the underline and ~~strike through~~ features to show the specific differences in the proposed ordinance amendment.  
31 I have, however, attached the current version of both Chapter 11 and Chapter 17 for the Board's review. The most  
32

33 significant changes are also discussed in some detail later in this memorandum.  
34

35 The current version of Chapter 11 includes Town ordinance provisions regarding traffic control devices, the operation of motor  
36 vehicles, parking, pedestrians, bicycles, and golf carts. The current version of Chapter 17 includes the Town's construction  
37 standards for public and private streets, provisions regarding damage to public streets, and provisions regarding the numbering  
38 of structures. The attached ordinance amendment includes provisions regarding all of these issues, with the exception of the  
39 numbering of structures. The provisions regarding the numbering of structures would be at least temporarily relocated to  
40 Chapter 12 – Offenses and Miscellaneous Provisions.  
41

42 As noted above, the overarching goal of the new Chapter 11, Transportation, is to greatly simplify the Town's ordinance  
43 requirements. Several lengthy provisions have been condensed into much shorter provisions, and several impractical, unused,  
44 or unnecessary provisions have simply been deleted. The most significant changes in the proposed new Chapter 11 are noted  
45 below:  
46

- 47 • The ordinance includes a clear provision that all streets within the Town are dedicated for public use unless specifically  
48 authorized by the Board as privately maintained streets on an approved subdivision plat.
- 49 • The ordinance retains but simplifies most of the Town's street construction standards and acceptance provisions.  
50  
51

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- 1 • The required right-of-way width for new public streets is reduced from 55 feet to 50 feet. The Town's standards for  
2 pavement width, shoulder width, and ditch width only add up to a required right-of-way width of 50 feet, and most  
3 existing Town streets only have a right-of-way of 50 feet.
- 4
- 5 • The required pavement depth has been increased from 1.5 inches to 2 inches and the required rock base depth has  
6 been increased from 6 inches to 8 inches. These changes are included to promote greater stability and strength of any  
7 newly constructed streets in the future. The sandy soils in Emerald Isle are sometimes challenging, and a 6 inch rock  
8 base depth and 1.5 inch pavement depth is likely to lead to greater incidence of "dips" in any new streets.
- 9
- 10 • The ordinance simplifies the penalties for any intentional or unintentional damage to Town streets, sidewalks, bicycle  
11 paths, signs, markers, or any other features in the public right-of-way. The ordinance requires that the person  
12 responsible for such damage shall bear the full cost of restoration, and also includes the ability to charge the offender  
13 with a misdemeanor (in intentional situations).
- 14
- 15 • The ordinance includes a similar provision for any intentional or unintentional leaving of debris (of any kind) on Town  
16 streets, sidewalks, or bicycle paths, and simply requires the person responsible to bear the cost to clean it up. There is  
17 also the ability to charge the offender with a misdemeanor (in intentional situations).
- 18
- 19 • The ordinance simplifies provisions requiring anyone who excavates a street, sidewalk, or bicycle path to secure Town  
20 approval before beginning work.
- 21
- 22 • The Town's motor vehicle traffic regulations are greatly simplified in the new Chapter 11, and are also structured to  
23 reflect actual practice by the Board of Commissioners and Town staff in recent years.
- 24
- 25 • The new Chapter 11 authorizes the Town Manager (in conjunction with Town staff) to establish limitations and erect  
26 relevant signs, markers, and/or other devices for the more routine, less controversial traffic controls. Examples include  
27 the placement of stop signs, no parking signs, and crosswalks that are routinely approved and placed by Town staff.  
28 (The Town's current ordinance, in many cases, refers to "lists" of approved locations on file with the Town Clerk, and  
29 such "lists" may not be available.) Language is also included that authorizes the Board to also make these  
30 determinations, and to also rescind any such determinations made by the Town Manager.
- 31
- 32 • The authority to establish speed limits, designate one-way streets, install speed humps, and limit turning movements is  
33 specifically reserved for the Board. Staff would only implement such changes after formal Board approval in a Board  
34 meeting.
- 35
- 36 • The ordinance does include references to the current Town speed limits, and also identifies the Town's lone speed  
37 hump location on Ocean Drive near 5<sup>th</sup> Street.
- 38
- 39 • The ordinance specifies that all speeding violations will be cited under Chapter 20 of the NC General Statutes, as is  
40 current practice, but does provide the option for the Police Department to issue a Town citation (civil violation) for all  
41 other violations of Town traffic ordinances in Chapter 11. The ordinance establishes a civil penalty of \$50 for all traffic  
42 violations resulting from not obeying Town signs, markers, or devices. The Police Department, at its discretion, would  
43 retain the ability to cite such violations under Chapter 20 of the NC General Statutes if desired.
- 44
- 45 • The ordinance simplifies the Town's regulations for stopping, standing, and parking. The current civil penalty of \$50 is  
46 retained, however, the penalty increases to \$75 if not paid within 14 days.
- 47
- 48 • The ordinance clarifies that parking on the asphalt pavement of any street is prohibited, unless it is in a designated on-  
49 street parking space. The ordinance retains the current provision that "no parking signs" apply within 150 feet of the  
50 sign, on both the pavement and the grassy area adjacent.
- 51

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- 1 • The Town's golf cart ordinance provisions remain mostly identical to the current ordinance with a couple of key  
2 changes. First, and with the greatest potential to be controversial, a new provision is included that makes it clear that a  
3 golf cart does not qualify as an "electric personal mobility device" for handicapped or elderly individuals. In the past,  
4 the Town has allowed individuals with a handicapped placard using the golf cart as a "mobility device" to operate in the  
5 Town without registering the golf cart with the Town. This interpretation also allowed golf carts used as a "mobility  
6 device" to operate on the Town's bicycle path, which often creates confusion and the potential for other golf cart use on  
7 the bike path (golf carts registered with the Town are not allowed on the NC 58 and Coast Guard Road bicycle path).  
8 The Police Department recently received clear guidance that a golf cart is NOT an "electric personal mobility device",  
9 and thus this change in the new Chapter 11 is recommended. Second, additional language is included regarding the  
10 revocation of a golf cart permit, making it clear that the one-year time period of the revocation does not begin until the  
11 license plate and registration sticker have been surrendered to or seized by the Police Department.  
12
- 13 • The ordinance simplifies and clarifies the Town's regulations for bicycles and pedestrians, and establishes a civil  
14 penalty of \$50 for violations. It is likely that a civil penalty would be assessed very infrequently, but may serve as a  
15 helpful deterrent.  
16
- 17 • The ordinance continues to allow bicycles to be ridden on Town sidewalks, however, it requires a bicyclist on the  
18 sidewalk to yield the right-of-way to any motor vehicle entering or exiting a public street, private street, public vehicular  
19 area, or private driveway. As you may have realized, there is no signage or other warnings for bicyclists at any  
20 intersections, and this provision is intended to communicate the need for a bicyclist on the sidewalk to understand that  
21 it is their responsibility to stop at all such intersections. The Board should note that there is some sentiment among  
22 Town staff that bicycles should be prohibited on sidewalks altogether, however, I stopped short of including such a  
23 provision in the attached ordinance.  
24
- 25 • The ordinance also includes a provision for bicyclist to yield the right-of-way to motor vehicles on the bicycle path, but  
26 only at public and private street intersections. This provision is intended to reinforce the need for bicyclists on the  
27 bicycle path to stop at all public and private street intersections. The Town's current design for the bicycle path does  
28 not require bicyclists to stop at intersections with public vehicular areas (i.e., commercial driveways) or private  
29 driveways. As you know, the bicycle path utilizes significant signage, and is thus treated differently than a bicyclist on  
30 a sidewalk.  
31
- 32 • A new section is included that makes it clear that skateboards are allowed on public and private streets, the bicycle  
33 path, and sidewalks, but that they should only be used for transportation purposes. Essentially, tricks and stunts are  
34 prohibited. The penalty for a violation of this section is a \$50 civil penalty.  
35

36 The Board should note that, overall, the Town promotes a friendly enforcement approach by the Police Department, and places a  
37 higher priority on the education of the offender about the Town's ordinance requirements than on the actual assessment of a civil  
38 penalty. That approach will certainly continue in the future, unless the Board directs otherwise.  
39

40 I look forward to discussing the attached ordinance amendment with the Board at the August 11 meeting. If the Board is  
41 comfortable with the proposed amendments, the Board may consider adoption at the August 11 meeting. If the Board would like  
42 more time to review the proposed amendments, formal Board action can certainly be delayed until the September meeting or  
43 later.  
44

45 Once the Board approves a new Chapter 11, there will only be two more chapters of the Code of Ordinances to review: Chapter  
46 12, Offenses and Miscellaneous Provisions, and Chapter 16 – Solid Waste Management. I hope to complete the Board's review  
47 of the remaining chapters between now and December, at which time the entire Code of Ordinances will have been thoroughly  
48 reviewed and updated – in a simpler, leaner, more user-friendly, easier-to-understand format.  
49

50 Town Manager Frank Rush, Police Chief Jeff Waters, and Public Works Artie Dunn  
51 discussed this ordinance amendment with the Board. Town Manager Rush pointed out

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1 additional language regarding this proposed ordinance amendment at the Board's  
2 places and asked that they include the changes on the additional handout if they did  
3 take action. Town Manager Rush noted that this was a continuation of the  
4 comprehensive review they had been working on to simplify the entire ordinance and  
5 eliminate confusing or conflicting provisions. Mr. Rush highlighted the most significant  
6 changes as outlined in his memo above and also below:  
7

- 8 • The ordinance includes a clear provision that all streets within the Town are dedicated for public  
9 use unless specifically authorized by the Board as privately maintained streets on an approved  
10 subdivision plat.  
11
- 12 • The ordinance retains but simplifies most of the Town's street construction standards and  
13 acceptance provisions.  
14
- 15 • The required right-of-way width for new public streets is reduced from 55 feet to 50 feet. The  
16 Town's standards for pavement width, shoulder width, and ditch width only add up to a required  
17 right-of-way width of 50 feet, and most existing Town streets only have a right-of-way of 50 feet.  
18
- 19 • The required pavement depth has been increased from 1.5 inches to 2 inches and the required  
20 rock base depth has been increased from 6 inches to 8 inches. These changes are included to  
21 promote greater stability and strength of any newly constructed streets in the future. The sandy  
22 soils in Emerald Isle are sometimes challenging, and a 6 inch rock base depth and 1.5 inch  
23 pavement depth is likely to lead to greater incidence of "dips" in any new streets.  
24
- 25 • The ordinance simplifies the penalties for any intentional or unintentional damage to Town  
26 streets, sidewalks, bicycle paths, signs, markers, or any other features in the public right-of-way.  
27 The ordinance requires that the person responsible for such damage shall bear the full cost of  
28 restoration, and also includes the ability to charge the offender with a misdemeanor (in intentional  
29 situations).  
30
- 31 • The ordinance includes a similar provision for any intentional or unintentional leaving of debris (of  
32 any kind) on Town streets, sidewalks, or bicycle paths, and simply requires the person  
33 responsible to bear the cost to clean it up. There is also the ability to charge the offender with a  
34 misdemeanor (in intentional situations).  
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- 36 • The ordinance simplifies provisions requiring anyone who excavates a street, sidewalk, or bicycle  
37 path to secure Town approval before beginning work.  
38
- 39 • The Town's motor vehicle traffic regulations are greatly simplified in the new Chapter 11, and are  
40 also structured to reflect actual practice by the Board of Commissioners and Town staff in recent  
41 years.  
42
- 43 • The new Chapter 11 authorizes the Town Manager (in conjunction with Town staff) to establish  
44 limitations and erect relevant signs, markers, and/or other devices for the more routine, less  
45 controversial traffic controls. Examples include the placement of stop signs, no parking signs,  
46 and crosswalks that are routinely approved and placed by Town staff. (The Town's current  
47 ordinance, in many cases, refers to "lists" of approved locations on file with the Town Clerk, and  
48 such "lists" may not be available.) Language is also included that authorizes the Board to also  
49 make these determinations, and to also rescind any such determinations made by the Town  
50 Manager.

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- The authority to establish speed limits, designate one-way streets, install speed humps, and limit turning movements is specifically reserved for the Board. Staff would only implement such changes after formal Board approval in a Board meeting.
  - The ordinance does include references to the current Town speed limits, and also identifies the Town's lone speed hump location on Ocean Drive near 5<sup>th</sup> Street.
  - The ordinance specifies that all speeding violations will be cited under Chapter 20 of the NC General Statutes, as is current practice, but does provide the option for the Police Department to issue a Town citation (civil violation) for all other violations of Town traffic ordinances in Chapter 11. The ordinance establishes a civil penalty of \$50 for all traffic violations resulting from not obeying Town signs, markers, or devices. The Police Department, at its discretion, would retain the ability to cite such violations under Chapter 20 of the NC General Statutes if desired.
  - The ordinance simplifies the Town's regulations for stopping, standing, and parking. The current civil penalty of \$50 is retained, however, the penalty increases to \$75 if not paid within 14 days.
  - The ordinance clarifies that parking on the asphalt pavement of any street is prohibited, unless it is in a designated on-street parking space. The ordinance retains the current provision that "no parking signs" apply within 150 feet of the sign, on both the pavement and the grassy area adjacent.
  - The Town's golf cart ordinance provisions remain mostly identical to the current ordinance with a couple of key changes. First, and with the greatest potential to be controversial, a new provision is included that makes it clear that a golf cart does not qualify as an "electric personal mobility device" for handicapped or elderly individuals. In the past, the Town has allowed individuals with a handicapped placard using the golf cart as a "mobility device" to operate in the Town without registering the golf cart with the Town. This interpretation also allowed golf carts used as a "mobility device" to operate on the Town's bicycle path, which often creates confusion and the potential for other golf cart use on the bike path (golf carts registered with the Town are not allowed on the NC 58 and Coast Guard Road bicycle path). The Police Department recently received clear guidance that a golf cart is NOT an "electric personal mobility device", and thus this change in the new Chapter 11 is recommended. Second, additional language is included regarding the revocation of a golf cart permit, making it clear that the one-year time period of the revocation does not begin until the license plate and registration sticker have been surrendered to or seized by the Police Department.
  - The ordinance simplifies and clarifies the Town's regulations for bicycles and pedestrians, and establishes a civil penalty of \$50 for violations. It is likely that a civil penalty would be assessed very infrequently, but may serve as a helpful deterrent.
  - The ordinance continues to allow bicycles to be ridden on Town sidewalks, however, it requires a bicyclist on the sidewalk to yield the right-of-way to any motor vehicle entering or exiting a public street, private street, public vehicular area, or private driveway. As you may have realized, there is no signage or other warnings for bicyclists at any intersections, and this provision is intended to communicate the need for a bicyclist on the sidewalk to understand that it is their responsibility to stop at all such intersections. The Board should note that there is some sentiment among Town staff that bicycles should be prohibited on sidewalks altogether, however, I stopped short of including such a provision in the attached ordinance.

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- 1 • The ordinance also includes a provision for bicyclist to yield the right-of-way to motor vehicles on  
2 the bicycle path, but only at public and private street intersections. This provision is intended to  
3 reinforce the need for bicyclists on the bicycle path to stop at all public and private street  
4 intersections. The Town's current design for the bicycle path does not require bicyclists to stop at  
5 intersections with public vehicular areas (i.e., commercial driveways) or private driveways. As  
6 you know, the bicycle path utilizes significant signage, and is thus treated differently than a  
7 bicyclist on a sidewalk.  
8
- 9 • A new section is included that makes it clear that skateboards are allowed on public and private  
10 streets, the bicycle path, and sidewalks, but that they should only be used for transportation  
11 purposes. Essentially, tricks and stunts are prohibited. The penalty for a violation of this section  
12 is a \$50 civil penalty.  
13

14 Town Manager Rush noted that in the golf cart ordinance they left that section  
15 essentially identical to the way it was in effect for the past 4-5 years with one key  
16 change to that section being that a golf cart may not be used as an electrical, personal  
17 mobility device. Mr. Rush noted that in the past they had considered golf carts to be a  
18 mobility device for individuals with handicapped placards based on a previous  
19 interpretation from the North Carolina Attorney Generals office. Mr. Rush said that  
20 allowed those with a handicap placard to drive their golf carts on the streets of Emerald  
21 Isle and not be required to register with the Town, they were treated as pedestrians.  
22 Mr. Rush said because they were treated like pedestrians it allowed them to drive the  
23 golf carts on the bicycle path; sometimes that had been problematic with people illegally  
24 driving golf carts on the bike path particularly if they saw someone doing it with their  
25 handicap placard. The Police Department recently received guidance that in fact that  
26 interpretation was incorrect, and that a golf cart with a handicap placard was not  
27 considered as an electrical personal mobility device. Mr. Rush said the ordinance to be  
28 considered by the Board tonight included a provision that made it very clear and the  
29 practical implementation of that was that anyone who had a handicap placard and a golf  
30 cart could still drive it on town streets but needed to register as part of the Town's Golf  
31 Cart program, pay the \$75 fee. The other practical implication was that no golf carts  
32 could be driven on the bike path with the exception of the bike path connectors on  
33 Ocean Drive that the Board approved an exemption for a few years ago. Mr. Rush said  
34 unless the Board was not comfortable with it their intent would be to enforce the  
35 ordinance based on the Attorney Generals guidance.  
36

37 ***Motion was made by Commissioner Messer to waive the golf cart fee for people***  
38 ***with handicap placards, as they currently did for beach driving permits.***  
39

40 Town Manager Rush continued with a few other comments about other issues  
41 contained in the proposed amendment. Commissioner Wootten said that the proposed  
42 ordinance amendment was so complex that he would like to request that they annotate  
43 the old version to show a clear path to where the changes or deletions were being made  
44 in the new proposed version and bring this item back at the September meeting.  
45

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1 Town Manager Rush said they would return the item next month with the annotated  
2 versions and also bring a formal fee schedule amendment to make the change  
3 regarding the waiver of handicap golf cart permit fees for their consideration.  
4

5 Following Town Manager Rush's comments about returning this item along with a  
6 formal revised fee schedule to the next meeting for the Board to consider  
7 ***Commissioner Messer withdrew his previous motion.***  
8

9 **13. Appointment – Emerald Isle Parks and Recreation Association, Inc.**  
10

11 **Brief Summary:** The Board of Commissioners is scheduled to consider an appointment to a vacant seat on the Emerald  
12 Isle Parks and Recreation Association, Inc. (EIPRA) at the August 11 meeting.  
13

14 The EIPRA was created by the Board of Commissioners in 2004 to hold title to and oversee the eventual development of a  
15 vacant 7-acre tract of land between Chapel By The Sea and Bogue Sound. The vacant tract was donated to the Town by the  
16 heirs of Bill McLean (Paxon Holz was the lead), and included an old abandoned residential landfill that was last utilized in the late  
17 1960s / early 1970s. In order to protect the Town from any future liability, the EIPRA, a separate non-profit corporation, was  
18 created. The vacant tract was initially envisioned as a soundfront park, and eventually became a part of the overall, 27-acre,  
19 Emerald Isle Public Boating Access Area. The EIPRA still holds title to the 7-acre tract, however, it has been leased to the Town  
20 and subsequently leased to the NC Wildlife Resources Commission for the development and operation of the boating access  
21 area. The EIPRA meets very infrequently, and, from a practical standpoint, their only role is to continue to hold title to the  
22 originally donated land.  
23

24 The term of Emerald Isle Parks and Recreation Association, Inc. member Linda Hughs expires in August 2015. She has  
25 expressed interest in being reappointed to the EIPRA for another 3-year term that will expire in August 2018.  
26

27 The term of member Clay Olsen expires in August 2016, and the term of member Bernie Whalley expires in August 2017.  
28

29 ***Motion was made by Commissioner Hoover to reappoint Linda Hughs to the***  
30 ***Emerald Isle Parks and Recreation Association, Inc. to a term that expires in***  
31 ***August 2018. The Board voted unanimously 5-0 in favor. Motion carried.***  
32

33 **14. Comments from Town Clerk, Town Attorney, and Town Manager**  
34

35 There were no comments from the Town Clerk or Town Attorney.  
36

37 Town Manager Rush brought several items to the Board's attention to obtain their  
38 feedback. Mr. Rush spoke of the deck collapse that happened the previous night,  
39 expressing sincere appreciation to Police, Fire and EMS personnel for their great  
40 efforts, going above and beyond in helping to relocate the folks to another location. Mr.  
41 Rush was thankful that everyone was fine with only minor injuries, other than one  
42 exception with a fractured foot. Mr. Rush said that Bluewater had been very good to the  
43 families affected, relocating them to other houses, and they had spent the better part of  
44 today learning more of the facts and responding to media inquiries.  
45

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1 Mr. Rush said that our Town Planner Josh Edmondson had also been out the night  
2 before and that today he and Carteret County Lead Building Inspector Chris Jones were  
3 out first thing this morning and issued their report. Mr. Rush relayed their findings that  
4 indicated the reasons for the deck collapse. Mr. Rush said that after the previous deck  
5 collapse on July 4 they had gotten together with all of the vacation rental companies  
6 and learned of their efforts and decided on a public awareness and education campaign  
7 that included a flyer that had been sent to the Town's email newsletter, posted on  
8 Facebook, Twitter, and had been included in every tax bill to go out, as well as being  
9 included in the Island Review, and vacation rental companies had forwarded to all of  
10 their owners. The vacation rental companies were trying a variety of approaches and  
11 improving their communications. Mr. Rush said he envisioned they would continue  
12 these efforts going forward following this incident. Mr. Rush asked the Board whether  
13 there were any other steps they would like to see them take going forward. As they  
14 discussed in the past the Town had very limited authority to do deck inspections unless  
15 they received a complaint or a concern or staff happened to see something, beyond that  
16 the Town had no legal authority to do any kind of deck inspection program or require  
17 folks to have a licensed contractor make inspections. Pursuing such authority would  
18 require legislative action and would not be a quick or simple process but in light of the  
19 incident he wanted the Boards thoughts.

20  
21 The Board agreed that public education and awareness was what they should continue  
22 to do right now.

23  
24 Town Manager Rush also mentioned the tragedy of a drowning of a 16 year old in July,  
25 noting that there were two gentlemen on the beach that were able to rescue a 13 year  
26 old as part of that same incident using our rescue tube that was in place on the beach  
27 strand at that location. Mr. Rush said they had a total of 18 rescue tubes on the beach  
28 strand in various locations having started this practice as a pilot program a few years  
29 ago starting with 11 and since then having 7 more sponsored by citizens. Mr. Rush  
30 noted that the rescue tube at the Bluewater access was helpful in saving the 13 year old  
31 boy. Mr. Rush said they planned to publicize the fact that folks could sponsor additional  
32 tubes, and wanted the Board to be aware and to get their thoughts.

33  
34 Commissioner Messer offered to purchase one for Edna Street, followed by  
35 Commissioner Wright offering to purchase one for Wyndtree. Mr. Rush said they would  
36 begin more formal efforts to advertise this project in Emerald Tidings, and other media  
37 with a goal to greatly expand the locations with rescue tubes on the beach strand prior  
38 to the 2016 season.

39  
40 Mayor Barber commented about meeting with the youth group and counselor following  
41 the recent drowning and said they were very thankful about how Emerald Isle  
42 responded to them.

43

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1 Mr. Rush pointed out a request from Irving Monclova, Chairman of the Neighborhood  
2 Watch Committee for a dedicated full-time position to help with administrative aspects of  
3 that program, looking at approximately \$40,000 for salary, benefits and other equipment  
4 for that position. Mr. Rush said that he and Chief Waters had discussed and this was  
5 not something that they had money available for in the budget to allocate but wanted  
6 the Board to be aware of if they wanted to move forward on in this year, they could try to  
7 identify the appropriate funds otherwise they could consider it as part of the budget  
8 process next year.

9  
10 The Board agreed that it should follow the budget process and be looked at next year.

11  
12 Mr. Rush also noted that there was a letter received from the Cape Royal/Dolphin  
13 Association, the owner/operator of the small wastewater treatment plant that served  
14 Cape Emerald and also some of the lots in Royall Oaks, and Dolphin Ridge requesting  
15 that the Town study the idea of a Town sewer system. Mr. Rush said that just about all  
16 residential units in Emerald Isle were on septic tanks, with a few package treatment  
17 plants at condo complexes, small plant at Emerald Plantation, and a plant in Cape  
18 Emerald. The Town's Land Use Plan specifically said the Town will not pursue a Town  
19 sewer system.

20  
21 Commissioner Wootten said that the Town Manager should advise them that it was  
22 against the Town's existing Land Use Plan and therefore they would not consider it.

23  
24 Mr. Rush reminded everyone of the Candidates Forum scheduled for October 20 which  
25 was two days before one-stop voting began.

26  
27 Finally, Mr. Rush said that the Welcome Center was just almost completed and he  
28 expected the Tourism Development Authority would move in the following Thursday in  
29 time before Labor Day.

30  
31 Mayor Barber noted that the Town had 3 vacant seats with the upcoming election and  
32 that Commissioner Hoover and Commissioner Wootten were not seeking re-election,  
33 and that there were four of the seven candidates in attendance tonight – Commissioner  
34 Messer, Mr. Campbell, Ms. Dooley, and Mr. Finch.

35  
36 The following is an excerpt from the Town Manager Comments memo to the Board  
37 providing additional background information for all items of importance:

38  
39  
40 **Town "Rescue Tube" Aided Water Rescue**

41 Tragically, a 16 year old boy visiting from Missouri drowned while playing in the ocean in Emerald Isle on July 28. All of us at the  
42 Town are deeply saddened by this incident, and express our deepest sympathy and prayers to the boy's family and his Church  
43 youth group.  
44

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1 The Board and the community should note that a 13 year old boy was rescued by two men on the beach during this incident.  
2 The men were aided by the Town's "rescue tube" that was in place at the Bluewater Drive beach access walkway, and we are  
3 pleased that the tube was available. "Rescue tubes" were installed a few years ago at 11 beach access walkways by the Town  
4 as part of a pilot program led by Alesia Sanderson, Parks and Recreation Director. Since that time, 7 additional "rescue tubes"  
5 have been "sponsored" by citizens and installed and maintained by the Town. We now have a total of 18 locations equipped with  
6 the "rescue tubes".  
7

8 We are planning to more actively recruit "sponsors" for additional locations prior to the 2016 summer season in an attempt to  
9 provide this aid at other beach access walkways. The total initial cost per location is approximately \$90. We have had instances  
10 where the "rescue tubes" have been stolen, and the Town has replaced the tubes as quickly as we become aware that they are  
11 missing. The cost for a replacement tube is approximately \$40.  
12

13 **Deck Safety Flyer**

14 Town Planner Josh Edmondson prepared the attached "Citizens Guide to Deck Safety", and it has been posted on the Town's  
15 website and distributed via the Town's email newsletter. We are hopeful that this flyer will promote greater awareness of deck  
16 safety issues, and lead more property owners to engage in deck inspections and preventive maintenance in the future.  
17

18 **Neighborhood Watch Program Request**

19 Irving Montclova, Chairman of the Emerald Isle Neighborhood Watch Program, submitted the attached request for a new full-time  
20 position dedicated to the Neighborhood Watch Program to me, Mayor Barber, and Chief Waters a few weeks ago. I have not yet  
21 had a chance to meet with Mr. Montclova, but plan to do so in the coming weeks.  
22

23 The estimated cost for a new position is approximately \$40,000 (salaries and benefits). This idea was briefly discussed with  
24 Chief Waters during FY 15-16 budget preparation, however, sufficient funds were not available to fund a new position in the  
25 Police Department.  
26

27 Please let me know your thoughts on this request.  
28

29 **Town Sewer System Request**

30 The Cape Royall Dolphin Association, Inc., the owner/operator of a neighborhood sewer system that serves residents in Cape  
31 Emerald, Royall Oaks, and Dolphin Ridge, submitted the attached request for the Town to study the possibility of a Town sewer  
32 system in the future.  
33

34 The Town's 2004 Land Use Plan includes a clear policy statement that the Town will not pursue a Town sewer system, and will  
35 instead continue its reliance on septic tanks for residential development. There are several existing small sewer treatment plants  
36 in Emerald Isle that serve condominium complexes, along with the Cape Royall Dolphin system and a system in Emerald  
37 Plantation.  
38

39 The redevelopment vision for the Village East and Village West areas will likely depend on some type of small sewer treatment  
40 plant if / when redevelopment occurs in this area in a manner consistent with the Town's vision.  
41

42 Please let me know your thoughts on this issue. As you know, I hope to soon begin work on an update to the Town's 2004 Land  
43 Use Plan, and this may be an appropriate issue for consideration as part of the development of the updated plan.  
44

45 **New Welcome Center**

46 The new Welcome Center is essentially complete, with only minor punch list items remaining and the installation of landscaping.  
47 The Tourism Development Authority expects to move into the new building on or around August 20. I am very pleased with the  
48 new building.  
49

50 **Transportation Impact Groundbreaking**

51 Transportation Impact will hold a groundbreaking ceremony for their new mixed-use building on Monday, August 17 at 11 am at  
52 the site. NC Commerce Secretary John Skvarla is expected to attend.

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1  
2 **New Sound System**

3 A complete new sound system will be installed in the Town Board Meeting Room on August 13, and will be ready for the  
4 September 8 Board meeting. The total cost of the new sound system is approximately \$5,000, and was budgeted in the FY 15-  
5 16 budget.  
6

7 **US Supreme Court Ruling – Reed v. Town of Gilbert – Sign Ordinance**

8 I have attached a copy of an analysis completed by the UNC School of Government regarding this case. As you will read, there  
9 remains quite a bit of uncertainty about the implications of this case, and Town staff are still contemplating what, if any,  
10 amendments may be needed to the Town's sign ordinance.  
11

12 In short, it appears that the ruling makes it unconstitutional to regulate non-commercial signs based on the content of the  
13 message. It appears that the Town's authority to regulate commercial signage has not been diminished, and it also appears that  
14 the Town's authority to regulate the size, materials, etc. of non-commercial signage remains intact, provided that different  
15 distinctions are not made for different sign content.  
16

17 Practically speaking, this ruling may force the Town to reconsider its campaign sign regulations, and should also be factored into  
18 any amendments regarding non-profit event signs.  
19

20 Town staff will continue to consider this ruling, and may present recommended sign ordinance amendments to the Planning  
21 Board in the coming months.  
22

23 **Nies v. Emerald Isle**

24 The North Carolina Court of Appeals will hear oral arguments in this case on August 24.  
25

26 **Candidate Forum Tentatively Scheduled for Tuesday, October 20**

27 The Emerald Isle Business Association is working on a Town Commissioner Candidate's Forum for Tuesday, October 20 in the  
28 Community Center. There are a total of 7 candidates vying for 3 seats on the Board of Commissioners.  
29

30 **Yard Debris Rental Truck Contract Extended, Town Truck Back in Service**

31 The Town has extended the rental period for the additional yard debris collection truck through September 5. Depending on the  
32 yard debris demand at that time and the likely delivery date of the new truck, we may extend the contract for another month into  
33 October if necessary.  
34

35 The Town's yard debris truck is finally back in service after being repaired in Kernersville, NC for the entire month of July. We  
36 hope that having both trucks on the road will enable us to quickly return to our once per week collection goal for the entire Town.  
37

38 I remain hopeful that our new truck will be delivered and in service by late September or early October.  
39

40 **Coast Guard Road Pavement Repairs**

41 Onslow Grading and Paving has completed temporary asphalt repairs on Coast Guard Road, and will return after Labor Day to  
42 complete more comprehensive repairs to several areas of the road where the pavement appears to be "sliding" off to one side.  
43

44 **Eastern Ocean Regional Access Pavement / Paver Block Repairs**

45 A very small pavement failure and paver block failure has occurred in the southwest corner of the new parking lot, and SunLand  
46 Builders is expected to correct this failure after Labor Day. An old, abandoned pipe below the parking lot has led to a sub-  
47 surface washout, thus causing the asphalt and paver blocks to sink.  
48

49 **Trial Speed Humps**

50 Town staff plan to install two trial speed humps along Ocean Drive on either side of 5<sup>th</sup> Street sometime this week.  
51  
52

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1 **New Gates for Beach Vehicle Ramps, Western Ocean Regional Access, and El Woods Park**

2 The FY 15-16 budget includes a total of \$10,000 for new gates at the Town's beach vehicle ramps (16<sup>th</sup> Street emergency ramp,  
3 Ocean Drive dog-leg, Black Skimmer, Doe Drive emergency ramp, and The Point), and we are planning to install new gates that  
4 are identical to those installed at the Eastern Ocean Regional Access. I also hope to identify sufficient funds to install similar  
5 gates at the Western Ocean Regional Access and Emerald Isle Woods Park. Each of the two gates at the Eastern Ocean  
6 Regional Access was approximately \$3,500, however, those gates are approximately double the length necessary for the other  
7 locations.  
8

9 **Exterior Deficiencies – 7405 Archers Creek Court**

10 Town staff have been dealing with nuisance concerns at this location for the past 2 years, and previously utilized an informal  
11 process to attempt to have the owner make repairs to siding, windows, and decks, and to clean up the outdoor area. The owner  
12 finally secured a building permit in January, with a 6 month period to complete the work. The 6 month deadline has come and  
13 gone, and very little, if anything, has been done to resolve these concerns. Town staff will soon begin the formal complaint  
14 process on this home, and will order that all improvements be completed within 15 days. If not completed in that time frame, the  
15 Town will complete the improvements, and then bill the property owner for the cost of the improvements. In the event that the  
16 property owner does not pay, a lien will be placed on the property, and the Town will also attempt to utilize the NC Debt Setoff  
17 program to recover costs. We will attempt to keep Town costs as minimal as possible.  
18

19 **Code Violations - The Rusty Pelican Motel**

20 Town and County staff conducted a hearing with representatives of the owner of The Rusty Pelican on May 29 to review the  
21 current Code violations and learn of the owner's plans to rectify these violations. Town and County staff have ordered the  
22 electrical power cut off and have prohibited the building from being occupied until various structural and electrical issues are  
23 resolved. The owner has a deadline of November 29 to correct the deficiencies, and has recently indicated that she intends to  
24 repair the structure to meet applicable codes. We have also received inquiries from potential purchasers of the property, and  
25 understand that the owner may also be considering the sale of the property.  
26

27 **Ordinance Amendment – Exterior Paint Color of Commercial Buildings**

28 Josh Edmondson, Town Planner, is working with Town Attorney Richard Stanley and the Planning Board on an amendment to  
29 the Town's existing ordinance regulating the exterior paint color of commercial buildings. We hope to receive a Planning Board  
30 recommendation after their August or September meeting, and present that recommendation to the Board of Commissioners at  
31 your September or October meeting.  
32

33 **Website Update**

34 Town Clerk Rhonda Ferebee and I continue to work with VC3 on a redesign of the Town's website. We are very pleased with  
35 the direction thus far, and hope to unveil the new site within the next month. The new site will include much of the current  
36 content, but it will be organized in a fresh, new format that should be easier to navigate.  
37

38 We are also planning to include electronic applications on the website that can be submitted electronically (for building permit  
39 applications, golf cart applications, etc.), and also hope to make it easier to pay for Town services with a credit card on the new  
40 website. The Town's summer intern, Kate Keeter, was tasked with converting various Town forms into an electronic submission  
41 format, and we plan to incorporate these into the new website.  
42

43 **St. Patrick's Festival**

44 The 2016 St. Patrick's Festival will be held on Saturday, March 12. Town staff are considering expanding the festival to also  
45 include activities on Friday, March 11.  
46

47 **Emerald Isle Marathon, Half-Marathon, & 5K Races**

48 The 2016 races are scheduled for Saturday, April 9, due to the fact that Easter Sunday is March 27, the normal race weekend.  
49 Planning is underway, and the Race Committee hopes to surpass the 1,600 registrants in 2015.  
50  
51  
52

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1 **Decorative Street Lights**

2 Carteret Craven Electric is completing preliminary work on the installation of new decorative street lights along the bike path and  
3 sidewalk along NC 58 between the new Welcome Center and the Town Government Complex. I am hopeful that the new lights  
4 will be installed before Christmas.  
5

6 **2016 – Vendors at WORA, EORA?**

7 Town staff are considering the appropriate regulations and selection process to enable mobile vendors to operate at the Eastern  
8 Ocean Regional Access and Western Ocean Regional Access during the 2016 tourism season. I expect that the process will  
9 limit this opportunity to businesses with a “brick and mortar” presence in Emerald Isle only. I hope to present recommendations  
10 to the Board in the next few months.  
11

12 **Confusion About Carbon Monoxide, Fire Extinguisher Requirements for Vacation Rental Units**

13 Earlier this summer, the Fire Department informed all vacation rental companies that vacation rental units must be equipped with  
14 carbon monoxide detectors and fire extinguishers. We have since received conflicting guidance on this requirement, and are  
15 awaiting a formal interpretation from the Office of the State Fire Marshal. If necessary, we will publicize any corrections to our  
16 property owners.  
17

18 **Fire Ladder Truck**

19 The Fire Department’s ladder truck has been in Rocky Mount for various minor repairs for the past two weeks, but is expected  
20 back in service on or around April 15.  
21

22 **Water Tank Maintenance / Emergency Communications Equipment**

23 Maintenance work on the Bogue Banks Water tank in eastern Emerald Isle is now complete, and the Town’s emergency  
24 communications equipment is expected to be re-installed any day now. This important communications equipment has been out  
25 of service since last September. (The water tank maintenance was delayed much longer than originally anticipated by Bogue  
26 Banks Water.)  
27

28 Similar maintenance work is planned for the central water tank near the Police Station this fall / winter, and we have been  
29 informed that our communications equipment will need to be removed by September 30. A portable emergency communications  
30 tower (approximately 120 feet; provided by the NC Highway Patrol) will be set up in the NC 58 right of way across from Emerald  
31 Plantation Shopping Center on or about September 22. Water tank maintenance is expected to be complete by March 2016.  
32

33 **Islander Drive Properties For Sale?**

34 I am told that the former go-kart track and batting cage properties on Islander Drive will soon be put on the market for sale. I  
35 remain hopeful that an investor or developer will acquire the properties and either improve the aesthetics and/or redevelop the  
36 properties with an attractive, productive use. I have informed several real estate agents and the owner that the Town is happy to  
37 help any prospective buyers with information about Village West, zoning requirements, etc.  
38

39 **NC 58 Corridor Study**

40 The Eastern Carolina Council of Governments (ECC) continues to gather data and information that will be included in the study.  
41 At this point all land uses, bicycle and pedestrian facilities, and traffic lights along the NC 58 corridor have been mapped and  
42 reviewed by each town. All crash data has been updated and mapped to indicate where problem areas are located. This data  
43 will be used by ECC to recommend the type of improvements needed to address the areas of concern.  
44

45 Within the next couple of months, ECC hopes to begin pulling all of this information together in draft format. This draft should  
46 include both short-term and long-term recommendations that include access management, medians, turn lanes, additional lanes,  
47 intersection improvements, bike and pedestrian improvements, beautification projects, managed lanes, public transportation and  
48 others.  
49

50 **JLUS Study**

51 The MCAS Cherry Point Joint Land Use Study (JLUS) is continuing to progress. The JLUS is a collaborative effort between  
52 Carteret County, Craven County, Pamlico County, and the adjacent municipalities and communities to MCAS Cherry Point and

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1 its auxiliary facilities. The study is intended to promote a regional dialogue to balance military operational demands and mission  
2 changes with the region's and local communities' land use plans, economic development demands, infrastructure needs, and  
3 goals for environmental sustainability.  
4

5 Within the last couple of months, Jones County has been offered to be included in this study as the Oak Grove Outlying Landing  
6 Field is located there. The Jones County Commissioners are expected to approve their participation. Because of this  
7 development, the schedule of completion is behind by 30 days. The project was originally scheduled to be complete by the end  
8 of January 2016 but is now expected to be complete by March 2016.  
9

10 Currently, the consultants are continuing to conduct stakeholder interviews. Originally, this was scheduled to be a one day  
11 session including 8 interviews. Due to the importance and number of different stakeholders, the total number of interviews to  
12 date is more than 30. This input has added extra value to this study. The consultants are also reviewing and analyzing land  
13 uses, developing mitigation strategies, analyzing natural buffers and developing of host of maps. The consultants hope is to  
14 have a draft plan available within the next 2 - 3 months.  
15

16 **15. Comments from Board of Commissioners and Mayor**  
17

18 Commissioner Hoover commented that one of the two individuals that saved the young  
19 13 year old from drowning was Art Schools.  
20

21 Mayor Barber thanked the EMS, Police and Fire Department for their hard work and  
22 professionalism during the most recent deck collapse the previous night.  
23

24 There were no further comments by the Board of Commissioners.  
25

26 **16. Adjourn**  
27

28 ***Motion was made by Commissioner Messer to adjourn the meeting. The Board***  
29 ***voted unanimously 5-0 in favor. Motion carried.***  
30

31 ***The meeting was adjourned at 7:30 pm.***  
32

33 Respectfully submitted:  
34  
35  
36

37 Rhonda C. Ferebee, CMC, NCCMC  
38 Town Clerk