

1                                   **MINUTES OF THE REGULAR SCHEDULED MEETING**  
2                                   **OF THE EMERALD ISLE BOARD OF COMMISSIONERS**  
3                                   **TUESDAY, SEPTEMBER 8, 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, Floyd Messer, Jim Normile, John  
16 Wootten, and Maripat Wright.  
17

18 Absent for the meeting: Commissioner Tom Hoover.  
19

20 Also present during the regular meeting: Town Manager Frank Rush, Town Attorney  
21 Richard Stanley, Finance Director Laura Rotchford, Town Clerk Rhonda Ferebee,  
22 Police Chief Jeff Waters, Public Works Director Artie Dunn, and Town Planner Josh  
23 Edmondson.  
24

25    **3. Opening Prayer**  
26

27 Mayor Barber offered the Opening Prayer.  
28

29    **4. Pledge of Allegiance**  
30

31 Mayor Barber led the Pledge of Allegiance.  
32

33    **5. Adoption of Agenda**  
34

35    ***Motion was made by Commissioner Messer to adopt the Agenda. The Board***  
36    ***voted unanimously 4-0 in favor. Motion carried.***  
37

38    **6. Special Presentation – Pete Wachter, Planning Board**  
39

40 Mayor Barber presented a plaque to outgoing Planning Board Vice-Chairman Pete  
41 Wachter recognizing his 9 1/2 years served on the Planning Board and on the Board of  
42 Adjustment for more than a year before being appointed to the Planning Board, his  
43 commitment knowledge, and experience would be missed on the Planning Board.  
44  
45  
46

1 **7. Service Award – Tim Long, Senior Police Officer – 20 Years**  
2

3 Mayor Barber, Town Manager Rush, and Police Chief Jeff Waters presented Tim Long,  
4 Senior Police Officer with a service award recognizing his 20 years of full-time service to  
5 the Town of Emerald Isle. Officer Long began work for the Town on February 3, 1988,  
6 and served in a full-time role until June 27, 2006, when he pursued a career change.  
7 Officer Long remained with the Town during that time as a part-time reserve officer for  
8 the next 7+ years, and was rehired as a full-time officer on October 16, 2013. Officer  
9 Long recently marked a total of 20 years of full-time service with the Town. Mayor  
10 Barber stated that Officer Long had made great contributions to the Town during his  
11 years with the Emerald Isle Police Department and his service and dedication was  
12 appreciated.  
13

14 Officer Tim Long said he appreciated his time working for the Town. Chief Waters  
15 stated that it had been a privilege to have an Officer such as Tim Long work for the  
16 Emerald Isle Police Department.  
17

18 **8. Proclamation / Public Announcements**  
19

- 20 • **Proclamation – Constitution Week, September 17 – 23 (15-09-08/P1)**
- 21 • **Walking Club – Fridays – September 11 – October 23 – 9 am – Community**  
22 **Center**
- 23 • **Friday Free Flick – Friday, Sept 11 – 7 pm – Community Center – “Night at**  
24 **The Museum – Secret of the Tomb”**
- 25 • **9/11 Memorial Ride – Saturday, September 12 – Through Emerald Isle at**  
26 **around 2:15 pm – NC 58**
- 27 • **Swansboro – Emerald Isle Flavor – Saturday, September 12 – 12 noon – 5**  
28 **pm – the Islander Suites**
- 29 • **Beach Driving Season Begins – Tuesday, September 15**
- 30 • **Police Educating the Public – Tues, Sept 15 – 10 am & 6 pm – Town Board**  
31 **Meeting Room – “Youth Safety”**
- 32 • **Bicycle & Pedestrian Advisory Committee – Wednesday, September 16 –**  
33 **9 am – Community Center**
- 34 • **10<sup>th</sup> Annual Day4Kids – Saturday, September 19 – 10 am – 2 pm –**  
35 **Community Center**
- 36 • **Household Hazardous Waste Collection – Sat, Sept 19 – 8 am – 1 pm –**  
37 **Carteret County Health Department**
- 38 • **Coffee With a Cop – Thursday, September 24 – 9 am – Mike’s Place**
- 39 • **Flu Shot clinic – Thursday, September 24 – 10 am – 1 pm – Community**  
40 **Center**
- 41 • **Family Pirate Day – Saturday, September 26 – 10 am – 2 pm – Western**  
42 **Carteret Public Library**

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- 1 • **Planning Board Regular Meeting – Monday, September 28 – 6 pm – Town**
- 2 **Board Meeting Room**
- 3 • **El Fire Department Open House – Saturday, October 3 – 11 am – 2 pm –**
- 4 **Fire Station 1**
- 5 • **Advanced Youth Tennis Clinic – October 5 – November 9 – 4 – 5 pm – Blue**
- 6 **Heron Park**
- 7 • **Free Surf Fishing Seminar – Monday, October 5 – 6 pm – Community**
- 8 **Center**
- 9 • **Friday Free Flick – Friday, October 9 – 7 pm – Community Center –**
- 10 **“Maleficent”**
- 11 • **Board of Commissioners Regular Meeting – Tuesday, October 13 – 6 pm –**
- 12 **Town Board Meeting Room**
- 13 • **Commissioner Candidate Forum – Tuesday, October 20 – 6 pm –**
- 14 **Community Center**

15  
16 Mayor Barber recognized Commissioner Candidates who were in attendance at the  
17 meeting - Commissioner Floyd Messer, Ryan Ayre, Mike Campbell, Stephen Finch,  
18 Mark Taylor, and Don Wells. Mayor Barber noted he had received a call from Candace  
19 Dooley earlier noting she was unable to attend tonight’s meeting. Mayor Barber  
20 encouraged everyone to attend the upcoming Candidate Forum on October 20.

21  
22 **Clerks Note:** A copy of Proclamation 15-09-08/P1 as referenced above is incorporated herein by reference  
23 and hereby made a part of these minutes.

24  
25 **9. Public Comment**

26  
27 **Brief Summary:** The public will have the opportunity to address the Board about any  
28 items of concern not on the agenda.

29  
30 Sellers Hardee, Emerald Isle resident, presented detailed data to the Board with  
31 information about annual retail sales of petroleum, export, and consumption, renewable  
32 energy sources. Mr. Hardee talked about our choices, whether we were in favor of  
33 putting oil wells off of our coast or did we want to say we were not sure that was the  
34 best way. Mr. Hardee asked the Board to consider a resolution from the Town of  
35 Emerald Isle saying that we were against offshore oil wells.

36  
37 Sue Stone, Emerald Isle resident, said she had spoken to the Mayor and  
38 Commissioners about offshore oil drilling and getting the Town to pass a resolution.  
39 Ms. Stone said she hoped the Board would consider a resolution on the October  
40 agenda to oppose offshore oil drilling. Ms. Stone asked those with her wearing blue as  
41 also opposing offshore oil drilling to stand to show their support. Ms. Stone felt the  
42 sentiment was there and she knew the Town would do what was right because the  
43 Town of Emerald Isle was awesome.

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1  
2 Paul Schwartz, Wyndtree Drive, spoke about the number of golf carts using the bike  
3 path on Coast Guard Road. He said the vast majority of golf carts were coming out of  
4 Spinnakers Reach and he felt that many of them didn't realize they shouldn't be on the  
5 path because it looked like a golf cart path to them. Mr. Schwartz felt they needed  
6 some stiffer fines, and for those bringing the carts to Spinnakers to suffer some kind of  
7 penalty for the carts being on the bike path and spoiling what they spent so much time  
8 and energy to build. Mr. Schwartz said they should have the golf cart rental companies  
9 put a sign on the dashboard to keep the folks informed that they couldn't leave the  
10 gated community on the golf cart, and make them aware that what they were doing was  
11 wrong.

12  
13 William Yeager, 316 Cedar Street, thanked the Mayor and Board following an incident  
14 on his street that involved an out of control all-weekend party. He appreciated the  
15 Police Assistance they received with the problem they had on Cedar Street.

16  
17 **10. Consent Agenda**

18  
19 **a. Tax Releases**

20 **b. Minutes – July 14, 2015 Regular Meeting**

21  
22 ***Motion was made by Commissioner Wright to approve the items on the Consent***  
23 ***Agenda. The Board voted unanimously 4-0 in favor. Motion carried.***

24  
25 **Clerks Note: A copy all consent agenda items as referenced above are incorporated herein by reference and**  
26 **hereby made a part of these minutes.**

27  
28 **Resolution of Intent to Close Woodpecker Lane (15-09-08/R1)**

29  
30 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
31 following excerpt from his memo to the Board is provided for additional background:

32  
33 The Board of Commissioners is scheduled to consider the attached resolution at the September 8 meeting indicating the Town's  
34 intent to close Woodpecker Lane. If approved, the Board would provide appropriate public notice, conduct a public hearing on  
35 October 13, and then formally consider the closure of Woodpecker Lane at the October 13 Board meeting.

36  
37 Woodpecker Lane is an approximately 1100 ft. street segment that runs parallel to NC 58 (north side) between Emerald Isle  
38 Baptist Church and K&V Plaza. Woodpecker Lane also includes an approximately 200 ft. long street segment that is  
39 perpendicular to NC 58 that connects to the 1100 ft. segment that runs parallel to NC 58. A copy of the Town's 2011 Powell Bill  
40 Map is attached and depicts the street segments proposed for closure. The Board should note that these street segments are  
41 indicated as public, while the remainder of the Woodpecker Lane "loop" to the east, west, and north are indicated as private. The  
42 Board should also note that the segments indicated as public do not connect with any public street other than NC 58. The  
43 portion of Woodpecker Lane that connects with Old Ferry Road (along the boundary with K&V Plaza) is indicated as private.

44  
45 Woodpecker Lane serves an established mobile home park owned by Manatee Investments Limited Partnership and Seaside  
46 Siblings (two separate tracts). Approximately 30 mobile homes are included in the mobile home park, on the northern portion of

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1 the two tracts that is zoned Mobile Home. Two large undeveloped areas are located between the parallel segment of  
2 Woodpecker Lane and NC 58, and these areas are zoned Business. There are no other property owners served by Woodpecker  
3 Lane.

4  
5 The Town was recently approached by Paxon Holz, Manatee Investments Limited Partnership, requesting that the Town take  
6 formal action to abandon the public segments of Woodpecker Lane. The Board may recall that all segments of Woodpecker  
7 Lane have been considered by the Town to be private since April 2012 when a proposed boat storage area was approved (but  
8 has not been constructed) for a portion of the tract owned by Seaside Siblings. This "private" determination by Town Attorney  
9 Richard Stanley was based on information included on the recorded subdivision plat for this area. It was later learned that an  
10 easement was granted in 1985 for the public segments of Woodpecker Lane, thus the need for the Board to consider the formal  
11 closure of the public segments of Woodpecker Lane at this time.

12 In accordance with NCGS 160A-299, in order to formally close the street, the Board will need to approve the attached resolution  
13 of intent at the September 8 meeting. The attached resolution schedules a public hearing for the October 13 meeting, and  
14 directs Town staff to advertise the hearing for 4 consecutive weeks, post two notices on the property, and notify the property  
15 owners adjoining the street (by certified mail). The Board would then conduct the public hearing, and if it determines that the  
16 closing is not detrimental to the public interest and that no property owners will be denied reasonable ingress and egress to their  
17 property, the Board may formally close the street. The land occupied by the street would then revert to the adjacent property  
18 owners.

19  
20 I recommend that the Board proceed with the formal closure of the public segments of Woodpecker Lane for several reasons.  
21 First, the Town has operated under the belief that all segments of Woodpecker Lane have been private since April 2012, and the  
22 owners have installed a gate across this segment that prevents through traffic. (The mobile home park is now served by the  
23 entrance on Old Ferry Road.) Second, I see no significant value to the Town by retaining the public segments of Woodpecker  
24 Lane, as these streets do not connect to other public streets or property owned by other private individuals. Third, the historical  
25 ability of Emerald Isle residents to use Woodpecker Lane as a "cut-through" from the marina area to NC 58 was also occurring  
26 on the private segments of Woodpecker Lane, and even if the Town retained control of the public segments of Woodpecker Lane  
27 there would still be no ability for others to "cut-through" this area, as the segments connecting to Old Ferry Road remain private.  
28 Finally, the closure of the public segments of Woodpecker Lane will enable the two property owners (Seaside Siblings and  
29 Manatee Investments) to remove this encumbrance from the overall land area, and may make it easier for future redevelopment  
30 of the two tracts.

31  
32 Town Manager Rush noted that the item before the Board tonight was the first part of a  
33 two step process to formally close the public section of Woodpecker Lane. Mr. Rush  
34 noted this was a loop road that connected at Highway 58 and also at Old Ferry Road  
35 with the public section being approximately 1100 feet that ran parallel to the Highway 58  
36 as well as a 200 ft. stub that connected with Highway 58. Mr. Rush stated that the rest  
37 of the loop including the portion that connected to Old Ferry Road was a private street.  
38 Mr. Rush said the portion being considered to be closed tonight was a public street by  
39 recorded easement on file. Mr. Rush said that after the Board's decision in 2012 where  
40 they were considering a different but related issue when they considered that section to  
41 be private, the Town had done no maintenance on that street, and had received  
42 commitments from the two property owners served by that street that they would be  
43 responsible for all maintenance activities. Mr. Rush said there was a gate installed with  
44 the Town's consent based on the assumed private nature. Mr. Rush said once they  
45 learned that this was in fact still a public section they talked to the property owners and  
46 he was prepared tonight to make a recommendation to the Board if they were so willing  
47 that they formally close the 1100 ft. section and the 200 ft. section of the street. This  
48 step tonight was a Resolution of Intent, they would then advertise for four consecutive

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1 weeks for a public hearing to be held at the Board's October 13 meeting, after that the  
2 Board could take action as early as the October 13 meeting to formally close the street.

3  
4 Mr. Rush said normally he would not be recommending they close a public street but  
5 felt that in this case it was appropriate for several reasons. Mr. Rush said they had  
6 been operating under the assumption that it was private since at least 2012; secondly,  
7 the road only served two property owners; the large mobile home park area and the  
8 large undeveloped tract closer to Highway 58 divided into two large properties. Mr.  
9 Rush said the road served no other adjacent properties and therefore no other property  
10 owners would be harmed if it became a private street exclusively. Mr. Rush said  
11 additionally they had received comments in the past that some of the residents back on  
12 Sound Drive, Canal Drive, closer to the marina would sometimes cut through that area  
13 and that caused concern initially when the gate was put up about a year ago. Mr. Rush  
14 said he didn't feel that that concern was valid because as shown on the map the  
15 property owners would be able to put a gate anywhere on that solid private area and  
16 accomplish the same thing. Mr. Rush said that this was one of the few remaining large  
17 tracts in Emerald Isle and while he didn't think the owners had any intention of  
18 redeveloping it at this time, if there was ever a desire on their part for them to redevelop  
19 in the future it would give them more flexibility.

20  
21 Commissioner Wootten asked for clarification when he spoke about two property  
22 owners when there were all kinds of mobile homes in there. Mr. Rush stated that all of  
23 the individuals with mobile homes in there were leasing from the two property owners.  
24 Mr. Rush stated that the subdivision plat indicated that it was private, however, there  
25 was a subsequent easement that was recorded in the 1980s that actually dedicated that  
26 section as a public street, therein was the source of the confusion when they talked  
27 about this issue in 2012. Mr. Rush said they were surprised when this came up a few  
28 months ago. Mr. Rush stated that even if the sections stayed public people could still  
29 not cut through there and a gate could be placed anywhere else on the private sections  
30 shown on the map which was why he didn't see any value to the Town in preserving the  
31 street as it only served those two property owners.

32  
33 ***Motion was made by Commissioner Wootten to approve the Resolution of Intent***  
34 ***to Close Woodpecker Lane. The Board voted unanimously 4-0 in favor. Motion***  
35 ***carried.***

36  
37 **Clerks Note:** A copy of Resolution 15-09-08/R1 as referenced above is incorporated herein by reference and  
38 hereby made a part of these minutes.

39  
40 **12. Presentation – Deck Safety**

41  
42 Town Planner Josh Edmondson introduced Jim Osika, Planning Board member, and  
43 Master Deck Professional who had contacted him not long after the first deck collapse

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1 earlier in the summer about what he could do to help and had since received much  
2 training on decks and had offered to share this information to the Board tonight.

3  
4 The following memo from Town Manager Rush to the Board is provided as additional  
5 background:

6  
7 The Town continues its efforts to foster greater public awareness of deck safety issues in Emerald Isle, and continues to  
8 coordinate closely with the vacation rental agencies to promote deck safety. As part of this effort, I have scheduled time on the  
9 Board's September 8 meeting agenda to receive a presentation from Planning Board member Jim Osika, who has taken a  
10 special interest in deck safety issues.

11  
12 Planning Board member Osika has recently received the "Master Deck Professional" certification from the North American Deck  
13 and Railing Association (NADRA), and has also received a certification from the International Association of Certified Home  
14 Inspectors on "How to Perform Deck Inspections". I have attached information about the NADRA and the "Master Deck  
15 Professional" program, along with a helpful "Consumer Checklist". This checklist, and additional helpful information is available  
16 online at [www.nadra.org](http://www.nadra.org).

17  
18 I have also attached a copy of the "Citizen's Guide to Deck Safety" flyer prepared by Town Planner Josh Edmondson in July after  
19 the first deck collapse incident. This flyer was emailed to more than 6,700 subscribers to the Town's email newsletter, is posted  
20 on the Town's website, and a hard copy was mailed to all Emerald Isle property owners with the 2015 property tax bills in  
21 August. Additionally, the vacation rental agencies sent this same flyer to their vacation rental homeowners. As you know, there  
22 are more than 6,700 housing units in Emerald Isle, and I am confident that nearly all, if not all, of our property owners have  
23 received this information.

24  
25 Of the approximately 6,700 housing units in Emerald Isle, more than 2,000 are active vacation rental units. The vacation rental  
26 companies have also made concerted efforts to address deck safety issues in Emerald Isle, and have worked closely with Town  
27 staff and County building inspections staff on the most serious issues. The vacation rental companies continue to place a high  
28 priority on deck safety issues, and have tasked their staff and contractors with necessary deck repairs. In some instances, the  
29 vacation rental companies have stopped renting certain units until necessary deck repairs are made, and have also relocated  
30 visitors from rental units where new concerns have been discovered. I am pleased with the approach taken by our vacation  
31 rental companies, and appreciate their efforts to promote deck safety in Emerald Isle. As you know, Town staff, Mayor Barber,  
32 and Commissioners Messer and Wright met with the owners of the 6 vacation rental companies in July, and another meeting is  
33 planned for later in September.

34  
35 Town staff and County building inspectors have also been diligent in responding to concerns received about decks at specific  
36 structures in Emerald Isle. As noted in the attached memo from Town Planner Josh Edmondson, a total of 8 decks have been  
37 posted as unsafe after inspections by Town and County staff, and we continue to work with these property owners and their  
38 vacation rental companies to address outstanding concerns. These units can not be occupied until the necessary repairs are  
39 completed. Concerns were also received about 5 additional decks, and these have also been inspected by Town and County  
40 staff. In these cases, the inspections did not reveal deficiencies that warranted posting as unsafe, however, staff have  
41 recommended future maintenance to prevent serious deficiencies from developing.

42  
43 With the 2015 tourism season coming to an end, there have also been more general inquiries about deck repairs in recent  
44 weeks, and I suspect that many property owners may be planning deck maintenance work this offseason. Town staff and  
45 County staff stand ready to assist our property owners and vacation rental companies in any manner that is helpful.

46  
47 Finally, as you know, the Town maintains more than 60 public beach access walkways and several soundside walkways and  
48 piers. Town staff routinely inspect these walkways and piers, however, we will be seeking the services of a qualified structural  
49 engineer to more closely inspect these features this offseason.  
50

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1 I look forward to receiving Jim Osika's presentation at the September 8 meeting, and Josh Edmondson and I will be available to  
2 answer any questions you may have about these issues.  
3

4 Jim Osika, Planning Board Member recently received the "Master Deck Professional"  
5 certification from the North American Deck and Railing Association (NADRA) as well as  
6 from the International Association of Certified Home Inspectors on "How to perform  
7 Deck Inspections". Mr. Osika provided an informative presentation for the Board and  
8 public about issues regarding deck safety decking materials, and the recommended  
9 treatment and best maintenance practices. Mr. Osika fielded several questions from the  
10 public and the Board.  
11

12 Mayor Barber expressed appreciation to Mr. Osika for his informative presentation.  
13

14 Town Manager Rush also noted that Town Planner Josh Edmondson had been fielding  
15 complaints from interested individuals over the last couple of months, and as of today  
16 they had posted eight structures as unsafe. Mr. Rush said those decks were in various  
17 stages of repair, there were another five that they were called to look at and found that  
18 those were okay and in those cases they recommended appropriate maintenance. Mr.  
19 Rush said they would continue to respond to any and all concerns expressed to the  
20 Town Planner or the County Inspectors. Mr. Rush said they continued to work with the  
21 vacation rental companies also who were very clearly taking the issue seriously.  
22

23 **13. Ordinance Amending Chapter 11 – Motor Vehicles and Traffic – of the Code of**  
24 **Ordinances (Comprehensive Review) (15-09-08/O1)**  
25

26 **a. Consideration of Ordinance**

27 **b. Fee Schedule Amendment (Golf Cart Registration Fee)**  
28

29 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
30 following excerpt from his memo to the Board is provided for additional background:  
31

32 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners  
33 is scheduled to consider proposed amendments to Chapter 11 of the Code of Ordinances at the September  
34 8 meeting. The new Chapter 11 is titled "Transportation", and combines provisions currently included in  
35 Chapter 11, "Motor Vehicles and Traffic" and Chapter 17, "Streets and Sidewalks".  
36

37 As you know, the Town has been undertaking a comprehensive process that is intended to review, clarify,  
38 and ideally condense and simplify the entire Code of Ordinances of the Town of Emerald Isle. The Town is  
39 now more than 58 years old, and numerous ordinance amendments have been made over the years with  
40 input by many different groups and individuals, all likely with good intentions, and sometimes there are  
41 unintended impacts on or conflicts with other ordinance provisions. State law and common practice also  
42 change over time, and this sometimes leads to out of date provisions or confusion. In other cases, it may

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1 be helpful for the Town to critically ask itself if it really needs certain ordinance provisions, and also if new  
2 policies are warranted.

3  
4 As discussed previously, my goal has been for Town staff and me to complete a comprehensive review of  
5 all Town ordinances with a critical eye. During this review, conflicting or confusing provisions are being  
6 targeted for clarification, unnecessary provisions are being targeted for elimination, and in some cases out  
7 of date or un-enforced provisions are being targeted for elimination. The Board previously reviewed and  
8 approved comprehensive amendments to the Town Charter, Chapters 1 – 10, and Chapter 14, and  
9 comprehensive amendments to Chapter 11 and Chapter 17 (combined into a new Chapter 11) were initially  
10 presented to the Board at the August 11 meeting. The Board did not take action on the proposed new  
11 Chapter 11 at the August 11 meeting, and requested additional explanation of the specific changes from  
12 the current Chapters 11 and 17. Additional explanation is attached, and the Board is asked to formally  
13 consider the adoption of the proposed new Chapter 11 at the September 8 meeting.

14  
15 The attached ordinance amendment was drafted by me, with input from Town Attorney Richard Stanley,  
16 Police Chief Jeff Waters, Assistant Police Chief Tony Reese, and Public Works Director Artie Dunn.  
17 Because most of the provisions included in the current version of Chapter 11 and Chapter 17 are greatly  
18 simplified or eliminated altogether, the attached ordinance amendment is presented only in a clean version.  
19 It would have been very confusing and likely would have led to unanticipated errors to utilize the underline  
20 and ~~striketrough~~ features to show the specific differences in the proposed ordinance amendment.  
21 However, as requested by the Board, I have attached the current version of both Chapter 11 and Chapter  
22 17 with notes adjacent to most sections that provide a better explanation of the proposed changes and/or  
23 point to the updated provisions in the proposed ordinance amendment. I have also summarized the most  
24 significant changes in some detail later in this memorandum.

25  
26 The current version of Chapter 11 includes Town ordinance provisions regarding traffic control devices, the  
27 operation of motor vehicles, parking, pedestrians, bicycles, and golf carts. The current version of Chapter  
28 17 includes the Town's construction standards for public and private streets, provisions regarding damage  
29 to public streets, and provisions regarding the numbering of structures. The attached ordinance  
30 amendment includes provisions regarding all of these issues, with the exception of the numbering of  
31 structures. The provisions regarding the numbering of structures have been relocated to Chapter 12 -  
32 Miscellaneous Provisions..

33  
34 As noted above, the overarching goal of the new Chapter 11, Transportation, is to greatly simplify the  
35 Town's ordinance requirements. Several lengthy provisions have been condensed into much shorter  
36 provisions, and several impractical, unused, or unnecessary provisions have simply been deleted. The  
37 most significant changes in the proposed new Chapter 11 are noted below:

- 38  
39
- 40 • The ordinance includes a clear provision that all streets within the Town are dedicated for public  
41 use unless specifically authorized by the Board as privately maintained streets on an approved  
42 subdivision plat.

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- 1       • The ordinance retains but simplifies most of the Town’s street construction standards and  
2       acceptance provisions.  
3
- 4       • The required right-of-way width for new public streets is reduced from 55 feet to 50 feet. The  
5       Town’s standards for pavement width, shoulder width, and ditch width only add up to a required  
6       right-of-way width of 50 feet, and most existing Town streets only have a right-of-way of 50 feet.  
7
- 8       • The required pavement depth has been increased from 1.5 inches to 2 inches and the required  
9       rock base depth has been increased from 6 inches to 8 inches. These changes are included to  
10      promote greater stability and strength of any newly constructed streets in the future. The sandy  
11      soils in Emerald Isle are sometimes challenging, and a 6 inch rock base depth and 1.5 inch  
12      pavement depth is likely to lead to greater incidence of “dips” in any new streets.  
13
- 14      • The ordinance simplifies the penalties for any intentional or unintentional damage to Town streets,  
15      sidewalks, bicycle paths, signs, markers, or any other features in the public right-of-way. The  
16      ordinance requires that the person responsible for such damage shall bear the full cost of  
17      restoration, and also includes the ability to charge the offender with a misdemeanor (in intentional  
18      situations).  
19
- 20      • The ordinance includes a similar provision for any intentional or unintentional leaving of debris (of  
21      any kind) on Town streets, sidewalks, or bicycle paths, and simply requires the person responsible  
22      to bear the cost to clean it up. There is also the ability to charge the offender with a misdemeanor  
23      (in intentional situations).  
24
- 25      • The ordinance simplifies provisions requiring anyone who excavates a street, sidewalk, or bicycle  
26      path to secure Town approval before beginning work.  
27
- 28      • The Town’s motor vehicle traffic regulations are greatly simplified in the new Chapter 11, and are  
29      also structured to reflect actual practice by the Board of Commissioners and Town staff in recent  
30      years.  
31
- 32      • The new Chapter 11 authorizes the Town Manager (in conjunction with Town staff) to establish  
33      limitations and erect relevant signs, markers, and/or other devices for the more routine, less  
34      controversial traffic controls. Examples include the placement of stop signs, no parking signs, and  
35      crosswalks that are routinely approved and placed by Town staff. (The Town’s current ordinance,  
36      in some cases, refers to “lists” of approved locations on file with the Town Clerk, and such “lists”  
37      may not be available.) Language is also included that authorizes the Board to also make these  
38      determinations, and to also rescind any such determinations made by the Town Manager.  
39
- 40      • The authority to establish speed limits, designate one-way streets, install speed humps, and limit  
41      turning movements is specifically reserved for the Board. Staff would only implement such  
42      changes after formal Board approval in a Board meeting.  
43

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- 1           • The ordinance does include references to the current Town speed limits, and also identifies the  
2           Town's lone speed hump location on Ocean Drive near 5<sup>th</sup> Street.  
3
- 4           • The ordinance specifies that all speeding violations will be cited under Chapter 20 of the NC  
5           General Statutes, as is current practice, but does provide the option for the Police Department to  
6           issue a Town citation (civil violation) for all other violations of Town traffic ordinances in Chapter  
7           11. The ordinance establishes a civil penalty of \$50 for all traffic violations resulting from not  
8           obeying Town signs, markers, or devices. The Police Department, at its discretion, would retain  
9           the ability to cite such violations under Chapter 20 of the NC General Statutes if desired.  
10
- 11          • The ordinance simplifies the Town's regulations for stopping, standing, and parking. The current  
12          civil penalty of \$50 is retained, however, the penalty increases to \$75 if not paid within 14 days.  
13
- 14          • The ordinance clarifies that parking on the asphalt pavement of any street is prohibited, unless it is  
15          in a designated on-street parking space. The ordinance retains the current provision that "no  
16          parking signs" apply within 150 feet of the sign, on both the pavement and the grassy area  
17          adjacent.  
18
- 19          • The Town's golf cart ordinance provisions remain mostly identical to the current ordinance with a  
20          couple of key changes. A new provision is included that makes it clear that a golf cart does not  
21          qualify as an "electric personal mobility device" for handicapped or elderly individuals. In the past,  
22          the Town has allowed individuals with a handicapped placard using the golf cart as a "mobility  
23          device" to operate in the Town without registering the golf cart with the Town. This interpretation  
24          also allowed golf carts used as a "mobility device" to operate on the Town's bicycle path, which  
25          often creates confusion and the potential for other golf cart use on the bike path (golf carts  
26          registered with the Town are not allowed on the NC 58 and Coast Guard Road bicycle paths). The  
27          Police Department recently received clear guidance that a golf cart is NOT an "electric personal  
28          mobility device", and thus this change in the new Chapter 11 is recommended. As a result, golf  
29          carts previously considered as an "electric personal mobility device" will need to register with the  
30          Town and secure a golf cart permit. As directed by the Board at the August 11 meeting, a fee  
31          schedule amendment to eliminate the \$75 annual fee for handicapped golf cart registrations is also  
32          attached for the Board's consideration at the September 8 meeting. Additionally, no golf carts  
33          (even if a handicapped placard is visible) will be permitted to drive on the NC 58 and Coast Guard  
34          Road bicycle paths.  
35
- 36          • Additional language is included regarding the revocation of a golf cart permit, making it clear that  
37          the one-year time period of the revocation does not begin until the license plate and registration  
38          sticker have been surrendered to or seized by the Police Department.  
39
- 40          • The ordinance simplifies and clarifies the Town's regulations for bicycles and pedestrians, and  
41          establishes a civil penalty of \$50 for violations. It is likely that a civil penalty would be assessed  
42          very infrequently, but may serve as a helpful deterrent.  
43

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- 1       • The ordinance continues to allow bicycles to be ridden on Town sidewalks, however, it requires a  
2       bicyclist on the sidewalk to yield the right-of-way to any motor vehicle entering or exiting a public  
3       street, private street, public vehicular area, or private driveway. As you may have realized, there is  
4       no signage or other warnings for bicyclists at any intersections, and this provision is intended to  
5       communicate the need for a bicyclist on the sidewalk to understand that it is their responsibility to  
6       stop at all such intersections.  
7
- 8       • The ordinance also includes a provision for bicyclist to yield the right-of-way to motor vehicles on  
9       the bicycle path, but only at public and private street intersections. This provision is intended to  
10      reinforce the need for bicyclists on the bicycle path to stop at all public and private street  
11      intersections. The Town's current design for the bicycle path does not require bicyclists to stop at  
12      intersections with public vehicular areas (i.e., commercial driveways) or private driveways. As you  
13      know, the bicycle path utilizes significant signage, and is thus treated differently than a bicyclist on  
14      a sidewalk.  
15
- 16      • A new section is included that makes it clear that skateboards are allowed on public and private  
17      streets, the bicycle path, and sidewalks, but that they should only be used for transportation  
18      purposes. Essentially, tricks and stunts are prohibited. The penalty for a violation of this section is  
19      a \$50 civil penalty.  
20

21      The Board should note that, overall, the Town promotes a friendly enforcement approach by the Police  
22      Department, and places a higher priority on the education of the offender about the Town's ordinance  
23      requirements than on the actual assessment of a civil penalty. That approach will certainly continue in the  
24      future, unless the Board directs otherwise.  
25

26      I look forward to discussing the attached ordinance amendment with the Board at the September 8  
27      meeting. If the Board is comfortable with the proposed amendments, the Board may consider adoption at  
28      the September 8 meeting. If the Board would like more time to review the proposed amendments, formal  
29      Board action can certainly be delayed until the October meeting or later.  
30

31      Town Manager Rush noted that this was the ordinance amendment that was discussed  
32      with the Board at the August meeting. Mr. Rush said they did have an official fee  
33      schedule to be considered that would establish no fee for golf cart registrations if the  
34      individual was handicapped with a placard. Secondly, Mr. Rush said at the request of  
35      the Commissioners because they had essentially rewritten the entire chapter from  
36      scratch, he had included copies of the old Chapter 11 and Chapter 17 along with  
37      notations in each case of the specific changes made in the new version.  
38

39      ***Motion was made by Commissioner Messer to approve the Ordinance Amending***  
40      ***Chapter 11 – Transportation – of the Code of Ordinances. The Board voted***  
41      ***unanimously 4-0 in favor. Motion carried.***  
42

1 ***Motion was made by Commissioner Wright to approve the Fee Schedule***  
2 ***Amendment to waive the annual registration fee for handicapped golf carts. The***  
3 ***Board voted unanimously 4-0 in favor. Motion carried.***

4  
5 **Clerks Note: A copy of Ordinance Amendment 15-09-08/O1 as referenced above is incorporated herein by**  
6 **reference and hereby made a part of these minutes.**

7  
8 **14. Ordinance Amending Chapter 12 – Offenses and Miscellaneous Provisions**  
9 **(Comprehensive Review) (15-09-08/O2)**

10  
11 Town Manager Frank Rush addressed the Board regarding this Agenda item. The  
12 following excerpt from his memo to the Board is provided for additional background:

13  
14 As part of the Town's ongoing comprehensive review of all Town ordinances, the Board of Commissioners is scheduled to  
15 consider proposed amendments to Chapter 12 of the Code of Ordinances at the September 8 meeting. The new Chapter 12 is  
16 retitled "Miscellaneous Provisions", and includes several ordinance provisions that don't necessarily fit well in other chapters of  
17 the Town Code.

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

25  
26 As discussed previously, my goal has been for Town staff and me to complete a comprehensive review of all Town ordinances  
27 with a critical eye. During this review, conflicting or confusing provisions are being targeted for clarification, unnecessary  
28 provisions are being targeted for elimination, and in some cases out of date or un-enforced provisions are being targeted for  
29 elimination. The Board previously reviewed and approved comprehensive amendments to the Town Charter, Chapters 1 – 10,  
30 and Chapter 14, and is currently considering comprehensive amendments to Chapter 11 and Chapter 17 (combined into a new  
31 Chapter 11; initially discussed at the August 11 meeting). Comprehensive amendments to Chapter 12 are included on the  
32 Board's September 8 meeting agenda.

33  
34 The attached ordinance amendment was drafted by me, with input from Town Attorney Richard Stanley, Police Chief Jeff  
35 Waters, Assistant Police Chief Tony Reese, and Fire Chief Bill Walker. The attached ordinance amendment includes a clean  
36 version of the proposed new Chapter 12, and I have also attached a separate version using the underline and ~~strike through~~  
37 features to show the specific differences in the proposed ordinance amendment. The attached ordinance is shorter and simpler  
38 than the current Chapter 12 provisions, with several notable changes highlighted below:

- 39  
40
- 41 • The proposed new ordinance deletes two provisions that are now included in other chapters of the Code of Ordinances  
42 - sections pertaining to taking sea oats (Chapter 5) and shining lights for deer (Chapter 8), and also deletes a  
43 duplicative section regarding drinking of alcoholic beverages in public places (also in Chapter 12).
  - 44 • The proposed new ordinance clarifies the penalties for the various provisions included in Chapter 12.
  - 45 • Under the proposed new ordinance, a person who damages Town property, either intentionally or unintentionally, is  
46 required to bear the full cost of restoration, and the new ordinance also includes the ability to charge the offender with  
47 a misdemeanor (in intentional situations).
- 48  
49

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- 1 • Provisions regarding the posting of printed matter in the Town have been eliminated. These situations are likely  
2 covered by language in the Town's Unified Development Ordinance.  
3
- 4 • The civil penalty for littering would be increased to \$250, an amount consistent with State law and the Town's  
5 ordinance (in Chapter 5) prohibiting littering on the public trust beach area.  
6
- 7 • The Town's ordinance prohibiting camping in Emerald Isle is clarified in the proposed new ordinance. It is important to  
8 note that it is not lawful to camp anywhere other than at a permitted campground. It should be noted that it has not  
9 been in the past, nor would it be in the attached ordinance amendment, legal to set up a camper or RV in a private  
10 driveway or on a vacant lot in Emerald Isle.  
11
- 12 • In the proposed new ordinance, the ordinance provisions regarding the numbering of structures have been relocated  
13 from Chapter 17, and have been condensed and clarified. The ordinance clarifies that 4" house numbers should be  
14 visible from the street that intersects with the driveway of the structure, and also recommends additional placement of  
15 numbers and larger numbers. The Town assigns house numbers based on the street where the driveway intersects.  
16
- 17 • Provisions regarding parades, picket lines, and group demonstrations have been condensed and clarified in the  
18 proposed new ordinance. A permit has always been, and would still be required for such events, and would be issued  
19 by the Police Chief. The Board should note that, in accordance with a recent change in State law, concealed weapons  
20 that are permitted by the State would be permitted at such events.  
21
- 22 • The proposed new ordinance clarifies that smoking is not permitted in all Town buildings and vehicles, and establishes  
23 a \$50 civil penalty for violations.  
24
- 25 • Under the proposed new ordinance, the insurance requirements for the consumption of alcoholic beverages on Town  
26 property (as part a permitted event) would be reduced, with a \$1 million minimum coverage limit. This change is  
27 intended to make the purchase of one-time special event insurance coverage more affordable for outside groups.  
28

29 I look forward to discussing the attached ordinance amendment with the Board at the September 8 meeting. If the Board is  
30 comfortable with the proposed amendments, the Board may consider adoption at the September 8 meeting. If the Board would  
31 like more time to review the proposed amendments, formal Board action can certainly be delayed until the October meeting or  
32 later.  
33

34 Once the Board approves a new Chapter 11 and Chapter 12, there will only be one more chapter of the  
35 Code of Ordinances to review: Chapter 16 – Solid Waste Management. I hope to present a recommended new Chapter 16 at  
36 the Board's October meeting. After Chapter 16, the entire Code of Ordinances will have been thoroughly reviewed and updated  
37 – in a simpler, leaner, more user-friendly, easier-to-understand format. I am pleased to be nearing the conclusion of this effort.  
38

39 Town Manager Rush highlighted the significant changes as follows and as included in  
40 his memo above:  
41

- 42
- 43 • The proposed new ordinance deletes two provisions that are now included in  
44 other chapters of the Code of Ordinances - sections pertaining to taking sea oats  
45 (Chapter 5) and shining lights for deer (Chapter 8), and also deletes a duplicative  
46 section regarding drinking of alcoholic beverages in public places (also in  
47 Chapter 12).  
48

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- 1       • The proposed new ordinance clarifies the penalties for the various provisions  
2       included in Chapter 12.  
3
- 4       • Under the proposed new ordinance, a person who damages Town property,  
5       either intentionally or unintentionally, is required to bear the full cost of  
6       restoration, and the new ordinance also includes the ability to charge the  
7       offender with a misdemeanor (in intentional situations).  
8
- 9       • Provisions regarding the posting of printed matter in the Town have been  
10      eliminated. These situations are likely covered by language in the Town's  
11      Unified Development Ordinance.  
12
- 13     • The civil penalty for littering would be increased to \$250, an amount consistent  
14      with State law and the Town's ordinance (in Chapter 5) prohibiting littering on the  
15      public trust beach area.  
16
- 17     • The Town's ordinance prohibiting camping in Emerald Isle is clarified in the  
18      proposed new ordinance. It is important to note that it is not lawful to camp  
19      anywhere other than at a permitted campground. It should be noted that it has  
20      not been in the past, nor would it be in the attached ordinance amendment, legal  
21      to set up a camper or RV in a private driveway or on a vacant lot in Emerald Isle.  
22
- 23     • In the proposed new ordinance, the ordinance provisions regarding the  
24      numbering of structures have been relocated from Chapter 17, and have been  
25      condensed and clarified. The ordinance clarifies that 4" house numbers should  
26      be visible from the street that intersects with the driveway of the structure, and  
27      also recommends additional placement of numbers and larger numbers. The  
28      Town assigns house numbers based on the street where the driveway intersects.  
29
- 30     • Provisions regarding parades, picket lines, and group demonstrations have been  
31      condensed and clarified in the proposed new ordinance. A permit has always  
32      been, and would still be required for such events, and would be issued by the  
33      Police Chief. The Board should note that, in accordance with a recent change in  
34      State law, concealed weapons that are permitted by the State would be permitted  
35      at such events.  
36
- 37     • The proposed new ordinance clarifies that smoking is not permitted in all Town  
38      buildings and vehicles, and establishes a \$50 civil penalty for violations.  
39
- 40     • Under the proposed new ordinance, the insurance requirements for the  
41      consumption of alcoholic beverages on Town property (as part a permitted event)  
42      would be reduced, with a \$1 million minimum coverage limit. This change is

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1 intended to make the purchase of one-time special event insurance coverage  
2 more affordable for outside groups.

3  
4 Town Manager Rush noted an additional change at their places that corrected an  
5 oversight in Section 12-31 that stated inadvertently that it was unlawful for a person to  
6 possess beer or wine on the public trust beach area. That correction was made and as  
7 noted in the existing paragraph (c) it was lawful for someone of age and acting  
8 appropriately to drink beer or wine on the beach strand.

9  
10 Mr. Rush also pointed out a correction included in the version at their places tonight in  
11 section 12-32 at the recommendation of he and Chief Waters for the language to state  
12 that when we do allow alcohol in a Town building that they would allow beer and wine  
13 only; no liquor or mixed drinks would be allowed in a Town building.

14  
15 Town Manager Rush recommended if the Board approved the ordinance amendment  
16 tonight that they approved it with the changes indicated on the handout left at their  
17 places tonight. Mr. Rush noted that in the handout version the word sell and sold was  
18 inadvertently crossed through and that was a mistake.

19  
20 Jim Osika, Emerald Isle resident/Planning Board member asked about having glass  
21 containers on the beach. Mr. Rush stated that there was no ordinance or state law or  
22 regulation that prohibited glass containers on the beach strand.

23  
24 Commissioner Wootten asked for clarification regarding RV's in the section about  
25 camping. He knew people who owned RV's to travel and they parked the RV next to  
26 their house or on their property. Mr. Rush stated that nothing in the ordinance  
27 prevented someone from parking their RV but they could not stay in the RV.

28  
29 ***Motion was made by Commissioner Messer to approve the Ordinance Amending***  
30 ***Chapter 12 – Miscellaneous Provisions – of the Code of Ordinances with the***  
31 ***changes made in the handout, minus the changes to the words sell and sold***  
32 ***mistakenly crossed through. The Board voted unanimously 4-0 in favor. Motion***  
33 ***carried.***

34  
35 Clerks Note: A copy of Ordinance Amendment 15-09-08/O2 as referenced above is incorporated herein by  
36 reference and hereby made a part of these minutes.

37  
38 **15. Appointments**

- 39  
40 a. **Planning Board – 1 Vacancy**  
41 b. **Fireman's Relief Fund Board – 2 Vacancies**

42  
43  
44

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1 **Brief Summary:**

2  
3 Planning Board – 1 Vacancy

4 With the recent resignation of long-time member Pete Wachter, the Board of Commissioners should  
5 appoint 1 new individual to serve the remainder of a term that expires in March 2016.

6  
7 The Town has not solicited new applications for the Planning Board in more than a year. The Board may  
8 wish to either directly identify and appoint a new member at the September 8 meeting, or direct staff to  
9 advertise for new applicants.

10  
11 Fireman's Relief Fund Board – 2 Vacancies

12 The terms of members Jim Woolard and J.L. Goodman both expire this month, and the Board should  
13 appoint 2 individuals to new 2-year terms on the Fireman's Relief Fund Board. Both individuals have  
14 expressed interest in being reappointed.

15  
16 The Firemen's Relief Fund Board meets very infrequently, only as needed to review claims for financial  
17 assistance to firefighters experiencing short-term distress or to provide additional benefits for Emerald Isle  
18 firefighters. There is currently a balance of approximately \$133,000 in the Fireman's Relief Fund  
19 administered by this Board. The balance in this fund is derived from a very small percentage of fire  
20 insurance premiums paid by Emerald Isle property owners.

21  
22 The Firemen's Relief Fund Board consists of a total of 5 members, with 2 members appointed by the Fire  
23 Chief (Bruce Norman and Don Askew), 1 member appointed by the State Fire Marshal (Gayle Parker,  
24 serving as Treasurer), and 2 members appointed by the Town Board of Commissioners.

25  
26 ***Motion was made by Commissioner Wootten to appoint Tom Minnick to an***  
27 ***unexpired term on the Planning Board that expires in March 2016. The Board***  
28 ***voted unanimously 4-0 in favor. Motion carried.***

29  
30 ***Motion was made by Commissioner Wright to reappoint Jim Woolard and J. L.***  
31 ***Goodman to a term on the Fireman's Relief Fund Board that expires in September***  
32 ***2017. The Board voted unanimously 4-0 in favor. Motion carried.***

33  
34 16. Comments from Town Clerk, Town Attorney, and Town Manager

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

37  
38 Town Manager Rush updated the Board on the latest status of the sales tax issue. Mr.  
39 Rush stated how proud he was of our community following the outstanding response to  
40 the Rescue Tube Sponsor request – within 10 minutes of sending the request out in the  
41 email newsletter there were 6 people donate \$90 each, as of the past Friday they had  
42 91 total donations representing \$8,000 in a short time period. He felt this was a great  
43 testament to the good quality people here in Emerald Isle. Mr. Rush reminded

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1 everyone that beach driving began September 15 and that was also the date the  
2 prohibition on shark fishing ended. It was noted that they would be conducting another  
3 deer population estimate later this month. Mr. Rush said they were working through  
4 some issues with DOT concerning the electronic community information signs.

5  
6 The following is an excerpt from the Town Manager Comments memo to the Board  
7 providing additional background information for all items of importance:

8  
9 **State Sales Tax Distribution Issue Not Yet Resolved**

10 The NC House has appointed 18 members to the Conference Committee for H117, the bill that includes the  
11 sales tax distribution changes. The NC Senate has appointed 14 members to the Conference Committee.  
12 Neither Senator Sanderson nor Representative McElraft are on the Conference Committee, however, the  
13 committee includes several coastal legislators and urban legislators whose communities are significantly  
14 harmed by H117. There have been no significant new developments on this issue in the past couple of  
15 weeks, and it is expected that the NC General Assembly will focus on the FY 15-16 State budget first, and  
16 then work on other outstanding bills. I remain hopeful that the ultimate outcome on H117 will not be  
17 harmful to Emerald Isle. At this point, it appears it will be later in September before this issue is resolved.

18  
19 **Outstanding Response to Rescue Tube Sponsor Request**

20 As of September 4, the Town now has a total of 91 rescue tubes in place on the beach strand or planned  
21 (with funding commitments received). On August 28, the Town's email newsletter was sent out with a  
22 request for interested individuals to sponsor a rescue tube for \$90 each. At that time, the Town had a total  
23 of 16 rescue tubes in place on the beach strand, with commitments from Board members for a few more.  
24 To get that kind of response in less than one week is a wonderful testament to the generosity of the people  
25 of Emerald Isle. One individual, Walter McGee contributed a total of \$900 for 10 tubes. Our goal is to have  
26 all new rescue tube locations installed by spring 2016.

27  
28 **Beach Patrol / Lifeguard Services End**

29 Labor Day marks the final day of Fire Department Beach Patrol and Lifeguard services on the beach  
30 strand. Fire Chief Walker, other FD staff, and I will be meeting soon to discuss potential improvements to  
31 this service for the 2016 season.

32  
33 Police Department Beach Patrol will maintain a strong presence on the beach strand this fall for beach  
34 driving season.

35  
36 **Regional Access Parking Fees**

37 Sunday, September 13 is the last day that the Town will be charging parking fees at the two regional beach  
38 access facilities. The 2015 season has been very strong, and we expect the total amount of parking fees  
39 collected from April through September to be nearly \$120,000.

40  
41 **Beach Driving Season**

42 Beach driving season begins on Tuesday, September 15, and many individuals have already secured their  
43 annual permits from the Town Administration Building. At this point, we expect to keep the entire beach

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1 strand open to vehicles, but please let me know if you believe there are particular areas of concern on the  
2 beach strand that we should consider closing.

3

4 **Shark Fishing Prohibition Ends**

5 The Town's temporary prohibition on deliberate shark fishing ends on Tuesday, September 15.

6

7 **Deer Population**

8 NC Wildlife Resources Commission staff and EIPD staff will conduct a new deer population survey in late  
9 September. Depending on the updated deer population estimate, we may proceed with another controlled  
10 hunt this winter.

11

12 **Coyotes**

13 Thus far, we have received reports of coyote sightings in the following locations: The Point, Pointe Bogue,  
14 Cape Emerald, Emerald Landing, Lee Avenue (including large tract behind Town Government complex),  
15 the EI Public Boating Access Area, the water tank in the 4000 block, and on the east end. It is possible that  
16 some of these sighting are actually the same coyotes, as they are known to range a significant distance.

17 There have been no reports of any harmful behavior by coyotes thus far, and Town staff are not planning  
18 any specific effort aimed at removing coyotes at this time. We have posted educational materials about  
19 coyotes in urban areas on the Town's website and have included that information in the Town's newsletter.

20

21 **Land Use Plan Update**

22 I hope to begin a process to update the Town's 2004 Land Use Plan in early 2016 after new Town  
23 Commissioners take office. I am undecided at this time about the degree of involvement by a planning  
24 consultant, and plan for Josh Edmondson, Town Planner, and I to talk with potential consultants in the  
25 coming months. The FY 15-16 budget does not include funding for consulting services, however, our  
26 inspection expenses thus far are below budget estimates, and we may be able to identify necessary funds  
27 for assistance from a consultant.

28

29 **Electronic Community Information Sign**

30 After the Board's discussion at the August meeting, I am planning to temporarily place two portable  
31 electronic signs in the proposed location sometime in the coming weeks in order to receive feedback from  
32 the Board and others about the sign locations. (The Fire Department has access to two portable signs.)

33

34 I am also working through a potential issue with the NCDOT regarding the placement of the signs on NC 58  
35 right of way, and hope to resolve this issue in the next few weeks. If NCDOT does not allow placement in  
36 the NC 58 right of way, an alternate location will need to be identified. I remain hopeful that the NC 58 /  
37 Coast Guard Road intersection location will ultimately be authorized.

38

39 **Official State Population Estimate**

40 The Town's official population as of July 1, 2014, according to the State Demographer, is 3,775. This  
41 number is down slightly from the July 1, 2013 estimate of 3,784. This figure is used for the distribution of all  
42 State-collected revenues. As you know, this estimate does not factor in the significant number of second  
43 home owners and visitors in Emerald Isle.

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**June 30, 2015 Audit Report**

Finance Director Laura Rotchford is working with the Town’s auditors, Williams, Scarborough, Smith, & Gray, to finalize the June 30, 2015 financial statements and audit report. We expect to schedule an Audit Committee meeting in early October, and present the report at the October 13 Board meeting.

**Comprehensive Review of Code of Ordinances - Chapter 16, Solid Waste Management**

Chapter 16 is the final chapter to be reviewed as part of our effort to complete a comprehensive review of the entire Code of Ordinances, and will be presented to the Board at the October 13 meeting.

**UDO Amendment – Exterior Paint Colors**

We expect the Planning Board to make a recommendation to the Board of Commissioners for an amendment to the Town’s exterior paint color ordinance (for commercial buildings only) when they meet on September 28. The proposed ordinance amendment will likely appear on the Board’s October 13 meeting agenda.

**New Town Website Set to Go Live on September 15**

Town Clerk Rhonda Ferebee and VC3, the Town’s information technology contractor, are nearing the completion of the Town’s redesigned website. It will go “live” on September 15, and we are planning a demonstration for the Board at the October 13 meeting.

**Rusty Pelican Status**

The owner of the Rusty Pelican has until November 29 to make necessary structural and electrical repairs to the building. The owner has represented to the Town that she intends to complete such repairs. The building may not be occupied until noted deficiencies have been corrected.

**Exterior Deficiencies – 7405 Archers Creek Court**

Town staff continue to deal with nuisance concerns at this location. Formal action was recently delayed due to the fact that the property owner would not sign for a certified letter, and his new deadline to complete necessary repairs and cleanup efforts is September 14. The most recent communication with the owner indicated he is considering demolishing the home, and we will likely provide minimal time for the owner to explore that option (which may be the best long-term option for all parties concerned). If the owner does not complete the necessary repairs and cleanup, the Town will complete them and then bill the property owner for the cost of the improvements. In the event that the 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 program to recover costs. We will attempt to keep Town costs as minimal as possible. This would be the first time the Town has ever had to progress this far in the process in at least the last 14+ years, as we’ve always been able to secure voluntary compliance from the property owner in previous situations.

**Municipal Service District Legislation Refined**

A previous State budget provision that would have threatened the Town’s future use of the Primary Benefit municipal service district for beach nourishment funding has been amended, and does not appear to pose any concerns for beach nourishment districts.

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**Art Barrel Trash Cans**

Commissioner Normile has been talking with local artists about the possibility of decorating the Town's beach strand trash containers with attractive art work (of a coastal nature) to improve the appearance of the trash cans on the beach strand. Town staff have supplied information on container dimensions, attachment issues, collection concerns, etc. We will likely be proceeding with the implementation of a pilot project at select locations for the 2016 season.

**EIFD Open House**

The Fire Department will hold its second annual "Open House" on Saturday, October 3 from 11 am – 2 pm at Fire Station 1. This event was well-received last year, and is a great opportunity for our citizens to learn more about the Fire Department and its equipment, and also meet our fire personnel.

**Nies v. Emerald Isle**

The North Carolina Court of Appeals heard oral arguments in this case on August 24. A decision by the 3-judge panel is expected sometime in October.

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

The Emerald Isle Business Association has scheduled a Town Commissioner Candidate's Forum for Tuesday, October 20 in the Community Center. The event will begin at 6 pm, with candidate comments and responses beginning at 6:30 pm. There are a total of 7 candidates vying for 3 seats on the Board of Commissioners.

**Yard Debris Service**

Public Works is generally keeping up with the current demand for yard debris collection, and continues to rely on two trucks (Town truck and a rental truck). We recently extended the rental truck through September, and this should enable us to stay current until the new truck arrives in October.

As you know, the Town's existing truck was in for repairs during all of July. We recently received a repair bill for more than \$20,000 for extensive repairs to the boom apparatus, and I am currently appealing to management of the repair company to reduce the amount of this bill.

Public Works must also still fill the new Equipment Operator position added to staff the new truck. We hope to have a new employee on board by October.

**Bogue Inlet Navigation Dredging Permit**

A State-funded consultant continues to work on securing a new Town / County permit for future Bogue Inlet navigation maintenance dredging. The new permit will include 5 North Carolina shallow-draft inlets. The permits are expected to be issued sometime later in 2016, and will provide greater flexibility in the future for navigation dredging in Bogue Inlet, especially if the US Army Corps of Engineers eventually abandons its dredging program for shallow-draft inlets.

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1 **Coast Guard Road Pavement Repairs**

2 Onslow Grading and Paving is scheduled repair areas on Coast Guard Road where the pavement appears  
3 to be “sliding” off to one side during the week of September 14. I am anxious to have this repair work  
4 completed.

5  
6 **Eastern Ocean Regional Access Pavement / Paver Block Repairs**

7 A very small pavement failure and paver block failure has occurred in the southwest corner of the new  
8 parking lot, and SunLand Builders is scheduled to repair this area during the week of September 14. An  
9 old, abandoned pipe below the parking lot has led to a sub-surface washout, thus causing the asphalt and  
10 paver blocks to sink.

11  
12 **2016 – Vendors at WORA, EORA?**

13 Town staff plan to reach out to local business owners this fall, and then draft a recommended set of  
14 regulations and develop a selection process that would enable mobile vendors to operate at the Eastern  
15 Ocean Regional Access and Western Ocean Regional Access during the 2016 tourism season. At this  
16 point, I expect that the process will limit this opportunity to businesses with a “brick and mortar” presence in  
17 Emerald Isle only. I hope to present recommendations to the Board in the next few months.

18  
19 **Downtown Improvements**

20 Carteret Craven Electric is working on the necessary NCDOT encroachment permit for the installation of  
21 new decorative street lighting, and we hope to install these new lights along the bike path and sidewalks  
22 between the Welcome Center and the Town Government Complex later this fall or winter.

23  
24 I am also investigating the possibility of installing additional crape myrtle trees along NC 58 between the  
25 new Welcome Center and the Town Government Complex, with a goal to mimic the attractive appearance  
26 to the west through the “downtown” area. I am also investigating new “public wayfinding” signs for key  
27 public facilities.

28  
29 **Trial Speed Bumps Installed**

30 Public Works installed two trial speed bumps on Ocean Drive near 5<sup>th</sup> Street in August. The speed bumps  
31 are pre-fabricated from a plastic / rubber material, and are bolted into the asphalt pavement. I am pleased  
32 with the new speed bumps thus far, and Town staff will continue to evaluate them in the coming months.  
33 The Board may ultimately wish to consider whether or not the new speed bumps may have application in  
34 other areas of Emerald Isle.

35  
36 **New Gates for Beach Vehicle Ramps, Western Ocean Regional Access, and El Woods Park**

37 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>  
38 Street emergency ramp, Ocean Drive dog-leg, Black Skimmer, Doe Drive emergency ramp, and The  
39 Point), and we are planning to install new gates that are identical to those installed at the Eastern Ocean  
40 Regional Access. I also hope to identify sufficient funds to install similar gates at the Western Ocean  
41 Regional Access and Emerald Isle Woods Park. Each of the two gates at the Eastern Ocean Regional  
42 Access (EORA) was approximately \$3,500, however, those gates are approximately double the length

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1 necessary for the other locations. We are currently awaiting a quote from the manufacturer of the EORA  
2 gates. I hope to have the new gates installed sometime this fall.

3  
4 **Blue Star Memorial Ceremony Planned**

5 The new Blue Star Memorial Highway designation for NC 58 is planned for November 11 (Veterans Day) at  
6 11 am. The new memorial will be installed near the new Welcome Center just prior to Veterans Day, and  
7 will be unveiled at the ceremony. The Emerald Isle Garden Club has invited many State and local officials  
8 to attend.

9  
10 **Confusion About Carbon Monoxide, Fire Extinguisher Requirements for Vacation Rental Units**

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

15  
16 **Water Tank Maintenance / Emergency Communications Equipment**

17 Maintenance work on the Bogue Banks Water tank in eastern Emerald Isle is now complete, and the  
18 Town's emergency communications equipment is back on the tower and functioning properly.

19  
20 Similar maintenance work is planned for the central water tank near the Police Station this fall / winter, and  
21 we have been informed that our communications equipment will need to be removed by September 30. A  
22 portable emergency communications tower (approximately 120 feet; provided by the NC Highway Patrol)  
23 will be set up in the NC 58 right of way across from Emerald Plantation Shopping Center later in  
24 September. Water tank maintenance is expected to be complete by March 2016.

25  
26 **Joan Moore Retirement**

27 Police Records Administrator Joan Moore has announced her plans to retire later this year after more than  
28 19 years of service to the Police Department. Joan has been a dedicated employee, and she will be  
29 missed.

30  
31 **NC League of Municipalities Conference – October 11 -13**

32 Mayor Barber, Commissioner Normile, and I will attend this annual conference of all NC cities and towns in  
33 Winston-Salem. Please let me know if anyone else is interested in attending.

34  
35 **17. Comments from Board of Commissioners and Mayor**

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

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1 **18. Adjourn**

2

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

5

6 ***The meeting was adjourned at 7:15 pm.***

7

8 Respectfully submitted:

9

10

11

12 Rhonda C. Ferebee, CMC, NCCMC

13 Town Clerk

DRAFT