



Nice Matters!

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October 11, 2016

MEMO TO: Mayor Barber and Board of Commissioners
FROM: Frank A. Rush, Jr., Town Manager
SUBJECT: Comments from Town Manager

FY 15-16 Comprehensive Annual Financial Report

Laura Rotchford, Finance Director, and the Town's auditors are working on the annual audit and financial statements. A meeting of the Board's Audit Committee is scheduled for October 18, and we expect to have Williams, Scarborough, Smith, & Gray present the audit report to the Board and the public at the November 8 meeting.

Bogue Inlet Drive Bicycle Path

We have received a survey of the entire Bogue Inlet Drive right of way between NC 58 and Bogue Inlet Pier. Alesia Sanderson, Parks and Recreation Director, Ken Stone, Bicycle and Pedestrian Advisory Committee Chair, and I will soon review the survey and determine the preferred design for the new bicycle path. I hope to include a review of this project on the Board's November 8 meeting agenda.

Public Reception – Retirement of Chief Waters

This reception will be held on Thursday, October 27 from 6 pm – 8 pm in the Community Center gymnasium. The public is invited to attend, and snacks and drinks will be provided. We also expect to formally present Chief Waters with his service weapon and badge at that reception.

New Police Chief Selection

I expect to finalize the process for selecting a new Police Chief in the next few weeks, and will make an announcement at that time.

New Community Resource Officer Position

We have placed the selection of this new position in the Police Department on hold. I expect that the new Police Chief will name an existing member of EIPD to this new position sometime this winter or spring.

Nies v. Emerald Isle

Oral arguments before the NC Supreme Court have not yet been scheduled, and will not occur until sometime in November or December, at the earliest.

The Nies home was actually sold to new owners on September 30 for a total sales price of \$1.3 million. I am uncertain at this time as to if or how this sale may affect the NC Supreme Court's review of this case.

Osprey Ridge Storm Water Pump Station

SunLand Builders has not yet begun construction of the new pump station, and I am awaiting an official project schedule from SunLand within the next week. I still hope to have the new pump station complete and operational by January 2017.

New Small Storm Water Relay Pump - Bogue Court

Public Works is currently working on the installation of a new small storm water relay pump system to serve the Bogue Court area. This new system will be similar to the one recently installed in the 6400 block of Ocean Drive. The new system will discharge water into the dune field at The Point, and should effectively resolve standing water issues on Bogue Court.

Work Continues on Comprehensive Plan / Land Use Plan Update

The Steering Committee, consultant, and Town staff continue to work hard on the updated plan, and the Committee is currently reviewing policies and future land use classifications. We hope to have a draft of the final plan ready for review by the Committee sometime in November or December. I hope to schedule a joint meeting of the Planning Board and Board of Commissioners for some time in December or January to review the draft plan once the Committee's work is complete.

New Gym Lighting

The Town's contractor recently completed the installation of new lighting in the gym at the Community Center. Town staff is very pleased with the new lights, which are attached directly to the roof beams and not hanging. The new fixtures are LED and are also shatter-resistant. A new dimmer feature will soon be added to the new lights.

2017 Emerald Isle Beach Music Festival

We have established a date of Saturday, September 30, 2017 for the 2017 Emerald Isle Beach Music Festival. The tentative lineup includes Sammy O'Banion as emcee and performer, and performances by Band of Oz, the Embers, Too Much Sylvia, Fantastic Shakers, and Chairmen of the Board.

The 2016 festival netted a total of \$7,200, and these funds will be applied to the 2017 festival costs. We expect to seek additional funding from the TDA for performer fees, and will submit that request in the coming months.

Beach Driving Closed Between Wyndtree Drive and Channel Drive Beach Access

Due to the narrow width of the flat beach in this area and the proximity of the dunes, we have closed this ¼ mile section of the beach to driving, until further notice. Beach drivers can still access all areas of the beach from the Town's 3 beach vehicle ramps, but cannot travel through this area.

Deer Population Estimate

EIPD and NC Wildlife Resources Commission staff conducted field work in late September, and I am awaiting the new deer population estimate. We will present this information to the Board when it is received, and make a decision in November regarding a controlled deer hunt in January / February 2017.

Town Dumpster Service

I have not had an opportunity to devote sufficient time to this contract, but hope to do so soon. I am planning to solicit quotes from at least 3 different dumpster service companies in the coming weeks, including Waste Industries, the Town's current contractor. The Town's existing contract with Waste Industries expires on December 31, 2016, and has an annual value of approximately \$80,000. I hope to make a recommendation to the Board at the November or December meeting, but if necessary I will seek to extend the existing Waste Industries contract on a month-to-month basis.

CVS Aesthetic Improvements, Better Traffic Flow

I continue to discuss the proposed improvements at this location with CVS corporate staff and also the owner of the building (CVS leases the building from a Raleigh-based company). CVS corporate staff appears comfortable with the proposed improvements, however, I sense some hesitation from the building owner. The building owner is seeking official confirmation from CVS that the proposed improvements will not negatively impact the lease agreement. I will continue to work with the building owner and CVS to try to make these improvements a reality prior to the 2017 tourism season, if possible.

Change in NC Residential Code Re: Railings on Fixed Seating

I have submitted suggested language to the NC Department of Commerce to pursue an amendment to the NC Residential Code to create an exemption from requirements for deck railings to extend 36 inches above the seat bottom of fixed deck seating. As drafted, the exemption would apply to railings associated with fixed seating in barrier island communities only over natural sand dunes. If the exemption is granted, it would measure the 36 inch requirement from the floor, which is the requirement for deck railings, and would eliminate the "cage" look that is created when railings extend 36 inches above the seat bottom.

I recently received notice from the NC Department of Insurance (administers the NC Building Code) indicating that the new 2018 version of the building code is likely to remove this requirement altogether, which is good news. In the meantime, many contractors are simply installing non-fixed seating in order to pass the inspection. It may also be advisable to install removable guardrails that can be eliminated when the 2018 building code is effective.

Islander Drive

I continue to consider different strategies to promote redevelopment of the Islander Drive area, and hope to present recommendations to the Board sometime in the coming months.

Deck Issues

We met recently with the EI vacation rental companies, and discussed the deck inspection program. All companies agreed to continue the program, and will be working on annual deck inspections this offseason.

I am contemplating scheduling another public information seminar on deck issues sometime this winter, and will be contacting the North American Deck and Railing Association again to try to arrange another class.

Town staff will also be working to establish a similar deck inspection program for condominium complexes this winter.

Wyndtree Public Beach Access

Due to concerns from the adjacent oceanfront property owners about the public access sand path meandering onto private property, we recently graded a new public access sand path completely within the boundaries of the Town's public access easement.

Emerald Isle Woods Walkway

A new wooden walkway has been completed over wetland areas in EI Woods Park along the Cape Emerald boundary. The new walkway provides a safer, more convenient pathway for the park trail in that area, and will also make it easier to monitor water levels in EI Woods Park in the future.

An additional small wooden walkway will soon be constructed over the emergency discharge storm water feature along Bogue Sound.

Lee Street Sound Access

The Town removed aging and deteriorating walkways at three sound access locations on Sound Drive last year due to safety concerns. Town staff converted the walkways to sand paths, and in most locations the sand path is easily navigated. There is, however, a steep slope at the water's edge at the Lee Street access, and we have awarded a contract to B&P Services, Cedar Point, NC for the construction of steps at that location to make it easier and safer to access the water. Work is expected to be complete in the next few weeks.

Beach Access Walkway Replacements

Town staff will soon solicit informal bids for the reconstruction of existing beach access walkways at Georgia Street, Hubert Street, and Sea Crest. We hope to award a contract in November or early December, and begin work soon thereafter.

New Gates at Western Ocean Regional Access, El Woods Park

We have placed the order for these new gates, which will be identical to the gates in place at the beach vehicle ramps and the Eastern Ocean Regional Access. We hope to have the new gates in place sometime this winter or early spring.

Old Ferry Road Status

Richard Stanley has reviewed the ownership of two segments of Old Ferry Road, and has confirmed that the portion that traverses Island Harbor Marina is private.

Richard Stanley has confirmed that the portion that runs from Mangrove Drive, behind CVS, toward NC 58 to the east, is public. The pavement in the shoulder of the roadway is in bad condition, and Public Works will soon remove that pavement and replace it with grass seed / sod to improve the appearance of that area. The actual roadway itself is in decent condition, but may need resurfacing in the next few years.

Coastal Awnings, Keller Williams Signs

We have communicated a December 31, 2016 deadline for the removal of sign messages on each of these signs, due to the fact that neither business is physically located in Emerald Isle, as required by Town sign ordinances. Based on discussion with the sign owner, we expect the Keller Williams sign to be removed by December 31, but have not yet received confirmation from the owner of the Coastal Awnings sign. The owner of the Coastal Awnings sign may ultimately appeal the staff decision to the Board of Adjustment.

Bogue Inlet Navigation Dredging

We have reviewed the most recent survey results from the US Army Corps of Engineers, and expect them to relocate the main connecting channel to the more central location recently discussed with the Board of Commissioners. We are uncertain as to the dredging schedule at this time, but expect the US Coast Guard to move the navigation aids as soon as the next dredging cycle is complete.

Cape Emerald Pipe Expansion / Replacement

I have not yet been able to devote time to this project, but still hope to solicit informal quotes for this work later this fall. I remain hopeful that the budgeted amount will be sufficient to award a contract later this fall. Permit authorization is still necessary, but we don't anticipate any hurdles.

Emerald Plantation Canal Concerns, Road Concerns

I met recently with representatives from the Emerald Plantation residential subdivision regarding concerns about algae, duckweed, and debris in the canal between the commercial center and the residential subdivision, and may pursue grant funding in the future to assist the community in its goal to clean up the canal.

Additionally, some members in Emerald Plantation have expressed interest in the Town assuming ownership and maintenance of Emerald Plantation Drive between NC 58 and the Emerald Isle Baptist Church. I expect that the Town may receive a formal request at some point in the future, at which time it could be scheduled for Board consideration at a Town meeting.

Cape Emerald Pipe Failure

A private storm water pipe in Cape Emerald recently failed, in part, due to poor workmanship by the Town's contractor on a Town storm water pipe in 2012. Unfortunately, I have not been able to devote significant time to this issue to secure compensation from Southeast Pipe Survey, the

Town's contractor for the original work on the Town storm water pipe. I hope to resolve this issue sometime soon, and remit any compensation to the Cape Emerald homeowners association.

NC 58 Traffic Improvements

As reported earlier, NC 58 traffic improvements at the Bogue Inlet Drive intersection, Coast Guard Road intersection, Emerald Plantation intersection, and at the NC 24 intersection did not make it into the "region" version of the Statewide Transportation Improvement Program. Projects included in the "division" version of the Statewide Transportation Improvement Program are expected to be announced later in October or in November, and based on discussions with DERPO and NCDOT staff, I remain hopeful that the Emerald Isle projects will ultimately be included in the "division" version of the Statewide Transportation Improvement Program.

Potential Partnership To Provide Staff Assistance for Emerald Isle Business Association

I have not yet had an opportunity to pursue this idea in any meaningful way, but still hope to develop a cost-effective plan to create a paid staff position for the EIBA, ideally in partnership with the Tourism Development Authority. I envision that such a new position would better promote EI to our visitors and potential visitors, help with existing special events (i.e., St. Patrick's Festival, Christmas Parade, etc.), help with new events (i.e., new "EI Beach Music Festival", etc.), organize special shopping experiences among Emerald Isle businesses (i.e., Christmas shopping deals throughout the entire Town), and better galvanize the brick-and-mortar businesses in Emerald Isle.

Customer Satisfaction Survey

I am planning to work with the Board, staff, and a professional survey designer to develop a "customer satisfaction survey" for Town services and programs. I hope to begin work on the survey sometime this winter and release it to the public sometime in the spring or summer 2017.

Potential Speed Limit Change, Golf Cart Ordinance Amendment

I am contemplating presenting two ordinance amendments to the Board at a future meeting in response to the Board's discussion at the August 9 meeting regarding golf carts.

One ordinance amendment would reduce the speed limit on Coast Guard Road between Deer Horn Drive and NC 58 and Crew Drive from 35 mph to 25 mph. The second amendment would eliminate the language in the golf cart ordinance that prohibits golf carts from driving on Coast Guard Road and NC 58, and would replace it with "golf carts may only operate on streets with a speed limit of 25 mph or less". This ordinance amendment would effectively allow golf carts on the segment of Coast Guard Road between Deer Horn Drive and NC 58 and Crew Drive, and would likely assist many golf cart operators without creating significant safety concerns. This amendment would also allow golf carts to operate legally on Coast Guard Road between Ring Street and Inlet Drive.

Please let me know your thoughts on this idea.

Rethinking Itinerant Merchants, Satellite Merchants

I have been considering alternative approaches to the Town's regulation of itinerant merchants and satellite merchants (i.e., mobile vendors) in recent weeks, and have narrowed the options to three:

Option 1 – Maintain current system whereby they are not allowed in EI, except for oceanfront commercial and condo parcels, and must simply register with the Town.

Option 2 – Allow mobile vendors anywhere in Emerald Isle that is zoned commercial or mixed use, on private property only.....provided the vendor is an Emerald Isle resident or business and has the permission of the private commercial property owner. There would be no other restrictions, and the private commercial property owners and the market itself would regulate such activities. Non-EI residents or vendors would still be prohibited, and no vendors would be allowed on public

right of ways or the beach strand. The mobile vendor would still be required to register with the Town, and no fee would be charged.

Option 3 – Allow mobile vendors anywhere in Emerald Isle that is zoned commercial or mixed use, on private property only.....provided the vendor has the permission of the private commercial property owner and secures a permit from the Town. The vendor could be from anywhere, and this approach would not be limited to EI residents or businesses. The amount of the annual permit fee would be several hundred dollars (\$500 - \$1000?), and would be roughly equal to the average property tax bill paid by a brick and mortar business in EI. There would be no other restrictions, and the private commercial property owners and the market itself would regulate such activities. No vendors would be allowed on public right of ways or the beach strand.

Ideally, I am seeking to eliminate or reduce the Town's involvement in regulating this issue, and would transfer the decision making process to the private commercial property owner and the mobile vendor. Please let me know if you have any thoughts on this issue. Any desired changes would be presented to the Board for formal consideration this winter, and would be implemented for summer 2017.

NC League of Municipalities Annual Meeting – October 23 – 25

Mayor Barber, Commissioners Dooley, Finch, and Normile, and I are registered for this annual meeting in Raleigh.