

Town of Pine Knoll Shores Board of Commissioners
First Regular Monthly Meeting
April 13, 2016
6:00 PM

Call to Order and Pledge of Allegiance

Mayor Pro Tem Clark Edwards called the meeting to order at 6:10 PM and led the Pledge of Allegiance. Also present for the meeting were Commissioners Larry Corsello, Ted Goetzinger, and John Brodman; Town Manager Brian Kramer; Assistant Town Manager/Finance Officer Julie Anderson; Police Chief Ryan Thompson; Police Captain Kurt Nakamura; Fire Chief Jason Baker; Public Services Director Sonny Cunningham; Building Inspector Jim Taylor; Town Clerk/Planning Administrator Scott Sherrill; Attorney Melissa Berryman; and 10 members of the public. Commissioner Fred Fulcher and Mayor Ken Jones were absent from the meeting.

Approval of the Agenda

Mayor Pro Tem Edwards requested that the Agenda be amended to remove item XI.c. C&D Dumpster Ordinance. Commissioner Brodman made the motion to adopt the agenda as amended; Commissioner Corsello made the second, and the motion passed unanimously.

Announcements

Mayor Pro Tem Edwards announced that Mayor Jones will brief the budget on June 1 at 6 PM, the Kayak for the Warriors Beach Run and Fun Walk would occur on May 28 from 9-11 AM; he announced that the reception and live auction would be held at the Aquarium on June 2 at 6 PM, and the kayak and paddle board race would occur on June 4 at 10 AM.

Public Comment

No members of the public wished to comment.

Presentations

Age-Friendly Community Update

Joan Lamson announced that the property at the corner of Hwy 58 and Pine Knoll Blvd. had been under contract, but the contract fell through because the purchasers overstayed the due diligence period. She announced that the property is back on the market, the listing realtor is in the county, and the group is interested in hearing from citizens what they'd like to see in Age-Friendly Housing. She informed the Board that the group will hold a meeting on May 5 at 4 PM at Town Hall to get input. She stated that there would be an announcement in the May *Shoreline*.

Community Policing

Police Chief Thompson recognized Captain Nakamura for his efforts to develop Community Policing in Pine Knoll Shores.

Consent Agenda

The Consent Agenda, consisting of the minutes for the March 9 and 23, 2016 meetings, and Tax Discoveries and Releases, was approved unanimously on a motion by Commissioner Goetzinger with a second by Commissioner Brodman.

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Town Manager's Report

FIRM Map Release: Town Manager Kramer requested funding from the Board to engage with Moffatt-Nichol as part of a larger county-wide effort to do a detailed analysis on FEMA's calculations and develop a factual basis to appeal some of the FIRM findings. He requested that the Board approve an amount not to exceed \$5,000 to join an agreement with the county. He suggested that for Pine Knoll Shores, particular areas of interest would be Loblolly and the beaches. *Commissioner Brodman* made the motion to allocate up to \$5,000 for Moffatt Nichol; *Commissioner Goetzinger* made the second. After discussion, the motion passed unanimously.

Smart Meter Installation: Town Manager Kramer briefed the Board that the meter installation has been completed, except for 15 where the Town will have to reconfigure plumbing and five bad meters that need to be replaced. He stated that there are about 80 meters left to program. He observed that the majority of leaks have been 10-30 gallons per hour, which are very small, but there were some significant leaks. He and Public Services Director Cunningham will be meeting with CCEC to discuss alarm reports.

Beacon's Reach Access: Town Manager Kramer reported that the Beacon's Reach west access has been completed, but that the eastern access was delayed for consideration of some design alterations, but ultimately it was decided to stick with the initial design. He anticipated that the eastern access would be completed in the first week of May. *Mayor Pro Tem Edwards* complimented the work the Public Services Department did to correct the hazard at the steps on the western access.

Municipal Services Districts: Town Manager Kramer briefed the Board that on March 31, he and Mayor Jones attended a General Assembly study commission meeting in Raleigh with Emerald Isle, the county Shore Protection Office, Nag's Head, Dare County, and Holden Beach. He informed the Board that the study commission was looking to change the process for establishing and disestablishing municipal service districts. He reported that the draft legislation that has been provided to the League of Municipalities is palatable and does not form any threat to the beach MSDs.

Regional Water System Planning: Town Manager Kramer reported that the Town received a list of data points that Dr. Spruill from ECU is suggesting that the Town collect from all of the systems in the county. He anticipated that the group would get together in May, since it would take some time to get all of the data collected.

Dredged Material Management Plan: Town Manager Kramer informed the Board that the DMMP is looking very favorable for the Town to be able to function as a non-federal sponsor for Morehead City port dredging.

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Sidewalks: Town Manager Kramer informed the Board that he is meeting with NCDOT about the Mimosa to Arborvitae sidewalk segment on April 19. He expressed hope that DOT would give the okay for the project. He also informed the Board that the quantitative scores for the SPOT process have been released.

Yard Debris Pick Up: Town Manager Kramer briefed the Board that the Finance Committee met on April 6 to consider yard debris hauling from Lot C to Morehead City, and the cost estimates look like it might be more effective to apply salary savings towards hauling yard waste. He also stated that the discussion at the meeting turned towards chipping materials, so the Town is looking into it.

Public Beach Access Dedication: Town Manager Kramer briefed the Board that the Town is still awaiting word from Dr. Erickson's family regarding a good date for the public beach access dedication.

Staff Reports

Assistant Town Manager/Finance Officer Anderson reported that she would be sending out the budget packet for the April 26 meeting on Friday, April 15, and that the materials would include the beach funds, the water enterprise fund, Kayak for the Warriors, and the police separation allowance fund. She reported that she would be visited by the auditor in the first and second week of May. She stated that the best person to talk to about the unfunded mandate for auditing of the retirement system would be Beth Wood, the State Auditor. She said that the Town's auditing firm has already expressed ill-feelings about the required audit, but encouraged anyone to provide their opinions on the matter to the State Auditor. She informed the Board that the Town's auditor normally comes in April, but will come in May this year due to the water service transitions; the auditor will return in August.

Public Services Director Cunningham reiterated that there are 15 more meters to do and 70 to program as of right now. He anticipated fertilizing the beach the week of April 18th. He also reported that his department will also be striping the intersections at 58. He observed that if his department stops hauling yard waste, they will be able to do more work out in the field. He stated that mowing has started.

Building Inspector Taylor reported that in March 82 permits were issued with an estimated construction cost of \$787,527 and permit fees of \$5,922. He stated that at the Public Safety Building, the steel lintel has been replaced, the brick and the mortar have been delivered, and the mason should start on Monday, April 18, and the crew should start power washing the building soon. He reported that Donna Turner, the Building Inspector in Atlantic Beach will be retiring on April 15, and the new building inspector will be John Harrold from Goldsboro. Building Inspector Taylor stated the he offered to extend to John the same agreement the Town's have been operating under so far when one's inspector is out of office.

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Human Resources Officer Gible informed the Board that, with regard to the tuition reimbursement policy, the employee is not obligated to continue employment with the Town if they have received reimbursement, but the Town can look at some changes to its policy. She stated that there are some labor laws to follow if the Town pursues reimbursement from the employee after the employee leaves employment with the Town. She noted that any changes could not impact employees currently receiving reimbursement. She also stated that the Town is looking into updating its Laserfiche software, so it will have the capability of searching records, and will not be purging records. *Commissioner Corsello* stated that the Administration Committee would be interested in meeting to look at tuition reimbursement.

Fire Chief Baker informed the Board that the fire alarm system in Town Hall has been installed and is operational, but has to go through a final inspection. He reported that the new system will be remotely monitored.

Police Chief Thompson reported that on May 18 at 2 PM and May 21 at 8 AM he will be teaching a bicycle safety class at the Public Safety Building. He stated that he has been hearing a lot of chatter about fireworks and stated that he is putting out a public information piece about fireworks in *The Shoreline*.

Town Clerk/Planning Administrator Sherrill briefed the Board on four surplus vehicle sales in FY2015-2016 with a gross of \$57,700. He informed the Board that the 1999 Mazda did not meet the reserve, so he indicated that he would run notice to go to negotiated private sale and request interested parties to submit sealed bids. He also noted that part of the April 27 meeting would be a quasi-judicial hearing of an appeal of an enforcement action regarding tree removal.

Public Hearings

Tree Enforcement Ordinance

The Board opened the Public Hearing on the Tree Diameter Ordinance on a motion by Commissioner Goetzinger with a second by Commissioner Corsello that passed unanimously.

Mayor Pro Tem Edwards summarized the ordinance for the public. There was discussion amongst the commissioners regarding whether or not it needed to be clarified that the stump measurement should be at ground level.

The Board closed the public hearing on a motion by Commissioner Goetzinger with a second by Commissioner Brodman that passed unanimously.

Commissioner Brodman made the motion to approve the ordinance as presented; Commissioner Goetzinger made the second, and the motion passed unanimously.

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Approved Grade Ordinance

Commissioner Brodman made the motion to open the public hearing on the Approved Grade Ordinance; Commissioner Goetzinger made the second, and the motion passed unanimously.

Town Clerk/Planning Administrator Sherrill summarized the ordinance and the accompanying procedural changes. Bill Hotham asked whether the basement would be considered part of the building height; it was clarified that the ordinance would calculate the height based on the highest and lowest grade at the building's foundation. Commissioner Corsello inquired about follow up on making sure that the grading had been done as approved, and Building Inspector Taylor clarified that the Town would be requiring surveys to make sure the grading was done properly.

The Board closed the public hearing on a motion by Commissioner Goetzinger with a second by Commissioner Brodman that passed unanimously.

After discussion, Commissioner Brodman made the motion to approve the ordinance as presented; Commissioner Corsello made the second, and the motion passed unanimously.

Unfinished Business

Annual Agenda and Commissioner Reports

There were no reports.

New Business

Volunteer Board Appointments and Reappointments

The Board voted to reappoint George Greene, Bob Warren, and John Halada (Chair) to the Strategic Planning Committee on a motion by Commissioner Goetzinger with a second by Commissioner Corsello that passed unanimously.

The Board voted to appoint Barbara Holman to the Parks and Recreation Committee on a motion by Commissioner Brodman with a second by Commissioner Goetzinger that passed unanimously.

Water Ordinance

Town Manager Kramer introduced the water ordinance as a first reading. The ordinance will come back to the Board in May.

Development Line

Town Clerk/Planning Administrator Sherrill briefed the Board on the Development Line Alternative and requested a volunteer from the Board of Commissioners to work on the project. Commissioner Brodman volunteered to work on the project. Town Clerk/Planning Administrator

Sherrill indicated that he would recruit some Planning Board members to work on the project. The project is purely explorative at this point.

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Sign Ordinance

Town Clerk/Planning Administrator Sherrill provided some background on the sign ordinance and the *Reed v. Gilbert* case. He emphasized the objectives of the ordinance: content neutrality, preserving existing signage ability, unified development ordinance progress, and not creating a large administrative burden. He requested guidance from the Board with regard to holding a public information session. The Board was generally supportive of having a public information session. Assistant Town Manager/Finance Officer Anderson recommended recording the session and posting online.

Agenda Items for Next Meeting

No additional specific items were identified for the next meeting.

Public Comment #2

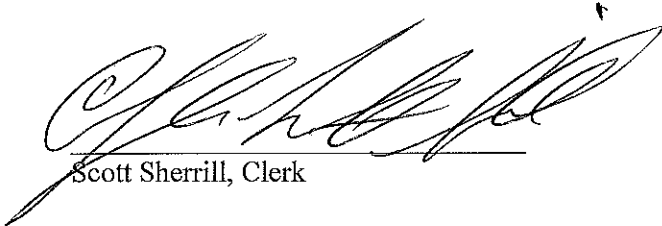
Susan Phillips asked if homeowners association covenants could be more restrictive than the Town's ordinance; it was affirmed that they could.

Bill Hotham asked if there were size limits for signs; it was affirmed that there are.

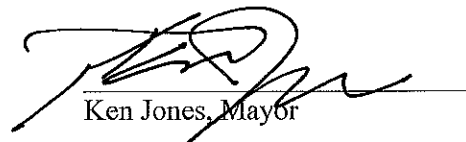
Town Clerk/Planning Administrator Sherrill requested feedback from online listeners regarding video and audio quality.

Adjournment

The Board adjourned at 6:40 PM on a motion by Commissioner Brodman with a second by Commissioner Corsello that passed unanimously.



Scott Sherrill, Clerk



Ken Jones, Mayor

Town Manager Report April 2016

Request for Funding---examination of FIRM by Moffat Nichol

- The County is going to hire Moffat-Nichol to do some detailed analysis on FEMA's FIRM calculations as a basis of determining how to form appeals to some of the FIRM findings in the draft maps provided.
- Request an amount NTE \$5,000 for PKS to join this agreement with the County. We will essentially be asking M-N to examine the worst hit area of town, which is the Loblolly area. Our beaches will also be examined.
- I recommend we do this.
 - small amount of funds....a professional Coastal Engineering firm examine things like mistakes between transects, the storms FEMA looked and how they modeled storm events, and other considerations.
 - We simply are not equipped for this type of analysis.
- Pls see the table provided As expected, the V-zone (the worst zone) numbers dropped. But the A-zone numbers increased fairly dramatically in PKS. While the number of current policy-holders effected today is not too dramatic, the 200+ additional A-zone properties could have significant effects on future property values.

Smart Meter Installation-

- We have completed installation, save 15 that we have to reconfigure the plumbing (Sun Bay), and 5 bad meters we need replacements
- About 150 left to program
- Alarm Meeting next week (see sheet)

Beacons Reach Access Repair (FY 16 CIP)

- Work completed on the west access
- East access delayed when BRMA considered alterations to the design.
- BRMA: stick with the original plan

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- Work started today---complete by first week of May

Ref only:

- *Pre-bid—25 Feb-- five contractors*
- *2 bids recv'd---Boulia selected*
- *\$28,400 (Boulia) + \$27K (material)*
- *Budget: \$58K*
- *Completion: 15 April*

MSD study Committee at NCGA

- 31 March-- Ken and I attended the subject meeting
- With us were EI (Frank and their Mayor), County (Rudi), and reps from Nags Head, Dare County, Holden Beach.
- The GA also arranged for reps from other effected areas
 - *a western town (Hendersonville) and a large urban area (Raleigh) to speak on the municipal perspective of MSD's. All of us (coastal, mountain, and urban) met at the NCLM HQ's prior to the noon meeting, put the game plan together, then went to GA. The NCLM was very helpful in framing this entire thing for us.*
- At the committee meeting the School of Gov gave a presentation describing what MSD's are and how they are used. The LGC then spoke to the various financing options that municipalities use with MSD's.
- Greensboro issue: Sen Wade (Greensboro) has constituents who are business owners who own a business in a downtown historic district MSD, but do not live there-----so they have no vote. These constituents are quite unhappy with how the MSD funds are being used. Sen Wade drove home the points in her questions to the SOG and LGC briefers that
 - (1) a local board can establish an MSD with a simple majority vote---- and no vote of the people affected,
 - (2) MSD business voters like her constituent above have no input, and
 - (3) if a local board establishes an MSD, collects taxes, and then delegates the expenditures of those taxes (example, letting contracts to certain entities) to a 3d party, nothing can be done.
- Scheduled a follow-on meeting for 6 April
- From that meeting:
 - A draft piece of proposed legislation that all of the beach Town's agreed is acceptable.
 - Allows for an MSD to be formed by BOC vote, OR by a petition of voters
 - This may be considered in the short session that opens on 25 April

Regional Water System Planning

- Using a list of data Dr Spruill has suggested we collect, we are working with an ECU PhD. student to get this out to all the County systems
- I think it will take us up to a month to collect and collate all of this and meet again.
- Anticipate the next meeting in May

Draft Material Management Plan (DMMP)

- discussions between the USACE and our the attorney for the Beach Commission (Todd Roessler of Kilpatrick Townsend & Stockton) will include the "delta" language that we have been hoping for.
- This means that it is possible that during some future ACE project at the Morehead City Port we may be able to receive sand by paying the differential costs involved in putting sand here rather than dumping it offshore
- Significant cost saving potential (avoid mobilization costs)
- Important to us---Strat Plan

Sidewalk---Mim to Arborviate

- Meet with NCDOT on 19 April
- 3 NCDOT PE's and our PE's
- Meanwhile.....Scott has some word on the Grant process

Yard debris Pick-Up

- This is a follow up to an item we spoke about at our Feb offsite
- Finance Committee met on 6 April---look at options to make better use of our staff time by contracting out the hauling of our debris
- We have some cost estimates on this----in general terms, it might be effective in terms of efficiency to take our salary savings by our recent personnel decrease
- Conversation moved toward chipping.
 - More compact
 - Many less trips
- We are looking for price quotes on the Temple Tree service-like equipment
- We'll also look at hiring Temple outright

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Quick updates

- Ed Erickson dedication---waiting
- Budget updates---around the horn
 - Scott---list of sales of fixed assets from the past year (this one probably needs to include a piece of paper that provides the info)
 - Julie---Fall out prediction. The needs to be plus or minus 75 cents as of 1 minute past midnight on 30 June. I say next week you tell them to wait until May.
 - Natalie---elec personnel records
 - Natalie---T.A. payback

Town of Pine Knoll Shores Board of Commissioners

Special Meeting

April 8, 2016

8:00 AM

Call to Order

Mayor Ken Jones called the April 8th special meeting to order at 8 AM. Present for the meeting were Commissioners Edwards, Brodman, Fulcher, and Goetzinger; Town Manager Kramer; Building Inspector Taylor; Town Clerk/Planning Administrator Sherrill; Citizen Bill Price; Insurance Agent Jim Chalk. Commissioner Larry Corsello was absent. No additional members of the public were present.

Insurance Issues

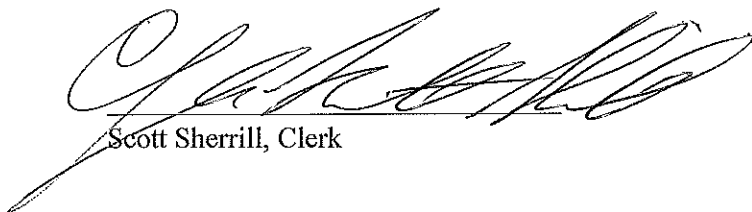
Town Manager Kramer introduced that the purpose of the meeting was to develop a common framework for discussions of the National Flood Insurance Program, the Community Rating System, and Base Flood Elevation. It was established that Building Inspector Taylor is a Certified Floodplain Manager.

Town Clerk/Planning Administrator Sherrill began presenting background information on the flood insurance program. The presentation is incorporated herein by reference and attached to these minutes. Discussion focused on master policies for condominium associations, ordinance and law coverage specifically with regard to demolition and increased cost of construction, and issues for non-conforming structures with regard to rebuilding if the cost of repair exceeds 50% of the value of the structure and bringing the structure into compliance. It was established that the two foot freeboard requirement did not apply to the X or Shaded X zones because they are not in a special flood hazard area.

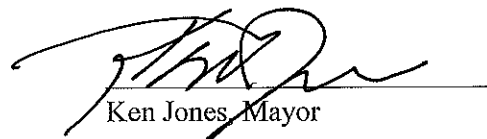
The meeting resolved with Mr. Chalk committing to look into what is included in policies with regards to law and ordinance coverage as part of homeowners' policies.

Adjournment

The meeting adjourned at 9:36 AM by unanimous consent.



Scott Sherrill, Clerk



Ken Jones, Mayor

