

Town of Pine Knoll Shores Board of Commissioners
Regular Monthly Meeting
September 14, 2016
6:00 PM

Call to Order and Pledge of Allegiance

Mayor Jones called the September 14, 2016 First Regular Monthly Meeting of the Pine Knoll Shores Board of Commissioners to order at 6 PM and led the Pledge of Allegiance. Also present for the meeting were Commissioners Fred Fulcher, Clark Edwards, John Brodman, Larry Corsello, and Ted Goetzinger; Town Manager Brian Kramer; Assistant Town Manager/Finance Officer Julie Anderson; Police Chief Ryan Thompson; Public Services Director Sonny Cunningham; Building Inspector Jim Taylor; Town Planner Scott Sherrill; Town Attorney Neil Whitford; and fifty members of the public.

Approval of the Agenda

Mayor Jones requested that the agenda be amended to remove Item IX. b. Helicopter Landing Zones because the topic would be covered under Presentations. The agenda was approved as amended on a motion by Commissioner Brodman with a second by Commissioner Goetzinger that passed unanimously.

Disclosures/Conflicts of Interest

There were no disclosures or conflicts of interest.

Announcements

Mayor Jones announced that there would be a Pickleball Tournament on Saturday, September 24, at Town Hall; a Town-wide Yard Sale on October 1, 8 AM, at the Public Safety Building; the next Board meeting would be on October 12 at 6 PM, and an Inshore Fishing Tournament would be on October 15. He also announced that the Town's Annual Turkey Trot would be Thanksgiving Day at 9 AM; the Town Staff/Volunteer Christmas Party would be on December 9; the Flotilla would be on December 3; and the Christmas Parade would be on December 17. Commissioner Edwards reminded the audience that the Town's display is still up at the History Place.

Public Comment

Dan Kulynych, 105 Redwood Ct., summarizing a letter that he sent to the mayor and commissioners, expressed concerns about the safety of helicopter landings and asserted that they were not in keeping with the quiet, peaceful, respectful nature of the town. He particularly expressed concern about helicopter landings coming down the canal. He expressed concern about home values and insurance price impacts from helicopter activity. He requested a permanent rule prohibiting helicopter landings.

Mayor Jones indicated that he and the commissioners had received a number of letters which would be included as part of the public record, although not read at the meeting. They are incorporated herein by reference and attached to these minutes.

John Clarke, 165 Loblolly Dr., quoted John Donne as a means of introducing a discussion on the role of respect and living in harmony with the community. He relayed an anecdote of a conversation with a helicopter pilot from elsewhere on the island, who indicated that you should have a clear acre on which to land a helicopter and decried the video of the landing as unsafe.

Presentation: Helicopter Landing Zone

Mr. Jim Segrave made a presentation regarding helicopter landings. His presentation is incorporated herein by reference and attached to these minutes. The presentation included a 57-second long video of his helicopter landing. Mr. Segrave stated that the length that the sound of the landing is audible starts at about 500' in the air, and that the wingspan of the helicopter was 43' in reference to the canal's width of 50'. He reported that the umbrellas at his pool, 50' away, were not disturbed by the helicopter's landing, and that his children were sitting about 25' away on a firepit. Mr. Segrave stated that he could understand needing an acre to land with a 407 or 427, twin-engine turbine helicopter, but not with a 4-person, 2500 lb. helicopter, which he stated was designed to do what he had done. He estimated his lot at ¼ acre, and stated that he had landed in much tighter spaces. He presented a chart that showed noise levels from a variety of distances. He distinguished his helicopter from 30,000 lb. military helicopters. He stated that at full power, his helicopter produced 97dB of noise, which is the last 25-30 seconds of landing. He spoke to his own experience as a pilot: pilot's license at 19 years old, 9,000 hours of flight time, and flies about 350 hours a year for family, and has an airline transport pilot license, which is the highest license one can get, and has operated in the charter business for about 22 years. He spoke to the Robinson R-44, which is the model of helicopter that he landed on his property: he stated there has not been a single accident with the 100 that he has sold. He stated that he would still like to set up a day to offer rides for the public, and has received a lot of support via social media. He recommended that the Town prohibit landings at night, prohibit flying over homes at less than 500 ft., establish a maximum landing rate of 5,000 lbs., set a maximum of two landings/departures per day at 2, require a minimum of 3,000 hours of flight time, and require a copy of pilot license, medical certification, and request proof of insurance. Members of the audience began to ask questions of Mr. Segrave, but Mayor Jones requested that Mr. Segrave stay around after the meeting to answer questions.

Consent Agenda

After a brief introduction by Mayor Jones, the consent agenda, consisting of the Minutes from the August 10, 2016 Meeting, a resolution in support of a \$30,000 dredging project, board reappointments: Paul Payne (chair), Michelle Powers, Kathy Werle, and Bill Strube to the Planning Board; Clare Winslow, Paul Pylko, and Harold Green to the Community Appearance Commission; and Jean Macheca to the History Committee, a Verizon Telecommunications Contract, a resolution in support of potential revenues from a ¼ cent County Sales and Use Tax, and Tax Discoveries and Releases, was approved on a motion by Commissioner Edwards with a second by Commissioner Fulcher that passed unanimously. During discussion, Commissioner Corsello stated that he believes it is a good idea to have the additional tax to help waterways, but expressed disappointment in the way the county dedicated funds only for its intended purpose since they did not require a supermajority vote of the county board to use the funds for other purposes, but otherwise supported the tax.

Town Manager's Report

Stormwater: Town Manager Kramer briefed the Board on stormwater initiatives in Town. He reported that the second line into the golf course ponds is being tested, and it will take 24 hours to reduce the Bermuda Greens/Reefstone pond by 1'. He stated that the Town has a PE's estimate to install the system and has requested Bermuda Greens/Reefstone to share in the cost. He informed the Board that there is no agreement with the Club at this time, and he anticipated a meeting later in the fall.

He stated that with regard to moving water east to the vault at Myrtle Court, a route has been identified,

but the question is in regard to effectiveness and reasonable cost. He reminded the Board that one engineer's estimate came in around \$300,000 and involved underground pipes and pumps. He reported that Town staff has met with Larry Sneedon from AECOM, and he anticipated that he would put a master agreement in front of the Board in October. He stated that the first step in making the route work would be surveying it. He stated that the master service agreement would not commit the Town to spending any money with the firm. He showed the Board a potential route, but noted that the question is whether or not the water will move with gravity. He clarified, in response to questioning from Commissioner Corsello, that the agreement would contain a list of fees.

Regarding Cedar and Elm right of way, Town Manager Kramer reminded the Board that in August, Town Staff had shown the Board a plan to install a system of 9" swales and a bioretention area on the right of way of Cedar in the Elm area. He stated that the Town has notified all of the property owners, and none have taken issue with the project. He reported that the Town will complete the project in-house and viewed it as a test for installing infiltration in rights of way town-wide in areas of flooding. He noted that there is always a point, when the water table gets high enough, where infiltration will not work. He informed the Board that the Town budgeted \$15,000 of Powell Bill funds for small drainage projects, and the estimate for this project is \$5,000.

Regarding NCDOT drainage improvements, Town Manager Kramer reminded the Board that NCDOT installed drainage systems along the right of way of Hwy 58, but did not maintain them. He reported that Town Staff has met with Bob Holman, a resident on Arborvitae who worked for NCDOT Stormwater. Dr. Holman arranged for a person from NCDOT to come review the drainage systems and help rehab them. Town Manager Kramer reported that the Town is not certain exactly what the rehab will look like, but the Town definitely wants to try to address a drainage pipe on Arborvitae. He clarified, in response to questioning from Mayor Jones, that the rehab would be funded by the State.

Town Manager Kramer also reported that Dr. Holman has done a lot of work with Dr. Bill Hunt at NC State, an expert on stormwater, and working to get Dr. Hunt to come out this fall to review all of the aforementioned projects.

With regard to groundwater quality measuring, Town Manager Kramer reminded the Board that in 2015, some citizens were involved in using wells to measure water table levels, and the idea is to use those same wells to measure groundwater quality. He stated that water quality was identified as an emerging issue by the strategic planning committee, and \$5,000 was included in the budget for a groundwater quality measurement effort: the goal is to establish a baseline for water quality, so that in the future the Town can gauge its capacity to pump groundwater, get an idea for septic tank functioning, and establish whether or not it would be a possibility to pump to the Sound.

With regard to water table levels, the Town encountered 5 inches of rain during Tropical Storm Hermine, which raised the water table levels about 1.5 feet. He reported minimal impact due to pre-storm water table levels.

Tree Clearing: Town Manager Kramer informed the Board that Carteret Craven Electric Co-op has said that they would be interested in clearing all of the vegetation back to the powerlines on the south side of

Hwy 58 due to issues they are having in accessing their equipment. He stated that CCEC is looking at it as a winter project, and they have invited the Town to the table for input. Town Manager Kramer stated that he has advised Beacon's Reach and will notify residents on the east side of town via letter also. He stated that there would likely be impact on some lots along the route. He stated that he has requested costs for underground lines. He also informed the Board that poles with transformers are particularly important to get to. *Commissioner Brodman* inquired about putting a line under the wires, instead of clearing all of the vegetation; he observed that if they were to move all of the vegetation, it would remove a lot of fences and other landscaping improvements made by residents. *Commissioner Corsello* requested looking into exactly what the issue is and what other possible solutions are. *Commissioner Fulcher* stated that the issue is that between the poles, there's a place where a limb will run across a wire, but it is a slow process with a lift truck, but he supported the idea of a line under the wires.

Crosswalks: Town Manager Kramer briefed the Board that there was a meeting the week of August 22, which Commissioners Edwards, Fulcher, Brodman, and Goetzinger attended with Chief Thompson, Town Manager Kramer, and a few members of the public to discuss crosswalks. He reported that there have been 3 vehicular accidents at the Hampton Inn since the crosswalk was installed there. He reported that someone said that in Pine Knoll Shores Hwy 58 is a highway, and he stated that an option is to adjust the speed limit from the Atlantic Beach border to a point that would cover through the Hampton Inn crosswalk. The Hampton Inn crosswalk was identified as one of the most dangerous. Town Manager Kramer indicated that some people at the meeting supported combining the 35 mph speed limit with pedestrian-activated signals, although not everyone was in agreement with that recommendation. But everyone agreed that 24/7/365 blinking lights were desensitizing. He stated that the component that makes the Mimosa Blvd. crossing dangerous is the turning lane at the intersection. He recommended that the Town maintain the crosswalk at the Hampton Inn, institute a 35mph speed zone, aligned with Atlantic Beach's schedule, and pursue sharing the cost of the lights with the Hampton Inn. He stated that unless the Town installed the pedestrian-activated lights, he recommended removing the other two crosswalks. He recommended waiting until FY17-18 to see if safety grants would be available. *Commissioner Corsello* suggested checking with NCDOT to see if there are any statistics on the pedestrian-activated lights with regard to accidents. *Commissioner Fulcher* expressed concern about pedestrian expectations of safety with crosswalks. *Commissioner Brodman* expressed concern about pedestrian safety along the shoulders of Hwy 58.

Beach Nourishment: Town Manager Kramer briefed the Board that at the last Beach Commission meeting, the analysis was that the beach is in good shape, the sand loss was consistent with the annual average with 2.5 cubic yards per linear foot. He reminded the Board that right now, the beach profile is at 252 cubic yards per linear foot and the renourishment trigger is 211 cubic yards per linear foot.

Connection with Bogue Banks Water: Town Manager Kramer briefed the Board that on August 24, Town Staff met with Stroud Engineering and Bogue Banks Water. He stated that Stroud will provide the Town with a proposal in September. He informed the Board that the Town and Bogue Banks Water will split the cost; however, Bogue Banks Water will have a greater cost because of their need to upgrade pipes such that both utilities will come into the interconnect at 8" pipes. He noted that everything is subject to Bogue Banks Water Board approval. He stated that the reason for the connection is due to a best practice to be connected with adjoining water systems primarily so that if there is a catastrophic failure of one of the

water systems, the infrastructure is in place to procure water from the neighboring system. He stated that the existing connection is not in good shape, there is no meter to measure the amount of water transferred, and there is no backflow prevention.

FIRM Release: Town Manager Kramer briefed the Board that Moffat Nichol has received the 2015 LiDAR data and will apply the new data to the Town's three hotspots. He informed the Board that Moffat Nichol does not anticipate any change on the oceanfront, but there should be improvement in the Loblolly area. He informed the Board that the Town is researching how to request amendments to the mapping, and would like to see the changes made prior to the public comment section; however, it does not appear that the changes will be made prior to that time. He informed the Board that in the Beacon's Reach area, it is possible that the transect's location right next to the marina may be impacting multi-family units along the Sound. He stated that the Town will contact the Department of Public Safety to request changing the maps after running the LiDAR data, and it has requested that Moffat Nichol provide a proposal for submitting an appeal on the Town's behalf. He reported that he would have a dollar figure by the October Board meeting.

Knollwood Lot: Town Manager Kramer reported that the Town closed on the Knollwood lot on September 9.

Monthly Alarm Reports: Town Manager Kramer reported that the monthly water alarm reports indicated a substantial drop in alarms. He credited Sonny for working with Carteret Craven Electric Co-op to identify situations where a property had regular water usage that needed to be built into parameters.

Staff Reports

Assistant Town Manager/Finance Officer Anderson reported that the General Fund added \$330,000 to Fund Balance as of 6/30/2016. She informed the Board that several revenues came in higher than budget: ambulance fees, franchise and utility, and building permits. She also noted that the expenditures were about \$280,000 under budget. She stated that some of the reasons was delaying the hire of the fourth full-time firefighter until the Town received word on a grant and using part-timers in the interim, and selling a fire apparatus saved the Town from buying equipment and supplies for the sold apparatus. She stated that the unrestricted fund balance is at 53% of annual expenses, and the goal is 50%, and the total fund balance is 66%. For the Water Enterprise Fund, she reported that the Unrestricted Net Assets went from \$821,000 to \$515,000, which indicates a decrease of \$306,000, although the capital project was over \$400,000. She also noted that the Unrestricted Net Assets were at 47% with a goal of 60%; however, in a normal year of expenditures, it would be over 60%. She stated that the auditor informed the Town that the State wants every municipality to have an actuarial study done on their Police Separation Allowance Funds, so the Town has to pay to have an actuarial study done: she was not sure whether or not it would be an annual requirement or just this year. She informed the Board that the Town used to pay a company out of Georgia to do these actuarial studies, but it stopped because it was ridiculous. She reported that in October there would be a budget amendment to include the Knollwood closing and the updated sidewalk budget.

Town Attorney Whitford had no report.

Town Planner Sherrill informed the Board that the focus groups for the Strategic Plan update met on September 9 and two additional groups would meet on September 23. He also noted that the Strategic Planning Committee would be looking for a meeting with the Commissioners in November. He informed the Board that he attended the Coastal Resources Commission meeting to watch the approvals of the first couple of development line approvals. He also noted to the audience that he has been doing sign sweeps around town to enforce size, orientation, and setback requirements.

Building Inspector Taylor reported that for the month of August, 76 permits with a construction value of \$673,639 generated \$5,035 in permitting fees. He also informed the Board that there is a new single family oceanfront development proposed for Community Appearance Commission and Planning Board review. He also informed the Board that substantial renovations are underway at Sun Bay and Bogue Shore Club.

Public Services Director Cunningham reported that his department conducted a control test at Reefstone, where the Town pumped 29,000 gallons of water. He stated that the pond is about 75,000 gallons per inch. He stated that Reefstone looks like the reservoir where water collects. He stated that the mosquitoes are a big issue: his department sprayed Monday, Tuesday, and Wednesday and will spray again on Thursday and Friday. He also reported that he is working with Carteret Craven Electric Co-op, Ferguson, and Carolina meter to make compound meters smart meters.

Police Chief Thompson reminded everyone that it is the time of year when property crimes increase and reminded people to sign up for his department's security check program when they are planning to be out of Town for the season or days or weeks. On behalf of Fire Chief Baker, he reminded the audience that the tropics are very busy, so they should remember to make sure that homes are prepared and that they have re-entry passes.

Mayor Jones passed along compliments particularly to the fire side regarding the recent structure fire.

Unfinished Business

2016 Annual Agenda and Commissioner Reports

There were no updates.

Technical Corrections Ordinance

Town Planner Sherrill presented from the memo included in the agenda packet. It is incorporated herein by reference and attached to these minutes.

New Business

Agenda Items for Next Meeting

Mayor Jones identified the audit report and budget amendment as items for the next meeting.

Sidewalk Bids

Town Manager Kramer informed the Board that bids had been received for the Arborvitae to Mimosa sidewalk segment. He reported that the recommended bid, from Jymco of Smithfield, came in at \$112,000, which was above the budgeted and engineer's estimate of \$100,000. He stated that he would

need Board approval for the \$112,000. He informed the Board that there were two possible sources for the additional funding: Powell Bill or undesignated reserves. He recommended moving forward and fund the additional \$12,000 with Powell Bill funds. Commissioner Edwards made the motion to move forward as recommended, Commissioner Brodman made the second, and the motion carried 4-1, with Commissioner Fulcher voting against.

Public Comment

In response to questioning from a citizen, *Town Manager Kramer* briefed that the Verizon-renewal is for a service provider that rents space on top of the tower at the Aquarium. He reported that because it is an amendment to a contract, it required Board approval. He reported that the contract was for a 10 year renewal that provided a 12% increase in revenue to the Town, a \$5,000 administrative fee to recoup legal and staff costs, a \$10,000 one-time payment, and a 3% CPI adjustment.

Richard Donoghue, 252 Oakleaf Dr., stated that he was an Air Force pilot for 11 years. He noted in looking at the video that it reflected a landing, not a takeoff, which influences the noise amounts due to power-up. He also noted that while working a fire next door, he observed that the landing zone is restricted because takeoff is only possible in one direction. He noted that the helicopter only had one pilot, but in the military it is more common to have two pilots and a flight engineer, as well as someone working the ground to understand landing conditions. He observed that there were no markings to indicate where to place the helicopter in the landing area, no provisions in the event of an emergency where water is required or a fire extinguisher. He also observed that the rotor blades are very fragile and do break loose, which could impact neighboring houses. He raised these issues only as things to be considered.

Lee Ivey, 103 Maple Court, observed that his property is probably 150' from the landing site, and he stated that he is opposed to helicopters landing on the property due to safety issues, noise issues, depreciation of properties.

Georgia Stephens, 112 Holly Rd., stated that she is a retired nurse with 45 years of experience and worked as a risk manager. She expressed concern that the helicopter landings present a major risk to the populace, and observed that while insurance may cover property, it won't cover the loss of a life. She stated that as a nurse, she felt that she felt a responsibility to present to the Board not just the liability issue, but the humanitarian aspect of what could happen. She recommended that Mr. Segrave purchase property closer to the airport if he preferred not to drive. She stated that she came to Pine Knoll Shores for peace, tranquility, and lack of Raleigh traffic. She requested that the Board adopt an ordinance prohibiting helicopter landings.

Janice Steinberg, 106 Redwood Ct., reported that she lives diagonally across the canal from the helicopter landing area and was on her deck during the landing. She stated that she now realizes how close the helicopter was to her: she stated that the helicopter was coming down the 50' wide canal was 43' wide, which provided maybe 3 feet from a bulkhead. She reported that she has trees up to bulkheading and house is set back maybe 35-40', which seemed to her like a very close situation, particularly if there were windy weather. She rhetorically inquired what would happen if 3,000 lbs. came down in your yard while you're out there. She stated that she and her family bought property in Pine Knoll Shores because it was a nice, quiet community, and she would prefer to see those characteristics fostered than a helicopter being

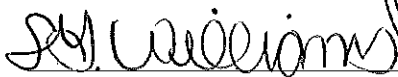
able to land in town.

Tom Tempel, 222 Salter Path Rd., spoke on behalf of himself, his wife Elaine, and Tennant and Pam Teeter of 103 Redwood Court, his remarks, in opposition to helicopters, are incorporated herein by reference and attached to these minutes.

Bill Knecht, 538 Coral Drive, stated that although not directly affected by the landing zone, he had concerns that helicopter landings would be permitted elsewhere. He expressed concerns about the omission in Mr. Segrave's presentation about accidents among the 11,000 R-44s, which included multiple crashes throughout the US: he reported that since 2000, 19 people were killed and 41 injured in R-44 crashes in Florida, including three killed when an R-44 crashed into a house in 2015. He reported that it was the 10th fatal crash in Florida in 15 years. He noted that 165 were killed in 96 crashes in the United States, and worldwide 512 deaths in 291 crashes since 1982. He reported that the helicopter is low cost, which means that the safety may be less than a more expensive helicopter. He stated that one of the major problems has been with fuel tanks: in 2006, Robinson put out a safety warning to pilots to wear fire retardant suits, and finally issued a recall in 2012 to change fuel tanks. He reported that another problem has been with the blades: they will sometimes break and hit the cockpit or rotor to cause accidents. He requested that Mr. Segrave be honest and provide information not just on the 100 he sold, but the model generally.

Adjournment

The Board Adjourned at 7:55 PM on a motion by Commissioner Edwards with a second by Commissioner Goetzinger that passed unanimously.



Sarah Williams, Town Clerk



Ken Jones, Mayor