

**Town of Surf City
Regular Council Meeting Minutes
May 1, 2012**

Mayor Guy called the regular monthly meeting of the Surf City Town Council to order at 7:00 p.m. Mayor Pro Tem Medlin gave the invocation, and Councilman Curley led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Councilmen Fowler and Helms, Town Manager Michael Moore, Attorney Trey Carter, Finance Director Jane Kirk, and Town Clerk Patricia Arnold.

RESOLUTION

- Support of Senate Bill 277 – Caring for Camp Lejeune Veterans Act of 2011 & House Resolution 1742 – The Janey Ensminger Act. Councilman Fowler made a motion to approve the Resolution. Mayor Pro Tem Medlin seconded motion. Motion carried unanimously. Copy of Resolution is attached to these minutes.
- Resolution of Town of Surf City Endorsing a Proposed Local Act Providing the Towns of Topsail Beach, Surf City and North Topsail Beach with Authority to Regulate Certain Structures and Activities on the Public Trust Ocean and Estuarine Beaches Within Their Respective Jurisdictions. Councilman Helms made a motion to approve the Resolution. Councilman Fowler seconded motion. Motion carried unanimously. Copy of Resolution is attached to these minutes.

PROCLAMATION

- Municipal Clerks Week Proclamation was presented to Town Clerk Patricia Arnold.
- National Police Week Proclamation was presented to Police Chief Mike Halstead.
- Emergency Services Week Proclamation.

BEAUTIFICATION & APPEARANCE RECOGNITION

Mayor Guy presented the Proclamations for the Home of the Month for May to William & Lee Pelon for their property located at 9120 W. 9th Street and the Business of the Month for May to Atlantic Food Mart located at 301 Roland Ave.

APPROVAL OF MINUTES

Minutes of the April 3, 2012 Regular Meeting were recommended for approval by Town Attorney Trey Carter. Motion was made by Councilwoman Albury and seconded by Councilman Helms to approve as presented and was carried unanimously.

PUBLIC HEARING

Mayor Guy recessed the regular council meeting at 7:14 P.M. to open the public hearing for comment on Zoning Map Amendment of 11 lots located on James Ave. that is owned by Royal Palm Development.

The applicant, Wayne Lanier, would like to rezone the 11 subdivided lots of the Bryan's Court subdivision. The property is currently zoned MHS or Mobile Home Subdivision. The request would change the property to R-5 Residential. The Property is located

adjacent to the Surf City community Center, a mobile home park across JH Batts Road and Vacant properties on the remaining sides.

A rezoning to R5 would eliminate the ability to place manufactured homes on the properties but would allow for duplexes to be built on lots that are a minimum of 8500 square feet. In regard to minimum lot sizes required and setbacks both zoning districts have the same standards of 15 feet on the front, 7.5 feet on the sides and 20 feet on the rear.

The Planning Board does recommend this rezoning as it is consistent with the uses proposed in the land use plan and would be compatible with all existing uses in the vicinity of this property.

No public comment.

Public Hearing was closed at 7:16 P.M.

Councilman Helms made a motion to approve the zoning map amendment of 11 lots located on James Ave. owned by Royal Palm Development from MHS Manufactured Home Subdivision to R-5 Residential. Councilman Fowler seconded motion. Motion carried unanimously. Copy of Ordinance is attached to these minutes.

RESOLUTION ON DIRECTING THE CLERK TO INVESTIGATE A PETITION FOR CONTIGUOUS ANNEXATION AND SET A PUBLIC HEARING – .22.53 Acres off Mill Creek Rd. – Shirley Edens Baldwin Irrevocable

Councilwoman Albury made a motion to direct the Clerk to investigate a Petition for satellite annexation, to set a Public Hearing date for June 5, 2012 and send the request to the Planning Board for zoning recommendation. Councilman Fowler seconded motion. Motion unanimously carried. Copy of Resolutions is attached to these minutes

PARKS & RECREATION COMMITTEE APPOINTMENT

Motion was made by Mayor Pro Tem Medlin and seconded by Councilman Helms to approve Robert (Bobby) Owings and Bernie Poole as Parks & Recreation Committee Members and motion was carried unanimously.

ENGINEERS PROJECT UPDATES, Gus Simmons, Cavanaugh & Associates.
Surf City Wastewater Treatment Facilities

Juniper Swamp Phase 1 Irrigation System: During the month of April, the contractor focused on two (2) primary areas of work: construction of the pump station wet well and grading of the storage basin. The foundation for the pump station wet well was poured on April 16, 2012. The pour went extremely well; concrete testing done by the ECS field technician on site showed that the concrete met the specifications for

every test performed. Subsequent lab testing has shown that the concrete is on track to meet its required 28-day compression strength. New soils test results for the storage basin berm show better (conforming with specification) compaction compared to the results obtained in January. Most compaction samples are now meeting the required 95% Standard Proctor compaction percentage, with several in the 98%-101% range. This is primarily attributable to the very dry conditions and low water table.

About 98% of the irrigation sprinklers have been installed as of the end of April and about 98% of the underground piping (not in the irrigation zones) has been installed. In the next few weeks, Cavanaugh is planning on completing a walkthrough of the irrigation system with the contractor in order to confirm that all sprinklers have been installed. The walkthrough will determine what needs to be done in order to complete the installation of the irrigation system, and will include input from Town staff.

All of the required submittals have been presented by the Contractor, and reviewed by the Engineer. The final two submittals, Miscellaneous Metals (Submittal #5) and Metal Building (Submittal #15), were reviewed and approved this past week, and official approval documents are expected to be returned this week.

Key Project Metrics:

Notice to Proceed: October 11, 2011

Contracted Project Completion: 365 Days

Changes to Construction Schedule: 0 Days

Original Substantial Completion Date: October 16, 2012

Current Substantial Completion Date: October 16, 2012

Project is currently on schedule

Original Construction Contract Amount: \$4,617,817.00

Payment requested to date: \$2,597,009.61 (56%)

Changes to Construction Cost: \$6,870.00

Current Construction Contract Amount: \$4,624,687.00

Project is currently within budget

Change Order #1, for an increase in contract price of \$6,870.00, was to add some culverts and minor earthworks to aid staff in traveling from zone to zone by vehicle.

There are a couple of items that are being discussed that are for owner convenience / improvement that will initiate a request for proposal from the contractor: (1) some upgrades to the SCADA and controls system that include a software upgrade for the entire system (water and sewer) as well as some additional batteries, etc. to improve system functionality and flexibility; and (2) adding some hydrant and valves that will facilitate staff using the irrigation system with a rented diesel pump prior to completion of the storage basin and pump station.

There have been a few, additional, minor items that have been presented as possible change orders by the contractor, but these have been resolved without change in price or time to owner.

The Contractor has expressed some concern in that they have not, thus far, encountered sufficient clay materials that meet specification, and permit requirement, for use as a 'clay liner' for the storage pond. There is still quite a bit of material to be excavated (more than half), but this concern does not go unheeded. At present, Cavanaugh is working with the Town's materials testing firm to explore the excavation site in an effort to quantify the clay material present, and identify other possible areas on site that may contain the clay materials that are sought. Alternately, Cavanaugh is obtaining cost estimates on the incorporation of bentonite with the existing materials, which will result in achieving the permit specification for the liner.

Juniper Swamp Infiltration Basin: No change since previous report.

Tortuga Lane Street & Utilities Design: The project remains under construction. The road construction is not yet completed. About half of the gravel sub-base has been placed and compacted. The Town is currently working with a contractor to install the water and sewer service connection.

Little Kinston Forcemain Re-route: The project has been designed and the final permits have been issued. This project is ready to proceed to construction at the Town's chosen schedule.

Hwy 50 Sidewalk Improvements: The project was advertized for bids on Monday, March 13, 2012. A pre-bid meeting was held at 1:00 P.M. on Tuesday, April 10, 2012 at Surf City Town Hall, 214 New River Drive, Surf City, NC 28445, in the Town Council Chambers on the first floor. Sealed bids will be received on Tuesday, May 1, 2012 at 2:00 P.M. at the same location. We have received requests for bid sets from 7 contractors at present.

Given the date for Bid Opening, it is anticipated that the recommendation for contract award will be presented to the Town Council at the June 5, 2012 Town Council Meeting. Supposing a June 15 Notice to proceed, the sidewalk construction should be completed around the first of December, 2012.

PUBLIC FORUM

Barry Newsome, 1527 S. Shore Drive, stated that the new banners were beautiful.

Don Matthews, 108 Channelbend, stated that he was concerned about the 42 illegal violations of that Cedar Point subdivision. One was the turn around that was completely ignored when permitted.

Town Attorney Trey Carter stated that with the pending lawsuit that it was not appropriate to talk about Cedar Point at this time.

COUNCIL FORUM

Councilman Curley thanked everyone for coming to the meeting.

Mayor Pro Tem Medlin thanked everyone for coming.

Councilwoman Albury thanked everyone for coming and wished everyone a Happy Mother's Day.

Councilman Fowler invited everyone to the Easter Egg Hunt Saturday in Soundside Park at 10:30am and all the other activities going on at the Community Center.

Councilman Helms thanked everyone coming.

Mayor Guy

- Yard Debris Pickup May 7th North 9th South 11th Mainland
- Bridge Intermittent Lane Closure 7th-10th 9am-3pm
- National Day of Prayer May 3rd
- Community Document Shred June 23rd
- Collecting Tattered American Flags
- Surf City Police E-Watch
- Buzz Surf City with problems.

MANAGER REPORT

- Utility Customers are being called by the Reverse 911 service before being cutoff.
- Working with NCDOT on enhancement projects.

TOWN ATTORNEY REPORT

No report at this time.

ADJOURNMENT

The meeting was recessed at 7:35 p.m. until Friday, May 11, 2012 at 10:00 a.m. upon the motion by Mayor Pro Tem Medlin and seconded by Councilwoman Albury. The Council unanimously approved motion.

Patricia E. Arnold, Town Clerk

A. D. (Zander) Guy, Jr., Mayor