

**Town of Surf City  
Regular Council Meeting Minutes  
June 5, 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 Fowler led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Councilman Helms, Town Manager Michael Moore, Attorney Trey Carter, Finance Director Jane Kirk, and Town Clerk Patricia Arnold. Councilman Curley was absent.

**PUBLIC HEARING**

Mayor Guy stated that the Public Hearing for comment on satellite annexation of 22.53 acres located on Mill Creek Rd. and is owned by Shirley Edens Baldwin had been cancelled and withdrawn by the property owner.

**PRESENTATION**

Police Chief Mike Halstead presented Retiring Police Sergeant Michael Fitzgerald with his service weapon and his badge. Mayor Guy presented him with a plaque.

**BEAUTIFICATION & APPEARANCE RECOGNITION**

Mayor Guy presented the Proclamations for the Home of the Month for June to Jeffery & Erin Smith for their property located at 108 Saltwater Landing and the Business of the Month for June to Landmark Real Estate located at 307 Roland Ave.

**APPROVAL OF MINUTES**

Minutes of the May 1, 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.

Minutes of the May 11, 2012 Reconvened 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.

**BUDGET AMENDMENT**

Finance Director Jane Kirk presented to Council a request for a budget amendment.

Councilman Fowler made the motioned to approve the budget amendment. The motion was seconded by Mayor Pro Tem Medlin, and unanimously carried. Copy of budget amendment is attached to these minutes.

**PUBLIC HEARING**

Mayor Guy recessed the regular council meeting at 7:13 P.M. to open the public hearing for comment on Budget FY 2012-2013.

Manager Moore read the Budget Message.

Melanie Watts, 115 Seahorse Ave., asked if there was a 2% cost of living raise and a 4% merit raise.

Manager Moore stated that it was a 2% cost of living and 2% merit if they qualify.

Melanie Watts asked how many employees are there and how many will get merit raises.

Manager More stated that there were 65 total employees and I don't know, we have not done evaluations yet.

Melanie Watts stated that percentage was high and even higher than corporate America.

Councilwoman Albury stated that they have not had one in 3 years.

Melanie Watts stated that neither had she.

Frank Camps-Campins, 101 S. Oak Drive, stated that he thought we all recognize the stress that the economy has placed upon anyone trying to run any type of business especially communities such as Surf City. First he wanted to compliment the work that has been done by the manager. He thought it is outstanding to be able to attain the level of output with the level of growth in Surf City yet keep the rate to a minimal increase.

He was concerned of the fact of amount of money in terms of the foreclosures. It was alluded to the difficulty of the availability of that information that does affect us in terms of revenue and delinquent tax payments that we have to abstain ourselves to. What percentage are foreclosures.

Finance Director Kirk stated 2% on bankruptcies and foreclosures.

Frank Camps-Campins asked if there was any light at the end of the tunnel, would we get the money, just more on when?

Finance Director Kirk stated yes.

Public Hearing was closed at 7:25 P.M.

Councilwoman Albury made the motion to approve the FY 2012-2013 Budget. Mayor Pro Tem Medlin seconded motion and motion was carried unanimously. Copy of the FY 2012-2013 Budget Ordinance is attached to these minutes.

#### **ADVISORY BOARD REAPPOINTMENTS**

The following members were reappointed to their committees.

<b>Committee</b>	<b>Member</b>	<b>Term Expires</b>
Recreation	Peggy Bailey	6-30-15
	Cathy Lang	6-30-15
Planning Board	Carl Johnson	6-30-15
	Barry Newsome	6-30-15
	Larry Bartholomew	6-30-15
	Steve Pasquantonio	6-30-15
Board of Adjustments	Carl Johnson	6-30-15
	Barry Newsome	6-30-15

Councilman Helms reappointed Carl Johnson to the Planning Board and Board of Adjustment. Mayor Guy reappointed Barry Newsome to the Planning Board and Board of Adjustment. Mayor Pro Tem Medlin reappointed Larry Bartholomew to the Planning Board and Cathy Lang to the Recreation Committee. Councilwoman Albury reappointed Peggy Bailey to the Recreation Committee. Mayor Pro Tem Medlin made a motion to approve Steve Pasquantonio's reappointment to the Planning Board. Councilman Helms seconded motion. Motion carried unanimously.

### **SURPLUS PROPERTY**

Town Manager Moore requested property from the Town of Surf city Fire Department be deemed surplus and donated to the Sneads Ferry Volunteer Fire Department Inc.

Ingersoll – Rand Baron 11 cylinder refill station. Model #BAP – 10TC# Serial #30T-668969 5-3-90. Town Department received it in 2001 from USMC Fire Department at Camp Lejeune.

Mayor Pro Tem Medlin made the motion to approve the surplus property and donation. Councilwoman Albury seconded motion and motion was carried unanimously.

### **BID AWARD – SIDEWALK PROJECT**

Gus Simmons, Cavanaugh and Associates, stated that Public bids were accepted and opened on May 1, 2012 for sidewalk project. This sidewalk is to be located on Highway 50/210 from Faith Harbor Methodist Church to J.H. Batts Road.

Councilwoman Albury made the motion to award the bid to the apparent low bidder, JYMCO Development, Inc. Councilman Helms seconded motion 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 May, the contractor focused on three (3) primary areas of work: construction of the pump station

wet well, beginning the construction of the outlet structure, and grading of the storage basin. The lower walls of the pump observe the concrete pour and work performed. The foundation of the outlet structure was poured on May 29, 2012. Jeff Cappadona was in attendance for this pour as well. The upper walls of the pump station wet well are expected to be poured on June 5, 2012.

About 98% of the irrigation risers have been installed as of the end of May 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 risers 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. Miscellaneous Metals (Submittal #5) is the last submittal needing official approval, which requires approval of the hoist for the outlet structure. Cavanaugh is waiting on a resubmittal from L.M. McLamb for the hoist.

***Key Project Metrics:***

Notice to Proceed: October 11, 2011

Contracted Project Completion: 365 Days

Changes to Construction Schedule: 3 Days

Original Substantial Completion Date: October 16, 2012

Current Substantial Completion Date: October 19, 2012

***Project is currently on schedule***

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

Payment requested to date: \$3,161,101.54 (68%)

Changes to Construction Cost: \$25,170.00

Current Construction Contract Amount: \$4,642,987.00

***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.

Change Order #2, for an increase in contract price of \$18,300.00 and increase in contract time of 3 days, was to add some hydrants 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, as well as facilitate emergency operations that may arise from extreme weather events..

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: 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.

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. This matter will most likely be resolved in the month of June, and will not affect schedule.

***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** Since the previous month's report, Cavanaugh has worked with the apparent low bidder and NCDOT to obtain all necessary approvals for award of the contract. Cavanaugh carefully reviewed the Bid Documents and called several references presented for the apparent low bidder. All were found to be in order and in good standing. At present, Cavanaugh has presented a Discussion of Bids and Recommendation to the Town to award the contract to the apparent low bidder, JYMCO.

## **PUBLIC FORUM**

**Melanie Watts, 115 Seahorse Ave.** I have owned a house for over 20 years and it is a near and dear place for me and my family. I have concerns about the center of town there by Buddy's and the beach area. I had the opportunity the weekend before Memorial Day to visit down there. I was disappointed from what I saw and experienced. The area is different than any other part of the beaches. I walk on the beaches, it's great.

In this area I saw drinking, glass bottles, which are not supposed to be on beach, language that I was applaud to hear, and trash on the beach. This is the center of our community. This is what people see when they first come into town. It was disappointing.

Mayor Guy stated that what she was saying is true and the area has been cleaned up. The Town hires 4 part time summer people to help with trash. We have excessive drinkers. The Police Department is on that, they are issuing citations. When you have as many people as we have visiting it is hard to keep everything together. We are working on it; working with Waste Management to pull cans to right of way, our guys will pick up additional trash and pull carts to house.

Mrs. Watts stated I think the town does an excellent job, just the type of people attracting to our beach. Other beaches are charging parking so those people are coming here and they are not respecting our beaches. It is not a family beach in this area.

Peter Herrmann, 102 Leyland Way, President of the Home Owners Association of Village of Turtle Creek. He stated that he was shocked to find out that the Ice Cream truck could not come into the subdivision. He stated that that was a summer time tradition and a childhood tradition and his 2 year old and 4 year old did not understand. He asked the Council to look at the Ordinance and see if anything could be done.

Mayor Guy stated we have so many vendors and it became a safety issue and it caused traffic congestion. The Council didn't feel it was right for those that have businesses here year round to have those pop in here just during the summer and sometimes never get a business license.

#### **COUNCIL FORUM**

Mayor Pro Tem Medlin stated that he appreciated each and everyone for coming and asked everyone to please keep Mr. Curley's family in their prayers.

Councilwoman Albury thanked everyone for comments and wished everyone a great weekend.

Councilman Fowler thanked everyone for comments and wished everyone a great weekend.

Councilman Helms stated that he appreciated everyone's comments.

#### **Mayor Guy**

- Read thank you letter for Mike Moore's Mother's flowers for funeral.
- Thanked everyone for coming and for being a vital part of our town.

## **MANAGER REPORT**

- Read letter from Dr. Robert Siefker. To Local Officials of Surf City, NC. Because of damages to my home at 2020 N. Shore cause by Hurricane Irene August 27, 2011 building inspector deemed my home to be uninhabitable and forbid any use of it. Even so, I have been charged every month for services of sewer and garbage that were prohibited and therefore never able to be used. Therefore, I request a refund of these costs for the months since August 27, 2011.

It would only be fair and equitable to do so as there is not future

Respectfully submitted, Dr. Robert Siefker.

Manager Moore stated that Dr. Siefker hired an engineer who stated it was structurally sound, hired a contractor who worked on the home, and occupied the dwelling and used water for a while. After an April 20<sup>th</sup> nor'easter the foundation was cracked and a Hearing for Condemnation was set for May 30, 2012.

Manager Moore stated it was usable until April 20<sup>th</sup> and recommend refund from the April billing.

Mayor Pro Tem Medlin made the motion to approve the refund for Dr. Siefker from the April billing. Councilman Fowler seconded motion and motion was carried unanimously.

- Peter Ravella Contact to work on a financial plan in preparation of the beach nourishment project which we are doing with the Army Corp of Engineers. Town is about 4 years out before we see a project with sand being pumped onto our beaches. Mr. Ravella has worked with Topsail Beach and has developed their plan, he is working currently with N. Topsail Beach. I have talked with the Chairman of the Shoreline Protection Mr. Curley and the Chairman of our Town Beach Nourishment David Ward about working on a contract to get in here and start ours. It will take approximately 13 months to really do it. Mr. Ravella has done them all over the east coast down to the gulf and in Texas. It takes a lot of pressure off of the Council. He comes in and conducts all the public meetings, gets the input from the Council, then he talks to all the homeowner associations and tries to come up with a plan that is fair for everybody on how to pay for this beach nourishment. The longer we put it off the higher we are going to have to raise the tax rate. If we start now and get a plan in place then we may only have to do small increases in the tax rate to have to pay for the project.

Mayor Pro Tem Medlin made the motion to allow Mayor Guy and Councilman Curley to work out a contract with Peter Ravella. Councilwoman Albury seconded motion and motion was carried unanimously.

## **TOWN ATTORNEY REPORT**

No report at this time.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 8:03 p.m. upon the motion by Councilwoman Albury and seconded by Councilman Fowler. The Council unanimously approved motion.

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Patricia E. Arnold, Town Clerk

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