

**TOWN OF CAPE CARTERET
BOARD OF COMMISSIONERS
WORK SESSION MINUTES
DEBBIE E. STANLEY BOARDROOM
AUGUST 14, 2017 | 7:00 P.M.**

I. Meeting Called to Order | Moment of Silence | Invocation

Mayor Fowler called the meeting to order at 7:00 pm in the Debbie E. Stanley Boardroom.

All board members were present along with seven citizens. Staff present included Zachary Steffey, Ashleigh Huffman, Heather Leffingwell, Chief Rivera, and Danny Taylor. Attorney Michael Curtis and Brad Rich of the Carteret News Times were also in attendance.

Mayor Fowler mentioned that the Town is now broadcasting our meetings live online and they are available to watch through a link on our website and Facebook page.

Chaplain Michael Caldwell led the invocation.

Mayor Fowler asked for those present to participate in a moment of silence for three citizens who passed away: Roxie Israel, Jeremiah O'Shea, and Doug Campen.

II. Pledge of Allegiance

Commissioner Truax led the Pledge of Allegiance.

III. Conflict of Interest | Cell Phone Statement

Mayor Fowler called for conflicts of interest. Hearing none he asked all those present to turn off their cell phones.

IV. Adoption of the Agenda

Mayor Fowler said that some items on this agenda have been requested to be approved at the work session due to the cancellation of last month's meeting, while others will still be approved at the regular meeting next week.

Commissioner Truax moved to adopt the agenda as presented. The motion was seconded by Commissioner Miller. Motion carried 5-0.

V. Consent Agenda

- a. Approval of Minutes of 6/12/17, 6/19/17, and 7/10/17
- b. Statement of Mutual Understanding- Town Administrator and Chief of Police

Consensus granted to place these items on the consent agenda next week.

VI. Public Comment (3 Minute Time Limit)- None.

VII. Approval of DOT Agreement and Ordinance No. 2017-08-01 Regarding Speed Limits in a School Zone

Mr. Steffey explained that this text amendment applies to schools located on NC 24, and we are specifically passing an ordinance to change the timing of the reduced speed by fifteen minutes in the morning and afternoon at White Oak Elementary School.

Commissioner Saunders moved to approve the DOT agreement and Ordinance 2017-08-01 as presented. The motion was seconded by Commissioner Miller. Motion carried 5-0.

The DOT agreement and Ordinance No. 2017-08-01 referenced herein is incorporated in these minutes by reference and available for inspection in the Town Clerk's office.

VIII. Approval of Final Plat of Country Club Point Subdivision (Section IV)

Mr. Steffey asked the Board to consider the approval of the final subdivision plat for County Club Point Section IV as presented.

Commissioner Saunders moved to approve the final plat of Country Club Point Subdivision (Section IV). The motion was seconded by Commissioner Truax. Motion carried 5-0.

The final plat of Country Club Point Subdivision (Section IV) referenced herein is incorporated in these minutes by reference and available for inspection in the Town Clerk's office.

IX. Approval of Ordinance No. 2017-08-02 (Brunch Bill)

Mr. Steffey asked for approval of this ordinance, which includes a text amendment to business regulations section 2 of the code, amending §110.02 Sale of Beer and Wine on Sunday to allow alcohol sales at 10:00 am.

Commissioner Truax moved to approve Ordinance No. 2017-08-02. The motion was seconded by Commissioner Saunders.

Commissioner Phillips asked if this only applies to restaurants or to convenience and grocery stores as well. **Mr. Steffey** said it applies to all establishments.

Motion carried 5-0.

Ordinance No. 2017-08-02 referenced herein is incorporated in these minutes by reference and available for inspection in the Town Clerk's office.

X. Discussion of No-Wake Zone Regulation

Mr. Steffey said that this item was discussed at a recent Planning Board meeting PB we want and they requested that we work with the Wildlife Resources Commission to install no wake zone signage in our waterways. He spoke to Chris Seaberg, Town Administrator of

Cedar Point, who said they just did this in Cedar Point. He said that unlike our neighboring Town we have this House Bill from the State to lean on. He said that he has reached out to the State asking what the enforceability is. He said that he is also aware of a 1-800 number that is available for citizens to make complaints. Mr. Steffey is unsure of the total cost associated with adding buoys within our jurisdiction, but Cedar Point said they paid about \$100 a buoy. He said this purchase was not planned in the budget so it might be advantageous for staff to meet with someone from the Wildlife Commission about the required number and locations of the buoys since we have to comply with the uniform marking system in the waterway.

Commissioner Evans said this General Statute been on the books for 10 years. He asked if the damage to shoreline can be directly attributed to wake damage and not normal erosion. Members of the audience said yes. **Commissioner Evans** drew attention to Section 2 that requires us to install the markers, of some unknown number, and maintain them. He said so there are some long-term costs associated with that. He has no problem with that, but we didn't budget for it this year. He asked who would enforce this, if it would be zoning or are we going to buy a boat and train the police department. **Mr. Steffey** said that the Wildlife Commission has the enforcement of this so we would reroute all complaints to them. **Commissioner Phillips** said that he recently had to reach out to them about a boat floating and the closest wildlife officer was in Pitt County, He said that Marine Fisheries was nowhere near us, and the Coast Guard finally came out. He said that just because we get the signs and buoys up doesn't mean it will be readily enforced. **Commissioner Truax** spoke for residents in Bayshore that people are speeding by. She said that people don't have respect for the areas unless they live there. She said we have 250 homes on the waterway that aren't on the ICW and we need to protect our homes for our community. She thinks we need to have no wake zones signs, and we would at least should have a sign to inform the individuals they can't make wakes. **Commissioner Phillips** said he is not opposed to a sign. **Commissioner Truax** said that she tried to get this in place three years ago. **Commissioner Miller** said it may not be followed but it is the same as putting up a stop sign and people not following it. He said that most people who see the signs will follow the law. He thinks we need to consider what the costs will be, since the law would state how many we are talking about putting out there. He said it is worth considering. **Commissioner Saunders** agreed it is worth considering and if it is too expensive we may want to phase in this year and next year, but she doesn't expect that it will be too expensive. **Commissioner Evans** said he is all for it just asking question. The Board agreed to place this item on a future agenda for discussion. **Mr. Steffey** said he will wait for a response from the State to see where their recommendation is for the location, and bring back to the Board to base further action off that. **Commissioner Evans** asked what areas of the waterways would have these signs/buoys installed. **Mr. Steffey** said that this would be in the various estuaries, not for the east-west movement.

XI. Approval of Resolution to Upgrade NC 24 to a Super Street

Mr. Steffey said this is a resolution to ask NC DOT to conduct a corridor study of NC 24. He

said that Bogue, Cedar Point, and Swansboro also have discussed similar resolutions for NC DOT to examine the potential to upgrade NC 24 to a super street, which usually includes sidewalks on both sides and a median in the middle to control traffic. He said that they will look at all intersections to improve safety and traffic areas, with all signals and traffic that goes on NC DOT could study to improve the traffic flow to decrease risk of accidents. He said for Cape Carteret specifically the potential for sidewalks and multiuse paths on both sides on the road would be a good opportunity. He said as he understands there would be ample opportunity for public comment. He has already received a call from a property owner on NC 24 that feels this may restrict turning movements in and out of the commercial property he owns. He said that is where the public input and comment would be important.

Commissioner Evans said that he appreciates the opportunity to offer input. He asked if this government have a seat at the table. **Mr. Steffey** said that DOT usually has meetings in each municipality along the route to discuss the plan. He said at this point we would just be asking NC DOT to conduct a study, and he is not sure not how it will play out. **Commissioner Truax** asked if other townships have approved resolutions for this already. **Brad Rich** said that other municipalities have approved it, including Swansboro and Cedar Point.

Commissioner Truax moved to approve resolution to upgrade NC 24 to a super street. The motion was seconded by Commissioner Miller. Motion carried 5-0.

The resolution to upgrade NC 24 to a Super Street referenced herein is incorporated in these minutes by reference and available for inspection in the Town Clerk's office.

XII. Selection of Contractor for Quarterly Leaf and Limb Pick-up

Mr. Steffey said that after soliciting bids for the quarterly leaf and limb pick-up, staff received one bid from Bogue Sound Septic and Grading. The sealed bid was opened at 1 pm on August 9th. He directed the Board to refer to the following attachments that referenced herein is incorporated in these minutes by reference and available for inspection in the Town Clerk's office: bid results, bid posting/advertisements, bid submission, and draft contract. He requested that the Board select this contractor for the quarterly pick-up for FY 2017-18.

Commissioner Saunders moved to accept the bid from Bogue Sound Septic. The motion was seconded by Commissioner Truax. Motion carried 5-0.

Mayor Fowler said this triggers staff to get the Town Crier started.

XIII. Discussion of MAPS Group Consultation

Commissioner Saunders said in the last month or so the Board has discussed whether to have the Town Administrator position studied by the MAPS group. She said that a few citizens have called and she has discussed this with a couple commissioners about going forward with that. She said this would be an official study of the Town Administrator position and maybe the finance position, because it has been discussed that it would be

phased in a few different types.

Commissioner Evans said that he thinks it needs to be more than just the Town Administrator position since we have had a major realignment of every employee's responsibility. He said that he doesn't want us to fall into the band aid stuff, like the modifications we have done in the past. He feels it is prudent that we bring in the experts to do it right. **Commissioner Truax** said we just had a study done since she has been in office, and the Town did a lot of research and doesn't think the Town needs to spend more money studying what these positions are. She said we have adjusted positions in administration and taxes are being collected by the county and she doesn't think the town needs to spend more money on a study with all the time put into the Town Administrator position too. She said we all voted on it and citizens reviewed the applicants. **Commissioner Evans** said he appreciates Commissioner Truax's position on that, but thinks this is a consultation to bring our job descriptions into align formally with what is being done.

Commissioner Phillips said as far as a consultation, he thinks things seem to be going pretty good. He said it wouldn't hurt that this is defined and doesn't have a problem with the consultation so this doesn't have to come up in the future and definition of positions. Mayor would like to define consultation. Miller what it would cost. How many positions, are we charged by that. **Commissioner Truax** asked what would that cost us. She asked if we are charged by the position. **Commissioner Saunders** said some positions have not changed since the last review/consultation. And some that were. She wanted to call students, to the employees she apologized. She thinks that in all fairness the Town and employees need to be represented by a professional group. She said it is important that we get a price from the MAPS group. She said that the Board can make that decision either based on finances alone, or based on fairness to employees and future of the Town, or a combination. She thinks that it is the right way to go.

Mayor Fowler said we talked about realignment before not sure who has been realigned besides the creation of a Town Administrator. He said we have gone to great lengths to define the position in the ad and complied with those requirements. He said we also have an ordinance and a memorandum of understanding as to how the Town Administrator will behave in the position. He thinks his responsibilities are clearly defined and the only thing gray area is that all of the executive staff members are doing double time to take on former finance officer duties. He said that we are already addressing that because we have an advertisement on our website. **Commissioner Saunders** asked if we are absorbing overtime for this. **Mayor Fowler** asked for what. **Commissioner Saunders** said the double time Mayor Fowler alluded to. **Mayor Fowler** said double time doesn't necessarily mean more hours but speed. We can get in a war of semantics but he is here every day and sees them do a lot of work in eight hours. **Commissioner Saunders** said well good, that is a good thing because we pay them to do work in eight hours. **Mayor Fowler** said that staff knows what they do and so does he. He said he thinks they do a large job for us in eight hours and if it takes more time then that's fine. He said that this is the case for Zach and he doesn't come back and complain about that, so based on that Commissioner Saunders shouldn't either.

Commissioner Saunders said she isn't complaining about a thing they have done. **Mayor Fowler** said that Commissioner Saunders does not have the floor either. **Commissioner Saunders** said she is taking the floor for a second. **Mayor Fowler** asked if he had to (use the gavel). **Commissioner Saunders** said he can do it if he wants to. **Mayor Fowler** asked Commissioner Saunders to have some manners and step back. **Commissioner Saunders** asked Mayor Fowler why he always wants to make an issue out of this when the Board wants to try and improve the Town. **Mayor Fowler** said if she would let him finish in his spiel he will explain why he doesn't think it's a good idea. He asked what the MAPS Group is going to tell us that what we don't already know. He said we have been repeatedly Zach's position. He said as far as the Finance Officer, we have already a job description posted online and asked if we are going to change the job description for someone when we are in the middle of looking for someone for the job. He said regarding realignment that he doesn't know who has realigned. He said that we have some new employees but nobody has been realigned. He said the only people whose roles have changed in the government are the elected officials because they have all stepped back from micromanaging. He said the staff and elected officials paying close attention to this know exactly what is needed in a Finance Officer and what is needed from the Town Administrator. He said that we know what is better for Cape Carteret then the crowd who will charge us a lot of money to tell us what we already know and what we have already been doing. He recommends that the commissioners back off on spending money on consultations because they will cost us money that we don't have in our budget right now. He recommended that the Board let the staff do what they do and what they have been doing and hire a Finance person, whether it is an officer or technician, and let them take care of duties of the former finance officer. He said if there is an issue in their job performances then we can look at disciplinary action, realignment, consultations, or whatever. He asked that the Board give the process a chance to work first. He asked if there was a motion.

Commissioner Saunders moved to have the MAPS Group hold a consultation. The motion was seconded by Commissioner Phillips. Motion carried 3-2, with Miller and Truax casting dissenting votes.

Mayor Fowler said that they are assuming follow through, regardless of what it costs the town. No money was mentioned in the motion.

XIV. Updates/Reports from Staff and Board

a. Town Administrator's Report

- **Mr. Steffey** said that the boat ramp parking has come up because trucks are parking on the lot across the street. He asked for direction from the Board to either put up a fence or "No Parking" signs. He said that he doesn't think it is happening every weekend but he wants to be proactive about that to make sure there is no parking in these areas. **Commissioner Saunders** asked if this is private property. **Mr. Steffey** said there is no clearly defined boundary at this time and the existing fencing doesn't extend all the way to the road. **Chief Rivera** said that people are parking in private property we are trying to eliminate any complaints. He said that at times they have counted 4-5 trucks in

the area so they suggested action to avoid issues, and that they be proactive to designate the parking area. **Commissioner Evans** said that he thinks they should install signs but it is an enforcement issue. The Board agreed that some signage could be installed to avoid issues in the future.

- **Mr. Steffey** also said that the survey from Lowes Foods was submitted.
- **Mr. Steffey** said that dog waste and leash signs will be put up in all Town parks. He said they were made with the laminator.
- **Mr. Steffey** said the following items will be on the agenda at the regular meeting: a text amendment for permitted uses to include a vet office, and a text amendment to the CSP requirements for ground disturbance.
- **Mr. Steffey** said last week Commissioner Evans, Mayor Fowler, and himself met with Swain and Associates. He said the main thing that came out of that meeting was that sewer infrastructure will be critical to get the kind of commercial development we are looking for. He was given a recommendation to speak with a representative from Pender County about a private sewer entity that came in and put the system in for them. He said that a similar project was completed in Sneads Ferry and North Topsail. He said that there is a private utility that will pay for everything. He spoke to a gentleman from Pluris, which is that sewer company and they are interested in looking at Cape Carteret. He thinks it is a good opportunity to learn what the options are to make that a reality. He said that this company will look at growth, statistics, and vehicle counts. He thinks the Town should look at this to spur business development. He would like a consensus from the Board to move forward and investigate with a private entity to provide sewer to businesses in the Town. **Commissioner Evans** said he thinks it was clear from that meeting that the sewer capacity needs to be increased in the commercial district. He said they are not talking about sewer in the residential area, He said that he thinks we owe it to our existing provider to see if they have any interest in doing that themselves before we assume we will do something else. He just thinks we should ask them first and see their thoughts on the subject.

b. Clerk's Report

Ashleigh Huffman informed the Board that the office staff has already issued over 400 boat ramp passes for the Town-leased ramp on Manatee Street. She explained that only 450 passes were purchased because staff issued 409 in the entire fiscal year last year. She said that recently they have had a large influx of Bayshore residents come in who previously had passes at their neighborhood ramp. She asked for direction on whether the Board would like for staff to order and issue more passes. She said that there is flurry of passes issued closer to fall fishing season by some of the locals, but the bulk of course is during the summer months. The Board agreed that for now staff should only issue those on hand, and said that they may reevaluate this after the busy season to determine if more passes should be issued in the fall.

c. Chief's Report

Chief Rivera said that all items are included in the agenda book.

d. Commissioner Reports

- **Commissioner Phillips** said that Harvey Ellis, who is a member of the Board of Adjustment, lost his father in law recently. He said he died on August 10th and was a thirty-year marine. He also suggested that since we are tight on finances that we hold off until the July budget to hire a Finance Officer.
- **Commissioner Saunders** invited anyone that is interested to pick up a copy of the Town budget. She said that she has heard that some are concerned that the Town is broke and that is not true. She said we have a little over a million dollars, and that doesn't consider the revenues that we have coming in this fiscal year. She reiterated that she would like citizens to feel free to get a copy of the budget, and be informed rather than listening to rumors.
- **Commissioner Evans** reminded the Board and the Town Administrator that we should be strategically moving forward and he would like to get to the UDO process started. He thinks that there has been clear demonstration that our ordinances are too cumbersome and he doesn't know what it has cost in the line of business already. He said that he would also like to see the land use plan updated. He thinks we need to be proactive to plan for smart, focused growth. He said that for the gravel at public works he hasn't seen that done for the access across the trail. **Mr. Steffey** said there is gravel up there, but he doesn't know the cost of paving that first entrance section yet, but he thinks it will be between \$12,000 and \$15,000 to protect that CC Trail investment.
Commissioner Evans said that some time ago Lowes Home Improvement approached the Board to get input on project ideas. He asked if we ever heard back about the ideas on the Lowes Heroes Program. **Chief Rivera** said that he spoke to Joey Saunders and they were told that we fell into the hero designation. He said that Mr. Saunders contacted corporate and the police department was chosen for a complete makeover to their filing room, which will turn the existing dungeon and bathroom into a beautiful place. He said that Lowes will provide the volunteers which are made of a wonderful group of people. **Commissioner Truax** said that she didn't know anything about it. **Commissioner Saunders** said that the Board approved that a project take place. **Commissioner Evans** said that he had never heard a definition of what the project would be.
 - **Commissioner Evans** also mentioned that he had asked the Board to consider a formal recognition for the Coastal Federation for their work on the ponds, but after their latest effort with the repair, he is glad they didn't do that. He said that he generally supports their efforts of environmental protection, but if one of our citizens had done what they did, they would have them in court immediately.
- **Commissioner Miller** said that he attended a trail meeting prior to this one. He said that Mike Curtis submitted a grant to the Big Rock Foundation to build the boardwalk near the school completed. He said that they also recently heard about

another grant through PNC Bank Foundation that we can possibly get. He said we were encouraged by the PNC branch in Cape Carteret to apply and hope that this will cover the area near that property where there is a lot to be done with the electrical issues. He said there are a few other things that may be coming up soon but he is not ready to bring them up just yet. **Commissioner Truax** said on this trail we have done a few areas already, so how are we going to get the funding from the businesses that didn't provide funding for their sections, such as in front of the library and the aquatic center. **Commissioner Miller** said we already have the money from the electric company but he isn't sure about what would happen if the aquatic center ever does anything that triggers the ordinance. **Commissioner Truax** asked the Attorney if we could get something in writing that would clarify the responsibility. **Commissioner Saunders** said that Attorney Curtis told her that if there was a trail or part of the sidewalk in place we could not go back and require the business to reimburse the Town unless there was a previous agreement. **Attorney Curtis** said that is correct, and there is one already in place for the library with Carteret Community College but there is not one in place for the Cape Carteret Aquatic Center. He asked Commissioner Truax to put the request to him in writing to show what she wants the contract to say. He said that the owner of the Aquatic Center graciously allowed an easement to put a six-foot chip trail on the outside of her property, so that has some intrinsic value. He said she also graciously agreed to allow us to install two benches on her property but he is happy to work with Commissioner Truax to put something to writing. **Commissioner Truax** said she received concerns from a citizen and perhaps they will speak to the Attorney about these directly.

e. **Mayor's Report**

- **Mayor Fowler** said first he would like to congratulate Zach on finishing his graduate work at UNC. He said that they will also attend the Mayor's Association dinner in Havelock this week.
- **Mayor Fowler** also wanted to recognize a few people too. He said that Mac Daddy's did the car show this year, and we received the bar receipts as a donation to CC Trail. He said that we received \$800. He said that same day we got check from the ABC Board for our quarterly payment of \$11,647 for the alcohol consumed in Cape Carteret.
- **Mayor Fowler** also commented on the meeting between himself, Commissioner Evans, Mr. Steffey, David Swain, Claude Arnold, and Jason Swain. He said that they were very gracious hosts and they had a great conversation where they learned what we already knew about sewer. He said that initially they had proposed the building of a storage area behind the shopping center on Mr. Swain's property. He said that the Planning Board, knowing the wishes of the Town to develop greater than that, vetoed that concept so at the time it is a dormant issue. He said that Mr. Swain told them that if we want him to proceed with that project in the future he will do so. **Mayor Fowler** told him that he doesn't feel that this development satisfied the ambiance and spirit of what we want to do now. He said we need to have a sewer package if we want to talk to them about further development. He said he will follow up with Mr. Swain in the future, but until we will only attract business if we have sewer, and that is the

bottom line.

- **Mayor Fowler** said that his 20-20 Committee will meet later in the fiscal year and discussion of this development will be a priority on the agenda. He said that they will have to talk about sewer and get a feel of how they feel about it. He said that of course our budgetary resources are inadequate for this kind of infrastructure, but we can't keep using reserves. He said we need more businesses in Town and that is a solution. He said that we can continue our services if we make those changes, and the work of the staff, which is excellent, can continue, and we will give citizens businesses to shop at where they are spending money elsewhere. He said that we can also maintain a low tax rate, and that is a priority.
- **Mayor Fowler** said lastly that he wanted to recognize the staff. He said since we lost one of the members of our Administration staff, it became incumbent of the other members of the staff to do more than one task. He said that they all have been chipping in to do work of the former Finance Officer and trying to get ahead of the curve, because of not only her absence, but because we are going to lose another member of the staff soon. He said he is thankful Town Clerk Ashleigh Huffman made it through the meeting tonight. He thanked her for her work in her office, and her contribution to help with finance tasks, or covering for Heather at the window while she worked with Zach to complete other tasks. He congratulated the Administration staff for doing these things for the Town and thanked Ashleigh for doing extra tasks to help make things easier on Heather while she is out on maternity leave. He said that the Town wishes her well and congratulates her on the new addition to her family.

f. Attorney's Report

Attorney Curtis said that everything he wanted to mention was already covered. He said that he will go over some other issues in the closed session tonight. He said as a former citizen of Greenville, NC he would like to inform the board that the little league team is heading up to Williamsport soon for a tournament. He thinks it would be appropriate for the Board to send a congratulatory note to them before they get there. He said he doesn't know what the formal way to do that is, but he thinks it would be a nice gesture. **Mayor Fowler** said that he is also a former citizen of Greenville and the team in question, the North State League, played against him as a child in a tournament and they were mortal enemies because they eliminated his team. He thinks it is very appropriate to send a letter to wish them well and asked for a motion to do so.

Commissioner Miller moved to send the little league a letter. The motion was seconded by Commissioner Evans. Motion carried 5-0.

XV. Closed Session Pursuant to N.C.G.S. §143-318.11 (3) Attorney-Client Privilege


Commissioner Evans moved to enter closed session pursuant to N.C.G.S. §143-318.11(3) to discuss items pertaining to attorney-client privilege. The motion was seconded by Commissioner Miller. Motion carried 5-0.

CLOSED SESSION

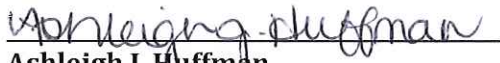
Commissioner Miller moved to enter open session. The motion was seconded by Commissioner Truax. Motion carried 5-0.

XVI. Adjournment

Commissioner Saunders moved to adjourn at 8:41 pm. The motion was seconded by Commissioner Miller. Motion carried 5-0.



David M. Fowler
Mayor



Ashleigh J. Huffman
Town Clerk