

**TOWN OF CAPE CARTERET  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
DEBBIE E. STANLEY BOARDROOM  
SEPTEMBER 10, 2018 | 6:00 P.M.**

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

There were residents present along with Chaplain Caldwell, Chief McKinney, Sandy Favreau, Zach Steffey, Ashleigh Huffman, and Brad Rich. Mayor Fowler, Commissioner Truax, Commissioner Miller, Commissioner King and Commissioner Martin were present. Commissioner Evans who was excused absent. Tim Wilson was in attendance on behalf of Brett DeSelms who arrived late.

Mayor Fowler called the meeting to order at 6:08 pm in the Debbie E. Stanley Boardroom.

Chaplain Caldwell led the invocation.

**II. Pledge of Allegiance**

Commissioner Truax led the Pledge of Allegiance.

**III. Conflict of Interest | Cell Phone Statement**

Mayor Fowler asked the audience to turn off cell phones and called for any conflicts of interest. Hearing none, continued through the agenda.

**IV. Adoption of the Agenda**

Mayor Fowler asked to amend the agenda to allow for a storm update.

***Commissioner Miller moved to approve the amended agenda. The motion was seconded by Commissioner King. Motion carried 4-0.***

**V. Consent Agenda**

**a. Approval of August 2018 Minutes**

***Commissioner Truax moved to approve the consent agenda. The motion was seconded by Commissioner King. Motion carried 4-0.***

**VI. Public Comment (3 Minute Time Limit)**

Terri Ashby said she was going to speak on the referendum for Patricia Ruddiman and agreed to do it because she wholly agrees with her. It seems hard to believe the controversy took place almost one year ago. It is harder to believe that again the state board of elections determined it was valid, and the Mayor had been in communication with the county elections, but you never asked or related them to any concerns. He asked that all identifying information be checked thoroughly, and the petition had been

verified. Despite all this you not only refuse to acknowledge it but will wait until 2019 and it will go in as a council idea. I received inquiries why we don't do anything, but the truth is unless there has been a financial malevolence, we can't do anything about what the council members are doing. Our only way to address this is by making sure that they are not reelected. Listen and act as if you are representing the people in this town and not yourselves.

**New Agenda Item:**

Mayor Fowler read the proclamation, which is incorporated to these minutes by reference and is on file in the office of the Town Clerk.

Having said that we are in a state of emergency. He and Zach attended, a major meeting and he attended one yesterday of the county officials relating to the storm and he has never set in two meetings in a more somber situation than this, turned over to Zach,

Zach Steffey said the evacuation begins at 9-12 pm

He said Town Hall will close at 12 pm on Tuesday to give employees time to evacuate

He said the inland shelters will be announced at a later time, and invited people to stay tuned to local television stations, as long as we have cellular signal we will update the town facebook and website. He hopes everyone will stay safe as this is a serious storm. He said as of now it is a Category 4 hurricane, track just a little south of us, but it could shift. He said it is a storm to take seriously. He said the leaf and limb will continue for this week. When asked why we didn't do a combination, the debris was out there we have an existing contract and didn't want the debris to stay out there and then it became projectile, so we are proceeding with the pick up this week. He said Bogue Sound and Septic, which will come in for initial push and then Custom Tree Care can pick that up. He showed this is a map released by the county storm surge. He will keep everyone posted to the maximum extent feasible, if you have signed up for email list, to get on constant contact we will send emails on the storm.

Mayor Fowler suggested that Carteret County is supposed to release a press release, but school is cancelled for the whole week. He said you do these mandates at least 18 hours of daylight to have time to get things done, based on estimations when landfall is etc. trying to be close so there is no confusion. He said people need to be mindful that after 8 pm on Thursday when the evacuation ends and storm they emphasize that will greatly reduce emergency help, go if you're going to go.

Mrs. Holz asked what if we can't leave. Mayor Fowler said that is your option. He said there is a number to call which we can provide if there is a reason you can't leave, which is county's thing not us. He said our officers will be on 24-7 in mass to assist in any way possible.

Commissioner Martin asked is the county staging any rescue on this end. Mayor Fowler

said he didn't hear about that. Mr. Steffey said the mentality is that once it gets bad there will be a point where first responders can't go out, if it is unsafe for them they have to wait to do those rescues.

He said they have tracked it as a Category 4, with landfall sometime off the coast 2 pm, maybe Thursday afternoon. He said it takes about 24 hours to get to Fayetteville, so it is going to sit over the coast for a while, with potentially 15-20 inches of rain all the way up to Raleigh. It is a significant event for the entire state, specifically the coast.

Commissioner Truax asked Chief McKinney if you guys have it covered. Chief McKinney said we will be available, all our guys on standby and taking necessary precautions, getting vehicles fueled and ready to go

## **VII. Public Hearing on Proposed Charter Amendment to Change to Mayor-Council Form of Government**

Mayor Fowler opened up the public hearing on the charter amendment.

Terri Ashby asked when this charter change was proposed, does that not have to go and be added to the agenda? She said when it was first proposed to do the resolution, doesn't the public hearing have to be discussed before it goes on the calendar.

Mayor Fowler thought all that was done.

Ms. Ashby said she is just wondering did you follow the open meeting rules to begin with. She doesn't know if that is something we have to answer or maybe somewhere else.

Mayor Fowler said we didn't deny the right to a petition. He said that some technicality, we call it a state law.

Mrs. Ashby said that she has the copies of the meeting and recommend getting those recordings. She said you are supposed to calendar it during the meeting, but you didn't discuss it to move forward it.

***Commissioner Truax moved to close the public hearing. The motion was seconded by Commissioner Miller. Motion carried 4-0.***

## **VIII. Presentation Regarding FY 2017-18 Budget**

Mr. Steffey said regarding the presentation regarding 2017 budget but will just hand it over to Sandy to present anything.

Commissioner Martin moved to table discussion until Commissioner Evans is present. The motion was seconded by Commissioner King.

Mayor Fowler said Commissioner Evans had called him and asked him to read an emailed statement on his behalf.

Commissioner King said if he said go ahead then he is ok with that.

Mayor Fowler read a statement submitted by Commissioner Evans that is hereby incorporated into these minutes by reference and on file in the clerk's office.

Commissioner King said there tends to be more noise to be of any value if it is done monthly but he recommends we do this quarterly midterm and bring in third quarter more valuable. He said some things don't happen right away, so it makes it look out of whack when really isn't. He suggested we treat it as quarterly.

Sandy Favreau said she did put a monthly report in here because Commissioner Evans asked we can do quarterly as opposed to monthly.

#### **IX. Selection of Paving Contractor**

Mr. Steffey said he anticipates disbursement in patching several roads. We received a proposal from Barnhill Paving, but we re-advertised the RFP to gain more bids, and Onslow Grading and Paving came in at \$76,601.95. He said these were for the same scope of work. He said we also looked at all the potholes we had throughout the town and asked Onslow, Grading and Paving, for those that they had identified in order to fill the several potholes which would be \$58,000. He said we can proceed with an amendment to the 2018-19 budget to patch the holes this budget year, which would be a separate action. He said we could go with a as shown in the packet, and wait off on the potholes, or do a combination of the two which would come to amending the budget for the paving work to include the streets and the potholes. He said so this would be \$76,600 above that \$58,000 so \$135,003 to reflect doing potholes and streets. He asked the Board for their preference.

Mayor Fowler said first, if we take money out of reserves, will the Powell bill contribution in the spring, in the amount of \$35,000 give or take, be reimbursing, not the total amount of \$50,000 price of asphalt is increased. He said secondly, he thinks that taking care of the streets is our biggest responsibilities as far as economic, safety and lifestyle issue. He said if we wait until next spring the potholes begin to look like the Grand Canyon. He said that they will show them we care about economic, lifestyle and safety, major responsibility

Commissioner King said with the original and what you got on the secondary, the difference is about \$20,000, so that \$59,000 is more like \$40,000 now with the new proposal, by rebidding it. Mayor Fowler said this would be a good night to pass this before asphalt goes up after this weekend.

***Commissioner Truax moved to approve action a and action b in the memo to amend the anticipated in 2018-19 to \$135,003 and authorize the Town Manager and Town Attorney to execute the contract with Onslow Grading and Paving. The motion was seconded by Commissioner Miller.***

Commissioner Martin asked what the timeframe is if we vote to get these potholes

repaired. He asked when would it be complete. Mr. Steffey said he doesn't want to say with the storm but barring any issues it would within a few weeks. He said he didn't feel comfortable confirming in October, but yes, that would be our preference. He said the potholes and paving could be done simultaneously

Commissioner Martin asked is that apron repairs?

Mr. Steffey said yes, some with potholes and the apron at the same time.

Commissioner Martin said we recently voted for Public Works to get a backhoe attachment and tamper. He said if we spend \$57,000 to get them all repaired, what can Public Works do in the future to address potholes? Mr. Steffey said this gets us caught up and addressed throughout the town, in the future they can get right on them and don't get so behind. He said this is catching up that the potholes have been allowed. they have the tamper and asphalt and can put in the holes.

Commissioner Martin said he heard they can't haul the hot load. Mr. Steffey said they should be able to use the F-450 with the tarp over it and can get a half ton of asphalt.

Commissioner Martin asked what kind of assurance we can get that Public Works will stay on top of it if we vote to approve. Mr. Steffey said that is the direction of the Public Works Department moving forward. Commissioner Martin asked if they need any more equipment moving forward to do this? Mr. Steffey said they need the tack and a hot load of asphalt.

Commissioner Truax asked if that stuff that former Commissioner Seegers ordered is still good. She said it was left out. Mr. Steffey said that was left outside so it is all hardened in the containers. He said we will find a place to dispose it

***Original motion by Commissioner Truax to approve action A and action B as mentioned in the memo to amend the anticipated in 2018-19 to \$135,003 and authorize the Town Manager and Town Attorney to execute the contract with Onslow Grading and Paving, seconded by Commissioner Miller, carried 4-0.***

## **X. Discussion of MOTV Ordinance**

Mr. Steffey mentioned that Commissioner Truax had requested for this item to be placed on the agenda. Commissioner Truax said she wanted clarification on how the funding could be used and what it can be used for.

Mr. Steffey said this was passed in 2015, with an amendment that was passed in January 2017 that talks about the \$5 tax levied and states the revenues derived for sidewalk and hike bike improvements and maintenance, not to include salary.

Commissioner Truax asked if we can use it for cross walks, sidewalks, or those kinds of things? Mr. Steffey said it can be used as an improvement to extend two portions of the sidewalks, or hike bike trail, or if part of the trail starts to deteriorate or repairs. He said it

is open ended on the extent.

Commissioner Truax asked if we can take the funding for the McDonalds to blend it with this when we go to do.

Mayor Fowler explained that the McDonalds funding was about \$3,000 and has been encumbered for years. He said we are holding the money to have the sidewalk done, if we have the money in our budget, we can use the money fronted for a number of things. Commissioner King explained when they went to do a renovation, DOT was involved, and we couldn't get approval because of DOT, so McDonalds donated \$3,000 for sidewalks elsewhere.

Commissioner Martin said this went into effect in 2015, and now is sitting with \$34,000 and nothing been used. He asked are we going to keep accumulating this money? Mr. Steffey said that he has a couple projects we have in mind, with one project in town hall connecting 24 and coming out of Manatee Street, and the Town square area. He said another idea was to connect Bogue Sound Drive to the crosswalk at Taylor Notion Road and Highway 24. He said we might also need this money on Taylor Notion Road by the pond that is there off because he is not sure if the anonymous donor will do that portion. He said that would be the first place we spend that money.

Mayor Fowler said there is a great difference of opinion. He said the spirit of the whole motion was to maintain the sidewalks and then a few other things. He said he was opposed to this in the beginning is a tax disguised as a fee, but now that we have \$34,000 he is warming up to the whole thing. He thinks we need to be looking long term a little bit, and after we do the next two phases we will be broke. He feels this would be a good item for a referendum. He said this would be good to dip into to get the next phase shovel ready by the time we put a referendum on the ballot to see if the public has interest in moving forward with the project. He said he has sat over two or three different boards who said they weren't going to use tax payer funding, unless the public has a say on it. He said in the beginning the trail was a very controversial issue.

Commissioner Martin advocated sitting on the \$34,000 until we have a referendum. Mayor Fowler said maybe, yes. Commissioner Martin asked Mr. Steffey about spending money on the CC Trail, and said he was totally against it. He said he would listen to some plans the manager may have for some other sidewalk. Mayor Fowler said he would support also using this to cover engineering for phase II and encumber that and not spend it and spend the rest on the plans you have. He said we will be collecting more and more of it.

Ms. Favreau said that we will get another payment on the first of October. Commissioner Martin said we are supposed to use the money instead of nest egging. Mayor Fowler said we are supposed to have the trail done. Commissioner Truax said that Mr. Steffey has some ideas and the Planning Board was all for sidewalks to connect to Bayshore and also a cross walk. She said the planning board backed his plans on that. Mayor Fowler said he doesn't see a burning desire for anyone in Bayshore to have a sidewalk

in the neighborhood. He asked what you are going to access, a piecemeal trail? Commissioner Truax said a cross walk so town people can get from one side safely for pedestrians. Mayor Fowler said there are updates to the sidewalk. Commissioner Martin feels it would be throwing good money away. Commissioner King said he was also supportive of sidewalk to Bayshore, but we won't have to pay for that crosswalk. He said that DOT paid for the last crosswalk. Mayor Fowler said he is for finishing one job before starting another one. He feels that getting another project started kicking the can down the road, hanging in limbo. He thinks we should finish the original loop before we sprout out on other loops. Commissioner Miller agreed.

Commissioner Martin asked that at the next Board meeting the Town Manager bring two project locations to bring to the Board, whether it is Bayshore or Anita Forte, so we can have a decision. Mr. Steffey said there are some grants from NCDOT, and we could use that as part of the funding source. He said he wasn't anticipating this discussion.

**XI. Scheduling of Public Hearing for Section 154.049 Sidewalks and Hike-bike Trails**

Mr. Steffey said this is addressing the requirements for businesses and other property owners who have to construct a hike bike trail or sidewalk if any improvements are made to their property. He clarified this is just placing it on the agenda for next month on October 8, 2018.

Commissioner King said a public hearing is for if we know someone we want to do or accomplish. He said he doesn't know we want this, so what would be the benefit just to get input on the proposals the Planning Board is kicking around. Mr. Steffey said that in October it will be on the memo, so the board can consider that after the public hearing.

Consensus granted to place on the agenda.

**XII. Scheduling of Public Hearing for 154.050 Offensive Lighting Prohibited**

Consensus granted to place public hearing on the agenda.

**XIII. Scheduling of Public Hearing for 156.040 Residential District R-10 and Appendix A Chart of Dimensional Requirements**

Mr. Steffey said this is the one we weren't sure if you would want to proceed this is for the size of the lots in R-10, to reduce from 15,000 to 7,500 square feet. Consensus granted.

He said that generally, a Public Hearings are based on recommendation we step forward

Commissioner King said he has no interest in changing the thing that was brought before the planning board.

Mr. Steffey said on the number of lots specifically in Bayshore and Quailwood and this is looking from 15,000 to 7,500 square feet not previously developed and if you want to

proceed a public hearing in October, please provide that direction.

Commissioner Truax feels we should have a public hearing for owners of the lots who made the request. Commissioner King said it isn't the owners of the lots it is the entire districts in two major neighborhoods, where we would be cutting the lot size in half. He said there are 12 lots in Bayshore that may or may not be nonconforming, some are grandfathered, and until you do the research to determine they are not grandfathered, you know nothing. He said they are individually owned. He said to change two districts, that is what that public hearing is about. He said and of the 40-45 lots in Quailwood developed by Mr. Cross, there are none less than 15,000 square feet so it is primarily in Bayshore. He said back when the ordinance was enacted in 1974 it was grandfathered if they had adjoining property if they had to combine it, some did, and some bought 3 or 4. He said for all the people that are over there you have a couple that didn't follow the rules and are asking to penalize all the people that got the bigger lots. He said you can build a stick home on a 50 x 150 lot. He said that would be 10' setbacks on the side and 35' on the front, and if you put 3 drain septic system is 50 feet. He said Mr. McLean developed a district for all kinds of people. He said you are also doubling number of septic systems.

Commissioner Truax asked when was Bayshore annexed in by Cape Carteret. Commissioner King said it wasn't annexed; it was part of the town. Mrs. Holz, from the floor, said yes, it was, but that was when she was an infant. Commissioner Truax said that is a lot of land you could build on a singlewide trailer, and it would be good revenue for our town to reduce the minimum lot size.

Commissioner King said it would devalue the district from what it is. He said you are talking about a 50-foot-wide trailer, so it won't appreciate the revenue. He said forcing them to combine them and created much nicer homes would. Commissioner Martin asked where will you stand if there is an RV park put behind Lowes?

Ashleigh Huffman clarified for those home owners who were requesting that this be changed that a variance will not automatically be granted to those lots. It would go to the Board of Adjustment for consideration.

The Board agreed to hold no public hearing for minimum lot size.

#### **XIV. Updates/Reports from Staff and Board**

##### **a. Mayor's Report**

- Mayor Fowler thanked the Police Department for a job well done in latest bust in Cape Carteret, thrilled to read of the arrest of another guy in New Bern, so he congratulated the Chief. He also congratulated the staff on the success on the market, and planning for the fall events, particularly Heather runs herself to death. He congratulated Public Works on their hard work. He gave another special thanks to Heather for overseeing the transition of the trash and recycling. He thanked her for being patient. Commissioner Truax said she is a kind person and very courteous at the window and always has time for everyone.



Mayor Fowler also requested a report to address the ownership of the existing benches that have not been placed on the trail. He said some question on who owns them. He said also there are questions about the whereabouts of the trail money through bench sales donations, etc. including the McDonalds money, the sale of anything donated, the county contribution, the MOTV tax and who stands for the 501(c)3. He said there are many loose ends on the trail situation. He said he thought we owned all the benches but there was disagreement with that. Commissioner Miller said there is a separate trail account bank account for the CC Trail fund. He said the treasurer maintains that and we get a report each month. Mayor Fowler asked if we could a copy of the list. He asked who the treasurer is? Commissioner Miller said the Cedar Point Administrator, Chris Seaberg. Mayor Fowler asked about the 501(c)3, and who stands for that, as well as where is the money? Commissioner Miller said Gateway. Mayor Fowler asked who is the gateway? Commissioner Miller said Anne Scott and Kevin Daffron. Mayor Fowler said he would like to have some certainty. He asked Zach and Sandy to get on that.

Mayor Fowler also thanked the Carteret County government for putting the buoys out, as well as Robin Comer and Gene Foxworth who were instrumental in that.

**b. Commissioner Reports**

- Commissioner Martin thank the special events committee for all the time they have given to the market, and for their ideas and other contributions. He also thanked Zach, Heather and Ashleigh for making that happen. He wished everyone the best going through this storm approaching us. He said hopefully we get back to normal in a couple weeks.
- Commissioner King thanked Chief McKinney for data on the boat ramp usage on the weekends. He said he compiled it in a spreadsheet to see if there will be further action. He said that we increased the prices made more money and issued fewer passes. He said it doesn't appear there is overcrowding except for 4th of July. He said second thing is he heard late last week that no parking signs would be installed on Highway 24 past the school where people fish all the time about that time told they were putting signs in next day or so. He said he went to Zach, Danny and Mayor and told them we addressed this issue 5-6 years ago when Mrs. Fulcher asked to put up the signs and she gave a spiel in the Boardroom. He spoke to Mrs. Fulcher on this subject then and lobbied to support this, but she understood where he was coming from. He sees no basis for putting up signs. He said people have been fishing there for all the years coming here and he thinks since it isn't on the agenda we should table it put it on October when we have a full board to discuss.
- Commissioner Miller said he doesn't have anything but wanted to echo Commissioner Martin and wish everyone the best. He said this is a storm to take seriously. He said he has not seen one how we are looking at this one. He asked everyone to be careful.

- Commissioner Truax hopes everyone has been safe. He said that Commissioner King addressed the issue of no parking on Highway 24 for fishing. She said it is not a safe area to have trucks park there. She said we will have issues and don't think we need to look at it as trying to stop them from fishing, but from stopping the holes there for curbing. She said also DOT has blessed it, so she thinks we should proceed. She doesn't think we need to bring it up at the Board meeting.

Commissioner King said we addressed that as a board 4-5 years ago and took no action and chose not to address it. He said this was done unilaterally by people in the town, and he doesn't think that should be done unilaterally by people in this town.

Commissioner Truax thinks it is a safety issue. She said they are parking on the bridge on 24 and the owner doesn't want people parking there anymore because have gotten on her land, and she doesn't prefer that to be littered.

Commissioner King said that isn't a safety issue that's a trespassing issue.

Commissioner Truax said it is 2018 and someone will get hurt with this traffic issue.

Mayor Fowler said this is just a report and debate. He feels it should be discussed at another meeting with the full board and sees no motivation to do anything now.

- c. Finance Officer's Report-** None
- d. Public Works Supervisor's Report-** None
- e. Police Chief's Report-** Chief McKinney agreed with Commissioners about being safe. They will keep a close eye of what is going on in the next few days. He complemented the department and said they are a great group of officers. He is content with their jobs and doing their job.
- f. Town Clerk's Report-** Ashleigh Huffman said that Waste Industries informed her that if the service was interrupted they wouldn't make a special pass through town but would pick up the next Monday to keep us on schedule.
- g. Town Manager's Report-** Mr. Steffey thanked all the staff working hard to get ready for the storm. He said that he, the Police Chief and officers will remain at Town Hall and weather the storm. He said it will be posted on social media as we get updates. He thanked all the staff for preparing for this storm, with Public Works preparing, and boarding the windows and to the General Administration working the front window. He said it has been relentless to get ready for the storm. He hopes everyone stays safe, and takes this seriously.

XV. Closed Session Pursuant to N.C.G.S. 143.318.11 (a) (3) Attorney-Client Privilege and (a) (6) Personnel

*Commissioner Truax moved to enter closed session pursuant to NCGS 143.318.11 (a)(3) attorney client privilege. The motion was seconded by Commissioner Miller. Motion carried 4-0.*

CLOSED SESSION

*Commissioner Miller moved to enter open session. The motion was seconded by Commissioner Truax. Motion carried 4-0.*

OPEN SESSION

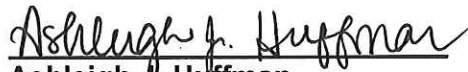
XVI. Adjournment

*Commissioner Truax moved to adjourn at 8:07 pm. The motion was seconded by Commissioner Miller. Motion carried 4-0.*



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David M. Fowler  
Mayor



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Ashleigh J. Huffman  
Town Clerk