

**TOWN OF CAPE CARTERET  
WORK SESSION MINUTES**

7:00 PM      May 13, 2013

**Call to Order**

The Town of Cape Carteret Board of Commissioners work session came to order at 7:00 PM in the Debbie E. Stanley Board of Commissioners Room. This is a cell-free meeting.

**Pledge of Allegiance** led by Commissioner Seegers

**Moment of Silence**

Judith Grafton of Star Hill

**Roll Call**

Present: Mayor David Fowler

Commissioners King, Seegers, Hunt, Patterson and Saunders

Attorney Curtis, Carteret News Times and 10 citizens

**Any changes to the agenda?** YES, Add to New Business, Length of Term for Mayor, Push Bid contract. On a motion by Commissioner Seegers and seconded by Commissioner Hunt the agenda was approved as amended. ***Vote approved 5-0***

**Guest Speaker:** Crystal Coast Engineering- Mr. Freshwater

**Commissioner King** introduced the representatives that will look at our storm water issues, Mr. Freshwater and Mr. Newsome. They have brought before the board to answer questions. This company has a very narrow field of practice. They deal in storm water permitting, storm water collection, storm water treatment, and a little bit of water and sewer design. They have private and public clientele. Mr. Freshwater works closely with the Town of Emerald Isle. The Town of Emerald Isle has their own permitting program, so Mr. Freshwater reviews submitted plans and makes recommendations to the town. He tries to remedy storm water issues at Emerald Isle, Pine Knoll Shores and the Town of Swansboro. They believe they understand the scoop of work the town is looking for, which is to identify problems when a storm hits, being available during a storm event to observe the problems, and try to identify remedies. They have worked with our town surveyor, Allen Bell. They suggested whomever we choose, to make sure the company is close in location, so they can get here when we have a storm.

**Commissioner Seegers:** We have issues that we would like to have corrected by either the town or the homeowner. What we don't want to do is create more problems.

**Commissioner Hunt:** We are looking for a qualified identification of where the problems are in town. We need to identify the specific locations and what event level provides that problem. If we get an inch of rain we probably don't have a problem.

**Mr. Newsome:** We understand you have a list of specific areas that you would like us to look at.

**Commissioner Hunt:** He said he has asked Brandon, for the last two years, to supply him with a list of the problem areas and has not received it.

**Commissioner King** has the list and is trying to merge them with photographs that he took. He is about three-quarters of the way done. He and Buddy Dew drove around town and developed the list. The list should be ready by next week.

**Mr. Newsome** offered, at no cost, to drive around with staff and look at those areas.

**Mayor:** We know where the problems are. We need to know which ones are town issues, and which ones are resident issues and how much rain triggers an event. We are going to need professional advice for the issue at Park Court & Star Hill Drive. The Mayor thanked them for coming. **(Agenda item)**

**Planning Board Report & Building Inspector's Report:** Brandon Hawks

- Fee collection report for April was \$2707.
- Multi-Use Path: The concrete curb ramps have been installed and the drop inlets and retaining wall are in progress. Grading should begin this week as well as the crepe myrtle relocation. Buddy will water two to three times a week. They moved the trees with the ball attached. There is a change order request for extra curb ramp, which will be discussed under old business. The Mayor said Brandon could discuss it now. Brandon, Commissioner King and the Mayor met with the contractor last week. They had a good meeting. Since the culvert needs to be there, the town will pay for the cost of the materials but not any other products. We will not pay for the silk fence. The amount from Sunland is \$2,095 and the town's portion of 20% is \$419.00. The board authorized the mayor to reject or accept any change orders, but he felt it was important for the board to know of any changes. He would like to know if he needs a consensus of the board to continue.  
Mr. King said the board has been made aware of the problem and we should keep a list of all the change orders, because the final approve will be on the final cost of the project. We can keep a tab of what made it go up or down and deal with it at the end. During the meeting Brandon spoke to the contractor about the slowness of the project and it should be completed by June 19. There is a \$500 a-day penalty. We were told the slowness was due to personnel problems. There were other issues addressed and the mayor thinks they have been resolved. The lack of cooperation with the engineer was an issue and we agreed to that.  
Mr. Seegers is upset with the continuous amounts of money being spent on this project. He would like to know when these change orders will stop. The mayor said he did not think it was fair that the taxpayers of Cape Carteret should be paying the bill because someone can't count. Brandon said the contractor was put on the spot to bring up any other discrepancies that he was aware of on the project. Brandon believes the contractor knew it was a discrepancy before the meeting and this was a leverage item for a change order. Brandon told him that they needed to go over the bid sheet right then, and Sunland said there were no other issues. Brandon also told the contractor if something was not on the plans that was understandable, but if it is on the plans, then no more changes will be approved.
- CRS update: The town was reviewed in April for its five-year-cycle and should maintain its level 8 for the next five years. In the future we will have to add more activities to keep the same class. This would mean sending out more information and activities to the residents and asking for more residential input.
- Handy Mart: a traffic study was completed and the planning board has reviewed the results. Brandon will speak to each commissioner about the improvements to the plan.

**Board of Adjustment:** None

**Police Chief's Report:** Donald Miller

Since last month, there have been no major crimes or personnel issues. We have hired two part-time officers, Johnson and Johnson. All officers have completed their annual in-service training. They will complete the range training in October.

**Clerk's Report:** none

**Committee Reports**

**Fire Dept-** Eddie Seegers reported, in April there were 93 Fire/EMS calls (22 fire, 66 EMS and 5 Fire/EMS) For Cape Carteret we had 4 fire, 22 EMS and 3 FIRE/EMS calls for a total of 29 calls.

**Interlocal Agency-** the next meeting will be July 21, 2013

### **Commissioner's Report**

**Commissioner King:** The welcome sign is completed and will be put in by our maintenance crew.

Mr. King asked Parker Associates, the other engineering firm he solicited for storm-water engineering, and they declined to make a presentation. He would like to know if we should seek another company for a bid. Mr. King is comfortable with Crystal Coast Engineering. The board said Crystal Coast Engineering was fine and they liked that they were close to the town. **(Agenda item)**

**Commissioner Seegers:** We are in the grass cutting season, and the men are up to date with all the maintenance of the equipment and vehicles. The road patch and sealer has been ordered.

**Commissioner Patterson:** The boat ramp fees collected for 2013 so far is \$8950. We are doing well. The fishing pier needs repair at the end of Anita Forte.

### **Mayor's Report**

- We have renovated the bathrooms and they are up to ADA (Americans with Disabilities Act) standards. We are having an issue with the insulation falling down when the door opens. We need to vent the building and that should help the insulation from falling. It may appear that we are doing unimportant things, but we have a building inspector holding the public to a standard that we don't adhere to ourselves. We are fixing those things that we can fix.
- Mr. Hunt received a call from Ribeyes and they objected to the trees being planted by DOT, along Highway 58. The trees block the view of his building, which could affect his business. The story goes that the town approved the planting and then Cedar Point approved the planting, and then the businesses approved the planting. The mayor called Art Schools and left a voice mail that the businesses do not want them. He addressed Paxon Holz in the audience that the town has to divorce themselves from this. If there are trees planted out there, then she will need to contact DOT. The flowers planted along the highway are from the money collected for personalized license plates.
- A gentleman named Al Hadic called the Mayor. He is the producer of a TV show called Communities of Distinction. The website is Watchcod.com. The show features communities of distinction in the nation. Their research team came up with our town. The mayor answered many questions about the town from its history to where we are now. The show airs 20 times nationally, and one time on Fox news. They liked that we were on the Inter-coastal waterway and the Croatan Forest. Terry Bradshaw is the host of the show. There is a financial commitment of \$19,800. The board discussed the cost and wondered if the local businesses would like to contribute, or perhaps the town could receive a grant? The attorney said he gets calls every week to join some kind of distinction group, similar to Who's Who. He says no, because they just want his money. The board will take a week to think about it. **(Agenda item)**

**CONSENT AGENDA ITEMS:** none

### **OLD/PENDING ITEMS**

**Sidewalk Change Order:** Commissioner King explained the change order. The board discussed this item under Brandon's report, above. **(Agenda item)**

**Star Hill/Park Ct. drainage pipe:** Commissioner King said he does not know when this began, except it was before Buddy Dew was hired. We have a discharge of right-of-way drainage from the street onto a lot. Mr. King refreshed the board to the problem. See the example included in the minutes. Buddy shot the grade. There are 10 ½ inches of decline, but for every 175 feet we need a foot. There are underground electrical lines and pipes along Star Hill, but it can be fixed. In 2007 the town agreed to remedy the situation for \$2300. They gave Mrs. Shackelford a check and she never remedied the problem. Mr. King spoke to her and Mrs. Shackelford said if we take care of it she will gladly refund the money. The Corp of engineers said there were no issues. The cost for three drop inlets would be \$6,000-8,000. Mrs. Holz said it is a terrible problem and is pleased that the town is willing to work with

the residents. Mrs. Holz reminded the board that the pavement is never in the center of the right of way. A survey will be needed. The board had a long discussion and it will take some time to figure it all out. **(Agenda item)**

### **NEW ITEMS**

**Push-bid approval:** Commissioner Seegers said only two bids were received, Bogue Sound Septic and Rick Bostic Construction & Demolition. There is concern about Rick Bostic being in Kinston. The board would like to have someone closer. The law states you are supposed to take the lowest reasonable bidder. The attorney said under FEMA reimbursement the town needs to take the lowest bidder, otherwise, you may only get reimbursed the lowest bidder's price and not get paid the difference. Commissioner Saunders would like to see some references. Mr. Seegers said he will investigate and follow through with verification. **(Agenda item)**

**Hurricane Phase II** will be completed by next week and on the agenda for approval. Barry Johnson of Johnson Environmental is completing his initial review. **(Agenda item)**

**Term Length for the Mayor.** Commissioner Patterson brought up the term of the board and mayor. The commissioners have four-year terms and our mayor has a two-year term. She wanted to know if the board would consider changing the mayor's term to four-years, to be consistent with the commissioner's terms. They discussed the expense of having to run every two years and the cost of the elections, which they acknowledged would still have to happen. It seems like you start working and the next thing you know you have to start campaigning. Commissioners Saunders would like to solicit public opinions. There was a discussion about all the commissioners being four years. The board will discuss it more next week. The attorney was asked to find out what the board has to do. **(Agenda item)**

### **Citizens to Speak**

**Beverly Hunt** of 315 Yaupon Drive- Mrs. Hunt is here about a sign issue. She is the representative for the Quilters Guild. The guild is a non-profit organization that raises funds to buy fabric to make quilts for victims of domestic violence, children in hospitals, and our wounded heroes at Camp LeJeune. Every year for the past 31 years, they have put on a quilt show at the Crystal Coast Civic Center. For the past nine years they have posted a banner at the corner of Hwy 24 and 58. This year it was removed because of the new sign ordinance. Her question is may they get permission to put their sign up and how do the signs that are there get permission to be on the corner?

**Mayor:** The signs that are there do it illegally. They know Brandon is not here on weekends and they stay there Monday or Tuesday because he has not had time to pick them up. He asked the attorney if we could give special permission.

The **attorney** said in the past we did this and we were inundated with them. He suggested there should be an application process.

**Brandon** said this came up last year and the board did away with the non-profit signs being allowed. The signs that are there now are government entities and those types of signs are permitted.

**Mrs. Hunt** asked about the boat show sign. Brandon said it belongs to the town of Morehead City. She then asked if yard signs could be put up in people's yards.

**Brandon** said the ordinance being violated is off-site or off-premises advertising signs. If the sign is not placed at the location where the activity is being held, it is considered an off-site sign and it is not permitted. The board had a long discussion about allowing them or not.

**Commissioner Saunders** said Seashore Lighting came to her about the banners in front of their store not being allowed. The board asked the planning board to look at the sign ordinance and come up with a recommendation.

**Mrs. Holz** suggested that the civic center request permission for the Quilters Guild sign, since they are a governmental agency.

**Commissioner Seegers** suggested putting a stay on the inspector from removing any signs for the next four days and for Mrs. Hunt to ask the civic center to apply for application. The board agreed.

**Paxon Holz**: thanked the Mayor for saying that the town will hold itself accountable to the same standards as its citizens.

**Announcements:** none

**ADJOURNMENT:**

Commissioner Patterson motioned to adjourn the meeting at 8:30 PM, seconded by Commissioner Hunt. ***Vote approved 5-0***

These are the work session minutes of May 13, 2013.

Respectfully submitted,

Karen M. Zornes, NCCMC  
Town Clerk