

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, June 3, 2013
Kitty Hawk Town Hall, 6:00 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations:
 - a.) Mr. Bill Coleman, CEO, The Lost Colony/Roanoke Island Historical Association, Inc.
 - b.) Former Police Chief David Ward/Presentation of The Long Leaf Pine and Service Weapon
 - c.) Officer James Helms: Promotion from POI to POII and Recipient of Outstanding Officer Award from the Outer Banks Public Safety Auxiliary
 - d.) Detective Jeff Gard 15 Year Service Recognition
5. Public Comment
6. Consent Agenda:
 - a.) Approval of May 6, 2013 Regular Meeting Minutes
 - b.) Revenues and Expenses Report for April 2013
 - c.) Tax Pick Ups and Releases
 - d.) Reappointment to the Land Transfer Tax Appeals Board
7. Items Removed from the Consent Agenda
8. Public Hearing:
 - a.) Fiscal Year 2013-14 Budget and Budget Ordinance
9. Planning:
 - a.) Call for Public Hearing: Zoning Amendment: Application to rezone a portion of the property at 108 Sibbern Drive from Beach Residential (BR-2) to Beach Commercial (BC-1). Presently, the property is split-zoned: a portion of the property is zoned Beach Residential (BR-2) and the remaining portion is zoned Beach Commercial (BC-1). A public hearing is requested to be scheduled for the July 1, 2013 Town Council meeting.
 - b.) Call for Public Hearing: Zoning Amendment: Application to rezone the property at 926 W. Kitty Hawk Road from Village Residential (VR-1) to Village Commercial (VC-2). A public hearing is requested to be scheduled for the July 1, 2013 Town Council meeting
10. New Business
 - a.) Amendment to the Town Code: Chapter 20, Motor Vehicles and Traffic. No parking on Kitty Hawk Road from Croatan Highway to NC 12, except for designated parking areas as posted.
 - b.) Appointments to Town Boards and Committees
11. Reports or General Comments from Town Manager
 - a.) Status of Beach Management Concept Assessment
 - b.) Status of Ocean Outfall Analysis
 - c.) Status of Dune Crossovers at Lillian Street and E. Kitty Hawk Road
 - d.) Cupcake 5k Run
 - e.) Cypress Knee Trail
 - f.) Thank you from the Duregger's

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12. Reports or General Comments from Town Attorney
13. Reports or General Comments from Town Council
14. Public Comment
15. Adjourn/Recess

COUNCIL MEMBERS PRESENT: Mayor Clifton Perry, Mayor Pro Tem Gary Perry, Councilman Ervin Bateman, Councilwoman Emilie Klutz and Councilman Richard Reid

STAFF MEMBERS PRESENT: Town Manager John Stockton, Town Clerk Lynn Morris, Attorney Steve Michael, Planning Director Joe Heard, Finance Officer Charlene Allen, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

1. CALL TO ORDER

Mayor Perry called the meeting to order at 6 p.m.

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Councilwoman Klutz made a motion to approve the agenda. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

4. PRESENTATIONS:

a.) Mr. Bill Coleman, CEO, The Lost Colony/Roanoke Island Historical Association, Inc. – Mr. Coleman was not in attendance

b.) Former Police Chief David Ward/Presentation of The Long Leaf Pine and Service Weapon – Manager Stockton presented The Long Leaf Pine plaque to Mr. Ward and Police Chief Johnson presented his service weapon and badge to him.

c.) Officer James Helms: Promotion from POI to POII and Recipient of Outstanding Officer Award from the Outer Banks Public Safety Auxiliary – Police Chief Johnson said Officer Helms is a great officer for the town and is happy to promote him to Police Officer II. Ms. Cooke said the OBPSA was started after the in-the-line-of-duty death of Nags Head Sergeant Earl Murray with the intent of bringing families in public safety closer together. Officer Helms has gone above and beyond to make sure the streets of Kitty Hawk are a safe driving environment and he is always professional and polite, willing to go the extra mile.

d.) Detective Jeff Gard 15 Year Service Recognition – Police Chief Johnson presented Detective Gard with his 15 Year Service Plaque.

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5. PUBLIC COMMENT. The General Public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the podium. Please limit comments to 3 minutes.

There were no public comments.

6. CONSENT AGENDA. Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Town Council in order to consider the item(s). Any item may be removed for discussion by council or by any member of the audience who wants to hear the item presented and discussed.

a.) Approval of Minutes. May 6, 2013 Regular Meeting Minutes. *(An affirmative vote for the consent agenda will approve these minutes.)*

b.) Revenues and Expenses Report for April 2013. *(An affirmative vote for the consent agenda will acknowledge this report.)*

c.) Tax Pick Ups and Releases. *(An affirmative vote for the consent agenda will acknowledge this report.)*

d.) Reappointment to the Land Transfer Tax Appeals Board. Dare County requested a council recommendation for this appointment for their June 3rd meeting. Mayor Perry, with Councilwoman Klutz's permission, recommended her to serve another four year term. *(An affirmative vote of the consent agenda will ratify this recommendation.)*

MPT Perry moved, seconded by Councilwoman Klutz, to approve the consent agenda as promulgated. The vote was 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

8. PUBLIC HEARING:

a.) Fiscal Year 2013-14 Budget and Budget Ordinance

MPT Perry made a motion to go into public hearing. Councilman Bateman seconded and it passed unanimously, 5-0.

Stockton: *I want to summarize the budget for fiscal year 2013-2014 and give you the highlights. Then if council has any questions about the proposed budget we can answer them. The main elements of the budget are revenues and expenditures which equal \$6,721,033. The proposed tax rate is 30 cents per \$100 of valuation of taxable property. The proposed budget contains adequate funding for the operations of our administrative services, finance department, legal*

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services, planning and inspections, police, fire and public works departments, sanitation, transportation, boards and committees.

The proposed budget includes a 2% pay plan adjustment for employees and has adequate funding for all employee benefits which includes health, dental and life insurance, North Carolina Retirement, 401k, 457, longevity awards, social security, workers compensation, educational benefits, retiree health insurance payments, separation allowances, and retiree life insurance payments. There is a 1.5% increase in personnel salaries as compared with the present salaries.

Capital outlay for 2013-14 includes \$28,000 for a service truck for public works, \$20,000 for paving the public works parking lot, \$37,500 for the capital reserve account for future replacement of computers and \$53,810 for the replacement of two police vehicles. I talked to the police chief about the replacement of his vehicles. We had established a requirement for the replacement of vehicles to be 100,000 miles or 10 years in age and it is believed we will not be able to meet the criteria therefore we could remove those two vehicles from the budget and make the adjustment accordingly. We have \$17,000 under the fire department for breathing apparatus, \$9,000 for replacement of the Jet Ski for our Ocean Rescue and \$6,000 for a portable radio for the fire department. The big ticket item is \$600,000 for replacement of an engine for the fire department. The budget will require a transfer of \$332,341 from the undesignated fund balance.

One other item I wanted to mention to council has to do with the transfer of our fund balance. We have been doing that as a part of balancing the budget and I gave you a schedule from 2011-12 up to the next fiscal year 2014-15. As you can see in 2011-12 we had budgeted \$510,426 with an undesignated fund balance of \$762,546. In 2012-13 we had a transfer of \$294,651 and an undesignated fund balance of \$602,699. In the 13-14 fiscal year a budget amount for transfer is \$332,341 and the undesignated fund balance is \$264,185. Looking ahead you see the undesignated fund balance is going down. We have been able to maintain an appreciable amount for the transfer however if we do incur another year of having to make a transfer in 2014-15 it will be approximately \$300,000. I am not saying that that's the amount, but if we did not have to utilize the undesignated fund balance fully then we would actually come up with a shortfall of \$35,815. I just want to make council aware of that situation and we need to be careful about it in the future.

MPT Perry: *I want to point out one thing on the undesignated fund balance. It does not reflect the \$3.5 million we have set aside in a fund for running the town in an emergency. So that is excess money. In an ideal world where government knew exactly what they needed and how much they could spend a zero balance on that particular thing would not be a bad. Just so everybody understands it is not eating into money that would be needed to operate the town, at least not yet. Maybe in 2014-15 it becomes an issue and needs to be looked at for that reason.*

Klutz: *Are we going to ask for the capital expenditures to come to council the way we have in the past? Prior to spending the money to see how the ...*

Mayor Perry: *I would think so. When we approve the budget I think we should make that a part of it.*

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Bateman: *I agree.*

MPT Perry: *Yes.*

Mayor Perry: *Anybody have anything else? Do we have anybody signed up to speak?*

Morris: *No sir. No one has signed up.*

Mayor Perry: *Does anyone wish to speak at this public hearing for the budget? Let the record show that no one came forward. May I have a motion to go back into regular session?*

MPT Perry made a motion to go into regular session. Councilman Bateman provided a second and it passed unanimously.

Mayor Perry: *What does council desire to do for the budget?*

Klutz: *I would be interested in deferring the vote on the budget to a time when we understand exactly all of the money that is coming in and if there are any budget amendments that are needed later ... to see what our position is at that time. Vote on the budget at that time. It is certainly not dealing with controversy since no one has come forward to speak.*

Bateman: *I agree.*

Mayor Perry: *I think we are going to have some budget changes for this year. I have talked to Charlene about it and we do not know for sure what might have to be brought up in this particular budget that we might have to change. We may have to have a meeting whether we approve the budget or not.*

Klutz: *But right now we do not know if we are going to have to have another meeting?*

Mayor Perry: *Do you want to come up Charlene and explain where we are?*

Allen: *There will be several budget amendments that will be coming forward. One specifically will be the project we are working on with Dare County for communication equipment for this room and other potential budget amendments. The state disaster funds for this year have just come in and that budget amendment will come before the council also.*

Mayor Perry: *How late in June do you think we need to do this?*

Allen: *Within the next few weeks. Whatever works for council.*

MPT Perry: *The budget amendments that you are describing won't necessarily change the 30 cent revaluation rate will it?*

Allen: *No sir.*

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MPT Perry: *Those are just housekeeping type budget items?*

Allen: *That is correct. Dare County will not have a total final figure until June 30th but the figures we have going forward ... I feel comfortable with those.*

MPT Perry: *If we approved the budget tonight we would not hurt anything. We would still have to come back and pass the amendments because they are housekeeping items. You do not foresee anything that would make us change the rate that has been proposed? The 30 cents?*

Allen: *Not in relation to the land values tax levy.*

MPT Perry: *That is what I thought. Y'all do what you want. I just wanted to make sure we were clear we are not changing rates. We have advertised the rate and I can tell you, unless something drastic happens once we close this tonight, I am not ... just like last year I do not want to raise the rate after we have had the public hearing. I will tell you that upfront.*

Mayor Perry: *The only question in this is Richard is not going to be here the last week and Emilie has some commitments. She doesn't know when ...*

Klutz: *Jury duty starts on June 18th and it is not in Dare County. I have to go to Elizabeth City for federal jury duty.*

MPT Perry: *Maybe we better do this. I will make the motion and let it go down in flames if you want.*

Bateman: *You can make the motion and we will talk about it. That is fine.*

MPT Perry made a motion for the approval of the budget documents presented by the town manager and authorized the mayor to sign said documents and the town clerk to attest. Councilman Reid provided a second.

Mayor Perry: *Comments? Discussion?*

Bateman: *We talked a little about this last time and of course I really appreciate all of your conservative approaches to what we are doing. I still feel, and I know I am on the hot seat about it, but I still feel the shared revenues are going to be an issue for us this year. It is going to be an issue in the future and we need to add the extra 2 cents in because we are going to see shortfalls coming up. I am not going to vote against this budget but I want you to understand my position and how I feel. I would much rather go forward with an extra 2 cents than to go with 30 cents as we are now.*

Mayor Perry: *At the last workshop I made the same comments and tried to make clear the problems coming in the future. Not necessarily in this budget but in the future. It is going to come back to get us but I will vote for this budget if that is what council decides to do. That is my comment.*

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Klutz: *And the fund balance issue does not kick in until next budget year correct?*

Mayor Perry: *That's correct.*

Klutz: *I say we vote. I am ready to vote if it is not going to ...*

MPT Perry: *The only comment I will make in addressing both your concerns is you may well be right. This shared revenue roulette everybody is playing is at some point going to hurt especially as more towns get into municipal districts and start taxing the way Nags Head did. But those are unknowns at this point. What is known is we have a revenue neutral that is going to affect people in different ways this year, insurance rates are going up and other factors are hitting people this year. If it was routine this year I would probably agree with you but it is not. Next year all of this will be fleshed out. The legislature is wheeling and dealing and whatever they are going to come up with we don't know but they are talking about doing things with sales tax revenues and other things. Let's let this year settle down. The 30 cents includes a growth rate that ordinarily we probably would not even consider so you already have some built in as far as growth rate. We are not going backwards. We are still going ahead. Let's give the people breathing room this year and then next year deal with what comes. That is all you can do.*

Mayor Perry: *The revenue neutral is going to hurt some people badly, some people may make out and some people may break even from last year. We don't know and we can't help that.*

MPT Perry: *Nobody is going to make out because the county went up but that is ...*

Bateman: *The thing that everybody needs to understand, and I have said this before, past councils and this council has always been very, very thrifty with money and because we have been thrifty we are being penalized by the way the system works.*

Reid: *That has happened to us every year. I understand where you are coming from and I agree with you but I also agree with Gary. I think we have so many things that are going to be hitting us this year. Insurance scares me. The tornadoes in Oklahoma and all ... I mean our insurance rates are going to go crazy I am sure.*

Klutz: *The flood insurance law is a big thing.*

Bateman: *There was an article on the Outer Banks Voice and Ray Sturza made a comment back in 2004 or 2005 as mayor of Kill Devil Hills. He said they needed to go up to match other towns so they would get their share and the finance director did a comparison and found out how much money they would have lost by doing this.*

MPT Perry: *I have a question for the manager because we have two different things in front of us. We have a draft budget and then we have the budget ordinance. Are we going to approve them separately?*

Stockton: *Yes.*

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MPT Perry: *All right. We are going to vote on the one first.*

Mayor Perry: *On the motion. All those in favor? Vote was 5-0.*

Stockton: *As part of the draft budget I have included the budget ordinance that is required by Section 159-13 of the North Carolina General Statutes. The budget ordinance provides for revenue of \$6,721,033 based on the collection rate of 98.93% by Dare County Tax Department. It also includes the expenditure of all town functions in the amount of \$6,721,033 which reflects a balanced budget as presented.*

Councilwoman Klutz moved for approval of the budget ordinance in accordance with Section 159-13 of the North Carolina General Statute and further moved that the tax rate of 30 cents for \$100 of property valuation be approved and authorized the mayor to sign and the town clerk to attest said ordinance. **MPT Perry** seconded and it passed unanimously, 5-0. (Ordinance No. 13-05.) (All capital outlay items shall be brought before council for approval before purchased.)

Stockton: *As a part of the overall approval we also have the budget document which I would like to get council's approval on. It includes town council goals and work objectives, financial policies for Fiscal Year 2013-14, the board and committee work plans, the Town of Kitty Hawk Position and Classification Plan and Salary Scale for FY 2013-14, and the Schedule of Fees for FY 2013-14.*

Councilwoman Klutz made a motion for approval of the budget documents presented by the town manager and authorized the mayor to sign said documents and the town clerk to attest. **MPT Perry** seconded. Vote was unanimous, 5-0. (All capital outlay items shall be brought before council for approval before purchased.)

Mayor Perry: *One thing that does is saves us in case we set a time when Emilie or Richard cannot be here. The only things we will be dealing with are the amendments to this year's budget. We can make that later in the month and not affect anything if that is okay with everyone.*

9. PLANNING:

a.) **Call for Public Hearing: Zoning Amendment:** Application to rezone a portion of the property at 108 Sibbern Drive from Beach Residential (BR-2) to Beach Commercial (BC-1). Presently, the property is split-zoned: a portion of the property is zoned Beach Residential (BR-2) and the remaining portion is zoned Beach Commercial (BC-1). A public hearing is requested to be scheduled for the July 1, 2013 Town Council meeting.

Councilman Reid made a motion to call for a public hearing for an application to rezone a portion of property at 108 Sibbern Drive from Beach Residential 2 to Beach Commercial 1. The public hearing would be set for the July 1st 2013 town council meeting. **MPT Perry** made a second. The vote was unanimous, 5-0.

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b.) Call for Public Hearing: Zoning Amendment: Application to rezone the property at 926 W. Kitty Hawk Road from Village Residential (VR-1) to Village Commercial (VC-2). A public hearing is requested to be scheduled for the July 1, 2013 Town Council meeting

Councilman Reid moved for the town council to set a public hearing for a zoning amendment application to rezone the property at 926 West Kitty Hawk Road from Village Residential 1 to Village Commercial 2. Public hearing would be set for July 1st, 2013 town council meeting. MPT Perry seconded the motion and it passed unanimously, 5-0.

10. NEW BUSINESS

a.) Amendment to the Town Code: Chapter 20, Motor Vehicles and Traffic. No parking on Kitty Hawk Road from Croatan Highway to NC 12, except for designated parking areas as posted.

Manager Stockton said the town's present ordinance stipulates the north side of East Kitty Hawk Road is a no parking zone. Because of the amount of parking for Hurricane Mo's and the beach the no parking zone has been unofficially modified. However this parking has created a sight distance problem for an adjoining property owner. In order to allow the posting of no parking on East Kitty Hawk Road and allow parking for people using the beach it is requested that an amendment to the existing ordinance be made. Either council can go along with the wording of "except for designated parking areas as posted" or "otherwise posted" to clarify any confusion it might present.

Councilwoman Klutz wondered if it would work if it were just the words "as posted." Kitty Hawk Road from Croatan Highway to NC 12 "as posted."

Attorney Michael said he and the manager talked about this and they were trying to find out what signs DOT has available. What is the wording on them? Do they have signs that say you can "park between the signs" or "no parking from here to the corner." He thought the "as posted" would work and will work with their signs to designate the sections.

Councilwoman Klutz commented that as long as it works for the police and lawyers she is fine with the wording.

MPT Perry brought up a complaint he received while in Wal-Mart. It concerned overnight parking in the town lots being used by the renters of the large rental houses therefore not making them available to the general public.

Chief Johnson said the lots at Byrd and Lillian Street are posted with no parking between 10 p.m. and 5 a.m. and it is enforced. As far as parking along the sides of roads it is under the right-of-way rule and after the vehicle is tagged they have 48 hours to remove it. He has not seen a problem and if there is a specific incident they should call the police department. Also, many times if an officer thinks someone is out on the beach they will investigate.

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MPT Perry said it seems to be a non-problem except for the person that brought it up and thanked Chief Johnson.

Councilwoman Klutz moved for approval of the proposed amendment to Chapter 20 Motor Vehicles and Traffic as amended. Article III, Stopping, Standing, or Parking further authorize the mayor to sign the town clerk to attest the said amendment. MPT Perry seconded the motion and it passed unanimously, 5-0. (Ordinance No. 13-06.)

b.) Appointments to Town Boards and Committees

MPT Perry made a motion to nominate Craig Garriss as a regular member on the planning board for a two year term expiring in June 2015. Councilman Reid seconded and the vote was unanimous, 5-0.

MPT Perry made a motion, seconded by Councilwoman Klutz, to nominate Jeff Pruitt as a regular member on the planning board for a two year term expiring June 2015. The vote was unanimous, 5-0.

MPT Perry explained he was then going to make a motion for a different person on the planning board. Don Stallman has been on the planning board for 11 years. He has done a good job and has been true to the board. There are other people who have volunteered all the way back from 2009 to sit on the board and it might be time to move people up and allow more people to gain the knowledge to be good planning board members. **MPT Perry then made a motion to nominate Lynne McClean as a regular planning board member for a two year term expiring June 2015. Councilwoman Klutz seconded and it passed unanimously, 5-0.**

MPT Perry said Lynne McClean's alternate position is open and will remain open until the person who has agreed to do it makes sure there is no conflict of interest.

MPT Perry made a motion to nominate Oscar Northen as the planning board Chair and Craig Garriss as the planning board vice-chair for a one year term to expire June 2014. Councilwoman Klutz seconded the motion and it passed unanimously, 5-0.

Mayor Perry said there is a vacancy on the Recreation Committee and no one to fill it right now.

Councilwoman Klutz agreed there are no volunteers at this time and will continue to try and find someone.

Councilman Bateman nominated Earl Taylor, Barbara Connery and alternate Gary Muir to fill the three year terms ending 6/16. MPT Perry seconded and the vote was 5-0.

Councilman Bateman nominated Matt Spencer to be chairman of the board of adjustments. Councilman Bateman said Mr. Spencer is an attorney and believes he will do a great job. Earl has done a terrific job as chair and is still needed on the board. MPT Perry seconded and the vote was unanimous, 5-0.

11. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER

a.) Status of Beach Management Concept Assessment – Manager Stockton said Coastal Planning and Engineering informed him they are making good progress and the report is under review within their organization. They may be able to send a working draft prior to June 19th for review. Also on June 19th he will be meeting in Little Washington for the purpose of working with Kill Devil Hills and Duck and combining efforts in the early stages of beach nourishment.

Mayor Perry asked if the easements to put sand on the beach after Hurricane Isabel could be used for any future projects.

MPT Perry said he had asked that question recently at a meeting in Kill Devil Hills. The answer seems to be that was a construction permit and is different from a beach nourishment permit. A beach nourishment easement is somewhat in perpetuity and a construction permit is not. The town will need beach nourishment easements if any nourishment is done north of Historic Street.

Councilwoman Klutz said a couple of properties did not grant an easement for that project and they left it vacant in front of those properties.

b.) Status of Ocean Outfall Analysis – Manager Stockton said he, the mayor and MPT Perry met with John DeLucia of Albemarle & Associates and George Wood of Environmental Professionals to discuss the feasibility of outfalls on the ocean side. Mr. DeLucia presented four possible locations along with possible cost estimates and would have a report soon.

c.) Status of Dune Crossovers at Lillian Street and E. Kitty Hawk Road - Manager Stockton said the East Lillian Street beach crossover has been completed, inspected by the town and granted a certificate of completion last Friday. The East Kitty Hawk Road beach crossover is substantially complete but a minor adjustment will need to be made to the railing. A temporary certificate of completion was issued on Friday.

The town has received a final billing from LSI Marine Construction and the final cost of construction of the East Kitty Hawk Road crossover exceeded the original contract amount by \$2,675. The additional cost was due to the removal of concrete at the location of the pilings and was not known at the time of the bid. Permission is sought for approval of the revised contract amount of \$13,875.

Councilwoman Klutz made a motion to approve the amended contract amount for East Kitty Hawk Road crossover with LSI Marine Construction for \$13,875. Councilman Bateman seconded and it was approved unanimously, 5-0.

d.) Cupcake 5k Race – Manager Stockton said the Town of Kitty Hawk had the highest participation of all the towns on the Outer Banks for the recent Cupcake 5k that was held for the benefit of Relay for Life. Thirty-three percent of the employees and one councilmember participated in the 5k.

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e.) Cypress Knee Trail – Manager Stockton said the town has received information from Tom Wheeler owner of the Shoreside Center where Wal-Mart is located. Wal-Mart is proposing to limit traffic on Cypress Knee Trail during August for the purpose of reconstructing the roadway. It can affect the traffic in and out of Barrier Island Station located behind Wal-Mart. It is a private roadway and is not sure if there is anything the town can do other than talk with the contractor and see if they can try to accommodate traffic as best as possible.

Mayor Perry said he did not believe it is a private road. That was the intent and there was some controversy about it.

Councilman Reid said his recollection was it was not necessarily public but that Barrier Island owns or has part ownership of it.

Mayor Perry said at one time the town attorney made them remove speed bumps on the road and he maintained it was a public road. There was some reason for him wanting that, possibly because of the sewage treatment plant.

MPT Perry asked if they are going to block access to Barrier Island and Manager Stockton replied that is his impression.

Councilman Bateman said the owner called him and said they are going to take the road completely up, replace it in the exact same place and they are going to do it in the middle of August. The owner's problem is they have people checking in and out. It is the busiest time of the year and they think it is going to pose a safety hazard. It is also an inconvenience for their business. The police chief, as well as the fire department and maybe DOT, thought this was going to back up traffic into 158.

Councilwoman Klutz asked if they could use the alternate means of getting in through the back entrance via Eckner Street.

MPT Perry suggested finding out if it is a public road or private road.

Mayor Perry said he thought Barrier Island has at least an easement through there.

Councilman Reid asked the reason it has to be done in August.

Councilman Bateman replied supposedly the contract stipulates it has to be done with the Wal-Mart renovation project and they want to do it while the workers are still in the area. The owner mentioned an alternative would be to put the project off till later after the season ends. There does not seem to be anything wrong with the road, it is just in the contract to have it done. He was asked if the town could send a letter to Wal-Mart saying now is not the time to do it, especially in August, for safety reasons and so forth.

Mayor Perry agreed there does not seem to be anything wrong with the road and council members believed summer was not the time to pave that road.

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Mayor Perry suggested more information is needed and Manager Stockton said they would look into it.

f.) Thank You from the Duregger's – Manager Stockton said the town received a compliment from Dick and Carolyn Duregger of 3518 Bay Drive. Mr. and Mrs. Duregger were involved in a traffic accident on the Wright Memorial Bridge and Patrolman Daniel Helm provided assistance to them.

12. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY

There were no reports or comments given.

13. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL

Apology - Councilman Bateman said at the last meeting his mouth spoke before his brain engaged when he made a comment that some individuals have their heads in the sand. It was unprofessional and he did not mean it.

Outfalls - MPT Perry advised that the reason the town is looking into outfalls is a question was asked of the new governor if they could ease up on the rules a little and make it possible to put outfalls in where they are needed. The governor responded in a positive way and State officials even came here to look around. They were very responsive. There are many things being looked into, like beach nourishment, and it all costs a lot of money. The process has begun, the concepts and the alternatives, and it will be presented to the people and they can pay for what they want.

Mayor Perry said there are three projects: the outfalls, pumping stations, beach nourishment and it affects the same area.

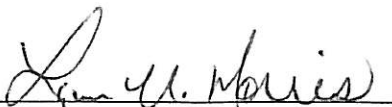
14. PUBLIC COMMENT

There was no public comment.

15. ADJOURN / RECESS

MPT Perry made a motion to recess until June 24th 2013. Attorney Michael asked what time the meeting would be held and following a brief discussion council decided on 9 AM. **Councilman Bateman seconded. The vote was unanimous.**

These minutes were approved at the *July 1, 2013* council meeting.


Lynn U. Morris, Town Clerk


Clifton G. Perry