

Town of Pine Knoll Shores Board of Commissioners
Regular Monthly Meeting
August 10, 2016
6:00 PM

Call to Order and Pledge of Allegiance

Mayor Jones called the August 10, 2016 First Regular Monthly Meeting of the Pine Knoll Shores Board of Commissioners to order at 6 PM and led the Pledge of Allegiance. Also present for the meeting were Commissioners Fred Fulcher, Clark Edwards, John Brodman, Larry Corsello, and Ted Goetzinger; Town Manager Brian Kramer; Assistant Town Manager/ Finance Officer Julie Anderson; Fire Chief Jason Baker; Police Chief Ryan Thompson; Public Services Director Sonny Cunningham; Building Inspector Jim Taylor; HRO/ Admin Support Specialist Natalie Gible; Town Planner Scott Sherrill; Town Clerk Sarah Williams; Intern Alex Gottschalk; Town Attorney Neil Whitford; and 33 members of the public.

The Mayor let the public know that if they were there to speak about the helicopter, they would need to sign-in using the public comment sheets. Likewise, if they were at the meeting to speak during the public hearing, they would need to sign up.

Approval of the Agenda

The agenda was approved on a motion by Commissioner Brodman with a second by Commissioner Edwards that passed unanimously.

Disclosures/Conflicts of Interest

There were no disclosures or conflicts of interest.

Presentation of Check to Hope for the Warriors

Mayor Jones presented the check in the amount of \$68,000 to Michelle Rademacher and Erin Thompson. Those attending the meeting for the check presentation posed for a picture. Ms. Thompson thanked those in attendance for the donation and introduced Ms. Rademacher as the Town's point of contact. Ms. Rademacher is working at the Camp Lejeune office.

Team Member of the Quarter

Mayor Jones presented Richard Donoghue with the Team Member of the Quarter Award, including a certificate and a polo shirt. Mr. Donoghue is a member of VIPS and is also a member of the volunteer fire department.

Announcements

Mayor Jones announced that Town Hall would be closed for Labor Day, September 5 and that the next Board meeting would be September 14 at 6 PM.

Public Comment

Janice Steinberg of 106 Redwood Court spoke to the Board about her concerns with a helicopter landing so close to her home and believes it is a safety concern.

Daniel Kulynych of 105 Redwood Court expressed his concern to the Board about seeing a helicopter overhead on July 31. He felt that a helicopter was not appropriate for a residential neighborhood and complained of the noise.

Tom Tempel of 222 Salter Path Rd spoke of his past career as the Deputy Commander of the 7th Naval Command where he was responsible for the 421st Medical Evacuation Battalion. He does not think a helicopter should be landing in a residential area. He urged the Board to put a temporary ban on manned aircraft landing in residential areas until the Town can decide what the right thing to do is for the citizens and for the Town.

Consent Agenda

The Consent Agenda, consisting of the Minutes from the June 8, 2016 Meeting, the July 13, 2016 Meeting, and the Charge to Tax Collector was approved unanimously on a motion by Commissioner Brodman with a second by Commissioner Goetzinger.

Mayor Jones announced that Connie Shelton, Tax Collector for Pine Knoll Shores, was charged with collecting taxes for Indian Beach, NC.

Town Manager's Report

Flood Maps/ FIRM Release: Town Manager Kramer briefed the Board that Moffat Nichol has a coastal engineer from Norfolk analyzing the maps. Town Manager Kramer and Planner Sherrill discussed the 3 hotspots, which were: Loblolly, the oceanfront, and some multi-family units in Beacons Reach on the soundside with Moffat Nichol and Greg Rudolph with Carteret County Shore Protection Office. When looking at the Beacons Reach hotspot, the NC Department of Safety set a transect immediately adjacent to a marina. Moffat Nichol is questioning the DOS on whether placing the transect in that location may have affected the outcome for the area. They are also questioning the base flood elevation by 1ft in that area.

On the Loblolly loop, Moffat Nichol will apply 2015 LIDAR information. The NC DOS has given some indication that there may be some relief in that area. Planner Sherrill is trying to determine how many properties may be helped.

On the Oceanfront, there is no relief there. The landward toe of the frontal dune system is more landward in Pine Knoll Shores than in other places on Bogue Banks.

Town Manager Kramer informed the Board and public, that if they needed help using the FRIS site, to contact Planner Sherrill and set up an appointment.

Moffat Nichol met with DOS and Town Manager Kramer is waiting for an outcome of that call. What Moffat Nichol is now looking into is whether the changes that the Town is asking Moffat Nichol to do will be applied by DOS prior to the 90 day appeal window. The Town was under the impression that only homeowners could apply for an appeal to DOS. Given all of the complexities, it would be hard for a citizen to mount a campaign on their own. The Town may be in a position to appeal for those hotspots if Moffat Nichol says that there is justification to move forward. The next step will be to see if the Department of Safety is changing anything based on

their meeting with Moffat Nichol.

Phase III Sidewalk Update: The bid documents have been finalized and will be advertised in the paper for 3 weeks. All contractors that bid on the Phase I and II projects have been notified. The bid opening will be September 9, 2016.

Town Investments: The Town met with the investment firm that Indian Beach works with. The investments are in the bond market; specifically government bonds that are all approved by the LGC. Indian Beach has invested funds from its beach. The Pine Knoll Shores Finance Committee has decided to wait and see what will happen with interest rates before they make any moves. If action is taken, changes to the Cash Management Policy would be required.

Stormwater: Town Manager Kramer met with the HOA Presidents for Reefstone and Bermuda Green to discuss a potential second line into the pond network of the Country Club of the Crystal Coast (CCCC). Both HOAs are interested in the project. Town Manager Kramer went over the plans from the engineer and asked them to consider a 3 way split between the Town, Reefstone and Bermuda Green with the total cost being around \$25,000 and told them about the proposed test after Labor Day that CCCC has requested. The HOAs expressed a goal to have the line installed by the summer of 2017. Town Manager Kramer made it clear to them that there was still not an agreement with CCCC.

Crosswalk Safety: There was another accident at the Hampton Inn. A car stopped at the crosswalk and was rear-ended. The Town is not eligible for NCDOT grant money. The price for one of the strobe light crosswalks, like the one at the Dollar General in Atlantic Beach, would be \$12,000. Town Manager Kramer has asked Hampton Inn to split the cost. Town Manager Kramer recommended that the Town install a crosswalk at the Hampton Inn soon. NCDOT is having the Town remove the signs that have been put in the right-of-way. He let the Board know he would make the recommendation for funding based on what the Hampton Inn decides at the September meeting.

Commissioner Goetzinger said that he would like to discuss the advisability of removing all crosswalk signs in Town. There was discussion about the needs for signs and pedestrian safety. Town Manager Kramer responded that there would be a crosswalk meeting prior to the September Board meeting. Commissioner Corsello asked if the \$12,000 covered the pair of crossing lights or if it was for just one side. Town Manager Kramer answered that it was \$12,000 for the set.

Cell Phone Revenue: At the September Board meeting, there will be an amended lease from Verizon for the hardware at the Roosevelt Blvd site. It requires approval from the Board and to be advertised in the paper since by N.C. General Statutes. The proposed contract is a 10 year renewal, with a 12% increase (from \$42K to \$47K), a \$5000.00 administration fee will be repeated at each renewal, and a one-time payment of \$10,000.00 to keep the CPI at 3%. The Board can expect to see a budget amendment and the contract at the September meeting.

Knollwood: The Town is waiting for the owner to finish the design so that the health department can approve the septic design. The owner will hire an attorney to write up the easement and Town Manager

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Kramer reminded the Board that they had given him permission to sign on behalf of the Town. The closing should happen within a month.

Bulkheads: Town Planner Scott Sherrill has inspected bulkheads Town-wide and has sent about 30 letters; mostly about minor damage.

Emerald Isle Appeal: The amicus brief has been formally filed. Frank Rush, Town Manager of Emerald Isle, advised that the oral argument will be this fall in front of the NC Supreme Court and there should be a decision by this winter or spring.

August Beach Commission: Rudi will present his annual state of the beach and the status of the Programmatic EIS will be discussed.

Bogue Pines Dredging: Bogue Pines will be dredging their waterway this winter. The Town offered for PKA to be a part of the grant. Town Clerk Williams will be working on a grant through the NC Rural Water Association Grant. The HOA will pay the Town's part of the grant.

The Town is working on a grant application with the NC Water Association to fund one of the Water Enterprise Fund Capital Projects which is the tie-in with Bogue Banks Water to the Town's west.

Staff Reports

Town Clerk Williams reported that PKA and Bogue Pines will be working together on dredging their waterways and the grant.

Assistant Town Manager/ Finance Officer Anderson reported to the Board that the auditor had been at Town Hall all week and everything went great. We have added to the fund balance of the General Fund \$330,000 was added to the Operating Fund in 2015/16. Some revenues came in higher than estimated. The State Consumption Based revenues came in higher. Building permits and ambulance fees were both higher than normal and there was close to \$200,000 less in expenses. Last year the fund balance was 42%, this year the balance should come in at 55%, and the goal was to come in at 50%.

Assistant Town Manager Anderson let the Board know they would be seeing a budget amendment for work done on the Public Safety Building. The contractor was not able to get the work done and invoiced before the end of the fiscal year. About \$7000 will come out of the \$200,000 to pay for the building expenses. She also reported to the Board that tax bills would be going out soon.

Town Planner Sherrill reported that Intern Gottschalk was able to get everything up and running for the webinar so that audio and visual were now available to webinar participants. Town Planner Sherrill referenced his memo on p26-27 of the Boards Agenda Packet. He informed them that the Visual Preferences Survey had been briefed out to the Planning Board and would be briefed to them (the Commissioners) later in the meeting. He planned to brief the CAC at their August meeting and would probably brief the Strategic Planning group in September. He is still working on the technical corrections ordinance. His focus is on trees, site plans, and manufactured housing. Currently, the Town's code is not

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in compliance with the State code. He is looking into a conditional use permit for the Town and looking at the riparian buffer reforms. He will also be looking into things that are not addressed in the zoning ordinance. He informed the Commissioners that the Strategic Planning Committee would be meeting on August 11, 2016. Intern Gottschalk would be briefing them on a prepared a sea-level rise report and they would be discussing more citizen engagement in the form of focus groups. Planner Sherrill would like to see three focus groups: two groups in Pine Knoll Shores and one in Raleigh. He wanted to make the Board aware that it would cost about \$350-400 to get the sessions set up.

Fire Chief Baker reported that the OSHA inspector for Carolina Star will be in Town to start his final inspections on August 11 and should go through the 12th. Indian Beach has agreed to a Memorandum of Understanding and ready is for Pine Knoll Shores to start fire inspections.

Building Inspector Taylor reported that for the month of July, 90 permits were issued, there was an estimated \$878,365 in construction done in Town, which brought in \$6,768 in permit fees, and he conducted 162 inspections. He has received some calls from the letters about bulkheads that Planner Sherrill mailed. There is a major landscape permit issued for a single family home at 106 Willow and Inspector Taylor has been speaking with three other applicants for new homes.

Police Chief Thompson reported that his volunteers had an active summer and that they averaged about 80-100 hours a month and he thanked his volunteers. He thanked Chief Baker and Public Services Director Cunningham for putting everything together to prepare for the OSHA meeting.

Intern Gottschalk reported that DOT had installed a lid over the drainage on the corner of Hwy 58 and Oakleaf and that his sea level rise report would be presented at 2PM August 11. He thanked the Board for having him intern for the summer.

HRO/ Admin Support Specialist Gibble went over tuition reimbursement with the Board. There are currently 3 employees participating. There is not a pay-back stipulation. The Administrative Committee met and developed a pay-back plan. HRO/ Admin Support Specialist Gibble recommended to the Board that they approve a pay-back stipulation that has been added to the tuition reimbursement policy.

Public Services Director Cunningham reported that the Town had purchased new pumps and that his crew was busy preparing for the OSHA visit. He also reported that the mosquito spraying was going well and the asphalt at 280 Oakleaf was going to be repaired.

Commissioner Fulcher commented on the OSHA Carolina Star program and explained that once the program is approved by OSHA, they will not be subject to unscheduled inspections and it can be renewed every 3 years. He commended the staff for the work they had put into getting ready for the visit.

Public Hearing

Oceanfront Development

Commissioner Brodman moved to go into a Public Hearing with a second by Commissioner Goetzinger that passed unanimously. There was no public comment. Commissioner Brodman made the motion to

move out of the Public Hearing with a second by Commissioner Goetzinger that passed unanimously.

Unfinished Business

2016 Annual Agenda and Commissioner Reports

Mayor Jones let the Board know that there would be a Homeowners Association Summit on August 12 at 5 PM at Town Hall.

MOU Fire Inspections

Town Manager Kramer briefed the Board on the MOU. Indian Beach has asked for Pine Knoll Shores to help them with their Fire Inspections. It is likely temporary as they are training their employees. Town Manager Kramer let the Board know that he expected revenues from Indian Beach would generate about \$6000 and that the Indian Beach Council had already approved the MOU. Commissioner Edwards moved to approve the MOU with a second by Commissioner Fulcher that passed unanimously.

Park Usage Fees

Intern Gottschalk suggested to the Board that they consider either a per day amount or a per event amount. The per day amount could charge fees by the half day and the per event could charge fees based on the size of the event. Intern Gottschalk recommended that once a fee is adopted, determining the number of events and calculating the budget accordingly. Currently, the HOAs do not charge for usage of the parks and the Town is a member. There was discussion about how HOA's should be reimbursed for these Town events. Commissioner Edwards recommended that the decision be tabled and there be a discussion with the Associations and get their thoughts on the subject.

Tuition Reimbursement Policy Change

HRO Gobble reminded the Board that currently the Town did not have payback stipulations and the proposal was to require a 24 month pay-back period. The Town wants to encourage employees to attend school and receive an education. The payback schedule would be: 0-12 months after reimbursement employees would be asked to pay 50% back of what they have been reimbursed, 12-24 months after the last reimbursement, they would be asked to pay back 25%.

Commissioner Brodman moved to adopt the current tuition reimbursement policy changes as presented, with a second by Commissioner Goetzinger followed by discussion from Commissioner Fulcher. Commissioner Fulcher asked if the tuition amount was cumulative and HRO Gobble answered that it was. There was discussion about withholding funds from an employee's paycheck. Commissioner Brodman said that the last line "but not lowering the employee's hourly rate to below federal minimum wage standards" would be removed from the drafted policy." Town Attorney Whitford suggested a closed session to discuss the policy further, but he wanted to go on record saying that phrase could not be removed because you cannot withhold money from an employee if it drops them below minimum wage. Commissioner Brodman responded that it was a deduction from the employee's paycheck, similar to other deductions that are taken out. Attorney Whitford said that it would be offsetting a debt that is owed by an employee and suggested a closed session before the Board adopted the policy. Commissioner Fulcher said there needed to be provisions to ensure commitment to pay the money back. There was discussion on how "to the greatest extent possible" could be interpreted. Town Assistant Manager

Anderson spoke to Commissioner Fulcher's concern and let the Board know that an employee signs an agreement every semester stating they understand the reimbursement policy. She also informed the Board

that any garnishments that are taken out of an employee's paycheck cannot be below minimum wage after deductions. Commissioner Brodman moved to adopt the policy change with the inclusion of the last sentence, with a second by Commissioner Goetzinger. The motion, as amended, passed unanimously by a show of hands.

MIOD

Planner Sherrill informed the Board that the Allies of Cherry Point for Tomorrow applied for a grant to put in military installation overlays throughout a number of local installations. The Port of Morehead City is the only overlay district of concern to Pine Knoll Shores. He explained that for the grant they needed to include in-kind matching and are looking for an estimate of staff time. Planner Scott Sherrill estimated that the project would take about 8-10 hours of his time and he estimated the dollar amount to be about \$350 of in-kind staff time. He reiterated to the Board that no money would be exchanging hands.

Commissioner Edwards suggested that the Board break from the Agenda and discuss the Helicopter Landing Zone.

The Board was in general agreement to support the MIOD.

Helicopter Landing Zone

Town Manager Kramer told the Board that he had met with the helicopter owner and also let them know that the owner had offered to take up residents for rides. He explained that the Table of Allowable uses for the Town does not allow helicopter landing in residential zones. However, it does not expressly forbid it. According to the UNC- School of Government, if a use is not expressly prohibited, then it is allowed. He explained that the Town code does not forbid helicopters from landing in Town. Town Manager Kramer presented options to the Board: pass police power ordinance or a moratorium not allowing helicopter landing until the September BOC meeting. He informed the Board that the helicopter owner was unable to attend the meeting and that he had requested the moratorium so that he could address the Board at their September meeting.

Mayor Jones asked if the moratorium would be enforceable. Town Attorney Whitford answered that a moratorium would be enforceable. Commissioner Brodman wanted to make sure that emergency aircraft was exempt and expressed that he would like to pass both the moratorium and the police provision. He expressed an interest in looking into a long-term process of possibly having a municipal landing pad away from residential areas in Town. Commissioner Edwards asked if the police power meant the same as the ordinance to regulate the operation of an aircraft and if the penalty referred to in Section 1-12 was the \$500 fine. Attorney Whitford answered that it was the \$500, a criminal penalty, and it is an injunction. The police department could issue a criminal citation. Attorney Whitford answered that while drafting the language, he defaulted to the existing Town Code of \$500 per offense and recommended that if the Board decided to go higher than \$500 that they have a discussion. Commissioner Edwards asked if there was any advantage to passing both the moratorium and the drafted ordinance. Town Attorney

Whitford answered that if the police power was passed, a moratorium would not be necessary.

Town Manager Kramer answered that both the moratorium and the ordinance were enforceable by Section 1-12 and the penalties would be the same for a violation. 1-12 is the general enforcement code for the Town. Attorney Whitford answered that Manager Kramer was correct. Mayor Jones asked for clarification on the difference between the police power and the moratorium, the difference being that the moratorium would lift the ban until September. Attorney Whitford answered that if the moratorium was passed (as written), the Board would determine a final, permanent ordinance in September or they would extend the moratorium to give themselves more time to work things out.

Commissioner Goetzinger answered that if they passed a moratorium they could look into drones as well, before making the ordinance all inclusive. Mayor Jones asked if there was any logic to passing both the police power and the moratorium. Attorney Whitford answered that it was not necessary. Commissioner Corsello suggested passing the ordinance and then making changes to penalties and adding exceptions, if necessary.

Commissioner Edwards made a motion to approve the ordinance to regulate the operation of an aircraft in Pine Knoll Shores with a second by Commissioner Goetzinger to approve the ordinance.

Town Attorney Whitford asked that if Commissioner Edwards made the motion that he make an amendment to insert an additional paragraph into the preamble. It would read "whereas the landing and takeoff of helicopters in residential areas presents safety concerns to adjacent property in the event of crashes". Commissioner Edwards made the motion to include what Attorney Whitford stated and was interrupted by a member of the public.

Ted Lindblad, a citizen of Pine Knoll Shores asked Mayor Jones if the public could speak on the issue before the Board made their vote. The Mayor allowed it, took the 2nd sign-up sheet, and reminded the Board that there was a motion with a second on floor but there had not been a vote.

The Mayor reminded the public to state their name and address and that they had 3 minutes to speak.

Marilyn Lindblad, 108 Chestnut Ct., spoke to the Board and said that she was opposed to a helicopter landing zone in Town due to the danger that it posed and she did not feel like \$500 was an adequate penalty.

Lee and Sandy Ivey, 103 Maple Ct. Mr. Ivey spoke in opposition to the helicopter. He told the Board he liked his neighbors, but he did not like helicopters landing and taking off 150 ft. from his house. Both the noise and safety were concerns, as well as the possibility of it lowering the value of his property. He has seen landings in different areas around Town and he would like to see the Board address the issue.

Craig Letchner, 146 Mimosa, told the Board he was not affected by the helicopter landing. His concern was that the complaints from the public were over the surprise and the noise. His concern was that the Town was placing more restrictions on residents.

Amry Cox, 260 Oakleaf, spoke in opposition to the helicopter landing area in Town. She encouraged public discussion and was encouraged that the Board was ready to take action. She asked that the Board consider the police power option, consider an appropriate amount of money for a fine, and determine as a Town what the right thing to do is.

John Clark, 165 Loblolly Dr., expressed concern that a private helicopter landing in a residential area could result in the pilot's insurance being voided. There is a clause in most insurance policies for privately owned helicopters that if you land in a residential area, you will lose your insurance. He asked that if a helicopter landing policy is passed that the Town asks the pilot for proof of insurance and ask what the policy says about landing in residential areas. He asked that the Town look into FAA rules. The Mayor answered that they had looked into FAA rules.

Rich Donoghue, 252 Oakleaf told the Board that he was a military helicopter pilot and flew for 15 years and said that he would not land a helicopter in a residential area.

Mayor Jones answered that there seems to be a common thread and that is that Pine Knoll Shores is a residential community.

Bill Knecht, 538 Coral Dr. Mr. Knecht asked Attorney Whitford what the definition of aircraft was and if it would also prohibit drones, ultra-lights, etc. Attorney Whitford answered that he did not think it would prohibit a toy drone. Mayor Jones answered that it would take out ultra-lights. Mr. Knecht said he had read on social media that there was a suggestion that the pilot may work something out with the Country Club. He said that as President of the Club neither he nor the General Manager had discussed this with anyone and were not going to allow something that interfered with the operations of the Club.

Commissioner Brodman said that it was more than just landing and taking off from a small plot of land, he was concerned with where fuel would be stored. He referred to the ordinances for the residential zones and felt that they were very clear about what was permitted. The ordinance should be changed to read that anything that is not specifically permitted is prohibited.

Commissioner Goetzinger expressed his concern about vehicles on highway 58 stopping to look and causing accidents.

Carolyn Kulynych of 105 Redwood Court asked if the fine could be increased. Mayor Jones answered that would be a separate ordinance that the Board was looking at passing something that would make it a criminal offense. Commissioner Fulcher said that he would be voting for the ordinance.

Town Manager Kramer told the Board that that the staff recommendation, after speaking with Planner Sherrill and the UNC- School of Government, that from an enforceability standpoint there was no difference between the moratorium and the ordinance. The reason that he suggested the moratorium was so that the Board would have more time to think and research helicopter landings. Mayor Jones said that the moratorium could be extended if needed and if the regulation was passed, it could be changed as needed. Commissioner Goetzinger withdrew his 2nd to the motion on the grounds that it made sense to

take a look at the issue. Mayor Jones expressed concern that the Board was taking the rights away from the helicopter owner, even though he believed the owner was in the wrong. Manager Kramer answered that if the Board passed the more permanent ordinance, the Town may face a legal fight.

Commissioner Edwards asked Attorney Whitford if the moratorium could be extended past September 14, 2016 to ensure that the Town could gather all information. Attorney Whitford informed Commissioner Edwards that the Board could choose any date they wished it did not have to be September 14.

Commissioner Edwards withdrew his first motion and made a motion to support the moratorium with the amendment to change the date to October 12, 2016 with a second by Commissioner Goetzinger with discussion. Commissioner Goetzinger asked if the pilot would lose his license for flying in Town during the moratorium. No one was able to answer his questions. The motion passed unanimously.

New Business

Visual Preferences Survey

Planner Sherrill reviewed the Visual Preference Survey with the Board. He reminded the Board that the survey came from the Strategic Planning Board. He directed them to the staff recommendations on page 46 of the Agenda Packet. Planner Sherrill discussed the results from the survey. The memo and survey are attached herein by reference and included in these minutes. Planner Sherrill asked for a vote on the Oceanfront Development Ordinance. Commissioner Edwards made a motion to approve the Oceanfront Development Ordinance with a second by Commissioner Fulcher that passed unanimously.

Changes to Fleet Policy

Town Manager Kramer told the Board that he would like to amend the fleet policy and waive the one year requirement for new hires, and let that decision be made by the Town Manager. The reasoning was that the Town may want to hire more seasoned officers. It would be a case-by-case basis. Chief Thompson informed the Board that it is hard to recruit and hire an officer from another agency that has a take-home car, experience, and certifications because they cannot have a take home car for their first year at Pine Knoll Shores. Chief Thompson said they have missed some very good opportunities because of the take-home policy. Allowing a take-home car earlier than one year will help in the ability to have a broader net of recruitment. Commissioner Fulcher asked Chief Thompson if the mileage rules were restrictive. Chief Thompson answered that it has not been an issue, that they still have the ability to take their vehicle home, but they pay a certain percentage of the IRS tax rate. Commissioner Edwards announced that in the past, he was in favor of restrictions but that he supported these changes. Commissioner Goetzinger made the motion to allow the Town Manager to have approval with a second by Commissioner Corsello that passed unanimously.

Agenda Items for Next Meeting

Town Manager Kramer informed the Board that the helicopter pilot had requested to speak and give a presentation at the September meeting. The Board agreed for him to be on the Agenda, but with a time limit. Mayor Jones said to put him under Presentations.

Public Comment

John Langheld, 130 White Ash Dr., thanked Public Works Director Cunningham and his staff for being proactive with their mosquito spraying program.

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Recess

The Board took a recess from 8:26 PM to 8:35 PM.

Closed Session

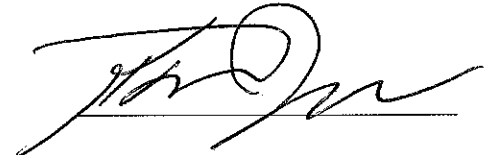
The Board went into Closed Session at 8:35 PM on a motion by Commissioner Edwards with a second by Commissioner Goetzinger that passed unanimously in accordance with NCGS 143-318.11(a)(1) (3) (5) (6) to approve Closed Session Minutes, to discuss with counsel, discuss property acquisition, and to discuss personnel. The Board came out of Closed Session at 8:59 on a motion by Member Goetzinger with a second by Member Fulcher that passed unanimously.

Adjournment

The Board adjourned at 9:00 unanimously on a motion by Member Brodman with a second by Member Goetzinger.


Sarah G. Williams, Town Clerk




Ken Jones, Mayor





The Town of Pine Knoll Shores

To the Tax Collector of the Town of Pine Knoll Shores
Town of Pine Knoll Shores
State of North Carolina


You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the Town Hall and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Pine Knoll Shores, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 10 day of August, 2016



Attest:


Mayor of Pine Knoll Shores


Town Clerk of Pine Knoll Shores



The Town of Pine Knoll Shores

STATE OF NORTH CAROLINA

MEMORANDUM OF UNDERSTANDING

COUNTY OF CARTERET

This Memorandum of Understanding is made for purposes of reference July 1, 2016, by and between the Towns of Indian Beach and Pine Knoll Shores, each being political subdivisions of the State of North Carolina.

STATEMENT OF EXPLANATION

Section 106 of Chapter 1 of the North Carolina State Building Code: Fire Code requires those municipalities who have assumed building inspection duties to provide periodic inspection of buildings, structures and premises for fire safety. While the Town of Indian Beach has assumed inspection duties, it does not currently have qualified staff to make such inspections, and therefore contracts with other units of local governments to perform such functions.

N.C.G.S. §160A-411 permits municipalities to provide inspection services by contracting with other units of local government.

The Town of Pine Knoll Shores has a qualified fire safety inspector and has offered, pursuant to the terms of this agreement, to provide fire safety inspections within the Town of Indian Beach. The Town of Indian Beach has accepted such offer.

STATEMENT OF AGREEMENT

For good and valuable consideration, the parties agree as follows:

1. Fire Safety Inspector. The Town of Pine Knoll Shores will provide to the Town of Indian Beach on a periodic basis a

100 Municipal Circle ♦ Pine Knoll Shores, North Carolina 28512 ♦ tele: 252-247-4353
fax: 252-247-4355 ♦ e-mail: admin@townofpks.com ♦ website: www.townofpks.com



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qualified fire safety inspector to perform fire safety inspections as required in Section 106, Chapter 1 of the *North Carolina State Building Code: Fire Code*. Fire inspection services provided by the Town of Pine Knoll Shores to the Town of Indian Beach will be on an as needed basis as requested by the Town of Indian Beach.

2. Compensation. The Town of Indian Beach will compensate the Town of Pine Knoll Shores for services of the fire safety inspector at the rate of \$42.00 per hour, divided into quarter of an hour increments should the fire safety inspector's time exceed one hour. Pine Knoll Shores may adjust the hourly charge in each fiscal year this agreement remains in place to account for increases in the consumer price index. The Town of Pine Knoll Shores will bill for services under this agreement periodically, and the Town of Indian Beach agrees to pay the invoices within 30 days of receipt of the billing.

3. Duration. This agreement shall remain in place indefinitely until cancelled by either of the parties. Both parties reserve the right to cancel this agreement upon 60 days prior written notice to the other party.

4. Schedule of Inspections. The fire safety inspector provided by Pine Knoll Shores will inspect buildings, structures and premises within the Town of Indian Beach on the schedule provided in Section 106 of Chapter 1 of the *North Carolina State Building Code: Fire Code* with the actual dates of inspection being coordinated by the fire safety inspector and the Town Manager, or his designee, of the Town of Indian Beach.

5. Status of Fire Safety Inspector. The fire safety inspector assigned by the Town of Pine Knoll Shores to the Town of Indian Beach will be deemed a fire prevention inspector per N.C.G.S. §160A-411. The fire safety inspector shall have all authority, privileges, and immunities provided to government officials of the Town of Indian Beach by operation of law.



The Town of Pine Knoll Shores

However, in terms of employer-employee status, even though performing services within the Town of Indian Beach, the fire safety inspector will remain an employee of the Town of Pine Knoll Shores for employee/employer matters.

6. Indian Beach's Future Plans. The Town of Indian Beach contemplates training of one or more of its current or future employees to provide fire safety inspections in the future and, as such employee or employees are or may be properly certified, they will or may assume some or all of the inspection duties provided by the Town of Pine Knoll Shores. The Town of Indian Beach will keep the Town of Pine Knoll Shores advised as to the qualification of any Indian Beach employees to provide fire safety inspections, and Pine Knoll Shores and Indian Beach will coordinate such inspections thereafter so as not to overlap services.

7. Facilitation. The town managers of each municipality are delegated the authority to work out any practical details with respect to fire safety inspections within the Town of Indian Beach provided by the Town of Pine Knoll Shores that are not specifically addressed herein.

IN WITNESS WHEREOF, the parties execute this agreement.

TOWN OF INDIAN BEACH

By: _____

Mayor

TOWN OF PINE KNOLL SHORES

By: _____

Mayor